

ORDINANCE NO. 22-1998

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart E, "Zoning," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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.

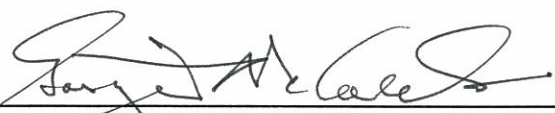
PASSED ON FIRST READING this 9 day of April A.D. 19 98.

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 22 day of March, 19 98, 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 9:00 a.m., on the 23 day of April, 19 98, 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 23 day of April, A.D. 19 98.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT "A"

Amend Section 23-356.

3. SITE PLAN COMMITTEE

A Site Plan Committee shall be organized to generally ensure compliance with the Zoning Ordinance and all other codes of the City, and to coordinate preliminary examination of construction proposals to ensure that all City departmental requirements, established by resolution or ordinance, have been met without conflict. The Site Plan Committee shall have all the powers and duties specifically provided for herein this subsection.

23-356.3 A. Site Plan Required: General

A site plan shall be required in all the following instances:

- (1) In certain districts, a final site plan shall be required prior to issuance of a building permit for all or certain types of buildings or improvements, as indicated by item K of this subsection.
- (2) A final site plan shall be required to get a Mixed Use permit as defined in Section 23-343.
- (3) A preliminary site plan shall be required prior to action by the Planning and Zoning Commission on a request for Planned Development District or any amendment thereto.
 - (a) As an alternate procedure, a proponent may file the final site plan at the same time and for the same purpose as a preliminary site plan. In such cases, only one site plan will be required. It will be in the same form and contain all the particulars required in a site plan filed to obtain a building permit.

23-356.3 B. Organization and Membership

The Site Plan Committee shall consist of the following members or their duly authorized representatives:

- (1) The Director of Planning, who shall serve as the Chairman of the Site Plan Committee.

- (2) One additionally authorized Planning representative appointed by the Director of Planning.
- (3) The Director of Public Works.
- (4) The City Engineer.
- (5) The Director of Traffic and Transportation.
- (6) The Fire Chief.
- (7) The Director of Water Utilities.
- (8) The Building Official

23-356.3. C. Powers and Duties of Site Plan Committee

The Site Plan Committee shall determine from the data submitted, whether or not final site plans will meet the requirements of this Zoning Ordinance and other applicable City codes and ordinances. The Site Plan Committee shall have the power and duty to approve or disapprove final site plans or to approve such plans with modifications as the Site Plan Committee deems necessary to carry out the above mentioned purposes. Building permits or Mixed Use permits will not be issued until all conditions of the site plan have been met.

The Site Plan Committee shall also make a recommendation to the Planning and Zoning Commission regarding any conditions, limitations, or modifications which the Committee feels should be placed on preliminary site plans submitted in application for a Planned Development District or amendment thereto. The Site Plan Committee shall also recommend, to the Planning and Zoning Commission, general guidelines for building area, height and placement within each Planned Development District, as well as appropriate requirements for off-street parking and loading within such districts.

23-356.3. D. Site Plan Meeting

The Site Plan Committee shall hold an inhouse review meeting on Wednesday of each week or as necessary. Comment forms shall be made available to the applicant no later than 9:00 a.m. the second business day following the Site Plan review meeting.

23-356.3. E. Procedures for Filing

The applicant shall file with the Planning Director or his designee twelve (12) copies of the site plan. The Site Plan Committee shall meet within five (5) days to thirteen (13) days after submission of a site plan application.

23-356.3. F. Application Fee

Upon filing a site plan with the Planning Director, the applicant shall pay a filing fee in accordance with Section 23-305.7 to be applied to the cost of processing the site plan application. The site plan is not officially filed until all fees have been paid. Should a site plan be withdrawn from consideration by the Site Plan Committee, the fee shall not be refundable.

The fees and charges for services furnished by the City, shall be determined from time to time and placed on file in the Office of the City Secretary.

23-356.3. G. Postponement of Action

The Site Plan Committee may postpone or table any action on a site plan until adequate information for its review is provided by the proponent. Resubmission of a site plan, in this instance, shall not require an additional application fee.

23-356.3. H. Disposition and Recording

After completing its review of a site plan, the Site Plan Committee shall return the approved final or preliminary site plan and all pertinent data together with a written list of conditions to the Planning Director or his designee. The applicant shall record with the Planning Director one (1) transparent or translucent positive print plus six (6) paper copies of the approved final site plan with all conditions and modifications shown or attached. Before the final site plan is officially recorded, the plan shall be reviewed by the Director of Planning or his designee to ensure compliance with the conditions imposed by the Committee. The final site plan shall then be dated and approved for recording by the Director of Planning. The Director of Planning and the City Engineer may approve issuance of permits prior to site plan approval when it is deemed that the required corrections are minor in nature.

23-356.3. I. Amendments

Following approval and recording of a final site plan, minor amendments may be made:

- (1) Upon showing the necessity; and with the approval of the Planning Director and the Building Official, or,
- (2) To satisfy a condition of approval made by the Site Plan Committee.

23-356.3. J. Compliance

It shall be incumbent upon the Building Official to make all inspections and certifications necessary to ensure that a structure is built in accordance with the approved site plan as recorded.

In the event that the Building Official finds that a condition or modification of the site plan or a provision of the Zoning Ordinance has not been met, he/she shall issue a stop work order. It shall be incumbent upon the contractor or developer to correct those items that are in violation of the plan or Ordinance before construction may resume. In the event that the structure has been completed, a Certificate of Occupancy may not be issued by the Building Official until the conditions of the site plan or provisions of this Ordinance, as applicable, have been substantially fulfilled. All action required in order to bring a structure into substantial compliance with the approved site plan shall be at the builder's or contractor's expense.

23-356.3. K. Final Site Plan Required

A final site plan shall be required for all new structures or substantial improvements to existing structures, for the following activities and/or in the following districts, prior to the issuance of a building permit:

- (1) RM-Residential Multi-Family, in all the following circumstances:
 - (a) Where three (3) or more dwelling units are to be built on a single lot.

- (b) Where attached, single-family dwellings are to be constructed in accordance with townhouse regulations described in Section 23-342.
 - (c) Where patio homes are to be constructed in accordance with patio home regulations described in Section 23-342.
- (2) MH-Mobile Home, for development of a new mobile home park as well as modifications or additions to an existing mobile home park.
 - (3) CU-College and University.
 - (4) LC-Limited Commercial.
 - (5) O-Office.
 - (6) SC-Shopping Center.
 - (7) MU Medical Use.
 - (8) CB-Central Business District.
 - (9) GC-General Commercial
 - (10) HC-Heavy Commercial
 - (11) PI-Park Industrial.
 - (12) LI-Light Industrial.
 - (13) HI-Heavy Industrial.
 - (14) AO-Agricultural Open Space, for permitted commercial use.
 - (15) Churches and schools in all districts.
 - (16) Civic, social and fraternal organizations in all districts.
 - (17) For an approved commercial use in an RS, RM or AO district that is in the COR (Corridor Overlay).

L. Minor Site Plan

- (1) A site plan is minor if it meets one of the following:
 - (a) Accessory use which is incidental to an established commercial development and which results in:
 - (1) No change in use.
 - (2) No increased traffic or business activity.
 - (3) No violation of height and placement standards contained within the Zoning Ordinance.
 - (4) Proposed structure must be less than fifty (50) percent of the area of existing structures and less than fifty (50) percent of the value of existing structures.
 - (5) No more than 5,000 square feet of new impervious surface may be created.
 - (b) Construction of covered parking where parking already exists on hard surface. Said construction must result in no violation of height and placement standards contained in the Zoning Ordinance.
- (2) Minor site plans will be subject to review by the Site Plan Committee but will generally be exempt from any requirement to bring unassociated site elements into conformance with current standards. Specific items from which the minor site plan will be exempted shall include:
 - (a) Construction of curb and gutter along an existing street.
 - (b) Modification of existing driveways or access unless additional access is proposed.
 - (c) Additional parking as long as the proposed improvement does not result in a shortage of required parking.

23-356.3. M. Requirements for Filing a Final Site Plan or Minor Site Plan

The final site plan shall be clearly defined and drawn to an appropriate scale to permit accurate review for compliance with City codes and ordinances. No more than three (3) sheets measuring a maximum of 24 x 36 inches may be submitted as a site plan. The following features shall be required on all site plans submitted for review by the Site Plan Committee:

- (1) The legal description of the property.
- (2) The location and dimensions of all boundary lines for the subject property.
- (3) The location and the square footage of all buildings on the property.
- (4) Landscaping for construction in the following zones: Corridor Overlay, Planned Development Districts, Park Industrial Districts, Medical Use Districts, Limited Commercial Districts adjoining Residential Districts.
- (5) Overall height of proposed structures.
- (6) Location and width of easements within or adjacent to the subject property.
- (7) Proposed use of the site.
- (8) North arrow, standard engineering scale and graphic scale.
- (9) The location and width of all platted streets, alleys and parkways within or adjacent to the subject property.
- (10) The names of streets adjacent to the subject property.
- (11) Location and dimensions of all off-street parking spaces, driveways, vehicle maneuvering areas, barriers, curb cuts and loading facilities.
- (12) Finished ground floor elevations.
- (13) Bench mark elevation.

- (14) Notation of regulatory flood hazard or floodway boundary.
- (15) Types of surfaces not under roof.
- (16) Location of existing, proposed, and required sidewalks.
- (17) Location of nearest fire hydrant(s).
- (18) Designation of any required fire lanes.
- (19) Location, type and size of all water and sewer mains.
- (20) Location of refuse collection facilities.

23-356.3 N. Requirements for Filing Preliminary Site Plan

Specifications for preparation of a preliminary site plan, required prior to action by the Planning and Zoning Commission on a request for Planned Development Districts, are outlined within Section 23-332.

23-356.3 O. Appeals

Appeals from the final decision of the Site Plan Committee shall be made to the Board of Adjustment upon a written request for a public hearing before said Board. Such request shall be filed with the Planning Director or his duly authorized representative, within fifteen (15) days after the final decision of said Site Plan Committee from which appeal is taken. Otherwise the determination shall be final. Any appeal shall be decided by the Board of Adjustment as provided in Section 23-356.2(I). Appeals from Site Plan Committee recommendations to the Planning and Zoning Commission are not authorized.

Amend Section 23-363 DEFINITIONS
Substantial Improvements

DELETE: Delete first paragraph only:

Any repair, reconstruction or improvement of a structure which increases the floor area of an existing structure by fifty (50) percent or more, or the cost of which equals fifty (50) percent or more of the market value of an existing structure, either:

ADD: Replace with:

The total of all repairs, reconstruction or improvements of a structure which have occurred less than twelve (12) months prior to application for a permit for a proposed repair, reconstruction, or improvement; which increases the floor area of an existing structure by fifty (50) percent or more, or the cost of which equals fifty (50) percent or more of the market value of an existing structure, either:

All other remains as is.

-END-