

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; 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 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 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 6th day of December, 2007.

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 17th day of October, 2007, 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 20th day of December, 2007, 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 20th day of December, 2007.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

CITY ATTORNEY

SECTION 23-266 EXCEPTIONS

DELETE:

2. ETJ Subdivision Provisions. 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.

ADD:

- 2. ETJ Subdivision Provisions. The owner of a tract of land must have a plat of the subdivision approved if the owner divides the tract into two or more parts to lay out a subdivision of the tract including an addition, lots, or streets, alleys, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, or other parts.
 - (A) All tracts under single ownership and described as a single tract greater than ten (10) acres in size shall be exempt from the provisions of this chapter unless the subdivision includes any streets, alleys, or other parts of the tract intended to be

dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, or other parts.

- (B) All lands subdivided or resubdivided not otherwise exempted by part (A) above shall be platted in accordance with the provisions of this chapter except as modified below:
- (1) Lots less than or equal to one (1) acre:
- (a) All tracts shall have a minimum frontage of (60) feet, or (30) feet if irregularly shaped, on a public road meeting the design and construction standards of the City of Abilene.
 - (b) The residential lot exception of 23-262.4(B) regarding double frontage lots shall apply regardless of intended use of the land.
- (2) Lots greater than one (1) acre:
- (a) All tracts shall have a minimum frontage of 100 feet, or 45 feet if irregularly shaped, on a public road or approved private road meeting the design and construction standards of the City of Abilene.
 - (b) The residential lot exception of 23-262.4(B) regarding double frontage lots shall apply regardless of intended use of the land to lots less than or equal to three (3) acres.
 - (c) Compliance with Section 23-257.3(V)(2) may be waived if the following conditions can be met:
 - i. Full compliance of Section 23-257.3(V)(3) and 23-260.5 of this ordinance
 - ii. Dedication of sewer easements if needed to provide future service.
 - (d) Installation of fire hydrants shall not be required. However, taps shall be provided for future hydrant installation in compliance with City requirements.
 - (e) An Interim Rural street design, as promulgated by the City Engineer, may be used as an alternative to full City street standards. However, in the following circumstances the City Engineer may require the installation of one or more streets in a proposed subdivision be built to full City standards:
 - i. The subject street(s) is a continuation of an existing street already built to City of Abilene standards;
 - ii. The subject street(s) are intersected by one or more streets already built to City of Abilene standards; or,
 - iii. Any part of the proposed subdivision is within an adopted 3-year Annexation Plan, or is within an area where formal annexation proceedings have commenced.
 - iv. Other situations where the City Engineer, with approval of the Planning and Zoning Commission, finds reasonable justification.