

ORDINANCE NO. 25-2005

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-91 AND ORDINANCE NO. 20-2004 A 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. 20-2004, as set out in Exhibits "A" and "B" 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 12th day of May A.D. 2005.

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 11th day of May, 2005, 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 8:30 a.m., on the 26th day of May, 2005, 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 9th day of June, A.D. 2005.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:


  
CITY ATTORNEY

Exhibit "A"

3rd Amendment to Ordinance No. 43-1990

Section 1:

Amend PART 7. Specific Modifications, Sub-part (2)(F) as follows:

F. Signs:

- Free-standing signs
  - One pole sign shall be permitted along the I-20 frontage with a maximum height of 35 feet and a maximum area of 175 square feet.
  - One additional pole sign shall be permitted for the property described in this Exhibit. Such sign shall have a maximum height of 60 feet and a maximum area of 200 square feet.
  - All other free-standing signs shall be monument design with a maximum height of 6 feet and a maximum area of 75 square feet.
  - Each business is limited to one free-standing sign.
- Wall signs: May not exceed 10% of the area of any wall on which they are located.
- Banners: Shall only be allowed when attached to and flat against a building
- Prohibited Signs: Portable signs, off-site advertising, other free-standing temporary signs

Section 2: Property Description

PROPERTY DESCRIPTION

Being a tract of land situated in the south half of Section 24, Blind Asylum Land, in the N. J. Decker Survey, Abstract No. 957, in the City of Abilene, Taylor County, Texas, and being all of Lot 2, Block 1 Wal-Mart Supercenter Addition, an addition to the City of Abilene according to the plat recorded in Cabinet 3, Slide 718, Plat Records, Taylor County, Texas, being all of the certain tract of land as described by deed to Frank W. Martin and Louise Martin, recorded in Volume 442, Page 33, Deed Records, Taylor County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with yellow cap stamped "Dunaway Assoc. Inc." found for the southwest corner of said Lot 2, Block 1, Wal-Mart Supercenter Addition, the southeast corner of that certain tract of land as described by deed to West Texas Utilities Company, recorded in Volume 206, Page 170, Deed Records, Taylor County, Texas, and being in the northeast right-of-way line of Interstate Highway No. 20 (a variable width right-of-way, 400 feet wide at this point);

THENCE North 01° 15'16" East, with the west line of said Lot 2, Block 1, Wal-Mart Supercenter Addition and the east line of said West Texas Utilities Company tract, a distance of 331.46 feet (platted 331.47 feet) to a 5/8 inch iron rod with yellow cap stamped "Dunaway Assoc. Inc." set (hereinafter called 5/8 inch iron rod set) for the northwest corner of said Lot 2, Block 1, Wal-Mart Supercenter Addition;

THENCE South 88°54'18" East, with the north line of said Lot 2, Block 1, Wal-Mart Supercenter Addition, a distance of 178.49 feet to a 5/8 inch iron rod set for the northeast corner of said Lot 2, Block 1, Wal-Mart Supercenter Addition;

THENCE South 01°31'21" West, departing the north line and with the east line of said Lot 2, Block 1, Wal-Mart Supercenter Addition, a distance of 37.31 feet to a 5/8 inch iron rod set for the northwest corner of aforementioned Martin tract;

THENCE North 62°31'21" East, with the north line of said Martin tract, a distance of 125.00 feet to a 5/8" iron rod set for the northeast corner of said Martin tract;

THENCE South 01°31'21" West, with the east line of said Martin tract a passing distance of 36.03 feet to a 5/8 inch iron rod with yellow cap stamped "Dunaway Assoc. Inc." found for the northwest corner of Lot 1, Block A, Continuation No. 1, George & White Assoc. Subdivision an addition to the City of Abilene according to the plat recorded in Cabinet 1, Slide 576, Plat Records, Taylor County, Texas and continuing for an overall distance of 319.83 feet to a 5/8 inch iron rod found for the southeast corner of said Martin tract and being in the northeast right-of-way line of State Highway No. 351 (a variable width right-of-way);

THENCE South 61°24'51" West, with said northeast right-of-way line, a passing distance of 126.38 feet to a point for the southwest corner of said Martin tract and the southeast corner of said Lot 2, Block 1, Wal-Mart Supercenter Addition, and continuing for an overall distance of 168.99 feet to a 5/8" iron rod set;

THENCE North 84°54'43" West, a distance of 83.22 feet to a 5/8 inch iron rod set in said northeast right-of-way line of aforementioned Interstate Highway No. 20;

THENCE North 51°14'17" West, with said northeast right-of-way line of Interstate Highway No. 20, a distance of 71.62 feet to the POINT OF BEGINNING and containing a calculated area of 100,586 square feet or 2.309 acres of land.

Less Lot 2, Block 1, Wal-Mart Supercenter Addition, Abilene, Taylor County, Texas.

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