

TOWN OF WESTLAKE

ORDINANCE NO. 523

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS BY AMENDING THE FIDELITY CONCEPT PLAN ADOPTED BY ORDINANCE NO. 306 ON AN APPROXIMATELY 311-ACRE TRACT OF LAND GENERALLY LOCATED IN DENTON AND TARRANT COUNTIES, TEXAS (i) SOUTH OF S.H.114, (ii) WEST OF PRECINCT LINE ROAD, PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on August 10, 1998, the Board of Aldermen adopted Ordinance No. 306 to establish PD 2 to accommodate the development of Fidelity Investments Regional Headquarters to Westlake, Texas; and

WHEREAS, Ordinance No. 306 provided a Planned Development District No. 2 Concept Plan attached as Exhibit "A"; and

WHEREAS, Fidelity Investments desires to add Phase II expansion of the Westlake campus and amend the existing concept plan to illustrate location of new proposed improvements; and

WHEREAS, the economic development and land use planning objectives of the Town will be furthered by the adoption of an amended concept plan for the Fidelity campus.

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

SECTION 1: That the recitals set forth above are hereby incorporated herein, adopted by the Town and declared to be true and correct.

SECTION 2: That the Comprehensive Zoning Ordinance of the Town of Westlake, Texas, Ordinance No. 306, is hereby amended by this Ordinance, by amending the approved concept plan attached hereto by reference for all purposes as Exhibit "B".

SECTION 3: It is hereby declared to be the intention of the Board of Aldermen of the Town of Westlake, Texas, that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any 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 phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the Board of Aldermen of the Town of Westlake without the

incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

PASSED AND APPROVED ON THIS 21st DAY OF MAY 2007.

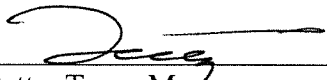


Scott Bradley, Mayor

ATTEST:

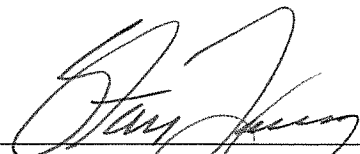


Kim Sutter, TRMC, Town Secretary



Trent Petty, Town Manager

APPROVED AS TO FORM:



Stan Lowry, Town Attorney

ORDINANCE NO. 306

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS TO REZONE AN APPROXIMATELY 311-ACRE TRACT OF LAND GENERALLY LOCATED IN DENTON AND TARRANT COUNTIES, TEXAS (i) SOUTH OF S.H. 114, (ii) WEST OF PRECINCT LINE ROAD, AND (iii) NORTH OF DOVE ROAD FROM "O" OFFICE PARK AND "R-40" ESTATE RESIDENTIAL TO A "PD" PLANNED DEVELOPMENT DISTRICT FOR AUTHORIZING AN OFFICE COMPLEX, INCLUDING OFFICE, PERSONAL SERVICES, BANK AND FINANCIAL INSTITUTIONS, DATA CENTER, RESEARCH AND DEVELOPMENT AND ACCESSORY USES SUCH AS HOTEL/MOTEL WITH CONFERENCE FACILITY, RETAIL AND PARKING STRUCTURES; DEFINING CERTAIN TERMS; DESCRIBING AND INTERPRETING THE PD CONCEPT PLAN; REGULATING PERMITTED USES, HEIGHT, LOT SIZES AND BUILDING LINES, TOTAL FLOOR AREA, PARKING, LOADING AND OTHER DEVELOPMENT STANDARDS, LANDSCAPING, FLOOD PLAIN, AND DRAINAGE; RATIFYING THE ACTION TAKEN BY THE BOARD ON JULY 27, 1998; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP; PROVING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on November 13, 1992, the Board of Aldermen (sometimes referred to as the "Board") of the Town of Westlake, Texas (the "Town"), adopted a Comprehensive Zoning Ordinance (the "Zoning Ordinance"); and

WHEREAS, on August 24, 1992, the Board adopted a Comprehensive Plan (the "1992 Comprehensive Plan") for the Town; and

WHEREAS, the Zoning Ordinance has been amended by the Board after receiving recommendations from the Planning and Zoning Commission (the "Commission"); and

WHEREAS, on September 15, 1997, based on the recommendations of the Commission, the Board amended the Zoning Ordinance and the subdivision regulations by the adopting of a Unified Development Code (the "UDC") for the Town; and

WHEREAS, the UDC has been amended with the most recent amendments being adopted on February 16, 1998; and

WHEREAS, there is located within the corporate limits of the Town an approximately 311-acre tract of land (commonly known as the Maverick Planning Area and hereinafter sometimes referred to as the "Planning Area"); and

WHEREAS, the public infrastructure, amenities, and services necessary to develop the Town, including the Planning Area, are not available and will not be

available without a long-term commitment of both public and private funds to finance infrastructure, amenities, and services; and

WHEREAS, because of the size, location, and natural features of the Planning Area and the Town's need for public infrastructure, amenities, and services, the Town has a critical interest in the development of the Planning Area and is encouraging such development to the highest possible standards of quality consistent with the Town's long-term development vision; and

WHEREAS, because of improvements to State Highway 114, further urban growth throughout the region, and other changed conditions that affect the region, the Town believes there are unique and significant opportunities for an master planned office complex with accessory uses within the Planning Area that will be consistent with the Town's long-term development vision; and

WHEREAS, the location and unique features of the Planning Area present unique opportunities for facilities suited to large corporate headquarters within the master planned development; and

WHEREAS, the suitability of the Planning Area for such master planned facilities can be enhanced through modifications to the development regulations governing the Planning Area, including modifications to the zoning, floodplain, subdivision and other standards otherwise applicable under the UDC; and

WHEREAS, the economic development and land use planning objectives of the Town will be furthered by the establishment of such master planned facilities; and

WHEREAS, on July 27, 1998, after receiving recommendations from the Commission, the Board approved and adopted amendments to the Thoroughfare Plan, and an amended Conceptual Open Space Plan to the 1992 Comprehensive Plan; all of which amended plans are approved and adopted by the Board to enable the Town to maximize the opportunities and benefits to the Town and all of its citizens that will result from a master-planned, office development of the Planning Area; and

WHEREAS, the Commission and Board held a public hearing upon the application of Maverick Commercial Investments, Inc. to rezone the approximately 311-acre tract of land to PD Planned Development District on July 27, 1998, after written notice of such hearing having been sent to owners of real property being within 200 feet of the property and notice being published in a newspaper of general circulation in the Town of Westlake, all in accordance with law; and

WHEREAS, the applicant has proposed that the subject property be used solely for a corporate office campus, including office complex, bank and financial institutions,

data center and research and development facilities, together with certain private commercial uses wholly accessory to such corporate office complex; and

WHEREAS, the Commission has recommended to the Board that the hereinafter described property be rezoned to "PD" Planned Development District authorizing a corporate office complex, including office complex, bank and financial institutions, data center and research and development facilities, together with certain private commercial uses wholly accessory to such corporate office complex; and

WHEREAS, the Board believes that the interests of the Town, the present and future residents and citizens of the Town, and developers of land within the Town are best served by adopting this Ordinance, which the Board has determined to be consistent with the 1992 Comprehensive Plan, the Thoroughfare Plan, and Open Space Plan, all as amended;

WHEREAS, the Board adopted Ordinance No. 301 on July 27, 1998 rezoning the hereinafter described property to "PD" Planned Development District with certain conditions and the Board desires to ratify its action taken on July 27, 1998 by adopting this ordinance which incorporates the conditions attached to the "PD" Planned Development District;

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

PART I.

That the recitals set forth above are hereby incorporated herein, adopted by the Town and declared to be true and correct.

PART II.

That the Comprehensive Zoning Ordinance of the Town of Westlake, Texas, Ordinance No. 200, is hereby amended by this PD Ordinance, by adding Planned Development District No. 2 within the property described in Exhibit "A", attached hereto by reference for all purposes. This PD will be subject to the zoning provisions, development standards and other regulations contained in the Planned Development District No. 2 Standards attached hereto as Exhibit "B" and the Planned Development District No. 2 Concept Plan attached hereto as Exhibit "C".

PART III.

Except to the extent provided by the PD Concept Plan and this PD Ordinance, development of land within the PD District shall be governed by the provisions of the UDC applicable to "O" Office zoning districts and by all other ordinances, rules and regulations of the Town that are applicable to development as amended and in effect at the time of the passage of this Ordinance. In the event of any conflict between (i) the PD Concept Plan and this PD Ordinance and (ii) the UDC and such ordinances, rules and regulations, the terms, provisions and intent of the PD Concept Plan and this PD Ordinance shall control.

PART IV.

Upon the effective date of this PD, the Town Secretary shall promptly enter the new Planned Development on the Town's Official Zoning Map, which entry shall include the abbreviated designation "PD No. 2" and the date that this Ordinance was adopted by the Board.

PART V.

It is hereby declared to be the intention of the Board of Aldermen of the Town of Westlake, Texas, that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any 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 phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the Board of Aldermen of the Town of Westlake without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

PART VI.

This Ordinance shall become effective upon its passage and proof of the unconditional conveyance of the property described in Exhibit "A" to Fidelity Texas Limited Partnership or an affiliated or related entity.

ORDINANCE NO. 386
(Fidelity PD)

PAGE 5

PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE TOWN OF
WESTLAKE, TEXAS, ON THIS 10TH DAY OF AUGUST, 1998.

Charla Bradshaw
CHARLA BRADSHAW, MAYOR PRO TEM

ATTEST:

Ginger Crosswy
Ginger Crosswy, Town Secretary

APPROVED AS TO FORM:

Paul C. Isham
Paul C. Isham, Town Attorney

LEGAL DESCRIPTION

309.305 ACRE TRACT

BEING A TRACT OF LAND SITUATED IN THE CHARLES MEDLIN SURVEY, ABSTRACT NUMBER 823 (DENTON COUNTY), ABSTRACT NUMBER 1084 (TARRANT COUNTY), THE MEMUCAN HUNT SURVEY, ABSTRACT NUMBER 756 (TARRANT COUNTY) AND THE J. BACON SURVEY, ABSTRACT NUMBER 2026 (TARRANT COUNTY), TOWN OF WESTLAKE, DENTON AND TARRANT COUNTIES, TEXAS AND BEING ALL OF THE TRACT OF LAND CONVEYED TO HILLWOOD/1088, LTD., RECORDED IN VOLUME 12260, PAGE 1948 OF DEED RECORDS, TARRANT COUNTY, TEXAS, ALL OF THAT TRACT OF LAND CONVEYED TO SCOTT BRADLEY AND WIFE KELLY PACE BRADLEY, RECORDED IN VOLUME 6395, PAGE 67 OF DEED RECORDS AND BEING A PORTION OF THAT TRACT OF LAND CONVEYED TO HILLWOOD/WILLOW BEND, LTD., RECORDED IN VOLUME 11316, PAGE 2235 OF DEED RECORDS, TARRANT COUNTY, TEXAS AND UNDER COUNTY CLERK'S NUMBER 93-R0075228 OF REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A RAILROAD SPIKE, FOUND AT THE INTERSECTION OF THE APPROXIMATE CENTERLINE OF PRECINCT LINE ROAD (A VARIABLE WIDTH RIGHT-OF-WAY) AND THE CENTERLINE OF ROANOKE-DOVE ROAD (A CALLED 50 FOOT RIGHT-OF-WAY);

THENCE WITH THE APPROXIMATE CENTERLINE OF ROANOKE-DOVE ROAD THE FOLLOWING BEARINGS AND DISTANCES

S 89°50'03"W, 1942.81 FEET;

N 86°34'52"W, 550.83 FEET;

N 82°28'16"W, 252.07 FEET;

S 65°50'11"W, 562.77 FEET;

S 71°04'02"W, 198.77 FEET;

THENCE N 11°01'26"W, 589.37 FEET, DEPARTING SAID APPROXIMATE CENTERLINE;

THENCE N 00°26'55"W, 573.79 FEET;

THENCE N 17°09'12"E, 1518.12 FEET;

THENCE N 09°07'25"W, 892.93 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE WITH SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 1369.14 FEET, THROUGH A CENTRAL ANGLE OF 58°52'17", HAVING A RADIUS OF 1332.50 FEET, THE LONG CHORD OF WHICH BEARS N 49°12'42"E, 1309.71 FEET;

THENCE N 19°46'33"E, 318.45 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF STATE HIGHWAY 114 (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE WITH SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES

N 70°39'43"E, 64.29 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

WITH SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 443.43 FEET, THROUGH A CENTRAL ANGLE OF 04°25'08", HAVING A RADIUS OF 5749.58 FEET, THE LONG CHORD OF WHICH BEARS S 72°08'30"E, 443.32 FEET;

S 63°32'03"E, 238.74 FEET;

N 84°41'23"E, 154.28 FEET;

S 76°41'49"E, 119.54 FEET;

S 45°55'45"E, 116.36 FEET;

S 75°22'11"E, 296.05 FEET;

N 69°29'26"E, 98.90 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

WITH SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 204.65 FEET, THROUGH A CENTRAL ANGLE OF 02°03'13", HAVING A RADIUS OF 5709.58 FEET, THE LONG CHORD OF WHICH BEARS S 72°10'21"E, 204.64 FEET;

S 71°03'31"E, 736.07 FEET, TO THE NORTHEAST CORNER OF SAID HILLWOOD/WILLOW BEND TRACT, IN THE APPROXIMATE CENTERLINE OF AFOREMENTIONED PRECINCT LINE ROAD;

THENCE S 00°30'00"E, 1386.00 FEET;

THENCE S 23°55'44"W, 87.29 FEET;

THENCE N 89°19'34"W, 164.44 FEET;

THENCE S 06°48'13"W, 137.96 FEET;

THENCE S 89°43'41"E, 50.00 FEET;

THENCE S 00°16'19"W, 2147.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 13,473,328 SQUARE FEET OR 309.305 ACRES OF LAND MORE OR LESS.

FOR INFORMATIONAL PURPOSES ONLY

MAVERICK PLANNED DEVELOPMENT DISTRICT

DEVELOPMENT STANDARDS AND CONCEPT PLAN

Exhibits B and C
to

ORDINANCE NO. 306

establishing

**TOWN OF WESTLAKE, TEXAS
PLANNED DEVELOPMENT DISTRICT NUMBER 2**

EXHIBIT B
DEVELOPMENT STANDARDS
MAVERICK PLANNED DEVELOPMENT DISTRICT

ARTICLE I. GENERAL PROVISIONS

SECTION 1	SHORT TITLE	1
SECTION 2	PURPOSES	1
SECTION 3	EFFECTIVE DATE	1
SECTION 4	GENERAL DEFINITIONS	1
Section 4.1	Uses	1
Section 4.2	Words and Terms Defined	1
SECTION 5	APPLICABILITY OF EXISTING REGULATIONS	2
SECTION 6	AMENDMENT OF OFFICIAL ZONING MAP	2
SECTION 7	CONCEPT PLAN, DEVELOPMENT PLAN AND SITE PLANS	2
Section 7.1	PD Concept Plan	2
Section 7.2	PD Development Plans	3
Section 7.3	PD Site Plans	3
Section 7.4	Relationship of Plans to Comprehensive Plan, Transportation Plan and Open Space Plan	9
SECTION 8	COMPLIANCE WITH CODE REQUIRED	9

ARTICLE II. PERMITTED USES

SECTION 1	USES PERMITTED BY RIGHT	10
SECTION 2	ACCESSORY USES	10
SECTION 3	USES PERMITTED BY SPECIFIC USE PERMITS (SUP)	12

ARTICLE III. DEVELOPMENT STANDARDS

SECTION 1	DENSITY AND SITE COVERAGE	13
Section 1.1	Floor Area Ratio	13
Section 1.2	Lot Coverage	13
Figure 1	Improvements to be in Service	14
SECTION 2	MINIMUM LOT SIZE	18
SECTION 3	MINIMUM LOT WIDTH	18
SECTION 4	MAXIMUM BUILDING HEIGHT	18
Section 4.1	General	18
Section 4.2	Exceptions to Height Requirements	18
SECTION 5	MINIMUM PRIMARY BUILDING SIZE	18
SECTION 6	SETBACKS	18
Section 6.1	Front Yard Setbacks	18
Section 6.2	Rear Yard Setbacks	19
Section 6.3	Side Yard Setbacks	19
SECTION 7	FENCING	20
SECTION 8	EXTERIOR WALLS AND BUILDING ARTICULATION	21
Section 8.1	Buildings of 100 square feet or more and over nine feet in height	21
Section 8.2	Exterior Materials for Accessory Buildings	21
Section 8.3	Building Articulation	21
Section 8.4	Exceptions	22
SECTION 9	LIGHTING STANDARDS	22
Section 9.1	Lighting Elements	22
Section 9.2	Lighting Standards	22
SECTION 10	RESIDENTIAL PROXIMITY SLOPE	23
Section 10.1	Determination of Proximity Slope Height Restrictions	23

Section 10.2	Exceptions to Slope Requirement	23
Section 10.3	Typical Illustration	23

ARTICLE IV. ROADWAY CONSTRUCTION STANDARDS

SECTION 1	STANDARDS	24
Section 1.1	Street	24
Section 1.2	Bridging of Floodplain and Waterway	24

ARTICLE V. PARKING AND LOADING STANDARDS

SECTION 1	PARKING SPACE STANDARDS	25
SECTION 2	OFFICE USE PARKING REQUIREMENT	25
SECTION 3	HANDICAPPED PARKING	25
SECTION 4	OFF-STREET LOADING REQUIREMENTS	25
SECTION 5	LIGHTING OF PARKING AND LOADING AREAS	25

ARTICLE VI. LANDSCAPE REQUIREMENTS

SECTION 1	PURPOSE AND APPLICABILITY	26
Section 1.1	Purpose	26
Section 1.2	Applicability	26
SECTION 2	PROCEDURES	26
Section 2.1	Prior to Issuing a Building Permit	26
Section 2.2	Variations Approved on PD Site Plan	26
SECTION 3	LANDSCAPE DEVELOPMENT STANDARDS	26
Section 3.1	General	26
Section 3.2	Town Edge Landscape Zones	27
Section 3.3	Roadway Landscape Zones	28
Section 3.4	Roadway Median Landscape Development	28
Section 3.5	Parking Lot Landscaping	29
Section 3.6	Structured Parking Landscaping	31
Section 3.7	Screening of Surface Parking	31
Section 3.8	General Site Tree Planting	31
Section 3.9	Screening of Loading and Service Areas	32
Section 3.10	Acceptable Landscape Materials	33

SECTION 4	IRRIGATION REQUIREMENTS	34
Section 4.1	General	34
Section 4.2	Irrigation Methods	34
SECTION 5	LANDSCAPE COMPLETION REQUIREMENTS	34
Section 5.1	Landscaping required prior to Certificate of Occupancy	34
Section 5.2	Performance Bond	34
SECTION 6	LANDSCAPE MAINTENANCE REQUIREMENTS	35
Section 6.1	Owner Responsibility	35
Section 6.2	Enforcement	35
SECTION 7	ILLUSTRATIONS	36

ARTICLE VII. SPECIAL DEVELOPMENT STANDARDS

SECTION 1	VARIANCE	37
SECTION 2	CONSEQUENCES OF BOARD DENIALS	37
SECTION 3	BOARD AND COMMISSION APPROVALS	37
SECTION 4	STREET AND HEAD-IN PARKING	37
SECTION 5	SURVEY MONUMENTS	37
SECTION 6	MAINTENANCE PERIOD	37
SECTION 7	FORM OF SECURITY	37
SECTION 8	TIMING OF SECURITY	38
SECTION 9	BOUNDARY SURVEY	38
SECTION 10	FOUNDATION AND FRAMING	38
SECTION 11	FINISHED FLOOR LEVEL	38
SECTION 12	OVERSIZE COSTS	38
SECTION 13	UNIFIED DEVELOPMENT SITES	38
SECTION 14	TRAFFIC IMPACT ANALYSIS - LEVEL OF SERVICE	38
SECTION 15	UTILITY EASEMENTS	39
SECTION 16	ADA STANDARDS	39
SECTION 17	BRIDGE SURFACES	39
SECTION 18	FIRE LANES	39
SECTION 19	DEAD-END WATER LINES	39
SECTION 20	WATER LINES	39
SECTION 21	DEPTH OF COVER	39
SECTION 22	FIRE HYDRANT SPACING	39
SECTION 23	FLOODPLAIN AND DRAINAGE RELOCATION	39
SECTION 24	MANHOLES	40

SECTION 25 SANITARY SEWER LINES	40
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ARTICLE I. GENERAL PROVISIONS

SECTION 1 SHORT TITLE

This Ordinance shall be known and may be cited as the Maverick Planned Development District, or simply as the Planned Development, or, as referenced in this document, as the "PD".

SECTION 2 PURPOSES

This Planned Development is adopted for the following purposes:

- To provide for a superior design of lots or buildings;
- To provide for increased open space opportunities;
- To provide rural amenities or features that would be of special benefit to the property users or community;
- To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and viewsapes;
- To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.

SECTION 3 EFFECTIVE DATE

This PD takes effect as set forth in the adopting ordinance.

SECTION 4 GENERAL DEFINITIONS

Section 4.1 Uses

- For the purpose of this PD Ordinance, certain numbers, abbreviations, terms, and words shall be used, interpreted and defined as set forth in this Section.
- Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.
- The word "shall" wherever used in this Section will be interpreted in its mandatory sense; the word "may" shall be deemed as permissive.

Section 4.2 Words and Terms Defined

Accessory use: Means uses provided for the support of primary permitted uses or to be used principally by tenants or employees of a primary use.

Coverage: Means the percentage of lot area covered by roof, floor, parking structure or other structure, or surface parking. Coverage shall not include the area covered by roof eaves (and other ordinary building projections up to 24 inches) roadways, driveways, sidewalks or

impervious cover other than listed herein.

Floor Area Ratio (FAR): Means the ratio of floor area to lot area. Floor area means the total area of all floors of all buildings on a lot or unified development site measured between the outer perimeter walls of the buildings excluding (i) area in a building or in a separate structure (whether below or above-grade) used for the parking of motor vehicles, (ii) courts or balconies open to the sky, and (iii) roof area used for recreation. Lot area means the gross site area excluding only (i) public roadways; and (ii) the Town edge landscape zone.

Lot Lines: Mean the property lines bounding a lot, excluding any street or alley dedicated.

Masonry: Means exterior building material which includes natural stone, brick and architectural precast concrete described as "Cast Stone" with structural component properties. Use of precast concrete requires that traditional profiles, joints and reveals shall be used in the creation of elements to integrate the precast with other exterior building materials.

SECTION 5 APPLICABILITY OF EXISTING REGULATIONS

Except to the extent provided by the PD Concept and Development Plan and this PD Ordinance, development of land within the PD District shall be governed by the provisions of the UDC applicable to "Office-O" zoning districts and by all other ordinances, rules and regulations of the Town that are applicable to development. In the event of any conflict between (i) the PD Concept Plan and this PD Ordinance and (ii) the UDC and such ordinances, rules and regulations, the terms, provisions and intent of the PD Concept Plan and this PD Ordinance shall control. For a period of five years from the date of the passage of this Ordinance, the PD shall be exempt from any amendments to the UDC adopted subsequent to August 3, 1998.

SECTION 6 AMENDMENT OF OFFICIAL ZONING MAP

Upon the adoption of this PD, the Town Secretary shall promptly enter the new Planned Development on the Town's Official Zoning Map, which entry shall include the abbreviated designation "PD No. 2" and the date this PD was adopted by the Board.

SECTION 7 CONCEPT PLAN, DEVELOPMENT PLAN AND SITE PLANS

Section 7.1 PD Concept Plan

This PD District is established based on the PD Concept Plan attached to and made a part of this PD Ordinance. The graphic depictions contained on the PD Concept Plan are regulatory standards and the size of the plans may vary from the standard size cited herein if accepted by the Town Planner. Amendments to the PD Concept Plan shall be considered a zoning change and the provisions of Chapter 211 of the Texas Local Government Code

relating to notices, public hearings and written protests for changes in zoning districts shall apply.

Section 7.2 PD Development Plans

Development Plans shall not be required for any development within the PD District.

Section 7.3 PD Site Plans

A. **General Requirement.** This PD District was established based on a PD Concept Plan; consequently, development within the PD District shall require one or more PD Site Plans approved by the Commission in accordance with this PD. A PD Site Plan may be prepared and submitted for the entire development at one time or for individual phases of development, and each plan shall be submitted in fifteen (15) copies to the Town Secretary. Each PD Site Plan shall be accompanied by a drainage study for the area covered by the proposed plan. The first Site Plan shall be accompanied by a drainage plan for the entire site.

B. **Submittal Requirements.** The following requirements apply to each application for PD Site Plan approval:

1. Size. PD Site Plans shall be prepared on one or more standard sheets of sizes of 30" x 42" or 24" x 36" and at an engineering scale of 1"=100' or larger. If multiple sheets are required, an overall plan shall be submitted as well (which may be to any scale). PD Site Plans shall be prepared by a registered engineer, architect, or landscape architect.
2. General Information:
 - a. North Arrow;
 - b. Total site acreage;
 - c. Submission date;
 - d. Scale (written and graphic);

- e. Vicinity map;
- f. Names, addresses, and telephone numbers of the architect, landscape architect, planner, surveyor, designer, engineer, developer, and owner (as applicable);
- g. A boundary survey of the site with the location of proposed land uses;
- h. Adjacent subdivision names and property lines; and
- i. Adjacent land uses and structures.

3. Structures:

- a. Location, site dimensions, building square footage and use of all existing facilities and proposed building sites the first site plan may show general boundaries of building site locations; and footprints for actual structures may be smaller than the building site envelope shown each plan may be subsequently approved showing specific footprints, by the Town Planner, without amending the PD Site Plan provided that the general building site boundary is not exceeded);
- b. Setback and separation distances between building sites;
- c. Preliminary elevations and perspectives to show the relationship of building heights to surrounding topography;
- d. Proposed construction type and facade materials for all nonresidential buildings (the Commission may require elevations and perspective drawings);
- e. Proposed density of each use; and
- f. Proposed location of screening along the public roadways shown on the PD Concept Plan.

4. Streets and Sidewalks:

- a. A general plan for circulation of traffic and pedestrians within and external to the development, including designated points of access;

- b. Location and width of all rights-of-way and easements;
 - c. Location and approximate dimensions of all pavement and curbing;
-
- d. Location and width of all sidewalks;
 - e. Location and width of all ingress/egress points;
 - f. Location and width of all medians and median breaks; and
 - g. Location of any special traffic regulation facilities.

5. Off-Street Parking and Loading Areas:

- a. Number, location, and dimension of spaces;
- b. Type of surface material of parking facility;
- c. Dimension of aisles, driveways, maneuvering areas, and curb return radii;
- d. Distance between spaces and adjacent rights-of-way; and
- e. Location of all existing and proposed fire lanes and hydrants.

6. Landscaping:

- a. Location and size of major tree groupings and existing hardwood trees greater than 8" caliper, noting whether they are to be removed or retained;
- b. Location size and species of proposed plant materials, including paving;
- c. Number and type of each landscape element;
- d. Height and type of all fencing or buffering;
- e. Height of all planters, sculptures, and decorative screens;

- f. Location and type of trash receptacle screening;
 - g. Location and type of lighting for streets, signage, and parking areas;
and
-

- h. Location of visibility triangles where required.

7. Drainage:

- a. Direction of water flow;
- b. Quantity of on and off-site water generation;
- c. Topographic contours at a minimum of 5 foot intervals;
- d. Points of concentrated water discharge;
- e. Areas where special design and construction may be necessary due to slope or soil conditions;
- f. Location and design of all water detention and drainage areas; and
- g. Drainage ways, creeks, and limits of the 100 year floodplain and floodway as shown on current FEMA mapping or the Town's drainage plan, including location and acreage, together with a general plan for accommodating flood waters and drainage.

8. Preliminary Service Plan:

- a. A preliminary drainage plan of the area showing the size and location of each existing and proposed drainage way and retention or detention area;
- b. The proposed method of providing water and sewer service.

9. **Development Standards Variance(s):**

A list of the development standards, if any (whether in the PD Ordinance or in the then-existing ordinances, rules, or regulations of the Town that apply to development within the PD District), for which the applicant is seeking a variance by the Board as part of the PD Site Plan approval process (without the necessity of going through a board of adjustment or other variance procedure).

10. **Height Variances:**

If Board approval of any height variance above that designated on the Concept Plan and at Article III, Section 10 is being requested, the applicant shall prepare (at the request of the Town Planner) a view analysis of the impact of such requested variance on adjacent residential areas of the Town.

C. Commission Decision. The Commission, after notice and public hearing in accordance with the Town's UDC procedures, shall approve, approve subject to conditions, or deny each PD Site Plan.

D. Approval Criteria. The Commission, in approving, conditionally approving, or denying a PD Site Plan, shall consider the following criteria:

1. The plan complies with the applicable PD Concept Plan and PD Ordinance, including express conditions attached to the PD Concept Plan or PD Ordinance;
2. The plan complies with the standards and conditions of the Town's Unified Development Code and of other ordinances, rules and regulations of the Town (to the extent that such standards and conditions are applicable to development within the PD District);
3. The traffic estimated to be generated by the plan is generally consistent with the original, Board approved traffic impact analysis as updated;

4. The plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.);

5. The preliminary drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas can be improved in a natural manner approved by the Board; and

6. Landscaping for the Town Edge Landscaping Zone (as hereinafter defined) promotes continuity and unity consistent with the landscape plan for the development and encourages views to public open space and public landmarks.

E. Conditions. The Commission, or the Board on appeal, may establish such conditions to the approval of a PD Site Plan as are reasonably necessary to assure that the approval criteria are met.

F. Appeal from Commission Action. If the Commission approves a PD Site Plan with conditions or if it disapproves a PD Site Plan, the applicant may appeal the decision to the Board by filing a written request with the Town Secretary within ten (10) days after the Commission's decision.

G. Variances. If the applicant requests a variance from any PD Ordinance standards or other requirements of the Applicable Town Ordinances (as defined in the PD Ordinance), the variance request will be forwarded to the Board with the Commission's recommendation for decision. Except as otherwise provided by the PD Ordinance the procedures and criteria for approval shall be those applicable to variances under the UDC.

H. Amendment. PD Site Plans are not considered part of a PD Ordinance. Except as otherwise provided in this Subsection, any amendment to an approved PD Site Plan must be approved by the Commission. Notwithstanding the foregoing, however, "minor modifications" to any PD Site Plan may be approved by the Town Planner. A "minor modification" to a PD Site Plan is defined as any modification that does not:

1. alter the basic relationship of proposed development to adjacent property;

2. change the uses permitted;
 3. increase the maximum density, floor area, or height;
-
4. decrease the amount of off-street parking, unless parking remains sufficient in number and conforms to ordinance requirements; or
 5. reduce the minimum yards or setbacks.

However, if the Town Planner believes that a minor modification entails a significant change in the Site Plan, he may refer the request to the Commission for a determination.

Section 7.4 Relationship of Plans to Comprehensive Plan, Transportation Plan and Open Space Plan

The PD Concept Plan attempts to establish regulatory standards that reflect the policies and objectives contained in the Comprehensive Plan, Thoroughfare Plan, and Open Space Plan for the Town in effect on the date of the passage of this PD Ordinance and to effect the Town's plan for provision of public facilities and services.

SECTION 8 COMPLIANCE WITH CODE REQUIRED

All development of land within the PD shall conform to the requirements of this Ordinance, and no person may use, occupy, sell or develop land, buildings or other structures, or authorize or permit the use, occupancy, sale or development of land, buildings or other structures under his/her control, except in accordance with all applicable provisions of this PD.

ARTICLE II. PERMITTED USES

SECTION 1 USES PERMITTED BY RIGHT

The following uses are permitted as principal uses by right.

Agricultural Uses

Orchard
Plant Nursery (Growing)
Farms General (Crops)
Farms General (Livestock Ranch)

Commercial Uses

Offices (General)
Studio
Information Processing
Data Center

Amusement/Recreation

Golf Course (Public or Private)
Park or Playground (Public or Private)
Country Club (Private Membership)
Golf Clubhouse (Public or Private)
Recreation Center (Private)
Hike, Bike and Equestrian Trails (Public or Private)

SECTION 2 ACCESSORY USES

The following uses are specifically permitted as accessory uses to principal uses to serve the occupants of the building or to facilitate the development of the building. This Section does not exclude other land uses which are generally considered accessory to a principal use. An accessory use which is customarily incidental to a principal use, and which is located on the same lot as the principal use (though it may be located in a separate structure), shall be a permitted accessory use without being separately listed in this Section.

Agricultural Uses

Stables (Private Use)
Temporary Accommodations for Employees/Customers/Visitors

Institutional and Governmental Uses

Emergency Ambulance Service
Post Office (Governmental)
Mailing Service (Private)

Helistop/Verti-stop
Clinic
Child Daycare (Private; 7 or more)
School (Vocational)

Telephone, Electric, Cable, and Fiber Optic Switching Station
Utility Distribution Lines
Water and Sewage Pumping Station (below Grade)
Water, Sewer, Electric, and Gas Meters
Electric Transformers
Private Streets/Alleys

Commercial Uses

Banks and Financial Institutions
Commons Uses (retail and personal service uses combined in one structure to serve the office facility)
Personal Services
Research and Development Facility for Computer Software
Hotel/Motel with Conferencing Facility
Laundry/Dry Cleaning (Drop/Pick)
Shoe Repair
Beauty Parlor/Barbershop
Quick Copy/Duplicating Services
Convenience Store
Drug Store
Stationery and/or Book Store
Art Gallery/Museums
Retail Stores - General (Excluding Second Hand Goods)
Restaurant/Cafe
Parking Structure
Cafeteria (Private)
Job Printing, Lithography, Printing or Blueprinting
Temporary Batching Plant

Amusement/Recreation

Athletic Fields (Private)
Athletic Courts (Private)
Heath/Spa Facilities (Private)
Greenhouse (Private)
Satellite Dish

Auto Services

Vehicle Maintenance (Private)

Wholesale Trade

Temporary Construction Office (limited to period of construction)
Temporary Construction Materials Storage (limited to period of construction)

SECTION 3 USES PERMITTED BY SPECIFIC USE PERMITS (SUP)

The following uses are permitted only after first obtaining a "Specific Use Permit" as set forth in the Unified Development Code.

Agricultural Uses

Stables (As a Business)

Institutional and Government Uses

Electrical Substation

Utility Shop and Storage

Water and Sewage Pumping Station (above grade)

Water Storage Tank and Pumping System (elevated or above grade)

Commercial

Medical Laboratory

R&D Laboratory

Wholesale Trade

Temporary Sales Office

ARTICLE III. DEVELOPMENT STANDARDS

SECTION 1 DENSITY AND SITE COVERAGE

Section 1.1 Floor Area Ratio

The maximum floor area ratio ("FAR") shall be 0.375:1. The transportation mitigation measures shall be placed in service prior to the issuance of a certificate of occupancy for the FAR as shown on illustration Figure 1.

Section 1.2 Lot Coverage

A minimum of twenty percent (20%) pervious area shall be required, excluding the 100 year flood plain, the interior of surface parking lots, and the Town Edge.

SECTION 1 ILLUSTRATIONS
FIGURE 1

FAR	IMPROVEMENTS TO BE IN SERVICE
0 to .25	<ol style="list-style-type: none">1. SH-114 at Precinct Line Road Reassign the westbound Service Road to provide one exclusive through-lane, one shared left-through-lane, and one exclusive left-turn lane.2. SH-114 at Kirkwood Boulevard Add traffic signalization to the interchange.3. Kirkwood Boulevard at Precinct Line Road<ol style="list-style-type: none">a. Add traffic signalization to the intersection.b. Construct a major site driveway with a two-lane approach opposite Kirkwood Boulevard to take advantage of the traffic signal.4. Other Major driveways on Precinct Line Road and Lake Turner Parkway may require future signalization and should be assessed as warranted by demand. Site access drives which are not at major intersections may require future signalizations and should be assessed as warranted by demand and be funded by the private sector.
.26 to .30	<ol style="list-style-type: none">1. SH-114 at Precinct Line Road Reassign the westbound Service Road to provide one exclusive through-lane, one shared left-through-lane, and one exclusive left-turn lane.

2. SH-114 at Kirkwood Boulevard

Add traffic signalization to the interchange.

3. Kirkwood Boulevard at Precinct Line Road

- a. Add traffic signalization to the intersection.
- b. Construct a major site driveway with a three-lane approach opposite Kirkwood Boulevard to take advantage of the traffic signal.

4. Other

Major driveways on Precinct Line Road and Lake Turner Parkway may require future signalization and should be assessed as warranted by demand. Site access drives which are not at major intersections may require future signalizations and should be assessed as warranted by demand and be funded by the private sector.

5. SH-114 at Trophy Club Drive

Construct an additional northbound through-lane on Trophy Club Drive at the westbound Service Road intersection to provide four-lane approaches, assign dual northbound left-turn lanes.

.31 to .35

1. SH-114 at Precinct Line Road

Reassign the westbound Service Road to provide one exclusive through-lane, one shared left-through-lane, and one exclusive left-turn lane.

2. SH-114 at Kirkwood Boulevard

Add traffic signalization to the interchange.

3. Kirkwood Boulevard at Precinct Line Road

- a. Add traffic signalization to the intersection.

- b. Construct a major site driveway with a three-lane approach opposite Kirkwood Boulevard to take advantage of the traffic signal.

-
- c. Construct additional left-turn lane on northbound approach of Precinct Line Road to provide a three-lane approach.

- d. Construct additional right-turn lane on northbound approach of Precinct Line Road at Kirkwood Boulevard.

4. Other

Major driveways on Precinct Line Road and Lake Turner Parkway may require future signalization and should be assessed as warranted by demand. Site access drives which are not at major intersections may require future signalizations and should be assessed as warranted by demand and be funded by the private sector.

5. SH-114 at Trophy Club Drive

Construct an additional northbound through-lane on Trophy Club Drive at the westbound Service Road intersection to provide four-lane approaches, assign dual northbound left-turn lanes.

.36 to .375

1. SH-114 at Precinct Line Road

Reassign the westbound Service Road to provide one exclusive through-lane, one shared left-through-lane, and one exclusive left-turn lane.

2. SH-114 at Kirkwood Boulevard

Add traffic signalization to the interchange.

3. Kirkwood Boulevard at Precinct Line Road

- a. Add traffic signalization to the intersection.
- b. Construct a major site driveway with a

three-lane approach opposite Kirkwood Boulevard to take advantage of the traffic signal.

- c. Construct additional left-turn lane at northbound approach of Precinct Line Road to provide a three-lane approach.
- d. Construct additional left-turn lane on westbound approach opposite Kirkwood Boulevard to provide a three-lane approach.

4. Other

Major driveways on Precinct Line Road and Lake Turner Parkway may require future signalization and should be assessed as warranted by demand. Site access drives which are not at major intersections may require future signalizations and should be assessed as warranted by demand and be funded by the private sector.

5. SH-114 at Trophy Club Drive

- a. Construct an additional northbound through-lane on Trophy Club Drive at the westbound Service Road intersection to provide four-lane approaches, assign dual northbound left-turn lanes.
- b. Construct additional southbound through-lane on Trophy Club Drive at the westbound Service Road intersection to provide four-lane approach.

SECTION 2 MINIMUM LOT SIZE

The minimum lot size shall be 200,000 square feet.

SECTION 3 MINIMUM LOT WIDTH

The minimum lot width shall be 200 feet.

SECTION 4 MAXIMUM BUILDING HEIGHT

Section 4.1 General

Except as provided below, and as limited by Section 10 of this Article III and the Concept Plan, the height limit for all structures shall be the lesser of five stories above grade or 75 feet. The height of all structures shall be measured from the average grade around the perimeter of the building except for that portion of the property adjacent to and abutting Dove Road which shall be limited to 735 feet above mean sea level (MSL) for a distance of 1500 feet north between Precinct Line Road and the western edge of the site as shown on the Concept Plan. In addition, building height shall be setback based on a 5:1 slope from the closest residential property line, and a 2:1 slope from adjacent public streets.

Section 4.2 Exceptions to Height Requirements

The height limits imposed above shall not apply to (a) chimneys and vent stacks, church spires, elevator shafts, penthouses, cupolas, entry features, skylights, or other architectural features that are not intended for occupancy or storage; (b) flag poles and similar devices; or (c) heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices provided such equipment, fixtures, and devices are screened from view with a solid wall that is architecturally consistent with the design of the building to which they are attached.

SECTION 5 MINIMUM PRIMARY BUILDING SIZE

The minimum primary building size shall be 3,000 square feet.

SECTION 6 SETBACKS

Section 6.1 Front Yard Setbacks

- A. The front yard setback shall be 100 feet.
- B. Required front yards must be open and unobstructed except for fences and signs allowed by this PD Ordinance; provided, however, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required front yard.

- C. The front yard setback is measured from the front lot line or from the required right-of-way, whichever creates the greater setback.
 - D. A front yard setback shall be provided from all boundaries of the PD area.
-

Section 6.2 Rear Yard Setbacks

- A. The rear yard setback shall be 100 feet.
- B. Required rear yards must be open and unobstructed except for fences and signs allowed by this PD Ordinance; provided, however, that ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required rear yard. A fireplace chimney may project up to two feet into the required rear yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required rear yard. Balconies may not project into the required rear yard.
- C. The rear yard setback is measured from the rear lot line.
- D. A person need not provide a full rear yard setback for an accessory structure if the structure does not exceed 15 feet in height. Where the rear yard is adjacent to an alley, a three-foot setback must be provided. Where the rear yard is not adjacent to an alley, no setback is required.

Section 6.3 Side Yard Setbacks

- A. The side yard setback shall be 75 feet.
- B. Required side yards must be open and unobstructed except for fences and signs allowed by this PD Ordinance- provided, however, that ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Cantilevered roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.
- C. The side yard setback is measured from the side lot line, except when a front yard is treated as a side yard, in which case the setback is measured from the lot line or the required right-of-way, whichever creates the greater setback.
- D. Air conditioning units may be located in the required side yard, but not nearer than one foot to the property line.
- E. A person need not provide a side yard setback for an accessory structure if the structure does not exceed 15 feet in height and is located in the rear 30 percent of the lot.

SECTION 7 FENCING

- A. The maximum height of any fence is seven feet, measured from the average grade level at the base of the fence.

- B. Chain link fences are prohibited unless they are completely screened from adjacent public roadways, from all public open space and from all golf courses.
- C. Only split rail, steel pipe, iron cable and turnbuckles, and living fences are allowed adjacent to public roadways, public open space and golf course uses unless otherwise approved by the Commission.
- D. Solid fences (defined as any fence with more than 40% of its wall surface constructed of solid masonry) not more than 3.5 feet high are allowed (i) within any front, side, or rear yard setbacks and within 10 feet of any public roadway or public open space and (ii) within any front, side, or rear yard setback if the fence complies with the following standards:
 - 1. The wall area of the fence is comprised of at least 40% open fencing, including such materials as iron, split rail, steel pipe, cable with turnbuckle or wood rail; and
 - 2. The remaining solid portion of the fence complies with the following standards:
 - a) section lengths between columns shall not exceed 30 feet;
 - b) if two 30-foot sections are contiguous, the next section must be curved or otherwise offset so as to achieve at least a five foot articulation;
 - c) no more than 60 feet of solid fencing will be permitted unless 20% of the length of the solid fence portion is screened by berms (with an average height of three feet) and plantings (with an average height of two feet);
 - d) the solid portion of the fence shall have an average distance of 10 feet from public roadways and public open space;
 - e) the fence shall be designed and constructed to avoid significant trees; and
 - f) the fence shall not obstruct sight distance requirements at roadway intersections.
- E. Retaining walls are not visible from public roadways, public open space and golf course are permitted.

SECTION 8 EXTERIOR WALLS AND BUILDING ARTICULATION

Section 8.1 Buildings of 100 square feet or more and over nine feet in height

~~Exterior walls for all primary buildings of 100 square feet or more and over nine feet in height as well as accessory buildings which are greater than 3,000 square feet in floor area (except greenhouses and barns), shall be constructed of at least eighty percent (80%) masonry construction (excluding windows, doors and screening of mechanicals) unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of non-masonry construction. Accent and trim materials may include architectural precast concrete commonly known as "cast stone", stucco/EIFS, ornamental metal panel, spandrel glass, tile and architectural fiberglass - GFRC, as well as those materials listed at Section 3.2 of Article V of the UDC.~~

Section 8.2 Exterior Materials for Accessory Buildings

Exterior materials for accessory buildings shall be chosen to either minimize the building's presence and subsequently blend into the surroundings or compliment the materials of the primary building. Except as provided in Section 8.1, acceptable materials include:

- A. Stucco / EIFS
- B. Painted Metal Panel
- C. Treated Timber
- D. Fiberglass Panel
- E. Precast Masonry Units
- F. Glass
- G. Brick

In addition, landscape screening, berms and strategic siting shall be employed where possible as methods to minimize the building's presence.

Section 8.3 Building Articulation

- A. Except as provided in paragraph B, below, buildings shall meet the articulation standards of the UDC.
- B. Alternatively, facade articulations may include the use of materials that vary and manipulate window fenestrations, varying the size of window openings through the use of one and two story design expressions and the application of surface materials. Facade articulations should include:
 - 1. Variation of building materials;
 - 2. Manipulation of the building massing;
 - 3. Color/texture;
 - 4. Architectural elements: columns, pilasters, cornices;

5. Fenestration: varying window openings/size; and
6. Architectural detailing of the surface material: corbeling, reveals, relief, profiles.

~~To utilize the alternative articulation standards of this paragraph B, elevation drawings shall be submitted to the Town Planner following schematic design. The Town Planner shall review the elevation for compliance with the intent of this Section. The Town Planner shall make a determination of compliance within 30 days from the date that drawings are submitted. If no determination is made within the 30 day period, the elevation shall be deemed to have been approved.~~

Section 8.4 Exceptions

Exceptions to the requirements of Sections 8.1, 8.2, and 8.3 of this Article may be permitted on a case by case basis by the Town Planner upon submission and approval of elevational drawings of the subject structure and material samples.

SECTION 9 LIGHTING STANDARDS

Section 9.1 Lighting Elements

The following lighting elements are allowed:

- A. Lighting to illuminate (1) building facades (both from above and below), (2) building entrances, (3) building loading and service areas, and (4) any other areas for security purposes.
- B. Lighting for all pedestrian areas including, but not limited to, courtyards, entryways, sidewalks, walkways, hike, bike and equestrian trails, and any areas that represent a hazard or include a change in elevation (such as ramps, curbs and curb cuts);
- C. Lighting for parking areas, access drives, and internal vehicular circulation ; and
- D. Lighting for all landscaped areas.

Section 9.2 Lighting Standards

- A. **Illumination.** Illumination shall not exceed 0.2 foot candles per square foot at any single family property line.
- B. **Glare.** Fixture design and orientation shall minimize glare as viewed from roadways. All direct down lighting shall be accomplished with shielded lights with total cutoff above 80 degrees. All fixtures located at a site perimeter shall be equipped with a shield to reduce spill light outside the site.
- C. **Luminaire Height.**
 1. Luminaries used for building security or to illuminate building facades, entrances, and loading and service areas may be installed (i) on the building facade but not above the building roof line; and (ii) anywhere on the lot with a maximum height of 25 feet, but not higher than the building roof line.
 2. Luminaries used to illuminate pedestrian areas shall have a maximum height of 12 feet, and no pedestrian walkways are allowed between upright fixtures and

a building.

3. Luminaries used to illuminate parking decks shall be a maximum height of 15 feet.

D. Prohibited Lighting. High pressure sodium light fixtures shall be prohibited sources of exterior lighting throughout the PD area.

SECTION 10 RESIDENTIAL PROXIMITY SLOPE

Section 10.1 Determination of Proximity Slope Height Restrictions

Except as provided in Section 10.2 below, structures shall not exceed: (i) the height of a line drawn at a slope of 5:1 from an angle originating from any property line or lot line zoned for single family use; and (ii) the height of a line drawn at a slope of 2:1 from an angle originating from any right-of-way line for a public roadway. If the grade of the ground rises or falls from the point of origin of the slope line, the maximum permitted height shall increase or decrease, respectively, by the vertical measurement of the difference in grade.

Section 10.2 Exceptions to Slope Requirement

The height limit imposed by Section 10.1 above shall not apply to any of the following uses (regardless of their location): electrical substation or utility distribution lines.

Section 10.3 Typical Illustration

ARTICLE IV. ROADWAY CONSTRUCTION STANDARDS

SECTION 1 STANDARDS

Section 1.1 Street.

The development may include roadways designed to Collector Streets, Commercial Street, Local Street and Alley standards, as well as private drives.

Section 1.2 Bridging of Floodplain and Waterway

Crossing the floodplain shall be allowed in the general locations shown on the Concept Plan subject to the normal Town review standards and procedures established in Article XIV Flood Plain and the Town's Engineering Standards.

ARTICLE V. PARKING AND LOADING STANDARDS

Parking and loading standards for each permitted use shall be those standards designated in the Unified Development Code for Office use unless modified by the following standards.

SECTION 1 PARKING SPACE STANDARDS

A maximum of 20% of the required parking spaces may be dimensioned for small cars.

SECTION 2 OFFICE USE PARKING REQUIREMENT

Parking for office uses shall be provided at a minimum ratio of one (1) space for each 300 square feet of floor area devoted to office uses.

SECTION 3 HANDICAPPED PARKING

Space and route design standards shall comply with all ADA and TADA design standards.

SECTION 4 OFF-STREET LOADING REQUIREMENTS

Gross Floor Area (Square Feet)	Minimum Required Loading Spaces				
	Office	Retail	Office/Ind.	Hotel	Restaurant
0 to 20,000	none	none	none	none	none
20,001 to 40,000	1	1	1	1	1
40,001 to 100,000	1	2	2	1	1
100,001 to 160,000	2	2	2	2	N/A
160,001 to 260,000	2	3	3	2	N/A
260,001 to 360,000	3	3	3	3	N/A
360,001 to 460,000	3	4	4	3	N/A
460,001 to 600,000	3	5	5	3	N/A
600,001 +	4	Study	Study	3	N/A

SECTION 5 LIGHTING OF PARKING AND LOADING AREAS

Lighting of parking and loading areas shall be done in accordance with the requirements of the UDC, as may be modified by Section 9 of Article III of this Ordinance.

ARTICLE VI. LANDSCAPE REQUIREMENTS

SECTION 1 PURPOSE AND APPLICABILITY

Section 1.1 Purpose

It is the intent of this Article to preserve and protect the unique natural beauty and environment of the Town; to preserve and enhance views from public roadways; to provide visual buffering and screening for service and loading areas and for parking areas; to enhance and beautify the freeway edges; to ensure that significant natural features of native trees, views and significant topography involving water bodies are preserved; to provide a general tree cover that will assist private properties in the development of energy conservation measures; and to provide for the health and comfort of the public by providing tree canopy for parking lot areas.

Section 1.2 Applicability

This Article applies to all new development within the PD.

SECTION 2 PROCEDURES

Section 2.1 Prior to Issuing a Building Permit

Prior to the issuance of any building permit, a tree survey and protection plan, a landscape plan, a grading plan and an irrigation plan must be submitted and approved as part of the PD Site Plan process. These plans may be combined on one or more drawings.

Section 2.2 Variations Approved on PD Site Plan

The Board may approve variations to requirements set out in this PD when approving a PD Site Plan in which such variations are clearly identified.

SECTION 3 LANDSCAPE DEVELOPMENT STANDARDS

Section 3.1 General - The Town's standards for roadway landscape zones and roadway median landscape development only apply to public roadways. These standards will not apply to private roadways constructed on site.

- A. Existing Trees and Ponds.** Existing trees and ponds shall be preserved and protected whenever possible and may be enhanced pursuant to the provisions of this PD Ordinance and the PD Concept Plan.
- B. Sight Distance Easements at Street and Driveway Intersections.** Landscaping must meet the requirements for sight distance easements as established in the UDC.
- C. Provision of Landscaping.** Requirements are divided into the following categories:
 - 1) town edge landscape zone (illustrated on Figure 1A and 1B);
 - 2) roadway landscape zone (illustrated on Figures 2A and 2B);
 - 3) roadway median landscape zone (illustrated on Figure 3);
 - 4) parking lot landscaping (illustrated on Figures 4A, 4B, 4C, 4D and 4E);
 - 5) screening of parking (illustrated on Figures 5A, 5B, 5C, and 5D);
 - 6) structured parking landscaping (illustrated on Figure 6);
 - 7) general site tree planting (illustrated on Figure 7); and

- 8) screening of loading and service areas (illustrated on Figures 8A, 8B, 8C and 8D); and
- 9) plant material sizes and tree pits (illustrated on Figures 9A and 9B).

D. Landscape Plan. The form of landscape plans shall conform generally to the sample landscape plan in the UDC.

Section 3.2 Town Edge Landscape Zones

A. Intent. It is the intent of this subsection to preserve and enhance the Town's highly visible edge in order to reinforce the rural and natural qualities of the community and to contribute to the health, safety and welfare of the community. This zone can facilitate positive vistas to prominent knolls and valleys while softening development with tree massings that will establish a unique rural environment for the Town.

B. Location of Town Edge Landscape Zones.

1. **State Highway 114** There shall be a landscape zone along S.H. 114. The landscape zone shall have an average width of 150 feet and a minimum width of 70 feet from the highway right-of-way, as shown on the Concept Plan.

C. Landscape Treatment of Town Edge Landscape Zones.

1. **Alternative Treatments.** The Town edge landscape zone may be treated in one of two ways, at the option of the owner, by an earth berm or forested edge as set out below.
2. **Earth Berm.**
 - a) **State Highway 114.** The earth berm may vary in width and height but shall have a maximum 5:1 slope from the property line to the ridge line and a maximum 3:1 slope from the highway right-of-way line to the ridge line. The berm shall be a minimum height of six (6) feet.
 - b) **Wildflowers.** Wildflowers may be planted along the berm.
 - c) **Trees.** Trees shall be planted along the earth berm in the following manner.
 - **Quantity:** There shall be a minimum of thirteen (13) trees per 10,000 square feet of the area measured from the ridge line of the berm to the edge of the landscape zone that is not adjacent to the highway right-of-way line.
 - **Size:** At least 60% of the trees shall be large trees, and the remainder shall be small trees.
3. **Forested Edge.**
 - a) As an alternative to creating an earth berm, a developer may elect to create a forested edge within the Town edge landscape zone, which includes a minimum of seventeen (17) trees per 10,000 square feet of the entire area of the Town edge landscape zone. At least 60% of the trees shall be large trees, and the remainder shall be small trees.

- b) Wildflowers may be planted within the zone.

Section 3.3 Roadway Landscape Zones

- A. Intent.** ~~It is the intent of Roadway Landscape Zones to preserve existing tree thickets and create newly planted tree groves in tight natural appearing clusters, which create a rural edge and definition of roadways in the Town.~~
- B. Application.** Roadway Landscape Zones occur on all public streets.
- C. Zone Width.** The width of the landscape zone is measured from the outside edge of the street pavement to the required building setback line on both sides of the street.
- D. Landscape Requirement.**
1. **Tree Density.** A minimum of six (6) trees are required per one hundred (100) linear feet of landscape zone on each side of the roadway, which may be planted anywhere within the Roadway Landscape Zone. Credit will be given for maintaining existing trees of equal or greater size which are listed in the Town's Approved Plant List.
 2. **Tree Size.** There shall be a minimum of sixty percent large trees with the remainder being small trees. Tree sizes and measurement shall conform to Subsection 3.10, Acceptable Landscape Materials.
 3. **Protected Trees.** Protected trees of 8 inch or greater caliper identified in Article IX Tree Preservation, that are to be removed within a roadway R.O.W., shall be replaced with trees from the Town's Approved Plant List. A sufficient number of trees shall be planted to equal, in caliper, the diameter of the protected tree(s) that are removed. The replacement trees shall be located first within the Roadway Zone. If there is not sufficient planting space within the Roadway Zone to meet the tree replacement requirements, then they may be planted within other portions of the lot, in the median (if present), or on other land or roadways in the subdivision or Township.

Section 3.4 Roadway Median Landscape Development

- A. Intent.** It is the Intent of this subsection to ensure that medians, resulting from roadway construction shall contribute to the rural character of the community through forestation.
- B. Application.** This standard applies to any medians that occur within roadways in the Town.
- C. Landscape Requirement.**
1. **Tree Density.** Medians may vary in width, and shall contain a minimum of thirteen (13) trees per 10,000 square foot of median area.
 2. **Tree Size.** There shall be a minimum of sixty percent large trees with the remainder being small trees. Tree sizes and measurement shall conform to Subsection 3.10 Acceptable Landscape Materials.

3. **Tree Placement.** Tree placement and arrangement shall be in tight clusters and groupings, tying median and street shoulders together to achieve a complete street corridor that is as natural and rural in appearance as possible.

Section 3.5 Parking Lot Landscaping

- A. **Intent.** It is the intent of this subsection to provide landscape development within parking lots that maintains and enhances the rural, natural qualities of the Town, while providing shade and breaking up large parking areas. Tree planting requirements also help reduce the impact of automobiles on the environment, help to reduce solar damage to automobiles, and provide visitors with a healthier and more comfortable environment.

B. Landscape Areas.

- ~~1. **Parking Lots.** Surface parking lots shall include a minimum of sixty (60)~~
square feet of landscaped area for each required off-street parking space. A maximum of 200 parking spaces is permitted in each defined parking lot. Parking located in parking structures is not included in the calculation of required landscape area.
2. **Parking Lot Edge.** A Parking Lot Edge shall surround each parking lot and shall be a minimum of ten (10) feet wide. The Parking Lot Edge may overlap any parking setback line. When separating two parking lots, the Parking Lot Edge along the outside perimeter of each parking lot shall be a minimum of twenty (20) feet wide and shall contain an average minimum three (3) foot high berm, as measured from the higher of the curb or paving elevation. If there is a three (3) foot or greater differential in the elevations of the edges of the parking lots being separated, then screening in the Parking Lot Edge shall be provided using one of the following options: (a) an average two (2) foot berm, as measured from the higher of the curb or paving elevation or (b) a two (2) foot high planting or hedge. Parking Lot Edges may facilitate the grading and terracing of parking lots on a site.
3. **Location of Required Landscape Area.** Required landscape area shall occur entirely within the parking lot and Parking Lot Edge.

C. Landscape Requirement.

1. **General.** Required landscape areas may take the form of "Parking Lot Edges", "Spot Islands" or "Linear Islands", depending on site design and the preservation of natural site features. All islands within parking lots shall occur in one of two general forms: Spot Islands or Linear Islands. All required landscape areas shall:
 - a) be planted with living plant materials;
 - b) allow for pedestrian walking surfaces across them to provide improved pedestrian circulation across the parking lots (except those Spot Islands described in C.4. below); and
 - c) have a minimum of one (1) tree located in each island.

Twenty-five percent (25%) of all Spot Islands shall include a row of small shrubs the length of the Spot Island (except those Spot Islands described in C.4(b) below) and twenty-five percent (25%) of all Spot Islands shall be planted with ground cover, resulting in fifty percent (50%) of all Spot Islands planted with either small shrubs or ground cover.

2. **Tree Density.** There shall be a minimum of one (1) tree per 2.5 parking spaces in all parking areas. These trees may be planted anywhere within the parking lot (including Spot Islands and Linear Islands) or within the Parking Lot Edge.
3. **Tree Size.** At least 60% of the trees shall be large trees, and the remainder shall be small trees.

4. **Spot Islands.** A Spot Island shall be located within a maximum fifteen (15) feet of each parking space (measured from the nearest curb line of the island to the nearest point on the edge of the parking space). Spot Islands shall be either (a) a minimum of six (6) feet wide by eighteen (18) feet long, (b) a minimum of five (5) feet wide by five (5) feet long (limited to 25% of the total number of spot islands in a 200 space parking cell) or (c) a minimum of nine (9) feet wide by eighteen (18) feet long. Spot Islands shall be measured from inside curb to inside curb. The location of Spot Islands shall recognize convenient pedestrian circulation routes and walks.
5. **Linear Islands.** Linear Islands shall not be less than five (5) feet in width and shall be designed as long and narrow planted strips, breaking larger lots into smaller linear parking cells. Linear Islands are appropriate on sites of steeper terrain, running parallel with existing topographic contours, to preserve existing trees and better integrate existing rural topography. Linear Islands shall be located within a maximum fifteen (15) feet of each parking space (measured from the nearest curb line of the island to the nearest point on the edge of the parking space).
6. **Existing Trees and Natural Features.** Notwithstanding the provisions set forth in subsections 3.3(C)(4) and 3.3(C)(5) above, the location of all landscaped islands should be adjusted to accommodate existing trees or other natural features, provided that the total landscape area requirements are met.

Section 3.6 Structured Parking Landscaping

All structured parking facilities shall be bordered by a 25' landscaped zone that will employ a combination of naturally formed berms with a range in height of plant material which is scaled to the vertical dimension of the structure. An average height of landscaping treatment of 10'-0" shall be maintained to the lowest level of exposed facade.

Section 3.7 Screening of Surface Parking

A. General.

It is the intent of this subsection to screen all parking areas from public roadways and from publicly dedicated open space. The screen shall be a minimum of thirty-six (36) inches in height and shall be achieved through one of the following methods:

1. A berm; or
2. A planting screen; or
3. A combination of the above; or
4. Otherwise as shown on an approved PD Site Plan.

B. Parking Lot Edge.

Screening shall generally be placed within the parking lot edge.

Section 3.8 General Site Tree Planting

A. Intent.

It is the intent of this subsection to plant trees to improve energy conservation and

comfort levels, as well as to enhance the rural character of the Town. Tree groupings located in close proximity to buildings on the south and southwest sides will reduce sun exposure, glare and heat build-up, particularly during the warm summer months. Conversely, chilling winter winds from the north and northwest can be buffered and re-directed with proper tree plantings. ~~Early spring and summer breezes should be re-directed toward external public spaces to enhance the comfort and enjoyment of these protected areas.~~

B. Method to Determine Tree Requirement.

1. **Land Area.** General site tree density is derived from the amount of permeable green space on the site (excluding Town edge landscape zones, roadway landscape zones, parking lot Spot Islands and Linear Islands, parking lot edges and screening for loading and service areas). Permeable green space is defined as planted or grassed areas, as opposed to impervious surfaces such as building or parking areas, plazas and walkways.
2. **Tree Requirement.** A total minimum of twenty-five (25) large trees shall remain or be planted per acre of the site's permeable green space (along with native plant species). This quantity of trees is in addition to trees required in parking areas, the Town edge landscape zone, roadway landscape zones, roadway medians and in screening of loading and service areas.

- C. Tree Size.** All trees shall be large trees (however, two ornamental trees may be substituted for one large tree).

Section 3.9 Screening of Loading and Service Areas

- A. Intent.** it is the intent of this subsection to screen service and loading areas from residential areas and from publicly dedicated open space and public roadways. It is also the intent of this subsection to screen dumpsters from view.

B. Screening of Loading and Service Areas.

1. All off-street service and loading areas which abut a residential area or publicly dedicated open space or public roadways must be screened from view with a landscape reserve along such service or loading area. Screening within the landscape reserve may be accomplished through one of the following methods (at the option of the owner):
 - a) A wall plus a minimum of one large tree planted per each thirty (30) linear feet of landscape reserve; or
 - b) Large evergreen shrubs with an initial height that will create a solid planting within two (2) years plus a minimum of one large tree planted per each thirty (30) linear feet of landscape reserve; or
 - c) Evergreen trees planted to create a solid planting within two (2) years at a minimum height of eight (8) feet. Trees shall be a species of Eldarica Pine, Savannah Holly, Leyland Cypress or [other species]; or
 - d) A berm with evergreen shrubs planted to create solid planting within two (2) years plus a minimum of one large tree for each thirty (30) linear feet of the berm. The minimum height of the berm shall be three (3) feet, measured from the highest existing elevation of the landscape reserve. Berm side-slopes shall not exceed a 3:1 slope (to allow safe mowing and maintenance of the slope). Evergreen shrubs shall be

planted on the berm for an extra five (5) feet minimum screen height. Furthermore, a minimum of one large tree shall be planted for each thirty (30) linear feet of the berm.

C. Screening of Dumpsters.

1. **Placement.** Dumpsters shall be located at the side or rear of the property outside of the required building setback areas.
2. **Screening.** Dumpsters shall be screened on three sides, using one of the following methods (at the option of the owner):
 - a) A masonry wall enclosure (compatible with adjacent architecture) of a height that is a minimum of one foot above the top of the dumpster; or
 - b) A planting enclosure of large evergreen shrubs planted a minimum of four (4) feet apart that shall create a solid screen to a minimum height of seven (7) feet within two (2) years; or
 - c) A combination of the above; or
 - d) Otherwise as shown on an approved PD Site Plan.

Section 3.10 Acceptable Landscape Materials

- A. **No Artificial Plants.** No artificial plant materials may be used to satisfy the requirements of this PD.
- B. **Plants Meeting Landscape Requirements.** Plant materials used to meet the landscape requirements of this PD Ordinance must comply with the following minimum size standards at the time of installation (acceptable landscape materials are illustrated at Figure 8).
 1. **Large Trees.** Large trees must have a minimum caliper of three (3) inches, and a minimum height of ten (10) feet.
 2. **Small Trees.** Small trees must have a minimum caliper of two (2) inches and a minimum height of eight (8) feet.
 3. **Ornamental Trees.** Ornamental trees must have a minimum height of eight (8) feet.
 4. **Large Evergreen Shrub.** A large evergreen shrub must have a minimum height of three (3) feet.
 5. **Small Shrub.** Small shrubs must be a minimum of a three (3) gallon container in size.
 6. **Vines.** Vines must be a minimum of a one (1) gallon container in size.
 7. **Ground Cover.** Ground cover must be a minimum of a four (4) inch pot container in size.
 8. **Grass.** Solid sod, Hydro-Mulch or seeding may be used.
- C. **Height of Plant Material.** Material height is measured from the top of the root ball

- C. **Height of Plant Material.** Material height is measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.
 - D. **Plant Species.** In satisfying the landscaping requirements of this PD Ordinance, the use of high-quality, hardy and drought-tolerant plant materials which are listed in the Town's approved plant list is required.
-

SECTION 4 IRRIGATION REQUIREMENTS

Section 4.1 General

The owner shall be responsible for the health and vitality of plant material through irrigation, except for natural and undisturbed areas, of all landscaped areas and plant materials, and shall:

- A. Provide a moisture level in an amount and frequency adequate to sustain growth of the plant materials on a permanent basis.
- B. Ensure that such plant materials are in place and operational at the time of landscape inspection at least nine months after the issuance of the Certificate of Occupancy.
- C. Ensure that such plant materials are maintained and kept operational at all times to provide for efficient water distribution.

Section 4.2 Irrigation Methods

- A. **Landscaped Areas.** One of the following irrigation methods shall be used to ensure adequate watering of plant material in landscaped areas (at the option of the owner):
 - 1. **Conventional System.** An automatic or manual underground irrigation system (which may be a conventional spray or bubbler type heads).
 - 2. **Drip or Leaky-Pipe System.** An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or leaky pipe system.
 - 3. **Temporary and Above Ground Watering.** Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses and wildflowers, may use a temporary and above ground system, and the owner shall be required to provide irrigation in such areas for the first two growing seasons only.
- B. **Natural and Undisturbed Areas.** No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

SECTION 5 LANDSCAPE COMPLETION REQUIREMENTS

Section 5.1 Landscaping Required Prior to Certificate of Occupancy

Except as otherwise provided, all landscaping must be completed in accordance with an approved Landscape Plan prior to after the issuance of a Certificate of Occupancy.

Section 5.2 Performance Bond

Notwithstanding Section 5.1 above, the property owner may provide the Town with a performance bond or other security described in Article VII, Section 7, approved by the

Town that ensures that the landscaping will be completed within 9 months from the date of the issuance of the Certificate of Occupancy. The bond shall be for an amount that would pay for the cost of completing the approved Landscape Plan if the property owner were to fail to comply within the 9 month period.

SECTION 6 LANDSCAPE MAINTENANCE REQUIREMENTS

Section 6.1 Owner Responsibility

Property owners shall be responsible for maintaining all landscaping on their property, including the area between the property line and the curb line of any public street. Specifically, property owners will be responsible for:

- A. The regular maintenance of all required landscape areas and plant materials in a vigorous and healthy condition, free from weeds and litter. This maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching and other needed maintenance, in accordance with generally accepted horticultural practice;
- B. The regular maintenance, repair or replacement of landscape structures (walls, fences, etc.) to a structurally sound condition, and
- C. The regular maintenance, repair or replacement of any screening or buffering required.

Section 6.2 Enforcement

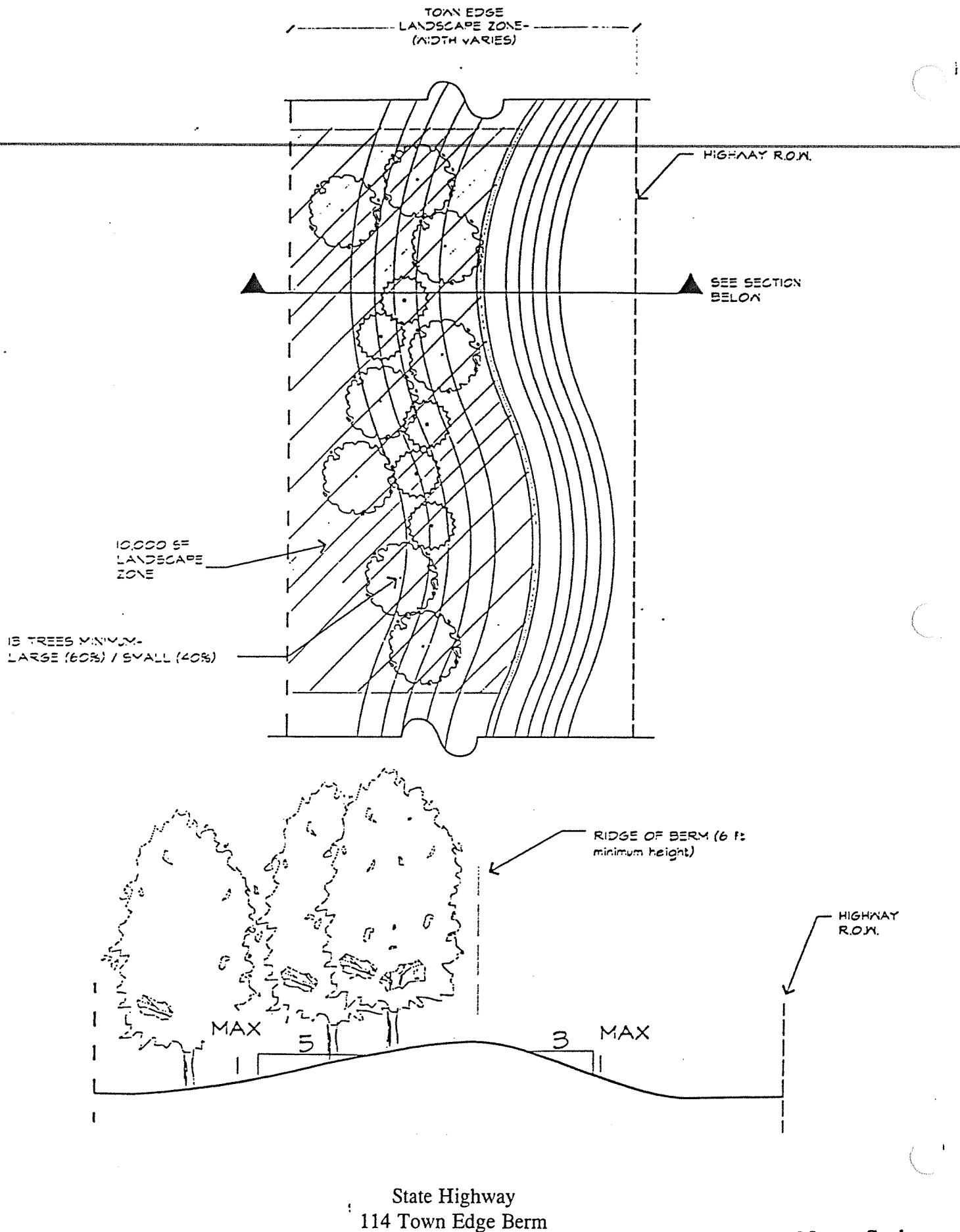
Failure to regularly maintain in accordance with this PD will constitute a violation of this PD and will be subject to enforcement in accordance with the UDC.

SECTION 7 ILLUSTRATIONS

- | | | |
|-----------|----|--|
| Figure 1: | A. | Town Edge Landscape Zone - six foot earth berm |
| | B. | Town Edge Landscape Zone - forested edge |
-
- | | | |
|-----------|----|---|
| Figure 2: | A. | Roadway Landscape Zone - zone width |
| | B. | Roadway Landscape Zone - tree planting requirements |
- | | | |
|-----------|--|-------------------------------|
| Figure 3: | | Roadway Median Landscape Zone |
|-----------|--|-------------------------------|
- | | | |
|-----------|----|--|
| Figure 4: | A. | Parking Lot Landscaping - alternative 1 |
| | B. | Parking Lot Landscaping - alternative 2 |
| | C. | Spot Islands (6' x 18' and 9' x 18') - minimum standards |
| | D. | Spot Islands (5' x 5') - minimum standards |
| | E. | Linear Islands - minimum standards |
- | | | |
|-----------|----|--|
| Figure 5: | A. | Off-Street Parking Screening - planting |
| | B. | Off-Street Parking Screening - wall fence |
| | C. | Off-Street Parking Screening - berm |
| | D. | Off-Street Parking Screening - rail fence with vines |
- | | | |
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| Figure 6: | | Structured Parking |
|-----------|--|--------------------|
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|-----------|--|----------------------------|
| Figure 7: | | General Site Tree Planting |
|-----------|--|----------------------------|
- | | | |
|-----------|----|--|
| Figure 8: | A. | Off-Street Loading - pairing of docks |
| | B. | Off-Street Loading - buffer reserves for docks |
| | C. | Off-Street Loading - screening of docks |
| | D. | Off-Street Loading - screening of dumpsters |
- | | | |
|-----------|----|----------------------|
| Figure 9: | A. | Plant Material Sizes |
| | B. | Tree Pits |

Figure 1A

Town Edge Landscape Zone - six foot earth berm

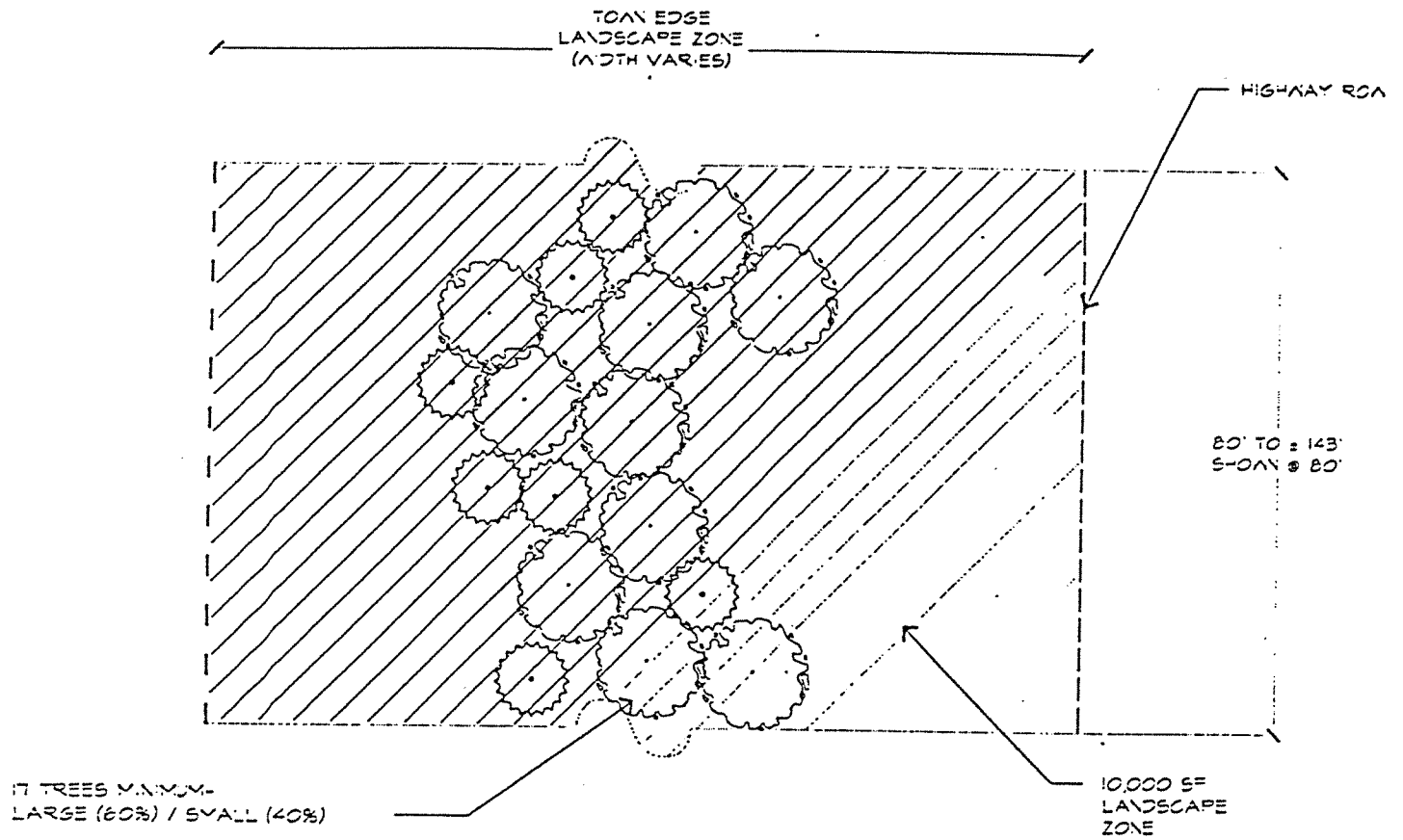


State Highway
114 Town Edge Berm

Not to Scale

Figure 1B

Town Edge Landscape Zone - forested edge



State Highway
114 Forested Edge

Not to Scale

Figure 2A

Roadway Landscape Zone - zone width

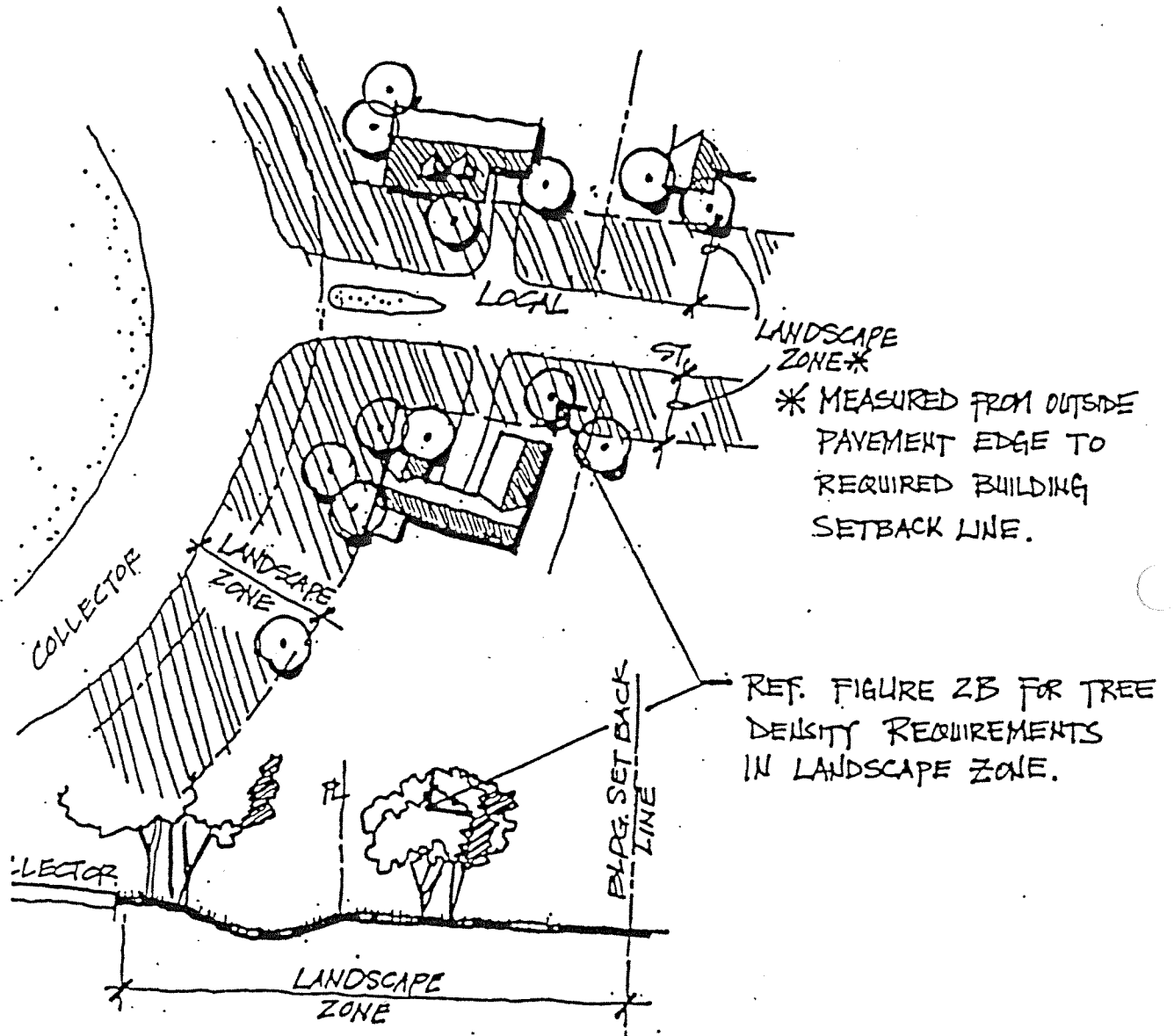
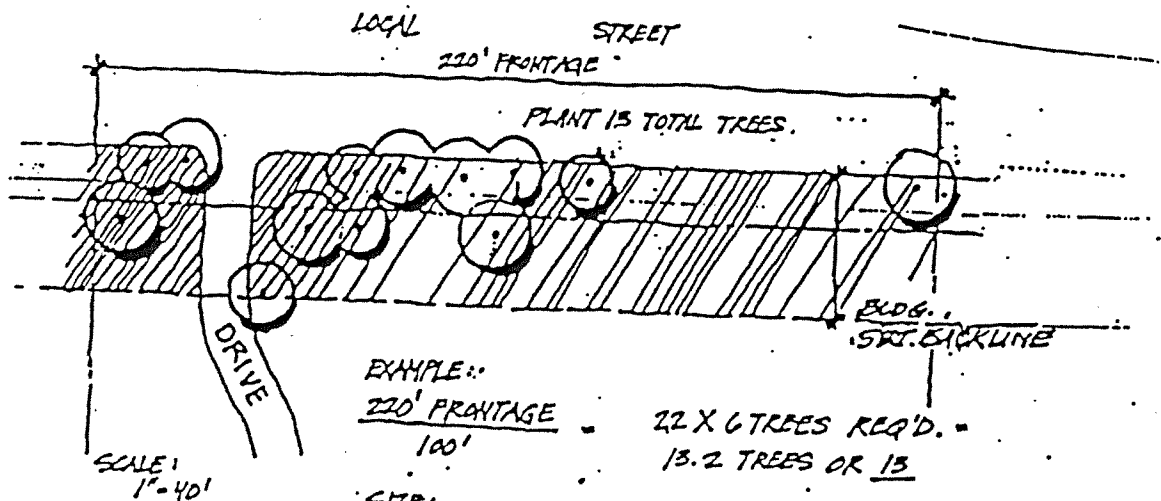
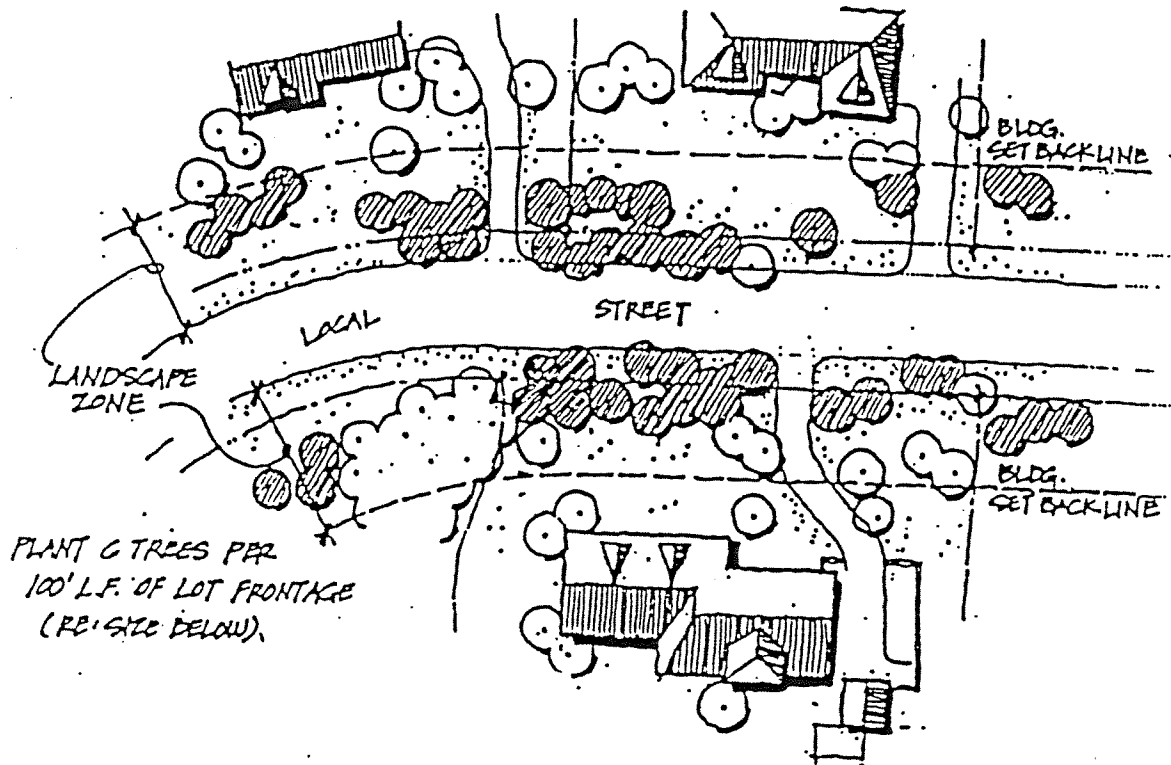


Figure 2B

Roadway Landscape Zone - tree planting requirements



EXAMPLE:

220' FRONTAGE
100'

22 X 6 TREES REQ'D. =
13.2 TREES OR 13

SIZE:

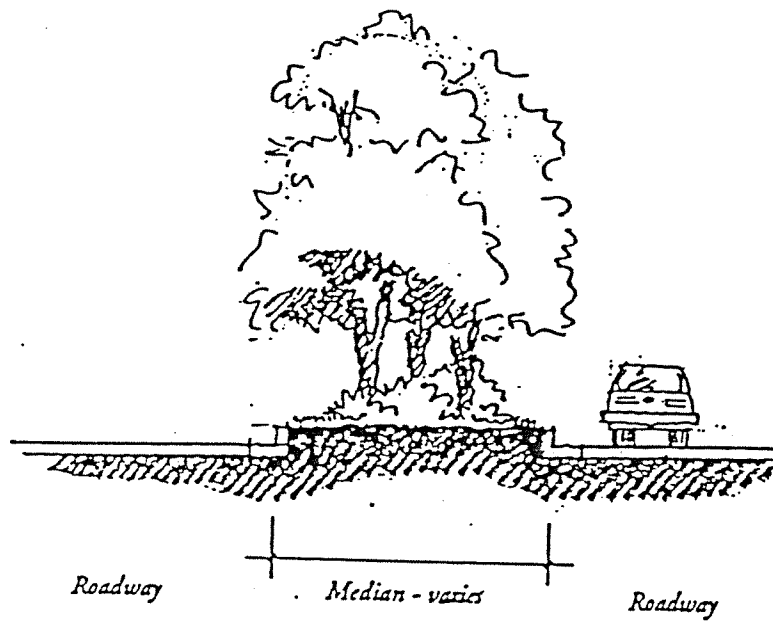
60% - LARGE TREES 13 X 60% = 7.8 OR 8 LARGE TREES

40% - SMALL TREES 13 X 40% = 5.2 OR 5 SMALL TREES

13 TREES TOTAL

Figure 3

Roadway Median Landscaping

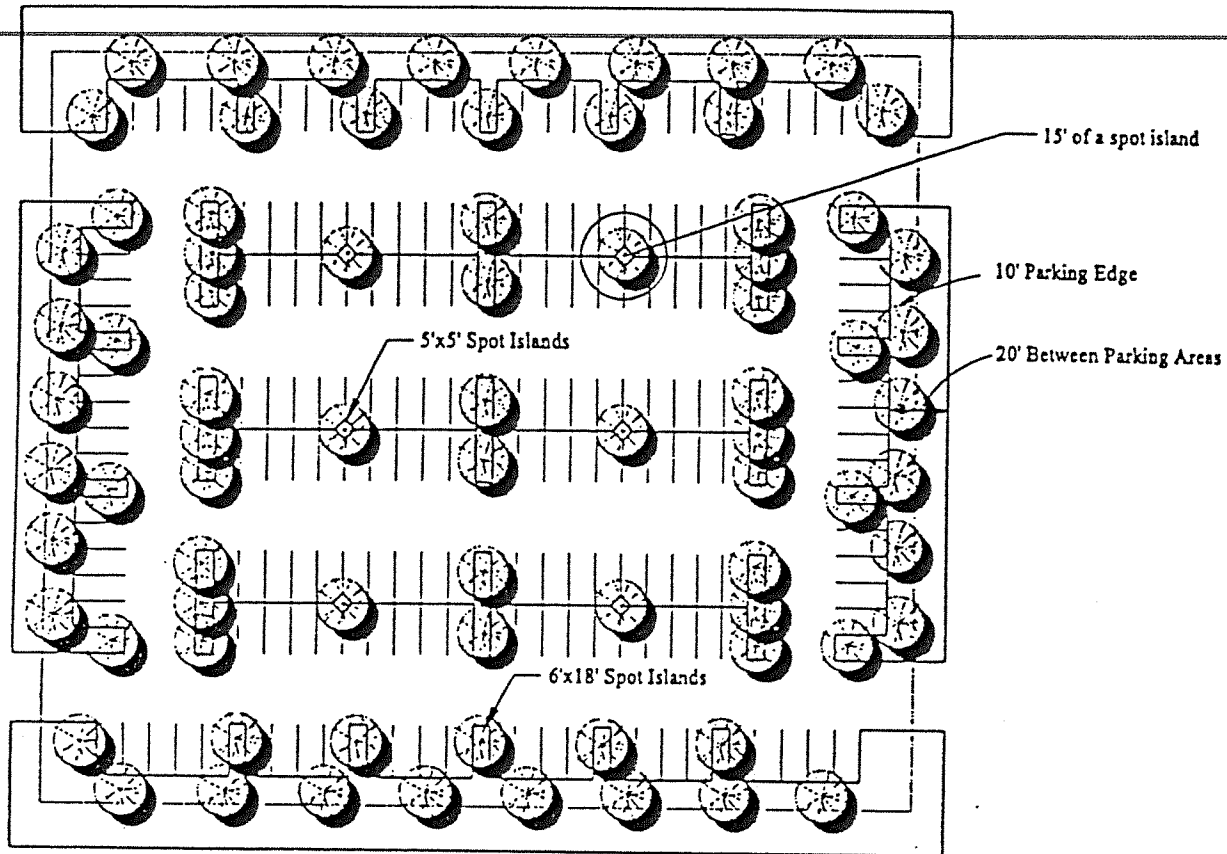


Median Requirements

- 13 trees per 10,000 S. F. of median area
- 60% trees minimum 3" caliper/10 foot minimum height
- 40% trees minimum 2" caliper/8 foot minimum height

Figure 4A

Parking Lot Landscape - Alternative 1



200 Parking Spaces with 1 tree required per
2.5 spaces = 80 Trees
60 S.F. of landscape area per required off-street space =
12,000 S.F. of landscape area

Total Parking Area: 78,162 S.F.

Pavement: 63,733 S.F.

Landscape Area: 14,429 S.F.

Spot Islands:

Type A (6' x 18') : 23

Type B (5' x 5') : 6 (21% of Total)

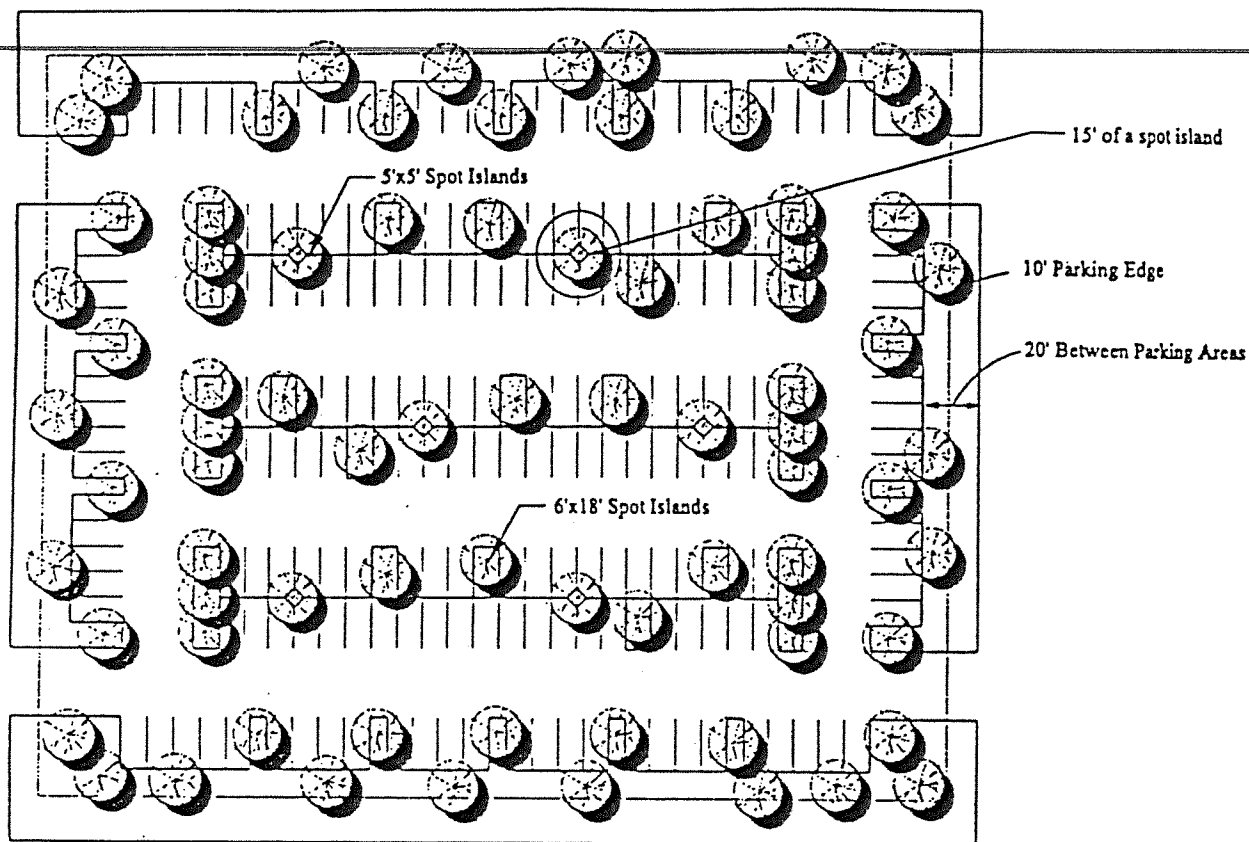
Total : 29

Landscape Area Coverage: 19%

Figure 4B

Parking Lot Landscape -

Alternative 2



200 Parking Spaces with 1 tree required per
2.5 spaces = 80 Trees

60 S.F. of landscape area per required off-street space =
12,000 S.F. of landscape area

Total Parking Area: 82,880 S.F.

Pavement: 65,491 S.F.

Landscape Area: 17,389 S.F.

Spot Islands:

Type A (9' x 18') : 18

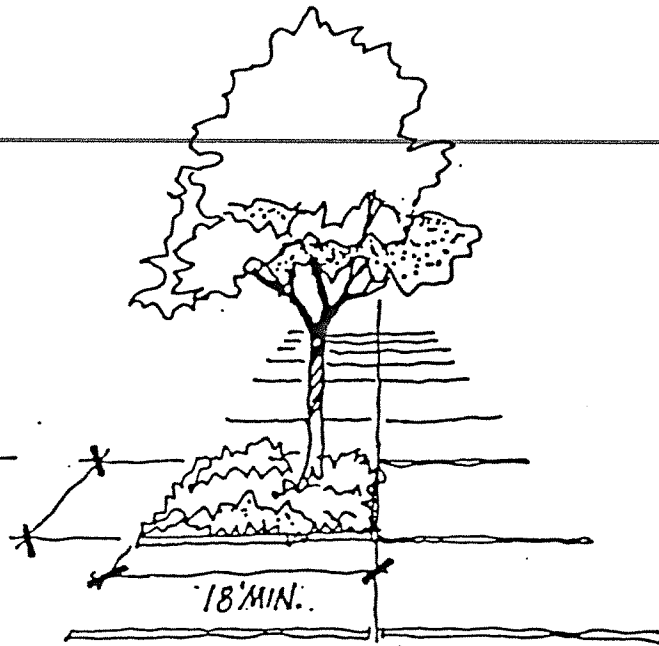
Type B (6' x 18') : 14

Type C (5' x 5') : 6 (21% of Total)

Total : 38

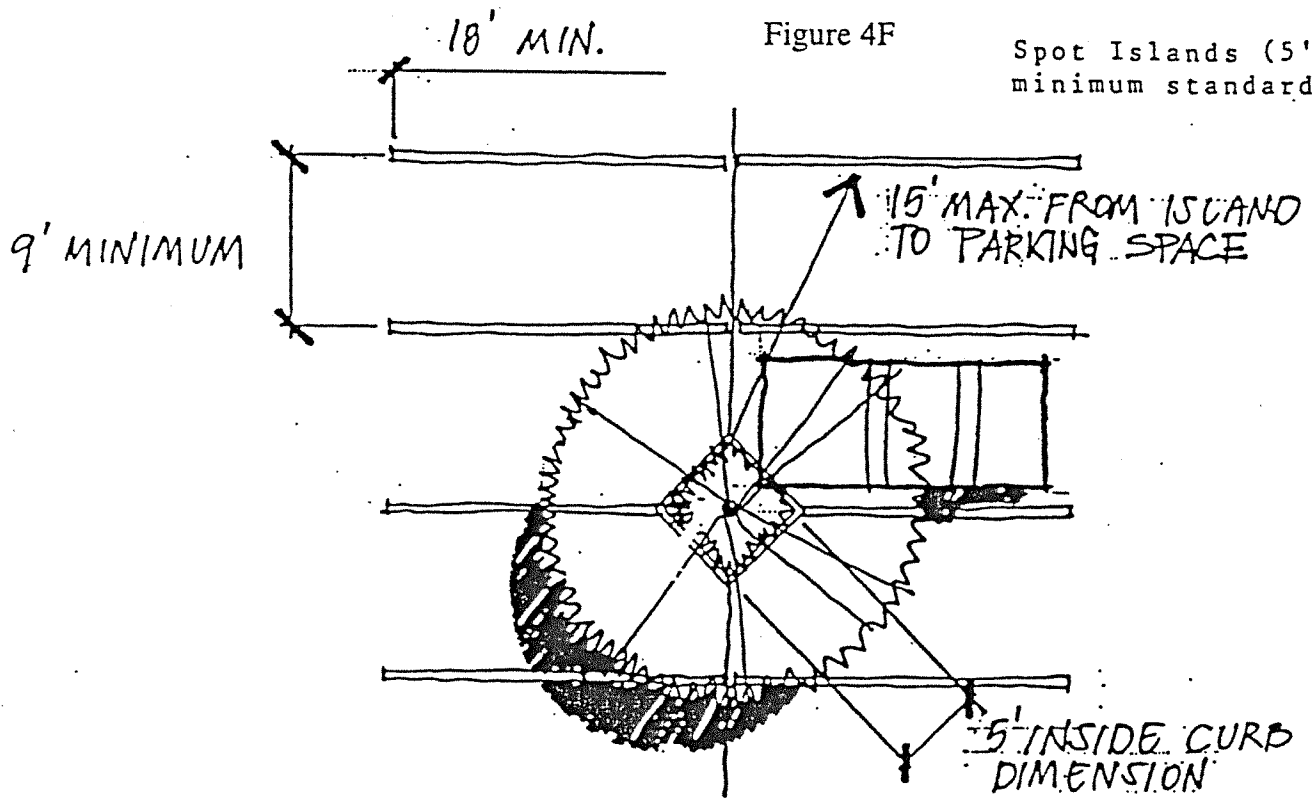
Landscape Area Coverage: 21%

Spot Islands -
(6' x 18' and 9' x 10')
- minimum standards



TYPE 'A' & 'C' SPOT ISLANDS

Spot Islands (5'x5'`
minimum standards



TYPE 'B' SPOT ISLAND

Figure 4D
Linear Islands - minimum standards

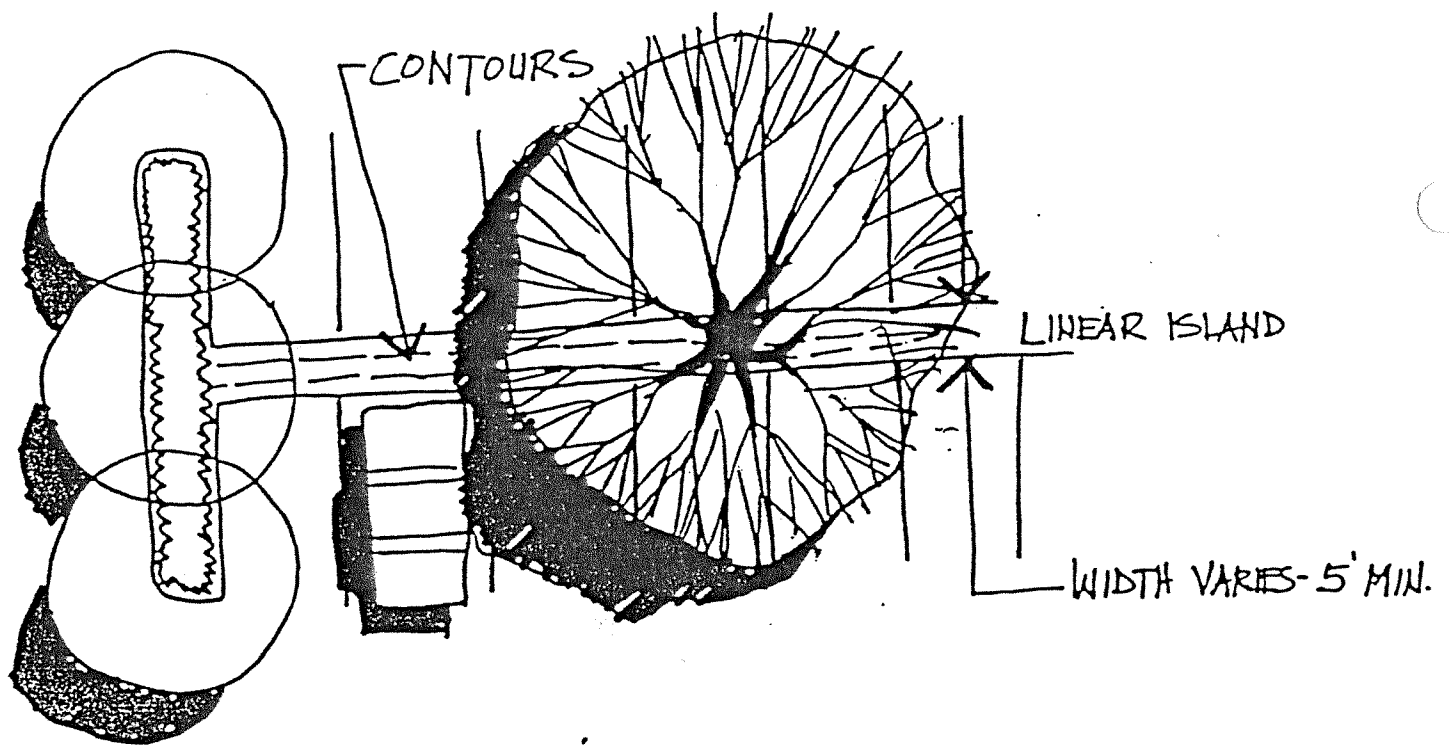


Figure 5A

PLANTING

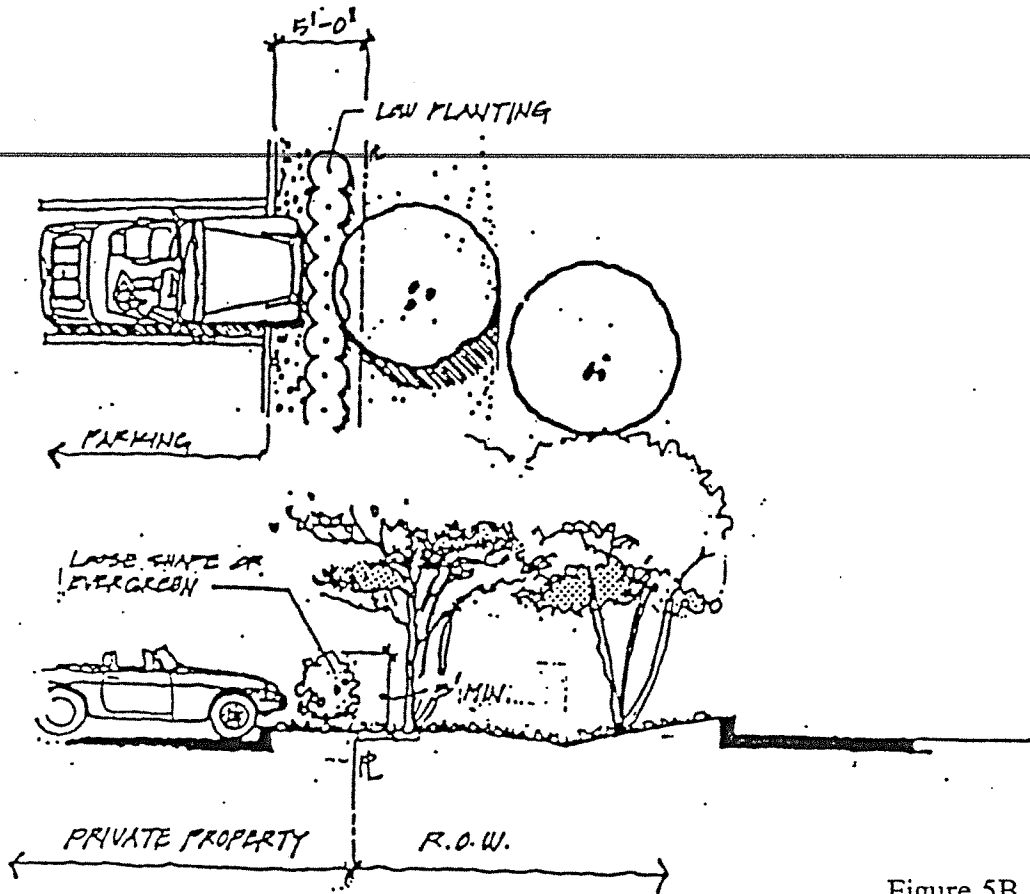


Figure 5B

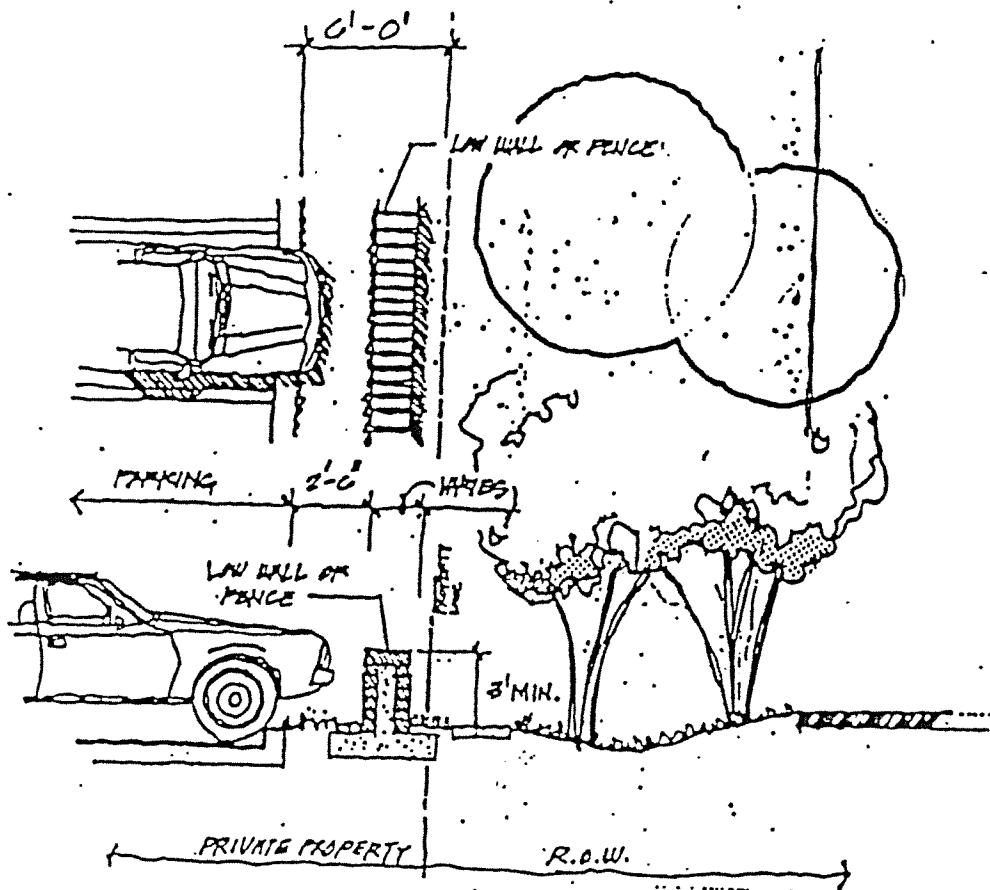
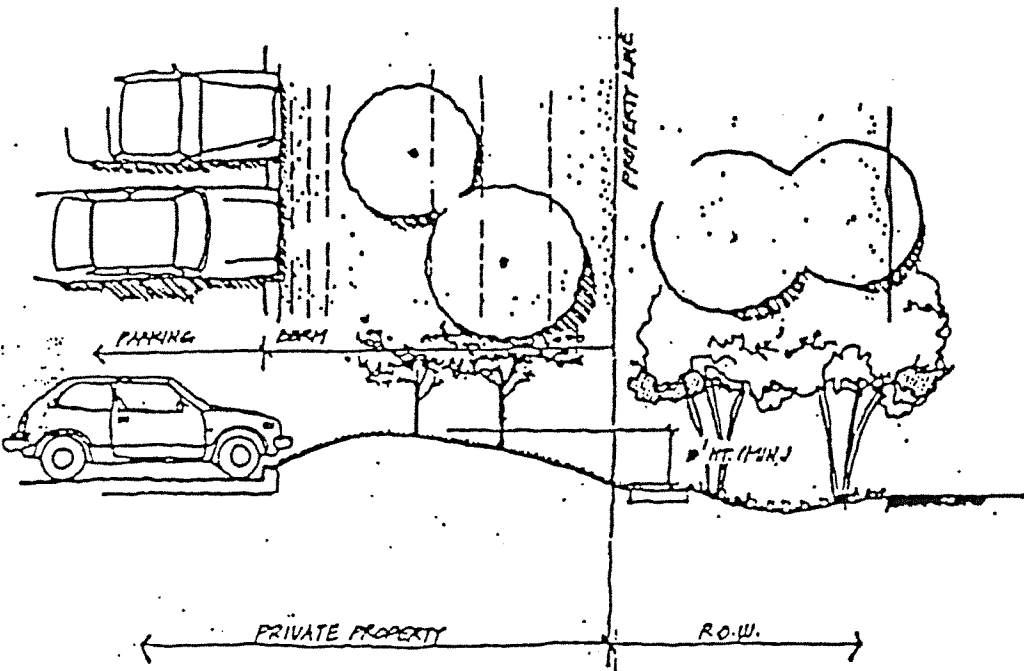


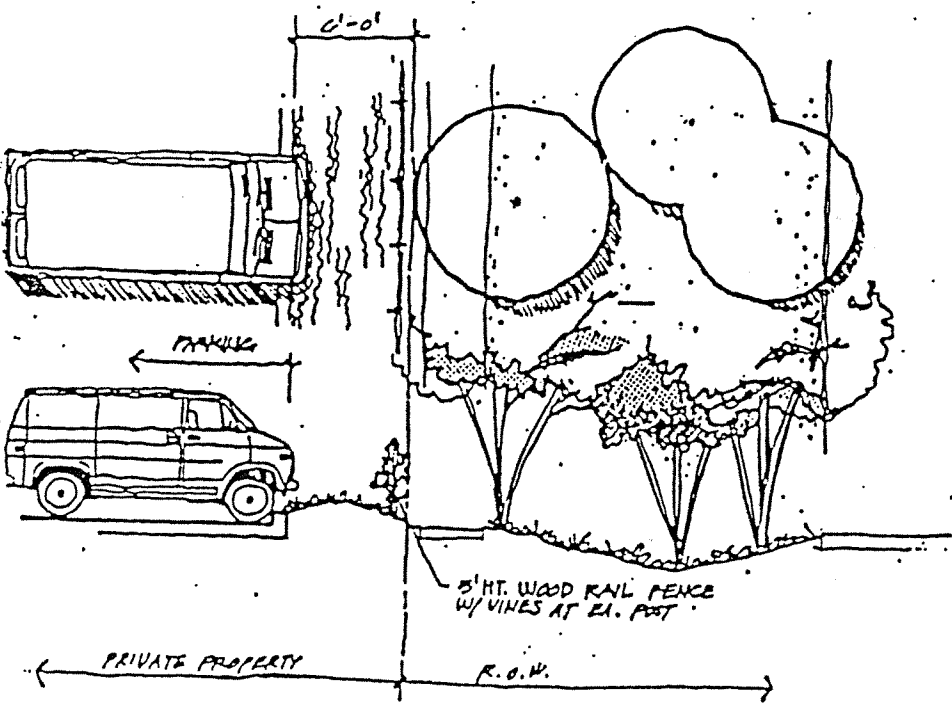
Figure 5C

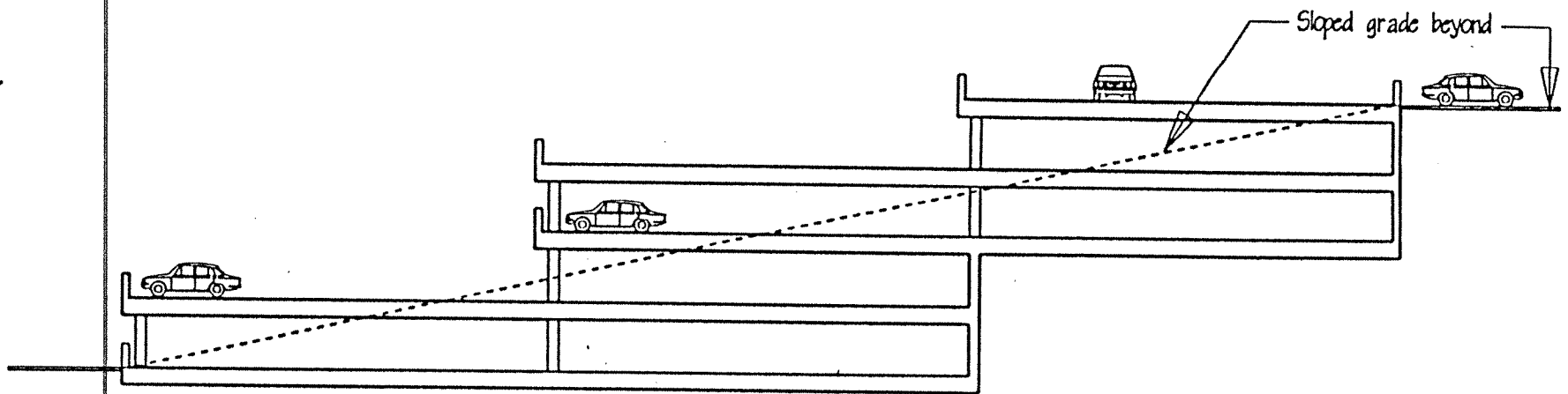
BERM



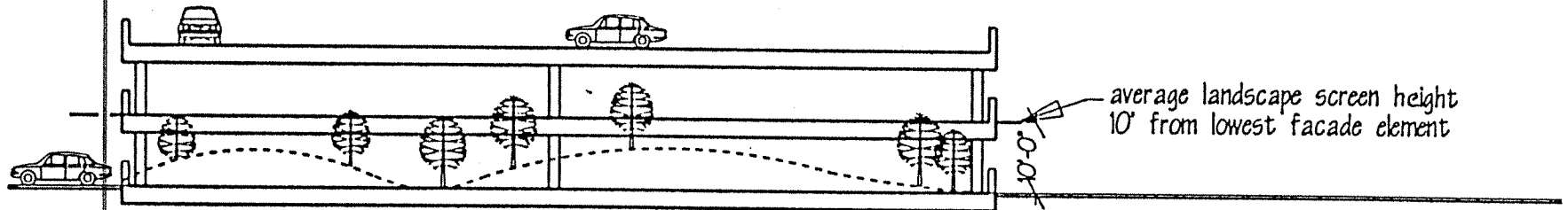
RAIL FENCE WITH VINES

Figure 5D





Parking Deck: (5) levels engaging a slope



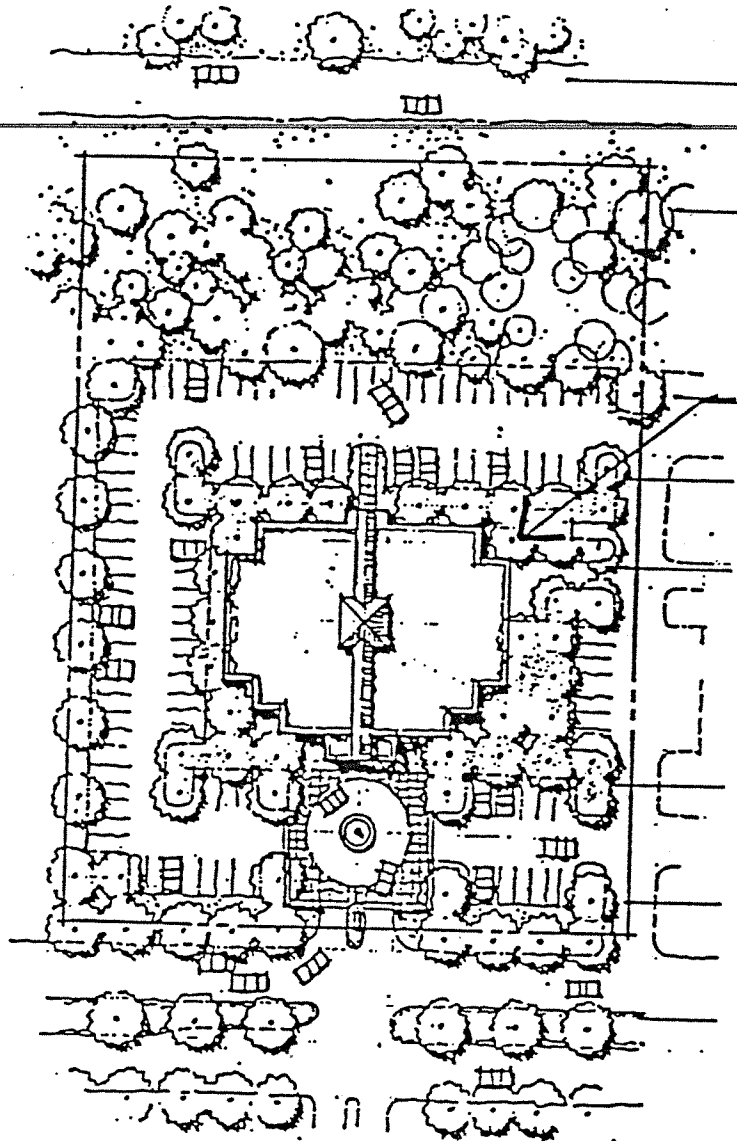
Parking Deck: (3) levels

Figure 6

Typical Structured Parking

Figure 7

General Site Tree Planting



GENERAL SITE TREE PLANTING
MIN. 25 TREES/ACRE
PERMEABLE GREEN SPACE
EXCLUDES REQUIREMENT
FOR: TOWN EDGE ROADWAY
LANDSCAPE ZONES,
LOADING/DUMPSTER
SCREENING



PAIRING OF LOADING DOCK AREAS
WILL MINIMIZE SCREEKING WALLS

Figure 8B

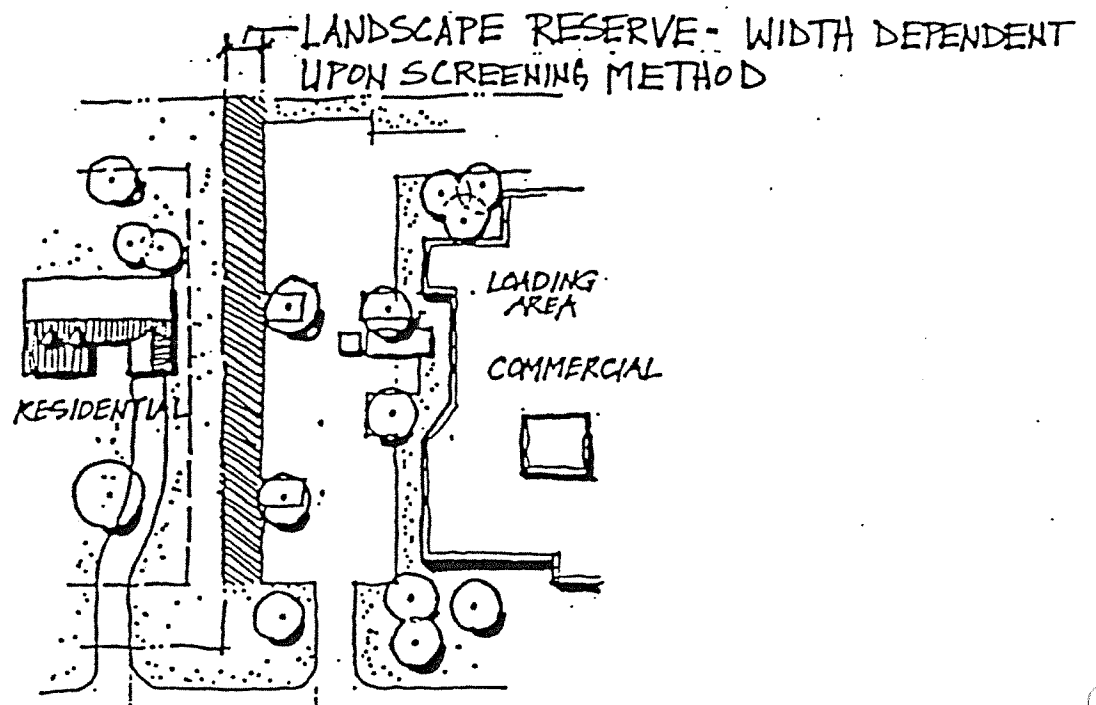
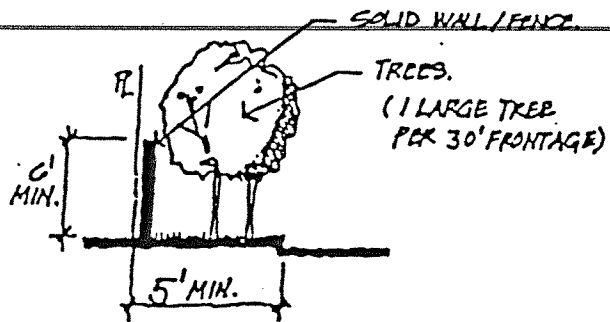
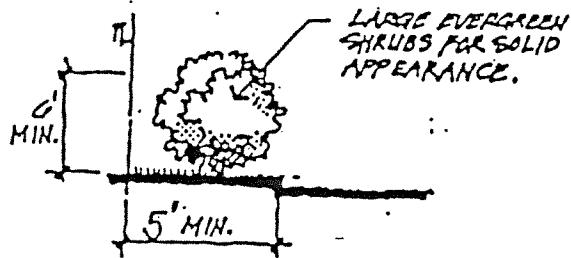


Figure 8C

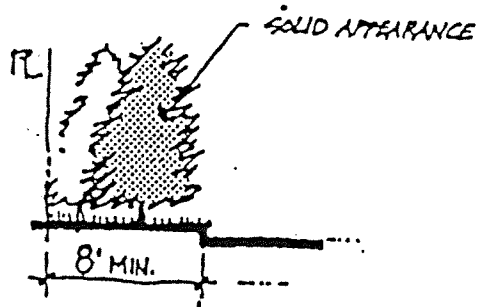
METHODS OF SCREENING OFF-STREET LOADING DOCKS



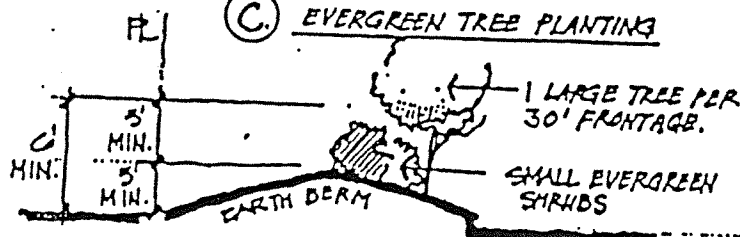
(A) WALL/FENCE WITH TREE PLANTING



(B) EVERGREEN SHRUB PLANTING



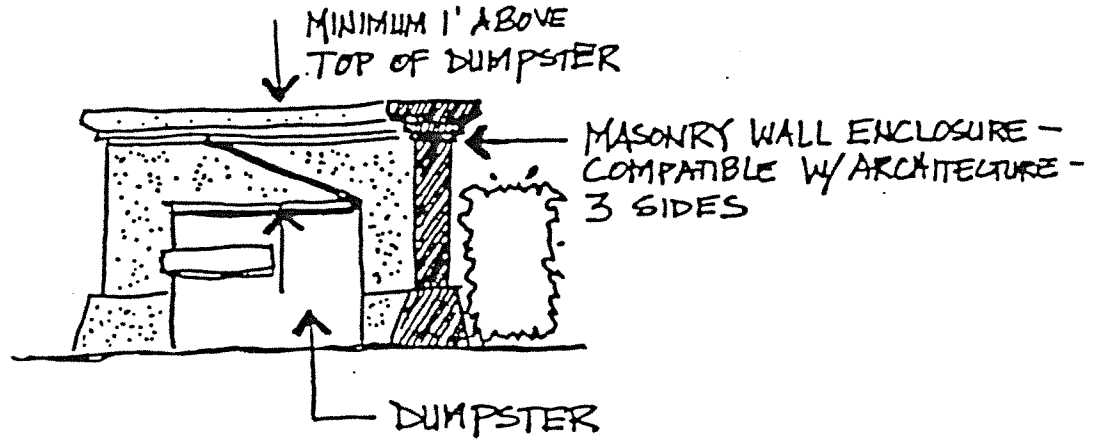
(C) EVERGREEN TREE PLANTING



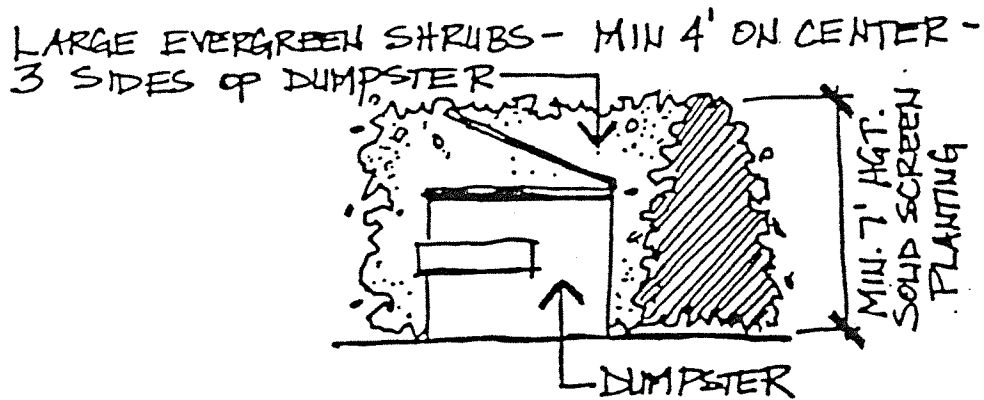
(D) BERM/EVERGREEN PLANTING

Figure 8D

Off-Street Loading - screening of dumpsters



① SECTION- MASONRY WALL
ENCLOSURE

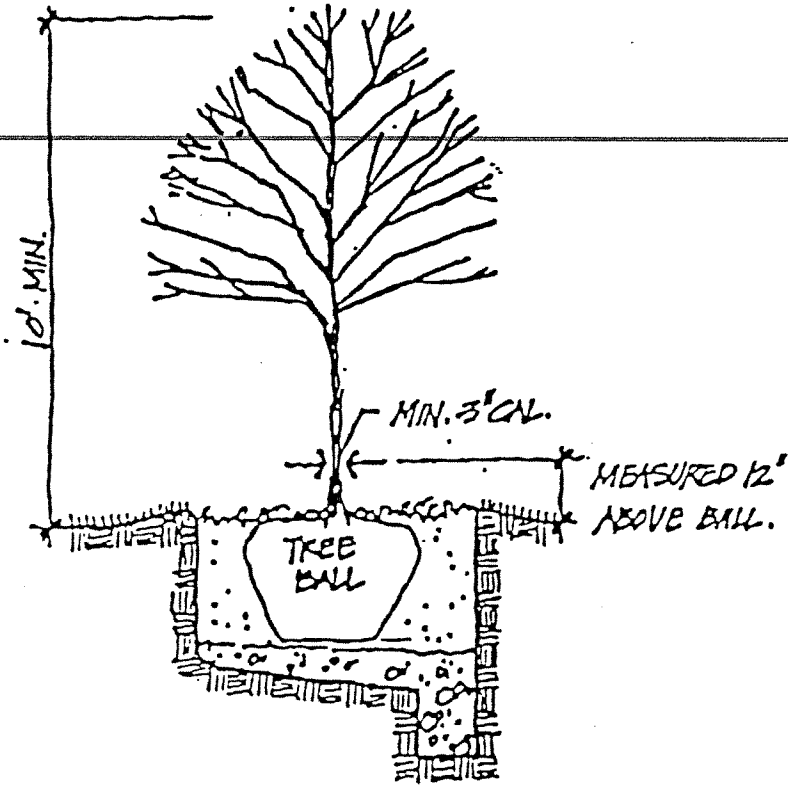


② SECTION EVERGREEN SHRUB
ENCLOSURE

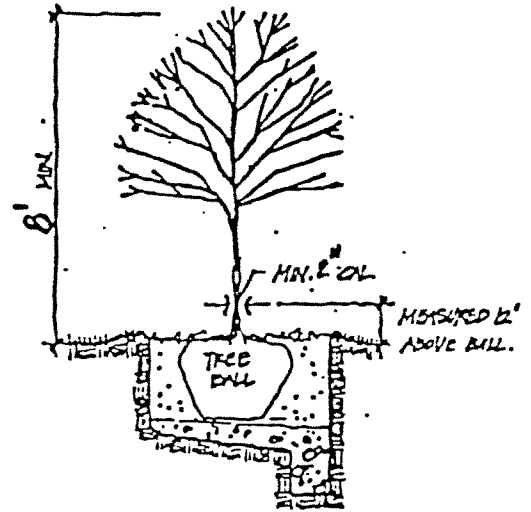
Figure 9A

Page 1 of 2

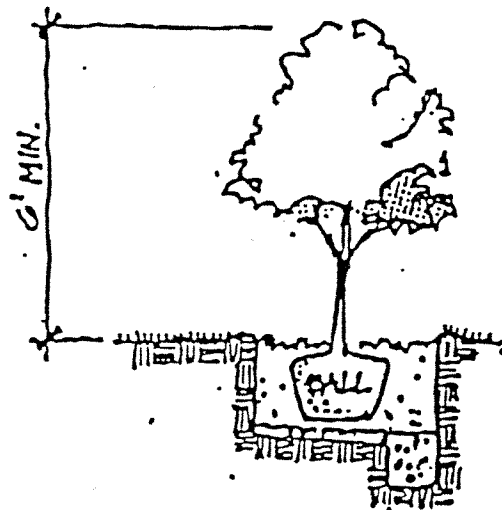
Plant Material Sizes



LARGE TREES.



SMALL TREES.

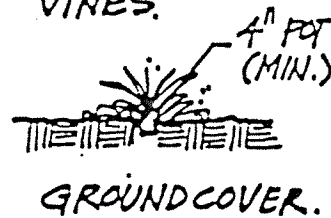
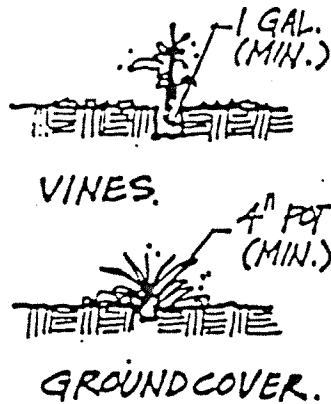
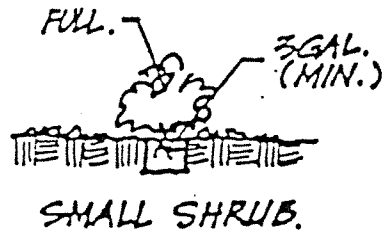
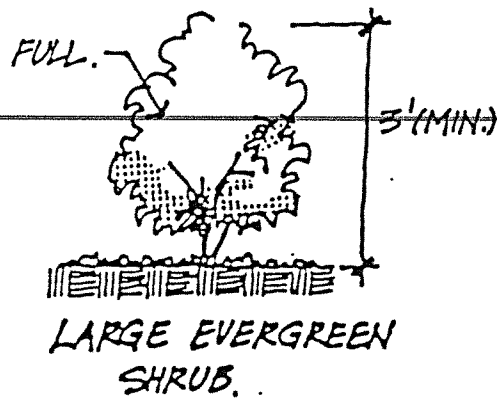


ORNAMENTAL TREES.

Figure 9A

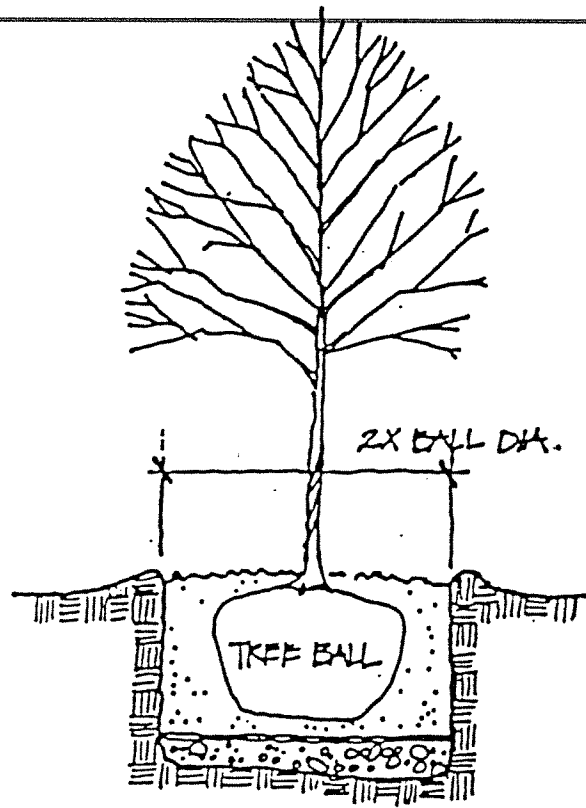
Page 2 of 2

Plant Material Sizes (continued)



* GRASS.
SOLID SOD,
HYDROMULCH OR
SEED.

Figure 9B



ARTICLE VII. SPECIAL DEVELOPMENT STANDARDS

The following development standard shall govern development within the district ~~notwithstanding provisions of other regulations and ordinances, providing, however, that all~~ regulations in effect at the time of passage of this Ordinance pertaining to the same subject matter that are not expressly varied by the standards that follow shall be applied to development within the district.

SECTION 1 VARIANCE

Except as provided below, variances and special exceptions may be granted in accordance with the Town's standard procedures. Notwithstanding the foregoing, however, the Board (as part of a PD Site Plan) shall have the authority to approve (i) variances with respect to height, landscaping, open space, and signs; and/or (ii) approve increasing or decreasing the size of any land use sub-area shown on the PD Concept Plan by a maximum aggregate amount of five percent (5%).

SECTION 2 CONSEQUENCES OF BOARD DENIALS

Any denial by the Board of any action which requires Board approval shall be deemed a denial "without prejudice" unless this PD Ordinance expressly provides otherwise.

SECTION 3 BOARD AND COMMISSION APPROVALS

Except as otherwise provided by state law, all approvals of the Board or Commission required by the PD Ordinance, or the Applicable Town Ordinances shall be by simple majority vote.

SECTION 4 STREET AND HEAD-IN PARKING

Street parking and head-in parking are allowed on private drives and roadways.

SECTION 5 SURVEY MONUMENTS

Survey monuments may be set using the current standards as established by the Texas Surveyor's Association. No survey monumentation shall be permanently buried.

SECTION 6 MAINTENANCE PERIOD

When public infrastructure (e.g., roadways, storm drainage, water lines, and wastewater) has been complete and accepted by the Town, there shall be provided to the Town a bond (or other security acceptable to the Commission) that will provide for the maintenance of such infrastructure for a period of one (1) year after acceptance.

SECTION 7 FORM OF SECURITY

If this PD Ordinance or any of the Applicable Town Ordinances requires security for any obligation imposed by such ordinance, such security may be in the form of a cash deposit, letter of credit, performance bond, pledge of governmental securities, or other collateral reasonably acceptable to the Board.

SECTION 8 TIMING OF SECURITY

If this PD Ordinance or any of the Applicable Town Ordinances requires security for any obligation imposed by such ordinances, such security may be provided by the owner, developer, or contractor. Security shall not be required until construction of the secured obligation begins, *EXCEPT AS PROVIDED FOR IN ARTICLE VI, SECTION 5.*

SECTION 9 BOUNDARY SURVEY

A boundary survey submitted with any preliminary plat shall be required to close and shall be certified by a licensed surveyor of the State of Texas.

SECTION 10 FOUNDATION AND FRAMING

Foundation work and first floor framing may be completed before fire protection improvements must be completed.

SECTION 11 FINISHED FLOOR LEVEL

The finished first floor of any building must be 18 inches above the highest point in any septic system drain field.

SECTION 12 OVERSIZE COSTS

The Town may require that public roadways, water lines, and sanitary sewer lines be oversized. If such oversizing is required by the Town, the incremental cost (including design and construction) of the oversizing shall be paid by the Town as funds become available at the time the improvements are completed in proportion to the respective increases in costs or as set forth in the Economic Development Agreement. *After*

SECTION 13 UNIFIED DEVELOPMENT SITES

Any platted lots may contain multiple separate structures, and each structure may contain multiple uses that are permitted by right as principal uses (together with all uses that are accessory to such principal uses). Any lot with multiple "principal use" structures may be designated by the owner(s) as a "unified development site" for purposes of complying with the provisions of the PD Ordinance and with the Applicable Town Ordinances. Any part of a unified development site (together with improvements located or to be constructed thereon) may, from time to time, be leased or sold (by metes and bounds or other legally sufficient description); and the part leased or sold may be developed, used and occupied without having to be platted, and the remaining part of the unified development site may be developed, used, and occupied without having to be replatted. Regardless of ownership, the unified development site shall continue to be treated as one lot. A lot may be designated to the Town Planner as a unified development site at any time. Such designation must be in writing and must be signed by all owners of the lot; and such designation cannot be removed without the consent of all owners within the unified development site.

SECTION 14 TRAFFIC IMPACT ANALYSIS - LEVEL OF SERVICE

The PD Districts were created based on a traffic impact analysis ("TIA") for the entire PD that was approved by the Board and that included "levels of service" (for roadways and intersections shown on the PD Concept Plan) that were deemed acceptable by the Board. Updates of the original traffic impact analysis will be required whenever any amendment to the Concept Plan is proposed that materially increases peak hour trip generation for the build out of the site beyond the peak hour trips estimated in the most recent traffic impact analysis and at the time of each PD site plan approval,

unless waived by the Town Engineer, for the purpose of determining on-site or abutting roadway improvements as set forth in Illustration 1 of Article III, Section 1. The TIA requirement is to be used for the sole purpose of determining the status of roadway improvements and site-related driveway access locations and size; it is not to be used to justify a lower density or additional off-site improvements.

SECTION 15 UTILITY EASEMENTS

Utility easements may be located as necessary to adequately serve development. Utility easements are not required to follow street alignments and may be located on or adjacent to lot lines.

SECTION 16 ADA STANDARDS

To the extent, if any, that the Applicable Town Ordinances are in conflict with the design standards of the Americans with Disabilities Act or the Texas Architectural Barrier Statute, the standards of such acts shall control.

SECTION 17 BRIDGE SURFACES

Exposed surfaces of bridges may (at the option of the developer) be constructed of concrete, imbedded stone, cast stone, or other material approved by the Board.

SECTION 18 FIRE LANES

Fire lane width and radius must be approved by the Fire Marshall.

SECTION 19 DEAD-END WATER LINES

Dead-end water lines less than 600 feet shall be allowed.

SECTION 20 WATER LINES

Water lines within residential subdivisions may be installed within rights-of-way or easements.

SECTION 21 DEPTH OF COVER

The minimum depth of cover over water lines shall be 42 inches.

SECTION 22 FIRE HYDRANT SPACING

Maximum fire hydrant spacing shall be 1,000 feet, and all parts of a building must be within 500 feet of a fire hydrant.

SECTION 23 FLOODPLAIN AND DRAINAGE RELOCATION

Section 23.1

Floodplain and drainage ways may be relocated provided the relocated floodplain or relocated drainage way (i) is consistent with the applicable PD Concept Plan, (ii) complies with applicable state and federal regulations, and (iii) retains a natural character; (iv) no rise in the 100 year water surface upstream or downstream of the property; (v) no net loss in Valley storage; and (vi) discharge velocity shall be non-erosive. In addition it shall not result in (i) a rise in the 100 year surface upstream or downstream of the property, (ii) a net loss of Valley storage, or (iii) an erosive discharge velocity.

Section 23.2

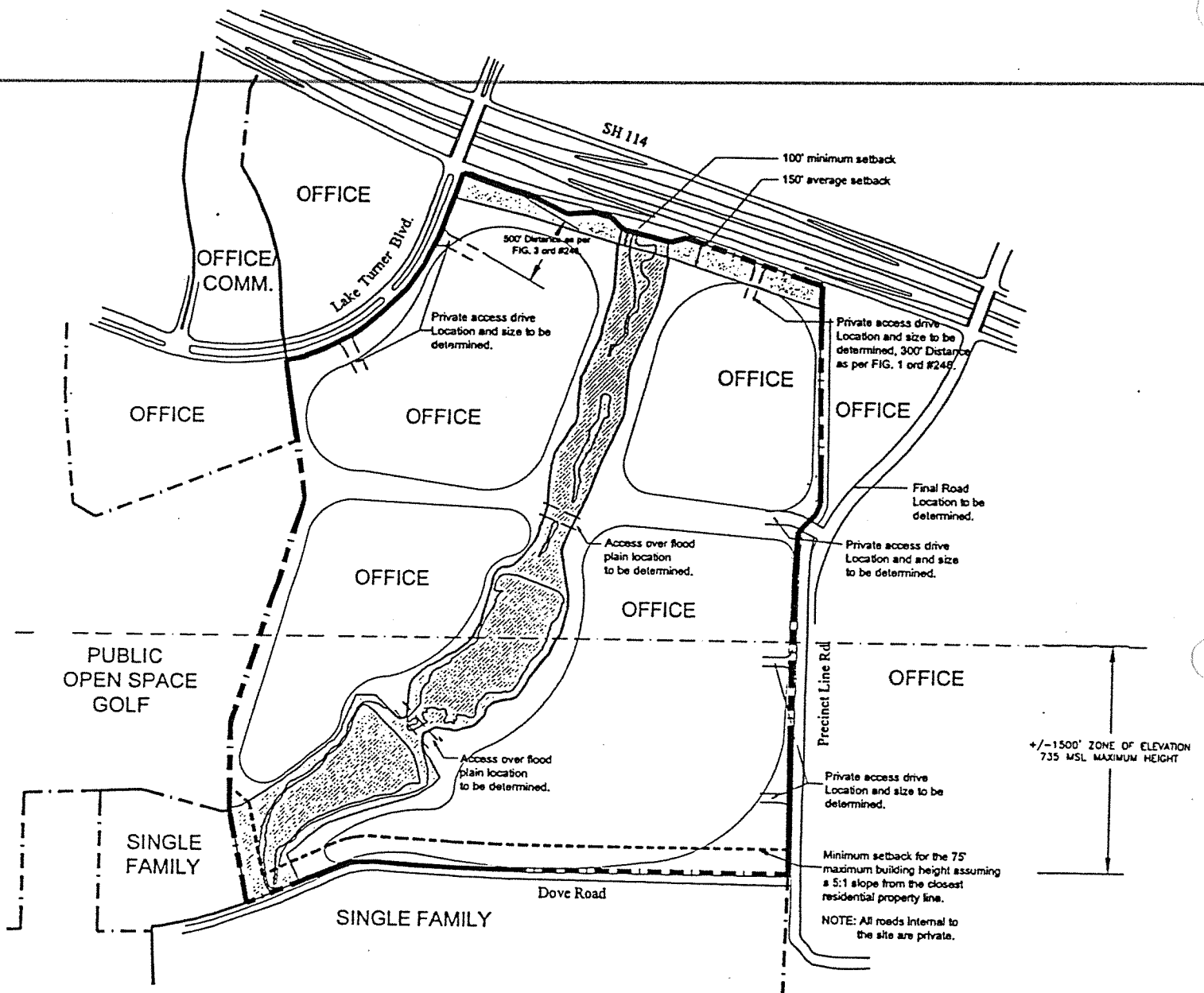
Improved channels may be lined where there is erosive velocity. The erosive velocity shall be determined based on a site specific geotechnical investigation which determines the soil type in the channel. The linings may be natural stone or crushed stone with approved landscape cover. Channel lining shall not be concrete lined.

SECTION 24 MANHOLES

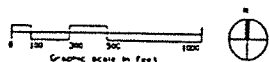
The maximum distance between manholes shall be 500 feet for all line sizes. Manhole steps shall not be required.

SECTION 25 SANITARY SEWER LINES

The minimum size for sanitary sewer lines shall be six inches in diameter. The maximum depth for sanitary sewer lines (from finished grade to the bottom of the line) shall be 20 feet. Visual inspection of sanitary sewer lines shall occur prior to acceptance and prior to the expiration of the maintenance bond.

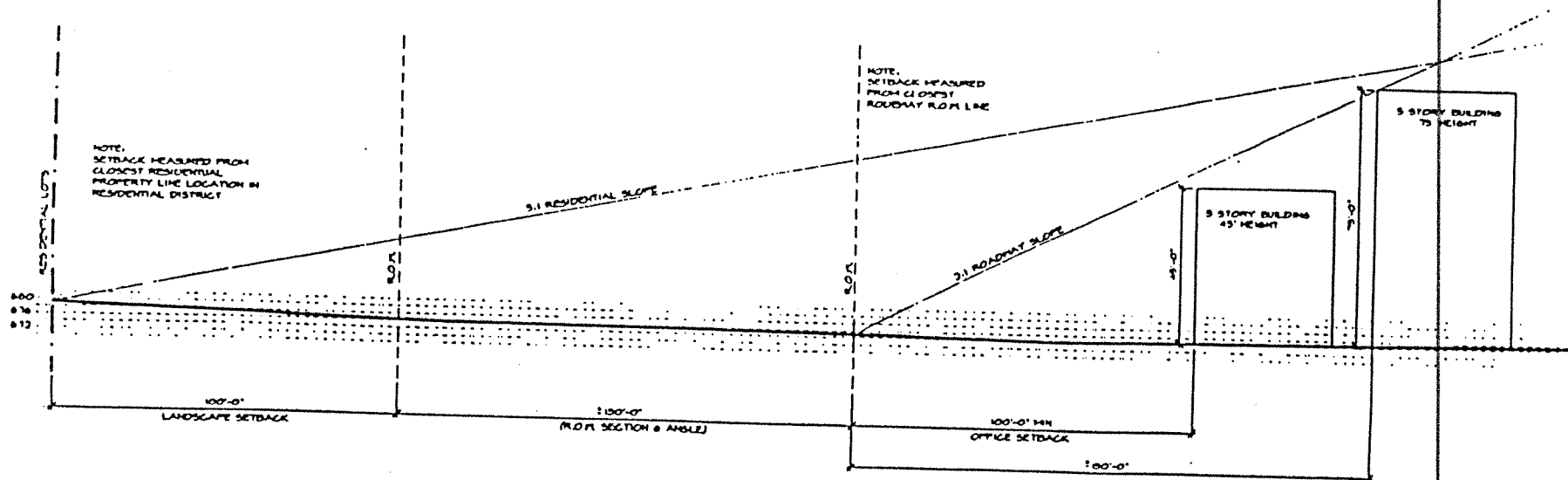
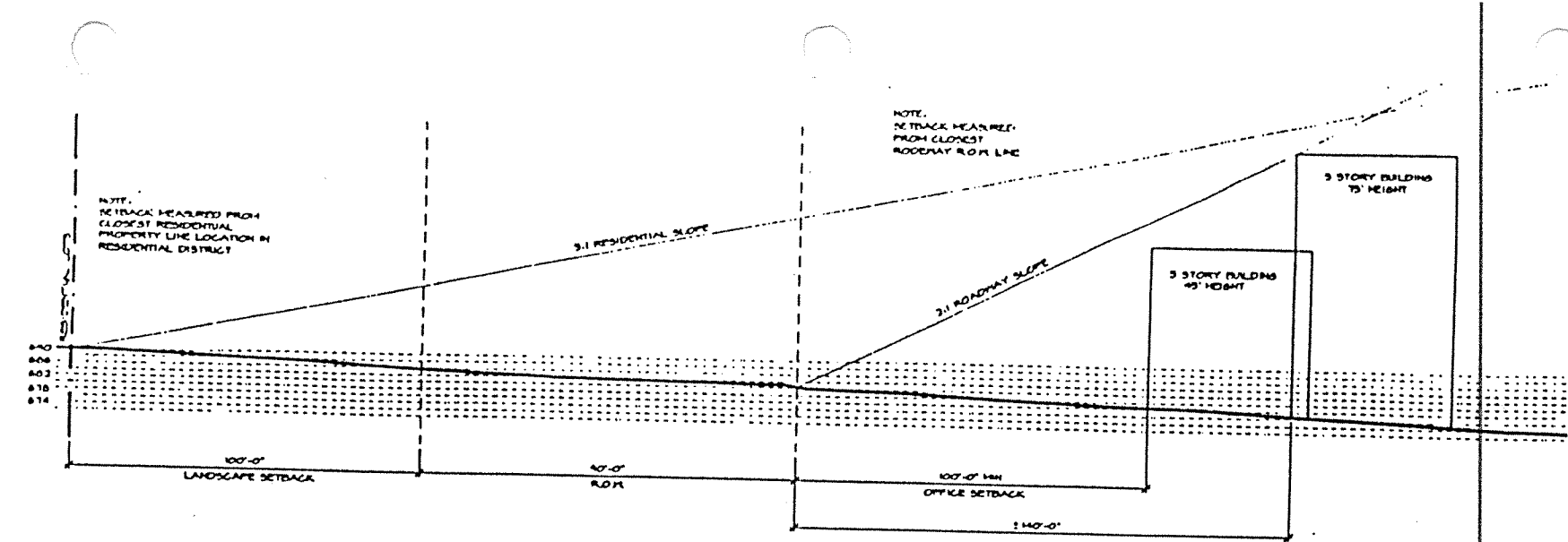


CONCEPT PLAN Maverick Commercial Real Estate Date: August 3, 1998



LEGEND

	Property Line
	Topography
	Flood Plain
	5:1 Viewing Angle Setback
	Minimum Public Open Space (8± Acres)
	Minimum Private Open Space (47± Acres)
	Site Acreage (309.305 Acres)



Typical Slope Setbacks
Section 10.3 Illustration

TOWN OF WESTLAKE

ORDINANCE NO. 306- SUP-01

AN ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, BY GRANTING A SPECIAL USE PERMIT FOR A PRIVATE TRINITY WATER WELL, LOCATED WITHIN THE FIDELITY INVESTMENTS PROPERTY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Westlake's Board of Aldermen finds and determines, on the basis of facts presented on the application for a Special Use Permit and at the public hearings on same, the following:

1. That the proposed use is consistent with the existing uses of adjacent and nearby property;
2. That the proposed use is not inconsistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Special Use Permit; and (b) the use of the property contemplated by the Town's Comprehensive Plan, as in effect on the date of granting of said permit;
3. That the proposed use will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan;
4. That the proposed use will not adversely affect the Town's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the Town's Comprehensive Plan.

WHEREAS, the Planning and Zoning Commission of the Town of Westlake and the Town of Westlake Board of Aldermen, in compliance with the Code of Ordinances of the Town of Westlake and State Law with reference to the granting of Special Use Permits under the Zoning Ordinance and Zoning Map, have given the requisite notices by publication and otherwise, and after holding hearings and affording a full and fair process to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the Town Council of the Town of Westlake is of the opinion that said change in zoning use should be made, subject to the conditions set out herein.

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

SECTION 1: That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2: That the Comprehensive Zoning Ordinance of the Town of Westlake, Texas, be, and the same is hereby amended, by amending the Zoning Map of the Town of Westlake so as to grant a Special Use Permit, for a private water well, located within the property owned by Fidelity Investments.

SECTION 3: That the above described property shall be used only in the manner and for the purpose provided in the Fidelity Investments zoning ordinance and the Comprehensive Zoning Ordinance of the Town of Westlake as herein amended by the granting of a Special Use Permit and approval of an associated location plan for private water well, in accordance with the approved well location plan attached hereto as Exhibit "A", and incorporated herein by reference.

SECTION 4: That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the Town of Westlake, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.


SECTION 5: If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 6: In addition to and accumulative of all other penalties, the Town shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED AND APPROVED ON THIS 13th DAY OF NOVEMBER, 2000.

ATTEST:



Scott Bradley, Mayor

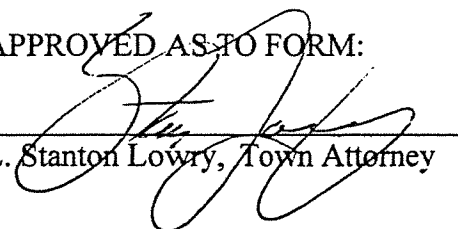


Ginger Crosswy, Town Secretary



Trent O. Petty, Town Manager

APPROVED AS TO FORM:



L. Stanton Lowry, Town Attorney