

ORDINANCE NO. 24-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-104 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 13th day of April A.D. 2006.

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 15<sup>th</sup> day of March, 2006, 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 27th day of April, 2006, 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.

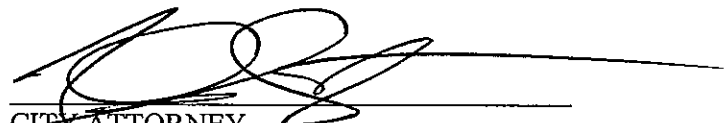
PASSED ON SECOND AND FINAL READING THIS 22nd day of June, A.D. 2006.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:

  
CITY ATTORNEY  
**T. Daniel Santee II**  
First Assistant City Attorney

ORDINANCE NO. \_\_\_\_\_

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 27<sup>th</sup> Street for the most Northerly Northwest corner of this tract;

**THENCE** along the SBL of South 27<sup>th</sup> 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.

Location:

The west side of Oldham Lane between S. 27<sup>th</sup> 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. Uses permitted in the Shopping Center district as modified (See Exhibit C)
- b. Education Research
- c. Catering Service
- d. Delivery Services
- e. Office equipment and business machine rental
- f. Printing (Commercial)
- g. Medical and Dental Supply Sales
- h. Newspaper, periodical and book publishing, binding and printing
- i. Pet Stores with the following provisions:
  - No external grooming or kennels
  - All related activities must occur indoors within the pet store business
- j. Hotel (including swimming pools and tennis courts) with the following provisions:
  - May only face Loop 322
  - No exterior entry to rooms
  - Rooftop mechanical items must be screened

**2. Tract 2:**

- a. Uses permitted in the Office District as modified (See Exhibit D).
- b. All mechanical equipment, such as HVAC and power units, and refuse containers shall be located within a fenced area that is screened from view.

**3. Tract 3:**

Self Storage units are permitted in Tract 3, subject to the following limitations:

- a. Front exterior facades must be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
- b. Any exterior facade other than the front that is visible from any public right-of-way shall be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
- c. All building materials, including doors, that are visible from a public right-of-way shall be of a neutral color.
- d. Outside storage (including RV storage) is not permitted.
- e. Fencing requirements:
  1. Chain link fencing may be used on the north side and/or the west side
  2. No barbed or razor wire fencing may be used.
  3. Masonry or wrought iron fencing may be used in any area.
- f. Sufficient refuse containers must be provided and shall be fully screened from view of the public right-of-way or any roadway.
- g. Buildings must be on concrete foundations and all parking and maneuvering areas

shall be concrete and/or asphalt.

**4. Tract 4:**

Shall develop under the provisions of the RS-8 and/or the RM-3 zoning districts, except as modified in Part 7.B.14 of this ordinance. Development under the RM-3 standards shall be limited to the following uses only:

- Townhomes
- Patio Homes
- Duplexes

**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

**B. SITE DEVELOPMENT**

**1. Minimum Building Setbacks - Commercial Development and Residential:**

- a. Along S. 27<sup>th</sup> 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

**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. 27<sup>th</sup> 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 structures shall have side or rear entries (no front-facing)
4. All streets shall be curbed
5. No industrial metal roofs
6. Fences shall be wrought iron, masonry, or wood

**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 -



1 Uses with Modifications

2 SC Uses and/ or Self Storage

3 Self Storage and Residential 18 Units/ Acre

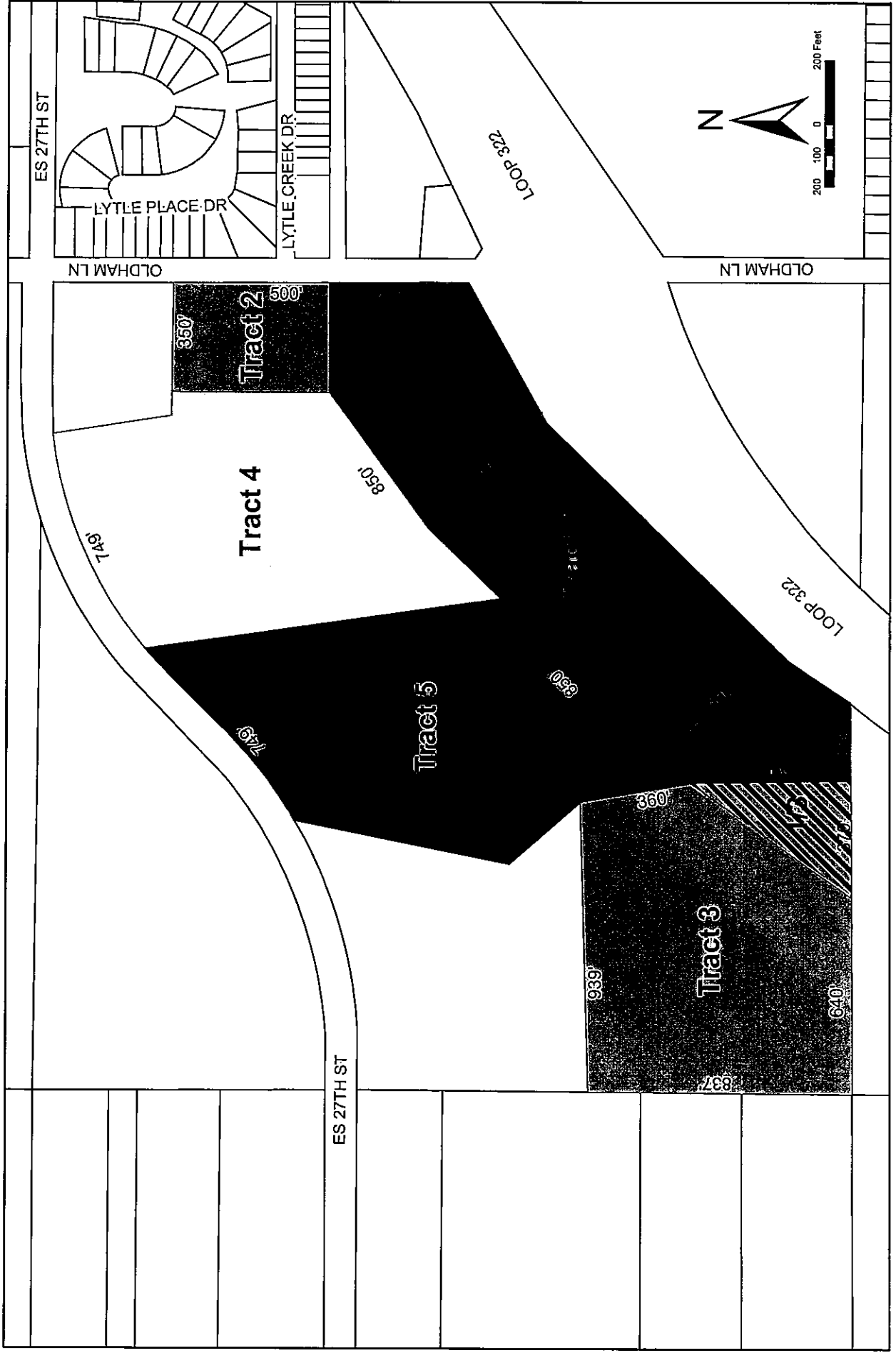
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5 Office Uses with Modifications

6 Residential RM-3 and/ or RS-8

7 Residential RM-3 18 Units/ Acre

# Exhibit B



## EXHIBIT C

### SHOPPING CENTER USES

#### **ACCESSORY AND INCIDENTAL USES:**

Accessory Building  
Fences, Walls, and Hedges  
Field Office or Construction Office (temporary)  
Mobile Home (temporary security residence)  
Satellite Dish Antenna (maximum diameter of 24 inches)

#### **CULTURAL AND RECREATIONAL USES**

Art Galleries  
Libraries  
Museums  
Theaters and Playhouses

#### **GOVERNMENT, HEALTH, SAFETY AND WELFARE USES**

Fire Station  
Governmental Administrative Offices  
Medical and Dental Clinic or Office - *No 24/7 Minor Emergency Clinic*  
Optical Shop  
Post Office

#### **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  
Consumer and Mercantile Credit Reporting  
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  
Banking Services (remote automatic)  
Beauty and Barber Services  
Blueprinting and Photocopying Services  
Credit Unions  
Interior Decorating Services  
Key and Lock Repair  
Laundry and Dry Cleaning Services, Including Pressing, Alteration, and Garment Repair (does not accept  
Items from pick-up stations)  
Photographic Services  
Savings and Loan Associations  
Tailoring (custom)  
Trading Stamp Services  
Travel Arranging and Ticket Services  
Watch, Clock and Jewelry Repair Service

**TRADE-RETAIL USES:** [No Drive-Thru Windows]

Appliances (household)  
Bakery Products (on premise sales)  
Book and Stationery  
Cameras and Photographic Supplies  
China, Glassware, and Metalware  
Clothing and Apparel Accessories  
Coins and Stamps  
Department Stores  
Drug Store/Pharmacy  
Floor Coverings  
Furniture and Home Furnishings  
Furriers and Fur Apparel  
Gifts, Novelties, Souvenirs  
Hardware  
Hobby and Craft Supplies  
Jewelry  
Keys and Locks  
Liquor Store Off-Premise Consumption (unrestricted)  
Music Supplies and/or Records  
Office Supplies and Equipment  
Optical Goods  
Paint, Glass, and Wallpaper  
Pets and Pet Supplies [*No grooming and no outdoor kennel*]  
Radios and Televisions  
Restaurants, Standard  
Shoes  
Sporting Goods and Athletic Equipment  
Variety Stores

- END -

**EXHIBIT D**  
**OFFICE USES**

**RESIDENTIAL USES:**

Single Family Detached Dwellings - RS8 or better to be compatible with the neighborhood

**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 -