

ORDINANCE 20-08
ZONING – PLANNED DEVELOPMENT - 01

AN ORDINANCE AMENDING LAKEWOOD VILLAGE'S COMPREHENSIVE ZONING ORDINANCE NO. 19-02; REZONING A TRACT OF LAND CONSISTING OF 77.531 ACRES, MORE OR LESS, SITUATED IN THE BENJAMIN C. SHAHAN SURVEY, ABSTRACT NO. 1169 AND WILLIAM LOFTON SURVEY, ABSTRACT NO. 750 IN THE TOWN OF LAKEWOOD VILLAGE, DENTON COUNTY, TEXAS HERETOFORE ZONED SINGLE FAMILY RESIDENTIAL – A PORTION OF DISTRICT 6 (SF-6) IS REZONED PLANNED DEVELOPMENT – 01 - SINGLE FAMILY RESIDENTIAL (PD-SF); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Lakewood Village, Texas ("Lakewood Village") has received a request from Sam Hill Venture to rezone 77.531 acres of land, more or less, situated in the Benjamin C. Shahan Survey, Abstract No. 1169 and William Lofton Survey, Abstract No. 750 in Lakewood Village, Denton County, Texas; and

WHEREAS, the Town Council of Lakewood Village (the "Town Council") has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Lakewood Village and its inhabitants to amend Lakewood Village's Comprehensive Zoning Ordinance No. 19-02 and rezone this property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Amendments to Lakewood Village's Comprehensive Zoning Ordinance No. 19-02

Lakewood Village's Comprehensive Zoning Ordinance No. 19-02 is amended as follows: The zoning designation of the below-described property containing 77.531 acres, more or less, situated

in the Benjamin C. Shahan Survey, Abstract No. 1169 and William Lofton Survey, Abstract No. 750 in Lakewood Village, Denton County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Planned Development – 01 - Single Family Residential (PD-SF).

The Property as a whole is more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

The development plans, standards, uses and schedules for the Property in this Planned Development District shall conform to, and comply with 1) the planned development standards attached hereto as Exhibit "B", and 2) the conceptual plan attached hereto as Exhibit "C". Exhibits "B" and "C" are incorporated herein for all purposes. Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of all ordinances, rules and regulations of Lakewood Village, as they currently exist or may be amended.

Three (3) original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

a. Two (2) copies shall be filed with the Town Secretary and retained as the original records and shall not be changed in any manner.

b. One (1) copy shall be filed with the building inspector and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

Section 3: No Vested Interest/Repeal

No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

Section 4: Unlawful Use of Premises

It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

Section 5: Penalty Provision

Any person, firm, corporation or business entity violating this Ordinance or any provision of Lakewood Village's Comprehensive Zoning Ordinance No. 19-02, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Lakewood Village from filing suit to enjoin the violation. Lakewood Village retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 6: Savings/Repealing Clause

Lakewood Village's Comprehensive Zoning Ordinance No. 19-02 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

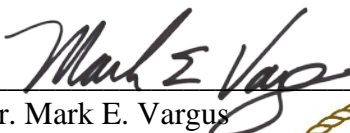
Section 7: Severability

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Lakewood Village hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

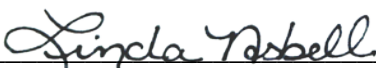
Section 8: Effective Date

This Ordinance shall become effective from and after its adoption and publication as required by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this 23rd day of April 2020.

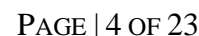

Dr. Mark E. Vargus
Mayor

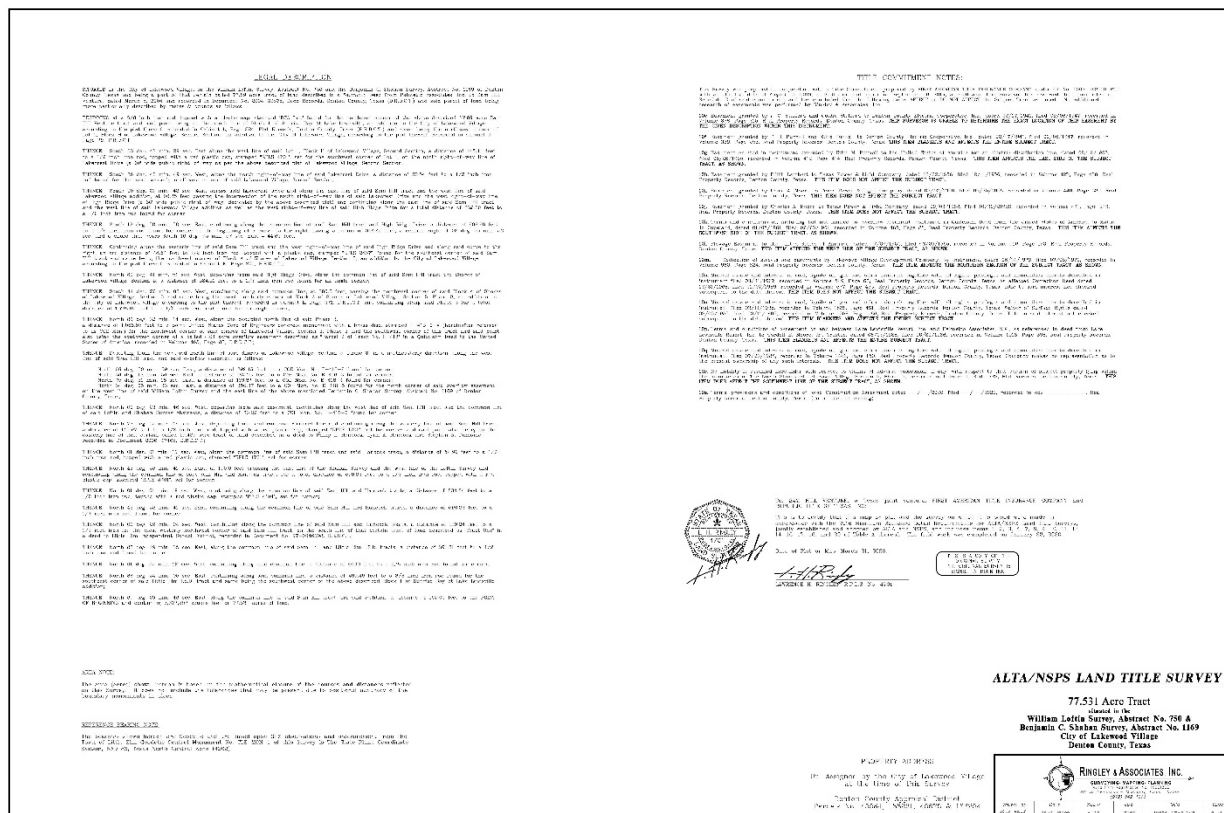
ATTESTED:


Linda Asbell, TRMC, CMC
Town Secretary



Legal Description





LEGAL DESCRIPTION

SITUATED in the City of Lakewood Village, in the William Loftin Survey, Abstract No. 750 and the Benjamin C. Shahan Survey, Abstract No. 1169 of Denton County, Texas and being a part of that certain called 77.89 acre tract of land described in a Warranty Deed from Palmetto Associates, Inc. to Sam Hill Venture, dated March 5, 2004 and recorded in Document No. 2004-39575, Deed Records, Denton County, Texas (D.R.D.C.T.) and said parcel of land being more particularly described by metes & bounds as follows:

BEGINNING at a 5/8 inch iron rod, topped with a plastic cap, stamped "DCA Inc." found for the northeast corner of the above described 77.89 acre Sam Hill Venture tract and said point being on the south line of Block 1 of Sunrise Bay At Lake Lewisville, an addition to the City of Lakewood Village, according to the plat thereof, recorded in Cabinet L, Page 224, Plat Records, Denton County, Texas (P.R.D.C.T.) and same being the northwest corner of Lot 1, Block H of Lakewood Village, Second Section, an addition to the City of Lakewood Village, according to the plat thereof, recorded in Cabinet J, Page 79, P.R.D.C.T.

THENCE: South 03 deg. 47 min. 29 sec. East along the west line of said Lot 1, Block H of Lakewood Village, Second Section, a distance of 145.41 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for the southwest corner of Lot 1, on the north right-of-way line of Lakecrest Drive (a 60' wide public right-of-way as per the above described plat of Lakewood Village, Second Section;

THENCE: South 86 deg. 46 min. 49 sec. West, along the north right-of-way line of said Lakecrest Drive, a distance of 30.54 feet to a 1/2 inch iron rod found for the most westerly northwest corner of said Lakewood Village, Second Section;

THENCE: South 00 deg. 31 min. 42 sec. East, across said Lakecrest Drive and along the east line of said Sam Hill tract and the west line of said Lakewood Village addition, at 60.35 feet passing the intersection of the south right-of-way line of said Lakecrest Drive and the west right-of-way line of High Ridge Drive (a 60' wide public right-of-way, dedicated by the above described plat) and continuing along the east line of said Sam Hill tract and the west line of said Lakewood Village addition as well as the west right-of-way line of said High Ridge Drive for a total distance of 332.60 feet to a 1/2 inch iron rod found for corner

THENCE: South 18 deg. 50 min. 58 sec. East, continuing along the common line of said Sam Hill tract and High Ridge Drive, a distance of 986.96 feet to a 1/2 inch iron rod found for corner at the beginning of a curve to the right, having a radius of 984.48 feet, a central angle of 02 deg. 35 min. 52 sec. and a chord that bears South 16 deg. 05 min. 57 sec. East – 44.63 feet;

THENCE: Continuing along the easterly line of said Sam Hill tract and the west right-of-way line of said High Ridge Drive and along said curve to the right, an arc distance of 44.64 feet to 1/2 inch iron rod, topped with a plastic cap, stamped "RPLS 2437", found for the southeast corner of said Sam Hill tract and same being the northeast corner of Block A of Shores of Lakewood Village, Section 5, an addition to the City of Lakewood Village according to the plat thereof, recorded in Cabinet K, Page 201, P.R.D.C.T.;

THENCE: North 89 deg. 41 min. 51 sec. West, departing from said High Ridge Drive, along the common line of said Sam Hill tract the Shores of Lakewood Village, Section 5, a distance of 534.51 feet to a 1/2 inch iron rod found for an angle corner;

THENCE: South 44 deg. 22 min. 03 sec. West, continuing along said common line, at 380.0 feet, passing the northwest corner of said Block A of Shores of Lakewood Village, Section 5 and same being the most northerly corner of Block A of Shores of Lakewood Village, Section 5, Phase 3, an addition to the City of Lakewood Village according to the plat thereof, recorded in Cabinet L, Page 271, P.R.D.C.T. and continuing along said Phase 3 for a total distance of 1,768.97 feet to a 1/2 inch iron rod found for an angle corner;

THENCE: North 89 deg. 32 min. 14 sec. West, along the occupied north line of said Phase 3, a distance of 1,066.65 feet to a point United States Corp of Engineers concrete monument with a brass disc, stamped E-415-0-A (hereinafter referred to as COE Mon.) for the northwest corner of said Shores of Lakewood Village, Section 5, Phase 3 and the southwest corner of this tract and said point also being the southwest corner of a called 4.04 acre overflow easement described as "Parcel 2 of Tract No. E-418" in a Quitclaim Deed to the United States of America, recorded in Volume 465, Page 88, D.R.D.C.T.;

THENCE: Departing from the occupied north line of said Shores of Lakewood Village, Section 5, Phase 3, in a northeasterly direction, along the west line of said Sam Hill tract and said overflow easement as follows:

North 66 deg. 00 min. 59 sec. East, a distance of 392.15 feet to a COE Mon. No. E-418-2 found for corner;

North 36 deg. 13 min. 56 sec. East, a distance of 187.73 feet to a COE Mon. No. E-418-3 found for corner;

North 75 deg. 31 min. 16 sec. East, a distance of 119.37 feet to a COE Mon. No. E-418-4 found for corner;

North 34 deg. 05 min. 33 sec. East, a distance of 350.37 feet to a COE Mon. No. E-418-5 found for the north corner of said overflow easement, on the west line of said William Loftin Survey and the east line of the above mentioned Benjamin C. Shahan Survey, Abstract No. 1169 of Denton County, Texas;

THENCE: North 00 deg. 23 min. 46 sec. West, departing from said easement, continuing along the west line of said Sam Hill tract and the common line of said Loftin and Shahan Survey Abstracts, a distance of 86.22 feet to a COE Mon. No. E-418-6 found for corner;

THENCE: North 72 deg. 15 min. 48 sec. West, departing from said common Abstract line and continuing along the westerly line of said Sam Hill tract, a distance of 140.97 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for corner and said point also being on the easterly line of that certain called 19.429 acre tract of land described in a deed to Philip L. Hancock, Lynn A. Hancock and Stephen R. Dumaine, recorded in Document 2006-47468, D.R.D.C.T.;

THENCE: North 01 deg. 01 min. 19 sec. West, along the common line of said Sam Hill tract and said Hancock tract, a distance of 54.96 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for corner;

THENCE: North 43 deg. 58 min. 41 sec. East, at 190.0 feet crossing the east line of the Shahan Survey and the west line of the Loftin Survey and continuing along the common line of said Sam Hill and Hancock tracts for a total distance of 590.32 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for corner;

THENCE: North 01 deg. 01 min. 19 sec. West, continuing along the common line of said Sam Hill and Hancock tracts, a distance of 834.84 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for corner;

THENCE: North 43 deg. 58 min. 41 sec. East, continuing along the common line of said Sam Hill and Hancock tracts, a distance of 590.32 feet to a 1/2 inch iron rod, found for corner;

THENCE: North 00 deg. 29 min. 04 sec. West, continuing along the common line of said Sam Hill and Hancock tracts, a distance of 119.24 feet to a 1/2 inch iron for the most westerly northwest corner of said Sam Hill tract, on the south line of that certain tract of land described as "Tract One" in a deed to Little Elm Independent School District, recorded in Document No. 97-0046698, D.R.D.C.T.;

THENCE: North 88 deg. 49 min. 35 sec. East, along the common line of said Sam Hill and Little Elm I.S.D. tracts, a distance of 391.31 feet to a 1/2 inch iron rod found for corner;

THENCE: North 01 deg. 25 min. 12 sec. West, continuing along said common line, a distance of 40.19 feet to a 3/8 inch iron rod found for corner;

THENCE: North 86 deg. 54 min. 05 sec. East, continuing along said common line, a distance of 499.49 feet to a 3/8 inch iron rod found for the southeast corner of said Little Elm I.S.D. tract and same being the southwest corner of the above described Block 1 of Sunrise Bay at Lake Lewisville addition;

THENCE: North 85 deg. 09 min. 48 sec. East, along the common line of said Sam Hill tract and said addition, a distance of 187.03 feet to the POINT OF BEGINNING and containing 3,377,257 square feet or 77.531 acres of land.

EXHIBIT B

Development Standards

1. Permitted Uses

A. Allowed Uses: Land uses allowed within this PD district are as follows:

Garage Apartment
 Guest House
 Single Family Residence
 Accessory Structure - C
 Child-Care: Home - C
 Home Occupation – C
 Homebuilder Marketing Center – C
 Municipal Uses Operated by the Town
 Public School
 Parks or Open Space
 Electrical Sub Station - S
 Telephone Exchange – S
 Temporary buildings of the builders and uses incidental to construction work on the premises, which shall be removed upon completion of such work.

*C – specifies a conditional use which is permitted if the conditional development standards contained in the Zoning Ordinance are met.

*S - indicates Specific Use Permit is required

2. Development Standards - Single-Family Residential

A. Area and building requirements: This Planned Development Ordinance permits two different single-family residential lot types: Type A and Type B. The development standards for each lot type are outlined in the following Table 1.

Table 1

Development Standards	Type A	Type B
Setbacks		
Minimum Front Yard	25 ft	20 ft
Minimum Front Yard for porches and swing-in garages	20 ft	20 ft
Minimum Side Yard – Dwelling or Accessory Structure	15 ft	10 ft
Minimum Rear Yard – Dwelling or Accessory Structure	5 ft	5 ft
Minimum Side Yard – Pool and/or Spa	10 ft	10 ft

Minimum Rear Yard – Pool and/or Spa	10 ft	10 ft
Minimum Side Yard (adjacent to a street)	15 ft	15 ft

Lot Dimensions		
Minimum Area	½ acre	1/3 acre
Minimum Width	90 ft	70 ft
Minimum Depth	None	None

Dwellings		
Minimum Air-Conditioned Dwelling Area (Total ft ²)	2,400 ft ²	1,800 ft ²
Minimum Ground Floor Air-Conditioned Dwelling Area – Two Story	2,400 ft ²	1,800 ft ²
Maximum Height / Stories	2.5	2.5
Maximum Lot Coverage / Impervious Surface	50%	50%
Minimum Elevation (above mean sea level)	540 ft	

- B. Lot Width: The width of any lot shall not be less than as shown in Table 1 as measured at the front building line of the lot, except that lot width for lots at the terminus of a cul-de-sac or along street elbows/eyebrows may be less; provided all other requirements of the section are fulfilled.
- C. Front Yard: The minimum front yard shall be as shown in Table 1. Covered drives and porte-cocheres that are architecturally designed as an integral element of the main structure and are constructed with the same materials as the main structure may extend an additional five (5) feet into the front yard from the minimum front yard setback. Required front yards must be open and unobstructed except for light posts and flag poles that are twenty (20) feet or less in height. Ordinary projections of windowsills, belt courses, cornices, and other architectural features may project up to twelve (12) inches into the required front yard. A fireplace chimney may project up to two (2) feet into the required front yard if its area of projection does not exceed twelve (12) square feet. Cantilevered roof eaves and balconies may project up to five (5) feet into the required front yard.
- D. Minimum Front Yard Setback Reduction and Average Setback: Refer to Exhibit D-6 Staggered Front Yard Setbacks for Illustration.
1. The minimum front yard setback requirements may be reduced by a maximum of five (5) feet for all single family lots provided that at least fifty (50) percent of the structures on a given block are set back an additional five (5) feet from the original setback.
 2. The average setback along the block shall equal the original setback requirement.
 3. The purpose of this average setback is to encourage a variety of front yard setbacks along a street.
 4. In no case shall the average front yard setback be less than the minimum established in Table 1: Setbacks.

- E. Required Parking: A minimum of four (4) off-street concrete parking spaces shall be provided for each residential unit. As part of the parking requirement, at least two (2) of the off-street parking spaces shall be in an enclosed garage. Parking spaces shall be at least ten (10) feet in length, which shall not include any sidewalk.
- F. Floodplain: Any floodplain included within the limits of a single-family lot shall be designated as a no-build easement on the final plat.
- G. Architectural Standards: The following architectural standards shall apply to all single-family homes on Type A and Type B lots within this Planned Development District:
1. Exterior Façade Building Materials: Front elevations (including the street facing side elevation of corner lots) shall be one hundred (100) percent masonry; all other elevations shall be at least eight (80) percent masonry. Masonry shall be defined as brick, natural stone, cut stone, cast stone, hard coat or three-coat stucco (not synthetic). Glass, cement siding, or similar materials may be used for window box-outs, bay windows, roof dormers, or similar architectural features. Rough sawn wood timbers or similar materials may be used for architectural features such as columns and headers above windows and garage doors. Each floor plan must have a minimum of three (3) elevations offered with different architectural styles and must include one elevation constructed with three-coat stucco. Exterior construction materials shall consist of brick, natural stone, cut stone, cast stone, hard coat or three-coat stucco (not synthetic). Glass, exterior wood, or similar materials may also be used for window box-outs, bay windows, roof dormers, garage door and window headers, columns, or other architectural features.
 2. Minimum Roof Pitch: The minimum roof pitch shall be 6:12 for all structures. Exposed gutters shall be compatible with the surface to which they are attached.
 3. Roof Material: Roof materials shall be composition 30-year architectural shingles, standing seam metal or copper, natural or imitation slate shingles, or natural or imitation clay shingles. Wooden shingles are prohibited.
 4. Garages: Garages shall be J-swing. The minimum garage size is twenty-five (25) feet in width by twenty-two (22) feet in depth. Driveways may extend into the side yard setback a maximum of seven (7) feet.
 5. Landscaping: Required landscaping shall include a minimum of two (2) four-inch (4") caliper shade trees in the front yard and one (1) three-inch (3") caliper shade tree in the rear yard. Additionally, at least one (1) row of shrubs with a minimum height of twenty-four inches (24") shall be planted on three-foot (3') centers along the front elevation of the home (excluding the garage and front entry). The rear yard trees shall be placed in locations that will allow installation of a swimming pool without removal of the tree(s). The front yard trees shall be offset and be either three (3) feet closer to house or street than trees in front yard of each adjacent lot, so that trees are not in a straight line down an entire block. All lots must have automatic sprinklers.

6. Fencing: The following fence requirements are illustrated on the Fencing Plan attached hereto as Exhibit D-1.
- a. Front: Fences extending across the front side yard from the home to the side property line shall be a six-foot (6') black wrought iron or tubular steel fence. Where the front yard fence intersects with the side yard fence, a decorative metal corner column shall be constructed. The height of the corner column shall be twelve (12) to eighteen (18) inches greater than the fence and the width of the corner column shall be ten (10) to twelve (12) inches.
 - b. Side: Fences constructed along side property lines between lots shall be board-on-board, stained, and weather-treated with a face cap and steel posts and be a maximum of eight-foot (8') in height. However, a six-foot (6') length of black wrought iron or tubular steel fence shall be constructed to serve as a transition between the side yard wood fence and a wrought iron or tubular steel fence constructed across the front side yard or along the rear property line.
 - c. Rear: Rear yard fencing of lots that back to the Greenbelt or Open Space labeled on the Concept Plan attached hereto as Exhibit C and rear yard fencing of lots that back to property owned by the United States Corps of Engineers shall be six-foot (6') in height and constructed of black wrought iron or tubular steel fence. Where lots back to streets, no fence shall be constructed parallel to the wrought iron or tubular steel fencing along the rear of the lot. A rear yard fence between lots or for Type B lots that back to the west shall be board-on-board, stained, and weather-treated with a face cap and steel posts and be a maximum of eight-foot (8') in height.
 - d. Fence Height Transitions: Where side yard fences intersect with front or rear yard fences, fences of different heights shall be transitioned so that the fences are the same height where the fences intersect.
 - e. Special Provisions for Waterfront Properties:
 - i. For any fence where any portion will be constructed in the floodplain, the property owner must submit construction plans along with written letters of approval from the US Army Corp of Engineers and the Lakewood Village Floodplain Administrator prior to the Town issuing a permit.
 - ii. Solid fences such as masonry walls, stockade-type, and board on board are not permitted in the floodplain.
 - f. Retaining Walls: Retaining walls must be constructed of stone and designed by an engineer.
7. Driveway, Front Walkway, and Front Porch Materials: All driveways, front walkways, and front porches must be constructed of complementary brick pavers, natural stone,

- interlocking pavers, stamped concrete, exposed aggregate, or salt with stain finish and bordered with stone, brick, or concrete. The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed fifty (50) percent coverage or twenty-five (25) percent coverage for corner lots.
8. Patios: All front yard patios must be covered and included in the roofline of the home.
 9. Chimneys: All chimneys must have decorative metal caps.
 10. Screening of Air Conditioning Units and Pool Equipment: Air conditioning units and pool equipment shall be screened from the view of the street by a fence or landscaping.
 11. Design Repetition: A minimum of nine (9) platted residential lots must be skipped on the same side and six (6) skipped on the opposite side of a street before rebuilding the same single-family residential unit consisting of an identical elevation and color. The same floor plan shall not be repeated on adjacent lots or directly across the street.

3. Development Standards – Public School

- A. Public School: Development standards for a public school constructed within this Planned Development district include:
 1. Site Plan and Final Plat: Town approval of a site plan and final plat is required prior to the development of a public school.
 2. Minimum Front Yard – Fifty (50) feet
 3. Minimum Side Yard – Fifty (50) feet
 4. Minimum Rear Yard – Fifty (50) feet
 5. Maximum Building Height – Two (2) stories
 6. Required Parking and Stacking - A minimum of one (1) off-street concrete parking space shall be provided per classroom plus one (1) space for each four (4) seats in any auditorium, gymnasium, or other place of assembly. Parking spaces shall be a minimum of nine (9) feet wide by twenty (20) feet in depth. The site design for the school shall include one-way driveways that accommodate stacking for drop-off and pick-up of students.
 7. Exterior Construction Materials: The school shall be constructed in a manner that is consistent with the same general standards to which other schools have recently been constructed or are contemplated to be constructed within the boundaries of Little Elm Independent School District.

8. Landscaping:

- a. Perimeter Landscape Buffers: A minimum twenty (20) foot landscape buffer shall be provided along perimeter streets and property lines.
- b. Perimeter Landscaping: At least one (1) three-inch (3") caliper canopy tree shall be planted every forty (40) linear feet or fraction thereof along perimeter streets. Trees may be grouped or clustered to facilitate site design. In addition, three (3) ornamental trees may be provided in lieu of one (1) canopy tree.
- c. Internal Landscaping: Parking area shall contain planting islands located so as to best relieve the expanse of paving. Planting islands shall be placed a minimum of every twenty (20) spaces within parking areas. One (1) three-inch (3") caliper canopy tree shall be located on landscape islands and near the terminus of all parking rows.

4. General Conditions

- A. Parks, Open Space, and Greenbelt Buffers: Approximately eleven (11) acres of parks, open space, and greenbelt buffers shall be dedicated to the Town in the approximate locations depicted on the Concept Plan. The parks, open space, and greenbelt buffers shall be dedicated to the Town at the time each respective area is platted. These collective dedications shall satisfy all obligations for park dedication and park fees for this Planned Development district.
- B. Hike and Bike Trail – Included in the above referenced parks and open space dedication is a forty (40) foot wide greenbelt along the southern perimeter of the Property. The developer will grade and clear a minimum eight (8) foot wide walkable natural path within the greenbelt upon development of the Property to serve as a hike and bike trail.
- C. Screening of Lots Backing to Streets: Where single-family lots back to a street, a minimum ten (10) foot wide greenbelt buffer dedicated to the Town shall be located between the lots and the adjacent right-of-way. Within the greenbelt buffer, trees and shrubs shall be planted to screen the back of the lots from the adjacent streets. No driveway access is allowed across a greenbelt buffer. A minimum six (6) foot wrought iron or tubular steel fence shall be constructed on the greenbelt buffer adjacent to the property line of the single-family lots. Masonry columns and short sections of a masonry wall may be incorporated into the fence for visual enhancement. The greenbelt buffer, the fence or wall, trees, and shrubs are illustrated on the Screening Plan attached hereto as Exhibit D-2.
- D. Landscaping of Parks, Open Space, and Trail: An effort will be made to preserve existing trees within the forty (40) foot wide greenbelt and natural open space areas identified on the Concept Plan. In addition, the developer will install trees and turf within the parks in

accordance with the Planting Plan attached hereto as Exhibit D-3 and within the greenbelt buffers in accordance with Screening Plan attached hereto as Exhibit D-2. The developer shall be responsible for the mowing and general maintenance of the parks and greenbelt buffers for two (2) years after dedication of the areas to the Town or until at least fifty (50) homes have been issued Certificates of Occupancy within this Planned Development district, whichever is sooner. Thereafter, the Town shall maintain the parks and greenbelt buffers to a standard consistent with a first-class residential subdivision in the north Texas regional area unless the developer obtains a maintenance license from the Town by a separate agreement. The landscaping requirements specified for this Planned Development district shall satisfy any and all tree preservation or mitigation requirements for properties within the Planned Development district.

- E. Streets: Streets shall consist of a sixty (60) foot wide right-of-way with a twenty-two (22) foot paving section. Typical street sections are illustrated on the Street Plan attached hereto as Exhibit D-4. Streets located adjacent to the west and south sides of the school site shall be constructed as a thirty-six (36) foot paving section. Cul-de-sacs shall be designed with a radius of fifty (50) feet for right-of-way and a radius of forty (40) feet for paving. Right-of-way widths may be modified to accommodate the roundabout, divided entries, and other unique project features. The developer shall have no obligation to make improvements to Highridge Drive.

- F. Drainage: Storm drainage shall be primarily conveyed by earthen channels, open drainage courses and by the street itself but may also be enclosed in concrete pipes as necessary. Lay down / roll curbs may be used to convey stormwater but standard six-inch (6") curbs are prohibited. Open drainage courses carrying street runoff between lots may be an earthen channel provided that an easement is provided from top-of-bank to top-of-bank.

Increased storm water runoff attributable to new development shall not cause impacts to adjoining, upstream or downstream properties. Impacts are defined as an increase in runoff between pre and post development. Where the projected runoff from a new development exceeds runoff from pre-development conditions, the Town may require the phasing of a development, the use of control methods such as retention or detention, obtaining off-site drainage easements, and/or the construction of off-site drainage improvements as means of mitigation.

- G. Sidewalks: No sidewalks are required except that the developer shall construct six-foot (6') wide sidewalks in the locations depicted on Concept Plan.
- H. Alleys: It is the intent of this planned development to avoid the use of alleys. However, if developer and Town determine alleys are necessary, alleys shall be twelve (12) feet wide within eighteen (18) feet right-of-way.
- I. Mailboxes: Cluster box units will be provided for mail delivery as required by the United States Postal Service. Cluster box units will be located within the centralized parks/open space areas or at a location otherwise designated by the Town.

J. Outdoor Lighting: Outdoor lighting shall comply with Ordinance 20-04. Any conflict between this Ordinance and Ordinance 20-04, Ordinance 20-04 shall control.

K. Signs: In any potential conflict between this Ordinance and Sign Ordinance 11-14, this Ordinance shall control.

1. Monument Signs: Monument signs may be constructed by the developer in the locations depicted on the Concept Plan. The design of the monument signs shall generally be in accordance with the Signage Plan attached hereto as Exhibit D-5 unless otherwise mutually agreed by the Town Council and developer.
2. School Signage: Wall signs and monument signs that identify the name of the school are permitted.
3. Municipal Signage: Wall signs and monument signs that identify municipal facilities are permitted.

Exhibit C Concept Plan

The Concept Plan establishes the general guidelines for this Planned Development district by conceptually illustrating the project boundaries, land use types, approximate locations of lots, roadways, parks, and open space. Final locations of lots, roadways, parks, and open space will be determined at the time of plat approval and shall be developed in accordance with Town ordinances.



Exhibit D-1
Fencing Plan

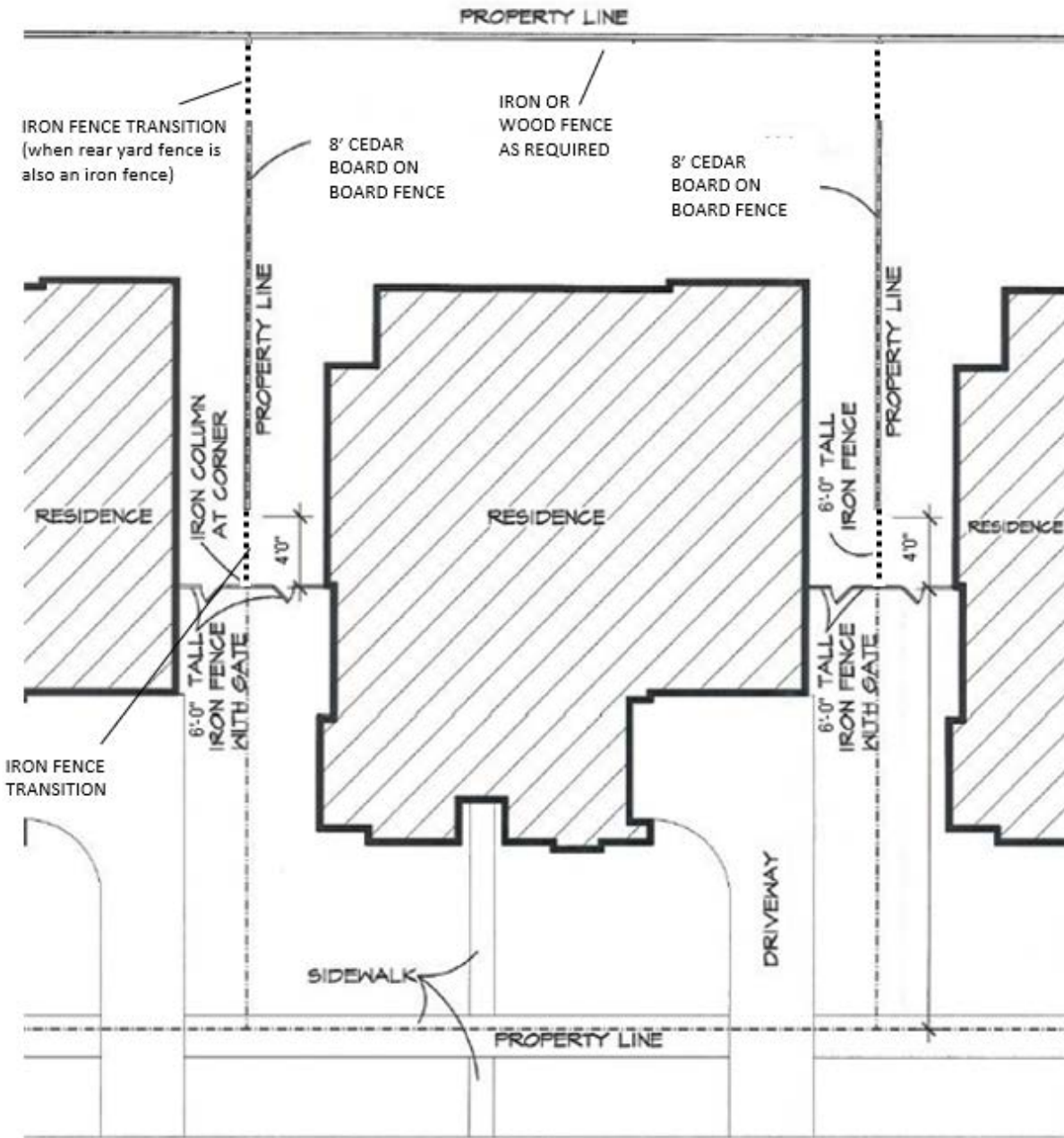


Exhibit D-2
Screening Plan

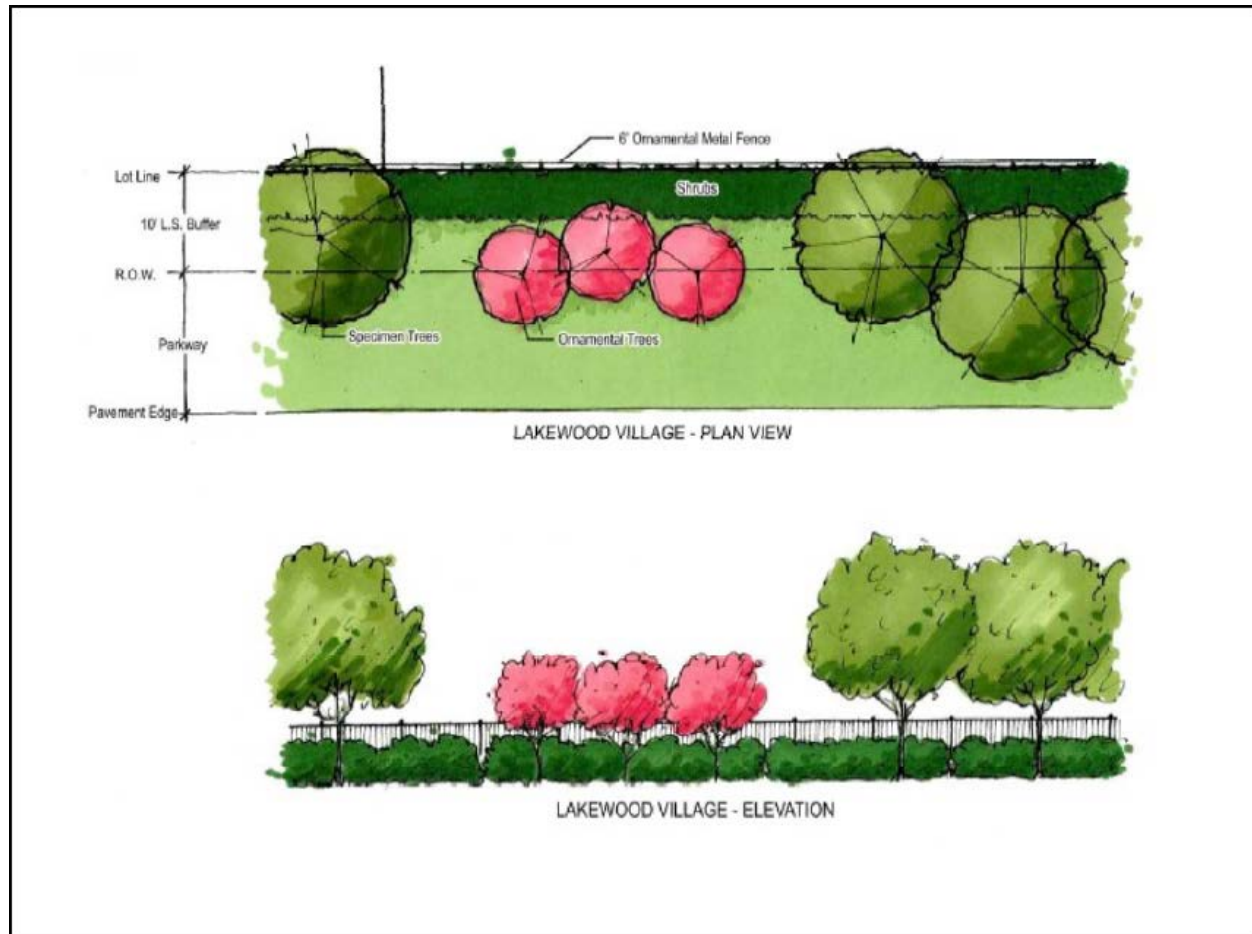


Exhibit D-3
Planting Plan

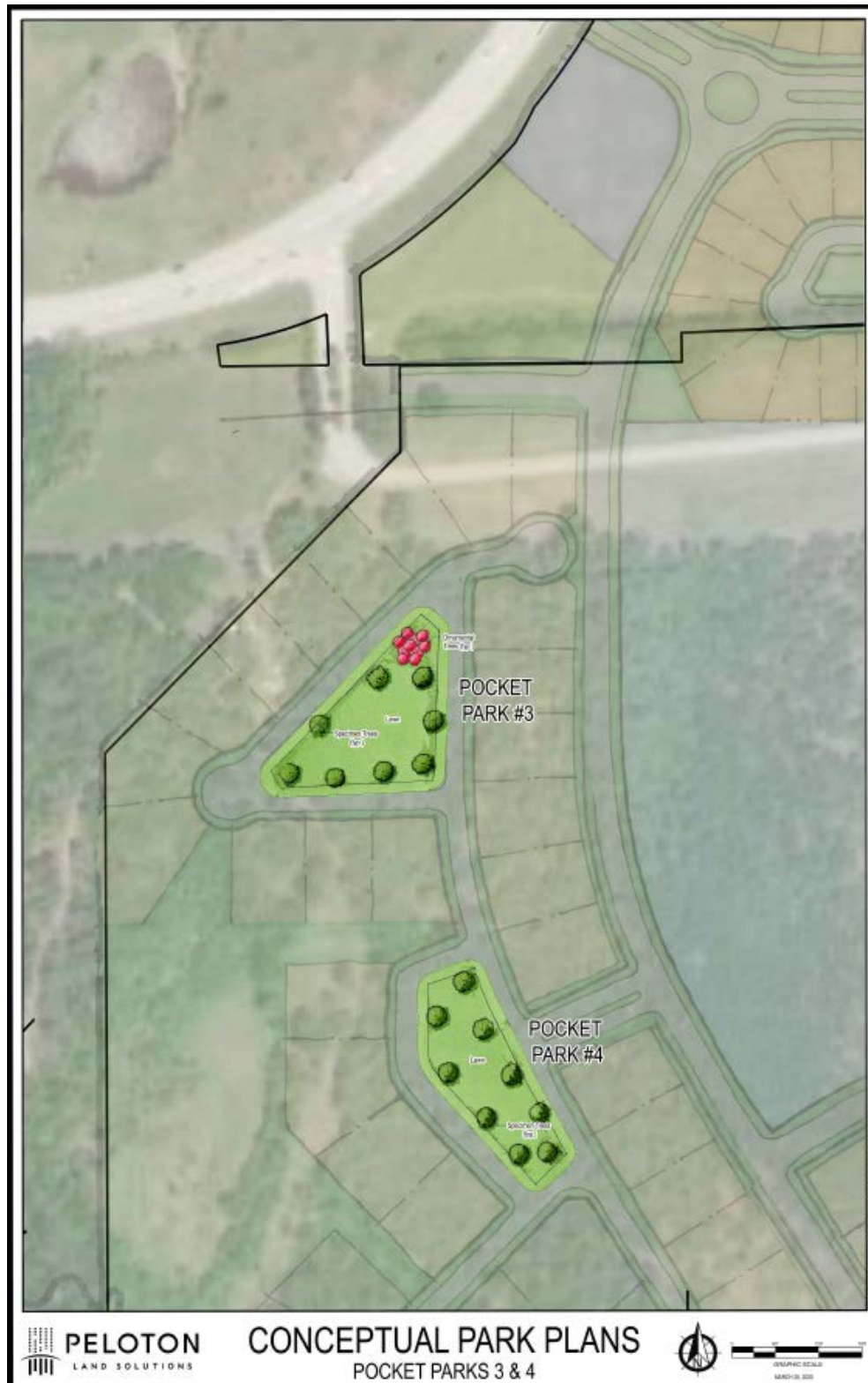


Exhibit D-4
Street Plan

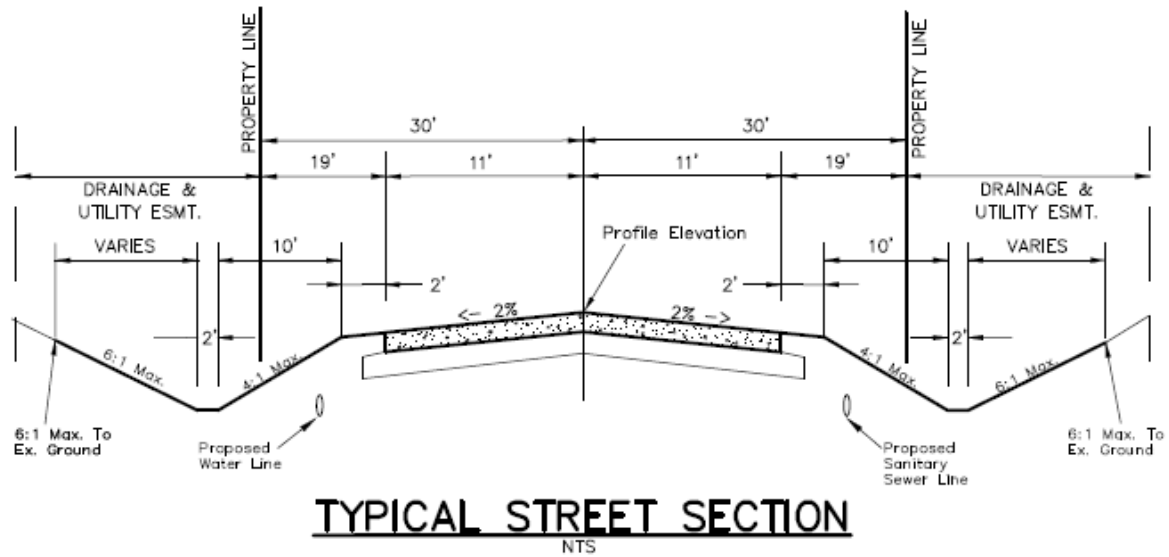


Exhibit D-5
Signage Plan

Monument Sign(s)



Exhibit D-6
Staggered Front Yard Setbacks

