

ORDINANCE NO. 5423

AN ORDINANCE AMENDING CHAPTER 1, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE PROPERTY DESCRIBED HEREIN, WHICH IS PRESENTLY ZONED "1F-1", ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A "PLANNED DISTRICT" FOR A HOUSING PROJECT; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; PROVIDING THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE SITE PLAN, ORDINANCES AND SPECIFICATIONS SET OUT OR REFERRED TO HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter and State law with reference to the creation of "Planned Districts" under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof; the Governing Body finds that the public health, safety and general welfare will be best served by the creation of the "Planned District" set out hereinafter and subject to the conditions and restrictions set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, all of which is presently zoned "1F-1", One-Family Dwelling District, and it shall be used as a "Planned District" subject to the special conditions and restrictions hereinafter set out.

Said property is described as follows:

A 63.805 acre tract of land in Section 2, Block X, H. P. Hilliard Survey, Midland County, Texas being Meadowpark Addition to the City of Midland, Midland County, Texas, further described as follows:

BEGINNING at a point in the East right-of-way line of North "A" Street, from which point the Southwest corner of Section 2, Block X, H. P. Hilliard Survey, Midland County, Texas bears S. 15° 20' 52" E. 621.92 feet; S. 74° 41' 08" W. 50 feet; and S. 15° 20' 52" E. 357.5 feet;

THENCE N. 15° 20' 52" W., along the East right-of-way of said North "A" Street a distance of 906.77 feet;

THENCE N. 74° 39' 38" E., a distance of 1,792.42 feet;

THENCE S. 15° 13' 11" E., a distance of 1,780.36 feet to a point in the North line of F.M. 868;

THENCE S. 75° 21' 08" W., along the North line of said F.M. 868, a distance of 75.70 feet;

THENCE S. 74° 41' 08" W., along the North line of said F.M. 868, a distance of 661.78 feet;

THENCE N. 64° 22' 54" W., a distance of 1,391.57 feet to the PLACE OF BEGINNING; containing 63.805 acres of land, more or less.

SECTION TWO. That said property shall be subject to the following conditions and restrictions:

A. That said "Planned District" for a housing project shall consist of one-family attached and detached dwellings, accessory buildings and uses and recreational and community service buildings and uses to serve the residents of the "Planned District", with the recreational and community service facilities which are to be permitted being specified on the general site plan for the "Planned District" on file in the office of the City Secretary, identified as a part of this ordinance by number and date adopted.

B. That no building permit shall be issued for any construction on any part of the property involved herein until a detailed site plan for that part of the development thereof has been reviewed by the Planning and Zoning Commission and reviewed and approved by the City Council, all in accordance with the procedures applicable to a zoning change. Each such detailed site plan, upon final approval, shall automatically become a part of this ordinance and be placed on file in the office of the City Secretary, identified by the number of this ordinance and date adopted.

C. That development and use of said property shall be in accordance with the regulations applicable to a "1F-1", One-Family Dwelling District, as set out in the City Code, except as otherwise provided herein or as permitted or required on the general site plan and detailed site plans for said development.

D. That the general site plan and subsequent detailed site plans shall be complied with in all respects.

E. That the following special conditions and restrictions shall apply to said development:

1. Off-Street Parking:

a. All off-street parking areas will be asphalt paved.

b. Each and every lot which contains a dwelling unit shall have a minimum of two paved parking spaces located in an attached or detached garage (enclosed on three sides) on the lot, except two bedroom units may have a one-car garage, attached or detached located on the lot. All garages, carports or similar facilities shall be constructed so as to be entered from alleyways (service drives) only and not from streets.

c. Each and every cluster, as shown on the general site plan, will contain a minimum of two marked and paved parking spaces for visitor parking within the common area of each cluster. Each cluster will contain a minimum number of visitor parking spaces according to the following schedule:

<u>Cluster No.</u>	<u>Min. Visitor Parking</u>	<u>Cluster No.</u>	<u>Min. Visitor Parking</u>
1	8	14	12
2	14	15	22
3	16	16	26
4	14	17	16
5	16	18	8
6	8	19	14
7	8	20	16
8	14	21	14
9	16	22	16
10	14	23	14
11	16	24	16
12	14	25	14
13	14		

d. In the event the owner/developer or the Meadowpark Owners Association elects to construct a clubhouse on Common Area F said clubhouse will provide a parking ratio of one space for each 150 square feet of floor area. The parking area for the clubhouse will be located in the southern portion of Common Area F.

2. Area, Yard, and Coverage Regulations:

a. There shall be no required front, side or rear setback from the boundaries of any individual dwelling lot except as specified otherwise herein.

b. There shall be provided a front yard of not less than ten feet in depth between any street right of way line and any dwelling lot line, which ten foot space shall be part of the common area.

c. There shall be not less than a ten foot distance between any service drive (alley) right-of-way line and any lot line, which ten foot space shall be part of the common area.

d. No portion of any dwelling or accessory building may extend beyond the boundaries of the lot on which it is located, except that eaves and roof extensions may extend into adjacent common areas a distance of not more than 2 1/2 feet and into adjacent dwelling lots a distance of not more than one foot, provided that easements for such extensions have been granted.

e. The maximum and minimum portion of any dwelling lot which shall be covered by any and all structures shall be as follows:

Maximum lot coverage 67%  
Minimum lot coverage 46%

f. Common areas shall be provided within each designated cluster (as shown on the general site plan) for the purposes of access to each dwelling lot in the cluster and for open space and recreation for the residents of this "Planned District". No building shall be constructed on any portion of such common area. The specific site plan or plans shall designate not less than 41% of each cluster area as the common area within each cluster.

g. Within Common Areas A through G, there shall be provided a front yard of not less than 20' in depth along all streets for all buildings and, except as shown on the general site plan, for all other facilities. A setback of not less than 10' from all other boundary lines shall be observed for all buildings and facilities.

h. There shall be a minimum separation of 10' between detached dwellings or detached portions of dwellings on adjacent lots. The minimum side yard setback for any portion of the main residential building which is not located on the side lot line shall be 3'.

3. That, in order to maintain the common areas and facilities thereon a home-owners' association will be formed. The common areas will be conveyed without charge and free of all liens and encumbrances to a non-profit corporation of which each lot owner will become a member. Provisions shall be made for regular assessments to cover the expense of such maintenance.

4. That, prior to development of this "Planned District", a subdivision plat or plats, substantially conforming to the site plans, shall be submitted to and approved by the Planning and Zoning Commission of the City of Midland; and, in connection with said plat or plats, restrictive covenants covering said homeowners' association shall be submitted to and approved by the Planning and Zoning Commission and recorded by the City with the final plat.

SECTION THREE. That definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION FOUR. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance, together with the general penalty provision contained in Section 1-3-1 of the City Code of Midland, Texas, in the manner and for the length of time prescribed by law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 9th day of January, A.D., 1979; and passed to second reading on motion of Councilman Sloan, seconded by Councilman Marcum, by the following vote:

Councilmen voting "AYE":

Sloan, Marcum, Angelo,  
Howbert, Thomas, and Akins

Councilmen voting "NAY":

None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Councilman Marcum, seconded by Councilman Thomas, on the 23rd day of January, A.D., 1979, at a regular meeting of the City Council:

Councilmen voting "AYE":

Marcum, Thomas, Akins,  
Howbert, and Sloan

Councilmen voting "NAY":

None

PASSED AND APPROVED THIS 23rd day of January, A.D.,  
1979.



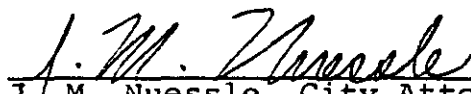
Ernest Angelo, Jr., Mayor

ATTEST:



J. W. McCullough, City Secretary

APPROVED AS TO FORM:



J. M. Nuessle, City Attorney