

ORDINANCE NO. 42-2002

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.

PART 4: Enforcement of this ordinance shall be effective February 1, 2003.

PASSED ON FIRST READING this 7 day of November A.D. 2002.

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 October, 2002, 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 8:30 a.m., on the 21 day of November, 2002, 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 21 day of November, A.D. 2002.

ATTEST:

Op Moore
CITY SECRETARY

Grady Barr
MAYOR
APPROVED:
[Signature]
CITY ATTORNEY

ORDINANCE NO. 42-2002

EXHIBIT "A"

Amend Section 23-306.5.B ACCESSORY AND INCIDENTAL USE
(1) Accessory Building

DELETE: See Section 23-317 of this Ordinance

ADD: See Section 23-317 of this Ordinance

In all zoning districts, accessory buildings must comply with all applicable definitions and, Section 23-317 "Accessory Buildings" of this ordinance; all applicable building, fire, and related construction codes; and the storm water ordinance adopted by the City of Abilene.

Containers that do not comply with the definition of building as found in this ordinance, that are used for storage only may be located on an active construction site. When construction is complete, such container shall be removed and may be taken to the contractor's yard or place of business until it is moved to the next job site.

Amend Section 23-363 DEFINITIONS
Building

Add the following line at the end of the current definition:

This definition shall NOT include any structure, container, or trailer, designed, built, or generally intended for the shipment or transportation of products or goods, and no such structure, container or trailer shall be used for any purpose permitted in this ordinance other than as provided in Section 23-306.5.B(1).

-END-