

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

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 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 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 10 day of October, A.D. 19 85.

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 6 day of October, 19 85, 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 24 day of October, 19 85, 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 24 day of October, A.D. 19 85.

ATTEST:  
Patricia Holtz  
CITY SECRETARY

David Stubbeman  
MAYOR

APPROVED:

Yang Carroll

EXHIBIT "A"

1. **Z-07585**

Rezoning the following property from GC, O, & RM-3 (General Commercial, Office & Residential Multi-Family) to PDMX (Planned Development Mixed Use) district:

BEING all that certain lot, tract or parcel of land out of a 6.29 acre tract out of Section 33, Blind Asylum Lands, Abilene, Taylor County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast corner of said 6.29 acre tract, said point being on the West line of Judge Ely Boulevard;

THENCE South 00 degrees 01 minutes 00 seconds East along the West line of said Judge Ely Boulevard, a distance of 308.66 feet to a point for corner;

THERCE South 89 degrees 59 minutes 00 seconds West a distance of 304.60 feet to a point for corner;

THERCE South 00 degrees 01 minutes 00 seconds East a distance of 180.62 feet to a point on the North line of East North 10th Street for corner;

THERCE North 89 degrees 59 minutes 26 seconds West along the North line of said East North 10th Street a distance of 124.40 feet to a point for corner;

THERCE North 00 degrees 01 minute 00 seconds West a distance of 478.51 feet to a point for corner;

THERCE North 44 degrees 56 minutes 09 seconds East a distance of 14.15 feet to a point for corner;

THERCE North 89 degrees 53 minutes 19 seconds East a distance of 419.00 feet to the place of beginning containing 3.55 acres of land.

SUBJECT TO the design criteria and development conditions stipulated below:

NAME. This PDMX district shall hereafter be known and referred to as the "F.N. 10th & Judge Ely Blvd. PDMX" district.

Purpose. The purpose of the E.N. 10th & Judge Ely Blvd. Planned Development Mixed Use District is to integrate development of facilities for office, shopping center, and a standard restaurant. District regulations described in the following Specific Modifications are designed to achieve the following:

- A. designate particular areas within the district for appropriate selected activities, and
- B. integrate the scale of building development in the district with less intensive surrounding use existing to the west and north, as well as with relatively intensive commercial use existing to the south and east.

Specific Modifications.

A. The following regulations shall govern the use and development of the Planned Development Mixed Use District, for each of the Tracts indicated on the site plan (attached as Exhibit "B") and as set forth below:

TRACT 1

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the standard restaurant permitted use classification of the Zoning Ordinance.

- a. A 7-foot solid opaque fence, of wood or masonry construction, shall be placed along the northern boundary line and be in place at the time any building on this lot is to be occupied.
- b. Mechanical and refuse disposal equipment not screened from view shall be effectively screened by fencing, landscaping, or other similar means.
- c. Vehicular access from the alley on the north side shall be restricted physically by construction of the screening fence/wall.
- d. Development shall be subject to a floor-to-lot area ratio of 1:1.
- e. Only one free-standing business sign shall be permitted and shall be no closer than 10 feet from the property line adjacent to Judge Ely Blvd. and shall be located at least 50 feet south of the north property boundary and shall not exceed a height of 30 feet. Additionally, signs may be illuminated, but shall not exceed 200 square feet in area.
- f. Wall sign(s) are permitted, providing that said sign(s) shall not occupy in excess of 25% of the area of the wall upon which they are located.
- g. All principal structures shall be set back from streetside lot boundaries 35 feet and shall be set back a minimum of 25 feet from all other existing and future lot boundaries.
- h. The parking ratio will be  $\frac{1}{2}$  space per employee and one space per every 4 seats, as specified by the Zoning Ordinance.
- i. Maximum heights of buildings shall be 24 feet, excluding architectural exceptions allowed by the Zoning Ordinance.
- j. Accessory structures shall be allowed to locate in compliance with standard accessory structure provisions found in the Zoning Ordinance.

TRACT 2

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Office (O) zoning classification.

- a. A 7-foot solid opaque fence of wood or masonry construction shall be placed along the northern boundary line, extending west from Tract 1.
- b. Vehicular access from the alley on the north side shall be restricted by this ordinance, as well as by the required screening fence or wall.
- c. Development shall be subject to a floor-to-lot area ratio of 2:1.
- d. Only one free-standing business sign shall be permitted on the tract. It shall be located no closer than 10 feet from the property line adjacent to Judge Ely Boulevard and shall be located at least 50 feet south of the north property boundary and shall not exceed a height of 30 feet. Said sign may be illuminated, but shall not exceed 200 square feet in area.
- e. All principal structures shall have a streetside setback of 35 feet, with a 20-foot setback from all other existing and future lot boundaries.
- f. The parking ratio will be one space per 300 square feet of floor area, as specified by the Zoning Ordinance.

- g. A parking lot is a permitted use, accessory to uses on other tracts in the district.
- h. Maximum heights of buildings shall be 24 feet, excluding architectural exceptions allowed by the Zoning Ordinance.
- i. Accessory structures shall be allowed to locate in compliance with standard accessory structure provisions found in the Zoning Ordinance.

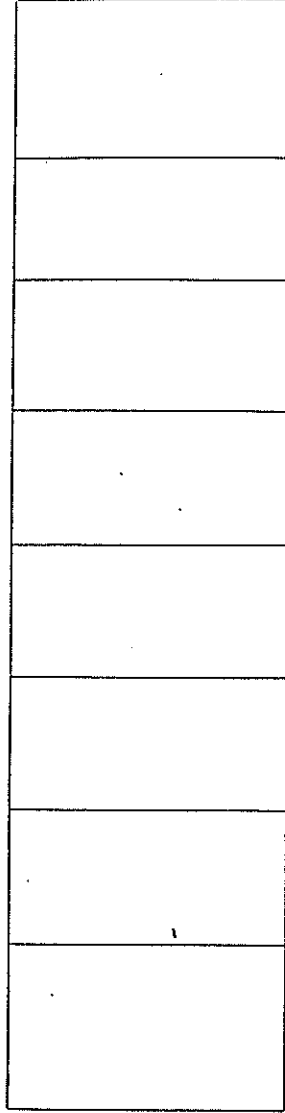
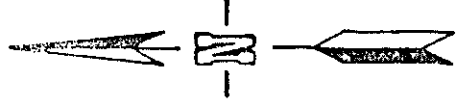
TRACT 3

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Shopping Center (SC) zoning classification.

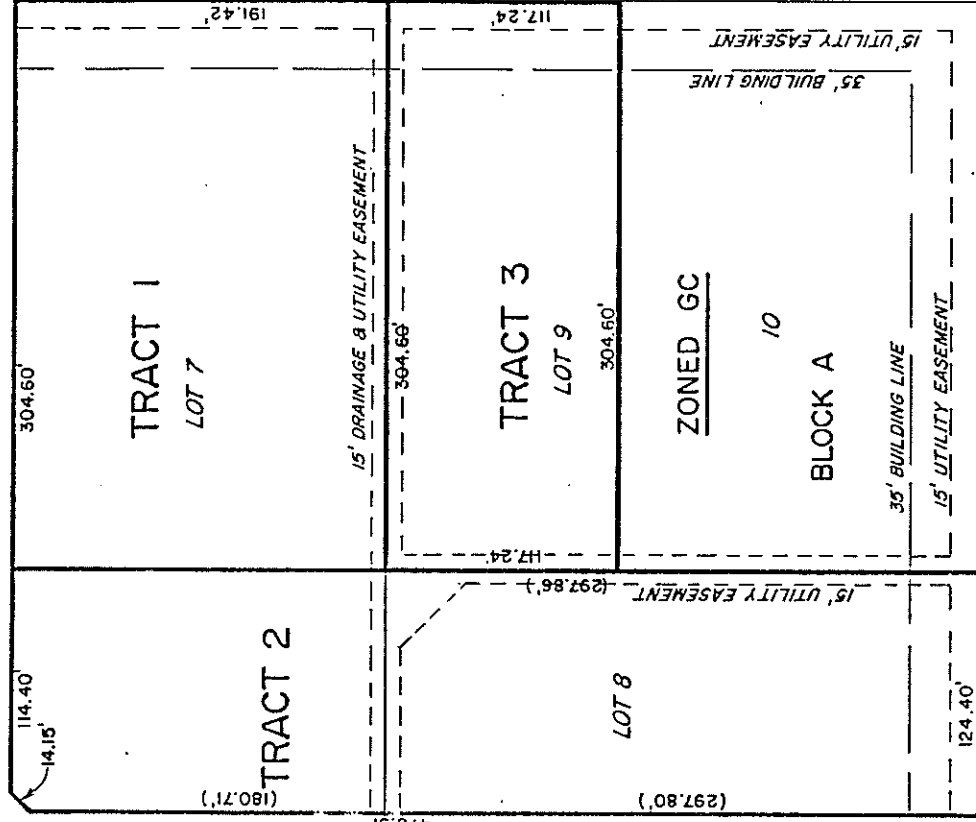
- a. Development shall be subject to a floor-to-lot area ratio of 1:1.
- b. Only one free-standing business sign shall be permitted on the tract. It shall be located no closer than 10 feet from the property line adjacent to Judge Ely Boulevard and shall not exceed a height of 30 feet. Said sign may be illuminated, but shall not exceed 200 square feet in area.
- c. All principal structures shall be set back from streetside lot boundaries 35 feet and shall be set back a minimum of 20 feet from all other existing and future lot boundaries.
- d. The parking ratio will be one space per every 222 square feet of floor area, as specified by the Zoning Ordinance.
- e. Maximum height of buildings shall be 24 feet, excluding architectural exceptions allowed by the Zoning Ordinance.
- f. Accessory structures shall be allowed to locate in compliance with standard accessory structure provisions found in the Zoning Ordinance.

- B. Except as otherwise specified below, 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.

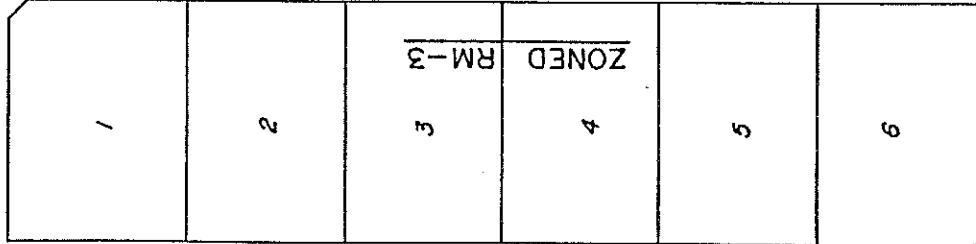
EAST NORTH 12th STREET



20' ALLEY

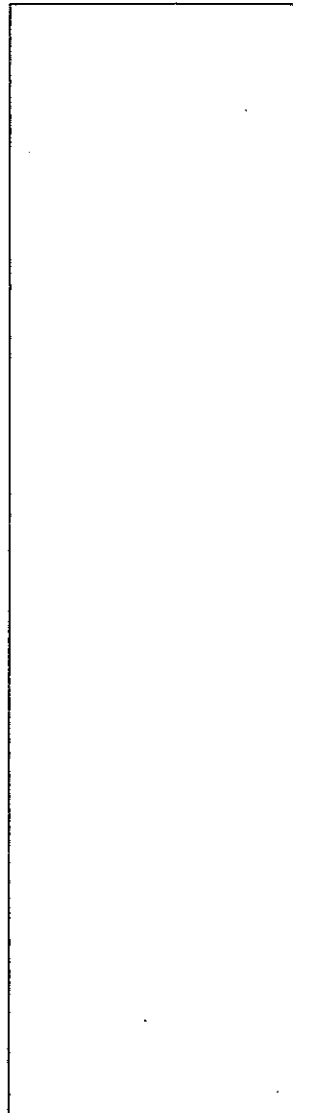


JUDGE ELY BOULEVARD



AVENUE 'F'

EAST NORTH 10th STREET



2. **Z-07885**

Rezone the following property from Agricultural Open Space (AO) to Light Industrial (LI) district.

2.20 acres of land in Blind Asylum Land Section 41, Abstract 1642, Taylor County, Texas. Said tract is a part of 15.63 acre tract of land surveyed for Hugh L. Tarrant on November 28, 1969.

BEGINNING at an old iron stake located at the SW corner of said 15.63 acre tract. Said point is located 1268 ft. East of and 2563.7 ft. South of the NW corner of the SW 1/4 of the said Section 41. Said beginning point is also located 15.4 ft. West of and 31.1 ft. South of an iron corner post. THENCE N. 86° 42' E 170.7 ft. and § 85° 35' E 55.7 ft. along the South line of said 15.63 acre tract and along the north line of a public road to a point located 25.6 ft. South of an iron corner post. THENCE N 425.2 ft. along a chain link fence to an iron corner post. THENCE N 89° 55' W 225.9 ft. along a chain link fence to a point located 16.2 ft. N 89° 55' W of an iron corner post. THENCE South 431 ft. along the west line of said 15.63 acre tract to the place of beginning.

located between IH-20 and Elmdale Airport, on Newman Road