

ORDINANCE NO. 29-2001

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 13 day of September 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 1 day of July, 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 27 day of September, 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 27 day of September, A.D. 2001.

ATTEST:

  
CITY SECRETARY

  
MAYOR

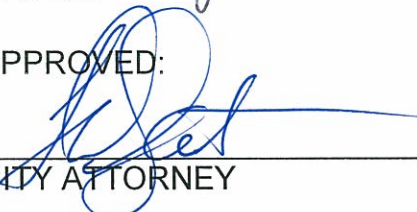
APPROVED:  
  
CITY ATTORNEY

EXHIBIT "A"

Amend Section 23-317 ACCESSORY BUILDINGS

DELETE: Accessory uses and structures shall conform to the minimum requirements set forth herein:

ADD: Accessory uses and structures shall conform to the minimum requirements set forth herein: Requirements for carports and patio covers are established in subsection 4 of this section.

ADD: 4. Carports and Patio Covers: (commercial and residential)

The following requirements apply to any carport or patio cover (as defined in Section 23-363), whether attached to or detached from another structure. Carports and patio covers shall not be required to meet the six (6) foot separation from other structures required of other accessory structures.

A. SETBACKS:

All setbacks shall be measured to the roofline.

Exterior Side: 5 feet, unless a platted building line requires otherwise

Interior Side: 3 feet unless adjacent to an alley, then 1 foot

Rear: 3 feet unless adjacent to an alley, then 1 foot

Front: All of the following conditions must be met for any carport/patio cover to be located within the front yard setback: These conditions are not subject to variance.

1. A special exception must be approved by the Board of Adjustment.
2. The carport/patio cover must be a minimum of five (5) feet from the front property line.
3. The Board of Adjustment shall make a determination that the proposed carport/patio cover is not detrimental to the visual environment or character of the area.
4. The height may not exceed ten (10) feet unless the carport/patio cover is constructed in the same roofline as the primary structure and the same roofing materials are used, in which case the height can match the primary structure height.
5. The carport/patio cover must be attached to or abut the primary structure in all RS and RM-3 zoning districts.

6. Support posts may not exceed two (2) feet in width or diameter.
7. The carport/patio cover must be located over an improved surface.

- B. MAXIMUM HEIGHT: Ten (10) feet, if located in rear or side except when built into the roofline and with the same roofing materials as the primary structure, in which case the height may not exceed the height of the primary structure. If in the front yard, see Section 23-317.A.4. of this ordinance.
- C. SIZE: Carports/patio covers shall count in the maximum square footage for accessory buildings when detached as established in Section 23-317.3.C. Attached carports/patio covers shall not count toward maximum accessory building square footage.

Amend Section 23-363 DEFINITIONS:

DELETE: Carport

A roofed accessory building open on three (3) sides when attached to the principal building and open on four (4) sides when detached from the principal building, covered with a roof supported by structural steel, wood columns, or masonry piers.

ADD: Carports and Patio Covers (commercial and residential):

A roofed structure, open on a minimum of two and three-fourth (2-3/4) sides when attached to the primary structure and open on three (3) sides when detached from the primary structure. The roof may be supported by posts, columns or piers. Siding may extend down a maximum of two (2) feet from the roof and still be considered open on that side.