

ORDINANCE NO. \_\_\_\_  
File No. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988 , SO AS TO APPROVE A CHANGE OF ZONING FROM AGRICULTURAL TO PLANNED DEVELOPMENT (PD) DISTRICT ON TWO TRACTS OF LAND CONSTITUTING APPROXIMATELY 622 ACRES SITUATED IN THE MARTHA MUSICK SURVEY, ABSTRACT NO. 312, KAUFMAN COUNTY, TEXAS, AND BEING TRACTS ONE AND TWO OF THE THREE TRACTS OF LAND DESCRIBED IN DEED TO SPRADLEY/FORNEY DEVELOPMENT, LTD., AS RECORDED IN VOLUME 1915, PAGE 215, DEED RECORDS, KAUFMAN COUNTY, TEXAS; THEREBY ALLOWING THE CONSTRUCTION OF A COMMERCIAL AND RESIDENTIAL DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

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

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve a change of zoning from Agricultural to Planned Development (PD) subject to the stipulations set out in the attached Exhibits "C" - "K":

That the subject property is approximately 622 acres of undeveloped property generally located between FM 2757 and I-20 and North of I-20 East of FM 740 and is more fully described in the attached Exhibit "B," and shown on the Location Map provided as Exhibit "A."

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

SECTION 4. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 5. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 6. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the \_\_th day of \_\_\_\_\_, 2019.

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Stan Pickett  
Mayor

ATTEST:

APPROVED:

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City Secretary

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City Attorney

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## LOCATION MAP



## **EXHIBIT B**

### **LEGAL DESCRIPTION OF THE PROPERTY**

BEING TWO TRACTS OF LAND SITUATED IN THE MARTHA MUSICK SURVEY, ABSTRACT NO. 312, KAUFMAN COUNTY, TEXAS, AND BEING TRACTS ONE AND TWO OF THE THREE TRACTS OF LAND DESCRIBED IN DEED TO SPRADLEY/FORNEY DEVELOPMENT, LTD., AS RECORDED IN VOLUME 1915, PAGE 215, DEED RECORDS, KAUFMAN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

#### **TRACT 1**

BEGINNING AT A 5/8" DIAMETER IRON ROD FOUND IN THE SOUTH LINE OF INTERSTATE HIGHWAY NO. 20 (A VARIABLE WIDTH RIGHT-OF-WAY), SAID IRON ROD ALSO BEING IN THE SOUTHEAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO BEAM & SONS, INC., AS RECORDED IN VOLUME 1088, PAGE 726, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE SOUTH 83 DEGREES 00 MINUTES 54 SECONDS EAST, 2163.91 FEET, WITH THE SAID SOUTH LINE OF INTERSTATE HIGHWAY NO. 20, TO A 5/8" DIAMETER IRON ROD FOUND IN THE SOUTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO I-20 MESQUITE LIMITED PARTNERSHIP, AS RECORDED IN VOLUME 3326, PAGE 255, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE SOUTH 45 DEGREES 15 MINUTES 17 SECONDS EAST, 1653.63 FEET, WITH THE SAID SOUTHWEST LINE OF I-20 MESQUITE LIMITED PARTNERSHIP TRACT AND ALONG A FENCE LINE, TO A 1/2" DIAMETER IRON ROD FOUND;

THENCE NORTH 44 DEGREES 33 MINUTES 26 SECONDS EAST, 1275.56 FEET, WITH THE SOUTHEAST LINE OF SAID I-20 MESQUITE LIMITED PARTNERSHIP TRACT AND WITH THE SOUTHEAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO GEOFFREY WATTIKER, AS RECORDED IN VOLUME 5097, PAGE 507, DEED RECORDS, KAUFMAN COUNTY, TEXAS, TO A 5/8" DIAMETER IRON ROD FOUND IN THE SOUTHWEST LINE OF SAID INTERSTATE HIGHWAY NO. 20;

THENCE WITH THE SOUTHWEST AND SOUTH LINES OF SAID INTERSTATE HIGHWAY NO. 20 THE FOLLOWING:

SOUTH 48 DEGREES 43 MINUTES 01 SECOND EAST, 30.13 FEET TO A TEXAS HIGHWAY DEPARTMENT CONCRETE MONUMENT;

NORTH 63 DEGREES 41 MINUTES 22 SECONDS EAST, 125.17 FEET TO A TEXAS HIGHWAY DEPARTMENT CONCRETE MONUMENT;

SOUTH 89 DEGREES 23 MINUTES 42 SECONDS EAST, 174.62 FEET, ALONG A FENCE LINE, TO A 1/2" DIAMETER IRON ROD FOUND;

NORTH 85 DEGREES 51 MINUTES 51 SECONDS EAST, 1321.76 FEET, ALONG A FENCE LINE, TO A 1/2" DIAMETER IRON ROD FOUND;

NORTH 83 DEGREES 33 MINUTES 53 SECONDS EAST, 386.92 FEET, ALONG A FENCE LINE, TO A 5/8" DIAMETER IRON ROD FOUND IN THE WEST LINE OF A TRACT OF

LAND DESCRIBED IN DEED TO HUBERT C., JR. AND PAMELA SUE RAY WHITE AS RECORDED IN DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE SOUTH 07 DEGREES 16 MINUTES 59 SECONDS EAST, 1539.16 FEET, WITH THE SAID WEST LINE OF WHITE TRACT AND ALONG A FENCE LINE, TO A FENCE CORNER FOUND;

THENCE WITH THE NORTHWEST AND SOUTHWEST LINES OF A TRACT OF LAND DESCRIBED IN DEED TO FORIVER L.P., AS RECORDED IN VOLUME 5431, PAGE 178, DEED RECORDS, KAUFMAN COUNTY, TEXAS, THE FOLLOWING:

SOUTH 43 DEGREES 39 MINUTES 23 SECONDS WEST, 406.47 FEET, ALONG A FENCE LINE, TO A FENCE CORNER FOUND;

SOUTH 39 DEGREES 15 MINUTES 25 SECONDS EAST, 29.09 FEET, ALONG A FENCE LINE, TO A FENCE CORNER FOUND;

SOUTH 43 DEGREES 19 MINUTES 32 SECONDS WEST, 349.18 FEET, ALONG A FENCE LINE, TO A FENCE CORNER FOUND;

SOUTH 10 DEGREES 45 MINUTES 39 SECONDS EAST, 362.66 FEET TO A 1/2" DIAMETER IRON ROD FOUND IN THE NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO DAVID R. AND WINONA LITTLEFIELD, AS RECORDED IN VOLUME 1190, PAGE 528, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE SOUTH 68 DEGREES 10 MINUTES 15 SECONDS WEST 401.86 FEET, WITH THE NORTHWEST LINE OF SAID LITTLEFIELD TRACT AND ALONG FENCE LINE, TO A 3/8" DIAMETER IRON ROD FOUND;

THENCE SOUTH 21 DEGREES 46 MINUTES 49 SECONDS EAST, 387.16 FEET, WITH THE SOUTHWEST LINE OF SAID LITTLEFIELD TRACT AND ALONG A FENCE LINE, TO A 3/8" DIAMETER IRON ROD FOUND;

THENCE SOUTH 14 DEGREES 12 MINUTES 56 SECONDS WEST, 85.16 FEET, WITH THE SAID NORTHWEST LINE OF LITTLEFIELD TRACT AND ALONG A FENCE LINE, TO A 3/8" DIAMETER IRON ROD FOUND IN THE NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO FUTURE TELECOM, INC., AS RECORDED IN VOLUME 3611, PAGE 280, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE WITH THE NORTH, NORTHWEST AND SOUTHWEST LINES OF SAID FUTURE TELECOM, INC. TRACT AND ALONG A FENCE LINE THE FOLLOWING:

SOUTH 53 DEGREES 10 MINUTES 27 SECONDS WEST, 86.93 FEET TO A 3/8" DIAMETER IRON ROD FOUND;

SOUTH 68 DEGREES 14 MINUTES 20 SECONDS WEST, 190.04 FEET TO A 3/8" DIAMETER IRON ROD FOUND;

SOUTH 77 DEGREES 25 MINUTES 14 SECONDS WEST, 152.17 FEET TO A 3/8" DIAMETER IRON ROD FOUND;

SOUTH 89 DEGREES 11 MINUTES 31 SECONDS WEST, 155.78 FEET TO A 1/2" DIAMETER IRON ROD FOUND;



THENCE SOUTH 44 DEGREES 27 MINUTES 54 SECONDS WEST, 2284.40 FEET, WITH THE SAID NORTHWEST LINE OF FUTURE TELECOM, INC. TRACT AND WITH THE NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO FPD PROPERTIES LLC, AS RECORDED IN VOLUME 4096, PAGE 112, AND WITH THE NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO TADEUSZ ZAKROCKI, AS RECORDED IN VOLUME 3118, PAGE 497, AND WITH THE NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO KEITH AND GINA BARRON, AS RECORDED IN VOLUME 1167, PAGE 930, DEED RECORDS, KAUFMAN COUNTY, TEXAS AND ALONG A FENCE LINE, TO A 1/2" DIAMETER IRON ROD FOUND;

THENCE SOUTH 45 DEGREES 47 MINUTES 36 SECONDS WEST, 1143.49 FEET, WITH THE SAID NORTHWEST LINE OF BARRON TRACT AND WITH THE NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO MICHAEL B. AND VANESSA L. KELLY, AS RECORDED IN VOLUME 4335, PAGE 59, AND WITH THE NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO HEARTLAND FIRST BAPTIST CHURCH, AS RECORDED IN VOLUME 3120, PAGE 471, DEED RECORDS, KAUFMAN COUNTY, TEXAS AND ALONG A FENCE LINE, TO A 3/8" DIAMETER IRON ROD FOUND IN THE NORTHEAST LINE OF F.M. ROAD NO. 2757 (A 100 FOOT RIGHT-WAY AT THIS POINT);

THENCE WITH THE SAID NORTHEAST LINE OF F.M. ROAD NO. 2757 THE FOLLOWING; NORTH 44 DEGREES 40 MINUTES 10 SECONDS WEST, 3200.34 FEET, ALONG A FENCE LINE, TO A TEXAS HIGHWAY DEPARTMENT CONCRETE MONUMENT FOUND; NORTH 45 DEGREES 16 MINUTES 12 SECONDS WEST, 2152.36 FEET, ALONG A FENCE LINE PART OF THE WAY, TO A TEXAS HIGHWAY DEPARTMENT CONCRETE MONUMENT FOUND; NORTH 36 DEGREES 35 MINUTES 25 SECONDS WEST, 101.59 FEET TO A TEXAS HIGHWAY DEPARTMENT CONCRETE MONUMENT FOUND; NORTH 45 DEGREES 16 MINUTES 12 SECONDS WEST, 94.96 FEET TO A TEXAS HIGHWAY DEPARTMENT WOODEN MONUMENT FOUND IN THE EAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO DONALD G., JR. AND LEASA K. DAVIS, AS RECORDED IN VOLUME 3471, PAGE 60, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE NORTH 13 DEGREES 30 MINUTES 00 SECONDS EAST, 1211.80 FEET, WITH THE SAID EAST LINE OF DAVIS TRACT AND ALONG A FENCE LINE, TO A 2" DIAMETER IRON PIPE FOUND AT THE EAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO GRADY M. AND JEFFREY L. BEAM, AS RECORDED IN VOLUME 3761, PAGE 62, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE NORTH 44 DEGREES 49 MINUTES 56 SECONDS EAST, 1211.36 FEET, WITH THE SAID SOUTHEAST LINE OF BEAM & SONS, INC. TRACT AND ALONG A FENCE LINE, TO THE PLACE OF BEGINNING AND CONTAINING 613.573 ACRES OF LAND, MORE OR LESS.

## TRACT 2

BEGINNING AT A 1/2" DIAMETER IRON ROD FOUND IN THE NORTH LINE OF INTERSTATE HIGHWAY NO. 20 (A VARIABLE WIDTH RIGHT-OF-WAY), SAID IRON ROD ALSO BEING IN THE SOUTHEAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO

BEAM & SONS, INC., AS RECORDED IN VOLUME 839, PAGE 241, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE NORTH 44 DEGREES 49 MINUTES 56 SECONDS EAST, 754.15 FEET, WITH THE SAID SOUTHEAST LINE OF BEAM & SONS, INC. TRACT AND ALONG A FENCE LINE, TO A 1/2" DIAMETER IRON ROD FOUND IN THE SOUTHWEST LINE OF LONE STAR ESTATES, AN ADDITION TO THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET 2, PAGE 516, PLAT RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE SOUTH 45 DEGREE 15 MINUTES 17 SECONDS EAST, 973.34 FEET, WITH THE SAID SOUTHWEST LINE OF LONE STAR ESTATES AND ALONG A FENCE LINE, TO A 5/8" DIAMETER IRON ROD FOUND IN THE SAID NORTH LINE OF INTERSTATE HIGHWAY NO. 20;

THENCE NORTH 82 DEGREES 59 MINUTES 27 SECONDS WEST, 1232.22 FEET, WITH THE SAID NORTH LINE OF INTERSTATE HIGHWAY NO. 20, TO THE PLACE OF BEGINNING AND CONTAINING 8.426 ACRES OF LAND, MORE OR LESS.



**EXHIBIT C**  
**MASTER PLAN (TRACT 1)**



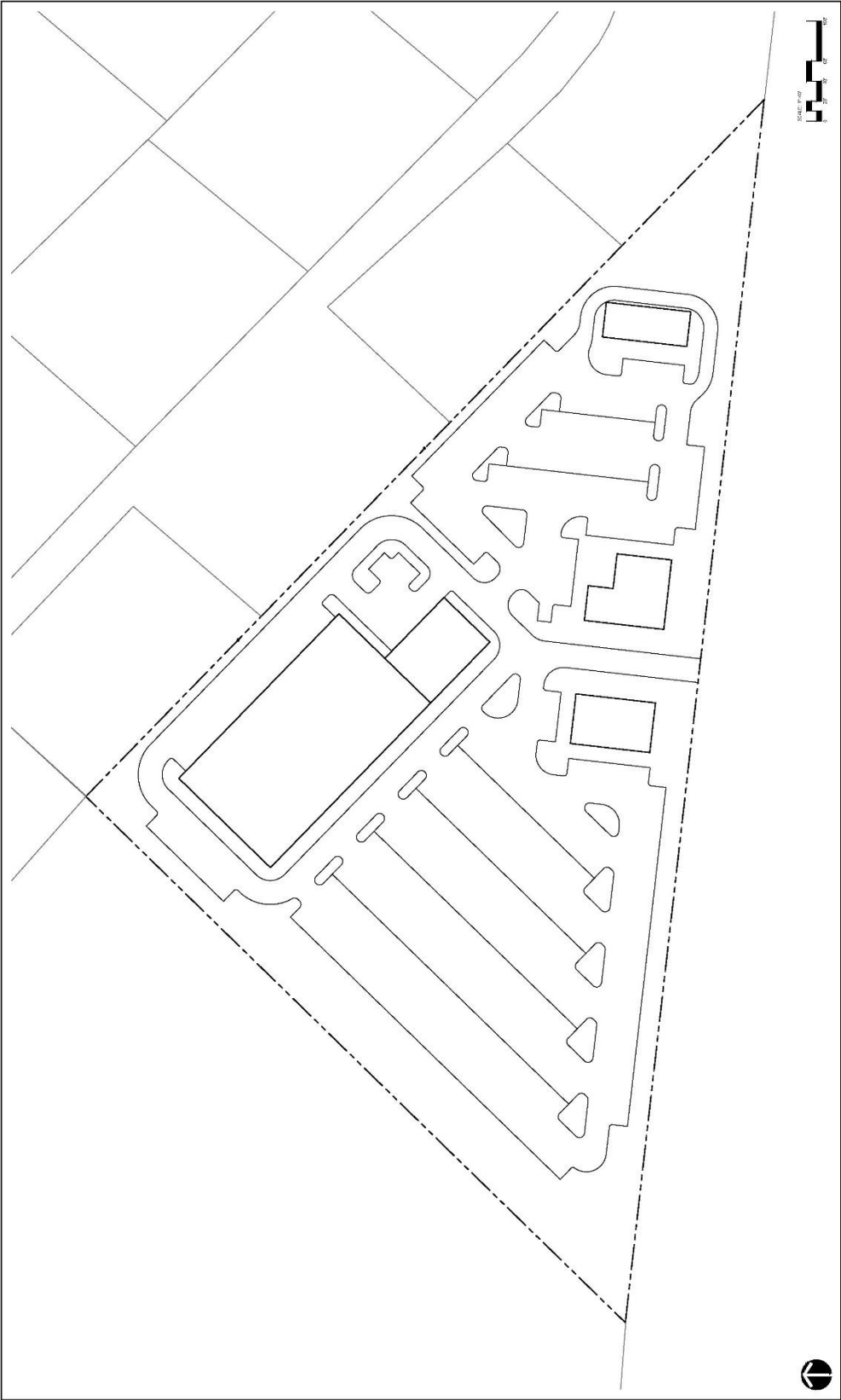
**LandDesign.**

**MESQUITE TEXAS • ILLUSTRATIVE**  
P001-8271 | 06/27/2018 | THE NEMAH COMPANY

# EXHIBIT C LAND USE AREAS



**EXHIBIT C**  
**NORTH COMMERCIAL/MIXED USE AREA (TRACT 2)**



**LandDesign.**

MESQUITE • TEXAS • NORTH PARCEL  
PK1018271 | 06.19.2019 |  
NOT TO SCALE. SEE PLAN FOR DIMENSIONS AND NOTES.

## EXHIBIT D

### A. Permitted Uses

1. The following use shall be permitted in the areas designated Residential as shown in “Exhibit B – Use Areas” and in the areas designated as Town Center on Tract 1.
  - a) Single Family Detached
    1. Conventional Dwellings
    2. Zero Lot Line Dwellings
    3. Patio Homes
  - b) Single Family Attached
    1. Duplex Two-family Dwellings
    2. Townhouse Dwellings
    3. Other Attached Dwellings (3-plex, 4-plex)
  - c) Accessory Uses and Structures
    1. Accessory Structures (Private) (Buildings, garages, patio covers, decks, carports, fences, signs, swimming pools, spas, antenna, satellite dishes, game courts, flagpoles)
    2. Accessory Dwelling Unit as defined in this PD
    3. Home Occupations
    4. Leasing Office
    5. Community Recreation (Private)
    6. Refuse Containers
    7. Landscape Irrigation Systems
    8. Ponds (Over 1 1/2 feet deep)
  - d) Non-residential uses
    1. Public Golf Courses, Playgrounds and Parks
2. All uses permitted in the LC, Light Commercial District are allowed in the areas designated as Town Center as shown in “Exhibit B – Use Areas” except as modified in Subsections “a,” “b,” and “c” of this paragraph. The uses permitted in the LC District are subject to the same requirements applicable to the uses in the LC District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the LC District only by conditional use permit (“CUP”) is permitted in this district only by CUP.
  - a) The following uses are prohibited:

SIC Codes 17	Special Trade Contractors
SIC Codes 20-3999	Manufacturing uses
SIC Code 40a	Railroad Passenger Terminal
SIC Code 533	Variety Stores
SIC Code 5993	Tobacco Stores
SIC Codes 60a & 61a	Alternative financial establishments
SIC Code 701b.	Limited Service Hotel

SIC Code 726

Funeral Service, Crematories

- b) The following uses are permitted by right.

SIC Code 793

Bowling Centers

SIC Code 701

Boutique Hotel as defined in this PD.

- c) The following uses are permitted by a Conditional Use Permit:

Multifamily permitted with a Conditional Use Permit in Tract 2. Multifamily is not permitted in Tract 1. See Section VI for applicability.

SIC Code 557

Motorcycle Dealers

Multifamily – See Section VI for applicability

SIC Code 791 a. and b.

Minor and Major Reception Facilities

SIC Code 794

Commercial Sports

3. All uses permitted in the CV, Civic District are allowed in the areas designated as Civic as shown in “Exhibit B – Use Areas”. The uses permitted in the CV District are subject to the same requirements applicable to the uses in the CV District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the CV District only by conditional use permit (“CUP”) is permitted in this district only by CUP.
4. The following use shall be permitted in the areas designated Open Space as shown in “Exhibit B – Use Areas”.
- a) Public Golf Courses, Playgrounds and Parks
- b) Arboreta, Botanical Gardens (Public)
- c) Accessory Uses and Structures
1. Accessory Structures (Private) (Buildings, garages, patio covers, decks, carports, fences, signs, swimming pools, spas, antenna, satellite dishes, game courts, flagpoles)
  2. Refuse Containers
  3. Landscape Irrigation Systems
  4. Ponds (Over 1 1/2 feet deep)
5. Wireless Telecommunication Facilities within the PD as defined in Section 1-700 of the Mesquite Zoning Ordinance may be permitted with the approval of a Conditional Use Permits.

## **EXHIBIT E**

### **PLANNED DEVELOPMENT STANDARDS**

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- II. MASTER PLAN
- III. DEFINITIONS
- IV. PD AMENDMENT AND DEVELOPMENT PLAN REVIEW PROCEDURES
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- VII. BUILDING SETBACK, AREA, AND BULK REQUIREMENTS
- VIII. DESIGN STANDARDS
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- X. LANDSCAPING
- XI. TREE PRESERVATION
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- XIII. PARKING
- XIV. OFF-STREET LOADING FOR NON-RESIDENTIAL USES
- XV. SIGNS
- XVI. OPEN SPACE
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- XVIII. STREET AMENITY DESIGN PACKAGE
- XIX. STREET SECTIONS
- XX. PEDESTRIAN AND STREET LIGHTING STANDARDS

## **I. Applicable Regulations.**

- A. In the event of a conflict between this planned development district (“PD”) and or the Mesquite Zoning Ordinance (“Zoning Ordinance,” or any other City ordinance imposing zoning regulations, this PD shall control.
- B. Development of the Property shall be subject to ordinances that the City is required by state or federal law to adopt and apply uniformly to all property within its corporate limits, regardless of whether such ordinances conflict with this PD.
- C. Section 1A-300, “SCREENING AND BUFFERING REQUIREMENTS,” of the Zoning Ordinance does not apply.
- D. Section 4-200, “PLANNED DEVELOPMENT DISTRICT REGULATION,” of the Zoning Ordinance applies in this PD, except as otherwise provided in this PD.

## **II. Master Plan.**

Use of the Property shall comply with the general use areas shown as Town Center, Residential, Civic/Community Facilities, and Park/Open Space on the Master Plan attached as **Exhibit B**, as it may be amended in accordance with this Section, and with the use list for each general use area as set forth in **Exhibit D**. The developer may request a minor amendment to the boundaries and area of any use area by up to a cumulative amount of twenty percent for each land use area provided the requested change is otherwise capable of complying with the requirements of this PD. Any change to the Master Plan must be submitted to the Director to ensure it is in compliance with this Section, and the amended Master Plan will become a part of the permanent file maintained by the Director for this PD. Areas shown on the Master Plan as Residential are considered to be residential zoning areas, all other parts of the Property are considered to be nonresidential zoning areas.

The developer is allowed the use of up to 100 percent residential or up to 100 percent commercial development of the Town Center based upon the market demand for commercial space at the time of development.

## **III. Definitions**

Terms used within this PD, including its exhibits, shall be defined as stated below. If a term is not listed below, the definition in the Zoning Ordinance shall apply (*specifically Section 6-100 – Definitions*).

- A. Accessory Community Center, Private – A private accessory community center as defined in the Zoning Ordinance except as provided in **Section V.b.2** of this PD.
- B. Accessory Dwelling Living Unit – A living unit that complies with the requirements in **Section V.a.4** of this PD.
- C. Active Park – A park intended to support activities and equipped with improvements to promote activities, such as picnic tables, shade structures,



dog parks and playgrounds.

- D. Alley – A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.
- E. Amenity Center – An accessory use to a residential development that may consist of one or more buildings and structures and that may include, but is not limited to, meeting space, recreational facilities (such as a swimming pool and playground).
- F. Block face – One side of a block between two streets.
- G. Boulevard – A street divided by a median.
- H. Code – The Mesquite City Code.
- I. Community Center – A facility that is used as a place of meeting, recreation, or social activity but not primarily to render a service that is customarily carried on as a business.
- J. Director – The Director of Planning and Development Services or his/her designee.
- K. Facade – Any separate face of a building that encloses or covers usable space. A roof is not a facade.
- L. Floor Area – An air-conditioned floor space.
- M. Group Cluster, 4 – A square or rectangular group of homes consisting of four homes or lots fronting on a shared driveway off a public street and or alley
- N. Group Cluster, 6 – A square or rectangular group of homes consisting of six houses fronting on a shared Driveway adjacent to a public street and or alley
- O. Height – The vertical distance measured from grade to the highest point of a structure (including a sign).
- P. Hotel, Boutique – means a hotel as defined in and that complies with the requirements in **Section V.c.1** of this PD.
- Q. Land Use Category – One of the following land use categories identified on the permitted use table attached as **Exhibit D**: Town Center, Residential, Civic/Community Facilities, and Park/Open Space.
- R. Mixed Use Building – A building that contains two or more uses from a different land use category, with one land use category occupying at least ten

percent of the gross floor area of the building or 15,000 square feet (whichever is less) and the other land use category occupying at least five percent of the gross floor area of the building or 10,000 square feet (whichever is less).

- S. Multi-Family – A building used or designed as a residence for three or more families or households living independently of each other on the same lot.
- T. Non-residential building or non-residential development - A building or a lot containing one or more uses that are not single family, duplex, or multi-family.
- U. Non-residential use – A use that is not exclusively single family, duplex, or multi-family.
- V. Open Space – A property that is at least 0.25 acres and is one of the following: a public park, a private park accessible to residents living on the Property, or an undeveloped space open to the sky and accessible by the public and located on private property, such as native mitigation areas or trails, except for development allowed in open space in this PD
- W. Parkway – means the area between a sidewalk and the back of curb.
- X. PD – means this Planned Development District (PDXX-XX: Ordinance no. XX-XXX, adopted Month Day Year).
- Y. Personal Services – means a facility or area for the sale of personal services, such as a spa or salon, a tailor, a florist, or a pet grooming shop.
- Z. Pocket Park – means a park that is less than one acre in size.
- AA. Property – means the property depicted on the attached *Exhibit B* and described by metes and bounds on the attached *Exhibit C*.
- BB. Rear Entry Garage – means a garage served by an alley or a side street abutting the rear of a lot.
- CC. Residential Building or Residential Development – means a building or a lot with single family, duplex, or multi-family use.
- DD. Residential Use – A single family, duplex, or multi-family use.
- EE. Side-Entry Garage – A front entry garage with a garage door that is perpendicular to the street (e.g., “j-swing garage”), or a garage on a corner lot with a garage door that is parallel to a side street.
- FF. Single Family Attached – A single family dwelling on a separate lot that fronts on a street, a place, a court, or a private access easement, and that is attached to one or more single family dwellings by either a common wall or another

structure which causes the attached dwellings to constitute an architectural whole or appear on the exterior to be a single building.

- GG. STC – Sound Transmission Class, which is commonly accepted integer-number rating of how well a building partition attenuates airborne sound, and is used to rate interior walls, ceilings/floors, doors, windows and exterior wall configurations.
- HH. Stealth Towers – A communications tower that is effectively camouflaged or concealed so that it blends in with the natural surroundings or the built environment.
- II. Temporary – Of limited duration; not permanent.
- JJ. Temporary Asphalt or Concrete Batch Plant – A temporary facility or area for mixing concrete or asphalt to be used for new construction on the Property.
- KK. Temporary Construction Field Office – A facility or area used as a temporary field construction office.
- LL. Temporary Construction Storage Yard – A facility or area for the temporary outside storage of construction equipment and materials associated with an active permit to demolish or construct.
- MM. Temporary Outdoor Sales – An area used for the temporary outdoor sale of general merchandise or seasonal merchandise to the public.
- NN. Utility Lines, Towers, or Metering Station – This use is defined as set forth in the Zoning Ordinance. In addition, this use may include windmills and solar-powered panels.
- OO. Wireless Communications Facilities – Meaning Telecommunication towers, antennas, and other facilities regulated by Section 1-703 [Permitted Telecommunications Facilities] of the Zoning Ordinance. (*i.e. Ord. 3153/5-5-97*).
- PP. Zoning Ordinance – meaning Ordinance 3984 adopted on September 4, 1973, and recodified as Ordinance 2569 on November 21, 1988, as amended.

#### **IV. PD Amendment and Development Review Procedures**

##### **a. Zoning Change.**

- A. Property Owner Consent for PD Amendments. PD amendments are authorized for all or a portion of the land governed by this PD. With the exception of PD amendments initiated by the City, all requests to amend this PD shall only be accompanied by the written consent of the owners of the property subject of the amendment request, to the extent permitted by law as determined by the City Attorney. A request to amend

or an amendment to a portion of the Property shall apply only to the property subject of the amendment request, unless otherwise provided by law.

B. Approval Authority. The Director has the authority to authorize minor amendments as provided by this PD and the Zoning Ordinance.

b. Planned Development (PD) Site Plan Approval. The PD site plan review and approval procedures shall follow the requirements in Section 4-200 of the Mesquite Zoning Ordinance.

## V. Special Use Conditions

a. Accessory Uses Special Conditions. Accessory uses are permitted as shown in Exhibit C. However, no accessory use is permitted without a primary use. Without limiting the generality of the foregoing, the following conditions apply:

1. *Accessory Community Center, Private*. An accessory community center may include a restaurant open to members and their guests. An accessory community center may also include banquet facilities that may be rented for special occasions, such as wedding receptions and parties.
2. *Accessory Outside Display and Sales*. When in connection with non-residential uses, outdoor display of merchandise shall be limited to the area immediately along the front of the building, extending no further than ten feet from the front of the building. All incidental outdoor displays shall be located on hardscape areas. No merchandise may be displayed in any landscaped area, or areas not hard surfaced. Incidental displays shall be removed at the end of each business day, providing that a display may be placed again the next day. Incidental display of seasonal items, such as plants, lawn/garden supplies, firewood, Christmas trees and similar goods may be conducted for periods longer than one business day during the season in which the product is used.
3. *Accessory Outside Storage*. When in connection with a non-residential use and visible from ground level on an adjacent street, this use shall be screened with a masonry wall that is a minimum of six feet in height, and none of the items stored may project above the screening wall. The perimeter of the screening wall shall be landscaped with a minimum 12-inch-wide landscape strip containing shrubs, vines, or a combination of both.

*Accessory Dwelling Unit*. This use must not exceed 800 square feet in floor area, must be located on the same lot as and be accessory to a single family detached or duplex living unit, and it must be occupied only by guests, servants, or family members of the residents of the main structure. The structure must not contain more than one bedroom, more than one kitchen, or more than one bathroom. The structure shall be attached to the main structure. Accessory Dwelling Units must meet the same lot setbacks as the main structure and must match the main structure architecturally and comply with all design guidelines applicable to the main structure.

b. Special Conditions Applicable to Certain Uses.

1. *Hotel, Boutique.* Section 3-203 (Schedule of Permitted Use) of the Zoning Ordinance (*i.e. I. Services specifically related to Hotels, Camps and other Lodging Places*) does not apply to a boutique hotel. A boutique hotel must meet the following requirements.
  - a) Definition. A building providing transient lodging accommodations for compensation, usually containing fewer than 200 rooms, and that is not classified as a full-service hotel, limited service hotel, or residence hotel. The entrance to each guest room is gained from a completely enclosed area or from an exterior court located within a secured area.
  - b) A boutique hotel must:
    - (i) Have management onsite 24 hours a day;
    - (ii) Provide housekeeping services or daily maid service;
    - (iii) Offer concierge service or other personalized service to each guest; and
    - (iv) Be located either within the Town Center area shown on the Master Plan or adjacent to or across the street from publicly accessible open space or a lake.
  - a) A boutique hotel within the Town Center area shown on the Master Plan must offer the following services to each guest either on-site or within the specified distance from the boutique hotel<sup>1</sup>.
    - (i) One or more meeting or conference rooms with a minimum of 1,000 square feet of conference space within 1,500 feet;
    - (ii) Recreational facilities within 500 feet; and
    - (iii) A restaurant with a full-service kitchen offering meals during normal dining hours (breakfast, lunch, and dinner) and seating for a minimum of 50 patrons within 500 feet.
  - b) A boutique hotel may contain personal service shops.
2. *Temporary Asphalt or Concrete Batch Plant.* A temporary concrete or asphalt batch plant may be permitted for use by a contractor for the period of active and continuous construction requiring concrete or asphalt. Such batch plant shall be located at least 500 feet from any occupied residential lot and shall not be used for construction at any other location than the project for which it is permitted. An application to permit a temporary batch plant shall be submitted to the Engineering Division and shall include a copy of the approved State permit for such operation.
3. *Temporary Construction Field Office.* The location of a temporary office may be permitted on a site for which a construction permit has been submitted and where a pre-meeting has been scheduled. Such office permit may be issued for no more than one year but may be extended if the builder maintains active and continuous construction on the site. Temporary construction office shall mean office and/or storage space related to construction activities.
4. *Temporary Construction Storage Yard.* This use is permitted on the Property in connection

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<sup>1</sup> These services may be developed concurrently with a boutique hotel or in a subsequent development phase.

with the issuance of a permit authorizing the construction of structures or infrastructure improvements. This use may include associated temporary buildings, such as trailers. This use shall cease operation upon completion of construction of improvements or structures on the Property.

5. *Temporary Outdoor Sales.* This use may include a temporary farmers market. For the sale of seasonal merchandise, this use shall not exceed 90 days. For the sale of non-seasonal merchandise, this use shall not exceed 14 days.
6. *Veterinary Clinic.* Rooms containing cages or pens are not permitted to have windows, doors, or other penetrations on exterior walls. Areas designated for holding, boarding, or grooming pets are limited to no more than 15 percent of the gross floor area. Outside boarding is prohibited.
7. *Wireless Communications Facilities.* Except as otherwise provided in this Section, the provisions of Section 1-703 [Permitted Telecommunications Facilities] of the Zoning Ordinance, as well as all definitions in the Zoning Ordinance pertaining thereto, apply. Mounted antennas may be located on mixed use and non-residential buildings. Unless towers are stealth towers, towers are permitted with a Conditional Use Permit. All towers are subject to the height restrictions and Conditional Use Permit requirements set forth in Section 1-703 of the Zoning Ordinance (*i.e. Section 1-703 A.3 specifically related to Maximum Height*).

## **VI. Restrictions on Multi-Family**

### **A. Multi-family development shall be restricted as follows:**

#### **1. Type 1 Multi-Family.**

Type 1 multi-family is multi-family development that consists of a maximum of ten dwelling units on a platted lot, all of which shall be in a single building. Type 1 multi-family does not include multi-family within a mixed use building. Type 1 multi-family buildings shall be a maximum of three stories. Type 1 multi-family may be located only at street termini, on corner lots, at focal points, and at other unique anchor locations approved by the Director. Type 1 multi-family is permitted only in Town Center Areas shown on the Master Plan (***Exhibit B***) in Tract 2 with a Conditional Use Permit. Type 1 multi-family shall have ground floor entrances to each dwelling unit.

#### **2. Type 2 Multi-Family.**

Type 2 multi-family is multi-family development that is a minimum of four stories in height and is not in a mixed use building. Type 2 multi-family is permitted in Town Center Areas on the Master Plan (***Exhibit B***) in Tract 2 with a Conditional Use Permit.

#### **3. Type 3 Multi-Family.**

Type 3 multi-family consists of multi-family development within a mixed use

building. To qualify as a mixed use building the building must include a second use that occupies at least 15% of the occupiable ground floor gross area and must be built as, or convertible to, non-residential or have multi-family related uses other than dwelling units (including, but not limited to, any apartment related support facilities on the first floor. i.e. coffee shop, leasing office, fitness room, laundry room, etc.). Type 3 multi-family is permitted only in Town Center Areas shown on the Master Plan (*Exhibit B*) in Tract 2 with a Conditional Use Permit.

- B. Multi-family dwelling units shall have no stairwells visible from outside the property line of the multi-family dwelling units.
- C. The minimum dwelling unit area for multi-family dwelling units is 500 square feet; however, the minimum dwelling unit area must average a minimum of 750 square feet when considering all dwelling units within a multi-family building.

## VII. Building Setback, Area, and Bulk Requirements

- A. Requirements for Single Family, Duplex, and Type 1 Multi-family Development.

### 1. Requirements.

- a. The requirements in this **Section A** and *Exhibit F* are the exclusive building setback, area, and bulk requirements applicable to single family detached and attached, duplex, and Type 1 multi-family development other than fences and retaining walls that are part of the development. The requirements in *Exhibit F* apply to all single family (detached and attached), duplex, and Type 1 multi-family buildings, including accessory buildings, but do not apply to other structures.

- (1) **Zero Lot Line Standards:** The side setback may be reduced anywhere from four and a half feet (4'6") to zero feet (0') on any one side of a single family (detached) lot, when a maintenance easement is provided with such reduced setback.

- i. The building separation maintained between the structures on adjacent properties shall not be less than seven-and-a-half feet (7.5 feet).
- ii. The building separation area shall include a use and maintenance easement of no less than 7.5 feet in width, extending along the entire lot line adjoining the reduced setback.
  - a) The maintenance easement shall be dedicated by plat and will include the maintenance agreement, approved by the City and detailing the purpose of the maintenance easement and access rights for maintenance purposes, on the plat.



- b) The maintenance easement shall be maintained as an open space, with the following exceptions:
      - (i) Fences that are parallel to the front lot line are allowed.
      - (ii) Horizontal construction at grade level, such as a deck not exceeding 12 inches above grade, or paved surfaces may be allowed in the maintenance easement upon a finding that it does not impede the drainage of the adjoining structure.
    - c) If the separation between buildings is less than 10 feet there will be additional fire safety requirements required to be installed.
  - b. The Director may approve alternative materials and methods to the fence and retaining wall restrictions in Chapter to the extent the alternate materials or methods are equal or better in function and durability.
  - c. Swimming pools shall have a minimum five-foot setback from rear and side property lines, however, such setback applies only to the swimming pool, and not to associated decking or paving around the pool.
2. Garages.
- a. With the exception of side entry garages, garages may not extend beyond the front of a single family detached home or duplex.
  - b. Required parking spaces for single family detached, single family attached, and duplex uses must be located in enclosed, covered parking areas.
  - c. Notwithstanding anything to the contrary in ***Exhibit F***, front-facing garage doors are permitted provided they are located at least five feet behind the front facade. For homes with front porches, the front facade is considered to be the portion of the front porch closest to the front property line but in no event less than three feet behind the front of the house.

3. Single Family Attached.

The front facade of single family attached structures may not exceed 350 feet in length.

4. Mix of Residential Types Required.

Proposed mix of residential types, including the approximate number of dwelling units of each type is set forth in Table VII-1.

**Table VII-1: Mix of Residential Types**

<i>Type of Dwelling Unit</i>	<i>Planning Title</i>	<i>Lot Width at Street Frontage (linear feet)</i>	<i>Percentage of Total Units</i>
Single-Family Attached	Townhomes	16 to 38, per accepted builder plans	25%
Single-Family Detached	SF-D less than 60'	25 to 59, per accepted builder plans	60%
Single-Family Detached	60' and Above	60 and above, per accepted builder plans	15%
Total Attached Units			25%
Total Detached Units			75%
<b>Grand Total All Types</b>			<b>100%</b>

B. Requirements for Multi-Family (Types 2 and 3), Mixed Use Buildings and Non-Residential Development.

1. Requirements

- a. The requirements in the table below are the exclusive building setback, area, and bulk requirements applicable to Type 2 multi-family buildings, Type 3 multi-family buildings, mixed use, and non-residential buildings, and any related accessory buildings.
- b. Swimming pools shall have a minimum five-foot setback from rear and side property lines, however, such setback applies only to the swimming pool, and not to associated decking or paving around the pool.

**Table VII-2: Building Setbacks and Height Restrictions**

	<b>Multi-Family (Types 2 and 3) Mixed Use, and Non-Residential Development</b>
Maximum Setback from a Street	A building facade must be constructed within 21 feet of the back of curb along a minimum of 50 percent of each front building facade, exclusive of open space areas, parks, and driveways. If a block face is built out in phases, a phasing plan may be used to show how this requirement will be satisfied in a future construction phase. The Director may alter the maximum setback requirement upon a finding that the alteration will promote pedestrian activity along the street. There is no maximum setback requirement for schools.
Maximum Height	15 stories. Exception: <ol style="list-style-type: none"> <li>a) No height limit for a Full Service Hotel.</li> <li>b) Maximum height for Schools is 75 feet.</li> </ol>

**VIII. Design Standards**

A. Single Family Attached Sound Attenuation.

When single family attached uses share a common wall, the common wall shall have a minimum Sound Transmission Class (STC) rating of 58.

B. Drive-Through Windows.

Drive through windows are limited to the Town Center area illustrated on the Master Plan.

C. Entries.

1. Non-residential, Type 2 multi-family and Type 3 multi-family buildings shall comply with the following requirements:

- a. All ground floor entrances shall be covered or inset.

2. All non-residential and Type 3 multi-family buildings over 20,000 square feet in floor area shall incorporate elements such as arcades, roofs, alcoves, porticos, and awnings that protect pedestrians from sun and weather for a minimum of 50 percent of the length of the building frontage along a street.

D. Outdoor Storage.

Outdoor storage is prohibited in connection with a non-residential use unless the Director approves it based upon a finding that the adverse effects of such storage have been mitigated through adequate restrictions regarding the storage location and type of screening. This provision does not apply to accessory outside storage, which is required to be screened in accordance with **Section V.a.3** of this PD.

E. Fences.

1. With the exception of temporary construction fencing, the following types of fences are prohibited: chain link, barbed wire, pipe, vinyl, and razor wire fences.

2. The following general fence provisions apply to non-residential lots.

- i. Metal picket fences will be constructed of minimum  $\frac{3}{4}$ -inch thick material.
  - ii. The finished side of all fencing which is visible from a public area or right-of-way will face outward.
  - iii. Fences adjacent to the public street:
    - a) Except for handicapped accessible residential units at grade, (see 2.4.5.b above) fences will not exceed 4 feet in height.
    - b) Fences will not have barbs or sharp finials.
    - c) Fences will be no closer to the street than the near corner of the building.
  - iv. Perimeter fences:
    - a) Fences will be a maximum of 6 feet in height and constructed of masonry, metal picket, glass or other approved material. Wood and

chain link fences will be prohibited unless fully covered by landscaping.

- b) HVAC Screening. All HVAC equipment will be located behind a fence or solid landscape screen or on a rooftop and screened. HVAC equipment will not be located in a front yard or side yard facing a street.

F. Pedestrian Connectivity.

When a block face developed with non-residential uses or mixed-use buildings exceeds 500 feet in length, pedestrian access through the block shall be provided. Such access may be provided through a pedestrian access easement, a business open to the public, or any other means that provides pedestrian access during regular business hours.

G. Accessory Buildings.

An accessory building shall not exceed the floor area of the main building.

H. Enhancements on Corner Lots.

Each corner lot with a single family detached home or Type 1 multi-family building shall have landscape enhancements along the side street as follows: at least one minimum three-inch caliper tree shall be planted for each 35 feet (or fraction thereof) of lot length along the side street, and a minimum of five evergreen shrubs that are a minimum of five gallons shall be planted every five feet on center along fence lines facing the side street. Trees are not required to be evenly spaced

I. Other.

Each single family detached home shall be serviced by a shared mailbox for each two homes which is landscaped and architecturally compatible with the residential structure in which it serves. All streets will have upgraded streetlights that will be architecturally compatible with the overall theme of this PD.

**IX. License for Use of Right-Of-Way**

A. Permitted Improvements.

Subject to approval by the Directors of Public Works and Planning and Development pursuant to Paragraph E, "Staff Review," and the execution of a non-exclusive, revocable license agreement on a form approved by the City Attorney, the following improvements may be allowed in the public right-of-way within the PD boundaries, including any improvements reasonably related thereto or necessary for the operation thereof:

1. Street and pedestrian lighting,
2. Public seating areas,

3. Landscaping and related amenities, including fountains,
4. Monuments, statues, or other public artwork,
5. Street furniture, including benches,
6. Drinking fountains,
7. Trash containers,
8. Tunnels;
9. Security cameras,
10. Bollards,
11. Temporary construction barricades,
12. Underground duct banks,
13. Pedestrian bridges and overpasses,
14. Arches,
15. String lighting, and
16. Wiring
17. Other improvements not listed provided they do not interfere with the public use of the right-of-way, and are approved in accordance with Paragraph E, "Staff Review."

**B. Limitations.**

This license will not terminate at the end of any specific time period, however, the City Council reserves and has the absolute right to terminate the license at will, by adoption of a resolution, at any time such termination becomes necessary.

The determination by the City of the necessity of termination is final and binding, and the City is entitled to possession of the premises without giving any additional notice and without necessity of legal proceedings to obtain possession thereof, when in its sole judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way, is likely to become a nuisance or a public safety issue, or is in violation with the requirements of this Section VIII, "Grant of Permission for Use of Right-Of-Way" or any license agreement executed pursuant to this section.

Upon termination by the City Council, each owner or tenant shall remove all improvements and installations in the public right-of-way to the satisfaction of the Director of Public Works.

The City reserves the right to require the relocation of improvements and encumbrances at the owners' or tenants' expense for any construction project within the right of way, as determined by the Director of Public Works, or when in the City's sole discretion it is warranted by the public health, safety, welfare or public convenience.

#### C. Insurance Required.

Upon the conducting of any activities or installing any of the improvements described in **Section A**, it is a condition to continuation of the license that there be in place commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the City, covering, but not limited to, the liability assumed under the license granted under this Section, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, \$2,000,000 annual aggregate. Coverage under this liability policy must be on an "occurrence" basis and the City shall be named as additional insured. Proof of such insurance must be sent to: Risk Manager, City of Mesquite, 1515 North Galloway Avenue, Mesquite, Texas 75185-0137; and the policy must provide for thirty days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or other material change in coverage. All subrogation rights for loss or damage against the City are hereby waived to the extent same are covered by the liability insurance policy. In the event there is more than one license holder, such holders shall be individually, and not joint and severally, liable hereunder.

#### D. Maintenance.

Each Licensee placing permitted improvements in the right-of-way shall be responsible for obtaining all required construction and building permits and maintaining and keeping the improvements safe and from deteriorating in value or condition at no expense to the City. Improvements determined by the Director of Public Works to be unsafe or unsightly shall be removed immediately, at the Licensee's sole expense, from the City right-of-way upon notice from the City. The City shall be absolutely exempt from any requirement to make repairs to or to maintain the permitted improvements.

#### E. Staff Review.

1. The Director of Public Works shall review all proposed improvements described by **Section A**, and shall not approve a proposed improvement unless all of the following requirements are satisfied.
  - a. The improvement does not unreasonably interfere with pedestrian or vehicular traffic;
  - b. The design and location of the improvement includes all reasonable planning to minimize potential harm or injury to or interference with the public in the use of the public street;
  - c. The improvement will not create any hazardous condition or obstruction of vehicular or pedestrian travel upon the public street;
  - d. There is clear, continuous, and unobstructed passageway for pedestrians that is a minimum of five feet in width with a minimum vertical clearance of eight feet, provided, however, that where unusual circumstances exist, the requirement could be less than five

feet in width where it is certain that public safety would not be jeopardized and handicap accessibility is maintained.

2. The Director shall review all proposed improvements described by **Section A** to determine whether the request is capable of compliance with other applicable provisions of the City Code, is compatible with permitted land uses and the character of the development, and does not limit pedestrian mobility. If the Director determines that a permitted improvement is inappropriate based on the foregoing standards, an applicant may appeal that determination to the Board of Adjustment in accordance with the procedures for appeal of the determination of an administrative official set forth in Section 5-200, "Appeal, Variance and Special Exception Procedures," of the Zoning Ordinance, as amended.

F. Compliance with all requirements.

A license issued under this section shall require compliance with all applicable requirements of the City Code in connection with any improvement in the public right-of-way, including but not limited to, permitting, construction and installation requirements.

**X. Landscaping**

- A. The landscape requirements in this article are the exclusive landscaping requirements applicable to the Property. Unless otherwise stated in this article, the requirements of Section 1A-200 [Landscaping Requirements] of the Zoning Ordinance do not apply.
- B. Single family detached, single family attached, and Type 1 multi-family development shall be landscaped in accordance with the residential landscaping requirements on ***Exhibit G***.
- C. Parkways adjacent to Type 2 multi-family, Type 3 multi-family, and non-residential buildings shall be landscaped in accordance with Section 1A-200 [Landscape Requirements] of the Zoning Ordinance.
- D. Except as follows:
  - A. The landscape setback shall be measured from the inside boundary line of the pedestrian access and utility easement (not the street-side boundary line).
  - B. All required landscape materials shall be irrigated with an automatic irrigation system, however, landscaping in above ground planters may be irrigated by hand or with an automatic irrigation system. All automatic irrigation systems shall have rain and freeze sensors.
- E. Parking lots for Type 2 multi-family, Type 3 multi-family, and non-residential buildings shall be landscaped as described below:
  1. A maximum of 20 uninterrupted parking spaces are permitted in a row before relieved by a landscaped island.
  2. Landscaped islands are required at the end of each parking aisle.



3. All landscaped islands shall be a minimum of seven feet in width and the depth of a parking space. If a double row of parking is provided, the island shall be the depth of both rows.
  4. At least 15 percent of a parking lot shall be landscaped.
  5. A landscaped island shall have at least one tree and shall be landscaped with ground cover. Trees shall be a minimum of three inches in caliper at the time of planting, except that trees located at the end of parking aisles must be a minimum of four inches in caliper at the time of planting. Trees may be located within landscaped islands, minimum four foot by four-foot landscape diamonds, or other landscaped areas within a parking lot.
  6. The total number of trees within a parking lot shall equal at least one tree for every 20 parking spaces within the parking lot.
  7. All required landscape materials shall be irrigated with an automatic irrigation system, however, landscaping in above ground planters may be irrigated by hand or with an automatic irrigation system.
  8. At Schools, street trees are not required adjacent to or in bus and vehicular loading zones or along “visitor street parking”.
- F. All required trees must be of a species approved for planting under Section 1A-500 [Tree, Shrub, and Turfgrass Schedules] of the Zoning Ordinance (*i.e. the Tree, Shrub, and Turfgrass Schedule in Table 1A-500- in the Zoning Ordinance*).

## **XI. Tree Preservation**

- A. This article contains the exclusive tree preservation requirements applicable to the Property. The trees required to be preserved by this article will supersede the tree preservation standards of Section 1A-400 [Tree Preservation] in the Zoning Ordinance.
- B. Trees located in the area shown on ***Exhibit H*** must be preserved, except that trees may be removed in areas that will contain drainage, roadway, trail, or similar improvements, but only to the extent tree removal is necessary to construct such improvements.
- C. Prior to the commencement of any construction activity within 20 feet of the area shown on ***Exhibit H***, areas shown on ***Exhibit H*** that are within 20 feet of proposed construction activity shall be protected by installing temporary protective fencing between such areas and the construction activity. The protective fencing may be comprised of brightly colored vinyl construction fencing, chain link fencing, or other similar fencing with an approximate height of four feet or greater.
- D. No tree removal permit shall be required to remove trees outside of the area shown on ***Exhibit H***. A tree removal permit is required to remove trees within the area shown on ***Exhibit H***.
- E. If this PD is amended in the future to include additional property, the trees shown on ***Exhibit H*** for preservation may also be used to satisfy the tree preservation requirements for a maximum of 100 additional acres.

## **XII. Screening**

### **A. Rooftop Equipment.**

Rooftop equipment shall be screened from view at ground level. (Parapet walls referenced in **Section VIII C.3** shall fulfill this screening requirement.

### **B. Trash Storage Areas.**

Outdoor trash storage areas visible from a street must be screened on three sides by a solid masonry wall at least eight feet in height of a material that is consistent with the exterior building material of the main building that the storage area serves. Decorative metal opaque gates shall be used to access such trash collection areas. The perimeter of screening walls shall be landscaped with a minimum 12-inch wide landscape strip containing shrubs, vines, or a combination of both.

### **C. Off-Street Loading and Service Areas.**

Off-street loading and service areas must be screened by walls consistent with the architectural style and materials of the associated building at least eight feet in height, and by planting evergreen plant material capable of growing to eight feet in height within 18 months after planting. For schools, decorative fencing, six feet in height, may be used in lieu of solid walls with planting material that meets transparency requirements for school security.

### **D. Perimeter Screening**

When a subdivision is platted so that one or more residential lots back or side a perimeter street, whether or not there is an intervening alley, continuous screening shall be provided along the perimeter street consisting of a berm and a buffer tree line. The berm shall have a maximum side slope of four to one and a minimum crown width of one and one-half feet. Trees shall be spaced in compliance with 1A-500-1 Tree Schedule. Trees used to establish a buffer tree line shall be limited to those species indicated with an asterisk (\*) in the Tree Schedule. If overhead power lines are located above the planting area, trees marked with an asterisk (\*) from the list of small ornamental trees must be used.

### **E. Other.**

Each single family detached home will have the Heating, Ventilation, and Air Conditioning (HVAC), Electrical, and Gas equipment located behind the rear yard fence to create a more appealing streetscape. If the electrical and gas equipment cannot be located behind the fence due to regulatory requirements, meters will be screened from the street by evergreen plant material of sufficient height to effectively screen the equipment from view.

## **XIII. Parking**

### **A. General Provisions.**

1. Except as otherwise provided in this paragraph, required parking must be off-street parking.

Head-in and parallel parking spaces located on streets are permitted and count toward required parking. Head-in parking is not permitted if maneuvering is done on an arterial street, unless the maneuvering is done on a slip road.

2. Within the Town Center areas on the Master Plan, as well as areas within 300 feet of those areas, shared parking and off-premise parking may be provided for mixed use buildings in accordance with the Town Center parking requirements in Section D below. Off-premise and shared parking for all other areas is prohibited, unless the Director approves such parking if the alternative parking arrangement avoids the provision of excess parking or is otherwise supported by the findings of a parking study and the alternative parking arrangement will not have an adverse effect on property adjacent to the area where the alternative parking is provided.
3. Unless otherwise stated, all parking spaces may be enclosed or unenclosed.

**B. Off-Premise Parking.**

Except as otherwise provided in this article, parking spaces must be located on the same platted lot as the use that they serve.

**C. Minimum Parking Requirements.**

See **Table XIII.1** for the minimum parking requirements for each principal use. Parking is not required for floor area devoted to common areas, such as common areas associated with indoor malls and the lobbies of office buildings. If a use has a drive through window, a minimum of six stacking spaces shall be provided in addition to the parking requirements listed in **Table XIII.1**.

**Table XIII-1 Minimum Parking Requirements:**

<b>PERMITTED USE</b>	<b>MINIMUM PARKING REQUIREMENT<sup>2</sup></b>
<b>INSTITUTIONAL</b>	
Business School	1 per student
Religious Assembly	1 per 4 seats in sanctuary or auditorium
College, University, or Seminary	1 per 4 students
Community Center	1:200 SF
Day Care Center	1 per 8 students
Government Administration and Civic Buildings	To be determined by Director based on most similar use
Hospital	1½ per bed
Library	1:350 SF of public area
Medical Clinic or Ambulatory Surgical Center	4: 1,000 SF

Museum or Art Gallery	1:400 SF
Public or Private School	Elementary – 1 per 20 students; Junior High – 1 per 18 students; Senior High – 1 per 1.75 students; Kindergarten – 1 per 8 students
<b>OFFICES</b>	
<b>PERMITTED USE</b>	<b>MINIMUM PARKING REQUIREMENT<sup>2</sup></b>
Offices	3:1,000 SF
<b>RECREATION AND ENTERTAINMENT USES</b>	
Park, Playground, or Golf Course	Golf course 9.8 per hole; otherwise none
Private Club, Lodge, or Fraternal Organization	1:200 SF
Recreation and Entertainment, Indoor	Theater – 1 per 4 seats; Bowling Alley – 6 per lane; Pool Halls and Other Commercial Amusements (Indoor) – 1:100 SF; Racquetball Court – 4 per court; Health Club – 1:200 SF

<b>RESIDENTIAL AND LODGING USES</b>	
Hotel, Boutique	1 per guest room up to 100 rooms; then 0.75 per guest room over 100; 50 percent of these spaces may be counted to satisfy the parking requirements of accessory uses
Duplex	2 per dwelling unit
Hotel, Full Service	1 per guest room up to 100 rooms; then 0.75 per guest room over 100; 50 percent of these spaces may be counted to satisfy the parking requirements of accessory uses
Multi-Family	1.65 per dwelling unit for the first 50 dwelling units; 1.50 per dwelling unit thereafter
Single Family (Attached and Detached)	2 per dwelling unit
<b>RETAIL AND PERSONAL SERVICE USES</b>	
Bar	1:75 SF
Antique Shop	2:1,000 SF (1:400 for furniture sales)
Car Wash	1:150 SF

Catering Service	3:1,000 SF
<b>PERMITTED USE</b>	<b>MINIMUM PARKING REQUIREMENT<sup>2</sup></b>
General Personal Services (Cleaning, Laundry)	3:1,000 SF
General Personal Services (Copy Center)	3:1,000 SF
Custom and Craft Work	1:400 SF
Farmers Market	1:1,000 SF of site area
Gasoline Sales	1:250 SF with a minimum of 4 spaces
General Retail Store, Other Than Listed	3:1,000 SF (1:400 SF for furniture sales)
Commercial	3:1,000 SF (1:400 SF for furniture sales)
Nursery, Garden Shop, Or Plant Sales	3:1,000 SF for indoor portion; 1:600 SF for
Open-Air Vending	None
Personal Services	3:1,000 SF
Restaurant	1:150 SF
Veterinary Clinic	1:400 SF
<b>TEMPORARY USES</b>	
Temporary Asphalt or Concrete Batch Plant	None
Temporary Carnival, Circus, or Amusement Ride	None
Temporary Construction Field Office	None
Temporary Construction Storage Yard	None
Temporary Outdoor Sales	None
<b>UTILITY, COMMUNICATION, AND TRANSPORTATION USES</b>	
Electric Generating Plant	None
Electric Utility Substation	None
Radio or TV Station Recording Studio	1:400 SF
Utility Lines, Towers, or Metering Station	None
Wireless Telecommunication Facilities (Including Radio, Television, or Microwave Tower)	None

<sup>2</sup> Fractional parking requirements shall be rounded up to the nearest whole number. Unless otherwise stated, references to square footage are to floor area.

## Town Center Parking.

This Section D only applies to parking for a mixed use building.

### 1. Off-Premise Parking.

#### a. Residential Uses.

Required parking spaces for residential uses are not required to be located on the same lot as the use they serve; however, such spaces must be within 300 feet of the use they serve if they are not located on the same lot.

#### b. Non-Residential Uses.

Parking spaces for non-residential uses, whether required or excess, are not required to be located on the same lot as the use that they serve; however, such spaces must be within 600 feet of the use they serve if they are not located on the same lot.

### 2. Shared Parking.

The minimum parking requirements above may be reduced using the occupancy rates in **Table XIII.2** below to calculate the adjusted parking requirements, and the parking requirement shall be determined by the adjusted off-street parking calculation:

**Table XIII-2: Shared Parking Requirements**

<b>Time of Day</b>	<b>Weekday</b>			<b>Weekend</b>		
Use	12am – 8am	8am – 6pm	6pm – 12am	12am – 8am	8am – 6pm	6pm – 12am
Office	5%	100%	20%	5%	5%	5%
Restaurant	10%	70%	100%	20%	70%	100%
Retail	5%	90%	80%	5%	100%	70%
Entertainment	10%	40%	100%	50%	80%	100%
Hotel	100%	70%	100%	100%	70%	100%
Institutional (non-church)	5%	100%	20%	5%	10%	10%
Institutional (church)	5%	10%	5%	5%	100%	50%
Conference / Meeting Room	5%	100%	100%	5%	100%	100%
Residential	100%	60%	100%	100%	80%	100%
All other uses	100%	100%	100%	100%	100%	100%

### 3. Calculation of the adjusted off-street parking requirements will be as follows:

- a. Determine the parking requirements for each use within the PD.
  - b. Multiply the parking requirement calculated per **Table XIII.1** by the occupancy rate for that category of use in **Table XIII.2**. See **Table XIII.3** for the shared parking category of use for each land use listed in **Table XIII.1**.
  - c. Total the time of day columns for both weekday and weekend to determine the parking demand at each time of day.
  - d. The column with the largest sum is the adjusted off-street parking requirement.
4. Example of adjusted parking calculations:
- a. 50,000 sq. ft. office, 30,000 sq. ft. retail and 20,000 sq. ft. restaurant, respectively.
  - b. Individual office parking requirements:  $(3 \text{ spaces}/1,000 \text{ sq. ft.})(50,000 \text{ sq. ft.}) = 150 \text{ spaces}$
  - c. Individual retail parking requirements:  $(3 \text{ spaces}/1,000 \text{ sq. ft.})(30,000 \text{ sq. ft.}) = 90 \text{ spaces}$
  - d. Individual restaurant requirements:  $(1 \text{ space}/100 \text{ sq. ft.})(20,000 \text{ sq. ft.}) = 200 \text{ spaces}$
  - e. Total:  $150 + 90 + 200 = 440 \text{ total spaces}$
  - f. Adjusted parking calculation for weekdays and weekends is as follows:

Weekday			
Time of Day			
12mid - 8am	8am - 6pm		6pm - 12mid
Office	$(.05)(150) = 8$	$(1.0)(150) = 150$	$(0.2)(150) = 30$
Retail	$(.05)(90) = 5$	$(0.9)(90) = 81$	$(0.8)(90) = 72$
Restaurant	$(0.1)(200) = 20$	$(0.7)(200) = 140$	$(1.0)(200) = 200$
Total	33	371	302

Weekend			
Time of Day			
12mid-8am	8am - 6pm		6pm-12mid
Office	$(.05)(150) = 8$	$(.05)(150) = 8$	$(.05)(150) = 8$
Retail	$(.05)(90) = 5$	$(1.0)(90) = 90$	$(0.7)(90) = 63$



Restaurant	(0.2)(200)=40	(0.7)(200)=140	(1.0)(200)=200
Total	53	238	271

g. Solution to example calculation:

371 spaces required, i.e., the highest total for any time period both weekday and weekend (Allows a 16 percent savings from 440 spaces). The categories of shared parking attributable to each use are identified in **Table XIII.3**.

**Table XIII-3: Uses within Each Shared Parking Category**

<b>PERMITTED USE</b>	<b>SHARED PARKING CATEGORY<sup>3</sup></b>
<b>INSTITUTIONAL</b>	
Business School	Not Eligible
Religious Assembly	Not Eligible
College, University, or Seminary	Not Eligible
Community Center	Not Eligible
Day Care Center	Not Eligible
Government Administration and Civic Buildings	Institutional (non-church)
Hospital	Institutional (non-church)
Library	Institutional (non-church)
Medical Clinic or Ambulatory Surgical Center	Institutional (non-church)
Museum or Art Gallery	Institutional (non-church)
Public or Private School	Not Eligible

<b>PERMITTED USE</b>	<b>SHARED PARKING CATEGORY<sup>3</sup></b>
<b>OFFICES</b>	
Offices	Office
<b>RECREATION AND ENTERTAINMENT</b>	
Park, Playground, or Golf Course	Not Eligible
Private Club, Lodge, or Fraternal Organization	Institutional (non-church)
Recreation and Entertainment, Indoor	Entertainment

<b>RESIDENTIAL AND LODGING</b>	
Hotel, Boutique	Hotel
Duplex	Not Eligible
Hotel, Full Service	Hotel or Conference/Meeting Room (As Applicable)
Multi-Family	Residential
Single Family (Attached)	Not Eligible
Single Family (Detached)	Not Eligible
<b>RETAIL AND PERSONAL SERVICE</b>	
Bar	Entertainment
Antique Shop	Retail
Car Wash	Not Eligible
Catering Service	Retail
General Personal Services (Cleaning, Laundry)	Retail
General Personal Services (Copy Center)	Retail
Custom and Craft Work	Retail
Farmers Market	Retail
<b>PERMITTED USE</b>	<b>SHARED PARKING CATEGORY<sup>3</sup></b>
Gasoline Sales	Not Eligible
General Retail Store, Other Than Listed	Retail
Commercial	Retail
Nursery, Garden Shop, or Plant Sales	Retail
Open Air Vending	Not Eligible
Personal Services	Retail
Restaurant	Restaurant
Veterinary Clinic	Retail
<b>TEMPORARY</b>	
Temporary Asphalt or Concrete Batch Plant	Not Eligible
Temporary Carnival, Circus, or Amusement Ride	Not Eligible

Temporary Construction Field Office	Not Eligible
Temporary Construction Storage Yard	Not Eligible
Temporary Outdoor Sales	Not Eligible
Electric Utility Substation	Not Eligible
Utility Lines, Towers, or Metering Station	Not Eligible
Wireless Telecommunication Facilities (Including Radio, Television, or Microwave Tower)	Not Eligible
<b>WHOLESALE, DISTRIBUTION, AND STORAGE</b>	
Distribution Center	Not Eligible

<sup>3</sup> Uses identified as “other” are not permitted to have reduced parking requirements through a shared parking arrangement (i.e., they are deemed to have a 100 percent occupancy).

#### 5. Master Parking Plan.

##### a. Applicability.

Notwithstanding anything to the contrary in this subsection, only uses that utilize off- premise or shared parking are required to demonstrate parking requirements through a master parking plan.

##### b. Initial Master Parking Plan.

Prior to the issuance of the first building permit to construct new floor area served by off-premise or shared parking, an initial master parking plan shall be provided to the Director.

##### c. Periodic Updated Master Parking Plans Required.

Except as otherwise provided below, the initial master parking plan shall be updated, and an updated plan submitted to the Director, prior to any of the following:

- (1) Issuance of any subsequent building permits to construct new floor area served by off-premise or shared parking;
- (2) Issuance of a demolition permit to demolish existing floor area served by off-premise or shared parking;
- (3) Issuance of a certificate of occupancy that allows a new use or changes an existing use served by off-premise or shared parking; and
- (4) Making any change to a mixed use building that increases or decreases the

existing parking requirement if that building is served by off-premise or shared parking, regardless of whether such change requires a building permit or certificate of occupancy.

d. Contents of Master Parking Plan.

Both the initial and updated master parking plans shall contain the following information:

- (1) A tabulation box that includes the basis for the calculation of the parking requirement (e.g., amount of floor area; number of dwelling units, guest rooms, or beds) for each existing and proposed use served by off-premise or shared parking, and the resulting calculation of the parking requirement for such uses;
- (2) The general location<sup>4</sup> of all required parking identified under the preceding paragraph (the boundaries of the parking area and the total number of spaces within such area shall suffice); and
- (3) Identification of the particular parking spaces devoted to each mixed use building containing a residential use for the purpose of confirming such parking spaces are within the required distances from the uses they serve. Only the parking spaces devoted to the residential portion must be identified.

<sup>4</sup> It is not necessary to show each individual parking space. The outline of the parking lot, or the footprint of the parking garage, along with a notation regarding the number of parking spaces in such lot or garage, is sufficient.

#### **XIV. Off-Street Loading for Non-Residential Uses**

Off-street loading facilities may be accessed from a street or a private service drive, or may consist of a berth within a structure. Off-street loading facilities shall be screened in accordance with the applicable provisions of this PD. On-street loading is permitted in designated loading zones.

#### **XV. Signs**

Signs and sign variances shall comply with the regulations and procedures provided in the Zoning Ordinance.

#### **XVI. Open Space**

- A. The requirements of this article are intended to help promote the continuity and expansion of publicly accessible open space and trails; protect and enhance the environmental values of the surrounding open space; and ensure that publicly accessible open space is preserved in perpetuity.
- B. Parks and open space areas shall be designated on approved plats for the Property and shall

generally comply with the Preliminary Park and Open Space Master Plan attached as Exhibit K.

- C. A Final Park and Open Space Master Plan generally consistent with the Preliminary Park and Open Space Master Plan shall be submitted to the City prior to submittal of a preliminary plat for any portion of the Property.
- D. The developer shall provide areas large enough to accommodate the open space amenities required in Section XVI.E of this PD.
- E. Open space amenities shall be provided as follows:
  - 1. The developer shall, at a minimum, construct the following amenities within open space by the time the Building Inspector approves the final inspection or the certificate of occupancy for the 700th dwelling unit located outside Town Center areas as shown on the Master Plan:
    - a. One recreational facility (may be an amenity center).
    - b. A swimming pool complex.
    - c. Three play structures (such as climbers, jungle gyms, spinners, or hangers).
    - d. One shade structure for each active park.
    - e. Two park benches for each active park.
    - f. Three dog clean-up stations.
    - g. Fencing for each pocket park.
    - h. Community Dog park.
    - i. Shared use with the School play yard.
    - j. Water Fountains at major parks.
    - k. Pocket park.
    - l. Gas Barbeque grills in amenity center; and
    - m. Park signage.
  - 2. Similar Amenities Allowed.

Open space amenities not specifically listed above, but of a similar type and nature to those listed above, are permitted as determined by the Director.

- F. The developer shall use non-potable whenever possible to irrigate open spaces and parks. The developer will install an irrigation system for all open spaces.
- G. Open space areas shall be landscaped with one tree that is a minimum of three inches in caliper for every 35 feet of street frontage or fraction thereof. Trees may be planted in clusters to create a natural appearance. Where feasible, the developer shall transplant native trees from areas scheduled for developmental impact to open space areas and parks within the Property.
- H. Ownership and maintenance of public open space areas shall be in accordance with the Spradley Farms Municipal Management District Operating Agreement, and other applicable State law. Private open space shall be maintained by a property owner's association or other appropriate entity.
- I. A minimum of 100 acres of the Property shall be provided as open space open to the public at such time as the Spradley Farms Municipal Management District finds that the open space area is ready to be open to the public.

## **XVII. Recreational and Social Amenities**

- A. Prior to the approval of the final inspection for the 500th single family residence on the Property, an amenity center shall be constructed on the Property.
- B. The amenity center shall have the following amenities and shall be open to residents and their guests:
  - 1. Restroom facilities;
  - 2. Meeting room;
  - 3. A swimming pool;
  - 4. Group recreational equipment;
  - 5. A playground; and
  - 6. An outdoor community gathering space
- D. In order to promote a sense of community, social programming by the homeowner's association is an important part of the vision of this master planned community and strongly encouraged. This programming is intended to create and support interaction between families, neighbors, neighborhoods and villages within this PD. Functions and events may include, but are not limited to, items such as the following:
  - 1. Clubhouse/Pool Activities and Events:

Dance classes, ballet classes, karate classes, fitness classes, scrap booking, book clubs, cooking classes, wine tasting, New Year's celebrations, bunko night, poker night, kid's story time, casino nights, super bowl parties, Valentine's Day moms' night out, March madness,

Easter Parade, Memorial Day pool opening, 4th of July event, Labor Day celebrations, Halloween events, Thanksgiving pot luck, meet and greet Santa, meet and greet your neighbors, and pancake socials.

2. Outdoor Activities:

Bike races, horseshoes, tennis, sand volleyball, fishing tournaments, fly and reel, movies on the lake, fireworks, national night out (safety), astronomy, bird watching, nature tours and classes, summer camps (in conjunction with Boy Scouts, or Girl Scouts), nature hikes, fun runs, marathons, mom's stroller classes, and Barktoberfest (dog party).

3. Town Center Events:

Trade days, art and craft fairs, pottery, farmers market, WiFi in public areas, art competitions, sculpture contests, community parades, medieval fair, and musical and theatrical performances.

**XVIII. Street Amenity Design Package**

- A. The following street amenities will be provided in Town Center areas shown on the Master Plan: pedestrian street lamps, bike racks, litter containers, and street seating. Such amenities shall be installed concurrently with required landscaping. Street amenities are not required within 100 feet of a platted single family attached or detached residential lot line.
- B. A street amenity design package shall be submitted along with the development plan for the portion of the Property being developed. The design package shall, at a minimum, include designs for pedestrian street amenities that are consistent with accepted urban design principles and compatible with the theme or architecture of the development depicted in the development plan application. The design package shall indicate the general location of street amenities proposed on or adjacent to the portion of the Property that is the subject of the development plan, and future development plans shall also show the proposed locations of street amenities.

**XIX. Street Sections**

Streets must be provided in accordance with the proposed street Sections shown on *Exhibit J*; however, this PD shall not be construed to modify the City's standard minimum requirements for street construction and the dedication of public right-of-way.

**XX. Pedestrian and Street Lighting Standards**

Street lighting and pedestrian lighting shall be provided in accordance with *Exhibit K*.

## EXHIBIT F

### BUILDING SETBACK, AREA, AND BULK REQUIREMENTS FOR RESIDENTIAL

<i>Table B-2 Building Setback, Area, and Bulk Requirements for Residential</i>															
	Residential Type	Example of Residential Type	Minimum Lot Area (SF)	Minimum Lot Width	Minimum Lot Depth	Maximum Number of Stories	Garage Orientation	Density Range (number of units per acre)	Minimum Front Yard Setback (ft)	Min. Interior Side Yard Setback (ft)	Min. Corner Side Yard Setback (ft)	Minimum Rear Yard Setback (ft)	Maximum Lot Coverage (%)	Min. Dwelling Unit Size (sf)	Special Conditions
1	SF-A	Single Family Attached	1,540	22'	70'	3	Alley	20-25	16	0'	15	5	80%	1,100	Attached Garage Product
2	SF-D	Single Family Detached	1,540	22'	70'	3	Alley	20-25	16	0'	15	5	80%	1,100	Detached Garage Product
3	SF-D	Single Family Detached	1,760	22'	80'	3	Alley	16-24	16	0'	15	5	80%	1,100	Detached Garage Product
4	SF-A	Single Family Attached	1,980	30'	66'	3	Alley/Mews	8-13	3	3	15	5	80%	1,200	
5	SF-D	Single Family Detached	1,980	30'	66'	3	Alley/Mews	8-13	3	5	15	5	80%	1,200	
6	SF-A	Single Family Attached	2,178	33'	66'	3	Alley	8-13	13	5	15	5	80%	1,200	
7	SF-D	Single Family Detached	2,178	33'	66'	3	Alley/Mews	8-13	13	3	15	5	80%	1,200	
8	SF-A	Single Family Attached	3,150	35'	90'	3	Alley	8-13	19	5	15	5	80%	1,250	
9	SF-D	Single Family Detached	3,150	35'	90'	3	Alley	8-13	19	3	15	5	80%	1,250	
10	SF-A	Single Family Attached	4,000	40'	100'	3	Alley	7-9	20	5	15	5	80%	1,600	
11	SF-D	Single Family Detached	4,000	40'	100'	3	Alley	7-9	20	3	15	5	80%	1,600	
12	SF-A	Single Family Attached	4,500	45'	100'	3	Alley/Mews	7-9	3	5	15	5	80%	1,600	
13	SF-D	Single Family Detached	4,500	45'	100'	3	Alley/Mews	7-9	3	5	15	5	80%	1,600	
14	SF-A	Single Family Attached	4,500	45'	100'	3	Alley	7-9	13	5	15	5	80%	1,600	



**Table B-2 Building Setback, Area, and Bulk Requirements for Residential**

	Residential Type	Example of Residential Type	Minimum Lot Area (SF)	Minimum Lot Width	Minimum Lot Depth	Maximum Number of Stories	Garage Orientation	Density Range (number of units per acre)	Minimum Front Yard Setback (ft)	Min. Interior Side Yard Setback (ft)	Min. Corner Side Yard Setback (ft)	Minimum Rear Yard Setback (ft)	Maximum Lot Coverage (%)	Min. Dwelling Unit Size (sf)	Special Conditions
15	SF-D	Single Family Detached	4,500	45'	100'	3	Alley	7-9	13	3	15	5	80%	1,600	
16	SF-A	Single Family Attached	5,000	50'	100'	3	Front, Side or Alley/Mews	9-10	15	5	15	5	80%	2,000	
17	SF-D	Single Family Detached	5,000	50'	100'	3	Front, Side or Alley/Mews	9-10	15	5	15	5	80%	2,000	
18	SF-A	Single Family Attached	5,500	55'	100'	3	Front or Side	5-9	20	10	15	5	75%	2,500	
19	SF-D	Single Family Detached	5,500	55'	100'	3	Front or Side	5-9	20	5	15	5	75%	2,500	
20	SF-A	Single Family Attached	6,500	65'	100'	3	Front, Alley or Side	4-6	20	5	15	5	75%	3,000	
21	SF-D	Single Family Detached	6,500	65'	100'	3	Front, Alley or Side	4-6	20	5	15	5	75%	3,000	
22	SF-A	Single Family Attached	7,500	75'	100'	3	Front, Alley or Side	4-6	20	5	15	5	75%	3,000	
23	SF-D	Single Family Detached	7,500	75'	100'	3	Front, Alley or Side	4-6	20	5	15	5	75%	3,000	
24	SF-A	Single Family Attached	10,400	80'	130'	3	Front, Alley or Side	3-5	24	7.5	15	5	75%	3,500	
25	SF-D	Single Family Detached	10,400	80'	130'	3	Front, Alley or Side	3-5	24	7.5	15	5	75%	3,500	

(Drawings and photographs illustrating each housing type in Table B-2 are for illustrative purposes only, and homes are not required to be designed as illustrated.)

**LEGEND (Residential Type) SF-A = Single Family Attached. SF-D = Single Family Detached.**

NOTES: Front and corner setbacks are measured form back of the curb or property line.

## EXHIBIT G

### LANDSCAPING

<i>Residential Landscaping Requirements</i>					
<b>Residential Type</b>	<b>Single Family - Detached 70' LFF<sup>3</sup> and above</b>	<b>Single Family - Detached 60' to 69' LFF</b>	<b>Single Family - Detached 40' to 59' LFF</b>	<b>Single Family - Detached 30' to 39' LFF</b>	<b>Single Family - Attached</b>
Minimum Number and Size of Trees <sup>1</sup>	One 3-inch caliper tree per 30 feet of street frontage or fraction thereof	Two 3-inch caliper tree per lot	Two 3-inch caliper tree per lot	Two 3-inch caliper tree per lot	One 3-inch caliper tree per 30 feet of street frontage or fraction thereof
15 Gallon Shrubs	5	3	2	2	1
7 Gallon Shrubs	8	5	3	3	3
5 Gallon Shrubs	20	12	10	10	10
1 Gallon Shrubs	30	15	10	10	10
Minimum Public Walkway Width	5 feet	5 feet	5 feet	5 feet	5 feet
Minimum Private Walkway Width <sup>2</sup>	5 feet	4 feet	4 feet	4 feet	4 feet
Lawn	Fully Sodded				
Irrigation	All landscaping other than trees shall be irrigated with automatic irrigation systems that include rain and freeze sensors.				
Drip Irrigation	All trees must be irrigated using drip irrigation.				

<sup>1</sup> Trees shall be planted in the parkway and may be spaced 20 to 50 feet apart. On corner lots, street trees are required every 30 feet of street frontage, on front and side.

<sup>2</sup> Intended to connect the residential structure to the public walkway along the street. Requires a stone or brick edge, and finish must be either washed aggregate or colored concrete.

<sup>3</sup> LFF = Linear Front Feet.

## EXHIBIT H

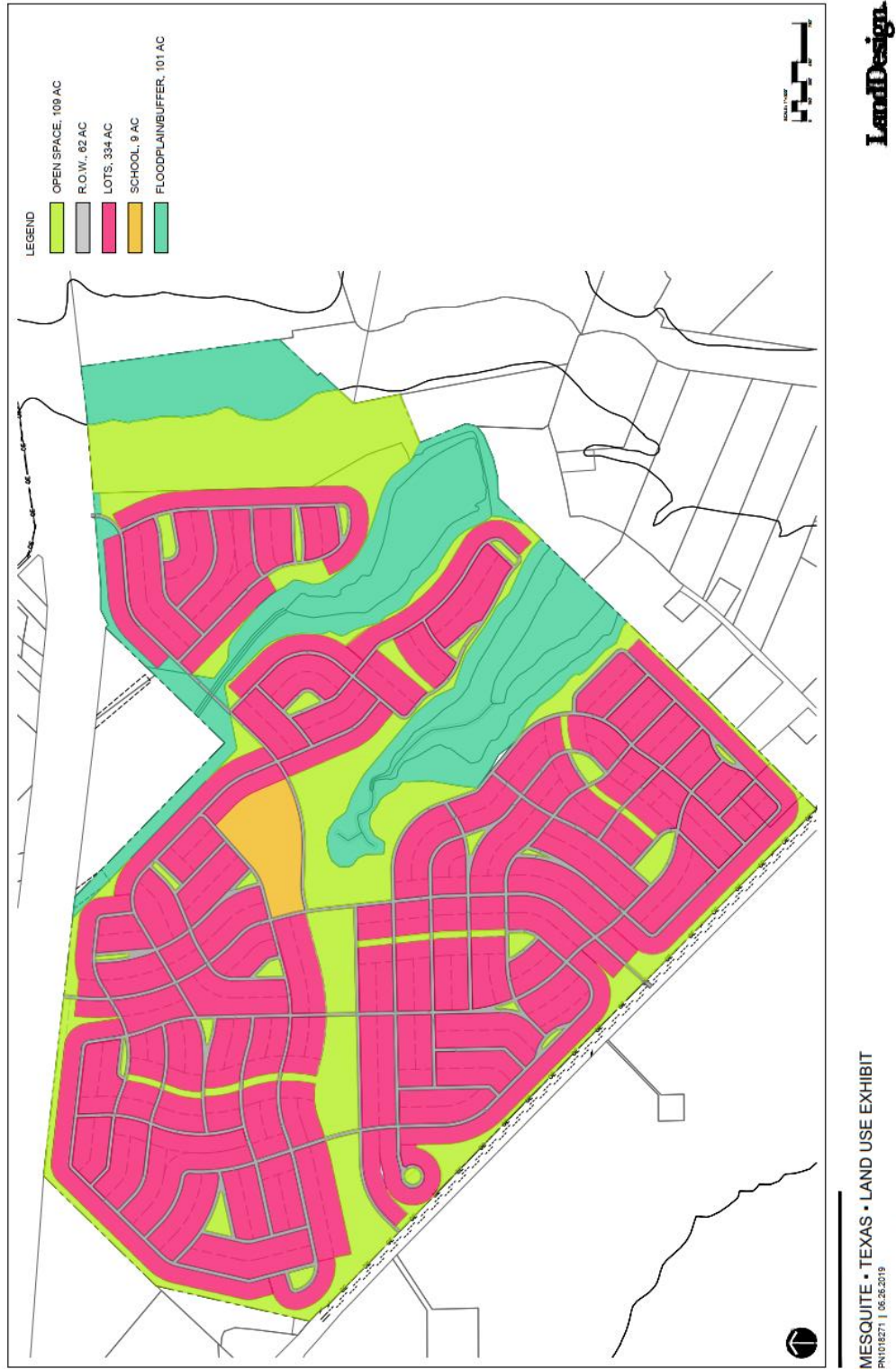
### TREE PRESERVATION AREA



Tree Preservation Area

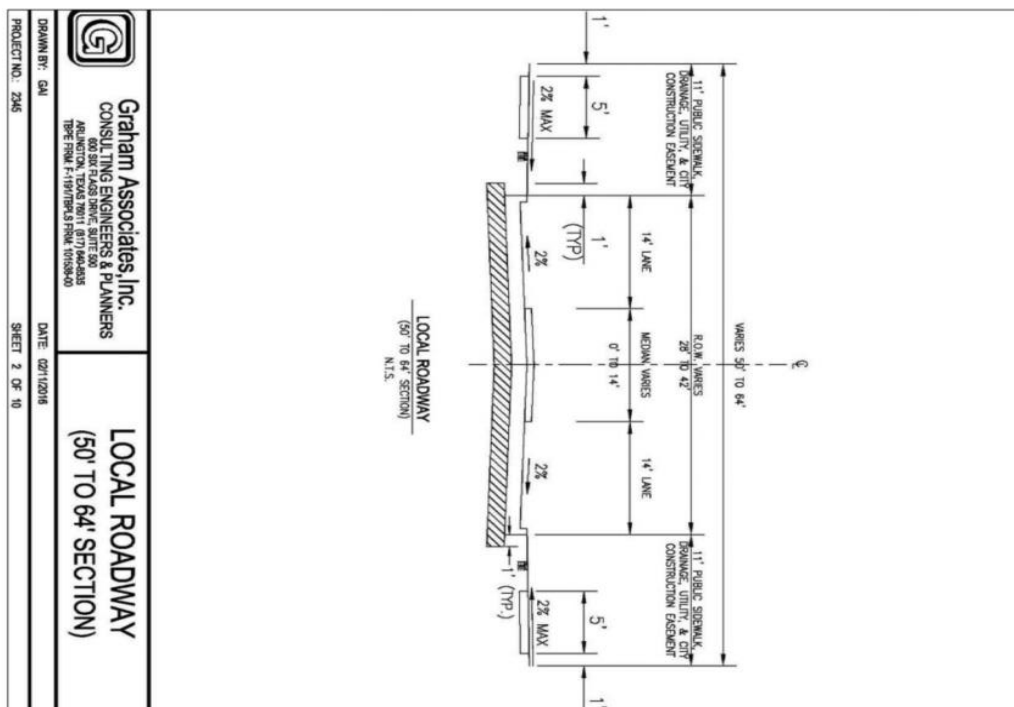
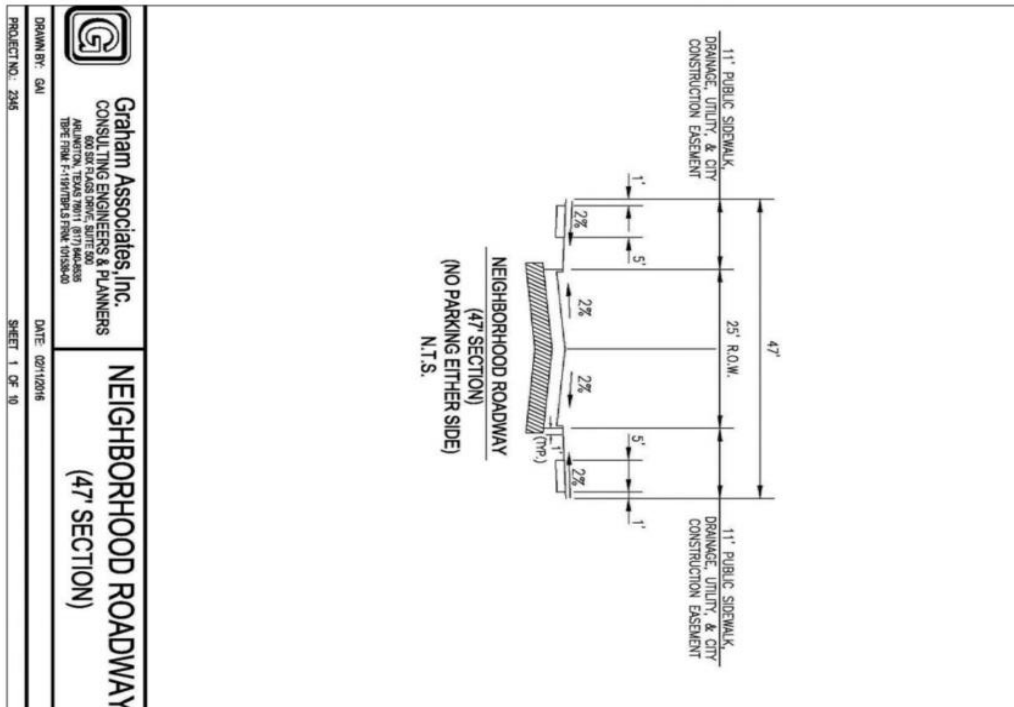
## EXHIBIT I

### PRELIMINARY PARK AND OPEN SPACE MASTER PLAN



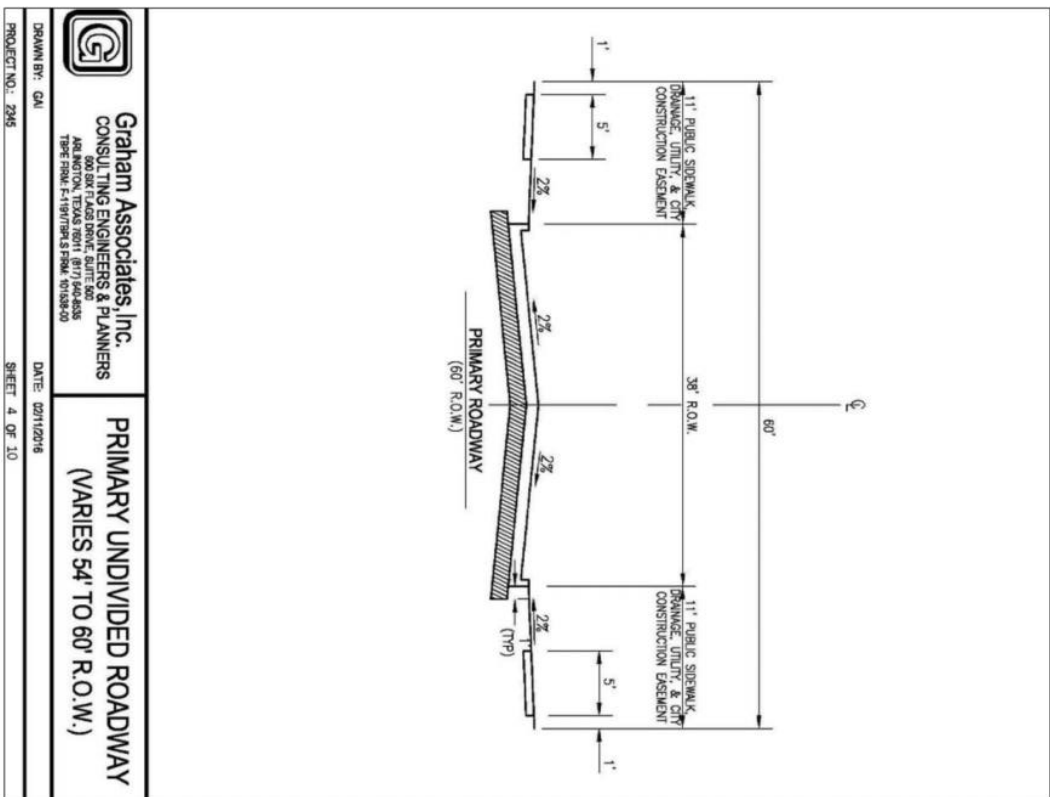
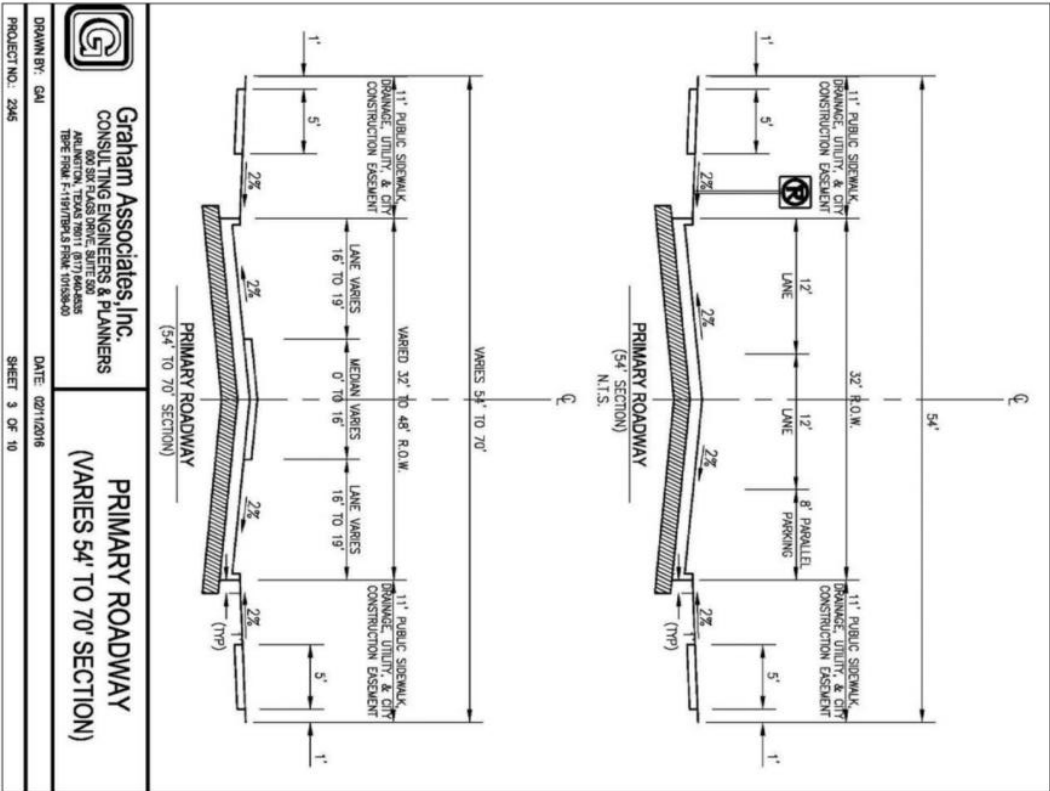
## STREET SECTION TABLE

### LOCAL AND NEIGHBORHOOD ROADWAY SECTION

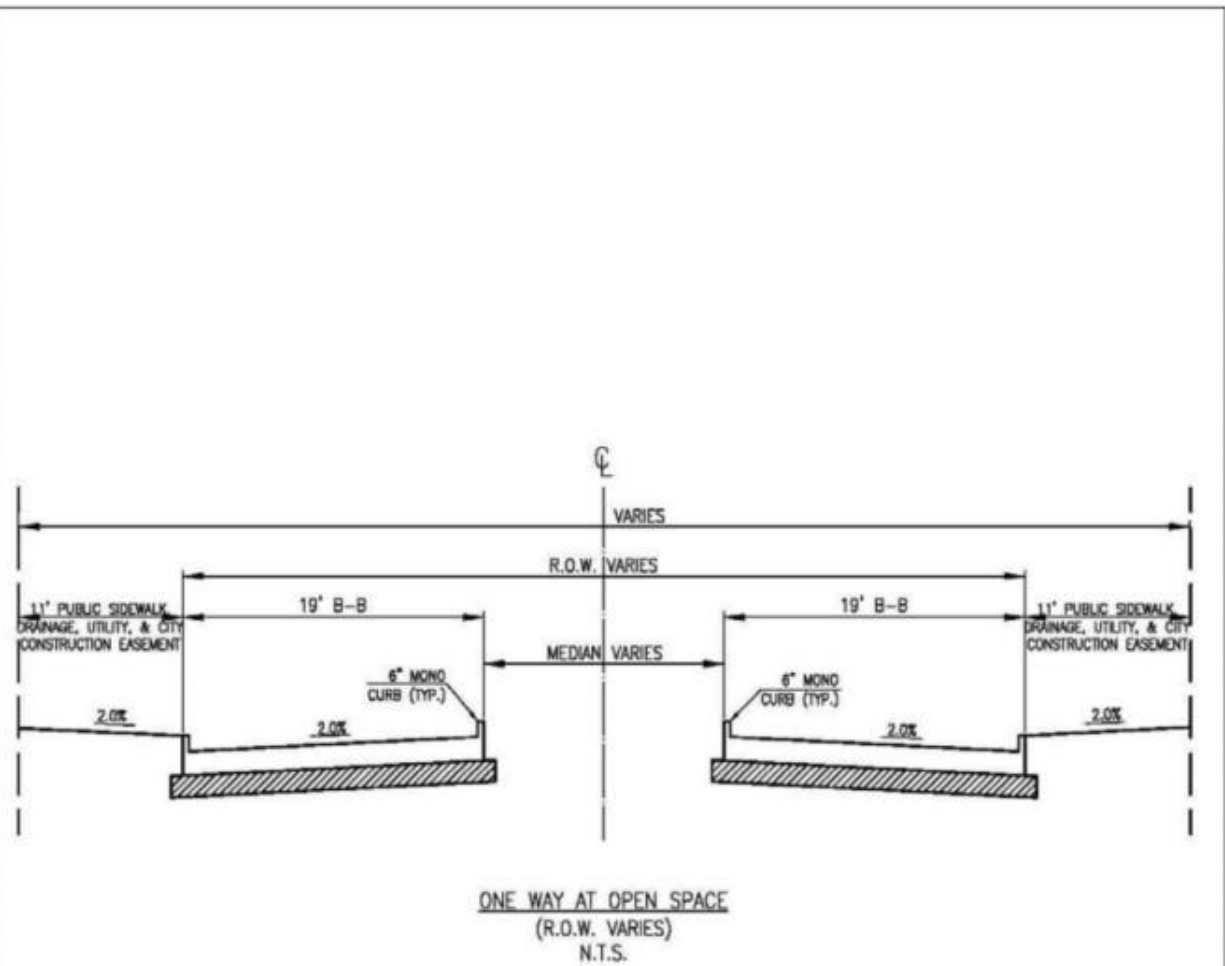




**PRIMARY ROADWAY SECTION**



# **ONE WAY ROADWAY AT OPEN SPACE SECTION**



**Graham Associates, Inc.**  
 CONSULTING ENGINEERS & PLANNERS  
 600 SIX FLAGS DRIVE, SUITE 500  
 ARLINGTON, TEXAS 76011 (817) 640-6535  
 TBPE FIRM: F-1191/TBPLS FIRM: 101536-00

**ONE WAY AT OPEN SPACE**  
**(R.O.W. VARIES)**

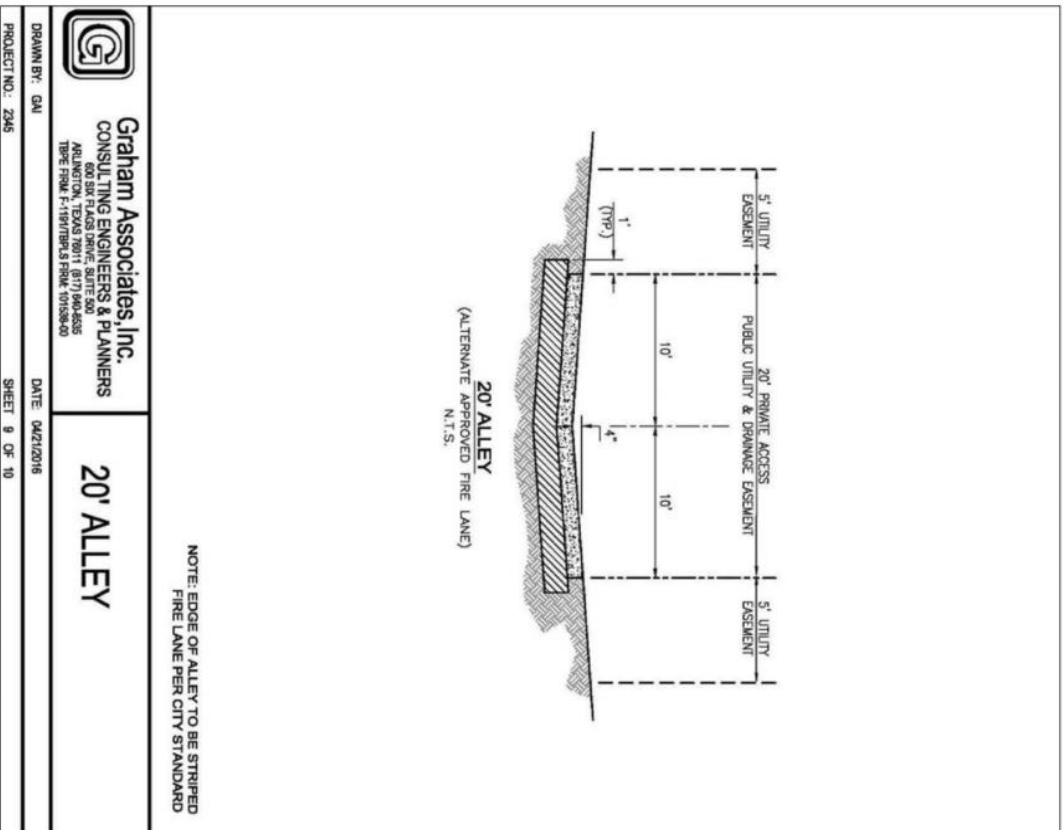
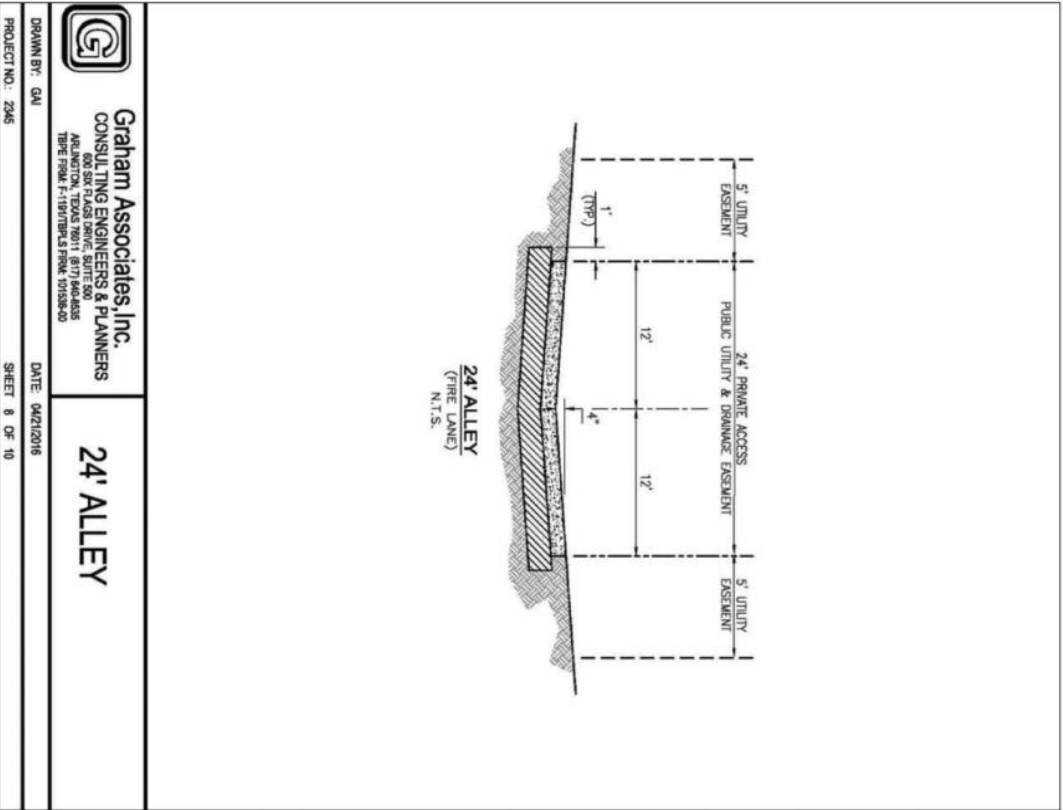
DRAWN BY: GAI

DATE: 02/11/2016

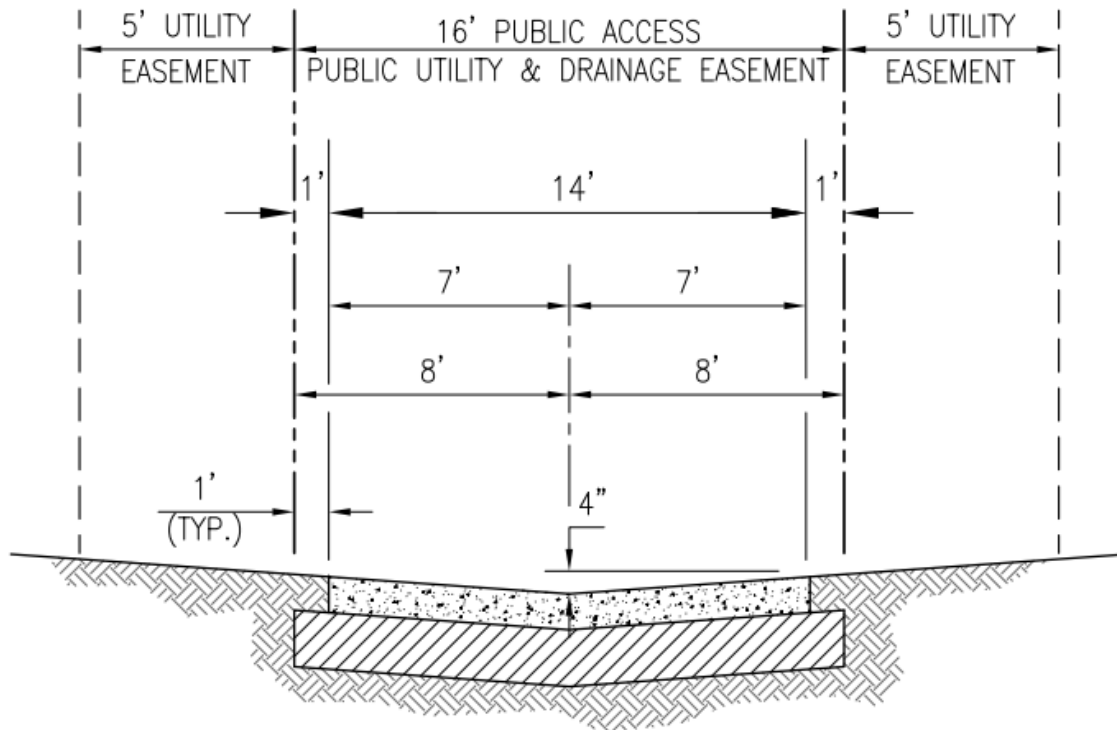
PROJECT NO.: 2345

SHEET 5 OF 10

# ALLEY SECTIONS







**16' ALLEY**  
N.T.S.



**Graham Associates, Inc.**  
CONSULTING ENGINEERS & PLANNERS  
600 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8535  
TBPE FIRM: F-1191/TBPLS FIRM: 101538-00

**16' ALLEY**

DRAWN BY: GAI

DATE: 08/19/2019

PROJECT NO.: 2760-1006

SHEET 10 OF 10

## EXHIBIT K

### PEDESTRIAN AND STREET LIGHTING STANDARDS

	INDIVIDUAL STREET LIGHT	INDIVIDUAL PEDESTRIAN LIGHT	COMBINATION POLE FOR STREET & PEDESTRIAN LIGHT	PEDESTRIAN LIGHTING IN PARKS
<b>Applicability</b>	For boulevards, street lighting shall be provided within the medians	For boulevards, pedestrian lighting shall be provided along sidewalks	For non-boulevards, combination pedestrian and street light poles shall be provided along sidewalks	For public parks, pedestrian lighting shall be provided along trails and on bridges
<b>Maximum Illumination Level (Foot-candle)</b>	Per IESNA <sup>3</sup>	Per IESNA <sup>3</sup>	Per IESNA <sup>3</sup>	Per IESNA <sup>3</sup>
<b>Average Pole Height (Measured Along a Street within the Property)<sup>1</sup></b>	40 feet	12 feet	20 feet for street lights and 12 feet for pedestrian lights	12 feet
<b>Average Spacing<sup>2</sup></b>	180 feet	90 feet	90 feet	90 feet
<b>Location Criteria</b>	Centered in the median. Refer to the Standard Specification for Street Lighting, Department of Public Works & Transportation	At least four feet from back of curb. Centered between street trees. Average one light every 15 feet on center	At least four feet from back of curb. Centered between street trees. Average one light every 15 feet on center.	A maximum of one foot off the edge of a trail.
<b>Pole / Post Specification</b>	None	Capacity to accommodate vertical banner signs (twin banner arm)	Capacity to accommodate vertical banner signs (twin banner arm)	None
<b>Light Source</b>	Type (HPS) and wattage to be determined by Photometric Mapping / Study. Luminaire shall meet cutoff classification and prevent unwanted light from spilling onto neighboring property. Lighting design shall meet IESNA's recommendations to uniformity and glare control.			

<sup>1</sup> A lower average pole height may be approved by the Director of Public Works upon a finding that the lower height will provide adequate lighting.

<sup>2</sup> Different spacing may be approved by the Director of Public Works upon a finding that the alternative spacing will provide adequate lighting.

<sup>3</sup> Illuminating Engineering Society of North America