

ORDINANCE NO. 35-1987

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 ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON FIRST READING this 11th day of June,  
A.D. 1987.

PASSED ON SECOND AND FINAL READING this 25th day of \_\_\_\_\_  
June, A.D. 1987.

ATTEST:

Patricia Hancock  
CITY SECRETARY

Dale Ferguson  
MAYOR

APPROVED:

Harry Cayce

EXHIBIT "A"

ADD: Section 23-266 (6)

6. Exception for Utility Connection. For the purpose of public utility connection, a tract of land may be platted without compliance with subdivision requirements as listed in Section 23-257.3 herein, except for necessary right-of-way dedication under the following conditions:
- a. Is within the AO (Agricultural Open Space) zoning district;
  - b. Is no less than two (2) acres in size;
  - c. No more than one lot is under a single ownership;
  - d. Is used for farming or ranching purposes and/or, has one (1) residence but no more than one (1) residence existing on the subject lot with accessory structures. This exception shall only apply to properties which have completed development as of August 1, 1987;
  - e. Qualifies as a Minor Plat as specified in Section 23-259.1 herein, with the exception that water and/or sewer service must be available without the necessity of any public line extension other than that required to cross the nearest parallel street; however, if sewer service is not available to the subject tract of land then a sewer waiver must be granted in accordance with Section 23-266.5 herein. This exception shall apply only to properties which have water or sewer lines available under these provisions as of August 1, 1987. This exception shall not apply when connection is requested to any lines constructed following August 1, 1987;
  - f. Connection to utilities shall consist of a tap and/or meter no greater than one inch (1") in size.

This exception will in nowise alter the requirement that all subdivision plats be submitted to the Director of Planning and approved by the Planning and Zoning Commission prior to filing the plat with the County Clerk.