

ORDINANCE NO. 28-2004

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-93 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 9th day of September, 2004 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 21st day of August, 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 23rd day of September, 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 23rd day of September,  
A.D. 2004.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:

  
CITY ATTORNEY

ORDINANCE NO. 28-2004

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 SC (Shopping Center) District to PDD (Planned Development District) 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. 28-2004  
EXHIBIT "A"  
Page 2

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

Humble Oil and Refining Company Subdivision of part of Block 10 of a replat of Block 10, 14, & 15 and Lots 9, 10, & 11 of Block 17 of Section 4, Brookhollow Addition.

Location:  
3282 S. 27<sup>th</sup> Street

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for commercial development and related activities of a tract located at 3282 S. 27<sup>th</sup>.

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

Permitted Uses:

- Uses allowed in SC (Shopping Center) zoning districts
- Used motor vehicle sales (not to exceed 1 ½ ton carrying capacity)
- Outdoor storage is limited to passenger vehicle sales only.

Setbacks:

- Structures shall be set back from the property line along S. 27<sup>th</sup> Street by 30 feet
- Structures shall be set back from the property line along S. Willis Street by 30 feet
- Vehicles for sale shall not be parked within the parkway of Willis Street, (defined by the first 18 feet off of the curb of Willis Street), nor on the parkway of South 27<sup>th</sup> Street, (defined by the first 8 feet off the curb of S. 27<sup>th</sup>)

Maximum Structure Height:

- Structures are limited to 40 feet in height.

Parking:

- Vehicles for sale shall be neatly stored within property lines.
- No more than 50 vehicles shall be for sale on the lot at any given time.
- On-site storage of inoperable or abandoned vehicles shall be prohibited.
- One parking space must be provided for every 600 square feet of floor area, plus 2 spaces per employee.

Landscaping and Buffers:

- The parkways shall remain landscaped.
- Additional landscaping (hedgerows, shrubs, or bushes) may be provided within the parkway areas.
- Xeriscape principles shall be utilized.

Signage:

- One pole sign on the existing pole shall be permitted at this location.
- Signage will comply with existing City standards or those adopted at a later date by the City Council, which ever is most restrictive.
- Monument signage is not permitted within the visibility triangle.
- No portable signs are permitted.

ORDINANCE NO. 28-2004  
EXHIBIT "A"  
Page 3

PART 8: Development Schedule. If vehicle sales on this site cease after 6 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to SC (Shopping Center).

-END-