

ORDINANCE NO. 08-2022

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-175 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 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.

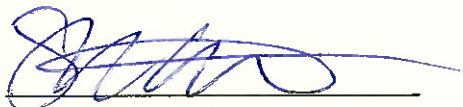
PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue,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

PASSED ON FIRST READING this 27th day of January, 2022.

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 December, 2021, the same being more than fifteen (15) days prior to a public hearing held at the Abilene Public Library's South Branch in the Mall of Abilene at 4310 Buffalo Gap Road in Abilene, Texas, at 8:30 a.m. on the 10th day of February, 2022, 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 10th day of February, 2022.

ATTEST:

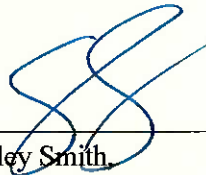


Shawna Atkins
CITY SECRETARY



Anthony Williams,
MAYOR

APPROVED:



Stanley Smith
CITY ATTORNEY

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 Land Development Code 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 the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries ask hereinafter set forth: from Agricultural Open (AO) to Planned Development (PD) District.

PART 5: Legal Description. The legal description of this PD District is as follows: A tract containing 12.94 acres, more or less, out of a 19.30 acre tract out of Section 11, Lunatic Asylum lands, and the C.A. Donovan Survey, Taylor County, Texas, said 19.30 acre tract being described in a Warranty Deed dated July 17, 1984, from Hollis E. Swofford, Jr. and William F. (Pete) Baker to Paul F. Patterson, Jr. and wife, Connie J. Patterson, and recorded in Volume 1372, Page 805, of the Deed Records of Taylor County, Texas and being all of 19.30 are tract SAVE AND EXCEPT the following:

1. A tract containing 4.622 acres conveyed to Garden Homes at Fairway, Ltd., a Texas limited partnership, in a general warranty deed dated March 26, 1996, recorded in Volume 2147, Page 328, Official Public Records of Taylor County, Texas.
2. A tract containing 1.74 acres conveyed to the City of Abilene, Texas, in a warranty deed dated April 18, 1985, recorded in Volume 1400, Page 210, Official Public Records of Taylor County, Texas.



Location: 12.94 acres at the southwest corner of Antilley Road and Fairway Oaks Boulevard in south Abilene, Taylor County, Texas

PART 6: Purpose. The purpose of this Planned Development District is to allow landscaping contractor services on land which is otherwise reserved for general-retail (GR) uses.

PART 7. Specific Modifications. The use and development of land and buildings in this Planned Development District shall generally be subject to requirements of the General Retail (GR) zoning classification, except as modified below:

A. Permitted Uses:

In addition to uses ordinarily allowed by right in General Retail (GR) Districts, landscaping contractor services shall also be permitted:

1. For the purpose of this ordinance, the term “landscaping contractor services” shall be construed to mean a business or enterprise engaged in altering or ornamenting an existing outdoor environment, specifically with living plant material such as lawn, groundcover, trees, shrubs, and flowers; and also including accessory outdoor elements such as fountains, pools, paved or decorative surfaces (excluding driveways, parks, loading or storage areas) as well as sculptural elements. Continued maintenance of all above-described features shall also be embraced by the term “landscaping contractor services”, but not the production of plant material.

B. Screening & Storage Requirements:

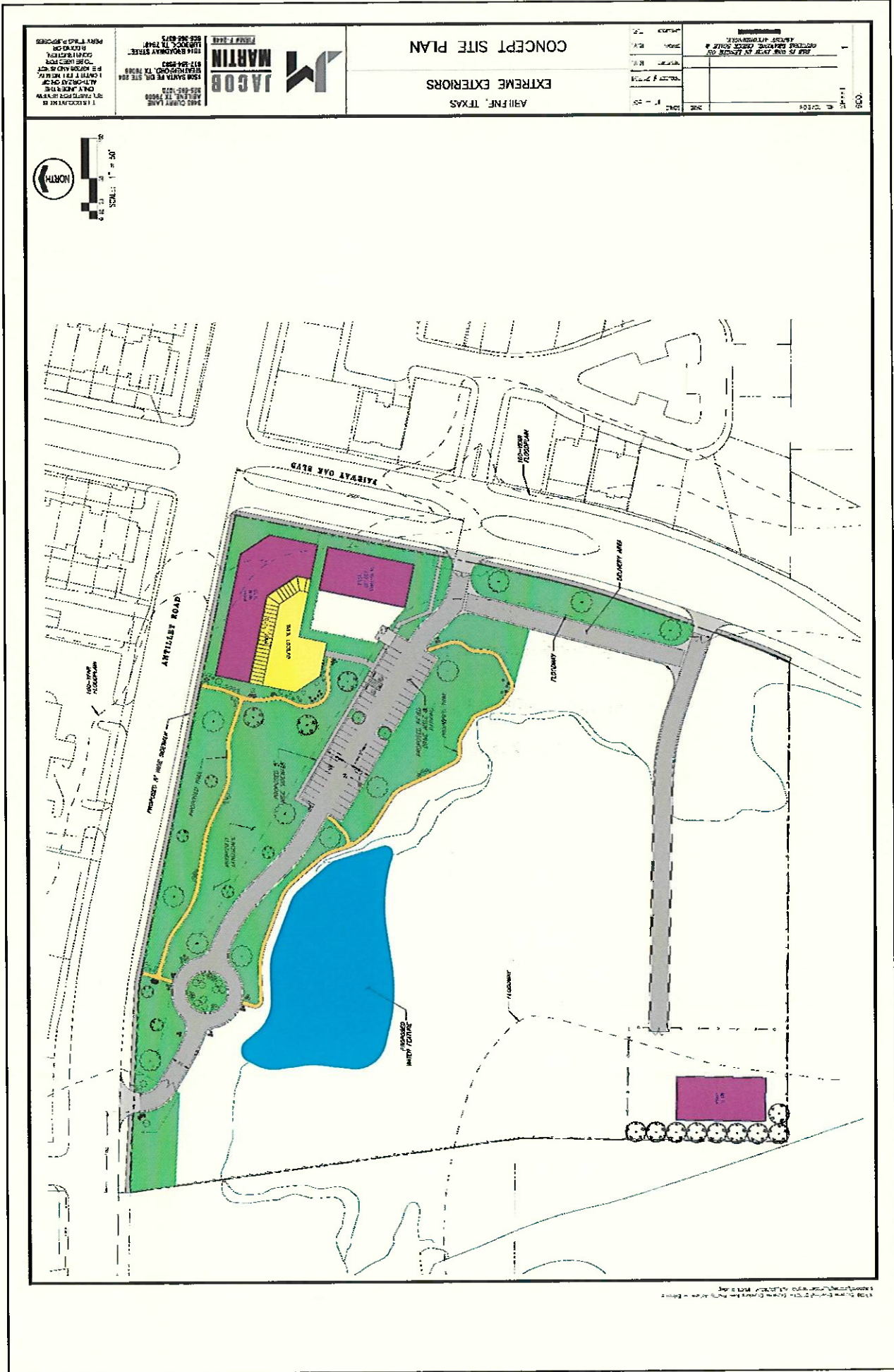
All requirements for screening, buffering and fencing (including limitations on outside storage and display) that are ordinarily applicable in General Retail zoning districts shall be applicable in this Planned Development District, as well as the following additional requirements:

1. Storage of tools and equipment (not displayed for sale) commonly associated with landscaping contractor services must be enclosed indoors and out-of-view from beyond the bounds of this district; or completely screened from view outside the bounds of this district, by a solidly opaque fence or wall at least six feet (6') high or higher if necessary for complete screening but, in no circumstance, higher than ten feet (10'). This includes any type of trailer or semi-trailer, any type of motorized equipment for earthmoving or dredging, and any commercial vehicle having a rated capacity of more than two-and-a-half tons.
2. Bulk storage of landscaping ground covers and fillers (including but not to be limited to soil, sand, sod, mulch, gravel, granite, caliche, etc.) shall be screened from view outside the bounds of this district, by a solidly opaque fence or wall at least six feet (6') high or higher if necessary for complete screening but, in no circumstance, higher than ten feet (10'). This restriction is applicable even to temporary and/or staging of such materials, in preparation for individual off-site work efforts.
3. All other outdoor storage of materials and equipment not for sale shall be prohibited.
4. All internal areas utilized for vehicle parking and maneuvering, and which are not screened by a solidly opaque fence or wall, shall have an all-weather surface composed of hot-mix asphaltic or Portland cement binder pavement.
5. Storage of equipment/materials and the construction of solid fencing/walls within the floodway shall be in accordance with City standards.

C. Graphic Concept Plan:

1. Use and development of the land within this Planned Development District shall generally conform to the graphic concept plan shown as Exhibit "B" attached hereto and made a part of this ordinance for all purposes. Subdividing of the subject property in the Planned Development District into lots or tracts smaller than that shown on such graphic concept plan shall be allowed only with an amendment to this ordinance.

EXHIBIT "B" GRAPHIC CONCEPT PLAN



JACOB MARTIN ARCHITECTS 1000 SAVANNAH DR. SUITE 100 ARLINGTON, TEXAS 76010 TEL: 817-499-9999 WWW.JMARCHITECTS.COM	JACOB MARTIN ARCHITECTS 1000 SAVANNAH DR. SUITE 100 ARLINGTON, TEXAS 76010 TEL: 817-499-9999 WWW.JMARCHITECTS.COM	CONCEPT SITE PLAN EXTREME EXTORIORS ARLINGTON, TEXAS		SHEET NO. 1 OF 1
		DATE: 10/20/11 DRAWN BY: JACOB MARTIN CHECKED BY: JACOB MARTIN	PROJECT NO. 11-001 CLIENT: EXTREME EXTORIORS	SCALE: 1/8" = 1'-0" DATE: 10/20/11