

ORDINANCE NO. 34-2019

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-162 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, part 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 May A.D. 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 19th day of April, 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 p.m., on the 13th day of June, 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 13th day of June, A.D. 2019.

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 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, Abilene Municipal Code, part 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 RS-6 (Single Family Residential) to PD (Planned Development) zoning.

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 PD is as follows:

COLLEGE HEIGHTS, BLOCK 56, LOT 8 & 9
COLLEGE HEIGHTS, BLOCK 56, LOT 8 & 9



Location:
1909 Victoria St.

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for Broadcast Studio use within a Residential Single Family zone.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the RS-6 (Residential Single-Family) zoning district, except as modified below:

1) PERMITTED USES:

- a. Broadcast Studio shall be allowed as a principal use.

2) DEVELOPMENT REGULATIONS: When developed as a Broadcast Studio facility the following shall apply:

a. Tower:

- Use of telecommunication towers and antennas is prohibited.

b. Noise:

- Any noise of such character, intensity and continued duration which interferes with the comfort and enjoyment of surrounding private homes is prohibited.

c. Hours of Operation:

- Shall not operate before 6:00 A.M. nor after 11:00 P.M. on any day of the week.

d. Setbacks:

- Property is subject to all setback requirements out-lined for the RS-6 single family residential district.

e. Parking:

- Parking must meet the standards set by the Land Development Code and will be subject to the requirements outlined for broadcast studios.
- Requiring 1 space for every 500 square feet of building area PLUS 1 handicap accessible space.
- All required parking shall be on a paved surface.

f. Landscaping:

- A minimum 10-foot-wide landscape area shall be provided along the property line adjacent to a street.
- A minimum of 3 trees and 9 shrubs must be provided for this site.
- Existing trees on site deemed to be healthy shall be preserved to the greatest extent possible.
- Xeriscape principles shall be utilized.
- All landscaping areas shall be maintained by the property owner.
- All landscaping and screening shall be kept in a vigorous and healthy condition. Free from disease, pests, weeds, and litter.

g. Buffer yard:

- A minimum 5-foot-wide landscape strip must remain along all property lines adjacent to residential properties and ONE of the following requirements must be met.
 1. Opaque masonry wall with 6 foot minimum height, except when crossing the front building line. In which case the wall must scale down to a height of 2 ½ feet.

2. Opaque fence with 6 foot minimum height, except when crossing the front building line. In which case the fence must scale down to a height of 2 ½ feet.
3. One tree with a mature height of at least 20 feet and height of at least 8 feet at time of planting per 25 lineal feet of buffer yard.
4. Three smaller trees per 25 lineal feet of buffer yard.

h. Lighting/Illumination

- Lighting for driveways or other common areas shall be in accordance with the regulations stated in the City of Abilene Zoning Ordinance.
- Lighting shall be fully shielded and directed away from residential areas adjacent to the subject parcels.

i. Signage

- Use of existing sign is permitted, otherwise any new sign must conform to RS (Residential) sign standards.
- Illumination is not permitted
- Motion is not permitted

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