

ORDINANCE NO. 49-2012

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART B, "LAND DEVELOPMENT CODE," 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 B, "Land Development Code," 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 27th day of September A.D. 2012.

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 August, 2012, 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 11th day of October, 2012, 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 11th day of October, A.D. 2012.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 49-2012

EXHIBIT "A"

AMEND: Section 2.4.2.1 The Land Use Matrix

ADD: Add the 'Urban Garden' use to be permitted in designated districts

LEGEND: P-Permitted, Blank-Not Permitted, C-Conditional Use Permit, TP-Requires a Temporary Permit, M-Conditions Apply See Ch.2 Art.5 Div.3

Permitted Uses	Agricultural Open Space	Rural Residential RR-5 & RR1	Residential Single-Family	Residential Single-Family Patio Home	Residential Townhouse	Residential Medium Density	Residential Multi-Family	Manufactured/Mobile Home	College & University	Neighborhood Office	Office	Neighborhood Retail	General Retail	Medical Use	Central Business	Mixed Use	General Commercial	Heavy Commercial	Light Industrial	Heavy Industrial	Parking Requirements (also refer to Chapter 4 Article 2, Division 1)
	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	O	NR	GR	MU	CB	MX	GC	HC	LI	HI	
Resource Production & Extraction																					
Urban Garden	<input checked="" type="checkbox"/>	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	

AMEND: Section 2.4.3.3 All Other Uses with Specific Requirements

CHANGE: Add requirements for 'Urban Garden' to the list of uses and renumber as needed.

(a) Specific Requirements.

- (58) **Urban Garden:** In all zoning districts where such use is permitted by right, the following criteria shall be met:
 - a. A water meter will be allowed for the cultivation and growing of plant material even when a primary structure does not exist.
 - b. No on-site sales of plant material shall be permitted.
 - c. No building shall be allowed that requires a building permit, electricity or plumbing. Only one such building shall be allowed on any lot or tract.
 - d. Only mechanical equipment designed for household use may be stored on an urban garden.

AMEND: Section 5.1.1.3 Land Use Definitions

CHANGE: Add the definition for 'Urban Garden' and renumber as needed.

(a) Land Use Definitions & Matrix Correlation

- (187) **URBAN GARDEN:** A private or public facility for cultivation of fruits, flowers, vegetables, herbs, or ornamental plants.