

ORDINANCE NO. 28-1997

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AND CREATING PDD #63 (FREDECK) 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.

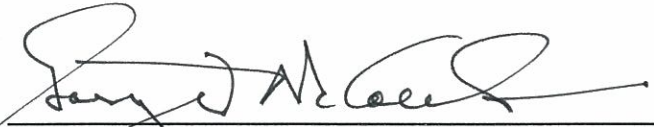
PASSED ON FIRST READING this 12 day of June A.D. 1997.

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 1 day of June, 1997, 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 26 day of June, 1997, 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 26 day of June, A.D. 1997.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

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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 (PDD) 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 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 PDD 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 (Agricultural Open Space) District to PDD (Planned Development) 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 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow a mix of residential and a commercial use.

PART 7: Specific Modifications. The attached Site Plan (Exhibit B) indicates the PDD area involved. The following applies:

A. Uses: Uses permitted in Agricultural Open Space (AO) zoning and a machine shop.

B. Conditions pertaining to the machine shop:

1. All machine shop activity must take place within one fully enclosed structure that is 1200 square feet in area or less.
2. No more than one (1) employee is permitted.
3. No storage or other activity associated with a machine shop may be located outside of the fully enclosed structure.
4. Business activities may only occur between the hours of 7:00 a.m. and 9:00 P.M.

C. Signage: One wall sign not to exceed nine (9) square feet in area. Illumination and motion are prohibited.

PART 8: Schedule. Should machine shop activity stop for a period of six (6) consecutive months, the Planning Director shall initiate rezoning of the property to Agricultural Open Space (AO) zoning.

-END-

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

(425 S. 25th)

BEING a part of Block 16, Bowyer Subdivision of Section No. 50, Blind Asylum Land, Taylor County, Texas, and described by metes and bounds as follows:

BEGINNING in the N.B.L. of Block No. 16, Bowyer Subdivision, 167 feet west of the N.E. corner of said Block No. 16;

THENCE west along the N.B.L. of Block No. 16, 150 feet to a stake set for the N.W. corner of this tract;

THENCE south parallel to the W.B.L. of a tract of land heretofore sold to Alva Stansbury, a distance of 600 feet to a stake set for the S.W. corner of this tract;

THENCE east 150 feet parallel to the N.B.L. of said Block No. 16 to the S.W. corner of a tract of land heretofore sold to the said Alva Stansbury;

THENCE north along the W.B.L. of the said Stansbury tract 600 feet to the N.B.L. of said Block 16, Bowyer Subdivision to the place of beginning.

(441 S. 25th)

BEING a part of Block 16, Bowyer Subdivision of Section 50, Blind Asylum Land, Taylor County, Texas, and described by metes and bounds as follows:

BEGINNING in the N.B.L. of Block 16, Bowyer Subdivision 377 feet west of the NE corner of said Block 16 and at the NW corner of a tract of land heretofore sold to Billy Bob Brady;

THENCE west along the N.B.L. of said Block 16, 150 feet to a point for the NW corner of this tract;

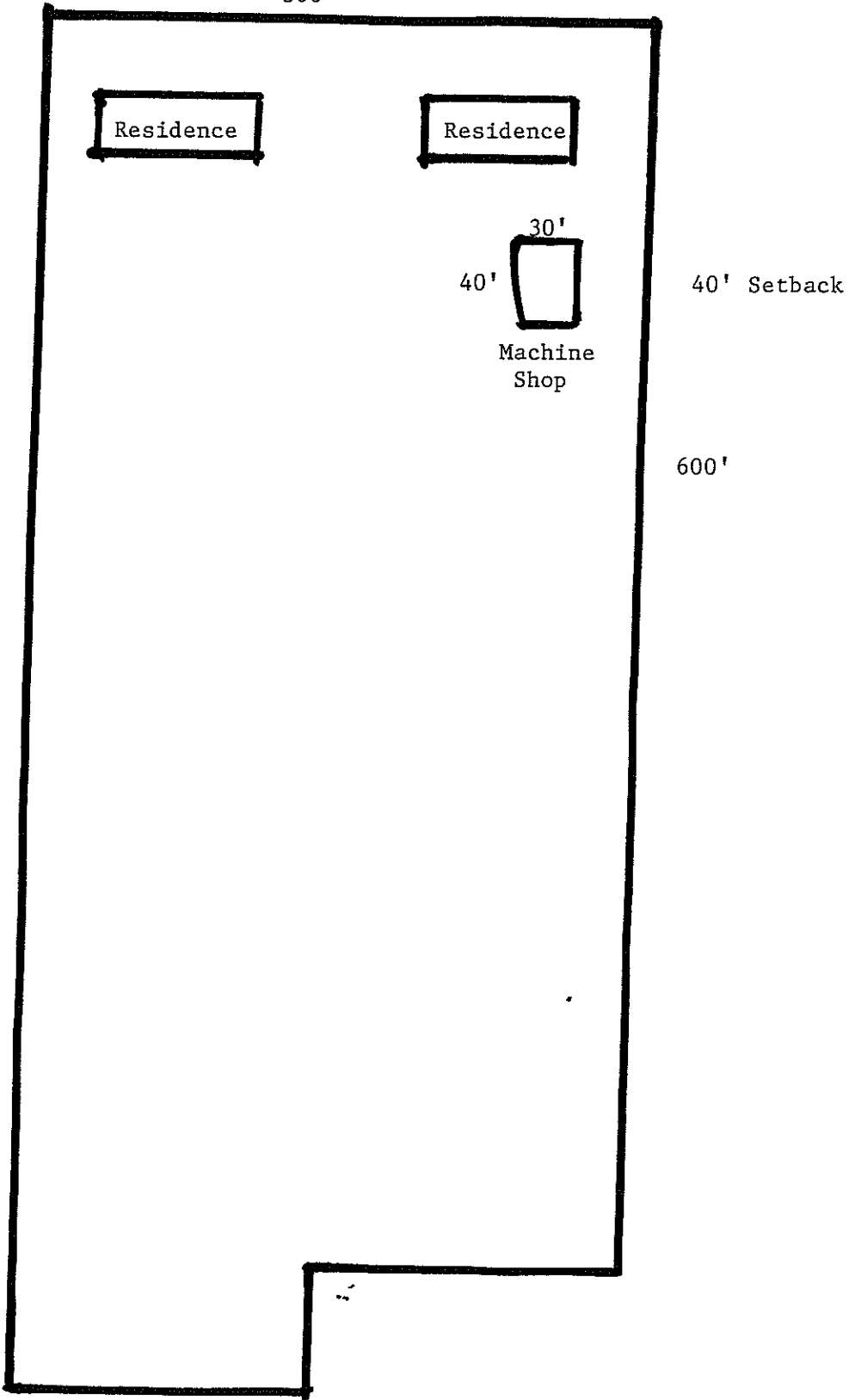
THENCE south and parallel to the west line of the tract of land heretofore sold to Billy Bob Brady 660 feet to a stake set for the SW corner of this tract;

THENCE east 150 feet parallel to the north boundary line of Block 16;

THENCE north along the west boundary line of said Brady tract, 660 feet to the north boundary line of said Block 16, and place of beginning.

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300'



660'

40' Setback

600'

Residence

Residence

30'

40'

Machine Shop