

AN ORDINANCE DEFERRING CERTAIN DEVELOPMENT REQUIREMENTS OF "CHAPTER 23, PLANNING AND COMMUNITY DEVELOPMENT, SUBPART 'E', ZONING," ON PROPERTY COMMONLY KNOWN AS 150 LOCUST STREET (A PROPERTY LOCATED WHOLLY WITHIN ABILENE REINVESTMENT ZONE NUMBER ONE) AS AUTHORIZED IN SECTION 2303.501 OF THE TEXAS ENTERPRISE ZONE ACT.

**WHEREAS**, the City Council of the City of Abilene established Abilene Reinvestment Zone Number One on December 16th, 1982; and

**WHEREAS**, in establishing the Reinvestment Zone the City Council declared the area as a blighting influence on the community; and

**WHEREAS**, the City Council is authorized by the Tax Increment Financing Act to encourage the redevelopment of the Zone; and

**WHEREAS**, Abilene Reinvestment Zone Number One is wholly contained within the Abilene East Enterprise Zone; and

**WHEREAS**, Section 2303.501 of the Texas Enterprise Zone Act allows the governing body of a municipality to defer compliance with subdivision and development ordinances; and

**WHEREAS**, the property described as Lots 16, 17, and 18, Block 16, Original Town, Abilene, Taylor County, Texas, commonly known as 150 Locust Street, is located wholly within Abilene Reinvestment Zone Number One; and

**WHEREAS**, Mr. Shane McClung, the current owner of 150 Locust Street, desires to develop multi-family dwelling units on this property, which is currently zones Light Industrial, a zoning district that does not permit multi-family dwelling units; and

**WHEREAS**, the Director of Planning has certified that 150 Locust Street is located within an area of transitional land use; and

**WHEREAS**, 150 Locust Street is located within Abilene Reinvestment Zone Number One as designated by the Abilene City Council in accordance with the Tax Increment Financing Act;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS THAT:

PART 1 For the property located at 150 Locust Street, compliance with Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby deferred for a period of eighteen (18) months in the following specific areas only:

- a. That portion of Section 23-306.4, Permitted Use Chart, which does not permit multi-family dwelling units in Light Industrial districts, will be deferred

to allow development during the deferral period of no more than six multi-family dwelling units.

- b. That portion of Section 23-306.4, Permitted Use Chart, which requires 1 ½ parking spaces per multi-family dwelling unit, will be deferred to allow development of multi-family dwelling units without a requirement for parking spaces.

PART 2 Deferred compliance shall not be transferrable and applies only to the current owner of 150 Locust Street.

PART 3 Off-street parking requirements as defined by Section 23-306.4 of the Zoning Ordinance are hereby waived.

PART 4 As a condition of this ordinance, the owner of 150 Locust Street shall, within 30 calendar days of passage, apply for Historic Overlay zoning for 150 Locust Street. Failure to complete zoning process on the part of the owner shall nullify the terms of this ordinance.

PART 5 This ordinance shall in no way exempt or defer owner from complying with all City of Abilene Building, Health, Fire and Safety Codes and Ordinances, or from other provisions of the Zoning Ordinance that are not specifically deferred by this ordinance.

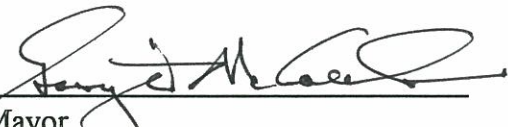
PART 6 This ordinance shall automatically expire eighteen (18) months after its passage.

PASSED ON FIRST READING this 9 day of May, 1996.

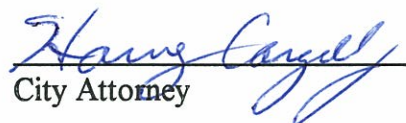
PASSED ON SECOND AND FINAL READING this 23 day of May, 1996.

ATTEST:

  
\_\_\_\_\_  
City Secretary

  
\_\_\_\_\_  
Mayor

APPROVED:

  
\_\_\_\_\_  
City Attorney