

ORDINANCE NO. 6-2007

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-118 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 January A.D. 2007.

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 13th day of December, 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 8th day of February, 2007, 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 8th day of February, A.D. 2007.

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: AO (Agricultural Open Space) District 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 2.227 acres out of Block A, C.B. Allen Subdivision out of Lot 3 Anderson & Berry Subdivision of the A Thompson Survey N. 37, City of Abilene Taylor County, Texas as shown by plat in Plat Cabinet 2, Slide 35-A, Plat Records, Taylor County, Texas. Same 2.227 acre tract being more particularly described as follows;

Beginning at a Found 3/8" metal rebar on the East line of Dub Wright Boulevard, the South line of said C.B. Allen Subdivision and the North line of Inwood Lane for the Southwest corner of this tract whence a found brass highway right-of-way monument at Highway Sta: 33+29.44 bears S.02°22'26"W 28.53';

THENCE N02°00'16"E with the East line of Dub Wright Boulevard right-of-way 318.28' to a found brass highway right-of-way monument at highway sta: 25+84.39 for a point of intersection;

THENCE N58°51'41"E with said right-of-way line 186.35' to a found brass right-of-way monument at Highway Sta: 25+99.31 at a point of intersection on North line of said C.B. Allen Subdivision and the South line of Hartford Street (80' right-of-way);

THENCE S88°05'39"E with the North line of said C.B. Allen Subdivision and the South line of Hartford Street 93.82' to a set 1/2" metal rebar for the Northeast corner of this tract, whence a found 3/8" metal rebar at the Northeast corner of said C.B. Allen Subdivision bears S88°05'39"E 178.34';

THENCE S01°59'00"W 419.90' to a set 1/2" metal rebar on the North line of said Inwood Lane and the South line of said C.B. Allen Subdivision for the Southeast corner of this tract, whence a found 3/8" metal rebar at the Southeast corner of said C.B. Allen Subdivision bears S88°05'35"E 178.34';

THENCE N88°05'35"W with the North line of said Inwood Lane and the South line of said C.B. Allen Subdivision 250.00' to the point of beginning and containing 2.227 acres of land.

Location:

Southeast corner of Hartford St. and Dub Wright Boulevard

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

All uses permitted in the LC (Limited Commercial) Zoning District with the exception of residential uses. Uses listed in the Zoning Ordinance as permitted by Special Exception in the LC district, shall be permitted by right in this PDD.

B. SITE DEVELOPMENT

1. Building Setbacks

- a. If parking is placed between the structure and the right-of-way (excluding a gasoline canopy):
 - (1) Along Dub Wright Boulevard: 30 feet
 - (2) Along Hartford St: 30 feet
 - (3) Along Inwood Lane: 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 a gasoline canopy):
 - (1) Along Dub Wright Boulevard: 20 feet
 - (2) Along Hartford St: 20 feet
 - (4) Along Inwood Lane: 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. Gasoline canopy setbacks shall comply with 23-306.5.H(a) of the Zoning Ordinance.

2. Maximum Structure Height: 30'

3. Building Materials:

- a. The exteriors (less fenestration and roof fascia) of all structures shall be composed entirely of masonry materials. At a minimum, the front face/elevation shall be stone (or fauxstone/rock) matching Leuders stone/rock. This same stone/rock shall also be used for gas canopy columns and predominant signage base.
- b. 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 and residential zoning districts 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. Driveways along Dub Wright Boulevard shall be regulated by the Texas Department of Transportation, but in no case shall there be more than one driveway to the PDD. One driveway shall be permitted from Hartford St. and one from Inwood Lane.
- b. The driveway along Hartford St. shall be located as close to the eastern PDD boundary as the City of Abilene's design specifications for driveways will allow.
- 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
Group Signs: Two (2) monument signs may be erected within the PDD with the following limitations:
 - (1) Maximum height: 10 feet
 - (2) Maximum area: 80 square feet
 - (3) Setback from street-side boundary: 5 feet
 - (4) Predominant signage base will be composed of stone materials matching Leuders stone/rock
- b. Wall Signs
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 structure.
- c. Banners
Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.
- d. Illumination shall only be permitted if it is fully shielded away from residential uses.
- e. Prohibited Signs
 - (1) Portable Signs
 - (2) Off-site Advertising

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 any shared property line where the shared property line is the boundary of a residential 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, 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.

8. Landscaping and Buffers

- a. Where fences are utilized (in lieu of a continuous hedge) to fulfill the screening requirements as stated in Part 7.B.7.a, an additional 5-foot wide landscaped area shall be provided along the full length of the fence.
- b. 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.
- 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.a 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

Sidewalks must be provided in compliance with the Sidewalk Master Plan.

10. Outdoor Storage and Display are prohibited.

11. Freight Containers are prohibited.

12. Lighting: All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Zoning Ordinance.

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EXHIBIT "A"

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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 18 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designations.

-END-