

ORDINANCE NO. 27-1988

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

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 City 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.

PART 4: That the City Council hereby finds that an emergency exists requiring suspension of the rule provided in Section 18 of the City Charter requiring ordinances to be read on two (2) separate days, and said rule is hereby suspended and this emergency ordinance, being a penal ordinance, shall take effect immediately upon publication. The immediate passage of said ordinance is necessary for the preservation of the public peace, safety and welfare, to-wit: Recent legislative changes and expansion of the View-Caps Water Supply Corporation system combine to make current provisions outdated and impractical. Said provisions restrict reasonable availability of potable water service in areas on the outskirts of the City.

PASSED this 26 day of May, A.D. 19 88.

ATTEST:

Patricia Hancock  
CITY SECRETARY

Dale Ferguson  
MAYOR

APPROVED:

Harry Cargill  
CITY ATTORNEY

EXHIBIT "A"

Amend Section 23-266 Exceptions

DELETE: Paragraph (2) Five-Acre Exception

ADD: New paragraph (2) Interim ETJ Subdivision Provisions

For the purpose of allowing connection to utilities available in the extra-territorial jurisdiction, platting of property shall occur according to the Subdivision Regulations of the City of Abilene with the following exceptions:

- (A) All subdivision or resubdivisions of land created by metes and bounds description in a deed filed of record, or by a plat not approved by the City of Abilene within the extra-territory, prior to September 1, 1987, shall be exempt from the Subdivision Regulations of the City of Abilene.
- (B) All tracts under single ownership and described as a single tract greater than twenty (20) acres in size shall be exempt from the Subdivision Regulations of the City of Abilene.
- (C) All subdivisions or resubdivisions of land within the extra-territory created after September 1, 1987, shall be platted in accordance with the Subdivision Regulations of the City of Abilene, except that for such subdivisions the subdivider/owner shall be exempt from making municipally required improvements such as water and sewer extensions, street paving, curb and gutter installation and stormwater management provisions; however,

For tracts of land which have a building existing:

- (1) Right-of-way requirements shall be provided in accordance with those standards set forth by the governing County in which the subdivision exists.
- (2) Written indication of compliance with State and County Health requirements is not required for waste water and/or sewage disposal systems in existence at the time of platting.

For tracts of land which are vacant:

- (1) Right-of-way requirements shall be provided in accordance with those standards set forth by the governing County in which the subdivision exists.

- (2) Written indication of compliance with State and County Health requirements is not required for waste water and/or sewage disposal systems in existence at the time of platting.
  - (3) Written approval from the County Flood Plain Administrator concerning the proposed plat shall be provided to the City.
  - (4) It shall be clearly indicated on the plat document the location of the Flood Hazard Area boundary, or if the plat is not in the Flood Hazard area, a note to that effect shall be clearly written on the plat document.
- (D) A waiver of the foregoing requirements may be requested from the Planning and Zoning Commission. If the Planning and Zoning Commission deny the waiver request, a waiver may be requested from Abilene's City Council.
- (E) These provisions shall be considered interim measures only and apply only to subdivisions that have occurred prior to their effective date. All subdivisions occurring following the effective date shall comply with permanent provisions to be adopted at a later date which will replace these interim measures.