

ORDINANCE NO. 54-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-115 A 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 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 25th day of September A.D. 2006.

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 16th day of August, 2006, 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 12th day of October, 2006, 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 12th day of October, A.D. 2006.

ATTEST:

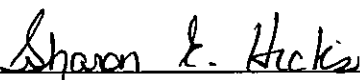


CITY SECRETARY



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 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 District 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 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 PDD is as follows:

BEING 9.705 acres of land out Section 21 of the Blind Asylum Lands, Abilene, Taylor County, Texas and also out of the remainder of a 223.29 acre tract of land which lies in both Sections 21 and 25 of said Blind Asylum Lands, Taylor County, Texas and is described in a certain Warranty Deed to Musgrave and Musgrave, LLP recorded in Volume 3121, Page 857 of the Official Public Records of Taylor County, Texas, and said 9.705 acres is more particularly described in metes in bounds as follows:

BEGINNING at $\frac{3}{4}$ inch aluminum rod with 2 inch aluminum cap stamped "J&M" (henceforth called a standard monument) found at the Northwest corner of Section 6, Heritage Parks Addition to the City of Abilene, Taylor County, Texas the plat of which is recorded in Plat Cabinet 3, Slide 796 of the Plat Records of said Taylor County, Texas, said point also being on the East line of a 20 feet wide alley along the East side of Section 1, Harvest Hills Addition to said City of Abilene according to the plat of same recorded in Plat Cabinet 2, Slide 188D of said Plat Records and whence the Southwest corner of said Section 21 bears $S00^{\circ}52'56''W$ 814.44 feet and $N89^{\circ}06'45''W$ 279.81 feet;

THENCE $N00^{\circ}52'56''E$ (recorded as $N00^{\circ}18'E$ per said plat of Section 1, Harvest Hills Addition and $N00^{\circ}07'13''E$ per said plat of Section 6, Heritage Parks Addition) 280.00 feet along said East line of said alley to a standard monument set at Northwest corner of said tract;

THENCE $S89^{\circ}06'10''E$ 1509.87 feet to a standard monument set for the Northeast corner of said tract;

THENCE $S00^{\circ}52'56''W$ 280.00 feet to a standard monument found at the Northeast corner said Section 6;

THENCE $N89^{\circ}06'10''W$ (recorded as $N89^{\circ}51'53''W$ per said plat of Section 6) a distance of 1509.87 feet along the North line of said Section 6 to the POINT OF BEGINNING and containing 9.705 acres, more or less.

The bearings recorded hereon are referenced to the North American Datum of 1983, Texas North Central Zone. The distances hereon are surface and can be converted to grid by multiplying each distance by the combined scale factor of 0.9998464.

Location:

North end of Valley Forge Road and Liberty Boulevard

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for residential development and related activities of a tract. The intent is to continue the standards of the existing portion of this residential subdivision to promote a consistent appearance throughout the future phases of development.

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

Development shall comply with the standards of the RS-6 Zoning District except as modified below:

1. Building setbacks along streetside boundaries adjacent to a collector street shall be 20 feet.
2. Sidewalks shall not be required.

PART 8: Development Schedule. If a Final Plat is not approved within 6 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designations.

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