CITY OF LAVON

ORDINANCE NO. 2026-10-01

PD Zoning – Elevon, Non-Residential Amendment Land Use Parcels 2, 3, 4, 5, and 7

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING THE ZONING REGULATIONS FOR THE ELEVON PLANNED DEVELOPMENT DISTRICT AS PROVIDED BY ORDINANCE NO. 2022-10-03 FOR COMMERCIAL AND MIXED USE DEVELOPMENT, AS AMENDED, FOR NON-RESIDENTIAL DEVELOPMENT ON 62.183 ACRES COMPRISED OF PORTIONS OF LAND USE PARCEL 2 (22.38 AC), LAND USE PARCEL 3 (11.76 AC), LAND USE PARCEL 4 (21.03 AC), LAND USE PARCEL 5 (3.05 AC), AND LAND USE PARCEL 7 (3 AC) ADJACENT TO ELEVON PARKWAY IN THE VICINITY OF THE INTERSECTION OF ELEVON PARKWAY AND N. SH 78 AND WEST OF INSPIRATION GROVE IN THE S. M. RAINER SURVEY ABSTRACT NO. 740, CITY OF LAVON, COLLIN COUNTY TEXAS, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" AND DEPICTED IN EXHIBIT "A"; AMENDING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY OF $2,000 PER DAY; PROVIDING SEVERABILITY, SAVINGS, AND CUMULATIVE/ REPEALER CLAUSES; PROVIDING AN EFFECTIVE DATE; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Lavon, Texas (hereinafter referred to as "**City**") is a Home Rule Municipality operating under the laws of the State of Texas; and

WHEREAS, the City Council of the City (the "**City Council**"), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

WHEREAS, the City Council adopted Chapter 9, Article 9.03 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the "**Zoning Ordinance**"); and

WHEREAS, owners of the Property hereinafter described have submitted an application to amend the Elevon Planned Development District as provided by Ordinance No. **2022-10-03** for commercial and mixed use development, as amended, for non-residential development on 62.183 acres comprised of portions of Land Use Parcel 2 (22.38 ac), Land Use Parcel 3(11.76 ac), Land Use Parcel 4 (21.03 ac), Land Use Parcel 5 (3.05 ac), and Land Use Parcel 7 (3 ac), adjacent to Elevon Parkway in the vicinity of the intersection of Elevon Parkway and N. SH 78 and west of Inspiration Grove in the S. M. Rainer Survey Abstract No. 740, City of Lavon, Collin County Texas more particularly described in **Exhibit "B"** and depicted in **Exhibit "A"** (the "**Property**"); and

WHEREAS, this proposed zoning amendment is in accordance with the adopted comprehensive plan of the City; and

WHEREAS, the Zoning Ordinance incorporates design standards and building materials standards that are differentially applicable to residential structures and non-residential buildings, and such standards substantially further the preservation of property values and the promotion of economic development within the City, and establish the character of community development and embody architecturally and, in some contexts, culturally significant features of continuing duration; and

WHEREAS, the Zoning Ordinance also provides for planned development districts, which enable departures from traditional zoning district standards in recognition of the unique character of a development project; and

WHEREAS, the City's policy in creating or amending a planned development district is to incorporate and enhance to the fullest extent feasible the design and building materials standards that are integral to the City's zoning regulations in all planned development districts; and

WHEREAS, the City Council finds and determines that the incorporation of such standards lends long-term viability to the planned development project; and

WHEREAS, the owners and/or developers of the Property have consented in writing to the enforcement of the City's design and building materials standards within the planned development district and waived the statutory provisions in Chapter 3000, Texas Government Code; and

WHEREAS, the Planning and Zoning Commission of the City and the City Council, 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 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 Zoning Ordinance and official zoning map of the City (the "**Zoning Map**") should be amended.

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

SECTION 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. Definitions. Definitions shall be those contained in the Zoning Ordinance, Division 3. "Definitions", as amended, unless specifically defined herein

SECTION 3. Zoning Amendment. The Zoning Ordinance is hereby amended subject to the following regulations, which exhibits are incorporated as if fully set forth herein, and all applicable City ordinances and regulations governing except as may be modified by this Ordinance:

Exhibit C:	Development Standards – amended as redlined

SECTION 4. Zoning Map. The Zoning Map is hereby amended to reflect the established zoning classification designation made herein.

Section 5. Compliance Required. The Property shall be used only in the manner and for the purposes provided for in this Ordinance and the Comprehensive Zoning Ordinance of the City, as amended.

Section 6. Severability Clause. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 7. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8. 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.

SECTION 9. Open Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041 of the Texas Government Code.

SECTION 10. Publication and Effective Date. That this Ordinance shall be in full force and effect immediately upon its adoption and its publication as required by law.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on this 6th day of October 2026.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

CITY OF LAVON, TEXAS

Exhibit A. Location Map

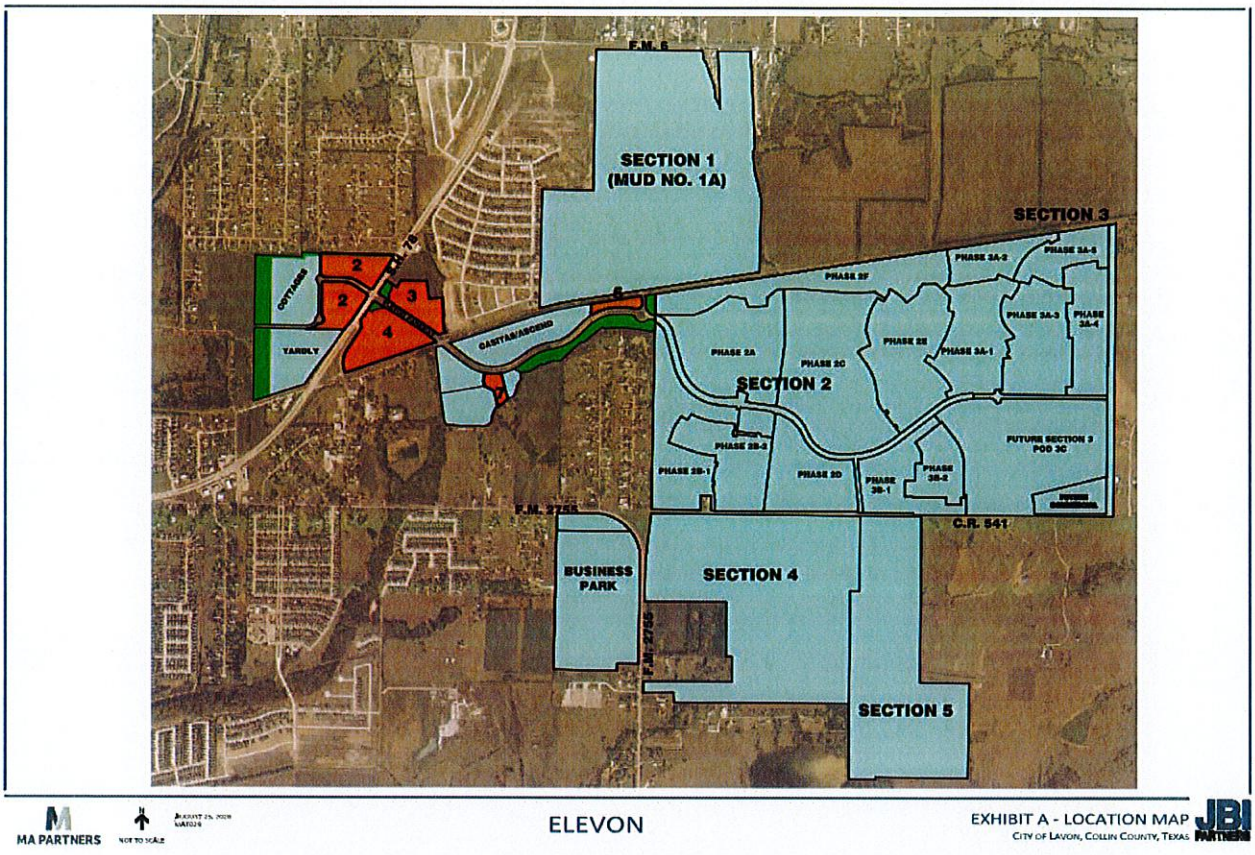


Exhibit B. Legal Description

PORTION OF TRACT 2

ELEVON WEST COMMERCIAL ADDITION (10.752 ACRES) AND ELEVON SOUTHWEST COMMERCIAL ADDITION (11.625 ACRES), 22.377 ACRES OF THE ORIGINAL TRACT 2

Elevon West Commercial Addition

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 a part of that called 28.327 acre tract of land described in deed to MA LAND HOLDINGS, LLC, as recorded in Document Number 2023000100199, Official Public Records of Collin County, Texas and being all of that called 1.621 acre tract of land described in deed to BBD ELEVON RETAIL DEVELOPMENT #1, LLC as recorded in Document Number 2026000000004, Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod with yellow cap stamped "JBI" found at the west corner of Lot 2, Block B Elevon West Commercial Phase 3, as recorded in Document Number 2025010000180, Official Public Records of Collin County, Texas, said point being in the north right-of-way line of Elevon Parkway, a variable width right-of-way as recorded in Document Number 2023-923, Official Public Records of Collin County, Texas;

THENCE along the north right-of-way line of said Elevon Parkway as follows:

Northwesterly, 215.21 feet along a curve to the left having a central angle of 31 degrees 37 minutes 01 seconds West, a radius of 390.00 feet, a tangent of 110.42 feet and whose chord bears North 72 degrees 59 minutes 47 seconds West, 212.49 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 88 degrees 48 minutes 18 seconds West, 358.97 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northwesterly, 48.39 feet along a curve to the right, having a central angle of 39 degrees 36 minutes 39 seconds, a radius of 70.00 feet, a tangent of 25.21 feet and whose chord bears North 68 degrees 59 minutes 58 seconds West, 47.44 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northwesterly, 46.81 feet along a curve to the left, having a central angle of 38 degrees 19 minutes 03 seconds, a radius of 70.00 feet, a tangent of 24.32 feet and whose chord bears North 68 degrees 21 minutes 10 seconds West, 45.95 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, said point being in the west line of said 28.327 acre tract, said point being also in the east line of that called 22.777 acre tract of land described in deed to ONML COTTAGES AT LAKE LAVON, LLC, as recoded in Document Number 2023000146220, Official Public Records of Collin County, Texas;

THENCE North 00 degrees 51 minutes 32 seconds East, 378.33 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, said point being the northwest corner of said 28.327 acre tract, said point being at the northeast corner of said 22.777 acre tract, said point also

being in the south line of Lot 8, Block A, of Bently Farms, an addition to the City of Lavon as recorded in Cabinet M, Slide 189, Official Public Records of Collin County, Texas;

THENCE South 88 degrees 42 minutes 00 seconds East, 1,256.20 feet to a TXDOT Brass Right-of-Way Monument found at the northeast corner of said 28.327 acre tract, said point being the southeast corner of Lot 1, Block A, of said Bently Farms addition, 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 28.327 acre tract 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, 487.19 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, said point being the south corner of said 1.621 acre tract, said point also being the east corner of Lot 2, Block B Elevon West Commercial, Phase 3, an addition to the City of Lavon;

THENCE North 57 degrees 11 minutes 17 seconds West, 284.22 feet to a one-half inch iron rod with yellow cap stamped "JBI" found at the west corner of said 1.621 acre tract, said point also being the north corner of said Lot 2, Block B;

THENCE South 33 degrees 17 minutes 57 seconds West, 180.01 feet to the POINT OF BEGINNING and containing 468,372 square feet or 10.752 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.

Elevon Southwest Commercial Addition 11.625 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 a part of that called 28.327 acre tract of land described in deed to MA LAND HOLDINGS, LLC, as recorded in Document Number 023000100199, Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod found in the east line of said 28.327 acre tract, said point being, said point being in the west right-of-way line of State Highway 78 (a variable width right-of-way), said point also being in the south right-of-way of Elevon Parkway, a divided right-of-way as recorded in Document Number 2023-923, Official Public Records of Collin County, Texas;

THENCE along the east line of said 28.327 acre tract and along the west right-of-way line of State Highway 78 as follows:

South 33 degrees 45 minutes 11 seconds West, 502.44 feet to a one-half inch iron rod with yellow cap stamped "JBI" found 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" found at the southeast corner of said 28.327 acre tract, said point being the northeast corner of Lot 1, Block A, Elevon West Commercial, Phase 1, as recorded in Document Number 2023010000520, Official Public Records of Collin County, Texas;

THENCE North 89 degrees 08 minutes 28 seconds West, 630.18 feet along the south line of said 28.327 acre tract and along the north line of said Lot 1 to a one-half inch iron rod with yellow cap stamped "JBI" found in the southeast line of Villas Drive, a 60 foot wide right-of-way as recorded in Document Number 2023010000520, Official Public Records of Collin County, Texas;

THENCE along the southeast right-of-way line of said Villas Drive as follows:

Northeasterly, 189.99 feet along a curve to the left, having a central angle of 47 degrees 19 minutes 44 seconds, a radius of 230.00 feet, a tangent of 100.79 feet and whose chord bears North 67 degrees 11 minutes 40 seconds East, 184.63 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northeasterly, 53.28 feet along a curve to the right, having a central angle of 44 degrees 33 minutes 46 seconds, a radius of 68.50 feet, a tangent of 28.07 feet and whose chord bears North 65 degrees 48 minutes 41 seconds East, 51.94 feet to a point for corner;

Northeasterly, 166.78 feet along a curve to the left, having a central angle of 132 degrees 43 minutes 03 seconds, a radius of 72.00 feet, a tangent of 164.48 feet and whose chord bears North 21 degrees 44 minutes 03 seconds East, 131.91 feet to a point for corner;

Northwesterly, 54.38 feet along a curve to the right, having a central angle of 45 degrees 29 minutes 21 seconds, a radius of 68.50 feet, a tangent of 28.72 feet and whose chord bears North 21 degrees 52 minutes 48 seconds West, 52.97 feet to a point for corner;

North 00 degrees 51 minutes 52 seconds East, 490.80 feet to a point for corner;

Northeasterly, 46.06 feet along a curve to the right, having a central angle of 37 degrees 42 minutes 09 seconds, a radius of 70.00 feet, a tangent of 23.90 feet and whose chord bears North 19 degrees 42 minutes 56 seconds East, 45.24 feet to a point for corner;

Northeasterly, 36.74 feet along a curve to the right, having a central angle of 52 degrees 37 minutes 41 seconds, a radius of 40.00 feet, a tangent of 19.78 feet and whose chord bears North 64 degrees 52 minutes 52 seconds East, 35.46 feet to a point for corner in the south right-of-way line of said Elevon Parkway;

THENCE along the south line of said Elevon Parkway as follows:

South 88 degrees 48 minutes 18 seconds East, 315.54 feet to a point for corner;

Southeasterly, 198.66 feet along a curve to the right, having a central angle of 31 degrees 37 minutes 01 seconds, a radius of 360.00 feet, a tangent of 101.93 feet and whose chord bears South 72 degrees 59 minutes 47 seconds East, 196.14 feet to a point for corner;

South 57 degrees 11 minutes 17 seconds East 271.39 feet to a point for corner;

South 11 degrees 43 minutes 03 seconds East, 42.08 feet to the POINT OF BEGINNING and containing 506,398 square feet or 11.625 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.

PORTION OF TRACT 3

ELEVON NORTHEAST COMMERCIAL ADDITION (11.764 ACRES) AND CA1, BLOCK A, ELEVON ENTRY ADDITION (0.960 ACRES), 12.724 ACRES OF THE ORIGINAL TRACT 3, MINUS 0.37 ACRES CONVEYED TO LAVON LANDINGS NORTH OF THE ELEVON SIGN LOCATED ON CA1, BLOCK A, ELEVON ENTRY ADDITION.

Elevon Northeast Commercial Addition (11.764 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 a part of that called Parcel 2-10.224 acre tract of land described in deed to MA LAND HOLDINGS, LLC, as recorded in Document Number 2022000152455, Official Public Records of Collin County, Texas, being all of that called 0.906 acre tract of land described in deed to MA LAND HOLDINGS, LLC, as recorded in Document Number 2023000030638, Official Public Records of Collin County, Texas, and also being al of that called 2.058 acre tract of land described in deed to MA LAND HOLDINGS, LLC, as recorded in Document Number 2024000072044, Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod with yellow cap stamped "JBI" found in the north right-of-way line of Elevon Parkway, a variable width right-of-way as recorded in Document Number 2023-925, Official Public Records of Collin County, Texas, said point also being the southeast corner of CA1, Block A Elevon East Commercial Addition, Phase 1, as recorded in Document Number 2024-235, Official Public Records of Collin County, Texas;

THENCE along the east line of said Elevon East Commercial Addition as follows:

North 32 degrees 49 minutes 22 seconds East, 32.38 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 07 degrees 45 minutes 12 seconds West, 65.62 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 29 degrees 40 minutes 21 seconds East, 105.05 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North, 85.33 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

THENCE South 56 degrees 23 minutes 16 seconds East, 98.12 feet to a point for corner;

THENCE North 33 degrees 44 minutes 26 seconds East, 143.96 feet to a point for corner in the north line of said 10.224 acre tract;

THENCE South 88 degrees 40 minutes 47 seconds East, 441.48 feet to a one-half inch iron rod found at the north east corner of said 10.224 acre tract of land, said point also being in the west line of Lot 5X, Block U Lakepoint Phase IIA, an addition to Collin County as recorded in Document Number 2021-713, Official Public Records of Collin County, Texas;

THENCE South 06 degrees 55 minutes 38 seconds East, 307.34 feet along the west line of said Lot 5X to a one-half inch iron rod found for corner, said point being the northwest corner of said 2.058 acre tract of land;

THENCE North 84 degrees 43 minutes 14 seconds East, 235.30 feet to a one-half inch iron rod with yellow cap stamped "JBI" found at the northeast corner of said 2.058 acre tract;

THENCE South 01 degrees 54 minutes 29 seconds East, 529.89 feet along the east line of said 2.058 acre tract to a one-half inch iron rod with yellow cap stamped "JBI" found in the east line of said 0.906 acre tract;

THENCE South 23 degrees 34 minutes 55 seconds East, 73.42 feet to a one-half inch iron rod with yellow cap stamped "JBI" found at the southeast corner of said 0.906 acre tract;

THENCE South 72 degrees 07 minutes 37 seconds West, 123.81 feet along the south line of said 0.906 acre tract to a point for corner, said point being in the north right-of-way line of said Elevon Parkway;

THENCE North 51 degrees 55 minutes 50 seconds West, 136.90 feet along the north line of said Elevon Parkway to a one-half inch iron rod with yellow cap stamped "JBI" found for corner, said point being in the south line of said 10.224 acre tract;

THENCE along the south line of said 10.224 acre tract and along the north right-of-way line of said Elevon Parkway as follows:

Northwesterly, 74.17 feet along a curve to the left, having a central angle of 05 degrees 14 minutes 48 seconds, a radius of 810.00 feet, a tangent of 37.11 feet and whose chord bears North 54 degrees 33 minutes 14 seconds West, 74.15 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

North 57 degrees 10 minutes 38 seconds West, 725.78 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

North 48 degrees 33 minutes 01 seconds West, 100.00 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

North 57 degrees 10 minutes 38 seconds West, 13.39 feet to the POINT OF BEGINNING and containing 512,442 square feet or 11.764 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.

Elevon Entry Addition, CA1, Block A (0.960 acres)

BEING a parcel of land located in Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being a part of that called Parcel 2-10.224 acre tract of land described indeed to MA LAND HOLDINGS, LLC as recorded in Document Number 2022000152455 Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod with cap stamped "USA INC" found in the west line of said 10.224 acre tract, said point being in the east right-of-way line of State Highway Number 78 (a variable width right-of-way), said point also being in the north right-of-way line of Elevon Parkway, a variable width right-of-way as recorded in Document Number 2023-925, Official Public Records of Collin County, Texas;

THENCE North 33 degrees 44 minutes 25 seconds East, 240.33 feet along the west line of said 10.224 acre tract and along the east right-of-way line of State Highway Number 78 to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 56 degrees 23 minutes 16 seconds East, 107.57 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 85.33 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 29 degrees 40 minutes 21 seconds West, 105.05 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 07 degrees 45 minutes 12 seconds East, 65.62 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner;

THENCE South 32 degrees 49 minutes 22 seconds West, 32.38 feet to a one-half inch iron rod with yellow cap stamped "JBI" set for corner in the south line of said 10.224 acre tract, said point being in the north right-of-way line of said Elevon Parkway;

THENCE along the common line of said 10.224 acre tract and the north right-of-way line of said Elevon Parkway as follows:

North 57 degrees 10 minutes 38 seconds West, 186.46 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

North 11 degrees 43 minutes 12 seconds West, 28.06 feet to the POINT OF BEGINNING and containing 41,803 square feet or 0.960 acres of land

BASIS OF BEARING: The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83) with grid distances shown hereon.

TRACT 4
ELEVON SOUTHEAST COMMERCIAL ADDITION (21.029 ACRES)

BEING a parcel of land located in Collin County, Texas, a part of the Samuel M. Rainer Survey, Abstract Number 740, and being a part of that called Parcel 3-17.606 acre tract of land described in deed to MA LAND HOLDINGS, LLC as recorded in Document Number 2022000152455 Official Public Records of Collin County, Texas, being part of that called Tract III-3.50 acre tract of land described in deed to MA LAND HOLDINGS, LLC as recorded in Document Number 2023000030638, Official Public Records of Collin County, Texas and being all of that CA1, Block B, Elevon East Commercial Addition, Phase 1, Document Number 2024-235, Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod with yellow cap stamped "JBI" found in the northeast line of said 17.606 acre tract, said point being in the southwest line of Elevon Parkway, a variable width right-of-way as recorded in Document Number 2023-925, Official Public Records of Collin County, Texas, said point also being the east corner of said CA1, Block B Elevon East Commercial Addition, Phase 1;

THENCE along the northeast line of said 17.606 acre tract and along the southwest right-of-way line of said Elevon Parkway as follows:

South 65 degrees 48 minutes 15 seconds East, 100.00 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 57 degrees 10 minutes 38 seconds East, 725.78 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Southeasterly, 63.18 feet along a curve to the right, having a central angle of 05 degrees 14 minutes 48 seconds, a radius of 690.00 feet, a tangent of 31.61 feet and whose chord bears South 54 degrees 33 minutes 14 seconds East, 63.16 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 51 degrees 55 minutes 50 seconds East, 155.35 feet to a one-half inch iron rod with yellow cap stamped "JBI" found in the east line of said 3.50 acre tract;

THENCE South 00 degrees 54 minutes 55 seconds West, 18.07 feet to a one-half inch iron rod with yellow cap stamped "JBI" found in the southeast line of said 3.50 acre tract, said point being in the northwest right-of-way line of Northeast Texas Rural Rail District, as recorded in Volume 5585, Page 2680, Official Public Records of Collin County, Texas;

THENCE South 71 degrees 57 minutes 09 seconds West, 1,640.01 feet along the southeast line of said 3.50 acre tract and along the northwest right-of-way line of said Northeast Texas Rural Rail District to a one-half inch iron rod with yellow cap stamped "JBI" found for corner in the west line of said 3.50 acre tract;

THENCE along the west line of said 3.50 acre tract as follows:

North 16 degrees 49 minutes 38 seconds West, 47.66 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northwesterly, 44.42 feet along a curve to the right, a central angle of 06 degrees 59 minutes 11 seconds, a radius of 364.26 feet, a tangent of 22.24 feet and whose chord bears North

13 degrees 24 minutes 55 seconds West, 44.39 feet to a one-half inch iron rod with yellow cap stamped "JBI" found at the northwest corner of said 3.50 acre tract, said point being the southwest corner of said 17.606 acre tract, said point being in the east right-of-way line of Business 78 (Main Street);

THENCE along the west line of said 17.606 acre tract and along the east right-of-way line of Business 78 (Main Street) as follows:

Northeasterly, 275.49 feet along a curve to the right, having a central angle of 38 degrees 34 minutes 06 seconds, a radius of 409.26 feet, a tangent of 143.19 feet and whose chord bears North 11 degrees 54 minutes 25 seconds East, 270.32 feet to a 3.5" brass monument found for corner;

North 33 degrees 44 minutes 25 seconds East, 471.73 feet to a 3.5" brass monument found for corner;

North 08 degrees 14 minutes 35 seconds West, 134.55 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner in the east right-of-way line of State Highway 78;

THENCE continuing along the west line of said 17.606 acre tract and along the east right-of-way line of said State Highway 78 as follows:

North 33 degrees 44 minutes 25 seconds East, 97.25 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

South 56 degrees 15 minutes 47 seconds East, 10.03 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

North 33 degrees 44 minutes 14 seconds East, 280.40 feet to a one-half inch iron rod with yellow cap stamped "JBI" found at the northwest corner of said CA1, Block B, said point being in the southwest right-of-way line of said Elevon Parkway;

THENCE along the north line of said CA1, Block 1 and along the southwest right-of-way line of said Elevon Parkway as follows:

North 78 degrees 16 minutes 48 seconds East, 35.64 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

South 57 degrees 10 minutes 38 seconds East, 187.24 feet to the POINT OF BEGINNING and containing 916,032 square feet or 21.029 acres of land.

BASIS OF BEARING: The basis of bearing is based on the coordinate system (North Central Zone 4202 State Plane Coordinates, NAD83) with grid distances shown hereon.

TRACT 5

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 a part of that called Parcel 1-29.925 acre tract of land described in deed to MA Land Holdings, LLC as recorded in Document Number 2022000152456 Official Public Records of Collin County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod with cap stamped "JBI" found at the northeast corner of said 29.925 acre tract;

THENCE along the east and south line of said 29.925 acre tract as follows:

South 08 degrees 50 minutes 13 seconds East, 81.36 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Southeasterly, 40.81 feet along a curve to the right, having a central angle of 08 degrees 39 minutes 37 seconds, a radius of 270.00 feet, a tangent of 20.44 feet and whose chord bears South 04 degrees 30 minutes 23 seconds East, 40.77 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Southwesterly, 179.26 feet along a curve to the right, having a central angle of 104 degrees 48 minutes 08 seconds, a radius of 98.00 feet, a tangent of 127.26 feet and whose chord bears South 52 degrees 13 minutes 29 seconds West, 155.29 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

Northwesterly, 244.67 feet along a curve to the left, having a central angle of 17 degrees 18 minutes 25 seconds, a radius of 810.00 feet, a tangent of 123.28 feet and whose chord bears North 84 degrees 01 minutes 39 seconds West 243.74 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

South 87 degrees 19 minutes 08 seconds West, 96.13 feet to a one-half inch iron rod with cap stamped "USA INC" found for corner;

Southwesterly, 428.59 feet along a curve to the left, having a central angle of 30 degrees 18 minutes 59 seconds, a radius of 810.00 feet, a tangent of 219.44 feet and whose chord bears South 72 degrees 09 minutes 38 seconds West, 423.61 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner at the southeast corner of Lot 2, Block A, Elevon Multifamily Addition, as recorded in Document Number 2025-623, Official Public Records of Collin County, Texas;

THENCE along the east line of said Lot 2 as follows:

North 26 degrees 29 minutes 22 seconds West, 33.24 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 07 degrees 10 minutes 45 seconds East, 95.89 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner;

North 08 degrees 50 minutes 12 seconds West, 66.90 feet to a one-half inch iron rod with yellow cap stamped "JBI" found for corner in the north line of said 29.925 acre tract, said point also being in the south right-of-way line of Northeast Texas Rural Rail Transportation District line;

THENCE North 81 degrees 09 minutes 48 seconds East, 872.24 feet along the north line of said 29.925 acre tract and along the south right-of-way line of Northeast Texas Rural Rail

Transportation District line to the POINT OF BEGINNING and containing 132,952 square feet or 3.052 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.

TRACT 7 – LOT 2R, BLOCK A, ELEVON PARKWAY WEST AS RECORDED IN PLAT BOOK 2024, PAGE 567 – 130,736 SQUARE FEET OR 3.001 ACRES

EXHIBIT C. DEVELOPMENT STANDARDS

DEFINITIONS

1.1. Property

1.1.1. Area of land described and detailed in:

- Exhibit A – Location Map
- Exhibit B – Legal Description

1.2. Lot Coverage

1.2.1. Percentage of area covered by impervious surface of structure foundations

1.3. Light Industrial – clean industries

Manufacturing or research and development industries that do not emit smoke, noise, offensive odors, or harmful industrial wastes

CONFLICTS

In the event of a conflict between this Ordinance and any other City ordinance, rule, or regulation, including, but not limited to, the provisions of the City's Zoning Ordinance, this Ordinance shall control. In the event of a conflict between this Ordinance and the Development Agreement applicable to the Property, the Development Agreement shall control. Any amendments to the Development Agreement applicable to the Property that could conflict with this Ordinance shall be considered with an associated rezoning request to amend this Ordinance accordingly with all applicable procedural considerations as required by the Zoning Ordinance.

EXHIBITS

1.1. The Property shall generally conform with:

- **Exhibit C - Concept Plan**
- **Exhibit D - Development Standards**
- **Exhibit E - Parks/Open Space**
- **Exhibit F – Primary Entry Feature**
- **Exhibit G – City of Lavon Code of Ordinance Excerpts, 10-18-2022**

GENERAL STANDARDS

The following standards shall apply to all areas within the Property as applicable:

PARKS/OPEN SPACE

1.1.1. Pedestrian connectivity and parks/open space shall be provided per the trail plan illustrated on **Exhibit E**.

1.1.2. Pocket Parks:

1.1.2.1. The Pocket park located in **Land Use Parcel 1** shall have street frontage on at least two sides.
1.1.2.2. A minimum five-foot sidewalk or trail shall be provided around the perimeter of the park, adjacent to streets. The sidewalk or trail shall also meander through the pocket park as practicable.
1.1.2.3. Shaded areas for seating shall be provided.
1.1.2.4. Benches for seating shall be provided.

1.1.3. Where Standards are not specified, Park/Open Space tracts shall comply with the Zoning and Subdivision Ordinances.

COMPATIBILITY SCREENING

1.1.1. *Applicability.* The following standards shall apply where non-residential and multi-family residential development are proposed adjacent to properties zoned or used for residential uses, except multi-family residential and not across a dividing street between uses and not as otherwise specified herein.

1.1.1.1. The more intensive use shall have the responsibility for providing and maintaining the screening device. This requirement shall not apply to parks or open space uses that do not contain an amenity center or like activity.

1.1.2. Height. The screening device shall be six feet in height.

1.1.3. Materials.

- Brick masonry, stone masonry, or other architectural masonry finish; or
- Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20 feet on center with

structural supports spaced every ten feet, and with sufficient evergreen landscaping to create a solid screening effect; or

- Living plant screens may be approved if the City Administrator or their designee finds that this method of screening will not be detrimental to adjacent property and will provide sufficient visual screening based on the proposed location and characteristics of the project. The City Administrator or their designee may forward the request for review to the planning and zoning commission or city council for approval or disapproval if determined to need additional consideration. A living plant screen shall meet one of the following conditions to be considered for approval:
  - For screening a project from an adjacent residential property that has an existing fence, the living plant screen shall consist of evergreen shrubs or trees meeting the following requirements:
    - Evergreen shrubs shall be at least three feet in height at planting and spaced three feet apart on center;
    - Evergreen trees shall be at least six feet in height at planting and spaced six to eight feet apart on center, as determined by the landscape administrator; or
  - There is an existing screening device (a masonry wall, wrought iron fence) on the adjacent property; or
  - Use of a living plant screen would result in preservation of existing trees in a wooded area as compared to another type of screening device; or
  - For screening of overhead doors from an adjacent residential property with an existing fence, the living plant screen shall consist of evergreen trees, at least six feet in height at planting and spaced three feet apart on center; or
  - For screening of overhead doors from the right-of-way, the living plant screen shall consist of evergreen shrubs, at least three feet in height at planting and spaced three feet apart on center; or
  - When screening heating, ventilation, and air conditioning (HVAC) equipment from the right-of-way; or
  - Unless identified above, all living plant screens shall consist of evergreen shrubs identified as acceptable for screening at least six feet in height or greater.

1.1.4. The City Administrator or their designee may require a greater planting size and/or a different spacing pattern, depending on the characteristics of the project, in order to ensure sufficient visual screening.

1.1.5. Alternate equivalent screening, upon approval by the planning and zoning commission through the site plan process.

1.1.6. *Compatibility Landscape Buffer*. Where a screening device is required as noted herein, the proposed development shall provide a landscaped area/buffer of at least 20 feet in width along the common property line, planted with one canopy tree for each 30 linear feet or portion thereof of adjacent exposure. These trees may not be clustered. Connection to the adjacent neighborhood shall be provided via a sidewalk or trail through the Compatibility Landscape Buffer and screening device where practicable, leading to an adjacent right-of-way, sidewalk, and/or trail, as applicable to provide connectivity to any adjacent neighborhoods or other developments.

MULTI-FAMILY

1.1.1. Any multi-family development shall be governed by the following development standards.

1.1.2. Density shall not exceed 24 units per acre.

1.1.3. Prior to the issuance of any building permit, a site plan shall be submitted for review and approval to the City in accordance with the Zoning Ordinance and the Concept Plan.

1.2. Multi-family General Site Standards

1.2.1. Site plan approval. Facade and siting approval shall be part of the overall site plan approval process. This will include, but not be limited to, the materials used on each facade, the orientation of buildings to the street, adjacency to single family residential developments and commercial buildings, and location of open space. Site plans may be approved by the director of development services through the civil plan review process or as part of a planned development.

1.2.2. Setbacks adjacent to single family residential. When any multi-family development is sited adjacent to a single-family zoning district or vacant land designated as single family on the comprehensive plan, the following regulations apply:

Article 14.02, Part Three, Table 1 Setbacks and Landscape Buffers Adjacent to Single Family		
Structures - Number of Stories	**Setback from Adjacency to SF**	**Buffer Width within Setback**
1 or 2 story	40 feet	20 feet
3 story	60 feet	25 feet
4+ story	100 feet	30 feet

Note 1. Parking and/or drive aisles may be located within the setback.
Note 2. Refer to landscaping requirements within buffers.

1.2.3. Parking regulations for multi-family developments. The minimum off-street

parking and loading regulations shall comply with the following:

1.2.3.1. No garage doors shall face a public street unless screened.

1.2.3.2. No covered parking spaces and/or detached garages may be placed between a multi-family building and a public street unless screened.

1.2.3.3. Stacking spaces (tandem spaces between the garage door and fire lane) shall not be counted towards required parking spaces.

1.2.3.4. The ratio of required parking spaces per bedroom shall be as follows:

Multi-family Parking Spaces per Unit Size	
Type of Unit	**Number of Spaces**
Studio	1
1 bedroom	1.5
2 bedrooms	2.0
3+ bedrooms	2.5
Total required spaces	No less than 1.7 spaces per dwelling unit overall

1.2.4. Open space. All multi-family developments require a minimum of 20 percent (20%) of the gross acreage as open space with a minimum of 10 percent of the gross acreage being 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 without being manicured and having a trail, 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. Outdoor recreation amenities at an amenity center for a multi-family project, such as a pool, or indoor recreation amenities, such as a fitness room, can be utilized toward this requirement but can only include the area specifically for the amenities (ex. not the mail center or leasing office, etc.). Any open space area shall be platted as a common area lot, be owned and maintained by the owner or management firm and be designated with an "X" on the plat. Open space should be located to preserve existing trees and other desirable physical features.

1.2.5. Maximum number of 3+ bedroom units per multi-family project. No more than fifteen percent (15%) of the total units of any multi-family project shall have three (3) or more bedrooms.

1.2.6. Mail kiosks. Each mail kiosk shall have a minimum of three (3) parking spaces within 50 feet (50') of the kiosk unless a drive-thru facility is provided. The mail kiosk must be constructed of the same materials as the amenity center.

1.3. Multi-family Architectural Design

1.3.1. Exterior materials for multi-family construction. The Developer will sign a consent form acceptable to the City which will be recorded.

Exterior Materials for Multi-family	
Categories	**Materials**
A	Brick, Stone, or Manufactured Stone, except walls along patios & balcony elements.
B	Split-Face CMU, Stucco, Cementitious Fiber Board, Treated Engineered Wood[1]
Prohibited	Plain Concrete Block, Aggregate, Vinyl, Plastic, Tilt Wall, Metal, Natural Wood, Tile, Glass, EIFS[2]

Required Percentages of Exterior Materials for Multi-family		
Facades	**Percentage Breakdown**	**Definition**
Primary	Minimum 50% Category A Maximum 50% Category B 0% Category C	Exterior walls of buildings which face a street or parking area
Secondary	Minimum 50% Category A Maximum 50% Category B 0% Category C	Exterior walls of buildings which are NOT clearly visible from a public street, such as an interior courtyard

Note 1. Treated engineered wood or EIFS may be used for trim or soffit construction – the percentage of treated engineered wood or EIFS must be subtracted from the percentage of other category materials so that the total percentage of any given facade remains as stated above.
Note 2. Tilt wall is prohibited as an exterior material for multi-family structures.

1.3.2. Design standards for multi-family construction.

1.3.2.1. Two masonry materials required. At least two (2) masonry materials shall be used on all exterior facades.

1.3.2.2. Uniform architectural style. All buildings within a common development, as shown on a development plan, conceptual plan, or site plan, shall have similar architectural styles, materials, colors and detailing: however, sufficient variations shall be incorporated to discourage exact duplicate buildings.

1.3.2.3. Facades adjacent to single family. Facades shall generally be built perpendicular when adjacent to single family districts unless set back a minimum of 60 feet (60') from single family property lines.

1.3.2.4. Accessory building materials. Amenity centers, covered garages, and other accessory buildings shall meet the exterior material requirements of the primary facades. Carports shall meet the exterior material requirements of the primary facades with the exception of the support poles, which may be constructed of painted metal.

1.3.2.5. Amenities and hardscape. All streetscape elements and site amenities, such as bike racks, trash receptacles, lampposts, and tree grates shall generally be dark in color. Bollards may be concrete or cast metal and shall be of decorative design.

1.3.2.6. Roof design. Roofs shall be peaked with either hip, gable or mansard design with a minimum one-to-four (1:4) pitch, or a parapet wall or false mansard design with a minimum one-to-two (1:2) pitch is acceptable only if constructed around the entire perimeter of a building so that no flat roof shall be visible from a public street.



1.3.2.7. Roof materials. Any accessory structure (such as a garage, carport, or amenity center) within a multi-family development shall have a decorative metal roof or a parapet wall to shield roof-mounted equipment.

1.3.2.8. Architectural features. All multi-family primary buildings shall be designed to incorporate no less than three (3) of the architectural features from the list below.

- Canopies, awnings, porticos with colonnade or arcades.
- Raised pilaster cornices (end columns at corners), or quoined corners (any of various bricks of standard shape for forming corners of brick walls or a wedge-shaped piece of wood, stone, or other material, used for various ornamental purposes at corners).
- Vertical elements (tower, cupola, lighthouse, turret, arches, etc.).
- Accented windows and doors framed with smooth cobblestone, cast stone, limestone, or other decorative masonry headers and sills, or dormer windows.
- Outdoor patios and/or courtyards (landscaped and furnished) integrated into a site's layout that creates a sense of place for informal and experiential gathering.
- Decorative and repetitive ornamentation (non-signage) integrated into the building facade, such as corbels, medallions, functioning clocks, niches, wrought iron, balconettes, gargoyles, or rhythm patterned brickwork.
- Other similar architectural features, as approved by the City Administrator or designee.

NON-RESIDENTIAL

1.3.3. Buildings

1.3.3.1. The following elements shall be incorporated:

- Richness of building surface and texture
- Consistent and cohesive architectural elements between buildings
- Wall articulation
- Roof overhangs and arcades
- Consistent window and door patterns
- Special paving identifying intersections and crosswalks
- Clear visibility of entrances and commercial signage
- Recognition of building hierarchy
- Screening of mechanical equipment, service areas, parking lots and

any undesirable elements
- Pedestrian friendly streetscapes and open spaces

1.3.3.2. The following elements are examples of unacceptable development within Elevon:

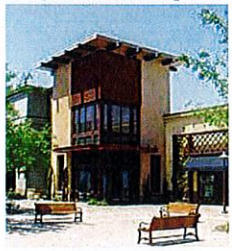
- Large, blank, unarticulated wall surfaces
- Highly reflective surfaces or heavily tinted glass front
- Metal siding on primary facades
- Mix of unrelated architectural styles
- Strong thematic architectural styles, which will become dated
- Visible outdoor storage, loading, equipment, and mechanical areas
- Disjointed parking areas and confusing circulation patterns
- Large expanses of parking/asphalt without landscape islands or tree shade
- Service areas near major entries and easily visible from roadway
- Poorly defined access points
- Sparsely landscaped parking lots, entries, and rights-of-way





1.3.3.3. Preferred Building Orientation

- Align focal architectural elements along major view or circulation axis.
- Orient "primary" buildings to each other to create strong axial relationships.
- Cluster buildings whenever possible creating opportunities for plazas and pedestrian malls.
- Create pedestrian spaces and plazas by varying building facades.
- The exterior character and orientation of all buildings and the spaces they define shall encourage and enhance pedestrian activity.
- Avoid locating walkways where users will be subjected to harsh glare from building material or where they will be subjected to other unpleasant environmental and/or site conditions.
- Locate buildings and on-site circulation to minimize pedestrian /vehicle conflicts.



1.3.3.4. Height

Consider the use of taller buildings and/or elements to highlight significant intersection and pedestrian nodes.

1.3.3.5. Scale

Buildings shall appear to be of a "pedestrian" or "human" scale. In general, this means that the size, patterns, textures, forms, and overall three-dimensional composition can be appreciated at the pedestrian level.



- Incorporate meaningful techniques such as overhangs, awning, or a change in building material, to break up the perceived building mass.
- Vary the planes of exterior walls in depth and/or direction.
- Wall planes shall not run in a continuous direction more than 65 feet (65') without an offset.
- Vary the height of buildings, and/or building elements where feasible, so they appear to be divided into distinct elements or masses.

1.3.3.6. Materials

Visual continuity in major building materials is desired throughout the Elevon District. In order to establish the desired look for the mixed-use development, specific criteria have been established.



- Use wall materials that are muted in color and have texture
- Reserve the use of strongly contrasting materials and colors for accents such as building entrances, railings, stairs, etc.
- Avoid using highly reflective materials and surfaces such as polished metal, that generate glare, particularly at the pedestrian level.
- Materials which may be incorporated include: native stone, brick, stucco, textured concrete. Alternative materials that achieve similar looks and are of high quality and low maintenance may be considered, subject to review and approval by the City Administrator or their designee.
- In most instances, utilize two or three dominant building materials and use accent material which complement the regional character.
- Use contrasting but compatible building materials and textures to help unify exterior building elements and to create depth, proportion, and scale.
- No composite shingle roofs allowed on non-residential or mixed used structures.

1.3.3.7. Entrances

- Primary entrances shall be easily identifiable and relate to both human scale and the scale of the building(s) they serve.
- Wherever possible, entrances shall be cool and inviting without becoming dark.
- Main building entrances shall be designed to be clearly identifiable from primary driveways and drop-offs.



- Rooftops shall be considered important design elements as viewed from a variety of vantage points – at ground level, from other buildings and from adjacent perimeter roadways. A well-composed "roofscape" achieves an interesting skyline without becoming overly busy or contrived.
- Locate all rooftops equipment, including satellite dishes and antennae completely within penthouses or screened areas.
- All rooftop equipment, including satellite dishes and antenna, must be fully screened from view and located below the highest vertical element of the building.
- Construct screens of the same material as building skins or of materials similar in color and texture.



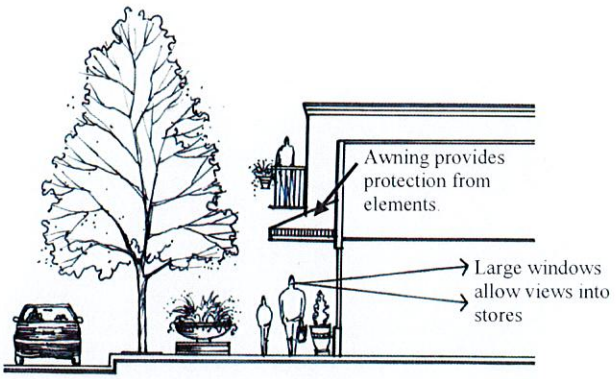
- Avoid rooflines running in continuous planes more than 65 feet (65'). Offset or jog the roof planes for better visual interest.

1.3.3.8. Awnings and Roofs

- Incorporate meaningful techniques such as awnings or a change in building material, to break up the perceived building mass.



- Where awnings are used along a row of contiguous building, use a consistent form, material color, and location and mounting arrangement.
- Awnings shall be located to provide a minimum eight feet (8') vertical clearance, with a maximum generally not to exceed 12 feet (12').
- Non-reflective metal awnings are encouraged.



- Colors of awnings must complement the buildings.
- Incorporate the awnings along with any signage to provide a uniformly designed building façade.
- Signs on awning are permitted, subject to applicable signage standards.
- Internally illuminated awnings are prohibited.

1.3.4. Plazas and Open Spaces

- Open space shall be located in visible and easily accessible locations and serve as a focal point within a development
- Maintaining view corridors is important to providing views of amenities and identifying different spaces on the site. Create focal points at main entries. Where possible, terminate drive aisles or major pedestrian corridors at open spaces, plazas or enhanced landscape areas to create an attractive visitor experience.

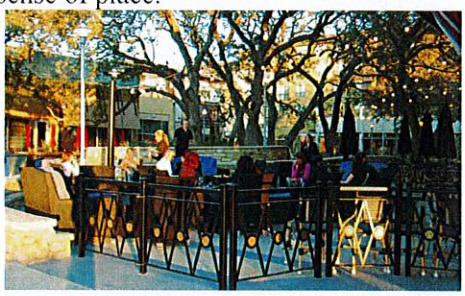


1.3.4.1. Open Space Connectivity

- Courtyards, plazas, and terraces shall be designed at a human scale and incorporated as public amenities around food vendors. Interrupting the building facades to create "outdoor rooms" as varying the width of walkways will help create pedestrian spaces. These pedestrian spaces shall create opportunities for comfortable outdoor experiences, a



chance to relax and create a sense of place.



- Orient open spaces to views of site amenities such as water features, open spaces, etc.
- Consider opportunities to orient open spaces toward views of major buildings or down long corridors.
- Wherever possible, create a sense of enclosure for outdoor seating areas,
- Add elements such as trees, water features, a variety of seating areas and landscape color to give the public spaces an inviting feel and visual interest.
- Incorporate pavers and paving patterns to add additional interest and enhance the aesthetic quality of the spaces.
- Allow for outdoor tables and seating to promote use of the space.

1.3.5. Vehicular Circulation

1.3.5.1. Primary Site Entrances



- Internal drives shall visually lead drivers to building entries, site amenities or focal elements.
- Design drives and parking areas to fit the natural contours of the site to minimize cut-and-fill and maintain natural drainage.
- Align streets and drives to offer views of significant architectural features and site amenities and to direct drivers.

1.3.5.2. Drop-Off Areas

Drop-off Areas for vehicle passengers shall be incorporated where practical into development places and shall provide safe, convenient access to building entries, pedestrian plazas or corridors and public open spaces. Drop-off areas must conform to all ADA regulations and standards.



- Emphasize drop-off areas with special paving material
- Design drop-off lanes so they do not obstruct traffic flow when vehicles are stopped
- Install bollards at drop-

offs to provide protection for buildings and pedestrian walkways.

1.3.5.3. Service Areas

Service vehicle circulation within Elevon shall be designed to provide safe and efficient delivery routes for all anticipated service and delivery vehicles. The design of individual parcels to accommodate truck access shall meet all regulatory requirements for turning movements without sacrificing other important design objectives. These objectives include:

- Locate service areas away from major streets and building entrances.
- Minimize pedestrian and service vehicle conflict.
- Hide/screen views into service areas.



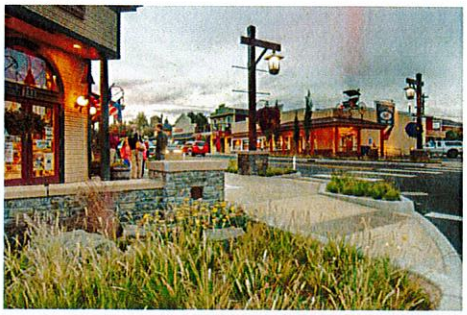
1.3.5.4. Parking

- Parking areas shall be designed and located so they provide safe and efficient vehicular and pedestrian circulation within a site.
- Wherever feasible orientate parking aisles perpendicular to building entrances.
- Break large expanses of pavement with landscape medians and islands.
- Avoid situations where parking spaces are directly abutting structures. NOTE: Minimize negative visual impacts of parking from roadways using landscaping.
- Parking adjacent to perimeter roads (Elevon Parkway, Villas Drive, and State Highway 78) shall have a tree every 10 spaces and a continuous evergreen shrub screen.



1.3.6. Pedestrian System

A comprehensive pedestrian network is an essential element of the Elevon development. By creating pedestrian friendly patterns and spaces, mixed used sites can become inviting hubs of activity. The overall master plan of Elevon is intended to encourage pedestrian activity. Safe, efficient pedestrian circulation is important to the development of any mixed-use area.



- Create distinct pedestrian corridors which funnel pedestrians to logical gateways, plazas or "main streets"
- Pavers are encouraged for walks adjacent to buildings and streets in the mixed-use parcels.
- Crosswalks are required at all intersections and key pedestrian crossings. Crosswalks must be identified by a change in color, texture, or materials.
- Walkways that lead pedestrians from parking areas to buildings or plazas shall be designed to facilitate easy movement and minimize crossing conflicts with vehicles. Pedestrian corridors shall be clearly identified.
- Where major pedestrian routes within parking lots cross roadways and drives, use textured or colored paving material to distinguish the route.
- Provide trees or covered walkways to cool pedestrian paths and encourage walking.



1.3.7. Landscape Design

1.3.7.1. Community Buffers

1.3.7.1.1. Primary Roads, P6D & P4D:

- A minimum 20-foot-wide landscape buffer shall be provided along both sides of the primary roads. Berms and retaining walls may be constructed within the buffer. The berms may encroach up to 3' into the right-of-way and shall not exceed a 3:1 slope. A visibility triangle of 30 feet (30') by 30 feet (30') (30' x 30') shall be provided at all primary road intersections.
- A mix of shade and ornamental trees shall be planted within the required landscape buffer. Shade trees shall be planted one (1) per 60 linear feet. Trees may be grouped when necessary to preserve topographical features or if special circumstances are present.
- Pervious ground cover shall be planted throughout the buffer. Ground cover includes, but is not limited to, shrubs, grasses, and/or mulched planter beds.

1.3.7.1.2. Residential Collector Streets, C4U:

- Where single family lots back or side a Collector Street, a minimum 10-foot-wide landscape buffer with 1 shade tree per 60 linear feet of street frontage shall be provided within the buffer. Trees may be grouped when necessary to preserve topographical features or if special circumstances are present. A minimum visibility triangle of 30 feet (30')

by 30 feet (30') (30' x 30') shall be provided at all non-primary road intersections.

- Ground cover shall be planted throughout the buffer. Ground cover includes, but is not limited to, shrubs, grasses, and/or mulched planter beds.
- A minimum five-foot wide, concrete sidewalk shall be provided within the buffer and/or street right-of-way on both sides of the street. Developer shall install the sidewalk where homes do not front or side the street, and builder shall install the required sidewalks on the front and/or side of lots with the construction of each home.
- In those instances where homes front the Collector Street, the landscape buffer will not be required.
- Road types shall be specified for future phases on associated preliminary plat(s) for review, subject to review and approval by the City Engineer.

1.3.7.1.3. Land Use Parcel 1 and Land Use Parcel 2 Landscape Buffer

- A minimum 30-foot-wide landscape buffer shall be provided along the northern boundaries of Land Use Parcel 1 and Land Use Parcel 2, as depicted on **Exhibit E**.
- A mix of shade and ornamental trees shall be planted within the required landscape buffer. Shade trees shall be planted one per 60 linear feet. Trees may be grouped when necessary to preserve topographical features or if special circumstances are present, subject to review and approval by the City Administrator or her designee.
- Pervious ground cover shall be planted throughout the buffer. Ground cover includes, but is not limited to, shrubs, grasses, and/or mulched planter beds.

1.3.7.1.4. Buffer Vegetation

- Shade Trees: Shade trees shall be three-inch caliper in size, measured (12") inches above the planting surface, at the time of planting. Trees may be located within the buffer or street right-of-way if special circumstances are present, if approved by the Public Works Director. Shade trees include Live Oak, Red Oak, Bur Oak, Chinquapin Oak, Bald Cypress, Cedar Elm, Southern Magnolia, Chinese Pistache, Pecan Texas Ash, Eastern Red Cedar, or otherwise as approved by the City Administrator or their designee.
- Ornamental Trees: Ornamental trees shall be a minimum of 30-gallon container. Ornamental trees shall be native and or native adapted species.
- Shrubs: Shrubs shall be a minimum three (3) gallons in size at the time of planting and shall attain a minimum height of three feet (3') within two growing seasons.

1.3.7.2. Irrigation

All Landscape areas shall be irrigated with automated irrigation systems. Trees and shrubs shall be irrigated by drip irrigation lines. Other landscaping may be irrigated by spray irrigation.

1.3.7.3. Community Entry Features

An architectural designed Primary Entry Feature monument shall be located at the primary entrance to the Elevon Development, as depicted on Exhibit F. The maximum height of the signage structure shall not exceed 40 feet.

The design and location of the Primary Entry Feature shall be allowed as depicted on Exhibit F, so long as the signage does not conflict with any utilities, visibility triangles, safety-related factors, and other applicable requirements. Exhibit F does not supersede the requirement for a building permit application and associated common area platting, which is subject to review and approval by the City Administrator or their designee.

Entry Features shall be included in common areas to be owned and maintained by the HOA/POA..

1.3.7.4. Detention



- If the existing topography allows, the location of a drainage facility can be incorporated into an entry feature or can be the foundation for a park with trails and open space.
- All permanent bodies of water such as lakes and retention ponds, shall include an integrated management program to ensure acceptable water quality and to maintain ecological balance of oxygen, nutrients, light, and temperature. Aeration systems providing oxygen transfer and aerator fountains for aesthetic appeal shall be utilized as appropriate to the pond type, size, and depth. Biological controls will be enhanced through selection of appropriate water plant species.
- Open space shall be required around all amenity lakes and detention facilities. Amenity lake edges within Elevon shall be designed with enhanced landscaping.
- Fencing is allowed around detention pods only if the fencing is constructed of wrought iron or tubular steel or other similar products.

1.3.7.5. Ground Mounted Equipment



- All proposed ground mounted equipment shall be screened by planting around the boundary of the equipment, except the side where access is located.
- Proposed electric substations, water pump stations and wastewater lift stations shall be screened from public views by a means of masonry wall on all visible combined with landscape buffer.

1.3.7.6. Service/Delivery/Trash/Storage Area Screening

The visual impacts of service, delivery, trash and outdoor equipment or storage areas shall be minimized, particularly relative to views from public roadways and pedestrian corridors. Thoughtful placement and integration into the architecture and site design is a priority for all sites.



- Orient service entrances, loading docks, waste disposal areas and other similar uses, toward service roads and away from major streets and primary building entrances.
- Wherever possible, coordinate the locations of service areas between adjacent users or developments so that service drives can be shared.
- Avoid locating service areas where they are visible from adjacent buildings or where they may impact view corridors. Such facilities are more appropriate at the rear of buildings or sites.
- Locate parking areas for outdoor equipment, truck, trailer, service vehicles, etc. away from public parking lots and major pedestrian circulation routes. Unless totally out of view, screen these areas architecturally and with landscaping.
- All purposed dumpsters, trash receptacles, refuse storage containers and outdoor storage shall be located within an enclosure providing screening by a combination of the following landscape elements:
- Decorative masonry wall with a non-masonry gate required at all dumpster enclosures. The constriction material of the wall shall match material used on the principal building located on the same lot.

1.3.8. Lighting

Consistent lighting is critical to the overall look of the community and shall complement City standards. Light fixtures shall be consistent and complementary to the fixtures found throughout the neighborhoods, parking lots and roadways in

Elevon to include:

- Street Lighting
- Pedestrian Lighting
- Vehicular Lighting
- Parking Lighting
- Aesthetic Lighting

1.3.9. Signs

It is important to consider the experience of a first-time user when developing a family of signage. Creating an easily identifiable, unified, signage system facilities movement to both public and private destinations. Consolidating the identification of multiple individual entities into a single system reduces the amount of visual clutter usually associated with individual businesses using competitive signage strategies. Proposed signage shall be evaluated on material, color, shape, scale, size, location, and overall appropriateness through associated sign permits, subject to the review and approval of the City Administrator or their designee. Signs of all scales within a development shall relate to each other through a consistent use of materials, colors, and text style. All signage shall utilize the forms, theme, and materials selected for the community. It is anticipated that Elevon will be comprised of a variety of signage ranging from single tenant signs, multi-tenant signs, directional signs, and building signs.

1.3.9.1. Project Identification and Tenant Signs

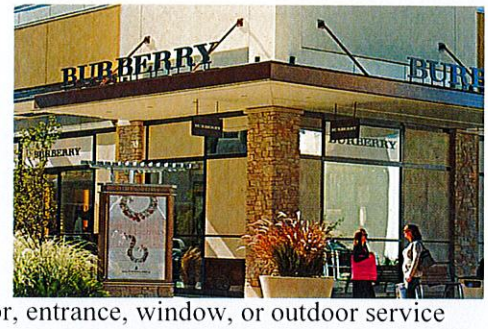
1.3.9.1.1. Project Identification signs are signs located at main entrances to the development along SH 78. These also constitute any multi-tenant signs, single tenant signs used by single built sites and out parcels. Large gateway, monument signage, entry features, or kiosks shall comply with structure placement requirements (ex. building setbacks, height, etc.) and associated plan drawings to prevent visibility and safety-related issues. Placement, scale, and other signage-related features are subject to review and approval by the City Administrator or their designee through an associated sign permit review process.

1.3.9.1.2. Location of Project Identification and Tenant Signs

- Sign locations shall be carefully located by considering the distance from which the signs will be read and if the sign is to be pedestrian or vehicular oriented.
- Vehicular signs need to take road speeds into consideration.
- Signs shall not dominate the site in height and shall not project above the rooflines of the buildings.
- Signs shall not obstruct doors or windows.
- Utilize the building's architectural features to delineate where signs should be located.
- Signs shall be setback eight (8') feet from the front property line and shall be located a minimum of six (6') feet from adjoining private property lines and a minimum of sixty

(60') feet from any other freestanding sign.

1.3.9.1.3. Canopy Signs



- Canopy sign means any sign that is part of or attached to an awning, canopy, or other material, or structural protective cover over a door, entrance, window, or outdoor service area.

- Attached signs shall not overlap features such as cornices, eaves, windows and door frames, columns, and other decorative elements.
- Signs shall be placed at least three (3) feet from the vertical edge of a wall and other attached signs.

1.3.9.1.4. Projecting and Blade Signs



- Projecting/Blade Sign means a pedestrian-oriented, non-internally illuminated double-faced sign, comprised of one (1) individual panel, projecting from the building wall on which it is mounted.
- On a multi-storied building, the sign shall be suspended between the bottom of the second-floor windowsill and the top of the first-floor doors.
- Projecting signs shall be made of metal, wood, or fiberglass. Plastic signs are discouraged.
- Signs shall be hung at a 90-degree angle to the building façade. Signs shall be pinned aware from the building slightly to increase visibility but shall not protrude into the vertical plane or drives or streets.
- The bottom of the sign shall provide an appropriate clearance above pedestrian sidewalks.
- Decorative iron and wood brackets are encouraged and shall complement the overall design theme of the development.
- The top of all projecting signs shall be located below the roofline and at a height not greater than 16 feet (16') above

the ground. The base of all projecting signs shall be no less than eight feet (8') above the ground. Projecting signs shall not project from the exterior wall of the building more than six feet (6').

1.3.9.1.5. Arcade Signs



- Arcade Sign means a sign that is: (A) suspended from the ceiling of a covered pedestrian walkway, which covered walkway must be of at least six (6) feet in width and, attached to the building, and (B) oriented perpendicular to the building face to which the covered walkway is attached.
- Attached signs must be placed entirely below the lowest point of a building's parapet.
- The lowest point of a projecting or awning sign must be at least 8 feet above the sidewalk.
- Arcade signs are mounted to the ceiling or structure of the building's arcade or canopy. Size of sign to be limited to the structure it's attached to.
- Connections such as electricity, conduits, and raceways to be concealed either inside the sign or on the ceiling or structure.

LAND USE PARCEL 1

The following regulations shall apply to the tract designated as **LAND USE PARCEL 1** on **Exhibit C – Concept Plan:**

1.3.10. Uses

Permitted uses shall be in accordance with development standards below.

1.3.11. Development Standards: Development shall be in accordance with the standards established in the Retail District (R) in the City's Code of Ordinances, as it exists on the date of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9 years. Any topics not expressly covered herein shall follow the standards within the City's Code of Ordinances, and as amended. If a Code of Ordinances Amendment has a direct

conflict with the planned development district, the planned development district provision(s) shall apply.

1.3.11.1. Maximum Building Size: 30,000 square feet. Should a larger building be proposed, a Conditional Use Permit shall be required, subject to the following review and approval criteria:

1.3.11.1.1. All Conditional Use Permit (CUP) Applications shall follow the guidelines set forth in Sec. 9.03.211 (Conditional Use) of the Zoning Ordinance, and as amended, and shall be reviewed by the City Administrator, or their designee, for completeness. Failure by the applicant to provide all required information shall constitute grounds for refusal for processing and review. Once the Application has been deemed complete, the Planning and Zoning Commission shall hold a Public Hearing to provide a recommendation to City Council. Following the Commission's recommendation, City Council shall hold a Public Hearing and approve, approve with conditions, or deny the conditional use permit, per the review criteria stated above.

1.3.11.2. Building Placement, Orientation and Site Design:

- Prior to the issuance of any building permit, a site plan shall be submitted for review and approval to the City in accordance with the Zoning Ordinance and the standards and exhibits contained herein.
- There is no Minimum Building Size.
- Maximum Height is 45 feet (45') with the exception of hotel uses, which shall be a maximum of 65 feet (65'). Proximity slope shall be provided: for the first 50 feet (50') adjacent to residential use or zoning (other than multi-family), the maximum height shall be 30 feet (30').

1.3.11.3. 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 ten feet (10') and shall be clear of overhangs, fences, etc. Minimum building separation can potentially be reduced, subject to review and approval by the City Fire Marshal. Attached units (including two-unit structures) are required to be sprinklered.

1.3.12. Location

The location of **LAND USE PARCEL 1** shall be as generally depicted on **EXHBIT C** – Concept Plan.

1.3.13. Permitted Uses

1.3.13.1. The following uses are permitted:

- Amenity Center
- Amusement Establishment
- Bakery/Confectionary Retail Establishment
- Business Service and Sales
- Church or Place of Worship
- Commercial Greenhouse or Nursery
- Commercial Recreational Use

- Community Swimming Pool
- Country Club
- Day Care and Education Facility (Privately-owned)
- Dog Park*
- Dry-cleaning Retail Establishment
- Educational Facility (Public)
- Exercise and Sports Establishment
- Federal, State or City Owned or Controlled Facilities
- Financial Institution
- Franchise-holding Facilities and Utilities
- Golf Course
- Home and Residence Services
- Hotel
- Insurance
- Medical and State Licensed Health Services
- Merchandise Rental
- Municipal Uses
- Nursery, Garden, Landscape Materials Sales
- Nursing Home or Assisted Living Facility
- Open Space
- Personal Services
- Pet Grooming and Care Services*
- Pharmacy
- Professional Service and Sales
- Public Parks and Playgrounds
- Public Recreational Facilities
- Real Estate Services
- Restaurant
- Retail Sales
- Single Family Attached Residential (townhomes)
- Single Family Detached Residential
- Technical Service and Sales
- Vehicle Parking Garage
- Vertically Mixed-use Retail
- Veterinarian Service, Animal Clinic*
- Multi-family Dwelling
- Two-Unit Residential Structures
- One-Unit Residential Structures

**Conditional Use*

1.3.14. Prohibited Uses

1.3.14.1. No drive-throughs shall be permitted associated with any use.

1.3.15. Dimensional Standards

Tract designated as **LAND USE PARCEL 1** on **Exhibit C – Concept Plan** shall comply with the following Dimensional Standards:

TABLE A

DEVELOPMENT STANDARD	
Minimum Front Yard	20'
Minimum Side Yard	10', 20' if adjacent to a street
Minimum Rear Yard	10', 20' if abutting a residential use or zoning district (except multi-family)
Maximum Lot Coverage	65%
Maximum Density	12 Dwelling Units per Acre (gross)
Minimum Parking	
1 Bedroom Home 1.75 Spaces/Home 2 Bedroom Home 2.0 Spaces/Home Mail Kiosk 3 Spaces within 50' of the Kiosk Garage Parking 15 % of Total Parking Provided Covered Parking 1 Space/Home	

1.3.16. Structure Requirements

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

TABLE B

DEVELOPMENT STANDARD	
Minimum Distance Between Buildings	10'[1]
Minimum Masonry Content	25% of Front and Side Walls
Maximum Building Height	36'/2 Story

[1] *Potential reduction can apply as noted herein, subject to review and approval of the City Fire Marshal.*

Where Standards are not specified, **LAND USE PARCEL 1** tract shall comply with the Zoning Ordinance as applicable.

1.3.17. Design Standards

Tract is designated as **Land Use Parcel 1** on **Exhibit C – Concept Plan** shall comply with the following Design Standards:

1.3.17.1. Site Features

1.3.17.1.1. Open Space and Landscaping:

- Minimum Open Space: A minimum of 20 percent (20%) open space shall be required. A minimum of ten percent (10%) 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.

- Tree Placement: Large canopy trees shall be planted four feet (4') or greater

from curbs, sidewalks, utility lines, screening walls and/or other structures. Small trees may be placed closer than four feet (4') to the aforementioned features, with approval on an associated detailed landscape plan showing applicable features and mitigating any potential adverse impacts, subject to review and approval by the City Administrator or their designee. Along sidewalks and trails, canopy trees shall be approximately four feet (4') from pavement to provide shade for pedestrians but not cause sidewalk buckling. Utility installations that include common trench and conduit banks are exempt from the large canopy tree planting distance requirements. All trees shall be equipped with bubbler irrigation systems.

- Parking Lot Landscaping: Parking lots shall contain landscape islands located to best relieve the visual expanse of paving and provide shade. Such islands shall contain at least one (1) 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 (3') in height. The minimum total area of such island shall be approximately 180 square feet (9' x 20') or the size of the parking space but may be designed so that the radii help to facilitate traffic maneuverability, subject to review and approval by the City Administrator or their designee.

- All landscaping shall be 100 percent (100%) 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.

1.3.17.1.2. Amenity Center: An amenity center shall be provided for residents of a residential use. 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 and shall be reviewed through associated building permits.

1.3.17.1.3. 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.

1.3.17.1.4. Sidewalks: Each home shall have access to the parking areas via a minimum four feet (4') wide, concrete sidewalk. The specific location of said sidewalks shall be determined at a time of construction.

1.3.17.1.5. 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, with a metal gate, primed and painted. Screening enclosures shall be visually and aesthetically compatible with the overall project.

1.3.17.1.6. 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.

1.3.17.1.7. 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.

1.3.17.1.8. Garages and Carports

- Detached garages are permitted within the neighborhood. Said garages shall count towards the minimum parking requirements established in Table A above as long as a standard sized parking space remains unobstructed within the garage.
- No garage door shall face a public street.
- No covered parking spaces and/or detached garages may be placed between a building and a public street.
- Stacking spaces (tandem spaces between the garage door and fire lane) shall not be counted towards required parking spaces.

1.3.17.1.9. Fencing

- Artificial turf may be considered to be permitted in the rear yard if material specifications and maintenance program is provided for review, consideration, and approval by the City Administrator or their designee prior to installation. Maximum height of private home fencing shall be six feet (6').
- A maximum six feet (6') tall, masonry screening wall shall generally be provided along the north, west, and south sides of the residential area. A maximum four feet (4') tall, masonry screening wall, with a minimum two feet (2') tall tubular metal fence on top of it, shall generally be provided along the west side of the residential area. Two (2) 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.

1.3.17.1.10. Architecture

- Architectural Diversity: Any front elevation shall not be repeated on the houses adjacent to it on any side. A minimum of two (2) 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 (4) total styles are provided for the neighborhood.

- Three-sided Architecture: Elevations shall be three-sided architecture for all residential structures that breaks up each elevation with more than one (1) building material or design element(s).

- Four-sided Architecture: Elevations for garages shall be four-sided architecture for all structures that breaks up each elevation with more than one (1) building material or design element(s), as shown on the Architecture Exhibits. The architecture of the garages shall be compatible with the home architecture.

- Masonry: A minimum of 25 percent (25%) masonry on each structure is required (including garages). Masonry is defined as brick, stone, synthetic stone, or stucco. The remainder of the structure may contain brick, stone, synthetic stone, stucco or cementitious fiber siding.

- 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 façade. There are no restrictions on accent colors that comprise less than one percent (1%) 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.

- Roof Color: No more than one (1) 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 complementary 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.

- Roof Pitch: The minimum roof pitch for all buildings shall be 4:12.
- Carports: Carports shall be designed to have decorative posts and masonry accents, so they are architecturally compatible with the home architecture.

LAND USE PARCEL 2

The following regulations shall apply to the tract designated as **LAND USE PARCEL 2** on **Exhibit C – Concept Plan.**

1.3.18. Uses

Permitted uses shall be in accordance with the development standards below.

1.3.19. Development Standards: Development shall be in accordance with the standards established in the Retail District (R) in the City's Code of Ordinances as it exists on the date

of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9 years, unless otherwise identified below.

1.3.20. Maximum Building ~~Size~~Footprint: 30,000 square feet with a maximum building height of two stories and 35 feet (each story could be a maximum of 30,000 square feet). Should a larger or taller building be proposed, a Conditional Use Permit shall be required. All Conditional Use Permit (CUP) Applications shall follow the guidelines set forth in Sec. 9.03.211 (Conditional Use) of the Zoning Ordinance, and as amended, and shall be reviewed by the City Administrator, or their designee, for completeness. Failure by the applicant to provide all required information shall constitute grounds for refusal for processing and review. Once the Application has been deemed complete, the Planning and Zoning Commission shall hold a Public Hearing to provide a recommendation to City Council. Following the Commission's recommendation, City Council shall hold a Public Hearing and approve, approve with conditions, or deny the conditional use permit, per the review criteria stated above.

1.3.20.1. Building Placement, Orientation and Site Design:

- Minimum Front Yard setback is 25 feet (25').
- Minimum Side Yard setback is 25 feet (25').
- Minimum Side Yard setback internal lot line is zero feet (0').
- Minimum Rear Yard setback is 25 feet (25'), unless the rear yard is a common area dedicated for landscaping or detention, in which case the rear yard setback is 5 feet (5').
- No minimum lot width, depth, or size.
- Prior to the issuance of any building permit, a site plan shall be submitted for review and approval to the City in accordance with the Zoning Ordinance and the Concept Plan.
- There is no Minimum Building Size.
- Maximum Height is ~~45~~35 feet (~~45~~35') with the exception of hotel uses, which shall be ~~65~~45 feet (~~65~~45'). Proximity slope shall be provided: for the first 50 feet (50') adjacent to single family residential, the maximum height shall be 30 feet (30').

1.3.21. Location and Types

The location of **LAND USE PARCEL 2** shall be as generally depicted on **Exhibit C – Concept Plan.**

1.3.22. Permitted Uses

1.3.22.1. The following uses are permitted:

- Amenity Center
- Amusement Establishment
- Automobile Fueling Station*
- Automobile Service Establishment*
- Bakery/Confectionary Retail Establishment

- Bed and Breakfast*
- Building Material Sales
- Business Service and Sales
- Car Wash*
- Church or Place of Worship
- Commercial Greenhouse or Nursery
- Commercial Recreational Use
- Community Swimming Pool
- Country Club
- Day Care and Education Facility (Privately-owned)
- Dog Park*
- Dry-cleaning Retail Establishment
- Educational Facility (Public)

- Alcohol: mixed beverage sales (on-premises consumption) 1
- Alcohol: wine and malt beverage sales (on-premises consumption) 1
- Alcohol: mixed beverage package store (on- and/or off-premises consumption)*
- Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)*
- Alcohol: manufacturing and distribution (on- and/or off-premises consumption)* 1
- Alcohol: brewpub (on- and/or off-premises consumption)*1

1. Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (use regulations).

- Exercise and Sports Establishment
- Federal, State or City Owned or Controlled Facilities
- Financial Institution
- Franchise-holding Facilities and Utilities
- Golf Course
- Home and Residence Services
- Hotel
- Insurance
- Medical and State Licensed Health Services
- Merchandise Rental
- Municipal Uses
- Nursery, Garden, Landscape Materials Sales
- Nursing Home or Assisted Living Facility
- Outdoor or Drive-Thru Sales or Service
- Open Space Preserves
- Personal Services
- Pet Grooming and Care Services*
- Pharmacy
- Private Clubs and Organizations (indoor)*

- Professional Service and Sales
- Public Parks and Playgrounds
- Public Recreational Facilities
- Real Estate Services
- Restaurant
- Retail Sales
- ~~Single Family Attached Residential (townhomes)~~
- ~~Single Family Detached Residential~~
- Technical Service and Sales
- Vehicle Parking Garage
- Vertically Mixed-Use Retail (excluding residential uses)
- Veterinarian Service, Animal Clinic*

**Conditional Use*

1.3.23. Prohibited Uses

1.3.23.1. Drive-throughs shall be permitted with a minimum setback from existing residential property of 100 feet (100'), and as required through a Conditional Use Permit if applicable

1.3.24. Dimensional Standards

The tract designated as **Land Use Parcel 2** on **Exhibit C –Concept Plan** shall comply with the following Dimensional Standards:

DIMENSIONAL STANDARDS	
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	25'
Minimum Side Yard corner	25'
Minimum Internal Side Yard Setback	0'
Minimum Rear Yard Setback	25'
Minimum Rear Yard Setback adjacent to Open Space	5'
Maximum Lot Coverage	75%
Maximum Main Structure Height	~~40'~~35'
Maximum Accessory Structure Height	~~40'~~35'

LAND USE PARCEL 3

The following regulations shall apply to the tract designated as **LAND USE PARCEL 3** on **Exhibit C – Concept Plan.**

1.3.25. Uses

Permitted uses shall be in accordance with the development standards below.

1.3.26. Development Standards: Development shall be in accordance with the standards established in the Retail District (R) in the City's Code of Ordinances as it exists on the date of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9 years, unless otherwise identified below.

1.3.27. Maximum Building ~~Size~~Footprint: 30,000 square feet with a maximum building height of two stories and 35 feet (each story could be a maximum of 30,000 square feet). Should a larger or taller building be proposed, a Conditional Use Permit shall be required. ~~.~~ All Conditional Use Permit (CUP) Applications shall follow the guidelines set forth in Sec. 9.03.211 (Conditional Use) of the Zoning Ordinance, and as amended, and shall be reviewed by the City Administrator, or their designee, for completeness. Failure by the applicant to provide all required information shall constitute grounds for refusal for processing and review. Once the Application has been deemed complete, the Planning and Zoning Commission shall hold a Public Hearing to provide a recommendation to City Council. Following the Commission's recommendation, City Council shall hold a Public Hearing and approve, approve with conditions, or deny the conditional use permit, per the review criteria stated above.

1.3.27.1. Building Placement, Orientation and Site Design:

- Minimum Front Yard setback is 25 feet (25').
- Minimum Side Yard setback is 25 feet (25').
- Minimum Side Yard setback internal lot line is zero feet (0').
- Minimum Rear Yard setback is 25 feet (25'), unless the rear yard is a common area dedicated for landscaping or detention, in which case the rear yard setback is 5 feet (5').
- ~~-~~No minimum lot width, depth, or size.
- Prior to the issuance of any building permit, a site plan shall be submitted for review and approval to the City in accordance with the Zoning Ordinance and the Concept Plan.
- There is no Minimum Building Size.
- Maximum Height is ~~45~~35 feet (~~45~~35') with the exception of hotel uses, which shall be ~~65~~45 feet (~~65~~45'). Proximity slope shall be provided: for the first 50 feet (50') adjacent to single family residential, the maximum height shall be 30 feet (30').

1.3.28. Location

The location of **LAND USE PARCEL 3** shall be as generally depicted on **Exhibit C – Concept Plan:**

1.3.29. Permitted Uses

1.3.29.1. The following uses are permitted:

- Amenity Center
- Amusement Establishment
- ~~Automobile Fueling Station* Remove from Parcel 3, Add to Parcel 4~~
- Bakery/Confectionary Retail Establishment
- Bed and Breakfast*
- Building Material Sales
- Business Service and Sales
- Car Wash*
- Church or Place of Worship
- Commercial Greenhouse or Nursery
- Commercial Recreational Use
- Community Swimming Pool
- Country Club
- Day Care and Education Facility (Privately-owned)
- Dog Park*
- Dry-cleaning Retail Establishment
- Educational Facility (Public)
- Alcohol: mixed beverage sales (on-premises consumption) 1
- Alcohol: wine and malt beverage sales (on-premises consumption) 1
- Alcohol: mixed beverage package store (on- and/or off-premises consumption)*
- Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)*
- Alcohol: manufacturing and distribution (on- and/or off-premises consumption)* 1
- Alcohol: brewpub (on- and/or off-premises consumption)*1

  1: Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (use regulations).
- Exercise and Sports Establishment
- Federal, State or City Owned or Controlled Facilities
- Financial Institution
- Franchise-holding Facilities and Utilities
- Golf Course
- Home and Residence Services
- Hotel
- Insurance
- Medical and State Licensed Health Services
- Merchandise Rental
- Municipal Uses
- Nursery, Garden, Landscape Materials Sales
- Nursing Home or Assisted Living Facility
- Outdoor or Drive-Thru Sales or Service
- Open Space Preserves

- Personal Services
- Pet Grooming and Care Services*
- Pharmacy
- Professional Service and Sales
- Public Parks and Playgrounds
- Public Recreational Facilities
- Real Estate Services
- Restaurant
- Retail Sales
- Technical Service and Sales
- Vehicle Parking Garage
- Vertically Mixed-Use Retail
- Veterinarian Service, Animal Clinic*

**Conditional Use*

1.3.30. Prohibited Uses

1.3.30.1. Drive-throughs shall be permitted with a minimum setback from existing residential property of 100 feet (100'), and as required through a Conditional Use Permit if applicable.

1.3.31. Dimensional Standards

The tract designated as **Land Use Parcel 3** on **Exhibit C – Concept Plan** shall comply with the following Dimensional Standards:

DIMENSIONAL STANDARDS	
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	25'
Minimum Side Yard corner	25'
Minimum Internal Side Yard Setback	0'
Minimum Rear Yard Setback	25'
Minimum Rear Yard Setback adjacent to Open Space	5'
Maximum Lot Coverage	75%
Maximum Main Structure Height	~~40'~~35'
Maximum Accessory Structure Height	~~40'~~35'

LAND USE PARCEL 4

The following regulations shall apply to the tract designated as **LAND USE PARCEL 4** on **Exhibit C – Concept Plan.**

1.3.32. Uses

Permitted uses shall be in accordance with the development standards below.

1.3.33. Development Standards: Development shall be in accordance with the standards established in the Retail District (R) in the City's Code of Ordinances as it exists on the date of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9 years, unless otherwise identified below.

1.3.34. Maximum Building ~~Size~~Footprint: ~~3~~60,000 square feet with a maximum building height of two stories and 35 feet (each story could be a maximum of 6~~3~~0,000 square feet). Should a larger or taller building be proposed, a Conditional Use Permit shall be required. ~~-~~ All Conditional Use Permit (CUP) Applications shall follow the guidelines set forth in Sec. 9.03.211 (Conditional Use) of the Zoning Ordinance, and as amended, and shall be reviewed by the City Administrator, or their designee, for completeness. Failure by the applicant to provide all required information shall constitute grounds for refusal for processing and review. Once the Application has been deemed complete, the Planning and Zoning Commission shall hold a Public Hearing to provide a recommendation to City Council. Following the Commission's recommendation, City Council shall hold a Public Hearing and approve, approve with conditions, or deny the conditional use permit, per the review criteria stated above.

1.3.34.1. Building Placement, Orientation and Site Design:

- Minimum Front Yard setback is 25 feet (25').
- Minimum Side Yard setback is 25 feet (25').
- Minimum Side Yard setback internal lot line is zero feet (0').
- Minimum Rear Yard setback is 25 feet (25'), unless the rear yard is a common area dedicated for landscaping or detention, in which case the rear yard setback is 5 feet (5').
- No minimum lot width, depth, or size.
- Prior to the issuance of any building permit, a site plan shall be submitted for review and approval to the City in accordance with the Zoning Ordinance and the Concept Plan.
- There is no Minimum Building Size.
- Maximum Height is ~~45~~35 feet (~~45~~35') with the exception of hotel uses, which shall be ~~65~~45 feet (~~65~~45'). Proximity slope shall be provided: for the first 50 feet (50') adjacent to single family residential, the maximum height shall be 30 feet (30').
- Landscape islands are required at the terminus of every parking row. Landscape islands shall be required at a rate of one (1) canopy tree for every seven (7) parking spaces (based on the total number of parking spaces), but 13 of the required trees can be placed in any internal parking area within the PD's Land Use Parcel 4. Every parking space shall be located within a maximum 120 feet from a tree.

1.3.35. Location and Types

The location of **LAND USE PARCEL 4** shall be as generally depicted on **Exhibit C – Concept Plan:**

1.3.36. Permitted Uses

1.3.36.1. The following uses are permitted:

- Amenity Center
- Amusement Establishment
- Automobile Fueling Station~~* Removed from Parcel 3, Added to Parcel 4~~
- Bakery/Confectionary Retail Establishment
- Bed and Breakfast*
- Building Material Sales
- Business Service and Sales
- Church or Place of Worship
- Commercial Recreational Use
- Country Club
- Day Care and Education Facility (Privately-owned)
- Dog Park*
- Dry-cleaning Retail Establishment
- Educational Facility (Public)
- Alcohol: mixed beverage sales (on-premises consumption)
- Alcohol: wine and malt beverage sales (on-premises consumption)
- Alcohol: mixed beverage package store (on- and/or off-premises consumption)*
- Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)*
- Alcohol: manufacturing and distribution (on- and/or off-premises consumption)*
- Alcohol: brewpub (on- and/or off-premises consumption)*

    1. Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (use regulations).

- Exercise and Sports Establishment
- Federal, State or City Owned or Controlled Facilities
- Financial Institution
- Franchise-holding Facilities and Utilities
- Golf Course
- Home and Residence Services
- Hotel
- Insurance
- Medical and State Licensed Health Services
- Merchandise Rental
- Municipal Uses
- Outdoor or Drive-Thru Sales or Service
- Open Space Preserves
- Personal Services
- Pet Grooming and Care Services*
- Pharmacy
- Private Clubs and Organizations (indoor)*
- Professional Service and Sales

- Public Parks and Playgrounds
- Public Recreational Facilities
- Real Estate Services
- Restaurant
- Retail Sales including "Alcohol: Wine and Malt Beverage Package Store (on- and/or off premises consumption" associated with a Grocery Store
- ~~Single Family Attached Residential (townhomes)~~
- Technical Service and Sales
- Vehicle Parking Garage
- ~~Vertically Mixed-Use Retail and Multi Family Residential~~
- Veterinarian Service, Animal Clinic*

**Conditional Use*

1.3.37. Prohibited Uses

1.3.37.1. Drive-throughs shall be permitted with a minimum setback from existing residential property of 100 feet (100'), and as required through a Conditional Use Permit if applicable.

1.3.38. Dimensional Standards

The tract designated as **Land Use Parcel 4** on **Exhibit C – Concept Plan** shall comply with the following Dimensional Standards:

DIMENSIONAL STANDARDS	
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	25'
Minimum Side Yard corner	25'
Minimum Internal Side Yard Setback	0'
Minimum Rear Yard Setback	25'
Minimum Rear Yard Setback adjacent to Open Space	5'
Maximum Lot Coverage	75%
Maximum Main Structure Height	~~40'~~35'
Maximum Accessory Structure Height	~~40'~~35'

LAND USE PARCEL 5

The following regulations shall apply to the tract designated as **LAND USE PARCEL 5** on **Exhibit C – Concept Plan.**

1.3.39. Uses

Permitted uses shall be in accordance with the development standards below.

1.3.40. Development Standards: Development shall be in accordance with the standards established in **Section 1.2 and 1.3** of this PD if developed as multi-family or the Retail District (R) in the City's Code of Ordinances as it exists on the date of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9 years, unless otherwise identified below, if developed as non-residential.

1.3.40.1. Maximum Building Size: 30,000 square feet. Should a larger building be proposed, a Conditional Use Permit shall be required. . All Conditional Use Permit (CUP) Applications shall follow the guidelines set forth in Sec. 9.03.211 (Conditional Use) of the Zoning Ordinance, and as amended, and shall be reviewed by the City Administrator, or their designee, for completeness. Failure by the applicant to provide all required information shall constitute grounds for refusal for processing and review. Once the Application has been deemed complete, the Planning and Zoning Commission shall hold a Public Hearing to provide a recommendation to City Council. Following the Commission's recommendation, City Council shall hold a Public Hearing and approve, approve with conditions, or deny the conditional use permit, per the review criteria stated above.

1.3.40.2. Building Placement, Orientation and Site Design:

- Minimum Front Yard setback is 25 feet
- Prior to the issuance of any building permit, a site plan shall be submitted for review and approval to the City in accordance with the Zoning Ordinance and the Concept Plan.
- There is no Minimum Building Size.

1.3.41. Location and Types

The location of **LAND USE PARCEL 5** shall be as generally depicted on **Exhibit C – Concept Plan**.

1.3.42. Permitted Uses

1.3.42.1. The following uses are permitted:

- Amenity Center
- Amusement Establishment
- Bed and Breakfast*
- Building Material Sales
- Business Service and Sales
- Church or Place of Worship
- Commercial Recreational Use
- Community Swimming Pool
- Country Club
- Day Care and Education Facility (Privately-owned)
- Dog Park*
- Educational Facility (Public)
- Federal, State or City Owned or Controlled Facilities

- Financial Institution
- Franchise-holding Facilities and Utilities
- Home and Residence Services
- Hotel
- Insurance
- Medical and State Licensed Health Services
- Merchandise Rental
- Municipal Uses
- Nursing Home or Assisted Living Facility
- Open Space Preserves
- Personal Services
- Pet Grooming and Care Services*
- Public Parks and Playgrounds
- Public Recreational Facilities
- Real Estate Services
- Restaurant
- Technical Service and Sales
- Vehicle Parking Garage
- Vertically Mixed-Use Retail and Multi Family Residential
- Veterinarian Service, Animal Clinic*
- Multi-family Dwelling
- Two-Unit Residential Structures
- One-Unit Residential Structures

**Conditional Use*
Senior facilities without medical services and with independent suites or dwelling units shall be considered multi-family residential.

1.3.43. Dimensional Standards

If a non-residential use is proposed, the tract designated as **LAND USE PARCEL 5** on **Exhibit C – Concept Plan** shall comply with the following Dimensional Standards:

DIMENSIONAL STANDARDS	
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	25'
Minimum Side Yard corner	25'
Minimum Internal Side Yard Setback	0'
Minimum Rear Yard Setback	25'
Minimum Rear Yard Setback adjacent to Open Space	5'
Maximum Lot Coverage	75%
Maximum Main Structure Height	40'
Maximum Accessory Structure Height	40'

LAND USE PARCEL 6

The following regulations shall apply to the tract designated as **LAND USE PARCEL 6** on **Exhibit C – Concept Plan.**

1.3.44. Uses

Permitted uses shall be in accordance with the development standards below.

1.3.45. Development Standards: Development shall be in accordance with the standards established in the Retail District (R) in the City's Code of Ordinances as it exists on the date of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9 years, unless otherwise identified below.

1.3.46. Location and Types

The location of **LAND USE PARCEL 6** shall be as generally depicted on **Exhibit C – Concept Plan**.

1.3.47. Permitted Uses

1.3.47.1. The following uses are permitted:

- Public Parks and Playgrounds
- Public Recreational Facilities
- Public Schools
- Public Services
- Public Utility or Infrastructure Facility

1.3.48. Dimensional Standards

Where Standards are not specified, properties designated **LAND USE PARCEL 6** shall comply with the Zoning Ordinance and Subdivision Ordinances as applicable.

LAND USE PARCEL 7

The following regulations shall apply to the tract designated as **LAND USE PARCEL 7** on **Exhibit C – Concept Plan.**

1.3.49. Uses

Permitted uses shall be in accordance with the development standards below.

1.3.50. Development Standards: Development shall be in accordance with the standards established in the Retail District (R) in the City's Code of Ordinances as it exists on the date of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9

years, unless otherwise identified below.

1.3.50.1. Maximum Building Size: 30,000 square feet. Should a larger building be proposed, a Conditional Use Permit shall be required. All Conditional Use Permit (CUP) Applications shall follow the guidelines set forth in Sec. 9.03.211 (Conditional Use) of the Zoning Ordinance, and as amended, and shall be reviewed by the City Administrator, or their designee, for completeness. Failure by the applicant to provide all required information shall constitute grounds for refusal for processing and review. Once the Application has been deemed complete, the Planning and Zoning Commission shall hold a Public Hearing to provide a recommendation to City Council. Following the Commission's recommendation, City Council shall hold a Public Hearing and approve, approve with conditions, or deny the conditional use permit, per the review criteria stated above.

1.3.50.2. Building Placement, Orientation and Site Design:

- Minimum Front Yard setback is 25 feet.
- Prior to the issuance of any building permit, a site plan shall be submitted for review and approval to the City in accordance with the Zoning Ordinance and the Concept Plan.
- There is no Minimum Building Size.
- Maximum Height is 45 feet (45') with the exception of hotel uses, which shall be 65 feet (65'). Proximity slope shall be provided; for the first 50 feet (50') adjacent to single family residential, the maximum height shall be 30 feet (30').

1.3.51. Location and Types

The location of **LAND USE PARCEL 7** shall be as generally depicted on **Exhibit C – Concept Plan.**

1.3.52. Permitted Uses

1.3.52.1. The following uses are permitted:

- Amenity Center
- Amusement Establishment
- Bakery/Confectionary Retail Establishment
- Bed and Breakfast*
- Building Material Sales
- Business Service and Sales
- Church or Place of Worship
- Commercial Recreational Use
- Community Swimming Pool
- Country Club
- Day Care and Education Facility (Privately-owned)
- Dog Park*
- Dry-cleaning Retail Establishment
- Educational Facility (Public)
- Exercise and Sports Establishment

- Federal, State or City Owned or Controlled Facilities
- Financial Institution
- Franchise-holding Facilities and Utilities
- Home and Residence Services
- Hotel
- Insurance
- Medical and State Licensed Health Services
- Merchandise Rental
- Municipal Uses
- Nursing Home or Assisted Living Facility
- Outdoor or Drive-Thru Sales or Service
- Open Space Preserves
- Personal Services
- Pet Grooming and Care Services*
- Pharmacy
- Professional Service and Sales
- Public Parks and Playgrounds
- Public Recreational Facilities
- Real Estate Services
- Restaurant
- Retail Sales
- Single Family Attached Residential (townhomes)
- Single Family Detached Residential
- Technical Service and Sales
- Vehicle Parking Garage
- Vertically Mixed Use Retail
- Veterinarian Service, Animal Clinic*
- Two-Unit Residential Structures
- One-Unit Residential Structures

**Conditional Use*

1.3.53. Prohibited Uses

1.3.54. Dimensional Standards

The tract designated as **LAND USE PARCEL 7** on **Exhibit C – Concept Plan** shall comply with the following Dimensional Standards:

Dimensional Standard	
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	25'
Minimum Side Yard corner	25'
Minimum Internal Side Yard Setback	0'
Minimum Rear Yard Setback	25'
Minimum Rear Yard Setback adjacent to Open Space	5'
Maximum Lot Coverage	75%
Maximum Main Structure Height	~~40'~~45'
Maximum Accessory Structure Height	~~40'~~45'

LAND USE PARCEL 8

The following regulations shall apply to the tract designated as **LAND USE PARCEL 8** on **Exhibit C – Concept Plan.**

1.3.55. Uses

Permitted uses shall be in accordance with the development standards below.

1.3.56. Development Standards: Development shall be in accordance with the standards established in the Retail District (R) in the City's Code of Ordinances as it exists on the date of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9 years, unless otherwise identified below.

1.3.56.1. Maximum Building Size: 30,000 square feet. Should a larger building be proposed, a Conditional Use Permit shall be required. All Conditional Use Permit (CUP) Applications shall follow the guidelines set forth in Sec. 9.03.211 (Conditional Use) of the Zoning Ordinance, and as amended, and shall be reviewed by the City Administrator, or their designee, for completeness. Failure by the applicant to provide all required information shall constitute grounds for refusal for processing and review. Once the Application has been deemed complete, the Planning and Zoning Commission shall hold a Public Hearing to provide a recommendation to City Council. Following the Commission's recommendation, City Council shall hold a Public Hearing and approve, approve with conditions, or deny the conditional use permit, per the review criteria stated above.

1.3.56.2. Building Placement, Orientation and Site Design:

- Minimum Front Yard setback is 25 feet
- Prior to the issuance of any building permit, a site plan shall be submitted for review and approval to the City in accordance with the Zoning Ordinance and the Concept plan. There is no Minimum Building Size.
- Maximum Height is 45 feet (45') with the exception of hotel uses, which shall be 65 feet (65'). Proximity slope shall be provided: for the first 50 feet (50') adjacent to single family residential, the maximum height shall be 30 feet (30').

1.3.57. Location and Types

The location of **LAND USE PARCEL 8** shall be as generally depicted on **Exhibit C – Concept Plan.**

1.3.58. Permitted Uses

1.3.58.1. The following uses are permitted:

- Amenity Center
- Amusement Establishment

- Automobile Fueling Station*
- Automobile Service Establishment*
- Bakery/Confectionary Retail Establishment
- Bed and Breakfast*
- Building Material Sales
- Business Service and Sales
- Car Wash*
- Church or Place of Worship
- Commercial Greenhouse or Nursery
- Commercial Recreational Use
- Community Swimming Pool
- Country Club
- Day Care and Education Facility (Privately-owned)
- Dog Park*
- Dry-cleaning Retail Establishment
- Educational Facility (Public)
- Alcohol: mixed beverage sales (on-premises consumption)
- Alcohol: wine and malt beverage sales (on-premises consumption)
- Alcohol: mixed beverage package store (on- and/or off-premises consumption)*
- Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)*
- Alcohol: manufacturing and distribution (on- and/or off-premises consumption)*
- Alcohol: brewpub (on- and/or off-premises consumption)*

  1. Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (use regulations).
- Exercise and Sports Establishment
- Federal, State or City Owned or Controlled Facilities
- Financial Institution
- Franchise-holding Facilities and Utilities
- Golf Course
- Home and Residence Services
- Hotel
- Insurance
- Medical and State Licensed Health Services
- Merchandise Rental
- Municipal Uses
- Nursery, Garden, Landscape Materials Sales
- Nursing Home or Assisted Living Facility
- Outdoor or Drive-Thru Sales or Service
- Open Space Preserves
- Personal Services
- Pet Grooming and Care Services*
- Pharmacy
- Private Clubs and Organizations (indoor)*

- Professional Service and Sales
- Public Parks and Playgrounds
- Public Recreational Facilities
- Real Estate Services
- Restaurant
- Retail Sales
- Technical Service and Sales
- Vehicle Parking Garage
- Veterinarian Service, Animal Clinic*

**Conditional Use*

1.3.59. Dimensional Standards

The tract designated as **LAND USE PARCEL 8** on **Exhibit C – Concept Plan** shall comply with the following Dimensional Standards:

Dimensional Standard	
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	25'
Minimum Side Yard corner	25'
Minimum Rear Yard Setback	25'
Maximum Lot Coverage	75%
Maximum Main Structure Height	40'
Maximum Accessory Structure Height	40'

LAND USE PARCEL 9

The following regulations shall apply to the tract designated as **LAND USE PARCEL 9** on **Exhibit C – Concept Plan.**

1.3.60. Uses

Permitted uses shall be in accordance with the development standards below.

1.3.61. Business Park Development Standards: Development shall be in accordance with the standards established in the Business Park District (B) in the City's Code of Ordinances as it exists on the date of the adoption of this ordinance, and as provided in Exhibit G attached hereto, for 9 years, unless otherwise identified below.

1.3.62. Site Design, Building Placement, Orientation and Process Controls:

- Service doors for loading or for auto or similar service shall not face a public street unless screened.
- Landscape Buffers: A minimum 15-foot-wide landscape buffer shall be provided adjacent to FM 2755. All street rights-of way and shall be maintained as permanent green space. Said landscape buffer shall be comprised of, at a minimum, the following

materials:

- Buffer Vegetation:
  - Shade Trees: Shade trees shall be 3 caliper inches in size, measured 12" above the planting surface, at the time of planting
  - Ornamental Trees: Ornamental trees shall be 2 caliper inches in size at the time of planting.

1.3.63. Location and Types

The location of **LAND USE PARCEL 9** shall be as generally depicted on **Exhibit C – Concept Plan**.

1.3.64. Permitted Uses

1.3.64.1. The following uses are permitted:

- Alcohol: mixed beverage sales (on-premises consumption)
- Alcohol: wine and malt beverage sales (on-premises consumption)
- Alcohol: mixed beverage package store (on- and/or off-premises consumption)*
- Alcohol: wine and malt beverage package store (on- and/or off-premises consumption)*
- Alcohol: manufacturing and distribution (on- and/or off-premises consumption)*
- Alcohol: brewpub (on- and/or off-premises consumption)*
  1. Selling, storing, dispensing, or otherwise handling of alcoholic beverages for on-premises consumption shall be incidental and secondary to a use on the same premises (ex. hotel, restaurant, winery, etc.), which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol, food sales, or off-premises consumption. Alcohol-related uses shall meet all requirements for distance as specified in Division 10 (use regulations).
- Animal-related Medical, Grooming or Boarding
- Auto, Tool or Equipment Rental*
- Business Service and Sales
- Commercial Cleaning or Laundry Plant*
- Data Center or Software Design
- Federal, State or City Owned or Controlled Facilities
- Hospital
- Information Data Processing
- Information Distribution, Publication, Production
- Information Telecommunication, Sellers
- Insurance
- Light Manufacturing Clean
- Manufacturing – Appliance, Instrument, Controller
- Manufacturing – Device, Parts, Vehicles
- Manufacturing – Die, Tooling, Equipment, Machinery*
- Materials Bending, Cutting, Machining, Molding, Welding*
- Medical Office
- Medical or Scientific Laboratory*

- Municipal Uses
- Open Space
- Packing of Parts and Materials Previously Manufactured
- Parts Assembly, Materials Sorting Previously Manufactured
- Personal Services
- Pharmacy
- Professional, Scientific, and Technical Services
- Professional Service and Sales
- Public Parks and Playgrounds
- Public Recreational Facilities
- Restaurant
- Retail Sales
- Storage of Flammable Liquids and Materials*
- Studios: Photo, Music, Art, Health, Etc.
- Technical Service and Sales
- Trade Contractor Office and Dispatch
- Truck Repairs and Service*
- Warehousing and Distribution Facilities*
- Wholesale Enterprises without Materials Storage and Distribution

**Conditional Use*

1.3.65. Dimensional Standards

The tract designated as **LAND USE PARCEL 9** on **Exhibit C – Concept Plan** shall comply with the following Dimensional Standards:

Dimensional Standards	
Minimum Front Yard Setback	25'
Minimum Side Yard Setback	25'
Minimum Side Yard corner	25'
Minimum Rear Yard Setback	25'
Maximum Lot Coverage	75%
Maximum Main Structure Height	40'
Maximum Accessory Structure Height	40'