

ZONE-24-0022
EXHIBIT C
DEVELOPMENT REGULATIONS
(373.5107 acres; approx. 310.4 Net Acres)

- Conformance with the Town's Zoning Ordinance and Subdivision Ordinance: Except as otherwise set forth in these Development Regulations, the regulations of the Town's Zoning Ordinance (Ordinance No. 05-20), as it exists or may be amended, and the Subdivision Ordinance (Ordinance No. 17-41), as it exists or may be amended, shall apply.
 - In the event of a conflict between the Town's Zoning Ordinance and this PD Ordinance, this PD Ordinance shall control. In the event of a conflict between these Development Regulations and the Concept Plan, these Development Regulations shall control.
- 1. **Development Plans:**
 - a) Concept Plan: The property shall be developed in general accordance with the attached concept plan, set forth in **Exhibit D** (the "Concept Plan"), except as modified as provided herein. The Concept Plan shall satisfy all requirements under the Zoning Ordinance to submit/ approve a conceptual development plan for this PD and no further conceptual development plan, or approvals by the Planning & Zoning Commission or Town Council with respect to a conceptual development plan shall be required.
 - b) Open Space and Trail Plan: The property shall be developed in general accordance with the attached Open Space and Trail Plan, set forth in **Exhibit G** (the "Open Space and Trail Plan"), except as modified as provided herein.
 - c) Changes of detail or amendments to the Concept Plan, the Open Space and Trail Plan (except changes to any Hike and Bike Trails shown on the Open Space and Trail Plan, which are subject to subsection 1(e) below) or any other exhibits attached hereto may be authorized by the Development Services Director so long as such changes or amendments:
 - i. do not alter the basic relationship of the proposed development to adjacent property;
 - ii. do not alter the uses permitted;
 - iii. do not increase the number of dwelling units above 800 dwelling units;
 - iv. do not increase building height above 40 feet;
 - v. do not increase lot coverage for any residential lot above 45 percent;
 - vi. do not decrease the required off street parking ratio; and
 - vii. do not reduce the minimum yards required pursuant to Section 5 and Section 6 of these Development Regulations (below).
 - d) The applicant may appeal the Development Services Director's decision to deny an amendment to the Concept Plan or any other exhibits attached hereto to the Town's Planning & Zoning Commission and may appeal the Planning & Zoning Commission's decision to the Town Council. For any amendments that are not authorized to be approved by the Development Services Director herein or in the Zoning Ordinance (or by the Town's Planning & Zoning Commission in the Zoning Ordinance), the applicant may apply for an amendment through the same process as a zoning amendment.

- e) Changes of detail or amendments to any Hike and Bike Trails shown on the Open Space and Trail Plan may be authorized by the Town's Director of Parks & Recreation or his/her designated representative (the "Parks Director") so long as such changes or amendments: do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted, or reduce the minimum yards required pursuant to Section 5 and Section 6 of these Development Regulations (below).
 - i. The applicant may appeal the Parks Director's decision to deny an amendment to the Open Space and Trail Plan to the Town's Planning & Zoning Commission and may appeal the Planning & Zoning Commission's decision to the Town Council. For any amendments that are not authorized to be approved by the Parks Director herein or in the Zoning Ordinance (or by the Town's Planning & Zoning Commission in the Zoning Ordinance), the applicant may apply for an amendment through the same process as a zoning amendment.

2. **Tracts; Defined Terms.**

- a) Tracts.
 - i. The property is referred to herein as two separate tracts, the "East Tract", labeled as the "East Tract" on the Concept Plan and the "West Tract", labeled as the "West Tract" on the Concept Plan.
- b) Defined Terms.
 - i. **"Amenity Center"** means a facility that provides amenities primarily for the use of a private group, association, subdivision or neighborhood. Amenity centers can include without limitation (but are not required to include) pools, playgrounds, fitness centers, and other facilities.
 - ii. **"Community Pool"** means a swimming pool that is available for use by residents and their guests in the subdivision or neighborhood in which it is located. It may be part of an Amenity Center.
 - iii. **"Development Services Director"** means the Town's Director of Development Services or his/her designated representative.
 - iv. **"Fire Pit Amenity"** means a designated outdoor area with a fire pit, provided as a feature for residents or guests to gather around, enjoy warmth from the fire, and socialize.
 - v. **"Gazebo"** means a freestanding roofed structure usually open on the sides.
 - vi. **"Game Lawn"** means an outdoor lawn, grass or other outdoor area that may be used for outdoor games such as but not limited to cornhole, bocce ball, croquet, and horseshoes.
 - vii. **"Hike and Bike Trail"** means a concrete trail ten feet (10') in width (except where approved to be less than ten feet in width as described below) generally shown in yellow and labeled as the "Public Trail" on the Open Space and Trail Plan. The trail may be used for walking, running, hiking, biking and/or similar uses. The trail shall not be required to be greater than 10' in width (and may be less than 10' in width where natural features or vegetation prevent such width as approved by the Development Services Director). The Development Services Director may approve less than 10' in

width for the Hike and Bike Trail where the owner or developer is able to show that natural features or vegetation prevent or impede a ten foot width. The Hike and Bike Trail will be available for access by the public. No part of the Hike and Bike Trail as such term is used herein is required to be within the gated area of the residential community.

- viii. **“Net acreage” or “net acres”** means gross land area less any:
1. Land located within a floodplain or special flood hazard area as designated by the Federal Emergency Management Agency on its Flood Hazard Boundary Map and Flood Insurance Rate Maps, or the Department of Housing and Urban Development, Federal Insurance Administration, Special Flood Hazard Area Maps.
 2. Right-of-way dedicated for major thoroughfares.
 3. Required parkland dedication.
 4. Detention.
 5. Land used for non-residential purposes.

Notwithstanding the foregoing, net acreage or net acres may include the following:

- Private open space.
 - Park dedication in excess of minimum park dedication requirements.
 - Detention ponds that contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Development Services Director.
- ix. **“Outdoor Grilling Station”** means a set of tools and/or equipment for grilling or cooking and preparing food outdoors. It typically will include one or more grills and related counter space.
- x. **“Pavilion”** means a usually open, covered structure in a garden, open space, or place of recreation that is used for entertainment or shelter.
- xi. **“Pocket Park”** means a small, outdoor park or open space area.
- xii. **“Pond”** means a small, still, land-based body of water formed by pooling inside a depression, either naturally or artificially.
- xiii. **“Putting Green”** means a small area of short grass or turf on which people can hit golf balls into a series of holes for entertainment or for practice.
- xiv. **“Sports Court”** means a court or hardscape area designed for athletic or recreational purposes (e.g., such as a full or half basketball court, tennis court, or pickleball court, etc.) surrounded by fencing or on a standalone pad. A half basketball court counts as one sports court.

- xv. **“Utility Distribution Facility”** means a structure or facility used to deliver utilities from their source to consumers. These facilities can include without limitation pipelines, wires, a lift station and/or other equipment.

3. **Uses.**

- a) The following uses are permitted by right within the East Tract:
1. Model home;
 2. Private Street Development¹;
 3. Single-Family Dwelling, Detached;
 4. Accessory Building;
 5. Homebuilder Marketing Center;
 6. Home Occupation;
 7. Household Care Facility;
 8. Municipal Uses Operated by the Town of Prosper;
 9. Park or Playground;
 10. Private Recreation Center;
 11. School, Public;
 12. Antenna and/or Antenna Support Structure, Non-Commercial;
 13. Private Utility, Other Than Listed;
 14. Wireless Communications and Support Structures less than 15 feet in height; and
 15. Child Care Center, Home.
- ii. Incidental Uses – including, but not limited to Amenity Centers, Community Pools, Gazebos, Pavilions, Sports Courts, Putting Greens, frisbee or disc golf course, and Ponds.
- b) The following uses are permitted by Specific Use Permit (SUP) within the East Tract:
- i. Child Care Center, Licensed.
 - ii. Wireless Communications and Support Structures 15 feet or greater in height.
 - iii. Utility Distribution Facility.
- c) The following uses are permitted by right within the West Tract:
1. Model home;
 2. Accessory Building;
 3. Homebuilder Marketing Center;
 4. Home Occupation;
 5. Household Care Facility;
 6. Municipal Uses Operated by the Town of Prosper;
 7. Park or Playground;
 8. Private Recreation Center;
 9. Antenna and/or Antenna Support Structure, Non-Commercial;

¹ Use is permitted subject to compliance with conditional development standards or limitations in the corresponding numeric end note in Article 3, Division 1, Permitted Uses and Definitions, Section 3.1.4, Conditional Development Standards of the Zoning Ordinance.

10. Private Utility, Other Than Listed;
11. Wireless Communications and Support Structures less than 15 feet in height;
12. Single Family Dwelling, Detached Active Adult Community. “Active Adult Community” shall mean Single Family Dwelling, Detached that may be marketed and/or designed as a planned community primarily for residents who have retired from an active working life. A residential development that contains the West Tract Required Amenities will be considered a community designed primarily for residents who have retired from an active working life. Homeownership and/or occupancy on all or a portion of the lots within the West Tract may be limited to certain qualified ages, and may include without limitation Single Family Dwelling, Detached age restricted to residents 55 years of age and older. By way of example and not limitation, this use may include an age qualified community that restricts all lots to certain qualified ages, or may restrict a certain percentage of the lots to one or more qualified age(s). Any restrictions limiting the age(s) of any resident(s) (and any exceptions to such limitations) shall be contained within private Covenants, Conditions and Restrictions for the West Tract as this PD Ordinance does not provide any such regulations, just an allowance for an age qualified community to be developed.
13. Private Street Development is allowed by right.²
14. Incidental Uses – including, but not limited to Amenity Centers, Community Pools, Recreation Centers, food trucks, Gazebos, Pavilions, Sports Courts, Putting Greens, frisbee or disc golf course, and Ponds.
 - (a) An Amenity Center may include but is not limited to the following uses:
 - (i) Office, business center or co-working space, a café, a kitchen and/or catering kitchen, clubroom, fitness center, conference rooms, locker room or changing room with or without shower facilities, lounge, storage areas, restroom facilities, social gathering areas.
 - (ii) Storage of equipment (such as but not limited to physical therapy, medical equipment, and pool equipment).

² Private Street Development is allowed by right within the West Tract pursuant to this PD and is excluded from the requirement for a Specific Use Permit in the Zoning Ordinance.

- (iii) Administrative, Medical, or Professional Office is allowed as an accessory use as part of an Amenity Center in a Single Family Dwelling, Detached Active Adult Community.
 - (b) Examples of food trucks (an allowed incidental use within the West Tract) are included with the Inspirational Images attached as **Exhibit H**. Food trucks or food truck stations are not required to exactly match the images or design included with **Exhibit H**, rather **Exhibit H** provides some examples of what this use may look like.
 - d) The following uses are permitted by Specific Use Permit (SUP) within the West Tract:
 - i. Wireless Communications and Support Structures 15 feet or greater in height.
 - ii. Utility Distribution Facility.
4. **Maximum Overall Density.**
- a) Maximum Permitted Density for the entire property (including both the East Tract and the West Tract): 800 dwelling units, which may be a mix of the lot types defined herein. There is no minimum number of dwelling units per acre. Notwithstanding the proposed locations of lots and lot types as shown on the Concept Plan, the developer may change the location of lots and/or lot types and relocate lots/ lot types and such amendments to the Concept Plan will be approved by the Development Services Director so long as: (i) the total number of dwelling units located on the property is not more than 800 dwelling units, and (ii) the Concept Plan otherwise complies with the requirements herein.
5. **Development Regulations for the East Tract.**
- a) Type A Lots: “Type A Lots” shall be considered any lots within the East Tract with a lot width of 80’ or greater. Except as otherwise provided herein, Type A Lots shall comply with the requirements and regulations for the Single Family-12.5 District of the Town’s Zoning Ordinance, subject to the following changes:
 - i. Minimum Enclosed Parking (Garage) Area: 600 square feet.
 - b) Type B Lots: “Type B Lots” shall be considered any lots within the East Tract with a lot width of less than 80’. Except as otherwise provided herein, Type B Lots shall comply with the requirements and regulations for the Single Family-10 District of the Town’s Zoning Ordinance, subject to the following changes:
 - i. Minimum Lot Width: 75 feet.
 - ii. Minimum Enclosed Parking (Garage) Area: 600 square feet.

- c) At least 100 lots within the East Tract will be Type A Lots. The maximum number of dwelling units within the East Tract is 275.
- d) At least ten percent (10%) of all lots within the East Tract (calculated based on the aggregate of all lots within the East Tract within all phases rather than on a phase by phase basis) will have a lot area of at least 20,000 square feet.
- e) Please see Table 1 below for a summary of the development standards for the East Tract. In the event of a conflict between Table 1 and the text in Section 5(a)-(d) above, the text in Section 5(a)-(d) above shall control.

Table 1

	SF-12.5 Base District	Type A Lots	SF-10 Base District	Type B Lots
Min. or Max. # of lot type (if applicable)	n/a	At least 100 within the East Tract	n/a	n/a
Minimum Front Yard	30 feet	30 feet	25 feet	25 feet
Minimum Side Yard	Eight feet; 15 feet on corner adjacent to side street.	Eight feet; 15 feet on corner adjacent to side street.	Eight feet; 15 feet on corner adjacent to side street.	Eight feet; 15 feet on corner adjacent to side street.
Minimum Rear Yard	25 feet	25 feet	25 feet	25 feet
Minimum Lot Area	12,500 square feet	12,500 square feet	10,000 square feet	10,000 square feet
Minimum Lot Width	80 feet	80 feet	80 feet	75 feet
Minimum Lot Depth	135 feet	135 feet	125 feet	125 feet
Minimum Dwelling Area	1,800 square feet	1,800 square feet	1,800 square feet	1,800 square feet
Minimum Enclosed Parking (Garage) Area	400 square feet	600 square feet	400 square feet	600 square feet
Maximum Height	Two and a half stories, no greater than 40 feet.	Two and a half stories, no greater than 40 feet.	Two and a half stories, no greater than 40 feet.	Two and a half stories, no greater than 40 feet.
Maximum Lot Coverage	45 percent	45 percent	45 percent	45 percent

6. Development Regulations for the West Tract

- a) Except as otherwise provided herein, Type C Lots, Type D Lots and Type E Lots (as defined herein) shall comply with the requirements and regulations for the Single Family-10 District of the Town's Zoning Ordinance.
- b) Type C Lots: "Type C Lots" shall be considered any lots within the West Tract with a lot width of 75 feet or greater. Type C Lots shall be developed to the standards in Table 2 for Type C Lots.
- c) Type D Lots: "Type D Lots" shall be considered any lots within the West Tract with a lot width of at least 65 feet, but less than 75 feet. Type D Lots shall be developed to the standards in Table 2 for Type D Lots.
- d) Type E Lots: "Type E Lots" shall be considered any lots within the West Tract with a lot width of at least 55 feet, but less than 65 feet. Type E Lots shall be developed to the standards in Table 2 for Type E Lots.

Table 2

	SF-10 Base District	Type C Lots	Type D Lots	Type E Lots
Min. or Max. # of lot type (if applicable)	n/a	At least 100 within the West Tract	n/a	A maximum of 200 within the West Tract
Minimum Front Yard	25 feet	25 feet	25 feet	25 feet
Minimum Side Yard	Eight feet; 15 feet on corner adjacent to side street.	Eight feet; 15 feet on corner adjacent to side street.	Eight feet; 15 feet on corner adjacent to side street.	Eight feet; 15 feet on corner adjacent to side street.
Minimum Rear Yard	25 feet	25 feet	25 feet	25 feet
Minimum Lot Area	10,000 square feet	10,000 square feet	8,800 square feet	7,500 square feet
Minimum Lot Width	80 feet	75 feet	65 feet	55 feet
Minimum Lot Depth	125 feet	125 feet	125 feet	125 feet
Minimum Dwelling Area	1,800 square feet	2,000 square feet	1,800 square feet	1,550 square feet
Minimum Enclosed Parking (Garage) Area	400 square feet	400 square feet	400 square feet	400 square feet
Maximum Height	Two and a half stories, no greater than 40 feet.	Two and a half stories, no greater than 40 feet.	Two and a half stories, no greater than 40 feet.	Two and a half stories, no greater than 40 feet.
Maximum Lot Coverage	45 percent	45 percent	45 percent	45 percent

- e) No more than 200 lots within the West Tract may be Type E Lots. At least 100 of the lots within the West Tract are required to be Type C Lots. The maximum number of dwelling units within the West Tract is 525.
- f) Article 4, Division 9, Section 4.9.3.F. of the Zoning Ordinance regarding staggered front yard setbacks does not apply. No staggered front yard setback is required; however, lot types (i.e., Type C, Type D and Type E) will be inter-mixed on each street on a block, so that each street has at least two lot types. Inter-mixing of lot types will result in a staggering of different home product types rather than staggering the setbacks to create visual interest on a street or block. Lot types will be mixed so that one side of a street is not identical (e.g., does not mirror) the opposite side of the street. For example, if one side of the street consists of ten (10) Type C Lots and ten (10) Type D Lots, then the opposite side of the street must have either a different number of Type C and Type D Lots or should include Type E Lots so that one side of the street does not exactly match the opposite side of the street. By way of clarification, the requirement to inter-mix lot types on a block or street does not prevent two of the same lot type being adjacent to each other on a street; rather the requirement is that more than one lot type will be provided on a block or street. Examples of how lot types may be inter-mixed is shown on **Exhibit D** and **Exhibit D-1** attached. Streets/ blocks are not required to conform exactly to **Exhibit D** and/or **Exhibit D-1**; rather, **Exhibit D** and **Exhibit D-1** are meant to show a graphic depiction of how lot types may be inter-mixed along a street or block.
- g) A Single Family Dwelling, Detached Active Adult Community may be gated and separated from the surrounding communities along the perimeter subject to Section 7(d) herein, Screening and Fencing.
- h) Internal to a Single Family Dwelling, Detached Active Adult Community there shall be connectivity throughout with access points to surrounding neighborhoods or trails.
- i) Private Street Development.
 - i. The proposed streets shall be privately owned, maintained, and regulated by the applicable homeowners' association. Storm drainage for private streets shall also be maintained by the applicable homeowners' association.
 - ii. The property owner or developer will dedicate water and sewer easements to the Town within or adjacent to the streets in order for the development to be connected to the Town water and sewer systems.
 - iii. Otherwise, private streets shall be constructed in accordance with the requirements for private streets and gated subdivisions contained in Section 10.03.134 of Chapter 10, Article 3, Division 6 of the Code of Ordinances, Town of Prosper, Texas.

7. General Development Regulations

- a) Architectural Regulations:
 - i. Dwelling units shall be in general conformance with one of the home styles shown in the renderings included with **Exhibit F**, with regard to design. Materials shall be governed by subsection (a)(ii) below. Otherwise stated, building materials are not required to match what is shown on **Exhibit F**;

rather, building material(s), including without limitation color palettes or types of materials may consist of any of the materials allowed in subsection (a)(ii) herein, subject to the requirements in that section. The property owner or developer shall submit building elevations with the application for a building permit. The Town will approve the building elevations if they substantially conform to the requirements of this subsection (a)(i) and subsection (a)(ii) below. The architectural styles depicted on **Exhibit F** are an example of the different styles that homes must be in general conformance with (e.g., each separate home will be in general conformance with one of the styles shown). Building elevations are not required to exactly match or be the same color palette as what is shown on **Exhibit F** so long as they are in general conformance with one of the styles on **Exhibit F**. The applicant may submit alternate/different elevations that do not comply with the requirements of this subsection (a) (e.g., are a different style/design than **Exhibit F** or deviate from subsection (a)(ii)) and such alternate elevations may be approved by the Development Services Director, except that any elevations that differ by more than ten percent (10%) from the percentages required pursuant to subsection (a)(ii) herein will require review by the Planning & Zoning Commission and approval by the Town Council.

- ii. The exterior facades of a main building or structure, excluding windows, doors and area above the roof line shall comply with the following requirements:
 1. The exterior facades shall be constructed of 100 percent (100%) masonry, unless otherwise specified herein.
 2. Cementitious fiber board is considered masonry, but may only constitute:
 - (a) For the front façade of any home: Up to fifty percent (50%) of stories other than the first story on the front façade of a residential home³, except for the modern farmhouse and craftsman styles as noted below. Cementitious fiber board may be used as a façade cladding material for portions of upper stories on the front façade of a home that are in the same vertical plane as the first story so long as the home generally complies with one of the architectural styles included with **Exhibit F**; and
 - (b) For the side and rear facades of any home: Up to twenty percent (20%) of all stories on the side and rear facades of a

³ For clarification, up to 100 percent (100%) of the first story on the front façade of any residential home may be cementitious fiberboard.

residential home (e.g., eaves, soffits, and rear gables above the first floor).

3. Unless an alternate material is approved by the Development Services Director, any portion of an upper story, excluding windows, architectural features or area above the roof line, that faces Parvin Road or Frontier Parkway shall be 100 percent (100%) masonry and shall not be comprised of cementitious fiber board except for eaves, soffits, and rear gables (which may be comprised of cementitious fiber board).
4. Unless an alternate material is approved by the Development Services Director, any portion of an upper story, excluding windows, architectural features or area above the roof line, that faces and fronts on public or private open space, public or private parks, or the Hike and Bike Trail, shall be 100 percent masonry and may be comprised of cementitious fiber board subject to the limitations in Section 7(a)(ii)(2) above.
5. Unless an alternate material is approved by the Development Services Director, the exterior cladding of chimneys shall be brick, natural or manufactured stone, or three coat stucco.
6. Notwithstanding any limitation above, for modern farmhouse and craftsman style homes, cementitious fiber board is considered masonry, and may constitute up to eighty percent (80%) of stories other than the first story on the front façade of a residential home. The modern farmhouse and craftsman style homes are shown in the renderings included with **Exhibit F**.
7. Notwithstanding any limitation above, cementitious fiber board may be used for architectural features, including window box-outs, gables, bay windows, roof dormers, garage door headers, columns, exposed sidewalls/gable ends above lower roofs, exposed rafter tails, or other architectural features approved by the Development Services Director.
8. Masonry Construction means clay fired brick, natural and manufactured stone, granite, marble, three-coat stucco, and cementitious fiber board (subject to the limitations in this section) as exterior construction materials for all residential structures. Three-coat stucco means stucco applied using a three-step process over diamond metal lath mesh to a minimum of seven-eighths of an inch thickness or by other process producing comparable cement stucco finish with equal or greater strength and durability specifications.

- iii. An applicant may appeal any denial by the Development Services Director to a request for approval of an alternate material (as noted above) to the Town's Planning & Zoning Commission and may appeal the Planning & Zoning Commission's decision to the Town Council.
 - iv. The primary massing of the roof on the main residential building shall have a minimum slope of 6:12. Accessory roof structures (including, but not limited to garages) and architectural features shall have a minimum slope of 1.25:12.
 - v. Roof material shall be standing seam copper, metal roof or standing seam metal, natural slate shingles, imitation slate shingles, cementitious tile, or composition 30-year laminated shingles or other approved roof materials. "Other approved roof materials" mean roof materials other than listed herein that are approved by the Development Services Director. By way of clarification, roofing or roof materials are not required to match what is shown on **Exhibit F** hereto; rather, roof material may consist of any of the materials listed in this subsection.
 - vi. The requirements in this section shall apply in lieu of any exterior construction, building materials or design requirements in the Town's Zoning Ordinance and shall be the exclusive exterior construction, building materials, and design requirements that apply to the development of the property.
- b) All homes shall have a covered porch, stoop, or portico at the main front entry into the home.
 - c) Driveway Pavement Enhancements:
 - i. All driveways for single-family homes will be broom finished concrete; salt finish concrete; stained-patterned concrete; or brick, stone or inter-locking pavers.
 - d) Screening and fencing.
 - i. Screening and fencing may be provided generally as shown on the Open Space and Trail Plan.
 - ii. The area labeled as "Minimum 50% Open Fencing" along portions of Parvin Road and Frontier Parkway on the Open Space and Trail Plan (the "Perimeter Fence") will be constructed with at least fifty (50%) ornamental metal or tubular steel, with masonry columns and will be a minimum height of six feet and a maximum height of eight feet (except for columns which may be up to nine feet). The Perimeter Fence may include masonry materials so long as less than 50% of the total fence is masonry. The following requirements apply for the Perimeter Fence:
 - 1. Masonry columns shall be spaced between 75 feet and 100 feet.

2. The maximum height of the masonry columns, including capstones, shall be nine feet.
 3. The minimum height of required walls and fences shall be measured from the nearest alley edge, the property line (where no alley exists) or sidewalk grade, whichever is higher, and shall be constructed in accordance with town design standards.
 4. The ornamental metal fence shall be constructed of solid-stock materials and tubular steel with a minimum of 16 gauge pickets and 11 gauge posts.
- e) Trees on Corner Lots.
- i. A minimum of one tree from the large tree list in Section 4.2.7 of the Zoning Ordinance shall be planted in the side yard area adjacent to the street on a corner lot. When more than two trees are required per lot, the corner lot, side yard tree may count toward the requirement. Street trees (trees located in the parkway area between the curb and the sidewalk) adjacent to the side yard of a corner lot may count toward the requirement.

8. **Open Space and Amenities**

- a) East Tract Open Space: Open space shall be provided generally in the areas shown as “open space” on the Open Space and Trail Plan. The open space within the East Tract is not required to conform exactly to the boundaries as shown on the Open Space and Trail Plan, so long as at least 30 acres of open space is provided within the East Tract (such minimum open space acreage refers to open space within the aggregate, including all phases and all open space areas within the East Tract – the open space is not required to be contiguous).
- b) West Tract Open Space: Open space shall be provided generally in the areas shown as “open space” on the Open Space and Trail Plan. The open space within the West Tract is not required to conform exactly to the boundaries as shown on the Open Space and Trail Plan, so long as at least 20 acres of open space is provided within the West Tract (such minimum open space acreage refers to open space within the aggregate, including all phases and all open space areas within the West Tract – the open space is not required to be contiguous).
- c) Detention and retention may be provided in open space areas.
- d) Open space areas may include area within the floodplain or special flood hazard area.
- e) In order for an open space area to be counted towards the minimum 30 acre requirement for the East Tract (referenced above) and the minimum 20 acre requirement for the West Tract (referenced above), a given open space area must be (1) at least 10,000 square feet in size; and (2) have a minimum width of at least 40 feet.
- f) The following amenities are required to be installed within the East Tract and may be installed in open space areas or common areas (“East Tract Required Amenities”):

- i. A resident amenity area that includes a swimming pool, shade structure(s) totaling a minimum of 300 square feet, seating areas or a pool deck, and restroom facilities (the “East Amenity Area”).
 - ii. At least one pocket park with a playground having a minimum of 40’ x 29’ use zone.
 - iii. At least three (3) of the following:
 - 1. Sports court;
 - 2. Fishing pier;
 - 3. Event lawn;
 - 4. Game lawn;
 - 5. Fire Pit Amenity;
 - 6. Outdoor Grilling Station;
 - 7. Putting Green; or
 - 8. Pavilion.
- g) The following amenities are required to be installed within the West Tract and may be installed in open space areas or common areas (“West Tract Required Amenities”, and together with the East Tract Required Amenities, the “Required Amenities”):
 - i. An Amenity Center or clubhouse including at a minimum a resident lounge area or social area, fitness center, and restrooms (the “West Amenity Center”).
 - ii. A swimming pool with shade structure(s) totaling a minimum of 300 square feet and seating areas or a pool deck.
 - iii. At least three (3) of the following amenities (“Elective West Tract Amenities”):
 - 1. Pavilion with Outdoor Grilling Station;
 - 2. Bocce ball court;
 - 3. Sports Court;
 - 4. Shuffleboard court or table;
 - 5. Fire Pit Amenity;
 - 6. Putting Green;
 - 7. Outdoor spa;
 - 8. Game Lawn; or
 - 9. Event Lawn.
- h) An example of representative photographs of the Elective West Tract Amenities is included with **Exhibit H** (“Inspirational Images”). For the avoidance of doubt, the design of the amenities is conceptual in nature and the developer or property owner shall not be held to the design of an amenity as shown on **Exhibit H**. The Inspirational Images are meant to illustrate the types of amenities that will be provided, but the developer or property owner may use a different supplier, design and/or model for the amenities or improvements. Otherwise stated, the developer may make changes to the design and specifications of the Elective West Tract Amenities shown on **Exhibit H** so long as at least three (3) of the Elective West Tract Amenities are provided within the West Tract.

- i) The location of any one or more of the Required Amenities may change during the final design process from what is shown on any exhibits attached hereto. Additional amenities may be provided in addition to the Required Amenities.
- j) The Required Amenities may be completed in phases (corresponding with the respective phases of development as determined by the developer). The East Amenity Area shall be complete prior to issuance of a certificate of occupancy for the 138th single-family home within the East Tract. The West Amenity Center shall be complete prior to issuance of a certificate of occupancy for the 263rd single-family home within the West Tract. The remaining Required Amenities shall be completed prior to the issuance of the last certificate of occupancy in the phase in which the respective amenity is located within. Completion of the Required Amenities, or any one of them shall not be a condition to issuance of building permits or approval of plats or construction plans.
- k) The open space, amenities and trails requirements in this section and Section 9 below shall be the exclusive open space, amenities and trails requirements that apply to the development of the property.

9. Trails and Sidewalks

- i. A Hike and Bike Trail shall be provided generally as shown in yellow and labeled as the “Public Trail” on the Open Space and Trail Plan. By way of clarification, the Hike and Bike Trail referenced herein does not include any of the trails shown as “Public Trail Installed by Others” on the Open Space and Trail Plan. The Hike and Bike Trail shall be located within a twenty-foot (20’) public trail easement or pedestrian access easement and may overlap with other Town easements as approved by the Town’s Engineering Department. A dog waste station, bench, and trash receptacle will be provided at least every 500 feet along the Hike and Bike Trail. The Hike and Bike Trail is flexible and not strictly bound to the locations shown on the Open Space and Trail Plan. The Hike and Bike Trail may shift or otherwise be modified with the final engineering design so long as the trail complies with the requirements herein. The Hike and Bike Trail may be completed in phases and is required to be completed (and a public easement for such portion(s) of the trail dedicated) prior to the issuance of the last certificate of occupancy in the phase in which the respective portion(s) of the Hike and Bike Trail are located within or adjacent to. The developer or property owner may designate the phases of the development.
- ii. Private trails are not required to be within a dedicated easement and may overlap with other Town easements.
- iii. The developer or property owner may (1) provide one or more of the following along or at the entrance to private trails: trail heads, trail way stations, overlooks, butterfly gardens and/or other types of trail enhancements; and (2) reserve or restrict the use of such areas for residents, each in its discretion. Examples of these types of trail enhancements are included on the pages titled “Walking/ Fitness Trails” and “Nature Overlooks & Butterfly Gardens” in **Exhibit H**. For the avoidance of doubt, the design of any trail heads, trail way stations, overlooks or other trail

enhancements is conceptual in nature and the developer or property owner shall not be held to the designs or types of such items as shown on **Exhibit H**. The Inspirational Images are meant to illustrate the types of trail enhancements that may be provided, but the developer or property owner may use a different design or type of enhancement or improvement(s).

- iv. Except as provided herein, sidewalks shall be a minimum of five feet (5') in width. Sidewalks along Parvin Road and Frontier Parkway shall be a minimum of six feet (6') in width.

10. Miscellaneous

- a) Building permits for model homes may be issued prior to the final acceptance of the proposed subdivision (or any portion thereof) or any public infrastructure for the subdivision, subject to the Town's Early Model Home Permit Policy; provided that two homes per lot type (i.e., two each of Lot Type A, Lot Type B, Lot Type C, Lot Type D and Lot Type E) may be permitted for model home purposes and such permits shall not be limited to two homes per builder.
- b) Permits and a certificate of occupancy for a Sales Trailer may be issued prior to final acceptance of the proposed subdivision (or any portion thereof) or any public infrastructure for the subdivision; provided that all streets adjacent to the Sales Trailer have been completed and the water system and fire hydrants related thereto have been completed and are functional. "Sales Trailer" means a mobile structure used to accommodate temporary offices for the purposes of meeting with the general public during construction projects.
- c) Plans for design and construction of any amenities, including without limitation any of the Required Amenities may be submitted and reviewed/approved by the Town while public infrastructure for the subdivision is being constructed (i.e., such plans may be submitted and approved prior to acceptance of public infrastructure or recording of a final plat). If such plans are submitted, once submitted, the City will review and approve such plans within 45 days of submittal. Once any amenity plans are approved and sufficient roads and water facilities have been provided within the subdivision to provide fire access and fire fighting capability to the area where the applicable amenity or amenities will be constructed, the Town will issue a permit that will allow the applicant to begin construction of any such amenities (i.e., construction of such amenities may begin prior to acceptance of all public infrastructure for the subdivision or recording of a final plat).