

ORDINANCE NO. 48-1985

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING SOUTH CLACK 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 9 day of May, A.D. 19 85.

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 5 day of May, 19 85, 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 9:00 a.m., on the 23 day of May, 19 85, 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 23 day of May, A.D. 19 85.

ATTEST:

Patricia Patton
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Karen J. Anderson
CITY ATTORNEY

00128

Exhibit "A"

ORDINANCE NO. 48-1985

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.

Further, all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of this P.D.D. are hereby incorporated by reference and included as part of this ordinance. (Some of these documents may be attached as Exhibit B.)

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 PI (Park Industrial) District to PD MX (Planned Development Mixed Use) 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.D. is as follows:

Legal Description:

BEING 38.895 acres of land out of and a part of Lots 1 & 2, Alfred & Mary Fasshauer subdivision of Survey No. 10, Lunatic Asylum Lands as shown by plat recorded in Volume Page 274, Plat Records, Taylor County, Texas, and described by metes and bounds as follows:

BEGINNING at a point a 1 1/2" iron pipe, found, by a corner post for the most westerly northeast corner of this tract, and from said point the NW corner of Survey No. 10, Lunatic Asylum Lands bears S 89°49' W 2272.06 feet;

THENCE S 0°04'35" E along a property fence 667.60 feet to a 3/8" iron rod, found, by a corner post for the SW corner of a tract of land formally in the name of Gilchrist Drilling Company, and being an interior corner of this tract;

THENCE N 89°49' E 736.22 feet along a property fence on the south line of said Gilchrist Tract to a point on the west R.O.W. of access road on U.S. Highway 83-84, and being the most easterly NE corner of this tract;

THENCE S 18°53'41" E 402.17 feet along said R.O.W. to a concrete highway marker, found, for the P.C. of a curve to the right;

THENCE Southeast along said curve having a central angle of 19°00' and a radius of 2864.93 feet, a distance of 566.66 feet to a 3/8" iron rod, found, on the west R.O.W. of said access road for the SE corner of this tract and the NE corner of E.E. Goodrich 17.00 acre tract;

THENCE S 89°23'45" W 1670.34 feet along the north line of said 17.00 acre tract to a 3/8" iron rod, found, on the east R.O.W. of Abilene & Southern Railroad for the SW corner of this tract and the NW corner of E.E. Goodrich 17.00 acre tract;

THENCE N 8°20' E along the east R.O.W. of said Railroad 1370.97 feet to a 3/8" iron rod, set, for the most westerly NW corner of this tract, same being the SW corner of a 0.88 acre West Texas Utilities Sub-Station Tract;

THENCE N 89°49' E 150 feet to a 3/8" iron rod, set, for an interior corner of this tract;

THENCE N 8°20' E 260 feet to a 3/8" iron rod, set, for the most easterly NW corner of this tract, same being the NE corner of said W.T.U. Sub-Station Tract;

THENCE N 89°49' E along the north line of this tract 292.79 feet to the POINT OF BEGINNING, and containing 38.895 acres of land, more or less.

PART 6: Purpose. The purpose of the South Clack Planned Development district is to provide space for commercial development on available land beside a major thoroughfare, while at the same time achieving the following objectives.

- A. Help improve the overall appearance of commercial use at this highly visible location beside a major entrance to the city.
- B. Mitigate the sometimes unsightly, sometimes obtrusive appearance of commercial activity from future residential development directly to the west.
- C. Ensure a degree of environmental quality that is comparable with that required of development in nearby commercial/industrial zoning districts.

PART 7: Specific Modifications.

A. Within an area extending approximately 400 feet from the right-of-way boundary for U.S. Hwy 83-84, use and development of land shall conform with regulations applicable to the General Commercial zoning classifications, except for the following features:

- 1. The following principal activities shall not be permitted:

- automobile and small truck repair, painting, body work and servicing building construction services cabinet making electrical appliance repair, large furniture repair and storage services electrical installation and repair landscaping services painting, paperhanging services sales of gasoline (with and including automobile services) sales of mobile homes, camping trailers and motor homes sales of plant materials, other than flowers and household plants
- 2. Outdoor storage of material, inventory and equipment shall be screened by a solid, opaque wall or fence at least six (6) feet in height.
- 3. Free-standing business or identification signs shall be limited to one such sign per business, no larger than 150 square feet in area or more than 35 feet in height. Roof-type signs shall be prohibited. Free-standing business or identification signs shall be set back from any streetside boundary by a minimum of ten (10) feet.
- 4. All areas for truck loading and storage shall have a storage composed of asphaltic or portland cement binder pavement. All buildings or structures (except for unattached accessory buildings, fences, walls, hedges and signs) shall be set back from streetside boundaries the distance set forth within the Zoning Ordinance and Subdivision Regulations. Setback lines from other lot boundaries shall be as follows:

interior side yard 10 feet
rear yard 20 feet

5. Sales, rental and leasing of automobiles and small trucks shall be permitted only under the following conditions:

- a. Any secondary activities (accessory to sales, rental and leasing) and involving automotive servicing or repair shall be located on the (interior) side or rear of the tract on which it is located, so that such activities are not generally visible from direct street view.
- b. A landscaped area shall be extended around the streetside boundary of any portion of the tract used for parking, display or storage of automobiles or trucks. Such landscaped area shall be at least 10 feet wide and be located entirely on private property. Landscaping shall mean the planting of living materials such as grass, trees or shrubs.
- c. A minimum of 10 percent of the tract shall be landscaped. Landscaping shall mean the planting of living materials such as grass, trees or shrubs. The required landscaped area extended around the streetside boundary (and described in item b directly above) may be included in the required 10% landscaped area.
- d. Lighting of such activities shall not include exposed, bare bulbs.

B. Within the remainder of the Planned Development district, use and development of land shall conform with regulations applicable to the Heavy Commercial zoning classification, except for the following features:

- 1. Outdoor storage of materials, equipment and inventory shall be screened by a solid, opaque fence at least six (6) feet high.
- 2. Free-standing business or identification signs shall be limited to one such sign per business, no larger than 100 square feet in area and standing at a height no taller than 25 feet. No roof signs or marquees shall be permitted for business or identification purposes.
- 3. All areas for automobile and truck loading shall have a surface composed of asphaltic or portland cement binder pavement, except that areas intended for truck loading and storage (only) may be surfaced by gravel, so long as such areas are screened by a solid, opaque wall or fence at least six (6) feet high.
- 4. All buildings or structures (except for unattached accessory buildings, fences, walls, hedges and signs) shall be set back from lot boundaries as follows:
 - from streetside lot boundaries 25 feet
 - from interior side boundaries 20 feet
 - from rear lot boundaries 25 feet
- 5. The maximum height of all structures on the site shall be twenty-five (25) feet.
- C. Subdivision or resubdivision of any one or more lots in the South Clack Planned Development district shall be undertaken in conformance with Subdivision Regulations of the City of Abilene applicable at the time of subdivision. Amendment of this Planned Development ordinance shall not be necessary for subdivision; however, above-described regulations regarding use and development shall remain applicable to the lots represented on the attached site plan, unless such regulations are modified by amendment to this ordinance.