

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #62 (MESA RIDGE) PLANNED DEVELOPMENT DISTRICT; 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, Subpart E, known as the Zoning Ordinance 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

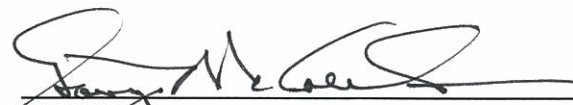
PASSED ON FIRST READING this 13 day of June A.D. 1996.

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 2 day of June, 1996, 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 9:00 a.m., on the 27 day of June, 1996, 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 27 day of June, A.D. 1996.

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY

  
\_\_\_\_\_  
MAYOR

APPROVED:

  
\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. 29-1996

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 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 Residential District (PDR) shall be in accordance with the maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this Planned Development Residential District and are hereby incorporated by reference and included as part of this ordinance. Site Plan is attached as Exhibit B.

Further, all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of this PDR are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development Residential District 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 Residential District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO & RS-8 (Agricultural Open Space & Residential Single Family) District to PDR (Planned Development Residential) District.

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 P.D.D. is as follows:

BEING 41.187 acres of land out of the W.E. Vaughn Survey #101 and the T.C. Garner Survey, Taylor County, Texas. Said 41.187 acres of land belonging to William E. Ward, Jr., and Lee Addell Ward as recorded in Volume 312, Page 675 of the Deed Records of Taylor County, Texas, and Billy Ernest Ward and wife Patricia Dale Ward as recorded in Volume 1275, Page 148 of said records. Said 41.187 acres being more fully described as follows:

Beginning at a set stone found for the Southeast corner of the W.E. Vaughn Survey #101, said point also being the Southeast corner of said 41.187 acres.

THENCE; S88°47'05"W along the South line of said 41.187 acres 1800.23 feet to a corner post on the North R.O.W. line of Forrest Hill Road found for a corner of this tract;

THENCE; N51°48'46"W along the North R.O.W. of said road 44.68 feet to a corner post found for a corner of this tract;

THENCE; N76°04'24"W along the North R.O.W. of said road 36.77 feet to a corner post found for a corner of this tract;

THENCE; N81°51'37"W along the North R.O.W. line of said road 127.14 feet to a 1/2" iron pin set for the Southwest corner of this tract;

THENCE; N00°26'45"E along the West line of said tract 868.75 feet to a 1/2" iron pin set for the Northwest corner of this tract;

THENCE; N89°58'07"E along the North line of said tract 747.61 feet to a 1/2" iron pin set for a corner of this tract, said point being the Southwest corner of Lot 106, Block "C", Section 3, Champions Addition to the City of Abilene, Taylor County, Texas;

THENCE; S53°47'13"E along the South line of said Lot 106, 127.90 feet to a 1/2" iron pin found for a corner of this tract, said point being the most Southerly corner of said Lot 106;

THENCE; N44°51'36"E passing a 1/2" iron pin at 64.84 feet, found for the Southeast corner of Lot 106 and the Southwest corner of Lot 107 of said sub-division, continuing on the same bearing a total of 106.74 feet to a 1/2" iron pin set for a corner of this tract;

THENCE; N89°58'07"E along the North line of said tract 1066.50 feet to a 1/2" iron pin found for the Northeast corner of this tract, said point being on the East line of the W.E. Vaughn Survey #101;

THENCE; S00°11'08"W along the East line of said survey, also being the East line of this tract, 886.12 feet to the place of beginning, containing a total of 41.187 acres of land more or less.

PART 6: Purpose. The purpose of the Planned Development Residential District (PDR) request is to allow for single family residential development and related activities of a large tract which has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The attached Site Plan (Exhibit B) provides a general layout of the proposed PDD which consists of four tracts.

- a. Tract 1: The use of the land shall be restricted to residential single family dwellings with appropriate accessory uses. Residential Single Family (RS-8) regulations apply with the exception that minimum interior side setbacks shall be eight (8) feet instead of five (5) feet. All garages shall be attached to primary structures. No homeowners association is in effect for this tract.
- b. Tract 2: The use of the land shall be restricted to patio homes. The front and rear setback shall be eight (8) feet. Interior and exterior lots shall have a zero (0) foot setback on one side and an eight (8) foot setback on the other side property line, except Lots 24, 42 and 49 which have an eight (8) foot setback on both side property lines. A Homeowners Association is required for this tract.
- c. Tract 3: The use of the land for this tract is for parking/storage of recreational vehicles and portable storage buildings for adjacent property owners of Tract 2. A privacy wall not less than seven (7) feet and not more than eight (8) feet in height will be required along the northwest, southwest and southeast boundaries of this tract.
- d. Tract 4: This tract is reserved for single family development using Residential Single Family (RS-8) standards.
- e. Owner will place a barrier on the northern edge of Phoenix as shown on Exhibit "B," until the construction on Forrest Hill and Phoenix is completed.
- f. Owner will complete Phoenix to Forrest Hill and Forrest Hill along the southern edge of Exhibit "B" before construction shall begin on any houses or structures.

PART 8: Schedule. Construction and development of either Tract 1 or Tract 2 the Planned Development Residential District established hereby shall begin no later than twelve (12) months from the effective date of this ordinance. If development does not proceed within this time frame, the Planning and Zoning Commission, shall recommend to the City Council that the proposed development be rezoned to its former status.

