

ORDINANCE NO. 46-2007

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-121 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 October 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 12th day of September, 2007, 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 1st day of November, 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 1st day of November , 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: From O (Office) 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.

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EXHIBIT "A"

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PART 5: Legal Description. The legal description of this PDD is as follows:

Lot 101, a replat of part of the west 272.32 feet of Lot 1, Block 9, Overplace Addition to the City of Abilene, Taylor County Texas.

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 shall govern the use and development of this Planned Development District. Where there is a conflict between the ordinance text and concept plan, the ordinance text shall apply. The standards of the Limited Commercial zoning district shall apply throughout this Planned Development District, unless specifically modified below.

I. PERMITTED USES:

Uses permitted in the Limited Commercial district, with the exception of the following:

- 1) Gasoline sales
- 2) Restaurants, standard or fast-food
- 3) Any use with drive-thru facilities

II. SITE DEVELOPMENT

A. Buildings and Materials:

- 1) No individual building shall exceed 10,000 square feet in gross floor area.
- 2) A minimum of 80% of the exterior face of a building façade, excluding doors and windows, facing South 27th Street shall be composed of brick, natural stone, manufactured stone, decorative block, or similar materials.
- 3) The remaining area of building facades shall be limited to glass, EIFS, stucco, stucco-like finishes, or other similar materials.
- 4) All exterior façades shall include architectural detail that breaks up the mass of buildings and provides visual interest to both motorists and pedestrians. Visual enhancements shall include architectural detail such as building offsets and/or variation in color, texture, and materials.
- 5) Garage doors or bays shall not be located on facades visible from the street.
- 6) Elevation plans shall be submitted with the Site Plan for review and approval by the Planning Director prior to site plan approval. Any variation in design or materials will be subject to review for consistency with the City aesthetic goals, and may be permissible at the discretion of the Planning Director.

B. Parking and ingress/ egress:

- 1) Streets and driveways shall comply with all applicable City of Abilene or State of Texas access management regulations, in addition to the following.
- 2) A maximum of one driveway shall be permitted from South 27th Street to serve the entire PDD.
- 3) A minimum throat depth of at least 18 feet with curb separation preventing turning movements within this throat area shall be required for the driveway.

C. Signage:

Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following:

- 1) Freestanding signs:
 - a. One monument sign shall be allowed with a maximum height of 8' and a maximum area of 100 square feet.
 - b. Monument signs shall consist of materials such as masonry, brick, etc. and shall be compatible with materials used on the face of the building facing S 27th Street.
 - c. No sign may be located within a triangle-shaped area adjacent to the intersection of a driveway and a street, formed by two lines measured a distance of 15 feet along the right-of-way line and edge of driveway from their point of intersection and a third line connecting the ends of the two lines.
- 2) Wall signs:
 - a. Wall signage may not exceed 10% of the area of any wall on which the signs are located.
 - b. Wall signage may only be attached to the façades facing South 27th Street.
- 3) Banners:
 - a. Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.
- 4) Prohibited signs:
 - a. Portable signs
 - b. Streamers, pennants, balloons, and similar devices
 - c. Temporary signs and freestanding banners, except for real estate signs, including a "Coming Soon" sign, and a "grand opening" event within 30 days of the issuance of a Certificate Occupancy.

D. Landscaping: Landscaping in the PDD must comply with the requirements of the City's Landscaping Ordinance.

E. Screening and Fencing:

- 1) Fencing must be decorative wrought iron type, decorative masonry, or double-sided wood. Fencing not within a street yard setback may be of a single-sided wood construction but the decorative side shall face outward, except where adjacent to an alley. All wood fencing shall be stained or treated to prevent rot, decay or damage from insects. Fencing shall at all times be maintained in good order and not allowed to become unsightly or in a state of disrepair.
- 2) Facilities for power, air conditioning, mechanical equipment, solid waste handling, and similar equipment, including rooftop equipment, shall be screened from view of publicly accessible areas.

F. Sidewalks:

- 1) All development must comply with the requirements of the Sidewalk Master Plan.
- 2) The crosswalk across the driveway shall be clearly distinguished from the surrounding pavement through differentiation in color and materials, such as with pavers or colored and stamped concrete.

G. Outdoor Storage and Display:

- 1) Outdoor storage and display is prohibited.

- 2) Freight containers are prohibited.

H. 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.

I. Hours of Operation:

Due to the proximity to residential uses, the hours of operation for businesses within the PDD shall be limited to between 7:00 am and 10:00 pm.

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 designation.

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