

ORDINANCE NO. 31-1995

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, AND ORDINANCE NO. 76-1985 CONCERNING THE E.N. 10TH & JUDGE ELY BLVD. 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 by changing Ordinance No. 76-1985, 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.

PASSED ON FIRST READING this 8 day of June A.D. 1995.

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 11 day of June, 1995, 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 29 day of June, 1995, 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 29 day of June, A.D. 1995.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

00154

ORDINANCE NO. 31-1995

EXHIBIT "A"

1st Amendment to Ordinance No. 76-1985

AMEND: Specific Modifications. A. Tract 2

DELETE: 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.

ADD: TRACT 2

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Office (O) zoning classification. Allowable uses for the south 297.8 feet of the tract shall also include standard restaurants with optional carry-out facility.

- a. A 7-foot solid opaque fence of wood or masonry construction is placed along the northern boundary line, extending west from Tract 1 (currently in place).
- b. A 7 foot opaque fence of wood or masonry construction be placed along the entire western boundary of Tract 2.
- c. Vehicular access from the alley on the north side shall be restricted by the required screening fence or wall.
- d. Development must be subject to a floor to lot area ratio of 2:1.
- e. The principal structures will have a street-side setback of 35 feet with a 20 foot setback from other existing and future lot boundaries.
- f. The south 25 feet of Tract 2 shall be landscaped by use of berms, shrubs, trees, bushes, grass and other similar means.
- g. Vehicular parking for a standard restaurant shall be restricted to no more than 1/3 in front of the primary structure with the remainder located to the rear of the lot behind the primary structure.
- h. A parking lot is a permitted use, accessory to uses on other tracts in the district. The parking requirements shall be one per 300 square feet of floor area. Parking requirements shall be one space per 2 employees and one space per every 4 seats for standard restaurants.
- i. Signage shall have maximum height of only 10 feet with a setback of 10 feet from the front property line.
- j. Maximum heights of buildings shall be 24 feet, excluding architectural exceptions allowed by the Zoning Ordinance.
- k. Accessory structures shall be allowed to locate in compliance with standard accessory structure provisions found in the Zoning Ordinance.