

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart E, "Zoning," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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 One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 25 day of June, A.D. 19 87.

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 \_\_\_\_\_ day of June, 19 87, 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 9:00 a.m., on the 9 day of July, 19 87, 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 9 day of \_\_\_\_\_ July, A.D. 19 87.

ATTEST:

Patricia Harcoel  
CITY SECRETARY

Dale Ferguson  
MAYOR

APPROVED:

Harvey Cargill  
CITY ATTORNEY

EXHIBIT "A"

1. Section 23-306.4 Permitted Uses, Accessory and Incidental Uses

ADD: Day Care and Kindergarten (when accessory to church in a residential zoning district) to be permitted conditionally (C) and with a Special Exception (SE) from the Board of Adjustment in the RS (Residential Single Family) zoning district.

2. Section 23-306.5 Accessory and Incidental Uses

ADD: (3) Day Care and Kindergarten (when accessory to a Church in a residential zoning district)

Child care centers, kindergartens, and nursery schools for more than six (6) children within single family zoning districts shall be permitted subject to the conditions listed below:

- a. May occur only in connection with a church which exists within the same development or lot.
- b. All parking required for the church sanctuary must be in place before these facilities are allowed.
- c. Existing parking lots can be utilized to meet the required parking if a shortage of parking will not result.
- d. All necessary parking must be within 400 feet of the structure or portion of structure housing the activity.
- e. Off-street pick-up and drop-off must be provided and designated.
- f. Any outside recreation or play area shall be screened by a solid opaque six foot wall, fence or hedge when adjacent to a residentially zoned lot.

Childcare centers, kindergartens and nursery schools (accessory to churches) for more than six (6) children within other zoning districts shall comply with Section 23-306.5.E.4 of this ordinance.

3. Section 23-306.4 Permitted Uses, Accessory and Incidental Uses

ADD: Recreation Centers (accessory to church) to be conditionally permitted in the RS (Residential Single Family) and RM (Residential Multi-Family) zoning districts and in all other districts as right of use.

4. Section 23-306.5 Accessory and Incidental Uses

ADD: (10) Recreation Centers (accessory to church)

Recreation centers shall be permitted conditionally (C) subject to the following conditions; and with a Special Exception (SE) from the Board of Adjustment:

- a. May occur only in connection with a church which exists within same development or lot.
- b. All parking for the church sanctuary must be in place before this facility is allowed.
- c. Existing parking lots can be utilized to meet required parking if a shortage of parking will not result.
- d. All necessary parking must be within 400 feet of the structure housing the activity.
- e. Any outside recreation or play area shall be screened by a solid opaque six foot wall, fence or hedge when adjacent to a residentially zoned lot.