

ORDINANCE NO. 25-2004

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-92 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.

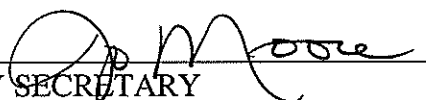
PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.


PASSED ON FIRST READING this 12th day of August A.D. 2004.

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 11th day of August, 2004, 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 9th day of September, 2004, 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 day of September, A.D. 2004.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO.

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 RM-3 Multi Family Residential 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:
BEING a 3.26 Acre tract out of the remainder of an 88.16 acre tract out of the Burr and Caswell Survey No. 2 and the D.B. Corley Survey No. 6, said 88.16 acre tract recorded in volume 1308, page 702, Deed Records of Taylor County, Texas, said 3.26 acre tract being more particularly described as follows:

BEGINNING at a point on the West right of way line of Delaware Road (60 foot right of way), said point bears South 89 degrees 54 minutes 00 seconds West a distance of 678.00 feet from the most Easterly Northeast corner of the said Burr and Caswell Survey No. 2;

THENCE South 00 degrees 06 minutes 00 seconds East along the West right of way line of said Delaware Road, for a distance of 22.68 feet to the intersection of the West right of way line of said Delaware Road and the North right of way line of Jennings Drive (60 foot right of way) for corner;

THENCE along the North right of way of said Jennings Drive as follows;

South 59 degrees 54 minutes 00 seconds West a distance of 164.78 feet to a point of curve;

In the Southwesterly direction along a curve to the right, said curve having a delta of 30 degrees 00 minutes 00 seconds, a radius of 410.00 feet, an arc length of 214.68 feet and a long chord that bears South 74 degrees 54 minutes 00 seconds West a distance of 212.23 feet to a point of tangency;

South 89 degrees 54 minutes 00 seconds West a distance of 492.30 feet to a point of curve;

In the Southwesterly direction along a curve to the left, said curve having a delta of 26 degrees 03 minutes 52 seconds, a radius of 330.00 feet, an arc length of 150.12 feet, and a long chord that bears South 76 degrees 52 minutes 04 seconds West a distance of 148.83 feet to a point for corner;

THENCE North 00 degrees 06 minutes 00 seconds West a distance of a193.56 feet to a point on the North line of said 88.16 acre tract for corner;

THENCE North 89 degrees 54 minutes 00 seconds East along the North line of said 88.16 acre tract for a distance of 985.00 feet to the place of beginning, containing 3.26 acres of land.

Location:

Jennings Drive and Delaware Road, just north of Dyess Elementary School

PART 6: Purpose. The purpose of the Planned Development District (PDD) 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. The following regulations shall govern the use and development of this Planned Development District:

Permitted Uses:

Residential duplexes with a maximum density of 8 units per acre (with a maximum of 24 units)

Setbacks:

- From Jennings Drive: 20 feet
- From Dyess AFB fence: 15 feet
- Between structures: 10 feet

Maximum Structure Height:

- Two-stories

Parking:

- The developer shall provide adequate parking to be located both off-street and off-private drive. The ratio shall be 3.32 parking spaces for every 2 dwelling units, or 1.66 spaces for each dwelling.

Landscaping and Buffers:

- The south boundary of the PDD, along Jennings Drive, shall have a minimum 10' landscaped strip
- The open space/park area located near the intersection of Jennings and Delaware Road shall be landscaped.
- Xeriscape principles shall be utilized.

Sidewalks

Sidewalks shall be installed along Jennings Drive, and shall be dedicated for each lot at the time of platting.

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Signage:

One monument sign shall be allowed with a maximum of 5 feet in height, 40 square feet in area, non-illuminated, with a minimum of 5' setback from property lines.

PART 8: Development Schedule. If a plat for all or a portion of this subdivision is not approved within 12 months of the date of this ordinance, the Planning Director shall initiate rezoning of the PDD to RM-3 (Residential Multi-Family).

-END-