

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 17 day of December, A.D. 19 87.

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 6 day of December, 19 87, 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 14 day of January, 19 88, 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 14 day of January, A.D. 19 88.

ATTEST:

Patricia Hancock
CITY SECRETARY

Dale E Ferguson
MAYOR

APPROVED:

Harry Cayce
CITY ATTORNEY

ORDINANCE NO. 1-1988

EXHIBIT "A"

Amend Section 23-306.5.C(12)(a) of the Zoning Ordinance, Adult Entertainment Enterprise to read as follows:

All structures housing adult entertainment enterprises (as defined in Section 23-363 of this Chapter) shall be located as follows:

- (1) at least six hundred (600) feet from the property boundary line of any lot in a College-University zoning district; and
- (2) at least six hundred (600) feet from the property boundary line of any residentially zoned lot or any lot used for school, church, park, or hospital purposes; and
- (3) at least six hundred (600) feet north of North 1st Street and at least six hundred (600) feet south of South 1st Street and cannot be located on or between North 1st Street and South 1st Street; and
- (4) at least one thousand (1000) feet of another structure housing an adult entertainment enterprise; and
- (5) at least two thousand (2000) feet from any lot used for school purposes.

Amend Section 23-306.5.C(12)(f) of the Zoning Ordinance, Amortization, to read as follows:

An adult entertainment enterprise in operation prior to the effective date of the adult entertainment enterprise ordinance which does not conform to the regulations pertaining to adult entertainment enterprise shall be considered to be nonconforming use that may continue until January 1, 1988, subject to the provisions that are provided in this section.

Amendments to this Ordinance after January 1, 1988 that make adult entertainment enterprises nonconforming shall have new amortization periods which will be determined by the City Council at the time this Ordinance is amended.

Amend Section 23-306.5.C(12)(f)(1) of the Zoning Ordinance, Amortization, to read as follows:

The nonconforming use will be permitted to continue until January 1, 1988, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. On January 1, 1988, the nonconforming use shall be illegal and shall terminate, except as provided in Subsection 2.

If the nonconforming use is caused by being within two thousand feet (2,000') or closer to lot used for school purposes, the nonconforming use will be permitted to continue until January 1, 1989, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. On January 1, 1989, the nonconforming use caused by being within two thousand feet (2,000') of lot for school purposes shall be illegal and shall terminate, except as provided by Subsection 2.