

ORDINANCE NO. 51-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-106 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 25th day of September 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 16th day of August, 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 12th day of October, 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 12th day of October, A.D. 2006.

ATTEST:

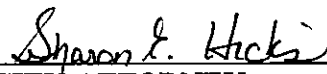


CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

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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 6.33 acres out of an original 8.93 acre tract described as Tract 1 in Volume 1105, Page 763, Deed Records, Taylor County, Texas, and being out of the William Bishop Survey No. 43, said 6.33 acres being more particularly described as follows:

BEGINNING at a point on the NBL of said Bishop Survey is recorded to bear West 1175.7 feet;

THENCE S0°13'E at 19.8 feet pass a ½" rebar set for reference and continue along the WBL of Lot 1, Block A, Neeb Addition for a total distance of 500.43 feet to a ½" rebar set for the Southeast corner of this tract and the Southwest corner of said Lot 1, Block A, Neeb Addition;

THENCE N89°49'W 557.58 feet along the SBL of said 8.93 acre tract to a 3/8" rebar found on the EBL of F.M. Highway 3438 for the Southwest corner of this tract;

THENCE N0°49'55"E 454.28 feet along the EBL of said highway to an existing highway monument;

THENCE N45°15'43"E 35.88 feet along the EBL of said highway to an existing highway monument on the South side of Jennings Drive;

THENCE North 20.0 feet along the EBL of said highway to a point on the NBL of the William Bishop Survey No. 43 for the most Northerly Northwest corner of this tract;

THENCE S89°54'34"E 523.61 feet along the NBL of said Bishop Survey and along the middle of Jennings Drive to the place of beginning and containing 6.33 acres of land.

Location:

Southeast corner of Jennings Drive and Dub Wright Boulevard

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for mix of 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.

A. PERMITTED USES:

Uses permitted in the Limited Commercial district with the addition of Self-storage units shall be allowed throughout the entire PDD. Uses permitted in the Shopping Center district shall be allowed only within 450 feet of Dub Wright Boulevard.

B. SITE DEVELOPMENT

1. Building Setbacks

- a. If parking is placed between the structure and the right-of-way (excluding single-family residences):
 - (1) Along Dub Wright Boulevard: 30 feet
 - (2) Along Jennings Drive: 30 feet
 - (3) Along any new streets dedicated after the date of this ordinance: 25 feet
 - (4) Eastern PDD boundary: 20 feet
 - (5) All interior setbacks within the PDD: 10 feet
- b. If parking is not placed between the structure and the right-of-way (excluding single-family residences):
 - (1) Along Dub Wright Boulevard: 20 feet
 - (2) Along Jennings Drive: 10 feet
 - (4) Along any new streets dedicated after the date of this ordinance: 10 feet
 - (5) Eastern PDD boundary: 20 feet
 - (6) All interior setbacks within the PDD: 10 feet
- c. In no case shall structures be placed within the triangle created by measuring 25 feet along the property lines where two street-side boundaries intersect. This area shall be developed in such a way to preserve visibility for vehicles in the right-of-way.
- d. Single-family residences and duplexes shall comply with the design standards of the RS-6 Zoning District.

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

3. Building Materials (does not apply to single-family residences or duplexes):

- a. A minimum of 20% of the exterior face of all structures that face the boundary of the PDD shall be composed of brick, stone, or similar materials.
- b. The remaining area of the building face shall be limited to glass, stucco, stucco-like finishes, EIFS, decorative block, or other similar materials.
- c. No metal paneling shall be allowed on any building façade. Metal doors may be utilized for the self-storage units, but they must be similar in color to the building façade.

- d. 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.

4. Off-street parking:

- 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, residential zoning districts, and any properties within the PDD that are developed with single-family or multi-family residences by an opaque wall or barrier constructed of solid materials compatible with the exterior face of the building. Such screening areas shall extend the full length of the loading areas, exclusive of maneuvering areas for trucks.

5. Driveway Access

- a. No more than one driveway shall be permitted along Dub Wright Boulevard and one driveway along Jennings Drive.
- b. The driveway along Jennings Drive shall be a minimum of 150 feet from the intersection of Dub Wright Boulevard. It shall be separated from the nearest driveway on either side of the roadway by a minimum of 100 feet, unless it is located directly across from an existing driveway.
- c. Driveways shall comply with the City of Abilene or State of Texas access management regulations, whichever is applicable.
- d. Internal circulation of vehicular and pedestrian traffic shall be required within the development.

6. Signage:

Signs shall comply with the City of Abilene Sign Regulations except as modified below:

- a. Freestanding/Monument Signs:
 - (1) One (1) group pole or monument sign may be erected along Dub Wright Boulevard with the following limitations:
 - 1. Maximum height: 25 feet
 - 2. Maximum area: 200 square feet
 - (2) One (1) group pole or monument sign may be erected along Jennings Drive with the following limitations:
 - 1. Maximum height: 10 feet
 - 2. Maximum area: 150 square feet
- b. Wall signage may not exceed 10% of the area of any wall on which the sign(s) is(are) located and must be attached to a permitted primary structure.
- c. Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.
- d. Prohibited Signs
 - (1) Portable Signs
 - (2) Off-site Advertising
- e. Illumination shall be permitted, however signs with flashing or blinking lights, regardless of wattage, shall be prohibited. Additionally, all illumination shall be fully shielded from residential areas and/or completely directed away from residential areas.

7. Screening

- a. The development must provide and maintain a visual buffer using a solid wood fence, masonry wall, or continuous hedge at least six (6) feet in height along the full length of the eastern boundary of the PDD. Any fencing shall conform to the height standards required for residential fencing to allow proper visibility for residents of the adjacent lot. Continuous screening must utilize a consistent design for the full length. Openings for pedestrian access are allowable.
- b. Any additional fencing on site must be constructed from wrought iron, or similar in appearance, wood, and/or masonry materials.
- c. Where a fence is adjacent to, or visible from, a residential lot or public right-of-way, other than an alley, the finished side of wood fencing must face the right-of-way or the residential lot.
- d. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be screened from view outside the tract in question by an opaque wall or fence.
- e. All vehicles being stored must be completely screened from public view.

8. Landscaping and buffers:

Landscaping shall comply with the City of Abilene Landscaping Regulations except as modified below:

- a. A minimum 10-foot wide landscaped area shall be provided along all street-side boundaries within the PDD. The landscaped area shall be located entirely on private property.
- b. A minimum 5-foot wide landscaped area shall be provided along the southern boundary of the PDD.
- c. 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. The remaining area shall be calculated by subtracting the area of the required street-side landscaped strip from the total lot area. The 5-foot wide landscaped area listed in Part 7.B.8.b above may count toward the 5% total.
- d. Parking and maneuvering areas adjacent to landscaped areas must be separated by a curb or similar barrier.
- e. Landscaping within the required 10-foot wide strip must consist of living materials and shall include at least 2 trees and 4 shrubs per 60 linear feet of required landscape area.
- f. Landscaping within the remaining required area must consist of living materials and shall include at least 2 trees and 4 shrubs per 1000 square feet of landscape area.
- g. Xeriscape principles shall be utilized.
- h. All parkways shall be landscaped.

9. Sidewalks: All development must comply with the Sidewalk Master Plan.

10. Outdoor Storage and Display:

- a. Outdoor display of merchandise is prohibited.
- b. Outdoor storage is prohibited.
- c. Freight containers are prohibited

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11. 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.

PART 8: Development Schedule. If a building permit is not approved within 24 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designation.

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