

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-133 A PLANNED DEVELOPMENT; 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 B, 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.

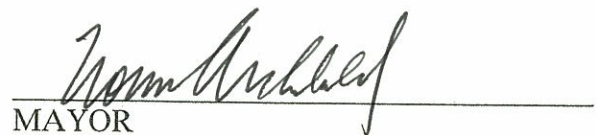
PASSED ON FIRST READING this 23rd day of September A.D. 2010.

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 August, 2010, 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 5:30 p.m., on the 14th day of October, 2010, 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.

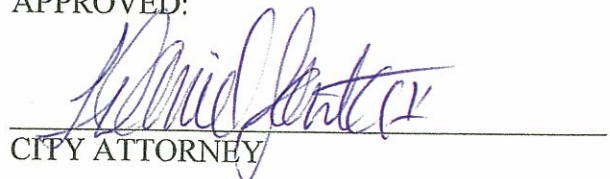
PASSED ON SECOND AND FINAL READING THIS 14th day of October, A.D. 2010.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 29-2010

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 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, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development 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 shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart B, Abilene Municipal Code, known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From LI (Light Industrial) District to PD (Planned Development).

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.

ORDINANCE NO. 29-2010

EXHIBIT "A"

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PART 5: Legal Description. The legal description of this PD is as follows:

Being Lots 7-12, Block 38, OT Abilene

Location: 401 Plum

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for commercial development and related activities of a tract to previous setback conditions, which generally do not comply under present zoning and development procedures.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the Central Business (CB) zoning district, except as modified below.

A. PERMITTED USES:

1. All uses permitted in the CB (Central Business) Zoning District listed in the Zoning Ordinance, to include the following as a permitted use:
 - Wholesaling and Storage (Indoor)

B. SITE DEVELOPMENT

1. Building Materials:

- a. Building materials along the street frontages shall be ~~higher-quality materials~~ masonry on at least ten percent (10%) of the building facades, as required in the Central Business District.
- b. ~~Large blank walls shall be avoided through the use of building articulation or the variation of building materials, colors, and/or textures to create visual interest along large facades.~~

2. Loading Docks:

Loading docks shall provide sufficient maneuvering area such that loading and unloading of trucks will not interfere with traffic on the adjacent public streets.

3. Signs:

Signs shall comply with the City of Abilene Sign Regulations except as modified below:

- a. Signs should be designed in a manner that matches the overall architectural and aesthetic features of the primary and surrounding development consistent with the intended image for the South Downtown Master Plan.
- b. Wall Signs
 - (i) Wall signage may not exceed 10% of the area of any wall on which the sign(s) is (are) located and must be attached to a permitted primary structure.
 - (ii) Projecting signs attached to the building and extending perpendicular from the building are allowed and count toward the allowable wall signage.
- d. Banners shall only be located flat against the face of a building and shall have a maximum area of 60 square feet per building face. Banners will only be allowed for special occasions, ex. Grand Openings, and shall not be allowed for a period of time exceeding thirty (30) days.
- e. Prohibited Signs
 - (1) Portable Signs
 - (2) Off-site Advertising

4. Screening

- a. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be screened by an opaque wall or fence. Roof-mounted facilities shall be screened using materials that are consistent with the structure to which they are attached.

5. Sidewalks

- a. Sidewalks shall be required along all street frontages.
- b. All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan and the Texas Accessibility Standards.
- c. In no case shall any development on this site have sidewalks adjacent to a street less than 8 feet in width.

6. Landscape

All landscaping shall comply with the City of Abilene Land Development Code except as modified below:

- a. All street frontages shall include streetscaping consistent with the recommendations of the Downtown Streetscape Master Plan and the South Downtown Master Plan as determined by the Planning Director.
- b. Intersection bulb-outs, enhanced lighting fixtures, street furniture and similar streetscape features shall also be provided to conform to the Downtown Streetscape Master Plan and the South Downtown Master Plan as determined by the Planning Director.

-END-