ORDINANCE NO. 2015-04-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF McKINNEY, TEXAS; SO THAT AN APPROXIMATELY 306.59 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF STATE HIGHWAY 5 (MCDONALD STREET) AND ON THE SOUTH SIDE OF COUNTY ROAD 278. IS ZONED "PD" - PLANNED DEVELOPMENT DISTRICT, **GENERALLY FOR** SINGLE **FAMILY RESIDENTIAL** COMMERCIAL USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE: AND PROVIDING FOR AN EFFECTIVE DATE **HEREOF**

- WHEREAS, the City of McKinney has considered the zoning of an approximately 306.59 acre property, located on the east side of State Highway 5 (McDonald Street) and on the south side of County Road 278, which is more fully depicted on Exhibits "A" and "B", attached hereto, to "PD" Planned Development District, generally for single family residential and commercial uses; and,
- WHEREAS, after due notice of the requested rezoning as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, the City Council is of the opinion that the change in zoning district should be made.

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS:

- Section 1. The zoning map is hereby amended so that an approximately 306.59 acre property, located on the east side of State Highway 5 (McDonald Street) and on the south side of County Road 278, which is more fully depicted on Exhibits "A" and "B", attached hereto, is zoned "PD" Planned Development District, single family residential and commercial uses.
- Section 2. The subject property shall develop in accordance with the "PD" Planned Development District, and as amended, except as follows:
 - 1. The subject property shall develop in accordance with attached Exhibit "C" General Development Plan and Exhibit "D" Site Plan.
 - 2. Tracts designated as "Retail" on attached Exhibits "C" and "D" shall develop in accordance with Section 146-84 ("BN" Neighborhood Business District) of the Zoning Ordinance, and as amended.
 - 3. Single family residential uses shall develop in accordance with attached Exhibit "D" Site Plan and Exhibit "E" Single Family Residential Architectural Design Requirements.
 - 4. No more than 204 single family lots shall be permitted north of the future east/west arterial roadway and no more than 655 single family lots shall be permitted south of the future east/west arterial roadway, further depicted on attached Exhibit "D" Site Plan.
- Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which

shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

- Section 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.
- Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.
- Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 7th DAY OF APRIL, 2015.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER

Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC

City Secretary

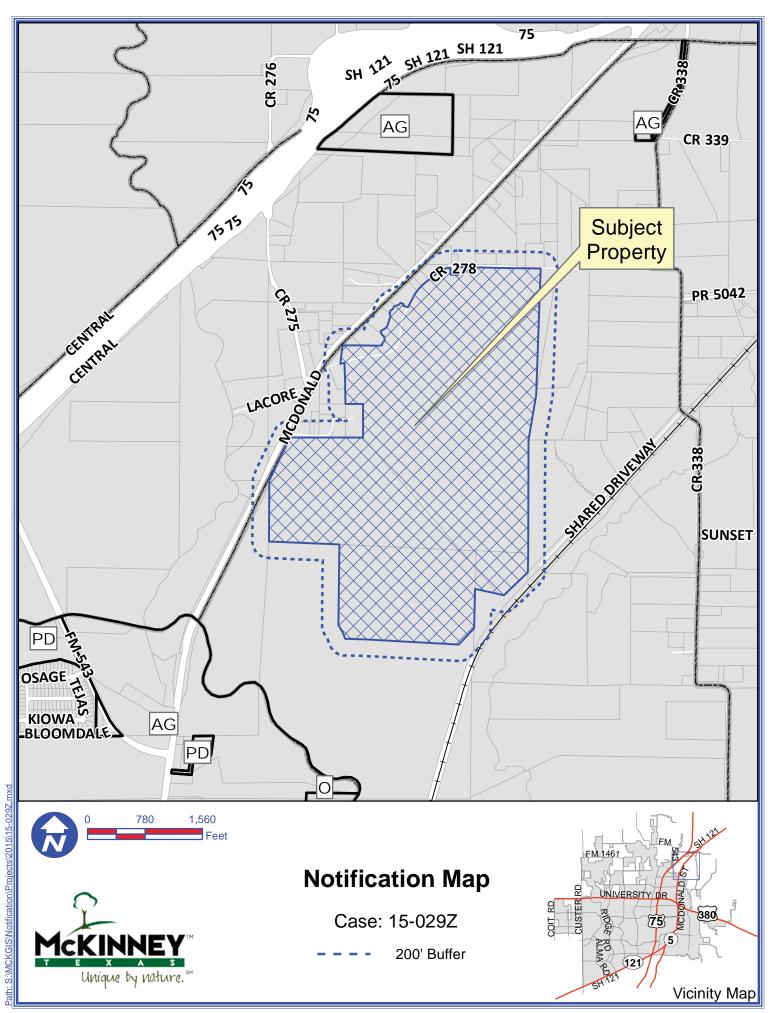
DENISE VICE, TRMC Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER

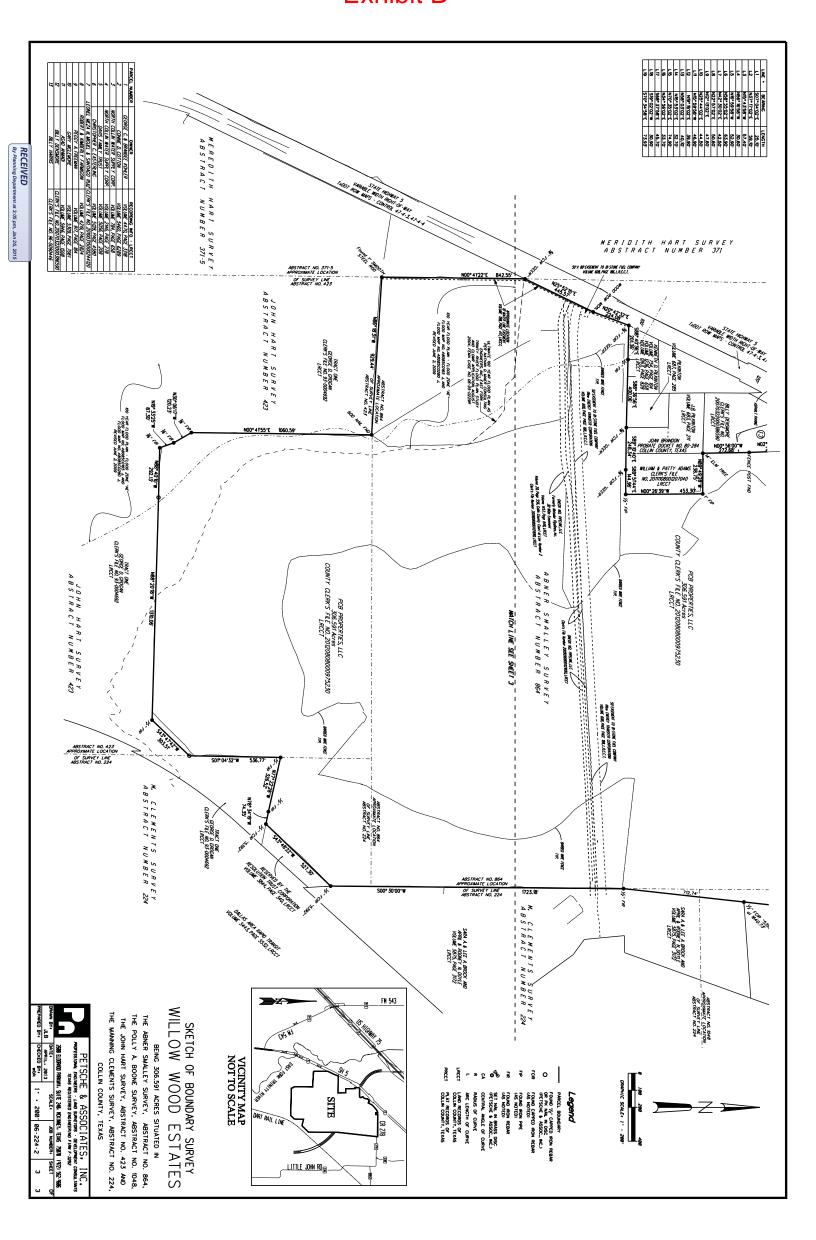
City Attorney

Exhibit A



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

Exhibit B



LEGAL DESCRIPTION: OVERALL BOUNDARY FOR WILLOW WOOD ESTATES

SEGN et a Re value det (PETSOE & ASSOC...RC.) set for conver in the center of COMPT ROUD ZEGN to the ordenest conver Is side PSG treat, some along the ordinest conver of order destribed in thermor). Death IV ROUDE, is, and spokes BARSAN VCOOK, as field for record in Young 5432, Page 8904, of the Lond Records of Com County, Texast

FRIENCE SERVORTHY sowy the sent lets of MCDOD (INI.) of ID.) Find pass of 3/2 caped into make 1985, SERVO (and ID.) of ID.) Intelligence of 1/2 caped into make 1985, SERVORTH (ID.) of ID.) Intelligence of 1/2 caped into 1/2 caped i centima dong soid common fee 500°,9000°W o deloces of 1725M feet to o 1½° copped and networ 608°S, or or comer on the northwest corner of a toot cream-od by the RESQLUTON TROST CORPORATION (RTC) and at TAMCT the bond deed to GCDRG D, CROCAM, on recorded in Cent's File Number 95°0004932 of the Loud Records of Colin

THENCE 543° 48'22''W along the north or northeest line of sold RTC tract a distance of 52'7.30 feet to a ½" capped iron rebor RPLS 5392') found for corner of the southwest corner of sold RTC, some being in a north line of sold GROCAN tracts

HENCE along a north line of said GROGAN tract in a westerly direction the following two (2) courses:

NEXCE 501º04-32™W along a west line of said GROGAN tract a distance of 536,77 feet to a ½" capped iron rebor IPETSCHE ASSOC., NCJ set for corners ENCE along the most southerly south like of sold PCB tract, some being a north like of sold CROCAN tract, partially along and or a barbed wife fence, in a westerly direction the following two (2) courses: INCE S43*47'42"W along a north or northwest line of said GROGAN tract a distance of 303.51 feet to a ½" iron rebar found

to a ½" fron rebor found for an inner ell corner hereof, same being a northeest corner of said GROCAN tracts

1.) N78" 54":9"W a distance of 74.35 feet to a $\frac{1}{2}$ " iron rebor found at an angle point: 2.) N77" 22":26"W a distance of 336.52 feet

() NBB*2016*W a distance of 13t0.06 feet to a ½" capped iron rebar (PETSCHE & ASSOC, NC.) set at an angle point 2.) NBB*4016*W a distance of 292.15 feet

to a 1/6" iron rebor found for corners HENCE along a west line of said GROGAN tract in a northerly direction the following three (3) courses:

to a 600 spike found for corner at an inner ell corner hereof in old, down barbed wire fences (ERCE KID/A1275 doing the most northerly east line of said CROCAN (roct a distance of 842.55 feet to 0 % coaped iron rebor GEER) lound for corner of the most northerly corner of said CROCAN (roct, some being in the east line of STATE HICHENY 5 with vortest) THENCE MB6*18'57'm along a north line of sold GROGAN tract a distance of 929,44 feet to a 1° smooth steetrad found for corner Near a ferce corner post at the most westerly southwest corner of sold PCB tract, some being on liner etcorner of sold GROGAN tract 1) HAP \$25,200 or deleter of 82.50 feet to Agricon report load at an owya point under a Mr. Em Iree 22.14000 985777 or deleter of 102.55 feet to a Agricon report found at an owya point 3.14000 419575 partially doing and may a based with small, a distance of 1000.55 feet

HENCE in a northeasterly direction, along sold line of STATE HIGHWAY 5, the following two (2) coursess o My for elso (CEER) (and les come o il les cottenes come di side saliment come o il les laced anest by ReviolOs da sectiod di sessa ecoso di Victore 204, Pogg CN, Livere 887, Pogg 204, Victore 128, Pogg 208, and Victore 128, Pogg 208, portion of which was whed to JOHN BRIMODE, Probate Docset No. 80-284, also I the Lord Records of Cosin County, Texass 1.1 N25*52*15*E a distance of 445.57 feet to a wood right-of-way manument found at an angle points 2.1 N20*42*32*E a distance of 224.08 feet

HENCE in an easterly direction, along the south line of soid PILKINTON and BRANDON lands, the following four (4) coursess

11 SBB-1028T o delinate of 20138 feet to a ½" from rebor found at an only point.
21 SBB-2028T o delinate of 400.06 feet to a ½" copped from rebor (GERF) found on only point.
21 SBB-2028T o delinate of 400.06 feet to a ½" copped from rebor (GERF) found at an omphi point.
21 SBB-2014T o delinate of 144.85 feet to 3½" copped from rebor (GERF) found at an omphi point.
24 SBB-2014T o delinate of 144.85 feet.

THENCE MODY 26:39"W along the east line of said ADAYS tract a distance of 453.30 feet to a 1" iron pipe found for corner at the northeast corner of said ADAYS tract: o ½" to mpt found for on how electron haved at the scatheast corner of soid 80-MDON tract, some being the scatheast torner to the scatheast in a deed to MELLMA and PATTY ADAMS, as recorded in Cuevis The humber 2011108001201040 of the total Records of Code Code), feetile

TRICKE MBN-99278" dong the outh five of soid ADMAS tract a dislance of JSB.75 feet to a Kr. Em. tree found for corner of the boundment carrier of a feet of section of the Control of the Lond Records of Commission of the Lond Records of the Lond Recor EMECT. NOT-SEOTH door the east like of told DESSUDGE (roct, a) 21(5) set pass the southeast corner of a tract of load secribed in Wirrority. Devel to BLLY Hubbits, as fleed for record under Cent's File to, 96-00044-6 of the Land Records of Codin Jourly, Tests, continuing in also distance of 272,68 feet to a fince post flourd of an only's point:

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Legend

LRCCT

LAND RECORDS OF COLLIN COUNTY, TEXAS ARC LENGTH OF CURVE

VICINITY MAP NOT TO SCALE

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SET NAL IN BRASS DISC (PETSCHE & ASSOC., INC.) CENTRAL ANGLE OF CURVE RADIUS OF CURVE

FOUND IRON REBAR (AS NOTED) FOUND IRON PIPE (AS NOTED) FOUND CAPPED IRON REBAR (AS NOTED) SET 1/2" CAPPED IRON REBAR OR PK NAIL IN DISC (PETSCHE & ASSOC., INC.) PARCEL BOUNDARY

TREACE continue down the seat Se of sold HARRS (rect. MOZ-55-557 a obstace of 2010) feet to o ½" copped kon repor MPISORE & ASSOC, ARC, set for corner of the notheast corner of sold HARRS frost, some being in the center of observed COUNTY ROAD 278:

REACE HIGHS 2720FE dong on east See of said DENSHORE tract, a distance of 242.76 feet to a wood right of way monoment Lond for corner of the most northerly corner of said DENSHORE tract, some being in the oldresoid east See of STATE HOWEN'S NO. St

4.) The existing gas the within the ST exsement to MATACKS PPELRES, NC., is now award and was bagged in the field by CHECK Pipeline Company. The Itags were then located by Petache & Associates Nc., as about on this servey.

5.) The subject properly les within the City of lactimery, feror, Flood Zones "AC" and "X" as indicated on Federal Emergency Management Agency's (FEMA Flood Insurance Rate Map Number 48085C0865 J Revised June 2, 2009, and Flood Insurance Rate Map Number 48085C0280 J, Revised June 2, 2009.

5.) The enishing gas like within the OT essement to BI-STOME FUEL COMPARY is now owned and was blagged in the field by Cnergy Transfer. The blags were then located by Pelsone & Associates, New, as shown on this survey.

2.1 The survey was performed with the bewelf of Title Commitment based by Commonwell Load Title of Delay, GF No. CR2229-222800-USA, effective date february 14, 2015, based february 27, 2015 of 8000 o.m.

(.) The field Survey was performed in June and July of 2007.

TRACE SHF4537F doing said lieu, a distance of \$2.58 feet to a mod right-of-may movement lound for corner of the seathment corner of a tract described in a deed to ASAO MepAOs as seconded in Yourne 5946, Page 5056 of the Lond Records of Colin County, Terost

TRIACE 289-28°FE dang Iha skuh kai ol sid ASU ANADI Keri, a distance of 2155 (sail to a)¹/- for nebo fund (or corne ol Ina southest carme of add ASU ANADIOTOS, tama shiph the southest corne of 1001 (18,000 k. ol time 0, § f. ADDTON occoding to the Nimo Pay Ihareol, as recorded in Cobinel O, Paya 456 of the Pay Records of Cokin County, Teasts

THENCE M87°25'02"E along the south boundary of said Lot 1, a distance of 69.67 feet to a point for corner in the center of an unnamed branchs

2) NOT-PRIZEZ o distance of 25,00 fiest to an onese position 22 NOT-PRIZEZ of distance of 25,00 fiest to an onese position 21 NOT-PRIZEZ of distance of 100,00 fiest to an onese position 21 NOT-PRIZEZ OF CONTROL OF STATE OF STATE

feet to an angle points

IHENCE in a northeasterly direction, along said centerline of COUNTY ROAD 278, the following six (6) courses:

DIRPHASPUTE o distance of 18207 test to a PK waith disc set of the point of curreture of a curve having a reduc of 1820.00 1) representation of the current of the right, a distance of 189.47 feet to a PK waith disc set for at the point of tangency of seid

THENCE SOOT 2504-78 doing the west like of soid MORTH COLLIN WATER SUPPLY CORPORATION, on now loid out and is used, delance of DLOI feet to a 'A' Fan rebox found for corner of the southwest corner of soid MORTH COLLIN WATER SUPPLY CORPORATION

TREACT, SAP-25-5FC along the south len of soci MORTH COLLIN WATER SLIPPLY CORPORATION, as now look and now in usa, a distance of 15.00 fail to 15', reapped ion rebor IPCTSCHE & ASSOC, MC,) set for corner of the southwest corner of soci MORTH COLLIN WATER SLIPPLY CORPORATION:

THENCE 589° 36'56'E along the the centerine of soid COUNTY ROAD 278, a distance of 1508.35 feet back to the POINT OF BEGRANNE and containing 306.591 acres of land, more or less.

THÉNCE leaving soid center of umanned branch, 570° 34°58°E a distance of 73,93 feet to a PK nailin disc (PETSCHE & ASSOC., NC.) set for corner in the center of aloresoid COUNTY ROAD 278:

STANDERS DE COMBROCA DE 18,55 Metal to d'Armabh decent al en segle point.

1,000 2000 d'aderes al 0,25 d'anni le Primabh decent al en segle point.

1,000 2000 d'aderes al 0,25 d'anni le Primabh decent en segle point.

1,000 2000 d'aderes al 0,25 d'anni le Primabh decent en segle point.

1,000 2000 d'anni d'accept d'accept d'anni le Primabh decent en la les point d'armabhe et a current braining a réduce al 500,000.

6,1 desqu'he et a lead acres le les réputs délaises al 50,55 lest.

to to a PK naish disc set for corner at the northwest corner of a tract described in a deed to NORTH COLLIN WATER SUPPLY CORPORATION, as recorded in Youme 784, Page 658 of the Land Records of Colin County, Texass

7.3 NOTE DELETED on 3 May 2013: 6.3 NOTE DELETED on 3 Noy 2013:

NEWE 589-5977- along the south boundary of soid LOT L.BLOCK A. a distance of 235.38 feet to a ½- capped iron rebor IPETSCHE I ASSOC., INC.) set at an angle points

MENCE in a northerly direction, along a westerly boundary of sold sold PCB tract, and with the center of sold branch the allowing eighteen (18) courses:

(2.) The laboring items, aboun in Commitment for litte insurance, CF the, CN2228-2228004.386 (assed by Commonwealth Load Title of Dates on February 44, 2015, with an effective date of February 27, 2015 of 800 a.m.). Edited in Schedule B. Item. 10, offect the hereon described frect as fathers:

(1) The existing soler the which the soler the ecomments were lapped in the field by therth Calin Stoler Supply Corporation. The flags were then located by Petsche & Associates, Inc., as shown on this survey. The approximate ecomment locations were then based on this, the ecomment may very based on a more definite location of the water main.

D. Bering team haves are tead or a standar deridar of 509/2017, dang hat for antendarly find of the operal bad devided in Special are considered in Special are

10.) No underground or overhead improvements have been localed unless shawn hereon.

9.) MOTE DELETED on 3 May 2013:

Litemanni in ha Salin di tras recreda in vione 2017 days 602,1007 IOSS NOT PRAY I ha quot ejectivary desti fin e salin on salpici, il à les quiden of the Conderigant los trasses trasse i Lipit Company recreda in Vione 2018 Prop 201,1007 IOSS NOT PRAY I ha quotent commond escrité fin exist on salpici, il à les quiden of the conderigant los is trass from the sale indeplace through convents.

p) Essenti lo les Trass Repet i Lipit Company recreda in Vione 201, Page 17, IOST IOSS NOT PRAY I ha quotent commond escrité fin exist on salpici, il à les quident los les trasses trasses and trasses consoli in Vione 201, Page 17, IOST IOSDIN ESCOSI.

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L'Exement l

il his Station of Boundary Survey excursiony despitis the results of a survey made upon the ground of the property ("PROPERTY") made by ma, or under my direct supervision, in Jane and Japon 2007? L Wilden Boyd Kidinger, Registered Professional Land Surveyor, do hereby cerilly to PCB Properlies, LLP, Will Development Co., LP, Whow Wood Pariners, LP, Park Cities Bons, and Commonwealth Land Title Hourance Company that:

din Sung constit your he location of deviding bidding, structure and other violet improvement, if any, or the Property and execut and when on the Sungs, there are no executioned to despision provides, exempents to despision provides, exempents or despision provides and exempents and the property by violet improvements alleated on adjoint provides. ti) the legal description of the Property contained hereon or atlached hereto is an accurate and complete legal description of the property and forms a mathematically cased figures

ia) the Survey correctly shows the location of dirights of-vary, essements, improvements and excroachments which are either viable or are of record in Colin County, Texas, as set forth in the insurance commitment issued by Commonwealth Land Title Insurance Company, Of Mo, CHIZZEROU-SBA, Effective date February 40, 2015, issued on February 20, 2015.

ish a partion of the property lies which a 100-year flood poin or other flood prone ores. The sociject property lies which the City of Ackdoney, Fests, Flood Zones "AE" and "X" as indicated on residented on the property is a society of the property of the pro (v) the Property reflected hereon has access to and from a publicly dedicated roadway as shown on the Surveys

vil) This Survey was conducted in accordance with the standards for a Collegory IA, Condition Sourvey as specified by the latest edition to the Manualot Practice for Land Surveying by Team Society of Professionalized Surveyors, and conforms to the current standards promulgated by the Teams Board of Professionalized Surveyors, and conforms to the current standards promulgated by the Teams Board of Professionalized Surveyors, and conforms to the current standards promulgated by the Teams Board of Professionalized Surveyors,

UPDATE Boundary Survey - Lost Date of Field Survey: Monday 6 May 2013.

SITE

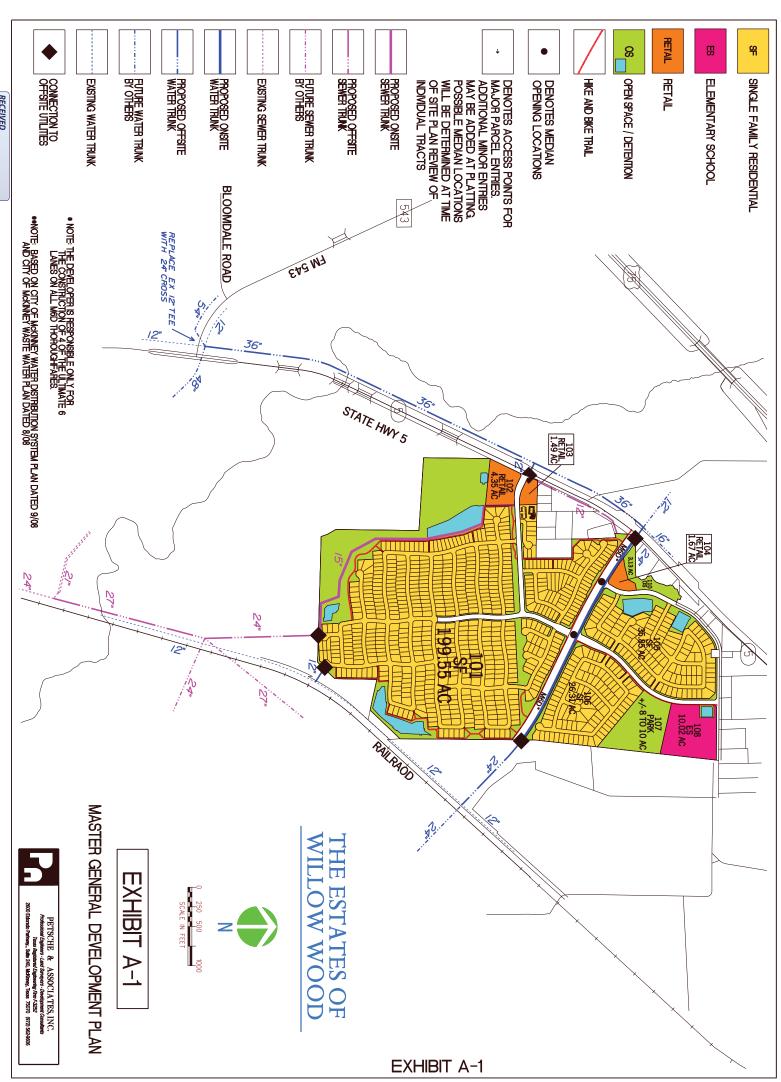
LITTLE JOHN RD

WILLOW WOOD ESTATES SKETCH OF BOUNDARY SURVEY

THE MANNING CLEMENTS SURVEY, ABSTRACT NO. 224 THE POLLY A. BOONE SURVEY, ABSTRACT NO. 1048, THE JOHN HART SURVEY, ABSTRACT NO. 423 AND THE ABNER SMALLEY SURVEY, ABSTRACT NO. 864, BEING 306.591 ACRES SITUATED IN COLLIN COUNTY, TEXAS

200 Edurado Patsey, Suite 240, McKimey, Texas 75070 (972) 562-9606

Doite: SCALE: JOB NUMBER: SHEET PETSCHE & ASSOCIATES, INC.
Professional Engineers - Land Surreyors - Development Consultations
fenas Registered Engineering From F-32522



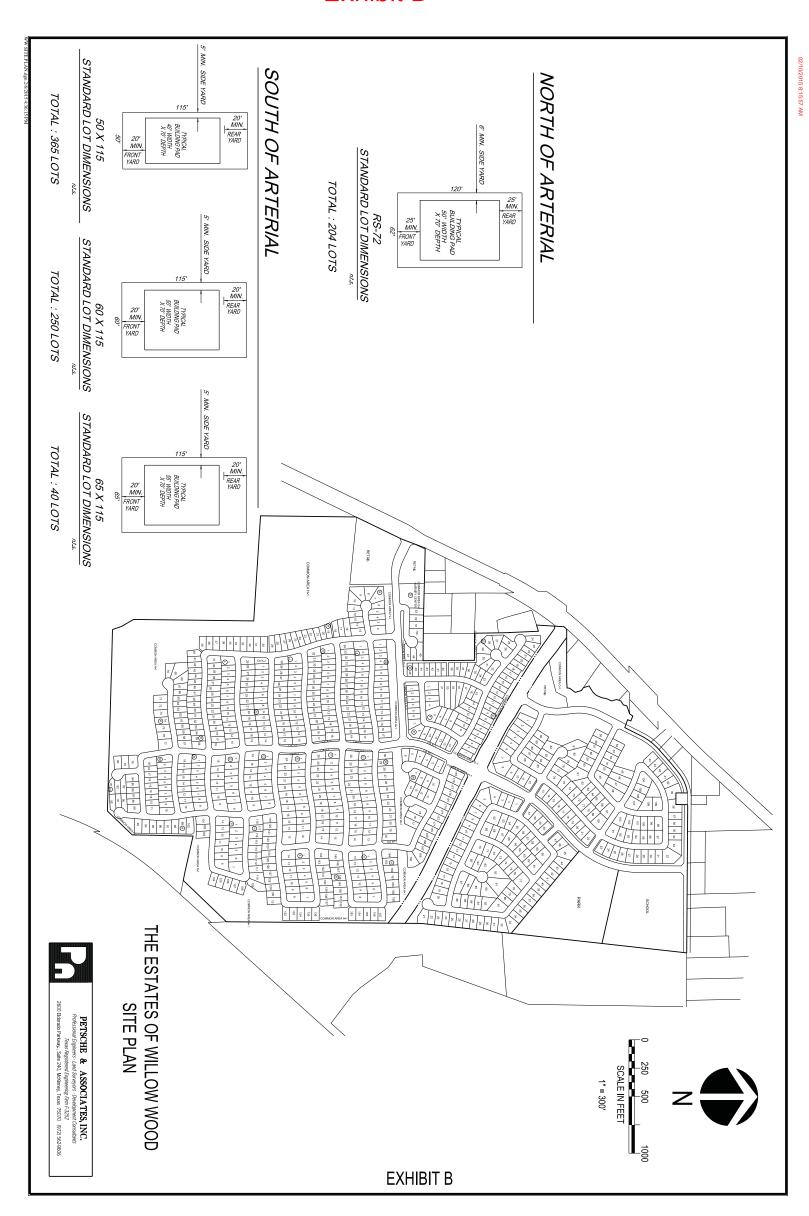


Exhibit E

1. SINGLE FAMILY RESIDENTIAL ARCHITECTURAL DESIGN REQUIREMENTS

- i. Front elevation: 100 percent of this elevation shall be finished with masonry materials to include brick, stone, or synthetic stone.
- ii. Side elevation: 75 percent of this elevation shall be shall be finished with masonry materials to include brick, stone, or synthetic stone. The remaining 25 percent may be finished with wood lap siding, vinyl siding, cast concrete modular siding (including cementitious fiber siding; i.e., Hardie Board or Hardiplank), stucco, or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
- iii. Rear elevation: 50 percent of this elevation shall be shall be finished with masonry materials to include brick, stone, or synthetic stone. The remaining 50 percent may be finished with wood lap siding, vinyl siding, cast concrete modular siding (including cementitious fiber siding; i.e., Hardie Board or Hardiplank), stucco or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
- iv. Walls provided in conjunction with an architectural element which is located above the roof line (example: walls for dormers or chimneys) may only be finished with brick, stone, synthetic stone, stucco, wood lap siding, vinyl siding, cast concrete modular siding (including cementitious fiber siding; i.e., Hardie Board or Hardiplank), or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited.
- v. The percentages contained herein are to be calculated exclusive of doors and windows.
- vi. All single family residential units shall be required to provide at least three of the following architectural elements:
 - a. 100 percent of each elevation is finished with a masonry finishing material;
 - The front facade contains two types of complementary masonry finishing materials with each of the materials being used on at least 25 percent of the front facade;
 - c. A minimum of 10 percent of the unit's front facade features patterned brick work, excluding soldier or sailor brickwork provided in association with a door or window;
 - d. No pitched roof plane with a horizontal length of longer than 20 feet exists:
 - e. The unit only features one-car garage doors that have a carriage style design. These doors typically feature vertical slats, high windows, antiqued hardware, and additional detailing to give the appearance of swinging or sliding doors;
 - f. The unit's chimney is finished on all sides with 100 percent masonry finishing materials (brick, stone, or synthetic stone only);
 - g. A minimum of three offsets in the front façade measuring at least two feet deep are provided or a minimum of one offset in the front façade measuring at least five feet is provided;
 - h. The unit features an articulated front entrance through the use of lintels, pediments, keystones, pilasters, arches, columns, or other similar architectural elements;
 - i. A covered front porch which is at least 100 square feet in area is

Exhibit E

provided;

- j. A covered back porch which is at least 200 square feet in area is provided;
- k. At least one dormer is provided for each roof plane over 500 square feet in area that faces a public street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation below;
- I. All windows facing a street feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window; or
- m. All ground-level mechanical, heating, ventilation, and air conditioning equipment shall be completely screened by an opaque screening device that is at least six feet tall.