

ORDINANCE NO. 10-2003

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-78 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 27 day of March A.D. 20 03.

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 March, 20 03, the same being for a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 10 day of April, 20 03, 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 10 day of April A.D. 20 03.

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 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 District 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 requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development 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 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 (Agricultural Open Space) District to PDD (Planned Development) 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 12.12 acres of land out of a 37.190 acre tract out of the South 100 acres of the East 1/2 of Section 84, Block 14, T. & P. RR. Company Surveys, City of Abilene, Taylor County, Texas, said 12.12 acre tract being more particularly described as follows:

BEGINNING at a point on the NBL of said 37.190 acre tract from whence the Southeast corner of said Section 84 is recorded to bear S52°08'25"E 865.4 feet, S0°23'40"W 223.75 feet and S89°30'00"E 54.75 feet;

THENCE S20°40'W 314.4 feet to the Northeast corner of a 12.04 acre tract;

THENCE N52°08'W 724.8 feet to the North corner of said 12.04 acre tract;

THENCE S24°04'W 573.2 feet to an interior corner of said 12.04 acre tract;

THENCE N89°30'W 109.0 feet along the NBL of said 12.04 acre tract to a point for the Southwest corner of this tract;

THENCE N5°05'24"E 526.6 feet to a point for a corner;

THENCE N10°33'13"W 605.1 feet to a point for a corner;

THENCE N46°04'55"E 79.5 feet to a point for a corner on the SBL of Interstate Highway 20 and the NBL of said 37.190 acre tract;

THENCE S52°08'25"E 1308.1 feet along the SBL of said highway to the place of beginning and containing 12.12 acres of land.

Location:

East Stamford Street

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

PART 7: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District:

Permitted Uses:

- Multi-family residences
- Recreation building
- Recreational facilities (tenants only)
- Commercial facilities (tenants only) [not visible from frontage road]

Setback Requirements:

All structures must be set back a minimum of 10 feet from all property lines. The applicant and city staff will negotiate internal setback between structures.

Signage Requirements:

- One (1) monument sign per street frontage
- Five (5) feet in height
- Twenty (20) square feet in area
- Ten (10) feet from property line
- No illumination or motion allowed

Parking Requirements:

No parking is allowed to be located in front of structures along East I-20.

Landscaping:

Xeriscape and berm a twenty (20) foot section of land along East I-20. Landscaping must be included and approved during the site plan process.

Sidewalks:

Sidewalks are required along the frontage road of East I-20. These frontage sidewalks would connect with a network of sidewalks to be located throughout the property. However, a bond may be submitted to the City of Abilene in an amount equal to or greater than the cost of the sidewalk. The bond shall be accompanied by a Registered Engineer's estimate of the cost of installation. When any adjacent property with frontage along Interstate 20 is developed, the sidewalk shall be installed.

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DEVELOPMENT SCHEDULE:

If a Building Permit has not been obtained within 24 months of the date of this ordinance, the Planning Director shall initiate rezoning of the entire property to an appropriate classification.

-END-