

ORDINANCE NO. 1-2007

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-117 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 21st day of December A.D. 2006.

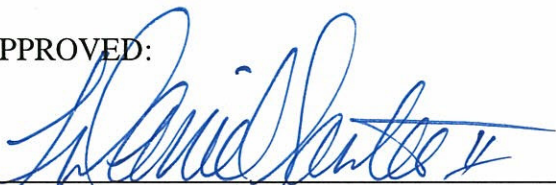
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of November, 2006, the same 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 5:30 p.m., on the 11th day of January, 2007, 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 11th day of January, A.D. 2007.

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, which 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 RM-3 (Multi-family Residential) 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:

The South 60 feet of the North 110 feet of the West 140 feet of Block 202, Original Town of Abilene, Taylor County, Texas.

Location:

1443 Hickory Street

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for development of a physical fitness center and related activities.

PART 7: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District.

A. PERMITTED USES:

- a. Health Club or Physical Fitness Services
- b. Single Family Detached Dwelling
- c. Multi-family Dwellings (limited to a maximum of two dwelling units)

B. SITE DEVELOPMENT

1. **Buildings:** No new structures shall be permitted unless they are consistent with the appearance, character, placement, and scale of the existing structures on-site and on surrounding properties.
2. **Off-street parking:**
 - a. A minimum of five off-street parking spaces shall be provided in addition to the existing driveway.
 - b. The existing driveway must be maintained to accommodate a minimum of two vehicles.
 - c. Access to all parking must have a paved connection to a public street.
 - d. All parking areas must be designed and constructed in accordance with the City of Abilene off-street parking standards and Texas Accessibility Standards.
 - e. No vehicles shall be parked on an unimproved surface.
 - f. Vehicles shall not block the sidewalk or any accessible paths on the property or adjacent parkway.
3. **Signage**

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

 - a. Only one of the following signs shall be permitted:
 - (1) One free-standing monument sign with a maximum height of 3 feet and a maximum area of 15 square feet.
 - (2) Wall signage may not exceed 15 square feet and may only be placed on the front façade of the primary structure.
 - b. No signage illumination shall be permitted.
 - c. Prohibited Signs
 - (1) Portable Signs
 - (2) Off-site Advertising
 - (3) Banners and other temporary signs
4. **Screening**
 - a. Parking areas must be screened from residentially-zoned properties using a continuous hedge or an opaque fence constructed of wood or masonry materials. Parking lot screening must be a minimum of 3 feet in height.
 - b. Any additional fencing on site must be constructed from wood, masonry, wrought iron, or materials with a similar appearance.

- c. Where a fence is adjacent to, or visible from, a public right-of-way, other than an alley, the finished side of wood fencing must face the right-of-way.

5. Landscaping and Buffers

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

- a. The front yard and parkway must be landscaped in such a way to preserve the residential appearance of the property. No additional paving shall be permitted in the front yard or parkway unless it is required in order to comply with accessibility standards.
- b. Xeriscape materials and principles shall be utilized for any new landscaping.

6. Sidewalks

All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan and the Texas Accessibility Standards.

7. Site Plan

A Site Plan must be submitted to Planning and Development Services to verify compliance with the terms of this ordinance and all other applicable regulations. The Site Plan must be approved by the Planning Director prior to issuance of a Certificate of Occupancy and shall be filed for permanent record with Planning and Development Services.

8. Outdoor Storage and Display is 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.

PART 8: Development Schedule. If a Certificate of Occupancy has not been issued within 18 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designations.

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