

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING HUMANA WEST 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 9 day of May,

A.D. 19 85.

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 5 day of May, 19 85, 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 23 day of May, 19 85, 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 23 day of

May, A.D. 19 85.

ATTEST:

Patricia Patton
CITY SECRETARY

David S. Stubbeman
MAYOR

APPROVED:

Karen J. Andrus
CITY ATTORNEY

Exhibit "A"

ORDINANCE NO. 49-1985

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 all that certain lot, tract or parcel of land out of a 64.41 acre tract out of a 78.12 acre tract out of lot 4 out of Alfred & Mary Fasshauer Subdivision of Survey 10 and 12, Lunatic Asylum Lands, Abilene, Taylor County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod, found, for the Northwest corner of said 64.41 acre tract, for the Northwest corner of this tract;

THENCE North 89 degrees 31 minutes 13 seconds East along the North line of said 64.41 acre tract a distance of 1061.62 feet to a 3/8" iron rod, found, for the Northeast corner of this tract;

THENCE South 0 degrees 06 minutes 03 seconds West a distance of 1349.61 feet to a 3/8" iron rod, set, on the North right-of-way of Antilley Road for the Southeast corner of this tract;

THENCE South 88 degrees 09 minutes 11 seconds West along said North right-of-way of Antilley Road a distance of 1018.82 feet to a 3/8" iron rod, found, for the Southwest corner of this tract

THENCE North 1 degree 42 minutes 22 seconds West along the West line of said 64.41 acre tract a distance of 1374.17 feet to the place of beginning containing 32.52 acres of land.

PART 6: Purpose. The purpose of the Humana West Planned Development district is to integrate development of facilities for retail, office, and medical care. 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 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 the lots indicated on the site plan (attached as Exhibit B) and as set forth below:

- 1. Lots 1-20. Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Office (O) zoning classification.
 - a. Surgical centers shall be permitted as a right-of-use, rather than by special exception only.
 - b. Buildings shall be limited to two stories or 30 feet, whichever is greater, excluding architectural exceptions as generally allowed by Zoning Ordinance.
 - c. Building setbacks shall be a minimum of 30 feet from the bounding arterial street (Antilley Road) and 20 feet from other bounding street rights-of-way.
- 2. Lots 21-24. Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Limited Commercial (LC) zoning classification.
 - a. Surgical centers shall be permitted as a right-of-use, rather than by special exception only.
 - b. Building setbacks shall be a minimum of 30 feet from the bounding arterial street (Antilley Road) and 20 feet from other bounding street rights-of-way.
 - c. The number of business signs shall be restricted to just one (1) per business, no taller than 30 feet in height and no greater than 150 square feet in area.
- 3. Lots 25-30. Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Shopping Center (SC) zoning classification.
 - a. Hotel and motel facilities shall be permitted as a right-of-use.
 - b. Building height shall be limited to two stories or 30 feet, whichever is greater, excluding architectural exceptions as normally allowed by Zoning Ordinance.
 - c. Building setbacks shall be a minimum of 30 feet from the bounding arterial street (Antilley Road) and 20 feet from any other bounding street rights-of-way. Rear building setbacks shall be a minimum of 20 feet, and building setbacks from the (interior) side lot line shall be a minimum of 10 feet.

- d. 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 the Zoning Ordinance.
- e. 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 larger 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 150 square feet in area and extends to a height no more than 30 feet. Also, 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.
- f. For activities other than of a commercial nature, sign regulations pertinent to the Office (O) zoning classification shall be applicable.
4. Lot 31. Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Medical Use (MU) zoning classification.
- a. Standard restaurant facilities shall be allowed to occupy up to 25% of the total floor area of an appropriate structure in which the restaurant is located.
 - b. Buildings, or portions thereof, constructed on the western 100 feet of the lot shall be no greater than two stories or 30 feet, whichever is greater, excluding architectural exceptions normally allowed by Zoning Ordinance.
 - c. Buildings, or portions thereof, constructed on the remainder of Lot 31, shall be no greater in height than 3 stories or 40 feet, whichever is greater, excluding architectural exceptions normally allowed by Zoning Ordinance.
 - d. Building setbacks from all bounding street rights-of-way shall be a minimum of 20 feet.
 - e. For any future lot resubdivided within Lot 31, the minimum (interior) side building setback shall be 10 feet.
 - f. The minimum building setback from any rear lot boundary (not adjoining a street) shall be 10 feet.
 - g. The Zoning Ordinance requirement for an additional one (1) foot of building setback, for every additional one foot of building height above 30 feet, shall not be applicable. Screening requirements associated with activities in the MU district shall be applicable only to power and/or heat generation facilities, refuse collection facilities, off-street loading spaces and open storage.
 - h. Except as otherwise specified below, subdivision or resubdivision of any one or more lots represented on the site plan (attached as

Exhibit B) 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.

1. Provisions of Utility Placement Policy shall be modified to permit installation of electric, communication and gas utility lines (and all associated above-ground appurtenances) within any appropriately-designated easements located on private property.
2. Provisions of the Street Naming Policy shall be modified to permit one street name for a U-shaped street extended throughout the Humana West Planned Development district.

ORDINANCE NO. 49-1985
EXHIBIT "B"

