

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #61 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 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 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 9 day of May A.D. 1996.

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 31 day of March, 1996, 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 23 day of May, 1996, 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 23 day of May, A.D. 1996.

ATTEST:

[Signature]
CITY SECRETARY

[Signature]
MAYOR

APPROVED:

[Signature]
CITY ATTORNEY

ORDINANCE NO. 22-1996

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: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO & RS-6 (Agricultural Open Space & Residential Single Family) District to PDMX (Planned Development Mixed Use) District.

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.

PART 5: Legal Description. The legal description of this P.D.D. is as follows:

BOWYER PDD

Being 4.000 acres of land out of the Bowyer Subdivision (recorded in Volume Y, Page 357 of the Probate Records) out of Section 50, Blind Asylum Land, in the City of Abilene, Taylor County, Texas, and being more particularly described as follows:

Beginning at the Southeast corner of Lot 102 of a replat out of a part of Block 4, Bowyer Subdivision of part of the Blind Asylum Land, Survey No. 50, Abilene, Taylor County, Texas (recorded in Plat Cabine 1, Slide 573, Plat Records);

Thence West at 380' pass the Southwest corner of Lot 101 the East line of a dedicated Street, at 440' pass the West Line of said Street and continue on a distance in all of 632.00';

Thence $N0^{\circ}45'40''E$ 371.59';

THENCE EAST AT 192', pass the West line of said Street and continue on a distance in all of 252.00';

Thence $S0^{\circ}45'40''W$ 158.69';

Thence $S89^{\circ}46'E$ 380.04' to the Northeast corner of said Lot 102;

Thence $S0^{\circ}46'30''W$ 211.35' to the place of beginning and containing 4.000 acres of land.

Location:

274 South 25th Street

PART 6: Purpose: The purpose of the Planned Development district request is to allow for commercial development.

PART 7: Specific Modifications. The attached site plan (Exhibit "B") indicates the PDD area involved which consists of two tracts. The following is applicable for each tract:

Uses:

Tract 1: Single Family residences; sign installation and service; electrical installation and repair service; heating, ventilation, air conditioning services; and uses permitted in LC (Limited Commercial) zoning districts excluding the following:

- Clairvoyants, Healers, Soothsayers, Chiromantics and Prognostication Services
- Automobile Parts and Supplies (including tires)
- Gasoline
- Grocery Store (convenience type)
- Restaurants, Standard
- all uses under the TRADE-WHOLESALE category

Appropriate development plans will be required at the time of development, i.e., site plans, plats, etc., as required by City codes.

Tract 2: Agricultural Open Space (AO) uses.

Signage:

Tract 1: One pole/ground sign is allowed per business or activity. Maximum height is 30 feet. Base of the sign must be 8 feet above ground level. Sign face shall not exceed 100 square feet. Sign shall be set back a minimum of 5 feet from South 25th Street property line. One wall sign is allowed per business or activity with maximum sign face of 30 square feet allowed per sign.

Tract 2: No signs are allowed.

Screening:

Tract 1: If commercial activities occur on Tract 1, a six foot, opaque wall or fence will be required, at the time of the commercial development, along the east and north property lines of Tract 1. The required screening along the north property line may be through utilization of trees and/or shrubs to provide the desired screening effect.

Tract 2: None required.

PART 8: Schedule. Construction and/or development of the Planned Development District established hereby shall begin no later than twelve (12) months from the effective date of this ordinance. If development does not proceed within this time frame, the Planning and Zoning Commission shall recommend to the City Council that the proposed development be rezoned to its former status.

ORDINANCE NO. 22-1996
EXHIBIT "B"

280.0

500' 46.20" W
211.35'

Tract 1

LOT 101

LOT 102

PART CABINET
PART SLIDE STAIR

S 89° 46' E 380.04'

380.0

WEST 632.00'

500' 45.40" W
158.69'

Tract 2

EAST 252.0

600

192'

1.630 AC. EX.
71,340 SQ. FT.

0.512 AC
22,294 SQ. FT.

SOUTHEAST
CORNER BLOCK 15
VOL. Y, PAGE 357

192.0

600

N 10° 49' 40" E 371.59'

SOUTH 25TH STREET

SCALE
1" = 100'

