

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 12 day of June, A.D. 19 86.

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 1 day of June, 19 86, 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 26 day of June, 19 86, 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 26 day of June, A.D. 19 86.

ATTEST:

Patricia Patten
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Jonathan Graham
CITY ATTORNEY

ORDINANCE NO. 50-1986

EXHIBIT "A"

Amend Section 23-306.5.H CONDITIONAL USE PROVISIONS.

H. Retail Trade.

ADD: (8a) Farm Products (open-air)

The following conditions shall apply to open-air sale of farm products in SC and GC zoning districts:

- (a) Items offered for sale or trade shall be limited to fruits, vegetables, meats, fish, flowers, small plants, shrubs and trees.
- (b) Operations shall be limited to 3 days per week.
- (c) Operations shall not be conducted from within any public right-of-way.
- (d) Temporary structures and vehicles shall be set back from street rights-of-way at least twenty-five (25) feet.
- (e) Operations shall be located no closer than fifty (50) feet from any residential zoning district.
- (f) Minimum site size upon which operations occur shall be ten (10) acres, unless the site is generally surrounded on four (4) sides by commercial zoning districts.
- (g) The site occupied by the open-air market shall be within two hundred (200) feet of an expressway arterial street, as indicated on the Thoroughfare and Collector Plan of the City of Abilene.
- (h) All operations shall be subject to applicable municipal health and fire codes.

Amend Section 23-306.4 PERMITTED USE CHART

Trade-Retail

Add: New category, "Farm Products (open-air)", an "SE" indicating such activity is permitted as a special exception in AO (Agricultural Open Space); "C" indicating such activity is permitted conditionally in SC (Shopping Center) and GC (General Commercial); and "X" indicating such activity is permitted as a right-of-use in HC (Heavy Commercial), LI (Light Industrial), HI (Heavy Industrial) and PDD (Planned Development District).