

ORDINANCE NO. 62-2005

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-100 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 Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 17th day of November, 2005 A.D.

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 13th day of October, 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 1st day of December, 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 1st day of December, A.D. 2005.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

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

7.2 acres out of the north half of the southwest quarter of Survey 22, Lunatic Asylum Lands, Abilene, Taylor County, Texas, more specifically described as:

BEING a 7.195 acre tract of land out of part of Survey 22, Lunatic Asylum Lands, Taylor County, Texas, described by metes and bounds as follows:

BEGINNING at a corner fence post set for the S.E. corner of a 10 acre tract of land, 813.43 feet East and 2877.01 feet South of the N.W. corner of Survey 22, Lunatic Asylum Lands, Taylor County, Texas for the S.W. and beginning corner of this tract;

THENCE North 00 deg. 05 min. West 757 feet along the E.B.L. of said 10 acre tract to a corner fence post set in the S.B.L. of F.M. Highway 707 for the N.E. corner of said 10 acre tract and the N.W. corner of this tract, said point being in a curve to the left having a central angle of 74 deg. and 00 min.;

THENCE around said curve and along the S.B.L. of said F.M. Highway 707, 465.51 feet to an iron pin set for the N.E. corner of this tract;

THENCE South 01 deg. 01 min. West 1045.28 feet along an old fence line to an iron pin set for the S.E. corner of this tract;

THENCE North 39 deg. 05 min. West 316.81 feet to the place of beginning.

Location: roughly 700 feet east of Hwy 83/84 on the south side of Beltway South.

PERMITTED USES

RESIDENTIAL USES:

- Duplexes
- Multi-Family Dwellings
- * Patio Homes
- Single-Family Detached Dwellings
- * Townhouses

ACCESSORY AND INCIDENTAL USES:

- * Accessory Building
- * Fences, Walls and Hedges
- Satellite Dish antenna
- * Swimming Pools, Private (accessory to residential use)
- * Tennis Courts, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

- Art Galleries
- * Ballfields and Ballparks (non-commercial)
- Civic, Social, and Fraternal Organizations
- Libraries
- Museums
- Park and/or Playground
- Play Lots or Tot Lots
- Skating Rink
- * Swimming Pool, Public or Private (not accessory or residential use)
- * Tennis Courts, Public or Private (not accessory or residential use)
- Theaters and Playhouses (See also Drive-In Movies)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- Governmental Administration Offices
- Hospitals
- Medical and Dental Clinic or Office
- Optical Shop
- Post Office
- Social Service Organization Facility (i.e. Salvation Army, United, Heart Association)
- Social Service Organization Offices
- Fire Station

EDUCATIONAL AND RELIGIOUS USES:

- Art, Music, and Dancing Schools
- Business Schools
- * Church of Place of Worship
- Commercial Trade School
- * Kindergarten or Child Care Center
- University or College

Youth Organizations and Centers (i.e. Boy Scouts, YMCA, YWCA)

OFFICE-TYPE USES:

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

SERVICES (OTHER THAN OFFICE-TYPE):

Banking Services
Banking Services (remote automatic)
Beauty and Barber Services
Blueprinting and Photocopying 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
Labor Unions
* Landscaping Services
Laundry and Dry Cleaning Services (Retail only, no service for pick-up stations)
Photoengraving
Photographic Services
Printing (commercial)
Savings and Loan Associations
Shoe Repair, Shoe Shining, and Hat Cleaning Services
Storage (self-service units)
Travel Arranging and Ticket Services
* Veterinary Service (small animals)
Watch, Clock and Jewelry Repair Service

TRADE-RETAIL USES:

Appliances (household)
Automobile Parts and Supplies (new merchandise only)

Bakery Products (on-premise sales)
Bicycles (includes servicing)
Book and Stationery
Cameras and Photographic Supplies
China, Glassware, and Metalware
Christmas Trees
Clothing and Apparel Accessories
Drug Store/Pharmacy
Electrical and Electronic Supplies
Farm and Garden Supplies (not including heavy machine equipment)
Hardware
Hobby and Craft Supplies
Jewelry
Keys and Locks
* Liquor Store Off-premise Consumption (unrestricted)
Music Supplies and/or Records
Newspapers and Magazines
Office Supplies and Equipment
Optical Goods
Pets and Pet Supplies
Plant Material (flowers and household plants only)
Restaurants, Standard and Fast Food
Shoes
Sporting Goods and Athletic Equipment

TRANSPORTATION, COMMUNICATION AND UTILITIES:

Gas Line Regulating or Compression Station
Sewage Pressure Control Stations and Lift Stations
Telegraph Office
Water Pressure Control Stations
Water Storage

* Permitted Subject to Compliance with Conditions Described within
Section 23-306.5 of Zoning Ordinance

A. Access Standards

1. As permitted by the Texas Department of Transportation

B. Building Setbacks (From Property Lines)

1. Front (along Beltway South): 30 Feet
2. Side and rear setbacks are 10 feet if they are screened from neighboring properties by at least a 6 foot tall opaque fence to be kept in good repair. If there is no such fence, the setbacks will be as follows:
3. South (rear) Property Line: 25 Feet

4. East Property Line: 25 Feet

5. West Property Line: 10 Feet

C. Pavement Setback

1. All paved areas, except for permitted driveways, sidewalks, and areas that are screened by a 6 foot opaque fence shall be at least 10 feet from any property line.

2. The area within the pavement setback shall be maintained with grass or other vegetative ground cover.

D. Landscaping

1. A minimum 10' width of landscaping shall be provided along Beltway South in the required setback area to include shrubs and grasses or other low-profile materials.

2. Xeriscape principles and drought tolerant landscaping shall be utilized.

E. Screening and Fencing

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

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

3. See Building Setbacks for additional fencing requirements.

F. Lighting

1. 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.

G. Signage

1. The following signs shall not be permitted: banners, balloons, pennants, or portable signs.

2. Signage shall be to the standards of the LC zoning district at the time of application for a sign permit, with the following exception: 1 sign shall be allowed per lot fronting Beltway South, plus 1 additional sign.

H. Storage and Display

1. No freight containers shall be permitted.

2. Storage of materials and equipment must be screened by an opaque fence and cannot be visible from the public right-of-way or adjacent properties.

J. Building Design

1. Front exterior façades shall be at least 70% masonry, brick, stone, stucco, or any combination of the preceding.

2. Any exterior façade other than the front that is visible from any public-right-of-way shall be at least 50% masonry, brick, stone, stucco, or any combination of the preceding.