

ORDINANCE NO. 32-2019

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; 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 2 (Zoning Regulations) of 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.

PART 3: 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. PASSED ON FIRST READING the 23rd day of May, 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 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 FINAL READING THIS 13th day of June, 2019.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY



ORDINANCE NO. 32-2019

EXHIBIT A

Rezone property from Agricultural Open Space (AO) zoning classification, to a combination of General Retail (GR), Office (O), Neighborhood Retail (NR), Neighborhood Office (NO), Residential Medium-Density (MD), Residential Multi-Family (MF) and Residential Single-Family Patio Home (PH) zoning districts, as follows:



General Retail (GR) zoning district

BEING a 9.86-acre zoning tract out of the northeast quarter of Section No. 12, Lunatic Asylum Lands, E. Pogue Survey, Abstract No. 832, City of Abilene, Taylor County, Texas and the southeast quarter of Section No. 12 Lunatic Asylum Lands, M. Jones Survey, Abstract No. 766, City of Abilene, Taylor County, Texas and being out of the east end of that certain 56.32-acre tract as shown per survey for the Estate of Dorothy Parker by Williams Surveying Company in December, 2011, said 9.86-acre tract is more particularly described in metes-and-bounds as follows:

BEGINNING at a point for the northeast corner of this described tract and said 56.32-acre tract, being in the west right-of-way line of U.S. Highway 83-84;

THENCE S. 00° 49' 07" W. along the east line of this described tract, same being the most northerly east line of said 56.32-acre tract, same being the west line of right-of-way for U.S. Highway 83-84, a distance of 853.52 feet to a point for the southeast corner of this described tract, same being the most northerly southeast corner of said 56.32-acre tract;

THENCE S. 89° 29' 49" W. along the south line of this described tract, same being the most easterly south line of said 56.32-acre tract, a distance of 600.16 feet to a point for the southwest corner of this described tract;

THENCE N. 00° 49' 07" E. along the most southerly west line of this described tract, and over and across said 56.32-acre tract, a distance of 603.04 feet to a point for the most westerly northwest corner of this described tract;

THENCE N. 89° 27' 26" E. along the most westerly north line of this described tract, and over and across said 56.32-acre tract, a distance of 330.47 feet to a point for an interior corner of this described tract;

THENCE N. 00° 16' 40" E. along the most northerly west line of this described tract, and over and across said 56.32-acre tract, a distance of 250.03 feet to a point for the most northerly northwest corner of this described tract, and being in the north line of said 56.32-acre tract;

THENCE N. 89° 27' 26" E. along the most easterly north line of this described tract, same being the north line of said 56.32-acre tract, a distance of 272.06 feet to said POINT OF BEGINNING and containing 9.86 acres of land, more or less.

Office (O) zoning district

BEING a 13.66-acre zoning tract out of the northeast quarter of Section No. 12, Lunatic Asylum Lands, E. Pogue Survey, Abstract No. 832, City of Abilene, Taylor County, Texas and the southeast quarter of Section No. 12, Lunatic Asylum Lands, M. Jones Survey, Abstract No. 766, City of Abilene, Taylor County, Texas and being out of the south-central portion of that certain 56.32-acre tract as shown per survey for the Estate of Dorothy Parker by Williams Surveying Company in December, 2011, said 13.66-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at a point for the southeast corner of this described tract, and being in the most easterly south line of said 56.32-acre tract, from which the most easterly southeast corner of said 56.32-acre tract (being in the west line of right-of-way for U.S. Highway 83-84) bears N. 89° 29' 49" E. 600.16 feet;

THENCE S. 89° 29' 49" W. along the south line of this described tract, same being the most easterly south line of said 56.32-acre tract, a distance of 984.39 feet to a point for the southwest corner of this described tract, from which an interior corner in the south line of said 56.32-acre tract bears S. 89° 29' 49" W. 196.64 feet;

THENCE N. 00° 16' 40" E. along the west line of this described tract, and over and across said 56.32-acre tract, a distance of 602.24 feet to a point for the northwest corner of this described tract;

THENCE N. 89° 27' 26" E. along the north line of this described tract and continuing over and across said 56.32-acre tract, a distance of 990.09 feet to a point for the northeast corner of this described tract;

THENCE S. 00° 49' 07" W. along the east line of this described tract, and continuing over and across said 56.32-acre tract, a distance of 603.04 feet to said POINT OF BEGINNING and containing 13.66 acres of land, more or less.

Neighborhood Retail (NR) zoning district

BEING a 1.89-acre zoning tract out of the northeast quarter of Section No. 12, Lunatic Asylum lands, E. Pogue Survey, Abstract No. 832, City of Abilene, Taylor County Texas and being out of the northeast portion of that certain 56.32-acre tract as shown per survey for the Estate of Dorothy Parker by Williams Surveying Company in December, 2011, said 1.89-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at a point for the northeast corner of this described tract and being in the north line of said 56.32-acre tract, from which the northeast corner of said 56.32-acre tract (being in the west line of right-of-way for U.S. Highway 83-84) bears N. 89° 27' 26" E. 272.06 feet;

THENCE S. 00° 16' 40" W. along the east line of this described tract, and over and across said 56.32-acre tract, a distance of 250.03 feet to a point for the southeast corner of this described tract;

THENCE S. 89° 27' 26" W. along the south line of this described tract, and continuing over and across said 56.32-acre tract, a distance of 330.47 feet to a point for the southwest corner of this described tract;

THENCE N. 00° 49' 07" E. along the west line of this described tract, and continuing over and across said 56.32-acre tract, a distance of 250.07 feet to a point for the northwest corner of this described tract and being in the north line of said 56.32-acre tract, from which the northwest corner of said 56.32-acre tract bears S. 89° 27' 26" W. 1871.79 feet;

THENCE N. 89° 27' 26" E. along the north line of this described tract and said 56.32-acre tract, a distance of 328.11 feet to said POINT OF BEGINNING and containing 1.879 acres of land, more or less.

Neighborhood Office (NO) zoning district

BEING a 5.69-acre zoning tract out of the northeast quarter of Section No. 12, Lunatic Asylum Lands, E. Pogue Survey, Abstract No. 832, City of Abilene, Taylor County, Texas and being out of north-central portion of that certain 56.32-acre tract as shown per survey for the Estate of Dorothy Parker by Williams Surveying Company in December, 2011, said 5.69-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at point for the northwest corner of this described tract, and being in the north line of said 56.32-acre tract, from which the northwest corner of said 56.32-acre tract bears S. 89° 27' 26" W. 879.34 feet;

THENCE N. 89° 27' 26" E. along the north line of this described tract and said 56.32-acre tract, a distance of 992.45 feet to a point for the northeast corner of this described tract,

from which the northeast corner of said 56.32-acre tract (being on the west line of right-of-way for U.S. Highway 83-84) bears N. 89° 27' 25" E. 600.17 feet;

THENCE S. 00° 49' 07" W. along the east line of this described tract, and over and across said 56.32-acre tract, a distance of 250.07 feet to appoint for the southeast corner of this described tract;

THENCE S. 89° 27' 26" W. along the south line of this described tract, and continuing over and across said 56.32-acre tract, a distance of 990.09 feet to a point for the southwest corner of this described tract;

THENCE N. 00° 16' 40" along the west line of this tract, and continuing over and across said 56.32-acre tract, a distance of 250.03 feet to said POINT OF BEGINNING and containing 5.69 acres of land, more or less.

Residential Multi-Family (MF) zoning district

BEING a 12.92-acre zoning tract out of the southeast quarter of Section No. 12 Lunatic Asylum Lands, M. Jones Survey, Abstract No. 766, City of Abilene, Taylor County, Texas and the southwest quarter of Section No. 12, Lunatic Asylum Lands, M. Pogue Survey, Abstract No. 831, City of Abilene, Taylor County, Texas and being out of the southwest portion of that certain 56.32-acre tract as shown per survey for the Estate of Dorothy Parker by Williams Surveying Company in December, 2011, said 12.92-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at a point for the southwest corner of this described tract and said 56.32-acre tract, and being in the east line of right-of-way for the former Abilene and Southern Railway (abandoned);

THENCE N. 09° 17' 32" E. along the west line of this described tract and said 56.32-acre tract, same being the east line of right-of-way for the former Abilene and Southern Railway (abandoned), a distance of 626.36 feet to a point for the northwest corner of this described tract from which the northwest corner of said 56.32-acre tract bears N. 09° 17' 32" E. 588.65 feet;

THENCE N. 89° 27' 26" E. long the north line of this described tract, and over and across said 56.32-acre tract, a distance of 971.58 feet to a point for the northeast corner of this described tract;

THENCE S. 00° 16' 40" along the most northerly east line of this described tract, and continuing over and across said 56.32-acre tract, a distance of 272.21 feet to a point for the most easterly southeast corner of this described tract, and being in the most easterly south line of said 56.32-acres tract;

THENCE S. 89° 29' 49" W. along the most easterly south line of this described tract, same being the most easterly south line of said 56.32-acre tract, a distance of 196.64 feet to a point for an interior corner of this described tract and of said 56.32-cres tract;

THENCE S. 00° 30' 53" E. along the most southerly east line of this described tract, same being the most southerly east line of said 56.32-acre tract, a distance of 345.33 feet to a

point for the most southerly southeast corner of this described tract and of said 56.32-acre tract;

THENCE S. 89° 28' 17" W. along the most westerly south line of this tract, same being the most westerly south line of said 56.32-acre tract, a distance of 877.87 feet to said POINT OF BEGINNING and containing 12.92 acres of land, more or less.

Residential Medium-Density (MD) zoning district

BEING a 7.16-acre zoning tract out of the northwest quarter of Section No. 12, Lunatic Asylum Lands, A. Pogue Survey, Abstract No. 830, City of Abilene, Taylor County, Texas and the southwest quarter of Section No. 12, Lunatic Asylum Lands, M. Pogue Survey, Abstract No. 831, City of Abilene, Taylor County, Texas and the northeast quarter of Section No. 12, Lunatic Asylums Lands, E. Pogue Survey, Abstract No. 832, City of Abilene, Taylor County, Texas and the southeast quarter of Section No. 12, Lunatic Asylum Lands, M. Jones Survey, Abstract No. 766, City of Abilene, Taylor County, Texas and being out of the western portion of that certain 56.32-acre tract as shown per survey for the Estate of Dorothy Parker by Williams Surveying Company in December, 2011, said 7.16-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at a point for the northwest corner of this described tract, and being in the east line of right-of-way for the former Abilene and Southern Railway (abandoned), same being the west line of said 56.32-acre tract, from which the northwest corner of said 56.32-acre tract bears N. 09° 17' 32" E. 253.73 feet;

THENCE N. 89° 27' 26" E. along the north line of this described tract, and over and across said 56.32-acre tract, a distance of 919.10 feet to a point for the northeast corner of this described tract;

THENCE S. 00° 16' 40" W. along the east line of this described tract, and over and across said 56.32-acre tract, a distance of 330.03 feet to a point for the southeast corner of this described tract;

THENCE S. 89° 27' 26" W. along the south line of this described tract, and continuing over and across said 56.32-acre tract, a distance of 971.78 feet to a point for the southwest corner of this described tract, and being in the west line of said 56.32-acre tract, and being in the east line of right-of-way for said Abilene and Southern Railway (abandoned), from which the southwest corner of said 56.32-acre tract bears S. 09° 17' 32" W. 626.36 feet;

THENCE N. 09° 17' 32" E. along the west line of this tract and said 56.32-acre tract, same being the east line of right-of-way for said Abilene and Southern Railway (abandoned) a distance of 334.92 feet to said POINT OF BEGINNING and containing 7.16 acres, more or less.

Residential Single-Family Patio Home (PH) zoning district

BEING a 5.16-acre zoning tract out of the northeast quarter of Section No. 12, Lunatic Asylum Lands, E. Pogue Survey, Abstract No. 832, City of Abilene, Taylor County, Texas and the northwest quarter of Section No. 12, Lunatic Asylum Lands, A. Pogue Survey,

Abstract No. 830, City of Abilene, Taylor County, Texas and being out of the northwest portion of that certain 56.32-acre tract as shown per survey for the Estate of Dorothy Park by Williams Surveying Company in December, 2011, said 5.16-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at a point for the northwest corner of this described tract and said 56.32-acre tract, and being in the east line of right-of-way for the former Abilene and Southern Railway (abandoned);

THENCE N. 89° 27' 26" E. along the north line of this described tract and said 56.32-acre tract, a distance of 879.34 feet to a point for the northeast corner of this described tract;

THENCE S. 00° 16' 40" W. along the east line of this described tract, and over and across said 56.32-acre tract, a distance of 250.03 feet to a point for the southeast corner of this described tract.;

THENCE S. 89° 27' 26" W. along the south line of this described tract, and continuing over and across said 56.32-acre tract, a distance of 919.10 feet to a point for the southwest corner of this described tract, being in the west line of said 56.32-acre tract, and being in the east line of right-of-way for said Abilene and Southern Railway (abandoned), from which the southwest corner of said 56.32-acre tract bears S. 09° 17' 32" W. 961.28 feet;

THENCE N. 09° 17' 32" E. along the west line of this tract and said 56.32-acre tract, same being the east line of right-of-way for said Abilene and Southern Railway (abandoned), a distance of 253.73 feet to said **POINT OF BEGINNING** and containing 5.16 acres of land, more or less.

Location: 6800-6900 blocks (west side) of Highway 83-84 Abilene, Taylor County, Texas.