

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.

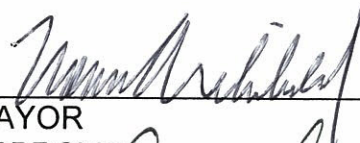

PASSED ON FIRST READING this 23<sup>rd</sup> day of July A.D. 2009.

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 17<sup>th</sup> day of June, 2009, 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 13<sup>th</sup> day of August, 2009, 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 13<sup>th</sup> day of August, A.D. 2009.

ATTEST:

  
CITY SECRETARY

  
MAYOR  
APPROVED:  
  
CITY ATTORNEY

ORDINANCE NO. 24-2009

EXHIBIT "A"

AMEND Section 23-306.4 Permitted Uses Chart

CHANGE: Kindergarten or Childcare Center

Permitted Uses Educational and Religious Uses	Parking Require- ments	AO	RR	RS	RM	MH	CU	O	LC	SC	CB	GC	HC	LI	HI	PDD	PI	MU
		Agricultural Open Space	Rural Residential District	Single Family Dwelling District	Multi-family Dwelling District	Mobile Home District	College/ University District	Office District	Limited Commercial	Shopping Center District	Central Business District	General Commercial District	Heavy Commercial District	Light Industrial District	Heavy Industrial District	Planned Development District	Park/Industrial District	Medical Use District
Kindergarten or Childcare Center	1.5/employee	C		C SE	C SE		C		C	C	C	C	SE	C	C	X	C	

AMEND Section 23-306.5 Conditional Use Provisions

CHANGE: Conditions for Kindergarten or Childcare Center

23-306.5. E (4)

Kindergarten or Childcare Center

Kindergartens, child care centers, and nursery schools for more than six (6) children shall be permitted, subject to the following conditions:

- (a) Any outside recreation or play area shall be surrounded by a wall or fence at least six (6) feet in height. Openings shall not allow passage of a 4-inch (102 mm) sphere. (Ord. 33-2005, 7-14-05)
- (b) Ingress and egress shall be so designed as to eliminate interference with traffic on adjacent streets.
- (c) Located on or within two hundred (200) feet of a collector or arterial street, if in an RM district. If greater than 200 feet, the Board of Adjustment may approve through a Special Exception per (f) below.
- (d) Minimum lot size equals fifteen thousand (15,000) square feet, if in an RS or RM.
- (e) Meet State minimum standards for day care centers.
- (f) If located in an RS district, or in an RM district and located more than 200 feet from a collector or arterial street, the following conditions shall apply:
  - (1) The proposed childcare center shall care for no more than 12 children at any time
  - (2) A special exception must be approved by the Board of Adjustment.
  - (3) The Board of Adjustment shall make a determination that the proposed use is not detrimental to the visual environment or character of the area.
  - (4) The Board of Adjustment shall consider the following when reviewing an application for approval:
    - (a) Traffic
    - (b) Ingress & egress
    - (c) Improvements to the building and/or site
    - (d) Days and hours of operation
  - (5) The structure shall comply with all applicable building codes.