

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 11 day of February, A.D. 19 88.

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 31 day of January, 19 88, 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 25 day of February, 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 25 day of February, A.D. 19 88.

ATTEST:
Patricia Hancock
CITY SECRETARY

Dale E. Ferguson
MAYOR

APPROVED:
Harry Laydell
CITY ATTORNEY

EXHIBIT "A"

Amend Section 23-317, Accessory Buildings

DELETE: Existing Section 23-317.1 & 2

ADD: Section 23-317

1. Construction

An accessory building may be erected detached from the principal building; however, in residential districts a residence must exist on the same lot on which the accessory building is to be located.

2. Setback Requirements

A. In non-residential district

Accessory buildings shall not extend beyond the front of the main building. Side setback requirements shall be the same as for the main building. The rear setback shall be no less than five (5) feet from the rear property line.

B. In residential district

In residential zones, accessory buildings to a residential use may be placed no closer to the interior side or rear property line than the total of the length of the structure's roof overhang, if any, plus one foot. Exterior side setback requirements shall be the same as for the main building. In no case shall accessory buildings extend beyond the front building line. In no case shall the wall of an accessory building be placed within six (6) feet of the wall of any other structure existing or under construction on the same lot. In no case shall any portion of an accessory building be placed within six (6) feet of any portion of any structure existing or under construction on an adjacent lot.

Amend Section 23-363, Definitions

DELETE: Existing definition of Accessory Building, Attached and
Accessory Building, Detached

ADD: Accessory Building, Attached

For the purpose of this ordinance, an accessory building may only be considered as detached. If a building is structurally part of and shares a common wall and roof with the principal building, it is subject to the same codes and ordinances which apply to principal structures.

Accessory building, Detached

A building, as defined herein this section, which is wholly separate and independent of the principal building, is not structurally part of and sharing a common wall and roof with the principal building, or is connected by any means other than common wall and roof.