

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 25th day of October 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 28th day of September, 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 25th 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 1st day of November, A.D. 2012.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 55-2012

EXHIBIT "A"

AMEND: Table 2.4 Site Layout and Building Requirements for Nonresidential Zoning Districts

CHANGE: Amend Interior Side Setbacks for GC, HC, and LI zoning districts

TABLE 2-4: SITE LAYOUT AND BUILDING REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS (Continued)

Zoning District	Minimum Lot Size		Minimum Building Line Setbacks						Maximum Height (ft.)	Maximum Floor Area Ratio (FAR)	Applicable Single-Family Standards	Applicable Multiple-Family Standards
			Street Setback (ft)			Rear Yard (next to Other Lot Boundary) (ft)	Interior Side (ft) ²					
			Sub-Collector or Minor Street*	Collector, Arterial, or Express-way With Frontage Rd*	Express-way Without Frontage Rd							
MX				10			0	0	35'	4:1	RS-6 District Standards	MD or MF District Standards
GC	60	100	25	30	40		10; abutting Residential, 25	100; abutting AO or Residential, 25	none	2:1		none
HC	60	100	25	30	40		25; abutting AO or Residential, 50	250; abutting AO or Residential, 30	none	2:1		none
LI	60	100	25	30	40			250; abutting AO or Residential, 50	none	2:1		none
HI	60	100	25	30	40		25; abutting AO or Residential, 75	0; abutting AO or Residential District, 100	none	2:1		none

* The setback may be reduced to fifteen feet (15') if only landscaping is provided between the building and the property line.

¹A minimum width of 100 feet is required along arterial streets (2.6.1.1(e)(3))

²Drainage must be mitigated so as not to shed onto adjacent properties

AMEND: Section 2.4.2.1 The Land Use Matrix

ADD: Add the “Recreation Equipment, Mobile (storage and parking)” use to the Land Use Matrix

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	
Accessory & Incidental Uses																					
Recreation Equipment, Mobile (storage and parking)	<input checked="" type="checkbox"/>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					

AMEND: Section 2.4.3.3 All Other Uses with Specific Requirements

ADD: Add the specific requirements for the “Recreation Equipment, Mobile (storage and parking)” use and renumber as needed.

(a) Specific Requirements.

(43) Recreation Equipment, Mobile (storage and parking):

Mobile recreation equipment may be parked or stored on developed residential property in compliance with applicable fire codes and no closer than ten (10) feet to any building on adjoining properties. Mobile recreation equipment shall not be parked or stored on a public street, alley or other public right of way or parkway. Mobile recreation equipment shall be placed at least fifteen (15) feet from the edge of pavement on all arterial streets and at least ten (10) feet from the edge of pavement on all other streets.

Mobile recreation equipment shall not be used for sleeping, housekeeping or office space when parked or stored on property in an AO or residential zoning district or in any other location not approved for such a use, with the exception that not more than one (1) trailer, semi-trailer or self-propelled motor vehicle owned by a nonresident visitor to Abilene that is designed, constructed and equipped for human habitation may be occupied by the said nonresident visitor and his family on a developed residential lot with the permission of the owner or person in control of such lot for not more than fourteen (14) days during any sixty (60) day period.

AMEND: Section 2.4.4.1 Description and Regulations by District Type

REVISE: Amend the setback requirements for accessory buildings

(b) **Residential Districts**

- (3) ~~Accessory buildings with a maximum of ten feet (10') shall be setback a minimum of three (3') from an interior side or rear property line. For accessory buildings over ten feet (10') in height, the accessory building must be set back from the interior side and rear property line, where no alley exists, and additional one foot (1') for every one foot (1') in height over ten feet (10'). For rear property lines adjacent to a dedicated alley, the setback shall only be one foot (1') back for every two feet (2') in height over ten feet (10').~~

Setbacks.

- a. Detached accessory buildings (other than open carports or patio covers) with a maximum height of 10 feet shall be set back a minimum of 3 feet from an interior side or rear property line.
- b. Detached accessory buildings (other than open carports or patio covers) over 10 feet in height shall be set back from an interior side or rear property line, where no public alley exists, at least 1 additional foot in depth for every 1 foot in height over 10 feet.
- c. Detached accessory buildings (other than open carports or patio covers) over 10 feet in height shall be set back from an interior side or rear property line adjacent to a public alley at least 1 additional foot in depth for every 2 feet in height over 10 feet.
- d. In no circumstance shall a detached accessory building be required to be set back from a property line any more than is required of a principal building constructed on that same property.
- e. Standards for minimum setback required (and maximum height allowed) of open carports and patio covers shall be as prescribed in the following Section 2.4.4.2 on Carports and Patio Covers.

AMEND: Section 2.4.4.2 Carports and Patio Covers

REVISE: Provide height exception for carports & patio covers with pitched roofs to be taller than 12 feet

- (d) ~~**Maximum Height.** Twelve feet (12'), except when built into the roofline and with the same roofing materials as the primary structure, in which case the height may not exceed the height of the primary structure.~~

Maximum Height. Twelve feet (12'), except:

- (1) When built into the roofline and with the same roofing materials as the primary structure, in which case the height may not exceed the height of the primary structure.
- (2) When detached and built with a pitched roof utilizing similar materials and colors to the principal structure and where the height between the grade and the first horizontal element of the roof structure does not exceed 12 feet in height.

AMEND: Section 4.2.4.1 Fences, Walls and Hedges

REVISE: Amendment to fence heights adjacent to streets in commercial & Multi-Family zoning districts to allow for taller fences

- (e) **Fences, Walls and Hedges in Multi-Family and Non-Residential Zoning Districts.** Fences, walls and hedges in non-residential zoning districts and MF zoning must be located on private property and a minimum of ten feet (10') from any curb or edge of pavement where no curb exists. The maximum height permitted for such fences is ten feet (10'). ~~If fence is adjacent to a street or in a street front yard, the maximum height shall be four feet (4').~~

-END-