

ORDINANCE NO. 21-2005

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 10th day of March A.D. 2005.

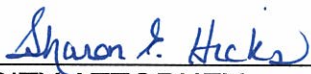
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 23rd day of March, 2005, the same 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 14th day of April, 2005, 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 12th day of May, A.D. 2005.

ATTEST:

  
CITY SECRETARY

  
MAYOR  
APPROVED:

  
CITY ATTORNEY

# Exhibit A

## Amend Section 23-363 DEFINITIONS

### ADD to Definitions Section:

#### Freight Containers

Any structure or storage receptacle designed or built to be generally intended for the shipment or transportation of products or goods; however, shall not include trucks, trailers, or rail cars.

#### **ADD: Section 23-306.4**

Freight Containers as a "C" Conditional Use in HI, LI, HC, and GC zoning districts

#### **ADD: Section 23-306.5.B ACCESSORY AND INCIDENTAL USE**

##### (26) Freight Containers

- (a) Freight Containers in Commercial districts shall be screened from the public right-of-way, except alleys.
- (b) Freight Containers in any district shall be screened from adjacent properties with zoning designations other than HI, LI, HC, and GC.
- (c) Screening, as required in (a) and (b) above, shall be accomplished through the use of landscaping as indicated below:
  - (1) A continuous hedge with a mature height of at least five feet achieved within one year, and
  - (2) Trees with a mature height of at least ten feet spaced at twenty-foot intervals.
- (d) Alternative screening of a minimum seven feet height of an opaque material consisting of wood fencing and/or masonry walls may be approved by the Site Plan Committee where landscaping would not be practical or appropriate.
- (e) In HC or GC districts, freight containers shall be located in the rear of the main structure and shall be a solid color to match the dominant color of the principal structure.
- (f) Freight containers shall not have signs, logos, or other markings, other than small, incidental labeling, visible from the right-of-way or visible from adjacent properties with zoning designations other than HI, LI, HC, and GC.

- (g) A building permit shall be obtained for each container and each shall meet all building and development regulations, with the exception that building separation requirements shall apply to separation from freight containers to other structures, not between multiple freight containers.
- (h) Freight containers used only for storage shall meet the building requirements as a "temporary structure", regardless of the length of time it is in use on the property, with the exception that any ventilation requirements that would apply to a permanent structure also apply to a permanently placed freight container.
- (i) Freight containers shall not be stacked.