

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #51 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 14 day of May A.D. 1992.

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, 1992, 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 28 day of May, 1992, 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 28 day of May, A.D. 1992.

ATTEST:

[Signature]  
CITY SECRETARY

[Signature]  
MAYOR

APPROVED:

[Signature]  
CITY ATTORNEY

ORDINANCE NO. 24-1992

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. Site Plan (and vicinity map) is attached as Exhibit B.

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 C.)

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 LI (Light Industrial) District to PDREC (Planned Development Recreational) 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:

Beginning at a point in the southwest corner of Section 34, Block 16, of T & P Survey in a northeasterly direction along the south boundary line of Section 34, Block 16 for a distance of 2640'.

THENCE north  $14^{\circ}$  west for a distance of 1800' to the beginning point of a  $12\frac{1}{2}$  acre tract, more or less.

THENCE in a westerly direction along the south boundary line of U.S. Hwy 80 for a distance of 1000'.

THENCE south for a distance of 547'.

THENCE west for a distance of 100'.

THENCE north for a distance of 547'.

Part 6: Name: This planned development residential district shall hereafter be known as Planned Development District Number 51.

Part 7: Purpose: The purpose of the Highway 84 West Planned Development District (PDREC) is to provide space for track related recreational activities, while at the same time achieving the following objectives:

- A. Improve the overall appearance of the District at this highly visible location beside a major entrance to the city.
- B. Assure a degree of compatibility that is comparable to the natural landscape of the adjacent agricultural land.
- C. Mitigate visual impact of large parking areas and improve the overall site aesthetics.

Part 8: Specific Modifications: Within the Planned Development District, use and development of land shall conform within the following regulations:

A. Permitted Use

The following principal activities shall be allowed provided special provisions applicable to these activities set forth in Section 23-306.5 are satisfied.

1. Drag strip racing
2. Commercial Racing
3. Stadium and open air concerts
4. Temporary cultural activities
5. On-premise consumption of alcoholic beverages shall be allowed provided separation requirements set forth in Section 23-306.5.H (13) pertaining to retail sale of alcoholic beverages intended for on-premise consumption are satisfied.

B. Outdoor Storage Considerations

1. The track, and all outdoor storage of materials, inventory and equipment shall be screened by a solid barrier fence or wall at least six (6) feet in height.

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2. Use of salvaged material shall not be permitted for required screening.

C. Landscaping Maintenance

1. At least five (5) percent of the parking area shall be devoted to landscaping within the interior of the parking lot.
2. Landscaping shall include the planting of living materials such as grass, shrubs, trees, or other comparable surface cover, which shall be in conformance with the Texas Forest Service Guidelines. Trees shall be at least two (2) inches caliper minimum, and at least six (6) feet in height (existing or planted). The trees shall be replaced as necessary with a ratio of one (1) tree for every 40 feet of street frontage. The required number of trees may be clustered. No artificial plant material shall be permitted.
3. Landscaping shall be required on the site no later than two (2) years from the adoption of this ordinance.
4. Landscaping shall not obstruct sight lines at street or driveway intersections.
5. Plant materials shall be maintained in good and healthy conditions. Dead plants shall be replaced as expeditiously as possible, but in no case longer than the time for the next planting period to elapse.
6. The dimensions of the landscaped area shall be at least twenty-five (25) square feet and a minimum of five (5) feet wide to provide for the normal growth of planted landscaping materials.
7. All required landscaping shall be irrigated by either an underground sprinkler, a hose attachment within one hundred (100) feet of all landscaping, or a water tank truck.

E. Signs

Free-standing business or identification signs shall be limited to one such sign per business, no larger than two hundred (200) square feet in area or more than thirty-five (35) feet in height. Free standing business or identification signs shall be set back from any streetside boundary by a minimum of ten (10) feet.

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