

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING MARTIN 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; 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 One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 12 day of April,

A.D. 19 84.

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 1 day of April, 19 84, the same being more than ten (10) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 9:00 a.m., on the 26 day of April, 19 84, 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 26 day of

April, A.D. 19 84.

ATTEST:

Atsuea Patton
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Shirley Sanders
CITY ATTORNEY

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, utility plans, site plan, and any other required plans filed in connection with this requested Planned Development Commercial District and are hereby incorporated by reference and included as part of this ordinance. Site Plan is attached as Exhibit B.

All use and development within the Planned Development Commercial District must be in compliance with the Zoning Ordinance and Subdivision Regulations 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 RS-6, RM-3 & AO (Residential Single Family, Residential Multi-Family & Agricultural Open Space) District to PDC (Planned Development Commercial) 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 P.D.C. District is as follows:

BEING all that certain lot, tract or parcel of land out of the Northwest Quarter of Section 48, Blind Asylum Lands, Abilene, Taylor County, Texas and being more particularly described as follows:

BEGINNING at the Northwest corner of a 5.82 acre tract of land zoned General Commercial, said point bears North 85 degrees 20 minutes 02 seconds West a distance of 175.11 feet and North 04 degrees 55 minutes 34 seconds East a distance of 480.9 feet from the Southwest corner of Block 212, Original Town Plat to the City of Abilene;

THENCE North 04 degrees 55 minutes 34 seconds East a distance of 9.97 feet to a point for corner;

THENCE North 89 degrees 33 minutes 47 seconds West a distance of 595.38 feet to a point for corner;

THENCE North 01 degree 08 minutes 54 seconds East a distance of 368.04 feet to a point for corner;

THENCE South 89 degrees 46 minutes 08 seconds East a distance of 579.61 feet to a point for corner;

THENCE North 0 degrees 59 minutes 04 seconds West a distance of 968.87 feet to a point for corner;

THENCE South 89 degrees 56 minutes 50 seconds West a distance of 163.77 feet to a point for corner on the South line of East South 7th Street;

THENCE North 51 degrees 08 minutes 42 seconds East along said South line of East South 7th Street a distance of 207.43 feet to a point for corner;

THENCE North 89 degrees 56 minutes 50 seconds East along said South line of East South 7th Street a distance of 700.0 feet to a point for corner;

THENCE South 0 degrees 59 minutes 04 seconds East a distance of 130.0 feet to a point for corner;

THENCE North 89 degrees 56 minutes 50 seconds East a distance of 47.09 feet to a point for corner;

THENCE South 0 degrees 21 minutes East a distance of 1339.43 feet to a point for corner;

THENCE South 89 degrees 0 minutes 02 seconds West a distance of 223.48 feet to a point for corner;

THENCE South 86 degrees 02 minutes 34 seconds West along the North line of said 5.82 acre tract zoned General Commercial a distance of 144.63 feet to a point for corner;

THENCE North 04 degrees 20 minutes 47 seconds West along said 5.82 acre tract zoned General Commercial a distance of 1.0 feet to a point for corner;

THENCE North 89 degrees 33 minutes 47 seconds West along said North line of the 5.82 acre tract zoned General Commercial a distance of 363.30 feet to the place of beginning containing 30.18 acres of land save and except a 4.42 acre tract of land conveyed to Taylor County Broadcasting, Inc., described as follows:

BEGINNING at a point for corner on the East line of Martin Drive, said point bears South 0 degrees 03 minutes 10 seconds East a distance of 95.04 feet and South 0 degrees 46 minutes 23 seconds East a distance of 34.95 feet from the intersection of said East right of way of Martin Street and the South right of way of East South 7th Street;

THENCE North 89 degrees 56 minutes 50 seconds East a distance of 422.45 feet to a point for corner;

THENCE South 0 degrees 20 minutes 32 seconds East a distance of 489.70 feet to a point for corner;

THENCE North 89 degrees 41 minutes 04 seconds West a distance of 352.57 feet to a point for corner on said East line of Martin Street;

THENCE North 11 degrees 04 minutes 05 seconds West along said East line of Martin Street a distance of 230.47 feet to a point for corner;

THENCE in a Northwesterly direction along said East line of Martin Street with a curve to the right, said curve having a delta = $9^{\circ} 39' 07''$, $R = 1561.49$ and a $L = 263.05$ to the place of beginning containing 4.42 acre tract of land which gives a net acreage of 25.96 acres of land.

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PART 6: Purpose. The Martin Planned Development Commercial district includes approximately 23.8 acres intended for development of commercial activities which are relatively free of exposed storage and earthen surfaces as well as other unsightly features of commercial development. Design and operational limitations described within the following Part 7 of this ordinance will help assure the compatibility of commercial development in relation to adjacent open space having potential for future park or recreation use. To accomplish these intents and purposes, land within the Martin Planned Development Commercial district shall be subdivided or resubdivided, as necessary, in compliance with City of Abilene Subdivision Regulations and standards set forth within the following Part 7.

PART 7: Specific Modifications:

- a. Permitted use. Activities permitted in the Martin PDC district shall be the same as those permitted in the Heavy Commercial district, as described within Section 23-306.4 of the Zoning Ordinance, except for the use described as light fabrication and assembly, which shall be permitted only with approval of a special exception by the Board of Adjustment. Other necessary conditions, as well as requirements for special exception, applicable to permitted use in the Heavy Commercial district and described in Section 23-306 of the Zoning Ordinance, shall also be applicable to the Martin PDC district.
- b. Building Setback. All buildings or structures (except for accessory buildings, fences, walls, hedges and signs) shall be set back within the following building lines:

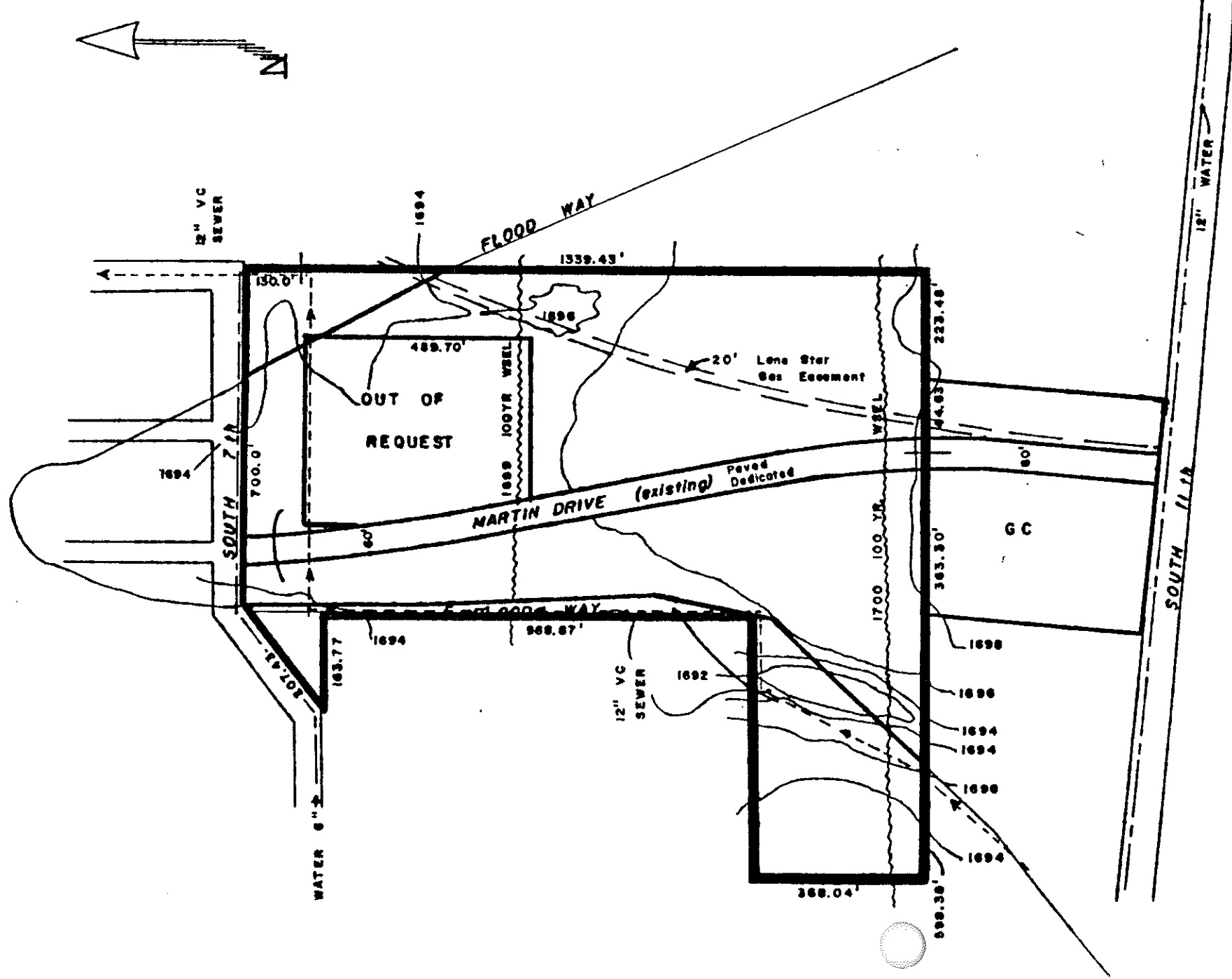
front yard -	25 feet from property line
exterior side yard -	25 feet from property line
interior side yard -	20 feet from property line
rear yard -	20 feet from property line
- c. Building Separation. No two buildings (on the same lot) shall be located closer to one another than the height of the lower building, measured perpendicular from the face of each building.
- d. Building Height. No building or structure may be constructed higher than 2 stories or 30 feet, whichever is less, not including basement or architectural exceptions (as set forth in Section 23-313.6(8) of the revised Zoning Ordinance).

- e. Lot Coverage and Land Use Intensity. No more than 50 percent of the lot area should be covered by buildings, including accessory buildings.
- f. Parking and Loading. Required parking and loading spaces shall be as indicated within the Zoning Ordinance of the City of Abilene.
- Design and layout of parking and loading spaces, accompanying maneuvering area and driveways shall be as set forth by the Zoning Ordinance of the City of Abilene.
- All areas intended for automobile and truck parking and maneuvering should be paved, except for such areas screened from street view by a solid, opaque wall or fence at least six (6) feet high.
- g. Fencing, Walls. Outdoor storage of materials and equipment should be screened from street view by a solid, opaque wall or fence at least six (6) feet high. Similar screening shall be provided from view outside interior side or rear lot lines, if and when such boundaries abut a public park or recreation area.
- h. Signs. Unless otherwise specified below, sign regulations shall be the same as prescribed for the Heavy Commercial district in the Zoning Ordinance of the City of Abilene:
- No roof signs or marquees shall be permitted for business and/or identification purposes.
- Business and/or identification signs shall be limited to the following:
- o wall signs occupying no more than 25 percent of one wall face;
 - o free-standing structures of no more than 100 square feet on a side and standing to a height not to exceed the height of the principal building on the same lot or lots under common ownership or control. Free-standing business or identification signs shall be set back from any streetside boundary by a minimum of ten (10) feet.
- Instructional signs shall not exceed four (4) square feet each, nor exceed eight (8) feet in height.
- i. Lot Size. Minimum lot size shall be as follows:
- | | | |
|-------|---|--------------------|
| width | - | 80 feet |
| depth | - | 100 feet |
| area | - | 10,000 square feet |

- j. Performance Standards. Any condition or operation which results in the creation of odor of such intensity and character as to unreasonably interfere with the comfort of the public shall be removed, stopped or modified so as to remove the odor.
- Any unreasonable or disturbing vibration causing material discomfort, distress or injury to persons of ordinary sensibility should be prohibited.
- Heat processes used in welding shall not be discernible at the lot line.
- Materials or equipment stored out-of-doors shall not exceed 12 feet in height (except of mobile vehicles, trailers and attachments).

ORDINANCE NO. 45-1984
EXHIBIT "B"

PRELIMINARY DEVELOPMENT PLAN



SCALE 1" = 300'

00402