

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 6th day of December 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 17th 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 20th day of December, 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 20th day of December, A.D. 2007.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

CITY ATTORNEY

AO ZONING AMENDMENTS:

Section 23-312: Schedule of District Regulations

DELETE:

Area in square feet for AO: 87, 120
Width in Feet for AO: 80
Depth in Feet for AO: 200

ADD:

Area in square feet for AO: 217,800 (5 acres)
Width in Feet for AO: 200
Depth in Feet: 500

RURAL RESIDENTIAL ZONING DISTRICTS:

Section 23-303

ADD:

RR-1	Rural Residential, lot minimum equal to or greater than 1 acre
RR-5	Rural Residential, lot minimum equal to or greater than 5 acres

Section 23-303.1

DELETE:

B. Residential Single-Family (RS) Districts

The regulations for RS districts are designed to:

- (1) Protect the residential character of the included areas by excluding most commercial and other incompatible activities, as appropriate.
- (2) Encourage a suitable environment for family life by permitting certain appropriate institutions and facilities to be located in residential neighborhoods.
- (3) Preserve open space and avoid overcrowding by requiring certain minimum yards, open spaces, and lot areas.
- (4) Make available a variety of dwelling types and densities in a variety of areas to serve a wide range of individual requirements.

RS districts are intended to contain neighborhoods where individual lots are occupied by single residences, and permitted accessory structures only. As such, more than one single family dwelling unit on a lot is prohibited.

In addition to the general purposes applying to all residential districts, regulations of RS districts are designed to encourage the provision of single-family, detached residences in districts of three (3) permitted densities.

ADD:

B. Residential Single-Family (RS) and Rural Residential (RR) Districts

The regulations for RS and RR districts are designed to:

- (1) Protect the residential character of the included areas by excluding most commercial and other incompatible activities, as appropriate.
- (2) Encourage a suitable environment for family life by permitting certain appropriate institutions and facilities to be located in residential neighborhoods.
- (3) Preserve open space and avoid overcrowding by requiring certain minimum yards, open spaces, and lot areas.
- (4) Make available a variety of dwelling types and densities in a variety of areas to serve a wide range of individual requirements.
- (5) RS districts are intended to contain neighborhoods where individual lots are occupied by single residences, and permitted accessory structures only. As such, more than one single-family dwelling unit on a lot is prohibited. In addition to the general purposes applying to all residential districts, regulations of RS districts are designed to encourage the provision of single-family, detached residences in districts of three (3) permitted densities.
- (6) RR districts are designed to limit the concentration of development in areas that are not considered suitable for development at a higher density. RR districts encourage single-family residences on large lots with appropriate accessory activities to preserve open space and provide opportunities for residential uses that exhibit a rural character within the limits of the City of Abilene. RR districts are appropriate in areas where the extension of facilities may be unfeasible or to provide a buffer and prevent encroachment in areas identified in the City's Comprehensive Plan. This zoning should not be applied in areas where future development is expected at urban and suburban densities. In addition to the general purposes applying to all residential districts, regulations of RR districts are designed to encourage the provision of very low density single-family, detached residences in districts of two (2) permitted densities.

Section 23-306.4: Permitted Uses

RR column to be added to the Permitted Use Table

ADD:

RESIDENTIAL USES

SE	Bed and Breakfast
X	Modular Homes
C-SE	Secondary Single Family Detached Dwelling
X	Single Family Detached Dwelling

ACCESSORY AND INCIDENTAL USES

- C Accessory Building
- C Animal Lot (private)
- C Disabled Vehicles
- C Fences, Walls, and Hedges
- C-TP Field Office or Construction Office (temporary)
- C Garage Sales
- C Home Occupations, Group A
- C-TP Mobile Home (temporary security residence)
- C Recreation Centers (accessory to church)
- C Recreation Equipment, Mobile (storage and parking)
- C-SE Recreational Vehicles, Mobile and Vacation Travel Trailers (temporary residence at Church and Non-Profit Organization construction sites)
- C Satellite Dish Antenna
- C-TP Subdivision Sales Office (temporary)
- C Swimming Pools, Private (accessory to residential use)
- C Tennis Courts, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES

- C Ballfields and Ballparks (non-commercial)
- X Golf Course
- X Park and/or Playground
- X Play Lots or Tot Lots
- C Swimming Pool, Public or Private (not accessory to residential use)
- C Tennis Courts, Public or Private (not accessory to residential use)

GOVERNMENT, HEALTH, SAFETY, AND WELFARE USES

- X Fire Station
- X Police Station

EDUCATIONAL AND RELIGIOUS USES

- X Church or Place of Worship
- X School: Public, Private, or Denominational (Elementary or Junior High)
- X School: Public, Private, or Denominational (High School)

TRANSPORTATION, COMMUNICATION, AND UTILITIES

- C-SE Electric Substations
- C Gas Line Regulating or Compression Station
- C Radio Antenna, Amateur/Receive Only
- C Sewage Pressure Control Stations and Lift Stations
- C Water Pressure Control Stations
- X Water Storage

Section 23-306.5.B(7) Home Occupations

DELETE:

Home Occupations, Group A, are permitted in AO, RS, RM, and MH districts, in compliance with conditions required herein.

ADD:

Home Occupations, Group A, are permitted in AO, RR, RS, RM, and MH districts, in compliance with conditions required herein.

Section 23-312: Schedule of District Regulations

ADD:

RR1:

- Area in Square Feet: 43,560
- Width in Feet: 100
- Depth in Feet: 200
- Front: See Section 23-313 (Area, Height, and Placement) for Appropriate Standards
- Exterior Side: See Section 23-313 (Area, Height, and Placement) for Appropriate Standards
- Rear, Next to Street: See Section 23-313 (Area, Height, and Placement) for Appropriate Standards
- Rear, Next to Other Lot Boundary: 50
- Interior Side, Least One: 25
- Interior Side, Total of Two: 50
- Maximum Height, In Feet: 35
- Maximum Lot Coverage Expressed as Percentage of Lot Area: 25%
- Signs: See Section 23-314
- Off-Site Parking and Loading: See Section 23-315
- Performance Standards: See Section 23-316
- Accessory Buildings: See Section 23-317
- Stormwater Management: See Section 23-218
- Airport Zoning: See Section 23-319

RR5:

- Area in Square Feet: 217,800
- Width in Feet: 150
- Depth in Feet: ~~200~~ 400
- Front: See Section 23-313 (Area, Height, and Placement) for Appropriate Standards
- Exterior Side: See Section 23-313 (Area, Height, and Placement) for Appropriate Standards
- Rear, Next to Street: See Section 23-313 (Area, Height, and Placement) for Appropriate Standards
- Rear, Next to Other Lot Boundary: 50
- Interior Side, Least One: 30
- Interior Side, Total of Two: 60
- Maximum Height, In Feet: 35
- Maximum Lot Coverage Expressed as Percentage of Lot Area: 15%
- Signs: See Section 23-314
- Off-Site Parking and Loading: See Section 23-315
- Performance Standards: See Section 23-316
- Accessory Buildings: See Section 23-317
- Stormwater Management: See Section 23-218
- Airport Zoning: See Section 23-319

Section 23-317 Accessory Buildings

23-317.3.C. In Residential Districts

ADD:

<u>District</u>	<u>Maximum Floor Space</u>
RR-1	15% lot area
RR-5	10% lot area

Sign Regulations: Standards for Area, Height, Placement, and Number for Permanent, Non-Portable Signs (**Section 23-161**)

ADD:

- Business and /or Identification:
 - RR consistent with RS standards