

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

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 One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 8 day of August, A.D. 19 85.

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 4 day of August, 19 85, 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 22 day of August, 19 85, 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 22 day of \_\_\_\_\_

August, A.D. 19 85.

ATTEST:

Patricia Potter  
CITY SECRETARY

David Stubbeman  
MAYOR

APPROVED:

McHenry Campbell

# 1. Z-05985

Rezone the following property from ~~Residential Single-Family (RS-6)~~ **PARK INDUSTRIAL (PI)** to Planned Development Mixed Use (PDMX) district:

Lots 201-207 and Lots 102-109 and Lot 8, Block B; and Lots 1 and 2, Block A, all in Windmill Acres Subdivision, Abilene, Taylor County, Texas, and located on Windmill Circle.

SUBJECT TO the design criteria and development conditions stipulated below:

NAME. This PDMX district shall hereafter be known and referred to as the "Oaks Planned Development Mixed Use" district.

SUBDIVISION AND PLATTING. Except as otherwise specified herein and on the attached site plan, land within this PDMX district shall be resubdivided according to the City of Abilene's Subdivision Regulations in effect at the time of resubdivision. Amendment of this Planned Development ordinance shall not be necessary for resubdivision; however, the regulations herein described and regarding land use and development shall remain applicable to the areas described below, unless such regulations are modified by amendment to this ordinance.

BUILDING SPECIFICATIONS. All structures in the Oaks Planned Development Mixed Use district shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

DEVELOPMENT SPECIFICATIONS. All use and development within the Oaks Planned Development Mixed Use district must be in compliance with the Zoning Ordinance of the City of Abilene, except as may otherwise be specified herein for Areas 1 and 2.

## AREA 1

Use and development of land shall conform with regulations applicable to the General Commercial (GC) zoning classification, except for the following features.

1. The following principal activities shall not be permitted:

- automobile and small truck repair, painting, body work and servicing
- building construction services
- cabinet making
- electrical appliance repair, large
- furniture repair and storage services
- electrical installation and repair
- landscaping services
- painting, paperhanging services
- sales of gasoline (with and including automobile services)
- sales of mobile homes, camping trailers and motor homes
- sales of plant materials, other than flowers and household plants.

2. Outdoor storage of material, inventory and equipment shall be screened by a solid, opaque wall or fence at least six (6) feet in height.

3. Free-standing business or identification signs shall be limited to one such sign per business, no larger than 150 square feet in area or more than 35 feet in height. Roof-type signs shall be prohibited. Free-standing business or identification signs shall be set back from any streetside boundary by a minimum of ten (10) feet.

4. All areas for truck loading and storage shall have a surface composed of asphaltic or portland cement binder pavement, except that areas intended for truck loading and storage (only) may be surfaced by gravel, so long as such areas are screened by a solid, opaque wall or fence at least six <sup>(6)</sup> feet high. **60198**

5. All buildings shall be set back from lot boundaries as set forth below:

from boundaries adjoining Windmill Circle	- - - - -	25 feet
from boundaries adjoining U.S. Hwy 83/84	- - - - -	30 feet
from (interior) side boundaries	- - - - -	10 feet
from rear boundaries	- - - - -	20 feet

6. Sales, rental and leasing of automobiles and small trucks shall be permitted only under the following conditions:

- a. Any secondary activities (accessory to sales, rental and leasing) and involving automotive servicing or repair shall be located on the (interior) side or rear of the tract on which it is located, so that such activities are not generally visible from direct street view.
- b. A landscaped area shall be extended around the streetside boundary of any portion of the tract used for parking, display or storage of automobile or trucks. Such landscaped area shall be at least 10 feet wide and be located entirely on private property. Landscaping shall mean the planting of living materials such as grass, trees or shrubs.
- c. A minimum of 10 percent of the tract shall be landscaped. Landscaping shall mean the planting of living materials such as grass, trees or shrubs. The required landscaped area extended around the streetside boundary (and described in item b directly above) may be included in the required 10% landscaped area.
- d. Lighting of such activities shall not include exposed, bare bulbs.

AREA 2

Use and development of land shall conform with regulations applicable to the Heavy Commercial zoning classification, except for the following features:

1. Manufacturing activity permitted within the Park Industrial classification shall also be permitted within this Area 2 of the proposed PDMX.
2. Outdoor storage of materials, equipment and inventory shall be screened by a solid, opaque fence at least six (6) feet high.
3. Free-standing business or identification signs shall be limited to one such sign per business, no larger than 100 square feet in area and standing at a height no taller than 25 feet. No roof signs or marquees shall be permitted for business or identification purposes.
4. All areas for automobile and truck loading shall have a surface composed of asphaltic or portland cement binder pavement, except that areas intended for truck loading and storage (only) may be surfaced by gravel, so long as such areas are screened by a solid, opaque wall or fence at least six (6) feet high.
5. All buildings or structures (except for unattached accessory buildings, fences, walls, hedges and signs) shall be set back from lot boundaries as follows:

from streetside lot boundaries	- - - - -	25 feet
from interior side boundaries	- - - - -	10 feet (minimum)
total of both interior side setbacks	- - - - -	30 feet
from rear lot boundaries	- - - - -	25 feet
6. The maximum height of all structures on the site shall be two (2) stories or 30 feet, whichever is less.

7. In addition to operational and performance standards set forth by the Zoning Ordinance (and any other applicable code of the City) for Heavy Commercial districts, the following standards shall also be applicable within this Area 2 of the proposed PDMX:

- a. Any condition or operation which results in the creation of odor of such intensity and character as to unreasonably interfere with the comfort of the public shall be removed, stopped or modified so as to remove the odor.
- b. Any unreasonable or disturbing vibration causing material discomfort, distress or injury to persons of ordinary sensibility shall be prohibited.
- c. Heat processes used in welding shall not be discernible at the lot line.
- d. Materials or equipment stored out-of-doors shall not exceed 12 feet in height (except of mobile vehicles, trailers and attachments).

## 2. Z-06485

Rezone the following property from Residential Single Family (RS-8) to Residential Multi-Family (RM-3) district:

BEING 1.190 acre of land out of the south one half (S/2) of Lot 10, G. J. Roberts Addition out of the A. Greenwall Survey No. 100, Abilene, Taylor County, Texas, and described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod, set, for the SW corner of said Lot 10, from which the called for SW corner of the A. Greenwall Survey No. 100 bears S 23°58'15" W 1252.5 feet and S 0°21' W 13 feet and N 89°39' W 4395.9 feet;

THENCE N 23°58'15" E 131.68 feet along the recognized west boundary line of said Lot 10 to a 3/8" iron rod, set, for the NW corner of this tract;

THENCE S 82°18' E 409.41 feet to a 3/8" iron rod, set, on the west boundary line of Buffalo Gap Road (FM 89) for the NE corner of this tract;

THENCE S 22°53' W 56.50 feet along the west boundary line of FM 89 to a bronze disc for a corner;

THENCE S 24°20' W 75.02 feet to a 3/8" iron rod, set, for the SE corner of this tract, from which a bronze disc bears S 24°20' W 130.88 feet;

THENCE N 82°18' W 410.03 feet along the south boundary line of said Lot 10 to the POINT OF BEGINNING, and containing 1.190 acre of land, more or less.

located at 6000 Buffalo Gap Road.

# Z-06985

Rezone the following property from Residential Single-Family (RS-6) to Planned Development Mixed Use (PDMX) district:

Lot 1, the eastern 237 feet of Lot 3, the eastern 234.5 feet of Lot 4, and all except the eastern 213 feet of the north 106.75 feet of Lot 2, Block 1 of the Over Place Addition to the City of Abilene, Taylor County, Texas, and located at the northwest corner of South 27th Street and Buffalo Gap Road.

SUBJECT TO the design criteria and development conditions stipulated below:

NAME. This PDMX district shall hereafter be known and referred to as the "Over Place Planned Development Mixed Use" district.

SUBDIVISION AND PLATTING. Except as otherwise specified herein and on the attached site plan, land within this PDMX district shall be resubdivided according to the City of Abilene's Subdivision Regulations in effect at the time of resubdivision. Amendment of this Planned Development ordinance shall not be necessary for resubdivision; however, the regulations herein described and regarding land use and development shall remain applicable to the tracts represented on the attached site plan, unless such regulations are modified by amendment to this ordinance.

BUILDING SPECIFICATIONS. All structures in the Over Place Planned Development Mixed Use district shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

DEVELOPMENT SPECIFICATIONS. All use and development within the Over Place Planned Development Mixed Use district must be in compliance with the Zoning Ordinance of the City of Abilene, except as may otherwise be specified herein for Tracts 1, 2, 3 and 4. In addition, all development in the Over Place PDMX district shall generally be in accordance with the site plan filed in connection with this requested Planned Development district, which is hereby incorporated by reference and included as Exhibit A-1.

## TRACT 1

Permitted use. The use of land shall be restricted to activities permitted within the Shopping Center (SC) zoning classification.

Building Height. Buildings shall be limited in height to no more than one story, which shall be no more than 25 feet in height, excluding architectural exceptions normally permitted by Zoning Ordinance.

Building Setbacks. All buildings shall be set back from lot boundaries as prescribed below:

from boundaries adjoining Buffalo Gap Road and	
South 27th Street	35 feet
from other rear and (interior) side lot	
boundaries	10 feet

Auto Parking. Unless some specific use may be identified (for which parking demand may be more specifically measured), area for off-street automobile parking and maneuvering shall be provided at a ratio of 1 space/222 square feet of gross floor area for unspecified retail trade and 1 space/200 square feet of gross floor area devoted to retail sale of groceries (supermarket). Parking for all activities shall otherwise be in conformance with the Zoning Ordinance and all other applicable municipal codes.

Truck Loading. Each separate business or activity having greater than 10,000 square feet of gross floor area shall be provided with a minimum of one truck loading space. One additional loading space shall be provided for each additional 20,000 square feet (or major fraction thereof) in access of 10,000 square feet of gross floor area. Each truck loading space shall be at least 12 feet wide and 30 feet long. Each truck loading space, as well as driveway and maneuvering areas thereto, should have an all-weather surface composed of asphaltic or portland cement binder pavement. Such loading areas shall be screened from streetside boundaries by an opaque wall or fence at least six (6) feet high.

Other Screening. Rear and (interior) side boundaries of the PDS shall be screened by an opaque wall or fence at least six feet in height.

Landscaping. Except where intersected by permitted driveway entrances, a landscaped area shall be extended around the streetside boundaries of Tract 1. The landscaped areas should be at least 10 feet wide and located entirely on private property. Landscaping shall mean the planting and maintenance of living materials such as grass, trees or shrubs.

Driveway and Parking Arrangement. The terminus of each parking aisle for 12 or more vehicles shall be designated by raised barriers at least 3 feet wide, measured perpendicularly from the midpoint on the closest edge of the adjacent parking stall. This raised barrier shall be designed so as to help guide traffic through the parking lot, and it should include appropriate turning radii from the end of parking aisles to the edge of pavement on the driveway providing access to parking aisles. This raised barrier shall be constructed of masonry-like material.

No more than two driveway entrances/exits shall be permitted onto Buffalo Gap Road and South 27th Street.

Signs. Except as otherwise specified below, no more than one (1) business sign shall be permitted per business, and such sign shall be a wall sign no larger than 25% of the building wall to which it is attached.

- a. Any supermarket located on the site may be permitted one free-standing sign no more than 150 square feet in area and extending no more than 30 feet in height.
- b. Any shopping center located on the site shall have no more than one free-standing sign per street frontage, identifying the name of the shopping center development. Such sign shall be no more than 150 square feet in area and extend no more than 30 feet in height.

TRACTS 2, 3 and 4

Permitted Use. The use of the land shall be restricted to activities permitted within the Shopping Center (SC) zoning classification, except for the following:

- a. automobile (car) wash,
- b. retail sale of automobile parts and supplies (including tires),
- c. retail sale of gasoline (with and including automobile servicing).

Building Height. Buildings shall be limited in height to no more than one story, which shall be no more than 25 feet in height, excluding architectural exceptions normally permitted by Zoning Ordinance.

Building Setbacks. All buildings shall be set back from lot boundaries as prescribed below:

from boundaries adjoining streets - - - - - 20 feet  
from other rear and (interior) side  
boundaries - - - - - 10 feet

Auto Parking. Off-street areas for automobile parking and maneuvering shall be provided in conformance with requirements set forth in the City of Abilene's Zoning Ordinance.

Driveway Arrangement. No driveway entrances/exits shall be permitted from Tracts 3 and 4 onto adjoining streets. One (1) driveway entrance/exit shall be permitted onto Buffalo Gap Road from Tract 2, situated near the northwestern corner of the Over Place PDMX district.

Signs. There shall be permitted no more than two business signs on each of Tracts 2, 3 and 4:

- a. One wall sign covering no more than 25% of the wall area to which it is attached.
- b. One free-standing sign being no more than 150 feet in area and no more than 30 feet in height.