

ORDINANCE NO. 47-2007

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 25 day of October 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 15th day of October, 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 1st day of November, 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 1st day of November, A.D. 2007.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

Exhibit "A"

Amend the Permitted Use Chart, Section 23-306.4 of the Zoning Ordinance, regarding Recycling Collection Points to allow such use by Special Exception (SE), subject to approval by the Board of Adjustment, in the following zoning districts:

AO, Agriculture Open Space
RS, Residential Single Family
RM, Residential Multi-family
CU, College University
O, Office
LC, Limited Commercial
PI, Park Industrial
CB, Central Business

Add new sub-section (28) a and b in Section 23-306.5

(28) Recycling Collection Points

(a) Where permitted by Special Exception, these facilities should be compatible with the surrounding area as determined by the Board of Adjustment. The Board should place appropriate conditions on the approval as necessary to mitigate negative impacts of the use on surrounding properties, particularly in a residential area or the Central Business District. Such conditions could include, but are not limited to, screening, landscaping, lighting, size or number of containers, driveway locations, placement on the lot, and hours of operation.

(b) These facilities are generally not appropriate within the districts which require a Special Exception and should only be granted in special circumstances where impacts on surrounding properties is minimal or can be adequately mitigated through appropriate conditions and where the general negative aesthetic impacts of such use are minimized.