

1/26/05

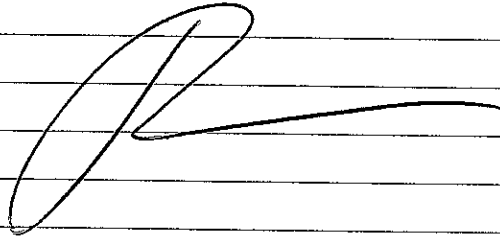
SHADOW GLEN

MINIMUM LOT WIDTHS

<u>PERCENT</u>	<u>MINIMUM WIDTH</u>
25% -	45-FOOT
20% -	50-FOOT
20% -	55-FOOT
20% -	60-FOOT
15% -	65-FOOT

Agreed

Shadow Glen Residential Community, Ltd.



ShadowGlen Residential

Lot Analysis

as of 01.10.05

Section	Lot Size	# of Lots
1A	70'	39
1B	70'	45
2A	65'	34
2B	65'	58
3A	60'	33
3B	60'	55
4A	55'	36
4B	55'	50
Lots "on-ground"		350
5	55'	39
6	60'	35
7	55'	60
8	60'	55
Lots "under const"		189
9	65'	52
10	60'	54
Lots "pending approval"		106
11	65'	60
12	70'	36
13	70'	33
Lots "not submitted"		129
TOTAL LOTS		774

more under 119'

Article 2 The Project

2.01. The Project includes all water and wastewater system pipes, lines and facilities, roads, sidewalks, lighting, drainage and other infrastructure to serve the lots in the Subdivision. Developer shall construct all water and wastewater pipes and facilities and all other infrastructure within the Property that are required by regulatory authorities with jurisdiction over the Property and that are reasonably necessary to serve the lots in the Subdivision. All such improvements and infrastructure shall be designed, installed and constructed in compliance with the City's standards and specifications set forth in its ordinances, good engineering practices, and the applicable rules, regulations and standards of the Texas Natural Resource and Conservation Commission ("TNRCC"), hereinafter collectively the "Applicable Law", save and except only for the variances, if any, set forth in **Exhibit "G"** (the "Variances").

2.02. The Subdivision will be a mixed use development consisting of approximately 500 acres of single-family residential lots, 100 acres of commercial development, 70 acres of multi-family development, 165 acres of road right-of-way, 3 acres of reserve, and an 18-acre school site, with the remaining approximately 580 acres of the Subdivision being developed as a golf course (with its associated club house and maintenance buildings) and parks and recreational facilities or left as open space. The mixed use development will be laid out, installed and constructed in substantial compliance with the Concept Plan and the PUD Plan. All variances requested for the Property from ordinances of the City are listed in **Exhibit "G"** attached hereto and incorporated herein for all purposes. The Subdivision may be designed, installed and constructed in one or more phases.

Article 3 Project Plans, Specifications and Performance

3.01. (a) Prior to its execution of this Agreement, the City has:

(i) Processed and approved the Developer's petition attached hereto as **Exhibit "D"**, and incorporated the property described therein into the City's ETJ.

(ii) Processed and approved the Concept Plan;

(iii) Processed and approved the PUD Plan; and

(iv) Granted the Variances.

(b) The City has scheduled public hearings and has initiated the process and procedures to annex into the city the property described in **Exhibit "B"** and will complete the annexation of such property within ninety (90) days after the Effective Date; provided that, if the City Council shall not annex such property within ninety (90)

EXHIBIT "G"
VARIANCES

ZONING VARIANCES

- A. Single-family residential lots in the Property shall have a minimum of 6,000 square feet, and ten percent (10%) of the lots in the Property to have a minimum of 5,000 square feet.
- B. Single-family residential lots in the Property shall have a minimum of 50 feet of width along the front property line.
- C. Single-family residential lots in the Property shall have a minimum setback from the front of each lot of either 25 or 20 feet.
- D. Single-family residential lots in the Property shall have a minimum set back from back of each lot of ten (10) feet.
- E. Single-family residential lots in the Property with a width along the front property line of 55 feet or less shall have a minimum set back from the sides of each lot of five (5) feet.
- F. Multi-family residential development shall have a maximum height of three (3) stories or 50 feet.
- G. Retail/Commercial/Office/Employment Center development shall have a maximum height of ten (10) stories or 150 feet.
- H. The Clubhouse and related permitted structures in the Open Space shall have a maximum height of three (3) stories or 50 feet.
- I. Ten percent (10%) of non-residential tracts shall be reserved for open space.
- J. A development plan and report shall be submitted with the filing of each final plat.
- K. Withdrawn by Cottonwood Holdings, Ltd.
- L. A walkway/bicycle path system plan shall be submitted with the filing of each final plat.
- M. The number of curb cuts for each non-residential tract shall be submitted with the filing of each final plat.
- N. Cultural and medical facilities shall be allowed, but not required, in the PUD.

- O. Lexington may cross Wilbarger Creek via a low water crossing equipped with a system in which gages will be installed upstream on Wilbarger Creek that will provide audible and visual warning to drivers on Lexington if stream flows indicate that water will top the bridge before gates located on either side of the low water crossing close, preventing drivers from driving on to the low water crossing.
- P. A L.O.M.R. shall be submitted prior to final platting of any lot located within the present 100-year flood plain.

SUBDIVISION VARIANCES

- (i) An estimate of traffic volumes to be generated by all non-residential tracts shall be submitted with the filing of each final plat for a non-residential tract.
- 1. Single-family residential lots shall have a minimum of 6,000 square feet, and ten percent (10%) of the lots in the Subdivision to have a minimum of 5,000 square feet.
- 2. Single-family residential lots shall have a minimum of 50 feet of width along the front property line.
- 3. Single-family residential lots shall have a minimum setback from the front of each lot of either 25 or 20 feet.
- 4. Single-family residential lots with a width of 55 feet or less along the front property line shall have a minimum set back from the sides of each lot of five (5).
- 5. Single-family residential lots shall have a minimum set back from the back of each lot of 10 feet.
- 6. Lots in the Subdivision are not required to face a similar lot across the street.
- 7. Side lot lines are not required to project away from the front line at approximately right angles to street lines and radial to curved street lines.
- 8. An aerial photograph may be submitted at the preliminary plat stage rather than a tree survey showing trees of an 8-inch caliper and larger to the nearest one (1) foot and their Critical Root Zone.
- 9. A L.O.M.R. shall be submitted prior to final platting of any lot located within the present 100-year flood plain.
- 10. Lexington may cross Wilbarger Creek via a low water crossing equipped with a system in which gages will be installed upstream on Wilbarger Creek that will provide audible and visual warning to drivers on Lexington if stream flows indicate that water will top the bridge before gates located on either side of the low water crossing close, preventing drivers from driving on to the low water crossing.

11. The area of non-rectangular lots shall be provided with the filing of a final plat, and non-rectangular lots shall have a minimum of 40 feet of width measured at the front line of the building, provided that the area of the lot meets or exceeds the maximum lot square footages for the Subdivision.
12. An inventory of Significant Trees that identifies the number of Significant trees by category (trees eighteen (18) inches in caliper and larger and trees between eight (8) and eighteen (18) inches in caliper) to remain during construction and the number of Significant Trees in each category designated to be removed during construction shall be submitted with the filing of the final plat.
13. The number of Replacement Trees, established in accordance with the replacement ratio in Section 22.c.3.viii of Ordinance No. 159, that will be installed, without the identification of the particular location at which the Replacement Trees will be installed, shall be submitted at the final plat stage.

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SUBDIVISION VARIANCES

1. An aerial photograph may be submitted at the preliminary plat stage rather than a tree survey.
2. An inventory of Significant Trees that identifies the number of Significant Trees by category (trees 18 inches in caliper and larger and trees between 8 and 18 inches in caliper) to remain during construction and the number of Significant Trees in each category designated to be removed during construction shall be submitted with construction plans.
3. The number of Replacement Trees that will be installed, without the identification of the particular location at which the Replacement Trees shall be installed, shall be submitted with construction plans.
4. Significant Cottonwood, Hackberry or Mesquite Trees removed shall be replaced at a rate of 50% per caliper inch with an approved hardwood tree. All other Significant Trees must be replaced at the ratios defined in the City's Subdivision Ordinance.
5. All drainage improvements shall be designed in accordance with the City of Austin's Drainage Criteria Manual ("DCM"), as currently amended, save and except: (i) those provisions of the DCM set out in Section 41(b)(i) of the City of Manor Ordinance No. 159; (ii) Paragraph 1.2.6 of the DCM; (iii) Paragraph 2.2.1.A and 2.2.1.E of the DCM; and (iv) any other provisions of the DCM that would cause the flood plain delineation to be different from the 100-Year Floodplain established by FEMA. The location of the 100-Year Floodplain shall be the location established by FEMA.
6. A L.O.M.R. shall be submitted prior to the final platting of any lot located within the 100-Year Floodplain established by FEMA.
7. Lexington Street may cross Wilbarger Creek via a low water crossing equipped with a system in which gages will be installed upstream on Wilbarger Creek that will provide audible and visual warning to drivers on Lexington if stream flows indicate that water will top the bridge before gates located on either side of the low water crossing close, preventing drivers from driving on to the low water crossing. The low water crossing equipment must comply with City of Austin Special Specification 16700, as modified for Data Flow System SCADA equipment.
8. The lot size, height and placement, lot coverages, parking, and landscaping for each lot shall be as set forth in the Minimum Development Standards for lots within the Master Land Plan and outside the corporate boundaries of the City or as set forth in the PUD Variances for lots within the PUD and the corporate boundaries of the City.
8. Lots shall not be required to face a similar lot across the street.

9. Side lot lines shall not be required to project away from the front lot line at approximately right angles to street lines and radial to curved street lines.
10. The construction of sidewalks in residential areas need not be completed prior to the final approval and acceptance of a final plat, but must be completed prior to the issuance of a certificate of occupancy or within 2 years from the approval of the final plat. A cost estimate for the construction of any sidewalks in residential areas not constructed prior to the final approval and acceptance of the final plat shall be prepared and a bond for 110% of such costs shall be posted with the City. Each year the Developer and City may agree to the additional sidewalks in residential areas that were completed during the previous year and reduce the amount of the bond to reflect the construction costs of the sidewalks that have been completed. Sidewalks in residential areas not completed prior to the end of the 2-year period shall be completed by the Developer or by the City with the bond funds. Failure to provide sufficient bonds or complete the sidewalks in residential areas shall not obligate the City to build sidewalks. The construction of sidewalks in non-residential areas shall be completed during subdivision construction.
11. The area within the City's territorial jurisdiction zoned District "O-S" shall satisfy the City's parkland dedication requirements for all land shown within the PUD or the Master Land Plan. All property identified as Open Space on the PUD Plan or on the Master Land Plan shall be dedicated to the City or to a municipal utility district.
12. The area of non-rectangular lots shall be provided with the filing of a final plat.

**AMENDED AND REVISED MASTER PLAN
PUD VARIANCES**

The following zoning variances shall apply to Property located within the PUD and within the corporate limits of the City.

1. Approved Land Uses

The land uses shown on the Amended and Revised Master Plan shall be permitted. Changes to the location of the land uses shown on the Amended and Revised Master Plan shall be granted by the City Administrator if the proposed land uses are consistent with the following table:

Land Use	Acreage	Percentage of Total Acreage
Commercial (C-1 & C-2)	80.9	13.15
Multi-family Residential (R-3)	15.7	2.5
Open Space (OS)	508.9	82
Institutional (I)	5.2	0.85
Major Roadways	9.4	1.5
Total	620.1	100

2. Minimum Lot Size, Height and Placement Requirements

Land Use	Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback	Min. Lot Size SF Area	Min. Lot Width	Max. Height Limit
C-1 & C-2	25 ft.	7 ft.	15 ft.	15 ft.	7,500	60 ft.	60 ft.*
R-3	15 ft.	5 ft.	15 ft.	10 ft.	7,000	50 ft.	50 ft.
OS ***	25 ft.	10 ft.	15 ft.	25 ft.	7,000	60 ft.	50 ft.
I	25 ft.	15 ft.	15 ft.	15 ft.	7,500	60 ft.	35 ft.**

* This height limit does not apply to hotels. Hotels may be erected to a height not to exceed 10 stories or 150 feet.

** This height limit does not apply to water towers.

*** The requirements for the OS District are subject to the following exceptions:

- (a) The minimum front yard, rear yard and side yard setbacks for the Clubhouse Facility and the Comfort Station shall be 0 feet.
- (b) The minimum front yard setback for any structure located within that portion of the open space being developed as a golf course shall be 5 feet, unless the front yard adjoins a single-family residential development, in which case the front yard setback will be 25 feet from the single-family residential development.

- (c) The minimum side yard setback for any structure located within that portion of the open space being developed as a golf course shall be 5 feet, unless the side yard adjoins a single-family residential development, in which case the side yard setback will be 25 feet from the single-family residential development.
- (d) The minimum street side yard setback for any structure located within that portion of the open space being developed as a golf course shall be 5 feet.
- (e) The minimum rear yard setback for any structure located within that portion of the open space being developed as a golf course shall be 5 feet, unless the rear yard adjoins a single-family residential development, in which case the rear yard setback will be 25 feet from the single-family residential development.

3. Lot Coverage

Land Use	Main Buildings	Main & Accessory Buildings
C-1 & C-2	60%	70%
R-3	40%	50%
OS	50%	60%
I	50%	60%

4. Parking

(a) Off-street parking areas for more than five vehicles and loading areas shall be effectively screened by a privacy fence, hedge, planting or natural vegetation or topography on each side which adjoins land designated for a residential use or a residential use.

(b) The Site Development Plan for the Clubhouse Facility, including cart barn, may include up to 205 parking spaces.

5. Landscaping

(a) Except as expressly provided in subsection (b), the following percentage of the net area of each lot shall be landscaped. The net lot area shall equal the total lot area less the area to be left unimproved because of the existence of natural features that are worthy of preservation or that make improvements impractical.

Land Use	Net Lot Area
C-1 & C-2	15%
R-3	20%
OS	20%
I	N/A

(b) The Site Development Plan for the Clubhouse Facility, including the cart barn and parking, shall include 65 trees and 133 shrubs.

(c) Landscaping placed within public right-of-ways shall not be credited to the minimum landscape requirements by this Section unless the developer and the City negotiate a license agreement by which the developer assumes the responsibility for the maintenance, repair and replacement for all landscaping located within the public right-of-way.

6. Maximum Density

Land Use	Maximum Density
C-1 & C-2	1.8 to 1 FAR
R-3	21 units/acre

**MASTER LAND PLAN
MINIMUM DEVELOPMENT STANDARDS**

The following minimum development standards shall apply to Property identified on the Master Land Plan that is located outside the corporate limits of the City.

Approved Land Uses

Land uses shall be as shown on the Master Land Plan; provided, however, that amendments to the land uses shown on the Master Land Plan shall be granted by the City Administrator (a) if the proposed land uses are consistent with the following table or (b) if the proposed land uses contemplate an increase in the commercial land use acreage shown in the following table:

Land Use	Acreage	Percentage of Total Acreage
Single Family Residential	791.6	70.2
Multi-family Residential	111.6	10.00
Open Space	78.0	6.92
Commercial	15.5	1.38
Major Roadways	129.9	11.5
Total	1,126.6	100

Single Family Residential

The following minimum development standards shall apply to all land designated for Single Family Residential use on the Master Land Plan or any amendment of the Master Land Plan.

1. **Permitted Uses**

Only the following uses are permitted:

- (a) Single-family dwellings with a minimum of 1,300 square feet of living area and related accessory structures.
- (b) Parks, playgrounds, community buildings and other public recreational facilities owned and/or operated by the City or a municipal utility district.
- (c) Public buildings, including libraries, museums, police and fire stations, and schools.
- (d) Water, sewer and drainage facilities owned by the City or a municipal utility district.
- (e) Real estate sales offices during the development of the single-family residential land and display buildings with sales offices.

(f) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.

(g) Accessory structures and uses customarily incident to the above uses and located on the same lot therewith, not involving the conduct of any business or commercial enterprise.

2. Minimum Lot Size

(a) The minimum lot areas shall be as follows:

< 5,000 sq. ft.	0%
5,000 sq. ft.	25%
5,500 sq. ft.	20%
6,000 sq. ft.	20%
6,500 sq. ft.	20%
7,400 sq. ft.	7.5%
8,200 sq. ft.	7.5%

(b) Except for cul-de-sac lots, the minimum lot width, measured at the front property line, shall be as follows:

50 ft.	55%
45 ft.	45%

(c) The minimum lot width for cul-de-sac lots, measured at the front property line, shall be 30 feet.

3. Height and Placement Requirements

Front Yard Setback	20 ft. for irregularly shaped lots 25 ft. for all other lots
Side Yard Setback	5 ft.
Street Side Yard Setback	15 ft.
Rear Yard Setback	10 ft.
Maximum Height Limit	35 ft.*

* This height limit does not apply to: water towers; parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the City, a municipal utility district or a property owners association; or public buildings, including libraries, museums, police and fire stations and schools. Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the City, a municipal utility district or a property owners association, and public buildings, including libraries, museums, police and fire stations and schools may be erected to a height of not to exceed sixty (60) feet.

4. Lot Coverage

- (a) The maximum lot coverage for main buildings shall be 40%.
- (b) The maximum lot coverage for main buildings and all accessory buildings shall be 50%.
- (c) Open off-street parking will not be considered as lot coverage.

5. Parking

A minimum of two off-street parking spaces shall be provided for each single-family dwelling.

6. Landscaping

There shall be a minimum of two (2) two-inch trees, six (6) two-gallon shrubs and lawn grass from the front property line to the front two (2) corners of the structure. Structures on Reverse Frontage Lots shall also be required to screen the rear of the structure from abutting highway, access road or other public right-of-way.

7. Outdoor Lighting

Outdoor lighting on single-family residential property shall be located so as not to be directed directly upon adjoining property or create a nuisance for adjoining property owners. Lighting used for security purposes which will be operated during night hours will be located as close as is practicable to main dwellings.

8. Additional Conditions and Limitations

(a) All single family dwellings in this district shall be constructed so that a minimum of two sides shall be 100% of masonry construction, one side of which shall be the front of the structure. This requirement may be satisfied by constructing the front of 100% masonry and constructing two additional sides with at least 50% masonry construction. Masonry construction shall mean stone, brick, hardy board with more than a 90% masonry content or similar material, and shall not include hardy board with less than a 90% masonry content and like products.

(b) Automotive vehicles or trailers not bearing current license plates and state motor vehicle inspection stickers, excluding racing cars, antique cars, and cars belonging to members of the armed forces who are on active duty, shall be parked or stored only in completely enclosed buildings. No vehicle, trailer or major recreational equipment shall be parked or stored on any lot except that it shall be enclosed in a building or parked on a driveway or concrete, paved, stone pad or all weather surface installed for such purpose.

Multi-family Residential

The following minimum development standards shall apply to all land designated for Multi-family Residential use on the Master Land Plan or any amendment of the Master Land Plan.

1. Permitted Uses

Only the following use is permitted: attached single family structures with a minimum of 500 square feet of living area and permitted accessory structures generally known as apartments, with buildings not exceeding 3 stories, not more than 21 units per acre.

2. Minimum Lot Size

- (a) The minimum lot area shall be 7,000 square feet.
- (b) The minimum lot width, measured at the front property line, shall be 50 feet.

3. Height and Placement Requirements

Front Yard Setback	25 ft.
Side Yard Setback	5 ft.
Street Side Yard Setback	15 ft.
Rear Yard Setback	10 ft.
Maximum Height Limit	50 ft.

4. Lot Coverage

- (a) The maximum lot coverage for main buildings shall be 40%.
- (b) The maximum lot coverage for main buildings and all accessory buildings shall be 50%.
- (c) Open off-street parking will not be considered as lot coverage.

5. Parking

- (a) There shall be a minimum five (5) foot setback from the rear most wall of any garage, and from the curb line of any parking area, to the nearest property line.
- (b) Private garages and covered parking, if any, may be attached or detached.
- (c) A minimum of two (2) off-street parking spaces shall be provided for each living unit. All off-street parking and driveways shall be improved with all weather asphalt, concrete, or paving stones, and curb and gutter.

6. Landscaping

A minimum of 20% of the net lot area shall be devoted to landscape development. The net lot area shall equal the total lot area less the area to be left unimproved because of the existence of natural features that are worthy of preservation or that make improvements impractical.

7. Maximum Dwelling Units Per Acre

The maximum dwelling units per acre is 21.

8. Additional Conditions and Limitations

- (a) More than one building or structure may be located upon a lot.
- (b) All buildings and structures shall be separated by a minimum horizontal distance of ten (10) feet.
- (c) Unless otherwise satisfied pursuant to the City's Subdivision Ordinance, one (1) acre per one hundred (100) dwelling units, or 5% of the total site area, whichever is greater, shall be provided to satisfy recreational open space requirements; provided that the Council may, at its discretion, require the payment of an established fee in lieu of land dedication for each such dwelling unit. Such recreational open space shall be located or arranged so as to function as a recreational area and be uniformly beneficial to all of the dwelling units in the project or development. Open space required to separate structures shall not be considered to be a part of the required recreational open space.

Open Space

The following minimum development standards shall apply to all land designated as Open Space on the Master Land Plan or any amendment of the Master Land Plan.

1. Permitted Uses

Only the following primary uses are permitted:

- (a) Cemeteries
- (b) Conservation areas.
- (c) Golf Courses.
- (d) Outdoor recreational and athletic facilities.
- (e) Outdoor swimming pools.

(f) Property Owners Association neighborhood parks, common open space, common open area, playgrounds and play fields.

(g) Wildlife sanctuaries.

Only the following secondary uses are permitted:

(a) Club Houses and Community Centers.

(b) Retail-oriented uses which are clearly secondary and customarily or necessarily incidental to permitted uses (a) through (h) including but not limited to the following:

(i) Retail sales and services operated as part of a golf course, recreational or athletic facility.

(ii) Retail sales and services sponsored by service clubs, non-profit societies or organizations or concessions contracted with the City, a municipal utility district, or a Property Owners Association.

(iii) Food and beverage sales, including alcoholic beverage sales, to members only.

(iv) Restaurants including alcoholic beverage sales which are operated as part of or in conjunction with a Club House for members only.

(c) Caretaker residence associated with permitted uses (a) through (h).

(d) Maintenance buildings required to house equipment and material to maintain a site.

2. Minimum Lot Size

(a) The minimum lot areas shall be 7500 square feet.

(b) The minimum lot width, measured at the front property line, shall be 60 feet.

3. Height and Placement Requirements

Front Yard Setback	25 ft.
Side Yard Setback	10 ft.
Street Side Yard Setback	15 ft.
Rear Yard Setback	25 ft.
Maximum Height Limit	60 ft.

4. Lot Coverage

- (a) The maximum lot coverage for main buildings shall be 50%.
- (b) The maximum lot coverage for main buildings and all accessory buildings shall be 60%.
- (c) Open off-street parking and loading areas will not be considered as lot coverage.

5. Landscaping

A minimum of 20% of the net lot area shall be devoted to landscape development. The net lot area shall equal the total lot area less the area to be left unimproved because of the existence of natural features that are worthy of preservation or that make improvements impractical.

Commercial

The following minimum development standards shall apply to all land designated for Commercial use on the Master Land Plan or any amendment of the Master Land Plan.

1. Permitted Uses

Only the following uses are permitted: the retail sale of goods and products (in the following listed use areas) to which value has been added on-site, including sales of goods and services outside of the primary structure as customary, with the following specifically listed uses:

- (a) Air conditioning and heating sales and services.
- (b) Amusement (indoor).
- (c) Amusement (outdoor) and swimming pool (commercial).
- (d) Apartment hotel, assisted retirement living, boarding house, bed and breakfast, convalescent home, family home, home for the aged and group day care.
- (e) Automobile repair, neighborhood automobile service station, gasoline station, filling or retail service station and garage (commercial).
- (f) Auto sales (outdoor).
- (g) Auto Sales Facility.
- (h) Bakeries with goods primarily prepared for in-store retail sales on site.
- (i) Banks, savings and loans, credit unions and financial services.

- (j) Bonded warehouse and local wholesale distributors.
- (k) Bar, night club, private club, dance hall and social club with alcoholic beverage sales.
- (l) Business and commercial schools.
- (m) Carpentry, painting, plumbing or tinsmith shop.
- (n) Child care center (small, intermediate and large) and child development facilities.
- (o) Cleaning or laundry self-service shop and cleaning shop or laundry (small).
- (p) Clinic and safety services.
- (q) Convenience stores, retail food store, grocery stores and supermarkets (including the sale of alcoholic beverages and/or gasoline).
- (r) Cultural services and community center (public and private).
- (s) Day camp.
- (t) Dancing and music academies.
- (u) Florist shops, greenhouses and nurseries with outdoor service and display.
- (v) Frozen food lockers and cold storage plant.
- (w) Hospitals, sanitariums, nursing homes, hospices, and homes for the aged.
- (x) Hotels, tourist homes, and motels.
- (y) Lumber yards and building materials storage yard.
- (z) Mini storage warehouse and storage garage.
- (aa) Personal service uses including barber shops, beauty parlors, photographic or artist studios, messengers, newspaper or telegraphic agencies, dry cleaning and pressing substations, dressmaking, tailoring, shoe repairing, repair of household appliances, electronics and bicycles, catering and other personal service uses of similar character.
- (bb) Public utilities substations.
- (cc) Radio and television broadcasting stations and studios, excluding broadcasting towers.

(dd) Restaurant, cafe or cafeteria, drive-in eating establishment with alcoholic beverage sales.

(ee) Sale of new auto parts.

(ff) Shopping center.

(gg) Telephone exchange, postal facilities and communication service.

(hh) Trailer camp or park.

(ii) Truck stop.

(jj) Upholstering shops.

(kk) Uses as determined by the Commission and/or the Council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted, such permitted uses being generally retail trade, service industries that store and distribute goods and materials, and are in general dependent on raw materials refined elsewhere.

(ll) Wholesale sales establishments and warehouses.

(mm) Wholesale bakeries.

(nn) Woodyard.

(oo) Veterinary services and hospital.

2. Minimum Lot Size

(a) The minimum lot area shall be 7,500 square feet.

(b) The minimum lot width, measured at the front property line, shall be 60 feet.

3. Height and Placement Requirements

Front Yard Setback	25 ft.
Side Yard Setback	7 ft.
Street Side Yard Setback	15 ft.
Rear Yard Setback	15 ft.
Maximum Height Limit	60 ft.*

* This height limit does not apply to hotels. Hotels may be erected to a height not to exceed 10 stories or 150 feet.

4. Lot Coverage

- (a) The maximum lot coverage for main buildings shall be 60%.
- (b) The maximum lot coverage for main buildings and all accessory buildings shall be 70%.
- (c) Open off-street parking and loading areas will not be considered as lot coverage.

5. Parking

The following number of parking spaces shall be provided:

Use	Number of Parking Spaces
Hotels, Motels and similar transient accommodations	One space per bedroom and one space for each two employees
Rest homes, Hospitals, Nursing Homes, Convalescent Homes, sanitariums and similar uses	One space for each two employees and one space for each four patient beds
Bars, Cafes, Restaurants, Taverns, Night Clubs, and similar uses	One space for every four seats provided for customer service
Food Sales, Food and Beverage Sales, Convenience Stores, Truck stops and similar uses	One space for each 200 square feet of gross floor area
Banks, Offices, financial lending institutions, gasoline stations, personal service shops, retail establishments, shopping centers and similar uses catering to the general public	One space for each 250 square feet of gross floor area
Auto sales facilities	One space for every automobile for sale, one space for each two employees, and one space for each 250 feet of gross floor area
Golf courses (commercial)	One space for each two employees, six spaces for each hole, and one space for each 200 feet of gross floor area

6. Landscaping

A minimum of 15% of the net lot area shall be devoted to landscape development. The net lot area shall equal the total lot area less the area to be left unimproved because of the existence of natural features that are worthy of preservation or that make improvements impractical.

7. Maximum Floor Area Ratio

The maximum floor area ratio is 1.8 to 1.

8. Additional Conditions and Limitations

(a) The permitted use must be conducted primarily within an enclosed building or screened area, except for customary outdoor activities for the specified use listed.

(b) Signs (advertising) must be on the same lot as the business establishments to which they refer and shall not be placed within twenty-five (25) feet of any land designated for Single Family Residential or Multi-family Residential use on the Master Land Plan or any amendment of the Master Land Plan.

(c) Paved sidewalks, driveways and parking areas are required.

(d) Screening of loading and storage facilities is required.

All Uses Except Single Family Residential

The following minimum development standards shall apply to all land designated for any use except Single Family Residential use on the Master Land Plan or any amendment of the Master Land Plan.

1. Parking

(a) Handicapped Parking. Non-residential handicapped parking requirements are a minimum of one space for fifty parking spaces, and one additional space for over fifty parking spaces up to one hundred spaces, and then one space per one hundred spaces up to five hundred spaces. Over five hundred, it is one percent of total parking spaces. Dimensional requirements are twelve foot (12') and eighteen foot depth (18') per handicap space. The location and design of handicapped parking spaces shall be as required by state and federal law.

(b) Maximum Parking. The maximum number of spaces for a commercial area shall not exceed 150% of the parking requirements set out in Commercial Section 5 of these Minimum Development Standards.

(b) Development and Maintenance Standards for Parking Areas. Every parcel of land used as a public or private parking area, including commercial parking lots, shall be developed as follows:

(i) Off-street parking areas for more than five vehicles and loading areas shall be effectively screened by a privacy fence, hedge, planting or natural vegetation or topography on each side which adjoins land designated for a residential use or a residential use.

(ii) Except for parking to serve residential areas, parking and loading areas adjacent to land designated for residential use or adjacent to a residential use shall be designed to minimize disturbance of residents.

(iii) Access aisles shall be of sufficient width for vehicular turning and maneuver.

2. Landscaping

(a) Requirements. All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards. An approved landscape plan shall be required for all new development.

(b) Maintenance. The owner of the landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of this Section.

(c) Planting Criteria.

(i) Trees. Trees shall be a minimum of two (2) inches in caliper measured three (3) feet above finished grade immediately after planting. A list of recommended landscape trees may be obtained from the City. If the developer chooses to substitute trees not included on the recommended list, those trees shall have an average mature crown greater than fifteen (15) feet in diameter to meet the requirements of this Section. Trees having an average mature crown less than fifteen (15) feet in diameter may be substituted by grouping trees so as to create at maturity the equivalent of a fifteen foot (15) diameter crown if the drip line area is maintained. A minimum area three (3) feet in radius is required around the trunks of all existing and proposed trees.

(ii) Shrubs and Ground Cover. Shrubs, vines and ground cover planted pursuant to this section shall be good, healthy nursery stock. Shrubs must be, at a minimum, a one (1) gallon container size.

(iii) Lawn Grass. It is recommended that grass areas be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in areas subject to erosion.

(iv) Synthetic Plants. Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

(v) Architectural Planters. The use of architectural planters may be permitted in fulfillment of landscape requirements.

(vi) Other. Any approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.

(d) Exceptions. Exceptions to these provisions may be granted by the Commission and/or Council to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this Section is met, and the reduction of the landscape area results in the preservation of natural features having comparable value to the reduced landscape requirements.

(e) Placement. Landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty percent (50%) of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed. Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the Commission and/or the Council. Landscaping placed within public right-of-ways shall not be credited to the minimum landscape requirements by this Section unless the developer and the City or County negotiate a license agreement by which the developer assumes the responsibility for the maintenance, repair and replacement for all landscaping located within the public right-of-way.

(f) Credit. The City Engineer shall, with respect to the approval of a construction plan, give a credit against the requirements of this Section for trees preserved on the site. Provided that, in order to reward the preservation of Significant Trees, a credit may be given for such preservation only if no more than fifty percent (50%) of the Critical Root Zone is disturbed or distressed with impervious cover; and provided further that the remaining Critical Root Zone must consist of at least one hundred (100) square feet.

(g) Additional Required Plantings. For every six-hundred (600) square feet of landscape area required by this Section, two (2) trees and four (4) shrubs shall be planted. To reduce the thermal impact of unshaded parking lots, additional trees shall be planted, if necessary, so that no parking space is more than 50 feet away from the trunk of a tree, unless otherwise approved by the Commission.

(h) Replacement of Required Trees. Upon the death or removal of a tree planted pursuant to the terms of this Section, a replacement tree of equal size and type shall be required to be planted. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree in this Section is retained.

(i) Screening. The following requirements shall be in addition to the foregoing landscaping and planting requirements.

(i) All off-street parking, loading spaces and docks, outside storage areas, satellite dishes larger than 18 inches in diameter, antennas, mechanical equipment, and the rear of structures on reverse frontage lots, must be screened from view from the street or public right-of-ways.

(ii) Approved screening techniques include privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof.

(iii) Privacy Fences.

(A) All fences required by this subsection and along a common property boundary shall be six (6) feet in height.

(B) Fences up to eight (8) feet in height, but not less than six (6) feet, shall be allowed for impeding access to hazardous facilities including, but not limited to, electrical substations, swimming pools and chemical or equipment storage yards, where the slope of a line drawn perpendicular to the fence line averages twenty percent (20%) or more on either side of the fence over a distance no less than fifteen (15) feet, or where the fence forms a continuous perimeter around a subdivision and the design of said perimeter fence is approved by the Commission.

(C) Fences less than or equal to three (3) feet in height shall be allowed in front yards.

(D) No fence or other structure more than thirty percent (30%) solid or more than three (3) feet high shall be located within twenty-five (25) feet of the intersection of any rights-of-way.

(E) All fences shall be constructed to maintain structural integrity against natural forces such as wind, rain and temperature variations.

(F) The finished side of all fences built to comply with these regulations shall face away from the screened object.

(iv) Evergreen Vegetative Screens. Evergreen plant materials shall be shrubs, at least thirty (30) inches in height and at a minimum spacing of 48 inches at the time of installation. Shrubs may be used in combination with landscape trees to fulfill the requirements of this Section.

(v) Landscape Berms. Landscape berms may be used in combination with shrubs and trees to fulfill the screening requirements of this Section if the berm is at least three (3) feet in height and has a maximum side slope of four (4) feet of horizontal run for every one (1) foot in vertical rise.

(vi) Native Vegetation. Existing vegetation, demonstrating significant visual screening capabilities and as approved by the Commission may fulfill the requirements of this Section.

3. Construction Plans

(a) Purpose and Applicability. Construction Plans provide detailed graphic information and associated text indicating property boundaries, easements, land use, street access, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces and general conformance with these Minimum Development Standards. Construction Plan approval by the City Engineer shall be required for any development or improvement of land subject to this Agreement when Construction Plan approval is not required by the City's Subdivision Ordinance.

(b) The process for the submission and approval of Construction Plan shall be governed by the City Zoning Ordinance.

4. Definitions

Accessory Structure means, in a residential district, a subordinate building detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, toolhouse, bath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business or occupancy by any long-term or paying guests.

Accessory Use means a use that is customarily a part of the principal use, a use which is clearly incidental, subordinate and secondary to the permitted use, and which does not change the character thereof.

Amusement (Indoor) means an amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, including a bowling alley, billiard parlor, and similar activities.

Amusement (Outdoor) means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein a portion of the activity takes place in the open, including golf driving range, archery range, miniature golf course, and similar activities.

Apartment Hotel means a building used or intended to be used as a home for twelve (12) or more families, who are permanent residents, living independently of each other, in which building may be located on the first floor living units for transient guests, and/or retail sales and service.

Assisted Retirement Living means a use providing 24-hour supervision and assisted living for more than 15 residents not requiring regular medical attention. This classification includes personal care homes for the physically impaired and persons 60 years of age or older.

Auto Sales (Outdoor) means an open, dust-free, all weather area, other than a street, alley or other public place, used for the display and sales of new or used automobiles. Where no repair work, except those actions normally associated with vehicle operator service, is done on the cars to be displayed and sold on the premises. A sales office is normally located on the premises and such shall be limited to an area less than 10% of the total sales lot.

Auto Sales Facility means one or more buildings and an open, dust-free, all weather surface other than a street, alley, or other public place, used for the display, wholesale or retail sale, of new or used automobiles, with repair and renovation authorized entirely within an enclosed building, and temporary storage of vehicles for repairs and renovation not to exceed ninety (90) days.

Bar means any business establishment required to have a state license for the sale of alcoholic beverages other than beer, for on-premises consumption.

Bed and Breakfast means an establishment engaged in providing rooms or groups of rooms in a dwelling unit for temporary lodging for overnight guests on a paying basis.

Boarding House means a building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for three (3) or more persons for compensation, pursuant to previous arrangement for definite periods, but not to the general public or transients.

Caliper means the trunk diameter of a tree at three (3) feet above natural grade.

Centerline of a Waterway means the centerline of the waterway and refers to existing topographically defined channels. If not readily discernible, the centerline shall be determined by (first) the low flow line, or (second) the center of the two (2) year flood plain.

Child care center (Small) means a private residence where the occupant provides custodial care and supervision during daylight hours for a maximum of six (6) children at one time. The maximum of six (6) children includes the family's natural or adopted children under the age of fourteen (14). The residence must contain a minimum of 150 square feet of floor area for each child. This use shall exclude group/family home.

Child care center (Intermediate) means a facility (including non-residential structures) which provides custodial care and supervision for less than 24 hours per day for between seven (7) and twelve (12) children, excluding foster and group homes. The facility must contain a minimum of 150 square feet of floor area for each child.

Child Care Center (Large) means a facility where over twelve (12) children receive custodial care and supervision for less than 24 hours a day, excluding foster and group homes.

Child Care or Child Development Facilities means any children's home, orphanage, institution, private home, residence or other place, whether public, parochial or private, operated for profit or not, which keeps, cares for, has custody of or is attended by four (4) or more children under sixteen years of age at any one time, who are not members of the immediate family or any natural person operating any such place, during any part or all of the twenty-four hours in a day. Also, any institution, home or other place, whether public, parochial or private, conducted for profit or not, which keeps, cares for, has custody of or is attended by any number of children, under sixteen years of age, who are not members of the immediate family of any natural person operating such a place, who are mentally or physically handicapped, under medical or social supervision, and not within a hospital, twenty-four hours a day.

Cleaning or Laundry Self Service Shop means an establishment providing customers with self-service laundry and/or dry cleaning facilities, and does not include a commercial laundry or cleaning plant.

Cleaning Shop or Laundry (Small) means a custom cleaning shop not exceeding two thousand five hundred (2,500) square feet of floor area.

Cold Storage Plant means a commercial establishment where food or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or to commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

Commission means the Planning and Zoning Commission of the City.

Communication services means an establishment engaged in providing broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, and photocopy and reproduction mechanisms (excludes broadcast towers).

Community Center means (a) a building and grounds owned or leased and operated by a governmental body for the social, recreational, health or welfare of the community served, and (b) a recreational facility, including both indoor and outdoor facilities, for use by residents and guests of a particular residential community development, subdivision, or membership group.

Convalescent Home means any structure used or occupied by three (3) or more persons recovering from illness or being provided geriatric care for compensation.

Convenience Store means a retail establishment of less than 2,500 square feet of total floor area selling a variety of consumables, notions and/or similar items, usually serving as a convenient outlet to a neighborhood. This activity can include the retail sale and self-service dispensing of gasoline or other fuels.

Critical Root Zone means a circular area around a Significant Tree equal to one (1) foot in radius for each one (1) inch caliper, and the center of the circular area located at the trunk

Cultural services means a library, museum, or similar registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

Day Camp means a facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

Development means the construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill. Lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and

commodities stored therein. The size of each individual storage unit of a mini-storage warehouse shall be limited to 2,000 cubic feet.

Motel means a building or group of detached, semi-detached or attached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor courts, motels and similar designations.

Night Club means an establishment required to have a state permit for the sale of alcoholic beverages and in which fifty percent (50%) or more of the monthly gross revenues are from the sale of alcoholic beverages; or any business or commercial establishment in which alcoholic beverages are consumed on-premises and live entertainment is provided.

Off Street Parking Space means an area of privately owned land not less than nine (9) feet by eighteen and one-half (18½) feet not on a public street or alley, with an all weather surface. A public street shall not be classified as such, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space.

Park or Playground means an open recreation facility or park owned and operated by a public agency such as the City or a municipal utility district and available to the general public for neighborhood use, but not involving lighted athletic fields for nighttime play.

Playfield means an athletic field or stadium owned and operated by a public agency such as the City or a municipal utility district for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

Privacy Fence means an opaque fence or screen of wood, masonry or a combination thereof at least six (6) feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so those gaps in the fence do not exceed one-half (1/2) inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half (1/2) inch and are dog eared picketing.

Private Club means an establishment required to have a state issued alcoholic beverage permit for the sale, storage or vending of alcoholic beverages on-premises to its members.

Property Owners Association means an incorporated, non-profit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a subdivision is automatically a member, (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property, and (c) the charge, if unpaid, becomes a lien against the property.

Property Owners Association Neighborhood Park means a privately owned parcel of land, within a subdivision, dedicated solely for recreational use by persons in such subdivision and their guests, and maintained by the residents of said subdivision.

Regulatory 100-Year Flood Plain means the one hundred (100) year flood plain as defined by the Federal Emergency Management Act (FEMA).

Replacement Trees means new landscape trees to be planted by the developer to replace Significant Trees removed during the development of property. A list of approved Replacement Trees can be obtained at the office of the City.

Reverse Frontage Lot means a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Safety services means a facility to conduct public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

School means a school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

School (Business) means a business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including a commercial trade school.

School (Commercial) means a business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, mechanics and similar trades.

Sexually Oriented Business has the same meaning as that phrase has in the City Zoning Ordinance.

Shopping Center means a composite arrangement of shops and stores which provides a variety of goods and services to the general public, when developed as an integral unit.

Significant Tree means a living tree that the City desires to preserve to the greatest extent possible. All trees larger than eight (8) inches in caliper are significant trees.

Social Club means a building or portion thereof or premises used or operated for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Storage Garage means any premises and structure used exclusively for the storage of more than five (5) automobiles.

Tourist Home means a building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

Tree means any self-supporting woody plant species that normally grows to an overall minimum height of fifteen (15) feet.

Veterinary hospital means an establishment offering veterinary services and clinics for pets, small and/or large animals. Typical uses include pet clinics, care, treatment and temporary housing of livestock and large animals, with temporary housing of large animals permitted in an attached or adjacent roofed building, with three (3) or more sides having walls or a solid fence extending from the foundation to at least 3/4 of the distance to the roof line.

Zoning Ordinance means City Ordinance No. 185, as it may be amended from time to time.

ANY DEFINITION NOT EXPRESSLY PRESCRIBED HEREIN SHALL BE CONSTRUED IN ACCORDANCE WITH CUSTOMARY USAGE IN MUNICIPAL PLANNING AND ENGINEERING PRACTICES.

**MINIMUM DEVELOPMENT STANDARDS
SINGLE FAMILY RESIDENTIAL**

Proposed Minimum Development Standard	Current Development Agreement	Current Zoning Ordinance
<p>1. Permitted Uses</p> <p>(a) Single-family dwellings with a minimum of 1,300 sq. ft. of living area.</p> <p>(b) City or MUD parks and other public recreational facilities.</p> <p>(c) Public buildings, including schools.</p> <p>(d) City or MUD water, sewer and drainage facilities.</p> <p>(e) Real estate sales offices and model homes.</p> <p>(f) Temporary construction buildings.</p> <p>(g) Accessory structures not involving the conduct of any business enterprise.</p>	<p>Does not expressly define single-family residential use</p>	<p>Same as proposed, except: (1) minimum lot size of 7,500 sq. feet is not included; (2) permitted parks, playgrounds, community buildings and other public recreational facilities may be owned by a MUD, as well as the City; (3) permitted public buildings include schools; (4) water, sewer and drainage facilities owned by the City or a MUD are added as permitted use; and (5) the 2-year time limit on retail sales offices and 1-year limit on display buildings has been deleted.</p>
<p>2. Minimum Lot Size</p> <p><u>Minimum Lot Area</u> 7.5% 8,200 sq. ft. 7.5% 7,400 sq. ft. 20% 6,500 sq. ft. 20% 6,000 sq. ft. 20% 5,500 sq. ft. 25% 5,000 sq. ft.</p> <p><u>Minimum Lot Width</u> 55% 50 ft. 45% 45 ft. cul-de-sac lots 30 ft. (measured at front lot line)</p>	<p><u>Minimum Lot Area</u> 90% 6000 sq. ft. 10% 5000 sq. ft.</p> <p><u>Minimum Lot Width</u> 100% 50 ft. cul-de-sac lots 40 ft. (but measured at building front line, not front lot line)</p>	<p><u>Minimum Lot Area</u> 85% 7,500 sq. ft. 15% 6,000 sq. ft.</p> <p><u>Minimum Lot Width</u> 85% 60 ft. 15% 50 ft. cul-de-sac lots 40 ft. (measured at front lot line)</p>
<p>3. Height & Placement</p> <p><u>Front Yard Setback</u> 20 ft. irregularly shaped lots 25 ft. all other lots</p> <p><u>Side Yard Setback</u> 5 ft.</p> <p><u>Street Side Yard Setback</u> 15 ft.</p> <p><u>Rear Yard Setback</u></p>	<p><u>Front Yard Setback</u> 20 or 25 ft.</p> <p><u>Side Yard Setback</u> 5 ft. for lots less than 55 ft. 10 ft. for other lots</p> <p><u>Street Side Yard Setback</u> Not expressly addressed; prior zoning ordinance 15 ft.</p> <p><u>Rear Yard Setback</u></p>	<p><u>Front Yard Setback</u> 25 ft.</p> <p><u>Side Yard Setback</u> 10 ft.</p> <p><u>Street Side Yard Setback</u> 15 ft.</p> <p><u>Rear Yard Setback</u></p>

<p>10 ft. <u>Maximum Height</u> 35 ft., except water towers; City, MUD or POA parks and public recreational facilities, and public buildings, for which the maximum height is 60 ft.</p>	<p>10 ft. <u>Maximum Height</u> 35 ft.</p>	<p>25 ft. <u>Maximum Height</u> 35 ft, except public or semi- public service buildings, hospitals, institutions or schools, for which the maximum height is 60 ft..</p>
<p>4. Lot Coverage 40% main buildings 50% main and accessory buildings</p>	<p>Not expressly addressed</p>	<p>Same as proposed</p>
<p>5. Parking 2 off-street parking spaces for single-family dwelling</p>	<p>Not expressly addressed; prior zoning ordinance 2 off-street parking spaces for 3-bedroom dwelling</p>	<p>2 spaces minimum, and ½ space for each additional bedroom above 2</p>
<p>6. Landscaping Minimum of 2 2-inch trees, 6 2-gallon shrubs and lawn grass from the front property line to the front 2 corners of the structure.</p>	<p>Not expressly addressed</p>	<p>Same as proposed</p>
<p>7. Outdoor Lighting Outdoor lighting shall be located so as not to shine directly upon adjoining property or create a nuisance for adjoining property owners. Night-time security lighting will be located as close as is practicable to main dwellings.</p>	<p>Not expressly addressed.</p>	<p>Same as proposed, except ordinance also provides that the lighting shall be installed and maintained in compliance with all applicable City ordinances.</p>
<p>8. Additional Conditions (a) Minimum of 2 sides masonry construction (b) Vehicles without current plates shall be parked in an enclosed building, and other vehicles shall be parked on all weather surface or in enclosed building.</p>	<p>Not expressly addressed. Not expressly addressed.</p>	<p>Same as proposed. Same as proposed.</p>

ALL USES EXCEPT SINGLE FAMILY RESIDENTIAL

Proposed Minimum Development Standard	Current Development Agreement	Current Zoning Ordinance
<p>1. Parking (a) <u>Handicapped Parking.</u> (b) <u>Maximum Parking.</u> (c) <u>Development and Maintenance Standards for Parking Areas.</u></p>	Not expressly addressed	Same as proposed, except proposed standards allow screening of off-street parking for more than 5 vehicles by natural vegetation and topography, in addition to privacy fences, hedges and plantings.
<p>2. Landscaping See Minimum Development Standards for full text.</p>	Not expressly addressed; 10% of non-residential lots reserved for open space.	Same as proposed, except that 2(e) allows landscaping planted in the ROW to be credited against minimum landscaping requirement, if developer enters into license agreement with the City or County pursuant to which the developer will be responsible for maintenance of all landscaping in the ROW
<p>3. Construction Plans See Minimum Development Standards for full text.</p>	Not expressly addressed.	Same as proposed
4. Definitions	No parallel provision	Same as proposed

**MINIMUM DEVELOPMENT STANDARDS
MULTI-FAMILY RESIDENTIAL**

Proposed Minimum Development Standard	Current Development Agreement	Current Zoning Ordinance
1. Permitted Uses Attached single family structures with a minimum of 500 sq. ft. of living area.	Does not expressly define multi-family residential use	Same as proposed
2. Minimum Lot Size <u>Minimum Lot Area</u> 7,000 sq. ft. <u>Minimum Lot Width</u> 50 ft.	<u>Minimum Lot Area</u> 8,000 sq. ft. <u>Minimum Lot Width</u> 50 ft.	Same as proposed
3. Height & Placement <u>Front Yard Setback</u> 25 ft. <u>Side Yard Setback</u> 5 ft. <u>Street Side Setback</u> 15 ft. <u>Rear Yard Setback</u> 10 ft. <u>Maximum Height</u> 50 ft.	<u>Front Yard Setback</u> 25 ft. <u>Side Yard Setback</u> 5 ft. <u>Street Side Setback</u> Not expressly addressed; prior zoning ordinance 15 ft. <u>Rear Yard Setback</u> 10 ft. <u>Maximum Height</u> 50 ft.	Same as proposed
4. Lot Coverage 40% main buildings 50% main & accessory buildings	Not expressly addressed; 10% of non-residential lots reserved for open space	Same as proposed
5. Parking (a) 5 ft. setback from rear wall of garage and from curb of any parking area to the nearest property line (b) Private garages may be attached or detached. (c) 2 off-street parking spaces for each living unit	(a) Not expressly addressed (b) Not expressly addressed (c) Not expressly addressed; prior zoning ordinance 1 off-street parking spaces for 1 bedroom, 1 ½ for 2 bedrooms, 2 for 3 bedrooms	(a) Same as proposed (b) Same as proposed (c) Same as proposed
6. Landscaping 20% total lot area	Not expressly addressed; 10% of non-residential lots reserved for open space	Same as proposed

7. Maximum Units Per Acre 21 units/acre	22 units per acre	Same as proposed
8. Additional Conditions (a) More than 1 building or structure may be located on a lot. (b) All buildings and structures shall be separated by a minimum horizontal distance of 10 ft.	(a) Not expressly addressed (b) Not expressly addressed	(a) Same as proposed (b) Same as proposed.

**MINIMUM DEVELOPMENT STANDARDS
COMMERCIAL**

Proposed Minimum Development Standard	Current Development Agreement	Current Zoning Ordinance
<p>1. Permitted Uses See Minimum Development Standards for complete list.</p>	<p>Does not expressly define commercial uses.</p>	<p>Same as permitted uses in C-1 and C-2 districts, except the following uses have been deleted: (1) cemetery; (2) manufactured housing sales and service; (3) packaging of spices produced in the region; (4) drive-in theaters; (5) farm and implement display and sales room; (6) farms or truck gardens; (7) golf course (commercial), playfield or stadium (public); (8) heavy machinery sales, storage and service; (9) milk and bread distributing stations; (10) parking lots and commercial garage; (11) sexually oriented business; (12) heliport; and (13) taxi cab stations. In addition, there are no requirements for conditional use permits.</p>
<p>2. Minimum Lot Size <u>Minimum Lot Area</u> 7,500 sq. ft. <u>Minimum Lot Width</u> 60 ft.</p>	<p><u>Minimum Lot Area</u> 5,750 sq. ft. <u>Minimum Lot Width</u> 50 ft.</p>	<p>C-2 minimums are same as proposed.</p>
<p>3. Height & Placement <u>Front Yard Setback</u> 25 ft. <u>Side Yard Setback</u> 7 ft. <u>Street Side Setback</u> 15 ft. <u>Rear Yard Setback</u> 15 ft. <u>Maximum Height</u> 60 ft., except for a hotel,</p>	<p><u>Front Yard Setback</u> 25 ft. <u>Side Yard Setback</u> 10 ft. <u>Street Side Setback</u> Not expressly addressed; prior zoning ordinance had no street side setback <u>Rear Yard Setback</u> 0 ft. <u>Maximum Height</u> 50 ft.</p>	<p>C-2 minimums are same as proposed, except for the maximum height exception for a hotel.</p>

which has a maximum height of 150 ft.		
4. Lot Coverage 60% main buildings 70 % accessory buildings	Not expressly addressed; 10% of non-residential lots reserved for open space; 0.4 FAR	Same as proposed
5. Parking <i>See Minimum Development Standards for complete chart.</i>	Not expressly addressed; prior zoning ordinance included similar, though not identical, provisions	Same as proposed
6. Landscaping 15 % of net lot area – total lot area less undevelopable area	Not expressly addressed; 10% of non-residential lots reserved for open space	15% of total lot area
7. Maximum FAR 1.8 to 1	0.4	Same as proposed
8. Additional Conditions (a) Permitted use must be conducted primarily within an enclosed building or screened area, except for customary outdoor activities for the specified use listed. (b) Advertising signs must be on the same lot as the business establishments to which they refer and shall not be placed within 25 ft. of residential land. (c) Paved sidewalks, driveways and parking areas are required. (d) Screening of loading and storage facilities is required. (e) Sexually Oriented Businesses are prohibited.	Not expressly addressed	Same as proposed, with the addition of the express prohibition on sexually oriented businesses

**MINIMUM DEVELOPMENT STANDARDS
OPEN SPACE**

Proposed Minimum Development Standard	Current Development Agreement	Current Zoning Ordinance
<p>1. Permitted Uses</p> <p>(a) Cemeteries.</p> <p>(b) Conservation areas.</p> <p>(c) Golf Courses.</p> <p>(d) Outdoor recreational and athletic facilities.</p> <p>(e) Outdoor swimming pools.</p> <p>(f) POA neighborhood parks, common open space, common open area, playgrounds and play fields.</p> <p>(g) Wildlife sanctuaries.</p> <p>(h) Club Houses and Community Centers.</p> <p>(i) Retail-oriented uses which are clearly secondary and customarily or necessarily incidental to permitted uses (a) through (h)</p> <p>(j) Caretaker residence.</p> <p>(k) Maintenance buildings.</p>	<p>Does not expressly define open space use</p>	<p>Same as proposed</p>
<p>2. Minimum Lot Sizes</p> <p><u>Minimum Lot Area</u> 7,500 sq. ft.</p> <p><u>Minimum Lot Width</u> 60 ft.</p>	<p><u>Minimum Lot Area</u> Not expressly addressed in current Development Agreement or prior zoning ordinance</p> <p><u>Minimum Lot Width</u></p>	<p>Same as proposed</p>
<p>3. Height & Placement</p> <p><u>Front Yard Setback</u> 25 ft.</p> <p><u>Side Yard Setback</u> 10 ft.</p> <p><u>Street Side Yard Setback</u> 15 ft.</p>	<p><u>Front Yard Setback</u> Not expressly addressed; prior zoning ordinance 25 ft.</p> <p><u>Side Yard Setback</u> Not expressly addressed; prior zoning ordinance 10 ft.</p> <p><u>Street Side Yard Setback</u> Not expressly addressed in current Development Agreement or prior zoning ordinance</p>	<p>Same as proposed, except 60 ft. maximum height instead of 35 ft. maximum height</p>

<u>Rear Yard Setback</u> 25 ft. <u>Maximum Height</u> 60 ft.	<u>Rear Yard Setback</u> Not expressly addressed; prior zoning ordinance 25 ft. <u>Maximum Height</u> 35 ft.	
4. Lot Coverage 50% main buildings 60% main and accessory buildings	Not expressly addressed; 10% of non-residential lots reserved for open space; prior zoning ordinance provided 0.1 FAR	Same as proposed
5. Landscaping 20% net lot area – total lot area less undevelopable area	Not expressly addressed; 10% of non-residential lots reserved for open space	20% of total lot area