

**ORDINANCE NO. 22-2018**

**AN ORDINANCE AMENDING CHAPTER 3, "SUBDIVISION REGULATIONS," ARTICLE I, "SUBDIVISION PROCEDURES", DIVISION 1, "PROVISIONS APPLICABLE TO ALL PLATTING PROCEDURES", SECTION 3.1.1.3, "EXEMPTIONS," OF THE ABILENE LAND DEVELOPMENT CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; AND PROVIDING A SEVERABILITY CLAUSE**

**WHEREAS**, the City of Abilene (City) generally requires that all subdivisions of land within the city limits be platted; and

**WHEREAS**, the City allows exemptions to this platting requirement for specific land division, including but not limited to, a court order creating the division, a remainder tract that is insufficient in size to be developed, and farmland; and

**WHEREAS**, the City is in the process of selling lake lots at Lake Fort Phantom Hill to the Lessees of those lots, and a special, unique circumstance has arisen regarding the subdivision and plating of a few specific lots due to onsite sewage facilities and lot size requirements by the State of Texas; and

**WHEREAS**, the City desires to sell these lots to the Lessees to complete the sale of lake lots at Lake Fort Phantom Hill, and desires, as best it can, to comply with the State of Texas lot size requirements for lots with an onsite sewage facility.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**

**PART 1:** That Chapter 3, "Subdivision Regulations", Article I "Subdivision Procedures", Division 1, "Provisions Applicable To All Platting Procedures", Section 3.1.1.3, "Exemptions" of the Abilene Land Development Code be amended as set out in Exhibit "A", by adding a Part (a)(6), which is attached hereto and made a part of this ordinance for all purposes.

**PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

**PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance, shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.

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.

**PASSED ON FIRST READING this 26th day of April, A.D., 2018.**

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 16<sup>th</sup> day of March 2018, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 10th day of May, 2018, to permit the public to be heard.


**PASSED ON SECOND AND FINAL READING this 10th day of May, A.D., 2018.**

ATTEST:

  
\_\_\_\_\_  
City Secretary

  
\_\_\_\_\_  
Mayor

APPROVED:

  
\_\_\_\_\_  
City Attorney

### Section 3.1.1.3 Exemptions

(a) Exemptions. The following land divisions are exempt from the requirements of this article that apply to plats:

- (1) Use of existing cemeteries complying with all State and local laws and regulations;
- (2) A division of land created by order of a court of competent jurisdiction;
- (3) A division of land for which a Development Plat exemption is claimed (refer to Article 1, Division 5 of this chapter);
- (4) Creation of a remainder tract, which must be a tract of land that is of sufficient size to be developed in the future, when shown on a preliminary plat (also refer to Section 3.1.1.7);
- (5) Farmland Exception. Permits may be issued by the Building Official for construction or improvements on property other than lots in a duly recorded subdivision, if said property qualifies for farmland exception as set forth herein. The City and all utility providers may furnish limited services to property other than a lot in a duly recorded subdivision if said property qualifies for farmland exception as set forth herein. Property qualifying for farmland exception shall meet all the following minimum specifications:
  - a. Have twenty (20) acres or more in common ownership;
  - b. Be used for no primary purpose other than farming or ranching;
  - c. Have no more than one (1) single-family residence thereon; and, [sic]
- (6) A division of land which is owned prior to any transfer of ownership by the City of Abilene and is located at Lake Fort Phantom, and which is leased to a third-party, is less than 1/2 acre, and is not serviced by the City's wastewater utility.

(Ord. No. 8-2010, pt. 1 (Exh. A), 4-22-10; Ord. No. 12-2010, pt. A (Exh. A), 6-10-10)