

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: 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.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 18th day of December A.D. 2008.

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 13th day of November, 2008, 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 8th day of January, 2009 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 8th day of January, A.D. 2009.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:

  
CITY ATTORNEY

EXHIBIT "A"

AMEND Section 23-306.4 Permitted Uses Chart

ADD: Transitional Housing Shelter, Accessory Shelter, Disaster Shelter, and Protective Shelter.

CHANGE: Social Service Organization Facility, Special Education and Rehabilitation Center

Permitted Uses Residential Uses	Parking Requirements	AO	RR	RS	RM	MH	CU	O	LC	SC	CB	GC	HC	LI	HI	PDD	PI	MU
		Agricultural Open Space	Rural Residential District	Single Family Dwelling District	Multi-family Dwelling District	Mobile Home District	College/University District	Office District	Limited Commercial	Shopping Center District	Central Business District	General Commercial District	Heavy Commercial District	Light Industrial District	Heavy Industrial District	Planned Development District	Park Industrial District	Medical Use District
Transitional Housing Shelter	1/resident				C SE													

Permitted Uses Accessory and Incidental Uses	Parking Requirements	AO	RR	RS	RM	MH	CU	O	LC	SC	CB	GC	HC	LI	HI	PDD	PI	MU
		Agricultural Open Space	Rural Residential District	Single Family Dwelling District	Multi-family Dwelling District	Mobile Home District	College/University District	Office District	Limited Commercial	Shopping Center District	Central Business District	General Commercial District	Heavy Commercial District	Light Industrial District	Heavy Industrial District	Planned Development District	Park Industrial District	Medical Use District
Accessory Shelter		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

Permitted Uses Government, Health, Safety, and Welfare Uses	Parking Requirements	AO	RR	RS	RM	MH	CU	O	LC	SC	CB	GC	HC	LI	HI	PDD	PI	MU
		Agricultural Open Space	Rural Residential District	Single Family Dwelling District	Multi-family Dwelling District	Mobile Home District	College/University District	Office District	Limited Commercial	Shopping Center District	Central Business District	General Commercial District	Heavy Commercial District	Light Industrial District	Heavy Industrial District	Planned Development District	Park Industrial District	Medical Use District
Disaster Shelter	1/employee	X	C	C	C	C	X	C	C	X	X	X	X	C	C	X	C	C
Homeless Shelter	1/employee			C	C						X	X	X			X		
Protective Shelter	1/employee			C	C						X	X	X			X		
Social Service Organization Facility	1.25/employee			C	C						X	X	X			X		
Social Service Organization Offices	2/3 employees			C	C			X	X	X	X	X	X			X	C	
Special Education and Rehabilitation Center *Ord. 32-1988, 6-23-88	3/each staff or visiting doctor at maximum shift	*C SE			C SE		C	C SE	C SE		C	C	C			C		X

AMEND Section 23-306.5 Conditional Use Provisions

ADD: Conditions for Transitional Housing Shelter, Accessory Shelter, Disaster Shelter, and Protective Shelter

- 23-306.5.A (11) Transitional Housing Shelter
- (a) A transitional housing shelter shall be permitted only with approval of a special exception by the Board of Adjustment.
  - (b) A minimum of one (1) off-street parking space shall be provided for each resident.
  - (c) A site exhibit shall be required showing the proposed conceptual layout and development of the property.
  - (d) The Board of Adjustment may impose additional conditions as deemed appropriate in order to meet the objectives and purpose of the Zoning Ordinance.
- 23-306.5.B (29) Accessory Shelter
- (a) The use must be operated by a religious, civic, fraternal, social, institutional or governmental agency.
  - (b) Located within the primary building or in an accessory building located on the same site as a principal building.
  - (c) An accessory shelter may house no more than 15 individuals at any one time and can operate up to a maximum of two (2) days/nights per week.
- 23-306.5.D (11) Disaster Shelter
- (a) For location in an RS, RM or MH district, see Section 23-343 concerning Mixed Use overlay zone.
  - (b) The use shall be allowed in churches during times of disaster in all districts for a maximum of 90 days.
- 23-306.5.D (12) Homeless Shelter  
For location in an RS or RM district, see Section 23-343 concerning Mixed Use overlay zone.
- 23-306.5.D (13) Protective Shelter  
For location in an RS or RM district, see Section 23-343 concerning Mixed Use overlay zone.

**CHANGE: Conditions for Special Education and Rehabilitation Center**

- 23.306.5.D (8) Special Education and Rehabilitation Centers
- (a) In all use districts where permitted the following criteria shall be met:
    - A license, if required, must be obtained from the appropriate Federal, State, or other governmental agency.
    - Professional staff must be in residence at all times. (Professional staff is defined as an individual who has, either by experience or training, knowledge in the appropriate rehabilitative field.)
  - (b) When permitted as a special exception in RM and LC zones, the following conditions must be met:
    - Minimum site size shall be seven thousand (7,000) square feet. A minimum of seven hundred (700) square feet of site area per resident is required.

- ~~Maximum number of clients and staff shall be twenty (20).~~ A minimum of two hundred fifty (250) square feet of floor area per resident is required.
  - Any other special requirements deemed necessary to ensure that such use has no disruptive effects on the surrounding neighborhood.
- (c) When permitted as a special exception in an AO district, the following conditions must be satisfied: (Ord. 32-1988, 6-23-88)
- Must have frontage along a collector or arterial street.
  - Access shall not be provided onto a local street.

## **AMEND Section 23-363 Definitions**

**ADD:** Accessory Shelter, Disaster Shelter, Halfway House, Homeless Shelter, Protective Shelter, Social Service Organization Facility, Special Education and Rehabilitation Center, and Transitional Housing Shelter.

### Accessory Shelter

A housing shelter in an accessory building 1) located on the same site as a principal building, or 2) located on a site owned and operated by religious, civic, fraternal, social, institutional or governmental agency providing free accessory lodging for indigent individuals and/or families with no regular home or residential address. An accessory shelter may house no more than 15 individuals at any one time and operates up to a maximum of two (2) days/nights per week.

### Disaster Shelter

A shelter or facility that provides temporary housing to people and/or families during times of severe life-threatening weather conditions (including, but not limited to hurricanes, natural disasters, extreme temperatures) or other emergency conditions.

### Halfway House

A facility owned or operated by an agency or an individual authorized to provide housing, food, treatment or supportive services for individuals on supervised release from the criminal justice system and who have been assigned by a court to a residential home in lieu of placement in a correctional institution; or for individuals who have been institutionalized and released from the criminal justice system or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a supervised group setting.

### Homeless Shelter

A facility that provides free lodging and one or more of the following supportive services for indigent individuals and/or families with no regular home or residential address, on a non-profit basis. Supportive services include, but are not limited to: provision of meals; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of , or refraining from, the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care.

### Protective Shelter

A shelter or facility that provides temporary housing, protection, counseling, and pre-placement to people and/or families during times of abuse.

Social Service Organization Facility

A facility operated by an organization which provides services such as training, counseling, health, or the distribution of food or clothing. This term includes but is not limited to a facility offering life skills training, substance abuse counseling, housing services, or a neighborhood recovery center. This term does not include any use which provides for housing.

Special Education and Rehabilitation Center

See "halfway house". Examples include the West Texas Rehabilitation Center, halfway houses, and counseling centers.

Transitional Housing Shelter

A housing shelter that provides free lodging and limited supportive services for indigent individuals and/or families with no regular home or residential address, on a non-profit basis. The shelter provides services for an extended period, often as long as 18 months, and is generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing. A transitional housing shelter serves as a transition from a homeless shelter to permanent housing and does not provide a full range of services and programs.

-END-