

CITY OF FORNEY, TEXAS

ORDINANCE NO. 09-11

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, BY CHANGING THE ZONING FROM PLANNED DEVELOPMENT (PD) DISTRICT 1095 AND AGRICULTURE (A) DISTRICT USES TO PD - PLANNED DEVELOPMENT OVERLAY DISTRICT WITH A BASE ZONING DISTRICT DESIGNATED AS MF-15 - MULTI-FAMILY RESIDENTIAL-15 DISTRICT AND PERMITTING THOSE SPECIFIC USES ENUMERATED HEREIN THAT ARE IDENTIFIED AS CONDITIONAL OR PERMITTED USES IN THE MF-15 - MULTI-FAMILY RESIDENTIAL-15 DISTRICT, COMMERCIAL (C) DISTRICT, GENERAL RETAIL (GR) DISTRICT, MIXED USE (MU) DISTRICT, NEIGHBORHOOD SERVICE (NS) DISTRICT, AND OFFICE (O) DISTRICT AS WELL AS ALLOWING THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION AS A PERMITTED USE, ON APPROXIMATELY 663.510 ACRES OF LAND IN THE SAMUEL SMITH SURVEY, ABSTRACT NO. 450, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Forney, Texas, has recommended a change in zoning classification of the property described herein and has recommended amending the official zoning map of the City of Forney, Texas, regarding the rezoning of the property herein described; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council of the City of Forney; and

WHEREAS, the City Council of the City of Forney, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission of the City of Forney and of all testimony and information submitted during said public hearing, has determined that, in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of the City, the zoning of the property described herein shall be changed, and that the official zoning map of the City of Forney, Texas, shall be amended to reflect the rezoning of the property described.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS THAT

Section 1. FINDINGS INCORPORATED

All of the above premises are found to be true and correct legislative and factual determinations of the City of Forney and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety

Section 2. ZONING AMENDED

From and after the effective date of this Ordinance, the property described herein shall be rezoned as set forth in this section, and the official zoning map of the City of Forney, Texas, is hereby amended and changed in the following particulars to reflect the action taken herein, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of said City of Forney, Texas Comprehensive Zoning Ordinance, Ordinance No. 1085, as amended ("Zoning Ordinance"), are not amended, but shall remain intact and are hereby ratified, verified, and affirmed, in order to create a change in the zoning classification of the property described herein, as follows:

That certain tract of land being 663.510 acres of land in the Samuel Smith Survey, Abstract No. 450, and more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property"), presently zoned Planned Development (PD) District 1095 and Agriculture (A) District uses, is hereby rezoned PD - Planned Development Overlay District with a base zoning district designated as MF-15 - Multi-Family Residential-15 District and permitting those specific uses enumerated herein that are identified as conditional or permitted uses in MF-15 - the Multi-Family Residential-15 District, Commercial (C) District, General Retail (GR) District, Mixed Use (MU) District, Neighborhood Service (NS) District, and Office (O) District as well as allowing the sale of alcoholic beverages for on-premise consumption as a permitted use, in accordance with specific requirements in the City's Comprehensive Plan, and in accordance with Exhibit "B" (Development Standards and Permitted Uses), Exhibit "C" (Concept Plan), Exhibit "D" (Concept Elevations) and Exhibit "E" (Permitted Uses), attached hereto and incorporated herein by reference as if repeated verbatim.

Section 3. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Zoning Ordinance, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 4. SAVINGS CLAUSE

The Zoning Ordinance shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict,

but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. PENALTY CLAUSE

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 7. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this 5th day of May, 2009.



Darrell Grooms, Mayor

ATTEST:



Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM:



KENT S. HOFMEISTER, Interim City Attorney

FIELD NOTES
Meadow Ridge Farm, LP
663.51 Acres

BEING a tract of land situated in the Samuel Smith Survey Abstract No. 450, City of Forney, Kaufman County, Texas, and being known as all of those tracts of land described in a Deed to Meadow Ridge Farm, LP, as recorded in Volume 3528, Page 121 of the Official Public Records of Kaufman County, Texas (O.P.R.K.C.T), and being all of that tract of land described in a Deed to Meadow Ridge Farm, LP, as recorded in Volume 3528, Page 128 (O.P.R.K.C.T), and being more particularly described as follows:

BEGINNING at a point for corner in the North line of U.S. Highway 80 (300' Right-of-Way), said point being the Southeast corner of the above cited Meadow Ridge Farm tract recorded in Volume 3528, Page 121, said point also being the Southwest corner of a tract of land described as Tract I in a Deed to EQK Windmill Farms, LLC, as recorded in Volume 3024, Page 573 of the Official Public Records of Kaufman County, Texas (O.P.R.K.C.T);

THENCE North 88 degrees 26 minutes 48 seconds West along the North line of said U.S. Highway 80, for a distance of 8812.24 feet to a point for corner, said point being in the projected centerline of Kaufman County Road No. 217;

THENCE North 45 degrees 11 minutes 55 seconds West along said Kaufman County Road No. 217, for a distance of 1283.36 feet to a point for corner at the most Westerly corner of said Meadow Ridge Farm tract recorded in Volume 3528, Page 121, said point also being in the Southerly edge of Kaufman County Road No. 218 (also known as Reeder Road), and being in the Southeasterly line of a tract of land described in a Deed to Forney Economic Development Corporation, as recorded in Volume 1262, Page 177 of the Deed Records of Kaufman County, Texas (D.R.K.C.T);

THENCE North 47 degrees 13 minutes 31 seconds East along said Kaufman County Road No. 218, for a distance of 505.29 feet to a point for corner;

THENCE North 45 degrees 02 minutes 57 seconds East along said Kaufman County Road No. 218, for a distance of 452.15 to a point for corner;

THENCE North 45 degrees 58 minutes 20 seconds West along the Southwesterly line of said Meadow Ridge Farm tract, for a distance of 490.05 feet to a point for corner;

THENCE North 44 degrees 26 minutes 19 seconds West along the Northeasterly line of said Forney Economic Development Corporation tract, for a distance of 3486.68 feet to a point for corner at the Southerly corner of a tract of land described in a Deed to Charles Fox, as recorded in Volume 1159, Page 942 (D.R.K.C.T);

THENCE North 45 degrees 11 minutes 34 seconds East along the Southeasterly line of said Fox tract, for a distance of 208.59 feet to a point for corner at the Easterly corner of same;

THENCE North 44 degrees 45 minutes 21 seconds West along the Northeasterly line of said Fox tract, for a distance of 209.60 feet to a point for corner in the Southeasterly line of F.M. Highway No. 548 (100' right-of-way), said point also being the most Northerly West corner of the above cited Meadow Ridge Farm tract recorded in Volume 3528, Page 128;

THENCE North 45 degrees 16 minutes 34 seconds East along the Southeasterly line of said F.M. Highway No. 548, for a distance of 1967.37 feet to a point for corner at the Westerly corner of a tract of land described in a Deed to Jimmy D. and Patricia Harper tract recorded in Volume 1134, Page 329 (D.R.K.C.T);

THENCE South 44 degrees 32 minutes 44 seconds East along the Southwesterly line of said Harper tract and the Southwesterly line of a tract of land described in a Deed to Corban Towers, Inc., as recorded in Volume 2257, Page 269 (D.R.K.C.T), for a distance of 418.00 feet to a point for corner at the Southerly corner of said Corban Towers tract;

THENCE North 45 degrees 32 minutes 36 seconds East along the Southeasterly line of said Corban Towers tract, for a distance of 418.00 feet to a point for corner in the center of Kaufman County Road No. 219 (also known as Reeder Lane), said point also being the most Easterly Northeast corner of said Meadow Ridge Farm tract recorded in Volume 3528, Page 128;

THENCE South 44 degrees 26 minutes 29 seconds East along said Kaufman County Road No. 219 and the Northeasterly line of said Meadow Ridge Farm tract, for a distance of 941.51 feet to a point for corner;

THENCE South 41 degrees 25 minutes 45 seconds East along said Kaufman County Road No. 219 and the Northeasterly line of said Meadow Ridge Farm tract, for a distance of 479.63 feet to a point for corner;

THENCE South 44 degrees 46 minutes 57 seconds East along said Kaufman County Road No. 219 and the Northeasterly line of said Meadow Ridge Farm tract, for a distance of 2335.27 feet to a point for corner at the intersection of said Kaufman County Road No. 219 with the above cited Kaufman County Road No. 218, said point being the Southerly corner of a tract of land described as Tract 2 in a Deed to William and Martha Daum, as recorded in Volume 1279, Page 741 (D.R.K.C.T);

THENCE North 45 degrees 05 minutes 22 seconds East along the center of said Kaufman County Road No 218, and along the Northwesterly line of said Meadow Ridge Farm tract recorded in Volume 3528, Page 121, for a distance of 1044.31 feet to a point for corner at the most Northerly corner of same;

THENCE South 45 degrees 27 minutes 06 seconds East along the Northeasterly line of said Meadow Ridge Farm tract, for a distance of 5924.75 feet to a point for corner at a Southwesterly corner of Windmill Farms Phase 1A, 1B & 1C Addition, as recorded in Cabinet 2, Page 213 of the Plat Records of Kaufman County, Texas;

THENCE North 44 degrees 49 minutes 04 seconds East along a Southeasterly line of said Windmill Farms Phase 1A, 1B & 1C, for a distance of 1442.65 feet to a point for corner at an interior corner of same;

THENCE South 45 degrees 08 minutes 31 seconds East along the Southwesterly line of said Windmill Farms Phase 1A, 1B and 1C, for a distance of 1738.08 feet to the **POINT OF BEGINNING**, and containing 663.51 acres of land, 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 MF-15 – Multi-Family Residential-15 District zoning in effect as of the date of the adoption of this PD as outlined in the Zoning Ordinance. This PD also incorporates specified uses allowed in the Commercial (C) District, General Retail (GR) District, Mixed Use (MU) District, Neighborhood Service (NS) District, and Office (O) District uses as well as allowing the sale of alcoholic beverages for on-premise consumption as a permitted use within the Property as provided herein. 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.
- B.** Site Plan – a site plan 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. The initial concept plan approval for this development shall be valid for a period of two years from the date of City Council approval of the concept plan. If within that two-year period a site plan has been submitted for approval, and approved, for a portion of the development, the expiration date of the initial concept plan will be extended for a period of one year from the date of site plan approval. Site plans shall be valid for a period of one year from the date of City Council approval of the site plan. The initial concept plan shall expire upon the expiration of the site plan(s) unless and until the infrastructure for the first full phase of development on the Property is completed and accepted by the City. All

subsequent concept plans for the Property shall be subject to Section 12.10 of the Zoning Ordinance.

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 One -- The uses listed on the Commercial (C) District table contained within the attached Schedule of Uses shall be permitted by right on this Tract.
- B.** Tract Two -- The uses listed on the Neighborhood Services (NS) District table contained within the attached Schedule of Uses shall be permitted by right on this Tract.
- C.** Tract Three -- The uses listed on the Multi-Family Residential-15 (MF-15) District table contained within the attached Schedule of Uses shall be permitted by right on this Tract.
- D.** Tract Four -- The uses listed on the Mixed Use (MU) District, Office (O) District and Multi-Family Residential-15 (MF-15) District tables contained within the attached Schedule of Uses shall be permitted by right on this Tract.
- E.** Tract Five -- The uses listed on the Mixed Use (MU) District table contained within the Schedule of Uses shall be permitted by right on this Tract.
- F.** Tract Six -- The uses listed on the General Retail (GR) District table contained within the attached Schedule of Uses shall be permitted by right on this Tract.

Any use not specifically listed in the attached Schedule of Uses is hereby prohibited, unless approved by the Planning and Zoning Commission and the City Council with a Conditional Use Permit.

IV Definitions

The following definitions shall apply to the uses and categories of uses listed in the attached Schedule of Uses and to other terms used in this PD, only. For terms not specifically defined under this subsection the definitions contained in Section 49, "Definitions," of the Zoning Ordinance shall apply.

Civic Uses. Civic uses are uses that are related to non-profit organizations dedicated to arts, culture, education, and government functions.

Courtyard. A courtyard is an unoccupied space, open to the sky, which is bounded on two (2) or more sides by the exterior walls of a building or by two (2) or more exterior walls, lot lines or yards. Courtyards may be totally enclosed on all sides by the exterior walls of a building.

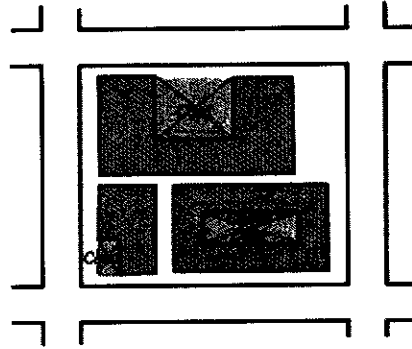


Image of typical courts

Façade. Façades are the exterior faces of a building fronting or oriented toward another building, an open space, courtyard, green, plaza, square, park, pocket park, street or roadway, excluding alleyways.

Green. A green is an open space available for unstructured recreation. A green may be defined by landscaping rather than buildings. Its landscape consists of landscaping, which may include trees, requiring minimal maintenance. The size of a green shall range from 1 acre to 10 acres.

Human Scale or Pedestrian Scale. Human scale is the proportional relationship of a particular building, structure, or streetscape element to the human form and function. Human scale relates the size and/or height of a structure to the height and mass of a pedestrian traveling along the sidewalk or street adjacent to that structure.

Live-work Unit. A live-work unit is a dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The 'live' component may be located on the street level (behind the work component) or any other level of the building.

Master Plan. The City of Forney Master Plan, as amended, consisting of multiple elements, as adopted by the City Council.

Mixed Use Development (Vertical Mixed Use). **Mixed Use Development** or vertical mixed use is a combination of different uses in the same building or structure typified by having at least one of the upper floors of a commercial building containing residential uses (live-work units or lofts) with a mixture of retail and/or office uses at the other levels of the building or structure, or office uses above ground floor retail uses.

Mix of Uses Development (Horizontal Mixed Use). Mix of Uses Development or horizontal mixed use is the location of different land uses, including commercial, retail, office, residential, public, entertainment, and other uses in proximity to one another in separate buildings but in the same development or block.

Open Space. Open Space means an area or tract of undeveloped land that is intended to remain generally in its natural state for passive recreation, except for those uses allowed under the provisions of this PD

Park. Park means a tract of land, designated and used by the public (or homeowners in the case of private park area), for active recreation. A park shall be equipped with playground equipment, benches, and garbage cans as approved by the Director of Community Development.

Pocket Park. Pocket parks are smaller residential based parks. Pocket parks shall contain playground equipment, benches, and garbage cans as approved by the Director of Community Development. Pocket parks may also contain pavilions and picnic tables. Pocket parks must be a minimum of 2,500 square feet in area and in residential areas. They shall be located no more than one-fourth (¼) mile from an adjacent park. Pocket parks may contain spaces to be used as a children's park and/or a dog park.

Plaza. A plaza is an open space available for civic purposes and limited commercial activities. A plaza is spatially defined by buildings and its landscape shall consist primarily of pavement with trees being optional. Plazas shall be at least five-hundred (500) square feet in size. Plazas can be wider sidewalks or extensions of sidewalks for the purpose of providing outdoor seating for restaurants and cafes and allowing for entertainment activities to be held.

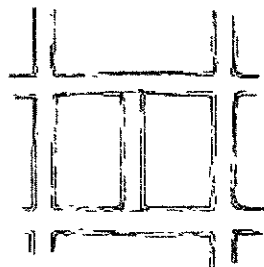


Image of a typical plaza.

Primary or Principal Building. The primary building on a lot is also known as the principal building and is usually the largest building on any lot that has more than one building.

Primary Entrance. The primary entrance is the main or principal pedestrian entrance of all buildings (except outbuildings). The primary entrance is the entrance designed for access by pedestrians from the sidewalk, or street if a sidewalk is not present. It is the main architectural entrance even though day-to-day residential access may be via a secondary entrance associated with a garage, driveway or other vehicular use area.

Primary Street. A primary street is a street that provides the main point(s) of access from an arterial or collector roadway to the PD's interior street network.

Public Buildings. Public buildings are buildings used for active government or related functions including public administration (executive and judicial), courts, libraries, community centers, and public safety functions.

Public Realm. The public realm is the area from building façade to building façade. This area includes the street(s), sidewalks and pedestrian amenities, any landscaping strips or medians, parks, common yards, open spaces, etc.

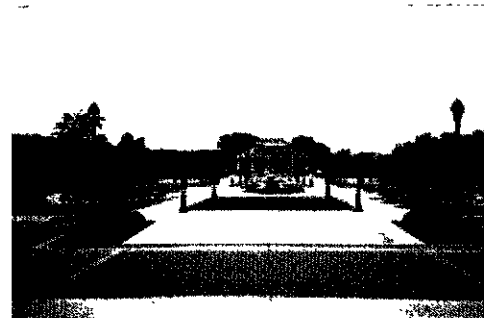
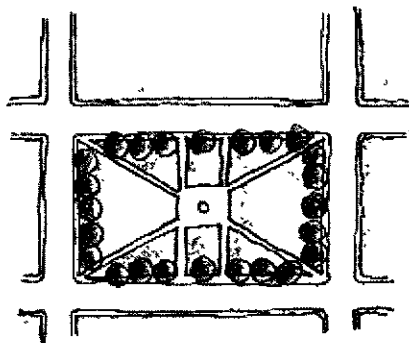
Public Street, Type A. Type A Public Streets are the primary pedestrian-oriented streets and require a higher quality design environment and minimal accommodation of auto-oriented ancillary uses (driveways and parking) with respect to streetscape and building design.

Public Street, Type B. Type B Public Streets form the secondary street network providing access to pedestrian oriented streets (Type A Streets) and may accommodate automobile access to properties and uses.

Residential Loft. Residential loft is typically a residential unit designed to commercial standards (with high ceilings, open plans, and large windows) located above street level commercial space.

Retail Sales or Service. Retail establishments form the final step in the distribution of merchandise. They are organized to sell in small quantities to many customers. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in this category are durable consumer goods sales and service, consumer goods, other grocery, food, specialty food, beverage, dairy, etc, and health and personal services.

Square. A square is generally a geometrically symmetrical open space of at least one-half ($\frac{1}{2}$) to two (2) acres in size, available for unstructured recreation and civic purposes. A square is spatially defined by streets and buildings, at least on three sides. Its landscape consists of paths, lawns, and trees, all formally arranged



Examples of typical squares

Street Tree. A street tree is a tree or group of trees that line the edge of a street or roadway and includes trees inside and outside the street right-of-way

Streetscape Treatments. Streetscape treatments include all improvements in a right-of-way and adjacent to it that create an attractive and safe pedestrian environment. Such treatments shall include street trees, decorative street light standards, street furniture, planter boxes, decorative pots, and trash receptacles. Streetscape treatments may also include a range of features such as decorative paving materials, street/pedestrian/way-finding signs, media boxes, parking meters, utility boxes, seating, public art/water features, bike racks, bollards, information kiosks, etc., and similar features.

V. Development Standards

A. Number of Dwelling Units- The total number of residential units within the Property shall not exceed 5,000 units.

B. Area Regulations, Single Family, Single Family Attached and Townhomes:

1. Minimum lot Area- Single Family lots shall contain a minimum of 5,000 square feet (SF-6) and may account for a maximum of five hundred (500) single-family units or ten percent (10%) of the total residential units in the PD. Single Family Attached and Townhome lots shall contain a minimum of 2,500 square feet.

2. Size of Yards:

a. Minimum Front Yard – Single Family uses shall have a minimum twenty foot (20') front yard. For all single family residential uses the minimum front yard may be reduced to ten feet (10') from the back of curb if a minimum eight foot (8') deep front porch is provided that extends toward the street from the front building line and garage of the residential structure. Single Family Attached and Townhome uses shall have a minimum ten foot (10') front yard.

b. Minimum Side and Rear Yard – Single Family uses shall have a minimum side yard of eight feet (8'). The building ends of Single Family Attached and Townhome uses shall have a minimum side yard of eight feet (8').

Single Family, Single Family Attached and Townhome uses shall have a minimum rear yard of ten feet (10'). Alleys that are at least fifteen feet (15') in width, which are provided for rear access garages, may satisfy the minimum rear yard setback requirement.

C. 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 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 residential dwelling units within the Property does not exceed 5,000 units specifically including all multi-family residential dwelling units.

- D. Area Regulations, Office (O) District Uses:** Area regulations for Office uses shall conform to Section 27.4 of the Zoning Ordinance.
- E. Area Regulations, Neighborhood Service (NS) District Uses:** Area regulations for the Neighborhood Service uses shall conform to Section 28.4 of the Zoning Ordinance.
- F. Area Regulations, General Retail (GR) District Uses:** Area regulations for the General Retail uses shall conform to Section 29.4 of the Zoning Ordinance.

VI. 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. 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.** A maximum of two-thirds (2/3) of any surface parking area shall be located between the façade wall containing the primary entrance of any principal building(s) and the primary abutting street. The calculation of this parking area

ratio shall apply only to the minimum number of parking spaces required by ordinance to serve such uses. The remainder of the required parking may be placed adjacent to either end of the subject building or structure or along the rear of such building or structure. Uses not able to meet this requirement may request an exception from this requirement during site plan approval.

- D. Parking lot design shall incorporate a delineated pedestrian pathway network no less than six foot (6') 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. All crosswalks within a parking lot crossing a traffic aisle or 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.
- E. *Large developments.* A large development is defined as any development that is required to provide more than 250 parking spaces based on the parking ratios listed in Chapter 38 of the Zoning Ordinance. All large developments are required to provide a parking study as defined in this section and should provide a minimum reduction of twenty percent (20%) from the sum of the specific parking required for each use.
- F. *Parking study* A parking study required by this PD shall be reviewed by the City along with any traffic engineering and planning data that are appropriate to the establishment of a parking requirement for the use(s) proposed. A parking study, when required by this PD, shall include, but not be limited to, estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute, the Institute of Traffic Engineers, or the Traffic Institute, and based on data collected from uses or combinations of uses that are the same or comparable to the proposed use(s). Comparability shall be determined by density, scale, bulk, area, type of activity and location. The analysis must include a shared parking analysis based on the mixture of uses and corresponding peak demand. Specifically, the parking required for restaurants should be included in the study and be determined by the number, location, and type of restaurants proposed. The study shall document the source of data used to develop recommendations.
- G. 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.

- H. 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.
- I. 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.
- J. 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 that is three feet (3') in height, except on the streetside of outparcels, in which case no berm is required.
- K. All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential uses or areas.
- L. Vehicular access: Parking Lots having 250 spaces or more shall have direct access to at least one public/private right-of-way at least (a) four lanes in width (two lanes in each direction), or (b) a two-lane road with both lanes traveling in the same direction. In the case of properties that do not abut a four-lane road or a one-way two-lane road, a property will be considered to have direct access if it has a private access drive which connects directly to the required four-lane road or one-way two-lane road as opposed to another intervening public right-of-way less than four lanes wide.
- M. 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.
- N. 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.
- O. 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. 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.

P. 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. Refer to the Zoning Ordinance for permitted bicycle rack designs and bicycle rack area regulations.

Q. Residential Uses

- 1 Any off-street parking provided for residential uses shall be located in such a manner as to minimize the impact of garages and driveways along and upon the residential street. All residential lots that are less than sixty feet (60') in width shall have off-street parking and/or garages accessed from alleys. All lots sixty feet (60') and wider may have front loaded garages (pull-through garages), but in no case shall the width of the garage exceed 30% of the front façade width of the entire building. In addition, the garage shall be set back at least three feet (3') from the front façade of the home.
2. 1.5 parking spaces shall be provided for each efficiency or one-bedroom dwelling unit.

3. 1 75 parking spaces shall be provided for each two-bedroom dwelling unit.
4. 2 parking spaces shall be provided for each three-bedroom dwelling unit.
5. 3 parking spaces shall be provided for each four bedroom dwelling unit.
6. The average number of parking spaces for the total development shall be no less than 1 75 spaces per dwelling unit. At least fifty percent (50%) of the dwelling units shall have access to a covered parking space and not less than fifty percent (50%) of the covered parking spaces so provided shall be garages.
7. No parking space may be located closer than six feet (6') from any building or closer than two feet (2') from any side yard or rear yard lot line.
8. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms, or low masonry walls that match the exterior finish of Principal Buildings, or any combination of the foregoing.
9. Parking for Senior-only residential areas shall be determined using the following:
 1. 1 1 parking spaces shall be provided for each efficiency or one-bedroom dwelling unit.
 2. 1.3 parking spaces shall be provided for each two-bedroom dwelling unit.
 3. 1.5 parking spaces shall be provided for each three-bedroom dwelling unit.
 4. 2 parking spaces shall be provided for each four-bedroom dwelling unit.
10. See Zoning Ordinance Section 38, "Off-Street Parking and Loading Requirements," for additional requirements.

R. Retail/Commercial, Mixed Use, Entertainment and Office Uses

1. Compact car parking spaces may be permitted when approved as part of a detailed site plan by the Planning and Zoning Commission and the City Council, provided at least one of the following conditions apply:
 - a. Where it is necessary to preserve the natural landscape and native trees, a maximum of ten percent (10%) of the required parking may be designated for compact cars.

- b. For parking lots larger than one hundred (100) spaces involving a shopping center, a maximum of twenty percent (20%) of the required parking may be for compact cars.
- c. For parking lots larger than one hundred (100) spaces involving large single-tenant industrial or office buildings, a maximum of twenty-five percent (25%) of the required parking may be for compact cars.

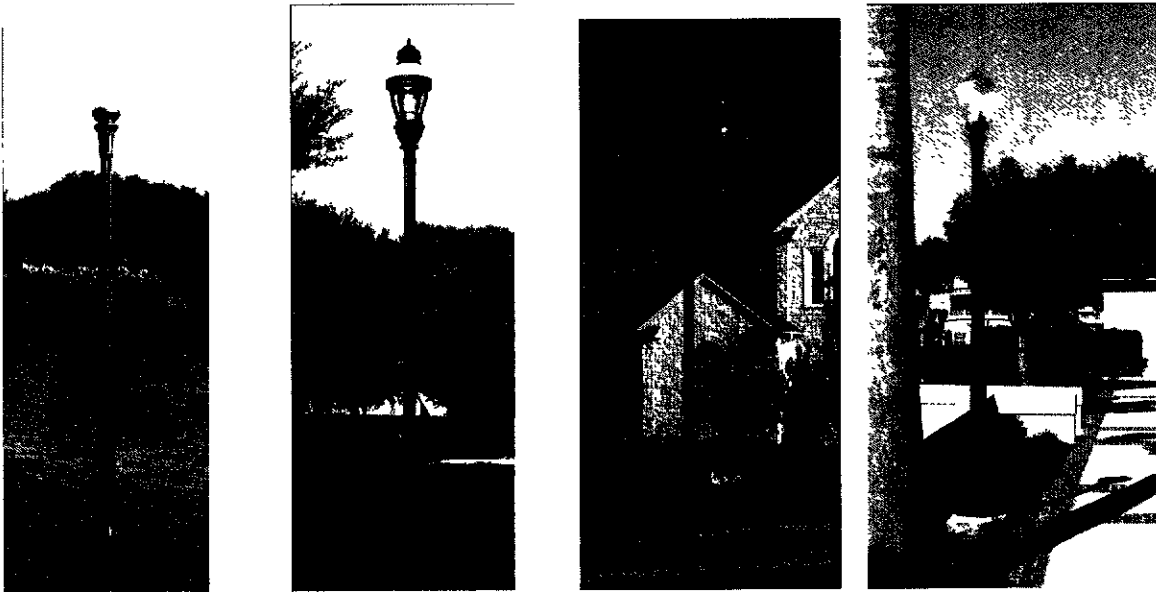
The City shall not be responsible for policing the use of compact car spaces on private property or for citing violations thereof.

- 2. 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.
- 3. 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.
- 4. In areas that have "big box" retail, cart returns located within the parking lot shall be constructed out of masonry materials 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.
- 5. See Zoning Ordinance Section 38, "Off-Street Parking and Loading Requirements," for additional requirements.

VII. 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 eighteen feet (18') in height.
- c. Light poles in non-residential areas cannot exceed thirty (30') in height. 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 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 shall 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.





A combination of pedestrian scale decorative street lights and poles, including banner poles if desired, lighted bollards and wall-mounted lighting shall be used along all sidewalks and common/public areas. All roadways shall contain decorative street lights comprised of cast aluminum poles and coordinated fixtures or luminaires rather than a standard light mounted on a wooden pole. Decorative lighting specifically excludes "box", "shoebox" and "cobra" lighting styles as well as other styles known by different names that are similar to these styles. Decorative lighting fixtures proposed for use within the Property must be approved by the Director of Community Development

- g.** All parking in retail/commercial, office and entertainment areas shall be illuminated with decorative light fixtures. All light fixtures shall be directional or full shut-off fixtures to eliminate glare and ambient light pollution.
- 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.

VIII. Sign Requirements

- a. Signs.** The following on-premise signs are permitted as set forth in this PD:

 - 1.** Monument signs shall be a maximum of six feet (6') in height with a maximum sign area of sixty square feet. Monument signs may be back lit, only, and must be constructed of brick or stone masonry materials and must be landscaped. Monument signs may be single-tenant or multi-tenant signs and shall be limited to one (1) monument sign per structure.
 - 2.** Wall signs are signs erected flat against a wall, supported by the wall and having the sign face parallel to and extending not more than twelve inches (12") from the wall surface. Neon tubing in letters and/or framing

the letters and attached directly to a wall surface shall be considered a wall sign. The framing with neon tubing shall be included in the square footage calculation of the sign. Wall signs shall not exceed the building height. Wall signs shall not be larger than the greater of (1) ten percent (10%) of the front façade of the building or store façade as established in approved plans submitted to the City, or (2) sixty (60) square feet. All wall signs may be internally lit, with no exterior lighting, and signs shall be limited to a maximum of two rows of sign copy (two stacked rows of sign copy) per wall sign. The maximum height of any single letter, number, or symbol within any row of sign copy shall not exceed six feet (6') in height. Wall signs are generally limited to one (1) sign per building with the following exceptions. Wall signs shall not be permitted on single-family and single-family attached dwellings or on single-use multi-family structures and single-use townhomes. Buildings located on a corner are permitted one (1) additional wall sign, provided both wall-mounted signs shall not be located on the same wall. One (1) wall sign per ground floor retail/commercial lease space within a mixed-use development shall be permitted provided that the primary entry into such lease space opens directly on to the public walkway adjacent to the exterior of the building.

3. Window signs shall be no larger than twenty percent (20%) of the window area.
4. Blade signs are signs oriented perpendicular to the face of the building that project more than twelve inches (12") from the face of the building or structure to which it is affixed or supported. Blade signs shall be affixed or supported to the face of the building or structure such that the bottom of such sign is at least eight feet (8') above the sidewalk. Blade signs may have a maximum sign area of six square feet, with lettering or graphics permitted on both sides. Each lease space on the ground floor may have one (1) blade sign.
5. Awning or Canopy signs shall be permitted. The lettering and graphics on such signs shall not exceed eighteen inches (18") in height.
6. Building directory signs shall be permitted on the exterior wall of a multi-tenant building identifying the tenants within that structure. Building directory signs shall not extend more than twelve inches (12") from the building wall and shall be no larger than twelve square feet in area. One (1) building directory sign is permitted at each entrance to the building.
7. Directional signs may be internally illuminated and shall be no more than two (2) square feet in size.
8. Two project signs, which are permitted under the City's Zoning Ordinance, currently exist on the Property facing U.S. Highway 80. The

Property owner shall be allowed continued use of the existing project signs on the Property until such time as new U.S. Highway 80 fronting multi-tenant or pylon signs are approved by the City's Planning and Zoning Commission and/or City Council. Project signs must have a minimum setback of twenty feet (20') from the street right-of-way. Project signs shall be allowed to be a maximum size up to twenty-six foot (26') in height and forty foot (40') in width. Project signs with lighting are permitted.

9. Umbrella signs shall be permitted. The lettering and graphics on such signs shall not exceed thirty-six inches (36") in height.
10. Street name signs shall be internally illuminated along all arterial boulevards and collector roadways. Decorative non-illuminated signs shall be allowed on local streets and alleys.
11. All buildings containing residential units shall provide signage which clearly identifies the numbers, (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

IX. Special Requirements

- a. Site plan approval shall be required for all uses within the PD
- b. Entertainment Overlay District: The PD shall follow regulations set forth in Section 34d of the Zoning Ordinance. Entertainment uses proposed to be developed within the PD shall not create undue hardship or burden on any property within or adjacent to the PD that is zoned for or used for or intended to be used for residential purposes. It shall be the Developer's obligation to establish the absence of any undue hardship or burden.

- c. **Alcoholic Beverage Sales**

The sale of alcoholic beverages for on-premise consumption, only, shall be an allowed use in this PD provided that all special requirements contained herein and in Section 34d.5(C) of the Zoning Ordinance and Chapter 4, Section 10 of the City Code are first satisfied. All sales shall conform to the requirements established by the Texas Alcoholic Beverage Commission (TABC).

- d. **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. Dedicated open spaces within the Property may be applied as a credit up to one hundred percent (100%) of the park dedication requirements in Section 4.4 of the Subdivision Ordinance if approved as such by the City Council.

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.

e. Trail System

Developer shall construct a ten foot (10') wide trail system providing connectivity throughout the entire development linking residential uses, parks, entertainment and commercial/office and 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.

f. 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 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 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. 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, measured at twenty-four inches (24") above ground, 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.

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, and
 - b. in landscape areas that are not less than five feet (5') in width with subsurface irrigation and drainage systems and having not less than two hundred fifty (250) square feet of soil area and two foot (2') in depth of structural soil. (Structural soil means a designed medium that can meet or exceed pavement design and installation requirements while remaining root penetrable and supportive of tree growth).
7. Median trees shall be a minimum three inch (3") caliper, measured at twenty-four inches (24") above ground, 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. Median trees shall be installed in the center of the median, but no structural soil is required. Trees shall be maintained so as to provide adequate clearance for vehicular traffic.
8. Parking lot/headlight screening shall be provided to form a continuous, solid visual screen at least three feet (3') high within two (2) years after planting.
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 nine feet six inches (9'-6") of the back of curb of a 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. **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	(Quercus virginiana)
Escarpment live oak	(Quercus fusiformis)
Shumard oak	(Quercus shumardi)
Chinkapin oak	(Quercus muehlenbergii)
Bur oak	(Quercus macrocarpa)
Trident Red Maple	(Acer rubrum "Trident")
Caddo Maple	(Acer saccharum "Caddo")
Texas red oak	(Quercus texana)
Water oak	(Quercus nigra)
American elm	(Ulmus americana)

Cedar elm	(Ulmus crassifolia)
Winged elm	(Ulmus alata)
Lacebark elm	(Ulmus parvifolia)
Bald Cypress	(Taxodium distichum)
Pecans and hickories	(Carya species)
Juniper tree	(Juniperus species)
White ash	(Fraxinus Americana)
Green ash	(Fraxinus pennsylvanica)
Palm tree	(Sabal texana)
Texas ash	(Fraxinus texensis)
Western soapberry	(Sapindus drummondii)
Sweet gum	(Liquidambar styraciflua)
Eastern red cedar	(Juniperus virginiana)
Pines	(Pinus species)
Chinese pistache	(Pistachia chinensis)
Leyland Cypress	(Cypressocyparis leylandi)
Black Walnut	(Juglans nigra)
Magnolia	(Magnolia grandiflora)

- 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	(Liquidambar styraciflua)
Crepe myrtle	(Lagerstroemia indica)
Wax myrtle	(Myrica cerifera)
Plum	(Prunus species)
Holly	(Ilex species)
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)

g. *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 four [4] story) structures and used for visual aesthetics.
2. Hotel, motel, extended stay, office, conference center and stadium uses shall not exceed ten (10) stories in height.
3. Mixed-use retail uses shall not exceed four (4) stories in height.
4. Multi-family residential uses shall not exceed five (5) stories in height.
5. Senior living uses shall not exceed four (4) stories in height.

h. Architecture

- 1.** Exterior Materials permitted throughout the PD shall be brick, stucco, stone, glass and hardiplank. The exterior façade of the buildings shall be at least eighty percent (80%) brick and/or stone. The remaining twenty percent (20%) 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. 9. 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:

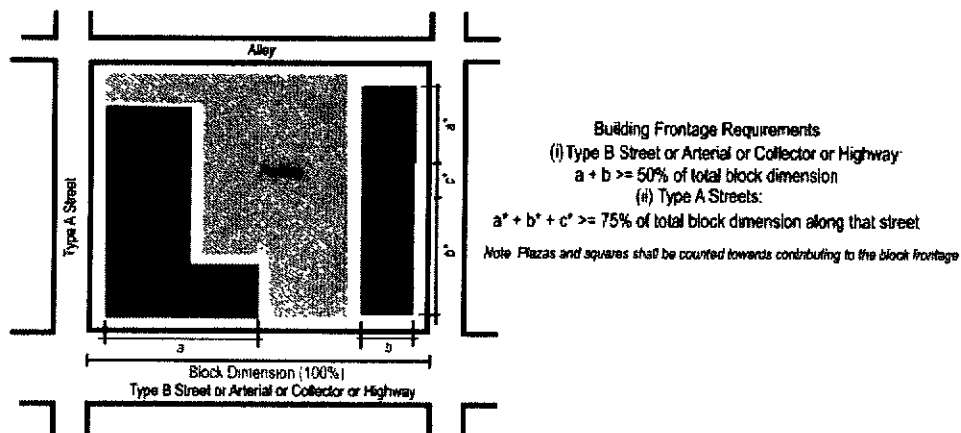
 - a.** Architectural design, creativity and innovation;
 - b.** Compatibility with surrounding structures;
 - c.** Relative ease of maintenance of the material(s);
 - d.** Long-term durability and weather-resistance of the material(s);
and
 - e.** Long-term stability in property value due to the high 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. **Franchise Architecture.** To ensure that the character, consistency and quality of retail and commercial buildings or structures contribute to desired community character objectives, strict franchise architecture is prohibited. The term "strict franchise architecture" means the design and construction of buildings for which the tenants and/or uses are readily recognizable solely by the buildings' architectural elevations, colors, materials, other architectural elements and/or the arrangement of the foregoing. However, individual branding elements such as franchise color combinations and signage can be incorporated into the building architecture and elevations of a proposed franchise location provided that the architectural style and finishes of any such buildings shall remain consistent with other buildings in the immediate area in particular and throughout the development in general.

5. **Building Orientation.**

- a. Primary building facades for all non-residential and mixed use buildings shall be oriented to a Type A Street or shall be oriented toward a focal point such as a landscaped street, plaza, similar formal open space or an environmental feature.
- b. Primary buildings shall be situated such that a minimum of fifty percent (50%) of the block length along any Type B street, arterial, highway frontage, or collector street and a minimum of seventy-five percent (75%) of the block length along Type A Streets shall have building facades oriented toward such roadways (with the exception of alleyways) (see illustration below).



6. 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).

7. 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. The ground floor elevation of all residential buildings (attached, detached, and stacked) shall be raised a minimum of two feet (2') above the finished level of the public sidewalk/trail in front of the residential structures.
- c. 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 Type A street, park, square, green, plaza, or other civic space as a percentage of that façade shall be between sixty percent (60%) and seventy-five percent (75%). The required area of windows and doors on all other street facades (Type B streets with the exception of alleys) may be reduced by twenty-five percent (25%) of the corresponding requirement along a Type A street façade. The façade area shall be measured between three feet (3') and nine feet (9') above each finished floor.
- d. Darkly tinted windows and mirrored windows that block two-way visibility shall not be permitted.

- e. 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 (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.

- 8. Detail Features.** (These requirements apply to all 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 thirty feet (30'), either horizontally or 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.
- 9. 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, subject to the minimum brick and stone requirements of Paragraph No. 1 herein-above, 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. Portland cement plaster
 - vi. Hardiplank or cement fiberboard as deemed similar in nature by the Building Official.
 - vii. Tilt-up concrete panels that are adorned or otherwise finished with one of the other primary finishes.
 - viii. 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.
 - iii. Pre-fabricated steel panels comprising less than fifty percent (50%) of any single façade wall.

10. 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.

- i. 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.
- j. 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 masonry wall. 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 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, and double-bay enclosures are required where needed for both refuse and recycling containers. All utilities must be screened with masonry walls and gates at least one foot (1') taller than the

utilities being screened, with decorative bollards and landscaping also being required. In areas where "big box" retail cart returns are located within the parking lot and required to be constructed of masonry materials 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.

- k.** All utility lines shall be placed under ground.
- l.** 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.
- m. 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 eight feet (8') 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.
 - 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 between eight feet (8') and ten feet (10') wide, depending upon use.

- 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 consist 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.
- n. Mail pickup 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.
- o. 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.
- p. **Street Design Standards** (new streets located in this PD) Street design standards in this PD shall be based upon creating a safe and inviting walking environment through an interconnected network of roads with sidewalks, street trees, street furniture, and amenities. Cul-de-sacs are prohibited unless natural features such as topography or stream corridors prevent a street connection. The right-of-way widths for streets in the PD shall depend on the street typology and streetscape standards proposed and approved in this ordinance. Applicant shall establish a network of both Type A and Type B Public Streets.
 - 1. Appendix A shall be used as a guide for street design standards within the PD. The ITE Manual for Context Sensitive Solutions in Designing Major Thoroughfares (referenced as ITE Manual) may be used in lieu of Appendix A to develop alternative street design standards within the PD, subject to the approval of the City
 - 1. Design speed. Less than twenty-five (25) miles per hour except for new collector or arterial streets.
 - 2. Street types allowed. See Appendix A for recommended R-O-W and cross sections or ITE Manual:
 - a. Boulevards: 4-lane divided;
 - b. Avenues: 3-lane divided;

- c. Main streets;
 - d. Residential streets: 2-lane undivided; and,
 - e. Alleys.
- 3. Travel lane widths. See Appendix A for recommended R-O-W and cross sections or ITE Manual.
 - 4. Turning radii. See Appendix A for recommended R-O-W and cross sections or ITE Manual.
 - 5. On street bicycle lanes shall be provided throughout the development. Bicycle lanes shall be clearly labeled or delineated and have a minimum six feet (6') width. Boulevards are required to provide bicycle lanes on both sides of the street, while collector and local roadways are required to provide a bicycle lane on one side of the road only. Appendix A reflects the design standards for streets within the PD, but omits bicycle lanes in the illustrations. Notwithstanding this omission in Appendix A, bicycle lanes are required to be configured within all street designs as set forth in this paragraph.
 - 6. Roundabouts, designed with pavers and decorative stamped or stained concrete that distinguish the area from the surrounding pavement, may be used at suitable intersections within the PD
 - 7. Raised crosswalks and other traffic calming devices shall be used within the PD rather than and instead of speed bumps.

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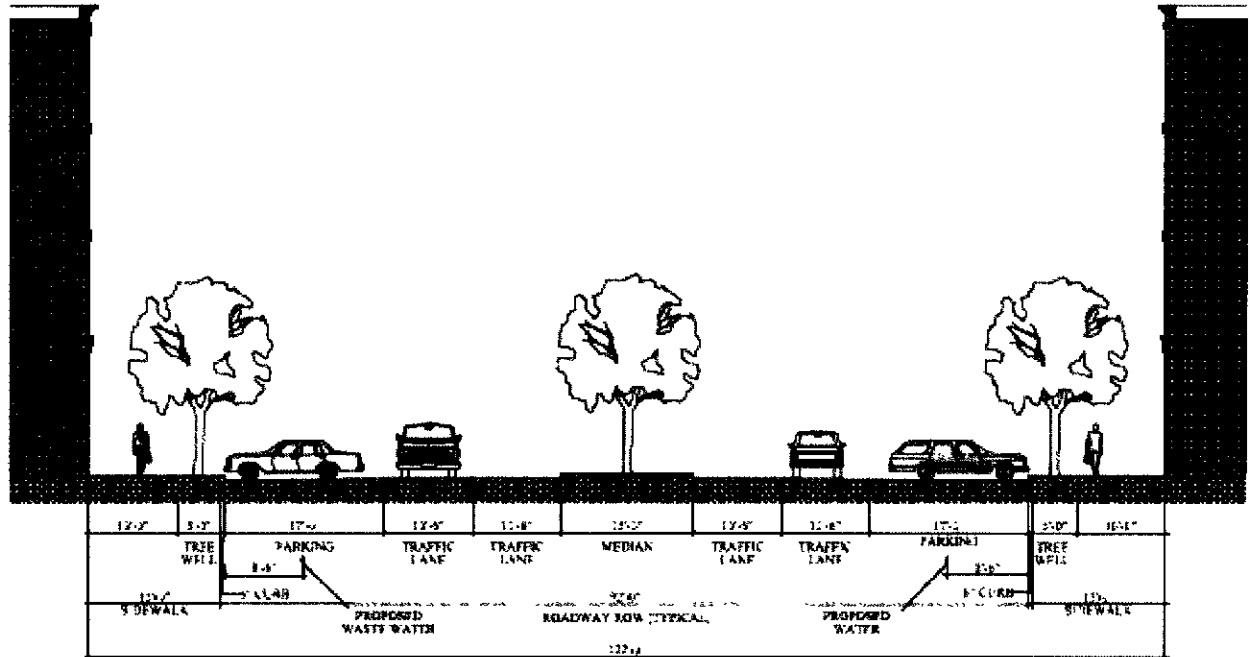
APPENDIX A

Street Design Standards for PD

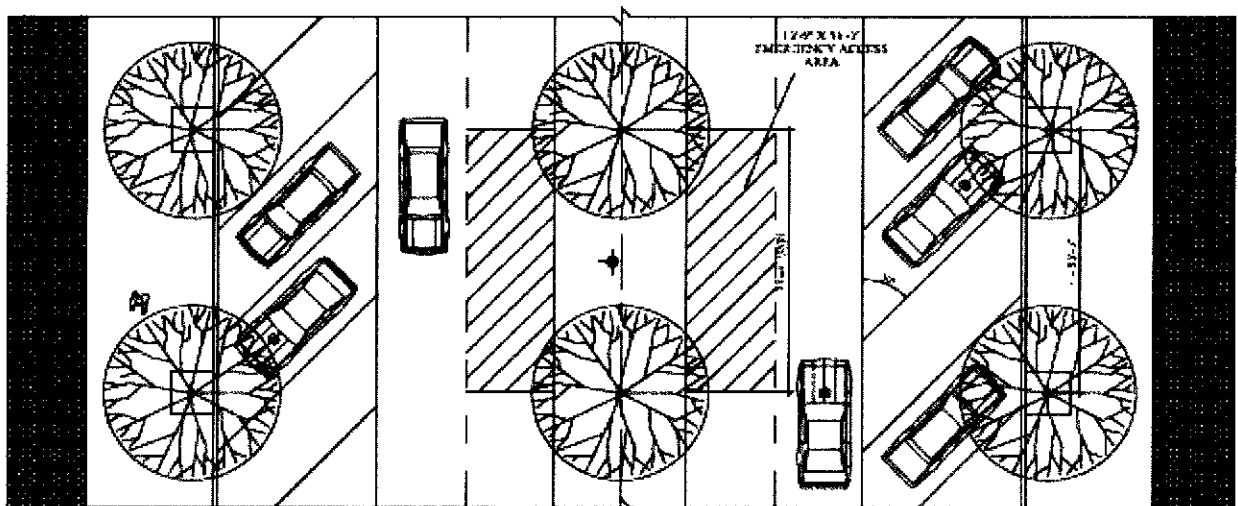
The following street cross sections have been established as meeting the City's standards for this PD:

<u>Design Feature</u>	Arterial Boulevard	Collector 59'	Collector 41'	Local 37'	Local 30'	Alley
Number of lanes	4	2	2	2	2	2
Lane width	10.5'	12'	12'	10'	10'6"	10'
Pavement width	21' on each side of median	24'	24'	20'	20'	20'
Right-of-way width	92'	59'	41'	37'	29'	20'
Design speed (mph)	20 - 30	20 - 30	20 - 30	20 - 30	20	10
Maximum grade	7½%	7½%	7½%	7½%	7½%	7½%
Minimum grade	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%
Minimum centerline radius	150'	150'	150'	150'	150'	N/A
Median width	15'	N/A	N/A	N/A	N/A	N/A
Median break	N/A	N/A	N/A	N/A	N/A	N/A
Type of on-street parking (ONLY if cut-outs or flares in the street width are provided for spaces)	Angled	Angled	Parallel	Parallel	Parallel	None
Parking space depth	17'	17'	8'	8'	8'	N/A
Parking space width	9'	9'	23'	23'	23'	N/A
Parking Location on street	Both sides	Both sides	Both sides	Both sides	One side	N/A
Bicycle Lanes	Both sides 6' wide	One side 6' wide	One side 6' wide	One side 6' wide	One side 6' wide	N/A

1. Arterial Boulevard

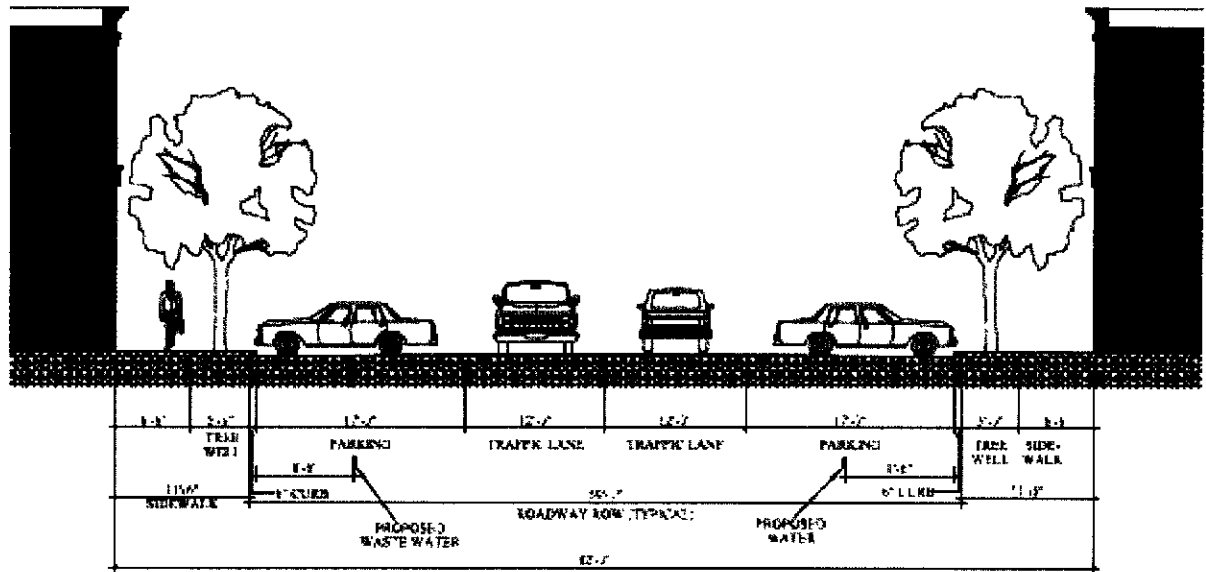


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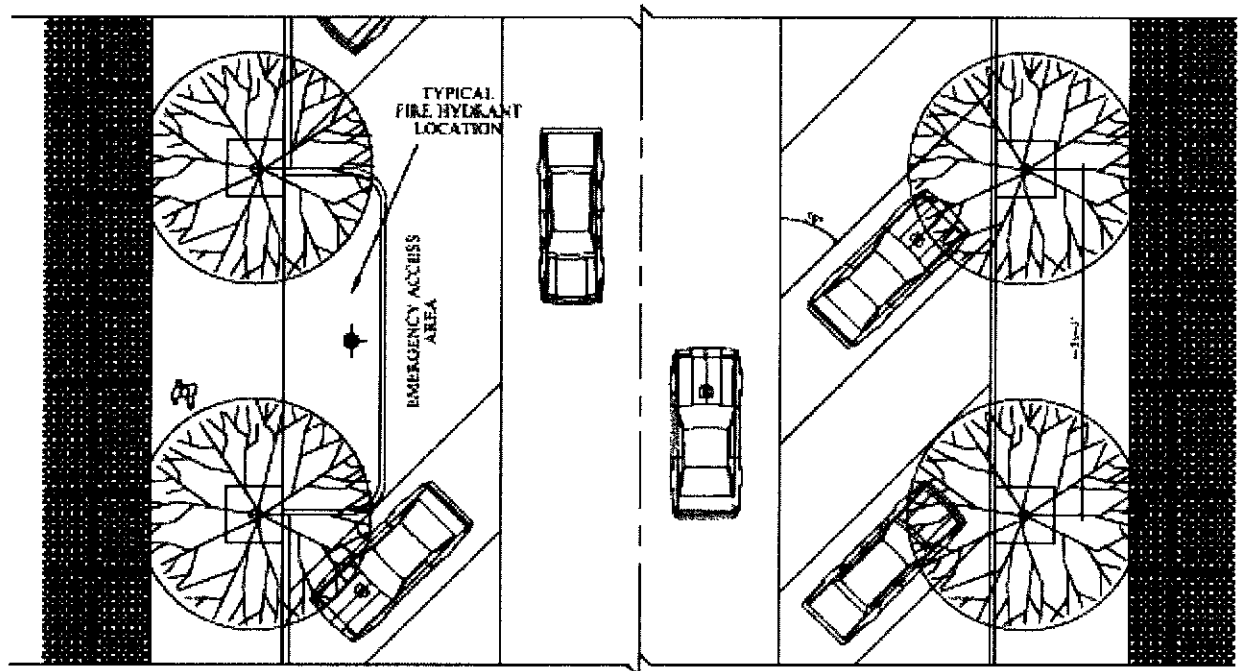


PARTIAL PLAN

2. Collector 59'

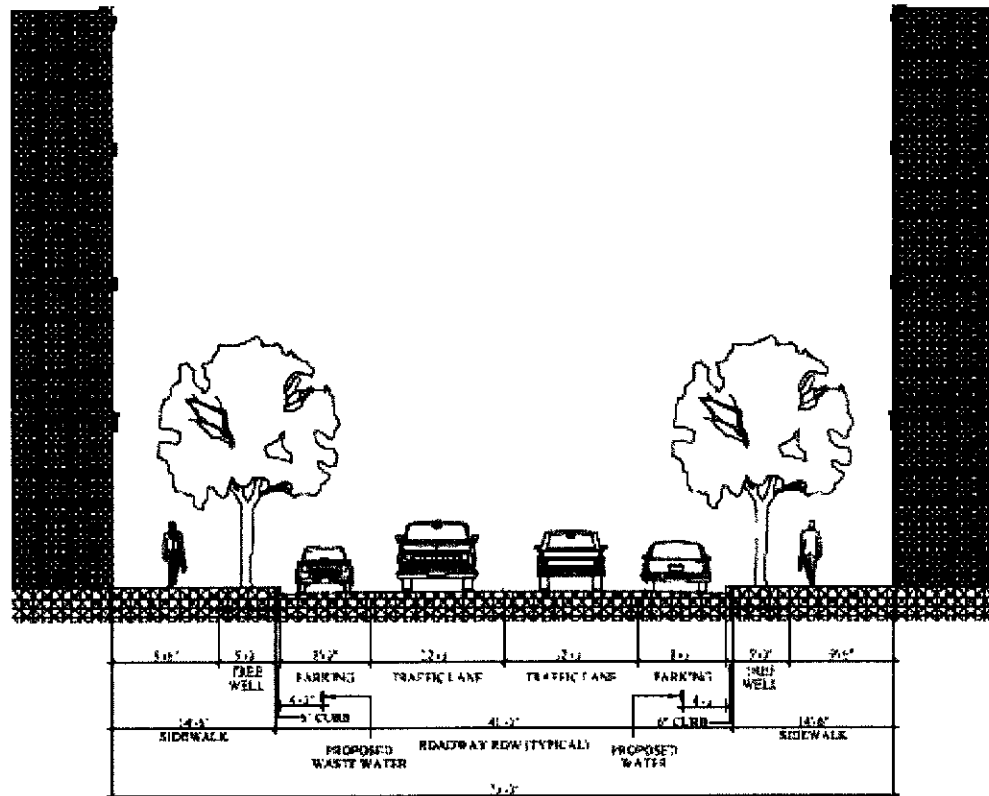


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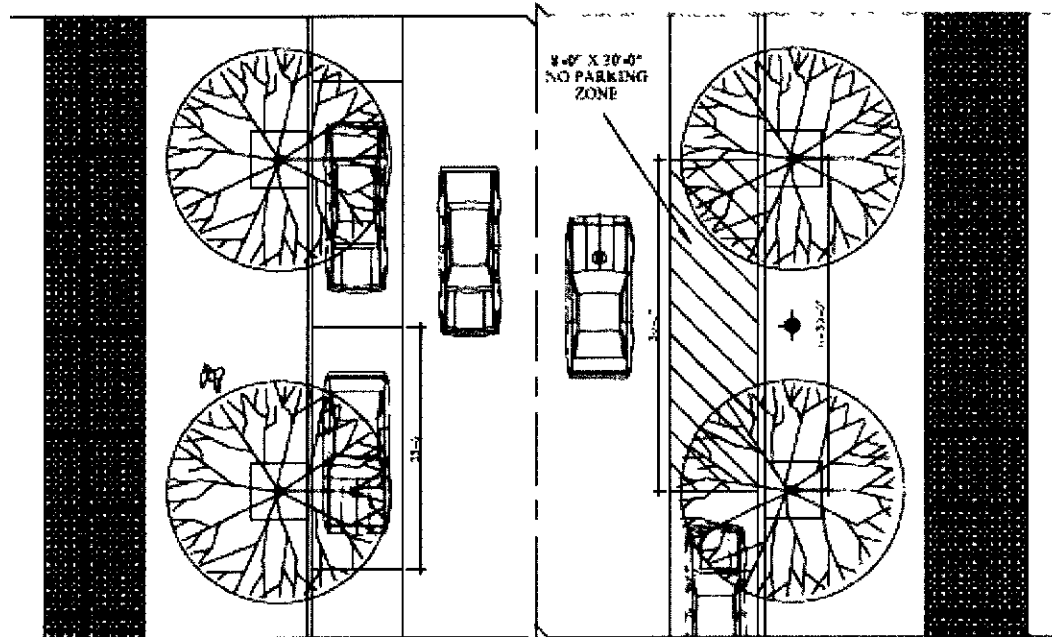


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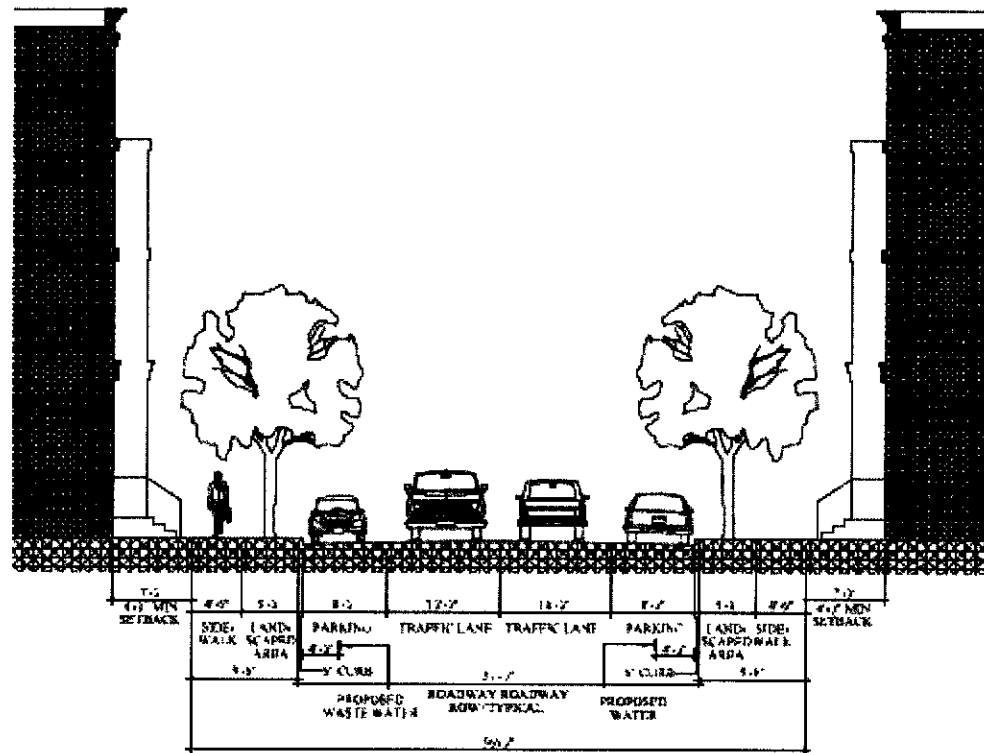
3. Collector 41'



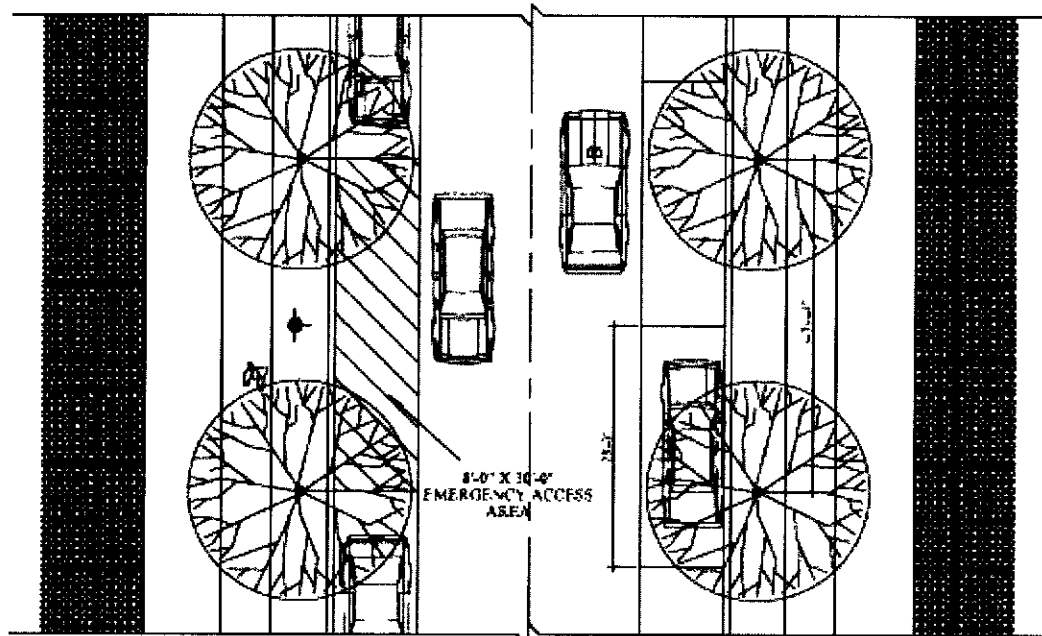
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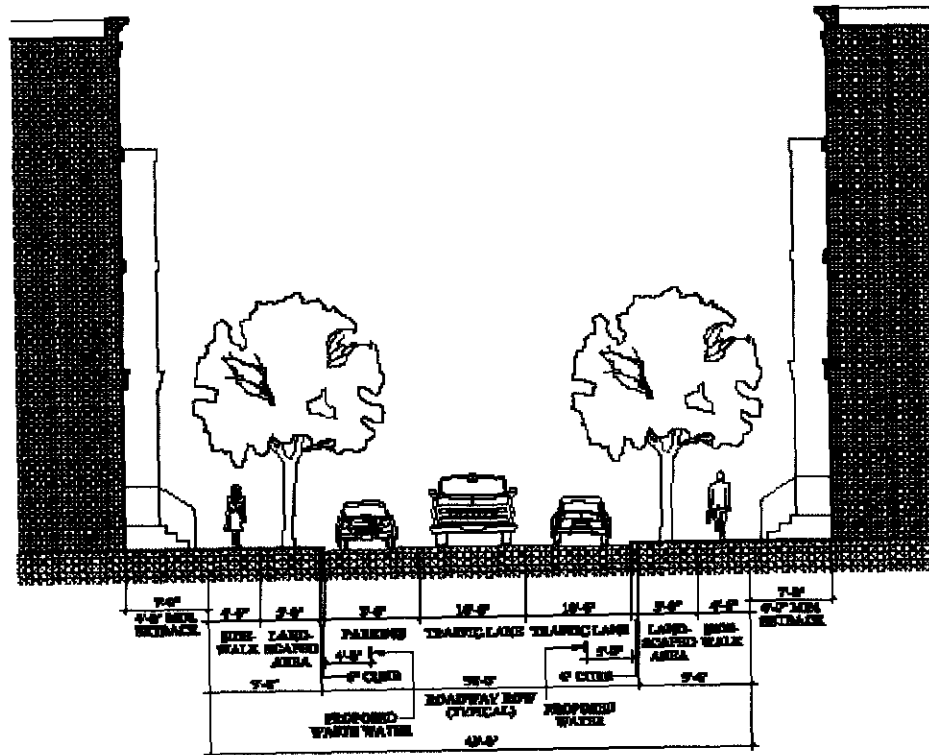


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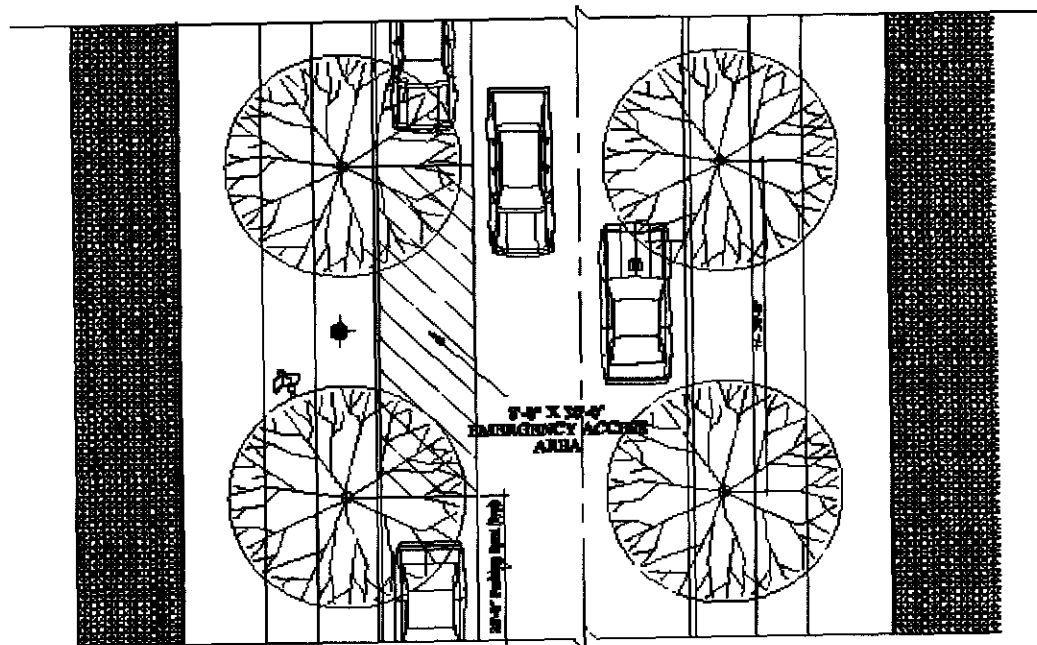


PARTIAL PLAN

5. Local 30'

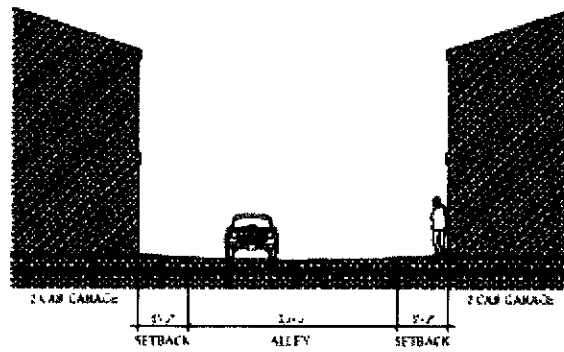


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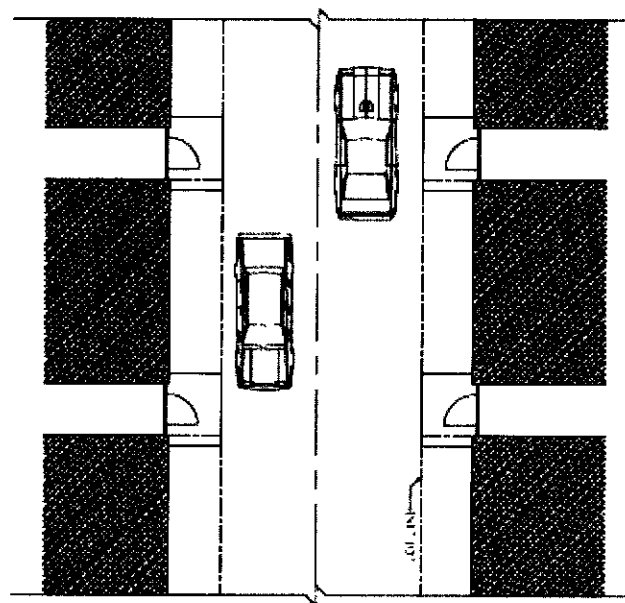


PARTIAL PLAN

6. Alley



SECTION



PARTIAL PLAN

EXHIBIT "E"

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)
Extended Stay Hotels / Motels (Residence hotels)
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

Auto Dealer (New - Auto Servicing and Used Auto Sales as accessory uses only) (indoor only; no outside storage, displays or sales)

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)

Motorcycle and All-Terrain Vehicle Dealer (New/Repair) (indoor only; no outside storage, displays or sales)

Needlework Shop

Pet Shop / Supplies / Grooming

Personal Watercraft Sales (New/Repair) (indoor only; no outside storage, displays or sales)

Pharmacy

Plant Nursery (Retail Sales / Outdoor Storage)

Recycling Kiosk

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)

**Multi-Family-15 Residential (MF-15) District
Permitted Uses**

Accessory Building/Structure (Non-residential)
 Duplex / Two-Family
 Home Occupation
 Multi-Family (Apartments)
 Single-Family Detached
 Single Family Industrialized Home
 Single Family Townhouse (Attached)
 Single Family Zero Lot Line / Patio Homes
 Swimming Pool (Private use only by resident)
 Three Family (Triplex)

Bed & Breakfast Inn
Park and/or Playground (Private)
Park and/or Playground (Public; municipal)
Swimming Pool (Private, Membership)
Swimming Pool (Public; municipal)
Tennis Court (Private/Lighted)
Tennis Court (Private / Not Lighted)
Assisted Living Facility
Child Care Center (Day Care) (Business) (See Section 38.5)
Church/Place of Worship
Community Center (Municipal)
Electrical Substation
Electrical Transmission Line
Fire Station
Franchised Private Utility (not listed)
Gas Transmission Line (Regulating Station)
Governmental Building or Use (County, State or Federal)
Group Day Care Home
Library (Public)
Municipal Facility or Use
Non-Profit Activities by Church (in furtherance of church/religious purposes)
Nursing/Convalescent Home
Police Station
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 w/ permit)

Mixed-Use (MU) District Permitted Uses

Accessory Building/Structure (Non-residential)
Multi-Family (Apartments)
Single Family Townhouse (Attached)

Swimming Pool (Private use only
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)
Appliance Repair
Artist Studio
Automobile Driving School (including Defensive Driving)
Automatic Teller Machines (ATM's)
Barber/Beauty Shop/College (barber or cosmetology
school or college)
Barber/Beauty Shop (non-college)
Banquet Hall
Computer Sales
Credit Unions
Dance/Drama/Music Schools (Performing Arts)
Extended Stay Hotels / Motels (Residence hotels)
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
Tool Rental (Indoor Storage only)
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)
Market (Public, Flea)
Needlework Shop
Pet Shop / Supplies / Grooming
Pharmacy
Plant Nursery (Retail Sales / Outdoor Storage)
Recycling Kiosk
Restaurant
Restaurant (Drive-In)
Retail Store (Misc.)
Security Systems Installation Company
Temporary Outdoor Retail Sales / Commercial Promotion
Vacuum Cleaner Sales and Repair
Veterinarian (Indoor Kennels)
Full Service Car Wash (Detail Shop)
Gasoline Service Station
Public Garage / Parking Structure
Dance Hall / Dancing Facility
Dinner Theatre
Driving Range
Health Club (Physical Fitness; Indoors Only)
Motion Picture Theater (Indoors)
Museum (Indoors Only)
Park and/or Playground (Public; municipal)

Swimming Pool (Public; municipal)
Tennis Court (Private/Lighted)
Tennis Court (Private / Not Lighted)
Theater (Non-Motion Picture; Live Drama)
Video Rental / Sales
Adult Day Care (Business) (See Section 38.5)
Church/Place of Worship
Civic Club
Clinic (Medical)
Community Center (Municipal)
Fire Station
Franchised Private Utility (not listed)
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)
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 Temporary On-Site Construction Office
(only with permit)

Sign Shop (small scale, such as a storefront; includes
sign and banner making for retail sale only)

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)
Extended Stay Hotels / Motels (Residence hotels)
Hotel/Motel

Commercial Permitted Uses

Accessory building (non residential)
Insurance Agency Offices
Offices
Bank
Savings and Loan
Appliance Repair
Artist Studio
Automatic Teller Machines (ATM's)
Barber/Beauty Shop (non-college)
Banquet Hall
Computer Sales
Credit Unions
Dance/Drama/Music Schools (Performing Arts)
Extended Stay Hotels / Motels (Residence hotels)
Financial Services (Advice/Invest)
Hotel/Motel
Martial Arts School / Dance Studio
Kiosk (Providing A Service)
Laundry/Dry Cleaning (Drop Off/Pick Up)
Locksmith
Motorcycle and All-Terrain Vehicle Dealer (New/Repair) (indoor only; no outside storage, displays or sales)
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
Auto Dealer (New - Auto Servicing and Used Auto Sales
as accessory uses only) (indoor only; no outside
storage, displays or sales)
Bakery (Retail)
Bakery (Wholesale)
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
Home Improvement Center
Lawnmower Sales and/or Repair (indoor only; no outside
storage or displays)
Major Appliance Sales/Rental (Indoor)
Market (Public, Flea)
Needlework Shop
Personal Watercraft Sales (New/Repair) (indoor only; no
outside storage, displays or sales)
Pet Shop / Supplies / Grooming
Pharmacy
Plant Nursery (Retail Sales / Outdoor Storage)
Recycling Kiosk
Restaurant
Restaurant (Drive-In)
Retail Store (Misc.)

Temporary Outdoor Retail Sales / Commercial
Promotion
Vacuum Cleaner Sales and Repair
Veterinarian (Indoor Kennels)
Woodworking Shop (Ornamental)
Full Service Car Wash (Detail Shop)
Gasoline Service Station
Public Garage / Parking Structure
Quick Lube/Oil Change/Minor Inspection
Amusement Devices/Arcade (Four or More Devices,
Indoors only)
Amusement, Commercial (Indoors)
Amusement, Commercial (Outdoors)
Billiard / Pool Facility (Three or More Tables)
Bingo Facility
Bowling Center
Dance Hall / Dancing Facility
Dinner Theatre
Golf Course (Miniature)
Health Club (Physical Fitness; Indoors Only)
Motion Picture Theater (Indoors)
Museum (Indoors Only)
Park and/or Playground (Private)
Park and/or Playground (Public; municipal)
Skating Rink
Swimming Pool (Private; Membership)
Swimming Pool (Public; municipal)
Tennis Court (Private/Lighted)
Tennis Court (Private / Not Lighted)
Theater (Non-Motion Picture; Live Drama)
Video Rental / Sales
Child Day Care (Business) (See Section 38.5)
Church/Place of Worship
Civic Club
Clinic (Medical)
Community Center (Municipal)
Emergency Care Clinic
Fire Station
Franchised Private Utility (not listed)

Gas Transmission Line (Regulating Station)
Governmental Building or Use (County, State or Federal)
Group Day Care Home
Helistop
Hospice
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)
Philanthropic organization
Phone Exchange/Switching Station
Police Station
Portable Medical Unit-(See Definitions)
Portable Medical Unit-Human Blood Collection (See Definitions)
Post Office (Governmental)
Radio/Television Tower (Commercial)
Rectory/Parsonage
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)
Book Binding
Feed & Grain Store / Farm Supply Store
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 w/ permit)
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)

FORNEY MESSENGER

Publisher of Kaufman County's Oldest Newspaper • Since 1896

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PROOF OF PUBLICATION and AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS COUNTY OF KAUFMAN

Before me, the undersigned authority, personally appeared Cary L. Griffin, who being by me duly sworn upon his oath says that he is the publisher of the Forney Messenger, a newspaper published regularly in the County of Kaufman, State of Texas; that the publication has been continuously and regularly issued for a period of at least one year; and that the accompanying notice appeared therein as follows:

First Issue 5/7 2009 Fee \$ 32
Second Issue _____ 20____ Fee \$ _____
Third Issue _____ 20____ Fee \$ _____

ORDINANCE NO. 09-11

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP AS HERETOFORE AMENDED, BY CHANGING THE ZONING FROM PLANNED DEVELOPMENT (PD) DISTRICT 1095 AND AGRICULTURE (A) DISTRICT USES TO PD - PLANNED DEVELOPMENT OVERLAY DISTRICT WITH A BASE ZONING DISTRICT DESIGNATED AS MF-15 - MULTI-FAMILY RESIDENTIAL-15 DISTRICT AND PERMITTING THOSE SPECIFIC USES ENUMERATED HEREIN THAT ARE IDENTIFIED AS CONDITIONAL OR PERMITTED USES IN THE MF-15 - MULTI-FAMILY RESIDENTIAL-15 DISTRICT, COMMERCIAL (C) DISTRICT GENERAL RETAIL (GR) DISTRICT, MIXED USE (MU) DISTRICT, NEIGHBORHOOD SERVICE (NS) DISTRICT, AND OFFICE (O) DISTRICT AS WELL AS ALLOWING THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION AS A PERMITTED USE, ON APPROXIMATELY 663.510 ACRES OF LAND IN THE SAMUEL SMITH SURVEY, ABSTRACT NO. 450, IN THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE MASTER PLAN AND SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE, PROVIDING A REPEALER CLAUSE, PROVIDING A PENALTY CLAUSE AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

/s/ Darrell Grooms, Mayor

/s/ Dorothy Brooks, TRMC, CMC. City Secretary

Date Approved: 5-5-09

TOTAL FEES \$ 32

Cary L. Griffin Editor and Publisher

I to and subscribed before me this 8 day of 5 2009

Amy Leathers
Notary Public, Kaufman County, Texas

