

ORDINANCE NO. 31-2024

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD-91, 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. 20-2004, 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 27th day of June, 2024.

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 17th day of May, 2024, 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 11th day of July, 2024, 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 11th day of July, 2024.


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 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 the 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. Site Plan is attached as Exhibit B.

Further, all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of this P.D.D. 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: Legal Description. The legal description of this PDD is as follows:
Wal-Mart Supercenter Addition, Block 1, Lot 1, Abilene, Taylor County, Texas.

Located at: 1650 HWY 351 and 1700 E Lowden Street

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:

1. Permitted Uses:

- A. Uses listed in the Retail Trade portion of the Permitted Use Chart in the Zoning Ordinance of the City of Abilene (henceforth called the Zoning Ordinance), with the following exceptions:
 - Aircraft and accessories
 - Auctions
 - Automobiles and Trucks
 - Marine Craft
 - Mobile Homes
 - Travel Trailers and Motor Homes
 - Motorcycles
 - Pawn Shops
 - Scrap and Waste Material
 - Secondhand Merchandise – including flea markets
- B. Offices
- C. Banks/Financial Institutions and Services
- D. Travel Arranging
- E. Beauty or Barber Shop
- F. Laundry and Dry Cleaning
- G. Telegraph/Money Transfer Services
- H. Auto and Small Truck Servicing and/or Auto Wash only if incidental and attached to a Department Store

2. Site Development shall be in accordance with the following regulations and as generally depicted on the site plan attached hereto as Exhibit B.

A. Setbacks:

- Setbacks for the 21.453-acre tract (referred to henceforth as the "Primary Lot") shall be in compliance with Exhibit B.
- Setbacks for out parcels:
 - Along Public Right-of-way:
 - 20 feet minimum if use of the 20 feet is landscaped and/or sidewalks only.
 - 30 feet minimum if parking is located in the setback
 - All other setbacks: 10 feet

B. Maximum Height: 40 feet (excluding architectural exceptions generally allowed by the Zoning Ordinance).

C. Off-street Parking shall be provided in accordance with the Zoning Ordinance.

D. Loading Spaces

- For the Primary Lot: as depicted in Exhibit B.
- For the out parcels: as required by the Zoning Ordinance.

E. Driveway access:

- From State right-of-way: shall be determined by the regulations set forth by the Texas Department of Transportation.
- From City right-of-way: A maximum of one driveway per lot per street
- Internal to the PDD: Driveways from one lot to another lot within the PDD are recommended.

F. Signs

- Free-standing signs shall be permitted as follows:
 - Lot 1, Block 1
 - One pole sign with a maximum height of 75 feet and a maximum area of 200 square feet; and,
 - One monument sign with a maximum height of 6 feet and a maximum area of 120 square feet.
 - Lots 3-5 and 102, Block 1 and Lots 1-3 Block 2
 - One pole sign with a maximum height of 60 feet and a maximum area of 200 square feet; or,
 - One monument sign with a maximum height of 6 feet and a maximum area of 75 square feet.
 - Lot 102 Block A, Liddle Acres
 - One pole sign with a maximum height of 40 feet and a maximum area of 200 square feet; and,
 - One monument sign with a maximum height of 6 feet and a maximum area of 120 square feet.
- Wall Signs: May not exceed 10% of the area of any wall on which they are located.
- Banners: Shall only be allowed when attached to and flat against a building.
- Prohibited signs: Portable signs, off-site advertising, other free-standing temporary signs.

G. Landscaping

- Primary Lot: Shall be generally provided as shown on Exhibit B.
- Out parcels: Landscaping shall be similar and consistent with that shown on the Primary Lot in Exhibit B. Such landscaping shall be negotiated during the Site Plan Review process as each out parcel develops. If the City and the developer are unable to agree on landscaping, the developer may request an amendment to the PDD that specifies such landscaping.

- Landscaping shall consist of xeriscape materials and shall be designed and maintained according to xeriscape principles.
- H. Outdoor storage and display of goods shall be prohibited with the exception of one area designated in Exhibit B which may be used for the outdoor display of merchandise only.
- I. Freight containers shall be permitted seasonally, subject to the following conditions:
- The temporary and seasonal storage of freight containers shall only be permitted between October 1 through December 31, annually.
 - All seasonal shipping containers shall be removed from the subject property no later than January 15, annually.
 - Fire lanes and driving aisles may not be blocked and must remain open at all times.
 - Seasonal shipping containers may only be stored at the locations shown on the proposed site plan, as show in 'EXHIBIT C'.
 - Seasonal shipping containers shall not be stacked on each other or on any other structure.

PART 8: Development Schedule. If a building permit is not issued within 18 months of the date of this ordinance, the Planning Director shall initiate rezoning of the PDD to GR (General Retail) or if transfer of land does not occur within 60 days to Wal-Mart, the Planning Director shall initiate rezoning of the entire PDD, or any specific tract, to GR as previously zoned upon written request of any or all of the owners.

