

ORDINANCE NO. 45-2008

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-125 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.

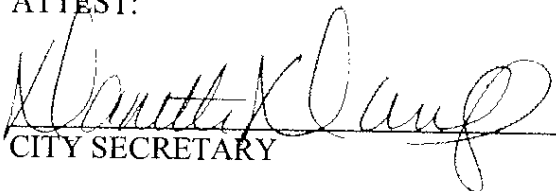
PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 28th day of August A.D. 2008.

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 17th day of June, 2008, 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 11th day of September, 2008, 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 11th day of September, A.D. 2008.

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 District) to "PDD-125" (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:

EAST HORIZON SEC 2, BLOCK 7, LOT 1, REPLAT
EAST HORIZON SEC 2, BLOCK 7, LOT 2, REPLAT
EAST HORIZON SEC 2, BLOCK 7, LOT 3, REPLAT
EAST HORIZON SEC 2, BLOCK 7, LOT 4, REPLAT
EAST HORIZON SEC 2, BLOCK 7, LOT 5, REPLAT
EAST HORIZON SEC 2, BLOCK 7, LOT 6, REPLAT
EAST HORIZON SEC 2, BLOCK 7, LOT 7, REPLAT

Location: 501-641 S. Judge Ely Blvd.

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 City of Abilene Zoning Ordinance provisions apply to the development of this property, except as modified below. The following regulations shall govern the use and development of this Planned Development District.

I. PERMITTED USES:

- A. Uses permitted in the Shopping Center district and to include "storage (self-service units)".

II. SITE DEVELOPMENT

A. Minimum Building Setbacks:

- 1) Setbacks shall comply with the Shopping Center district. A setback of 15 feet shall be permitted along streets with only landscaping between buildings and street, otherwise it shall be 30 feet.
- 2) No setback will be required from the rear (east) property line for a self-storage facility only so long as the following conditions are met:
 - a. A public alley or common access easement with a minimum width of 20' is present adjacent to the rear property line.
 - b. Buildings must be separated and spaced to maintain a visibility triangle meeting city standards similar to those for a public street should any drive from the site connect to such a common access easement or public alley along the rear of the site.
 - c. Building materials and screening standards established in Section C.4 (below) are met.

B. Maximum Structure Height:

- 1) The maximum height shall be 40 feet and no more than 2 stories, excluding architectural details.

C. Building Materials & Design:

- 1) Any building over 25,000 square feet shall include both horizontal and vertical articulation in the building design.
- 2) A minimum of 10% of the exterior face of any building visible from publicly accessible areas, such as streets, driveways, parking lots, and walkways (loading areas are not included) shall be composed of brick, stone, decorative block, or similar materials except as modified in item 4 below.
- 3) The remaining area of building facades shall be limited to glass, EIFS, stucco, stucco-like finishes, or other similar materials except as modified in item 4 below.

- 4) For any self-storage use including long-term parking or loading, a minimum 10' high solid masonry screening with decorative coping and columns shall be provided along the rear (east) property line and along any side facing a street. The exterior wall of any building may serve this purpose. Screening walls shall be composed entirely of brick, stone, or split face CMU. CMU materials shall not be painted but instead shall be tinted, with integral color. All screening walls shall have an integrated design throughout the site and shall be compatible in color, style and material to other buildings within the PDD.
- 5) If the storage (self-service units) is developed, access (i.e. doors, windows, overhead doors) for storage buildings or individual storage units shall not face the adjacent residential properties to the east or S. Judge Ely Boulevard unless these access elements are completely screened by a solid decorative masonry wall in accordance with Section C.4 (above).
- 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.

D. Parking and ingress/ egress:

- 1) All parking areas shall comply with the provisions specified in the Zoning Ordinance.
- 2) The development shall be limited to a total of four (4) drives along S. Judge Ely Boulevard and two (2) drives on each side street. One (1) of the allowable drives along S. Judge Ely Blvd. shall line up with either Professor Bynum Way or Luzon Street, if and where deemed appropriate by the Traffic Engineer of the City of Abilene. Common access easements shall be utilized to provide connectivity throughout the development.
- 3) All drives shall have a minimum separation from a street intersection of 100 feet and each drive shall be spaced a minimum of 200 feet from other drives. Spacing between drives shall be measured from the drive centerline to centerline and separation from and intersection shall be measured from the driveway centerline to the intersecting Street ROW line. In no case shall the 200 foot spacing requirement preclude the construction of two drives on each side street (Yeoman's & Friars).
- 4) No outside parking or storage of recreational vehicles, campers, boats, personal watercraft, buses trailers, semi-tractor trailers, large commercial vehicles, construction or farm equipment or similar vehicles of any kind may be parked on the site more than 24 hours unless said vehicles/equipment are fully enclosed within a building.
- 5) Additional signage and traffic control measures, including but not limited to painted stop bars, warning signs, rumble strips, increased visibility triangles or other measures, may be required by City staff at the time of site plan review for any drive accessing Judge Ely Boulevard to ensure compatibility of this site and the operation of the Hike and Bike Trail located along this thoroughfare.

E. Signage:

- 1) Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following:
 - a. Freestanding signs:
 - i. One (1) pole sign per 600' of street frontage along Judge Ely Blvd shall be permitted within the PDD with a maximum height of 20' and a maximum area of 100 square feet per sign. Size limits may be increased to 25' in height and 200 square feet in area for a multi-tenant group sign, but in no case shall an individual tenant exceed 100 square feet of signage. Such a multi-tenant group sign may be a monument-style sign instead of a pole sign subject to the same size limits.
 - ii. One (1) monument sign per building shall be permitted with a maximum height of 8' and a maximum area of 96 square feet. Size limits may be increased to 10' in height and 150 square feet in area for a multi-tenant group sign.
 - b. Wall signs:
 - i. Wall signage may not exceed 10% of the area of any wall on which the signs are located. Articulation of a building façade as required in Section II, C, 1, shall not be applied to reduce this sign area.
 - ii. Wall signage may only be attached to a principal 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. Prohibited signs:
 - i. Portable signs
 - ii. Offsite signage except for allowed group signs that advertise businesses or entities within the PDD.
 - iii. Streamers, pennants, balloons, and similar devices
 - iv. 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.

F. Landscaping and buffers:

- 1) Landscaping in the PDD must comply with the requirements of the City's Landscaping Ordinance, but in no case shall be less than the following:

- a. A landscape area with an average width of 10', but in no case less than 7', shall be provided along all roads. The landscaped area shall be located entirely on private property.
- b. Landscaping within, or adjacent to, the required 10-foot wide strip must consist of living materials, except for sidewalks, paths, or driveway crossings, and shall include at least 1 tree and 2 shrubs per 40 linear feet of frontage.
- 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 lot area shall be calculated by subtracting the area of the required landscaped strip from the total lot area.
- d. Landscaping within the remaining required area must consist of living materials and shall include at least 2 trees and 4 shrubs per 1,000 square feet of landscape area.
- e. A bufferyard shall be required along the east boundary of the PDD district that complies with the requirements of the City's Landscaping Ordinance.
- f. Parking lot landscaping shall be required based on the following:
 - i. Ten percent of the lot area must be landscaped for areas of a parking lot located between a principal structure and a street.
 - ii. Five percent of the parking lot area must be landscaped for areas of a parking lot not adjacent to a street, such as those to the side or rear of a principal structure.
 - iii. Parking lots must be setback from a property line by a landscaped strip at least 5 feet in width.
 - iv. Landscaped aisle-end islands and interior islands are required at a rate of 2 per 40 parking spaces in a row. *These count toward the minimum landscape area within the parking lot.* Each island must be at least 162 square feet in area. At least 50% of the islands must contain a tree.
- g. Xeriscape principles shall be utilized.
- h. All parkways shall be landscaped, excluding sidewalks, paths, or driveway crossings.
- i. A Landscaping Plan must be submitted in conjunction with a Site Plan.

G. Screening and Fencing:

- 1) Fencing within a street yard setback shall be limited to wrought iron, or similar, and/or masonry construction. All other fencing must be constructed of wrought iron, or similar, masonry, wood, or vinyl-coated chain link or similar materials except as otherwise modified by Section C.4. above.
- 2) Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be

screened from view of publicly accessible areas and residential properties, including rooftop equipment.

H. Sidewalks:

- 1) All development must comply with the Sidewalk Master Plan.

I. Outdoor Storage and Display:

- 1) Outdoor storage is prohibited.
- 2) Freight containers are prohibited

J. Lighting:

- 1) 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 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.

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