

ORDINANCE NO. 5-2007

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-116 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 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.

PASSED ON FIRST READING this 25th day of January A.D. 2007.

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 13th day of December, 2006, 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 8th day of February, 2007, 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 8th day of February, A.D. 2007.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:


CITY ATTORNEY

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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 possession of 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 any 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.

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 SC (Shopping Center) to PDD (Planned Development 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 PDD is as follows:
Block 1, J.B. Collins Addition, out of Block 26, North Park Addition, Abilene, Taylor County, Texas.
Location: 2002 Jameson Street

PART 6: Purpose. 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.

PART 7: Specific Modifications. 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.

I. PERMITTED USES:

- Places of Worship
- Museums
- Medical Clinic
- Gift, Novelty and Souvenir Sales
- Restaurants, Standard and Fast Food (no drive-through windows)
- Bed and Breakfast
- Park and/or Playground
- Ballfields (non-commercial)
- Gymnasium
- Youth Organizations and Centers

II. SITE DEVELOPMENT

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 30 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) Streamers, pennants, balloons, and similar devices
- (d) 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

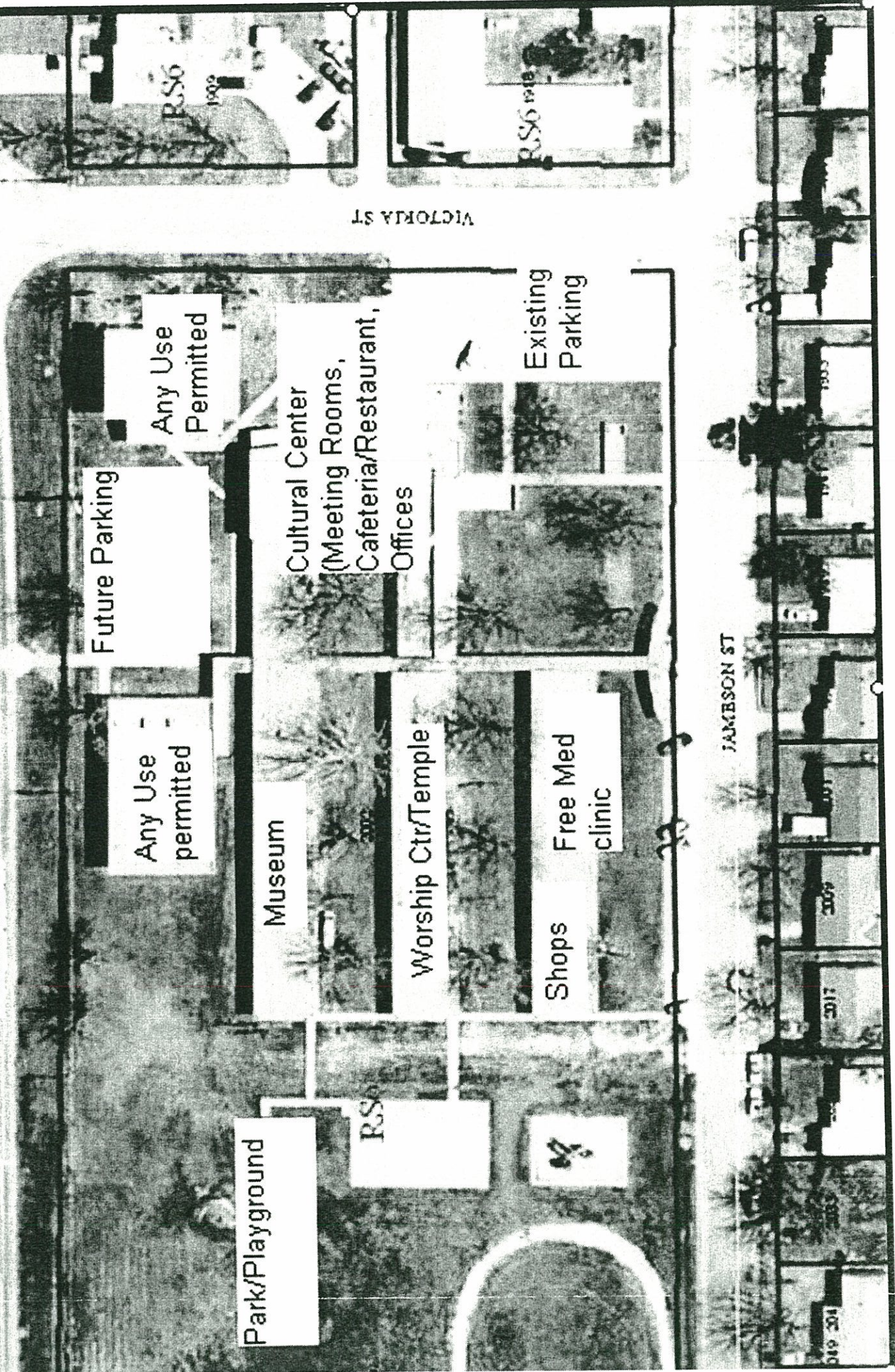
H. Lighting:

- 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.

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

W STAMFORD ST



VICTORIA ST

JAMESON ST