

ORDINANCE NO. 62-2021

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, LAND DEVELOPMENT CODE OF THE ABILENE CITY CODE, SPECIFICALLY BY AMENDING TERMS AND CONDITIONS OF PLANNED DEVELOPMENT DISTRICT NUMBER 104 (PD 104) AS WELL AS ORDINANCE NUMBERS 24-2006 AND 57-2015; 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 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended specifically by modifying certain terms and conditions of Ordinance Numbers 24-2006 and 57-2015 concerning PD 104 (a Planned Development District) as set out in accompanying Exhibits concerning the same said PD 104, 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.

PART 3: 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.

PASSED ON FIRST READING the 28th day of October, 2021.

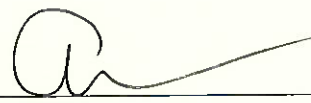
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of September, 2021, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 4th day of November, 2021, 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 in the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 4th day of November, 2021.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT A

AMEND PART 7: Specific Modifications, Subpart A.3 therein concerning uses permitted in Tract 3, specifically as follows:

DELETE: all existing Subpart 7.A.3 which presently reads as follows:

3. Tract 3

- Uses permitted in the MD (Residential Medium-Density) zoning district. Development under the MD standards must meet the requirements of Part 7.B.14 of this ordinance.
- Self-storage units are permitted in Tract 3 subject to the following limitations:
 - a. Front exterior facades must be at least 75% masonry, brick, stone, stucco, EIFS or any combination of the preceding.
 - b. Any exterior façade other than the front that is visible from any public right-of-way shall be at least 75% masonry, brick, stone, stucco, EIFS or any combination of the preceding.
 - c. All building materials, including doors, that are visible from a public right-of-way shall be of a neutral color.
 - d. Outside storage (including RV storage) is not permitted.
 - e. Fencing requirements:
 1. Chain-link fencing may be used on the north side and/or the west side.
 2. No barbed or razor wire fencing may be used.
 3. Masonry or wrought-iron fencing may be used in any area.
 - f. Sufficient refuse containers must be provided and shall be fully screened from view of the public right-of-way or any roadway.
 - g. Buildings must be on concrete foundations and all parking and maneuvering areas shall be concrete and/or asphalt.

ADD: the following replacement description of uses permitted in Tract 3 of PD 104:

3. Tract 3

- a. Uses allowed in Residential Multi-Family (MF) zoning districts, subject to all standards ordinarily required thereof and of Part 7.B.14 of this ordinance, except the overall density of housing (on any one lot) shall not exceed 18 dwelling units per acre.
- b. Self-service storage units, subject to all ordinary building and site development standards required thereof, as well as the following limitations:
 - (1) Outside storage (including storage of boats and other recreational vehicles) is not allowed.
 - (2) Fencing requirements:
 - (a) Chain-ink fencing may be used on north and west sides only.
 - (b) No barbed or razor wire fencing may be used.
 - (c) Masonry or wrought-iron fencing may be used in any area.
 - (3) Sufficient containers for solid waste disposal must be provided and shall be fully screened from view of public rights-of-way or any roadway.

- (4) Self-service storage building must be on concrete foundations, and all vehicle parking and maneuvering areas shall be improved with asphaltic or portland cement binder pavement.

AMEND PART 7: Specific Modifications. Subpart A.4 therein concerning permitted uses in Tract 4, specifically as follows:

DELETE: all existing Subpart 7.A.4, which presently reads as follows:

4. Tract 4

Shall develop under the provisions of the RS-8 and/or the RM-3 zoning districts, except as modified in Part 7.B.14 of this ordinance. Development under the RM-3 standards shall be limited to the following uses only:

- townhomes,
- patio homes,
- duplexes.

ADD: the following replacement description of uses permitted in Tract 4 of PD 104:

4. Tract 4

a. The use and development of land in Tract 4 shall be generally governed by the following three zoning classifications as well as by provisions expressed in Part 7.B.14 of this ordinance:

- (1) Residential Medium-Density (MD) District, with allowances for development of conventional single-family housing to ordinary standards of RS-6 zoning districts, and with a restriction that no more than two (2) dwelling units are allowed on any one lot;
- (2) Residential Townhome (TH) District, provided that any final subdivision plat (or replat) embracing lots intended for townhome dwellings must specifically identify and restrict those lots for such housing; and
- (3) Residential Single-Family Patio Home (PH) District, provided that any final subdivision plat (or replat) embracing lots intended for patio home dwellings must specifically identify and restrict those lots for such housing.

AMEND PART 7: Specific Modifications. Subpart B.14 therein addressing standards applicable to all residential development in PD 104, specifically as follows:

DELETE: Item 3 therein which stipulates that “All garages for residential structures shall have side or rear entries (no front-facing)” and renumber the remaining items in Subpart B.14 accordingly.

AMEND EXHIBIT D: OFFICE USES specifically as follows:

DELETE: RESIDENTIAL USES:

Single-Family Detached Dwellings – RS-8 or better, to be compatible with the neighborhood.

ADD: RESIDENTIAL USES:

Single-Family Detached Dwellings – to standards of RS-6 zoning districts.

AMEND the graphic concept plan originally attached as Exhibit B to Ordinance No. 24-2006, specifically as follows:

DELETE: said graphic concept plan attached as Exhibit B to Ordinance No. 24.2006.

ADD: the following graphic concept plan identified as Exhibit B and attached to this ordinance.

Exhibit B (PD 104)*

*AS AMENDED IN 2021

SCALE: 1 inch = 500 feet

