

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 15 day of December A.D. 1994.

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 20 day of November, 1994, 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 12 day of January, 1995, 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 12 day of January, A.D. 1995.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

EXHIBIT "A"

Amend Section 23-306.4 Permitted Uses
Residential Uses

ADD: Secondary Single Family Detached Dwellings to be permitted with a Special Exception (SE) and under certain conditions (C) within the AO, RS and PDD districts with the parking requirement of one (1) parking space per secondary dwelling in addition to the current required parking for the primary dwelling.

Amend Section 23-306.5.A. Residential

ADD: (9) Secondary Single Family Detached Dwellings

Secondary Single Family Detached Dwellings shall be permitted only with the approval of a Special Exception by the Board of Adjustment and must meet the following conditions:

- (a) The secondary dwelling must be constructed in a manner in keeping with the general architecture and building material of the main or primary dwelling.
- (b) The secondary dwelling, including any roof structures, must be separate from and placed to the rear of the primary dwelling.
- (c) The secondary dwelling must be constructed only with the issuance of a building permit and with the same minimum building standards as the primary dwelling.
- (d) The secondary dwelling must share the same utilities as the primary dwelling, may not be platted or sold separately from the entire property, including the primary dwelling, and shall not be rented or leased.
- (e) A garage or carport structure may not be constructed as a part of the secondary dwelling and the required additional parking must be provided with the required parking for the primary dwelling.
- (f) The allowable floor space for the secondary dwelling shall be as follows:

<u>Lot Size</u>	<u>Floor Space</u>
Lots 6,000 square feet or less	400 to 600 sq. ft.
Lots 6,001 to 8,000 square feet	400 to 800 sq. ft.
Lots larger than 8,000 square feet	400 to 1,200 sq. ft.

- (g) There shall be no more than one (1) secondary dwelling for each primary dwelling.
- (h) The secondary dwelling together with the primary dwelling and any accessory buildings must not exceed the maximum lot coverage provided in Section 23-312 of this ordinance.

- (i) The secondary dwelling must not exceed the minimum building setback standards of the primary dwelling as provided in Section 23-312 of this ordinance.
- (j) Any wall of the secondary dwelling must be placed no closer than ten (10) feet from the primary dwelling or no closer than six (6) feet from any other structure existing or under construction on the same lot.

Amend Section 23-363

Definitions

ADD: Dwelling, Secondary Single Family Detached

A subordinate structure located on the same lot or parcel as the primary single family detached dwelling which is used as a residence. The person or persons occupying the secondary dwelling must be a relative of the persons occupying the main dwelling or a domestic servant employed on the premises.

-END-