

ORDINANCE NO. 100-1986

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING NORTH JUDGE ELY PDI 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 4 day of December, A.D. 1986.

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 30 day of November, 1986, 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 4 day of December, 1986, 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 18 day of December, A.D. 1986.

ATTEST:

Patricia Hancock
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Jonathan Graham
CITY ATTORNEY

EXHIBIT "A"

Legal Description:

PARCEL 1

Being 137.53 acres out of the Northwest $\frac{1}{4}$ of Sec. 24, B.A. Lands, Taylor Co., Texas, and being more particularly described as follows:

Beginning at the Southwest corner of a 7.2 acre tract of land described in a deed recorded in Vol. 53, Page 356, of the Deed Records, Taylor County, Texas; said beginning point being on the North fence line of an East-West public road, and bearing N89°34'W 458.3' and North 15' from the center of said Section 24;

Thence N89°34'W 1477.5' along the North fence line of said public road to a point on the East R/W or North R/W of L.S. Hwy 20;

Thence N52°17'W 723.8' along said R/W to an iron pin;

Thence N18°08'W 252.0' along a "cut-off" to an iron pin set on the East line of 100' wide Stadium Way;

Thence N0°32'E along the East line of said Stadium Way, at 1912.8' pass a $\frac{3}{8}$ " iron pin, and continuing on for a total distance of 1946.3' to the North line of said Sec. 24.

Thence S89°48'E along the fence line along the North line of said Sec. 24, at 23.0' pass a $\frac{3}{8}$ " iron pin, and continuing on for a total distance of 2050' to an iron pin set at the Northwest corner of a 2.0 acre tract at a point 400' N89°48'W from the Northwest corner of the West Texas Utilities Co. 6.23 acre tract and also being N89°48'W 553' from the Northeast corner of said Northwest $\frac{1}{4}$ of Sec. 24;

Thence S0°07'W 217.8' to the Southwest corner of said 2.0 acre tract;

Thence S89°48'E 400.0' to an iron pin set at the Southeast corner of said 2.0 acre tract, on the West line of said West Texas Utilities 6.23 acre tract;

Thence S0°07'W 1704.7' along the West line of said West Texas Utilities Co. 6.23 acre tract to an iron pin set on the North line of said 7.2 acre tract;

Thence S83°47'W 302.4';

Thence S3°14'W 678.0' to the place of beginning and containing 137.53 acres more or less; and being the same property conveyed to Aileen, Inc., under Deed from Abilene Manufacturing Co., Inc., dated March 29, 1969, and filed on May 21, 1969 at 9:30 a.m., under Clerk's File No. 4896.

PARCEL 2

Being 2.0 acres out of the Northwest $\frac{1}{4}$ th of Section 24, B. A. Lands, Taylor County, Texas, and being more particularly described as follows:

Beginning at an iron pin set on the North line of said Northwest $\frac{1}{4}$ th of Section 24, at the Northwest corner of the West Texas Utilities Co. 6.23 acre tract, from whence the Northeast corner of said Northwest $\frac{1}{4}$ th of Sec. 24 bears S89°48'E. 153';

Thence S0°07'W. 217.8' along the West line of said 6.23 acre tract to an iron pin set on the most Easterly Northeast corner of a 137.53 acre tract;

Thence N89°48'W. 400.0' to an iron pin set at an interior corner of said 137.53 acre tract;

Thence N0°07'E. 217.8' to an iron pin set on the North line of said Northwest $\frac{1}{4}$ th of Section 24 at the most Northerly Northeast corner of said 137.53 acre tract;

Thence S89°48'E. 400.0' to the place of beginning, and containing 2.0 acres, more or less.

PART 6: Name: This PDI district shall hereafter be known and referred as the "North Judge Ely PDI" district.

PART 7: Purpose: The purpose of the North Judge Ely Planned Development Industrial district is to provide for industrial use on a tract of land beside a major thoroughfare, while at the same time achieving the following:

- A. Help maintain the overall appearance of industrial use at this highly visible location beside a major entrance to the City.
- B. Mitigate the sometimes unsightly, sometimes obtrusive appearance of industrial activity from nearby residential development.
- C. Ensure a degree of environmental quality that will assure the health and safety of the environs.

PART 8: Specific Modifications: The following regulations shall govern the use and development of the PDI district for each of the tracts indicated on Exhibit B and as set forth below:

Tract 1

This tract is generally described as follows:

Beginning at the northeast corner of the right-of-way intersection of Interstate 20 and Judge Ely Boulevard.

THEN generally north 890 feet along the east right-of-way of Judge Ely Boulevard to a point just to the south of a driveway.

THEN generally east 580 feet.

THEN generally south 420 feet.

THEN generally east 610 feet.

THEN generally north 440 feet.

THEN generally east 415 feet.

THEN generally south 1420 feet to the north right-of-way line of Lowden Street.

THEN generally west 980 feet along this right-of-way boundary to the right-of-way intersection of Lowden Street and Interstate 20.

THENCE generally northeast 850 feet along the north right-of-way line of Interstate 20 to the place of beginning.

Except as otherwise specified below, use and development of Tract 1 shall be subject to regulations applicable to the Light Industrial (LI) zoning classification.

Permitted Uses

All land uses permitted conditionally or with special exception within the Light Industrial zoning classification shall be permitted by right.

Screening

Outdoor storage of materials, equipment and inventory shall be screened on all sides by a solid, opaque fence or wall at least six (6) feet high.

Performance Standards

All land uses within this tract shall conform to the performance standards contained in Section 23-316 of the Zoning Ordinance.

Tract 2

Tract 2 includes the remainder of the property described in Part 5.

Except as otherwise specified below, use and development shall be subject to regulations applicable to the Heavy Industrial (HI) zoning classification.

Permitted Uses

All land uses permitted conditionally or with special exception within the Heavy Industrial zoning classification shall be permitted by right, with the exception of the following.

Nonpermitted Uses

The following uses shall not be permitted within Tract 2:

- o Trade-Retail Uses
 - Scrap and Waste Materials

- o Trade-Wholesale
 - Oil Field Chemicals
 - Scrap and Waste Materials
 - Petroleum Bulk Stations - over 100,000 gallon capacity

o Resource Production and Extraction Uses:

Cotton Ginning and Compressing
Gas and Flammable Liquid Storage
(except as a use accessory to a permitted primary activity and not to exceed 100,000 gallon capacity)
Grain Storage Elevators
(except that grain storage may occur as a use accessory to a permitted primary activity)
Mining
Petroleum and Natural Gas Refinery

o Manufacturing Uses:

Agricultural Chemicals
Ammunition
Asphalt Felts and Coatings
Carbon Black
Cement
Cotton Ginning and Compressing
Cottonseed Oil Milling
Engines and turbines
(except that assembly of engines and turbines may occur using materials manufactured off-site)
Explosives
Farm Machinery and Equipment
(except that farm machinery and equipment may be assembled using materials manufactured off-site)
Fats and Oils
Fur Dressing and Dyeing
Fur Goods
(except apparel or goods made from materials processed off-site)
Gum & Wood Chemicals
Guns, Howitzers, Mortars and Related Equipment
(not including small arms manufacture)
Gypsum and Gypsum Products
Ink
Leather and Leather Products
(except products made from materials processed off-site)
Lubricating Oils and Greases
Machinery and Equipment (Industrial)
Matches
Meat Packing

Primary Metal Industries, including:

Blast Furnaces, steel works and rolling and finishing of ferrous metals
Iron and steel foundries, nonferrous foundries
Primary and secondary smelting and refining of ferrous and nonferrous metals and alloys
Rolling, drawing, extruding, stamping and forging of ferrous and nonferrous metals

Metal Working Machinery, Equipment and Products
Motor Vehicles, Related Equipment and Accessories
(except that such products may be assembled using materials processed off-site)
Oilwell Equipment and Supplies
Paving Mixtures and Blocks
Petroleum and Natural Gas Refining
Petroleum Products
Pulp Goods
Railroad Equipment
Rubber and Fabricated Rubber Products
Scrap and Waste Materials Processing
Tanks and Tank Components

Although included within the above list of nonpermitted manufacturing uses, the following uses may be allowed by City Council following public hearing and without prior recommendation from the Planning and Zoning Commission:

Engines and Turbines
Farm Machinery and Equipment
Machinery and Equipment (industrial)
Metal Working Machinery, Equipment and Products
Motor Vehicles, Related Equipment and Accessories
Rubber and Fabricated Rubber Products

Storage of Acids and Corrosives

All land uses within this tract involved in the storage of oil-field acids or corrosives as an incidental use must meet the conditions provided in Section 23-306.5.B.15 of the Zoning Ordinance.

Performance Standards

All land use within this tract shall conform to the performance standards contained in Section 23-316 of the Zoning Ordinance.

PART 9: Subdivision and Platting

At the time subdivision is proposed, land within the PDI district shall be subdivided according to the City of Abilene's Subdivision Regulations in effect at the time of subdivision. Amendment of this Planned Development Ordinance shall not be necessary for resubdivision, however, the regulations herein described and regarding land use and development shall remain applicable to the tracts represented on the attachment, unless such regulations are modified by amendment to this ordinance.

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EXHIBIT "B"

Z-08186

TRACT 2

TRACT 1

B.A.L. 24

CU

RM2

RM1

RAINY CREEK

JUDGE CILT BLYD

BTU ROU

HIGHWAY

RM1

