

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 One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 23 day of May, A.D. 19 85.

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 2 day of June, 19 85, 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 9:00 a.m., on the 13 day of June, 19 85, 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 day of _____

June _____, A.D. 19 85.

ATTEST:

Patricia Potter
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Ray Cayel 00153

EXHIBIT "A"

Delete Zoning Ordinance Section 23-356.5(G)(1) and add the following Zoning Ordinance Section 23-356.5(G)(1) concerning application for designation of Historic overlay zone:

- (1) Application: An application for Historic overlay designation shall be initiated by the owner of subject property, his or her agent, or by a Landmarks Commission member. Landmark Commission member(s) shall not initiate application for Historic overlay zoning on a property, unless there is pending an application for a building or sign permit, including permits for building demolition or removal, potentially resulting in irreparable damage, or imminent demolition of the property in question. Application shall be made on forms provided by the Planning Director or his representative. All information prescribed by the form shall be furnished and the form delivered to the Planning Director or his representative. Said application shall be received by the Planning Director or his representative at least twenty (20) days prior to a public hearing by the Landmarks Commission.

Delete Zoning Ordinance Section 23-356.5(G)(5) and add the following Zoning Ordinance Section 23-356.5(G)(5) concerning action by the Landmarks Commission on an application for Historic overlay zone:

- (5) Action by the Landmarks Commission: At the public hearing, the Commission shall make findings and conclusions regarding the designation of the Historic overlay zone. Such findings and conclusions shall be based on the criteria for designation contained in Section 23-344. Furthermore, the Landmark Commission shall make a definite recommendation, on any pending application for Historic overlay zone, within 90 days of the application deadline date immediately preceding its initial hearing scheduled before the Commission. Otherwise, the application shall be deemed to be disapproved. When a property owner objects to his property being included within a Historic overlay zone, the affirmative vote of eight (8) members of the Landmarks Commission shall be required in order for the property to be included in that zone. If the property owner agrees to have his property included within the zone, the affirmative vote of only six (6) members shall be required to include the property within the zone. Members must be present to vote at the meeting.

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