

ORDINANCE NO. 45-1988

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 11 day of August,  
A.D. 1988.

PASSED ON SECOND AND FINAL READING this 25 day of \_\_\_\_\_  
August, A.D. 1988.

ATTEST:

Patricia Hancock  
CITY SECRETARY

Dale E Ferguson  
MAYOR

APPROVED:

Debra J. Weinberg  
CITY ATTORNEY

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EXHIBIT "A"

Amend Section 23-266.2 Exceptions

Delete: Section 23-266.2

Add: New Section 23-266.2

2. Lands to which utilities are to be connected or which are subdivided for the purpose of sale or of building development, whether immediate or future, shall be platted in accordance with the following:
  - A. All tracts under single ownership and described as a single tract greater than twenty (20) acres in size shall be exempt from the provisions of this chapter.
  - B. All subdivisions 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, prior to September 1, 1987, shall be exempt from the provisions of this chapter.
  - C. All lands subdivided or resubdivided after September 1, 1987, within the first mile of the extraterritory greater than one (1) acre and less than or equal to twenty (20) acres in size, shall be platted in accordance with the provisions of Section 23-257 of this chapter with the exception of Section 23-257.3.U and V; furthermore, the following conditions shall be required:
    1. 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 public entity responsible for its maintenance.
    2. Right-of-way shall be dedicated where required to meet road width and design requirements.
    3. Written certification of the plat shall be provided the city by the County Flood Plain Administrator. Indication of the tract's location relative to Flood Hazard Area boundary shall be noted on the plat map.
    4. A waiver of all required City of Abilene Subdivision improvements is herein granted.
  - D. All lands subdivided or resubdivided after September 1, 1987, within the first mile of the extra-territory and one (1) acre or less in size shall be platted in accordance with the provisions of this chapter; however, a waiver from required improvements may be requested of the Planning and Zoning Commission. All design standards and other appropriate provisions shall be applicable. If denied, the waiver may be requested of the City Council. Said waiver shall not be available for subdivisions or continuations of same containing more than two contiguous lots or tracts.

- E. All lands subdivided or resubdivided within the remaining four (4) miles of the extraterritory shall be exempt from City of Abilene Subdivision Regulations requirements with the exception of any tract or parcel of land which is subdivided or resubdivided into two or more contiguous lots for the purpose of sale or of building development, whether immediate or future. In such case the following requirements shall apply:
1. All lands subdivided or resubdivided into lots or tracts after September 1, 1987, between one (1) acre and five (5) acres in size shall be platted in accordance with the provisions of Section 23-257 of this chapter with the exception of Section 23-257.3.U and V; furthermore, the following conditions shall be required:
    - 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 public entity responsible for its maintenance.
    - b. Right-of-way shall be dedicated where required to meet road width and design requirements.
    - c. Written certification of the plat shall be provided the city by the County Flood Plain Administrator. Indication of the tract's location relative to Flood Hazard Area boundary shall be noted on the plat map.
    - d. A waiver of all required City of Abilene Subdivision Regulations improvements is herein granted.
  2. All lands subdivided or resubdivided into lots or tracts after September 1, 1987, which are less than one (1) acre in size shall be platted in accordance with all the provisions of this chapter. A waiver of required improvements may be requested of the Planning and Zoning Commission. If denied, the waiver may be requested of the City Council.
  3. All lands subdivided or resubdivided into lots or tracts which are greater than five (5) acres in size in the remaining four (4) miles shall be exempt from the Subdivision Regulations of the City of Abilene, unless the subdivision contains a new proposed public road. In such case:

- a. A plat shall be provided which is drawn in accordance with the provisions of Section 23-257 of this chapter with the exception of Section 23-257.3.U and v.
  - b. The plat shall be reviewed by the City of Abilene Plat Review Committee and finally approved by the Planning and Zoning Commission as well as any other affected public entity prior to recording.
  - c. The proposed road shall be constructed in accordance with the construction and design standards of the public entity responsible for its maintenance.
- F. Where subdivision improvements such as street paving, curb and gutter, and water and sewer extensions are required by the City of Abilene through the Subdivision Regulations, the subdivider shall guarantee said improvements by contribution to the Assessment Paving Fund and similar funds monies equal to the amounts necessary to make the improvements.