

ORDINANCE NO. 56-2011

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER, 8 ARTICLE VI, DIVISION 8, SECTION 8-581 "RESIDENTIAL CODE", CHAPTER 3, SECTION R302, FIRE RESISTANT CONSTRUCTION, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.**

**WHEREAS**, the current provisions of Section 8-581, "Residential Code " prohibit overhang projections, while the City of Abilene Land Development Code allows roof overhang projections in a Patio Home District; and

**WHEREAS**, construction in compliance with the parameters of the Land Development Code would sufficiently protect the health, safety, and welfare of the public, and it would be in the best interests of the City of Abilene and the public to allow a roof overhang projection in order to resolve the current conflict between the Residential Code and the Land Development Code;

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

- PART 1:** That Chapter 8, Article VI, Division 3, Section 8-581 "Residential Code" of the Code of Ordinances, City of Abilene, Texas, is hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 4:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. 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 FIRST READING this 1st day of December, 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 \_\_\_<sup>th</sup> day of December 2011, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 15<sup>th</sup> day of December, 2011, to permit the public to be heard. 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 15<sup>th</sup> day of December, 2011.**

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:

  
CITY ATTORNEY

## EXHIBIT A

### Chapter 3 BUILDING PLANNING

#### Section R302 Fire Resistant Construction

Section R302.1 Exterior walls. *{Amend to add an additional exception as follows :}*

Exceptions:

6. Roof overhang projections in compliance with the Residential Single-Family Patio Home (PH) District section of the City of Abilene Land Development Code. The underside of the projection shall have a 1 hour fire resistance rating.