

ORDINANCE NO. 57-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-109 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 14th 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 19th 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.

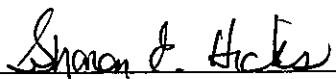
PASSED ON SECOND AND FINAL READING THIS 19th day of October, A.D. 2006

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 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 PDD is as follows:

**FIELD NOTES
FOR A
3.01 ACRE TRACT
OUT OF
SUBDIVISION 7 OF THE FASSHAUER SUBDIVISION OF
SURVEYS 10 & 12, LUNATIC ASYLUM LANDS
TAYLOR COUNTY, TEXAS**

BEING a 3.01 acre tract out of Subdivision 7 of the Fasshauer Subdivision of Surveys 10 and 12, Lunatic Asylum Lands, Taylor County, Texas, and being the remainder of a 5.0 acre tract conveyed to TAYLOR ELECTRIC COOPERATIVE, INC., recorded in Volume 2797, Page 854, Official Public Records, Taylor County, Texas, said 3.01 acre tract being more particularly described as follows:

BEGINNING at a found $\frac{3}{4}$ " iron rod in the north right of way of Waldrop Drive for the southwest corner of this tract and said 5.0 acre tract, where the southwest corner of said Survey 12, Lunatic Asylum Lands is called to bear 24.5' SOUTH and 1317' North 89 degrees 24 minutes West

THENCE NORTH (being the Reference Bearing for this tract) for a distance of 853.10 feet to a found bent $\frac{3}{4}$ " iron rod for the northwest corner of this tract and said 5.0 acre tract;

THENCE South 89 degrees 18 minutes 19 seconds East for a distance of 255.74 feet to a found $\frac{3}{4}$ " iron rod for the northeast corner of this tract and said 5.0 acre tract;

THENCE South 00 degrees 00 minutes 54 seconds West, along the east line of said 5.0 acre tract, for a distance of 428.04 feet to a found $\frac{1}{2}$ " iron rod with red cap at the northeast corner of a 2.001 acre tract conveyed to STEVEN KIRK BROWN and KARLA DEANN BROWN, recorded in Volume 2827, Page 923, Official Public Records, Taylor County, Texas, for the easterly southeast corner of this tract;

THENCE North 89 degrees 26 minutes 52 seconds West for a distance of 205.45 feet to a found $\frac{1}{2}$ " iron rod with red cap at the northwest corner of said 2.001 acre tract, for an interior corner of this tract;

THENCE South 00 degrees 05 minutes 12 seconds East for a distance of 424.75 feet to a found $\frac{1}{2}$ " iron rod with red cap at the southwest corner of said 2.001 acre tract, in the south line of said 5.0 acre tract, and in the north right of way of Waldrop Lane for the southerly southeast corner of this tract;

THENCE North 89 degrees 05 minutes 24 seconds West for a distance of 50.81 feet to the Point of Beginning containing 3.01 acres.

Location:

2582 Waldrop Dr

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for development of an electric substation.

PART 7: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District, and where any conflict exists, this PDD text shall override the site plan:

- A. PERMITTED USE:** Electric Substation to be used as an electric distribution substation.
- B. SITE DEVELOPMENT:**
1. **Building Setbacks:** All structures shall be located a minimum of 30 feet from any property line.
 2. **Structure Height:** Maximum 70 feet
 3. **Off-street parking:** No off-street parking or loading spaces are required
 4. **Driveway Access:** No more than one driveway shall be permitted to the PDD.
 5. **Signage:**
 - Signage shall be non-illuminated
 - All signage shall be affixed to fencing or the structures on site.
 - Signage shall be limited to: substation identity, 911 address, emergency information, safety information, Crime Stoppers signage, any signage required by the National Electric Safety Code, and any other signage required by any Government agency.
 - No signage shall be located higher than the height of the perimeter fence
 6. **Lighting:**
 - Artificial lighting shall be for emergency use only
 - Light standards shall not exceed the height of perimeter fencing and shall be located within the perimeter fencing.
 - Lighting shall be directional to direct it toward the developed portions of the property.
 7. **Landscaping:**
 - Existing landscaping and vegetation shall be preserved.
 - Trees shall be provided along or near the south and east exterior boundary lines. Trees shall have a mature height of at least 15 feet and be spaced at 20' intervals.
 - Xeriscape principles shall be utilized.

8. Fences and Screening:

- The electric distribution substation shall be secured by a fence of not less than 6 feet in height and not more than 8 feet in height.
- Fences must be constructed of wood or masonry materials, or may be chain-link. A chain-link fence must include site-obscuring slats that must be of an earth-tone or green color.
- Barbed wire may be used along the top of fencing to provide security.

PART 8: Development Schedule. If a building permit for this development is not approved within 6 months of the date of this ordinance, the Planning Director shall initiate rezoning of the PDD to AO (Agricultural Open Space).

-END-