

ORDINANCE NO. 51-1996

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 12 day of September A.D. 1996.

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 18 day of August, 1996, 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 10 day of October, 1996, 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 10 day of October, A.D. 1996.

ATTEST:

[Signature]
CITY SECRETARY

[Signature]
MAYOR

APPROVED:

[Signature]
CITY ATTORNEY

ORDINANCE NO. 51-1996

EXHIBIT "A"

Amend: Section 23-306.4 Permitted Uses
Accessory and Incidental Uses

ADD: Mobile Home (accessory for care of elderly/infirm) with a special exception (SE).

Amend: Section 23-306.5.B, Conditional Use Provisions

B. Accessory and Incidental Uses

(24) Mobile Home (Accessory for care of elderly/infirm)

To provide for care of elderly/infirm family members, a mobile home may be installed temporarily as an accessory use to an existing single family residence in AO (Agricultural Open Space) zoning district as a Special Exception. Authorization of the Special Exception shall be applicable for a period of two (2) years following initial approval by the Board of Adjustment. After said 2-year period, continued use of the mobile home will require renewal of the Special Exception by the Board of Adjustment for an additional increment of time not to exceed two (2) years. If the Special Exception is not renewed or the person for whom the medical necessity has been established no longer resides on the tract, the mobile home shall be removed within a three (3) month period. If the temporary installed mobile home is not removed within three (3) months, the City will remove the mobile home and place a lien against the property for all removal costs incurred.

(a) The Board of Adjustment must find that all of the following conditions have been met before granting the Special Exception. Any unusual circumstances concerning the proposed use must be mitigated through additional conditions conveyed by written findings of fact by the Board of Adjustment.

(1) The fact that daily care is a medical necessity and that home based family care is suitable for the health needs of at least one of the occupants of the tract on which the proposed mobile home will be placed shall be established by an affidavit from a licensed physician.

- (2) The legal owner must join in the application for the special exception.
 - (3) The occupants of the primary residential structure and the occupants of the temporarily installed mobile home must be related by blood, marriage, adoption, or through a legal guardianship.
- (b) The following conditions shall apply to temporary placement of accessory mobile homes for care of elderly/infirm family members in AO districts. The Board of Adjustment may impose additional conditions as deemed appropriate in order to meet objectives and purpose of the Zoning Ordinance.
- (1) The mobile home shall be installed with skirting in accordance with all applicable State and local laws and regulations.
 - (2) The chassis and axle of the mobile home must remain intact while the unit is on the tract.
 - (3) The mobile home must share, where possible, the same utilities as the primary dwelling and shall not be rented or leased. The property on which the mobile home is located may not be platted or sold separately from the property on which the primary dwelling is located.
 - (4) The mobile home shall comply with the setback requirements for primary structures in an AO zoning district.
 - (5) The mobile home shall not be located between the primary structure and any abutting street.
 - (6) The mobile home shall be separated by no less than ten (10) feet from any structure.
 - (7) The mobile home shall not be located within the regulatory 100-year flood hazard area.
 - (8) The occupancy of the mobile home shall not exceed that allowed by the Building Code based upon the square footage.
 - (9) Only one such mobile home shall be allowed on the tract.

- (c) After the Special Exception is granted, appropriate permits for the placement of a mobile home shall be obtained. The Building Official shall conduct an inspection prior to occupancy in order to verify that the conditions stated herein and as set forth by the Board of Adjustment are met. Approval for occupancy will not be given until all conditions have been complied with.

-END-