

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-136 A PLANNED DEVELOPMENT; 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 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 Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 27th day of October A.D. 2011.

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 15th day of September, 2011, 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 3rd day of November, 2011, 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 3rd day of November, A.D. 2011.

ATTEST:

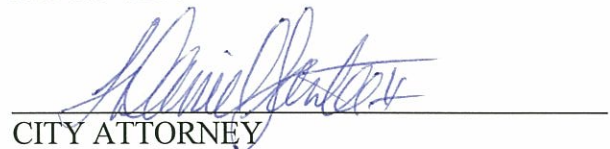


CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

ORDINANCE NO. 48-2011

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 possession of 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 shall be in accordance with any 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, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Land Development Code of the City of Abilene except as otherwise specifically provided herein.

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

PART 4: Zoning. That Chapter 23, Subpart B, Abilene Municipal Code, known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From MD (Medium Density Residential) to PD (Planned Development).

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.

ORDINANCE NO. 48-2011

EXHIBIT "A"

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

Old Town Abilene, Block 184, Lots 1, 2 & 3

Location: 1699 S. 1<sup>st</sup> Street

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for commercial development and related activities for re-use of a building, while maintaining the general historic appearance of the main building as viewed from South First and Grape Streets.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the GC (General Commercial) zoning district, except as modified below.

**A. PERMITTED USES:**

All uses permitted in the GC (General Commercial) zoning district listed in the Land Development Code, to include the following as permitted uses:

- Drive Thru Facility, not in main building
- Dwelling – Multiple-Family
- Dwelling – Institutional
- Recreation Building, Multipurpose
- Swimming Pool, private
- Tennis Court, private
- Personal Care Facility

The following uses are not permitted:

- Drive Thru Facility, in main building
- Fuel Sales
- Kennel
- Repair and Maintenance Services – Automobile/Small Truck (Major)
- Repair and Maintenance Services – Automobile/Small Truck (Minor)
- Retail Sales/Rental of vehicles, including automobile and small truck and large truck and other large vehicles and equipment)
- Taxidermist

**B. SITE DEVELOPMENT**

The development shall comply with the requirements of the Land Development Code with the following exceptions and additions:

1. The property owner shall acquire City approval before seeking to demolish the main building. The Landmarks Commission shall be the approval organization for such request through the processes and procedures outlined for Historic Overlay zoned properties.
2. The property owner shall be responsible for preservation of the visibility of the front façade from Grape Street by preserving the terminating vista visible from Grape Street. No buildings shall be allowed between South 1<sup>st</sup> and the main Lincoln Middle School building that would affect this visibility.
3. The existing window openings must be preserved either with windows or the appearance of windows on the front and side façades of the main building.
4. The property owner shall not alter or remove significant architectural features of the front or side façades, including but not limited to gargoyles, cornices, and other such features without approval by the City's Landmarks Commission.

5. If painted, the bricks on visible façades of the main building must be painted neutral, earth-tone colors and shall require a Certificate of Appropriateness from the Landmarks Commission.
6. Any signs attached to the main building shall require a Certificate of Appropriateness from the Landmarks Commission.

-END-