

ORDINANCE NO. 10-2013

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; 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 Land Development Code 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.

PART 3: 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.

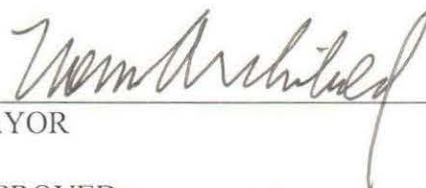
PASSED ON FIRST READING this 28th day of March, A.D. 2013.

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 February, 2013, 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 11th day of April, 2013 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 April, A.D. 2013.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT "A"

ADD: Section 2.3.4.6 Ambler Avenue Corridor (AMB-COR) Overlay District

Section 2.3.4.6 Ambler Avenue Corridor (Amb-Cor) Overlay Zone

Activities within this overlay district shall be governed by all regulations of the underlying zoning district, including regulations for site development, landscaping, signs, performance standards, etc, except where modified by the provisions of this Section.

- (a) **Purpose.** The primary purpose of this overlay district is to encourage high quality development and redevelopment within the district. In general, this district is intended to cover the areas adjacent to Ambler Avenue from Grape Street to Interstate 20.

In general, development and redevelopment within this district should serve as a corridor of high quality attractive development representing the first impression of Abilene for visitors to Abilene Christian University, Hardin-Simmons University, and Hendrick Medical Center, and other destinations within the corridor. Uses are intended to include retail, restaurants, services, medical, office, research, educational, and related uses. Development in the area should be of high quality with well-designed buildings and attractive landscaping in a pedestrian friendly setting.

- (b) **Land Use.** Allowable uses within the overlay district shall be per the underlying zoning district, except as modified below.

- (1) Auto related businesses (auto sales, auto repair, truck repair, etc) are allowed only with a Special Exception, which shall only be granted for such uses that are compatible with the development goals of the corridor, including incorporating appropriate conditions to address elements such as building design, landscaping, screening, limitations or prohibitions on outdoor activities, and the like.

- (2) Outdoor storage on a property within the district, where allowed by the underlying zoning district, shall require a Special Exception by the Board of Adjustment and shall be based on the following criteria:

- a. The Board may deny a Special Exception for any proposed outdoor storage use that is deemed incompatible with the use characteristics and aesthetic goals of the overlay district.
- b. The storage is accessory to a permitted use and is not the primary use of the property.
- c. The storage is limited to the most appropriate locations on the site, which would typically be behind or to the side of a principal building. Only in exceptional circumstances should outdoor storage be allowed within a front yard and/or between a principal building and a street.
- d. The area of the site devoted to outdoor storage should be limited to only that which is necessary for the use and in no case shall exceed 50% of the lot.
- e. Appropriate screening is provided based on the materials being stored. Such required screening may include an opaque wall or fence, landscape screening such as hedges, shrubs, trees or a combination, or any other screening approved by the Board that meets the aesthetic intent of the overlay district.
- f. Appropriate buffering from adjacent uses. In addition to any required buffering, the Board may require additional buffering when the proposed use is adjacent to a less intensive zoning district.
- g. The Board may place limits on the surface of the storage area (concrete, asphalt, etc.) and may limit the amount or types of items stored.
- h. Any other criteria deemed by the Board to be relevant to achieving the land use and aesthetic goals of the overlay district.

- (c) **Buildings and Architectural Standards.** Standards for building design and materials shall be per the underlying zoning district, in addition to the following:

- (1) Building materials: Building walls visible from Ambler Avenue shall be constructed of masonry material, such as stone or brick, stucco or stucco-like materials, such as EIFS, textured concrete, split-face block, or similar materials. Standard concrete block or metal siding is not permitted.
 - (2) Building articulation: In order to break up the apparent size of large facades, one or more of the following design elements shall be incorporated into the building design:
 - a. Vertical elements of different materials or colors every fifty (50) feet
 - b. Changes in building materials design, and/or color to avoid large blank walls
 - (3) Single-family and duplex residential uses shall be exempt from these requirements.
- (d) **Setbacks.** The setbacks of the underlying zoning district shall apply within this district, except as modified below:
- (1) Front Building Setback. Front building setbacks may be reduced to the required 10 foot landscaping strip where no parking, driving aisles, or other pavement is located between the building and the property line, with the exception of sidewalks and perpendicular access drives connecting to parking to the side or rear of the building.
 - (2) Side Setbacks: per underlying zoning.
 - (3) Rear Setbacks: per underlying zoning.
- (e) **Landscaping Requirements.** Landscaping and screening shall be provided, consistent with the City's landscaping standards, except as modified by this section.
- (1) Where a parking lot is located between a principal building and the street, such parking lot shall include additional landscaping or screening between the parking lot and the street in the form of a decorative masonry wall, evergreen hedge, or other comparable evergreen plantings, providing a screen of 30 to 42 inches in height. The required wall or screening shall be designed to allow for free access to the site and sidewalk by pedestrians.
- (f) **Signage Requirements.** The City of Abilene Sign Regulations (See Chapter 4, Division 8) shall apply within its overlay district, except as modified below for signs oriented to Ambler Avenue:
- (1) Properties located between Grape Street and Treadaway Boulevard: Freestanding signs are limited to one per 100 feet of frontage per street frontage and shall be a monument style sign with a maximum height of eight (8) feet and a maximum area of 100 square feet.
 - (2) Properties located between Treadaway Boulevard and Interstate 20: Freestanding signs are subject to the requirements of the underlying zoning district.
 - (3) Off-site advertising signs are prohibited, except signs permitted on and oriented to Interstate 20.
 - (4) Size exception for institutional signs. Institutional monument signs for College/University and Hospital uses may not exceed a maximum height of eight (8) feet and a maximum area of 400 square feet. In order to qualify for this provision, such sign shall be constructed of brick, masonry, or other similar materials.

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