

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; 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, "Zoning," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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 11 day of August, A.D. 19 88.

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 31 day of July, 19 88, 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 25 day of August, 19 88, 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 25 day of August, A.D. 19 88.

ATTEST:

Patricia Hancock  
CITY SECRETARY

Dale E. Ferguson  
MAYOR

APPROVED:

Walter J. Jenkins  
CITY ATTORNEY

ORDINANCE NO. 44-1988

EXHIBIT "A"

Amend Section 23-306.4 Permitted Uses  
Trade-Retail

ADD: Conditional (C) for Restaurants, Fast Food (drive through only) in SC (Shopping Center), GC (General Commercial), HC (Heavy Commercial), LI (Light Industrial) and HI (Heavy Industrial) zoning districts.

ADD: Parking requirement equals 1 per employee +2

Amend Section 23-306.5.H Conditional Uses  
Trade-Retail

ADD: Section 23-306.5.H(21a)

(21a) Restaurants (fast food, drive through only)

Restaurants (fast food, drive through only) as defined by this ordinance shall be allowed in the zoning districts specified in the Permitted Use Chart with the following conditions:

- (a) There shall be no less than six (6) queueing (stacking) spaces provided for each drive through window. Said spaces shall be located entirely on the development site and shall in no way encroach into public right-of-way nor shall said spaces block any designated principal access aisle. The dimensions of a stacking space shall be no less than ten (10) feet wide by twenty (20) feet long.
- (b) The queueing (stacking) aisle shall be clearly marked with standard pavement markings and, where necessary, physical barriers for the aisle shall be provided. Determination of the requirement for physical barriers shall be made by the Director of Traffic and Transportation.
- (c) No proposed drive entrance on a designated arterial or collector street shall be allowed closer than one hundred (100) feet from any intersecting arterial or collector street. Furthermore, where possible, existing drive entrances shall be used.
- (d) In addition to the specifications of this ordinance requiring a site plan, a new site plan shall be submitted for review by the Site Plan Committee under one or both of the following conditions:

1. An increase of the occupant load of the structure by 10% or more as defined by the building code adopted by the City of Abilene.
2. Any change of occupancy as defined by the building code adopted by the City of Abilene.

Amend           Section 23-363 Definitions

ADD:            Restaurant, Fast Food (drive through only)

Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for off-premise consumption only and whose design, method of operation of any portion of whose business includes all of the following:

- (1) Foods, frozen desserts or beverages which are served directly to the customer in a motor vehicle through a service window or similar means.
- (2) No on-site interior or exterior seating shall be provided.