

ORDINANCE NO. 12-2008

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-124 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 28th day of February A.D. 2008.

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 16th day of January, 2008, 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 13th day of March, 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 13th day of March, A.D. 2008.

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, which 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 HC (Heavy Commercial) 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.

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EXHIBIT "A"

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

S150 W140 201 MC NAIRY 2-A ABL

S75 NW QTR 201 MC NAIRY 2-A ABL OT

N75 NW QTR 201 MC NAIRY 2-A OT ABL

LT 1 REP S100 W140 OF D 201 2-D&E MC NAIRY OT ABL

Location:

1300 Block of N. Pine St.

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for commercial 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. Where these regulations are silent, development shall be consistent with the ordinances of the City of Abilene.

**A. PERMITTED USES:** Uses Permitted in the Shopping Center and Medical Use Zoning District

**B. SITE DEVELOPMENT**

**1. Building Setbacks**

- a. If parking is placed between the structure and the right-of-way:
  - (1) Along Pine St.: 30 feet
  - (2) Along N. 13th: 25 feet
  - (3) Along any new streets dedicated after the date of this ordinance: 25 feet
  - (4) Northern and eastern PDD boundary: 0 except abutting Residential District, then 30 feet
  - (5) All interior setbacks within the PDD: 0 feet
- b. If parking is not placed between the structure and the right-of-way:
  - (1) Along Pine St.: max. 10 feet
  - (2) Along N. 13th: 10 feet
  - (3) Along any new streets dedicated after the date of this ordinance: 10 feet
  - (4) Northern and eastern PDD boundary: 0 except abutting Residential District, then 30 feet
  - (5) All interior setbacks within the PDD: 0 feet

**2. Building Materials:**

- a. Any building shall include both horizontal and vertical articulation in the building design for the front façade.
- b. Any building shall include visual enhancements providing architectural details such as building offsets and variation in color, texture, and materials, which will serve to reduce the apparent mass of a large building on all side and rear facades that are visible from the public right-of-way.
- c. A minimum of 20% of the front facades of all primary and accessory structures shall be composed of brick, stone, porcelain tile, or similar materials. This requirement shall also apply to side facades where they are visible from the public right-of-way.
- d. The remaining area of the building face shall be limited to glass, stucco, stucco-like finishes, decorative block, concrete tilt-wall panels, or other similar materials.
- e. 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.

**3. 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 the public right-of-way and residential zoning districts by an opaque wall or barrier constructed of solid materials compatible with the exterior face of the building. Such screening shall extend the full length of the loading areas, exclusive of maneuvering areas for trucks. No screening required if loading dock parallels the alley and is located at least 100' from the nearest street.

**4. Driveway Access**

- a. Driveways onto Pine Street shall be separated from the edges of the nearest driveway or adjoining right-of-way on the same side of the street by a minimum of 100 feet.
- b. No more than one drive is permitted onto N. 13<sup>th</sup> Street.
- c. Driveways shall comply with all applicable City of Abilene access management regulations in addition to the requirements of this ordinance.

**5. Signage**

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

a. 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.

b. 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.

c. Prohibited Signs

(1) Portable Signs

(2) Off-site Advertising

(3) Freestanding signs, except for a monument sign with a maximum height of 6' and a maximum area of 60 square feet.

**6. Screening**

a. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be screened from street-side lot boundaries and residential zoning districts 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.

b. Any additional fencing on site must be constructed from wood, masonry, wrought iron, or materials with a similar appearance.

c. Where a fence is adjacent to, or visible from, a public right-of-way, other than an alley, the finished side of wood fencing must face the right-of-way.

**7. Landscaping and Buffers**

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

- a. Screening of parking lots from public rights-of-way is required for parking lots of greater than 50 spaces. Screening must be at least 36 inches in height and include one or more of the following: hedge, closely spaced shrubs, masonry wall, berm, or similar.

**8. Sidewalks**

All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan and the Texas Accessibility Standards.

**9. Outdoor Storage and Display**

- a. Outdoor display of merchandise shall be placed to allow passage of pedestrians.
- b. Outdoor storage is prohibited.

**10. Freight Containers are prohibited.**

- 11. Lighting:** All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Zoning Ordinance.

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.

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