

ORDINANCE NO. 18-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-108 A 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 11th day of May A.D. 2006.

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 12th day of April, 2006, 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 23rd day of May, 2006, 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 23rd day of May, A.D. 2006.

ATTEST:




CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

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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 possession of 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 any 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 O (Office), SC (Shopping Center) and RM-1 (Residential Multi-family) 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.

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EXHIBIT "A"

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

Lot 103, Block 1, Harris Addition

Location:

1290 S. Willis St.

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for commercial development and related activities of a tract, which has previously been limited to office activities.

PART 7: Specific Modifications. Regulations as found in the LC district shall govern the use and development of this Planned Development District except where specified below.

A. PERMITTED USES:

All uses permitted in the Limited Commercial Zoning District with the exception of the following shall be permitted by right:

- Auction Services
- Gasoline
- Convenience Stores
- Standard Restaurants
- Nursing Home
- Post Office
- Art, Music or Dancing Schools
- Laundering and Dry Cleaning
- Bakery Product Sales
- Dairy Product Sales
- Fruit & Vegetable Sales
- Meat and Fish Sales
- Tobacco Product Sales

B. SITE DEVELOPMENT

1. **Site Plan:** The site must remain in conformance with the approved site plan attached to this ordinance as Exhibit "B" with the exception that additional parking may be added to the site in compliance with city standards for parking and maneuvering.
2. **Building Materials (applies to any exterior remodeling of the building which occurs after the adoption date of this ordinance):**
 - a. Any exterior remodeling or new construction must be completed with materials and construction similar to or of higher quality than the existing building.
 - b. Elevation plans shall be submitted with the Site Plan, or building plans if no site plan is required, for review and approval by the Planning Director. Any variation from the materials listed above will be subject to review and may be permissible at the discretion of the Planning Director.
3. **Off-street parking:**
 - a. A minimum of 148 spaces shall be maintained at all times.
 - b. The site must comply with all other parking requirements of the City of Abilene.

4. Driveway Access

- a. Only one driveway shall be permitted onto S. Willis St. and it shall comply with all City of Abilene access management regulations.
- b. Internal circulation of vehicular and pedestrian traffic shall be required throughout the PDD.

5. Signage

Signs shall comply with the City of Abilene Sign Regulations except as modified below:

- a. Freestanding/Monument Signs:
One free-standing sign shall be permitted in the PDD with a maximum height of 18 feet and a maximum area of 100 square feet.
- b. Wall Signs
Wall signage may not exceed 10% of the area of any wall on which the sign(s) is(are) located and must be attached to a permitted structure.
- c. Banners
Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.
- d. Prohibited Signs
 - (1) Portable Signs
 - (2) Off-site Advertising

6. Landscaping and Buffers

- a. Xeriscape principles shall be utilized for any landscaping.
- b. All parkways shall be landscaped.

7. Outdoor Storage and Display

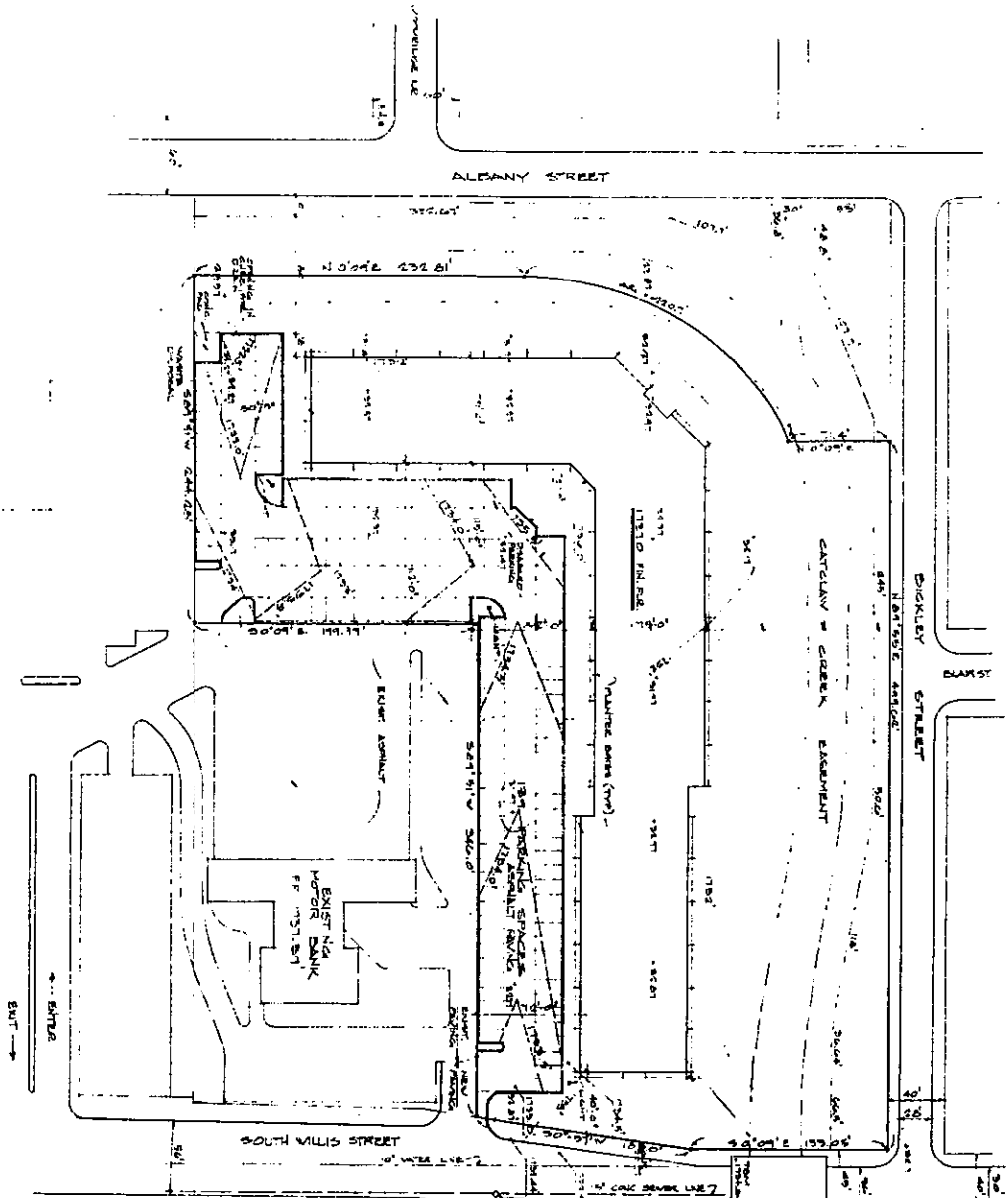
- a. Outdoor display of merchandise is prohibited.
- b. Outdoor storage is prohibited.

8. Freight Containers are prohibited.

9. 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 residential areas.

10. Nonconformities: Any nonconformities created by the passage of this ordinance shall be subject to all stipulations for such nonconformities as found in the Zoning Ordinance of the City of Abilene.

EXHIBIT "B"



SITE PLAN
SCALE: 1/4" = 1'-0"

LEGAL DESCRIPTION:
REAR PART OF PART OF LOT 3,
BLOCK 11, OF A REAR PART OF
PART OF LOTS 1 AND 4,
BLOCK 7, HARPER ADDITION
ABILENE, TAYLOR COUNTY, TEXAS.



NOT TO SCALE
DATE 10-19-77
DRAWN BY [Signature]
CHECKED BY [Signature]
PROPOSED BUT SEE OFFICE

ARCHITECT + ENGINEER ASSOC.
VICKY GALLER - ARCHITECT
JOHN R. DUTTON - STRUCTURAL ENGINEER
[Signature]
[Signature]

Date 10-19-77

THIS SITE PLAN IS HEREBY
APPROVED BY THE SITE PLAN
COMMISSION OF THE CITY OF
ABILENE, TEXAS

[Signature]
DIRECTOR

Attest: [Signature]
BUILDING OFFICIAL

SITE PLAN No. 310-9



A-1	CONSTRUCTION DESIGN ASSOCIATES FORT WORTH, TEXAS	OFFICE BUILDING ABILENE, TEXAS	[Signature]
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