



CONCEPT PLAN FOR WELLINGTON RIDGE ESTATES 200 RESIDENTIAL LOTS AND 200 SINGLE-FAMILY UNITS WITH RETAIL, TRUCK & BELLS AREAS SITUATED IN THE CITY OF FORNEY KAUFMAN COUNTY, TEXAS FEBRUARY, 2015

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DEVELOPER: DOLLAR - FLOWERS REALTY PARTNERS 211 E. Lake Charles Pkwy. Suite 200, Ft. Worth, TX 76102 (817) 338-4000

## EXHIBIT "A"

### DESCRIPTION OF PROPERTY

BEING, a tract of land out of the ISSAC JONES SURVEY, ABST. NO. 257 and the JOHN GREGG SURVEY ABST. NO. 171, Kaufman County, Texas and being the same tracts as described in Deed dated May 1, 2000, to AWLM Industries, Inc. recorded in Vol. 1541, Pg. 58, Real Property Records, and also the Vincent J. Stagliano 34.82 acre tract as recorded in Vol. 2101, Pg. 191, Official Public Records, Kaufman County, Texas, and being more particularly described as follows:

BEGINNING, at an iron rod found for corner in the south right-of-way line of U.S. Highway 80 (a variable width right-of-way), being the most easterly corner of said Stagliano 34.82 acre tract of land;

THENCE South 53°8'36" East a distance of 364.91 feet, to a point for corner;

THENCE, South 35°7'30" East, a distance of 158.58 feet, to a point for corner;

THENCE, South 24°35'31" East, a distance of 209.51 feet, to a point for corner;

THENCE, South 39°24'51" East, a distance of 73.45 feet, to a point for corner;

THENCE, South 6°50'45" West, a distance of 51.03 feet, to a point for corner;

THENCE, South 31°10'18" West, a distance of 101.85 feet, to a point for corner;

THENCE, South 26°2'20" East, a distance of 43.08 feet, to a point for corner;

THENCE, North 43°34'29" East, a distance of 112.10 feet, to a point for corner;

THENCE, South 78°30'32" East, a distance of 47.96 feet, to a point for corner;

THENCE, South 37°1'43" East, a distance of 125.66 feet, to a point for corner;

THENCE, South 56°41'11" East, a distance of 323.60 feet, to a point for corner;

THENCE, South 39°20'47" East, a distance of 532.57 feet, to a point for corner;

THENCE, South 50°47'16" West, a distance of 41.34 feet, to a point for corner;

THENCE, South 38°41'21" East, a distance of 233.54 feet, to a point for corner;

THENCE, South 4°33'50" West, a distance of 106.46 feet, to a point for corner;

THENCE, South 7°27'54" East, a distance of 168.78 feet, to a point for corner;

THENCE, South 59°5'01" West, a distance of 162.14 feet, to a point for corner;

THENCE, South 33°30'42" West, a distance of 184.73 feet, to a point for corner;

THENCE, South 22°6'10" East, a distance of 39.05 feet, to a point for corner;

THENCE, South 55°20'30" East, a distance of 55.61 feet, to a point for corner;

THENCE, South 16°24'43" East, a distance of 35.29 feet, to a point for corner;

THENCE, South 52°17'56" West, a distance of 33.69 feet, to a point for corner;

THENCE, South 78°35'47" West, a distance of 50.43 feet, to a point for corner;

THENCE, South 82°46'52" West, a distance of 61.14 feet, to a point for corner;

THENCE, South 71°58'48" West, a distance of 94.04 feet, to a point for corner;

THENCE, South 60°39'07" West, a distance of 55.31 feet, to a point for corner;

THENCE, South 38°55'27" West, a distance of 50.99 feet, to a point for corner;

THENCE, South 55°27'54" West, a distance of 29.60 feet, to a point for corner;

THENCE, North 40°15'45" West, a distance of 112.38 feet, to a point for corner, said point being the beginning of a curve to the right, having a radius of 625.00 feet and a length of 51.58 feet with a chord bearing of South 42°38'58" West, to a point for corner;

THENCE, South 45°0'50" West, a distance of 405.50 feet, to a point for corner, said point being the beginning of a curve to the left, having a radius of 493.15 feet and a length of 161.81 feet with a chord bearing of South 32°42'13" West, to a point for corner;

THENCE, South 17°2'44" West, a distance of 90.36 feet, to a point for corner;

THENCE, South, a distance of 117.85 feet, to a point for corner;

THENCE, South 74°45'07" West, a distance of 58.45 feet, to a point for corner;

THENCE, South 52°42'34" West, a distance of 135.32 feet, to a point for corner;

THENCE, South 1°58'33" West, a distance of 148.68 feet, to a point for corner;

THENCE, South 3°34'41" West, a distance of 82.14 feet, to a point for corner;

THENCE, South 36°26'39" West, a distance of 267.52 feet, to a point for corner;

THENCE, South 37°32'54" West, a distance of 529.94 feet, to a point for corner;

THENCE, South 54°52'44" West, a distance of 288.94 feet, to a point for corner;

THENCE, North 44°2'34" West, a distance of 889.72 feet, to a point for corner;

THENCE, North 17°21'43" East, a distance of 287.89 feet, to a point for corner;

THENCE, North 1°3'41" East, a distance of 276.74 feet, to a point for corner;  
THENCE, North 20°21'44" West, a distance of 338.86 feet, to a point for corner;  
THENCE, North 34°17'59" West, a distance of 136.46 feet, to a point for corner;  
THENCE, South 88°17'09" East, a distance of 856.49 feet, to a point for corner;  
THENCE, North 66°30'42" East, a distance of 128.56 feet, to a point for corner;  
THENCE, North 46°22'40" East, a distance of 609.02 feet, to a point for corner;  
THENCE, North 41°15'20" West, a distance of 555.98 feet, to a point for corner;  
THENCE, North 0°15'13" West, a distance of 726.8 feet, to a point for corner;  
THENCE, North 87°3'57" West, a distance of 251.30 feet, to a point for corner;  
THENCE, North 87°43'35" West, a distance of 789.99 feet, to a point for corner;  
THENCE, North 28°53'54" East, a distance of 513.33 feet, to a point for corner;  
THENCE, South 87°50'44" East, a distance of 642.97 feet, to a point for corner;  
THENCE, North 4°13'35" East, a distance of 357.67 feet, to a point for corner;  
THENCE, South 52°49'43" East, a distance of 221.38 feet, to a point for corner;  
THENCE, North 34°20'35" East, a distance of 201.27 feet, to the POINT OF BEGINNING  
and containing 4713219.231 square feet, 108.201 Acres, more or less.

## **EXHIBIT "B"**

### **DEVELOPMENT STANDARDS AND PERMITTED USES**

#### **I. Applicability**

- a.** The PD - Planned Development Overlay District ("PD") created herein shall apply to and govern the development of the tract(s) of land described in Exhibit "A" and depicted on Exhibit "B" (the "Property") attached hereto and incorporated herein by reference for all purposes allowed by law.
- b.** Except as stated herein, the regulations of this PD shall be based upon the SF-PH-SF-Patio Home District, SF-6-Single-Family Residential District and MF-15 – Multi-Family Residential-15 District base zoning districts in effect as of the date of the adoption of this PD as outlined in the City of Forney Comprehensive Zoning Ordinance. This PD also incorporates non-residential uses based upon the Commercial (C) District, General Retail (GR) District, Neighborhood Service (NS) District, and Office (O) District. Non-residential uses shall comply with the General Retail (GR) District base standards. These standards are in addition to or are a direct replacement of the standards required by the specified base zoning district of the City of Forney Comprehensive Zoning Ordinance. If a conflict exists between the terms of the Zoning Ordinance and this Ordinance the provisions of this Ordinance shall control.
- c.** All infrastructure, facilities and public improvements required to be constructed in order to serve the Property within this PD shall be constructed in accordance with the City's Engineering Design Standards ("EDS") then in effect. The EDS will, from time to time, require revisions and updates to allow for changing construction technology. When changes are required the EDS may be amended by separate ordinance. It is the Developer's responsibility to obtain a copy of and be familiar with the City's EDS.

#### **II. Submittals Required**

- A.** Concept Plan – a concept plan for the Property has been submitted with the Property owner's request for a zoning change and is attached to this Ordinance and incorporated herein by reference for all purposes allowed by law. The concept plan may be amended from time to time, subject to review and approval by the City of Forney Planning and Zoning Commission and City Council. All proposed changes, amendments or modifications to the concept plan and any related concept elevations shall be submitted to the City of Forney Planning and Zoning Commission and City Council for their respective recommendation, approval and adoption in accordance with the requirements of the Zoning Ordinance. Proposed changes, amendments or modifications to the concept plan may be for the entire Property within the PD or any portion or tract thereof. If a proposed change only

affects the layout of lots and does not alter the allowed uses for that tract, the amended concept plan may be approved by the City Manager or his designee.

**B.** Site Plan – a site plan for non-residential and multi-family development shall be submitted, before actual development commences, in accordance with the plan requirements of the Zoning Ordinance. The site plan may be for the entire Property within the PD or any portion or tract thereof. After approval of the site plan, minor changes may be authorized by the City Manager or the Director of Community Development when such minor changes will not cause any of the following circumstances to occur:

1. A change in the character of the development.
2. An increase in the maximum authorized ratio of the gross floor areas in structures to the area of the lot(s).
3. An increase in the intensity of use(s).
4. A reduction in the originally approved separations between buildings.
5. An increase in the external effects on adjacent property.
6. A reduction in the originally approved setbacks from property lines.
7. An increase in the problems of circulation, safety and utilities.
8. An increase of more than 20 percent or 5,000 square feet, whichever is less, in ground coverage by structures.
9. A reduction in the ratio of off-street parking and loading space to gross floor area in structures.
10. A change in the subject, size, lighting or orientation of originally approved signs.
11. A decrease in the percentage of landscaping required.
12. A decrease in the amount of open space, park land and trails required.

Neither the City Manager nor the Director of Community Development are obligated to approve changes to the site plan and may at any time refer a requested change to the site plan, minor or otherwise, to the City of Forney Planning and Zoning Commission and City Council for their recommendation, approval and adoption in accordance with the requirements of the Zoning Ordinance.

**C.** Concept Plan – Since a site plan has now been approved for a portion of the project, the concept plan will remain valid for the duration of the project, unless amended through a submittal by the property owner. Site plans shall be valid for a period of one year from the date of City Council approval of the site plan.

### **III. Uses Permitted**

The Property has been divided into six distinct tracts on the concept plan that has been submitted with and which is a critical component of this PD identifying the mixture, relationship and location of uses within this horizontal mixed use development project that also contains some vertical mixed use components. A Schedule of Uses identifying the specific uses permitted by right within each zoning district is attached hereto as Exhibit E and is incorporated herein by reference just as though stated word-for-word for all purposes allowed by law. The uses allowed on the six tracts identified in the concept plan shall be as follows:

- A.** Tract A1 – Single-Family Detached is the permitted use, with Single-Family-6 (SF-6) District as the base zoning district, except for the minimum lot width and the minimum Lot Area.
- B.** Tract A2 – Single-Family Detached is the permitted use, with Single-Family-6 (SF-6) District as the base zoning
- C.** Tract B – Multi-Family is the permitted use, with Multi-Family-15 (MF-15) District as the base zoning district.
- D.** Tract C – The uses listed on the General Retail (GR) District, Neighborhood Services (NS) District and Office (O) District tables contained within the attached Schedule of Uses shall be permitted by right on this Tract.
- E.** Tract D – The uses listed on the General Retail (GR) District, Neighborhood Services (NS) District and Office (O) District tables contained within the attached Schedule of Uses shall be permitted by right on this Tract.
- F.** Tract E – Single-Family Detached is the permitted use, with (SF-PH)-Patio Home District as the base zoning district.

### **IV. Development Standards**

- A.** **Number of Dwelling Units** – The total number of residential units within the Property shall not exceed 567 units.
- B.** **Amenities** – Residential uses must provide amenities as part of an amenity center package. An Amenity Center shall be constructed in conjunction with the development of the initial residential lots in phase one of the development. Construction of the amenity center shall commence prior to the issuance of a building permit for the 30<sup>th</sup> single-family house or concurrently with the first multi-family building in phase one to allow for the completion and acceptance of the public infrastructure facilities. The amenity center and grounds shall include, at a minimum, a swimming pool, cabanas, an enclosed gathering area including restrooms, and landscaping including trees, shrubs, grass and irrigation.
- C.** **Area Regulations, Single Family – Tract A1**

Single-family regulations in the Tract A1 Area must follow the SF-6 zoning district from the City of Forney Comprehensive Zoning Ordinance, with the exceptions noted and in addition to the following regulations:

1. **Minimum lot Area** – Single Family lots shall contain a minimum of 6,000 square feet (SF-6) and may account for a maximum of one-hundred and thirty-one (131) single-family units.
2. **Minimum lot width** – Single Family lots in this tract shall have a minimum of fifty feet (50') of lot width measured at the front building setback.
3. **Size of Yards:**
  - a. **Minimum Front Yard** – Single Family uses shall have a minimum twenty-five foot (25') front yard.
  - b. **Minimum Side and Rear Yard** – Single Family uses shall have a minimum side yard of six feet (6'); fifteen feet (15') for a corner lot.  
  
Single Family uses shall have a minimum rear yard of ten feet (10').
4. **Minimum Floor Area per Dwelling Unit** – Two-thousand (2,000) square feet of air-conditioned floor area.
5. **Roof Pitch** – The minimum roof pitch shall be 8/12.

**D. Area Regulations, Single Family – Tract A2**

Single-family regulations must follow the SF-6 zoning district from the City of Forney Comprehensive Zoning Ordinance, in addition to the following regulations:

1. **Minimum lot Area** – Single Family lots shall contain a minimum of 7,700 square feet (SF-6) and may account for a maximum of one-hundred (100) single-family units.
2. **Size of Yards:**
  - c. **Minimum Front Yard** – Single Family uses shall have a minimum twenty-five foot (25') front yard.
  - d. **Minimum Side and Rear Yard** – Single Family uses shall have a minimum side yard of six feet (6'); fifteen feet (15') for a corner lot.  
  
Single Family uses shall have a minimum rear yard of ten feet (10').
3. **Minimum Floor Area per Dwelling Unit** – Two-thousand three-hundred (2,300) square feet of air-conditioned floor area.
4. **Roof Pitch** – The minimum roof pitch shall be 8/12.



**E. Area Regulations, Single Family – Patio Home – Tract E**

Single-family regulations must follow the SF-PH zoning district from the City of Forney Comprehensive Zoning Ordinance, in addition to the following regulations:

1. **Minimum lot Area** – Single Family lots shall contain a minimum of 4,500 square feet (SF-PH) and may account for a maximum of seventy-seven (77) single-family units.
2. **Size of Yards:**
  - a. **Minimum Front Yard** – Single Family uses shall have a minimum twenty foot (20') front yard.  
  
All lots may have front-facing garages, but the garage shall be set back at least three feet (3') from the front façade of the home.
  - b. **Minimum Side and Rear Yard** – Single Family uses shall have a minimum side yard of six feet (5'); fifteen feet (15') for a corner lot.  
  
Single Family uses shall have a minimum rear yard of ten feet (10').
3. **Minimum Floor Area per Dwelling Unit** – One-thousand six-hundred (1,600) square feet of air-conditioned floor area.
4. **Gated** – This tract shall be gated in accordance with the City of Forney standard requirements for a gated community
5. **Tract E SF-PH** – This area shall be age restricted to those persons 52 years and older with no person under the age of 52 being allowed to live within this tract for more 30 consecutive days.

**F. Area Regulations, Multi-Family (MF-15) District Uses:** Area regulations for Multi-Family uses shall conform to Section 24.4 of the Zoning Ordinance. Notwithstanding the application of Section 24.4 of the Zoning Ordinance the Developer may cluster multi-family uses together in densities greater than fifteen (15) residential dwelling units per acre provided that: (1) the overall density of the multi-family tract development does not exceed an average of fifteen (15) residential dwelling units per acre; (2) all other provisions of Section 24.4 of the Zoning Ordinance are fulfilled; and, (3) the total number of all multi-family residential dwelling units within the Property does not exceed 259 units. In addition, the following requirements apply to multi-family (MF-15) district uses:

- a. **Minimum floor area per dwelling unit:** Seven hundred twenty-five (725) square feet.

- b. Section 24.4 C.2 of the City of Forney Zoning Ordinance, requiring sixty percent (60%) of the building area of the development to be located on the first floor, does not apply to this Planned Development.
  - c. Every multi-family building shall be located within two-hundred feet (200') of a refuse facility.
  - d. Required playgrounds may be located off-site on adjacent open space or park areas.
  - e. Buildings may exceed two-hundred feet (200') in length.
- G. Area Regulations, Office (O) District Uses:** Area regulations for Office uses shall conform to Section 27.4 of the Zoning Ordinance.
- H. Area Regulations, Neighborhood Service (NS) District Uses:** Area regulations for the Neighborhood Service uses shall conform to Section 28.4 of the Zoning Ordinance.
- I. Area Regulations, General Retail (GR) District Uses:** Area regulations for the General Retail uses shall conform to Section 29.4 of the Zoning Ordinance.

**V. Parking requirements.**

- A.** The number, and location, of parking spaces required for any particular phase or development within the PD shall be determined at the time of site plan and certificate of occupancy approvals. The number of required spaces is determined by calculations provided within the City of Forney Comprehensive Zoning Ordinance. On-street parallel and/or angled parking spaces shall be allowed along all streets within the PD's limits except arterials and alleys and further provided that the roadway widens to accommodate such on-street parking spaces. For purposes of this paragraph an arterial shall be considered to be a street on which 8,000 vehicles or more per day are projected to travel. In addition, off-street parking shall be allowed as surface parking lots or structured parking garages. On-street parking spaces located on the same side of the roadway and immediately adjacent to a building or structure shall be allowed in conjunction with off-street parking spaces to meet the parking space requirements for that building or structure.
- B.** For buildings or structures that have a combination of uses within the same building or structure or on the same premises (such as retail or office), the parking requirement(s) therefore shall be calculated as the sum of the parking requirements for each use, and no parking space for one particular use shall be allowed to count toward the parking requirement for some other use on the premises except in the case of a shared parking arrangement approved by the City. Zoning Ordinance Section 38, "Off-Street Parking and Loading

Requirements," shall be used as a guide to establish the amount of parking required for uses proposed in these areas of the PD save and except to the extent otherwise provided herein.

- C. Parking lot design shall incorporate a delineated pedestrian pathway network no less than five feet (5') wide. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of landscaping barriers, or durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the walkways. At a minimum, pedestrian pathways shall connect public sidewalks or rights-of-way to the principal customer entrance of all principal buildings on the site. A point of ingress or egress between the parking lot and an abutting or adjacent roadway shall be clearly delineated in the same manner as required herein for pedestrian walkways or pathways.
- D. All required parking shall be located and arranged on the site to insure optimal access and use. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with Section 38.10 (Fire Lanes) of the Zoning Ordinance.
- E. All off-street parking, maneuvering, loading and storage areas shall be paved with concrete paving in accordance with the City's parking lot paving requirements (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces): five inch (5") thick reinforced concrete, with minimum No. 3 rebar steel reinforcement spaced at least twenty-four inches (24") on center and graded to drain properly per City standards (i.e., no standing or pooling of water). All driveway approaches shall be of reinforced concrete as described above, and shall be curbed to City standards. No paved parking space or area shall be designed such that a vehicle has to back up into a public street or across a public sidewalk.
- F. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- G. A landscaped buffer at least twenty feet (20') in width shall be required along any off-street parking area situated adjacent to a perimeter arterial street or freeway adjacent to the PD. This buffer shall contain a berm, shrubs, grasses or a wall, each required to provide a minimum buffer of three feet (3') in height.
- H. All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential uses or areas.
- I. Any off-street parking area located along any public street, with the exception of alleys, and any residential use shall be screened from adjoining properties and/or

streets by a landscape buffer which is at least three feet (3') in height. A landscape buffer shall also be constructed between any off-street parking area and sidewalks/trails from which the off-street parking area is visible. The applicant shall propose the appropriate screening mechanism at the time of site plan approval.

- J.** An off-street parking lot may not be adjacent to a street intersection, square, green, or open space or occupy a lot that terminates a street vista.
- K.** An off-street parking lot shall be landscaped. Off-street parking lots shall contain a minimum of one (1) tree for every ten (10) parking spaces. Tandem parking spaces are not included in the calculation. Required trees shall be placed in landscape islands which shall be no smaller than a standard parking space (162 square feet), and the openings shall be planted in groundcover or grass. Required landscape islands shall not be separated by more than twenty (20) parking spaces. All landscaped areas shall be protected by raised concrete. No paving shall be permitted within four feet (4') of the center of a tree. Trees planted at landscape areas at the head end of parking spaces shall count for the trees required in the parking lot.
- L. Bicycle Parking Facilities:** All nonresidential, single-family attached and multi-family uses shall provide bicycle parking facilities (racks) as set forth herein below.
  - i.** Uses requiring less than ten (10) parking spaces shall provide one (1) bicycle rack.
  - ii.** Uses requiring greater than ten (10) parking spaces shall provide two (2) bicycle racks for every fifty (50) required parking spaces, with a minimum of two (2) bicycle racks required for any such use(s) and a maximum of ten (10) bicycle racks being required. Required automobile parking spaces for these uses may be reduced at the ratio of one (1) automobile parking space for each five (5) bicycle parking spaces provided. This allows for a maximum reduction of two (2) automobile parking spaces.
  - iii.** All bicycle parking facilities shall be located within one-hundred feet (100') of the Primary Entrance to the subject use. Businesses may combine to provide a shared bicycle parking facility.
  - iv.** Outdoor bicycle parking areas shall be surfaced with concrete. Bicycle parking facilities shall be constructed with and upon a permanent concrete foundation that is securely concrete anchored in the ground.
  - v.** Multi-family and single-family attached uses shall provide at least one (1) bicycle space for each twenty-five (25) dwelling units.
  - vi.** Refer to the Zoning Ordinance for permitted bicycle rack designs and bicycle rack area regulations.

**M. Retail/Commercial, Mixed Use, Entertainment and Office Uses**

1. Shared parking is encouraged for non-residential uses in the PD. Shared parking may be allowed under the following conditions: Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours (after 6:00 p.m.). Shared parking must be on the same parking lot. Reduction of required parking due to shared parking shall only be allowed if approved on the site plan. To assure retention of the shared parking spaces, each property owner shall properly draw and execute an irrevocable mutual parking agreement document expressing the same, shall file this agreement with the County, and shall provide a copy of the filed agreement to the City of Forney prior to issuance of a certificate of occupancy for any use that relies upon the parking agreement.
2. Shared parking structures are encouraged, provided that they are architecturally compatible with the surrounding development, provide pedestrian walkway connections to sidewalks and are landscaped around the exterior.
3. In areas that have "big box" retail, cart returns located within the parking lot shall be constructed out of masonry materials, or alternatively have landscaping adjacent, and protected with bollards. Such cart returns shall be at least one foot (1') taller than the tallest cart that may be stored in the cart returns.
4. See Zoning Ordinance Section 38, "Off-Street Parking and Loading Requirements," for additional requirements.

**VI. Lighting Requirements:** The standards established within this section are intended to provide requirements in addition to the lighting standards established within Zoning Ordinance Section 45.

- a. A light plot identifying lighting (pole) locations and design specifications shall be submitted with and approved at the time of site plan approval. Full photometrics must also be submitted at this time. All submitted plans, including foundation detail plans for the light poles, must bear the stamp and signature of the design professional engineer.
- b. Light poles in residential areas cannot exceed twenty-two feet (22') in height. An additional pole base of a maximum three feet (3') in height is permitted.
- c. Light poles in non-residential areas cannot exceed thirty-eight feet (38') in height. An additional pole base of a maximum three feet (3') in height is permitted. Along pedestrian walkways and open spaces, light poles should maintain a Pedestrian Scale and shall in no event exceed eighteen feet (18') in height.
- d. All lighting (including on-building) shall be of a decorative or prefinished construction approved at the time of site plan approval.

- e. All parking areas shall have appropriate lighting positioned such that no light adversely impacts adjacent residential uses or areas. The allowable maximum intensity measured at the property line of any adjacent residential use or area shall be no more than 0.25 foot candles.
- f. The developer has the option to provide decorative exterior lighting along all sidewalks, trails and exterior pedestrian corridors. The following pictures of decorative street lights taken from Oncor Electric Delivery's *Decorative Street Lighting Brochure* are illustrative of the nature of decorative lighting sought by this provision. The phrases "decorative exterior lighting," "decorative lighting," and "decorative street lights" refer to the shape and design of the light fixture, light pole and/or mounting bracket rather than the illumination cast by the fixture. The developer also has the option to provide more modern styles of interior lighting, including LED lighting. Examples of this option are provided below.



- g.** All parking in retail/commercial, office and entertainment areas shall be illuminated.
- h.** All lighting on parcels or tracts within the Property shall be shielded or directed to avoid light pollution on adjacent properties and parcels outside the Property. Lighting levels at the property line of any tract or parcel within the Property that is adjacent to property contiguous to the Property shall not exceed 0.1 foot candles measured at the property line.

**VII. Special Requirements**

- a.** Site plan approval shall be required for all non-residential and multi-family uses within the PD.

- b. Civic/Open Space**

Except as provided below, the overall civic/open space in this development shall be a minimum of ten percent (10%) of the gross area of the Property and shall be distributed appropriately between the Tracts identified in the concept plan. Higher open space allocations may be eligible for height bonuses outlined herein below. The location and design of appropriate open spaces shall be based on the following standards:

- 1.** The provision of adequate and appropriate civic/open space areas shall be integral to all development in the PD. The minimum requirement for civic/open space in the PD is ten percent (10%) of the gross area of the Property which shall be dedicated open space and shall be included in the site plan application for the Property. Any open space provided in excess of ten percent (10%) may be eligible for bonus provisions as outlined below.
- 2.** The civic/open space provided shall be appropriately designed and scaled in each of the district components.
- 3.** The following criteria shall be used to evaluate the merits of proposed civic/open spaces in this PD:
  - a.** The extent to which environmental elements preserved are considered as "features" or "focal points" and integrated into and prominently located as "front yards" in the development; adding value to the development;
  - b.** The extent to which emphasis has been placed on preservation of existing wooded areas, view-sheds, water bodies, topography, and stream corridors in a natural and contiguous state;



- c. The extent to which pedestrian connectivity in the form of sidewalks, natural walking paths along stream and creek corridors has been addressed; and
  - d. The extent to which a range of open spaces have been provided to be contiguous with existing open spaces and to invite passive recreational uses from plazas and squares to playgrounds, parks and environmental preserves, appropriately organized within the respective Tract.
- 4. Open spaces may be in the form of pocket parks, squares, linear greens, and environmental preserves. Drainage facilities, improvements, and detention/retention ponds shall not be included in the calculation of civic/open space or parks, unless the facility is maintained as a water feature incorporating the use of aeration to prevent stagnation, including the use of a fountain; blue stone or similar methods to maintain the water and to provide that the water is free of algae and debris. A concrete ten foot (10') wide trail may be constructed around such a water feature. Active sports fields and structured recreational activities shall be limited to less than ten percent (10%) of any parks located in the PD. All active parks and plazas shall contain playground equipment and site furniture as approved by the City's Community Development Department.
  - 5. Bollards and planter boxes filled with vegetation may be placed along all or part of the perimeter of a civic/open space to protect the area from vehicular traffic while accommodating pedestrian traffic and allowing plain view of the area from the roadway and adjoining buildings or structures.

**c. Trail System**

Developer shall construct a ten foot (10') wide trail system providing connectivity throughout the entire development linking residential uses, parks, and office/retail areas. Such trail system may also incorporate and connect with sidewalks and walkways throughout the Property to create a pleasant walking environment within the PD. If the City's trail system is at any time adjacent to the PD, the developer shall construct at least one link to the City's trail system. The initial phase of the trail adjacent to the single-family portion of the development will be constructed with each phase of the single family development.

**d. Landscape Requirements**

- 1. A minimum of twenty percent (20%) of the total development area within the Property shall be devoted to a combination of landscaping (i.e., pervious surface area) and usable Civic/Open Space. All streets and trails shall be tree-lined. Boulevards on public streets accessing the development shall be lined with trees spaced no more than thirty-five feet



(35') apart, and landscaped medians shall run the entire length of the boulevard and include flowers, grasses, and shrubs.

2. The developer shall submit a proposed street tree planting plan, including a tree palette and spacing as a part of the landscape concept plan, which shall be reviewed by the City and must be approved by the City Council at the time of site plan. The landscape concept plan establishes the design direction and general schematics for all proposed landscaping including all aspects of the public realm such as street trees, plant/tree palette, streetscape treatments, pavement details, front yards, and medians; proposals for required parking lot landscaping, screening, design concepts for all open spaces, and lighting.
3. Tree types must be approved in accordance with the approved plant list. Throughout the mixed use, commercial and retail areas landscaping and flower beds shall be used. All corners and intersections shall be landscaped. Planter boxes and decorative planters shall be used throughout the entertainment, commercial/retail, mixed use and office areas. Features such as trellises, fountains, greens and hardscapes shall be used in commercial, retail, mixed use, entertainment, residential and common/public areas. Proposed landscaping shall meet the following standards:
  - a. Be pedestrian oriented.
  - b. Be designed to avoid a security or physical hazard to pedestrians, bicyclists and/or motorists.
  - c. Enhance or complement the architectural design of the mixed-use development.
  - d. Provide visual interest year-round.
  - e. Utilize water conservation methods and drought tolerant planting where possible.
  - f. Shall be provided between parking lots and all adjacent sidewalks.
  - g. Meet the standards for maintenance in Section 82-245 of the City Code.
  - h. Propose a plant/tree palette that includes predominantly native or adaptive species.
4. Planter boxes and decorative pots may be used for accent planting at or near the ground plane to provide a finer level of landscape detail closer to pedestrians and to soften adjacent or adjoining hard surfaces such as

streets, sidewalk paving and building facades. More formal raised planters may be appropriate in certain specific locations. Accent planting shall be located in such areas as tree-wells, if not grated, and beds near intersections where additional sidewalk area is available.

5. Street trees shall be planted in regular intervals along the streetside of the sidewalk spaced between twenty-five feet (25') and thirty-five feet (35') apart on center depending upon the species and the desired character and constraints of a given block. Alternatively, trees may be clustered as noted in section 5b below. Particular attention, in selecting appropriate trees, should be given to the shape of the crown and the ability to prune the underside of the tree's crown to provide visibility of retail store fronts, the trees' tolerance of compacted urban soils, ability to provide shade, rate of growth, life span, stability and overall aesthetic quality.
  - a. Street trees shall be planted in tree wells or within landscape areas based on the type of street and shall comply with the applicable standards set out herein-below. Street trees shall be a minimum of three inch (3") caliper, as measured based upon American Nursery Standards, with a seven foot (7') clear trunk and planted based upon a targeted spacing of thirty feet (30') on center of a block length. Block length shall be determined by measuring from right-of-way line to right-of-way line. The spacing can be adjusted, within the parameters of this provision, to accommodate block length, curb cuts, crosswalks, utility vaults, pedestrian and vehicle block breaks and similar features. Street trees shall be selected from the list in Subparagraph No. 13 of this section as approved by the City.
  - b. For public streets, trees may be clustered as long as the total number of trees is equal to that calculated at approximately thirty feet (30') on center. The length basis for this calculation is based on the property line length, less any drives or visibility triangles.
  - c. For public and private perimeter drives, trees may be spaced to work with parallel parking module, at thirty-three feet (33') to forty-six feet (46') on center.
6. Street trees shall be installed in accordance with the following standards:
  - a. a minimum of two feet six inches (2'-6") from the back of curb.
7. Median trees in the public right-of-way shall follow the spacing allowances and caliper measurements listed in section IX.F(5).

8. Parking lot/headlight screening shall be provided using berms, shrubs, or a wall to form a continuous, solid visual screen at least three feet (3') high within two (2) years after planting or construction.
9. Whenever an intersection of two (2) or more public rights-of-way occurs, a minimum fifteen (15) square foot landscaped area shall be provided along each corner. At these intersections and corners, however, a visibility triangle area must be maintained. Landscaping within the visibility triangle area shall be designed to provide unobstructed cross-visibility at a level above twenty-four inches (24") and below eight feet (8') above the top of the ground surface. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area (See Zoning Ordinance Section 39).
10. Shrubs and ground cover along and adjacent to streets or street parking and in medians shall be based on the type of street and shall comply with the applicable standards set out herein-below. Such plantings shall be selected from the approved list of plantings contained in the City's Code of Ordinances. For plantings within twenty feet (20') of any street intersection, shrubs and ground cover shall not exceed two feet (2') in height, and tree branching shall provide eight feet (8') of clearance as measured from the top of the ground surface to the first branch along the tree trunk. Trees shall also be maintained so as to provide adequate clearance for vehicular traffic.
11. Any tree planted within four feet (4') of the back of curb of a public street or of street parking shall have a root barrier, centered on the tree, with the dimensions of at least three feet (3') deep by ten feet (10') long.
12. Residential areas shall contain Pocket Parks or hardscape plazas.
13. When replacing a protected tree, replacement trees of a sufficient number and trunk diameter and/or total height shall be provided to produce a total aggregate value of at least a one to one (1:1) ratio of the total aggregate value of the tree or trees to be removed.
14. **Approved Tree List.** Unless otherwise specified in this Ordinance, only those tree species included in this section shall satisfy the tree planting requirements.
  - a. **Generally.** Trees included on these tree species lists were selected on the basis of one or more of the following criteria or factors: hardiness, resistance to disease, suitability relative to local climate and soil conditions, adaptability for transplantation, longevity, adaptability to various landscape conditions, resistance to drought, aesthetic qualities, shade provision, windbreak provision, and screening qualities.

- b. **Approved tree planting list.** Only those tree species found on the following approved tree planting list shall satisfy the tree planting standards and requirements of this Ordinance:

**Approved Tree Planting List**

<i>Common Name</i>	<i>Scientific Name</i>
Southern live oak	( <i>Quercus virginiana</i> )
Escarpment live oak	( <i>Quercus fusiformis</i> )
Shumard oak	( <i>Quercus shumardi</i> )
Chinkapin oak	( <i>Quercus muehlenbergii</i> )
Bur oak	( <i>Quercus macrocarpa</i> )
Trident Red Maple	( <i>Acer rubrum</i> "Trident")
Caddo Maple	( <i>Acer saccharum</i> "Caddo")
Texas red oak	( <i>Quercus texana</i> )
Water oak	( <i>Quercus nigra</i> )
American elm	( <i>Ulmus americana</i> )
Cedar elm	( <i>Ulmus crassifolia</i> )
Winged elm	( <i>Ulmus alata</i> )
Lacebark elm	( <i>Ulmus parvifolia</i> )
Bald Cypress	( <i>Taxodium distichum</i> )
Pecans and hickories	( <i>Carya species</i> )
Juniper tree	( <i>Juniperus species</i> )
White ash	( <i>Fraxinus Americana</i> )
Green ash	( <i>Fraxinus pennsylvanica</i> )
Palm tree	( <i>Sabal texana</i> )
Texas ash	( <i>Fraxinus texensis</i> )
Western soapberry	( <i>Sapindus drummondii</i> )
Sweet gum	( <i>Liquidambar styraciflua</i> )
Eastern red cedar	( <i>Juniperus virginiana</i> )
Pines	( <i>Pinus species</i> )
Chinese pistache	( <i>Pistachia chinensis</i> )
Leyland Cypress	( <i>Cyressocyparis leylandi</i> )
Black Walnut	( <i>Juglans nigra</i> )
Magnolia	( <i>Magnolia grandiflora</i> )

- c. **Approved median and right-of-way tree planting list.** The following tree species shall be allowed to be planted in medians and rights-of-way when approved by the City. Additional tree species with non-aggressive root systems/deep root systems maybe authorized for planting in such areas by the City:

**Approved Median and ROW Tree Planting List**

<i>Common Name</i>	<i>Scientific Name</i>
Sweet gum	( <i>Liquidambar styraciflua</i> )
Crepe myrtle	( <i>Lagerstroemia indica</i> )
Wax myrtle	( <i>Myrica cerifera</i> )
Plum	( <i>Prunus species</i> )
Holly	( <i>Ilex species</i> )

Possum haw	(Ilex decidua)
Native pecan	(Carya species)
Redbuds/whitebuds	(Cercis species)
Fruitless crabapples	(Malus species)
Southern live oak	(Quercus virginiana)
Escarpment live oak	(Quercus fusiformis)
Texas red oak	(Quercus texana)
Shumard oak	(Quercus shumardi)
Chinquapin oak	(Quercus muehlenbergii)
Bur oak	(Quercus macrocarpa)
Water oak	(Quercus nigra)
Winged elm	(Ulmus alata)
Cedar elm	(Ulmus crassifolia)
Lacebark elm	(Ulmus parvifolia)
Slippery elm	(Ulmus rubra)
Bald Cypress	(Taxodium distichum)
Hickories	(Carya species)
Pines	(Pinus species)
Chinese pistache	(Pistachia chinensis)
Juniper tree	(Juniperus species)
Texas buckeye	(Aesculus glabra variety arguta)
Common persimmon	(Diospyros virginiana)
Texas ash	(Fraxinus texensis)
White ash	(Fraxinus Americana)
Green ash	(Fraxinus pennsylvanica)
Western soapberry	(Sapindus drummondii)
Black walnut	(Juglans nigra)
Magnolia	(Magnolia grandiflora)
Yaupon holly	(Ilex vomitoria)
Carolina buckthorn	(Rhamnus caroliniana)
Thornless honey locust	(Gleditsia triacanthos variety inermis)

**d. *Approved overhead utility easement tree planting list.***

The following list of tree species shall be allowed to be planted in utility easements having overhead lines where required. These species were selected due to their relatively small mature size and growth characteristics. Trees planted in these areas shall be planted at a ratio of 3 trees for every 1 tree required.

<i>Common Name</i>	<i>Scientific Name</i>
Yaupon holly	(Ilex vomitoria)
Carolina buckthorn	(Rhamnus caroliniana)
Possum haw	(Ilex decidua)
Japanese Maple	(Acer palmatum)
Shantung Maple	(Acer truncatum)
Plum	(Prunus species)
Redbuds/whitebuds	(Cercis species)
Wax myrtle	(Myrica cerifera)
Crepe myrtle	(Lagerstroemia indica)

**e. Building Height**

1. Big box, commercial retail pad site and general retail uses shall not exceed more than one story. Architectural features such as parapets, towers and endcaps may be used to give the appearance of taller (two [2] to three [3] story) structures and used for visual aesthetics.
2. Hotel, motel, extended stay, office, and conference center uses shall not exceed four (4) stories in height.
3. Multi-family residential uses shall not exceed four (4) stories in height.
4. Senior living uses shall not exceed four (4) stories in height.

**f. Architecture**

1. Exterior Materials permitted throughout the PD shall be brick, stone, glass and hardiplank. Each exterior façade of the buildings shall be at least ninety percent (90%) brick, decorative CMU (burnished or split face) and/or stone. The remaining ten percent (10%) or less of the materials used in any exterior façade of the buildings shall be limited to those materials identified herein-below in Paragraph No. 7. Alternative exterior construction material(s) may be approved by the Planning and Zoning Commission and City Council during Site Plan approval process if it is determined that the alternative exterior material is equivalent to the required Exterior Materials set out herein. Consideration for exceptions to these Exterior Materials shall be based only upon the following:
  - a. Architectural design, creativity and innovation;
  - b. Compatibility with surrounding structures;
  - c. Relative ease of maintenance of the material(s);
  - d. Long-term durability and weather-resistance of the material(s);  
and
  - e. Long-term stability in property value due to the high quality of the material(s).
2. Open air corridors may be constructed with brick, stone, stucco, and hardiplank. Masonry, metal and glass shall be used throughout the entire retail/commercial, mixed use, entertainment and office development. Large buildings shall have the appearance of smaller individual, store-front style, buildings through the mixture of metal, glass, and masonry facades and features, including building face articulation and offsets, special window treatments, entryways and other architectural features spaced at least

every thirty-five feet (35') to fifty feet (50') apart. In some cases building facades may be extended forward to add depth. The first floor/pedestrian level of all buildings and uses listed above shall contain various first floor features. Upper levels may use similar or the same architectural style. Multi-story buildings may use stucco and hardiplank anywhere on the structure as long as it is above the top plate of the first floor (or a minimum height of eight feet [8'] above the slab grade) and provided the building is not situated on a corner or at an intersection of two or more roadways. Garage door materials may be any materials typically used to manufacture and construct garage doors.

3. For retail/commercial, office and mixed use structures, where possible, double sided building entries shall be used; and, pedestrian corridors and alleys, if any, leading to parking areas and other uses shall contain architectural features such as window displays, faux entryways, decorative lighting, street furniture, and landscape. Awnings, canopies (consisting of, but not limited to wood, cloth, metal), and other architectural features such as towers, parapets and endcaps may be used throughout the retail, commercial, office and mixed use areas.

4. **Building Entrances.**

- a. Primary facades fronting on Type A Streets shall contain the main entrance of any principal building.
- b. All principal buildings in the PD located on a Type A Street serving the development shall also have doors, windows, and other architectural features facing that street. Non-residential or mixed use corner buildings shall have at least one customer entrance facing each street (or a corner entrance if two entrances are not feasible).

5. **Façade Walls.** A "Façade Wall" is an exterior wall visible from a street or non-industrial property. The following standards shall apply to Façade Walls.

- a. The minimum ground floor height as measured from the finished sidewalk to the second floor for all vertical mixed use, retail/commercial, office, and live-work buildings shall be fifteen feet (15'). The minimum finished floor height for all upper floors of vertical mixed use, retail/commercial, office, and live-work buildings shall be ten feet (10'). The minimum floor to floor height for all other buildings shall be ten feet (10').
- b. All development shall provide ground floor windows on the building façade facing and adjacent to a street (with the exception of alleys)

or facing onto a park, plaza, or other civic space. The required area of windows and doors on each street façade fronting a street, park, square, green, plaza, or other civic space as a percentage of that façade shall be a minimum of twenty-five percent (25%). The façade area shall be measured between three feet (3') and nine feet (9') above each finished floor.

- c.** Darkly tinted windows and mirrored windows that block two-way visibility shall not be permitted.
- d.** Façade walls shall incorporate varying depths to maximize architectural interest. Ground floor Façade Walls shall incorporate at least three (3) of the following four (4) requirements. These required design elements must comprise at least sixty percent (60%) of the Façade Wall's horizontal length:
  - i.** Wall recesses/projections spaced at least every thirty-five feet (35') long but no more than fifty feet (50') long and that have a relief of at least eight inches (8").
  - ii.** Entryway features or accent façade elements (at least three (3) items from the following list):
    - (a)** Raised corniced parapets over a main entrance, consisting of peaked roof forms having an average slope greater than or equal to a minimum 5/12 pitch, arches, or architectural details including but not limited to tile work and moldings that are integrated into the building structure and design;
    - (b)** Integrated planters or wing walls that incorporate landscaped areas and/or places for sitting;
    - (c)** Enhanced exterior lighting such as wall sconces, light coves with concealed light source, ground mounted accent lights, or decorative pedestal lights;
    - (d)** Prominent three-dimensional entryway features projecting from the plane of the main exterior walls by a minimum of six feet (6') and raised above the adjoining parapet wall/roof by a minimum of three feet (3'), clock towers and other similar architectural design elements; and,
    - (e)** Pilasters projecting from the plane of the wall by a minimum of eight inches (8") and/or architectural or decorative columns to create visual breaks and interest in the Façade Walls and exterior walls.



- iii. Arcades, Covered Walkways, Architectural Awnings, Canopies or Porticoes.
  - iv. Display windows, faux windows, or decorative windows.
  - f. The use of windows, faux windows, decorative windows, french doors, balconies and decorative planter boxes on and about the façade walls above the ground floor are encouraged in vertical mixed use, retail/commercial, office, multi-family, and live-work buildings.
6. **Detail Features.** (These requirements apply to all non-residential and multi-family residential Façade Walls.) Building Façade Walls shall include a repeating pattern that incorporates no less than three (3) of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than sixty feet (60') horizontally or thirty feet (30') vertically.
- a. Color change.
  - b. Texture change.
  - c. Material module change.
  - d. Architectural or structural bays created through a change in plane no less than twenty-four inches (24") wide such as an offset, reveal or projecting rib.
7. **Materials and Colors** (applies to all exterior walls except where noted):
- a. For all Façade Walls: All exterior building materials shall be high quality materials and shall be subject to the minimum exterior materials requirements of Paragraph No. 1 herein-above. Structures shall be limited to any combination of the following materials:
    - i. Face brick or face tile;
    - ii. Natural stone, cast stone, cultured stone or manufactured stone;
    - iii. Glass, with the use of reflective glass limited to a maximum of fifty percent (50%) of the area of any Façade Wall on which it is used;
    - iv. Integrally tinted and/or textured, concrete masonry units (e.g., split face block, burnished block);
    - v. Hardiplank or cement fiberboard as deemed similar in nature by the Building Official;

- vi. Tilt-up concrete panels that are adorned or otherwise finished with one of the other primary finishes; or
  - vii. Decorative metal, excluding any corrugated style panels or sheet metal. Decorative metal must contain an architectural finish, impression, cut or patina such as wrought iron, tubular steel, copper, brass or brushed or polished aluminum.
- b. For all exterior walls: Exterior colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity, primary, metallic, black or fluorescent colors shall be prohibited.
  - c. For all exterior walls: Building trim and accent areas may feature brighter colors, primary colors, and neon tubing for trim or accentuation in proportions consistent with trim or accentuation only. Such building trim and accent areas shall not exceed ten percent (10%) of any single exterior wall area excluding all windows, doors, and glass construction materials.
  - d. For any non-Façade Wall incorporating a loading, unloading, or service area (i.e., a nonvisible "back" side), the following materials shall be permitted:
    - i. Smooth-faced concrete block that is non-tinted or non-burnished;
    - ii. Tilt-up concrete panels that are unadorned or untextured; or
    - iii. Pre-fabricated steel panels comprising less than fifty percent (50%) of any single façade wall.
8. **Roofs.** Roofs shall incorporate parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. Parapet height changes over one foot (1') shall vary three foot (3') dimensionally to add visual interest to the building and shall include architectural detailing, cornices, moldings, trims, variations in brick coursing, and other similar type detailing. Roof scales shall meet requirements as stated within the City of Fomey Comprehensive Zoning Ordinance.
9. **Repetition of Residential Elevation.** A minimum of seven (7) platted residential lots must be skipped on either side of the street before building the same single-family residential unit with an identical (or nearly identical) street elevation design. Identical or nearly identical street elevation design means little or no variation in the articulation of the façade, height, or width of façade, placement of the primary entrances, porches, number and placement of windows, and other major architectural features. It does not mean similar colors, materials, or small details. This requirement shall apply to all single family residential lots.

- g.** Delivery and loading operations, HVAC equipment, trash compacting and collection, and other utility and service functions shall be incorporated into the overall design of the buildings and landscaping. Dumpster service shall be scheduled to occur after eight o'clock a.m. The visual and acoustic impacts of all mechanical, electrical, and communications equipment (ground and roof-mounted) shall not be visible from adjacent properties and public streets, and screening materials and landscape screens shall be architecturally compatible with and similar to the building materials of the principal structure(s) on the lot.
- h.** Refuse storage areas (including all dumpsters) shall be screened in accordance with Zoning Ordinance Section 41.2.G. Refuse storage areas shall be screened with a minimum six-foot (6') solid wall of materials to match the building materials. The screening wall must extend a minimum of one foot (1') above the refuse storage container. A gate is required on all refuse storage areas visible from a public right-of-way and decorative bollards shall be used to protect the enclosure from damage by vehicles on all sides. Landscaping shall be provided adjacent to the dumpster when placed in public/customer areas (not required in rear/service areas), and double-bay enclosures are required where needed for both refuse and recycling containers. All utilities must be screened from the public right-of-way with masonry walls and gates at least one foot (1') taller than the utilities being screened, with decorative bollards or landscaping. In areas where "big box" retail cart returns are located within the parking lot and required to be constructed of masonry materials or screened with landscaping, such cart returns shall be protected from impact damage by bollards. Masonry materials should be similar to adjacent building architecture and the screening wall must be a minimum one foot (1') above cart height.
- i.** All utility lines shall be placed under ground.
- j.** The developer and or owner shall be responsible to maintain the exterior of all retail, office, parking lots, and entertainment facilities including but not limited to trash removal, landscaping, mowing, water features, common/public areas, play areas and detention ponds.
- k.** Accessory buildings may have other materials than the main building, provided that the materials conform to the minimum exterior construction standards. Alternative roofing materials and "green screen" materials are acceptable. Carports may have exposed steel columns.
- l. Sidewalks.**

  - i.** Sidewalks adjacent to retail/commercial areas shall be at least ten feet (10') wide. A business located on the ground floor of a structure adjacent to a sidewalk may place outdoor seating, dining facilities and retail sales, including service kiosks, along and about the sidewalk adjacent to its primary structure provided that such use of the sidewalk area does not

reduce the amount of traversable space for pedestrian traffic to less than five feet (5') in width.

- ii. Vending machines including, but not limited to, soft drink machines, snack food machines, newspaper machines, and free community service or neighborhood vending machines shall not be placed on or about any sidewalk or trail within the PD.
  - iii. Sidewalks in single-family areas shall be at least five feet (5') in width and must be at least four feet (4') from the back of the curb with the area between the curb and the sidewalk consisting of vegetation.
  - iv. In multi-family and office use areas sidewalks shall be at least five feet (5') in width and may be adjacent to the back of the curb where they are adjacent to the right-of-way line. Sidewalks internal to the development may be adjacent to the back of the curb.
  - v. All sidewalks used as a component of an internal trail system shall be at least ten feet (10') wide.
  - vi. Sidewalks in and around entertainment areas shall be at least ten feet (10') wide.
  - vii. Sidewalks in and around common areas and public areas shall be a minimum five feet (5') wide in multi-family areas.
  - viii. All trails within the development shall be concrete and no less than ten feet (10') in width. Alternative paving other than concrete for trails may be considered at the time of site plan approval.
  - ix. All sidewalks and exterior pedestrian corridors in the entertainment, mixed use, office and retail/commercial areas shall have a portion of the walk that consists of pavers or patterned and colored stamped or stained concrete.
  - x. All crosswalks, roundabouts and trail intersections shall encompass decorative stamped or stained concrete, which distinguishes the area from the surrounding pavement.
- m. Mail pickup for multi-family residential areas shall be located in centralized covered and enclosed mailbox areas constructed of materials consistent with those materials used in adjacent structures. An enclosed trash receptacle shall be incorporated into such mailbox area.
- n. The retail/commercial, "big box," mixed-used, entertainment, office areas and public areas shall be pedestrian friendly and contain decorative street furniture consisting of inward facing benches, decorative garbage cans and bicycle facilities. Public spaces and common areas shall contain public art, clock towers, trellises, fountains, lakes, water features, splash parks or fireplaces.

## **SCHEDULE OF USES**

### **General Retail (GR) District Permitted Uses**

Accessory Building/Structure (Non-residential)  
Insurance Agency Offices  
Offices (Brokerage Services)  
Offices (Health Services)  
Offices (Legal Services)  
Offices (Medical Office)  
Offices (Professional)  
Real Estate Offices  
Bank  
Savings and Loan  
Security Monitoring Company (No Outside Storage)  
Artist Studio  
Automatic Teller Machines (ATM's)  
Barber/Beauty Shop (non-college)  
Banquet Hall  
Computer Sales  
Credit Unions  
Dance/Drama/Music Schools (Performing Arts)  
Financial Services (Advice/Invest)  
Hotel/Motel  
Martial Arts School / Dance Studio  
Kiosk (Providing A Service)  
Laundry/Dry Cleaning (Drop Off/Pick Up)  
Locksmith  
Photo Studio  
Photocopying/Duplicating  
Shoe Repair  
Studio for Radio or Television (without tower)  
Tailor Shop  
Travel Agency  
Antique Shop (no outside storage)  
Art Dealer / Gallery  
Bakery (Retail)  
Bike Sales and/or Repair (indoor only; no outside storage or displays)

Book Store  
Cafeteria  
Confectionery Store (Retail)  
Convenience Store (without gas sales)  
Department Store  
Drapery Shop / Blind Shop  
Florist  
Food or Grocery Store  
Furniture Sales (Indoor)  
Garden Shop (Inside Only; no outside storage)  
Handicraft Shop  
Hardware Store  
Major Appliance Sales/Rental (Indoor)  
Needlework Shop  
Pet Shop / Supplies / Grooming  
Pharmacy  
Plant Nursery (Retail Sales / Outdoor Storage)  
Restaurant  
Restaurant (Drive-In)  
Retail Store (Misc.)  
Temporary Outdoor Retail Sales / Commercial  
Promotion  
Vacuum Cleaner Sales and Repair  
Veterinarian (Indoor Kennels)  
Auto Parts Sales (indoor only; no repair bays)  
Auto Tire Repair /Sales (Indoor only; no outside storage  
or displays)  
Full Service Car Wash (Detail Shop)  
Gasoline Service Station  
Public Garage / Parking Structure  
Quick Lube/Oil Change/Minor Inspection (indoor only; no  
outside storage or displays)  
Amusement, Commercial (Indoors)  
Amusement, Commercial (Outdoors)  
Bowling Center  
Dance Hall / Dancing Facility  
Dinner Theatre  
Exhibition Hall  
Golf Course (Miniature)

Health Club (Physical Fitness; Indoors Only)  
Motion Picture Theater (Indoors)  
Museum (Indoors Only)  
Park and/or Playground (Public; municipal)  
Skating Rink  
Swimming Pool (Public; municipal)  
Tennis Court (Private/Lighted)  
Tennis Court (Private / Not Lighted)  
Theater (Non-Motion Picture; Live Drama)  
Video Rental / Sales  
Assisted Living Facility  
Child Day Care (Business) (See Section 38.5)  
Church/Place of Worship  
Civic Club  
Clinic (Medical)  
Community Center (Municipal)  
Electrical Substation  
Electrical Transmission Line  
Emergency Care Clinic  
Fire Station  
Franchised Private Utility (not listed)  
Gas Transmission Line (Regulating Station)  
Governmental Building or Use (County, State or Federal)  
Library (Public)  
Mailing Service (Private)  
Municipal Facility or Use  
Non-Profit Activities by Church (in furtherance of church/religious purposes)  
Nursing/Convalescent Home  
Philanthropic organization  
Phone Exchange/Switching Station  
Police Station  
Portable Medical Unit-(See Definitions)  
Portable Medical Unit-Human Blood Collection (See Definitions)  
Post Office (Governmental)  
Rectory/Parsonage  
Retirement Home/Home for the Aged  
School, K through 12 (Private)

School, K through 12 (Public)  
School, Vocational (Business/Commercial Trade)  
Sewage Pumping Station  
Utility Distribution Line  
Water Supply Facility (Private)  
Water Supply Facility (Public; includes Elevated Water Storage)  
Water/Wastewater Treatment Plant (Public)  
Contractor's Office/Sales, No Outside Storage including Vehicles  
Contractor's Office/Sales, With Outside Storage including Vehicles  
Contractor's Temporary On-Site Construction Office (only with permit)

**Neighborhood Service (NS) District Permitted Uses**

Accessory Building/Structure (Non-residential)  
Insurance Agency Offices  
Offices (Brokerage Services)  
Offices (Health Services)  
Offices (Legal Services)  
Offices (Medical Office)  
Offices (Professional)  
Real Estate Offices  
Bank  
Savings and Loan  
Artist Studio  
Automatic Teller Machines (ATM's)  
Barber/Beauty Shop (non-college)  
Computer Sales  
Credit Unions  
Dance/Drama/Music Schools (Performing Arts)  
Financial Services (Advice/Invest)  
Martial Arts School / Dance Studio  
Laundry/Dry Cleaning (Drop Off/Pick Up)  
Locksmith  
Photo Studio  
Photocopying/Duplicating  
Shoe Repair



Studio for Radio or Television (without tower)  
Tailor Shop  
Travel Agency  
Art Dealer / Gallery  
Bakery (Retail)  
Bike Sales and/or Repair (indoor only; no outside storage  
or displays)  
Book Store  
Cafeteria  
Confectionery Store (Retail)  
Convenience Store (without gas sales)  
Florist  
Food or Grocery Store  
Drapery Shop / Blind Shop  
Furniture Sales (Indoor)  
Garden Shop (Inside Only; no outside storage)  
Needlework Shop  
Pet Shop / Supplies / Grooming  
Pharmacy  
Restaurant  
Temporary Outdoor Retail Sales/Commercial Promotion  
Vacuum Cleaner Sales and Repair  
Veterinarian (Indoor Kennels)  
Health Club (Physical Fitness; Indoors Only)  
Museum (Indoors Only)  
Park and/or Playground (Public; municipal)  
Swimming Pool (Private; Membership)  
Swimming Pool (Public; municipal)  
Tennis Court (Private/Lighted)  
Tennis Court (Private / Not Lighted)  
Adult Day Care (Business) (See Section 38.5)  
Assisted Living Facility  
Child Care Center (Day Care) (Business) (See Section  
38.5)  
Church/Place of Worship  
Civic Club  
Clinic (Medical)  
Community Center (Municipal)  
Electrical Substation

Electrical Transmission Line  
Emergency Care Clinic  
Fire Station  
Franchised Private Utility (not listed)  
Gas Transmission Line  
Governmental Building or Use (County, State or Federal)  
Group Day Care Home  
Hospital (Acute care / Chronic Care)  
Library (Public)  
Mailing Service (Private)  
Municipal Facility or Use  
Non-Profit Activities by Church (in furtherance of church/religious purposes)  
Nursing/Convalescent Home  
Philanthropic organization  
Police Station  
Portable Medical Unit-(See Definitions)  
Portable Medical Unit-Human Blood Collection (See Definitions)  
Post Office (Governmental)  
Rectory/Parsonage  
Retirement Home/Home for the Aged  
School, K through 12 (Private)  
School, K through 12 (Public)  
Contractor's Temporary On-Site Construction Office (only with permit)

**Office (O) District Permitted Uses**

Accessory Building/Structure (Non-residential)  
Automatic Teller Machines (ATM's)  
Telemarketing Agency  
Insurance Agency Offices  
Offices (Brokerage Services)  
Offices (Health Services)  
Offices (Legal Services)  
Offices (Medical Office)  
Offices (Professional)  
Real Estate Offices  
Bank  
Savings and Loan

Security Monitoring Company (No Outside Storage)  
Artist Studio  
Automatic Teller Machines (ATM's)  
Barber/Beauty Shop (non-college)  
Credit Unions  
Dance/Drama/Music Schools (Performing Arts)  
Financial Services (Advice/Invest)  
Martial Arts School / Dance Studio  
Kiosk (Providing A Service)  
Laundry/Dry Cleaning (Drop Off/Pick Up)  
Locksmith  
Photo Studio  
Photocopying/Duplicating  
Shoe Repair  
Studio for Radio or Television (without tower)  
Tailor Shop  
Travel Agency  
Art Dealer / Gallery  
Book Store  
Health Club (Physical Fitness; Indoors Only)  
Museum (Indoors Only)  
Park and/or Playground (Public; municipal)  
Church/Place of Worship  
Civic Club  
Clinic (Medical)  
Community Center (Municipal)  
Electrical Substation  
Electrical Transmission Line  
Fire Station  
Franchised Private Utility (not listed)  
Gas Transmission Line  
Governmental Building or Use (County, State or Federal)  
Group Day Care Home  
Library (Public)  
Mailing Service (Private)  
Municipal Facility or Use  
Non-Profit Activities by Church (in furtherance of church/religious purposes)  
Philanthropic organization

Police Station  
Portable Medical Unit-(See Definitions)  
Portable Medical Unit-Human Blood Collection (See Definitions)  
Post Office (Governmental)  
Rectory/Parsonage  
School, K through 12 (Private)  
School, K through 12 (Public)  
Sewage Pumping Station  
Utility Distribution Line  
Water Supply Facility (Private)  
Water Supply Facility (Public; includes Elevated Water Storage)  
Water/Wastewater Treatment Plant (Public)  
Contractor's Temporary On-Site Construction Office (only w/ permit)  
Hotel/Motel



