

ORDINANCE NO. 46-2003

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 13 day of November A.D. 2003.

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 2 day of November, 2003, 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 25 day of November, 2003, 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 25 day of November, A.D. 2003.

ATTEST:

D. Moore
CITY SECRETARY

Grady Barr
MAYOR
APPROVED:

Sharon E. Hicks
CITY ATTORNEY

EXHIBIT "A"

**Amend: Section 23-332 PLANNED DEVELOPMENT DISTRICT (PDD)
4(A) PROCEDURES AND REQUIREMENTS –
APPLICATION REQUIREMENTS**

DELETE: Any person, firm or corporation may file an application for a Planned Development District. Application for zone change to all types of PDD's, except PDR, shall be submitted to the Planning Director, or his designee, at least forty-five (45) days prior to public hearing by the Planning and Zoning Commission, as set forth in Section 23-356.1 concerning zoning amendment procedure. Application for zone change to PDR shall be submitted at least twenty (20) days prior to public hearing. Application for all types of PD districts, except PDR and PDH, shall contain each of the following items described by this subsection. Application for PDR districts shall include only the following items number one (1), four (4), five (5), six (6) and nine (9). Application for Planned Development Historic District (PDH) districts shall include only the following items: numbers one (1), three (3), five (5), six (6), seven (7), and nine (9):

ADD: Any person, firm or corporation may file an application for a Planned Development District. Application for zone change to PDD shall be submitted to the Planning Director, or his designee, at least forty-five (45) days prior to public hearing by the Planning and Zoning Commission, as set forth in Section 23-356.1 concerning zoning amendment procedure. Application for all types of PD districts, except PDH, shall contain each of the following items described by this subsection, with the exception that application for Planned Development Historic District (PDH) districts shall include only the following items: numbers one (1), three (3), five (5), six (6), seven (7), and nine (9):

DELETE: 6. TYPES OF PLANNED DEVELOPMENT DISTRICTS

The following types of PDD's may be authorized:

A. Planned Development Residential District (PDR)

(l) Purpose

The PDR district is intended to permit more flexible design of residential environments in accordance with performance criteria that will ensure harmony among land uses. To this end, the Planning and Zoning Commission shall recommend a maximum Land Use Intensity rating for each PDR district. District regulations are also designed to encourage residential development that provides:

- (a) Maximum choice in the types of residential environments, housing densities and living units available to the public.
- (b) Adequate open space and recreation areas.
- (c) Development patterns which preserve trees and natural features, and prevent soil erosion.
- (d) A creative approach to the use of land and related physical development.

- (e) Efficient use of land resulting in smaller networks of utilities and streets, thereby lowering housing costs.
- (f) An environment of stable character in harmony with surrounding development.
- (g) A more desirable environment than would be possible through lot-by-lot development.

The PDR district is designed for both small and large-scale developments, incorporating a single type or a variety of residential and related uses. Such development may consist of individual lots, or it may have a common building site.

(2) Plan Review

In recommending approval of a PDR district, the Planning and Zoning Commission shall ascertain that district plans meet all of the general requirements for a PDD as well as the following conditions:

- (a) Standards for maximum permitted floor space as well as for minimum recreation space, outdoor living space, open space, and parking space shall correspond to a Land Use Intensity (LUI) rating established by the PDD ordinance. The relationship between LUI ratings and specific density ratios is established by minimum property standards for multi-family housing (FHA 2600, dated November 19, 1963). The Planning and Zoning Commission shall recommend a maximum density or Land Use Intensity Rating which will be compatible with the Comprehensive Plan as well as the existing and prospective character of surrounding development.
- (b) A homes association shall be required if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities including streets, drives, service and parking areas, and recreation areas. When required, the owner(s) must establish an association in accordance with requirements and procedures outlined by FHA in Sections 7 and 8.2 of the Land Planning Bulletin No. 6 entitled "Planned Unit Development with the Homes Association" and dated December 1963.

B. Planned Development Mobile Home District (PDMH)

(1) Purpose

The PDMH district provides some flexibility in the design and configuration of mobile home and vacation trailer parks and mobile home subdivisions, while ensuring protection of the public health, safety and welfare concerning their use.

(2) Plan Review

In recommending approval of a PDMH district, the Planning and Zoning Commission shall ascertain that district plans meet all of the general requirements for a PDD as well as the following conditions:

- (a) Minimum district size shall be four (4) acres for mobile home parks and subdivisions and two (2) acres for vacation travel trailer parks.
- (b) All parks shall be developed in conformance with the requirements established in the Mobile Home and Vacation Travel Trailer Parks ordinance, which is hereby incorporated by reference into this Zoning Ordinance.
- (c) Off-street parking shall be provided equivalent to two (2) spaces for each mobile home space or lot, and one (1) space for each vacation travel trailer space.
- (d) All PDMH districts shall be designed to minimize congestion and hazards at ingress and egress points and allow for free movement of traffic on adjacent streets.
- (e) PDMH districts developed for mobile homes shall have a maximum density of eight (8) units per acre, while districts developed for vacation travel trailers shall have a maximum density of twelve (12) units per acre.
- (f) PDMH districts shall be designed and screened as necessary to be compatible with adjacent land uses.

C. Planned Development Mixed Use District (PDMX)

(1) Purpose

the PDMX district is intended to allow more flexible location of different activities within a planned environment. Each district shall be designed and integrated with the surrounding area in a manner which ensures an acceptable level of harmony among activities and encourages more efficient use of land and public facilities.

(2) Plan Review

In recommending approval of a PDMX district, the Planning and Zoning Commission shall ascertain that district plans meet all of the general requirements for a PDD as well the following conditions:

- (a) Minimum district size shall be four (4) acres.
- (b) The type, scale, and arrangement of activities permitted in a PDMX district shall be compatible with the character of the surrounding neighborhood.
- (c) Adequate screening and landscaping shall be provided to protect adjacent land uses, and to create an overall aesthetic appearance.
- (d) The site shall be designed in a manner that preserves natural features and landscape.
- (e) Amount of off-street parking spaces shall be provided in accordance with standards set forth in Section 23-306, Permitted Use.
- (f) Adequate ingress and egress shall be provided to the site from adjacent streets. In addition, safe and efficient circulation shall be provided for vehicular and pedestrian travel within the district.

D. Planned Development Shopping District (PDS)

(1) Purpose

The PDS district is intended to permit a high degree of flexibility in the design and placement of shopping centers.

(2) Plan Review

In recommending approval of a PDS district, the Planning and Zoning Commission shall ascertain that district plans meet all of the general requirements for a PDD as well as the following conditions:

- (a) Minimum district size shall be four (4) acres.
- (b) PDS districts shall be located adjacent to at least one major thoroughfare. Adequate ingress and egress shall be provided to the district from such thoroughfare.
- (c) Amount of off-street parking spaces shall be provided in accordance with standards set forth in Section 23-306, Permitted Use.
- (d) The character of the shopping center shall not detract from the surrounding area, but shall be compatible in nature and character with the surrounding area.

E. Planned Development Office District (PDO)

(1) Purpose

The intent of the PDO district is to allow a variety of appropriate office and related activities to share a single location. A degree of flexibility is allowed in office complex design to provide for the space needs of individual tenants. Diversification of building size, height, and arrangement is permitted within this district to accommodate individual requirements. The district may be designed to lease office space, or to permit tenants and buyers of land to build their own structures.

In the latter case, protective covenants may be necessary to ensure and preserve the physical character and development of the district.

(2) Plan Review

In recommending approval of a PDO district, the Planning and Zoning Commission shall ascertain that district plans meet all of the general requirements for a PDD as well as the following conditions:

- (a) Minimum district size shall be two (2) acres.
- (b) Design of the PDO district shall be flexible and creative, to accommodate the needs of prospective tenants and benefit the community in general.
- (c) The pattern of development shall preserve open space and natural features.

- (d) On-site parking shall be provided equivalent to 1 space per 250 square feet of floor space.
- (e) Adequate ingress and egress shall be provided to the site from a major thoroughfare. In addition, safe and efficient circulation patterns shall be provided for vehicular and pedestrian traffic within the district.
- (f) Uses permitted within the district must be in character with each other and the surrounding area.

F. Planned Development Recreation District (PDREC)

(1) Purpose

The PDREC district provides for creation of a recreational complex which may include a variety of activities. The district may also be developed for just a single type of recreational use. Other compatible uses permitted by this Ordinance may also be incorporated into the PDREC.

(2) Plan Review

In recommending approval of a PDREC district, the Planning and Zoning Commission shall ascertain that district plans meet all of the general requirements for a PDD as well as the following conditions:

- (a) Minimum district size shall be five (5) acres.
- (b) The site shall be developed in a manner which is attractive and preserves natural features and landscape.
- (c) Adequate buffers shall be provided to protect adjacent development.
- (d) On-site parking shall be provided in accordance with standards established for planned recreational uses.
- (e) The PDREC district shall be located on a major thoroughfare, with convenient ingress and egress to the site, and adequate sidewalks, pathways and similar facilities for safe pedestrian movement within the site.
- (f) Development of the PDREC district shall be compatible with adjacent land use and the character of the surrounding neighborhood.

G. Planned Development Medical District (PDMD)

(1) Purpose

The PDMD district is designed to provide greater flexibility in the placement and interrelationship of structures planned for medical use. Related and/or supporting facilities may be located within the district, provided they are compatible with potential and existing uses in the surrounding area.

(2) Plan Review

In recommending approval of a PDMD district, the Planning and Zoning Commission shall ascertain that district plans meet all of the general requirements for a PDD as well as the following conditions:

- (a) Minimum district size shall be four (4) acres.
- (b) The proposed project shall promote an environment of sustained desirability and stability, in keeping with the character of the surrounding neighborhood.
- (c) Properties adjacent to the PDMD district shall not be adversely affected.

H. Planned Development Industrial District (PDI)

(1) Purpose

The intent of the PDI district is to allow more flexible placement and interrelationship of structures and activities within a planned industrial project. Related and/or supporting facilities may be located within the district, provided they are compatible with each other and with potential and existing uses in the surrounding area.

(2) Plan Review

In recommending approval of a PDI district, the Planning and Zoning Commission shall ascertain that district plans meet all of the general requirements for a PDD as well as the following conditions:

- (a) Minimum district size shall be ten (10) acres.
- (b) The proposed development shall promote an environment of sustained desirability and stability, in keeping with the character of the surrounding neighborhood.
- (c) Properties adjacent to the PDI district shall not be adversely affected.

I. Planned Development Historic District (PDH)

(1) Purpose

The Planned Development Historic District is intended to provide a historic district where land usage, building height, area, placement, parking, landscaping, screening, building bulk, and any regulation can be flexible and/or controlled in the best interest of property owners and the historic (contributing) and non-historic (noncontributing) properties within the district.

(2) Plan Review

- (a) The Landmarks Commission as established in Section 23-356 of the Zoning Ordinance shall administer the provisions of this ordinance appropriate for the protection and preservation of structures and lands deemed by the community to be of unique historical, architectural, and cultural value. The Landmarks Commission and the Design Review Committee for Historic Districts shall have all the powers and duties specifically provided for herein. All rules and regulations that apply to the existing Landmarks Commission shall apply when this Commission administers the provisions of the Planned Development Historic District.

- (b) All other provisions as set forth in Sections 23-303.2, 23-344, 23-356, and 23-356.5, and Historic Zone Tax Reduction Chapter 30, Article IV, of the Abilene City Code shall apply to this Planned Development Historic District.

ADD: 6. TYPES OF PLANNED DEVELOPMENT DISTRICTS

In addition to, and without limitation on the type or purpose for which Planned Development Districts may be approved pursuant to this Section, the Planning and Zoning Commission may authorize the following types of PDDs.

Planned Development Historic District (PDH)

(1) Purpose

The Planned Development Historic District is intended to provide a historic district where land usage, building height, area, placement, parking, landscaping, screening, building bulk, and any regulation can be flexible and/or controlled in the best interest of property owners and the historic (contributing) and non-historic (noncontributing) properties within the district.

(2) Plan Review

- (a) The Landmarks Commission as established in Section 23-356 of the Zoning Ordinance shall administer the provisions of this ordinance appropriate for the protection and preservation of structures and lands deemed by the community to be of unique historical, architectural, and cultural value. The Landmarks Commission and the Design Review Committee for Historic Districts shall have all the powers and duties specifically provided for herein. All rules and regulations that apply to the existing Landmarks Commission shall apply when this Commission administers the provisions of the Planned Development Historic District.
- (b) All other provisions as set forth in Sections 23-303.2, 23-344, 23-356, and 23-356.5, and Historic Zone Tax Reduction Chapter 30, Article IV, of the Abilene City Code shall apply to this Planned Development Historic District.

Amend Section 23-356.1.H

ADMINISTRATION PROCEDURE AND REQUIRED PERMITS
PLANNING AND ZONING COMMISSION
(H) Amendment Procedure: Zone Change Requests

DELETE: Any person, firm or corporation who together, separately or in any combination, own all of a contiguous tract of land within the City may request a change in the zoning classification by filing an application with the Planning Director or his designee. The City Council and any other board or commission of the City, at their own volition or upon petition from any individual or group, may also request a change in the zoning classification. Except as otherwise specified herein, the application for zone change and all required attachments and fees must be delivered to the Planning Director or his designee at least twenty-seven (27) days prior to the public hearing by the Planning and Zoning Commission. An application for zone change creating a Planned Development District (except PDR Districts intended exclusively for residences and incidental accessory uses) and all required attachments and fees must be delivered to the Planning Director or his designee at least forty-five (45) days prior to the public hearing by the Planning and Zoning Commission. An application for zone change creating a Planned Development Residential District, insofar as the application deadline is concerned, shall be treated in the same fashion as more conventional zoning classification changes. The application shall be on an official form furnished by the Planning Director. The requestors of the zone change, known as the proponent, shall supply all information prescribed in the form.

ADD: Any person, firm or corporation who together, separately or in any combination, own all of a contiguous tract of land within the City may request a change in the zoning classification by filing an application with the Planning Director or his designee. The City Council and any other board or commission of the City, at their own volition or upon petition from any individual or group, may also request a change in the zoning classification. Except as otherwise specified herein, the application for zone change and all required attachments and fees must be delivered to the Planning Director or his designee at least twenty-seven (27) days prior to the public hearing by the Planning and Zoning Commission. An application for zone change creating a Planned Development District and all required attachments and fees must be delivered to the Planning Director or his designee at least forty-five (45) days prior to the public hearing by the Planning and Zoning Commission. The application shall be on an official form furnished by the Planning Director. The requestors of the zone change, known as the proponent, shall supply all information prescribed in the form.