

ORDINANCE NO. 64-2023

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD-104 AND ORDINANCE NO. 24-2006 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 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 44-2016, 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: 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.

PASSED ON FIRST READING the 26th day of October, 2023.

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 September, 2023, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 2nd day of November, 2023, 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 FINAL READING THIS 2nd day of November, 2023.

ATTEST:




CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

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 AO (Agricultural Open Space 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 84.29 acres of land and being out of the Northeast 1/4 of Section 62, Abstract 781, Blind Asylum Lands, Taylor County, Texas, said Northeast 1/4 being part of that same tract conveyed unto the State of Texas from the City of Abilene and recorded in Volume 14, Page 127, Deed Records, Taylor County, Texas, said 84.29 acre tract being more particularly described as follows:

BEGINNING at a 3/8" rebar found at the Southwest corner of the Northeast 1/4 of said Section 62 for the Southwest corner of this tract, the Northeast corner of a 48.37 acre tract recorded in Volume 3010, Page 154, Official Public Records, Taylor County, Texas and the Northwest corner of a 13.37 acre tract surveyed by Williams Surveying Company on June 22, 2005, said point of beginning also bears S19°50'W 1756.95 feet from City of Abilene Survey Marker # 48 which has a posted position by the City of Abilene as: Texas Plane Coordinates, N. C. Zone, X = 1316698.83, Y = 278803.50.

THENCE N0°05'23"W 836.78 feet to a 1/2" rebar set;

THENCE N87°54'18"E 939.06 feet to a 1/2" rebar set;

THENCE N41°31'05"W 300.67 feet to a 1/2" rebar set;

THENCE N10°59'00"E 699.0 feet to a 1/2" rebar set in a curve to the left on the SBL of South 27th Street for the most Northerly Northwest corner of this tract;

THENCE along the SBL of South 27th Street and said curve to the left having a radius of 1498.53 feet, a length of 375.04 feet and a chord bearing and distance of N51°47'58"E 374.06 feet to a 1/2" rebar set at the end of said curve to the left;

THENCE N44°37'47"E (N45°20'E = record bearing) 253.10 feet along the SBL of said street to a 1/2" rebar set at the beginning of a curve to the right;

THENCE along the SBL of said street and said curve to the right having a radius of 1274.55 feet, a length of 854.82 feet, and a chord bearing and distance of N63°50'36"E 838.89 feet to a 1/2" rebar set for the most Northerly Northeast corner of this tract;

THENCE S9°19'31"E 383.10 feet to a 1/2" rebar set;

THENCE S89°48'14"E 426.27 feet to a 1/2" rebar set on the WBL of F. M. Highway 1750 (A.K.A. Oldham Lane) for the most Easterly Northeast corner of this tract;

THENCE S0°31'24"E (S0°30'E = record bearing) along the WBL of said highway at 215.07 feet pass an existing concrete highway monument and continue along for a total distance of 939.58 feet to an existing concrete highway monument on the Northwest boundary line of State Highway Loop 322;

THENCE S60°24'04"W (S40°40.7'W = record bearing) 513.45 feet (513.51 = record distance) along the Northwest boundary line of said Loop 322 to an existing concrete highway monument;

THENCE S44°05'09"W (S44°11.9'W = record bearing) 1079.66 feet along the Northwest boundary line of said Loop 322 to an existing concrete highway monument;

THENCE S33°34'19"W (S33°25.9'W = record bearing) 238.20 feet along the Northwest boundary line of said Loop 322 to a 1/2" rebar found at the Northeast corner of said 13.37 acre tract and the Southeast corner of this tract;

THENCE S89°13'35"W (S89°13'20"W = record bearing) 1263.47 feet (Bearing Basis Line, Bearings determined by GPS observations using Trimble 4700 receivers.) along the NBL of said 13.37 acre tract to the place of beginning and containing 84.29 acres of land.

Tract 6

ADD: BEING 14.34 acres of land and being out of the Northeast 1/4 of Section 62, Abstract 781, Blind Asylum Lands, Taylor County, Texas, said Northeast 1/4 being part of that same tract conveyed unto the State of Texas from the City of Abilene and recorded in Volume 14, Page 127, Deed Records, Taylor County, Texas, said 14.34 acre tract being more particularly described as follows:

BEGINNING at a set 1/2" rebar on the WBL of said Northeast 1/4 of Section 62, from whence a 3/8" rebar found at the Southwest corner of the Northeast 1/4 of said Section 62 and the Northeast corner of a 48.37 acre tract recorded in Volume 3010, Page 154, Official Public Records, Taylor County, Texas, bears S0°05'23"E 836.78 feet;

THENCE N0°05'23"W 730.53 feet to the SBL of South 27th Street;

THENCE N89°37'47"E 110.65 feet along the SBL of South 27th Street to the beginning of a curve to the left;

THENCE along said curve to the left with a radius of 1498.53 feet and a chord bearing and distance of N74°18'E 792.37 feet to a set 1/2" rebar at the most Northerly Northwest corner of an existing 84.29 acre tract;

THENCE along the Westerly boundary line of said 84.29 acre tract to set 1/2" rebar as follows:
S10°59'00"W 699.0 feet,
S41°31'05"E 300.67 feet and S87°54'18"W 939.06 feet to the place of beginning and containing 14.34 acres of land.

Location:

The west side of Oldham Lane between S. 27th Street and Loop 322

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 (Exhibit B) shall govern the use and development of this Planned Development District.

A. PERMITTED USES:

1. Tract 1:

- a. All uses permitted in the General Retail (GR) zoning district
- b. Residential provisions of RS-6 except as modified in Part 7.B.14 .

2. Tract 2:

- a. Uses permitted in the GR zoning district
- b. Storage self-service units shall be a permitted use
- c. Residential provisions of RS-6 except as modified in Part 7.B.14 .

3. Tract 3:

- a. Uses allowed in Residential Multi-Family (MF) zoning districts, subject to all standards ordinarily required thereof and of Part 7 .B.14 of this ordinance, except the overall density of housing (on any one lot) shall not exceed 18 dwelling units per acre.
- b. Self-service storage units, subject to all ordinary building and site development standards required thereof, as well as the following limitations:
 - (1) Outside storage (including storage of boats and other recreational vehicles) is not allowed.
 - (2) Fencing requirements:
 - (a) Chain-link fencing may be used on north and west sides only.
 - (b) No barbed or razor wire fencing may be used.
 - (c) Masonry or wrought-iron fencing may be used in any area.
 - (3) Sufficient containers for solid waste disposal must be provided and shall be fully screened from view of public rights-of-way or any roadway.
 - (4) Self-service storage building must be on concrete foundations, and all vehicle parking and maneuvering areas shall be improved with asphaltic or Portland cement binder pavement.
- c. Residential provisions of RS-6 except as modified in Part 7.B.14 .

4. Tract 4:

- a. The use and development of land in Tract 4 shall be generally governed by the following three zoning classifications as well as by provisions expressed in Part 7.B.14 of this ordinance:
 - (1) Residential Medium-Density (MD) District, with allowances for development of conventional single-family housing to ordinary standards of RS-6 zoning districts, and with a restriction that no more than two (2) dwelling units are allowed on any one lot;
 - (2) Residential Townhome (TH) District, provided that any final subdivision plat (or replat) embracing lots intended for townhome dwellings must specifically identify and restrict those lots for such housing; and
 - (3) Residential Single-Family Patio Home (PH) District, provided that any final subdivision plat (or replat) embracing lots intended for patio home dwellings must specifically identify and restrict those lots for such housing.

5. Tract 5:

- Shall develop under the provisions of the RM-2 district with the following exceptions:
- The maximum density shall be 18 units per acre
 - Must meet the requirements of Part 7.B.14 of this ordinance

6. Tract 6:

- a. Shall develop under the provisions of Residential Medium Density zoning district, except as modified in Part 7.B.14 of this ordinance.

B. SITE DEVELOPMENT

1. Minimum Building Setbacks - Commercial Development and Residential:

- a. Along S. 27th St, Oldham Lane., Loop 322 and any future collector streets:
 - (1) 15 feet if entirely landscaped except for sidewalks and permitted driveways crossing perpendicular across the 15 feet
 - (2) 30 feet if parking is located in the front of the building
- b. Along interior streets: 20 feet
- c. All others setbacks: 10 feet
- d. Residential: 5,000 sq. ft. lots shall have a minimum side yard setback of 5 feet for interior lots

2. Maximum Structure Height: 35 feet and no more than 2 stories

3. Controlled ingress and egress:

- a. Maximum of two (2) driveways (curb cuts) off Oldham Lane
- b. Maximum of three (3) driveways (curb cuts) off Loop 322

4. Building Materials:

- a. This section does not apply to single-family residences or self-storage (see Section A.3 for self-storage requirements).
- b. A minimum of 80% of the exterior face of all structures shall be composed of brick, stone, or EIFS
- c. The remaining area of the building face shall be limited to glass, stucco, EIFS finishes, decorative block, or other similar materials.
- d. No metal panels of any kind used on exterior facade.
- 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.
- f. Development of Tract 1 must have consistent and similar façades throughout the Tract.
- g. Development in Tract 2 must have a residential character to include the following:
 - A minimum roof pitch of 3:1
 - No metal roofing
 - Overhead doors may not be visible from Oldham Lane

5. Off-street parking and Circulation:

- 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 by an opaque wall or barrier at least 8 feet in height either of which must be 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.
- c. Internal circulation of vehicular and pedestrian traffic shall be required between parcels within the development.

6. Driveway Access and Spacing

- a. Direct driveway access for lots developed with single-family, duplex, townhome, and patio home residential uses shall be prohibited onto any arterial street or the Loop 322 frontage road.
- b. Driveways along S. 27th St. shall be a minimum of 150' from the nearest street intersection (measured from the right-of-way line) and separated from the nearest driveway on either side of the same street by a minimum of 100 feet, unless they are located directly across from existing driveways.

7. Signage

- a. Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- b. Freestanding:
 - (1) Monument Signs: Each parcel that is less than one acre may have a maximum of one free-standing sign. Parcels of one or more acres may have a maximum of two free-standing signs. Such signs must be monument signs with a maximum height of 10 feet and a maximum area of 80 square feet.
 - (2) Group Pole Signs: In addition to any allowable monument signs, two group pole signs may be erected only along the Loop 322 frontage with a maximum height of 30 feet and a maximum area of 150 square feet.
- c. Wall Signs: Wall signage may not exceed 10% of the area of any wall on which the sign(s) is (are) located and cannot be attached to required screening.
- d. Banners: Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage. These shall only be allowed until permanent wall signage is installed, but in no case for more than 60 days.
- e. Prohibited Signs:
 - (1) Portable Signs
 - (2) Off-site Advertising
 - (3) Pennants, streamers, balloons, and similar devices

8. Landscaping and buffers

- a. This section does not apply to single-family residential development.
- b. Landscaping and buffering within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- c. A minimum 15-foot wide landscaped area shall be provided along all street-side boundaries of the PDD. The landscaped area shall be located entirely on private property.
- d. 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, which may include parking lot landscaping and grass areas. The remaining area shall be calculated by subtracting the area of the required landscaped strip from the total area of the PDD.
- e. Landscaping within the required 15-foot wide strip must consist of living materials and shall include at least 1 commercially balled tree and 2 shrubs per 40 linear feet of required landscaping area.
 - f. Landscaping within the remaining required area must consist of living materials and shall include at least 2 commercially balled trees and 4 shrubs per 1000 square feet of landscape area.
 - g. Landscaped islands within parking lots are required at a rate of 1 per 20 parking spaces in a row. At least half of these islands shall include a commercially balled tree.
 - h. All parkways shall be landscaped.

9. Screening and Fencing

- a. This section does not apply to single-family residential.
- b. Any fencing on site that is for required screening must be constructed from masonry materials. Other fencing for security or other non-screening purposes may be wrought iron. Chain-link fencing shall be permitted only along the west boundaries of the PDD, but not along the Loop 322 frontage or Oldham Lane.
- c. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be fully screened from view outside the tract in question by an opaque wall or fence constructed of materials consistent with those of the primary building(s).
- d. Barbed wire and razor wire fencing shall be prohibited.
- e. A masonry wall six feet in height shall be provided along the eastern boundary of Tract 4, separating Tract 4 from Tract 2 and the existing fire station.

10. Sidewalks

- a. Sidewalks are required along all arterials, frontage roads, and collector streets within or adjacent to the PDD and must be placed in the right-of-way at least one foot from the property line.
- b. Internal sidewalks are required to connect the public sidewalks with the primary entrances of all buildings other than single-family residences. Sidewalks and walkways should be designed to promote safe and convenient pedestrian routes within the development.
- c. All sidewalks along collector and arterial streets must be a minimum of five (5) feet wide.
- d. All internal sidewalks must be a minimum of four (4) feet wide.
- e. Internal circulation of vehicular and pedestrian traffic shall be required within the entire PDD and to adjacent tracts.
- f. All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan, as well as applicable state and federal accessibility standards.

11. Outdoor Storage and Display

- a. Outdoor display of merchandise is not permitted
- b. Outdoor storage is not permitted

12. Freight Containers are prohibited

13. 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.

14. Residential Specs: The following standards shall apply to all residential development:

1. No Carports in any residential area
2. All residential structures shall have at least 80% brick facades
3. All garages for residential lots greater than or equal to 70 foot lot width shall have side or rear entry garages. Less than 70 foot wide lots shall be allowed front entry garages.
4. All streets shall be curbed
5. No industrial metal roofs
6. Fences shall be wrought iron, masonry, or wood
7. Minimum lot size for single-family shall be 50 feet by 100 feet.

PART 10: 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 -

Exhibit B (PD 104)*

*AS AMENDED IN 2023

SCALE: 1 inch = 500 feet

6- RS-6 Uses



4 - MD zoning
(inc. housing to RS standards)
plus TH and PH zoning



5 - MF zoning
(Max 18 units/acre)



2 - GR Uses plus Self-
service storage



3 - MF zoning
(Max 18 units/acre)
plus self-serve storage



1 GR Uses



1/3 GR Uses
plus self-serve storage

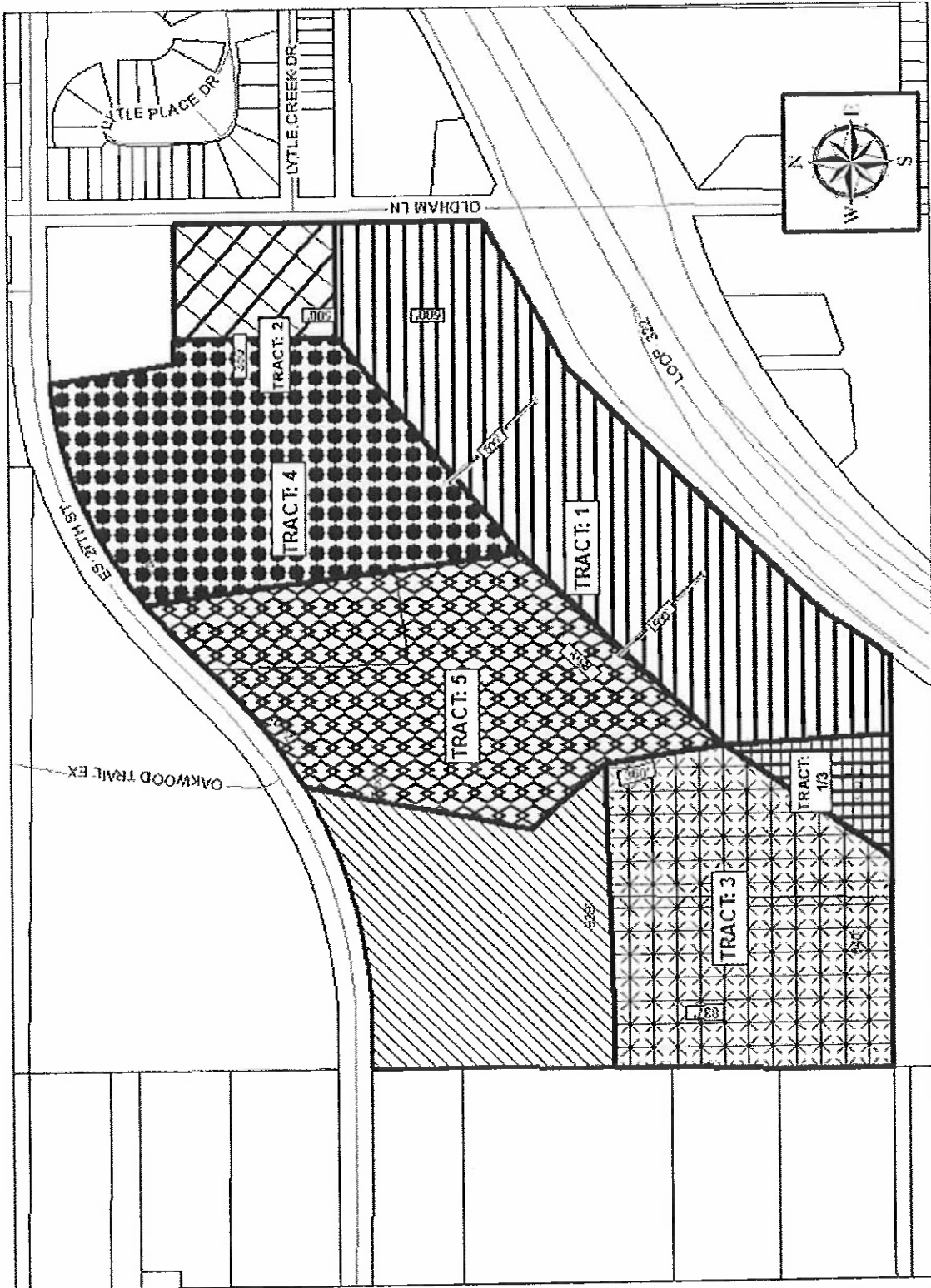
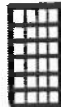


EXHIBIT D
OFFICE USES

RESIDENTIAL USES:

Single Family Detached Dwellings – to standards of RS-6 zoning districts

ACCESSORY AND INCIDENTAL USES:

Swimming Pools, Private (accessory to residential use) - only if RS8 or larger

Tennis Courts, Private (accessory to residential use) - only if RS8 or larger

CULTURAL AND RECREATIONAL USES

Art Galleries

Libraries

Museums

EDUCATIONAL AND RELIGIOUS USES:

Church or Place of Worship

OFFICE-TYPE USES:

Accounting, Auditing, Tax and Bookkeeping Services

Adjustment and Collection Services

Advertising Services

Appraisal Services

Architectural and Planning Services

Business Associations

Customer and Mercantile Credit Reporting Services

Detective Services

Engineering Services

Educational Research Offices

Government Administrative Offices

Insurance Agents, Carriers, and Brokers

Legal Services

Medical or Dental Office or Clinic -No 24/7 Minor Emergency Clinic

Office Space (general/unspecified)

Protective and Security Services

Real Estate Agent, Brokers, and Management

Security and Commodity Brokers, Dealers, and Exchanges

Stenographic, Duplicating and Mailing Services

Telephone Answering

Title Abstractors

SERVICE (OTHER THAN OFFICE-TYPE)

Banking Services (remote automatic)

Credit Unions

Savings and Loan Associations

Travel Arranging and Ticket Services

- END -