

ORDINANCE NO. 13-2004

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-90 A 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.

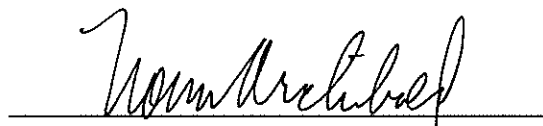
PASSED ON FIRST READING this 13 day of May A.D. 2004.

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 26th day of May, 2004, 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 8:30 a.m., on the 10th day of June, 2004, 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.

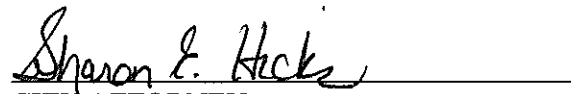
PASSED ON SECOND AND FINAL READING THIS 10 day of June, A.D. 20 04.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO.

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.

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 AO (Agricultural Open Space) and PDD-2 (Planned Development) 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 PDD is as follows:

BEING a 94.68 acre tract (called 95.83 acres) out of the Northeast One-Quarter of Section 53, Blind Asylum Lands, Taylor County, Texas, and being Tract Three conveyed to Morris G. McDonald, Scott G. McDonald, and Cynthia M. Pruitt, recorded in Volume 2567, Page 660, Official Public Records, Taylor County, Texas, said 94.68 acres being more particularly described as follows:

(Basis of Bearings is Grid North, established by GPS observations.)

BEGINNING at a found 3/8" iron rod for the southeast corner of said NE/4 of Section 53, same being the northeast corner of a tract conveyed to Wolfe & Larned, Inc., a Texas corporation, and being on the west line of a 678.97 acre tract conveyed to DODGCO, Inc., a Texas non-profit corporation, recorded in Volume 2508, Page 937, Official Public Records, Taylor County, Texas;

THENCE North 89 degrees 17 minutes 36 seconds West, along the south line of said NE/4 of Section 53, for a distance of 1290.10 feet (called North 89 degrees 50 minutes West, 1291.0') to a found 3/8" iron rod on the east right of way of Highway 36 for the southwest corner of this tract, same being the northwest corner of 2.0 acre tract conveyed to Marvin L. Dean and wife, Myra A. Dean, recorded in Volume 1289, Page 600, Deed Records, Taylor County, Texas;

THENCE North 23 degrees 17 minutes 06 seconds West, along the east right of way of Highway 36, for a distance of 1651.74 feet (called North 23 degrees 47 minutes West, 1651.74') to a set 1/2" iron rod with plastic cap, stamped "H&T", for an angle point of this tract, same being the southernmost corner of a 16.88 acre tract conveyed to the City of Abilene, Texas, where an iron pipe fence corner post bears 3.32' North 20 degrees 57 minutes 51 seconds West;

THENCE North 52 degrees 42 minutes 59 seconds East for a distance of 907.70 feet (called North 52 degrees 17 minutes East, 907.7') to a set hole in concrete for an angle point of tract, same being the easternmost corner of the said 16.88 acre, where an iron pipe fence corner post bears 0.69' South 87 degrees 15 minutes 03 seconds West;

THENCE North 37 degrees 10 minutes 57 seconds West for a distance of 684.50 feet (called North 37 degrees 43 minutes West, 684.5') to a set concrete nail on the south right of way of FM 18, for an angle point of this tract, same being the northeast corner of the said 16.88 acre tract, where an iron pipe fence corner post bears 0.90' North 50 degrees 14 minutes 34 seconds East;

THENCE South 89 degrees 06 minutes 20 seconds East, along the south right of way of FM 18, for a distance of 1660.80 feet (called South 89 degrees 40 minutes East, 1660.8') to a found 3/8" iron rod for the northeast corner of this tract, being an angle point of the south right of way of FM 18, where the calculated northeast corner of the said NE/4 of Section 53 bears 50.0' North 00 degrees 34 minutes 35 seconds East;

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EXHIBIT "A"

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THENCE South 00 degrees 34 minutes 35 seconds West (being the Reference Bearing for this description), along the east line of said NE/4 of Section 53, at 40.0' pass an angle point of the south right of way of FM 18, continuing for a total distance of 2602.53 feet (called SOUTH, 2601.1') to the Point of Beginning, containing 94.68 acres.

Location:

Property located at State Highway 36 and FM 18

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for commercial development and related activities of a 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:

Development Generally:

Development shall be in accordance with the attached site plan (Exhibit B) and provisions of the text of this Exhibit.

Permitted Uses:

Assembly
Manufacturing
Warehousing
Offices

Outdoor Storage:

Outdoor storage is prohibited with the exception of the following:

- Items or materials may be stored outdoors if effectively screened from view of any public right-of-way. Screening may be achieved by use of masonry, wood, natural vegetation, plastic or metal materials that appear as masonry or wood, or any combination thereof.
- Freight containers are prohibited.
- Finished product may be stored outdoors without screening if located in the area designated for such in Exhibit B. Such storage must be maintained in an orderly manner at all times.

Landscaping:

Landscaping shall consist of xeriscape materials and shall be designed and maintained according to xeriscape principles.

Landscaping may include the use of berms, trees, shrubs, bushes, or other similar means.

Landscaping requirements and design shall be negotiated between the developer and City staff during site plan review. In the event that the parties are unable to agree upon said requirements or design, the developer may file an application to amend this PDD to resolve the outstanding issues.

Landscaping shall be provided between parking areas and the public right-of-way.

Clusters of trees should be located east and northeast of the developed area to provide focal points of visual interest and break the potential visual monotony created by the back side of a large industrial building as viewed from FM 18.

Signage:

1. Free-standing signs shall comply with the following:
 - A maximum of one free-standing sign per street frontage (this does not include any necessary directional or instructive signage located on-site.
 - Free-standing signs shall be monument signs with a maximum height of 10 feet and a maximum area of 100 square feet.
 - The sign shall be designed with masonry and/or designed in a manner consistent with the materials used on the building.
2. Wall Signs shall not exceed 10% of the area of the wall on which the signage is located. In no case shall wall signage exceed 200 square feet in area.
3. Prohibited Signs: Off-site advertising (billboards) and portable signs shall be prohibited

Driveway Access:

All driveways onto State right-of-way shall comply with State of Texas access management requirements.

Airport and Height related Provisions:

The parties recognize that this PDD is in close proximity to the Abilene Regional Airport and portions of 14 CFR Part 77, as amended, "Objects Affecting Navigable Airspace," are applicable for development. Accordingly, the parties agree to execute an Aviation Easement with appropriate height and other restrictions pertaining to the use of airspace, and any development within the PDD shall conform to the easement. A preliminary easement shall be executed within 60 days of approval of this PDD with a final easement to be executed upon completion of all appropriate documentation.

PART 8: Development Schedule. If a building permit for one or more structures is not approved within 24 months of the date of this ordinance, the Planning Director shall initiate rezoning of the PDD to AO (Agricultural Open Space).

-END-