

ORDINANCE NO. 40-2004

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 2nd day of December, 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 16th day of November, 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 16th day of December, 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 16th day of December, A.D. 2004.

ATTEST:

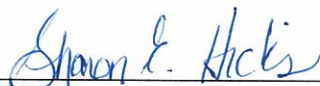


CITY SECRETARY



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 LC (Limited Commercial) and AO (Agricultural Open Space) 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.

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

A 1.307 acres out of the Southern part of Lot 203, Block "A", a replat of part of Lot 101, and Lot 102, Block "A", Section 1, Hunter's Creek Addition, Abilene, Taylor County, Texas, recorded in Plat Cabinet 3, Slide 338;

All of Lot 1, Block A, Mindy Morris Subdivision, Abilene, Taylor County, Texas, recorded in Plat Cabinet 3, Slide 104;

All of 0.57 of an acre tract out of the North 5 acres of the Gooch 10 acre tract, located in the J. Smith Survey No. 99, Abilene, Taylor County, Texas, recorded in Official Public Records Volume 2003, Page 636; and

All of 5 acre tract out of the 10 acre tract out of the SWC of the 148 acre tract of the J. Smith Survey No. 99, Taylor County, Texas, recorded in Deed Records Volume 828, page 695;

And being more particularly described as follows:

BEGINNING at a point on the East right of way line of Buffalo Gap Road (120 foot right of way), said point bears North 34 degrees 11 minutes 30 seconds East a distance of 227.12 feet from the Southwest corner of said Lot 203, Block A, Hunter's Creek Addition;

THENCE South 55 degrees 48 minutes 30 seconds East a distance of 160.00 feet to a point for corner;

THENCE South 81 degrees 28 minutes 37 seconds East a distance of 106.44 feet to a point for corner;

THENCE South 89 degrees 56 minutes 49 East a distance of 200.00 feet to a point on the West line of a 20 foot Alley, for corner;

THENCE South 00 degrees 03 minutes 10 seconds West a distance of 82.51 feet to the Southeast corner of said Lot 203, Block A, said point also being on the North line of said Lot 1, Block A, Mindy Morris Subdivision, for corner;

THENCE South 89 degrees 56 minutes 49 seconds East along the North line of said Mindy Morris Subdivision, a distance of 404.75 feet to the Northeast corner of said Mindy Morris Subdivision;

THENCE South 00 degrees 28 minutes 10 seconds East at 185.02 feet past the Southeast corner of said Mindy Morris Subdivision, same being the Northeast corner of said 5 acre

tract, continuing on for a total distance of 391.92 feet to the Southeast corner of said 5 acre tract, for corner;

THENCE North 89 degrees 58 minutes 04 seconds West along the South line of said 5 acre tract, a distance of 1239.53 feet to a point on the East line of said Buffalo Gap Road, for corner;

THENCE, North 34 degrees 11 minutes 30 seconds East along the East right of way line of said Buffalo Gap Road, at 25.90 feet past the Southwest corner of said 0.57 of an acre tract, at 360.7 feet past the Northwest corner of said 0.57 of an acre tract, at 474.04 feet past the Southwest corner of said Lot 203, continuing on for a total distance of 701.16 feet to the place of beginning, containing 11.251 acres of land.

Location: 5309, 5317, and 5333 Buffalo Gap Road

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for development of a tract located in the 5300 block of Buffalo Gap Road.

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

Permitted Uses:

The following uses shall be permitted only within the area designated as part of the Corridor Overlay, which includes the first 600 feet of the parcel from the centerline of Buffalo Gap Road:

- Specialty stores limited to no more than 5,000 square feet in area, with no outdoor storage of merchandise.
- Banking
- Beauty or Barber Services
- Fitness Center or Health Club
- Dry Cleaners
- Photographic Services
- Standard Restaurant
- Child Care Facility

The following uses shall be permitted on any portion of the parcel:

- Offices (including but not limited to: Engineering, Medical, Dental, Law Firms, Governmental)
- Art Galleries
- Art, Music, Dancing Schools
- Educational Uses
- Youth Organizations
- Social Service Organizations
- Residential Uses not to exceed a density of 4 units per acre
- Lot size shall be a minimum of 60 feet in width by 100 feet in depth

Prohibited Uses:

Outdoor storage of materials, merchandise, supplies, or equipment.
Freight Containers.

All development on site is subject to site plan review.

Setbacks:

The following setbacks shall be applied to the parcel:

- Where adjacent to Residential zoning (RS or RM), setbacks shall be 35 feet
- All other property lines shall have a setback of 20 feet.
- For all property adjacent to Buffalo Gap Road, setbacks shall be 30 feet
- For any two-story structure (commercial or residential) abutting RS zoning, the setback shall be 50 feet.

Access:

- Driveways and access points shall be developed in accordance with TxDOT standards.

Lighting/Illumination:

- Lighting for driveways or other common areas shall be in accordance with the regulations stated in the City of Abilene Zoning Ordinance.
- Lighting shall be fully shielded and directed away from residential areas adjacent to the subject parcels.

Landscaping and Buffers:

- All Corridor Overlay regulations for screening and landscaping, including landscaping for off-street parking areas, shall apply to the site, including those portions of the site deemed to be outside of the Corridor Overlay.
- Existing trees on site determined to be healthy shall be preserved to the greatest extent possible.
- Xeriscape principles shall be utilized.
- All landscaped areas shall be maintained by the property owner.
- All landscaping and screening shall be kept in a vigorous and healthy condition, free from disease, pests, weeds, and litter.

Signage:

- A single monument sign, not to exceed 20 feet in height, and 250 square feet in area shall be permitted.
- Wall signage is permitted and shall conform to the regulations stated in the Corridor Overlay regarding wall signs.
- Multiple businesses may be identified on one sign.
- No portable signs (banners, balloons, temporary advertising signs) shall be allowed.
- Pennants, streamers, or similar devices used for attracting attention are prohibited.
- Off-site advertising is prohibited
- One monument sign shall be permitted for each building in the development, not to exceed 3 ½ feet in height and a maximum area of 25 square feet.