

ORDINANCE NO. 07-2020

AN ORDINANCE AMENDING CHAPTER 3, "SUBDIVISION REGULATIONS," ARTICLE II, "SUBDIVISION STANDARDS," DIVISION I, "ADEQUATE PUBLIC FACILITIES," SECTION 3.2.1.1, "GENERAL POLICY," OF THE ABILENE LAND DEVELOPMENT CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW AND PROVIDING ADDITIONAL RESPONSIBILITY FOR DEVELOPER

WHEREAS, current Abilene policy, adopted April 22, 2010, is for the taxpayers to pay for new street light installations at approximately \$5,000 to \$8,000 per light, and

WHEREAS, street lights in new developments specifically benefit the developments, and

WHEREAS, most peer cities require the developer to install and pay for the costs of new street lights within their development, and

WHEREAS, there is a need to update the land development code to include relocating a portion of the installation expense of new street lights to developers of new subdivisions.

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

PART 1: That Chapter 3, Article II, Section 3.2.1.1 of the Abilene Land Management 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 provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

PART 3: That any persons, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine 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 21st day of November, 2019.


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 23rd of February, 2020, 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 4:30 p.m. on the 27th day of February, 2020, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 27th day of February, 2020.

ATTEST:




Shawna Atkinson, City Secretary



Anthony Williams, Mayor

APPROVED:



Stanley Smith, City Attorney



EXHIBIT A

Section 3.2.1.1. General Policy.

- (a) Adequate Service for Areas Proposed for Development. Land proposed for development in the City and in the City's extraterritorial jurisdiction must be served adequately by essential public facilities and services, limited to water facilities, wastewater facilities, transportation facilities, and drainage facilities, as set forth in this Article of this Chapter. Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or off-site.
- (b) Responsibilities of the Developer. The subdivider shall pay all design, engineering, labor, and construction costs for facilities required by this LDC, except to the extent that this section specifically provides for full or partial payment by the City of Abilene. The provisions of this section shall apply to resubdivisions as well as to subdivisions. Specifically, the developer shall be responsible for the following:
- (1) Phasing of development or improvements to ensure provision of adequate public facilities;
 - (2) Extensions of public facilities and roadways (including any necessary on-site and off-site facilities) to connect to existing public facilities;
 - (3) Providing and/or procuring all necessary property interests, including rights-of-way and easements, for the facilities (whether on-site or off-site);
 - (4) Providing proof to the City of adequate public facilities;
 - (5) Making provisions for future expansion of the public facilities as needed to serve future developments, subject to the City's oversize participation policies, if applicable;
 - (6) Providing for all operations and maintenance of the public facilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the facilities;
 - (7) Providing all fiscal security required for the construction of the public facilities;
 - (8) Obtaining approvals from the applicable utility providers other than the City;
 - (9) Complying with all requirements of utility providers, including the City and applicable drainage districts;
 - (10) Designing, procuring, and installing the necessary conduits, wiring and appurtenances related to street lights on all streets within the subdivision and along perimeter streets:
 - a. All conduits, wiring and appurtenances related to street lights installations shall confirm to the standards of the City of Abilene;

- b. Conduits, wiring and appurtenances related to street lights shall be installed at intersections, curves, dead ends, and cul-de-sacs. Also, conduits, wiring and appurtenances related to street lights shall be installed mid-block where spacing will exceed twelve hundred (1,200) feet;
- c. A Street Lighting Plan shall be submitted during the platting process with proposal for conduits, wiring and appurtenances related to street light placement. The city traffic engineer shall approve the Street Lighting Plan and placement of conduits, wiring and appurtenances related to street lights. The general requirements outlined within (b.) above may be superseded by the approved Street Lighting Plan;
- d. All conduits, wiring and appurtenances related to street light infrastructures shall be in dedicated utility easements or rights of way;
- e. Installation procedures and acceptable standards for conduits, wiring and appurtenances related to street lights shall be governed by design and specification standards of electric utility company serving the subdivision;
- f. The developer shall be responsible for the costs of installation of necessary conduits, wiring and appurtenances related to the electricity to service the street lights and all engineering costs not borne by the electrical service provider;
- g. Once satisfactorily installed, approved, and accepted, the conduits, wiring and appurtenances related to street lights shall be dedicated to public use with maintenance of the conduits, wiring and appurtenances related to street lights being provided by the electrical service provider;
- h. A Street Lighting Plan shall be required for subdivisions in the Extra-Territorial Jurisdiction (ETJ). The developer shall not be required to install conduits, wiring and appurtenances related to street lights in any portion of a subdivision located in the Extra-Territorial Jurisdiction (ETJ);
- i. Requests for waivers, or alternative proposals, to the requirements of the proceeding conduits, wiring and appurtenances related to street lights provisions, whether in the ETJ or within the city limits, shall be submitted in writing with the Street Lighting Plan. The City Engineer may grant or deny a waiver request. If the City Engineer denies the waiver request, within 30 calendar days the developer may file a request for waiver with the City Manager. The City Manager or designee shall grant or deny the waiver request within 30 days of filing. If the City Manager or designee denies the waiver, the developer may file a petition for waiver in accordance with Chapter 1, Article 3, Division 4, Petition for Waivers, of this Land Development Code; and

(11) Nothing in this chapter shall be construed to require any dedication or construction that is not explicitly required by the standards within this Article.