

ORDINANCE NO. 13-2024

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING A CERTAIN PROPERTY; 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 of the Land Development Code of the City of Abilene, is hereby amended by approving a Conditional Use Permit (CUP) 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

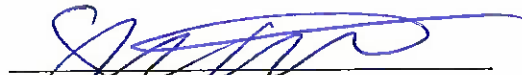
PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 22nd day of February, 2024.

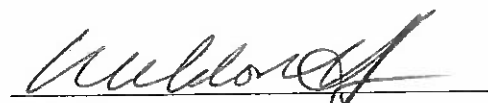
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of January, 2024, the same 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 14th day of March, 2024, 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 FINAL READING THIS 14th day of March, 2024.

ATTEST:




CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT A

Approve a Conditional Use Permit (CUP) on a site zoned Agricultural Open (AO) to allow for an RV Park on approximately 25.44 acres.

The Conditional Use Permit is subject to compliance with the following conditions:

1. The RV Park shall operate in accordance with the submitted Plan of Operation (**EXHIBIT B**).
2. The RV Park shall operate in accordance with the submitted Park Rules (**EXHIBIT C**).
3. The RV Park shall be limited to 60 pad spaces.
4. Requirements set forth during the official Site Plan Review.

Legal description as follows:

METES AND BOUNDS DESCRIPTION OF 25.44 ACRES OF LAND, THIS TRACT BEING IDENTIFIED AS "H-5" ON THE ATTACHED PLAT, BEING OUT OF A CALLED 112.65 ACRE TRACT AS DESCRIBED IN VOLUME 369, PAGE 205, PUBLIC RECORDS OF JONES COUNTY, LOCATED ON THE EAST SIDE OF F.M. HIGHWAY 600 (100' R.O.W.) IN THE FREDERICK SIEBERMAN SURVEY NUMBER 12 (A-312), JONES COUNTY, TEXAS.

BEGINNING AT A 5/8 INCH REBAR WITH A CAP MARKED "SHEPPARD 3697" SET ON THE EAST RIGHT OF WAY OF F.M. HIGHWAY 600 FOR THE SOUTHWEST CORNER OF THIS TRACT AND THE NORTHWEST CORNER OF THE TRACT IDENTIFIED AS "H-4" ON THE ATTACHED PLAT AND SURVEYED THIS SAME DATE. FROM THIS 5/8 INCH REBAR, THE CALLED NORTHEAST CORNER OF THE FREDERICK SIEBERMAN SURVEY NUMBER 12 BEARS N 89°10'25" W AT 7079.50 FEET AND S 00°49'35" W AT 747.06 FEET.

THENCE ALONG THE EASTERN RIGHT OF WAY OF F.M. HIGHWAY 600 AND THE WEST BOUNDARY OF THE ORIGINAL CALLED 112.65 ACRE TRACT FOLLOWING A CURVE TO THE LEFT HAVING A RADIUS OF 5779.58 FEET, AN ARC LENGTH OF 787.13 FEET, A CHORD BEARING OF N 24°26'03" E, AND WITH A CHORD LENGTH OF 786.52 FEET, TO A TEXAS D.O.T. RIGHT-OF-WAY MARKER RECOVERED FOR THE END OF A CURVE TO THE LEFT.

THENCE N 20°30'05" E ALONG THE EASTERN RIGHT OF WAY OF F.M. HIGHWAY 600 AND THE WEST BOUNDARY OF THE ORIGINAL CALLED 112.65 ACRE TRACT FOR A DISTANCE OF 28.00 FEET TO A 1 INCH GALVANIZED IRON PIPE WITH A CAP MARKED "SHEPPARD 3697 NORTHWEST CORNER HAGER" SET ON THE BOUNDARY LINE BETWEEN THE FREDERICK SIEBERMAN SURVEY NUMBER 12 AND THE ALEXANDER H. PHILLIPS SURVEY NUMBER 11 (A-287) FOR THE NORTHWEST CORNER OF THIS TRACT BEING ALSO THE NORTHWEST CORNER OF THE CALLED 112.65 ACRE TRACT.

THENCE S 89°10'25" E ALONG THE COMMON LINE BETWEEN THE FREDERICK SIEBERMAN SURVEY NUMBER 12 AND THE ALEXANDER H. PHILLIPS SURVEY NUMBER 11, BEING ALSO THE NORTHERN BOUNDARY OF THE ORIGINAL CALLED 112.65 ACRE TRACT FOR A DISTANCE OF 1168.75 FEET TO A 1 INCH GALVANIZED IRON PIPE WITH A CAP MARKED "SHEPPARD 3697 NORTHEAST CORNER HAGER" SET ON THE BOUNDARY LINE BETWEEN THE FREDERICK SIEBERMAN SURVEY NUMBER 12 AND THE ALEXANDER H. PHILLIPS SURVEY NUMBER 11 FOR THE NORTHEAST CORNER OF THIS TRACT, BEING ALSO THE NORTHEAST CORNER OF THE CALLED 112.65 ACRE TRACT.

THENCE S 29°54'46" E ALONG THE EASTERN BOUNDARY OF THE ORIGINAL CALLED 112.65 ACRE TRACT FOR A DISTANCE OF 809.70 FEET TO A 5/8 INCH REBAR WITH A CAP MARKED "SHEPPARD 3697" SET FOR THE SOUTH EAST CORNER OF THIS TRACT, BEING ALSO THE NORTHEAST CORNER OF THE TRACT IDENTIFIED AS "H-4" ON THE ATTACHED PLAT AND SURVEYED THIS SAME DATE.

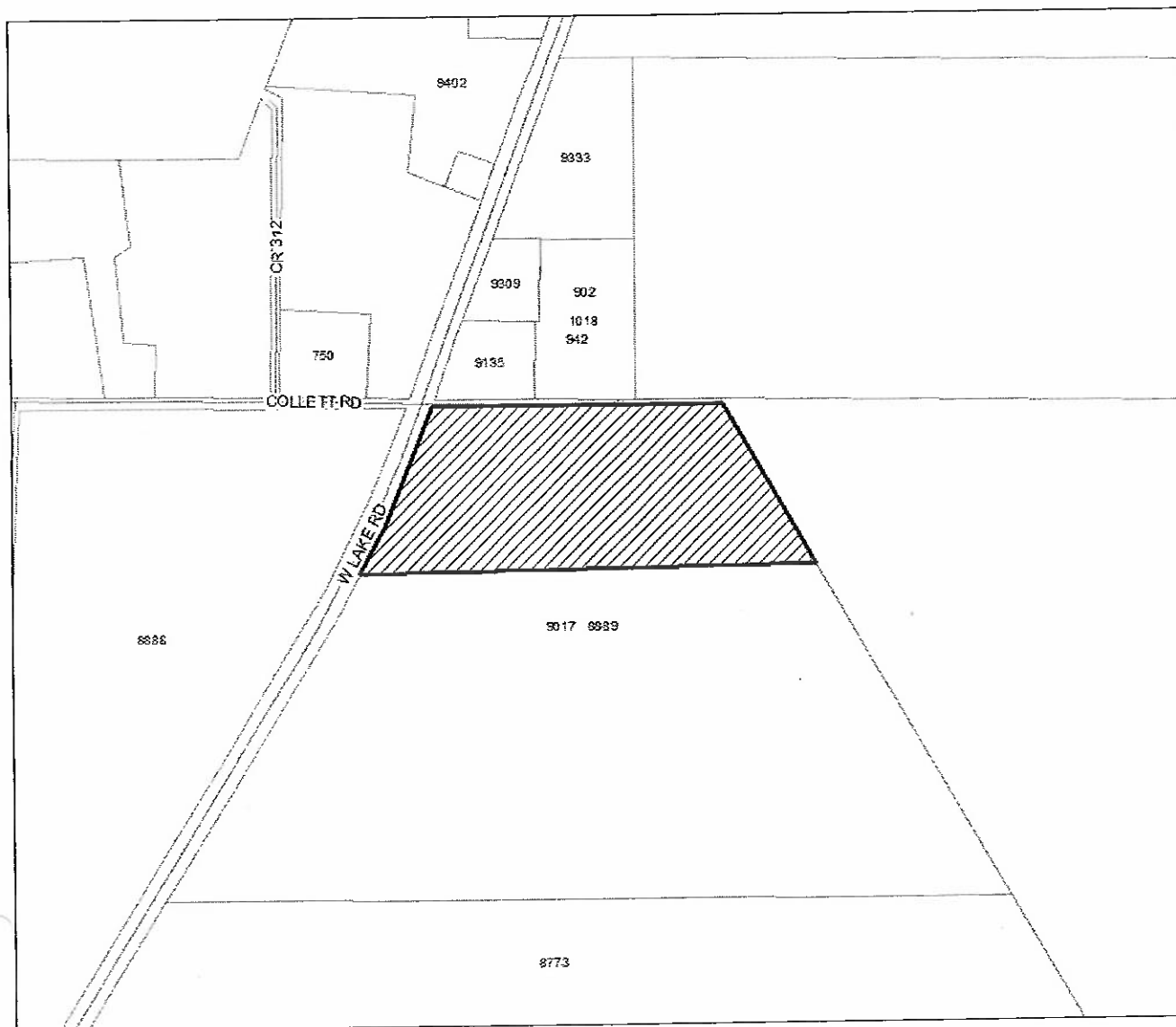
THENCE S 88°58'24" W ALONG THE COMMON BOUNDARY LINE BETWEEN THIS TRACT AND THE TRACT LABELED AS "H-4" FOR A DISTANCE OF 954.50 FEET TO A 4 INCH PIPE FENCE POST RECOVERED FOR AN ANGLE POINT IN THESE TRACTS.

THENCE S 89°36'30" W ALONG THE COMMON BOUNDARY LINE BETWEEN THIS TRACT AND THE TRACT LABELED AS "H-4" FOR A DISTANCE OF 953.23 FEET TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 25.44 ACRES.

NOTE: BEARINGS AND DISTANCES ARE GRID NAD 83, TXNC ZONE 4202 BASED UPON AN OPUS SOLUTION. COMBINED GRID SCALE FACTOR 0.9998.

SURVEYED ON THE GROUND THE 16TH DAY OF NOVEMBER 2021.

Located at 9017 West Lake Road, Abilene, Taylor County, Texas.



Location Map



Legend


 CUP-2024-01

EXHIBIT B

Abilene Butterfly RV Resort Plan of Operation

The proposed RV park will consist of approximately 60 RV spaces when fully built out. The site will have a main office building that will also contain laundry and restroom facilities. Other amenities at the RV park will be a dog park, playground, garden, and pool. A planned future addition includes an indoor butterfly conservatory where visitors may come and tour various exhibits. Site utilities will consist of water, sewer, electric, and wifi service to each RV space as well as exterior lights.

Hours of operation of the RV park will be 7:00 am to 7:00 pm. The site amenities such as the dog park, playground, pool, etc. will have hours from 10:00 am to 8:00 pm. The RV park will have quiet hours from 10:00 pm to 7:00 am daily. See Park Rules for other items.

In order to mitigate disturbances to adjoining neighbors, the site will maintain a minimum of a 50 foot buffer from Collet Road and the existing mature trees along this road will remain. New trees will be spaced every 20' on the south property line to provide some screening.

The site will adhere to all City of Abilene development regulations, specifically Section 4.2, Division 11 in regard to vacation travel trailer/recreational vehicle parks, and Section 4.2, Division 7 in regard to site lighting. Lights will be designed to minimize the lighting impact to surrounding properties and the nearby Lake Fort Phantom.

EXHIBIT C

Abilene Butterfly RV Resort Park Rules

For the RV portion:

1. Operating times for the office would be 7am-7pm.
2. Quiet hours would be 10pm-7am. No loud music/noises that are a nuisance to other guests.
3. Dogs will be leashed at all times unless in the fenced dog park. Current certificate of shots are required for presentation to the front office upon check-in. Pets are not welcome in the pool area. Pet waste will be picked up immediately and disposed of properly. Pet waste will not be performed in any building, meadow, bush, tree or conservatory. Violators will be fined and repeat offenders risk being ejected without refund.
4. Barking or aggressive dogs will be required to leave the park if they become a common nuisance to other guests. Dogs cannot be kept leashed outside without an owner present.
5. Paths surrounding the resort are private, vehicle use on these areas is restricted to staff members.
6. Age and aesthetic recreational vehicles preferred. 15 years old or newer. Exceptions are on a case-by-case basis from company management.
7. Members staying a month or longer will be background checked. We reserve the right to not provide service at our choice.
8. No walking into non-pathed areas of the butterfly wildflower meadow or conservatory. Obey all barriers, railings and posted signs. Do not pick flowers or touch the plants, they are for the wildlife. Destruction of a plant will result in a fine and possible ejection without refund.
9. Do not remove butterflies from meadows or exhibit areas, even if they are dead.
10. Children under the age of 14 are required to be supervised at all times. Climbing trees, throwing stones, and play that may cause injury to persons and property is not permitted.
11. All visitors that are not clients are required to check in and register at the office.
12. Gates to the property will be closed from 7pm - 8am. A code to open the gate will be provided to clients/registered visitors.
13. Any behavior that threatens or is harmful to a visitor, staff, animal or disrupts another clients enjoyment could result in the violator being ejected without refund. This includes loud, boisterous, threatening, abusive, insulting and indecent language, as is disorderly conduct.
14. Speed limit is 5 mph. No speeding or off-roading is permitted. This is strictly enforced.
15. Smoking/vaping/chewing tobacco is prohibited in all buildings, playgrounds, and dog parks and within 50 feet of them. This also includes the butterfly conservatory and meadows. All smoking/vaping/chewing tobacco materials must be disposed in proper receptacles. Do not throw them on the ground, to include the site area.
16. Do not feed or handle wildlife, including butterflies. Do not harass or approach wild animals. Notify staff members of wild animals.
17. Do not take wildlife including insects, caterpillars, chrysalids, butterflies and moths.
18. No solicitation or sale of any goods, products or services is allowed without full written consent from the company management.
19. All RV's must be fully self-contained, well-kept, and in good condition.
20. Each site is charged for 1 RV, 2 vehicles (golf cart not included), 2 adults, 2 children, 1 pet (dog/cat). A maximum of 6 total persons per site per day allowed. No parking on vacant or undeveloped sites, or on the grass/landscaped areas. Additional vehicles will be parked in a designated storage area. Additional persons, vehicles, and pets may be allowed with approval of management and will include additional charges. The fee schedule may be updated by management as necessary.
21. No clotheslines, freezers, refrigerators, fencing, barriers, pallets, dog kennels/pens/runs allowed.
22. All water hoses and sewer lines must be free from leaks.
23. No discharging or use of fireworks are allowed. Firearm use is strictly prohibited unless you determine it necessary for legal self-defense and you accept full-responsibility for the firearms use.

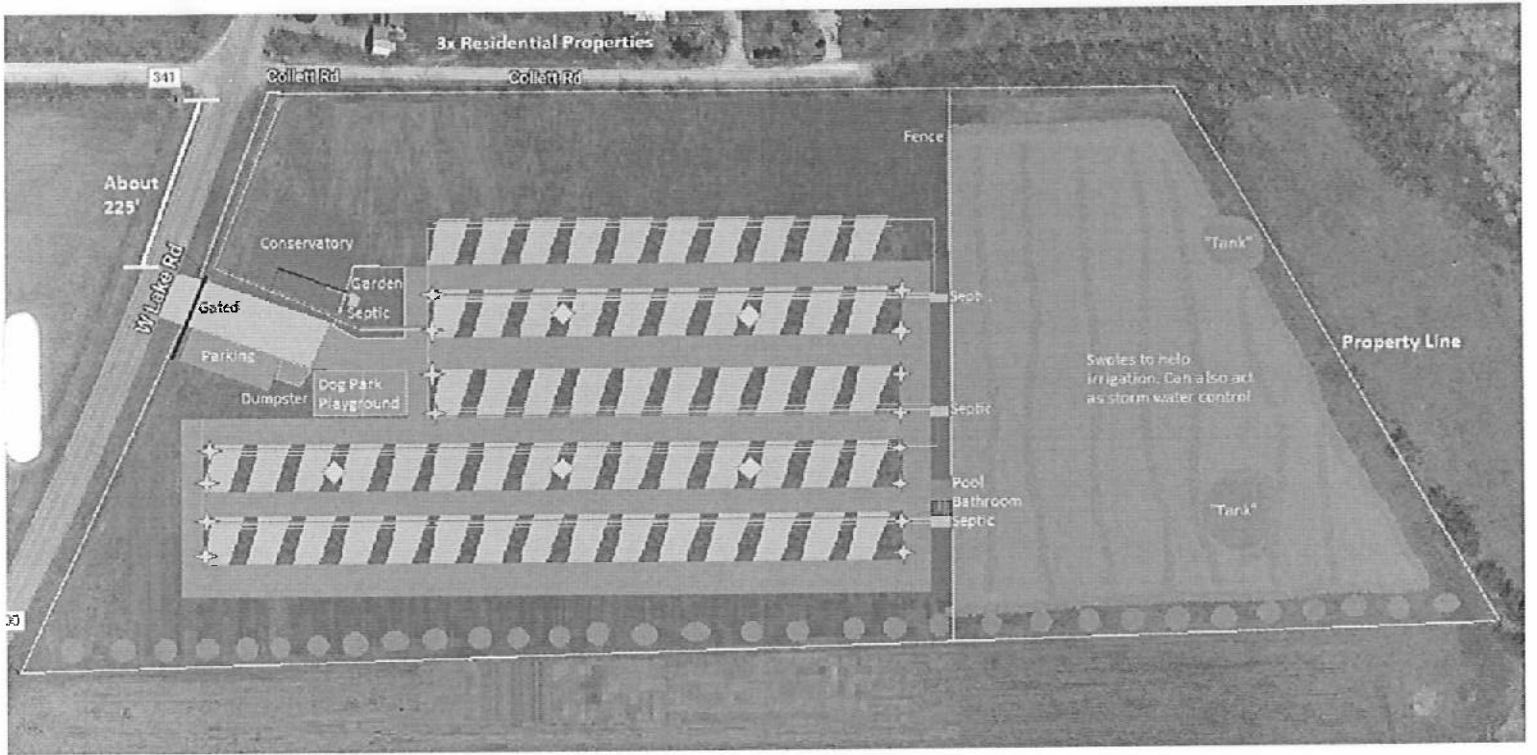
24. Alcohol is not permitted in any common area without full written consent from the company management.
25. Zero-tolerance for illegal/criminal/drug related activities. It will result in a fine and ejection without refund. All damages will be included in the fine.
26. All persons must have a valid drivers license to operate ANY motorized vehicle on the property (including golf carts).
27. No repairs or washing of vehicles or RV's is allowed without full written consent from the company management.
28. Damage to the company property, including but not limited to restrooms, utilities, offices, landscaping, vehicles, street lights, wifi towers, or signage is strictly prohibited. Clients will be held responsible for the repair of any damages.
29. We reserve the right to refuse service to anyone, and the right to refuse any RV that is not in good appearance or age. No refunds if you choose to shorten your stay or have to be asked to leave due to violation of rules. Rules are designed for safety, convenience, and a clean resort for clients enjoyment. We are a service oriented business and therefore we do not have a landlord/tenant relationship/agreement with any daily/weekly/monthly/yearly clients.
30. Pool hours are from 10am-8pm. No lifeguard. All children will be accompanied by an adult.

For the Conservatory portion (including the above):

1. Food and drinks are not allowed in the exhibit. Smoking/vaping/chewing tobacco are not allowed in the conservatory.
2. Do not pick up or handle insects unless a staff member invites you to do so.
3. Strollers and wagons are not allowed in the conservatory. They pose an escape risk for butterflies.
4. Butterfly Conservatory will follow the rules of federal regulations.
5. The use of scooters, bicycles, hover boards, skate boards, roller blades (list not inclusive) are prohibited.
6. Photography and filming: Personal use only. Any use, reuse, or reproduction for commercial purposes is prohibited without full written consent from the company management.

More rules to consider:

1. Visitors and clients enter at their own risk. The owner, management, office personnel of the company will not be responsible for any loss, theft, injury, accident, fire, illegal/criminal activity or damage to visitors, clients, animals, personal property, personal vehicles, and personal items.
2. Be aware of wildlife. We are not responsible for injuries from animals, reptiles, mammals, or insects. Do not feed wildlife and do not leave food outside for any animals.
3. Property rules, regulations, and rates may be changed at any time without prior notice.



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