

ORDINANCE NO. 99-1984

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING CENTRAL PARK 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; 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 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 13 day of September, A.D. 19 84.

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 2 day of September, 19 84, 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 27 day of September, 19 84, 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 27 day of September, A.D. 19 84.

ATTEST:

Atkinson Patton
CITY SECRETARY

David Stubbins
MAYOR

APPROVED:

Karen Anderson
CITY ATTORNEY

00547

Exhibit "A"

ORDINANCE NO. 99-1984

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 PD MX (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:

Legal Description:

BEING 35.21 acres out of Subdivision #3 of the Alfred and Mary Fasshauer Subdivision of Section 12, Lunatic Asylum Lands, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a set iron pin at a corner fence post on the South fence line of an East-West paved public road on the East Right-Of-Way line of the A. & S. R.R. Co., whence the Northwest corner of said subdivision #3 bears S 88° 09' W 323.2 feet and North 40.7 feet;

THENCE N 88° 09' E 1126.82 feet along the South fence line of said road to an iron pin set at a "T" fence corner post;

THENCE S 5° 12' W 1329 feet with the West line of Antilley Square Subdivision to a found iron pin at a "T" fence corner post on the South line of said Subdivision #3;

THENCE S 88° 15' 45" W 1200.37 feet along the fence line along the South line of said Subdivision #3 to a found iron pin at a corner post on the East Right-Of-Way line of the A. & S. R.R. CO.,;

THENCE N 8° 20' 25" E 1337.70 feet along said Right-Of-Way line to the place of beginning and containing 35.21 acres of land.

PART 6: Purpose: The purpose of the Central Park Planned Development district is to integrate development of facilities for retail, office, medical and nursing care, as well as multi-family residences. District regulations described in the following Part 7 are designed to achieve the following:

- A. designate particular areas within the district for appropriate selected activities, and
- B. integrate the scale of building development in the district with less intensive residential use existing and anticipated to the south and west, as well as with relatively intensive commercial use existing and anticipated to the north and east.

PART 7: Specific Modifications.

A. The following regulations shall govern the use and development of the Planned Development district, for each of six lots indicated on the site plan and as set forth below:

1. Lot 1, Block B:

- a. The use of land shall be restricted to activities permitted in the Shopping Center (SC) zoning classification.
- b. Buildings shall be limited in height to one (1) story or twenty-two (22) feet, excluding architectural exceptions as generally allowed by Zoning Ordinance.
- c. Building setbacks shall be a minimum of 35 feet from bounding arterial street (Antilley Road), 30 feet from bounding collector street, and 30 feet from all other lot boundaries.
- d. No more than 50% of the lot shall be covered by buildings.
- e. Unless some specific use may be identified, for which parking demand may be more specifically measured, off-street parking spaces shall be provided at a ratio of 1/222 square feet of gross floor area devoted to retail trade, 1/300 square feet of gross floor area devoted to office use. Required parking for other activities shall be as specified within the City of Abilene's Zoning Ordinance.
- f. All parking spaces shall be at or below the surface grade.
- g. Access to and from Antilley Road shall be limited to two (2) driveways, one being generally for customer traffic and one being generally for service vehicles. The centerline of such driveways shall be located at least 100 feet from the nearest parallel street curb.
- h. A landscaped area shall be extended around the streetside boundary of the parking lot. Such landscaped area shall be at least 10 feet wide and be located entirely on private property. Landscaping shall mean the planting of living materials such as grass, trees or shrubs.
- i. The terminus of each parking aisle shall be designated by raised barriers at least 3 feet wide, measure perpendicularly from the midpoint on the closest edge of the adjacent parking stall. This raised barrier shall be designed so as to help guide traffic through the parking lot and shall include appropriate turning radii from the end of parking aisles to the edge of pavement on the driveway providing access to parking aisles. This raised barrier shall also be constructed of masonry material.

- j. Each separate business or activity having greater than 10,000 square feet of gross floor area shall be provided with one truck loading space. One additional loading space shall be provided for each additional 20,000 square feet in excess of 10,000 square feet of gross floor area. Each truck loading space shall be at least twelve (12) feet in width and fifty (50) feet in length.
- k. Truck loading areas shall be screened from streetside lot boundaries by an opaque wall or barrier at least 14 feet high and constructed of solid materials compatible with the exterior face of the building. Such screening walls shall extend along the full length of loading areas, exclusive of maneuvering areas for trucks.
- l. The south boundary of the lot shall be screened by a solid, opaque wall or fence at least six (6) feet in height.
- m. Except as otherwise specified below, no more than one (1) business sign shall be permitted per business. Such sign shall be a wall sign no larger than 25 percent of the building wall area to which it is attached. Businesses having customer access and/or building frontage within 100 feet of adjacent street rights-of-way may have two (2) such business signs mounted on walls of the building in which they are located.
- n. Any shopping center(s) located in the lot shall have no more than one free-standing sign per street frontage, identifying the name of the overall shopping center development. Such signs shall be no more than 150 square feet in area and extend no more than the height of the tallest building on Lot 1, Block B.
- o. Exterior face of all structures shall be composed of at least 60% masonry materials.
2. Lot 1, Block A
- a. The use of land shall be restricted to activities permitted in the Shopping Center (SC) zoning, plus hotel and motel facilities.
- b. Buildings shall be limited in height to two (2) stories or thirty (30) feet, excluding architectural exceptions as generally allowed by Zoning Ordinance.
- c. Building setbacks shall be a minimum of 35 feet from bounding arterial street (Antilley Road), 30 feet from bounding collector street, and 30 feet from all other boundaries.
- d. No more than 50% of the lot shall be covered by buildings.
- e. Unless some specific use may be identified, for which parking demand may be more specifically measured, off-street parking spaces shall be provided as follows:
- (1) One space for each 222 square feet of gross retail area.
 - (2) One space for each 300 square feet of gross office area.
 - (3) One space for each motel or hotel unit.
 - (4) For other activities, as specified within City of Abilene's Zoning Ordinance.
- f. Access to and from Antilley Road shall be limited to one (1) driveway. The centerline of such driveway shall be located at least 100 feet from the nearest parallel street curb.

- g. All parking shall be at or below the surface grade.
 - h. A landscaped area shall be extended around the streetside boundary of the parking lot. Such landscaped area shall be at least 10 feet wide and be located entirely on private property. Landscaping shall mean the planting of living materials such as grass, trees or shrubs.
 - i. The terminus of each parking aisle shall be designated by raised barriers at least 3 feet wide, measured perpendicularly from the midpoint on the closest edge of the adjacent parking stall. This raised barrier shall be designed so as to help guide traffic through the parking lot and shall include appropriate turning radii from the end of parking aisles to the edge of pavement on the driveway providing access to parking aisles. This raised barrier shall also be constructed of masonry material.
 - j. Except for a hotel or motel, each separate business or activity having greater than 10,000 square feet of gross floor area shall be provided with one truck loading space. One additional loading space shall be provided for each additional 20,000 square feet in excess of 10,000 square feet of gross floor area. Each truck loading area shall be at least twelve (12) feet wide and fifty (50) feet long.
 - k. Truck loading areas shall be screened from streetside lot boundaries by an opaque wall or barrier at least 14 feet high and constructed of solid materials compatible with the exterior face of the building. Such screening walls shall extend along the full length of loading areas, exclusive of maneuvering areas for trucks.
 - l. Except as otherwise specified below, no more than one (1) business sign shall be permitted per business, and such sign shall be a wall sign no longer than 25 percent of the building wall area to which it is attached. Businesses have customer access and/or building frontage within 100 feet of adjacent street rights-of-way, may have two (2) such business signs mounted on walls of the building in which they are located. In addition to permitted wall signs, a hotel, motel or restaurant may have one (1) free-standing sign mounted on a pole, so long as such sign is no more than 80 square feet in area and extends to a height no more than 30 feet.
 - m. Any shopping center(s) located on the lot shall have no more than one free-standing sign per street frontage, identifying the name of the overall shopping center development. Such signs shall be no more than 150 square feet in area and extend no more than 30 feet in height.
 - n. The exterior face of all structures shall be composed of at least 60% masonry materials.
3. Lot 2, Block A
- Permitted use and development of the lot shall be in conformance with provisions of the Office (O) zoning classification, except for the following modifications:
- a. Height of buildings shall be limited to two (2) stories or thirty (30) feet.
 - b. Exterior face of all structures shall be composed of at least 60 percent masonry materials.
 - c. Facilities for power, air conditioning and solid waste handling, as well as off-street loading spaces and open storage shall be screened from view outside the tract in question, by an opaque wall or fence at least six (6) feet in height.
 - d. Surgical centers shall be permitted as a right-of-use, rather than by special exception only.

4. Lot 3, Block A

Permitted use and development of the lot shall be in conformance with provisions of the Medical Use (MU) zoning classification, except for the following modifications:

- a. Nursing homes shall be permitted as a right-of-use, rather than by special exception only.
- b. Building height shall be limited to no more than three (3) stories or forty (40) feet.
- c. All parking spaces shall be at or below the surface grade.
- d. Facilities for power, air conditioning and solid waste handling, as well as off-street loading and open storage shall be screened from view outside the tract in question, by an opaque wall or fence at least six (6) feet in height. Off-street parking and maneuvering areas shall be screened from adjacent residential tracts by an opaque wall or fence at least six (6) feet in height.
- e. If this tract of land (or any portion thereof) is developed for residential use, then it shall not thereafter be used for commercial activity.

5. Lot 4, Block A

Permitted use and development of the lot shall be in conformance with provisions of the RM-2 zoning classification, except for the following:

- a. The maximum rating of Land Use Intensity (LUI) shall be 4.7 instead of 5.5.
- b. The maximum height of buildings shall be two (2) stories or thirty (30) feet.

6. Lot 2, Block B

Permitted use and development of the lot shall be in conformance with provisions of the RM-2 zoning classification, except that the maximum height of buildings shall be two (2) stories or thirty (30) feet.

- B. Resubdivision of any one or more lots represented on the site plan (attached as Exhibit C) 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.

