

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #50 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended; as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 11 day of October, A.D. 19 90.

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 30 day of September, 19 90, 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 9:00 a.m., on the 23 day of October, 19 90, 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 23 day of October, A.D. 19 90.

ATTEST:

[Signature]
CITY SECRETARY

[Signature]
MAYOR

APPROVED:

[Signature]
CITY ATTORNEY

Exhibit "A"

ORDINANCE NO. 43-1990

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with the maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance. Site Plan (and vicinity map) is attached as Exhibit B.

Further, all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of this P.D.D. are hereby incorporated by reference and included as part of this ordinance. (Some of these documents may be attached as Exhibit C.)

All use and development within the Planned Development District must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space) District to PD MX (Planned Development Mixed Use) District.

That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PART 5: Legal Description. The legal description of this P.D.D. is as follows:

EXHIBIT "A"

PART 5: Legal Description

134.26 acres out of Lots 3 and 4, McDonald Subdivision of the W.W. Sills Survey Nos. 23 and 24, Abilene, Taylor County, Texas

PART 6: Name

This Planned Development District shall hereafter be known as Planned Development Mixed Use District Number 50.

PART 7: Purpose

The intention of this Planned Development Mixed Use District is to guide development of a "Special Education" community in order to achieve the following:

- A. Provide for quality development that will be aesthetically pleasing to residents and the general public;
- B. Create an environment which is visually and functionally compatible not only as a whole, but with adjacent land use;
- C. Promote economical and efficient land use, an improved level of amenities, appropriate variety in physical development, creative design, and a better urban environment; and,
- D. Allow planned and incremental development of a large tract of land over an extended period of time.

PART 8: Specific Modifications

The following regulations shall govern the use and development of the Planned Development Mixed Use District.

- A. Subdivision Required. Formal subdivision of the property shall occur prior to development.
- B. Permitted Uses. The activities permitted by right of use within the PDMX are contained within Exhibit "B."

C. Land Use Intensity, Height, and Placement.

1. A maximum Land Use Intensity of 5:5 shall apply to multi-family residential development.
2. Maximum height permitted for structures shall be thirty-five (35) feet.
3. Building setback lines are as follows:
 - 35' - from lot lines adjacent to the highway frontage road
 - 30' - from lot lines adjacent to arterial and collector streets
 - 20' - from north and south property boundaries

D. Sign Control. The following free-standing signage options are permitted:

1. Either one (1) free-standing (pole) sign which is no greater than thirty (30) feet in height, with no less than eight (8) feet grade clearance and no greater than one hundred and fifty (150) square feet in area on private property, per public street frontage; or,
2. One (1) free-standing monument sign, located at least twenty-five (25) feet from all property lines and no greater than one hundred and fifty (150) square feet in area, per public street frontage.

E. Driveways.

There shall be no more than three (3) driveway openings onto the highway frontage road. The minimum spacing between nearest edge of driveways for all public roadways shall be no less than one hundred and fifty (150) feet.

F. Interior Roadways.

Interior roadways illustrated on Exhibit "C" shall be considered private drives for interior circulation only, with the exception of the arterial street in the western portion of the tract and a collector street in the southern portion of the tract. Private drives shall be privately owned and maintained and be provided with appropriate signage indicating private status.

Because of the length and extent of private drives, it is in the public interest to ensure appropriate design and construction features. Therefore, the following specifications shall be incorporated.

- a. Private drives/access roads shall extend to within 150 feet of all building exterior walls.
 - b. Minimum turn radii shall be 32 feet inside and 48 feet outside.
 - c. Dead-end drives in excess of 150 feet or containing 90° turns, shall have circular turnarounds 100 feet in diameter, or T-shaped turnarounds 30 feet wide and 80 feet in length.
 - d. Standard handicapped ramps shall be required at all points where walking trails intersect private roads.
 - e. Drives having two-way operation should have intersections of 90° ± 15° with other drives.
 - f. The internal drive system shall be designed in a manner to inhibit through traffic unrelated to the development.
 - g. Internal roads must be a minimum of 24 feet wide.
- G. Public streets shall be dedicated to the City of Abilene in accordance with the provisions of the Subdivision Regulations. At a minimum, public streets shall consist of the arterial street in the western portion and the collector street in the southern portion of the tract, as illustrated on Exhibit "C" and the preliminary development plan for the property.
- Necessary right-of-way for each public street shall be dedicated to the City by the subdivision plat. However, subdivider street improvement responsibilities for the arterial may be deferred, but not canceled, until such time as the City of Abilene deems appropriate to begin street construction. At such time, the record owner of the property described in Part 5 shall make necessary funds available to meet the improvement responsibilities as described by the Subdivision Regulations. Failure to provide funds as required shall result in the placement of a lien by the City against the subject property.
- H. Parking. Parking needs for each particular use shall be determined by the parking requirements found in Section 23-306.4 of the Zoning Ordinance.
- I. Performance Standards. All land uses within this PDMX shall conform to the performance standards contained in Section 23-316 of the Zoning Ordinance.

PART 9: Subdivision and Site Planning

Prior to issuance of permits to develop the property, land within the PDMX district shall be subdivided according to the Subdivision Regulations of the City of Abilene in effect at the time of subdivision, except as described above.

Final site plan review and approval as described in the Zoning Ordinance of the City of Abilene will be required prior to issuance of permits to construct improvements.

PART 10: Development

As the development of this project will be done in phases, the preliminary outline is as follows.

- A. Phase 1: This phase will encompass the area that lies to the northwest of the proposed arterial street, Northwest Drive. Most of the vocational aspects of the projects will be located in this area. Driveway A which services this site, may be paved with base material only until such time as permits are requested for construction of buildings. It will then be paved and meet all city requirements.
- B. Phase 2: This phase will encompass the residential center building. The collector street, Windridge Drive, will be constructed from the freeway frontage road to the west end of the lot as part of this phase.
- C. Phase 3: This phase will encompass several of the residential buildings and other miscellaneous buildings.
- D. Phase 4: This area will encompass the remainder of the buildings to be located within the development. The area may be platted into more than one lot. The collector street will be expanded in conjunction with the development.
- E. Block C: This area, located south of the collector street, will remain unplatted and will be limited to landscaping, utilities, and other incidental uses not requiring platting.
- F. Any additional or subsequent lots that are platted must have public street frontage.
- G. When the arterial street is constructed, Driveway A between Deer Run and the arterial street must no longer make connection (directly or indirectly) with both public streets.

EXHIBIT "B"

PERMITTED USES BY RIGHT:

Residential Uses:

Single Family Dwellings
Multi-Family Dwellings, including duplexes
Group Homes
Dormitories

Cultural and Recreational Uses:

Ballfields and Ballparks (non-commercial)
Kindergarten and Child Care Centers
Horseback Trails, Stables and Barns
Game Preserve
Libraries
Camping and Picnicking Areas
Museums
Parks and/or Playgrounds
Community Center
Walking/Wheelchair Trails

Service and Trade:

Small Game Farm
Dog Kennel
Slaughtering/Rendering
Orchards
Crafts, Manufacture and Sales
Grocery Store
Gifts and Novelty Sales
Clay and Ceramic Product Manufacture and Sales
Produce Sales
Greenhouses and Gardens
Hotel or Motel
Fish Farming and Hatchery
Tree Farm
Earthworm Farm
Food Product Manufacturer and Sales
Hunting and Fishing Supplies Store and Pro Shop
Lawn and Garden Service

Government, Health, Safety and Welfare Uses:

Social Service Organization Offices
Special Education and Rehabilitation Center
Hospital
Clinics
Administrative Facilities
Vocational Training Center
Nursing Home
Retirement Center

Educational and Religious Uses:

Church or Place of Worship
School
Youth Centers
Day Care

Accessory and Incidental Uses:

Animal Lot (Private)
Recreation Buildings
Swimming Pools
Tennis Courts
Soccer Field and Athletic Track Field
Property Maintenance Building