

ORDINANCE NO. 29-2013

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-116 AND ORDINANCE NO. 5-2007, 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, part known as the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 5-2007, 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 24th day of June 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 17th day of May, 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 July, 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 July, A.D. 2013.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 29-2013

EXHIBIT "A"

1st Amendment to Ordinance No. 5-2007

PART 6 Purpose.

DELETE: The purpose of the Planned Development District (PDD) request is to allow for redevelopment of a former elementary school site to permit a variety of uses associated with an Indian Cultural Center.

AMEND: The purpose of this Planned Development District (PDD) request is to facilitate redevelopment of a former elementary school site, allowing a limited range of retail trade activities, lodging facilities and residences (including multi-family residential buildings up to 3 stories high), as well as a variety of uses associated with an Indian Cultural Center.

PART 7: Specific Modifications.

AMEND: Add the following statement to the general heading of Specific Modifications:

Development of this Planned Development district shall generally be subject to requirements of the General Retail (GR) zoning classification, except as modified below. The following regulations and the attached site plan (Exhibit B) shall govern the use and development of this Planned Development District. Where in conflict, the ordinance text shall rule.

ADD: Add the following development options to the list of permitted uses itemized under the heading of Subpart I. **PERMITTED USES:**

Convenience Groceries
Fuel Sales
Hotel and Motel Buildings (up to 3 stories high)
Multi-Family Residential Buildings (up to 3 stories high)
Two-Family Residences
One-Family Residences

DELETE: all of Subpart II. **SITE DEVELOPMENT** and which reads as follows:

A. **Site Plan:** No development of the site shall occur other than as shown on the attached site plan (Exhibit B) except as modified below.

B. **Off-street parking and Circulation:**

Parking shall be provided to comply with the minimum parking requirement for each use established on the site. Existing on-street angled parking may be counted toward the parking requirement with the approval of a street-use license. New parking may not be constructed until such time that this ordinance is amended or the existing parking is

insufficient to meet the minimum parking for the uses on the property as required in the Zoning Ordinance. If new parking is constructed, the total number of all parking spaces shall not be more than 10% greater than the minimum required for all uses of the property.

C. Signage:

- 1) Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following:
- 2) Freestanding:
 - (a) One pole sign with a maximum height of 35' and a maximum area of 100 square feet. The pole sign must be located within 39 feet of the northern PDD boundary.
 - (b) Two monument signs shall be permitted with a maximum height of 6' and a maximum area of 60 square feet.
- 3) Wall signs:
 - (a) Wall signage may not exceed 10% of the area of any wall on which the signs are located.
- 4) Banners:

Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.
- 5) Prohibited signs:
 - (a) Portable signs
 - (b) Off-site advertising
 - (c) Temporary signs and freestanding banners, except for a "grand opening" event within 30 days of the issuance of a Certificate of Occupancy.

D. Landscaping and buffers:

Landscaping in the PDD must comply with the requirements of the City's Landscaping Ordinance. In addition, areas on Exhibit B shown to be landscaped must remain landscaped except that sidewalks may be installed and/or parking may be installed as needed under the provisions of Section II.B of this ordinance.

E. Screening and Fencing:

- 1) Fencing within a street yard setback shall be limited to wrought iron, or similar in appearance, and/or masonry construction. All other fencing must be constructed of wrought iron, masonry, wood, or other similar materials.
- 2) Any facilities for power, air conditioning, mechanical equipment, and solid waste handling added to this site after the effective date of this ordinance, shall be screened from view of publicly accessible areas by an opaque wall or fence at least six (6) feet in height.

F. Sidewalks:

- 1) All development must comply with the Sidewalk Master Plan.

G. Outdoor Storage and Display:

- 1) Outdoor display of merchandise is prohibited.
- 2) Outdoor storage is prohibited.
- 3) Freight containers are prohibited.

H. Lighting:

- 1) 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.

ADD: Subpart II. **SITE DEVELOPMENT** to read specifically as follows:

- A. **Concept Plan:** Development of the site shall substantially comply with the arrangement of uses, buildings, off-street parking and landscaping shown on the plan attached as Exhibit B to this ordinance.
- B. **Site Development Standards.** Use and development of this Planned Development District shall generally comply with standards of Chapter 4 (Site Development Standards) of Abilene's Land Development Code.
- C. **Subdivision of Land and Improvement of Related Public Facilities.** The subdivision of land within this Planned Development District, and required improvement of related public facilities, shall generally be subject to standards of Chapter 3 (Subdivision Regulations) of Abilene's Land Development Code, including improvement of public sidewalks as required therein.
- D. **Signage.** Signage within this Planned Development District shall generally comply with provisions and limitations of sign regulations adopted by the City of Abilene and generally applicable to General Retail zoning districts, except as modified below:
 - 1) Freestanding signs:
 - (a) Pole signs shall only be allowed along Interstate 20.
 - (b) Monument signs shall be allowed along other street frontages with a maximum height of 6' and a maximum area of 60 square feet.
 - 2) Wall signs:
 - (a) Wall signage may not exceed 10% of the area of any wall on which such signs are located.
 - 3) Banners:
 - (a) Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall-mounted signage.
 - 4) Prohibited signs:
 - (a) portable signs;
 - (b) off-site advertising;
 - (c) streamers, pennants, balloons and similar devices (including all air-inflated devices); and
 - (d) temporary signs and freestanding banners, except those specifically for "grand opening" events and in place for no more than 30 days from issuance of a Certificate of Occupancy for a building and/or use.
- E. **Setbacks.** The apartments shall be setback a minimum of 45 feet from the property line adjacent to Jameson St.

F. **Landscape Buffer.** A type 'A' landscape buffer shall be required along the property line adjacent to Jameson St as if the property was adjacent to single-family residential zoning.

G. **Ingress/Egress.**

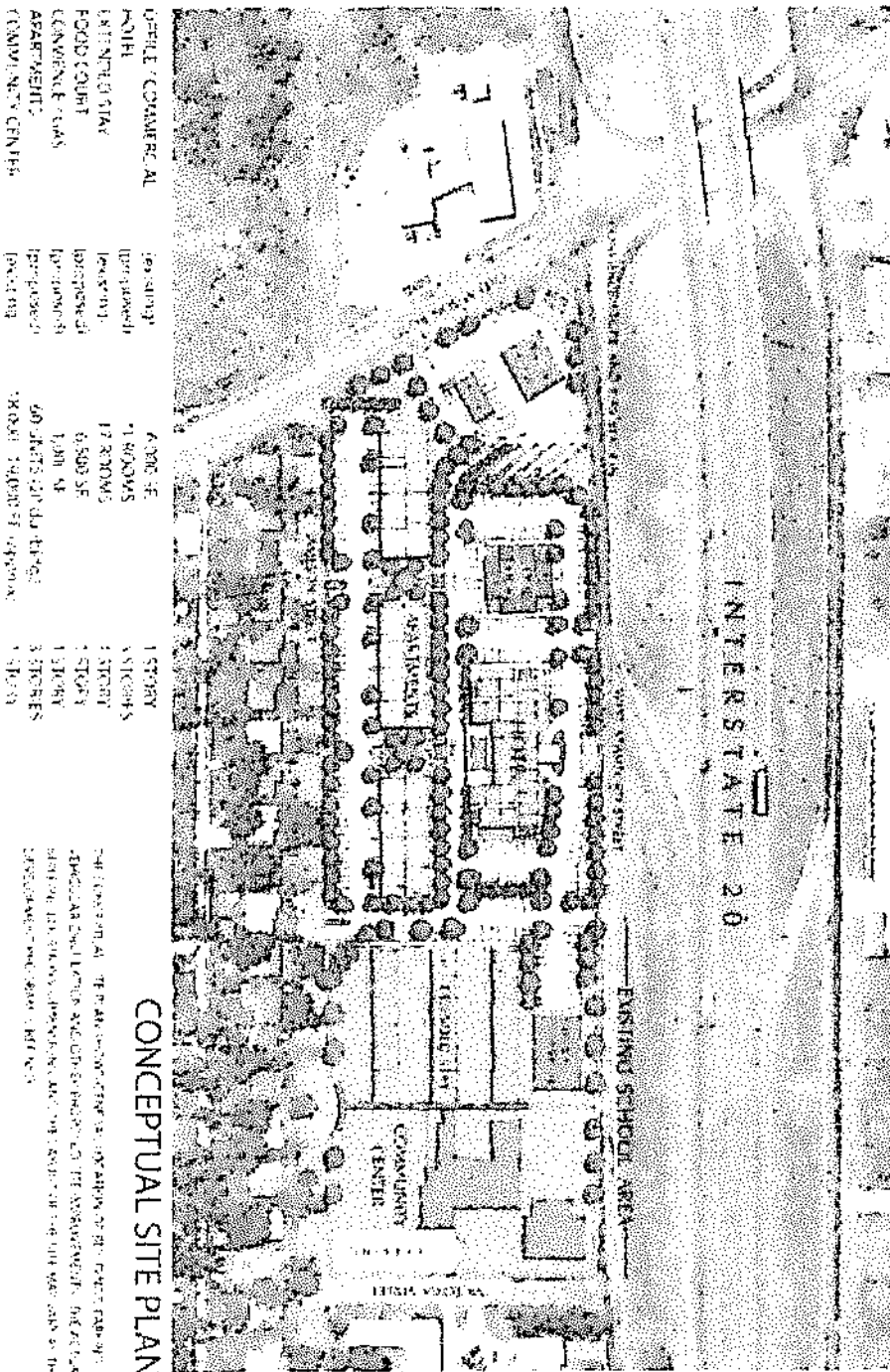
- 1) One point of access shall be required along Old Anson Rd if developed as apartments per the concept plan.
- 2) Only 1 new access shall be allowed along Jameson St if developed as apartments per the concept plan.
- 3) Cross-access shall be required for the entire development to ensure that traffic can move between the different areas of development without needing to go onto the street.

PART 8: Development Schedule

DELETE: all of PART 8: **Development Schedule**, which reads specifically as follows:

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

EXHIBIT "B"



ANSON JONES SCHOOL SITE
ABILENE, TEXAS

