

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-132 A PLANNED DEVELOPMENT; 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 B, known as the Land Development Code 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.

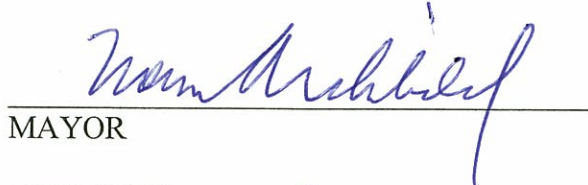
PASSED ON FIRST READING this 26th day of August A.D. 2010.

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 July, 2010, 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 5:30 p.m., on the 9th day of September, 2010, 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.

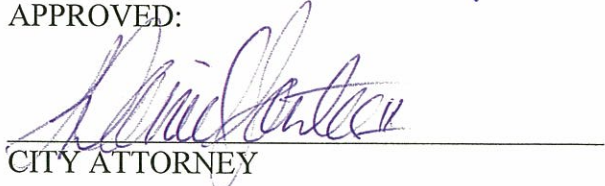
PASSED ON SECOND AND FINAL READING THIS 9th day of September, A.D. 2010.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 21-2010

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 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, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

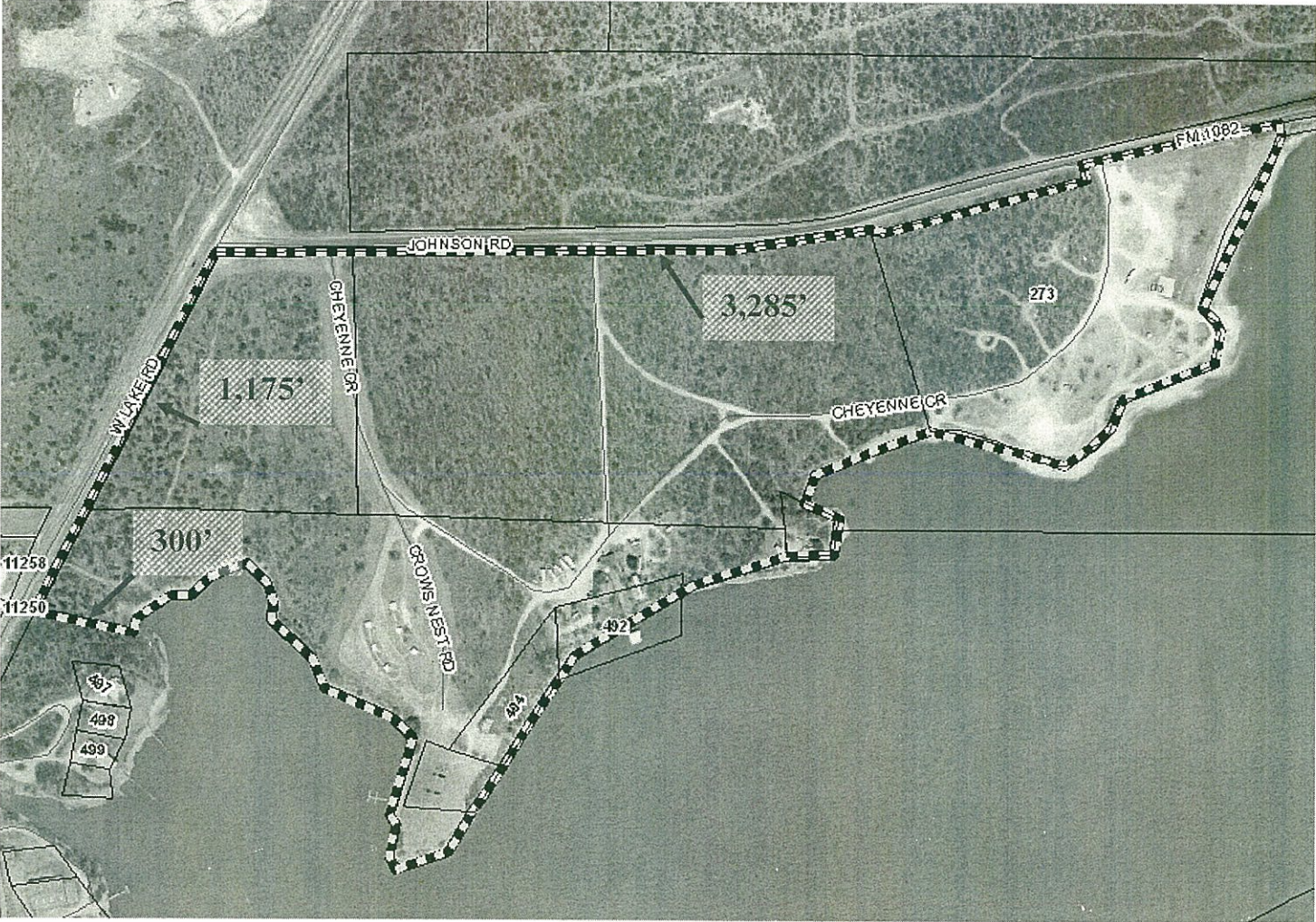
PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart B, Abilene Municipal Code, known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From GC (General Commercial) and AO (Agricultural Open Space) District to PD (Planned Development).

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 PD is as follows:

Located at the southeast corner of West Lake Rd. and Johnson Rd. and being approximately 90 acres. Bound by West Lake Road to the west, Johnson Road to the north, and Lake Fort Phantom to the south, as shown on the exhibit below.



PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for commercial development and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the General Retail (GR) zoning district, except as modified below.

A. PERMITTED USES:

1. All uses permitted in the GR (General Retail) Zoning District listed in the Zoning Ordinance, except the following:
 - Medical/Dental Laboratory
 - Funeral Home/Mortuary/Morgue
 - Kennel (Without Outdoor Pens)
2. Dwelling – Institutional uses shall require a Conditional Use Permit.
3. Vacation Travel Trailer Parks. In no case shall any travel trailer be allowed for more than three (3) consecutive weeks.
4. Recreation, Outdoors (Active)
5. Retail sales, rental, services, maintenance and storage of boats, jet skis, sailboats, etc.
6. Retail fishing dock and related sale of lures and bait.

B. SITE DEVELOPMENT

1. Building Materials:

- a. Any building shall include both horizontal and vertical articulation in the building design for the front façade.
- b. Any building shall include visual enhancements providing architectural details such as building offsets and variation in color, texture, and materials. Such building details should be compatible with lakeside development and support a unified community image consistent with the design guidelines of the Lake Fort Phantom Hill Land Use Plan.
- c. A minimum of 50% of the front facades of all primary and accessory structures shall be composed of wood, brick, stone, or similar materials. This requirement shall also apply to side façades where they are visible from the public right-of-way.
- d. The remaining area of the building face shall be limited to glass, stucco, stucco-like finishes, decorative block, concrete tilt-wall panels, or other similar materials.
- e. Accessory structures shall be constructed of materials similar to that of the primary structure(s).
- f. Elevation plans shall be submitted with the Site Plan for review and approval by the Planning Director. Any variation from the design requirements or materials listed above will be subject to review and may be permissible at the discretion of the Planning Director. Appeals shall be to the appropriate board or commission, currently the Planning & Zoning Commission Design Review Subcommittee, in accordance with the Land Development Code, as amended.

2. Signage

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

- a. Signs should be designed in a manner that matches the overall architectural and aesthetic features of the primary and surrounding development consistent with the intended image for lakeside development in the design guidelines of the Lake Fort Phantom Hill Land Use Plan.
- b. Wall Signs
 - (i) 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.
 - (ii) Projecting signs attached to the building and extending perpendicular from the building are allowed and count toward the allowable wall signage.
 - (iii) Electronic message signs may not be located on any exterior façade visible from the lake.
- c. Freestanding Signs
 - (i) Shall be limited to two (2) group signs for the entire PD, with a maximum height of 20' for one sign, 35' for the other sign, and 150 square feet for each sign.
 - (ii) One (1) monument sign with a maximum height of 6' and a maximum area of 60 square feet allowed per building.
- d. Banners shall only be located flat against the face of a building and shall have a maximum area of 60 square feet per building face. Banners will only be allowed for special occasions, ex. Grand Openings, and shall not be allowed for a period of time exceeding thirty (30) days.
- e. Prohibited Signs
 - (1) Portable Signs
 - (2) Off-site Advertising

3. Screening

- a. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be screened by an opaque wall or fence. Roof-mounted facilities shall be screened using materials that are consistent with the structure to which they are attached.
- b. Any additional fencing on site must be constructed from wood, masonry, wrought iron, or materials with a similar appearance, with a maximum of 50% opaque materials. All fencing must be consistent with the design guidelines of the Lake Fort Phantom Hill Land Use Plan as determined by the Planning Director. Appeals shall be to the appropriate board or commission, currently the Board of Adjustment, in accordance with the Land Development Code, as amended.
- c. All utilities shall be buried underground.

4. Sidewalks and Trail System

- a. All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan and the Texas Accessibility Standards.
- b. A hike and bike trail must be provided along or near the shoreline of any commercial development with lake frontage to provide a "continual loop"

pedestrian path along the shoreline. Such a trail shall comply with the standards set forth in the Lake Fort Phantom Hill Land Use Plan as determined by the Planning Director. Appeals shall be to the appropriate board or commission, currently the Planning Director and the City Engineer, in accordance with the Land Development Code, as amended.

5. Outdoor Storage and Display

- c. Outdoor display of merchandise shall be placed to allow passage of pedestrians.
- d. Outdoor storage is prohibited.

6. Freight Containers are prohibited.

7. Lighting: All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Land Development Code except as modified below:

- a. Maximum luminaire height. The maximum permitted luminaire height shall be 25 feet in all commercial, industrial, and institutional districts, and 15 feet in all other districts. The height of both the pole and base shall be considered in the measurement of luminaire height.
- b. Total outdoor light output standards. Total outdoor light output shall not exceed 100,000 lamp lumens per developed acre.
- c. Outdoor Light Output, Total. The initial total amount of light, measured in lumens, from all lamps used in outdoor light fixtures. This includes all lights used for external illumination of signs, but does not include lights used to illuminate internally illuminated signs or luminous tubing used in neon signs. This excludes any light output from exempt lighting. For lamp types that vary in their output as they age (such as high pressure sodium, fluorescent and metal halide), the initial lamp output, as defined by the manufacturer, is the value to be used for calculation. For outdoor fixtures installed under canopies, buildings, overhangs or roof eaves, those within 20 feet of the nearest edge are to be included in the total as though they produced only one-fifth (20%) of the lamp's rated initial lumen output. Such fixtures more than 20 feet from the nearest edge are not to be included.
- d. All new lighting will require a detailed lighting plan to be reviewed by the Planning Director for approval. Appeals shall be to the appropriate board or commission, currently the Board of Adjustment, in accordance with the Land Development Code, as amended.

8. Landscape

All landscaping shall comply with the City of Abilene Land Development Code except as modified below:

- a. All lakeside lot lines shall have landscaping equal to the required landscaping for commercial lots with street frontage, to include required interior landscaping. The landscape area should be located on the lot line when possible but in all cases shall be at or above the spillway elevation.
- b. Lakeside landscaping shall not interfere with the natural view shed of the lake.
- c. Existing natural vegetation may be included in the Landscape Plan to satisfy these requirements.

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- d. All new landscaping will require a detailed landscape plan to be reviewed by the Planning Director for approval. Appeals shall be to the appropriate board or commission, currently the Board of Adjustment, in accordance with the Land Development Code, as amended.

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