

ORDINANCE NO. 72-2019

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE AND CONCERNING PD-116, A PLANNED DEVELOPMENT DISTRICT, AS WELL AS ORDINANCE NUMBERS 5-2007 AND 29-2013; 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 I: That the Land Development Code of the City of Abilene is hereby amended by repealing Ordinance Numbers 5-2007 and 29-2013 concerning PD 116 (a Planned Development District) and replacing them with terms and conditions set out in accompanying Exhibit "A" and Exhibit "B" concerning the same said PD 116, 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 the 21st day of November, 2019.

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 18th day of October, 2019, 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 5th day of December, 2019, 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 5th day of December, 2019.

ATTEST:



Shawna Atkinson
City Secretary



Anthony Williams,
Mayor

APPROVED:



Stanley Smith,
City Attorney

ORDINANCE NO. 72-2019

Exhibit "A"

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 use and development within this Planned Development District must be undertaken in compliance with the Land Development Code of the City of Abilene, except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in this Planned Development District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth, from Residential Single-Family (RS-6) District, to Planned Development (PD) District Number 116.

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 Planned Development (PD) District Number 116 includes all of Block 1 in J.B. Collins Subdivision of Part of Block 26, North Park Addition to the City of Abilene, Taylor County, Texas.

PART 6: Purpose. The purpose of this Planned Development District 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: The use and development of this Planned Development District shall generally be subject to applicable requirements of the General Retail (GR) zoning classification, except as modified below:

I. PERMITTED USES

- A. Use of western approximately 6.207 acres of this Planned Development District shall be limited to convenience groceries and fuel sales.
- B. Use of remaining eastern approximately 4.124 acres of this Planned Development District shall be limited to:
 - hotel and motel buildings (up to 3 stories high);
 - multi-family residential buildings (up to 3 stories high);
 - two-family residences;
 - one-family residences;

places of worship;
museums;
medical clinic;
gift, novelty and souvenir sales;
restaurants, standard and fast-food (no drive-thru window);
bed-and-breakfast;
park and/or playground;
ballfields (noncommercial);
gymnasium;
youth organizations and centers.

II. SITE DEVELOPMENT

- A. **Subdivision (inc. Resubdivision) of Land and Improvement of Related Public Facilities.** Subdivision and resubdivision of land in this Planned Development District shall be undertaken in conformance with Subdivision Regulations applicable at the time of subdivision or resubdivision. Amendment of this ordinance shall not be necessary for resubdivision; however, all above-described regulations regarding the use of land identified therein shall remain applicable to that land, unless such regulations are modified by amendment to this ordinance.
- B. **Graphic Concept Plan.** Use and development of land in the western approximately 6.207 acres of this Planned Development District shall generally conform to that shown on plan sheet attached as Exhibit "B" to this ordinance.
- C. **Site Development Standards.** Except as otherwise specified in this Subpart II, development of property in this entire Planned Development District shall comply with applicable standards of Chapter 4 (Site Development Standards) in Abilene's Land Development Code and as if the subject property remains in a General Retail zoning district.
- 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 which are generally applicable to General Retail zoning districts, except as modified below:
- 1) Freestanding signs:
 - (a) Pole signs shall only be allowed to face in the direction of West Stamford Street, the eastbound frontage road for Interstate Highway 20.
 - (b) Monument signs shall be allowed along other street frontages with a maximum height of six feet (6') and a maximum allowable area of 60 square feet.
 - 2) Wall signs:
 - (a) Wall signage may not exceed ten percent (10%) of the area of any wall onto which such signs are attached.
 - 3) Banners:
 - (a) Banners shall only be located flat (or flush) against the face of a building and shall count toward the maximum allowable wall-mounted signage; however,

freestanding banners may be allowed for "grand opening" events but shall be in place for no more than 30 days from issuance of a Certificate of Occupancy for a building and/or use.

- 4) Prohibited signs:
 - (a) portable signs;
 - (b) off-site advertising;
 - (c) streamers, pennants, balloons and other 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. **Landscaping and Land Use Buffer.** In addition to landscaping generally required by Abilene's Land Development Code, a masonry wall shall be required on the western 6.207 acres of this Planned Development District and specifically at or near the property line adjacent to Jameson Street, except where this property line is otherwise intersected by an approved driveway approach or sidewalk. Said masonry wall shall be at least six feet (6') high with articulated segments offset at least two feet (2') from one another and spaced at no more than fifty-foot-foot intervals.
- F. **Building Setbacks.** New buildings (except for open-sided carports and/or porches) must be set back a minimum of 45 feet from the property boundary adjacent to right-of-way for Jameson Street.
- G. **Driveway Approaches (Ingress and Egress).** Only one driveway access shall be permitted to and from Jameson Street, along the western approximately 6.207 acres of this Planned Development District. That one driveway approach shall be no more than 24 feet wide, measured at the driveway's "throat" width along the property line. Signage must be placed at this one allowed driveway access to and from Jameson Street, to indicate that "NO TRUCK TRAFFIC PERMITTED."
- H. **Minimum Parking Required.** On the eastern approximately 4.124 acres of this Planned Development District, existing on-street angled parking may be counted toward minimum parking required (for new uses there) but only with approval of a street use license for such.

ORDINANCE NO. _____

EXHIBIT "B"

PAGE 5

