

ORDINANCE NO. 114-1984

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING WISTERIA PLACE 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 One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 15 day of November, A.D. 19 84.

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 4 day of November, 19 84, 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 6th day of December, 19 84, 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 6 day of December, A.D. 19 84.

ATTEST:

Patricia Patton  
CITY SECRETARY

David Stubbeman  
MAYOR

APPROVED:

How Landers  
CITY ATTORNEY

PDD

Exhibit "A"

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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 RM-3 (Residential Multi-Family ) District to PDD (Planned Development ) 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:

Legal Description:

Lots 5-9, Block 3, Section 4, Hedges Addition, Abilene, Taylor County, Texas.

PART 6: Purpose: The purpose of the Wisteria Place Planned Development district is to integrate multi-family residential development, specifically for elderly persons, with surrounding lower density residential development and commercial activities. District regulations described in the following Part 7 are designed to achieve the following:

- A. provide for and guide the development of selected activities within the district, and
- B. blend the scale and intensity of buildings and activities with the relatively intensive commercial uses to the south and with less intensive residential uses to the north.

PART 7: Specific Modifications:

A. The use and development of land and buildings within the Wisteria Place Planned Development Residential district shall be governed by RM-2 district regulations described within the Zoning Ordinance of the City of Abilene, unless otherwise reflected on the site plan and specified below:

1. Permitted Uses: Use of the property shall be limited to a multi-family housing structure, the specific purpose for which is a retirement center, defined herein as a facility to house and accommodate the needs of the elderly only, and characterized by those features illustrated on the site plan. Accessory structures shall also be permitted within the district.
2. Building Density: The maximum rating of Land Use Intensity (L.U.I.) shall be 4.8 within the district.
3. Building Height: The maximum height of buildings shall be two (2) stories or thirty (30) feet.
4. Off-Street Parking: Off-street parking shall be provided at a rate of one (1) space per individual dwelling unit, plus one (1) space for every employee during the shift or other time period calling for the most employees to be present.
5. Building Setback Lines: The minimum distance separating buildings from district property lines shall be as set forth in the RM-2 zoning classification, except that an open porch or canopy with a roof but no vertical walls, may extend into the required front yard no more than ten (10) feet over, and a length of no more than sixty-five (65) feet. Columns supporting the covered canopy and located within the required front yard, shall be no more than ten (10) feet thick.
6. Signage: The area, height, placement, classification and type of signs shall be in conformance with the provisions of the RM-2 zoning classification.

- B. In addition to the use and development regulations stated above, the following provisions shall regulate development:
1. At least one (1) driveway shall be provided which opens onto and links the site directly with S. Danville Drive. The driveway(s) and driveway opening(s) shall be of sufficient design and capacity to accommodate vehicular traffic entering and exiting the site.
  2. A six (6) foot high solid, opaque fence shall be constructed so as to effectively screen off-street parking areas from adjoining residentially zoned properties. In addition, a three (3) foot high solid, opaque fence, or landscaping of equal height and effectiveness, shall be provided adjacent to the right-of-way for Wisteria Way where parking lots directly face it.
  3. The adjoining alley to the south of the district shall be paved to municipal standards where it abuts the district.
  4. Developers of the district shall provide any facilities necessary to increase the capacity of municipal water and sewer lines to accommodate demand generated by proposed development at the site in question, as determined and required by the City Engineer of the City of Abilene.
  - C. Resubdivision of any one or more of the lots represented on the site plan (attached as Exhibit B) shall be undertaken in conformance with the Subdivision Regulations of the City of Abilene applicable at the time of resubdivision. Amendment of this Planned Development ordinance shall not be necessary for resubdivision.

