

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 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 16 day of February, A.D. 19 89.

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 2 day of February, 19 89, 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 March, 19 89, 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 March, A.D. 19 89.

ATTEST:

[Signature]  
CITY SECRETARY

[Signature]  
MAYOR

APPROVED:

[Signature]  
CITY ATTORNEY

ORDINANCE NO. 7-1989

EXHIBIT "A"

Amend 23-317.2. Setback Requirements

DELETE: B. In Residential Districts

In residential zones, accessory buildings to a residential use may be placed no closer to the interior side or rear property line than the total of the length of the structure's roof overhang, if any, plus one foot. Exterior side setback requirements shall be the same as for the main building. In no case shall accessory buildings extend beyond the front building line. In no case shall the wall of an accessory building be placed within six (6) feet of the wall of any other structure existing or under construction on the same lot. In no case shall any portion of an accessory building be placed within six (6) feet of any portion of any structure existing or under construction on an adjacent lot.

ADD: B. In Residential Districts

In residential zones, accessory buildings with a maximum height of ten (10) feet may be placed no closer to the interior side or rear property line than the total of the length of the structure's roof overhang, if any, plus one foot. For accessory buildings over ten (10) feet in height, the accessory building must be set back from the interior side and the rear property line where no alley exists, an additional one (1) foot for every one (1) foot in height over ten (10) feet. For rear property lines adjacent to a dedicated alley, the setback shall only be one (1) foot back for every two (2) feet in height over ten (10) feet.

Accessory buildings under one hundred twenty (120) square feet in size do not require a building permit but must observe the same setback requirements.

Accessory buildings in the AO (Agricultural Open Space) district must also observe the same setback requirements although no maximum floor space is imposed.

Exterior side setback requirements shall be the same as for the main building. In no case shall accessory buildings extend beyond the front building line. In no case shall the wall of an accessory building be placed within six (6) feet of the wall of any other structure existing or under construction on the same lot. In no case shall any portion of an accessory building be placed within six (6) feet of any portion of any structure existing or under construction on an adjacent lot.

Amend 23-317.3. Use and Area Districts

DELETE: C. In Residential Districts

In any residential district, an accessory building for storage of personal property of the occupant(s) of the principal building(s) may not have floor space in excess of one half (1/2) that of the principal building(s).

ADD: C. In Residential Districts

The maximum floor space for the accessory building shall be as follows:

| <u>District</u>                      | <u>Maximum Floor Space</u> |
|--------------------------------------|----------------------------|
| A0                                   | no maximum                 |
| RS-6 and lots less than 6000 sq. ft. | 400 sq. ft.                |
| RS-8                                 | 800 sq. ft.                |
| RS-12                                | 1200 sq. ft.               |

In any multi-family residential district, an accessory building for storage of personal property of the occupant(s) of the principal building(s) may not have floor space in excess of one half (1/2) that of the principal building(s).

ADD: Section 23-317.4. Table  
(attached)

| DISTRICT                                 | SIZE                               | BUILDING LINE/HEIGHT   |      |  |   |              |               | HEIGHT |
|--|------------------------------------|--|------|--|---|--------------|---------------|--------|
|  |                                    | Up to 10' in Height  |      | Over 10' in Height   |   | Rear W/Alley | Exterior Side |        |
|  |                                    | Interior Side  | Rear | Interior Side  | Rear W/O Alley  |              |               |        |
| A0                                       | --                                 |  |      |  |   |              | 45'           |        |
| RS-6 and lots less than 6000 square feet | 400 sq. ft.                        | No closer to interior side and rear yard property line than the total length of the structures roof overhang, if any, plus one (1) foot. |      | One (1) foot additional setback for every additional one (1) foot in height. | One (1) foot additional setback for every two (2) feet in height. |              | 18'           |        |
| RS-8                                     | 800 sq. ft.                        |  |      |  |   |              | 18'           |        |
| RS-12                                    | 1200 sq. ft.                       |  |      |  |   |              | 18'           |        |
| RM-1                                     | 1/2 size of principal structure(s) |  |      |  |   |              | --            |        |
| RM-2                                     | 1/2 size of principal structure(s) |  |      |  |   |              | 18'           |        |
| RM-3                                     | 1/2 size of principal structure(s) |  |      |  |   |              | 18'           |        |