

ORDINANCE NO. 02-2008

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-122 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 20th day of December 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 15th day of November, 2007, 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 10th day of January, 2008, 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.

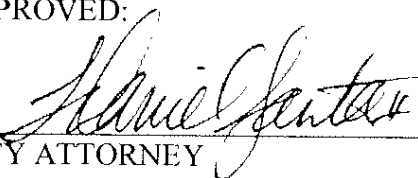
PASSED ON SECOND AND FINAL READING THIS 10th day of January, A.D. 2008.

ATTEST:

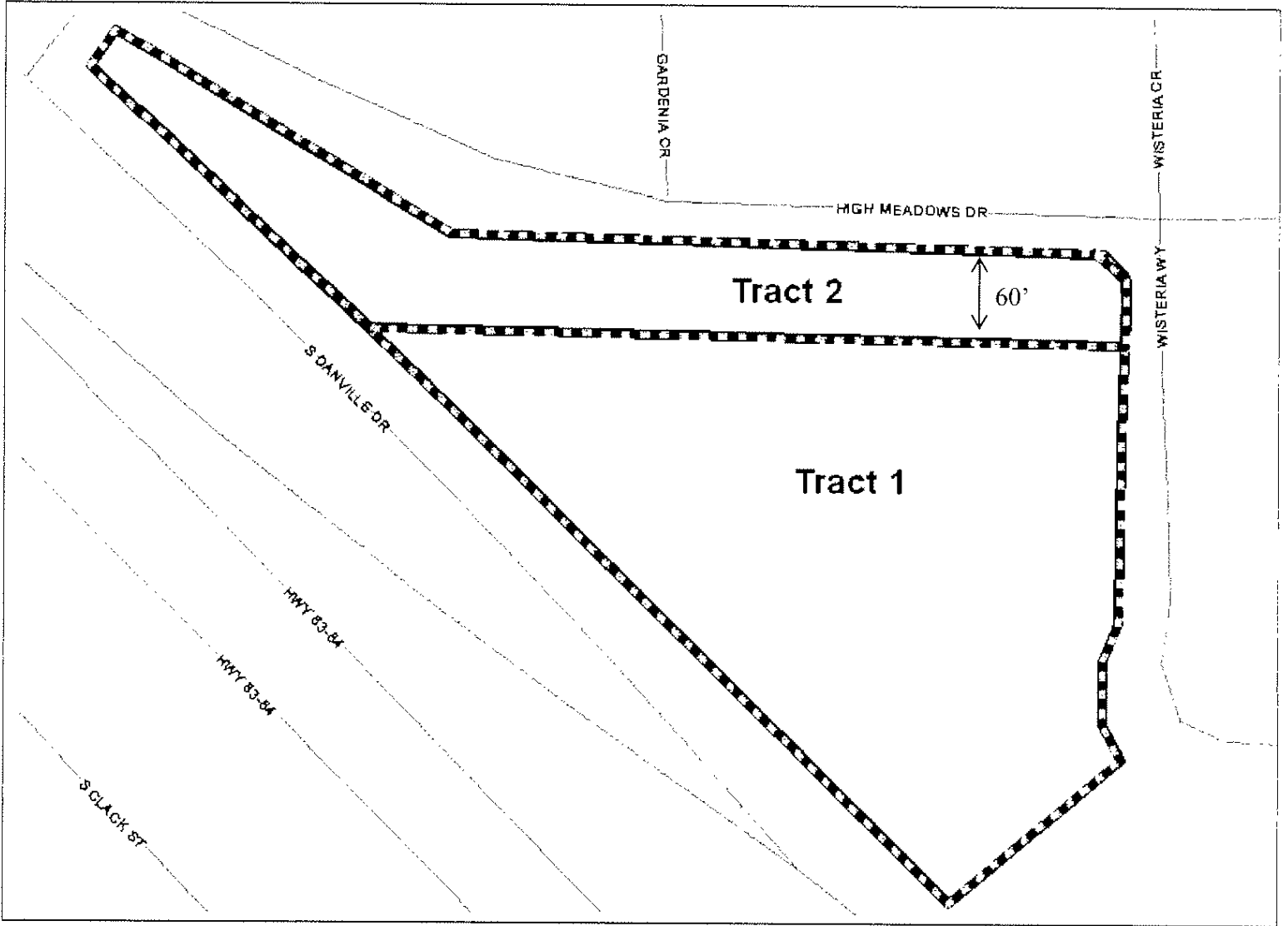

CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

Ordinance No. 02-2008
Exhibit "B"



ORDINANCE NO. 02-2008

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 LC (Limited Commercial) and RM-3 (Multi-Family Residential) 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:

Hedges Addition, Section 4, Block 3, Lots 320-301, and 208.

Tract 1: See "Exhibit B"

Tract 2: See "Exhibit B"

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for mix of commercial and residential 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 and the attached concept plan shall govern the use and development of this Planned Development District. Where there is a conflict between the ordinance text and concept plan, the ordinance text shall apply. The standards of the Shopping Center zoning district shall apply within Tract 1 of this Planned Development District and the standards of the RS-8 district shall apply within Tract 2 of this Planned Development District, unless specifically modified below.

I. PERMITTED USES:

A. Tract 1:

All uses allowed within Shopping Center zoning.

B. Tract 2:

Shall be regulated by the RS-6 zoning district standards.

- 1) The tract shall be replatted and remain as a single lot fronting on Wisteria Way.
- 2) This tract shall remain undeveloped except that it may be used as a green space or for passive recreational purposes including such facilities as gazebos, picnic tables and similar uses in no case shall the tract be covered by more than 25% impervious cover.

II. SITE DEVELOPMENT

A. Parking and ingress/ egress:

- 1) Streets and driveways shall comply with all applicable City of Abilene and State of Texas access management regulations, in addition to the following.
- 2) A maximum of one driveway shall be permitted from Wisteria Way to serve the entire PDD, and signage shall be installed to restrict delivery vehicles from using this drive.
- 3) A maximum of two drive connections shall be allowed onto S. Danville Drive.
- 4) There shall be no drive access to High Meadows Drive to/from any tract within this PDD.

B. Signage:

Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following:

1) Freestanding Signs:

- a. There shall be 1 (one) pole sign for the entire PDD with a maximum height of 43' and a maximum of 225 square feet.
- b. Sign lighting shall be shielded from the view of residential properties. In addition, internally lit signs must use lighting and colors to avoid excessive spillover lighting on residential properties.
- c. Temporary signs and freestanding banners, are only permitted for real estate signs, including a "Coming Soon" sign, and a "grand opening" event within 30 days of the issuance of a Certificate Occupancy.
- d. Electronic message boards or movable LED type signage utilizing scrolling or animation are only permitted if the message or text does not change for a minimum of 15 seconds.

- 2) Wall signs:
Wall signage may not exceed 10% of the area of any wall on which the signs are located.
- 3) Banners:
 - a. Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.
- 4) Prohibited signs:
 - a. Portable signs
 - b. Streamers, pennants, balloons, and similar devices

C. Landscaping:

- 1) Landscaping in the PDD must comply with the requirements of the City's Landscaping Ordinance.

D. Screening and Fencing:

- 1) Facilities for power, air conditioning, mechanical equipment, including rooftop equipment, and solid waste handling shall be screened from view of publicly accessible areas.
- 2) There shall be a solid evergreen hedge along the northern and eastern boundary of Tract 1. Plant materials selected shall be of a variety to achieve a minimum height of 8 feet within 3 years of planting and shall be spaced to provide an effective visual barrier to properties along High Meadows Drive and Wisteria Way. Visibility corners at drive entrances shall be maintained

E. Sidewalks:

All development must comply with the requirements of the Sidewalk Master Plan except that no sidewalk shall be required along Tract 2.

F. Outdoor Storage and Display:

- 1) Outdoor storage and display is prohibited.
- 2) Freight containers are prohibited.
- 3) Outside speakers shall be limited to the building façade(s) facing S. Danville Dr.

G. 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.

H. Traffic Control:

- 1) The property owner shall be responsible for the construction of 2 (two) speed humps along High Meadows Dr., if the speed humps are warranted by a traffic analysis conducted by the City of Abilene.
- 2) If the speed humps are not required at the time of development, a second traffic analysis will be conducted within 1 (one) year of the issuance of a Certificate of Occupancy, to determine

whether or not speed humps are warranted at that time. If warranted, the property owner is responsible for the construction costs of the speed humps.

- 3) If speed humps are required, the property owner shall only be responsible for costs up to \$6,000.00 (six thousand dollars) of the construction costs, with the City of Abilene responsible for the remainder, if necessary.

1. Building Materials:

- 1) A minimum of 10% of the exterior face of any building visible from publicly accessible areas, such as streets, driveways, parking lots, and walkways (loading areas are not included) shall be composed of brick, stone, decorative block, or similar materials.
- 2) The remaining area of the building face shall be limited to glass, EIFS, stucco, stucco-like finishes, or other similar materials.
- 3) Elevation plans shall be submitted with the Site Plan for review and approval by the Planning Director prior to site plan approval. Any variation in design or materials will be subject to review and may be permissible at the discretion of the Planning Director.

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 designation.

- END -