

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-68 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 12 day of August A.D. 1999.

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 August, 1999, 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 26 day of August, 1999, 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 August, A.D. 1999.

ATTEST:

Op Moore
CITY SECRETARY

Grady Bass
MAYOR

APPROVED:

Sharon Hicks
CITY ATTORNEY

ORDINANCE NO. 40-1999

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 Mixed Use District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development Mixed Use 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 Mixed Use 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, MH and AO (Residential Single Family, Mobile Home and Agricultural Open Space) District to PDD (Planned Development) 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:

Lot 106, a replat of the south part of Lot 6, Block 8, Jones & Leggett Subdivision, Abilene, Taylor County, Texas; filed for record July 13, 1992, Taylor County Clerk File Number 11564;

Block A, and Lots 1-22, Block B, Jones & Leggett Subdivision, Abilene, Taylor County, Texas; filed for record December 12, 1938, Vol. 2, Pages 1 & 3;

The north 1/2 of Lot 6, Lot 3, and Lot 2, Block 8, Jones & Leggett Subdivision, Abilene, Taylor County, Texas; filed for record May 8, 1923, Vol. 1, Pages 246 & 247.

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for commercial and residential development and related activities of a large tract which generally has not developed under present zoning and development procedures.

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

A. Permitted uses

1. The following uses are permitted by right (X):

Residential

Single Family

Multi Family

Assisted Living

Cultural and Recreational Uses

Art Galleries

Park and/or Playgrounds

Theaters and Playhouses

Government, Health, Safety, and Welfare Uses

Medical and Dental Laboratory

Surgical Center

Education and Religious Uses

Business School

Church or Place of Worship

Kindergarten or Child Care Center

Youth Organizations and Centers

Office-Type Uses

Services (Other than Office-Type)

Banking and other Financial Services

Beauty and Barber Services

Health Club and Physical Fitness Services

Interior Decorating Services

Key and Lock Repair

Photographic Services

Shoe Repair, Shoe Shining, and Hat Cleaning Services

Tailoring (custom)

Travel Arranging and Ticket Services

Veterinary Service (small animals)

Watch, Clock, and Jewelry Repair Services

Trade-Retail Uses

Specialty Retail Shops

Restaurants, Standard

B. Setback Requirements

Front (from Buffalo Gap Road right-of-way):	30 feet
Front (from Broadway right-of-way):	25 feet
Rear:	15 feet
Sides:	10 feet

C. Height

Maximum height of two stories for residential structures.
Maximum height of one story for commercial structures.

D. Landscaping: Landscaping shall be provided as follows:

A landscaped area a minimum of ten (10) feet in width shall be located along the front property line. The required landscape area must be entirely on private property. The landscaped area will consist of trees, plantings, and other vegetative materials, maintained so as not to block visibility from driveways accessing the properties. Any fencing on the property must be placed behind this landscaped area. The parkway must be landscaped and in a landscaped manner not to effect visibility.

E. Driveways: Driveways shall be provided as follows:

Driveway access requirements shall pertain to all land uses except for single family and two family residential.

1. Driveways shall be located as set forth below. Measurements shall be made from the edge of the driveway and from the edge of the pavement or curb of public or private streets.
 - (a) Driveways shall be separated from adjacent driveways by a minimum of 50 feet for driveways on different parcels and by a minimum of 100 feet for driveways on the same parcel.
 - (b) Driveways shall be located from interior side property lines by a minimum of 25 feet. The minimum separation requirement from the adjacent property lines does not apply to a shared drive.

- (c) Driveways shall be separated from adjacent street intersections as follows:
 - (1) For driveways onto an arterial street:
 - (a) 100 feet from intersecting streets classified as arterial, freeway, frontage road, or collector.
 - (b) 50 feet from all other intersecting streets.
 - (2) The Traffic Engineer may grant exceptions to these location requirements if existing driveways and site development preclude compliance.

F. Accessory Structures:

Structures accessory to dwelling units shall be no more than ten (10) percent of the area of the lot total, setback no less than one (1) foot from a rear property line, and setback no less than three (3) feet from a side property line. Structures accessory to commercial structures shall be set back at least five (5) feet from a side or rear property line.

G. Signage: The following shall govern signage for this PDD.

Signs shall be no more than fifty-four (54) square feet, no taller than six (6) feet, setback not less than ten (10) feet. Signs shall be limited to one per business. Wall signs can occupy no more than twenty (20) percent of the side of any structure. Pole signs and portable signs are prohibited.

H. Parking:

All uses must provide the minimum number of parking spaces required by the permitted use chart of the Zoning Ordinance.

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