

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #55 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.

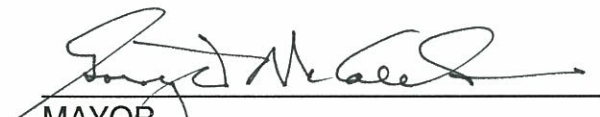
PASSED ON FIRST READING this 14 day of April  
A.D. 1994.

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 3 day of April, 1994, 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 April, 1994, 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 April  
A.D. 1994.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:

  
CITY ATTORNEY

ORDINANCE NO. 15-1994

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.

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.

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 RS-6 (Residential Single Family) 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.

ORDINANCE NO. 15-1994

Exhibit "A"

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PART 5: Legal Description. The legal description of this P.D.D. is as follows:

A parcel of land lying and being situated in Taylor County, Texas, and Being a part of Lot No. 5 of the Anderson and Berry Subdivision of the Alexander Thompson Survey No. 37 in Taylor County, Texas, and described as follows:

BEGINNING at a stake in the W.B. line of said Lot No. 5, 847 feet north of its S.W. corner, and being at the intersection of the W.B. line of said Lot with the N.B. line of Hartford Street for S.W. corner of this tract;

THENCE East with the N.B. line of said Hartford Street 313.05 feet to a stake for S.E. corner of this tract;

THENCE North parallel with W.B. line of said Lot 5, 417.42 feet to a stake for N.E. corner of this tract;

THENCE West parallel with S.B. line of said Lot 5, 313.05 feet to a stake in the W.B. line for the N.W. corner thence south, 417.42 feet to the Place of Beginning and containing 2.57 acres more or less; filed of record Deed Records Vol. 1258, Page 201.

PART 6: Purpose. The purpose of the Planned Development District request is to allow for development of a large tract which has not developed under present zoning and development procedures. The intention is to achieve the following:

- A. Provide for quality development that will be aesthetically pleasing to dignitaries and the general public who may use Hartford Street or Dub Wright Boulevard to reach the main gate of Dyess Air Force Base.
- B. Create an environment which is visually and functionally compatible with adjacent land use.
- C. Promote economical and efficient land use, an improved level of amenities, appropriate variety in physical development, creative design, and a better urban environment.

PART 7: Specific Modifications. The following regulations shall govern the use and development of the Planned Development Commercial district.

A. Subdivision Requirement

Formal resubdivision of the property shall occur prior to development.

B. Permitted Uses

The activities permitted by right of use within the PDC are contained within Attachment "B".

C. Building Area, Height, Placement and Materials

1. All principal structures shall be located within the building envelope formed by building setback lines described below:

- 75 feet north from the south property line (adjacent to Hartford)
- 45 feet east from the west property line (adjacent to Vapor Trail)

This building envelope may be varied from upon approval of alternative means of building arrangement by the Site Plan Review Committee.

2. Gas pumps and pump canopy shall be allowed outside of the above-described envelope but shall be located no closer than 50 feet from the property line relative to Hartford Street; 25 feet from all other property lines.

3. Maximum building height permitted for structures shall be thirty (30) feet.
4. Building(s) of exterior sheet metal construction shall not be permitted. Exterior building materials shall consist of 70% brick, masonry, stucco or high quality tilt concrete aggregate construction.

D. Screening

Screening shall be required as follows:

1. Screening and landscaping shall be placed and maintained along the property lines adjacent to Hartford Street and Vapor Trail. Said screening and/or landscaping shall be located entirely on private property.
2. Except where intersected by permitted driveway entrance, the above-mentioned landscaped areas shall be at least ten (10) feet wide located entirely on private property. Landscaping shall mean the planting and maintenance of living materials such as grass, trees or shrubs.
3. Any truck maneuvering, loading and unloading areas provided must be designed and screened according to the conditions described in Section 23-320 of the Zoning Ordinance of the City of Abilene.
4. Facilities for power, air conditioning and solid waste handling, as well as off-street loading and open storage shall be screened from view outside the tract in question, by an opaque wall or fence at least six (6) feet in height. Off-street parking and maneuvering areas shall be screened from adjacent residential tracts by an opaque wall or fence at least six (6) feet in height.

E. Sign Control

1. Only one wall sign shall be permitted per business and shall be placed flush against the wall of the building and encompass no more than 25% of wall front.
2. Each business will also be allowed one (1) free-standing (pole) sign which is no greater than 30 feet in height, with no less than 8 feet grade clearance and no greater than 150 square feet in area.

F. Driveways

1. Two driveways will be allowed onto Vapor Trail and one driveway onto Hartford Street. No driveway will be permitted closer than 100 feet from the southwest corner of the tract involved. A 200 foot separation will be required between the two driveways allowed on Vapor Trail. Minimum driveway width is 24 feet with a maximum width of 30 feet.
2. The above conditions do not apply to the current driveway arrangement for the residential lot known as Lot 1, Block 1, Trinity Baptist Church Subdivision located at the southeast corner of this PDD. If, however, the above-mentioned Lot 1 is changed from residential to commercial use, the driveway stipulations in paragraph 1 above will apply, e.g., one driveway onto Hartford Street.

PART 8: Schedule. Construction and development of the Planned Development District established hereby shall begin no later than twelve (12) months from the effective date of this ordinance. If development does not proceed within this time frame, the Planning and Zoning Commission shall recommend to the City Council that the proposed development be rezoned to its former status.

-END-

EXHIBIT "B"

Permitted Uses by Right:

EDUCATION AND RELIGIOUS USES:

Art, Music, and Dancing Schools  
Church or Place of Worship

OFFICE-TYPE USES:

Accounting, Auditing, Tax and Bookkeeping Services  
Adjustment and Collection Services  
Advertising Services  
Appraisal Services  
Architectural and Planning Services  
Business Associations  
Consumer and Mercantile Credit Reporting Services  
Detective Services  
Employment Services  
Engineering Services  
Educational and Scientific Research Offices  
Government Administration Offices  
Insurance Agents, Carriers, and Brokers  
Legal Services  
Medical or Dental Office or Clinic  
Office Space (general/unspecified)  
Protective and Security Services  
Real Estate Agent, Brokers, and Management  
Security and Commodity Brokers, Dealers, and Exchanges  
Social Service Organization Office  
Stenographic, Duplicating and Mailing Services  
Telephone Answering  
Title Abstractors

SERVICES (OTHER THAN OFFICE-TYPE):

Banking Services  
Banking Services (remote automatic)  
Beauty and Barber Services  
Credit Unions  
Financing and Loan Services  
Fur Repair and Storage Services  
Health Club or Physical Fitness Services  
Interior Decorating Services  
Key and Lock Repair  
Laundry and Dry Cleaning (self-service)  
Photographic Services  
Savings and Loan Associations  
Shoe Repair, Shoe Shining and Hat Cleaning Services  
Tailoring (custom)  
Trading Stamp Services  
Travel Arranging and Ticket Services  
Watch, Clock and Jewelry Repair Service

TRADE-RETAIL USES:

Antiques  
Bakery Products (on-premise sales)  
Bicycles (includes servicing)  
Book and Stationery  
Cameras and Photographic Supplies  
China, Glassware, and Metalware  
Clothing and Apparel Accessories  
Coins and Stamps  
Dairy Products (on-premise sales)  
Drug Store/Pharmacy  
Fruits and Vegetables (inside sales)  
Furriers and Fur Apparel  
Gasoline (with conditions)  
Gifts, Novelties, Souvenirs  
Grocery Store (convenience type)  
Hobby and Craft Supplies  
Jewelry  
Keys and Locks  
Liquor Store Off-Premise Consumption (beer/wine) (with conditions and special exceptions)  
Meats and Fish  
Music Supplies and/or Records  
Newspapers and Magazines  
Office Supplies and Equipment  
Optical Goods  
Pets and Pet Supplies  
Plant Material (flowers and household plants)  
Restaurants, Standard  
Shoes  
Sporting Goods and Athletic Equipment  
Tobacco Products  
Variety Stores