

EXHIBIT "B"

DEVELOPMENT STANDARDS AND PERMITTED USES

A. **Applicability.**

1. The PD, Planned Development District ("PD"), created herein shall apply to and govern the development of the tract(s) of land described in Exhibit "A" ("Property") attached hereto and incorporated herein by reference for all purposes allowed by law.
2. Except as stated herein, the regulations of this PD shall be based upon the MU - Mixed Use District zoning in effect as of the date of the adoption of this PD as outlined in the Comprehensive Zoning Ordinance of the City of Forney, Texas, Ordinance No. 1085, as amended ("Zoning Ordinance"). This PD also incorporates additional specified uses enumerated herein as a permitted use within the Property.
3. 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 responsibility of the owner and/or developer to obtain a copy of and be familiar with the City's EDS.
4. If a conflict exists between the terms of the Zoning Ordinance and this Ordinance the provisions of this Ordinance shall control.

B. **Concept Plan.**

Development and use of the Property must comply with the concept plan (Exhibit "C"). If there is a conflict between the text of this ordinance and the concept plan, the text of this ordinance controls. Amendment of the concept plan is permitted subject to review and recommendation of the City of Forney Zoning Commission and approval by City Council. Proposed changes or amendments to the plan may be for the entire Property or any portion of the Property thereof.

C. **Site Plan.**

1. **Site plan required.** A site plan shall be submitted for approval 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 hereof. 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 non-compliance with any standard in this ordinance or a decrease to any previously approved buffer to adjacent property.
2. **Obligation of administrative approval.** Neither the City Manager nor the Director of Community Development is obligated to approve changes to the site plan and either 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.

3. **Time period.** The initial concept plan approval for this development shall be valid for a period of four years from the date the City Council approves the concept plan. If within that four-year period a site plan is 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 four years from the date of site plan approval. Site plans shall be valid for a period of one year from the date the City Council approves 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, as amended.

D. Uses Permitted

The uses permitted within this district shall be those permitted within the MU – Mixed Use district with the following additions:

1. Farms, General (crops) uses are allowed by right.
2. Farms, General (Livestock/Ranch) uses are allowed by conditional use permit.
3. Data center uses are allowed by right.
4. Warehouse/Office uses are allowed by right.
5. Distribution Center uses are allowed by right.
6. Electrical Substation uses as accessory to a data center are allowed by right.

Where MU – Mixed Use standards require a conditional use permit (CUP), a CUP is also required under this ordinance unless otherwise specified in these requirements. The parking of light and heavy load vehicles and truck trailers is allowed as an accessory use to the distribution center use. Truck storage and truck stops cannot be a primary use in this planned development.

E. Definitions and Interpretations

1. Unless otherwise stated, the definitions contained in the City of Forney Zoning Ordinance apply to this planned development district.
2. Unless otherwise stated, all references articles, divisions, or sections in this article are to articles, divisions, or sections in the Zoning Ordinance.
3. In this district:
 - a. **DATA CENTER** means a building or a collection of buildings with the primary function of housing servers and related equipment for processing, storing or distributing data and associated office, storage, and other support spaces, along with mechanical and electrical infrastructure both interior and exterior to the building(s).
 - b. **COMMERCIAL BUILDING** means a mixed-use building housing retail and office tenants.
 - c. **SITE AREA** means the limits of construction on a specific site plan.

- d. **NON-VEHICULAR OPEN SPACE** means the portion of a Site Area that is not dedicated to primary buildings or associated parking lots, driveways, drive aisles, or off-street loading.

F. Yard, Lot, and Space Regulations

All yard, lot, and space regulations shall conform to the standards established within Section 32, "MU – Mixed Use District," of the Zoning Ordinance, except as provided herein.

- 1. **Height.** The maximum building height is seventy feet (70'). A conditional use permit is not required for development greater than thirty-six feet (36') in height that is in compliance with the concept plan, as approved. The building height is measured as the vertical distance from grade plane to the average height of the highest roof surface. The following structures may project a maximum of twelve feet (12') above the maximum height:

- a. Elevator penthouse or bulkhead,
- b. Mechanical equipment room,
- c. Cooling tower,
- d. Liquid holding tanks,
- e. Skylights,
- f. Visual screens for roof mounted mechanical equipment,
- g. Chimney or vent stacks, and
- h. Parapet walls under four feet (4') in height.

- 2. **Area Regulations.**

- a. **Maximum Lot Depth.** There is no maximum lot depth.
- b. **Setback adjacent to a residential district.** The minimum yard requirement where adjacent to a residential district or use shall be in compliance with the approved concept plan, but no less than sixty feet (60'). Adjacent to a residential district or use shall mean any property with a residential zoning designation or use that shares a common line with the Property.

G. Minimum Exterior Construction Standards. Exterior construction standard shall be in compliance with Section K, Exterior Construction and Design Requirements, of this ordinance.

H. Off-Street Parking, Stacking, and Loading Requirements.

All off-street parking, stacking, and loading shall conform to the standards established within Section 38, "Off-Street Parking and Loading Requirements," of the Zoning Ordinance, except as provided herein.

- 1. **Off-Street Loading Requirements**

- a. Loading spaces or berths for retail/commercial and restaurant uses shall be provided in accordance with the following schedule:

0 to 3,999 square feet:	0 spaces
4,000 to 9,999 square feet:	1 regular space
10,000 to 39,999 square feet:	1 regular space and 1 large space
40,000 to 99,999 square feet:	2 regular spaces and 1 large space
100,000 to 200,000 square feet:	2 regular spaces and 2 large spaces
Each additional 100,000 square feet, or portion thereof, over 200,000:	1 additional large space

- b. For data center uses, the loading docks may face a public street, and shall not be required to provide a masonry screening wing wall, provided that a minimum thirty-foot (30') wide landscape buffer area is provided adjacent to the street right-of-way line. One (1) large shade tree shall be provided within the landscape buffer area for every twenty feet (20') of street frontage, or one (1) small ornamental tree shall be provided for every twelve feet (12') of street frontage (or some combination thereof). In addition, a solid massing of large evergreen shrubs and three- to four-foot tall berms shall be provided to further screen loading area from view of the public street.
- c. Loading docks may face streets and right of ways for warehouse, distribution center, or truck terminal uses without masonry screening or landscape buffers above and beyond buffers required per Section I.

2. Minimum Parking Requirements.

- a. There shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:
 - i. **Data center, Warehouse, Distribution Center, and Truck Terminals:** One (1) space for every two (2) employees or one (1) space for three-thousand (3,000) square feet of floor area, whichever is greater.
 - ii. **Restaurant:** One (1) space for every one hundred (100) square feet of indoor floor area or one (1) space for every three (3) indoor seats, whichever is greater, and one (1) space for every one hundred (100) square feet of outdoor seating area.
- b. **Compact Car Spaces.** Compact car parking spaces may only be permitted in employee parking areas provided at least one of the following conditions apply:
 - i. Where it is necessary to preserve the natural landscape and native trees, a maximum of twenty percent (20%) of required parking may be designated for compact cars, or
 - ii. For parking lots associated with the commercial buildings as identified on the concept plan, a maximum of twenty percent (10%) of the required parking may be for compact cars.

3. **Bicycle Parking Facilities.**

- a. Bicycle racks are required for commercial buildings at a rate of two (2) bicycle parking spaces for every fifty (50) required parking spaces, with a minimum requirement of at least two (2) bicycle parking spaces and a maximum of three (3) bicycle parking spaces.
- b. No bicycle parking is required for warehouse, distribution center, or truck terminal uses.

I. **Landscaping Requirements.**

Landscaping shall conform to the landscaping requirements established in Section 39, "Landscape Requirements," and Section 39a, "Tree Preservation," of the Zoning Ordinance, as amended, except as provided herein.

1. **General Landscaping Requirements.**

- a. A minimum of fifteen percent (15%) of Site Area shall be devoted to landscaping, exclusive of any easement or drainage areas where landscaping may interfere with easement or drainage operations.

2. **Streetscape Requirements.** A minimum twenty foot (20') landscape buffer is required adjacent to U.S. Highway 80 service frontage road. All other street frontages shall observe a minimum ten-foot (10') landscape buffer. One (1) large shade tree shall be required per forty (40) linear feet (or portion thereof) of street frontage. Trees should be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural looking planting arrangement. The landscaped buffer area may be included in the required street yard landscape area percentage. Streetscape area and related plantings may be used to meet General Landscaping Requirements in Section I.1.a of this ordinance.

3. **Parking Screening.** Any off-street parking area located along any public street shall be screened from adjoining properties and/or streets by a landscape buffer which is at least three feet (3') in height.

4. **Parking Lot Landscaping.** An off-street parking lot shall be landscaped. Except where prohibited due to easements, off-street parking lots shall contain a minimum of one (1) tree for every ten (10) parking spaces. 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-five (25) parking spaces. All landscaped areas shall be protected by raised concrete curb. Parking areas located within easements may substitute groundcover and shrubs up to three feet (3') in height for trees in required landscape islands.

J. **Fencing, Walls and Screening Requirements.**

All fences, walls and screening shall conform to Section 41, "Fencing, Walls and Screening Requirements," of the Zoning Ordinance, as amended, except as provided herein.

1. **Residential adjacency screening.** A decorative metal or vinyl coated chain link fence shall be required along a property line separating the property from an adjacent residential use. A five-foot (5') landscape buffer must also be provided and landscaped with evergreen shrubs making up the living screen that must be a minimum of thirty-inches (30") in height at the time of planting.
2. **Non-residential fences.** Fences and walls for non-residential uses may be located in a front or side yard adjacent to public streets except within 100' of US Highway 80 Right-of-Way.
3. **Fence standards.** Decorative metal or vinyl coated chain link fences are allowed.

K. Exterior Construction and Design Requirements.

Exterior construction and design shall conform to the following requirements:

1. Building Design.

- a. Facades facing street right-of-way on commercial buildings that do not include façade articulation in compliance with MU – Mixed Use district standards may incorporate any of the following elements in lieu of façade articulation:
 - i. Canopies, permanent decorative awnings, or windows accompanied by overhangs that exceed eighteen (18) inches;
 - ii. Outdoor seating areas; or
 - iii. Arcades that extend at least ten percent (10%) of the width of the façade along the right-of-way.

Alternative methods of compliance may be approved at site plan provided that the proposed method(s) meet the intent of minimizing or breaking up blank walls along public facing facades and is compatible with the overall development.

- b. Data center, warehouse, distribution center, or truck terminal facades within one hundred feet (100') of a street right-of-way that do not include façade articulation in compliance with MU – Mixed Use district standards may incorporate any of the following elements in lieu of façade articulation:
 - i. Canopies, permanent decorative awnings, or clerestory windows; or
 - ii. Changes in material, material pattern, or noticeable change in color or shade. Each change of material shall involve a minimum one inch variation in wall plane or noticeable change in color.

Alternative methods of compliance may be approved at site plan provided that the proposed method(s) meet the intent of minimizing or breaking up

blank walls along public facing facades and is compatible with the overall development.

2. **Roof Design.** Flat roofs are permitted provided that roof and roof-mounted equipment are fully screened from view of right-of-way. Roof materials may be any material permitted by building code.

L. Lighting and Glare Requirements.

All outdoor lighting shall conform to the lighting standards established within Section 45, "Lighting and Glare Standards," of the Zoning Ordinance, as amended. A photometric plan must be submitted with the site plan.

M. Signage Requirements

The signage regulations for the permitted uses shall conform to Section 48, "Signage," of the Zoning Ordinance, as amended.

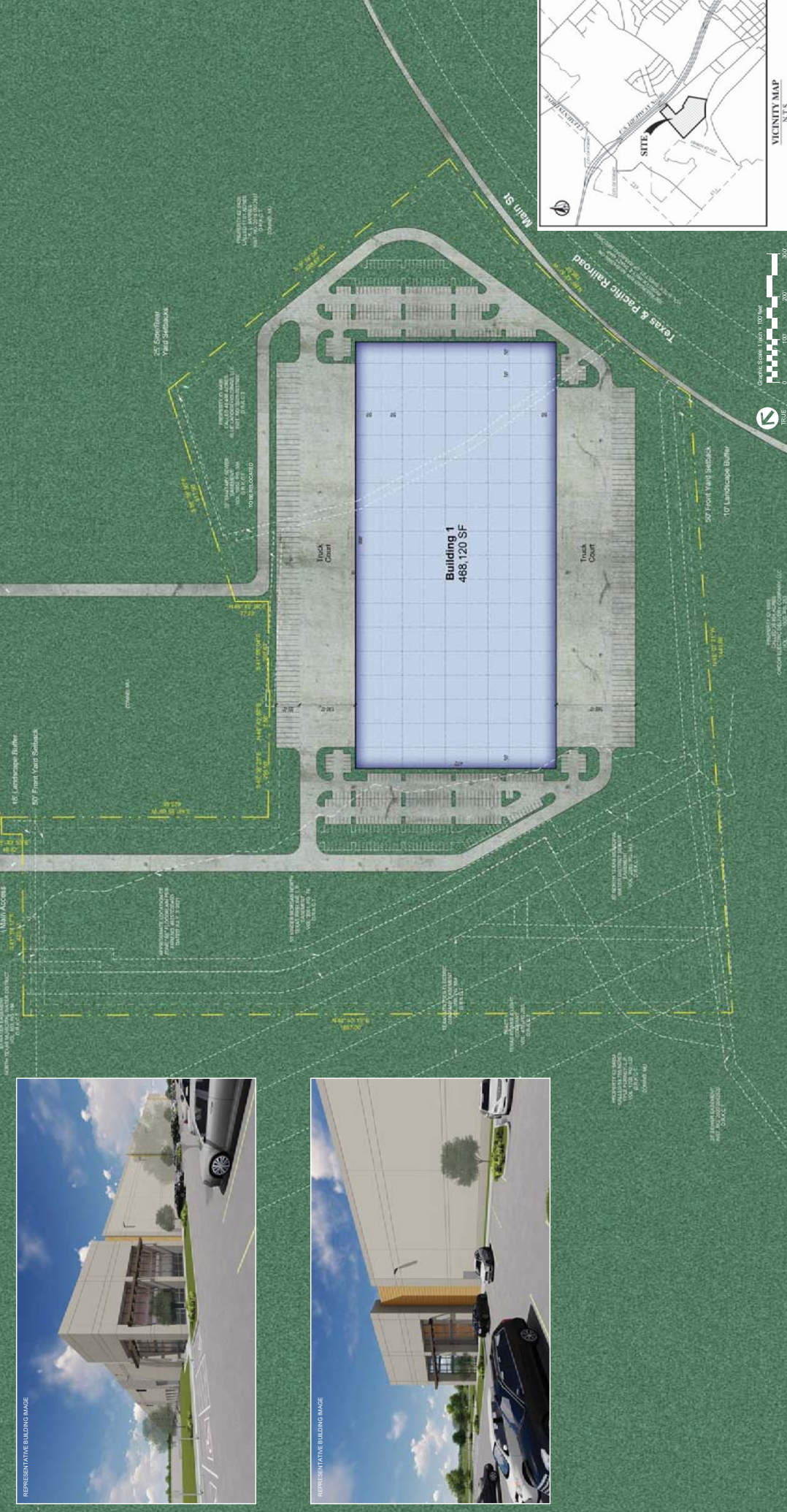
N. Other Requirements

1. **Outdoor Dining Areas.** A business 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
2. **Utilities.** Except as provided in this section, utility lines shall be placed under ground. Major transmission level lines and electrical distribution lines may be located above ground and any existing overhead utility lines may remain in place.
3. **Sidewalks.**
 - a. Sidewalks along the front facade adjacent to retail/commercial areas shall consist of pavers, decorative stamped or stained concrete, or patterned and colored stamped or stained concrete.
 - b. All crosswalks shall encompass decorative stamped or stained concrete, which distinguishes the area from the surrounding pavement.
 - c. The above sidewalk and crosswalk standards do not apply for warehouse, distribution center, or truck terminal uses.
4. **Maintenance Responsibility.** The developer and or owner shall be responsible for maintaining the exterior of all facilities including but not limited to trash removal, landscaping, mowing, water features, common/public areas, play areas and detention ponds.
5. **Truck Stacking.** Truck stacking will not extend into any public right of way.

U.S. Highway 80
100' Right-of-Way

W Broad St

Fire Emergency Access



REPRESENTATIVE BUILDING WAGE



REPRESENTATIVE BUILDING WAGE

ARCHITECT: ALLIANCE ARCHITECTS CHAD MICHEL 1515 S. GREGG BLVD. SUITE 1000, RICHARDSON, TX 75080 972-233-0400	OWNER: EGT EXETER COLBY SCHRAGLE 1515 S. GREGG BLVD. SUITE 280 ADDITION, TX 75001	CONCEPT PLAN EXETER FORNEY 2
CONCEPT PLAN SUBMITTAL: 12-01-2021		ALTAIR'S LAND TITLE SURVEY OF 48.463 ACRES JOHN GREGG SURVEY, ABSTRACT NO. 171
CONCEPT PLAN SUBMITTAL: 12-17-2021		CITY OF FORNEY, KAUFMAN COUNTY, TEXAS