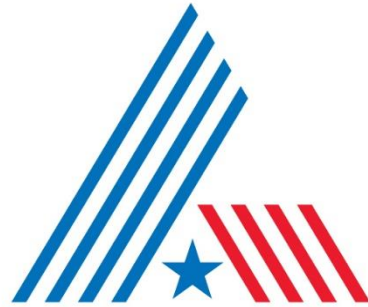


Conditional Use • Special Exceptions •
Rezoning • Variance • PDD Amendment •
Street Name Change • Thoroughfare
Abandonment • Easement Release •
Historic Certification of Appropriateness •
Historic Project Tax Reduction • Petition for
Relief • Proportionality Appeal • Vested
Rights Petition • Appeal

Development Application



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES



Development Application

PLANNING & DEVELOPMENT SERVICES

The Planning & Development Services Department serves as an information resource and as the point for coordinating development functions for the public and other City departments. The Planning staff provides expertise and policy advice to citizens and staff alike and also works to create new standards for community enhancement. The Department serves a unique role in balancing the needs of the development industry with the interests of the public. It is housed with the Building Inspection Department in the Development Service Center in order to facilitate permit processing and questions from the public.

Land development works best when the property owner and Planning & Development Services staff communicate openly about the nature of the proposal and the regulations that affect it. To provide you with the best service possible, we highly recommend that you take the time to meet with a planner in advance of submitting your application. Please call 325.676.6237 to make an appointment with one of our staff members.

DOCUMENTS & MAPS

Reports, Plans, Ordinances, Maps, and other documents are often available on the City's website (www.abilenetx.com) at no charge. Copies of these will be provided at the reproduction cost, currently 10 cents per page for black and white copies and \$1 per page for color copies. In addition, any other actual materials costs will be assessed.

Requests for the creation of maps or other documents not already existing will only be available based on availability of staff and will be billed at a rate of \$25 per hour, plus the cost of reproduction and/or materials.

INFILL DEVELOPMENT INCENTIVE

Projects located within the designated "infill area" are eligible for a fee reduction of 50% in accordance with the City's infill Development Strategy. This does not apply to any portion of a fee that is based on actual costs to the City, such as filing plats, photocopies, notifications, etc.

SUBMITTAL INFORMATION

- INCOMPLETE APPLICATIONS AND SUBMITTALS WILL BE REJECTED or will be returned; an application may be deemed incomplete after initial staff review.
- Prior to submittal, we strongly recommend setting up and attending a pre-submittal meeting.
- A meeting with the Home Owners' Association (HOA) is recommended for all project types, and is required for Zoning, Planned Development, Special Use Permit requests. Meeting(s) with the representatives of adjacent HOA's are necessary prior to scheduling of a public hearing date.
- Please refer to Development Handbook or Land Development Code for questions or concerns in respect to site development and development standards.
- Plans for Conditional Use, Special Exceptions, Rezoning, Variance and Planned Development District Amendment shall be on 8.5" x 11" paper with four (4) copies.
- Site plans or conceptual site plans, except Engineering Construction Sets, shall be 24" x 36" and folded, with six (6) hard copies. If applicable, please provide survey plat of property.
- PDF copies can be emailed to planning@abilenetx.com.
- If a case is withdrawn or delayed at the request of the applicant after notifications have been sent and/or public notice has been posted, the applicant will be responsible for the cost of re-notifications and re-posting of notice.
- All other questions may be directed to the following:

Planning and Development Services Department
555 Walnut Street, Suite 100
325.676.6237
planning@abilenetx.gov



Development Application

Fee Schedule

Filing/Application Fees

Board of Adjustment \$400

Zoning

Zone Change Request/Conditional Use \$1,500

Planned Development District \$2,000

Planned Development District, Amendment \$1,000

Site Plan \$500

Minor Site Plan \$250

Zoning Determination/Verification Letter \$100

Voluntary Annexation \$600

Landmarks Commission Application \$50

Appeal to City Council \$250

Airport Zoning Permit \$100

Sidewalk Waiver or Deviation (Site Plan) \$250

Misc. Zoning-related Application¹ \$100

Subdivision

Preliminary Development Plan \$0

Plat, Preliminary (the applicant will also be responsible for actual filing costs) \$500+²

Plat, Final (the applicant will also be responsible for actual filing costs) \$500+²

Plat, Minor (the applicant will also be responsible for actual filing costs) \$500+²

Plat, Replat (the applicant will also be responsible for actual filing costs) \$500+²

Easement Release \$400

Thoroughfare Abandonment (based on land value) \$1,500+³

Street Name Change (applicant also responsible for notification costs) \$800

Proportionality Appeal \$500

Sidewalk Waiver or Deviation (Plat) \$250

Sidewalk Deferral Agreement \$100

Misc. Subdivision-related Application¹ \$100

Signs

Sign Permit – Billboard (based on sign value) \$500+⁴

Sign Permit – Non-Billboard⁵ (based on sign value) \$200+⁴

Sign Permit – Portable \$50

Other

Itinerant Business Permit \$100

Misc. Other Permit/Application¹ \$100

Documents & Maps

Ordinances, Minutes See below

Publications, Reports, Other Documents See below

Maps See below

Notes:

¹Misc. permit fee is for new permits/processes/applications established by ordinance to be applied until such time that a specific fee is established.

²Plat fees are \$500 for first 4 lots, plus \$20 per lot thereafter. See RECORDING FEES for actual filing costs with Taylor County Clerk's Office.

³Thoroughfare Abandonment Fee 10% of the calculated land value of the ROW area to be abandoned, based on the average square footage value of adjacent properties, per the most recent official Appraisal District valuation. Minimum fee is \$1,500. Any portion over the minimum fee is refundable if the abandonment is not approved.

⁴Sign Permit Fee, other than for portable signs, is 2% of the sign value OR the minimum fee noted above, whichever is greater.

⁵Multiple wall signs submitted as a single application will only be assessed one fee for all signs. However, each freestanding sign requires an individual permit.



Development Application

PLANNING & ZONING COMMISSION

The members of the Planning & Zoning Commission (also referred to as the Commission) are appointed by the City Council. In making appointments to the Commission, the City Council shall seek to ensure broad representation and expertise among the membership.

According to Section 1.1.3.3. Powers & Duties, of the City of Abilene Land Development Code (LDC), the Planning and Zoning Commission shall:

1. Make recommendations on a Comprehensive Plan or amendments thereto related to the physical development, growth, improvement, and beautification of the City.
2. Make recommendations on other types of City plans that are related to the physical development, growth, improvement, and beautification of the City, including Neighborhood Plans and Corridor Plans.
3. Recommend to the City Council approval or denial of proposed changes in the zoning districts and/or ordinance.
4. Approve or disapprove the platting or subdividing of land within the corporate limits of the City and within adjacent areas as permitted by law.
5. Recommend to the City Council approval or disapproval of requests for street name changes and street closures within the corporate limits of the City.
6. Submit annually to the City Manager, not less than ninety (90) business days prior to the beginning of the budget year, a list of recommended capital improvements, if any, which in the opinion of the Commission, are necessary or desirable during the forthcoming five (5) year period.
7. Recommend to the City Council approval or disapproval of plans for housing clearance, public housing, and urban redevelopment and renewal projects.
8. Perform such additional duties and exercise such additional powers as may be prescribed by ordinance not inconsistent with the provisions of the City Charter.
9. Advise the City Council on applications and petitions for legislative decisions as authorized by the Land Development Code, such as:
 - a. Petition for amending the Comprehensive Plan;
 - b. Petition for a zoning map amendment, including a petition for creation of an overlay district, Conditional Use Permit (CUP), or Planned Development (PD) district;
 - c. Amendments to the text of the Land Development Code (LDC) as authorized by City Charter; and
 - d. Others as assigned by City Council.

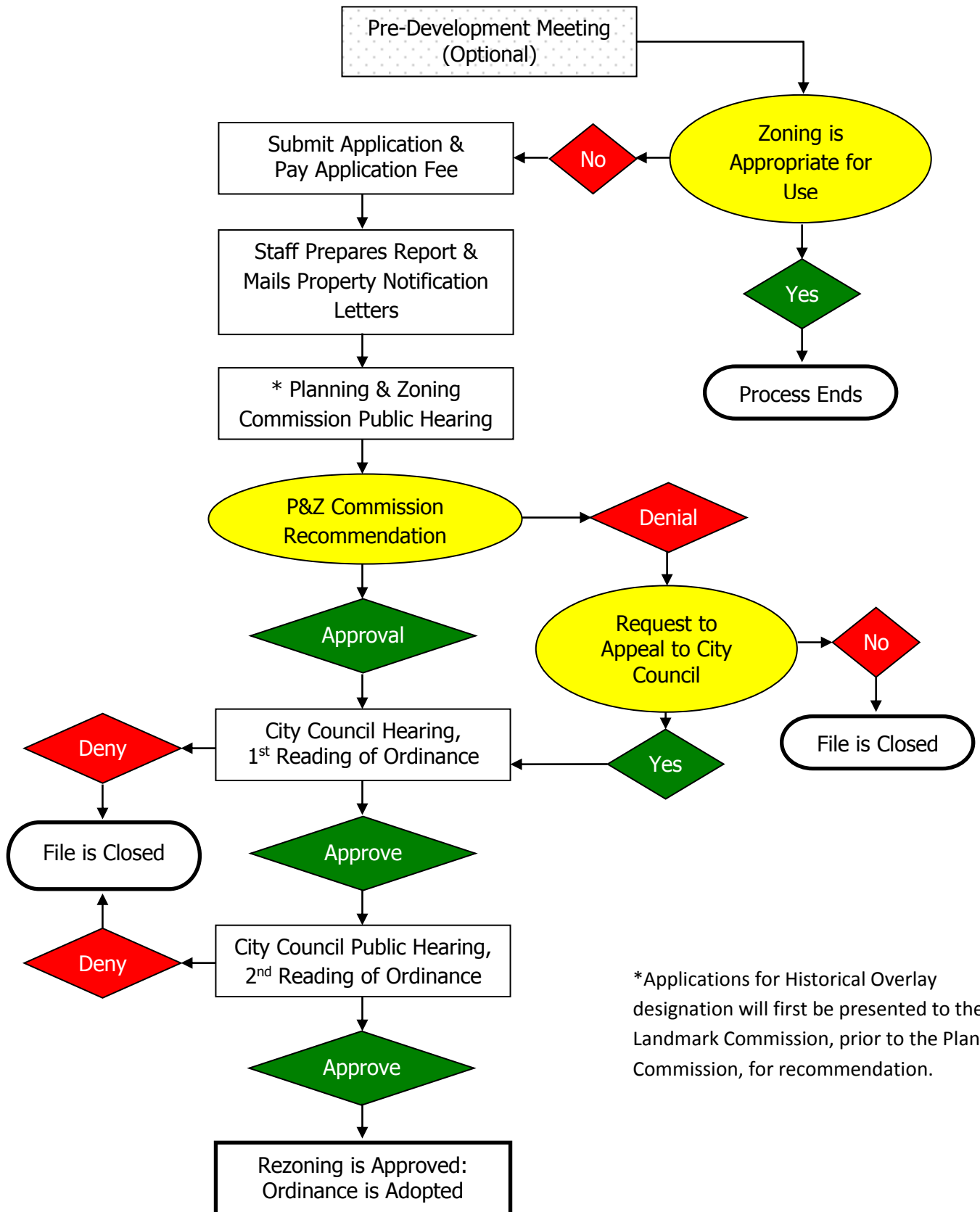
The Planning and Zoning Commission shall finally decide appeals filed in accordance with Article 3 of the Land Development Code (Relief Procedures). Also, the Commission shall finally decide the following petitions for relief:

1. The Planning and Zoning Commission shall finally decide any variance petition on an application for a Preliminary Plat, Final Plat or replat, except when such variance is for relief from a dedication or construction requirement, in which case Section 1.1.4.3 shall apply; and
2. The Planning and Zoning Commission shall initially decide any vested rights petition for any decision for which it is the initial decision-maker.



Development Application

Zoning • Conditional Use • PDD Amendment • Street Name Change • Thoroughfare Abandonment
Flowchart



*Applications for Historical Overlay designation will first be presented to the Landmark Commission, prior to the Planning Commission, for recommendation.



Development Application

BOARD OF ADJUSTMENT

The Board of Adjustment is organized to have all the powers and authority as set forth in the Charter of the City of Abilene, Texas, and as authorized by Chapter 211 of the Texas Local Government Code.

The Board of Adjustment has authority of applications to decide the following types of applications:

1. An application for a Special Exception pursuant to Section 1.4.4.1;
2. An application for a Variance pursuant to Section 1.4.4.2;
3. A sign permit or an interpretation of Sign Regulations related to development within the City limits (refer to Chapter 4, Article 1, Division 3, Section 4.1.3.6 or Chapter 4, Article 2, Division 8, respectively); and
4. An application for a change in the status of a non-conformity pursuant to Section 1.4.4.3.

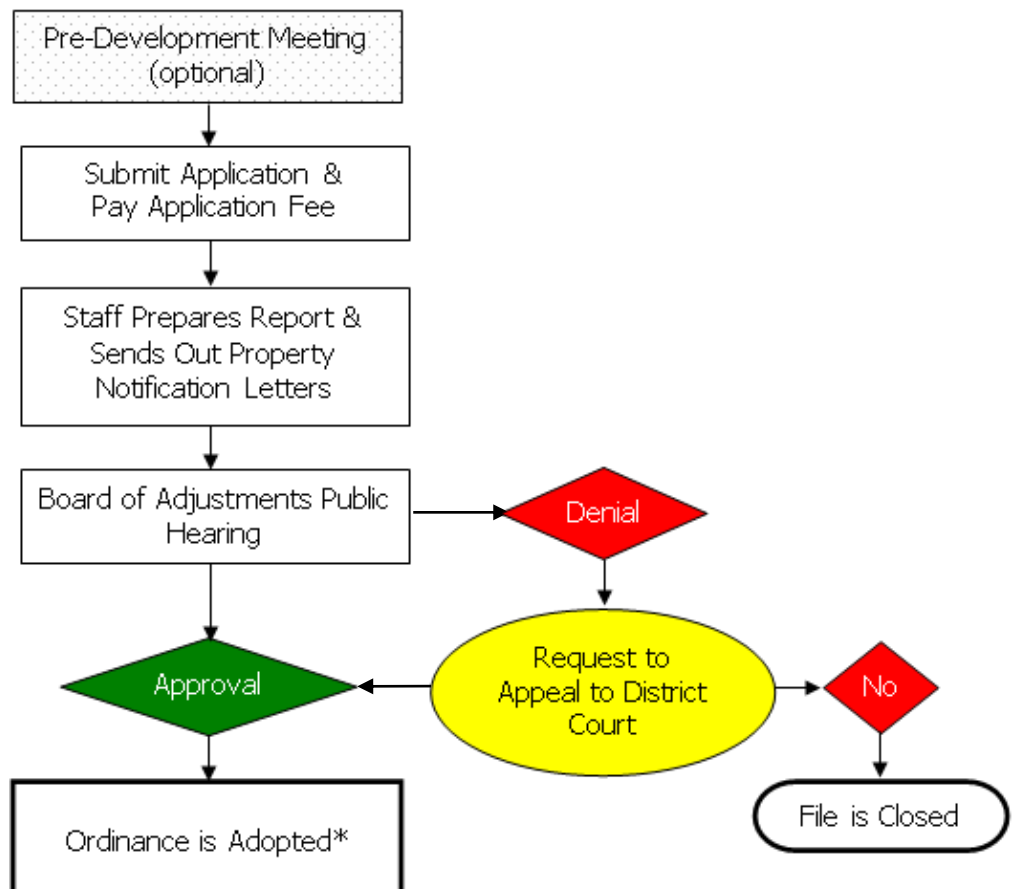
The Board of Adjustment shall finally decide appeals on the following matters of an appeal of any official's interpretation of the requirements of Chapters 2 or 4 of this LDC in which the requirement applies to development within the City limits of Abilene, unless a separate appeals process is otherwise defined within this LDC.

The authority delegated to the Board of Adjustment under this Land Development Code shall not be construed to affect any of the following:

1. Approval of a petition for a zoning map amendment;
2. Approval of a Conditional Use Permit; and
3. Authorization of a use not authorized in the zoning district in which the applicant's property is located, except to the extent necessary to decide a special exception or a petition for a change in status of a non-conformity.

Also, the Board of Adjustment shall not render any decision on an application, appeal or relief petition while a petition for a zoning amendment, application for a Conditional Use Permit, or plat application for the same land is pending and until such petition or application has been finally decided pursuant to procedures in Chapter 1 of the LDC.

Special Exception • Variance Flowchart



*If the request is approved, the owner or agent will have 180 days from the hearing date to obtain a building permit, if one is required.



Development Application

The City Council created the Landmarks Commission in 1983 with the purpose of administering the provisions of the City Code relating to the protection and preservation of structures and lands deemed by the Abilene community to be of unique historical, architectural, and cultural value. The Landmarks Commission has the following powers and duties regarding development applications:

- Review all completed applications for designation of a Historic Overlay zoning district and forward its recommendations to the Planning and Zoning Commission;
- Review and approve or deny all completed applications for Certificates of Appropriateness in accordance with Section 2.3.4.4(f) of the Land Development Code;
- Review and approve or deny all completed applications requesting a Historic Project Tax Reduction in accordance with Section 30-41 of the City Code.

Historic Overlay (HO) District

The City of Abilene, Texas, recognizes the importance of historically, architecturally and culturally significant sites and structures to the community. Regulations of the Historic Overlay (HO) District are intended for the enhancement, perpetuation and use of areas, sites, structures, buildings, properties, and objects which typify the community's past through recognizable characteristics. The City of Abilene further declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public.

It is recognized that the City of Abilene represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. It is further recognized that the unapproved demolition of historic resources could constitute a public nuisance.

Certificate of Appropriateness

The Landmarks Commission shall determine, from the data submitted and other pertinent information made available at the public hearing, the appropriateness of all undertakings for which a Certificate of Appropriateness is required. The Landmarks Commission shall have the power to approve or deny an application for Certificate of Appropriateness, or to approve a request with such conditions as the Landmarks Commission deems necessary to carry out the purposes of the Historic Overlay District.

In considering an application for a Certificate of Appropriateness, the Landmarks Commission shall be guided by the *District Standards*, any adopted design guidelines, and where applicable, the Secretary of the Interior's "*Standards for the Rehabilitation of Historic Buildings*." A copy of the *District Standards*, any adopted design guidelines, and the Secretary of the Interior's Standards shall be made available to the property owner(s) of historic landmarks or within a Historic Overlay District upon request.

Historic Project Tax Reduction

The City Council offers a reduction in the city property taxes when a project is done that improve a property in the Historic Overlay zoning district. The historic project tax reduction is a financial incentive for property owners who place their property in HO zoning and undertake project in accordance with a certificate of appropriateness required by the HO zoning. For these projects that improve a historic property, the City compensates the property owner for part of the eligible costs by reducing the owner's property taxes for a period of up to a maximum of 10 years.

The Landmarks Commission shall determine if the completed project is substantially in compliance with the property proposal or the Certificate of Appropriateness. The Commission may postpone the public hearing on an application if additional information is necessary. The Landmarks Commission shall have the authority to approve or disapprove an application for a project tax reduction, or to approve a request with such conditions as the Commission deems necessary for compliance.