

ORDINANCE NO. 5-2011

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE APPROVAL OF A CONDITIONAL USE PERMIT AS PROVIDED FOR IN CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH CONDITIONAL USE PERMIT; CALLING A PUBLIC HEARING; AND PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the following Conditional Use Permit, as described on Exhibit "A," attached hereto and made a part of this ordinance for all purposes, be approved subject to conditions as stated in Exhibit "A."

PART 2: 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 Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 27th day of January A.D. 2011.

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 15th day of December, 2010, 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 10th day of February, 2011 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 10th day of February, A.D. 2011.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

EXHIBIT "A"

AMEND: Section 1.4.4.1 (d)(13) Special Exceptions

ADD: Special Exception for accessory dwellings

(13) To allow an accessory dwelling larger than what would otherwise be allowed.

AMEND: Section 2.4.4.1 (a)(1)c

ADD: Description and Regulations by District Type – All Districts

c. Accessory dwellings shall be exempt from this requirement on parcels or tracts of land that are two (2) acres or greater in size.

AMEND: Section 2.4.4.1 (b)(4) Accessory Dwelling Units

CHANGE: Add clarifying language for Accessory Dwelling Units:

Accessory Dwelling Units.

- a. Except for properties 2 acres or larger, an accessory dwelling unit shall not be larger than fifty percent (50%) of the primary structure. For properties 2 acres or larger, an accessory dwelling unit shall not be larger than fifty percent (50%) of the primary structure or 2.5% of the total lot size, which ever is larger.
- b. No accessory dwelling unit shall be sold separately from the primary structure.
- c. An accessory building or dwelling unit may have a maximum of one (1) bathroom.
- d. An accessory dwelling unit shall be constructed in a manner in keeping with the general architecture and building material of the main or primary dwelling.
- e. ~~An accessory dwelling unit must be located to the rear of the primary dwelling. No accessory dwelling unit shall have a front facing door unless located to the rear of the primary dwelling.~~
- f. An accessory dwelling unit shall be constructed only with the issuance of a building permit and with the same minimum building standards as the primary dwelling.
- g. Any required additional parking for the accessory dwelling unit shall be provided with the required parking for the primary dwelling.
- h. If detached, any wall of the secondary dwelling must be placed no closer than six feet (6') from the primary dwelling and/or any other structure existing or under construction on the same lot.
- i. For properties 2 acres or larger, accessory dwellings shall be exempt from items 'c', 'd', & 'e'.
- j. A Special Exception may be approved by the Board of Adjustment for accessory dwellings larger than permitted by this Land Development Code. As part of the Special Exception, only items 'a', 'c', 'd', & 'e' above may be modified in addition to the size of the accessory dwelling.

AMEND: Table 2-13

CHANGE: Maximum square footage requirements for Accessory Dwellings

TABLE 2-13: MAX SQUARE FOOTAGE FOR ACCESSORY BUILDINGS/DWELLINGS IN RESIDENTIAL DISTRICTS

<i>Zoning District or Lot Size</i>	<i>Maximum Square Footage</i>
Accessory Buildings	
AO	None
RS-6, RS-8, RS-12	Ten percent (10%) of the entire lot area
MF	One-half of the square footage of the principle building(s)
Accessory Dwelling Units	
AO, RR, and RS	<u>800 sq.ft.</u> <u>Lots less than 2 acres in size: 1,200 sq. ft.</u> <u>Lots 2 acres and larger in size: 50% of the primary structure</u> <u>or 2.5% of the total lot size, whichever is greater</u>

-END-