

ORDINANCE NO. 35-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-111 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 27<sup>th</sup> day of July A.D. 2006.

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 14<sup>th</sup> day of June, 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 10<sup>th</sup> day of August, 2006, 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 10<sup>th</sup> day of August, A.D. 2006.

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 RM-2 (Multi-family Residential) and RM-3 (Multi-family Residential) District 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:

Being all of that certain lot, tract, or parcel of land out of the south one-half of a 320-acre tract of land, off the west end of the J.H. Beck Survey No. 42 and being out of a 24.596-acre tract of land conveyed to Weatherbee Construction, Inc., recorded in Volume 3090, Page 832, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a point for corner, said point being the southwest corner of Section 1, Sandy Creek Village Addition, Abilene, Taylor County, Texas; said point also being on the east right-of-way of FM 3438.

THENCE South 0 degrees 49 minutes 22 seconds West along the east right-of-way of FM 3438, a distance of 890.38 feet to a point for corner being the intersection of the east right-of-way of FM 3438 and the north right-of-way of Jennings Drive;

THENCE South 44 degrees 06 minutes 36 seconds East along said east right-of-way of FM 3438 and the north right-of-way line of Jennings Drive a distance of 21.41 feet to a point for corner;

THENCE South 89 degrees 51 minutes 57 seconds East along the north line of Jennings Drive a distance of 285.10 feet to a point for corner;

THENCE North 0 degrees 49 minutes 22 seconds East a distance of 905.75 feet to a point for corner on the south line of Section 1, Sandy Creek Village Addition;

THENCE North 89 degrees 36 minutes 32 seconds West along the south line of Section 1, Sandy Creek Village Addition, a distance of 300.0 feet to the place of beginning containing 6.23 acres of land.

Location:

Northeast corner of Jennings Drive and Dub Wright Boulevard

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for an office development and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District.

**A. PERMITTED USES:**

All uses permitted in the Office Zoning District.

**B. SITE DEVELOPMENT**

**1. Building Setbacks**

- a. If parking is placed between the structure and the right-of-way (excluding single-family residences):
  - (1) Along Dub Wright Boulevard: 30 feet
  - (2) Along Jennings Drive: 30 feet
  - (3) Along any new streets dedicated after the date of this ordinance: 25 feet
  - (4) Eastern PDD boundary: 20 feet
  - (5) All interior setbacks within the PDD: 10 feet
- b. If parking is not placed between the structure and the right-of-way (excluding single-family residences):
  - (1) Along Dub Wright Boulevard: 20 feet
  - (2) Along Jennings Drive: 10 feet
  - (4) Along any new streets dedicated after the date of this ordinance: 10 feet
  - (5) Eastern PDD boundary: 20 feet
  - (6) All interior setbacks within the PDD: 10 feet
- c. In no case shall structures be placed within the triangle created by measuring 25 feet along the property lines where two street-side boundaries intersect. This area shall be developed in such a way to preserve visibility for vehicles in the right-of-way.
- d. Single-family residences and duplexes shall comply with the design standards of the RS-6 Zoning District.

**2. Maximum Structure Height: 30'**

**3. Building Materials (does not apply to single-family residences or duplexes):**

- a. A minimum of 20% of the exterior face of all structures shall be composed of brick, stone, or similar materials.
- b. The remaining area of the building face shall be limited to glass, stucco, stucco-like finishes, decorative block, or other similar materials.
- c. Elevation plans shall be submitted with the Site Plan for review and approval by the Planning Director. Any variation from the materials listed above will be subject to review and may be permissible at the discretion of the Planning Director.

**4. Off-street parking:**

- a. All parking areas shall comply with the provisions specified in the Zoning Ordinance.
- b. Truck loading areas shall be screened from street-side lot boundaries, residential zoning districts, and any properties within the PDD that are developed with single-family or multi-family residences by an opaque wall or barrier constructed of solid materials compatible with the exterior face of the building. Such screening areas shall extend the full length of the loading areas, exclusive of maneuvering areas for trucks.

**5. Driveway Access**

- a. No more than two driveways shall be permitted along Dub Wright Boulevard and one driveway along Jennings Drive.
- b. The driveway along Jennings Drive shall be a minimum of 150 feet from the intersection of Dub Wright Boulevard. It shall be separated from the nearest driveway on either side of the roadway by a minimum of 100 feet, unless it is located directly across from an existing driveway.
- c. Driveways shall comply with the City of Abilene or State of Texas access management regulations, whichever is applicable.
- d. Internal circulation of vehicular and pedestrian traffic shall be required within the development.

**6. Signage**

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

- a. Freestanding/Monument Signs:
  - (1) Group Signs: Two (2) group monument signs may be erected along Dub Wright Boulevard and one (1) group monument sign may be erected along Jennings Drive with the following limitations:
    1. Maximum height: 10 feet
    2. Maximum area: 80 square feet
    3. Setback from street-side boundary: 5 feet
    4. Minimum spacing between signs: 300 feet
- b. Wall Signs  
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 structure.
- c. Banners  
(1) Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.
- d. Illumination shall only be permitted if it is fully shielded away from residential uses.
- e. Prohibited Signs
  - (1) Portable Signs
  - (2) Off-site Advertising

**7. Screening**

- a. The development must provide and maintain a visual buffer using a solid wood fence, masonry wall, or continuous hedge at least six (6) feet in height along the full length of any shared property line separating multi-family or non-residential development from single-family homes or duplexes. Where the shared property line is the side boundary of the residential lot, any fencing shall conform to the height standards required for residential fencing to allow proper visibility for residents of the adjacent lot. Continuous screening must utilize a consistent design for the full length. Openings for pedestrian access are allowable.
- b. Any additional fencing on site must be constructed from wood and/or masonry materials.
- c. Where a fence is adjacent to, or visible from, a residential lot or public right-of-way, other than an alley, the finished side of wood fencing must face the right-of-way or the residential lot.
- d. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be screened from view outside the tract in question by an opaque wall or fence.

**8. Landscaping and Buffers**

- a. Where fences are utilized (in lieu of a continuous hedge) to fulfill the screening requirements as stated in Part 7.B.7.a, an additional 5-foot wide landscaped area shall be provided along the full length of the fence.
- b. A minimum 10-foot wide landscaped area shall be provided along all street-side boundaries within the PDD. The landscaped area shall be located entirely on private property.
- c. In addition to the landscaped strip along the street-side boundaries, no less than five (5) percent of the remaining lot area shall be landscaped. The remaining area shall be calculated by subtracting the area of the required street-side landscaped strip from the total lot area. The 5-foot wide landscaped area listed in Part 7.B.8.a above may count toward the 5% total.
- d. Parking and maneuvering areas adjacent to landscaped areas must be separated by a curb or similar barrier.
- e. Landscaping within the required 10-foot wide strip must consist of living materials and shall include at least 2 trees and 4 shrubs per 60 linear feet of required landscape area.
- f. Landscaping within the remaining required area must consist of living materials and shall include at least 2 trees and 4 shrubs per 1000 square feet of landscape area.
- g. Xeriscape principles shall be utilized.
- h. All parkways shall be landscaped.

**9. Sidewalks**

- a. Sidewalks are required along all public streets and must be placed in the right-of-way a minimum of one (1) foot from the property line and no less than five (5) feet from the back of curb or edge of pavement along arterials and no less than three (3) feet from the back of curb or edge of pavement along collectors and minor streets.
- b. Internal sidewalks and walkways are required to connect the boundary sidewalks with the primary entrances of all buildings. Sidewalks should be designed to promote safe pedestrian routes within the development.
- c. All sidewalks along public streets must be a minimum of five (5) feet wide.
- d. All internal sidewalks must be a minimum of four (4) feet wide.
- e. All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan and the Texas Accessibility Standards.

**10. Outdoor Storage and Display** are prohibited.

**11. Freight Containers** are prohibited.

**12. Lighting:** 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 building permit 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 designations.

-END-