

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #52 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 5 day of November A.D. 19 92.

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 1 day of November, 19 92, 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 19 day of November, 19 92, 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 19 day of November, A.D. 19 92.

ATTEST:

[Signature]
CITY SECRETARY

[Signature]
MAYOR

APPROVED:

[Signature]
CITY ATTORNEY 00300

ORDINANCE NO. 48-1992

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. Site Plan (and vicinity map) is attached as Exhibit B.

Further, all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of this P.D.D. are hereby incorporated by reference and included as part of this ordinance. (Some of these documents may be attached as Exhibit C.)

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) District to PDMX (Planned Development Mixed Use) 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 P.D.D. is as follows:

Being 7.69 acres of land out of a 96.3 acre tract out of the M. Talbot Survey 102, Taylor County, Texas, and being more particularly described as follow:

BEGINNING at a iron pin at the Southeast corner of a 10.0 acre tract on the West boudary line of Buffalo Gap Road whence the Northwest corner of said M. Talbot Survey bears S89deg.50'W 1110.8', N0deg.10'W 366.1' and S89deg.50'W 5699.4';

THENCE S24deg.09'W 401.25' along the West boundary line of Buffalo Gap Road to an iron pin;

THENCE S89deg.51'W 1165.2' to a point;

THENCE N46deg.58½'E 220.4' to a point;

THENCE N89deg.51'E 300.0' to a point;

THENCE N22deg.09½'E 232.8' to a point;

THENCE N89deg.50'E 780.4' to the point of beginning and containing 7.69 acres of land.

PART 6: Purpose: The purpose of the Planned Development district is to provide space for commercial development on available land beside a major thoroughfare, while at the same time achieving the following objectives:

- A. Help improve the overall appearance of commercial use at this highly visible location beside a major entrance to the city.
- B. Mitigate the sometimes unsightly, sometimes obtrusive appearance of commercial activity from adjacent residential development, and recognize that future residential development fronting Buffalo Gap Road is very unlikely.
- C. Ensure a degree of environmental quality that is compatible with the surrounding areas and consistent with the proposals outlined in the Entryway Ordinance.

PART 7: Specific Modifications:

- A. Use and development of land shall conform with regulations applicable to the General Commercial zoning classifications, except for the following features:

1. The following principal activities shall not be permitted:

Residential Use

Vacation Travel Trailers (See also Vacation Travel Trailer Parks)

Vacation Travel Trailer Parks (See Mobile Home and Vacation Travel Trailer Parks Ordinance)

Accessory and Incidental uses:

Mobile Home (office for sales and service)

Cultural and Recreational Uses:

Ballfields and Ballparks (non-commercial)

Boat Rentals and Boat Access Sites

Bowling Lanes

Drive-In Movies

Golf Driving Range

Golf (Par 3, Pitch and Putt, Miniature)

Park and/or Playground

Swimming Pool, Public or Private (not accessory to residential use)

Tennis Courts, Public or Private (not accessory to residential Use)
Zoos

Educational and Religious Uses:

Cemeteries, Crematoriums, and Mausoleums

Services (other than office-type):

Automobile and Small Truck (1-1/2 ton or less) Rental and Leasing
Automobile and Small Truck (1-1/2 ton or less) Repair, Painting,
Body Work and Servicing Only
Automobile Wash
Storage (self-service units)
Tool and Equipment Rental

Trade-Retail Uses:

Auction (permanent, on-premise)
Automobile and Small Truck (not to exceed 1-1/2 ton) Sales and/or
Service
Bait Store and Live Bait Sales
Farm Products (open air)
Gasoline
Gasoline (with and including automobile service)
Grocery Store (convenience type)
Grocery Store (supermarket)
Liquor Store On-premise Consumption
Mobile Homes, Camping, and Travel Trailers
Monuments
Motorcycles Sales and Service
Motorized Camping Trailers and Motor Homes
Pawn Shop
Secondhand Merchandise (includes flea markets)

Transportation, Communication and Utilities:

Electric Substations
Gas Line Regulating or Compression Stations
Petroleum Pressure Control Stations
Radio Studios (with broadcast tower)
Radio Broadcast Tower
Sewage Pressure Control Stations and Lift Stations
Television Studios (with broadcast tower)
Television Transmitting Stations and Relay Tower

Water Pressure Control Stations
Water Storage

Resource Production and Extraction Uses:
Petroleum and Gas Well

2. Outdoor storage of material, inventory and equipment shall be prohibited.
3. Free-standing business or identification signs shall be limited to one such sign per business, no larger than 100 square feet in area or more than 25 feet in height, and shall be set back a minimum of 10 feet from any streetside boundary, and in no case shall be in the right-of-way.
4. All buildings or structures shall be set back from property boundary lines the following distances:

Front	20'
Side	10'
Rear	20'
Exterior side	15'
5. All buildings or structures shall face the interior street within the PDD and none shall face Buffalo Gap Road
6. The exterior property lines north and south of the interior drive, parallel to Buffalo Gap Road, shall be screened by landscaping a minimum of 4 feet in height, or by a solid opaque fence or masonry wall at least 6 feet in height. Landscape screening may be accomplished by use of berming, shrubs, trees, bushes, or similar means, provided the screening effect closely resembles that furnished by a wall or fence. Should a wall or fence be used, one tree per 20 feet of frontage shall be planted along Buffalo Gap Road exterior to the wall or fence, and on private property.
7. The property lines along the exterior boundary lines on the north, south, and west sides of the PDD shall be screened by a solid, opaque fence or masonry wall a minimum of 6 feet in height.
8. The maximum height of all structures within the PDD shall be 30 feet or 2 stories, whichever is less.

- B. Resubdivision of any or more lots represented on the site plan (attached as Exhibit B) shall be undertaken in conformance with Subdivision Regulations of the City of Abilene applicable at the time of resubdivision. Amendment of this Planned Development ordinance shall not be necessary for resubdivision; however, above-described regulations regarding use and development shall remain applicable to the lots represented on the attached site plan, unless such regulations are modified by amendment to this ordinance.