

ORDINANCE NO. 30-2024

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD-57, 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 Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 14-1995, as set out in Exhibits A and B, 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 27th day of June 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 17th day of May, 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 11th day of July, 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 11th day of July 2024.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

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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 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 District shall be in accordance with the 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 District and are hereby incorporated by reference and included as part of this ordinance. Site Plan is attached as Exhibit B.

Further, all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of this P.D.D. are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development District must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Legal Description. The legal description of this P.D.D. is as follows:
Lot 1, Block 1, in the Wal-Mart Addition, Abilene, Taylor County, Texas.

Located: 4350 Southwest Dr

PART 6: Purpose. The purpose of the Southwest Drive Planned Development District is to integrate the scale of retail building development and activities in the district with less intensive residential use existing to the north and anticipated to the west, as well as with relatively intensive commercial development planned to the east. District regulations described in the following Part 7 are designed to achieve this purpose.

PART 7: Specific Modifications. The following regulations shall govern the use and development of the Planned Development District for Lot 1.

- A. The use of land shall be restricted to retail sales with the following incidental uses:
 - 1. Retail sales of plant material (flowers, small plants, shrubs, trees, garden supplies, and furniture).
 - 2. Automotive repair (tires, batteries, lubrication and incidental repairs).
- B. The site development shall be in accordance with the following regulations and as generally depicted on the site plan attached hereto as Exhibit B.

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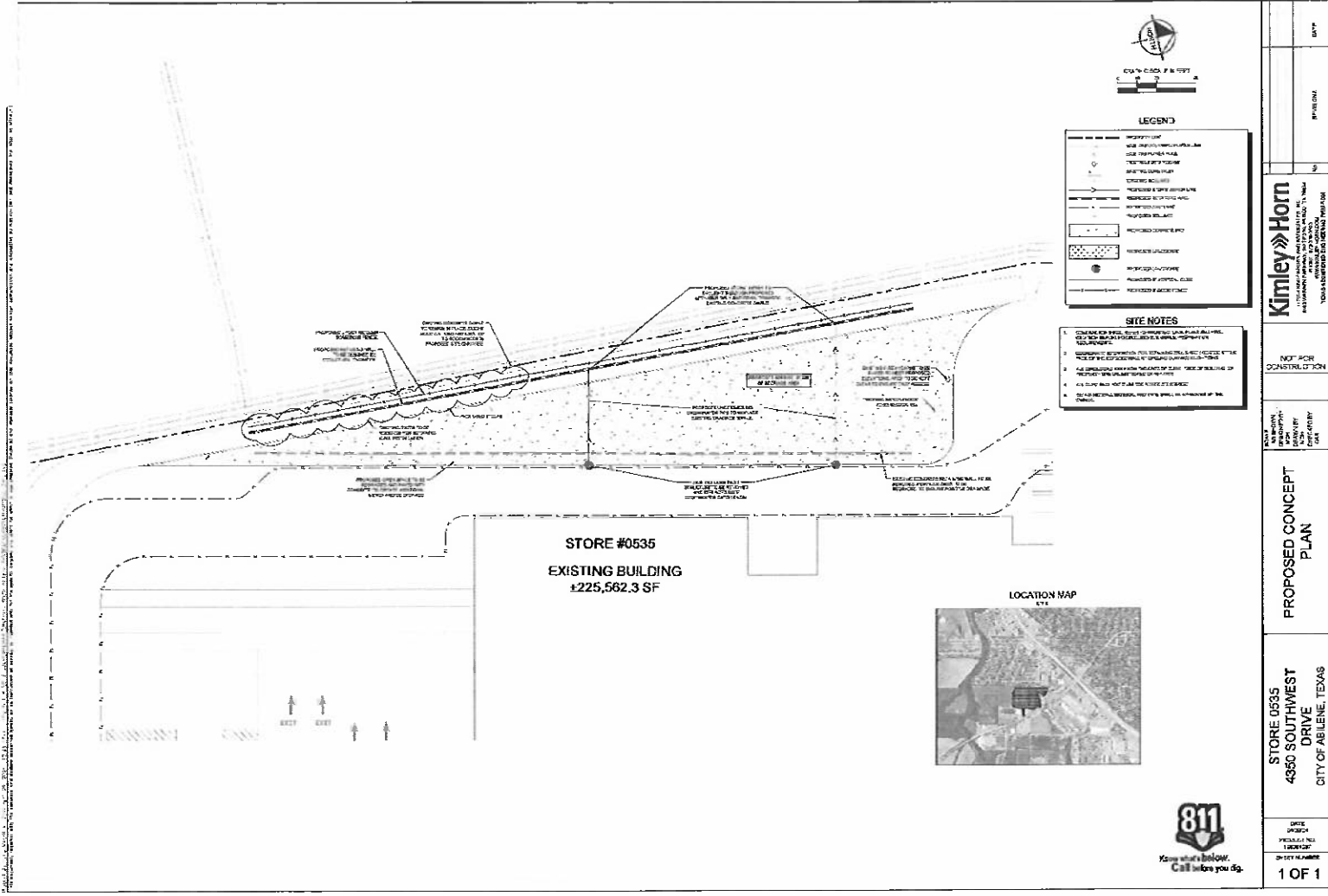
1. The building shall be in the general location as indicated in the approved site plan. The minimum setback shall be ninety (90) feet from the northern and western boundaries of Lot 1.
2. The size of the building and lot coverage of the site shall be as generally depicted in the approved site plan. No more than 25% of Lot 1 (or any lot re-subdivided within Lot 1) shall be covered with buildings.
3. Buildings shall be limited in height to thirty-five (35) feet, excluding architectural exceptions generally allowed by the Zoning Ordinance of the City of Abilene.
4. Off-street parking spaces shall be provided as a minimum in accordance with the Zoning Ordinance.
5. Off-street loading requirements as a minimum shall consist of one (1) off-street loading space per each 30,000 square feet of building.
6. The number of driveways permitted shall be limited to two on Southwest Drive and one on Catclaw Drive. Driveways shall be at least 250 feet from street intersections. Driveways shall have widths and radii in accordance with City standards; however, the westmost driveway shall have minimum curb return radii of 25 feet.
7. Access from activities located on Lot 1 to the alley bordering the tract on its north side shall be prohibited. Additionally, paving of the alley surface shall not be required.
8. A landscaped area, a minimum of fifty (50) feet in width, shall be extended around the streetside boundary of the lot. Such landscape area shall be located entirely on private property. Landscaping shall mean the planting and maintenance of living materials such as grass, trees, or shrubs. The types and arrangements of trees, shrubs plant materials shall be generally in keeping with the approved site plan. Landscaping shall be installed in association with erection of buildings on Lot 1 prior to occupancy of said building.
9. A solid screening wall of masonry construction, at least seven (7) feet in height, shall be provided along the length of the adjacent residential property on the north of Lot 1 and 280 feet along the northernmost part of the western property line of Lot 1.
10. Wall signage shall be permitted only on walls facing streets; however, no building signage is permitted facing the alley to the north. One free-standing sign will be permitted for the overall building and one free-standing sign will be permitted for the automotive center.
11. The screening wall on the west side of the property shall have sufficient openings at its base to pass the overland flow of stormwater off of the property to the west.
12. Development shall incorporate the berm along the south side of the alley or a replacement berm of sufficient design to accomplish the intended purpose of keeping stormwater from flowing to the residential area.

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13. Lighting of the parking lot shall be directed away from the residential areas.
14. Floodway easements, stormwater routing, and on-site detention shall be provided in accordance with the drainage plan required by the Subdivision Regulations. A copy of the drainage plan shall, after approval, be attached to Exhibit "B" of this ordinance.
15. Air conditioning and/or heat generating facilities, and power generating equipment adjacent to any residential area shall be enclosed or meet the Performance Standards of Section 4.2.9.1 of the Land Development Code.
16. Shipping containers shall be allowed seasonally subject to the following conditions:
 - a.) The temporary and seasonal storage of shipping containers shall only be permitted between October 1 through December 31, annually.
 - b.) All seasonal shipping containers shall be removed from the subject property no later than January 15, annually.
 - c.) Fire lanes and driving aisles may not be blocked and must remain open at all times.
 - d.) Seasonal shipping containers may only be stored at the locations shown on the proposed site plan, as amended.
 - e.) Seasonal shipping containers shall not be stacked on each other or on any other structure.

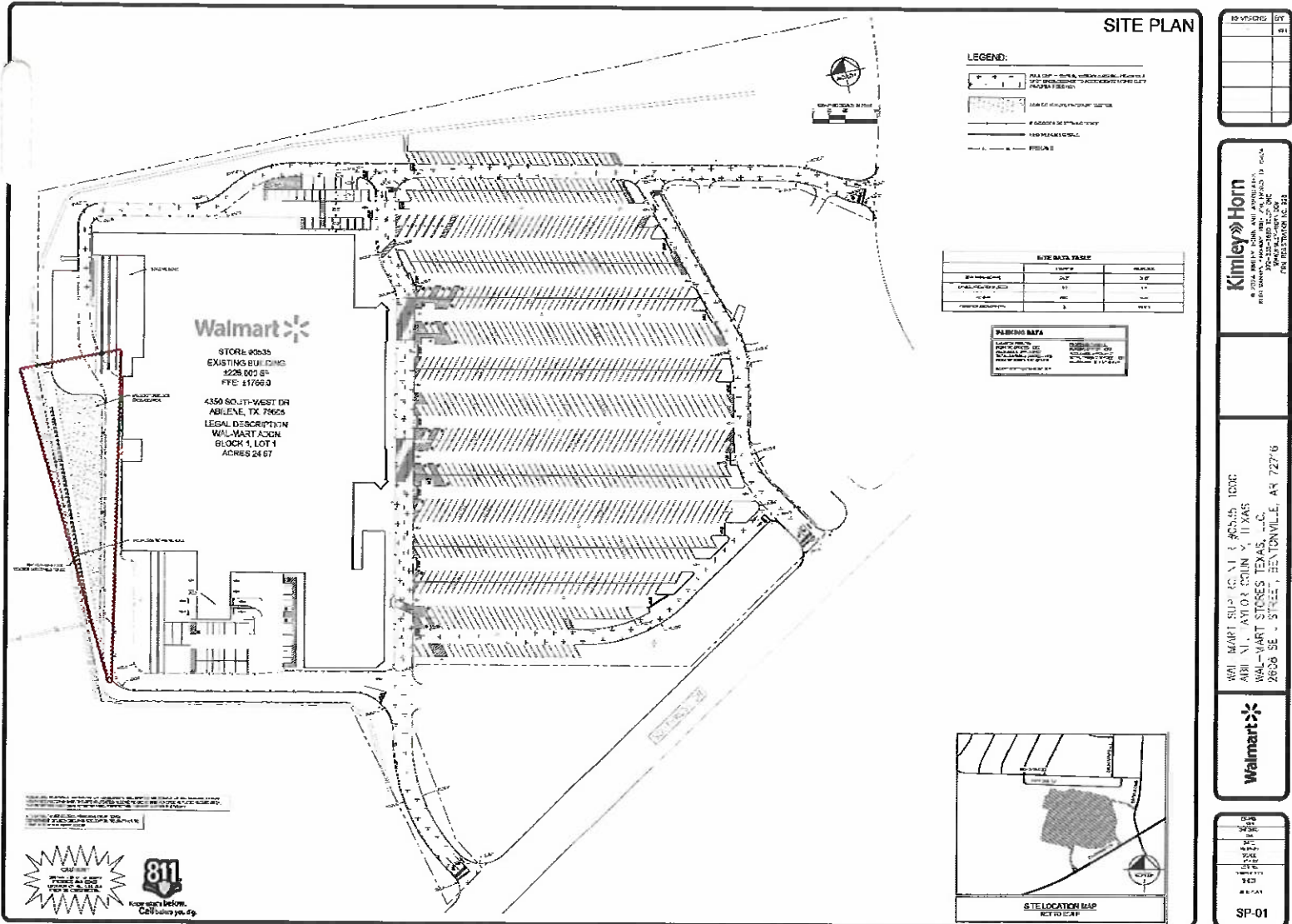
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Exhibit "B"



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Exhibit "B" Continued



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