

ORDINANCE NO. 33-2019

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE AND CONCERNING PD-163, A PLANNED DEVELOPMENT DISTRICT SPECIFICALLY ALLOWING PRODUCTION OF PLANT MATERIAL AND MANUFACTURE OF ALCOHOLIC BEVERAGES; 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 the Land Development Code 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 23rd day of May, A.D. 2019.

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 19th day of April, 2019, 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 13th day of June, 2019, 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 13th day of June, A.D. 2019.

ATTEST:

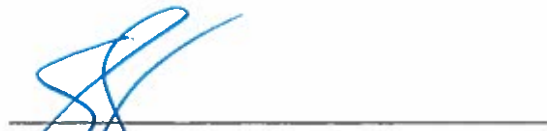


Shawna Atkinson, Interim City Secretary



Anthony Williams, Mayor

APPROVED:


Stanley Smith,
City Attorney

ORDINANCE NO. 33-2019

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 use and development within this Planned Development District must be undertaken in compliance with the Land Development Code of the City of Abilene, except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in this Planned Development District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth, from: Heavy Commercial (HC) District to Planned Development (PD) District Number 163.

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 Planned Development (PD) District Number 163 includes all of Lot 18 in Block 2 of Johnston's Subdivision of Lot 1 in Block 161 of the Original Townsite for Abilene, Taylor County, Texas.

EXHIBIT "A"
PAGE 3



Location: 717 and 719 Butternut Street.

PART 6: Purpose. The purpose of this Planned Development District is to allow production of plant material and manufacture of alcoholic beverages as well as all other uses allowed (by right or, if ordinarily necessary, with approval of a Conditional Use Permit) in Heavy Commercial zoning districts of Abilene, subject to certain limiting conditions specified in PART 7 below.

PART 7: Specific Modifications: Except as otherwise specified below, the use and development of property in this Planned Development (PD) District Number 163 shall be subject to regulations applicable to the Heavy Commercial (HC) zoning classification.

- a. Production of plant material and manufacture of alcoholic beverages shall be allowed therein, subject to the following specific conditions:
 - (1) Production of plant material and manufacture of alcoholic beverages must occur entirely within an enclosed building.
 - (2) Any outdoor storage of material, equipment or inventory must be screened from adjoining property (including the street and alley) by a solidly opaque wall or fence at least six feet in height.

- (3) Emission of odorous matter from the source of production (or operation) is prohibited whenever such odorous matter is clearly detectable at the bounding property line or at any point beyond the subject property of this Planned Development District.