

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 May, 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 1 day of May, 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 26 day of May, 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 26 day of May, A.D. 19 88.

ATTEST:  
Patricia Hancock  
CITY SECRETARY

Dale Ferguson  
MAYOR

APPROVED:  
Claudia Clinton  
CITY ATTORNEY

ORDINANCE NO. 26-1988

EXHIBIT "A"

AMEND: Section 23-306.5.H(10) Conditional Use Provisions  
Retail Trade  
Gasoline (with and including automobile  
service)

DELETE: Section 23-306.5.H(10)(a)

ADD: Section 23-306.5.H(10)(a)

In any district, gas pump islands shall be located or set back at least fifteen (15) feet from any property line. Attached overhangs covering said pumps and all appurtenances thereof shall meet the primary structure setback requirements. Detached overhangs covering said pumps and all appurtenances thereof shall be located at least ten (10) feet from any property line. When the adjacent property is of the same or less restrictive zoning classification, a minimum of one (1) foot setback for detached canopies shall apply for interior sides only.