

ORDINANCE NO. 11-2005

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-77 AND ORDINANCE NO. 38-2002 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 Ordinance No. 38-2002, 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 10th day of March A.D. 2005.

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 March, 2005, 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 14th day of April, 2005, 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 14th day of April, A.D. 2005.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

Exhibit "A"

1st Amendment to Ordinance No. 38-2002

PART 5: Legal Description:

ADD:

- The following .54 Acre tract shall be added to the existing PDD (PDD #77, Ordinance 38-2002): Curry Park Addition, Section 1, Block A, Lot 1, Continuation 4

PART 7: Specific Modifications

ADD: a. Permitted Uses: Mixed Use Strip Mall (Neighborhood Commercial)

- Variety Stores

DELETE: b. Area, Height, Placement:

- Due to floodway constraints and aesthetic concerns, the developer is encouraged to build parking in the rear of the proposed development. The building setbacks shall be determined in accordance to the placement of the parking. If parking is placed in the rear of the building, the front setback shall be a minimum of 5 feet from Catclaw Drive, and 30 feet on all other sides. If parking is placed in the front of the development, the front setback shall be a minimum of 30 feet from Catclaw Drive, and 30 feet on all other sides.

ADD: b. Area, Height, Placement:

- Due to floodway constraints and aesthetic concerns, the developer is encouraged to build parking in the rear of the proposed development. The building setbacks shall be determined in accordance to the placement of the parking. If parking is placed in the rear of the building, the front setback shall be a minimum of 5 feet from Catclaw Drive, 30 feet from exterior PDD boundaries, and 15 feet from interior PDD boundaries. If parking is placed in the front of the development, the front setback shall be a minimum of 30 feet from Catclaw Drive, 30 feet from exterior PDD boundaries, and 15 feet from interior PDD boundaries.

DELETE: c. Landscaping:

- A landscaped area shall be extended along the streetside boundary, on private property. Landscaping shall mean the planting and maintenance of living materials such as grass, trees, shrubs, and/or flowers, etc. The landscaping shall include at least 6 trees spaced at intervals that would allow for ultimate growth and health. Suitable planting materials are provided in the City of Abilene Zoning Ordinance. Required landscaping shall be installed in association with erection of buildings on said parcels, prior to occupancy of buildings.

ADD: c. Landscaping

- A landscaped area shall be extended along the streetside boundary, on private property. Landscaping shall mean the planting and maintenance of living materials such as grass, trees, shrubs, and/or flowers, etc. The landscaping shall include at least **24** trees spaced at intervals that would allow for ultimate growth and health. Trees shall consist of

minimum caliper of 3 inches at time of planting. Suitable planting materials are provided in the City of Abilene Zoning Ordinance. Required landscaping shall be installed in association with erection of buildings on said parcels, prior to occupancy of buildings.

- Xeriscape principles shall be utilized.

DELETE: d. Signage

- A large pole sign containing multiple business identification signs is encouraged. Individual pole signs advertising a business shall not exceed 40 square feet. If at least $\frac{3}{4}$ of the businesses locate their identification signs on one pole, the total square footage of the pole sign may be increased to 120 square feet, maximum.
- If a monument sign is erected and advertises $\frac{3}{4}$ of the businesses located in the development, the square footage maximum shall be increased to 120 square feet.
- Pole signs shall have a minimum grade clearance of 8 feet.

ADD: d. Signage

- A maximum of three monument-style group signs, not to exceed 8 feet in height and 96 square feet in area, shall be permitted within the area governed by the PDD.
- Monument signs shall consist of materials such as masonry, brick, etc.
- A maximum of one monument sign shall be permitted per platted lot.
- Additional low-lying landscaping shall be provided in the area at the base of the sign.
- Wall signage shall be limited to a maximum of 10% coverage of any wall.

ADD: Building Design: Massing and Scale

- Streetside exterior façades, facing Catclaw Drive, shall include architectural detail that acknowledges the length of the street and provide visual interest to both motorists and pedestrians:
 - Visual enhancements shall include architectural detail such as building offsets and variation in color, texture, and materials, which will serve to reduce the apparent mass of a large building

ADD: Sidewalks:

- A sidewalk of at least 5 feet in width shall be constructed along Catclaw Drive. Required sidewalks shall be installed in association with erection of buildings on said parcels, prior to occupancy of buildings.

ADD: Lighting:

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