

ORDINANCE NO. 34-1986

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING GARDEN WORLD PDMX 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 Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended; 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 One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 8th day of May, A.D. 19 86.

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 4th day of May, 19 86, 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 9:00 a.m., on the 22nd day of May, 19 86, 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 22nd day of May, A.D. 19 86.

ATTEST:

Patricia Latta
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Harry Cargill
CITY ATTORNEY

00116

ORDINANCE NO. 34-1986

EXHIBIT "A"

Rezone the following property from General Commercial (GC) and Residential Multi-Family (RM-3) to Planned Development Mixed Use (PDMX) district.

Name: This PDMX district shall hereafter be known and referred to as the "Garden World Planned Development Mixed Use" district.

Legal Description:

- A. Lots 116B and 119B in Block 13 of Section 1, Wyndrock Addition, as described on a replat (3240-24) filed for record in Taylor County, Texas, on October 3, 1979.
- B. Lot 118 in Block 13 of Section 1, Wyndrock Addition, as described on a replat (3240-22) filed for record in Taylor County, Texas, on November 30, 1977.

Purpose and Use:

The Garden World PDMX district encompasses over 6 acres of land intended for retail sale of plant material including flowers, small plants shrubs, trees and garden supplies. The site lies wedged between a freeway frontage road (beside which commercial properties are most common) and a single family residential neighborhood. Of particular importance is the southwesternmost segment of the site, which lies adjacent to Edgemont Drive and includes Lot 118:

- A. This is that portion of the site which lies closest to (i.e., across the street from) single family homes. This land is planned to be used for storage of plant materials and other garden supplies, in a manner which complements the private residential nature of the street.
- B. This lot lies within the 100-year floodway and is generally inappropriate for building development. Storage of plant materials on the site, instead of concentrated building development, will help avoid displacement or impediment of stormwater during a 100-year rainfall. This will, in turn, help minimize property loss on Lot 118 itself as well as on land located upstream.

In order to allow productive use of this tract, while permitting the flow of floodwater through the site, Lot 118 may be used only for limited storage of living plant material and other supplies incidental and accessory to the retail sale of plants and garden supplies. Also, in order to further complement the adjacent residential environment, any such use of Lot 118 should be subject to the following specific conditions:

Specific Conditions for Use: Lot 118

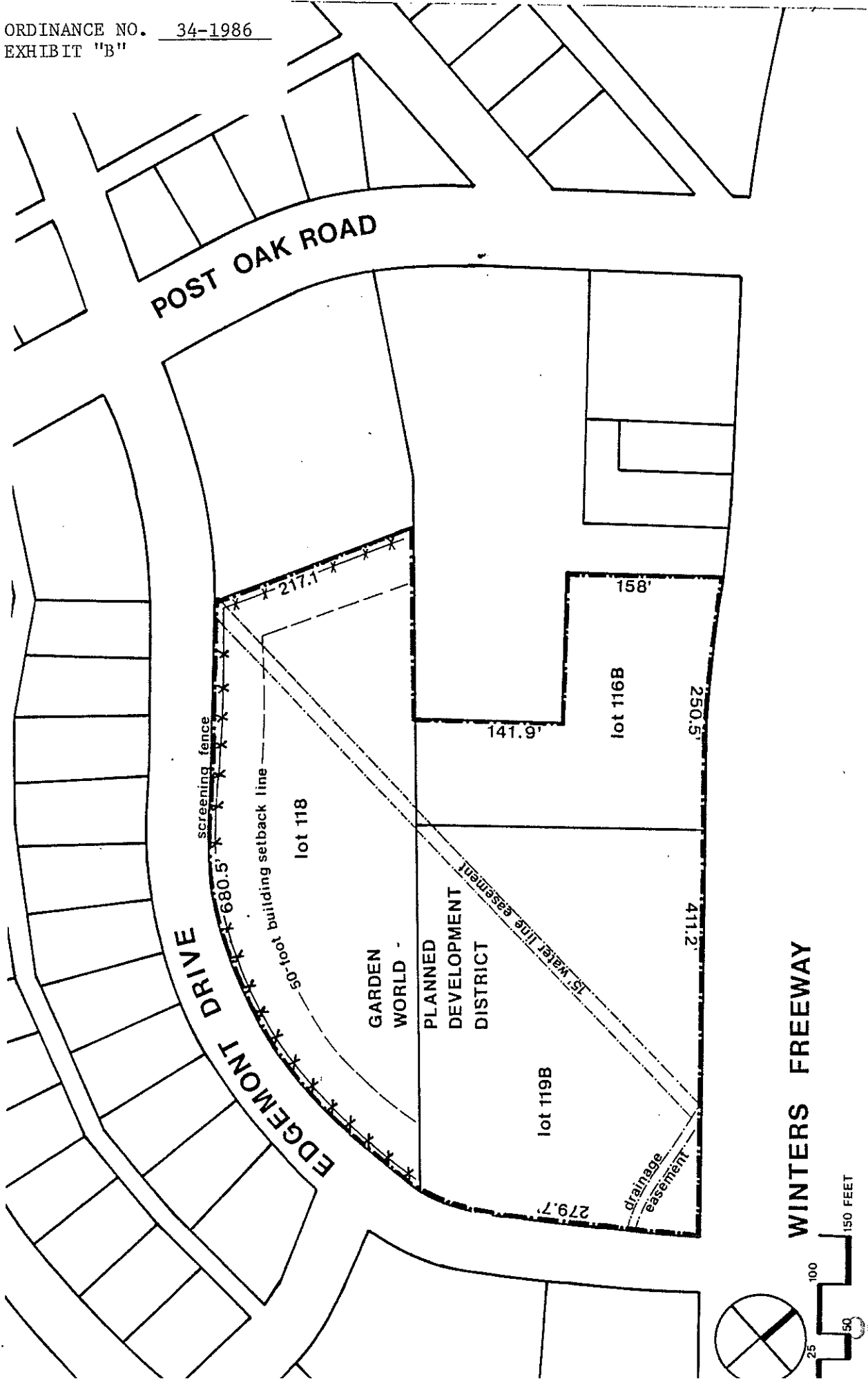
- A. No storage buildings (or any other buildings, including greenhouses) shall be constructed within 50 feet of Edgemont Drive's right-of-way boundary adjoining Lot 118. Any such building construction shall, in addition, conform with each of the following standards:
 - 1. the Zoning Ordinance, all building codes, and other construction-related regulations of the City of Abilene,
 - 2. all drainage and flood-related regulations applicable at the time of building permit approval, and
 - 3. a 15-foot limitation on building height.
- B. The southern and western boundaries of Lot 118 (adjoining Edgemont Drive and Lot 114, respectively) shall be screened by an opaque fence reaching 6-8 feet in height.
 - 1. The entire length of the fence shall not be interrupted by any gate to allow vehicle movement and/or delivery of goods, except as may be minimally required for emergency access by the Fire Department.
 - 2. Landscaping, consisting of grass, low shrubs at least 1.5' tall and similar living plant materials shall be planted and maintained by the owner of adjoining property between the northern curb of Edgemont Drive and the screening fence.

Specific Conditions for Use: Lots 116B and 119B

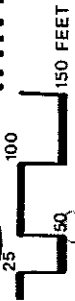
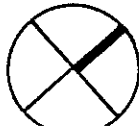
- A. Use and development of these lots shall be in conformance with regulations prescribed for General Commercial (GC) districts, as specified within the Zoning Ordinance of the City of Abilene.

Subdivision Platting:

Subdivision or resubdivision of the property represented on the site plan (attached as Exhibit "B") shall be undertaken in conformance with Subdivision Regulations of the City of Abilene applicable at the time of resubdivision. Amendment of the Planned Development ordinance shall not be necessary for resubdivision; however, above-described regulations regarding use and development shall remain applicable to the lots represented on the attached site plan, unless such regulations are modified by amendment to this ordinance.



WINTERS FREEWAY



00120