

ORDINANCE NO. 52-2003

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-86 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 4 day of December A.D. 2003.

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 30 day of November, 2003, 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 8:30 a.m., on the 18 day of December, 2003, 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 18 day of December, A.D. 2003.

ATTEST:

D. Moore
CITY SECRETARY

Grady Barr
MAYOR

APPROVED:

Sharon E. Hicks
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) 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 PDD is as follows:

2.99 Acres of land out of the Northeast Quarter of Section 67,
Blind Asylum Land, Taylor County, Texas, described as follows:

BEGINNING at the Northwest corner of this tract from which
point the Northwest Quarter of Section 67, Blind Asylum Land,
bears North 0 degrees 07' West 275 ft. and North 89 degrees 44'
2294.4 ft.:

THENCE South 89 degrees 44' East 330.0 ft to a point in the West
line of FM 1750;

THENCE South 0 degrees 07' East 33.3 ft with said right-of-way
line to a point being the Northeast corner of Lot 1, Haley Addition;

THENCE South 00 degrees 44' 182.0 ft with the North line of said
lot 1 to the Northwest corner of lot 1;

THENCE S 0 degrees 07' East 125.0 ft along the West line of said
Lot 1 to a point;

THENCE N 89 degrees 44' East 182.0 ft with the South line of Lot
1 to a point in the West right-of-way line of F.M. 1750;

THENCE S 0 degrees 07' South 300.0 ft with said right-of-way
line to a point in the West right-of-way line of F.M. 1750 and
being the Southeast corner of the property;

THENCE N 89 degrees 44' West 330.0 ft to a point being the
Southwest corner of this tract;

THENCE N 0 degrees 7' W 458.3 feet to the PLACE OF
BEGINNING and containing 2.99 acres of land.

Location:

4302 Oldham Lane

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for commercial development and related activities of a 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:

Proposed Uses:

- LC Uses (see Permitted Uses List in Zoning Ordinance), with the exception of: Gasoline Sales, Grocery Store (convenience type), and Liquor-Store Off Premise Consumption (beer/wine)

Setbacks:

- Front – 30 feet
- North Side of PDD – 10 feet
- Remaining Sides – 15 feet
- Rear – 15 feet

Maximum Structure Height:

- One-story/25 feet

Landscaping:

A 15 foot landscaped buffer shall be created along the Oldham Lane right-of-way. Landscaping may include the use of berming, trees, shrubs, bushes, or other similar means. The plant materials shall consist of xeriscape materials.

Screening:

The parcel adjoining the property to the south is to develop as a residential PDR per Ordinance # 41-2003, which states:

“Along north, south, and west boundaries: a 7’ privacy fence shall be constructed consisting of wood or masonry materials”.

If PDR development occurs, no screening is required. If the PDR does not develop as indicated by Ordinance 41-2003, and that land is rezoned for residential uses, then the owner of the PDD-86 shall at that time construct a privacy screen, to be at least 6 feet in height, of wood or masonry materials.

Sidewalks:

Construction of permanent, safe, and attractive pedestrian access shall be deferred on PDD-86, until the properties adjacent to PDD-86 are developed with sidewalks. The construction of the sidewalks shall be negotiated via covenant agreement.

Access:

Driveway access shall be determined by the regulations set forth by the Texas Department of Transportation.

Illumination Controls:

All site lighting shall comply with the standards governing exterior illumination in the City of Abilene Zoning Ordinance. Additionally, lighting of any parking or vehicular areas shall be directed away from residential areas.

Signage:

- Wall signs shall be limited to a maximum area of 20% of the area of the wall that the sign is on.
- Portable signs and off-site advertising shall be prohibited.
- Monument signs are required.

Freight Containers shall be prohibited.

PART 8: Development Schedule. If a plat for all or a portion of this subdivision is not approved within 5 years for the tract of the date of this ordinance, the Planning Director shall initiate rezoning of the PDD to AO (Agricultural Open Space).

-END-