

ORDINANCE NO. 12-2023

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTY; 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 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 February, 2023.

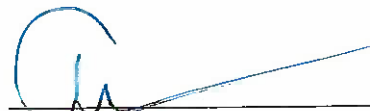
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of January, 2023, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers of the City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 9th day of March, 2023, 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 9th day of March, 2023.

ATTEST:



DEPUTY CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from Agricultural Open (AO) to Planned Development District 179 (PD-179) subject to compliance with the "Base Zoning District, Land Uses, and Development Standards" attached hereto as Exhibit B and the Concept Plan attached hereto as Exhibit C:

Tract 1

BEING a 24.0 acre tract out of the South Half of Section 77, Block 14, T&P RR Co. Survey, Jones County, Texas and being out of a 156 acre tract recorded in Document No. 2017-2613, Official Public Records, Jones County, Texas, and Document No. 2018-2695, Official Public Records, Jones County, Texas, and being more particularly described as follows:

Basis of Bearings is Grid North, NAD 83 Texas North Central Zone based on GPS observations

BEGINNING at a point at the intersection of the east right of way of FM Highway 2833, a.k.a. East Lake Road, and the south line of said Section 77 in County Road 306 for the southwest corner of said 156 acre tract and this tract;

THENCE North 01 degrees 42 minutes, 47 seconds West, along the east right of way of said FM 2833, a distance of 16.79 feet to a found concrete right of way marker at a corner of said 156 acre tract this tract;

THENCE North 45 degrees 14 minutes 04 seconds West, along the east right of way of said FM 2833, a distance of 71.58 feet to a found concrete right of way marker at a corner of said 156 acre tract this tract

THENCE North 00 degrees 18 minutes 09 seconds East, along the east right of way of said FM 2833, a distance of 888.63 feet to a set ½ inch iron rod with plastic cap marked "H&T" at a fence corner for the northwest corner of this tract, same being the southwest corner of a simultaneously surveyed 29.4 acre tract;

THENCE North 88 degrees 33 minutes 29 seconds East a distance of 1160.63 feet to a found ½ inch iron rod with plastic cap marked "H&T" at a steel fence corner post at the northwest corner of a 20.0 acre tract, an angle point in the west line of a 72.5 acre tract, and the southeast corner of a simultaneously surveyed 29.4 acre tract, all out of said 156 acre tract, and being the northeast corner of this tract;

THENCE South 00 degrees 58 minutes 15 seconds West, along the east line of said 20.0 acre tract, a distance of 233.69 feet to a found ½ inch iron rod with plastic cap marked "H&T" at a steel fence corner post for an angle point in the east line of this tract;

THENCE South 20 degrees 36 minutes 17 seconds West, along the east line of said 20.0 acre tract, a distance of 555.95 feet to a found ½ inch iron rod with plastic cap marked "H&T" at a steel fence corner post for an angle point in the east line of this tract;

THENCE South 29 degrees 08 minutes 08 seconds East, along the east line of said 20.0 acre tract, at 257.71 feet passing a set ½ inch iron rod with plastic cap marked “H&T” in the north right of way fence, continuing for a total distance of 276.06 feet to a point on the south line of said 156 acre tract and section 77 at the southwest corner of said 20.0 acre tract, and being the southeast corner of this tract;

THENCE North 89 degrees 26 minutes 44 seconds West, along the south line of said 156 acre tract and Section 77, a distance of 1049.48 feet to the Point of Beginning containing an area of 24.0 acres. Surveyed on July 24, 2020.

Tract 2

BEING a 29.4 acre tract out of the South Half of Section 77, Block 14, T&P RR Co. Survey, Jones County, Texas, and being out of a 156 acre tract recorded in Document No. 2017-2613, Official Public Records, Jones County, Texas and Document No. 2018-2695, Official Public Records, Jones County, Texas, and being more particularly described as follows:

Basis of Bearings is Grid North, NAD 83 Texas North Central Zone based on GPS observations

BEGINNING at a set ½ inch iron rod with plastic cap marked “H&T” at a fence corner on the east right of way of FM Highway 2833, a.k.a East Lake Road, and the east line of said 156 acre tract, for the southwest corner of this tract, same being the northwest corner of a simultaneously surveyed 29.4 acre tract, where a found concrete right of way monument bears 888.63’ S 00°18’09” W;

THENCE North 00 degrees 18 minutes 09 seconds East, along the east right of way of said FM 2833, a distance of 449.76 feet to a point for an angle point in the west line of this tract, and being the southwest corner of a simultaneously surveyed 10.00 acre tract, where a set ½ inch iron rod with plastic cap marked “H&T” bears 3.03’ N 00°18’09” E;

THENCE North 70 degrees 49 minutes 14 seconds East a distance of 873.88 feet to a point for a corner of this tract, and being the southeast corner of a simultaneously surveyed 10.00 acre tract, where a set ½ inch iron rod with plastic cap marked “H&T” bears 078’ S 23°11’17” E;

THENCE North 23 degrees 11 minutes 17 seconds West a distance of 314.72 to a set ½ inch iron rod with plastic cap marked “H&T” for an angle point in the in the west line of this tract, and being an angle point in the east line of a simultaneously surveyed 10.00 acre tract;

THENCE North 68 degrees 21 minutes 09 seconds West a distance of 399.24 feet to a set ½ inch iron rod with plastic cap marked “H&T” for an angle point in the west line of this tract, and being an angle point in the east line of a simultaneously surveyed 10.00 acre tract;

THENCE North 03 degrees 42 minutes 44 seconds West a distance of 297.39 feet to a set ½ inch iron rod with plastic cap marked “H&T” in the north line of said 156 acre tract for the northwest corner of this tract, and being the northeast corner of a simultaneously surveyed

10.00 acre tract, where a found 12 inch iron rod with plastic cap marked "West Co Abilene" at the northwest corner of said 156 acre tract bears 155.09' N 89°26'15" W;

THENCE South 89 degrees 26 minutes 15 seconds East a distance of 1223.02 feet to a found ½ inch iron rod with plastic cap marked "H&T" in the north line of said 156 acre tract at the northwest corner of a 72.5 tract, and being the northeast corner of this tract'

THENCE South 34 degrees 35 minutes 12 seconds West, with the fence, a distance of 630.83 feet to a found ½ inch iron rod with plastic cap marked "H&T" at a steel fence corner post for an angle point in the east line of this tract;

THENCE South 08 degrees 09 minutes 28 seconds West, with the fence, a distance of 88.87 feet to a found ½ inch iron rod with plastic cap marked "H&T" at a steel fence corner post for an angle point in the east line of this tract;

THENCE South 89 degrees 50 minutes 25 seconds West, with the fence, a distance of 110.93 feet to a found ½ inch iron rod with plastic cap marked "H&T" at a cedar fence corner post for an angle point in the east line of this tract;

THENCE North 73 degrees 37 minutes 08 seconds West, with the fence, a distance of 21.93 feet to a found ½ inch iron rod with plastic cap marked "H&T" at a cedar fence corner post for an angle point in the east line of this tract;

THENCE South 11 degrees 22 minutes 38 seconds West, with the fence, a distance of 81.58 feet to a found ½ inch iron rod with plastic cap marked "H&T" at a cedar fence corner post for an angle point in the east line of this tract;

THENCE South 03 degrees 18 minutes 28 seconds East, with the fence, a distance of 28.94 feet to a found ½ inch iron rod with plastic cap marked "H&T" at a cedar fence corner post for an angle point in the east line of this tract;

THENCE, with the fence along the following courses to a set ½ inch iron rod with plastic cap marked "H&T" at each angle point: South 46 degrees 16 minutes 52 seconds East a distance of 127.27 feet; South 32 degrees 02 minutes 19 seconds East a distance of 168.74 feet; South 16 degrees 58 minutes 14 seconds East a distance of 144.07 feet; South 02 degrees 58 minutes 07 seconds East a distance of 149.03 feet; South 36 degrees 54 minutes 24 seconds West a distance of 125.79 feet; South 01 degrees 31 minutes 50 seconds East a distance of 60.95 feet; South 16 degrees 45 minutes 36 seconds East a distance of 40.55 feet to a found ½ inch iron rod with plastic cap marked "H&T" at a steel fence corner post at the southwest corner of said 72.5 acre tract, same being the northwest corner of a 20.0 acre tract, same being the northeast corner of said simultaneously surveyed 24.01 acre tract, and being the southeast corner of this tract;

THENCE South 88 degrees 33 minutes 27 seconds West, along the north line of said simultaneously surveyed 24.0 acre tract, a distance of 1188.78 feet to the Point of Beginning containing an area of 29.4 acres. Surveyed on July 24, 2020

EXHIBIT B

Proposed Base Zoning District, Land Uses, and Development Standards

Base Zoning – Agricultural Open (AO) Base zoning subject to all AO district Standards

Permitted Uses – All uses permitted by right in the Agricultural Open District, Retail Sales (Indoor) of products harvested, raised, and processed on the subject farm and meat processing facility (agricultural), and incidental uses that are accessory to the primary use, such as, but not limited to, a coffee shop or a bakery. A “Demonstration Farm” shall also be permitted. Demonstration Farm shall be defined as a farm or ranch where the owners or managers can discuss, demonstrate, and teach new and alternative methods of farming and ranching.

Setbacks – Building setbacks shall follow the Agricultural Open zoning district with the following modification:

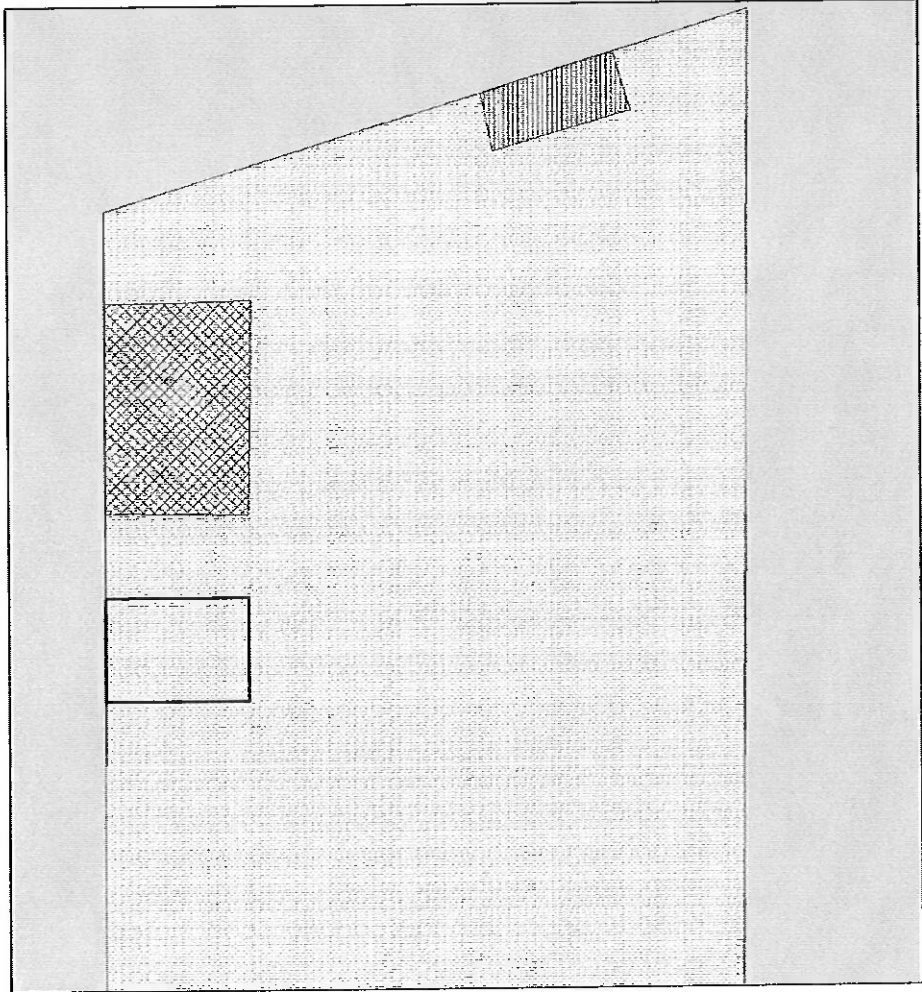
1. Building setbacks for retail sales (indoor) shall follow the standards set in the Neighborhood Retail (NR) district.





Additional Standards –

1. One (1) manufactured home shall be allowed on the property for use by the property owner
2. Retail Sales (Indoor) where permitted shall follow the standards set in the Neighborhood Retail (NR) District
3. Meat Processing Shall be permitted and shall follow the standards set in the Agricultural Open (AO) District.

EXHIBIT C
Concept Plan

Concept Plan



-  **Manufactured Housing (One Unit)**
-  **Retail Sales (Indoor)**
-  **Meat Processing**
-  **Agricultural Use/Demonstration Farm**

1. One (1) mobile or manufactured home shall be allowed on the property for use by the property owner
2. Retail Sales (Indoor) where permitted shall follow the standards set in the Neighborhood Retail (NR) District
3. Meat Processing Shall be permitted and shall follow the standards set in the Agricultural Open (AO) District.