

ORDINANCE NO. 10-2005

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-96 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 10th day of March 2005.

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 16th day of March, 2005, 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 14th day of April, 2005, 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 14th day of April, A.D. 2005.

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 LI (Light Industrial) 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:

CW Kenner Subdivision, Lot 4, less the southwest 3830 square feet.

Location: 4002 Buffalo Gap Road

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 4002 Buffalo Gap Road.

PART 7: Specific Modifications. The following regulations and the attached site plan shall govern the use and development of this Planned Development District, and where any conflict exists, this PDD text shall override the site plan.

Permitted Uses (except within the westernmost 500 feet):

The use of land shall be restricted to the following activities, except within the westernmost 500 feet of the property:

RESIDENTIAL

Multi-family
Townhouses

ACCESSORY AND INCIDENTAL

All Accessory Uses typical for the permitted uses on this list

CULTURAL AND RECREATIONAL

Arcade, for games
Art Galleries
Bowling Lanes
Civic, Social, and Fraternal Organizations
Libraries
Museums
Park and or Playground
Pool/Billiard Halls
Skating Rink
Theaters and Playhouses

EDUCATIONAL and RELIGIOUS

Art, Music and Dance Schools
Business, Commercial, Driving, or Trade Schools
Church or Place of Worship
Educational and Scientific Research
Kindergarten or Child Care
Youth Organizations or Centers

OFFICES

All types of Offices

SERVICES

Auctions (indoors only)

Carwash
Banking or other Financial Services
Beauty and Barber Shops
Blueprinting/Typesetting/Photocopying
Post offices
Catering
Diaper Services
Employment Services
Health Clubs
Interior Decorating
Self-Storage Units
Photographic
Printing
Tailoring
Travel Agency
Optical Shops

RETAIL TRADE

Antiques
Appliances
Bakery Products
Bicycles Books and Stationery
Cameras and Photographic Supplies
Christmas Trees
China/Glassware/Metal Products
Clothing and Apparel
Dairy Products, on-premise sales
Department Stores
Drug Store/Pharmacy
Farm Products
Floor coverings
Furniture and Home Furnishings
Furriers and Fur Apparel
Retail Gasoline Sales
Gifts, Novelties, and Souvenirs
Grocery Store (convenience type)
Grocery Store (supermarket)
Hardware
Hobby and Crafts
Jewelry
Music/Record Stores
Newspaper/Magazines
Pet and Pet Supplies
Florist
Radios/TVs
Restaurants (standard and fast food)
Shoes

Sporting Goods
Variety Stores

Permitted Uses (within the westernmost 500 feet):

The following activities shall be limited to the western-most 500 feet of the parcel:

- Self Storage Units
- Multi-Family Housing
- Town Houses
- Parks or Playgrounds
- Churches or Places of Worship

Access Standards:

A maximum of one driveway shall be permitted onto Buffalo Gap Road.

A maximum of three driveways shall be permitted onto Crossroads Drive

Building Setbacks (from property line):

Buffalo Gap Road: 30 feet

Crossroads Drive: 20 feet

Southern Property Line: 15 feet

Western Property Line: 20 feet

Northern Property Line adjacent to townhomes: 30 feet

Pavement Setback

All paved areas, except for permitted driveways and sidewalks, shall be at least 10 feet from any property line. The area within this setback shall be maintained with landscaping such as grass or other vegetative ground cover.

Screening and Fencing:

An opaque fence at least six feet in height shall be provided along the property line adjacent to the townhome property to the north. The existing fence on the townhome property shall be sufficient, but if that fence falls into disrepair or is removed it shall be replaced by an equivalent fence on the subject property.

Fencing materials such as chain link, razor wire, or barbed wire are prohibited.

Additional screening in the form of trees shall be provided along the property line where adjacent to the townhomes, at an average spacing of one tree for every 15 feet. Evergreen species shall make up at least 50 percent of these required trees. Trees must be a minimum of 2" caliper at planting.

Refuse containers, HVAC equipment, and other utility or mechanical equipment shall be screened from view from the public right-of-way.

Lighting:

All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Zoning Ordinance. Additionally, all lighting shall be fully shielded and directed away from adjacent residential areas.

Landscaping and Buffers:

- The parkways shall remain landscaped.
- A minimum 10' width of landscaping shall be provided along all street frontages to include additional shrubs, grasses, or other low-profile materials.
- Xeriscape principles and drought tolerant landscaping shall be utilized.

Signage:

One monument-style group sign is permitted. The sign shall not exceed 8 feet in height or 10 feet in width. Sign design shall include low-profile landscaping along bottom of sign. Signage will comply with existing City standards for signage, or those adopted at a later date by the City Council, whichever is more restrictive.

The following temporary signs shall not be permitted on this site: banners, balloons, pennants, or portable signs.

Storage and Display:

No freight containers shall be permitted.

No outdoor storage of materials shall be permitted.

-END-