

**CITY OF LAVON**  
**ORDINANCE NO. 2021-10-06**

Planned Development Zoning – The Villas at Elevon

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING A PLANNED DEVELOPMENT DISTRICT FOR RESIDENTIAL USES CONSISTING OF 251 SINGLE-FAMILY ONE-UNIT AND TWO-UNIT RESIDENTIAL STRUCTURES ON A 29.076-ACRE PARCEL OF LAND IDENTIFIED AS PART OF THE SAMUEL M. RAINER SURVEY, A-740, TRACT 1 (CCAD PROP ID 2542828), LAVON, COLLIN COUNTY, TEXAS;; AMENDING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY OF \$2,000 PER DAY; PROVIDING SEVERABILITY, SAVINGS, AND CUMULATIVE/ REPEALER CLAUSES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the owners have submitted an application to change the zoning from Agricultural (A) to Planned Development (PD) District consisting of 251 single-family one-unit and two-unit residential structures on a 29.076-acre parcel of land, The Villas at Elevon, identified as part of the Samuel M. Rainer Survey, A-740, Tract 1 (CCAD Prop ID 2542828), Lavon, Texas), Lavon, Collin County, Texas, near 208 Moore Ln., northwest of the intersection of SH 78 and Moore Ln., requested by 78 Straddle, L.P.; and

**WHEREAS**, this proposed zoning change is in accordance with the adopted Comprehensive Plan of the City of Lavon; and

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City of Lavon, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Lavon is of the opinion and finds that said changes would provide for and would be in the best interest of the health, safety, morals and general welfare and should be granted and that the Comprehensive Zoning Ordinance and Map should be amended.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Lavon, Texas, as follows that:

**SECTION 1. INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2 DEFINITIONS**

Definitions shall be those contained in the City of Lavon Code of Ordinances, Article 9.03 ZONING ORDINANCE, Division 3. "Definitions", as amended unless specifically defined herein.

**SECTION 3. AMENDMENT**

A. That the Comprehensive Zoning Ordinance and the Official Zoning Map of the City of Lavon are hereby amended to reflect the action taken herein. Specifically, the Zoning Classification

for and the Zoning Map depicting the property, described in “**Exhibit A**” attached hereto, are hereby changed to incorporate the Concept Plan, attached hereto as “**Exhibit B**”.

B. That the granting of the Planned Development (PD) Zoning Classification to the property described in “**Exhibit A**” attached hereto, is subject to the regulations of the City of Lavon excepting the following Special Conditions:

- 1) The entire tract shall be developed generally in accordance with the Concept Plan, attached hereto, and made a part hereof as “**Exhibit B**” and associated Exhibits: Open Space Plan attached hereto as “**Exhibit C**”, Landscape and Planting Plan attached hereto as “**Exhibit D**”, Fencing Plan attached hereto as “**Exhibit E**”, Detail Plan attached hereto as “**Exhibit F**”, and Conceptual Architecture attached hereto as “**Exhibit G**”.
- 2) The entire tract shall be developed generally in accordance with the Zoning Development Standards attached hereto and made a part hereof as “**Exhibit H**”.

C. That Article 9.03 ZONING ORDINANCE of the City of Lavon Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

#### **SECTION 4. SAVINGS**

That all rights and remedies of the City of Lavon are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 5. CUMULATIVE REPEALER**

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

#### **SECTION 6. SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

#### **SECTION 7. PENALTY**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount

not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the governing body of the City of Lavon determines that a violation of this Ordinance creates a threat to the public safety, the City may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

**SECTION 8. PUBLICATION**

The City Secretary of the City of Lavon is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

**SECTION 9. EFFECTIVE DATE**

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 19<sup>th</sup> day of October 2021.

  
\_\_\_\_\_  
Vicki Sanson, Mayor

ATTEST:

  
\_\_\_\_\_  
Rae Norton, City Secretary



**EXHIBIT A**  
**LEGAL DESCRIPTION AND DEPICTION OF THE PROPERTY**

EXHIBIT A  
LEGAL DESCRIPTION ZONING  
(29.076 ACRES)

Being a parcel of land located in the City of Lavon, Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being part of that called Tract One-87.2935 acre tract of land described in deed to 78 Straddle, LP, as recorded in Volume 5571, Page 3351, Official Public Records of Collin County, Texas and being further described as follows:

COMMENCING at a TXDOT Brass Right-of-Way Monument found at the northeast corner of said 87.2935 acre tract, said point being the southeast corner of Lot 1, Block A, Bently Farms, an addition to the City of Lavon as recorded in Cabinet M, Slide 189, Official Public Records of Collin County, Texas, said point also being in the west right-of-way line of State Highway 78 (a variable width right-of-way);

THENCE along the east line of said 87.2935 and along the west right-of-way line of State Highway 78 as follows:

South 33 degrees 29 minutes 39 seconds West, 31.95 feet to a TXDOT Brass Right-of-Way Monument found for corner;

South 28 degrees 16 minutes 31 seconds East, 28.62 feet to a TXDOT Brass Right-of-Way Monument found for corner;

South 33 degrees 45 minutes 11 seconds West, 1,299.68 feet to an "X" set in concrete for corner;

South 40 degrees 52 minutes 06 seconds West, 201.55 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner, said point being the POINT OF BEGINNING;

South 33 degrees 44 minutes 03 seconds West, 300.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

South 37 degrees 13 minutes 15 seconds West, 500.83 feet to a TXDOT Brass Right-of-Way Monument found for corner;

South 34 degrees 33 minutes 29 seconds West, 348.89 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner, said point being the southeast corner of said 87.2935 acre tract, said point being the northeast corner of that 40 foot wide permanent waterline easement to North Texas Municipal Water District as recorded Document Number 20130125000110870, Official Public Records of Collin County, Texas, said point also being in the north right-of-way line of that tract of land described in deed to Northeast Texas Rural Rail Transportation District as recorded in Volume 5585, Page 2680, Official Public Records of Collin County, Texas;

THENCE South 72 degrees 01 minutes 22 seconds West, 921.94 feet along the north line of said 40 foot wide permanent waterline easement and along the north line of said Northeast Texas

Rural Rail Transportation District to a one-half inch iron rod found at the southwest corner of said 87.2935 acre tract, said point also being the southeast corner of that called 32.40 acre tract of land described in deed to Marvalene Smith, Trustee of Smith Living Trust as recorded in Document Number 20141103001196390, Official Public Records of Collin County, Texas;

THENCE North 00 degrees 45 minutes 21 seconds East, 594.16 feet along the west line of said 87.2935 acre tract to a one-half inch iron rod found for corner, said point being in the east line of said 32.40 acre tract, said point also being the southeast corner of that called Tract 1-27.32 acre tract of land described in deed to Yueying Wang and Daisy Lee Lu as recorded in Document Number 20191118001462670, Official Public Records of Collin County, Texas;

THENCE North 00 degrees 43 minutes 34 seconds East, 649.03 feet along the west line of said 87.2935 acre tract and along the east line of said 27.32 acre tract to a point for corner;

THENCE South 89 degrees 08 minutes 28 seconds East, 1,528.49 feet to the POINT OF BEGINNING and containing 1,266,547 square feet or 29.076 acres of land.

**BASIS OF BEARING:**

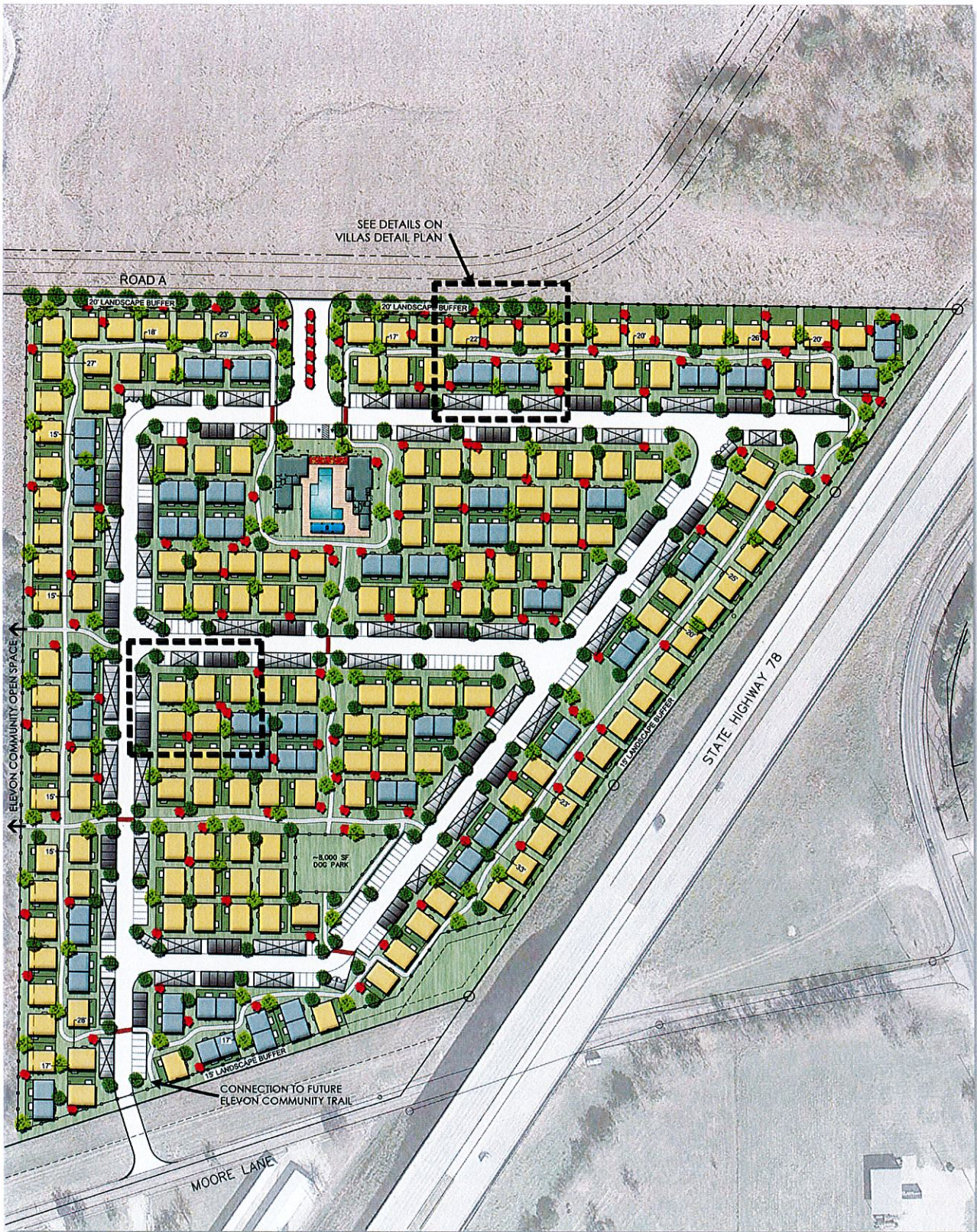
The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83), distances shown hereon are grid distance values.

This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



**EXHIBIT B**  
**CONCEPT PLAN**





NOTE: LANDSCAPING SHOWN ON THE PLAN IS INTENDED TO REPRESENT THE APPROVED DEVELOPMENT STANDARDS. SPECIFIC LANDSCAPE PLACEMENT AND MATERIALS WILL BE DETERMINED IN CONJUNCTION WITH CONSTRUCTION PLANS. LANDSCAPING SHALL BE DESIGNED IN ACCORDANCE WITH DEVELOPMENT STANDARDS.

**PROJECT DATA**

TOTAL AREA: 29.0 ACRES  
 MIN. UNIT SEPARATION: 10'

UNIT TYPE	HOMES	MIX %
1-BEDROOM	82	33
2-BEDROOM	169	67
<b>TOTAL UNITS</b>	<b>251</b>	<b>100</b>

NOTE: SIDEWALKS SHALL BE CONSTRUCTED ALONG ROAD A PER SIDEWALK DETAIL #4 OF THE LAVON STANDARD CONSTRUCTION DETAILS.

- SITE PLAN ITEMS**
- Masonry Dumpster Enclosure 8' in Height
  - 4 or 8 Bay Carport
  - Detached Garage (20'-11" x 45'x11')
  - Crosswalk Typical
  - Two 1-Bedroom Units
  - 2-Bedroom Unit



## **SUPPORTING ZONING EXHIBITS**

**EXHIBIT C – OPEN SPACE PLAN**

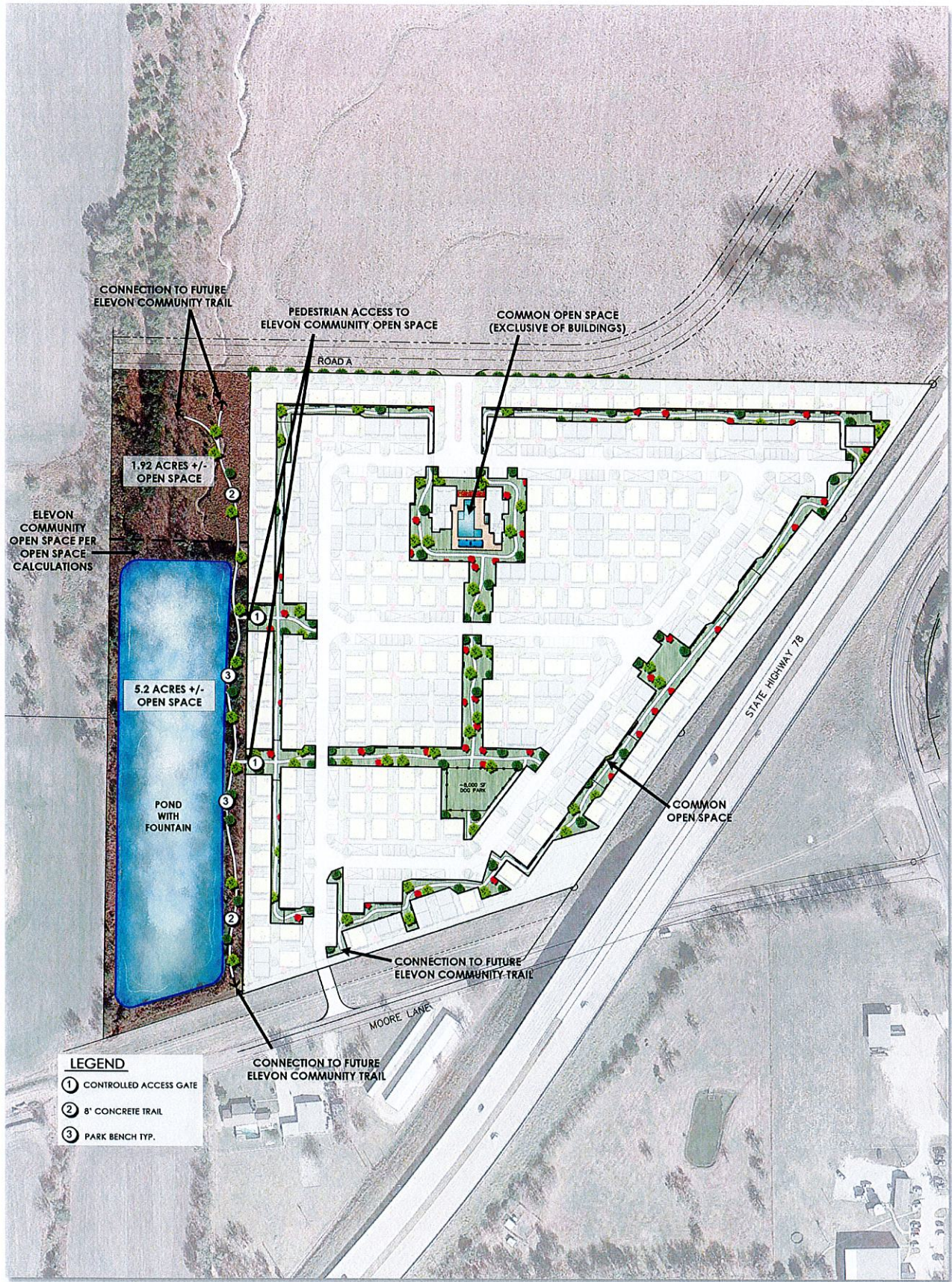
**EXHIBIT D - LANDSCAPE AND PLANTING PLAN**

**EXHIBIT E - FENCING PLAN**

**EXHIBIT F - DETAIL PLAN**

**EXHIBIT G - CONCEPTUAL ARCHITECTURE**





NOTE: LANDSCAPING SHOWN ON THE PLAN IS INTENDED TO REPRESENT THE APPROVED DEVELOPMENT STANDARDS. SPECIFIC LANDSCAPE PLACEMENT AND MATERIALS WILL BE DETERMINED IN CONJUNCTION WITH CONSTRUCTION PLANS. LANDSCAPING SHALL BE DESIGNED IN ACCORDANCE WITH DEVELOPMENT STANDARDS.

OPEN SPACE DATA	
TOTAL SITE AREA:	29.0 ACRES
OPEN SPACE:	9.1 ACRES (31% OF SITE)
ELEVON COMMUNITY:	5.2 ACRES
COMMON:	3.9 ACRES

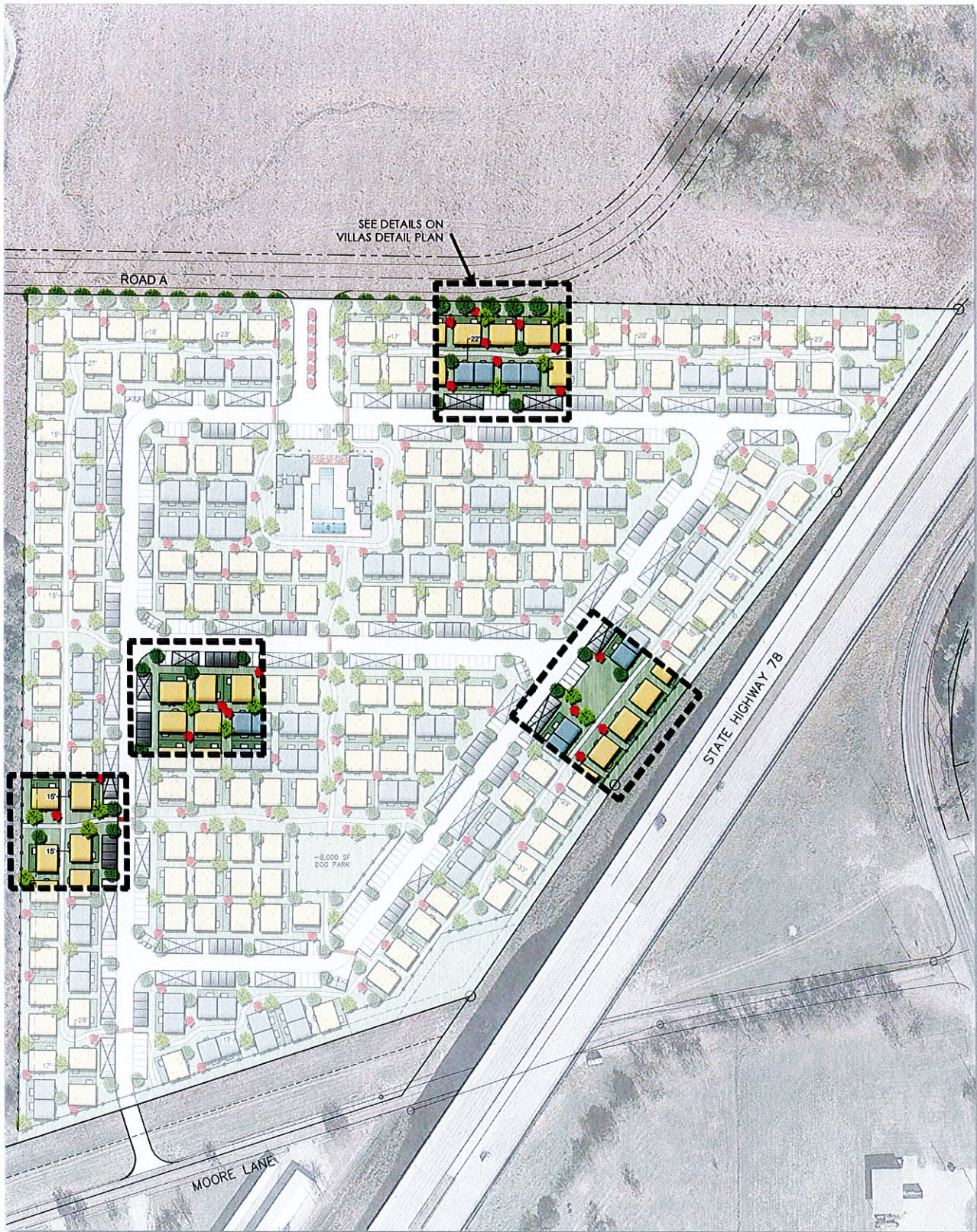
NOT TO SCALE

N  
↑  
SEPT 15, 2021  
TMR011

# VILLAS AT ELEVON

EXHIBIT C  
OPEN SPACE PLAN  
LAVON, TEXAS  
**JB**  
PARTNERS





NOTE: LANDSCAPING SHOWN IS FOR ILLUSTRATIVE PURPOSES ONLY.  
REFER TO LANDSCAPE PLANS FOR ACTUAL LANDSCAPE PLACEMENT.





TYPICAL NORTHERN BLOCK LANDSCAPE PLAN



TYPICAL CENTRAL BLOCK LANDSCAPE PLAN

- NOTES:
- CANOPY TREES ADJACENT TO PUBLIC RIGHTS-OF-WAY (1 TREE PER 40 LINEAR FEET).
  - ONE SHADE TREE PER 40 LINEAR FEET ALONG 6' NEIGHBORHOOD WALKWAY.





TYPICAL WESTERN BLOCK LANDSCAPE PLAN →

- NOTES:
- CANOPY TREES ADJACENT TO PUBLIC RIGHTS-OF-WAY (1 TREE PER 40 LINEAR FEET).
  - ONE SHADE TREE PER 40 LINEAR FEET ALONG 6' NEIGHBORHOOD WALKWAY.

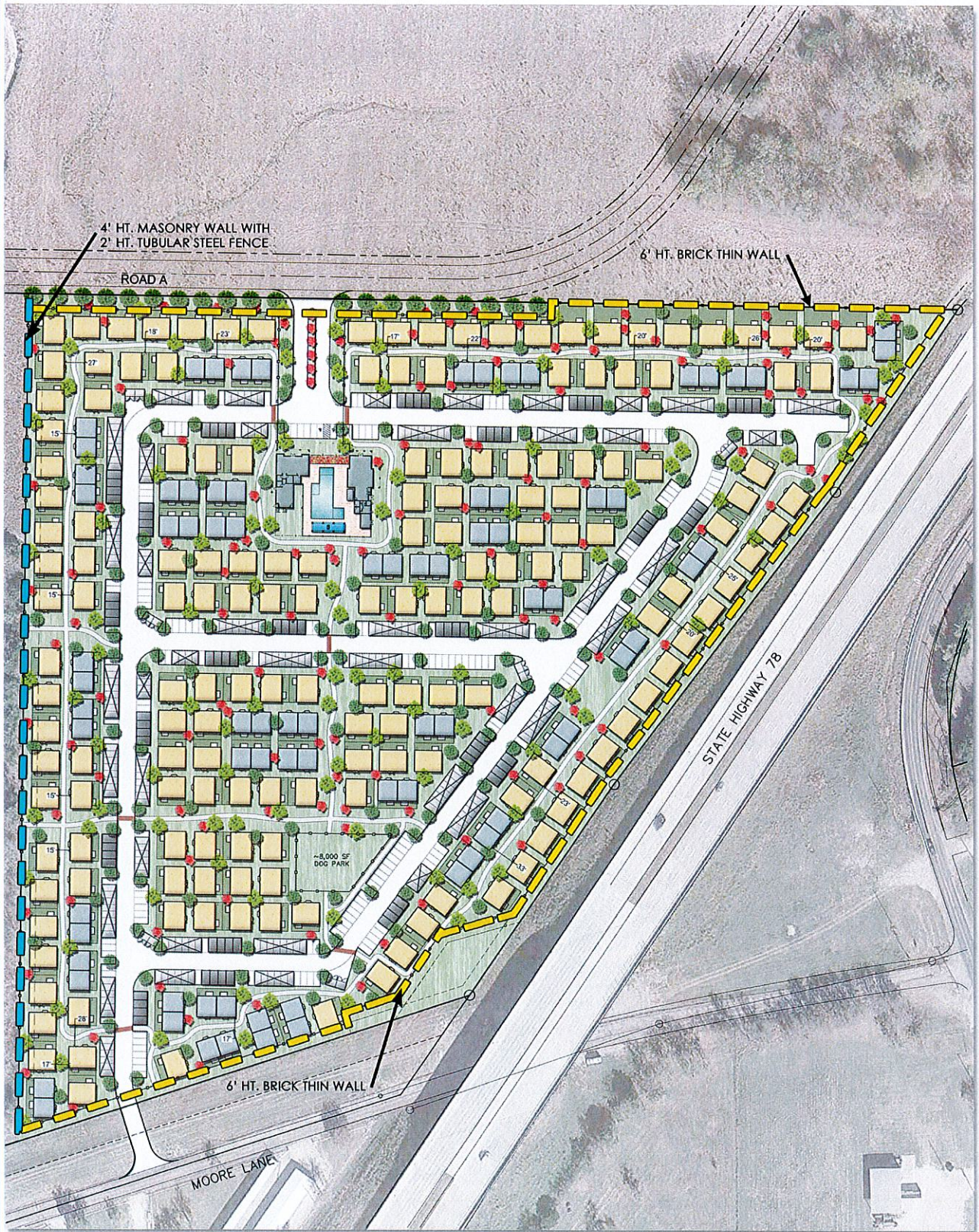
0 5 10 20  
1"=10'  
SEPT 15, 2021  
TMR011



TYPICAL OPEN SPACE CONCEPT PLAN →



VILLAS AT ELEVEN





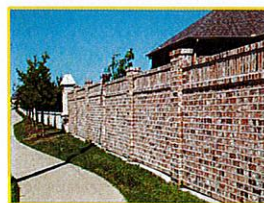
NOTE: LANDSCAPING SHOWN ON THE PLAN IS INTENDED TO REPRESENT THE APPROVED DEVELOPMENT STANDARDS. SPECIFIC LANDSCAPE PLACEMENT AND MATERIALS WILL BE DETERMINED IN CONJUNCTION WITH CONSTRUCTION PLANS. LANDSCAPING SHALL BE DESIGNED IN ACCORDANCE WITH DEVELOPMENT STANDARDS.

**FENCING LEGEND**

-  4' HT. MASONRY WALL WITH 2' TUBULAR STEEL FENCE
-  6' HT. BRICK THIN WALL



4' HT. MASONRY WALL WITH 2' TUBULAR STEEL FENCE



6' HT. BRICK THIN WALL

0 30 60 120 N SEPT 15, 2021  
1"=60' TMR011

**VILLAS AT ELEVON**

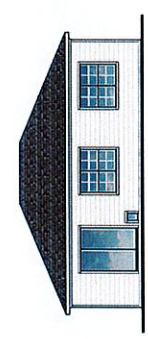
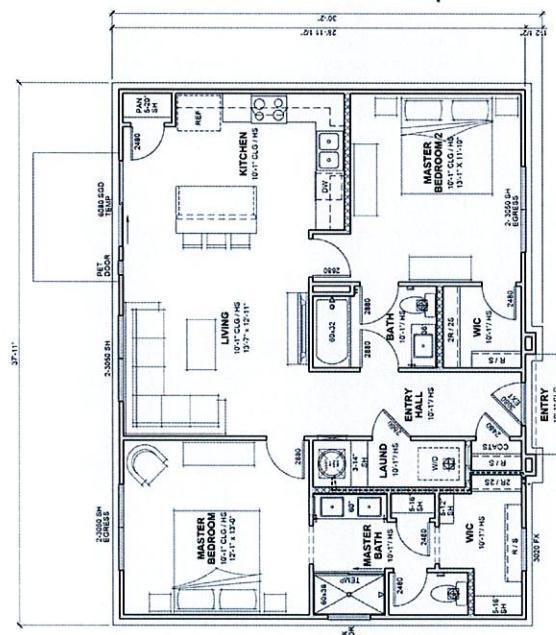
PRELIMINARY FENCING PLAN **JBI**  
LAVON, TEXAS PARTNERS

EXHIBIT E









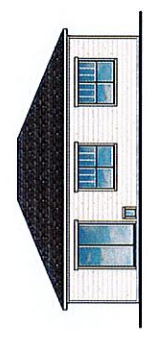
REAR ELEVATION  
—MODERN FARMHOUSE—  
18' x 11'-0"



LEFT ELEVATION  
—MODERN FARMHOUSE—  
18' x 11'-0"



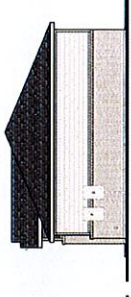
RIGHT ELEVATION  
—MODERN FARMHOUSE—  
18' x 11'-0"



REAR ELEVATION  
—CHAMBERLY—  
18' x 11'-0"



LEFT ELEVATION  
—CHAMBERLY—  
18' x 11'-0"



RIGHT ELEVATION  
—CHAMBERLY—  
18' x 11'-0"



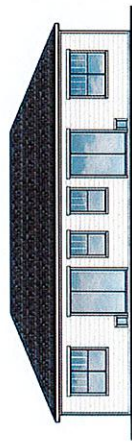
FRONT ELEVATION  
—MODERN FARMHOUSE—  
18' x 11'-0"



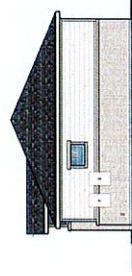
FRONT ELEVATION  
—CHAMBERLY—  
18' x 11'-0"

VILLAS AT ELEVON





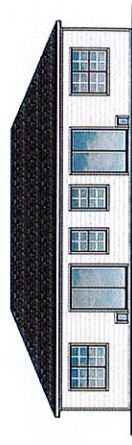
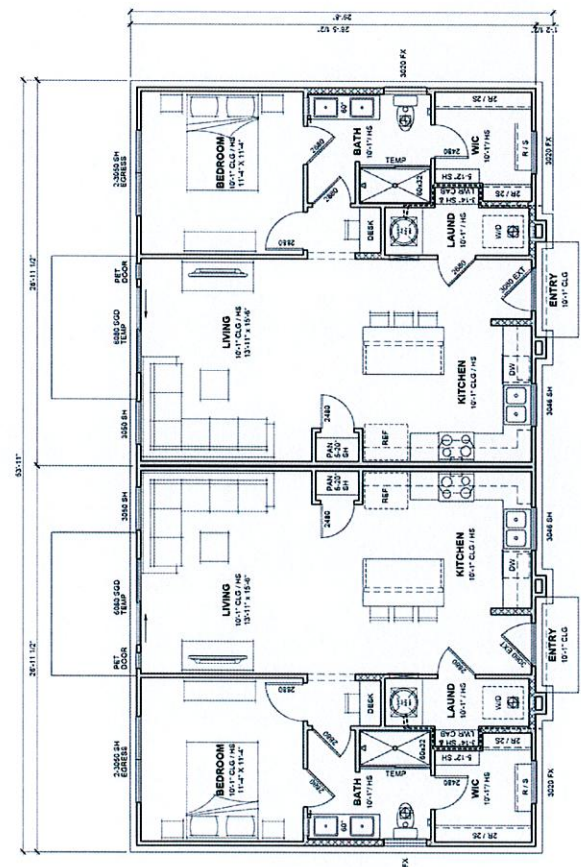
REAR ELEVATION  
—CHARMING—  
18'0" x 11'0"



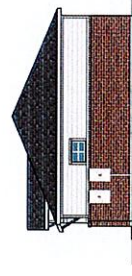
RIGHT ELEVATION  
—CHARMING—  
18'0" x 11'0"



LEFT ELEVATION  
—CHARMING—  
18'0" x 11'0"



REAR ELEVATION  
—MODERN FARMHOUSE—  
18'0" x 11'0"



RIGHT ELEVATION  
—MODERN FARMHOUSE—  
18'0" x 11'0"



LEFT ELEVATION  
—MODERN FARMHOUSE—  
18'0" x 11'0"



FRONT ELEVATION  
—CHARMING—  
18'0" x 11'0"



FRONT ELEVATION  
—MODERN FARMHOUSE—  
18'0" x 11'0"

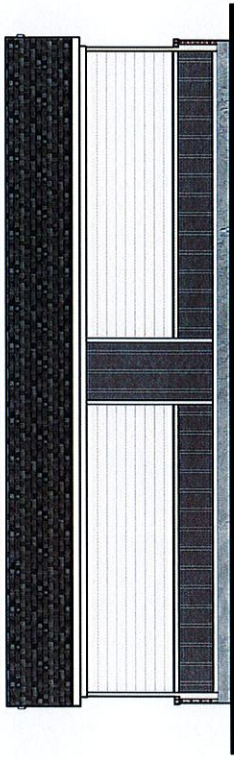
EXHIBIT G-2  
SINGLE FAMILY-DUPLEX



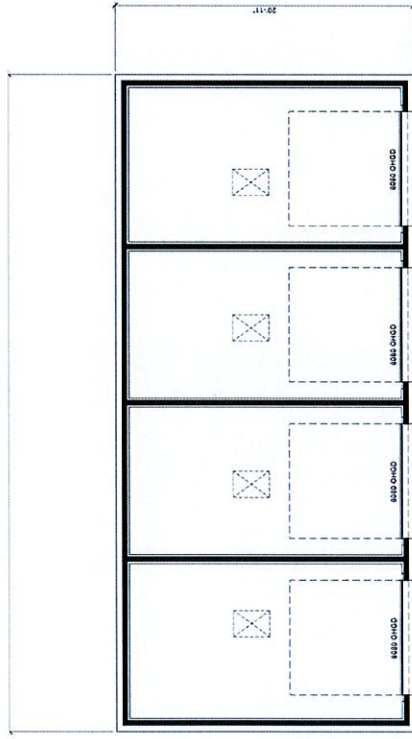
CONCEPTUAL HOME ARCHITECTURE  
LAYON, TEXAS

VILLAS AT ELEVON

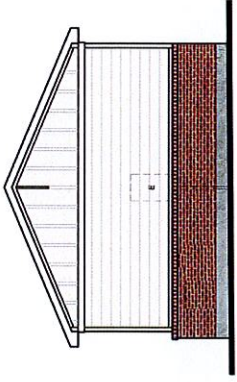




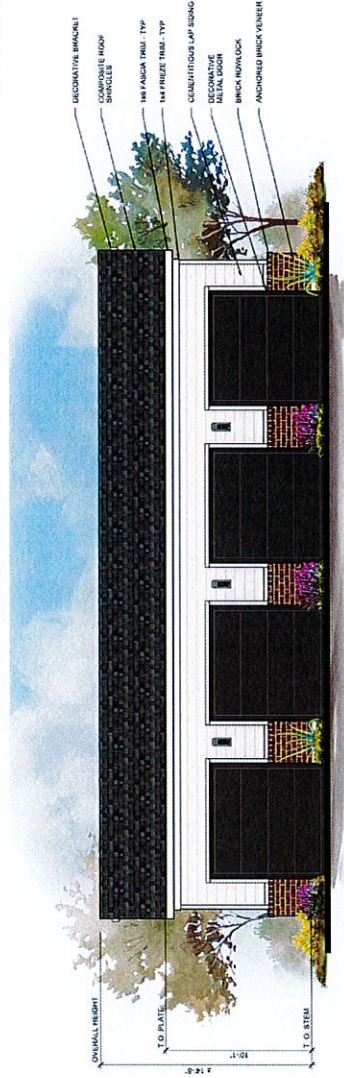
**REAR ELEVATION**  
MODERN FARMHOUSE 1/8" = 1'-0"



**LEFT ELEVATION**  
MODERN FARMHOUSE 1/8" = 1'-0"



**RIGHT ELEVATION**  
MODERN FARMHOUSE 1/8" = 1'-0"



**FRONT ELEVATION**  
MODERN FARMHOUSE 1/8" = 1'-0"

- DECORATIVE BRICKS
- COMPOSITE ROOF SHINGLES
- 1/4" PINE TRIM - TYP
- 1/4" PINE TRIM - TYP
- CEMENTITE DOOR LIFT BEARING
- DECOMPOSITIVE BRICK VENEER
- BRICK POINT LOCK
- ANCHORED BRICK VENEER

EXHIBIT G-3  
GARAGE

**JBI**  
PARTNERS  
LAVON, TEXAS

VILLAS AT ELEVON

CONCEPTUAL GARAGE ARCHITECTURE

**EXHIBIT H**  
**DEVELOPMENT STANDARDS**

**EXHIBIT H**  
**VILLAS AT ELEVEN**  
**DEVELOPMENT STANDARDS**

**GENERAL STANDARDS**

- A. The design and development of the Villas at Eleven neighborhood shall take place in accordance with the included ordinance Exhibits A through H.
- B. Unless otherwise specified, development within the Villas at Eleven neighborhood is governed by the Lavon Code of Ordinances, and as amended. In the event of any conflict or inconsistency between these standards and the applicable City regulations, the terms and provisions of this ordinance and associated exhibits shall apply.
- C. In the event of a conflict between the written text and the illustrations provided in this ordinance, the written text contained herein shall control.
- D. An associated plat meeting the Lavon Code of Ordinances shall be required to be filed with the County Clerk prior to the issuance of a Building Permit. Standards contained herein are not intended to reflect Subdivision Ordinance or engineering-related waivers of any type. Access is required on a constructed and finalized Eleven Parkway prior to the issuance of a Certificate of Occupancy.

**USES AND DIMENSIONAL STANDARDS**

- A. Permitted Uses.
  - 1. Single family detached residential
  - 2. One-unit residential structures
  - 3. Two-unit residential structures
  - 4. Amenity center
  - 5. Open space
  - 6. Dog park
- B. Area Requirements.

The following dimensional requirements shall apply to the subject property:

**TABLE A**

<b>DEVELOPMENT STANDARD</b>	
<b>Minimum Front Yard</b>	20'
<b>Minimum Side Yard</b>	10', 20' if adjacent to a street
<b>Minimum Rear Yard</b>	10', 20' if abutting a SF District
<b>Maximum Lot Coverage (Buildings/Structures)</b>	65%
<b>Maximum Density</b>	12 Gross Dwelling Units per Acre
<b>Minimum Parking</b>	
<b>1 Bedroom Home</b>	1.75 Spaces/Home
<b>2 Bedroom Home</b>	2.0 Spaces/Home
<b>Mail Kiosk</b>	3 Spaces withn 50' of the Kiosk
<b>Garage Parking</b>	15% of toal parking provided
<b>Covered Parking</b>	1 Space/Home

C. Structure Requirements.

The following requirements shall apply to any structures on the subject property:

**TABLE B**

<b>DEVELOPMENT STANDARD</b>	
<b>Minimum Distance Between Buildings</b>	10' <sup>1</sup>
<b>Minimum Masonry Content</b>	50% of front and side walls
<b>Maximum Buiding Height</b>	20'--1 Story

**Note 1:** If the adjacent homes are fire sprinklered in accordance with NFPA 13D standards (or most recent), the minimum distance between buildings may be 8'.

- E. Building Separation: Homes and the amenity center shall be fire sprinklered in accordance with NFPA 13D standards (or most recent). The minimum distance between all structures shall be 10 feet unless sprinklers are provided and shall be clear of overhangs, fences, etc. Should sprinklers be provided, structure separation can be reduced to a minimum of eight feet clear of overhangs, fences, etc. Attached units (including two-unit structures) are required to be sprinklered.
- F. Fencing:
1. Fencing shall be installed in accordance with Exhibit E – Fencing Plan.
  2. Each home shall provide a private, fenced rear yard. Artificial turf may be permitted to be used in the rear yard if material specifications and maintenance program is provided for review, consideration, and approval by the City prior to installation. Maximum height of private home fencing shall be six feet.
  3. A maximum six-foot tall, masonry screening wall shall generally be provided along the north, east, and south sides of the residential area. A maximum four-foot tall, masonry screening wall, with a minimum two-foot tall tubular metal fence on top of it, shall generally be provided along the west side of the residential area. Two locked, pedestrian access gates shall be integrated into the west screening wall to allow for access to the Elevon community’s open space amenity immediately west of the residential area.

G. Building Architecture:

4. The homes shall be built in accordance with the graphics presented on Exhibits G1, G2, and G3 (Architecture) in terms of style, quality, materials, color/palette, and cohesiveness.
5. Architectural Diversity: Any house front elevation shall not be repeated on the houses adjacent to it on any side. A minimum of two distinct front elevations distinguished by color, materials, massing, composition, prominent architectural features such as door and window openings, porches, and roof lines shall be provided for each building type so that a minimum of four total styles are provided for the neighborhood, as depicted on the Exhibits G1, G2, and G3.
6. Three-sided Architecture: Elevations shall be three-sided architecture for all residential structures that breaks up each elevation with more than one building material or design element(s), as shown on Exhibit G3.
7. Four-sided Architecture: Elevations for garages shall be four-sided architecture for all structures that breaks up each elevation with more than one building material or design element(s), as shown on the Architecture Exhibits. The architecture of the garages shall be compatible with the home architecture and a minimum of 50 percent of the total area of the rear and side elevations of each garage shall be constructed with masonry.
8. Masonry: A minimum of 50 percent masonry on each structure elevation as depicted on Exhibits G1, G2, and G3 is required (including garages). Masonry defined as brick, stone, synthetic stone, or stucco.
9. Colors: The dominant color of all buildings shall be muted shades of color that are subtle, neutral, or earth tone. Black and stark white shall not be used except as accent colors or as found within brick and stone. The color of secondary facades shall match or complement the primary facade. There are no restrictions on accent colors that comprise less than one percent of each elevation, except that no high intensity colors, neon colors, or fluorescent colors shall be used. A maximum of two-color palettes and/or brick patterns shall be utilized for the residential structures and garages.
10. Roof Color: No more than one color shall be used for visible roof surfaces throughout the entire development; however, if more than one type of roofing material is used, the materials shall be varying hues of the same color or complimentary in nature. Awnings and canopies may incorporate brighter color and branding; however, the primary roof shall be muted shades of color that are subtle, neutral, or earth tone.
11. Roof Pitch: The minimum roof pitch for all buildings shall be 4:12.
12. Carports: Carports shall be designed to have decorative posts and masonry accents, so they are architecturally compatible with the home architecture.
13. Windows: Windows shall be provided on all homes per the elevations shown on Exhibits G1 and G2.
14. Amenity Center: The design of the amenity center and accompanying buildings shall be consistent and comparable with the architecture throughout the neighborhood by utilizing compatible building materials and color patterns.

**NEIGHBORHOOD STANDARDS**

A. Site Features

1. Open Space and Landscaping:

- a. Minimum Open Space: A minimum of 20 percent open space shall be required. A minimum of 10 percent shall be usable open space. Usable open space is designed and intended to be used for outdoor living and/or recreation. It excludes land within the floodplain, land that is too steep for normal recreation, landscape buffers without shaded trails, detention and

- retention ponds without programming/amenities, and private patios/fenced backyards.
- b. **Tree Placement:** Large canopy trees shall be planted four feet or greater from curbs, sidewalks, utility lines, screening walls and/or other structures. Small trees may be placed closer than four feet, with approval on an associated detailed landscape plan showing applicable features. Along sidewalks and trails, canopy trees should be exactly four feet from pavement to provide shade for pedestrians but not cause sidewalk buckling. Utility installations that includes common trench and conduit banks are exempt from the large canopy tree planting distance requirements. All trees shall be equipped with bubbler irrigation systems.
  - c. **Parking Lot Landscaping:** Parking lots shall contain landscaped islands located so as to best relieve the visual expanse of paving and provide shade. Such islands shall contain at least one large canopy tree and shall be located at the terminus of all parking rows. The remainder of the island space shall be landscaped with shrubs, lawn, and living groundcover not to exceed three feet in height. The minimum total area of such islands shall be approximately 180 square feet (9' X 20') feet or the size of a parking space but may be designed so that the radii help to facilitate traffic maneuverability.
  - d. **Landscape Buffers:** A minimum 20-foot, planted landscape buffer shall be provided along Road A right-of-way. The landscape buffer shall contain a minimum of one canopy tree per 40 linear feet along a minimum four-foot wide sidewalk. A minimum 15-foot, planted landscape buffer shall be provided along the State Highway 78 right-of-way. Planting materials provided in the buffer shall be approved by the associated easement holder. Grass shall be provided at a minimum.
  - e. All landscaping shall be 100 percent irrigated with evapotranspiration weather-based controllers. All non-paved areas shall be irrigated and landscaped if not purposely designed for decomposed granite, pavers, or other materials.
2. **Amenity Center:** An amenity center shall be provided for residents of the Villas at Elevation neighborhood. The amenity center shall include, at a minimum, a swimming pool, restrooms, and an enclosed club house and fitness area. Additionally, a mail kiosk shall be incorporated into the design of the amenity center or adjoining buildings.
  3. **Neighborhood Walking Trail:** A minimum six-foot wide, concrete walking trail shall be built in general accordance with the configuration shown on the attached exhibits. In order to receive credit towards meeting the required open space, the area where the trail is located shall be at least 20 feet wide, except in areas specifically marked and dimensioned on Exhibit C which shall be a minimum of 15 feet wide. Additionally, the trail shall be lined with canopy trees with a minimum frequency of one tree per 40 linear feet.
  4. **Sidewalks:** Each home shall have access to the parking areas via a minimum four-foot wide, concrete sidewalk. The specific location of said sidewalks shall be determined at the time of construction but shall be in general conformance to the details shown on Exhibit D – Typical Planting Plan and Exhibit F – Detail Plan.
  5. **Dumpster Screening:** Trash dumpsters, recycling containers, trash compactors, and other waste receptacles shall be screened with a masonry wall in a color that is compatible with the masonry on the homes. Screening enclosures shall be visually and aesthetically compatible with the overall project.
  6. **Utilities and Equipment Screening:** Exposed conduits, ladders, exhaust valves, utility boxes, and drain spouts shall be a color matching the building, an accent color, or earth-tone color. Outside equipment, coolers, and/or other mechanical items shall be screened with masonry finishing material matching the primary building facades. All new utilities, including any aerial lines, shall be underground.



7. Lighting: All parking, site entrances, and pedestrian areas shall be adequately lighted, including perimeter sidewalks. The illumination levels contained in the Illuminating Engineering Society of North America Lighting Handbook, as amended from time to time, shall be used as a guide for providing minimum standards and measurement methods. Downward facing lights or lights consistent with Dark Sky standards are required.

B. Garages and Carports

1. Detached garages are permitted within the neighborhood. Said garages shall count towards the minimum parking requirements established in Table B above as long as a standard sized parking space remains unobstructed within the garage.
2. No garage door shall face a public street.
3. At least one covered parking space (carport or garage) shall be provided for each living unit in the development.
4. No covered parking spaces and/or detached garages may be placed between a building and a public street.
5. Stacking spaces (tandem spaces between the garage door and fire lane) shall not be counted towards required parking spaces.