

City Council
Agenda Memo



TO: Larry D. Gilley, City Manager

City Council
Meeting Date: 5/27/2010

FROM: Mike Hall, Director of Community Services *WH*

SUBJECT: First Reading of an Ordinance Amending Chapter 21, Section 21-26 the City of Abilene Municipal Code, Establishing a Prohibition for Drilling Oil and Gas Wells

GENERAL INFORMATION

In 2009 the Texas Parks and Wildlife Department and the City of Abilene entered into a project agreement to make improvements to Johnson and Seabee Parks and the North Boat Ramp at Lake Fort Phantom Hill. The agreement provided for matching funds from the Texas Parks and Wildlife Department's Local Park Grant Program for \$500,000 in matching funds. One of the requirements of this agreement was the stipulation that the City of Abilene prohibit surface drilling and mining activity on the site of Johnson and Seabee Parks. In order to accomplish this Chapter 21, Section 21-26 must be amended to specify the prohibition. A similar amendment to the Land Development Code will also be requested.

SPECIAL CONSIDERATIONS

NA

FUNDING/FISCAL IMPACT

NA

STAFF RECOMMENDATION

Staff recommends that City Council approve the attached ordinance amending Chapter 21, Section 21-26 prohibiting oil and gas well drilling on land owned by the City of Abilene and used for park purposes at Lake Fort Phantom Hill.

BOARD OR COMMISSION RECOMMENDATION

NA

ATTACHMENTS

Ordinance amending Chapter 21, Section 21-26

Prepared by: Name <u>Mike Hall</u> Title <u>Director of Community Services</u>	Item No. <u>6.1</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ _____ City Secretary
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ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-26 THE CITY OF ABILENE MUNICIPAL CODE BY AMENDING THE SECTION AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, Chapter 21, Section 21-26 of the City of Abilene Code of Ordinances establishes a prohibition for drilling oil and gas wells, and

WHEREAS, by Resolution 27-2008, the City Council authorized the application for a grant from the Texas Parks and Wildlife Department and resolved that the City of Abilene commit “to dedicating non park portions of the area near Sea Bee Park . . . upon award of a Texas Parks and Wildlife Grant, for public park and recreation purposes or as natural preserves in perpetuity,” and

WHEREAS, in 2009 the Texas Parks and Wildlife Department approved the grant proposal for the for the improvement of the Lake Fort Phantom Parks, and the City of Abilene entered into a project agreement with the Texas Parks and Wildlife Department, and

WHEREAS, the aforementioned grant requires the City to prohibit surface drilling on land owned by the City of Abilene and used for park purposes at Lake Fort Phantom Hill.

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

- PART 1:** That Chapter 21, Section 21-26 of the Code of Ordinances, City of Abilene, Texas, is hereby replaced as set out in Exhibit A, attached and made a part of this ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.

PART 4: Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. 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 FIRST READING this 27th day of May 2010.

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 th day of May, 2010, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 10th day of June, 2010, to permit the public to be heard. 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.

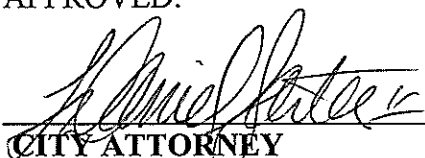
PASSED ON SECOND AND FINAL READING this 10th day of June, 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT A

ADD

Sec. 21-26. Prohibition.

(a) Under no conditions shall an oil and gas well drill bore be allowed within two hundred (200) feet of any existing building or buildings without a variance from city council.

(b) Under no conditions shall an oil and gas well drill bore be allowed on land owned by the City of Abilene and used for park purposes at Lake Fort Phantom Hill.

City Council
Agenda Memo



City Council
Meeting Date: 5/27/2010

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an ordinance amending various portions of the Land Development Code; and setting a public hearing for June 10.

GENERAL INFORMATION

The Land Development Code (LDC) was adopted by City Council on April 22, 2010 as recommended by the Planning & Zoning Commission. As part of the review and approval by City Council, several minor changes were identified as needed. The majority of these changes are grammatical in nature and do not change the intent of the language in the LDC. However, other changes have been identified that are significant and require discussion from the Planning & Zoning Commission. Staff has prepared a list of such changes and is attached.

A few of the significant changes include:

- The City Council directed staff to include language requiring the posting of signs on property for zoning amendments (staff is recommending that this change take effect later than the other changes in order to allow time to design, budget for, and purchase the necessary signs).
- The Community Services department has asked that the conditions for mining be amended to prohibit the activity on park property near Lake Fort Phantom Hill
- Remove the requirement for a Drainage Flow Diagram when a full Drainage Plan is not required.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval of the amendments, as amended, by a vote of five (5) in favor (Bixby, Campos, Famble, Todd, and McClarty) to none (0) opposed.

ATTACHMENTS

Ordinance
Summary List of Proposed Amendments
Proposed Ordinance Amendments

Prepared by:

Name: Ben Bryner, AICP

Title: Planning Services Manager

May 14, 2010

Item No. 6.2

Disposition by City Council

Approved Ord/Res# _____

Denied

Other

City Secretary

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 May A.D. 2010.

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 1st day of May, 2010, 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 10th day of June, 2010, 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, with the exception of the change adding a new Section 1.2.2.3 requiring posting of notice on the property of a zoning amendment, which will become effective on October 1, 2010.

PASSED ON SECOND AND FINAL READING THIS 10th day of June, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:



CITY ATTORNEY

List of Proposed Changes to the Land Development Code

Page	Change
1-25	Posting Notice on Property for Zoning Amendments
1-26	Section numbering
1-40	Remove PDP reference
2-67	Correct from 'AZP' to 'APZ'
2-68	Delete annotation #3 from Manufacturing in APZ II
2-68	Delete 'or noise/vibration sensitive' from note #3
2-79 to 2-91	Add Neighborhood Office column
2-92	Add Jones County reference
2-101	Add allowed uses for liquor stores in AO (as approved by City Council)
2-103	Add restriction for mining use for parks at Lake Fort Phantom Hill
2-126	Add statement about "net metering" in Wind Energy Conversion section
2-134	Correct Figure 2-8 dimensions
3-3	Grammar/syntax corrections
3-5	Correct reference
3-5	Delete item 6
3-10	Grammar/syntax correction
3-10	Correct reference to Design, Details, and Construction Standards
3-12	Grammar/syntax correction
3-16	Delete part of sentence not needed
3-23	Grammar/syntax correction
3-28	Correct time period
3-32	Correct reference to Design, Details, and Construction Standards
3-32	Correct responsible official
3-34	Grammar/syntax correction
3-38	Add reference to City code
3-38	Correct reference to Design, Details, and Construction Standards
3-40	Correct responsible official
3-41	Correct responsible official
3-41	Correct reference to Design, Details, and Construction Standards
3-42	Correct responsible official
3-45	Correct numeric references
3-47	Grammar/syntax correction
3-49	Clarify language for abandonment or closure
3-50	Correct reference to Design, Details, and Construction Standards
3-52	Correct reference to Design, Details, and Construction Standards
3-52	Grammar/syntax correction
3-53	Correct reference to Design, Details, and Construction Standards
3-54	Grammar/syntax correction
3-55	Delete footnotes from Table 3-1
3-56	Grammar/syntax correction in title of Table 3-2
3-56	Delete footnote from Table 3-2
3-57	Grammar/syntax correction
3-59	Delete item 'c'
3-60	Correct reference
3-64	Correct reference to Design, Details, and Construction Standards
3-66	Grammar/syntax correction
3-66	Correct reference to Design, Details, and Construction Standards
3-67	Grammar/syntax correction
3-68	Add 'Type III'

6.2 pg.3

3-68	Grammar/syntax corrections
3-69	Clarify language for driveway approaches at intersections
3-70	Replace 'variance' with 'variation'
3-70	Delete table reference
3-71	Add 'Type III'
3-71	Add 'City Engineer'
3-81	Clarify language for Drainage Plans
3-81	Remove references to Drainage Flow Diagrams
3-81	Correct reference to East Highway 80
3-83	Remove Drainage Flow Diagram section
3-88	Add language inadvertently left out from existing ordinance
3-89	Add language inadvertently left out from existing ordinance
3-91	Grammar/syntax correction
3-97	Grammar/syntax correction
3-102/3-103	Revise language for Easements for New Development
3-105	Revise language for alleys on irregularly-shaped lots
4-6	Delete TIA reference
4-9	Correct the responsible department
4-10	Revise to use correct terms
4-11	Correct the responsible official
4-18	Grammar/syntax corrections
4-18	Revise and add language for 'barriers'
4-22	Add language inadvertently left out from existing ordinance
4-24	Add reference to City Ordinance
4-29	Grammar/syntax correction
5-1	Correct reference

Bold = item of discussion at the Public Hearing

Section 1.2.2.3 Posting Notice on Property for Zoning Amendments

- (a) When any person, firm or corporation requests a zoning change, a sign(s) shall be erected and maintained upon the property for which a zoning change has been requested. Such sign(s) shall be located as follows:
- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the Planning Director or designee.
 - (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
 - (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
 - (4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on the property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (b) The sign shall be installed by the City, and shall advise that a zoning change has been requested and shall list the telephone number of the Planning Department for more information. The Planning Director is hereby authorized to establish size, type and message requirements for such signs.
- (c) Upon making an application for a zoning change, the City shall place sign(s) as required by this section. The City shall install such sign(s) in compliance as required by this section.
- (d) After the zoning change request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the City shall remove the sign from the area of the request within ten (10) days of such event.
- (e) It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change has been requested.
- (f) In the event the City shall fail to erect signs in accordance with this section, then the public hearing before the appropriate body shall be postponed to a date in the future which would allow time for compliance.
- (g) The erection of any sign required by this section shall not require a permit under Chapter 4, Article 1, Division 2 of this LDC.
- (h) The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

Le. 2 pg. 5

Section 1.2.2.34 Notification Following Decision

- (a) The minutes of the meeting shall be deemed to be the record for notification purposes. Record of this notification shall be filed with the secretary of the board or commission or City Council on the date of notification.

Section 1.2.2.45 Notification of Appeal or Revocation

- (a) Whenever appeal is taken from a final decision on an application following a public hearing, or whenever the City is to consider revocation of a development permit which was obtained following a public hearing, personal notice of the appeal or revocation proceeding shall be provided to the holder of the permit.

Division 3 – Public Hearings

Section 1.2.3.1 Setting of the Hearing

- (a) When the responsible official determines that an application is complete and that a public hearing is required by this Land Development Code, the official shall cause notice of such hearing to be prepared and made in accordance with Article 2, Division 2 of this Chapter 1. The time set for the hearing shall conform to the time periods required by this Code.

Section 1.2.3.2 Conduct of Hearing

- (a) Any person may appear at the public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state his or her name, and if appearing on behalf of an organization, state the name of the organization for the record.
- (b) The public hearing shall be conducted in accordance with State law.

Section 1.2.3.3 Record of Proceedings

- (a) The board/commission conducting the hearing shall record the proceedings by any appropriate means.

Section 1.2.3.4 Continuance of Proceedings

6.2 pg. 6

- (b) **Form of Petition.** The petition for relief from a dedication or construction requirement shall allege that application of the standard relating to the dedication or construction requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, stormwater, parks, or roadway system, as the case may be, or does not reasonably benefit the proposed development.
- (c) **Study Required.** The petitioner shall provide a study in support of the petition for relief that includes the following information:
- (1) Total capacity of the City's water, wastewater, stormwater, parks, or roadway system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed.
 - (2) Total capacity to be supplied to the City's water, wastewater, stormwater, parks, or roadway system by the proposed dedication of an interest in land or construction of capital improvements. If the development application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of capital improvements.
 - (3) Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land or construction of capital improvements. In making this comparison, the impacts on the City's public facilities system(s) from the entire development shall be considered.
 - (4) The effect of any City participation in the costs of oversizing the capital improvement to be constructed in accordance with the City's requirements.
 - (5) Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication or construction requirement imposed by the City.
 - (6) This proportionality analysis should not only be based on any immediate plans for the property, but should be based on the size of the property, existing use of the property, the existing zoning, and what impacts the highest and best use of the property could have on the City's infrastructure system.
 - (7) Only costs directly related to the dedication or construction requirement should be included in the analysis. Indirect costs, such as applications, permits, and fees, shall not be included.
- (d) **Time for Filing Petition and Study.** A petition for relief from a dedication or construction requirement shall be filed with the responsible official within ten (10) business days of the Planning and Zoning Commission's decision to conditionally approve or deny an application for approval of a Preliminary Development Plan or

6.2 pg. 7

An area located in more than one of these zones is considered to be only in the zone with the more restrictive height limitation.

- c. **Clear Zones.** Clear Zones are areas on the ground, located at the end of each runway. They possess a high potential for accidents and their use is restricted to be compatible with aircraft operations in accordance with Table 1 below. Clear Zones are 3,000 feet long measured along the extended runway centerline beginning at the runway end. They are 3,000 feet wide centered on and measured at right angles to the extended runway centerline.
- d. **Accident Potential Zones (APZs/APZs).** APZs are areas on the ground located beyond the Clear Zone of each runway. They possess a potential for accidents and their use is restricted in accordance with Table 1 below.
 - 1. APZ I. APZ I begins at the end of the Clear Zone, and is centered and measured on the extended centerline. It is 3,000 feet wide and 5,000 feet long.
 - 2. APZ II. APZ II begins at the end of APZ I, and is centered and measured on the extended runway centerline. It is 3,000 feet wide and 7,000 feet long.
 - 3. LZ APZs. LZ APZs begin at the end of the LZ Clear Zone, and are centered and measured on the extended runway centerline. They are 500 feet wide and 2,500 feet long.
- e. **Land Use Restrictions.**
 - 1. An individual single-family residential structure, including manufactured housing, shall be permitted on a lot of 1 acre or larger, except within the Clear Zone associated with Dyess AFB. This does not eliminate the need for an Airport Zone Development Permit.
 - 2. An individual single-family residential structure, including manufactured housing, shall be permitted on an existing legally-platted lot, or a lot subdivided prior to 1984, even if the area of the lot is less than 1-acre, except within the Clear Zone associated with Dyess AFB. This does not eliminate the need for an Airport Zone Development Permit.
 - 3. An individual single-family residential structure, including manufactured housing, shall not exceed a height greater than thirty-five (35) feet if the structure penetrates an established Military Imaginary Surface. This does not eliminate the need for an Airport Zone Development Permit.
 - 4. Allowable land uses within each zone are designated in the following table:

Table 1

Land Use	Clear Zone	APZ I	APZ II

L.2 pg. 8

Agricultural	Yes	Yes	Yes
Residential > 1 acre	No	Yes	Yes
Residential < 1 acre	No	No ¹	No ¹
Govt, Health, Safety, and Welfare	No	No	No
Educational & Religious	No	No	No
Office	No	No	SE ⁴
Trade – Retail	No	No	SE ⁴
Services (other than office type) Type 1	No	No	SE ⁴
Services (other than office type) Type 2	No	SE ^{3,4}	Yes
Heavy Commercial	No	SE ^{2,4}	Yes
Manufacturing	No	SE ^{3,4}	Yes ³
Wholesale	No	SE ⁴	Yes
Transportation, Communication, and Utilities	No	SE ^{4,5}	Yes ⁵
Resource Production/Extraction	No	SE ⁴	Yes
Cultural	No	No	No
Entertainment	No	No	No
Recreational	No	Yes ⁶	Yes ⁶

¹Existing lots of less than 1 acre that were legally platted, or that were subdivided prior to 1984, are allowed one residence

²Non-retail

³Except chemical, precision equipment, or other hazardous or noise/vibration-sensitive uses

⁴A Special Exception approved by the Board of Adjustment after being reviewed by Dyess AFB is required

⁵No passenger terminals and no major above ground transmission lines

⁶No clubhouse facility and no areas for gatherings of people

Type 1 Services include all other uses not included in Type 2 Services.

Type 2 Services include: Cabinet Making; Carpentry and Wood Flooring Services, Drilling-Rig Repair (sand and water blasting); Electrical Motor Repair; Exterminating and Fumigating Services; Heating, Ventilation, Air Conditioning Services; House Wrecking and Demolition; Landscaping Services; Machine Shops; Masonry, Stonework, Tile Setting, and Plastering Services; Oil Field Service; Oil Well Drilling Contractors; Pipe Cleaning and Testing (sand and water blasting); Plumbing Services; Refrigerated Warehousing; Roofing and Sheet Metal Services; Scales; Storage and Warehousing (general); Water Well Drilling Services; Welding Service; and other similar uses.

In addition to the above listed restrictions, no use shall have hazardous materials stored on site other than minimal, incidental storage of small quantities

(e) Use Restrictions; Interference.

- (1) Notwithstanding any other provision of this Section, no use may be made of land within any zone established by this Section in such manner as to create

L.2 pg. 9

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

Permitted Uses	Residential Uses													Parking Requirements (also refer to Chapter 4, Article 2, Division 1)								
	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	Q	NR	GR		MU	CB	MX	GC	HC	LI	HI	
<input checked="" type="checkbox"/> Bed & Breakfast	C	C	C	C	C	C	C		P	P	P	P	P	P	P	P						1/guest room + 1
<input type="checkbox"/> Dwelling - Duplex			C			P	P		P	P	P	P			P	P						3/2 dwelling units
<input type="checkbox"/> Dwelling - Industrialized Housing Unit	P	P	P	P	P	P	P		P	P	P	P			P	P						2/dwelling unit
<input checked="" type="checkbox"/> Dwelling - Institutional									P	P	P	P			P	P						2/3 guest rooms and 1/employee
<input type="checkbox"/> Dwelling - Manufactured Home (HUD-Code)								P														2/dwelling unit
<input type="checkbox"/> Dwelling - Mobile Home								P														2/dwelling unit
<input checked="" type="checkbox"/> Dwelling - Multiple-Family						P	P		P	P	P	P			P	P						3/2 dwelling units
<input type="checkbox"/> Dwelling - Patio Home				P																		2/dwelling unit
<input type="checkbox"/> Dwelling - Single Family Detached	P	P	P	P	P	P	P	P	P	P	P	P			P	P						2/dwelling unit
<input type="checkbox"/> Dwelling - Townhome																						2/dwelling unit
<input checked="" type="checkbox"/> Group Home			C																			1/4 beds

6.2pg.10

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

Permitted Uses	Agricultural Open Space													Parking Requirements (also refer to Chapter 4, Article 2, Division 1)									
	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	Q	NR	GR	MU	CB	MX	GC	HC	LI	HI			
Hotel/Motel																					1/unit		
Vacation Travel Trailer Park	<input checked="" type="checkbox"/>																					1/trailer space +1	
Accessory & Incidental Uses																							
Accessory Structure (Also see Division 4 of this article)	<input checked="" type="checkbox"/>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Animal Lot	<input checked="" type="checkbox"/>	P	P																				
Antenna, Non-Commercial/ Amateur	<input checked="" type="checkbox"/>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
ATM's, Self-Serve Kiosks, and Similar Facilities	<input checked="" type="checkbox"/>																						
Day Care Operation - Home-Based	<input checked="" type="checkbox"/>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling - Accessory	<input checked="" type="checkbox"/>	P	P	P																			
Drive-Thru Facility	<input checked="" type="checkbox"/>																						
Field Office or Construction Office (temporary)	<input checked="" type="checkbox"/>	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP

6. 2 pg. 11

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

Permitted Uses	Agricultural Open Space													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	
Freight Container <input checked="" type="checkbox"/>													C				C	P	P	P	
Fuel Sales <input checked="" type="checkbox"/>												C	P				C	P	P		
Garage Sale <input checked="" type="checkbox"/>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					None
Itinerant Business													TP				TP	TP	TP		
Manufacturing (incidental) <input checked="" type="checkbox"/>													P				P	P	P		
Mobile Home (permanent security residence) <input checked="" type="checkbox"/>	C																C	C	C		2/dwelling
Mobile Home (temporary security residence)	C	C	C			C	C	C	TP	C	C	C	TP	TP	TP	C	TP	TP	TP		
Mobile Home or Temporary Building (office for sales and service) <input checked="" type="checkbox"/>								C										P			
Recreation Building, Multipurpose <input checked="" type="checkbox"/>		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	
Recycling Collection Point									P			C	P			C	P	P	P		

6.2 pg. 12

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

Permitted Uses	Permitted Uses													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	
Subdivision Sales Office (temporary)	TP		TP	TP	TP	TP	TP	TP	TP	P	P	P	P	P	P						
Swimming Pool, Private (accessory to residential use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					2/employee
Tennis Court, Private (accessory to residential use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Travel Trailers (accessory to hospitals)									C								C	C			
Cultural & Recreation Uses																					
Adult Entertainment Enterprise (Also see Section 2.4.3.4 of this LDC)																		C	P	P	Per primary activity (i.e. retail, theater, liquor store: on-premise)
Civic, Social, and Fraternal Organization	P	C	C			C	C	C		P	P	P	P	P	P	P	P	P			1/500 SF
Cultural Facilities										C	C	C	P	P	P	C	P	P	C		1/4 Seating Capacity + 1/500 SF other
Drive-in Theater																	P	P	P		1/speaker

6.2 pg. 13

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

Permitted Uses	Use Categories												Parking Requirements (also refer to Chapter 4, Article 2, Division 1)								
	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	Q	NR		GR	MU	CB	MX	GC	HC	LI	HI
Hospital									P						P		P	P			1/3 beds and 1/2 staff doctors
Medical/Dental Laboratory										C	C	C	P	P	P	C	P	P	P		1/500 SF
Military and Armed Forces Reserve Center	C																	P	P		
Military Base and Reservation																					
Personal Care Facility																					1/3 beds
Post Office									P	P	P	P	P	P	P	P	P	P	P		1/500 SF
Rehabilitation Facility						C	C										C	P			1/4 beds
Sanitary Landfill <input checked="" type="checkbox"/>	C																	C	C	P	
Social Service Facility			C			C	C					C	C	P	P	C	P	P			1/4 beds
Educational & Religious Uses																					
Arts School									P	C	C	P	P		P	P	P	P			1/classroom + 1/5 students
Cemetery, Crematorium, and Mausoleum <input checked="" type="checkbox"/>	C																C	C	C		

C. 2 pg. 15

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

Permitted Uses	Permitted												Office		Neighborhood Office		College & University		Manufactured/Mobile Home		Residential Multi-Family		Residential Medium Density		Residential Townhouse		Residential Single-Family		Residential Single-Family		Rural Residential		Agricultural Open Space		Parking Requirements (also refer to Chapter 4, Article 2, Division 1)
	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	Q	NR	GR	MU	CB	MX	GC	HC	LI	HI															
Church or Place of Worship	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1/5 seating capacity of sanctuary						
Day-Care Operation - Center-Based						C	C																						1/500 SF						
Educational and Scientific Research																													1/500 SF						
School: Public/Private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		1/classroom & 1/5 seats of assembly						
Trade/Business School																													1/classroom & 1/5 students						
University/College																													1/classroom + 1/5 students						
Service																																			
Automobile Wash																																			
Contractor Services																																			
Funeral Home/Mortuary/Morgue																														1/500 SF					
Kennel (With Outdoor Pens)	C																													1/5 seats in largest chapel					

C.2 pg. 16

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

Permitted Uses	Use Categories													Parking Requirements (also refer to Chapter 4, Article 2, Division 1)								
	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	Q	NR	GR		MU	CB	MX	GC	HC	LI	HI	
Kennel (Without Outdoor Pens)	P												P				P	P	P			1/500 SF
Laundry, Dry Cleaning, Dyeing, and Linen Service (no retail customers)																	P	P	P			1/1,000 SF
Laundry/Dry Cleaning Services & Facilities												P	P				P	P	P			1/500 SF
Office (general, professional, financial) <input checked="" type="checkbox"/>										P	P	P	P				P	P	P			1/500 SF
Personal Services <input checked="" type="checkbox"/>										P	P	P	P				P	P	P			1/500 SF
Printing, Copying, Reproduction, Publishing <input checked="" type="checkbox"/>										C	C	C	C				P	C	P			1/500 SF
Recycling Collection and Processing Center <input checked="" type="checkbox"/>																	C	P	P	P		1/1,100 SF
Repair and Maintenance Services - Automobile/Small Truck (major)																	P	P	P			1/500 SF + 2/day service
Repair and Maintenance Services - Automobile/Small Truck (minor)																		P	P			1/500 SF + 2/day service
Repair and Maintenance Services (indoor)												P	P				P	P	P			1/500 SF

C. 2 pg. 17

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

Permitted Uses	Agricultural Open Space											Parking Requirements (also refer to Chapter 4, Article 2, Division 1)									
	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	Q	NR	GR	MU	CB	MX	GC	HC	LI	HI	
Repair and Maintenance Services (outdoors)																	C	P	P		1/500 SF + 1/2,000 SF area outdoor storage or display
Repair and Maintenance Services (truck and other large vehicles)																		P	P		1/500 SF + 2/service bay
Scales (public)																		P	P		1/1,000 SF
Storage - Self-Service Units <input checked="" type="checkbox"/>															C	C	P	P	P		1/500 SF office + 1/3,000 SF warehouse
Tattoo Parlor <input checked="" type="checkbox"/>												C	C				P	P	P		1/500 SF
Taxidermist																	P	P	P		1/500 SF
Veterinary Service (all size animals) <input checked="" type="checkbox"/>	P																	P	P		1/500 SF
Veterinary Service (small animals) <input checked="" type="checkbox"/>													P	P	P		P	P	P		1/500 SF
Wrecker/Towing																		P	P		1/500 SF + 1/4,000 SF area of outdoor storage

6.2 pg. 18

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

Permitted Uses	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	O	NR	GR	MU	CB	MX	GC	HC	LI	HI	Parking Requirements (also refer to Chapter 4, Article 2, Division 1)
	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	
Trade - Retail Uses																					
Aircraft and Accessories																					
ATM's, Self-Serve Kiosks, and Similar Facilities										P	P	P	P	P	P	P	P	P	P	P	
Fuel Sales <input checked="" type="checkbox"/>												C	P			C	P	P	P		
Liquor Store (Off Premises Consumption) (Defined under Liquor Store) <input checked="" type="checkbox"/>												P	P			C	P	P	P		1/500 SF
Liquor Store (On Premises Consumption) (Defined under Liquor Store) <input checked="" type="checkbox"/>													P					P	P		1/5 persons at max. occupancy
Restaurant, Fast Food <input checked="" type="checkbox"/>									P/C	P/C	P/C	C	P	P/C	P	C	P	P			1/125 SF, 10 minimum
Restaurant, Standard <input checked="" type="checkbox"/>									P/C	P/C	P/C	P	P	P/C	P	P	P	P			1/125 SF
Retail Sales/Rental (automobile/small truck)																		P	P		1/500 SF + 1/2,000 SF area of outdoor sales
Retail Sales/Rental (indoor)												P	P				P	P	P		1/500 SF

6.2 pg. 19

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

Permitted Uses	Permitted											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
Retail Sales/Rental (outdoors, non-vehicle)																					1/500 SF + 1/2,000 SF area of outdoor sales
Retail Sales/Rental (trucks and other large vehicles and equipment)																					1/500 SF + 1/2,000 SF area of outdoor sales
Scrap and Waste Material <input checked="" type="checkbox"/>																					C
Trade - Wholesale Uses																					
Liquor, Wholesale/Distribution <input checked="" type="checkbox"/>																					1/500 SF office+1/2,000 SF area of warehouse
Livestock - Wholesale or Action																					1/500 SF office & indoor storage+1/4 seating capacity of auction
Wholesaling and Storage (indoor) <input checked="" type="checkbox"/>																					1/500 SF office+1/2,000 SF area of warehouse
Wholesaling and Storage (outdoors)																					1/500 SF office+1/5,000 SF area of outdoor storage

C.2 pg. 20

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

Permitted Uses	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	O	NR	GR	MU	CB	MX	GC	HC	LI	HI	Parking Requirements (also refer to Chapter 4, Article 2, Division 1)
	Agricultural Open Space																				
Transportation, Communication, & Utilities																					
Airport, Heliport and Flying Field Terminals - Commercial (passenger and Antenna Tower - Commercial)	<input checked="" type="checkbox"/>																				
Automobile Parking (Lot or Structure - Commercial)																					
Broadcast Studio																					1/500 SF
Passenger Ground Transportation Terminal																					
Pressure Control Station																					
Public Utility Facility	<input checked="" type="checkbox"/>																				
Railroad Switching and Marshalling Yard																					
Utility Generation, Production, Treatment																					

Resource Production & Extraction

6.2 pg. 21

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

Permitted Uses	Agricultural Open Space													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
Farming, Ranching & Livestock, Hatchery	<input checked="" type="checkbox"/>																				
Feedlot, Commercial																					
Mining	<input checked="" type="checkbox"/>																				
Petroleum or Gas Well	<input checked="" type="checkbox"/>								C												
Liquor	<input checked="" type="checkbox"/>																				
Manufacturing (light)																					
Manufacturing (heavy)																					

The City Council finds that the existence of commercial feedlots within City limits is a public nuisance. Therefore, commercial feedlots will be excluded from the City limits.

Division 3 – Requirements Applicable to Specific Land Uses

Section 2.4.3.1 Industrialized Housing

- (a) **Requirements for Industrialized Housing.** Industrialized homes in any residential zoning district shall meet all of the requirements of the district in which the industrialized home is located, and shall:
- (1) Have a value equal to or greater than the median taxable value for each single-family dwelling located within five hundred feet (500') of the lot on which the industrialized housing is proposed to be located as determined by the most recent certified tax appraisal roll for Taylor County or Jones County, as appropriate;
 - (2) Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with any single-family dwelling located within five hundred feet (500') of the lot on which the industrialized housing is proposed to be located;
 - (3) Comply with aesthetic standards, building setbacks, side and rear yard offsets, subdivision standards, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings in the zoning district in which the industrialized home is located; and
 - (4) Be securely affixed to a permanent foundation.
- (b) **The Meaning of "Value".** For the purposes of subsection (a) above, "value" means the taxable value of the industrialized home and the lot after the installation of the industrialized home.

Section 2.4.3.2 Non-Residential Uses in Residential Zoning Districts

- (a) **Nonresidential Use Regulations Within Residential Zoning Districts.** Standards for nonresidential uses located within residential districts are set forth to minimize conflicts between land uses within residential areas. Any nonresidential use located within a residential zoning district and/or permitted by the Land Use Matrix to locate within a residential zoning district shall comply with the regulations prescribed for the Neighborhood Retail (NR) District, unless otherwise specified within this LDC.

Section 2.4.3.3 All Other Uses With Specific Requirements

- (a) **Specific Requirements.** The City has established standards for certain land uses that shall apply to such uses regardless of the zoning district in which they are developed, unless otherwise stated within the standards.
- (1) **ACCESSORY STRUCTURE:** See Division 4 of this Article 5.
 - (2) **ADULT ENTERTAINMENT ENTERPRISE:** See Section 2.4.3.4.

6.2 pg. 23

1. Valid Food and Beverage Certificate. The restaurant shall hold a valid Food and Beverage Certificate from the Texas Alcoholic Beverage Commission and said certificate is prominently displayed. If a requirement for obtaining said certificate shall differ from any other condition of this paragraph (e), then the more restrictive requirement or condition shall apply;
 2. Alcohol Sales Percentage. Alcohol sales constitute no more than fifty percent (50%) of the gross receipts of the premises;
 3. Kitchen and Entrees. The restaurant shall include a full-service kitchen offering a minimum of eight entrees;
 4. Entrees and Alcohol for Sale. The restaurant shall offer the entrees for sale at all times that alcohol is offered for sale;
 5. Signage. The restaurant shall not display in a manner visible from outside the structure any signage depicting the name of any alcohol beverage manufacturer or brand name, nor any reference to a type of alcoholic beverage, including but not limited to beer, wine, spirits, alcohol, liquor and whiskey. Provided, that any such name or reference that is integral to a food specialty prepared at the restaurant may be depicted;
 6. Performance Standards. The restaurant shall meet the performance standards enumerated in Chapter 4, Article 2, Division 9; and
 7. Other Provisions. The restaurant meets all other provisions of this LDC.
- f. A liquor store shall be allowed within the AO zoning district accessory to the following uses only:
1. Amusement Facility (Temporary);
 2. Drag Strip or Commercial Racing;
 3. Fairgrounds;
 4. Motorcycle Track;
 5. Rodeo Grounds; and
 6. Stadium;
 7. Golf Course; and
 8. Zoo, limited to events permitted under City of Abilene Code of Ordinances, Chapter 22, Section 22-2(a).

TABLE 2-12: LIQUOR STORES: SEPARATION REQUIREMENTS

District	Must be located at least 300 feet from any lot:		
	In a Residential district	In a College-University District	Used primarily for a Church, School, or Hospital
Liquor Store On-Premise Consumption (See Section 2.5.3.14)	Yes	Yes	Yes

L. 2 pg. 24

3. Designation of the area in which work may be done,
 4. Designation of the slope to which excavation may be made and/or controlling the dust,
 5. Limited hours during which operations may proceed,
 6. Precautions which must be taken to guide traffic movements safely in, around, and by said operations,
 7. Enclosure by fences of the property to be used, and any other conditions deemed necessary by the City Council.
 8. Any conditions recommended by the City Engineer, necessitated by or based upon standard engineering practices.
- d. Inspections. The City Engineer shall make such inspections as are required by the City Council to ensure that all work is performed in accordance with the special exception. The actual cost to the City of all inspection services shall be paid by the applicant.
- e. A CUP shall not be granted on land owned by the City of Abilene and used for park purposes at Lake Fort Phantom Hill.
- f. Exemptions. The following activities are exempted from the provisions of these mining requirements:
1. Exploration and production of oil and gas.
 2. Excavations for the foundation or basement of any building or for a swimming pool for which a building permit has been issued, or deposits on the earth of any building or construction materials to be used in a structure for which a building permit has been issued.
 3. Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than ten feet (10') in vertical height, or when less than one thousand (1,000) cubic yards of earth is removed from the premises.
 4. Grading in a subdivision which has been approved by the City in accordance with this LDC and any amendments thereto.

(35) MANUFACTURED HOME (office for sales and service):

- a. Number. Not more than one (1) manufactured home may be used as accessory office for mobile home sales on any lot in any GC (General Commercial), HC (Heavy Commercial), and LI (Light Industrial) district.
- b. Conditions. Such use shall also be subject to the following conditions:
 1. The manufactured home shall be located not less than ten feet (10') from any property line.
 2. The manufactured home shall not be used for living or storage purposes.

- (36) MANUFACTURED HOME (security residence):** A permanent residence to ensure greater security from theft for equipment and materials stored out-of-doors, the City Council may authorize the placement of a mobile home in certain districts by Conditional Use Permit where not otherwise permitted, as long as conditions specified herein are met. The applicant must show a clear

6.2 pg. 25

- adjacent property owner(s), nor over an easement without proper written release from the utility provider or entity who owns or controls such easement.
- d. A wind energy system may exist only as an accessory use, and it may not be constructed/installed until a primary structure exists on the property. A wind energy system may only supply power to structures on the lot/parcel where the system is located (i.e., not to an off-site structure). However, this provision is not intended to prevent "net metering" whereby a property owner feeds energy back into the grid.
 - e. For property sizes less than or equal to five (5.0) acres in area, the tower height shall be a maximum of sixty-five (65.0) feet. For property sizes greater than five (5.0) acres in area, the tower height shall not exceed one hundred (100.0) feet unless otherwise approved in the CUP ordinance. Blade clearance shall be a minimum of twenty (20.0) feet above the ground.
 - f. Wind energy conversion systems must comply with applicable Federal Aviation Administration (FAA) regulations, including any necessary approvals for installations close to airports, the City's Airport Zoning regulations in Section 2.4.5.1, and must also comply with applicable ASHTO engineering standards.
 - g. The tower for a wind energy system shall be set back a minimum distance of two (2.0) times the tower's height from all property lines, public rights-of-way and occupied buildings, and shall be set back a minimum distance of one and one-half (1.5) times the tower's height from the applicant's own building(s) on the property unless constructing the WEC according to Subsection 3.P below.
 - h. The tower for a wind energy system shall be set back a minimum distance of one and one-half (1.5) times the tower's height from any overhead utility lines, unless written permission is granted otherwise by the affected utility.
 - i. No tower shall be erected closer than two hundred (200.0) feet or a distance of five (5.0) times the diameter of the larger rotor, whichever is the greater distance, to another wind energy tower.
 - j. All wind energy systems shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.
 - k. Safety and Security Measures:
 - (1) A clearly visible warning sign that states "Caution, High Voltage" must be placed at the base of all pad-mounted transformers and substations.
 - (2) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - (3) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 12 feet from the ground.
 - (4) All access doors to wind energy systems and their appurtenances (e.g., cabinets, junction boxes, etc.) shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

4.2 pg. 26

(j) Sight Visibility.

(1) Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping thirty inches (30") or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:

- a. At street intersections within nonresidential and mixed use zoning districts, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot, measured from the corner of the property line in both directions.
- b. At street intersections within residential zoning districts, clear vision must be maintained for a minimum of fifteen feet (15') across any lot, measured from the corner of the property line in both directions.
- c. At an intersection with an alley, clear vision must be maintained for a minimum of five feet (5').
- d. Shrubs and hedges that are typically less than thirty inches (30") in height at maturity, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.
- e. A limited number of single-trunk trees having a clear trunk (branching) height of at least five feet (5') may be located within sight visibility areas provided that they are spaced and positioned such that they will not produce a visibility-inhibiting effect when they attain mature size.

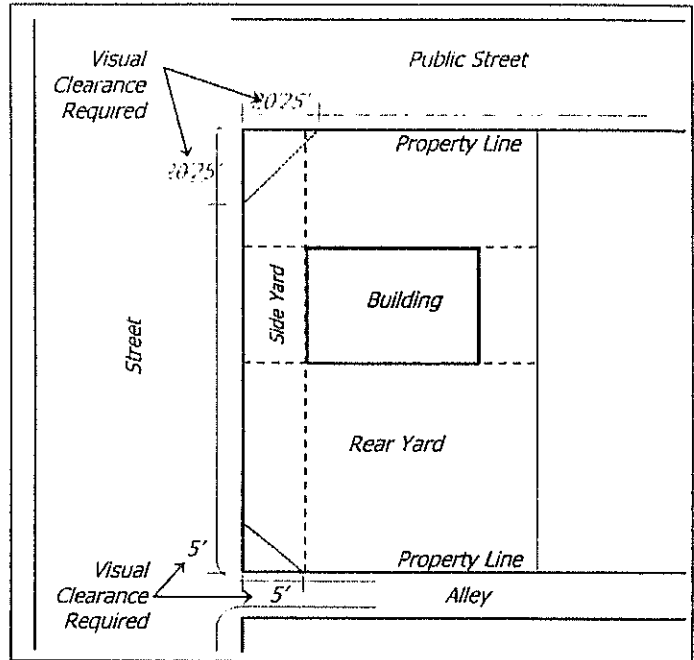


Figure 2-8: Sight Visibility in Nonresidential and Mixed Use Zoning Districts

Section 2.5.1.2 Height Regulations

(a) Calculation of Height.

(1) For the purposes of calculating the overall height of a structure, slope shall be calculated from the highest point of the building at natural grade to the lowest point of the building at natural grade, or the natural grade of an adjoining road, along a line that is, as close as possible, perpendicular to existing contours.

4.2 pg. 27

- b. Permits for the construction of agricultural accessory structures and related development activities. or
 - c. Demolition permits, or permits for removal of a structure from a parcel or tract.
- (3) All utility providers shall withhold new or expanded service of any type, including but not limited to utility connection and street maintenance, until a plat has been approved and filed for record unless meeting qualifications for an exception (see Section 3.1.1.3).
- (4) ETJ Subdivision Provisions. The owner of a tract of land must have a plat of the subdivision approved if the owner divides the tract into two or more parts to lay out a subdivision of the tract including an addition, lots, or streets, alleys, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, or other parts.
- a. All tracts under single ownership and described as a single tract greater than ten (10) acres in size shall be exempt from the provisions of this chapter unless the subdivision includes any streets, alleys, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, or other parts.
 - b. All lands subdivided or re-subdivided not otherwise exempted by part (a) above shall be platted in accordance with the provisions of this chapter except as modified below:
 - 1. Lots less than or equal to one (1) acre:
 - a) All tracts shall have a minimum frontage of sixty (60') feet, or thirty (30') feet if irregularly shaped, on a public road meeting the design and construction standards of the City of Abilene.
 - b) The residential lot exception regarding double frontage lots shall apply regardless of intended use of the land.
 - 2. Lots greater than one (1) acre:
 - a) All tracts shall have a minimum frontage of 100 feet, or 45 feet if irregularly shaped, on a public road or approved private road meeting the design and construction standards of the City of Abilene.
 - b) The residential lot exception regarding double frontage lots shall apply regardless of intended use of the land to lots less than or equal to three (3) acres.
 - c) Connection to a sanitary sewer system may be waived if the following conditions are met:
 - i. Compliance with Section 3.2.5.5 of this ordinance;
 - ii. Dedication of sewer easements if needed to provide future service.

6.2 pg. 28

Section 3.1.1.3 Exemptions

- (a) **Exemptions.** The following land divisions are exempt from the requirements of this article that apply to plats:
- (1) Use of existing cemeteries complying with all State and local laws and regulations;
 - (2) A division of land created by order of a court of competent jurisdiction;
 - (3) A division of land for which a Development Plat exemption is claimed (refer to Article 1, Division 5 of this chapter);
 - (4) Creation of a remainder tract, which must be a tract of land that is of sufficient size to be developed in the future, when shown on a preliminary plat (also refer to Section 3.1.21.6Z);
 - (5) **Farmland Exception.** Permits may be issued by the Building Official for construction or improvements on property other than lots in a duly recorded subdivision, if said property qualifies for farmland exception as set forth herein. The City and all utility providers may furnish limited services to property other than a lot in a duly recorded subdivision if said property qualifies for farmland exception as set forth herein. Property qualifying for farmland exception shall meet all the following minimum specifications:
 - a. Have twenty (20) acres or more in common ownership;
 - b. Be used for no primary purpose other than farming or ranching;
 - c. Have no more than one (1) single-family residence thereon; and,
 - ~~(6) Any development activity associated with a plat that conforms to the subdivision requirements set forth in this chapter.~~

Section 3.1.1.4 Time for Decision on Plats

- (a) **Time Period for Action.** All plat applications shall be acted upon within thirty (30) days from the official filing date unless a waiver is submitted in accordance with Subsection (b) below.
- (b) **Waiver of Right to 30-day Action.**
- (1) Responsible Official. The Planning Director shall be the responsible official and the initial decision-maker for a Waiver of Right to 30-Day Action.
 - (2) Request. An applicant may request in writing a Waiver of Right to 30-day Action in relation to the decision time for plats of thirty (30) days mandated by State law.
 - (3) Received. Waiver requests must be received by the Planning Director prior to the Planning and Zoning Commission meeting at which action would have to be taken (based on the 30-day requirement in State law) on the plat application. Waiver requests that are not received by that day shall not be

6.2 pg. 29

- (a) The following criteria shall be used to determine whether the application for a Preliminary Plat shall be approved, approved with conditions, or denied:
- (1) The plat is consistent with all zoning requirements for the property, and any approved development agreement if applicable;
 - (2) The proposed provision and configuration of roads, water, wastewater, and drainage conform to the City's adopted master plans for those facilities, including without limitation water facilities, wastewater facilities, transportation, drainage, and any other municipal plans;
 - (3) The proposed provision and configuration of roads, water, wastewater, drainage, easements, and rights-of-way are adequate to serve the subdivision and meet applicable standards of this Chapter of the LDC;
 - (4) The plat meets ~~any~~all applicable county standards, when the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county;
 - (5) The plat has been duly reviewed by applicable City staff, including the Planning Director and the Development Review Committee;
 - (6) The plat conforms to design requirements and construction standards as set forth in the ~~City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards~~; and
 - (7) The plat is consistent with the adopted Comprehensive Plan, except where application of the Plan conflicts with State law (e.g., land use).

Section 3.1.3.5 Effect of Approval of a Preliminary Plat

- (a) **Right to Proceed.** The approval of a Preliminary Plat application shall allow the applicant to proceed with the development and platting process by submitting Construction Plans and a Final Plat.
- (b) **Installation of Subdivision Improvements.**
- (1) Approval of the Preliminary Plat by the Planning and Zoning Commission shall be deemed an approval of the layout illustrated on the Preliminary Plat as a guide to the installation of streets, water, sewer, and other improvements that are planned or required within the proposed subdivision.
 - (2) Approval of the Preliminary Plat shall not constitute approval of the proposed subdivision, nor shall approval of the Preliminary Plat be construed to mean acceptance by the public of the dedication of any roads, utilities, drainage ways, or other such land and improvements.
 - (3) Construction of all subdivision improvements shall be based upon approved Construction Plans, and shall occur either:
 - a. Prior to Final Plat approval and recordation, or

G.2 pg. 30

subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision meets all other standards of this Land Development Code to enable initiation of site preparation activities for any lot or tract subject to the Final Plat.

- (b) **Applicability.** Construction of public improvements may occur prior to Final Plat approval if requirements in Division 8 of this Chapter are met.
- (c) **Effect.** Approval of a Final Plat shall authorizes the subdivider to install any improvements in public rights-of-way with approved Construction Plans and to seek approval of a Site Preparation Permit (refer to Chapter 4, Division 2, Section 4.1.2.2) for any lot in the subdivision. Approval also authorizes the Planning Director to record the Final Plat; however, recordation shall occur only upon completion of public improvements or posting of security as required in Section 3.1.8.4.

Section 3.1.4.2 Application and Procedures

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Final Plat, and the Development Review Committee shall be the initial reviewing body for a Final Plat.
- (b) **Pre-Application Conference.** Refer to Section 1.2.1.5 of Chapter 1.
- (c) **Prior Approved Preliminary Plat.** The Final Plat and all accompanying data shall conform to the Preliminary Plat as approved by the Planning and Zoning Commission, incorporating all modifications and conditions imposed or required by the Planning and Zoning Commission.
- (d) **Consent of Lienholders.** The applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas policy, or a title opinion letter from an attorney licensed to practice in Texas, identifying all persons having an interest in the property subject to the plat, including lien holders. The Final Plat shall be signed (on the face of the plat in plain view) by each lien holder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the plat. Such lien holder consent shall be subject to review and approval by the City Attorney.
- (e) **Application Contents.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (f) **Placement on the Agenda.** If the Planning Director or his designee determines that the application should be acted upon, the Planning Director shall place it on the agenda of the next meeting of the Planning and Zoning Commission.
- (g) **Development Review Committee (DRC).**

6.2 pg. 31

(2) Recording Upon Performance. The Planning Director shall cause the Final Plat to be recorded with the appropriate County Clerk upon the subdivider's or developer's performance of one of the following:

- a. Completion of the construction of required improvements prior to recordation; or
- b. Filing of security in lieu of completing construction in accordance with Division 8 of this Article.
- c. Regardless of which option, (1) or (2) above, is chosen, Construction Plans must be approved in accordance with Section 3.1.8.1 prior to approval of the Final Plat and prior to plat recordation.

(b) **Submittal of Record Plat Where Improvements Installed.** Where public improvements have been installed prior to recording of the plat, the property owner shall submit a maintenance bond in accordance with Division 8 of this Article from each contractor, one set of "as built" plans or record drawings, and a digital copy of all plans (in a format as determined by the City Engineer), together with a letter stating the contractors' compliance with Division 8 of this Article. The property owner also shall submit copies of the approved Final Plat, revised to reflect modifications as might be needed as shown on the "as built" plans or record drawings, in the format and number as may be required by the Director.

(c) **Submittal of Record Plat Where Improvements Have Not Been Installed.** Where public improvements have yet to be completed in connection with an approved Final Plat, the property owner shall submit ~~in the format and number as set forth in the Engineering Standards Technical Manual,~~ the approved Final Plat, revised to reflect any changes required by the Planning and Zoning Commission.

(d) **Update of Lienholder Consents.** In conjunction with the application for a record plat, the applicant shall furnish to the City an updated title policy commitment issued by a title insurance company authorized to do business in Texas, or a title opinion letter from an attorney licensed to practice in Texas, identifying all persons having an interest in the property subject to the plat, including lienholders. If there has been any change in the lienholders since the time of the lienholder consent agreement provided under Section 3.1.5.2, the applicant shall submit a new agreement executed by each lienholder consenting to the platting of the property and the dedications and covenants contained in the plat. The title commitment or title opinion letter and consent agreement shall be subject to review and approval by the City Attorney.

Division 5 - Minor Plats

Section 3.1.5.1 Purpose, Applicability and Effect

- (a) **Purpose.** The purpose of a Minor Plat is to simplify divisions of land under certain circumstances outlined in State law.

6.2 pg. 32

immediately adjoining the area covered by the replat application and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the Commission prior to the close of the public hearing. In computing the percentage of land area under this section, the area of streets and alleys shall be included.

Section 3.1.7.4 Amending Plats

- (a) **Purpose.** The purpose of an amending plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of State law.
- (b) **Applicability.** The procedures for amending plats shall apply only if the sole purpose of the amending plat is to achieve the following:
- (1) Correct an error in a course or distance shown on the preceding plat;
 - (2) Add a course or distance that was omitted on the preceding plat;
 - (3) Correct an error in a real property description shown on the preceding plat;
 - (4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - (6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) Correct an error in courses and distances of lot lines between two adjacent lots if:
 - a. Both lot owners join in the application for amending the plat;
 - b. Neither lot is abolished;
 - c. The amendment does not attempt to remove recorded covenants or restrictions; and
 - d. The amendment does not have a material
 - e. ~~Adverse~~ adverse effect on the property rights of the other owners in the plat;
 - (8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 - (9) Relocate one or more lot lines between one or more adjacent lots if:
 - a. The owners of all those lots join in the application for amending the plat;

6.2 pg. 33

- (3) **Irrevocable Letter of Credit.** A letter, on a form provided by the City, signed by the principal officer of a local bank, Federally-insured savings and loan association, or other financial institution acceptable to the City of Abilene, agreeing to pay the City of Abilene on demand a stipulated sum of money to apply to the estimated cost of all improvements required by this LDC. The guaranteed payment sum shall be the costs estimated by the applicant's professional engineer and approved by the City Engineer.
- (b) **Warranty & Maintenance.** In addition to providing security as described in (a) above, the subdivider or contractor shall also provide a warranty for the improvements for a period of ~~two~~one (21) years following acceptance by the City and shall provide a maintenance bond in the amount of one hundred percent (100%) of the costs of the improvements for such period;
- (c) **Amount and Acceptability.** The security shall be issued in the amount of one hundred percent (100%) of the cost estimate approved by the City Engineer for all public improvements associated with the subdivision. The security shall be subject to the approval of the City Attorney.
- (d) **Security for Construction in Extraterritorial Jurisdiction.** Where the land to be platted lies within the extraterritorial jurisdiction of the City, the security shall be in a form and contain such terms as are consistent with an interlocal agreement between the City and the county under Texas Local Government Code, Chapter 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county. In cases where the requirements governing the form and terms of the security are defined in such an agreement, they will supersede any conflicting provisions of Subsections (a), (b), and (c) above.
- (e) **Partial Release.**
- (1) Upon application of the subdivider, the City Engineer or his designee shall determine the percentage of total work required which has already been performed. That portion of the total, less any prior amounts released and a retainage not to exceed ten percent (10%) of the total, shall then be released.
 - (2) The Planning Director and other necessary City officials shall execute any documents necessary to cause release of any portion of the security in accordance with this provision, provided that all such documents shall be subject to approval by the City Attorney.
 - (3) No partial release shall be granted where any substantial part of work performed prior to the date of application fails to meet City standards and specifications for any reason other than incompleteness.
- (f) **Remedies.** In addition to all other remedies authorized in Article 2, Division 6 of Chapter 1, where security has been posted, but required public improvements have not been installed in accordance with the terms of the agreement, the City may:
- (1) Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;

6. 2 pg. 34

Section 3.2.1.2 Conformance to Plans

- (a) **Conformance.** Proposed capital improvements, as limited in 3.2.1.1, serving new development shall conform to and be properly related to the public facilities elements of the City's adopted Comprehensive Plan, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.
- (1) Adequate sites and convenient access for schools, parks, playgrounds, and other community services indicated in the City's Comprehensive Plan shall be related to the character and uses of the surrounding properties in accordance with the intent, policies and provisions of this Chapter 3.
 - (2) The Planning and Zoning Commission shall consider the Abilene Comprehensive Plan as well as appropriate school district plans, and may deny approval of subdivisions and resubdivisions not in conformity with these plans. The Planning and Zoning Commission may refer the subdivider to the Parks Board or the appropriate School Board of Trustees to seek appropriate recommendations.
- (b) **Thoroughfare Plan Amendments.** The Thoroughfare Plan is a guide for the roadway connections and types that will be needed as development occurs. All plats shall provide roadway connections consistent with the Thoroughfare Plan and in the same general area as shown on the Thoroughfare Plan. A Thoroughfare plan amendment shall be necessary in the following instances:
- (1) When a roadway connection is made in a location other than the general location shown on the Thoroughfare Plan.
 - (2) When a roadway connection is not made due to a City or City Council, through P&Z Commission, determination that such connection is not necessary.
 - (3) When a roadway cross section is a different type than what is shown on the Thoroughfare Plan.
- (c) **Water and Wastewater Plans.** No Final Plat shall be approved for any subdivision within the City or its extraterritorial jurisdiction until the applicant has made adequate provision for a water system and a sanitary wastewater system of sufficient capacity to adequately provide service to all tracts and lots within the area to be subdivided. The design and construction of the water system and of the sanitary wastewater system to serve the subdivision shall be in conformance with the City's master plans for water and wastewater facilities and with the City of Abilene Standard Specifications for Construction, Design, Details, and Construction Standards and shall be subject to approval by the City Engineer/Director of Water Utilities, or designee.

6.2 pg. 35

application, the City may require provision for dedication of rights-of-way or easements for, and construction of, capital improvements to serve the proposed development.

- (b) **Deferral of Obligation.** The obligation to dedicate rights-of-way for or to construct one or more capital improvements to serve a new development may be deferred until approval of a subordinate development permit, or, in the case of a development proposed to be developed in phases, until a subsequent phase of the development, on the sole discretion of the City, upon written request of the property owner, or at the City's own initiative. As a condition of deferring the obligation, the City may require that the developer enter into a capital improvements agreement pursuant to Division 8 of Article 1 of this Chapter, specifying the time for dedication of rights-of-way for or construction of capital improvements serving the development.

Section 3.2.2.4 Relief From Obligations

- (a) In order to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, as limited in 3.2.1.1, the City may participate in the costs of public facilities in accordance with this Article or relieve the property owner of some or part of the obligations in response to a petition for relief from a dedication or construction requirement pursuant to Chapter 1.

Section 3.2.2.5 Roadway Participation Policies - Improvement of Adjacent (Perimeter) Roads and Utilities

- (a) **Improvement of Fair Share of an Adjacent Substandard Road.** When an area within a proposed plat, whether residential or nonresidential, abuts on one or both sides of an existing substandard road or utility facility, or a planned or future road or utility facility as shown on the City's Thoroughfare Plan and/or adopted plans related to water and wastewater, the developer shall be required to improve its reasonable share of the road (including appurtenant sidewalks, paths, bikeways, barrier-free ramps, storm drainage facilities, screening and landscaping, median openings, left turn lanes, and water quality or erosion controls) and utility facilities, to bring the facilities to City standards, or to replace them with standard City road or utility facilities at no cost to the City.
- (b) **Calculation of Fair Share.**
 - (1) The developer's share of improvements to a substandard perimeter road is twenty and a half feet (20'-6") of pavement (not including curb), or the equivalent of one-half of a collector street, along the entire front-footage of the subdivision.

4.2 pg. 36

- (a) **Water Required for Public Safety.** All lots, tracts or parcels on which development is proposed shall be connected to a public water system which has capacity to provide water for domestic use and emergency purposes, including adequate fire protection.
- (b) **Responsibility.** The subdivider shall install and pay for all municipal water extensions and associated facilities, including fire hydrants, in accordance with all standards required by this Chapter of the LDC and Chapter 32 of the City code, except to the extent that Section 32-114 of Chapter 32 provides for refunding the cost of certain water mains larger than eight inches (8") in diameter. All such extensions and facilities shall be installed within a public right-of-way or easement designated for utility access. Upon certification that municipal water extensions and associated facilities have been completed in conformance with applicable standards and specifications, such extensions and facilities shall be dedicated to the City of Abilene.
- (c) **Extension and Related Expense.** Where the City of Abilene's water distribution system is not planned to be extended, all necessary water facilities shall be provided by and at the expense of the subdivider.

Section 3.2.4.2 The City System

- (a) **Installation of Water Facilities.** Where water is to be provided through the City system, the developer shall install adequate water facilities, including fire hydrants, in accordance with the current Rules and Regulations for Public Water Systems of the TCEQ, and the firefighting standards of the Texas Board of Insurance, and the standards and specifications of the City.
- (b) **Facilities for Health and Safety Emergencies; Alternative Water Sources.** All water facilities connected to the City's water system shall be capable of providing water for health and emergency purposes, including fire protection. Water supply facilities shall be in accordance with city requirements. The design and construction of water system improvements and alternative water sources shall also comply with the following standards:
- (1) Design and construction of a water source on the site shall be in accordance with applicable regulations of the TCEQ.
 - (2) Design and construction of water service from the City shall be in accordance with the standards in the City's ~~City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards~~.
 - (3) Design and construction of a fire protection and suppression system shall be in accordance with the standards in the ~~City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards~~, and in accordance with the City's Fire Department and Fire Code.

6.2 pg. 31

Section 3.2.4.5 Central Water Systems

- (a) **Design and Construction.** All water facilities within a subdivision shall be designed and constructed to City standards and to all state laws, policies, standards, rules and regulations for an approved public water system, including those covering the preparation, submittal and approval of plans and specifications for water systems and acceptable operating practices, and in conformance with all laws, policies, standards and rules and regulations for establishing the ISO rating of the City and current fire codes of the City. The entire water system may not meet these standards, but the part that serves the subdivision must meet these standards in order to be approved by the City.
- (b) **Other Water Systems.** For water systems other than the City system, the following apply:
- (1) If the water system that will serve a proposed development is not to be a part of the City water system, the developer must submit with the application for approval of the Preliminary Plat a current letter from the TCEQ certifying that the public water system that will serve the subdivision is in compliance with TCEQ rules and regulations. Plans and specifications for the subdivision's water system that will be built to serve the subdivision shall be submitted as part of the subdivision's Construction Plans.
 - (2) The developer must submit a letter from the TCEQ verifying that the public water system proposed to serve the development holds a current valid certificate of convenience and necessity (CCN) for the area proposed for development. The letter must be accompanied by a map showing the boundaries of the water system CCN in the vicinity of the development.
 - (3) If a water system cannot meet the standards of this Subsection, at the Planning and Zoning Commission's discretion, the subdivision may be approved, if arrangements have been made for an approved water system that will meet City standards to serve the subdivision upon annexation by the City. This shall be arranged by means of a mutually acceptable contract with the City, unless a contract with another entity ensures compliance with the technical requirements of this chapter, as determined by the City Attorney.

Division 5 - Wastewater

Section 3.2.5.1 Wastewater Extension Policy

- (a) **Wastewater Collection and Treatment Required for Public Safety.** All lots, tracts or parcels on which development is proposed shall be served by an approved means of wastewater collection and treatment. The ~~City Engineer~~Director of Water Utilities, or designee, shall be responsible for determining the approved means of wastewater collection and treatment. The City may require the phasing of

L. 2 pg. 38

development and/or improvements in order to maintain adequate wastewater capacity.

- (b) **Responsibility.** The subdivider shall install and pay for all municipal sewer extensions and required public facilities in accordance with all standards required by this Chapter of the LDC and Chapter 32, except to the extent that Section 32-114 of Chapter 32 provides for refunding the cost of certain sewer mains larger than eight inches (8") in diameter. All such lines and public facilities shall be installed within a public right-of-way or easement designated for utility access. Upon certification that municipal sewer extensions and required public facilities have been completed in accordance with applicable standards and specifications, such extensions and public facilities shall be dedicated to the City of Abilene.
- (c) **On-Site Sewage Disposal Systems.** Where the City of Abilene's sanitary sewer system is not required or planned to be extended, in accordance with applicable standards of this chapter, plans shall be prepared for installation of on-site sewage disposal systems designed to serve each lot in the subdivision. Where non-municipal sewers are planned to collect wastes for transport to private, self-contained sewage treatment facilities within the subdivision, both the sewage collection system as well as necessary treatment facilities shall be installed by and at the expense of the subdivider, including adequate provisions for long-term maintenance.

Section 3.2.5.2 The City System

- (a) **Extension.** Extension of the City of Abilene's sanitary sewer system shall be required for any subdivision within City limits. Extension of municipal sewers shall also be required, outside City limits, for any subdivision comprising a lot or lots less than one-half (1/2) acre in size if served by a public water supply or a lot or lots less than one (1) acre on other properties. In no way is the City of Abilene obligated, however, to permit extension of municipal sewers outside City limits. The required extension of municipal sewers may be waived wherever the City Council, acting on the advice of the Planning Director and the City Engineer/Director of Water Utilities, or designee, determines that such extension would require unreasonable expenditures and that on-site sewage disposal facilities will function properly.

Section 3.2.5.3 Centralized Wastewater System; Connection to Existing System

- (a) **Design Requirements.** Where wastewater is to be provided through a centralized system, the developer shall install adequate facilities, subject to the ~~City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards~~ and state design criteria for wastewater systems.
- (b) **Existing System.** Where insufficient capacity exists downstream of a proposed connection, the replacement and upsizing of the existing main is required of the

Le. 2 pg. 39

developer. The installation of a parallel main is prohibited, unless approved by the Public-Works-Director of Water Utilities, or designee.

Section 3.2.5.4 Location; Performance Guarantees

- (a) **Construction Plans.** The location of all wastewater improvements and the boundary lines of special districts, private systems and certified areas, indicating all improvements proposed to be served, shall be shown on the Construction Plans. It is the policy of the City to require all systems to have gravity flow. The use of lift stations is prohibited unless a gravity design is impractical, as determined by the City Engineer/Director of Water Utilities, or designee.
- (b) **Cost.** The cost of installing all wastewater improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees furnished by the developer.
- (c) **Future Extension of Lines.** Pipe stub-outs shall be located in manholes to facilitate the future extension of wastewater lines. The City-Engineer/Director of Water Utilities, or designee, will determine the location and size of the stub-outs.

Section 3.2.5.5 On-Site Sewage Facilities

- (a) **On-Site Sewage Disposal - Where Acceptable.** An on-site sewage disposal system may be acceptable in any one of the following circumstances:
 - (1) Any subdivision within the extraterritorial jurisdiction, as long as no one lot is less than one-half (1/2) acre in size and is served by a public water supply or as long as no lot is less than one (1) acre in size on other properties.
 - (2) Any subdivided lot within the extraterritorial jurisdiction which is greater than or equal to one-half (1/2) acre in size and is served by a public water supply or is greater than one (1) acre in size on other properties.
 - (3) Any subdivision or subdivided lot not meeting criteria specified in (a)(1) and/or (a)(2) above, but for which a waiver from sewer requirements has been duly approved by City Council.
- (b) **On-Site Sewage Disposal-General Standards.** Plans for on-site sewage disposal, as well as actual installation of such facilities, shall be subject to approval by appropriate public health authorities in order to meet requirements of this LDC. Sewage disposal facilities requiring soil absorption systems may be prohibited where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. To this end, the Planning and Zoning Commission shall require that the subdivider note on the face of the plat that soil absorption fields are prohibited in designated areas.

L.2 pg. 40

- (6) There shall be sufficient right-of-way such that sidewalks and related pedestrian activity is not impeded by the location of utilities, including solid waste pick-up, fire hydrants, and utility poles.
- (7) In those instances where unusual circumstances arise, not specifically covered by foregoing provisions and/or referenced location criteria, the general intent of this Section shall be used to guide the placement of utility facilities.
- (8) Polyvinyl conduit, to accommodate telephone and television service lines extending from closures on one (1) side of the street, shall be provided by and at the expense of the subdivider. All such conduit shall be installed at all locations and in conformance with all standards required by this chapter.

Section 3.2.6.3 Utility Easements on Platted Lots

- (a) **Side of Platted Lots.** If one or more utilities must be located at the side of platted lots, an easement shall be designated as prescribed below:
 - (1) If the easement is for one utility only, then the easement shall be a minimum of six feet (5'6") in width and shall be located entirely within the boundaries of one lot.
 - (2) If the easement is for two or more utilities, then the easement shall be a minimum of fifteen feet (±0'15") in width and shall be split equally between two adjoining lots in the subdivision where the subdivider owns both adjoining lots.
 - (3) Easements shall be considered a part of the lot area, for purposes of minimum lot size requirements.
 - (4) Easements shall not be placed at locations which will interfere with placement of buildings on lots.
 - (5) The property owner whose property is subject to such easement shall be responsible for its maintenance and shall keep it free and clear of any permanent building or structure. No building permits shall be issued to place any building or other improvement on, over, or within such easement, in whole or part.
 - (6) The owner of the property upon which the utility easement is located may fence across the easement if such fencing is so desired, providing that by placing such fencing across the easement or by allowing such fence to remain across the easement, the owner shall be conclusively presumed to have consented to permit reasonable access to the utility easement and any utilities therein by any affected utility company over other unfenced portions of the landowner's property.

6.2 pg. 41

- b. Arterial Streets Bordering Subdivision Boundaries. If the right-of-way of any arterial street forms part of the subdivision boundary, the subdivider shall either improve the street in conformance with this Chapter or contribute to the City an amount of money equal to that necessary to improve the street in conformance with this Chapter. All money received from subdividers for improving boundary streets shall be deposited in an appropriate fund(s) of the City. When the City Council resolves to improve a bounding arterial street to standards appropriate to its use, then the Assessment Fund or similar funds shall be utilized in payment of necessary construction costs.
- c. Improving State- or Federally-Owned Right-of-Way. If the right-of-way for any thoroughfare owned by the State or Federal government lies within or adjacent to the subdivision, the subdivider shall not be required to pave any portion of it. The subdivider shall, however, install sidewalks per the Division 13 of this Chapter and contribute to the City an amount of money equal to that necessary to furnish curb and gutter improvements to any State- or Federally-controlled arterial lying within or adjacent to the subdivision, if adequate curb and gutter improvements do not already exist but are determined to be necessary within the foreseeable future. Funds shall be deposited and disposed of in a fashion similar to that described in the preceding paragraph (1)b of this subsection, concerning improvements to arterial streets bordering subdivision boundaries.
- (2) Existing Boundary Streets For Small Subdivisions. If the right-of-way of an existing street forms part of the boundary for a subdivision meeting all of the following conditions, the subdivider shall have the option to make the contribution to the City for the cost of required street improvements, as determined by the City Manager, through an extended payout arrangement. Such conditions are as follows:
- The subdivision includes no more than two (2) lots under a single ownership;
 - The total street frontage of the subdivision is no more than two hundred feet (200');
 - Each lot is used for farming/ranching purposes and/or has one (1) residence but no more than one (1) residence with accessory structures;
 - The street(s) for which improvements are necessary are not listed in the Capital Improvements Program in effect at the time of the subdivision.
- (3) Alleys. Each alley shall be provided by and at the expense of the subdivider. Alleys shall be installed at all locations and improved in accordance with all standards required by this chapter. The subdivider shall pay the full cost of all such improvements.

L.2 pg. 42

- (3) **Refund:** If any street or highway for which escrow is deposited is constructed by a party other than the City, or is reconstructed by another governmental authority at no cost to the City, the escrowed funds and accrued interest shall be refunded to the property owner or applicant who originally paid the escrow amount after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City and the other portion of the cost by another party or governmental authority, the difference between the property owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.
- (4) **Interest Limitation:** If money is refunded within one (1) month of deposit, only the principal will be refunded. Monies returned after this date will be refunded with all of its accrued interest.

Section 3.2.7.4 Street, Alley Abandonment and Closure Policy

- (a) **General.** ~~The abandonment or closure of a thoroughfare or, alley, right-of-way or public street shall be achieved by the same manner in which the thoroughfare or alley was originally obtained. If such was originally dedicated to the City by a plat approval, then a replat shall be required for abandonment. If such was dedicated by a separate instrument, then a replat may not be required by replat or plat abandonment unless such was obtained by the City without platting.~~
- (b) **Quit Claim Deed.** A Quit Claim deed that eliminates any and all future claim for City responsibility for the abandoned thoroughfare or alley may be required by the City Council as part of the approval of the document (i.e., plat or separate instrument) that achieves abandonment.
- (c) **Approval Process.** Any street or alley closure or abandonment shall follow the same process as required for a zoning change. City Council shall be the final decision maker.

Section 3.2.7.5 General Requirements

- (a) **Approach Roads and Access.** All subdivisions with one hundred (100) or more lots must have at least two (2) points of vehicular access (primarily for emergency vehicles), and must be connected with improved roadways to the City's improved thoroughfare and street system by one or more approach roads of the dimensions and standards hereinafter set forth.
 - (1) Requirements for dedication of right-of-way and improvement of approach roads may be increased depending upon the size or density of the proposed development.
 - (2) Points of vehicular access into subdivisions shall meet the requirements of the City's adopted Fire Code.

L. 2 pg. 43

- (3) The subdivision shall be designed to provide adequate emergency access for public safety vehicles. Each residential lot in the subdivision shall have a minimum frontage on a dedicated public street as required by applicable zoning, or twenty-five feet (25'), whichever is greater, unless other provisions have been authorized through planned development approval. Each non-residential lot shall have a minimum frontage on a dedicated public street as required by applicable zoning or fifty feet (50'), whichever is greater, unless other provisions have been authorized through planned development approval.
- (b) **Off-Site Improvements.** Where the City believes public safety is at risk, the property owner shall make improvements to off-site collector and arterial streets and intersections necessary to mitigate traffic impacts generated by the development or in conjunction with related developments. The City may participate in the costs of oversize improvements with the property owner as set out herein, and subject to the City's cost participation policies on oversized improvements.
- (c) **Street Dedications.**
- (1) Dedication of Right-of-Way: The property owner shall provide all rights-of-way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the Thoroughfare Plan and as required by the *City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards* or by other valid development plans approved by the City.
 - (2) Construction Easements: Construction easements, in addition to rights-of-way, shall be required when adequate width for streets and/or utilities is not available.
- (d) **Street Construction.** All streets and thoroughfares shall be constructed and paved to City standards and within rights-of-way as required by the Thoroughfare Plan and this article, and in accordance with the *City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards* and other City standards, as may be from time to time amended or adopted.
- (e) **Intersection Improvements and Traffic Control Devices.** Intersection improvements and traffic control devices shall be installed as may be required by the City for traffic safety and efficiency. Construction and design standards shall be in accordance with City standards and the *City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards*.
- (f) **Private Streets.** In relation to private streets, the City will not assist in enforcing deed restrictions. The City may periodically inspect private streets, and may require any repairs necessary to ensure efficient emergency access and to protect the public health, safety, convenience and welfare.
- (1) Private Streets: Construction and Maintenance: The City shall not pay for any portion of the cost of constructing or maintaining a private street. In the case of construction of new private streets, the City Engineer shall certify said streets conform to all applicable standards and specifications referred to or

6.2 pg. 44

or other aesthetic amenities located within the street or other common area prior to City acceptance.

- (6) Private Streets: Hold Harmless: The property owners association, as owner of the private streets and appurtenances, shall release, indemnify, defend and hold harmless the City, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury (including death) arising from the condition of the private streets, out of any use of access gates or cross arms, or out of any use of the subdivision by the City or governmental or utility entity.
- (7) Private Streets: City's Discretion: The City, at its discretion, retains the right to require a public street to ensure adequate public street connectivity and appropriate access for vehicles and pedestrians.

Section 3.2.7.6 Street Standards

- (a) ~~*City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards*~~ **Standards Met.** In addition to the requirements of the ~~*City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards*~~, the requirements of the street standards in this Section shall be met. If any conflict exists, the City Engineer shall determine which standards shall be met.
- (b) **Arrangement of Streets and Conformance to the Thoroughfare Plan.** Except as provided in subsection (b)(1) below, the City's adopted Thoroughfare Plan shall be used as a guide for the type of roadway, the location of the roadway, and that areas that the roadway is intended to connect as part of the platting process.
- (1) Streets Not Shown on the Thoroughfare Plan. For streets that are not shown on the City's Thoroughfare Plan, such as local residential streets, the arrangement of such streets within a subdivision shall:
- Conform to any plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
 - Provide for future access, such as by stubbing streets for future extension; and
 - Not conflict in any way with existing or proposed driveway openings (including those on the other side of an existing or planned median-divided arterial, in which case new streets shall align with such driveway openings such that median openings can be shared).
- (c) **Projections and Related Requirements.** Where adjoining unsubdivided areas exist, the subdivision street arrangement shall make provision for projection of streets into such areas. Dead-end streets shall otherwise be prohibited, except

6.2 pg. 45

where projections into unsubdivided land are necessary or where turnarounds are provided in accordance with Section 3.2.7.9 of this chapter. Private streets shall not be allowed to project beyond the subdivision boundary, and therefore shall not be allowed to dead-end at the subdivision boundary.

- (d) **Transitions of Right-of-Way Width.** Wherever the right-of-way width of a residential local or collector street must transition to a greater or lesser width, the transition shall not occur within an intersection but within the street right-of-way so that the right-of-way shall be the same on both sides of the street intersection.
- (e) **Subdivisions Abutting or Containing Arterial Streets.** Where a subdivision abuts or contains an existing or proposed arterial street, the Planning and Zoning Commission may require marginal access streets, shared driveway access on nonresidential lots, reverse or double-frontage lots (lots which back onto the arterial), deep lots with rear service alleys, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (f) **Configuration Shall Reduce Minimal Offsets.** Intersecting streets onto an existing or future divided roadway must be configured such that the centerline offset will accommodate the appropriate median opening and left-turn lanes (with required transition and stacking distances) on each divided roadway, and shall be aligned with any existing or proposed streets or driveways on the opposite side of the divided roadway (in order to share the median opening).
- (g) **Right-of-Way Widths.** Street right-of-way widths shall be as shown on the Thoroughfare Plan and as defined by the corresponding roadway cross-sections on the Thoroughfare Plan, in the *City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards*, and in accordance with Section 3.2.7.9 (for cul-de-sacs) and Section 3.2.7.11 (for streets).
- (h) **Names of Extensions of Existing Streets.** New streets which extend existing streets shall bear the names of the existing streets, and shall be dedicated at equal or greater right-of-way widths than the existing streets for an appropriate transition length, if applicable.
- (i) **Construction of Streets.** All streets shall be constructed in accordance with paving widths and specifications as set forth in the *City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards* at the time at which the Preliminary Plat application is officially submitted and deemed a complete application.
- (j) **Street Grades and Horizontal Curves.** Minimum and maximum street grades and horizontal curves will conform to standards set forth in the *City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards*.
- (k) **Access Management.** Access management standards and requirements related to TxDOT roadways and City roadways shall be in accordance with Division 9.
- (l) **Screening Along Roadways.** Screening requirements for roadways shall be in accordance with the zoning districts outlined in Chapter 2 of this LDC; or with

6.2 pg. 46

Chapter 4, Article 2, Division 2; or with Chapter 4, Article 2, Division 4, whichever is most applicable.

- (m) **Pedestrian Connectivity.** Pedestrian connectivity and access shall be provided between subdivisions, schools, cul-de-sacs (i.e., bulb-to-bulb access) and park areas. In cases where a subdivision is constructed in a location that is adjacent to another subdivision, pedestrian access shall be provided such that adjacent development can connect to such access at a later date, when development occurs. Gated subdivisions may be exempt from this requirement upon approval by the Planning Director. Also refer to Article 2, Division 13 of this Chapter (Sidewalks).
- (n) **Conformance with the Comprehensive Plan.** Streets and the layout of streets shall be consistent with the adopted Comprehensive Plan, and specifically the Thoroughfare Plan, to the furthest extent possible.
- (o) **Reserve Strips.** Reserve strips controlling access to streets shall be prohibited except where their control is required by the City and approved by the Planning and Zoning Commission.

Section 3.2.7.7 Intersections, Half-Streets

- (a) **Intersections.** Street intersections shall be situated at an angle of ninety degrees (90°), plus or minus fifteen degrees (15°).
- (b) **Half Streets.** Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of this Code and the Thoroughfare Plan, and where the Planning and Zoning Commission makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question. The Planning and Zoning Commission may also find that it would be more practical, or cost effective, to delay construction of the other half of a street until when the adjoining property is developed.

Section 3.2.7.8 Street Length

- (a) **Length of a Block or Street Segment.** The maximum length of any block or street segment (including a looped street) shall be sixteen hundred feet (1,600') along arterial streets and in non-residential zoning districts and shall be twelve hundred feet (1,200') feet along other streets. Where no existing subdivision or topographical constraints control, the minimum length of any block or street segment shall be three hundred feet (300'), as measured along the street centerline and between the point(s) of intersection with other through streets (i.e., not dead-end streets or cul-de-sacs).

- (1) In cases where physical barriers or limitations imposed by existing adjacent development or subdivisions creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased (through

6.2 pg. 47

issuance of a plat waiver with plat approval) to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

(2) Where block lengths exceed the maximum, mid-block pedestrian crossings and/or cul-de-sac connections may be required to facilitate pedestrian connectivity.

(b) **Maximum Length of a Cul-De-Sac Street.** No cul-de-sac in any multiple-family, industrial, or commercial district shall exceed six hundred feet (600') in length. No cul-de-sac in any other zoning district shall exceed one thousand feet (1,000') in length, nor shall any such cul-de-sac be designed to serve more than twenty-five (25) dwelling units. For purposes of this paragraph, cul-de-sac length shall be measured as the distance from the center of the cul-de-sac turnaround along the centerline of the right-of-way to the nearest right-of-way line of an intersecting through street with more than one outlet to the City's thoroughfare system.

(c) **Cross-Reference.** Also see Section 3.2.7.9 below for cul-de-sac requirements.

Section 3.2.7.9 Cul-de-Sac Streets

(a) **Cul-De-Sac Streets.** Except where projecting into adjacent unsubdivided areas, any street having only one vehicular access to another street shall be terminated by a permanent turnaround. Standards for both the turnaround and its street approach are set forth within this Section 3.2.7.7.

(1) That portion of any street extending from an intersection to a turnaround shall be improved and rights-of-way platted with the minimal dimensions provided in *Table 3-1* below.

TABLE 3-1: WIDTH FOR CUL-DE-SAC STREETS FOR CERTAIN ACTIVITIES

Activity Served	Right-of-Way Width
Residential Districts	50'
Medical Use, College-University, and Non-Residential Zoning Districts (except as otherwise specified)	60'
Heavy Commercial District and Industrial Districts	65'
<small>Measured from the back of adjoining curbs. * Where all public and private utilities are required or desired to be within street right-of-way. The more narrow measure indicates the subdivider exercises his option to provide a common trench for electric and communication utilities. (See Section 3.2.6.2; Utility Location Policies.)</small>	

Le. 2 pg. 48

- (2) The turnaround portion of any cul-de-sac shall be improved, and rights-of-way platted, as prescribed below:

TABLE 3-2: VARIOUS FOR-CUL-DE-SAC TURNAROUNDS FOR CERTAIN ACTIVITIES

Activity Served	<i>Right-of-Way Radius</i>	<i>Right-of-Way Radius Under Certain Circumstances**</i>
Residential Zoning Districts, Medical Use, College-University, and Non-Residential Zoning Districts (except as otherwise specified)	50'	50' or 54'
Heavy Commercial District and Industrial Districts	60'	60' or 64'
<p>* Measured to face of adjoining curbs. ** Where all public and private utilities are required or desired to be within street right-of-way. The more narrow measure indicates the subdivider exercises his option to provide a common trench for electric and communication utilities. (See Section 3.2.6.2, Utility Location Policies.)</p>		

Section 3.2.7.10 Dead-End Streets

- (a) **Dead-End Streets.** Except when recommended by the City Engineer, no public dead-end streets will be approved unless they are provided to connect with existing streets (including stubbed-out streets) or future platted streets on adjacent land.
- (1) In the case of dead-end streets which will eventually be extended into the adjacent property, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb (with the appropriate temporary street easement) is provided at the end.
 - (2) A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed as provided in Section 3.2.7.9 above.
 - (3) A note shall be placed on the Final Plat clearly labeling any temporary dead-end streets (if any) that will at some point be extended into the adjacent property, and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street may be and is intended to be extended in the future. Signage and lettering must be large enough to be legible by a person with normal vision at a fifty-foot (50') distance. Any required temporary turnaround easements shall be shown on the Final Plat along with their appropriate recording information, if they are off-site or established by separate instrument.

6.2 pg. 49

- (4) Private dead-end streets shall meet all the standards and requirements herein for public dead-end streets.

Section 3.2.7.11 Street Width and Design

- (a) ~~Pavement Widths and Rights-of-Way Widths.~~ Pavement widths and Rights-of-way widths shall be as follows:

6.2 pg. 50

expressway shall also be considered a type of arterial street for the purpose of this code.

- (2) Arterial. Streets shall be designed to accommodate cross-city traffic movement, distributing traffic to and from collector streets. Unless otherwise specified, this definition shall be inclusive of minor arterial streets.
- (3) Minor Arterial. Streets shall be designed to accommodate cross-city traffic movement at moderate volumes and speeds, distributing traffic to and from collector streets.
- (4) Collector. Streets shall be designed to collect traffic from local streets (i.e., subcollector and minor) and connect with arterial streets and freeways.
- (5) Subcollector. Generally, the term "subcollector" shall refer to streets designed to accommodate traffic movement from minor streets to higher classifications of streets as well as provide direct access to activity on individual lots. Specifically, a subcollector may be defined as any street or portion thereof providing direct access to property within commercial or industrial districts as designated on the official Zoning Map of the City of Abilene, any street or portion thereof providing the shortest direct route to a collector street for twenty-five (25) dwelling units or more, or any street segment extending without offset from a collector street and connecting two or more collector streets. Where subcollector streets are terminated by a permanent turnaround, standards for street width and paving shall be as described in *Table 3-3*.
- (6) Minor. Streets shall be designed to provide direct access to residential activity, and in such a way as to discourage through traffic. Where minor streets are terminated by a permanent turnaround, standards for street width and paving shall be as described in *Table 3-3*.
- (7) The Planning and Zoning Commission shall have the authority to allow the minimum width in Table 3-3 above based on the following criteria:
 - (a) Subdivision is located on a street that has been platted, and is primarily built out, on a narrower right-of-way.
 - (b) Sidewalks and/or utilities are located in easements outside the right-of-way.
 - (c) ~~A collector street that solely serves a residential neighborhood may be reduced to 70' of right-of-way.~~

Section 3.2.7.12 Street Offsets

- (a) **Intersection Off-Sets**. No combination of two (2) streets intersecting a third shall have their centerlines offset any less than the distance specified in *Table 3-4*:

L.2 pg. 51

TABLE 3-4: MINIMUM OFF-SET DISTANCES

Types of Streets Intersecting at Offset*	Type of Street Intersected	Minimum Off-Set Distances	
		Non-Conflicting Left Turn	Conflicting Left Turn
Minor/Minor	Local	75'	75'
Minor/Minor	Collector	75'	75'
Minor/Minor	Arterial	125'	125'
Minor/Collector	Collector	75'	125'
Minor/Collector	Arterial	125'	200'
Minor/Arterial	Arterial	200'	300'
Collector/Collector	Collector	200'	300'
Collector/Collector	Arterial	200'	300'
Collector/Arterial	Arterial	200'	400'

* For the purposes of this paragraph, subcollectors shall be considered as minor streets, and freeways shall be considered as arterial streets.

Section 3.2.7.13 Curbs and Gutters

(a) **Curbs and Gutters.** Curbs and gutters shall be installed according to the provisions of this Section 3.2.7.11 and to the *City of Abilene Standard Specifications for Construction*. Combination curb and gutter improvements shall be provided to mark the edge of pavement and carry off surface water, as set forth below:

- (1) Beside Freeways. The subdivider shall be required to install curbs along any freeway frontage road within or adjacent to a subdivision, where required by TxDOT.
- (2) Beside Arterial and Collector Streets. The subdivider shall install curbs on both sides of all arterial and collector streets within the subdivision, and on streets at the subdivision boundary per 3.2.7.2(b)(1)(a).
- (3) Beside Minor Streets and Subcollectors. The subdivider shall install curbs on both sides of all subcollector and minor streets within the subdivision and at subdivision boundaries, except for existing boundary streets, in which case curb and gutter installation shall be required on the subdivision side only.
- (4) At Street Intersections. The minimum curvature of curbs at street intersections shall be as prescribed in *Table 3-5*:

6.2 pg. 52

desired, they should conform to standards for alley dedication and improvement set forth in subsections (1) and (2) below:

- (1) Alleys in commercial, industrial, and multiple-family residential districts (including townhouses and patio homes where rear automobile access is intended) must be a minimum width of twenty-eight feet (28'). Twenty-four feet (24') of the minimum width must be surfaced in accordance with the City's Standard Specifications for Construction Design, Details, and Construction Standards.
- (2) Alleys in subdivisions, or portions thereof, proposed for single-family residential use must be a minimum width of twenty feet (20'). Sixteen feet (16') of the minimum width must be surfaced in accordance with the City's Standard Specifications for Construction Design, Details, and Construction Standards.

(c) **General Requirements.**

- (1) Alleys shall be as nearly parallel to the street frontage as reasonably possible.
- (2) Alley intersections with streets shall be as close to right angles (90°) as practical.
- (3) Where two alleys intersect or turn at an angle, a corner clip of not less than ten feet (10') from the normal intersection of the property line shall be provided along each property line.
- (4) If alleys are not straight within each block or do not connect on a straight course with alleys on adjoining blocks, an easement shall be provided for the placement of guy wires on lot division lines necessary to support overhead utility poles set on curving or deviating alley rights-of-way.
- (5) Alleys shall not be platted to intersect any arterial streets.
- (6) Dead-end alleys shall not be permitted unless a permanent or temporary turnaround is provided. The following standards shall apply:
 - a. Turnarounds shall be provided with a minimum radius of thirty feet (30').
 - b. In instances where dead-end alleys will clearly be permanent, turnarounds shall be surfaced in accordance with the City's Standard Specifications for Construction Design, Details, and Construction Standards.
- (7) Layout and arrangement of alleys shall be designed to avoid the creation of short cuts for traffic and to discourage use by traffic other than that generated by activity within property abutting the alley.
- (8) Cross intersections of alleys shall not be permitted.
- (9) Alleys forming the boundary of a subdivision, and adjacent to unplatted property, shall be dedicated and improved the same as if situated in the interior of a subdivision.

L.2 pg. 53

engineering application of trip assignment. New major driveways shall be aligned with existing major driveways and public streets on the opposite side or shall be located more than 200 feet before (relative to the traffic flow on the side if-of the new driveway) or more than 100 feet after the new driveway.

Section 3.2.9.2 Driveway Approaches and Related Requirements

- (a) **Other Standards.** Driveway approaches, curbs, gutters, pavements and appurtenances on public property and other facilities to provide access to abutting properties in the City and ETJ in connection with platting or building construction shall be constructed, provided, altered or repaired in accordance with the *City of Abilene Standard Specifications for Construction Design, Details, and Construction Standards* and as prescribed by the standards outlined within this Division.
- (b) **All Driveway Approaches.** All driveway approaches shall comply with the following standards.
- (1) Sidewalk to Be Removed. Where a driveway approach is designed to cross an existing sidewalk, the sidewalk included in the driveway approach area shall be removed and reconstructed as a driveway approach unless the City Engineer has determined that the section of sidewalk fully complies with the requirements of this section for driveway approaches. The area across the driveway will be jointed and edged as a sidewalk. The depth and design for the sidewalk will be consistent with the driveway approved design and will be consistent with ADA regulations.
 - (2) Removal of Curb and Gutter. Where a driveway approach is to be constructed at a location where a curb and gutter is in place, the curb and gutter shall be removed to the nearest existing construction joint or a new construction joint formed by other methods as may be approved by the City Engineer. The driveway approach shall be constructed in accordance with the City's *Standards & Specifications for Construction Design, Details, and Construction Standards*.
 - (3) Drainage. Driveway approaches shall be designed to prevent the entrance of water from the street onto private property, except that a drainage system may be provided within the property to handle water coming from the street. Driveway approaches and related drainage systems shall be constructed in accordance with the City's *Standards & Specifications for Construction Design, Details, and Construction Standards*.
 - (4) Radius. Driveway approaches shall be constructed with either flared side slopes or with return curbs having a rolled face disappearing at the sidewalks and joining the street curb with a radius to conform to the dimensions as required by *Table 3-6*. Flared side slopes shall be used whenever a curb return may present an architectural barrier within a pedestrian path. Driveway flares shall not extend in front of the adjacent property. The radius shall continue beyond the sidewalk to the end of the required dimension.

L.2 pg. 54

(5) Design Criteria.

- (a) For all gated driveways the gate shall be set back a minimum of 25 feet from the edge of the street pavement except gated driveways on arterial streets serving heavy truck traffic shall be set back a minimum of 60 feet.
- (b) Driveway construction shall not occur without a driveway permit issued by the Engineering Division. Applications for all Type II and Type III driveways shall be accompanied by an approved site plan of the parcel scaled drawing showing the total street frontage of the parcel and the driveways relationship to the parking and buildings on the parcel.
- (c) For driveways with medians, the driveway width criteria apply to the sum of the driving surface on both sides of the median and the median width is in addition to that. The minimum width of the median is five (5) feet and the maximum width is 20 feet. For median widths greater than ten (10) feet, the end of the median shall have a bullet-nose design based on AASHTO standards. The end of the median shall be set back a minimum of ten (10) feet from the edge of the roadway.
- (d) Residential driveways shall have a minimum separation equal to the sum of the required curb returns for the two driveways.

(6) Release of City. In consideration for the approval of substandard construction, the applicant/property owner shall be required to release and acquit the City from any and all damages that may result from substandard construction. The form of release shall be as approved by the City Attorney.

(c) **Type I Driveway Approaches.** Type I driveway approaches shall comply with *Table 3-6.*

TABLE 3-6:

Driveway	Development	Width (ft.)		Curb Return (ft.)	
		Min	Max	Min	Max
Type I	Single-Family, Duplex	10	20	3 Local & Collector 5 Arterial	5 Local & Collector 10 Arterial
Type II	Multi-Family, Commercial	10 1-Way 24 2-Way	16 1-Way 36 2-Way	10 Local 15 Other	20 Local 25 Other
Type III	Industrial (Serving Heavy Trucks Only)	30	40	20	30

6.2 pg. 55

(d) **Type II & Type III Driveway Approaches.** Type II and Type III driveway approaches shall comply with the following standards and with *Table 3-6*.

- (1) Width of Driveway Approach. On local streets the width of any driveway approach shall conform to the dimensions as required by *Table 3-6*, and the width shall be as measured along the property line, except that driveway approaches for motor vehicle docks, within a building, shall not exceed sixty feet (60') in width at the property line. The width shall be measured to the centerline of the driveway at the property line where the curb return ends.
- (2) Maximum Space to Be Occupied By Driveway Approaches. Driveway approaches shall not occupy more than seventy percent (70%) of the roadway abutting frontage of the tract of ground devoted to one particular use.
- (3) Number of Driveway Approaches Allowed. On local streets not more than one (1) driveway approach shall be permitted on any parcel of property with a frontage of one hundred feet (100') or less, except that additional openings may be permitted with the approval of the City Engineer for the necessity and convenience of the public. For arterials the distances shall be 300 feet.
- (4) Driveway Separation between Driveway Approaches. When more than one (1) driveway approach is required to serve a parcel of property, the driveway approaches shall be separated by a minimum distance, as measured between the edge of the driveway and the adjacent driveway or street right-of-way, as required by *Table 3-7*. The minimum separation from an minor arterial or collector intersection shall be 100 feet.

TABLE 3-7: DRIVEWAY SPACING STANDARDS

Street Type	Minimum Separation Between Drives (feet)	Minimum Separation from Intersection (feet)
Arterial	200*	150'
Minor Arterial	150*	100
Collector	100	75
Subcollector	50	50
Local	25	50

*Separation may be reduced, at the discretion of the City Engineer, where right-in/right-out only driveway is used. Such drives must be on a median-separated road or be designed to physically prevent vehicles from making a left turn.

4.2 pg. 56

Notes:

- a) Single-family and two-family developments are exempt from these standards on local and collector streets.
 - b) Where a bike path is adjacent to the roadway, driveway spacing shall be increased to minimize conflicts and accommodate bicyclist safety:
 - a. Arterial or Minor Arterial: 250 feet driveway spacing
 - b. Collector or Lower: 200 feet driveway spacing
 - c) Where a property at a corner does not have the necessary frontage to accommodate the required spacing from the intersection, or an interior property does not have adequate width to meet the spacing requirements from an existing driveway on an adjacent property, a common access easement with adjacent property(ies) shall be utilized to obtain the necessary spacing. Where site limitations preclude such common access easements, or where cooperation of adjacent property owners cannot be obtained (within a period of 90 days), the City Engineer may authorize a non-compliant driveway, which should be spaced as far from the intersection as practical.
 - d) Where there is a signalized 'T' intersection on the opposite side of the street, the spacing requirements shall apply.
- (5) Requirements for Safety Curb. Where the grade at the property line may result in part of the vehicle extending into the pedestrian way, a safety curb or pipe rail, post and cable shall be located so that no part of a vehicle shall extend over the property line into the right-of-way. The safety curb shall be constructed or arranged to end twenty-four inches (24") from the intersection of the driveway approach with the property line.
- (6) Shared Driveways. Driveway approaches shall be located entirely within the frontage of the premises abutting the work, except that shared driveway access with adjoining property holders may be permitted provided joint application is made by all interested parties and the requirements of Section 3.2.9.3 below are met.
- (7) Angle of Driveway Approach. The angle of the driveway approach with the curbline shall be approximately ninety degrees (90°) for two-way driveways, or forty-five degrees (45°) to ninety degrees (90°) for one-way driveways.
- (8) Driveway Approaches at Intersections. ~~Along either side of any parcel, the driveway approaches shall be located no closer than one hundred feet (100') to the corner of the intersecting right-of-way. Corner parcels less than one hundred and fifty feet (150') in length along the right-of-way shall combine access with adjoining property, wherever possible. Where it can be shown that access is effectively denied a corner parcel because of the one hundred(100)-foot-required distance from the corner of the intersecting right-of-way and combined access is not available from adjoining property, a~~

L. 2 pg. 57

variance-variation to the requirement may be granted by the City Engineer, provided the applicant demonstrates that a variance-variation will not create a traffic hazard.

- (9) Driveway Approaches at Roadway Facilities. Driveway approaches at or near traffic interchanges, grade separations and traffic circles shall be so located that traffic entering or leaving the street will not impede, confuse, imperil or otherwise interfere with vehicular traffic.
- (10) Driveway Approaches in Existing On-Street Angle or Head-In Parking Areas. Driveway approaches shall not be constructed in existing on-street angle or head-in parking areas unless all curb is restored to a standard location along the roadway in front of the premises.
- (11) Obstruction of Driveway Approaches. Driveway approaches shall not be constructed or designed so that standing or parked vehicles may obstruct the driveway.
- (12) Premises Used As Motor Bank. Premises used as a motor or drive-through bank may have driveway approaches as approved by the City Engineer. The approaches shall be utilized for drive facilities and shall not be utilized for angle or head-in parking.

Section 3.2.9.3 Shared Driveways and Cross-Access Drives

- (a) **Driveway Approaches and Shared Driveways.** Shared access for all driveways (~~see Table 3-6~~) are encouraged by the City in order to ensure public safety access by providing mutual/common access to a median opening, to minimize the number of driveway cuts on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots. (See *Figure 3-1*.)

- (1) Arterial Street. A shared mutual access easement(s) for a driveway(s) may be required by the City between driveways on adjacent lots fronting on an arterial street, as designated on the *Thoroughfare Plan* (as the street exists or is planned to be improved in the future);
- (2) Location and Dimension. The location and dimensions of such easement(s) shall be determined by the Planning Director and City Engineer.

L. 2 pg. 58

- (3) Easement on Plats. Such easements shall be noted on the Preliminary Plat and Final Plat with the language specified as part of the City's application requirements.

(b) **Type II & Type III Driveway Approaches and Cross Access Internal**

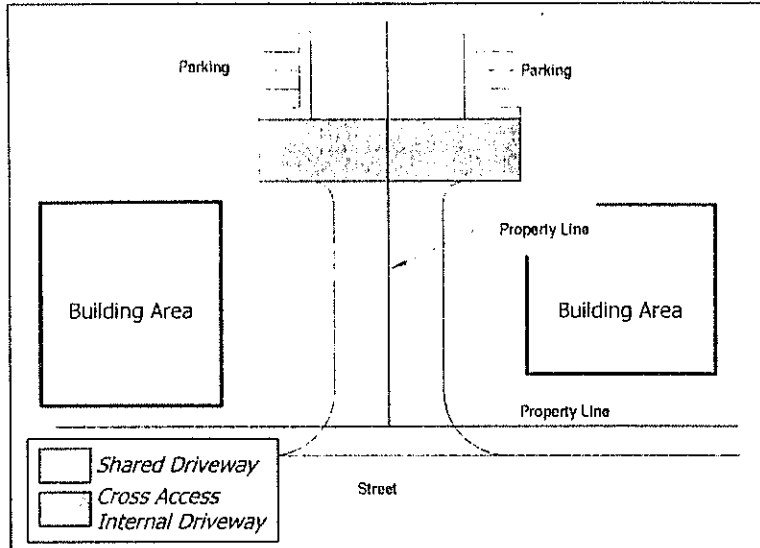


Figure 3-1: Shared Access Driveway & Cross Access Internal Driveway

Driveways. Cross access easements for internal driveways are encouraged by the City in order to minimize the number of driveway cuts on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots. (See Figure 3-1.)

- (1) May Be Required. A cross access easement(s) for an internal driveway(s) may be required between adjacent lots;
- (2) Location and Dimension. The location and dimensions of such easement(s) shall be determined by the Planning Director and City Engineer.
- (3) Easement on Plats. Such easements shall be noted on the Preliminary Plat and Final Plat with the language specified as part of the City's application requirements.

Division 10 – Reserved

Division 11 – Stormwater Management Requirements

Section 3.2.11.1 Purpose, Definitions, and Methods

L.2 pg. 59

Drainage Standards, said alternative form of assurance having been accepted by the Abilene Flood Plain Administrator.

Section 3.2.11.4 Drainage Plans

- (a) **Drainage Plans.** A Drainage Plan, as defined and regulated by the provisions of this Section, shall be submitted to and approved by the Floodplain Administrator as part of the requirements for Construction Plans for any subdivision of land or site plan. Property not located in areas of special flood hazard as defined herein, and where no improvements are required, ~~at a minimum shall be required to submit a Drainage Flow Diagram in lieu of~~ shall not be required to submit a full Drainage Plan based on standards established by the Floodplain Administrator.
- (b) **Responsible Official.** The Floodplain Administrator shall be the responsible official for a Drainage Plan ~~and for a Drainage Flow Diagram.~~
- (c) **Determination of Requirement in Relation to a Floodway Development Permit.** Prior to the Floodplain Administrator's approval of any Floodway Development Permit, and prior to the issuance of a building permit or a Site Development Permit for the construction of a parking lot, when a Drainage Plan has not been previously required under the terms of this Section, the Floodplain Administrator shall determine whether a Drainage Plan should be required and may require such plan in such instances where the same is necessary to meet the purposes of this Section.
- (1) In general, development on a tract of less than one-half (1/2) acre that has less than forty-five percent (45%) impervious surface will not be required to submit a formal Drainage Plan; ~~however, a drainage flow diagram will be required.~~
 - (2) Development which creates less than twenty thousand (20,000) total square feet of impervious surface on the site will not be required to submit a formal Drainage Plan; ~~however, a drainage flow diagram will be required.~~
 - (3) Development located within the following designated infill areas will not be required to submit a formal Drainage Plan; ~~however, a drainage flow diagram will be required:~~
 - a. The Central Business District, as defined in the City's adopted Comprehensive Plan.
 - b. Infill development corridors, as defined in the City's Infill Development Strategy, ~~excluding the portions of East Highway 80 east of Treadaway.~~
 - (4) When a Drainage Plan is required prior to issuance of a Building Permit, the structure for which the Building Permit has been obtained shall not be used or occupied until the facilities as shown on the approved Drainage Plan have been completed by the permit applicant and accepted by the Floodplain Administrator.

6.2 pg. 60

- a. Within twenty (20) working days after receipt of a properly completed Drainage Plan (also refer to Chapter 1, Section 1.2.1.2), the Floodplain Administrator shall either approve or deny the submitted plan.
- b. Approval of a submitted Drainage Plan shall only constitute acceptance by the Floodplain Administrator of the certification of the submitting engineer and such acceptance shall not operate to remove any requirement of Abilene's adopted Drainage Standards which are not specifically considered in the approved plan.
- c. Drainage Plans which meet the requirements of this ordinance and which conform to all requirements of the adopted Abilene Drainage Standards shall be approved.
- d. If the required findings cannot be made based upon the information contained in the submitted plan, such additional information as is required by the Floodplain Administrator to make such determination will be identified; in the event that the information deficiency is of a technical nature, the Floodplain Administrator may request an engineering conference with the submitting engineer.
- e. If a submitted Drainage Plan is denied, the certifying engineer or applicant, as applicable, shall be advised in writing of the disapproval.

Section 3.2.11.5 ~~Drainage Flow Diagram~~

(a) ~~Requirements.~~

- ~~(1) A Drainage Flow Diagram shall be required as part of a Minor Plat applications;~~
- ~~(2) A Drainage Flow Diagram may be submitted in lieu of a full Drainage Plan for property not located in areas of special flood hazard, and where no improvements are required. Such submission shall be permitted by the Floodplain Administrator.~~

- ~~(b) **Administration of a Drainage Flow Diagram.** The administration and approval process for a Drainage Flow Diagram shall be the same as the administration and approval process for Drainage Plans. The only difference between the two processes shall be the level of detail required by the City for approval.~~

Section 3.2.11.65 Floodway Development Permits

- (a) Floodway Development Permit Requirements.** A Floodway Development Permit, as defined and regulated by this Division, shall be required prior to the commencement of any building construction, or earth change, of any property within a designated floodway. Floodway Development Permits shall not be required for activities listed in 3.2.11.2(b). A separate permit shall be required for each separate, noncontiguous site or lot, and no permit shall be transferable without the prior written consent of the Floodplain Administrator.

6. 2 pg. 61

construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot (1') above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes.

- a. Require that manufactured homes or manufactured homes used commercially that are placed or substantially improved within Zones A1-30, AH, AE, and AO on the community's FIRM on sites:
 1. Outside of manufactured home parks or subdivisions,
 2. In a new manufactured home park or subdivision,
 3. In an expansion to an existing manufactured home park or subdivision, or
 4. In an existing manufactured home park or subdivision on which a manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- b. Require that manufactured homes or manufactured homes used commercially to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zone A, A1-A30, AH and AE, and on the community's FIRM that are not subject to the provision of Subsection (b)(4)a above be elevated so that either:
 1. The lowest floor of the manufactured home is one foot (1') above the base flood elevation, or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are

4.2 pg. 62

no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- c. Require that manufactured homes or manufactured homes used commercially to be placed on substantially improved sites in an existing manufactured home park or subdivision within Zone AO on the community's FIRM that are not subject to the provisions of Subsection (b)(4)a above be elevated so that either
 1. The lowest floor of the manufactured home is at the zone depth number, or
 2. The manufactured home chassis supported by reinforced piers or other foundation elements or at least equivalent structures that are not less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- d. All manufactured homes shall be in compliance with Subsections (b)(4)a, (b)(4)b, and (b)(4)c, or shall be eighteen inches (18") above gutter, whichever is more restrictive.
- e. Require that all manufactured home parks ~~or subdivisions~~ located within flood prone areas as defined on the community's FIRM develop a plan for evacuating residents of said parks ~~or subdivisions~~ be filed with the City's Emergency Management authorities within ninety (90) days of the passing of this ordinance.
- f. Require that recreational vehicles placed on sites with Zones A1-30, AH, AE and AO on the community's FIRM either:
 1. Be on the site for fewer than one hundred and eighty (180) consecutive days, or
 2. Be fully licensed and ready for highway use, or
 3. Meet the permit requirements of Subsection (b)(4)a, (b)(4)b, or (b)(4)c. A recreational vehicle shall be considered ready for highway use if it is on its own wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- g. Require that manufactured homes or manufactured homes used commercially placed or substantially improved on sites in an existing manufactured home park or subdivision or outside of a manufactured home park or subdivision which lies within the floodway as designated on the community's floodway map must meet the requirement of Subsection (b)(5) below.
- h. Require owners of mobile homes located in areas of special flood hazard to sign before a Notary Public a form prepared by the City that acknowledges that the mobile home is located in a flood hazard area,

6.2 pg. 63

- (6) Standards for Areas of Shallow Flooding (AO Zones). Located within the areas of special flood hazard established in Section 3.2.11.2(b) are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1') to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:
- a. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet (2') if no depth number is specified).
 - b. All new construction and substantial improvements of nonresidential structures:
 1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth specified in feet on the community's FIRM (at least two feet (2') if no depth number is specified), or
 2. Together with attendant utility and sanitary facilities be designated so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects on buoyancy.
 - c. A registered professional engineer, architect, or surveyor shall submit a certification to the Floodplain Administrator that the standards of "a" and "b.i.1" of this subsection are satisfied.
 - d. A registered professional engineer, architect, or surveyor shall submit a certification to the Floodplain Administrator that the standards of "b.ii.2" of this subsection are satisfied.
 - e. Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

Section 3.2.11.87 Detention and Drainage Facilities

- (a) **Requirements and Standards.** On-site stormwater detention shall be required for all new developments to offset increased runoff resulting from new developments except for those developments for which approved regional detention facilities have been established or for which alternate plans have been approved by the City Engineer. Design standards for all stormwater detention and drainage facilities shall be established by adopted Abilene Drainage Standards.
- (b) **Title Ownership and Maintenance.** Detention and drainage facilities herein provided for shall be dedicated to the public and maintained by the public unless such facilities are an integral, usable part of the development, in which case the

6.2 pg. 64

- (3) Facilitate walking as a means of physical activity recognized as an important provider of health benefits.
- (4) Establish minimum criteria for the development of sidewalks as a part of the pedestrian element of the transportation system within the City and its extraterritorial jurisdiction (ETJ).

Section 3.2.13.2 Policy Statements

- (a) Walking is a primary form of transportation that should be accommodated in the design of public roadways and transportation systems. In addition, sidewalks are an integral part of the street system and should not be of secondary consideration.
- (b) A continuous pedestrian system is critical to achieve the benefits of a functional multi-modal transportation system.
- (c) Where this document is silent, the design of pedestrian facilities shall follow the City's Sidewalk Design Standards and applicable State and Federal laws and regulations.
- (d) All sidewalks, sidewalk amenities, and landscaping in the external right-of-way shall be maintained by the adjoining property owner unless otherwise specifically provided for by public policy.
- (e) These requirements are intended to apply within the City and its ETJ, but is not intended to apply to existing single-family residential neighborhoods where sidewalks are not present and have not historically been provided. These requirements are intended to apply to both public and private streets.

Section 3.2.13.3 General Requirements

- (a) Unless noted otherwise, sidewalks shall have a minimum clear path width of four feet on local streets in a district zoned for primarily single-family residential purposes and a minimum clear path width of five feet in all other locations.
- (b) The timing of sidewalk construction shall be as required by this Master Plan, unless a development agreement between the property owner and the City provides for alternative timing for construction.
- (c) In addition to sidewalks within the right-of-way, internal pedestrian circulation shall be provided in new development or redevelopment serving any commercial, retail, office, service or similar use and at any governmental facility, school, church, or other place of public assembly. Sidewalks, or other accessible pedestrian routes, shall be installed to connect all buildings to one another and to parking areas and to connect the development to the public street system. All such sidewalks or routes shall be protected from encroachment by parked vehicles.

L. 2 pg. 45

- (s) "Road construction" as used in the context of this Master Plan shall mean any new construction, widening of roadways, or adding curb and gutter.
- (t) "Roadway" means that portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.
- (u) "Sidewalk" means an improved facility intended to provide for pedestrian movement; often located in the public right-of-way adjacent to a roadway.
- (v) "Sidewalk amenities" means accessory features such as sidewalk furniture, planters, railings, bicycle racks, canopies, and specialized lighting.
- (w) "Street" means the entire width between property lines of every way open to the use of the public for purposes of travel with the exception of alleys.
- (x) "Unreasonably Disproportionate" means exceeding twenty percent of the project costs or exceeding three times the cost of a standard sidewalk with no topographic constraints or other unique issues that would raise the cost of a sidewalk. For transportation projects, right-of-way acquisition costs shall not be included in the calculation.

Division 14 – Fire Lanes & Fire Department Access

Section 3.2.14.1 Reference

- (a) **Reference.** Fire lanes and access provisions shall comply with all requirements of the City's Fire Code.

Division 15 – Easements, Lot Design & Improvement Standards

Section 3.2.15.1 General

(a) Easements for New Development.

- (1) For new development, all necessary on-site easements shall be established on the Final Plat and not solely by separate instrument, and they shall be labeled as a "public utility easement" or labeled for the specific purpose for which they are being provided.
- (2) Such easements may be permitted to be established solely by separate instrument only in the following limited circumstances:
 - a. If requested by the entity providing services with the easement, and
 - b. If permitted by the City Engineer.

6.2 pg. 66

(3) The ownership, maintenance, and allowed uses of all designated—such easements that are not designated as public utility easements shall be stated on the plat. Examples include the following: a water, wastewater or drainage easement, which is dedicated to the City for a water or wastewater line or for a drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the City and fire suppression and emergency medical service providers for access purposes; and an electrical, gas or communications easement, which is dedicated to the specific utility provider ~~that requires the easement; and so on.~~

(b) **Fencing.**

- (1) Utility Easement. A wall, fence or screen shall be permitted over any utility easement provided that the easement remains fully accessible to the City for maintenance and repair purposes.
- (2) Drainage Easement. A wall, fence or screen shall be permitted over any drainage easement if the water flow within the easement is not adversely affected by the wall, fence or screen.
- (3) Removal. In addition to all other remedies provided by this Land Development Code, the City may summarily remove any wall, fence or screen erected in violation of this section, and the City shall not incur any liability or assume any duty to compensate the owner or replace the wall, fence or screen.

Section 3.2.15.2 Lot Area

- (a) **Easements Included.** A lot's area shall be computed inclusive of all required public and utility easements. However, the area of required easements on a lot shall in no case exceed one-half of the lot size; floodway easements shall be exempt from this requirement and therefore shall not be included in this calculation. If the property owner disputes the total easement area required for any lot, the owner shall submit a written computation of the percentage of the lot occupied by easements to the City Engineer. The City Engineer shall, in coordination with affected entities, consider a reduction in the area of required easements for the lot.

Section 3.2.15.3 Blocks - Determination and Regulation of Size

- (a) **Determination Criteria.** The length, width, placement, and shape of blocks shall be determined with due regard to the following:
- (1) Provision of adequate building sites suitable to the particular needs of the type of use contemplated;
 - (2) Zoning requirements as to lot sizes, setbacks and dimensions (if within the City's corporate limits); and

6.2 pg. 67

or within the appropriate zoning district, as applicable. Lots shall be designed to assure the adequate provision of public facilities and the purpose of these subdivision regulations (within this Chapter 3 of the LDC), taking into consideration the location and size of the subdivision and the nature of the proposed uses.

(e) **Irregularly-Shaped Lots.**

- (1) Irregularly-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district if within the City's limits.
- (2) Such lots shall provide a reasonable building pad without encroachment into front, side or rear yard setbacks or into any type of easement.
- (3) The rear width of such lots shall be sufficient to provide access for all necessary utilities, ~~including access for driveways and solid waste collection when alleys are present, and there shall be.~~ When alleys are present, there must be sufficient width for access for driveways and solid waste collection and a minimum twenty (20)-foot alley frontage.
- (4) In general, triangular, severely elongated (in excess of a three-to-one (3:1) depth-to-width ratio) or tapered, or flag lots shall be not be permitted.
- (5) Keyed Lots and Irregular Lots.
 - a. All keyed lots and irregular lots shall meet the minimum width requirements in *Table 3-8*.

TABLE 3-8: MINIMUM LOT WIDTHS

Type of Lot	Residential Lots (feet)	Nonresidential Lots (feet)
Keyed	22	45*
Irregular	30	45**
Corner	45	

*Keyed lot frontages in nonresidential districts may be reduced to a minimum of 22 feet if the proposed plat reflects an appropriately-dimensioned easement for joint driveway access by two abutting lots.
 ** Within subdivisions, or portions thereof, intended exclusively for patio home or townhouse development, more narrow lot widths permitted by zoning regulations shall be applicable.
 NOTE: All requirements of a zoning district, if applicable, shall be met. If the requirements herein and those of the zoning district conflict, the zoning district regulations shall control.

- b. Any keyed lot or other irregularly shaped lot shall include no portion which measures less than the minimum width required by zoning regulations, if applicable.
- (6) The City reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.

Le. 2 pg. 68

(1) Minor Revisions/Amendments: It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the Director of Planning, or his/her designee, shall have the authority to approve minor modifications to an approved Site Plan. Such minor modifications shall be shown on an "amended Site Plan." If modifications are such that the Planning Director decides that the DRC needs to review the modifications, a new Site Plan as described in Subsection (d)(2) below shall be deemed necessary. For a revision/amendment to be considered minor, the changes shall not cause any of the following circumstances to occur:

- (a) A change in the character of the development;
- (b) An increase in the ratio of the gross floor areas in structures to the area of any lot;
- (c) An increase in the intensity of use;
- (d) A reduction in the originally approved separations between buildings;
- (e) An increase in the problems of circulation, safety, and utilities;
- (f) An increase in the external effects on adjacent property;
- (g) A reduction in the originally approved setbacks from property lines;
- (h) An increase in ground coverage by structures;
- (i) A reduction in the ratio of off-street parking and loading space to gross floor area in the structures.
- (j) A change in the subject, size, lighting, flashing animation or orientation of originally approved signs.

(2) Major Revisions/Amendments: In the event of revisions that are more extensive in nature, a new Site Plan must be submitted, reviewed, and approved by the DRC.

(f) **Standards for Site Plan Review & Evaluation**: The Planning Director shall review the Site Plan for compliance with all applicable City ordinances with respect to the following:

- (1) The plan's compliance with all provisions of this LDC, and other applicable ordinances.
- (2) The relationship of the development to adjacent uses in terms of harmonious design, façade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
- (3) The provision of a safe and efficient vehicular and pedestrian circulation system (driveways, FIA, etc.).
- (4) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.

L. 2 pg. 69

- (d) **Prior Approvals.** An application for a construction permit is the last step in the development process. All zoning approvals, subdivision plats and site preparation permits needed for development shall be approved before an application for a construction permit may be approved.

Section 4.1.3.2 Site Preparation Permit

(a) **Purpose, Applicability, Exceptions and Effect.**

- (1) Purpose: The purpose of a Site Preparation Permit shall be to assure that preparatory construction activities on the development site will meet City standards prior to soil disturbance, construction or placement of any increase in impervious cover (such as a concrete or asphalt for a parking area) or of a structure on the tract, parcel or lot.
- (2) Applicability: Approval of a Site Preparation Permit is required prior to any non-exempt development of land within the City limits or within the City's extraterritorial jurisdiction.
- (3) Exemptions: The requirements of a Site Preparation Permit do not apply in whole or in part to the following activities or land uses:
- a. Clearing that is necessary only for surveying purposes and that does not alter the natural grade of the parcel.
 - b. Construction or placement of a single-family dwelling, duplex dwelling or industrialized home on a legally platted lot, except for the following:
 1. Landscaping, open space and tree preservation standards;
 2. Public facilities standards related to subsurface sewage disposal; or
 3. Floodplain improvement standards.
 - c. Infrastructure or lot improvements authorized under approved construction plans for a finally platted subdivision or development plat, provided that no soil disturbance or construction activities occur prior to approval of such plans.
 - d. Agricultural uses.
- (4) Effect: Approval of a Site Preparation Permit authorizes site preparatory activities other than any increase in impervious cover or placement of a structure on the land, subject to the terms of the permit and for the duration of the permit. Approval of a Site Preparation Permit also authorizes the property owner to apply for a building permit.

(b) **Application Requirements.**

- (1) Responsible Official: The Building Official shall be the responsible official for a Site Preparation Permit.
- (2) Submittal: All applications shall be submitted on a form supplied by the Public Works Building Inspections Department with the required information as stated

6.2 pg. 70

on the application form. A Site Preparation Permit application may consist of a series of schematic drawings designed to satisfy one or more criteria (see Subsection (d) below) governing the decision on the permit.

(3) Prior Approvals:

- a. Inside City limits, the property subject to the Site Preparation Permit shall be appropriately zoned for the intended use prior to approval of the Site Preparation Permit.
- b. A Final Plat shall be approved for the land prior to approval of the Site Preparation Permit.

(4) Accompanying Applications: A Site Preparation Permit may be accompanied by an application for a building permit for the same land, provided that the Site Preparation Permit shall be decided first.

(c) **Processing of Application & Decision.**

(1) Decision: The Building Official shall initially approve, approve with conditions, or deny an application for a Site Preparation Permit, subject to appeal as provided in Chapter 1, Article 3, Division 1 of this LDC.

(2) Notification: The Building Official shall notify the applicant of his/her decision in accordance with Chapter 1, Section 1.2.2.4 of this LDC.

(3) Time for Decision: The application for a Site Preparation Permit shall be decided within thirty (30) working days of the official filing date.

(4) Revised Permit Application: If the conditions of approval require revision to the Site Preparation Permit application, a properly revised application shall be submitted to the Building Official within ten (10) working days of receipt of the notice of decision. The Building Official shall have an additional twenty (20) working days to approve or deny the revised Site Preparation Permit application.

(d) **Criteria for Approval.** The following criteria shall be used to determine whether the application for a Site Preparation Permit shall be approved, approved with conditions, or denied:

- (1) The Site Preparation Permit is consistent with the approved construction plans.
- (2) The Site Preparation Permit is consistent with any approved petitions or applications for the same property;
- (3) Where not exempted or satisfied through approval of prior development applications, the following standards in the LDC and the City Code of Ordinances have been satisfied:
 - a. Any ~~cut-embankment~~ and ~~fill-excavation~~ standards in the City's adopted regulations have been met;
 - b. Any erosion and sedimentation standards in the City's adopted regulations have been met; and
 - c. Drainage and storm water standards.

6.2 pg. 71

(e) Appeals & Relief Procedures.

- (1) Appeal: The applicant for a Site Preparation Permit or any interested person may appeal the decision of the ~~Public Works Director~~ Building Official to the City Manager in accordance with Chapter 1, Article 3, Division 1 of this LDC. The City Manager may sustain, modify or reverse the Building Official decision.
- (2) Waiver Petition: A petition seeking to vary standards applicable to the Site Preparation Permit shall be filed, processed and decided by the Building Official in accordance with Chapter 1, Article 2, Division 1, Section 1.2.1.3 of this LDC prior to the decision on the Site Preparation Permit.
- (3) Vested Rights Petition: Where an applicant claims exemption from one or more requirements applicable to a Site Preparation Permit under this Land Development Code on grounds of vested rights, the applicant may submit a vested rights petition to the Building Official prepared, and appealed if applicable, in accordance with Chapter 1, Article 3, Division 3 of this LDC.

(f) Expiration & Extension.

- (1) Time of Expiration: A Site Preparation Permit expires if development authorized by the permit has not commenced on the property subject to the permit within one (1) year after final approval of the permit. The Site Preparation Permit may be revoked if a building permit or other permit authorizing construction of a structure on the property has not been issued within one (1) year after the date of approval of the permit, or, if no permit is required, construction of a structure has not commenced on the development site within such period.
- (2) Extension: A Site Preparation Permit may be extended for a period not to exceed an additional one (1) year period by the responsible official, within which development authorized by the permit on the property subject to the permit must be commenced. The date for issuance of a construction permit or commencement of construction of a structure may be extended by the responsible official for a period not to exceed one (1) year.

Section 4.1.3.3 Building Permit

- (a) **Applicability.** An application for a building permit or demolition permit is required within the City limits, or where provided for in a development agreement, in the City's extraterritorial jurisdiction, prior to placement, construction or alteration of a building or structure.
- (b) **Effect.** Approval of an application for a building permit authorizes the property owner to construct, alter or place a structure on the lot, tract or parcel. Approval of an application for a building permit also authorizes the property owner, upon completion of a structure intended for human occupancy, to make application for a Certificate of Occupancy.
- (c) **Application Requirements.**

6.2 pg. 72

- (d) **Maneuvering Area.** All off-street parking spaces shall be accompanied by adequate automobile maneuvering area permitting full and direct ingress and egress to such parking spaces. For each off-street parking space together with three (3) or more parking spaces, the maneuvering area thereto shall be located entirely upon private property, except that the unobstructed width of an abutting alley may be considered for maneuvering area except in industrial areas.
- (e) **Non-Residential Driveway Access.** For all off-street parking spaces, there shall be adequate provisions for driveway connection with the street system or a paved alley that is at least fifteen feet (15') in width. All connections from a parking area to the street system shall be by a paved driveway or alley reviewed by the Director of Traffic and Transportation as part of the DRC Site Plan review process. All entrances or exits to a parking area shall be designed and constructed in accordance with Chapter 3, Article 2, Division 9 (Driveways).
- (f) **Shelter Building.** An off-street parking area shall not have more than one (1) attendant shelter building for every fifty (50) parking spaces. The shelter shall conform to all setback requirements for structures and, in residential districts shall not contain not more than fifty (50) square feet of gross floor area.
- (g) **Barriers.** All off-street parking and maneuvering areas shall be separated from the street right-of-way pedestrian ways by a barrier, curb, or tire stop reviewed by the Director of Traffic and Transportation as part of the DRC Site Plan review process. The barrier shall be constructed or arranged to end twenty-four inches (24") from the pedestrian ways.
- (h) **Paving of Parking Areas for Permanent, Principal Uses.** All required or provided parking areas for permanent, principal uses shall be paved according to City standards and specifications for all-weather surfaces as provided in this LDC and/or in other applicable City codes.
 - (1) For single-family and two-family dwellings existing as of the effective date of this LDC, the all-weather surface may be composed of gravel, per City design standards. (However, the driveway extending from the street to the private property boundary shall be paved the same as all other parking areas.)
 - (2) For all other parking ingress, egress, and loading areas, the all-weather surface shall be composed of asphaltic or Portland cement bind pavement or other pavement material approved by the City Engineer, so as to provide a durable and dustless surface. The off-street parking area shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide the orderly and safe loading or unloading, parking and storage of vehicles.
 - (3) Parking lanes-lines in parking lots must be clearly marked by paint, buttons, or other approved material, except that areas used solely for display of vehicles for sale or rental are not required to have marked parking lanes. Vehicle storage areas which are fenced or screened, and are not open to the public, are exempt from these requirements.

6.2 pg. 73

- (c) **Location in Relation to Residential Districts.** No loading space shall be located nearer than fifty feet (50') to any lot in any residential district, unless wholly within a completely enclosed building or unless effectively screened on each side which faces said districts by a wall of opaque fence or not less than seven feet (7') in height.
- (d) **Alternative Design.** Where the specific use proposed for the property does not require a full loading space, as approved by the Planning Director upon recommendation of the Development Review Committee, this requirement may be waived or an alternative design for accommodating such loading space may be approved, recognizing that future use of the subject site may be limited by such action.

Division 2 – Landscaping

Section 4.2.2.1 - Landscaping

- (a) **Purpose.** The purpose of this section is to establish minimum requirements for landscaping, screening, buffering, and outdoor storage and display to achieve the following objectives:
- (1) Improve the quality of life for those living, working, and visiting the City by enhancing the appearance of properties as viewed by the public.
 - (2) Enhance and maintain property values by ensuring a minimum level of quality of new development and redevelopment.
 - (3) Increase pervious ground cover as a means of controlling stormwater runoff and water quality.
 - (4) Limit water use, while allowing attractive landscaping, through the use of xeriscaping and proper irrigation.
 - (5) Assist in maintaining adequate air quality in the region and reduce the localized heating caused by large areas of building and pavements.
 - (6) Provide easy to understand, enforceable standards to ensure compliance with these requirements.

Section 4.2.2.2 Applicability

- (a) The provisions of this section shall apply to any development or redevelopment within the corporate limits of the City of Abilene resulting in an increase of 20,000 square feet, or 50% or more, of the gross floor area of buildings on a site, whichever is less, including the construction of any buildings on a vacant or cleared site.
- (b) No new or amended site plan may be approved for any property unless the applicable provisions of this section are met, per an approved General Landscaping Plan.

6.2 pg. 74

- (1) To ensure long-term viability, required landscape areas shall be irrigated by one, or a combination of, the following methods:
 - a. An automatic underground system
 - b. A drip irrigation system
 - c. An accessible water source located within 100 feet of each landscaping area
 - (2) No irrigation shall be required for undisturbed natural areas or undisturbed existing trees or shrubs.
 - (3) Irrigation systems shall be designed and installed per applicable state law and City ordinance.
- (i) Installation and Maintenance:
- (1) All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards.
 - (2) All landscaping shall be maintained and kept in a healthy and growing condition.
 - (3) Trees must be 2" caliper at planting, measured 12 inches above ground level. Shrubs must be minimum of one-gallon container size at planting.
- (j) Xeriscaping principles (low water, drought-tolerant) must be used for required landscaping.
- (k) Trees and shrubs used to meet the requirements of this section must be listed as recommended on the "Recommended Trees and Shrubs" list maintained by the Planning Director.
- (l) Parking is not allowed within required landscape areas.

Section 4.2.2.4 Landscaping Plan

- (a) Landscaping plans shall be provided as indicated below.
- (1) A General Landscaping Plan shall be provided as part of the site plan review process, which shall include the following:
 - a. Delineation of all required landscape areas with dimensions.
 - b. Location, size, and species of trees to be preserved for landscaping credit.
 - c. Calculation of the landscape area as a percentage of the total site, where applicable.
 - d. Calculation of the landscape area between the building and the right-of-way as a percentage of the total area between the building and the right-of-way, where applicable.
 - e. Statement on the plan noting that any required irrigation system will be provided.

6.2 pg. 75

- (f) **Gates for Vehicular Access.** Gates for vehicular access adjacent to a street, not including alleys, must be set back from the curb or edge of pavement by a minimum of 20 feet.
- (g) **Fencing Materials Prohibited.** Razor wire, barbed wire, and similar fencing materials are:
 - (1) Prohibited within residential zoning, except for agricultural or related uses.
 - (2) Prohibited within non-residential zoning within the front yard setback and in side or rear setbacks where adjacent to residential zoning, except for agricultural related uses or in Heavy Commercial or industrial zoning districts.
- (h) **Additional Regulations.**
 - (1) Where a fence is adjacent to or visible from the public right-of-way, except an alley, the "finished" side of the fence should face the right-of-way.
 - (2) Where screening walls or fences exist or are required, openings to ensure adequate pedestrian connectivity shall be provided where appropriate.
 - (3) Fences, walls, and hedges must be maintained in a safe and attractive manner.
 - (4) New or replacement fences must be constructed of standard fencing materials and may not be constructed of scrap metal, plywood, or other non-standard fencing materials.
 - (5) Existing nonconforming fences, walls, and hedges may continue in good condition, ~~except where noted above.~~

Section 4.2.4.2 Land Use Buffers

- (a) Buffer yards consisting of a minimum width landscaping area, landscape plantings, and/or walls or fencing are required between land uses of different intensities for the purpose of mitigating negative impacts such as noise, trash, light, and visual appearance.
 - (1) Type A Buffer is required between Residential Multi-family (MD and MF), Office (NO and O), College-University (CU), Medical Use (MU), or Neighborhood Retail (NR) districts and any lower intensity residential district, which shall consist of a 5 foot wide buffer yard plus at least 15 points based on the points listed in (3) below.
 - (2) Type B Buffer is required between Heavy Commercial (HC), General Commercial (GC), or General Retail (GR) districts and a residential district or between any Industrial district and any other non-industrial district, which shall consist of a 5 foot wide buffer yard plus at least 25 points based on the points listed in (3) below.
 - (3) Points.
 - a. Opaque masonry wall with 6 foot minimum height = 15 points
 - b. Opaque fence with 6 foot minimum height = 5 points

4.2 pg. 76

Article 1 – Definitions

Division 1 – Definitions

Section 5.1.1.1 Usage and Interpretation

- (a) **Usage.** The following definitions are intended to provide descriptions for words and terms used within this LDC. Absent any conflict, words and terms used in this LDC shall have the meanings ascribed thereto in this Chapter 5.
- (b) **Conflicts.** When words and terms are defined herein, and are also defined in other ordinance(s) of the City, shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Chapter 5 shall control.
- (c) **Present and Past Tenses.** Words used in the present tense include the future; words in the singular number include the plural number, and words used in the plural number include the singular number.
- (d) **Specific Word Usage.** The word shall is mandatory and not directory. The word building includes the word structure
- (e) **Words Not Defined.** For any definition not listed in this Chapter 5 of this LDC, the definition found within the latest edition of Webster's Dictionary shall be used.

Section 5.1.1.2 Definitions in Other Locations Within the LDC

- (a) For the purpose of this LDC, certain terms and words are to be used and interpreted as defined within the articles, divisions, or sections of this LDC wherein they apply to certain regulations. These sections include:
 - (1) **Chapter 1, Article 3, Division 3, Dormant Projects**, specifically within Section 1.3.3.8.
 - (2) **Chapter 3, Article 1, Division 11, Stormwater Management Requirements**, specifically within Section 3.2.11.1.
 - (3) **Chapter 2, Airport Zoning**

Section 5.1.1.3 Land Use Definitions

- (a) **Land Use Definitions & Matrix Correlation.** The symbol "☒" denotes that the definition is reflected as a use in the Land Use Matrix in Chapter 2, Article 54, Division 2.

Land Use Definitions - A

L.2 pg. 77