

ORDINANCE NO. 19-2007

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 Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 26th day of April A.D. 2007.

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 14th day of March, 2007, 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 8:30 a.m., on the 10th day of May, 2007, 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 10th day of May, A.D. 2007.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:


CITY ATTORNEY

AMEND Section 23-306.4 Permitted Uses

ADD: Fruits and Vegetables (permanent) allowed with conditions (C) in LC zoning.

AMEND Section 23-306.5.H. CONDITIONAL USE PROVISIONS

DELETE:

- (25) Fruits and Vegetables (permanent)

If sales are open-air, refer to either 23-306.5.H(8a) Farmers Market (open-air) or 23-306.5.H(26) Fruits and Vegetables (temporary).

ADD:

- (25) Fruits and Vegetables (permanent)

Structures for open-air sales shall be limited to 3,000 square feet. The ground surface under the open-air structure must be improved using asphaltic or Portland cement bind pavement, brick, stone, or some other form of all-weather surfacing that is durable and dustless. Any structure over 3,000 square feet must be completely enclosed and shall not be permitted in the Limited Commercial Zoning District.

Outdoor display of merchandise shall be limited to within 10 feet of the structure and shall not occupy any required parking spaces, maneuvering areas, or any portion of the public right-of-way. Outdoor storage of merchandise and materials shall be permitted within 10 feet of the structure and shall only be located to the rear of the structure. The area of outdoor storage and display must be designated on the Site Plan.