

ORDINANCE NO. 23-2006

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," 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 E, "Zoning," 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 11th day of May A.D. 2006.


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 12th day of April, 2006, 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 23rd day of May, 2006, 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.

PASSED ON SECOND AND FINAL READING THIS 23rd day of May, A.D. 2006.

ATTEST:

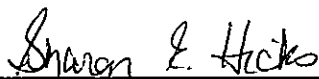


CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

ORDINANCE NO. 23-2006

EXHIBIT "A"

ADD:

Section 23-251

5. Applications and Procedures

Where a conflict exists between the procedures listed in this section and any other section of the Subdivision Regulations, the procedures of this section shall control.

(A) Complete Application

An application must be complete in order to be accepted for review by the City of Abilene. To be complete, it must comply with all the procedures of this section and any other sections pertaining specifically to each application. If an incomplete application is submitted, a written notification stating the deficiencies will be sent to the applicant within ten (10) days of initial receipt. The applicant then has forty-five (45) days to complete the application. The applicant shall be responsible for any additional documents and fees that may be required at a later point in the process to meet the requirements of the City of Abilene Subdivision Regulations prior to approval by the Planning and Zoning Commission. The applicant shall also provide all documents and fees required by the county to the City of Abilene Planning Department in order to have the plat filed for permanent record at the County Clerk's Office. Required documentation for the initial application to be considered complete for each review process is listed below:

(1) Preliminary Development Plan (See Section 23-254 for substantive requirements)

- a. Application
- b. Application Fee
- c. Electronic copy of the plat in AutoCAD format tied to State Plane Coordinate System, NAD 83, Texas North Central, FIPS 4202 or City Monuments
- d. Four (4) paper copies of the plan

(2) Preliminary Utility Plan (See Section 23-255 for substantive requirements)

- a. Application
- b. Application Fee
- c. 10 paper copies (no larger than 24" x 36")

(3) Preliminary Plat (See Section 23-256 for substantive requirements)

- a. Application
- b. Application Fee
- c. Electronic copy of the plat in AutoCAD format tied to State Plane Coordinate System, NAD 83, Texas North Central, FIPS 4202 or City Monuments
- d. Four (4) paper copies of the plat no larger than 24" x 36"
- e. Field Notes
- f. Title Opinion

- g. Construction Plans with all accompanying documentation
- h. Drainage Plan with all accompanying fees and documentation
- i. Approved Preliminary Development Plan
- j. Approved Preliminary Utility Plan

(4) Minor Plat (See Section 23-259 for substantive requirements)

- a. Application
- b. Application Fee
- c. Electronic copy of the plat in AutoCAD format tied to State Plane Coordinate System, NAD 83, Texas North Central, FIPS 4202 or City Monuments
- d. Four (4) paper copies of the plat no larger than 24" x 36"
- e. Field Notes
- f. Title Opinion
- g. Drainage Plan with all accompanying fees and documentation

(5) Final Plat (See Section 23-257 for substantive requirements)

- a. Application
- b. Application Fee
- c. Electronic copy of the plat in AutoCAD format tied to State Plane Coordinate System, NAD 83, Texas North Central, FIPS 4202 or City Monuments
- d. Four (4) paper copies of the plat no larger than 24" x 36"
- e. Field Notes
- f. Title Opinion
- g. Construction Plans with all accompanying documentation
- h. Drainage Plan with all accompanying fees and documentation
- i. Approved Preliminary Development Plan
- j. Approved Preliminary Utility Plan

(B) Revision of Preliminary Plans

- (1) After a Preliminary Development Plan and Preliminary Utility Plan have been reviewed, the applicant must submit two (2) revised copies of each plan that reflect corrections of all the errors and other necessary modifications cited throughout the review process. These must be submitted and approved by the City of Abilene prior to the acceptance of a Preliminary or Final Plat application.
- (2) Preliminary Development Plans and Preliminary Utility Plans must be submitted for final approval within 30 days of the date of the Utility Coordination Committee Meeting at which the plan was reviewed or within 10 days of the decision date of a pending appeal that would affect the information provided on the plans.

(C) 30-day Action

- (1) All completed applications for Preliminary, Minor, and Final Plats accepted between the 30th and 21st day prior to the regularly scheduled Planning and Zoning Commission meeting shall be placed on the next agenda for approval or denial, unless the owner of the property submits a Waiver of Right for 30-day Action no later than 5:00 p.m. on the Thursday prior to the Planning and

Zoning Commission meeting. All plats listed on the agenda must be approved or denied.

- (2) Plat applications shall expire one (1) year from the date of submission if no action has been taken on the plat.

(D) Deadlines

- (1) Drainage Plans and Construction Plans, including all accompanying fees and data in the format required by the City of Abilene, shall be submitted to the Director of Public Works at least twenty-one (21) days prior to the regularly scheduled Planning and Zoning Commission meeting at which the associated plat application will be considered.
- (2) Preliminary, Minor, and Final Plat applications shall not be accepted after the 21st day prior to a regularly scheduled Planning and Zoning Commission meeting or earlier than the 30th day prior to the following regularly scheduled Planning and Zoning Commission meeting.

(E) Expiration Dates

- (1) All portions of Preliminary Development Plans and Preliminary Utility Plans submitted prior to the date of this ordinance that have not been included on an approved final plat shall expire five (5) years from date of this ordinance.
- (2) All portions of Preliminary Development Plans and Preliminary Utility Plans submitted after the date of this ordinance that have not been included on an approved final plat shall expire five (5) years from date of their approval.
- (3) All portions of Preliminary Plats that have been approved by the Planning and Zoning Commission, but have not been included on a Final Plat, shall expire five (5) years from the date of Preliminary Plat approval by the Planning and Zoning Commission.

Section 23-254.1(A)

DELETE:

Each preliminary development plan shall be submitted to the Director of Planning at least forty-nine (49) days but no more than two (2) years prior to the Planning and Zoning Commission meeting at which a plat application for the same property, or portion thereof, is to be considered. No preliminary development plan will be considered unless such plan conforms with all criteria described in Sections 23-254.2 and 23-254.3 of this chapter.

ADD:

Each Preliminary Development Plan shall be submitted to the Director of Planning at least forty-nine (49) days but no more than five (5) years prior to the Planning and Zoning Commission meeting at which a plat application for the same property, or portion thereof, is to be considered. No Preliminary Development Plan will be considered unless such plan conforms with all criteria described in Sections 23-251.5, 23-254.2, and 23-254.3 of this chapter. Where conflict exists between Section 23-251.5 the criteria of this section, Section 23-251.5 shall take precedence.

Section 23-255.1(A)

DELETE:

Preliminary utility plans shall be submitted no less than thirty-five (35) days but no more than two (2) years prior to the Planning and Zoning Commission meeting at which a plat application for the same property is to be considered. No preliminary utility plan will be considered by the

Utility Coordination Committee unless such plan conforms with all criteria described in Sections 23-255.2 and 23-255.3 of this chapter.

ADD:

Preliminary Utility Plans shall be submitted no less than thirty-five (35) days but no more than five (5) years prior to the Planning and Zoning Commission meeting at which a plat application for the same property is to be considered. No Preliminary Utility Plan will be considered by the Utility Coordination Committee unless such Plan conforms with all criteria described in Sections 23-251.5, 23-255.2, and 23-255.3 of this chapter. Where conflict exists between Section 23-251.5 the criteria of this section, Section 23-251.5 shall take precedence.

Section 23-256.2(C)

DELETE:

Application. A preliminary plat application, including all accompanying data in the format required by this section, shall be submitted to the Director of Planning at least twenty-one (21) days prior to the Planning and Zoning Commission meeting at which such application shall be considered. No preliminary plat application shall be placed on the agenda of the Planning and Zoning Commission meeting until such application includes all information required by this section; is submitted in the format required by this section; and is accompanied by all fees required by this section.

ADD:

Application. A preliminary plat application, including all accompanying data in the format required by this section and Section 23-251.5, shall be submitted to the Director of Planning at least twenty-one (21) days prior to the Planning and Zoning Commission meeting at which such application shall be considered. No preliminary plat application shall be placed on the agenda of the Planning and Zoning Commission meeting until such application includes all information required; is submitted in the format and number of copies required; and is accompanied by all fees required by this section and Section 23-251.5. Where conflict exists between Section 23-251.5 the criteria of this section, Section 23-251.5 shall take precedence.

23-257.2(D)

DELETE:

Application. A subdivision application, including all accompanying data in the format required by this section, shall be submitted to the Director of Planning at least twenty-one (21) days prior to the Planning and Zoning Commission meeting at which such plat application shall be considered. No subdivision application shall be placed on the agenda of the Planning and Zoning Commission until such application includes all information required by this section; is submitted in the format and number of copies required by this section; and is accompanied by all fees required by this section.

ADD:

Application. A subdivision application, including all accompanying data in the format required by this section and Section 23-251.5, shall be submitted to the Director of Planning at least twenty-one (21) days prior to the Planning and Zoning Commission meeting at which such plat application shall be considered. No subdivision application shall be placed on the agenda of the Planning and Zoning Commission until such application includes all information required; is submitted in the format and number of copies required; and is accompanied by all fees required by this section and Section 23-251.5. Where conflict exists between Section 23-251.5 the criteria of this section, Section 23-251.5 shall take precedence.

23-259.2(B)

DELETE:

Application. Application for minor plat shall be submitted to the Director of Planning. No application may be accepted by the Director of Planning unless such application meets those basic requirements of applicability set forth in this section; includes all information required by this section; is submitted in the format and number of copies required by this section; and is accompanied by all fees required by this section.

ADD:

Application. Application for minor plat shall be submitted to the Director of Planning. No application may be accepted by the Director of Planning unless such application meets those basic requirements of applicability set forth in this section and Section 23-251.5; includes all information required; is submitted in the format and number of copies required; and is accompanied by all fees required by this section and Section 23-251.5. Where conflict exists between Section 23-251.5 the criteria of this section, Section 23-251.5 shall take precedence.

Section 23-257.3(Z):

DELETE:

A tax certificate showing that there are no delinquent ad valorem City, County, School, or Water District taxes due on the subject property.

Section 23-267.2

DELETE:

Vested Rights. No person shall acquire any vested rights under provision of this chapter.

Section 23-259.2

DELETE:

- (C) Preliminary Approval. The Director of Planning shall review all minor plats accepted. Within no less than three (3) but no more than five (5) working days following acceptance of a minor plat application, notification of preliminary approval or disapproval shall be made available by the Director of Planning.
- (1) If the Director of Planning finds that the minor plat application meets all application criteria and design standards of this chapter, he shall make a formal finding to that effect and recommend approval of the application. Preliminary approval shall provide the Building Official with authority to issue permits for construction or improvements on the land encompassed by the minor plat application. Preliminary approval shall also permit the City and utility providers to furnish new or expanded service to property encompassed by the minor plat application. The Director of Planning shall provide certification to the Building Official and/or Director of Water Utilities, as applicable, that the minor plat application is preliminarily approved.
 - (2) If the Director of Planning determines that the application fails to meet any one application criteria or that, in any material respect, the application fails to meet design standards of this chapter, he shall recommend disapproval of the application. If the Director of Planning recommends disapproval of the application, he shall return it to the applicant together with a memorandum describing in detail the specific ways in which the application fails to meet appropriate criteria and/or standards. An application returned to the applicant for lack of completeness may be resubmitted at such time as deficiencies specified in the memorandum have been corrected. A minor plat application returned for failure to comply with applicability requirements set forth in Section 23-259.1 may be resubmitted as a subdivision or resubdivision in accordance with Sections 23-257 and 23-258, respectively.

- (D) Final Approval. Each minor plat application shall be placed on the agenda of the next regularly-scheduled meeting of the Planning and Zoning Commission which occurs at least four (4) days following preliminary approval by the Director of Planning. Review, approval, and recording of minor plats shall be in accordance with procedures set forth for plats in Section 23-257.2, except that prior submission of a preliminary development plan and preliminary utility plan shall not be required.
- (E) Deemed Approval. If the Director of Planning fails to act on a minor plat application which has been accepted in accordance with Section 23-259.2(B)(1) within thirty (30) days, the application shall be deemed approved.

ADD:

- (C) Final Approval. Each minor plat application shall be placed on the agenda of the next regularly-scheduled meeting of the Planning and Zoning Commission by the Director of Planning unless the owner of the property provides a Waiver of Right to 30-day Action no later than 5:00 p.m. on the Thursday prior to the Planning and Zoning Commission meeting. Review, approval, and recording of minor plats shall be in accordance with procedures set forth for plats in Section 23-257.2, except that prior submission of a preliminary development plan and preliminary utility plan shall not be required.
- (D) Deemed Approval. If the Planning and Zoning Commission fails to act on a minor plat application which has been accepted in accordance with Section 23-259.2(B)(1) within thirty (30) days, the application shall be deemed approved.