

ORDINANCE NO. 18-2013

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-139 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 28<sup>th</sup> day of March A.D. 2013.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15<sup>th</sup> day of February, 2013, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 5:30 p.m., on the 9<sup>th</sup> day of May, 2013, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 9<sup>th</sup> day of May, A.D. 2013.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:  
  
CITY ATTORNEY

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Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

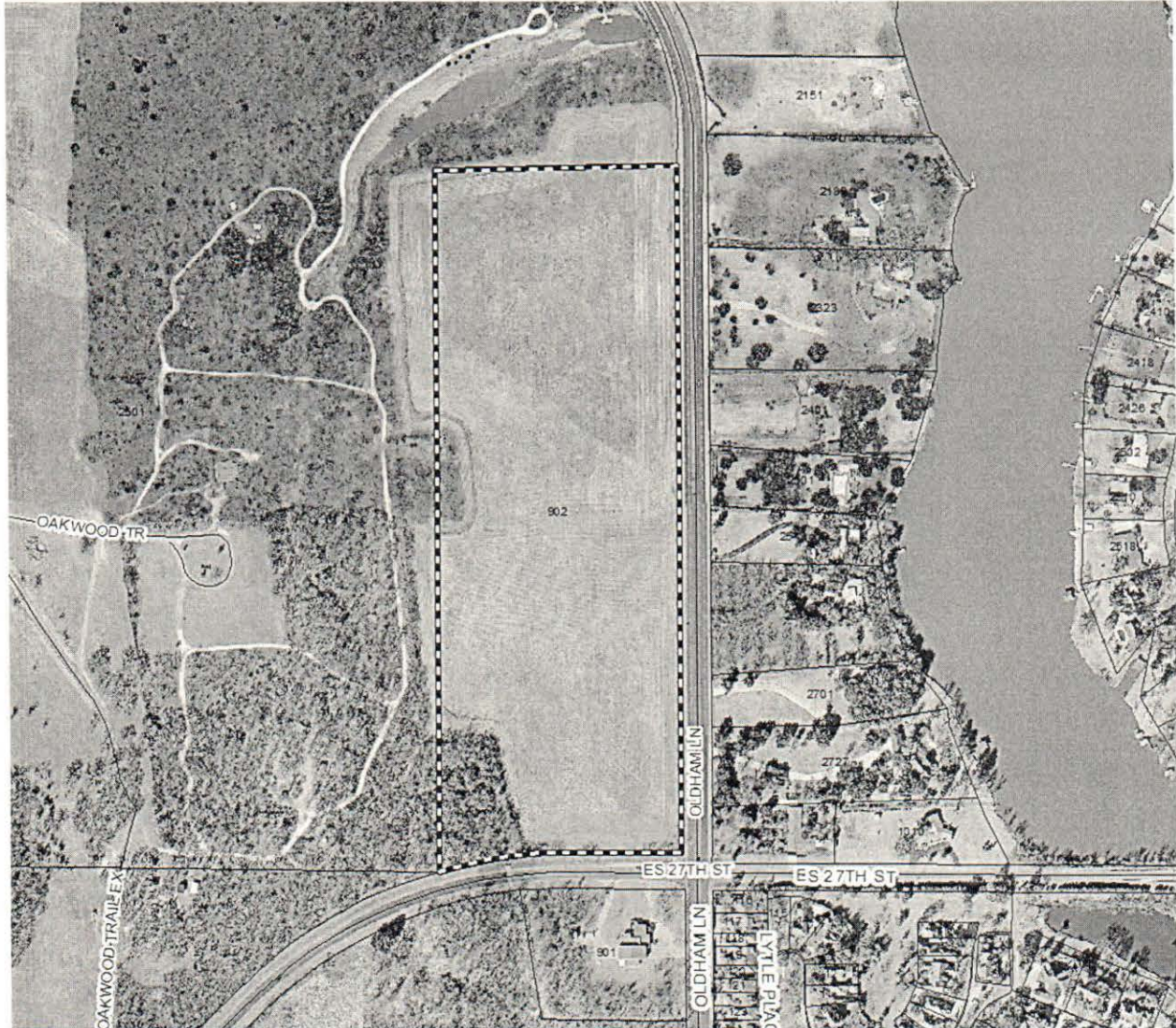
PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From RS-12 (Residential Single-Family) to PD (Planned Development).

That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PART 5: Legal Description. The legal description of this PD is as follows:

A0636 SUR 51 B A L SW/4, ACRES 33.039.



PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for residential development and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the RS-12 (Residential Single-Family) zoning district, except as modified below.

**A. SITE DEVELOPMENT**

1. Lot Area & House Size

- a. For the first row of lots adjacent to Oldham Lane, the following shall apply:
  - i. Lot size: The minimum lot size shall be 125 feet wide and 147 feet deep.
  - ii. House size: The minimum size of a house (living space) shall be 2,300 square feet.
- b. For the 2<sup>nd</sup> row of lots, the following shall apply:
  - i. Lot size: The minimum lot size shall be 120 feet wide and 147 feet deep.
  - ii. House size: The minimum size of a house (living space) shall be 2,300 square feet.
- c. Within the remaining area of the property, the following shall apply:
  - i. Lot size: The minimum lot size shall comply with the RS-12 standards.
  - ii. House size: The minimum size of a house (living space) shall be 2,100 square feet.

2. Fencing/Wall: An opaque cedar wood screening fence with masonry columns composed of stone or brick shall be required along the east and south boundary lines. The fence shall be a minimum 7 feet in height with columns being 6 to 18 inches taller. The columns shall be 30 inches square and spaced every 60 feet. There shall be a concrete footer, or 'mow strip', between columns. The fence along ES 27th Street shall extend from the right-of-way corner at Oldham Lane approximately 475 feet to the boundary of the tree-covered area in the southwest corner of the property.

3. Building Materials: All dwellings shall be constructed of stone, masonry, brick or of a glass building material usually used for outside wall construction to the extent of at least eighty-five percent (85%) of the area of the outside walls. Roofs shall be of a 30-year composition shingle construction or better.

4. Garages/Carports: All dwellings shall include garage space for a minimum of two cars. The garage doors of any house or residence within the subdivision must open to the side or rear of the house. No carports shall be allowed within the subdivision.

5. Block Length: The maximum block length allowed shall be 1,500 feet.

6. Street Connectivity: Only one street shall be allowed to intersect onto Oldham Lane.

7. Homeowners Association: The developer(s) of residential subdivisions within this PDD must create a homeowners association with mandatory participation by lot owners and homeowners within. Adequate documentation confirming the creation of the homeowners association shall be required before any final plat is approved within this area.