

DEVELOPMENT REGULATIONS

The subject property (the “Property”) shall be zoned “PD” – Planned Development District. Use and development of the Property shall conform to the regulations contained herein. All provisions contained in the City’s Zoning Ordinance relating to development within the Property which are not in conflict with the provisions contained herein shall continue to apply to the development of the Property.

Tracts. The Property shall be divided into three (3) tracts (collectively, the “Tracts” and each separately, a “Tract”) as shown on the Zoning Exhibit, which Zoning Exhibit identifies the general geographic location of permitted land uses within the Property. Each Tract shall contain the approximate number of acres shown on the Zoning Exhibit, but such acreage may be increased or decreased by 10%.

Concept Plan. A concept plan (“Concept Plan”) for the development of Tracts A and B is attached hereto as Exhibit X.1 which depicts the general location of the private streets, fire lanes and alleys within those tracts and includes street sections attached as Exhibits X.2 and X.3 showing the general location and dimensions of pavement, setbacks, utility placements, landscaping zones, sidewalks and off-street parking.

Landscape Plan. A landscape plan (“Landscape Plan”) for the development of Tracts A and B is attached hereto as Exhibit Y which depicts the general location of placement of canopy trees and ornamental trees. All landscaped areas containing canopy trees shall be contained within an HOA easement which shall be maintained by the HOA. The exact location of the trees shown on the Landscape Plan may vary depending upon conflicts with required infrastructure, but the total number of trees set forth on the Landscape Plan shall be required.

Tract A. The regulations set forth below shall apply to development within Tract A shown on the Zoning Exhibit.

1. Permitted Uses:
 - 1.1. Single Family Dwelling (attached);
 - 1.2. Single Family Dwelling (detached);
 - 1.3. Two Family Dwelling (duplex);
 - 1.4. Assisted Living Facility, Nursing Home or Rest Home;
 - 1.5. Accessory Building or Use;
 - 1.6. Swimming Pool (private);
 - 1.7. Garage or Lot (private);
 - 1.8. Parking Incidental to Main Use;
 - 1.9. Private Street Development.
2. Temporary Uses
 - 2.1. Field Office or Real Estate Sales Office.
3. Space Limits

- 3.1. Minimum Lot Area: 1580 sq ft;
- 3.2. Minimum Lot Width: 22’;
- 3.3. Minimum Lot Depth: 72’;
- 3.4. Minimum Front Yard Setback: 10’;
- 3.5. Minimum Rear Yard Setback: 5’;
- 3.6. Minimum Space Between Buildings: 10’
- 3.7. Minimum Side Yard Setback: 10’
- 3.8. Minimum Side Yard Setback of Corner Lots: 15’;
- 3.9. Maximum Height of Structure: 45’ (three stories), except that a maximum building height of 35’ (two stories) shall be observed if the single family residential structure is within 270’ of the southern Property line or within 100’ of the western Property line;
- 3.10. Maximum Density (dwelling units per gross acre): 8.0.

4. Parking

- 4.1. Rear driveways for town homes shall conform to the location and dimensions shown in Exhibits X.2 and X.3.

5. Landscaping

- 5.1. In lieu of the requirement of Section 146-135(f)(15), trees shall be planted according to the type (canopy or ornamental), in the amounts and generally within the areas depicted and subject to the conditions noted in Exhibit Y.

6. Open Space

- 6.1. The requirements of Section 146-135(f)(17) shall not apply.

Tract B. The regulations set forth below shall apply to development within Tract B shown on the Zoning Exhibit.

1. Permitted Uses:

- 1.1. Independent Living Facility (retirement community);
- 1.2. Multiple Family Dwelling (apartment);
- 1.3. Multiple Family Dwelling Senior (senior apartments);
- 1.4. Single Family Dwelling (attached);
- 1.5. Assisted Living Facility, Nursing Home, or Rest Home;
- 1.6. Accessory Building or Use;
- 1.7. Swimming Pool (private);
- 1.8. Garage or Lot (private);
- 1.9. Parking Incidental to Main Use;
- 1.10. Private Street Development.

2. Temporary Uses

- 2.1. Field Office or Real Estate Sales Office.

3. Space Limits

- 3.1. Minimum Lot Area: 2400 sq ft per unit;
- 3.2. Minimum Lot Width: 60’;
- 3.3. Minimum Lot Depth: 100’;
- 3.4. Minimum Front Yard Setback from public thoroughfare: 35’ and from private street: 15’;
- 3.5. Minimum Rear Yard Setback: 25’;
- 3.6. Minimum Side Yard Setback of Corner Lots: 6’;
- 3.7. Maximum Height of Structure: 55’ (four stories), except that a maximum building height of 45’ (three stories) shall be observed if the multi-family residential structure is within 270’ of the southern Property line or within 375’ of the western Property line;
- 3.8. Maximum Lot Coverage: 50%;
- 3.9. Maximum Density (dwelling units per gross acre): 18.0;
- 3.10. Single Family Dwelling shall follow the same space limits provided for Tract A.

4. Parking

- 4.1. The required off street parking shall be calculated at 1 space for each bedroom with an additional 0.2 parking spaces per unit;
- 4.2. The required number of enclosed parking spaces shall be a minimum of 30% of the total number of units and the additional 0.5 parking space for each enclosed space with a garage door is not required;
- 4.3. The required number of covered parking spaces (carports) shall be not less than the number required to bring both enclosed and covered parking spaces to 50% of the total number of units and may be constructed of steel frame with gabled standing seam metal roofs supported by steel columns clad in metal or painted wood.

5. Residential Site Design

- 5.1. The project shall contain no less than seven (7) amenities of the type required in Section 146-139(f)(2) of the Zoning Ordinance, as amended.

6. Landscape Requirements

- 6.1. The landscape buffer and canopy trees required by Section 146-135(f)(13) shall not apply except for the street frontage along Stacy Road which shall have a 20’ landscape buffer and one canopy tree for every 30 linear feet.
- 6.2. Within all other areas in Tract B, trees shall be planted according to the type (canopy or ornamental), in the amounts and generally within the areas depicted and subject to the conditions noted in Exhibit Y.

7. Screening

- 7.1. No screening walls shall be required along the sides or rear property lines.

Tract C. The regulations set forth below shall apply to development within Tract C shown on the Zoning Exhibit.

1. Permitted Uses

- 1.1. Assisted Living Facility, Nursing Home, or Rest Home;
- 1.2. Clinic;
- 1.3. Day-care;
- 1.4. Accessory building or use;
- 1.5. Amusement, commercial (indoor);
- 1.6. Fitness club, gymnasium, exercise area or similar use;
- 1.7. Country club;
- 1.8. Golf course (private);
- 1.9. Parking incidental to main use;
- 1.10. Banks and financial institutions;
- 1.11. Drug store, pharmacy;
- 1.12. Office building;
- 1.13. Offices with showroom;
- 1.14. Office use;
- 1.15. Personal service;
- 1.16. Retail store (indoor);
- 1.17. Restaurant or cafeteria (carry out only);
- 1.18. Restaurant or cafeteria (indoor service and/or drive-through window);
- 1.19. Restaurant or cafeteria (drive-in service);
- 1.20. Travel agent.

2. Temporary Uses

- 2.1. Field Office or Real Estate Sales Office.

3. Space Limits

- 3.1. Minimum Lot Area: 10,000 sq ft;
- 3.2. Minimum Lot Width: 50';
- 3.3. Minimum Lot Depth: 50';
- 3.4. Minimum Front Yard Setback: 20';
- 3.5. Minimum Rear Yard Setback: 0';
- 3.6. Minimum Side Yard Setback: 0';
- 3.7. Maximum Height of Structure: 45';
- 3.8. Maximum Lot Coverage: 70%.