

ORDINANCE NO. 65-1985

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART D, "SUBDIVISION REGULATIONS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

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

PART 1: That Chapter 23, Subpart D, "Subdivision Regulations," 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 One Thousand Dollars (\$1,000.00). 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 (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas, except that all provisions, including the words "and Sidewalks" in Section 23-257.3 (V) (1); Section 23-260.5; and Section 23-262-6 (A) (B) concerning sidewalk installations, shall remain in effect until new provisions on sidewalk installations are approved by the City Council.


PASSED ON FIRST READING this 25th day of July A.D. 1985.

PASSED ON SECOND AND FINAL READING this 8 day of August,

A.D. 1985.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED


CITY ATTORNEY

EXHIBIT "A"

Delete Subdivision Regulation Section 23-259.1 and add the following Subdivision Regulation Section 23-259.1 concerning applicability criteria for consideration of minor subdivisions, to read as follows:

1. Applicability. Any subdivision or resubdivision determined to meet all the following requirements may be classified as "minor" and approved in accordance with procedures set forth in this section.

- (A) Any subdivision or resubdivision which does not necessitate public dedication of land other than that required for all or part of an alley or up to 1/2 the width of an adjoining street right-of-way.
- (B) Any subdivision or resubdivision which does not require more than a 150-foot extension of water or sewer utilities, to make such service available to proposed lots.

Delete Subdivision Regulation Section 23-262.4(D) and add the following Subdivision Regulation Section 23-262.4(D) concerning minimum building setback requirements, to read as follows:

(D) Building Setback. The minimum building setback from lot boundaries adjacent to street rights-of-way shall be as set forth by subparagraph (1) below, except as specified in subparagraphs (2) through (6) below:

- (1) Setback from boundary adjacent to expressway (without frontage road in place) 40 feet
Setback from boundary adjacent to expressway (with frontage road in place) 30 feet
Setback from boundary adjacent to arterial or collector street 30 feet
Setback from boundary adjacent to subcollector or minor street 25 feet
(2) If adjacent to a thoroughfare less significant than a collector street and intended for patio home or townhouse development, the minimum building setback lines from lot boundaries adjacent to street rights-of-way shall be as set forth by Zoning Ordinance provisions for such development.
- (3) If within the Central Business zoning district, there shall be no minimum building setback from lot boundaries adjacent to street rights-of-way.
- (4) If within the RS6 or RS8 zoning district, the minimum building setback from boundaries adjacent to minor streets and subcollectors shall be twenty (20) feet
- (5) For new lots created by resubdivision of land originally subdivided before 1985, the minimum building setback from streetside boundaries shall be the same as that indicated on the most previously-recorded plat or replat of the particular lot(s) under consideration. In all cases, however, there shall be required a front yard of not less than 20 feet and an exterior side yard of not less than 15 feet, where no building setback lines are represented on a previously-recorded plat or replat.
- (6) The Board of Adjustment is authorized to approve variances from all above-described requirements for building setback from streetside lot boundaries, in accordance with procedures for variances described within the Zoning Ordinance of the City of Abilene.

Delete Subdivision Regulation Section 23-262.5(C) and add the following Subdivision Regulation Section 23-262.5(C) concerning streets bordering subdivision boundaries, to read as follows:

(C) Street Bordering Subdivision. All streets bordering subdivisions shall be improved, and/or rights-of-way platted, in accordance with standards prescribed below. If the subdivider widens existing pavement, the existing pavement shall be cut back a distance required by the City Engineer to assure adequate subbase and pavement joint, before additional paving material is laid on top.

(1) Existing Boundary Streets. For boundary streets which exist to some degree, for example, by previous partial dedication or prescriptive easement, the following standards shall apply:

(a) For all classifications of such streets, the subdivider must dedicate up to one-half the additional right-of-way necessary to comprise the full street width required. Dedication of more than half this additional increment may be required, in some instances, to maximize use of existing roadway and/or ensure a consistent street alignment with a minimum of undesirable curvature.

(b) For all classifications of such streets, except expressways, the subdivider must pave one half the additional portion of street right-of-way remaining to be paved, according to some overall plan for improving that street alignment. In no instance, however, shall there be required any more than 33 feet of additional paving, nor shall there result any less than a 26-foot paved roadway. In lieu of actual street improvement, the subdivider shall have the option to contribute to the City an amount of money equal to that necessary to complete paving and curbing required by this Section 23-262. These funds shall be held, and eventually disposed, in the manner described within Section 23-260.2(B) of this chapter.

(c) If the right-of-way for an expressway lies adjacent to or forms part of the subdivision boundary, no paving improvements shall be required of the subdivider.

(2) New Boundary Streets. For new boundary streets forming part of the subdivision boundary, the following standards shall apply:

(a) Minor Streets and Subcollectors. Where a minor street or subcollector forms part of the subdivision boundary, the subdivider shall dedicate right-of-way sufficient to make such street conform to requirements of Section 23-262. The subdivider shall also improve such street in conformance with all standards and specifications of the City of Abilene, including installation of curbs on both sides of the street.

(b) Other Streets. Where a proposed thoroughfare (other than a minor street or subcollector) forms part of a subdivision boundary, the subdivider shall dedicate approximately one-half the additional right-of-way necessary to comprise the full street width required by Section 23-262, up to a maximum of 100 feet. Dedication of more than half this additional increment may be required, in some instances, to maximize use of existing streets and/or to ensure a consistent street alignment with a minimum of undesirable curvature.

If the right-of-way for an arterial or collector street forms part of the subdivision boundary, the subdivider shall comply with requirements of either one of the following two paragraphs:

- The subdivider shall pave up to 33 feet of the right-of-way in accordance with City standards and specifications.
- The subdivider shall contribute to the City an amount of money equal to that necessary to complete paving and curbing as required by this Section 23-262. These funds shall be held, and eventually disposed, in the manner described within Section 23-260.2(B) of this chapter:

If the right-of-way for an expressway lies adjacent to or forms part of the subdivision boundary, no paving improvements shall be required of the subdivider.

Delete Subdivision Regulation Section 23-262.5(D)(1) and replace it with the following Subdivision Regulation Section 23-262.5(D)(1) concerning required curb and gutter beside minor streets and subcollectors to read as follows:

- (1) Beside Minor Streets and Subcollectors. The subdivider shall install curbs on both sides of all minor streets and subcollectors 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.

Delete the words "and Sidewalks" in Subdivision Regulation Section 23-257.3 (V) (1); Subdivision Regulation Section 23-260.5; and Subdivision Regulation Section 23-262.6 (A) (B) concerning required sidewalk installation.

Delete Subdivision Regulation Section 23.262.7 and add the following Section 23.262.6 concerning required alley dedication and improvement, to read as follows:

6. Alleys. Alleys may be required to be dedicated in commercial and industrial subdivisions, but only if a formal request is made by a member of the Plat Review Committee. Said request shall be made in writing (to the Planning and Zoning Commission), and it shall be read into the minutes of the Plat Review Committee. Otherwise, the dedication of alleys shall be optional in all subdivisions, except where alleys must be dedicated as direct continuations or extensions of ones existing in adjacent subdivisions. Such continuations shall be extended in the same alignment as evident from adjacent lots in the existing subdivision, except where an existing alley is less than 20 feet wide. In that case, additional land shall be dedicated so as to form an alley at least 20 feet wide.

Where lots are subdivided or resubdivided adjacent to or within subdivisions already having alleys, the alley must be improved only to the same extent as may be evident from the existing alley. Where lots are subdivided as continuations of existing subdivisions already having alleys, alleys in the new subdivision shall be improved only to the same standards as those existing alleys, all the way to the first street intersection. Thereafter, if alleys are required or desired, they should conform to standards for alley dedication and improvement set forth in subparagraphs (A) and (B) below:

- (A) Alleys in commercial, industrial, and multi-family residential districts (including townhouses and patio homes where rear auto access is intended) must be a minimum width of twenty-eight (28) feet. Twenty-four (24) feet of the minimum width must be surfaced with one-inch of asphaltic or portland cement binder pavement over a six-inch base of crushed limestone, in accordance with City specifications as approved by the City Engineer.
- (B) Alleys in subdivisions, or portions thereof, proposed for single-family residential use must be a minimum width of twenty (20) feet. Sixteen (16) feet of the minimum width must be surfaced with a six-inch base of crushed limestone in accordance with City specifications approved by the City Engineer.
- (C) Alleys shall be as nearly parallel to the street frontage as reasonable possible.
- (D) Alley intersections with streets shall be as close to right angles (90°) as practical.
- (E) Where two alleys intersect or turn at an angle, a corner clip of not less than ten (10) feet from the normal intersection of the property line shall be provided along each property line.
- (F) 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.
- (G) Alleys should not be platted to intersect any arterial streets.
- (H) Dead-end alleys shall not be permitted unless a permanent or temporary turnaround is provided. The following standards shall apply:
 - (1) In subdivisions subject to paragraph (A) above, turnarounds shall be provided with a minimum radius of 35 feet.
 - (2) In all other subdivisions, turnarounds shall be provided with a minimum radius of 32 feet.
 - (3) In instances where dead-end alleys will clearly be permanent, turnarounds shall be surfaced in accordance with paragraphs (A) or (B) above, as applicable.
 - (4) In instances where dead-end alleys are of a temporary nature, turnarounds shall be improved with a minimum six-inch base of crushed limestone.

- (I) 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.
- (J) Cross intersections of alleys shall not be permitted.
- (K) 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.

Change the number heading of existing Subdivision Regulation Section 23-262.8, concerning utilities, to be Subdivision Regulation Section 23-262.7, concerning the same subject material.

Change the number heading of existing Subdivision Regulation Section 23-262.9, concerning drainage, to be Subdivision Regulation Section 23-262.8, concerning the same subject material.