

ORDINANCE NO. 5-2001

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 8 day of February A.D. 2001.

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 21 day of January, 2001, 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 22 day of February, 2001, 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 20 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 22 day of February, A.D. 2001.

ATTEST:

Op Moore
CITY SECRETARY

Grady Barr
MAYOR

APPROVED:

Sharon Hicks
CITY ATTORNEY

EXHIBIT "A"

AMEND Section 23-356.1.H

H. Amendment Procedure: Zone Change Requests

DELETE: Any person, firm or corporation who together, separately or in any combination, own all of a contiguous tract of land within the City may request a change in the zoning classification by filing an application with the Planning Director or his designee. The City Council and any other board or commission of the City, at their own volition or upon petition from any individual or group, may also request a change in the zoning classification. Except as otherwise specified herein, the application for zone change and all required attachments and fees must be delivered to the Planning Director or his designee at least **twenty (20)** days prior to the public hearing by the Planning and Zoning Commission. An application for zone change creating a Planned Development District (except PDR Districts intended exclusively for residences and incidental accessory uses) and all required attachments and fees must be delivered to the Planning Director or his designee at least forty-five (45) days prior to the public hearing by the Planning and Zoning Commission. An application for zone change creating a Planned Development Residential District, insofar as the application deadline is concerned, shall be treated in the same fashion as more conventional zoning classification changes. The application shall be on an official form furnished by the Planning Director. The requestors of the zone change, known as the proponent, shall supply all information prescribed in the form.

ADD: Any person, firm or corporation who together, separately or in any combination, own all of a contiguous tract of land within the City may request a change in the zoning classification by filing an application with the Planning Director or his designee. The City Council and any other board or commission of the City, at their own volition or upon petition from any individual or group, may also request a change in the zoning classification. Except as otherwise specified herein, the application for zone change and all required attachments and fees must be delivered to the Planning Director or his designee at least **twenty-seven (27)** days prior to the public hearing by the Planning and Zoning Commission. An application for zone change creating a Planned Development District (except PDR Districts intended exclusively for residences and incidental accessory uses) and all required attachments and fees must be delivered to the Planning Director or his designee at least forty-five (45) days prior to the public hearing by the Planning and Zoning Commission. An application for zone change creating a Planned Development Residential District, insofar as the application deadline is concerned, shall be treated in the same fashion as more conventional zoning classification changes. The application shall be on an official form furnished by the Planning Director. The requestors of the zone change, known as the proponent, shall supply all information prescribed in the form.

AMEND Section 23-356.2.G(1)

G. Requests for Special Exception

DELETE: (1) Application. The owner of the land for which the special exception is requested or his duly authorized agent shall complete the appropriate form, supplying all information prescribed in the form, and deliver it to the Planning Director or his designee. The request shall not be accepted by the Planning Director unless the special exception requested is specifically authorized by this Ordinance. If the proposed use requiring special exception is also required to comply with conditions specified in Section 23-306, the applicant shall also indicate, by plans or other documents, that such applicable conditions will be met.

ADD: (1) Application. The owner of the land for which the special exception is requested or his duly authorized agent shall complete the appropriate form, supplying all information prescribed in the form, and deliver it to the Planning Director or his designee. The request shall not be accepted by the Planning Director unless the special exception requested is specifically authorized by this Ordinance. If the proposed use requiring special exception is also required to comply with conditions specified in Section 23-306, the applicant shall also indicate, by plans or other documents, that such applicable conditions will be met. **The application and all attachments must be delivered to the Planning Director and all fees paid at least twenty-seven (27) days prior to the public hearing.**

AMEND Section 23-356.2.H(1)

H. Requests for Variance

DELETE: (1) Application: The owner of the land for which the variance is requested or his duly authorized agent shall complete the appropriate application form, supplying all information prescribed in the form, and deliver it to the Planning Director or designee. Application shall be accompanied by a site plan which indicates existing and proposed features, drawn to scale, on the property for which the variance is requested. The application and all attachments must be delivered to the Planning Director and all fees paid at least **twenty (20)** days prior to the public hearing.

ADD: (1) Application: The owner of the land for which the variance is requested or his duly authorized agent shall complete the appropriate application form, supplying all information prescribed in the form, and deliver it to the Planning Director or designee. Application shall be accompanied by a site plan which indicates existing and proposed features, drawn to scale, on the property for which the variance is requested. The application and all attachments must be delivered to the Planning Director and all fees paid at least **twenty-seven (27)** days prior to the public hearing.

AMEND Section 23-356.2.I(1)

I. Administrative Review by Board of Adjustment

DELETE: Appeals to the Board of Adjustment can be taken by any person aggrieved, or by any department or board of the City, affected by any decision of any administrative official of the City, in the enforcement of this Ordinance.

ADD: Appeals to the Board of Adjustment can be taken by any person aggrieved, or by any department or board of the City, affected by any decision of any administrative official of the City, in the enforcement of this Ordinance. **The application and all attachments must be delivered to the Planning Director and all fees paid at least twenty-seven (27) days prior to the public hearing.**

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