

**AN ORDINANCE OF THE CITY OF ABILENE, TEXAS EXTENDING THE TEMPORARY SUSPENSION OF ENFORCEMENT OF CERTAIN PROVISIONS OF THE AIRPORT ZONING ORDINANCE OF THE CITY OF ABILENE, TEXAS**

**WHEREAS**, the Council desires to review for potential revision, certain provisions of the Airport Zoning Ordinance (AZO) as it impacts residents of the area near Dyess Air Force Base (Dyess) commonly known as the View-Caps community; and

**WHEREAS**, the Council has determined that it is in the best interests of the City, in the protection of the public health, safety and welfare, that the regulation of compatible land use in the affected area be analyzed by the staff, the regulated community, and interested third parties for the purpose of determining the best possible approach for such regulation under the laws of the State of Texas; and

**WHEREAS**, the Council has requested representatives of the View-Caps community as well as representatives of Taylor County, Dyess and the City to meet as a committee to make recommendations for potential revisions of the AZO to the Planning and Zoning Commission; and

**WHEREAS**, the citizen committee has asked for additional time to review and comment on potential revisions to the ordinance; and

**WHEREAS**, in order to preserve the status quo pending further investigation of the possible revisions to the regulation of compatible land uses in identified areas around Dyess, the Council has determined that an extension of the temporary suspension of enforcement of certain provisions of the AZO should be imposed;

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

**PART 1:** That there be and hereby is imposed for a period of one hundred twenty (120) days from the effective date of this ordinance an extension of the suspension of the implementation and enforcement of provisions of the AZO related to compatible land uses, (including, but not limited to, current residential, commercial and agricultural uses) and noise zones as set forth in Section 319.B., subsections 3, 4, and 5, along with related procedural and enforcement provisions.

**PART 2:** That, during said one hundred twenty (120) day period, the City staff shall continue to work with the designated committee members for the purpose of determining the best possible approach for such regulation and develop and present to the Planning and Zoning Commission and City Council a revised ordinance, which proposed ordinance shall be presented to the City Council in sufficient time that said ordinance, if adopted, may take effect prior to the expiration of said one hundred twenty (120) day period.

**PART 3:** That no applications for permits shall be required for matters under the suspended provisions of the AZO prior to the expiration of said one hundred twenty (120) day period.

**PASSED ON FIRST READING** this 9th day of April A.D. 2009.

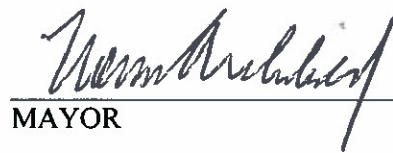
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 3rd day of April, 2009,

the same being more than twenty-four (24) hours 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 23<sup>rd</sup> day of April, 2009, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance becomes effective immediately as provided by Section 18 of the Charter of the City of Abilene.

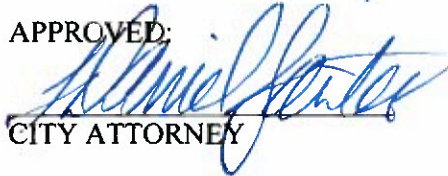
**PASSED ON SECOND AND FINAL READING** this 23<sup>rd</sup> day of April, A.D. 2009.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:

  
CITY ATTORNEY