

Kenney Fort (PUD 40 - Amend. No. 2)
ZONING ZON1505-001



CASE PLANNER: Clyde von Rosenberg

REQUEST: Approval of an amendment to PUD 40

ZONING AT TIME OF APPLICATION: Mixed Use / Multi-Family - Parcel B of PUD 40

DESCRIPTION: 83.12 acres out of the P.A. Holder Survey, Abstract No. 297

CURRENT USE OF PROPERTY: mostly vacant

GENERAL PLAN LAND USE DESIGNATION: PUD 40 - mixed use

ADJACENT LAND USE:

North: single family (PUD 97), BP (Business Park) and mixed use (PUD 91)

South: MKT right-of-way and single family neighborhoods (SF-2)

East: Kenney Fort Boulevard and right-of-way, local commercial (C-2) and a single family neighborhood (SF-2)

West: railroad right-of-way and a single family neighborhood (SF-2)

PROPOSED LAND USE: townhomes, apartments, single family detached, local commercial and general commercial uses

TOTAL ACREAGE: 83.12

Owner:

Tim Timmerman

2490 FM 685

Hutto, TX 78634

Agent

SEC Planning, LLC

Peter R. Verdicchio

4201W. Parmer Ln., Bldg. A., Ste.

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Kenney Fort (PUD 40 - Amend. No. 2)
ZONING ZON1505-001

HISTORY:

Kenney Fort PUD No. 40 was adopted in September of 2000. It contained 147 acres of land and was divided into five development areas which provided for a variety of residential and non-residential uses. The PUD area was amended in 2014 to rezone the 64 acre Parcel A as the Timmerman PUD No. 97. This parcel has since been platted as a single family subdivision, which is now under construction. Of the remaining 83 acres, the 22.4 acre Parcel C has been platted for a multi-family project while Parcels B, D and E remain undeveloped.

DATE OF REVIEW: August 19, 2015

LOCATION: West of the intersection of S. Kenney Fort Blvd. and Forest Creek Dr.

STAFF REVIEW AND ANALYSIS:

PUD 40 consists of 83 acres of land divided into four development parcels: B, C, D and E. This amendment is to allow a new residential use - single family detached units on a common lot, as a replacement for the cluster housing residential use. The amendment also updates the uses and development standards for the remainder of the development, largely bringing them into compliance with current codes. The amendment will replace the existing PUD No. 40 for the entire 83 acre area.

Four types of residential development are permitted: townhomes, apartments, single family detached individual lots and single family detached common lot. Three types of non-residential development are permitted: local commercial, office and general commercial.

Parcel B allows for all four of the residential uses, along with local commercial and office, however plans have been submitted for single family detached homes on a common lot. The development standards for these homes are contained in **Exhibit "D"** of the PUD and include exterior finish standards, garage door treatments and private drive aisles with parallel parking and a sidewalk on one side.

Parcel C is being developed as an apartment complex. Since this project has already received an approved site development plan, this plan is referenced in the PUD.

Parcel D allows for townhomes, single family detached individual lots and single family detached common lot, along with senior assisted living and local commercial.

Parcel E allows for townhomes, single family detached individual lots and single family detached common lot, along with general commercial uses.

The PUD will include a concept plan for the entire area. The 83 acres, along with the area within PUD 97, contain numerous mature trees, many of which are in the open space areas to be dedicated as parkland. Because development has already proceeded on parts of the property using the tree preservation code that was in place in 2000, the City and the owner have negotiated the tree preservation standards that will apply to the remainder of the development.

RECOMMENDED MOTION:

Staff recommends approval of Amendment No. 2 to PUD No. 40.



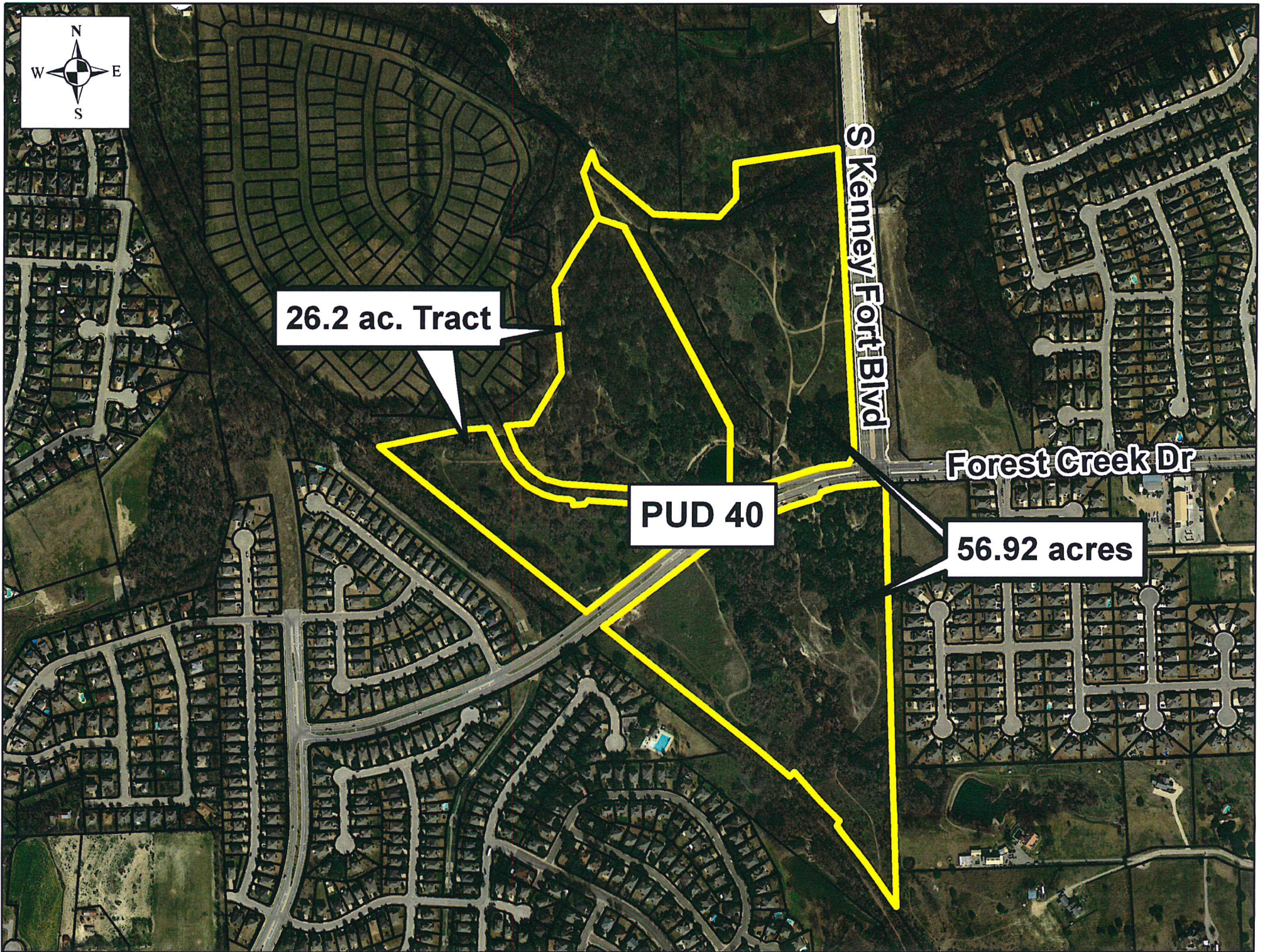
26.2 ac. Tract

PUD 40

S Kenney/Fort Blvd

Forest Creek Dr

56.92 acres



**DEVELOPMENT PLAN
PLANNED UNIT DEVELOPMENT NO. 40
KENNEY FORT
AMENDMENT NO. 2**

**THE STATE OF TEXAS §
COUNTY OF WILLIAMSON §**

THIS DEVELOPMENT PLAN (this "Plan") is adopted and approved by the CITY OF ROUND ROCK, TEXAS (hereinafter referred to as the "City"). For purposes of this Plan, the term Owner shall mean Round Rock Ranch, Ltd., their respective successors and assigns; provided, however, upon sale, transfer or conveyance of portions of the hereinafter described property, the duties and obligations of the Owner, as it relates to the respective property, shall be assumed by the new owner, and the Owner shall have no further liability relating to their respective property.

WHEREAS, the Owner is the owner of certain real property consisting of 83 acres, as more particularly described in **Exhibit "A"**, (herein after referred to as the "Property") attached hereto and made a part hereof; and

WHEREAS, the City Council approved Ordinance Z-00-09-14-9B3, establishing Planned Unit Development No. 40 ("the PUD"), on September 14, 2000; and

WHEREAS, the City Council approved Ordinance Z-14-02-13-G1, the first amendment to Planned Unit Development No. 40 ("the PUD"), on February 13, 2014; and

WHEREAS, pursuant to Chapter 46-106 of the Code of Ordinances of the City of Round Rock, Texas ("the Code"), the Owner has submitted a request for a major amendment to the permitted uses and land use regulations; and

WHEREAS, the City has held two public hearings required by law to solicit input from all interested citizens and affected parties; and

WHEREAS, on August 19, 2015, the City's Planning and Zoning Commission recommended approval of the Owner's application for a major revision to the PUD; and

WHEREAS, the City Council has reviewed the proposed Plan and determined that it promotes the health, safety, and general welfare of the citizens of Round Rock and that it complies with the intent of the Planned Unit Development Ordinance of the City;

NOW THEREFORE:

I.

GENERAL PROVISIONS

1. CONFORMITY WITH DEVELOPMENT STANDARDS

That all uses and development within the Property shall conform to the Development Standards included in Section II herein.

2. CHANGES AND MODIFICATIONS

No changes or modifications will be made to this Plan unless all provisions pertaining to changes or modifications as stated in Section II.11.

3. ZONING VIOLATION

Owner understands that any person, firm, corporation or other entity violating any conditions or terms of the Plan shall be subject to any and all penalties for the violation of any zoning ordinance provisions as stated in Chapter 46 , Code of Ordinances, City of Round Rock, Texas, as amended.

4. MISCELLANEOUS PROVISIONS

4.1. Severability

In case one or more provisions contained of this Plan are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions of this Plan and in such event, this Plan shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Plan.

4.2. Venue

All obligations of the Plan are performable in Williamson County, Texas, and venue for any action shall be in Williamson County.

4.3. Effective Date

This Plan shall be effective from and after the date of approval by the City Council.

II. DEVELOPMENT PLAN

1. PROPERTY

This Development Plan covers approximately 83 acres of land, located within the city limits of Round Rock, Texas, and more particularly described in Exhibit "A".

2. PURPOSE

The purpose of this Plan is to insure a Planned Unit Development ("PUD") that: (i) is equal to or superior to development that would occur under the standard ordinance requirements, (ii) is in harmony with the General Plan of the City of Round Rock, Texas, (iii) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, (iv) is adequately provisioned by essential public facilities and services, and (v) will be developed and maintained so as to not dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

3. APPLICABILITY OF CITY ORDINANCES

3.1. Zoning and Subdivision Ordinance

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by **Chapter 36-Subdivisions** and **Chapter 46 – Zoning** and other sections of the Code, as applicable and as amended. If there is a conflict between this Plan and the Code, this Plan shall supersede the specific conflicting provisions of the Code.

3.2. Other Ordinances

All other Ordinances within the Code shall apply to the Property, except as clearly modified by this Plan.

4. DEVELOPMENT AREAS

The Property is divided into four (4) separate development areas, **Parcels B, C, D and E**. The total land area and the combined maximum building area for all buildings located in each development area is shown on **Exhibit "C"** attached hereto and incorporated herein.

4.1. Parcel B is comprised of approximately 20.3 net developable acres. In addition, approximately 7.4 acres will be designated for parkland or open space along the tributaries of Brushy Creek.

4.2. Parcel C is comprised of approximately 15.5 net developable acres. In addition, approximately 6.9 acres will be designated for parkland or open space along Brushy Creek and its tributaries.

4.3. Parcel D is comprised of approximately 9.2 net developable acres. In addition, approximately 1.6 acres will be designated for parkland or open space along the tributaries of Brushy Creek.

4.4. **Parcel E** is comprised of approximately 12.2 net developable acres. In addition, approximately 3.6 acres will be designated for parkland or open space along the tributaries of Brushy Creek.

4.5. The approximately 19.5 acres designated for parkland/open space shall be used for hike and bike trails, and passive park uses such as picnic areas. In addition it may be used to provide street crossings, utilities and drainage facilities. No permanent structures will be permitted within this area without consent from the Director of Parks and Recreation. Residential densities shall be calculated based on gross acres. Parkland will be subdivided as a separate lot and dedicated to the City as public parkland at time of final platting of these parcels.

5. **CONCEPT PLAN**

Exhibit "C" shall serve as the Concept Plan for the project, according to Section 36-39 of the Code.

6. **DEFINITIONS**

Words and terms used herein, not specifically defined in this section, shall have their usual force and meaning, or as defined in the Code of Ordinances (2010), City of Round Rock, Texas, hereinafter referred to as "the Code". The following term is defined for use in this Plan:

6.1. *Single Family Detached, Common Lot* means one or more single family detached residential dwellings located on a single ownership lot, with each dwelling unit having a private external entrance, private parking, and a private yard area.

7. **PERMITTED USES AND DEVELOPMENT STANDARDS**

7.1. **Parcel B**

- a) Townhouses in compliance with the **TH (Townhouse)** zoning district
- b) Multi-family residential in compliance with the **MF-2 (Multi-Family – Medium Density)** zoning district.
- c) Single-family residential in compliance with the **SF-2 (Single Family - Standard Lot)** zoning district.
- d) Local commercial services in compliance with the **C-2 (Local Commercial)** zoning district, with the following exception:
 - i. Eating Establishments are prohibited from having drive-through service
- e) Offices in compliance with the **OF (Office)** zoning district.
- f) Single Family Detached, Common Lot (as defined in Section II.6) in compliance with the development standards contained in the attached **Exhibit "D"**.

7.2. **Parcel C**

- a) Townhouses in compliance with the **TH (Townhouse)** zoning district.
- a) Multi-family residential in compliance with the City approved site development plan for the Kenney Fort Apartments, SDP1410-0004.

8. TRANSPORTATION

- 8.1.** A traffic impact analysis (TIA) for the Plan, dated June 2000, was approved by the City. The TIA indicated the need to construct several area roadways including Double Creek Drive, Forest Creek Drive, and Kenney Fort Boulevard (Arterial A). These roadways have since been constructed. Additional roadways internal to the site remain the responsibility of the developer. These will be determined during the platting and/or site planning process.
- 8.2.** The findings of the TIA remain applicable with regard to land uses and trip generation. If any changes to the land use(s) or intensity are proposed, further analysis may be required, as determined by the City.

9. TREE CREDITS

- 9.1.** Each caliper inch of a protected tree, as defined in **Chapter 43 – Tree Protection and Preservation**, that is removed during the development of **Parcels B, C, D & E** may be replaced by:
- a) Preserving an equivalent number of caliper inches of a protected tree species of any size which are located in any of the open space areas shown on **Exhibit “E”**, which includes the open space area within the adjacent PUD No. 97 (Ordinance Z-14-02-13-G2); or
 - b) Planting a replacement tree or a number of trees of a protected tree species with equivalent caliper inches on the Parcel from which the tree was removed; each replacement tree shall be a minimum of three inches caliper and a minimum of ten feet in height and five-foot spread, when planted; all replacement trees shall comply with generally accepted criteria such as those provided in the tree technical manual.
 - c) The Owner(s) of **Parcels B, C, D & E** shall have the discretion to elect between the two aforementioned options;
- 9.2.** Up to 100 percent of the inches to be replaced may be done through tree credits.
- 9.3.** Owner shall receive credit for any trees preserved within the open space areas shown on **Exhibit “E”**.

10. GENERAL PLAN 2010

This Development Plan amends the Round Rock General Plan 2020, which was adopted on July 22, 2010.

11. CHANGES TO DEVELOPMENT PLAN

11.1. Minor Changes.

Minor changes to this Plan which do not substantially and adversely change this Plan may be approved administratively, if approved in writing, by the Director of Planning and Development Services and the City Attorney.

11.2. Major Changes.

All changes not permitted above shall be resubmitted following the same procedure

- b) Single-family residential in compliance with the **SF-2 (Single Family - Standard Lot)** zoning district.
- c) Local commercial services in compliance with the **C-2 (Local Commercial)** zoning district.
- d) Offices in compliance with the **OF (Office)** zoning district.

7.3. Parcel D

- a) Townhouses in compliance with the **TH (Townhouse)** zoning district, except that:
 - i. a townhouse may consist of two or more dwelling units which otherwise meet the definition of townhouse;
 - ii. setbacks from street right-of-way do not apply to private drive aisles;
 - iii. side and rear setbacks do not apply when adjacent to parkland or open space lots;
 - iv. Section 46-139 (d) does not apply.
- e) Single-family residential in compliance with the **SF-2 (Single Family - Standard Lot)** zoning district.
- b) Local commercial services in compliance with the **C-2 (Local Commercial)** zoning district, with the following exception:
 - i. restaurants are prohibited from having drive-through service
- c) Group Living for Seniors in compliance with the **SR (Senior)** zoning district.
- d) Single Family Detached, Common Lot (as defined in Section II.6.) in compliance with the development standards contained in the attached **Exhibit "D"**.

7.4. Parcel E

- a) Commercial in compliance with the **C-1a (General Commercial - Limited)** zoning district.
- b) Group Living for Seniors in compliance with the **SR (Senior)** zoning district.
- c) Townhouses in compliance with the **TH (Townhouse)** zoning district, except that:
 - i. a townhouse may consist of two or more dwelling units which otherwise meet the definition of townhouse;
 - ii. setbacks from street right-of-way do not apply to private drive aisles;
 - iii. side and rear setbacks do not apply when adjacent to parkland or open space lots;
 - iv. Section 46-139 (d) does not apply.
- d) Single-family residential in compliance with the **SF-2 (Single Family - Standard Lot)** zoning district.
- e) Single Family Detached, Common Lot (as defined in Section II.6.) in compliance with the development standards contained in the attached **Exhibit "D"**.

required by the original PUD application.

LIST OF EXHIBITS

- Exhibit A: Survey of 83.122 acre tract
- Exhibit B: Lienholder's consent
- Exhibit C: Concept Plan
- Exhibit D: Development Standards – Single Family Detached, Common Lot
- Exhibit E: Tree Credits

EXHIBIT "A"

Description for 83 acre Tract

83.122 Acres – Proposed PUD 40

THAT PART OF THE PRIOR A. HOLDER SURVEY, ABSTRACT No. 297, IN WILLIAMSON COUNTY, TEXAS, BEING A PART OF THAT 147.076 ACRE TRACT OF LAND CONVEYED TO ROUND ROCK RANCH, LTD., A TEXAS LIMITED PARTNERSHIP BY DEED RECORDED IN VOLUME 2418, PAGE 51 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at the Southeast Corner of the said 147.076 Acre Tract, same being on the West Line of that 11.08 Acre Tract described in the deed to Leigh H. Loveday recorded in Volume 833, Page 526 of the Deed Records of Williamson County, Texas, and also being on the Northeasterly Line of the M. K. & T. Railroad Right of Way as described in a deed recorded in Volume 111, Page 302 of the Deed Records of Williamson County, Texas;

THENCE along said Northeasterly Line of the M. K. & T. Railroad and the Southeasterly Line of said 147.076 Acre Tract the following six courses:

1. Northwestery along the arc of a curve to the left a distance of 448.50 feet, said curve having a radius of 2914.93 feet, a central angle of 08°48'57", and a chord bearing N.35°43'54"W., 448.06 feet;
2. N.49°51'17"E. a distance of 25.00 feet to a point on a non-tangent curve to the left
3. Northwestery along the arc of said curve, a distance of 307.94 feet, said curve having a radius of 2939.93 feet, a central angle of 06°00'05" and a chord bearing N.43°08'41"W., 307.80 feet;
4. S.43°51'21"W. a distance of 25.00 feet to a point on a non-tangent curve to the left;
5. Northwestery along the arc of said curve, a distance of 282.83 feet, said curve having a radius of 2914.93 feet, a central angle of 05°33'34" and a chord bearing N.48°56'51"W., 282.72 feet;
6. N.51°44'46"W. a distance of 2038.30 feet;

THENCE departing said Northeasterly Line of the M. K. & T. Railroad and across the said 147.076 Acre Tract the following eight courses:

1. N.78°56'07"E. a distance of 387.50 feet;
2. N.84°43'08"E. a distance of 292.54 feet;
3. N.32°32'49"E. a distance of 258.50 feet;
4. N.04°22'53"W. a distance of 375.00 feet;
5. N.26°15'00"E. a distance of 154.64 feet;
6. N.32°54'41"E. a distance of 207.73 feet;
7. N.16°22'10"W. a distance of 203.56 feet;
8. N.16°14'56"E. a distance of 79.60 feet to a point in the Center of Brushy Creek and the Northerly Line of said 147.076 Acre Tract;

THENCE along the Center of Brushy Creek and the Northerly Line of said 147.076 Acre Tract the following five courses:

1. S.33°34'04"E. a distance of 93.74 feet;
2. THENCE S.50°00'05"E. a distance of 283.99 feet;
3. THENCE S.86°37'35"E. a distance of 288.43 feet;
4. THENCE N.49°12'37"E. a distance of 111.99 feet;
5. THENCE N.02°03'49"W. a distance of 161.85 feet;
6. THENCE N.81°41'43"E. a distance of 539.28 feet to the Northeast Corner of said 147.076 Acre Tract and to the Northwest Corner of that 193.12 Acre Tract described in a deed to J. E Rusk recorded in Volume 2064, Page 370 of the Deed Records of Williamson County, Texas;

83.122 Acres – Proposed PUD 40

THENCE along the East Line of said 147.076 Acre Tract and the West Line of said 193.12 Acre Tract the following four courses:

1. S.03°56'27"E. a distance of 656.21 feet;
2. S.03°39'10"E. a distance of 404.67 feet;
3. S.04°35'04"E. a distance of 372.64 feet;
4. S.25°25'33"E. a distance of 52.92 feet to the Southeast Corner of said 193.12 Acre Tract and the Northwest Corner of that 9.02 Acre Tract described in a deed to C. H. Crossley recorded in Volume 694, Page 756 of the Deed Records of Williamson County Texas;

THENCE along the East Line of said 147.076 Acre Tract and the West Line of said 9.02 Acre Tract the following two courses:

1. S.30°10'16"E. a distance of 14.08 feet;
2. S.01°42'18"E. a distance of 565.11 feet to the Southwest Corner of said 9.02 Acre Tract and the Northwest Corner of that 29.158 Acre Tract described in a deed to Wilbert Felfe recorded in Volume 2149, Page 195 of the Official Records of Williamson County, Texas;

THENCE S.01°42'35"E. along the East Line of said 147.076 Acre Tract a distance of 1132.98 feet to the Southwest Corner of that 10.80 Acre Tract described in a deed to Roger P. Fuller recorded in Volume 2006, Page 192 of the Official Records of Williamson County, Texas, the same being the Northwest Corner of said 11.08 Acre Tract;

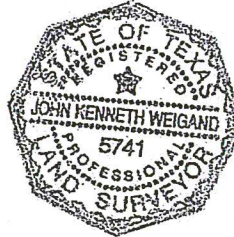
THENCE along the East Line of said 147.076 Acre Tract and the West Line of said 11.08 Acre Tract the following two courses:

1. S.01°41'15"E. a distance of 145.73 feet;
2. S.02°44'39"E. a distance of 14.22 feet to the said Point of Beginning.

Containing 83.122 acres, more or less, as shown on the sketch attached.

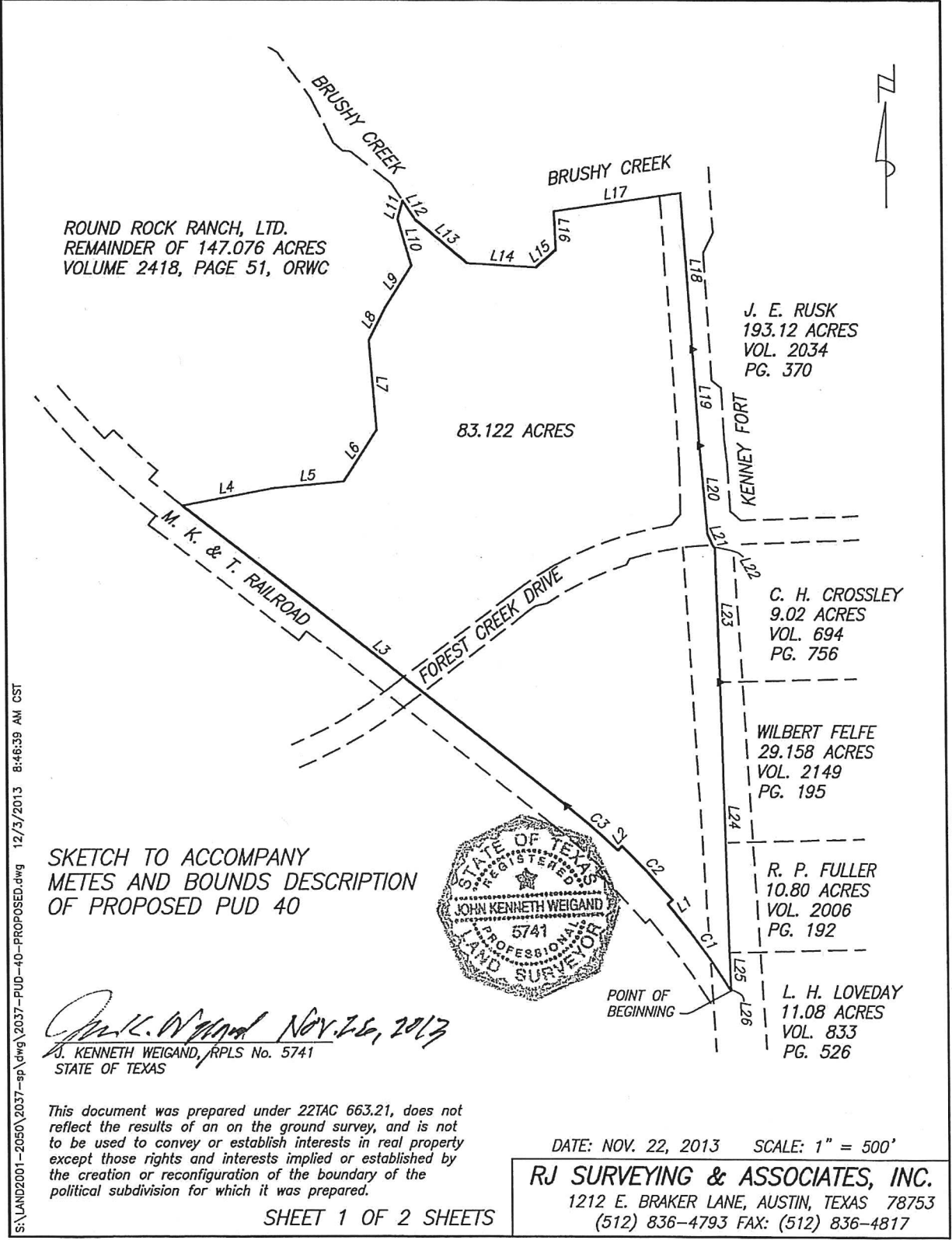
John K. Weigand Nov. 24, 2013
J. Kenneth Weigand
Registered Professional Land Surveyor No. 5741
State of Texas

RJ Surveying & Associates, Inc.
1212 East Braker Lane
Austin, Texas 78753



All iron rods set have RJ Surveying caps
Bearings are Texas State Plane Central Zone NAD 83

This document was prepared under 22TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.





LINE TABLE		
LINE	LENGTH	BEARING
L1	25.00'	N49°51'17"E
L2	25.00'	S43°51'21"W
L3	2038.30'	N51°44'46"W
L4	387.50'	N78°56'07"E
L5	292.54'	N84°43'08"E
L6	258.50'	N32°32'49"E
L7	375.00'	N04°22'53"W
L8	154.64'	N26°15'00"E
L9	207.73'	N32°54'41"E
L10	203.56'	N16°22'10"W
L11	79.60'	N16°14'56"E
L12	93.74'	S33°34'04"E
L13	283.99'	S50°00'05"E
L14	288.43'	S86°37'35"E
L15	111.99'	N49°12'37"E
L16	161.85'	N02°03'49"W
L17	539.28'	N81°41'43"E
L18	656.21'	S03°56'27"E
L19	404.67'	S03°39'10"E
L20	372.64'	S04°35'04"E
L21	52.92'	S25°25'33"E
L22	14.08'	S30°10'16"E
L23	565.11'	S01°42'18"E
L24	1132.98'	S01°42'35"E
L25	145.73'	S01°41'15"E
L26	14.22'	S02°44'39"E

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRNG.	CHORD
C1	448.50	2914.93	8°48'57"	N35°43'53"W	448.06
C2	307.94	2939.93	6°00'05"	N43°08'41"W	307.80
C3	282.83	2914.93	5°33'34"	N48°56'51"W	282.72

SKETCH TO ACCOMPANY
METES AND BOUNDS DESCRIPTION
OF PROPOSED PUD 40

DATE: NOV. 22, 2013 SCALE: 1" = 500'

RJ SURVEYING & ASSOCIATES, INC.
1212 E. BRAKER LANE, AUSTIN, TEXAS 78753
(512) 836-4793 FAX: (512) 836-4817

SHEET 2 OF 2 SHEETS

S:\LAND2001-2050\2037-sp\dwg\2037-PUD-40-PROPOSED.dwg 12/3/2013 8:46:39 AM CST

EXHIBIT "B"

EXHIBIT "B"

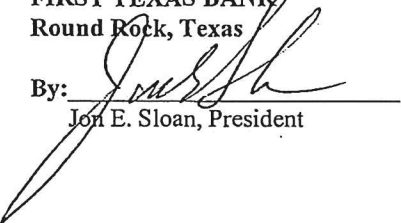
LIENHOLDER'S CONSENT

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

That First Texas Bank, Round Rock, Texas, acting herein by and through its duly authorized officers being the holder of a lien as evidenced by Deed of Trust recorded in Document No. 199956276 of the Official Public Records of Williamson County, Texas, does hereby consent to the Agreement and Development Plan of 147.076 acres of land situated in Round Rock, Williamson County, Texas, and does further hereby join, approve and consent to all provisions shown therein.

FIRST TEXAS BANK
Round Rock, Texas

By: 
Jon E. Sloan, President

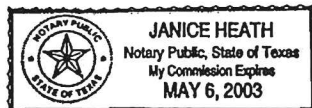
ATTEST:

By: 
Maria Fulton
Assistant Vice President

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on the 8 day of August, 2000, by JON E. SLOAN, President of FIRST TEXAS BANK, Round Rock, Texas.



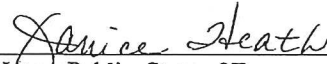

Notary Public, State of Texas

EXHIBIT "C"

Concept Plan

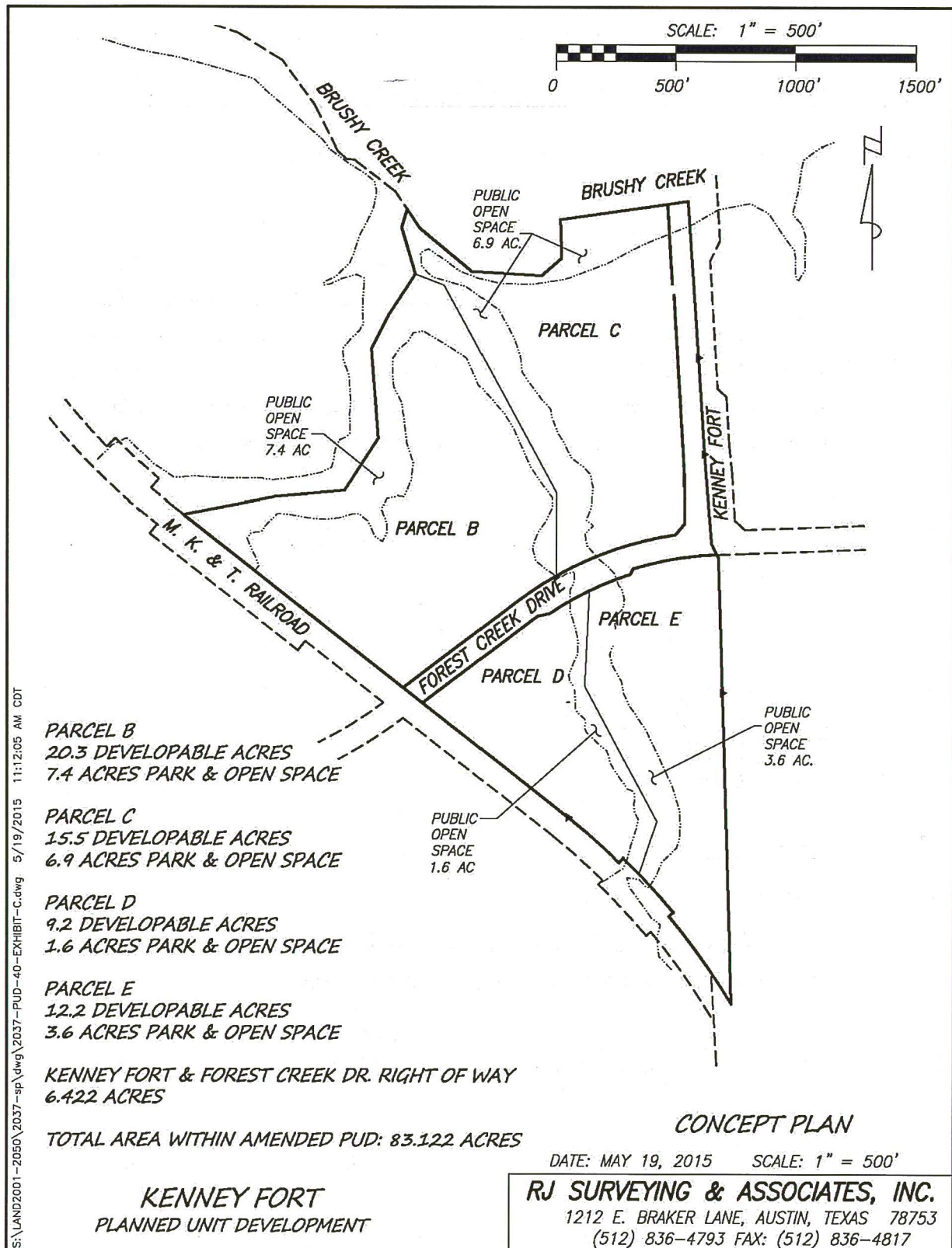


EXHIBIT "D"

DEVELOPMENT STANDARDS Single Family Detached, Common Lot

1. Density

- 1.1 Maximum of 12 units per acre

2. Exterior Finish

- 2.1 The exterior finish of all homes shall be a minimum of 75% masonry, excluding elements such as doors, windows, trim and accent features.
 - a) Masonry shall be defined as stone, simulated stone, brick or a minimum of 2-step hard coat stucco.
 - b) The use of materials such as wood shingles or wood siding shall be limited to accent features.
- 2.2 The front of all homes and the drive aisle-facing side of all corner units shall be 100% masonry, with no more than 75% consisting of a minimum of 2-step hard coat stucco.
- 2.3 Horizontally installed cement based siding may be used on rear and side elevations. On two story homes with a rear side facing Forest Creek Drive, however, the following shall be required on the second floor elevation:
 - a) One window enhancement from the following list:
 - i. Shutters
 - ii. Awnings or shed roofs
 - iii. Window trim
 - iv. Arch windows
 - b) One design feature from the following list:
 - i. Board and batten siding
 - ii. Stucco
 - iii. Balcony
 - iv. Building offset
 - v. Box window

3. Garage Door Treatment

- 3.1 Garage doors that extend more than ten (10) feet in front of the street facing elevation of the home shall incorporate an upgraded garage door. An upgraded garage door shall be defined as a metal door with the addition of window panels, a faux wood garage door with decorative hardware, or a wood clad garage door.

3.2 Upgraded garage doors shall not be required for swing in, side entry garages.

4. Fencing Design Standards

- 4.1 Single family unit fencing shall be constructed of the following materials: brick, stone, reinforced concrete, decorative masonry, wrought iron, tubular steel, redwood, cedar, preservative treated wood or other equivalent materials approved by the Zoning Administrator. Railroad ties are not permitted.
- 4.2 Perimeter fencing shall be constructed of brick, stone, split-faced or decorative concrete masonry unit (CMU), except when they are abutting open space or amenity areas, in which case they shall be constructed of wrought iron or tubular steel with masonry columns.

5. Building Setbacks

The setbacks for individual units shall be determined using **Figure "A" (Typical Building Setbacks)** which contains the typical setbacks. The building setback for the lot on which multiple residential units are located shall be:

- 5.1 20' from Forest Creek Drive
- 5.2 20' from the adjoining state of Texas tract
- 5.3 15' from Kenney Fort Crossing
- 5.4 10' from public open space

6. Parking

A total of 4 parking spaces per unit are required:

- 6.1 2 garage enclosed parking spaces
- 6.2 2 parking spaces located in front of the garage and outside of the private access drive

7. Private Drive Aisles

Private drive aisles to serve the units shall be built in the configuration indicated on **Figure "B" (Typical Access Easement Sections)**. Each private drive aisle configuration includes a four foot (4') wide sidewalk on one side of the drive. Private drive aisles are not built to public street standards and may therefore be gated, subject to the access requirements established by the Fire Marshal.

8. Landscaping

The landscape development standards outlined in Section 46-195, Landscaping, shall apply, with the following modifications:

8.1 Drought Tolerant Turf Grasses

All development areas, including residential, which include turf shall utilize Drought Tolerant Turf Grasses, as defined by the Code.

8.2 Native Adapted Plants

Plant material shall be of a native and/or adapted species, including those selected from *Native and Adapted Landscape Plants, an Earth-Wish Guide for Central Texas*, created by the Texas Cooperative Extension, Grow Green and the Lady Bird Johnson Wildflower Center.

8.3 Residential Trees

Each single family dwelling unit shall be provided with six inch (6") caliper of large species trees whether through the preservation of existing trees within Parcel B or planting of three inch (3") caliper container-grown trees. The calculation may include trees included within landscape planting along Forest Creek Drive and Kenney Fort Crossing.

8.4 Maintenance A private home owners association will be established for the maintenance of landscape and irrigation areas located between the private drive lanes and town houses as well as for all community signage, walls, medians, common open spaces and detention areas.

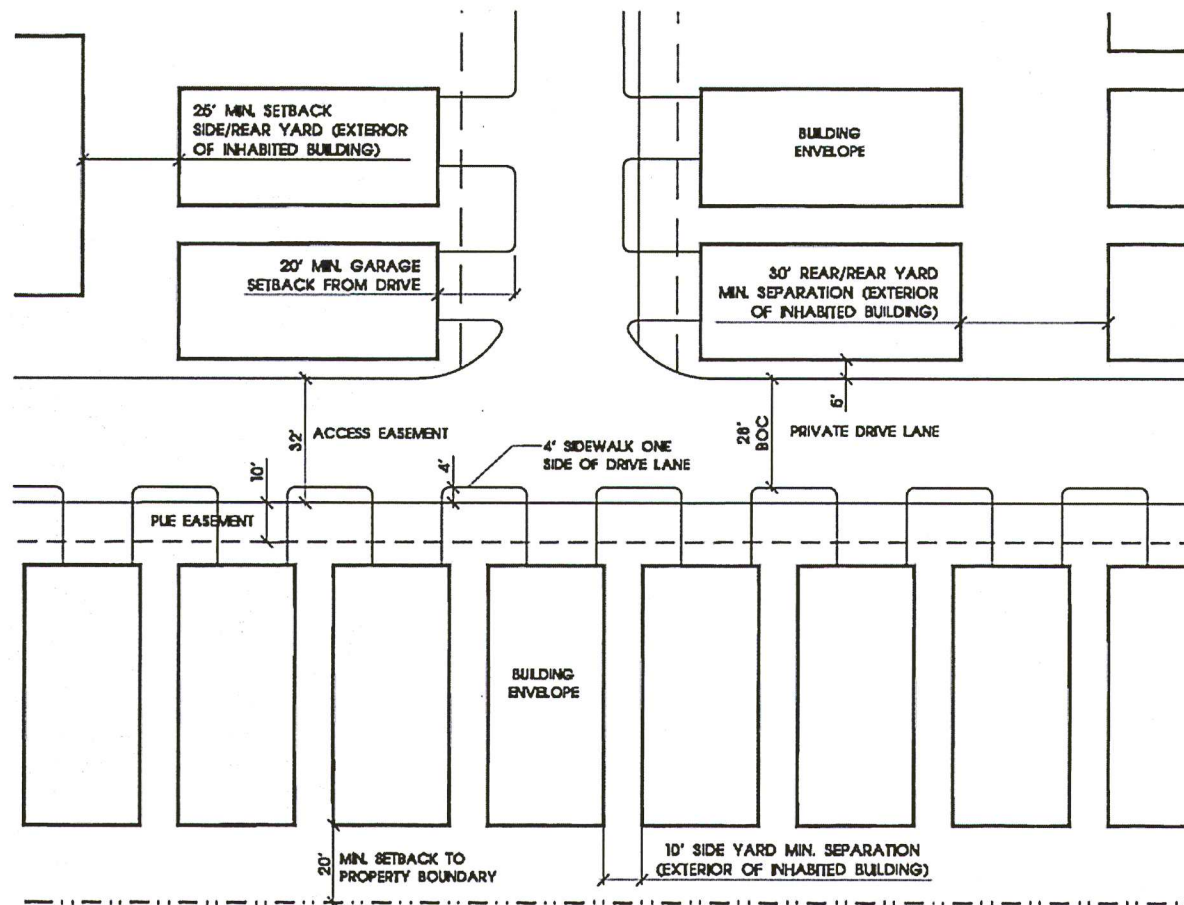
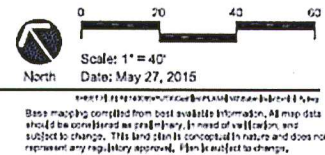
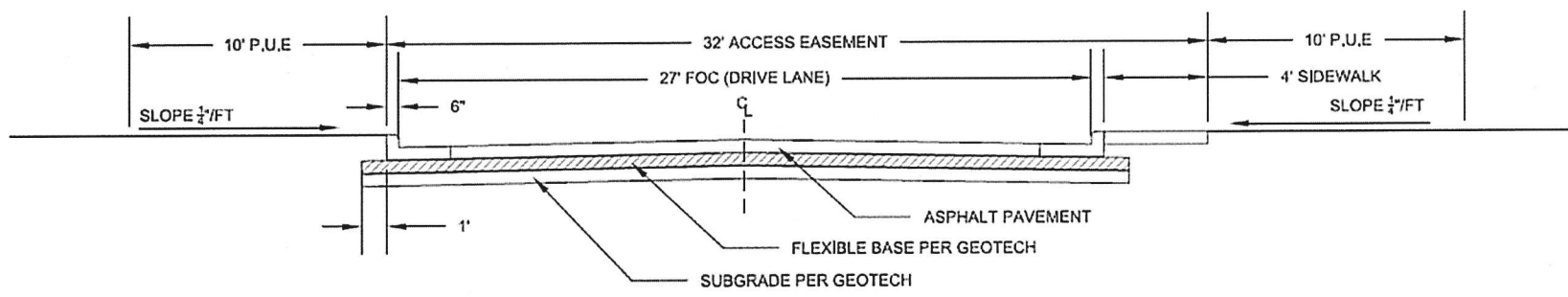


FIGURE "A"
TYPICAL BUILDING SETBACKS
KENNEY FORT PUD 40, PARCEL B
ROUND ROCK, TEXAS



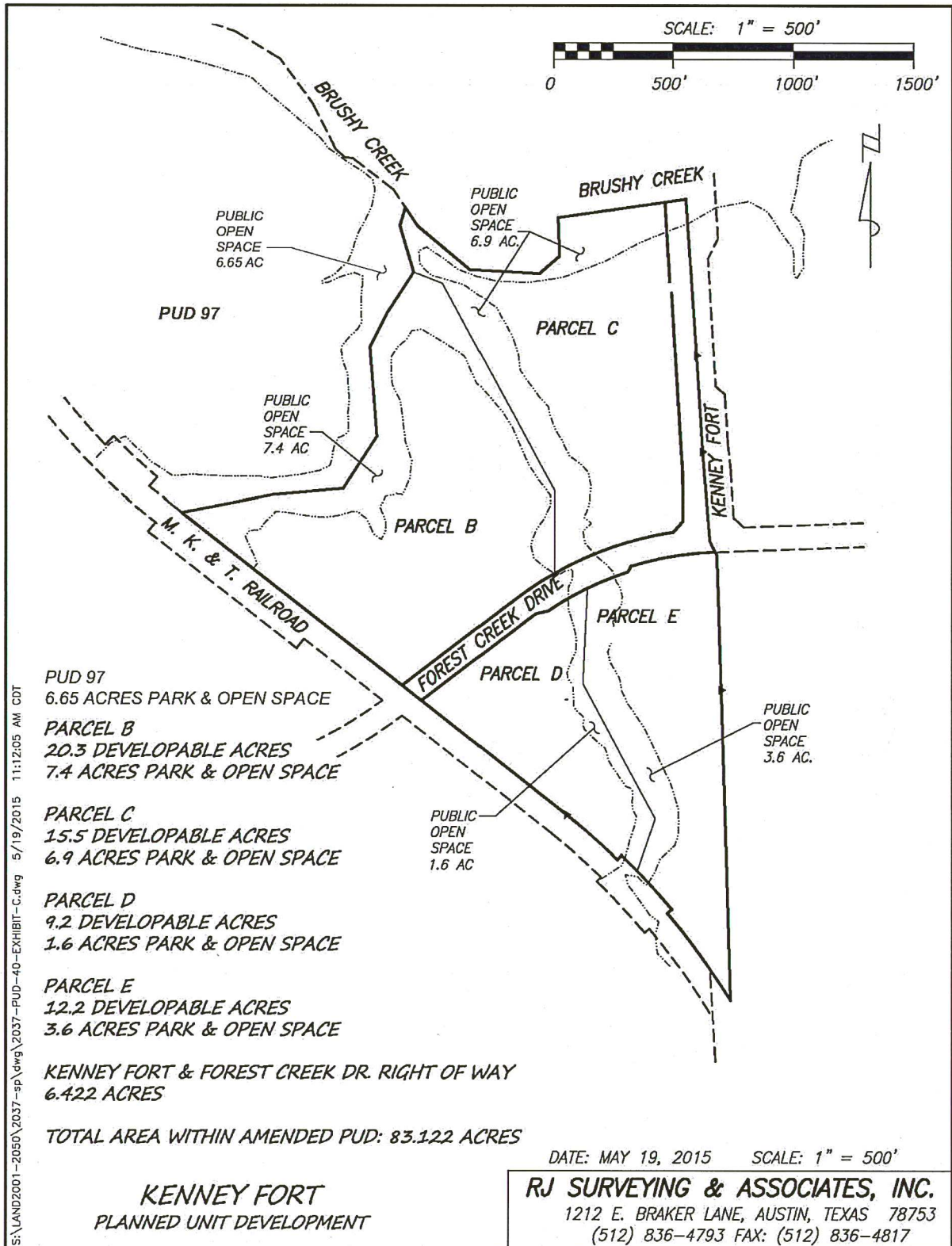


CURB AND GUTTER STREET SECTION

FIGURE B
TYPICAL ACCESS EASEMENT SECTIONS
KENNEY FORT PUD 40, PARCEL B
ROUND ROCK, TEXAS

EXHIBIT "E"

Tree Credits



ORDINANCE NO. Z-14-02-13-G1

AN ORDINANCE AMENDING ORDINANCE NO. Z-00-09-14-9B3, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON SEPTEMBER 14, 2000, BY AMENDING SECTIONS II.2, II.5, II.6, AND II.8, DELETING SECTION II.9, REPLACING EXHIBITS "A", "C", "E", "F", AND "G", DELETING EXHIBITS "D", "H", AND "I", AND AMENDING THE LIST OF EXHIBITS TO THE DEVELOPMENT PLAN OF PUD NO. 40, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on September 14, 2000, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-00-09-14-9B3, which established PUD No. 40, and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to request a major amendment to the PUD by amending Sections II.2, II.5, II.6, and II.8, deleting Section II.9, replacing Exhibits "A", "C", "E", "F", and "G", deleting Exhibits "D", "H", and "I", and replacing the Exhibit List, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-00-09-14-9B3 on the 18th day of December 2013, following lawful publication of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that Ordinance No. Z-00-09-14-9B3 be amended, and

WHEREAS, on the 23rd day of January 2014, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-00-09-14-9B3, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. Z-00-09-14-9B3 promotes the health, safety, morals and general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Sections 46-92 and 46-106, Code of Ordinances, 2010 Edition, City of Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That the City Council hereby determines that the proposed amendment to Planned Unit Development (PUD) District #40 meets the following goals and objectives:

- (1) The amendment to P.U.D. #40 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #40 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) The amendment to P.U.D. #40 does not have an undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.

II.

That Section II.2 of the Development Plan of PUD No. 40, as approved in Ordinance No. Z-00-09-14-9B3, is hereby amended to read as follows:

2. PROPERTY

This Development Plan covers approximately ~~147.07683~~ acres of land, located within the city limits of Round Rock, Texas, and more particularly described in Exhibit "A".

III.

That Section II.5 of the Development Plan of PUD No. 40, as approved in Ordinance No. Z-00-09-14-9B3, is hereby amended to read as follows:

5. DEVELOPMENT AREAS

The Property will be divided into ~~five~~four (54) separate development areas as shown on Exhibit "C" attached hereto and incorporated herein. The total land area and the combined maximum building area for all buildings located in each development area is shown on Exhibit "C" attached hereto and incorporated herein.

IV.

That Section II.6, subsection 6.1, of the Development Plan of PUD No. 40, as approved in Ordinance No. Z-00-09-14-9B3, is hereby amended to read as follows:

6. PERMITTED USES AND LIMITATIONS

The Property will be used and developed in accordance with the requirements as set forth in this Agreement and, if not set forth herein, by applicable sections in the Code. Specific permitted uses and limitations applicable to the separate development areas are as follows:

6.1 Parcel A has been deleted

~~The permitted uses and limitations for the Business Park Area shown on Exhibit "C" are detailed on Exhibit "D" attached hereto and incorporated herein.~~

V.

That Section 8 of the Development Plan of PUD No. 40, as approved in Ordinance No. Z-00-09-14-9B3, is hereby deleted in its entirety, and replaced with a new Section 8, which shall read as follows:

8. ROADWAYS TRAFFIC

A traffic impact analysis (TIA) was submitted and approved for PUD #40, dated June, 2000. This report indicated the need to construct several area roadways. Pursuant to the findings of this report and the original PUD, Double Creek Drive, Forest Creek Drive, and Kenney Fort Boulevard (Arterial A) have been constructed. Additional roadways internal to the site are still the responsibility of the developer, as determined during the platting and/or site planning process.

The findings of the aforementioned TIA remain applicable with regard to land uses and trip generation. If any changes to the land use(s) or intensity are proposed, further analysis may be required, as determined by the City of Round Rock Planning and/or Transportation Departments.

VI.

That Section II.9 of the Development Plan of PUD No. 40, as approved in Ordinance No. Z-00-09-14-9B3 is hereby deleted in its entirety,

VII.

That Exhibits "A", "C", "E", "F", and "G" as approved in Ordinance No. Z-00-09-14-9B3 for PUD No. 40 are hereby deleted in their entirety and replaced with new Exhibits "A", "C", "E", "F", and "G", attached hereto and incorporated herein.

VIII.

That Exhibits "D", "H", and "I" as approved in Ordinance No. Z-00-09-14-9B3 are hereby deleted in their entirety.

IX.

That the List of Exhibits as approved in Ordinance No. Z-00-09-14-9B3 is hereby deleted in its entirety, and replaced with the new List of Exhibits, attached hereto and incorporated herein.

X.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during

which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this _____ day of _____, 2014.

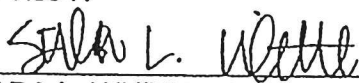
Alternative 2.

READ and APPROVED on first reading this the 23rd day of January, 2014.

READ, APPROVED and ADOPTED on second reading this the 13th day of February, 2014.


ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:


SARA L. WHITE, City Clerk

EXHIBIT

"A"

AGREEMENT AND DEVELOPMENT PLAN FOR KENNEY FORT PLANNED UNIT DEVELOPMENT NO. 40 AMENDMENT NO. 1

THE STATE OF TEXAS §
COUNTY OF WILLIAMSON §

THIS DEVELOPMENT PLAN (this "Plan") is adopted and approved by the CITY OF ROUND ROCK, TEXAS (hereinafter referred to as the "City"). For purposes of this Plan, the term Owner shall mean Round Rock Ranch, Ltd., their respective successors and assigns; provided, however, upon sale, transfer or conveyance of portions of the hereinafter described property, the duties and obligations of the Owner, as it relates to the respective property, shall be assumed by the new owner, and the Owner shall have no further liability relating to their respective property.

WHEREAS, the Owner is the owner of certain real property consisting of 83 acres, as more particularly described in Exhibit "A", (herein after referred to as the "Property") attached hereto and made a part hereof; and

WHEREAS, the City Council approved Ordinance Z-00-09-14-9B3, establishing Planned Unit Development No. 40 ("the PUD"), on September 14, 2000; and

WHEREAS, pursuant to Chapter 46-106 of the Code of Ordinances of the City of Round Rock, Texas ("the Code"), the Owner has submitted a request for a major amendment to Sections II.2, II.5, II.6 and II.8, deleting Section II.9, replacing Exhibits "A", "C", "E", "F", and "G", deleting Exhibits "D", "H", and "I", and replacing the Exhibit List; and

WHEREAS, the City has held two public hearings required by law to solicit input from all interested citizens and affected parties; and

WHEREAS, on December 18, 2013, the City's Planning and Zoning Commission recommended approval of the Owner's application for a major revision to the PUD; and

WHEREAS, the City Council has reviewed the proposed Plan and determined that it promotes the health, safety, and general welfare of the citizens of Round Rock and that it complies with the intent of the Planned Unit Development Ordinance of the City;

NOW THEREFORE:

I.
GENERAL PROVISIONS

1. CONFORMITY WITH DEVELOPMENT STANDARDS

All uses and development within the Property shall generally conform to the Development Plan set forth in Section II herein.

2. CHANGES AND MODIFICATIONS

No changes or modifications will be made to this Agreement or the Development Plan unless all provisions pertaining to changes or modifications as stated in Article III, Section 1, below are followed.

3. ZONING VIOLATION

Owner understands that any person, firm, corporation or other entity violating any conditions or terms of the Plan shall be subject to any and all penalties for the violation of any zoning ordinance as stated in Section 1.601, Code of Ordinances, (1995 Edition) City of Round Rock, Texas, as amended.

4. LIENHOLDER CONSENT

The lien holder of record against a portion of the Property has consented to this Agreement including any and all dedications to the public. A lien holder consent is attached hereto and incorporated herein as Exhibit "B". There are no other outstanding debts secured by the Property and no other lien holders of record.

5. MISCELLANEOUS PROVISIONS

5.1. Assignment.

Neither party may assign its rights and obligations under this Agreement without having first obtained the prior written consent of the other which consent shall not be unreasonably withheld. This section shall not prevent the Owner from conveying the Property, together with all development rights and obligations contained in this Agreement.

5.2. Necessary Documents and Actions.

Each party agrees to execute and deliver all such other and further instruments and undertake such actions as are or may become necessary or convenient to effectuate the purposes and intent of this Agreement.

5.3. Severability

In case one or more provisions contained of this Plan are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions of this Plan and in such event, this Plan shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Plan.

5.4. Entire Agreement

This Agreement constitutes the entire agreement of the parties and supersedes any prior or contemporaneous oral or written understandings or representations of the parties respecting the subject matter hereof.

5.5. Applicable law

This Agreement shall be construed under an in accordance with the laws of the State of Texas.

5.6. Venue

All obligations of the Plan are performable in Williamson County, Texas, and venue for any action shall be in Williamson County.

5.7. No third party Beneficiaries.

Nothing in this Agreement, express or implied, is intended to confer upon any person or entity, other than the parties hereto (and their respective successors and assigns) any rights, benefits or remedies under or by reason of this Agreement.

5.8. Duplicate originals.

This Agreement may be executed in duplicate originals, each of equal dignity.

5.9. Notices

Until changed by written notice thereof, any notice required under this Agreement may be given to the respective parties by certified mail, postage prepaid or by hand delivery to the address of the other party shown below:

OWNER:

Round Rock Ranch, Ltd.
Attn: Timothy Timmerman
P.O. Box 163061
Austin TX 78716

CITY OF ROUND ROCK:

City of Round Rock, Texas
Attn: Director of Planning
301 W. Bagdad, Suite 210
Round Rock, TX 78664

5.10. Effective Date

This Plan shall be effective from and after the date of approval by the City Council

5.11. Binding Effect

This Agreement and the Development Plan binds and benefits the owner and its successor and assigns.

II. DEVELOPMENT PLAN

1. DEFINITIONS

Words and terms used herein, not specifically defined in this section, shall have their usual force and meaning, or as defined in the Code of Ordinances (1995 Edition), City of Round Rock, Texas, hereinafter referred to as "the Code".

CLUSTER HOUSING means a single-family detached residential subdivision that allows lots in a subdivision to be reduced in size to a minimum of 5,000 square feet with the resulting space gained being assigned to permanent open space. The overall gross density of a cluster housing subdivision shall not exceed two dwelling units for each acre of land, including parkland and open space within the subdivision. Lots may be irregular in shape and there are no minimum lot frontage or depth requirements. Building setback lines are flexible provided fire safety regulations are met and a minimum of 20 feet of driveway is provided between the garage door and the sidewalk. Cluster Housing developments must submit a site plan for approval by the City's Development Review Board prior to recordation of the respective final plat. All common areas that form part of a cluster housing development shall be maintained by either a Homeowners Association for private open space or by the City for public open space.

TOWNHOUSE means one or more multi-family residential buildings that contain four or more attached residential dwellings with each dwelling unit having a private external entrance, private parking, private yard area and having one or more common walls but no common floors or ceilings. Building setback lines are flexible, provided fire safety regulations are met and a minimum of 20 feet of driveway is provided between the garage door and the sidewalk. Townhouse developments must submit a site plan for approval by the City's Development Review Board prior to recordation of the respective final plat. All common areas that form part of a townhouse development shall be maintained by either a Homeowners Association for private open space or by the City for public open space.

2. PROPERTY

This Development Plan covers approximately 83 acres of land, located within the city limits of Round Rock, Texas, and more particularly described in Exhibit "A".

3. PURPOSE

The purpose of this Plan is to insure a Planned Unit Development ("PUD") that: (i) is equal to or superior to development that would occur under the standard ordinance requirements, (ii) is in harmony with the General Plan of the City of Round Rock, Texas, (iii) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, (iv) is adequately provisioned by essential public facilities and services, and (v) will be developed and maintained so as to not dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district

4. APPLICABILITY OF CITY ORDINANCES

4.1 Zoning and Subdivision Ordinance.

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by applicable sections of the Code.

4.2 Other Ordinances.

All other Ordinances within the Code shall apply to the Property, except as clearly modified by this Plan.

5. DEVELOPMENT AREAS

The Property will be divided into four (4) separate development areas as shown on Exhibit "C" attached hereto and incorporated herein. The total land area and the combined maximum building area for all buildings located in each development area is shown on Exhibit "C" attached hereto and incorporated herein.

6. PERMITTED USES AND LIMITATIONS

The Property will be used and developed in accordance with the requirements as set forth in this Agreement and, if not set forth herein, by applicable sections in the Code. Specific permitted uses and limitations applicable to the separate development areas are as follows:

6.1 Parcel A has been deleted

6.2 Parcel B & C

The permitted uses and limitations for the Mixed Use Area shown on Exhibit "C" are detailed on Exhibit "E" attached hereto and incorporated herein.

6.3 Parcel D

The permitted uses and limitations for the Mixed Use Area shown on Exhibit "C" are detailed on Exhibit "F" attached hereto and incorporated herein.

6.4 Parcel E

The permitted uses and limitations for the Mixed Use Area shown on Exhibit "C" are detailed on Exhibit "G" attached hereto and incorporated herein.

7. STORMWATER DETENTION.

7.1 Drainage

Plans for drainage facilities will be reviewed and approved by the City for each portion of design Property as each such portion of design Property is subdivided.

7.2 Storm water Facilities

Owner, at Owner's expense shall construct all storm water and/or detention ponds necessary to serve: (i) the public roads on the Property and (ii) the lots or other parcels of the Property. Owner may construct regional storm water ponds serving multiple lots or road segments to fulfill Owner's obligations under this Section 7.2. Owner may pay into a regional detention fund, in lieu of providing on-site detention, if the downstream capacity of design receiving waterway has been documented to the satisfaction of the Director of Public Works. Owner may delegate Owner's responsibility for construction and maintenance of the Storm water Ponds to: (i) purchasers of lots or other parcels of the Property, or (ii) a separate entity created for such purpose.

8. ROADWAYS TRAFFIC

A traffic impact analysis (TIA) was submitted and approved for PUD #40, dated June, 2000. This report indicated the need to construct several area roadways. Pursuant to the findings of this report and the original PUD, Double Creek Drive, Forest Creek Drive, and Kenney Fort Boulevard (Arterial A) have been constructed. Additional roadways internal to the site are still the responsibility of the developer, as determined during the platting and/or site planning process.

The findings of the aforementioned TIA remain applicable with regard to land uses and trip generation. If any changes to the land use(s) or intensity are proposed, further analysis may be required, as determined by the City of Round Rock Planning and/or Transportation Departments.

9. PROHIBITED USES AND PROHIBITED BUILDING MATERIALS

The following uses are prohibited on any portion of the Property regardless of the zoning designation or adopted Development Standards:

- Automotive and machinery repair or painting.
- Wrecking and Salvage Yards.
- Sexually Oriented Businesses.
- Flea markets
- Mini Warehouses.
- Pawn shops.
- Portable building sales or lease.
- Recreational vehicle parks.
- Outdoor shooting ranges.
- Automobile, boat, recreational vehicle, trailer, heavy equipment and other motorized vehicle sales or lease.
- kennels

The following materials are prohibited on the exterior walls of all buildings and structures, excluding roofs:

- Sheet metal, corrugated metal and unfinished aluminum.
- Asbestos
- Galvanized steel.
- Mirrored glass (reflectivity of 20% or more)

10. INTERPRETATION OF USE:

Interpretation of uses not clearly permitted or prohibited shall be made in writing by the Director of Planning. A copy of interpretations shall be provided to the Owner and the City Building Inspector.

11. TREE SURVEY

A tree survey, which identifies all "protected trees", as defined in the Code, shall be required to accompany all site plans.

III

MISCELLANEOUS PROVISIONS

1. CHANGES TO DEVELOPMENT PLAN

1.1 Minor Changes.

Minor changes to this Agreement or the Development Plan which do not substantially change this Agreement or the Development Plan may be approved administratively, if approved in writing, by the Director of Public Works, the Director of Planning and Community Development, and the City Attorney.

1.2 Major Changes.

Major changes to this Agreement or the Development Plan must be resubmitted following same procedure required by the original PUD application.

2. GENERAL PLAN AMENDED

The Round Rock General Plan is hereby amended to reflect the provisions of this Agreement and Development Plan.

LIST OF EXHIBITS

- Exhibit A: Metes and bounds description of 83 acre tract
- Exhibit B: Lienholder's consent
- Exhibit C: Land Use Plan
- Exhibit D: *DELETED*
- Exhibit E: Parcels "B" & "C" Development Standards - Mixed Use
- Exhibit F: Parcel "D" Development Standards - Mixed Use
- Exhibit G: Parcel "E" Development Standards Mixed Use -Residential/Commercial
- Exhibit H: *DELETED*
- Exhibit I: *DELETED*
- Exhibit J: Multi-Family and Townhouse Development Parcels

EXHIBIT "A"

Description for 83 acre Tract

83.122 Acres -- Proposed PUD 40

THAT PART OF THE PRIOR A. HOLDER SURVEY, ABSTRACT No. 297, IN WILLIAMSON COUNTY, TEXAS, BEING A PART OF THAT 147.076 ACRE TRACT OF LAND CONVEYED TO ROUND ROCK RANCH, LTD., A TEXAS LIMITED PARTNERSHIP BY DEED RECORDED IN VOLUME 2418, PAGE 51 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at the Southeast Corner of the said 147.076 Acre Tract, same being on the West Line of that 11.08 Acre Tract described in the deed to Leigh H. Loveday recorded in Volume 833, Page 526 of the Deed Records of Williamson County, Texas, and also being on the Northeasterly Line of the M. K. & T. Railroad Right of Way as described in a deed recorded in Volume 111, Page 302 of the Deed Records of Williamson County, Texas;

THENCE along said Northeasterly Line of the M. K. & T. Railroad and the Southeasterly Line of said 147.076 Acre Tract the following six courses:

1. Northwestery along the arc of a curve to the left a distance of 448.50 feet, said curve having a radius of 2914.93 feet, a central angle of $08^{\circ}48'57''$, and a chord bearing $N.35^{\circ}43'54''W.$, 448.08 feet;
2. $N.49^{\circ}51'17''E.$ a distance of 25.00 feet to a point on a non-tangent curve to the left;
3. Northwestery along the arc of said curve, a distance of 307.94 feet, said curve having a radius of 2939.93 feet, a central angle of $06^{\circ}00'05''$ and a chord bearing $N.43^{\circ}08'41''W.$, 307.80 feet;
4. $S.43^{\circ}51'21''W.$ a distance of 25.00 feet to a point on a non-tangent curve to the left;
5. Northwestery along the arc of said curve, a distance of 282.83 feet, said curve having a radius of 2914.93 feet, a central angle of $05^{\circ}33'34''$ and a chord bearing $N.48^{\circ}58'51''W.$, 282.72 feet;
6. $N.51^{\circ}44'46''W.$ a distance of 2038.30 feet;

THENCE departing said Northeasterly Line of the M. K. & T. Railroad and across the said 147.076 Acre Tract the following eight courses:

1. $N.78^{\circ}56'07''E.$ a distance of 387.50 feet;
2. $N.84^{\circ}43'08''E.$ a distance of 292.54 feet;
3. $N.32^{\circ}32'49''E.$ a distance of 258.50 feet;
4. $N.04^{\circ}22'53''W.$ a distance of 375.00 feet;
5. $N.26^{\circ}15'00''E.$ a distance of 154.64 feet;
6. $N.32^{\circ}54'41''E.$ a distance of 207.73 feet;
7. $N.16^{\circ}22'10''W.$ a distance of 203.56 feet;
8. $N.16^{\circ}14'56''E.$ a distance of 79.60 feet to a point in the Center of Brushy Creek and the Northerly Line of said 147.076 Acre Tract;

THENCE along the Center of Brushy Creek and the Northerly Line of said 147.076 Acre Tract the following five courses:

1. $S.33^{\circ}34'04''E.$ a distance of 93.74 feet;
2. THENCE $S.50^{\circ}00'05''E.$ a distance of 283.99 feet;
3. THENCE $S.86^{\circ}37'35''E.$ a distance of 288.43 feet;
4. THENCE $N.49^{\circ}12'37''E.$ a distance of 111.99 feet;
5. THENCE $N.02^{\circ}03'49''W.$ a distance of 161.85 feet;
6. THENCE $N.81^{\circ}41'43''E.$ a distance of 539.28 feet to the Northeast Corner of said 147.076 Acre Tract and to the Northwest Corner of that 193.12 Acre Tract described in a deed to J. E. Rusk recorded in Volume 2064, Page 370 of the Deed Records of Williamson County, Texas;

83.122 Acres – Proposed PUD 40

THENCE along the East Line of said 147.076 Acre Tract and the West Line of said 193.12 Acre Tract the following four courses:

1. S.03°56'27"E. a distance of 656.21 feet;
2. S.03°39'10"E. a distance of 404.67 feet;
3. S.04°35'04"E. a distance of 372.64 feet;
4. S.25°25'33"E. a distance of 52.92 feet to the Southeast Corner of said 193.12 Acre Tract and the Northwest Corner of that 9.02 Acre Tract described in a deed to C. H. Crossley recorded in Volume 694, Page 756 of the Deed Records of Williamson County Texas;

THENCE along the East Line of said 147.076 Acre Tract and the West Line of said 9.02 Acre Tract the following two courses:

1. S.30°10'16"E. a distance of 14.08 feet;
2. S.01°42'18"E. a distance of 565.11 feet to the Southwest Corner of said 9.02 Acre Tract and the Northwest Corner of that 29.158 Acre Tract described in a deed to Wilbert Felle recorded in Volume 2149, Page 195 of the Official Records of Williamson County, Texas;

THENCE S.01°42'35"E. along the East Line of said 147.076 Acre Tract a distance of 1132.98 feet to the Southwest Corner of that 10.80 Acre Tract described in a deed to Roger P. Fuller recorded in Volume 2006, Page 192 of the Official Records of Williamson County, Texas, the same being the Northwest Corner of said 11.08 Acre Tract;

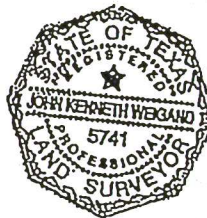
THENCE along the East Line of said 147.076 Acre Tract and the West Line of said 11.08 Acre Tract the following two courses:

1. S.01°41'15"E. a distance of 145.73 feet;
2. S.02°44'39"E. a distance of 14.22 feet to the said Point of Beginning.

Containing 83.122 acres, more or less, as shown on the sketch attached.

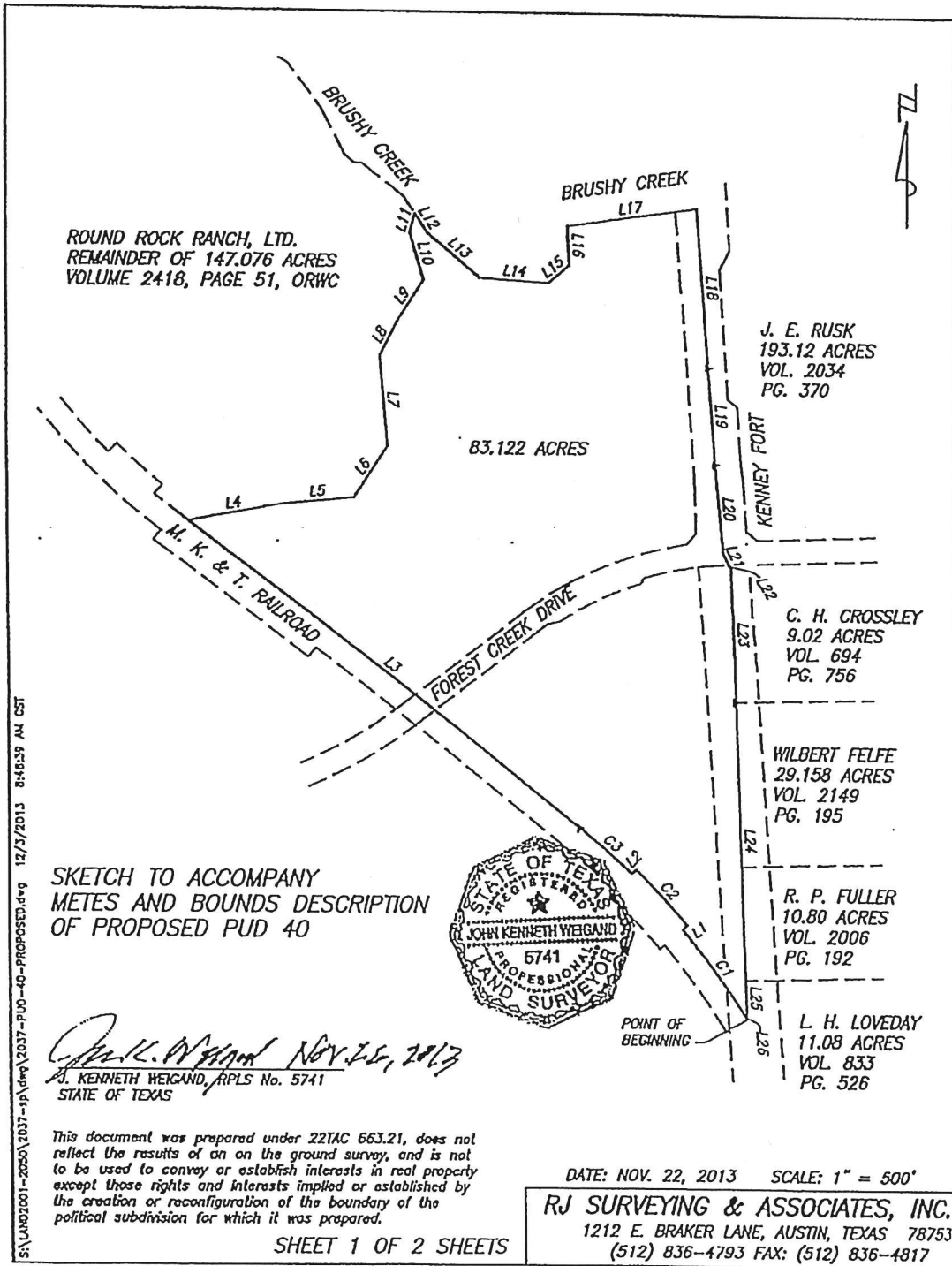
John K. Weigand Nov. 24, 2013
J. Kenneth Weigand
Registered Professional Land Surveyor No. 5741
State of Texas

RJ Surveying & Associates, Inc.
1212 East Braker Lane
Austin, Texas 78753



All Iron rods set have RJ Surveying caps
Bearings are Texas State Plane Central Zone NAD 83

This document was prepared under 22TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



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RJ SURVEYING & ASSOCIATES, INC.
1212 E. BRAKER LANE, AUSTIN, TEXAS 78753
(512) 836-4793 FAX: (512) 836-4817

Page 13

EXHIBIT "B"

EXHIBIT "B"

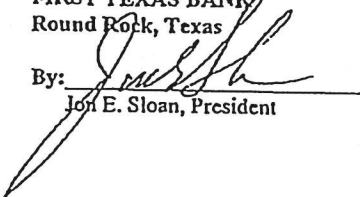
LIENHOLDER'S CONSENT

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

That First Texas Bank, Round Rock, Texas, acting herein by and through its duly authorized officers being the holder of a lien as evidenced by Deed of Trust recorded in Document No. 199956276 of the Official Public Records of Williamson County, Texas, does hereby consent to the Agreement and Development Plan of 147.076 acres of land situated in Round Rock, Williamson County, Texas, and does further hereby join, approve and consent to all provisions shown therein.

FIRST TEXAS BANK
Round Rock, Texas

By: 
Jon E. Sloan, President

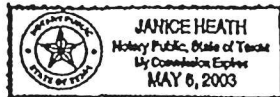
ATTEST:

By: 
Maria Fulton
Assistant Vice President

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on the 8 day of August, 2000, by JON E. SLOAN, President of FIRST TEXAS BANK, Round Rock, Texas.



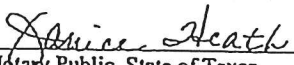

Notary Public, State of Texas

EXHIBIT "C"

Land use plan

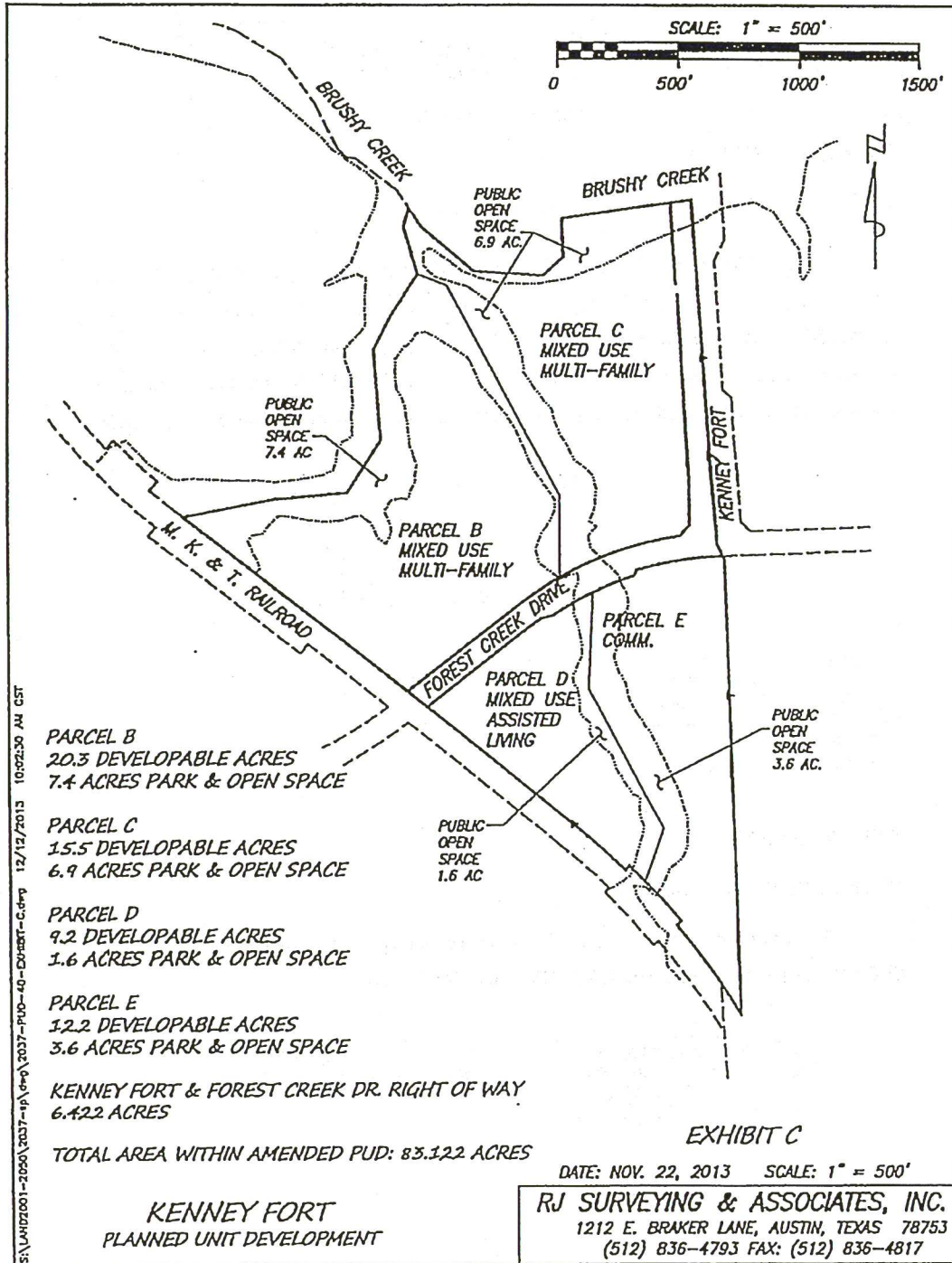


EXHIBIT "D" has been deleted

EXHIBIT "E"
PARCELS B & C
DEVELOPMENT STANDARDS
Mixed Use

Parcel B is comprised of approximately 20.3 net developable acres. In addition, approximately 7.4 acres will be designated for Parkland or Open Space along the tributaries of Brushy Creek.

Parcel C is comprised of approximately 15.5 net developable acres. In addition, approximately 6.9 acres will be designated for Parkland or Open Space along Brushy Creek and its tributaries.

The approximately 14.3 acres designated for Parkland/Open Space shall be used for hike and bike trails, and passive park-like uses such as picnic areas. In addition it may be used to provide street crossings, utilities and drainage facilities. No permanent structures will be permitted within this area without consent from the Director of Parks and Recreation. Residential densities shall be calculated based on gross acres. Parkland will be subdivided as a separate lot and dedicated to the City as public parkland at time of final platting of these parcels.

The development standards for the approximately 35.8 net developable acres shall be as follows:

1. PERMITTED USES:

1.1 Residential Uses:

- Townhouses (as defined in Section 1 of the Development Plan portion of this Agreement).
- Multi-family residential.
- Cluster housing (as defined in Section 1 of the Development Plan portion of this agreement).
- Residential Condominiums.
- Single-family residential.

1.2 Non-residential uses:

- place of worship
- local commercial services, including daycare and restaurants (excludes drive through restaurants).
- Offices.

2. OUTDOOR STORAGE

No outdoor storage of materials or equipment shall be permitted.

3. DENSITY

Residential Uses:

- Cluster Housing - Minimum lot size of 5,000 square feet.

- Townhouses & Townhouse Condominiums -One dwelling unit for each 3,000 square feet of Lot area.
- Multi-family residential & Multi-family Condominiums-20 dwelling units per acre.
- Single-family, -Densities shall be in accordance with the SF-2 (single-family standard lot).
- Local Commercial Services -Densities shall be in accordance with the C-2 (Local Commercial Zoning District.

4. DEVELOPMENT STANDARDS:

Special Development Standards identified in Exhibit J, attached hereto, shall apply to the development of all Multi-family, Townhouse and Residential Condominiums. Non-residential uses shall be developed in accordance with the Code except as modified in this Exhibit.

5. BUILDING SETBACKS:

5.1 Single-family residential uses:

- Front Yard -25 feet
- Rear Yard -20 feet
- Side Yard -5 feet
- Side yard abutting a street -15

5.2 Cluster Housing and Townhouse

- Building setbacks shall be in accordance with the definition of "Cluster Housing" and "Townhouse" in the Development Agreement.

5.3 All uses other than single-family, and cluster housing uses.

- Street Yard Setback -25 feet
- Rear Yard Setback -20 feet
- Side Yard Setback -15 feet.

6. HEIGHT:

6.1 No building within one hundred (100) feet of a single-family residential lot shall exceed two (2) stories in height.

6.2 All other buildings shall be limited to three (3) stories in height.

7. SIGN REGULATIONS:

- All freestanding signs shall be monument signs as defined in the Code.
- Freestanding signs shall not exceed six feet in height.
- One freestanding sign shall be permitted for each lot.

- The maximum area of masonry monument signs, defined as the area contained within a polygon containing the actual lettering and any logo, shall be fifty square feet.
- The maximum size of all other freestanding signs shall be defined by the Code.
- Small signs to direct clients, delivery trucks, and subdivision signs, as needed, will be permitted following approval of design guidelines set forth for this subdivision.
- Area Identification Signs, as defined in the Code of Ordinances, shall be permitted.

8. PARKING & LOADING REQUIREMENTS:

The number of parking and loading spaces for multi-family, townhouse and residential condominiums shall be provided in accordance with the standards set forth in Exhibit "J" to this agreement. The parking and loading requirements for all other uses shall be in accordance with the Code.

9. LANDSCAPING & BUFFERING:

- 9.1 The following regulations shall apply to all development other than single-family, and cluster housing.

A landscaped screen shall be provided to provide a visual screen of these parking or loading areas. The screen shall consist of a berm, landscaping, masonry wall or a combination of these materials. The screen shall be a minimum of three (3) feet in height and shall be landscaped to provide a visual screen of any parking or loading areas.

- 9.2 The following regulations shall apply to all development:

A site plan shall be submitted to the Director of Planning for approval prior to the issuance of a building permit. A tree survey, which identifies all protected trees as defined in the Code, shall be provided as part of all site plan applications. (single family, duplex and fourplex lots are exempted).

Trees shall be planted in a landscape easement immediately abutting all public streets or PUEs that abut these streets. These trees shall be selected from the City's list of preferred trees and shall be a minimum of 3 inch caliper (at time of planting) and shall be planted at intervals of 25 feet to 40 feet apart. Trees shall be maintained by individual property owners or a Property Owners Association. This requirement may be waived by the Director of Planning & Community Development upon his or her review of a site plan that identifies native trees to be protected and a determination that the protected trees compensate for the waiver of the street tree requirement.

10. LIGHTING STANDARDS:

All development within the Property shall be restricted to the following standards:

Maximum light pole height shall be thirty (30') feet. All exterior lighting shall be hooded or shielded to direct light down. Lighting levels at adjacent property boundaries shall not exceed lighting levels typical for standard residential street lighting.

11. SCREENING REQUIREMENTS FOR DUMPSTERS AND MECHANICAL EQUIPMENT:

All dumpsters shall be screened with solid fencing and mechanical equipment shall be screened by either vegetation screening or solid fencing so that they are not visible either from the street or from single family development. Fencing shall be constructed from the same materials and finishes as the primary building on the lot.

EXHIBIT "F"
PARCEL D
DEVELOPMENT STANDARDS
Mixed Use

Parcel D is comprised of approximately 9.2 net developable acres. In addition, approximately 1.6 acres will be designated for Parkland or Open Space along the tributaries of Brushy Creek.

The approximately 1.6 acres shall be designated for Parkland or Open Space shall be used for hike and bike trails, and Passive Park like uses, such as picnic areas. In addition it may be used to provide street crossings, utilities and drainage facilities. No permanent structures will be permitted within this area without the written consent from the City's Director of Parks & Recreation. Residential densities may be calculated based on gross acres. Parkland will be subdivided as a separate lot and dedicated to the City for public parkland, at time of final platting of this parcel.

The Development Standards for the approximately 9.2 net developable acres shall be as follows:

1. PERMITTED USES:

1.1 Primary Uses:

- Assisted care
- Townhouse (as defined in Section 1 of the Development Plan portion of this Agreement).
- Cluster Housing (as defined in Section 1 of the Development Plan portion of this Agreement).
- Residential Condominiums
- Nursing Home
- Church
- Local Commercial uses permitted in the C-2 (Local Commercial Zoning District).

2.1 Secondary Uses:

- Local commercial and personal services that are part of an assisted care, or nursing home facility.

2. OUTDOOR STORAGE:

No outdoor storage of materials or equipment shall be permitted.

3. DENSITY:

Residential uses:

- Cluster Housing -Minimum lot size of 5,000 square feet for each dwelling unit.
- Townhouse & Townhouse Condominiums -one dwelling unit for each 3,000 square feet of lot area.

4. BUILDING SETBACKS:

4.1 Cluster Housing and Townhouse

- Building setbacks shall be in accordance with the definition of "Cluster Housing" and "Townhouse" in the Development Agreement.

4.2 All uses other than Cluster Housing

- Street Yards -25 feet.
- Rear yards -20 feet.
- Side yards other than street yards -15 feet.
- No side yards are required for Townhouses between units sharing common walls.

5. DEVELOPMENT STANDARDS

Special Development Standards identified in Exhibit J, attached hereto, shall apply to the development of Multi-family, Townhouse and Residential Condominiums. Non-residential uses shall be developed in accordance with the Code except as modified by this Exhibit.

6. BUILDING HEIGHT:

6.1 No building within one hundred (100) feet of a single-family lot, located outside of design boundaries of the Property, shall exceed two (2) stories in height.

6.2 All other buildings shall be limited to four (4) stories or sixty-feet (60') in height.

7. SIGN REGULATIONS:

7.1 All freestanding signs shall be Monument Signs as defined by the Code.

7.2 Freestanding signs shall not exceed six feet in height.

7.3 Freestanding signs shall not restrict visibility for traffic entering or leaving the site.

7.4 One Freestanding sign shall be permitted for each individual tract other than cluster housing tracts within Parcel D.

7.5 The maximum area of masonry monument signs, defined as the area contained within a polygon containing the actual lettering and any logo, shall be fifty square feet.

7.6 The maximum size of other freestanding signs shall be defined by the Code.

7.7 Small signs to direct clients, delivery trucks, and subdivision signs, as needed will be permitted following approval of design guidelines set forth for this subdivision.

7.8 Area Identification Signs, as defined in the Code of Ordinances, shall be permitted.

8. PARKING & LOADING REQUIREMENTS

8.1 The number of parking and loading spaces for multi-family, townhouse and residential condominiums shall be provided in accordance with the standards set forth in Exhibit J to this agreement. The parking and loading requirements for all other uses shall be in accordance with the Code.

9. LANDSCAPING & BUFFERING:

9.1 The following regulations shall apply to all development other than cluster housing.

- A landscaped screen shall be provided to provide a visual screen of any parking or loading areas. The screen shall consist of a berm, landscaping, masonry wall or a combination of these materials. The screen shall be a minimum of three (3) feet in height and shall be landscaped to provide a screen of these parking or loading areas from public streets.

9.2 The following regulations shall apply to all development.

- A site plan shall be submitted to the Director of Planning for approval prior to the issuance of any building permit. A tree survey, which identifies all protected trees as defined in the Code, shall be provided as part of all site plan applications.
- Trees shall be planted in a landscape easement abutting all public street or PUEs that abut these streets. These trees shall be selected from the City's list of preferred trees and shall be a minimum of 3-inch caliper (at time of planting) and shall be placed between twenty-five (25) and forty (40) feet apart. Trees shall be maintained by the individual property owners or Property Owners Association. This requirement may be waived by the Director of Planning & Community Development upon his or her review of a site plan that identifies native trees to be protected and a determination that the protected trees compensate for the waiver of design street tree requirement.

10. LIGHTING STANDARDS:

All development within the Property shall be restricted to the following standards:

- Maximum light pole height shall be thirty (30') feet.
- All exterior lighting shall be hooded or shielded to direct light down. Lighting levels at adjacent property boundaries shall not exceed lighting levels typical for standard residential street lighting.

11. SCREENING REQUIREMENTS FOR DUMPSTERS AND MECHANICAL EQUIPMENT

All dumpsters shall be screened with solid fencing and mechanical equipment shall be screened by either vegetation screening or solid fencing so that they are not visible either from the street or from single family development. Fencing shall be constructed from the same materials and finishes as the primary building on the lot.

12. SCREENING REQUIREMENTS FOR ROOF MOUNTED MECHANICAL EQUIPMENT

All roof mounted mechanical elements shall be screened from view from public rights of way. Screening must be compatible with the building design.

EXHIBIT "G"
PARCEL E
DEVELOPMENT STANDARDS
Mixed Use –Residential/Commercial

Parcel E is comprised of approximately 12.2 net developable acres. In addition, approximately 3.6 acres will be designated for Parkland or Open space along the tributaries of Brushy Creek.

The approximately 3.6 acres of Parkland or Open Space shall be used for hike and bike trails, and passive park-like uses such as picnic areas. In addition it may be used to provide street crossings, utilities and drainage facilities. No permanent structures will be permitted within this area without the written consent of the City's Director of Parks and Recreation. Residential densities shall be calculated based on gross acres. Parkland will be subdivided as a separate lot and dedicated to the City for public parkland at the time of final platting of this parcel.

The development standards for the approximately 12.2 net developable acres shall be as follows:

1. PERMITTED USES:

1.1 Primary Uses:

- C-1 (General Commercial) Uses.
- Church
- Assisted care
- Townhouses (as defined in Section 1 of the Development Plan portion of this Agreement).
- Cluster housing (as defined in Section 1 of design Development Plan portion of this Agreement).
- Residential condominiums

1.2 Secondary Uses:

- caretakers residence
- day care
- Other services related to a primary use.

2. OUTDOOR STORAGE:

No outdoor storage of materials or equipment shall be permitted in any front yard, side street yard or buffer yard. Any outdoor storage on any other portion of design property shall be fully screened so as to not be visible from abutting properties or city streets. All screening shall be approved by the Director of Planning prior to construction.

3. DENSITY:

Residential Uses:

- Cluster Housing -Minimum lot size of 5,000 square feet for each dwelling unit.

There are no minimum frontages or depth requirements for Cluster Housing lots.

- Townhouse & Townhouse Condominiums -one dwelling unit for each 3000 square feet of lot area.

Commercial Uses:

- Commercial & Office Uses as regulated by the Code.

4. BUILDINGS SETBACKS

4.1 Cluster Housing and Townhouse

- Building setbacks shall be in accordance with the definition of "Cluster Housing" and "Townhouse" in the Development Agreement.

4.2 All uses other than Cluster Housing

- Street Yards -25 feet.
- Rear Yards -20 feet.
- Side Yards other than street yards -15 feet.

5. BUILDING HEIGHT:

- 5.1 No building within one hundred (100) feet of a single family lot, located outside the boundaries of design Property, shall exceed two (2) stories in height.
- 5.2 All other buildings shall be limited to three (3) stories in height.

6. DEVELOPMENT STANDARDS:

Special Development Standards identified in Exhibit J, attached hereto, shall apply to the development of multi-family, Townhouse and Residential Condominiums. Non-residential uses shall be developed in accordance with the Code except as modified by this Exhibit.

7. SIGN REGULATIONS:

- 7.1 All free standing signs shall be monument signs as defined by the Code.
- 7.2 Free standing signs shall not exceed six feet in height.
- 7.3 Free standing signs shall not restrict visibility for traffic entering or leaving the site.
- 7.4 One free standing sign shall be permitted for each lot.
- 7.5 The maximum area of masonry monument signs, defined as the area contained within a polygon containing the actual lettering and any logo, shall be fifty square feet.
- 7.6 The maximum size of other freestanding signs shall be defined by the Code.
- 7.7 Small signs to direct clients or delivery trucks will be permitted if approved in writing by the Director of Planning.
- 7.8 Area Identification Signs, as defined in the Code, shall be permitted in addition to other permitted signs.

8. LANDSCAPING & BUFFERING:

8.1 The following regulations shall apply to all development other than Cluster Housing.

A landscaped screen shall be provided to provide a visual screen of any parking or loading areas. The screen shall consist of a berm, landscaping or a masonry wall or a combination of these materials. The screen shall be a minimum of three (3) feet in height and shall be landscaped to provide a visual screen of any parking, loading or storage areas.

8.2 The following regulations shall apply to all development.

A site plan shall be submitted to the Director of Planning for approval prior to the issuance of a building permit. A tree survey, which identifies all protected trees as defined in the Code, shall be provided as part of all site plan applications.

Trees shall be planted in a landscape easement immediately abutting all public streets or PUE's that abut these streets. These trees shall be selected from the City's list of preferred trees, shall be a minimum of 3-inch caliper (at time of planting) and shall be planted between twenty-five (25) and forty (40) feet apart. Trees shall be maintained by individual property owners or a Property Owners Association. This requirement may be waived by the Director of Planning & Community Development upon his or her review of a site plan that identifies existing native trees to be protected and a determination that the protected trees compensate for the waiver of design street tree requirement.

9. PARKING & LOADING REQUIREMENTS:

9.1 The number of parking and loading spaces for multi-family, townhouse and residential condominiums shall be provided in accordance with the standards set forth in Exhibit J to this agreement. The parking and loading requirements for all other uses shall be in accordance with the Code.

9.2 No parking or loading for uses other than Cluster Housing and Townhouses shall be permitted in any required front yard or street side yard, except that visitor parking may be permitted in up to twenty-five (25) percent of street yards, exclusive of driveways.

10. LIGHTING STANDARDS

All development within the Property shall be restricted to the following standards: Maximum light pole height shall be thirty (30') in height. All exterior lighting shall be hooded or shielded to direct light down. Lighting levels at adjacent property boundaries shall not exceed lighting levels typical for standard residential street lighting

11. SCREENING REQUIREMENTS FOR DUMPSTERS AND MECHANICAL EQUIPMENT

All dumpsters shall be screened with solid fencing so that they are not visible either from the street or from single family development. Fencing shall be constructed from the same materials and finishes as the primary buildings on the lot.

All roof mounted mechanical equipment shall be screened from view from public rights of way. Screening shall be compatible with the building design.

EXHIBIT "H" has been deleted

EXHIBIT "I" has been deleted

EXHIBIT "J"
DESIGN STANDARDS
MULTI-FAMILY & TOWNHOUSE DEVELOPMENT PARCELS

The following Development Standards shall apply to all development of Multi-Family and Townhouse on the property.

1. DESIGN STANDARDS:

1.1 Exterior Finish:

The exterior finish of all buildings shall be masonry, except for doors, windows and trim. Masonry shall mean stone, simulated stone, brick, stucco, or cement based siding such as "Hardi Plank". Cement based siding shall not comprise more than fifty percent (50%) of design exterior finish (breezeways and patio or balcony insets are not included in this calculation).

1.2 Roofing Materials:

Roofing materials shall consist of twenty-five (25) year architectural dimensional shingles, tile or non-reflective metal.

1.3 Special Design Features:

All multi-family buildings, excluding townhouses or garages shall contain a minimum of four (4) of design following design features, which shall be chosen by the Owner. The design features are as defined in *Identifying American Architecture*, by John Blumenson, 2nd Edition, Copyright 1981, W.W. Norton & Co., N.Y.

- Bow window
- Bay window
- Arched window
- Gable window
- Oval or round windows
- Shutters
- Arched entry, balcony or breezeway entrance
- Stone or brick accent wall
- Decorative stone or brick band
- Decorative tile
- Veranda, terrace, porch or balcony
- Projected wall or dormer
- Variation of roof lines on the building
- Decorative caps on chimneys

Gable, gambrel, mansard and hip roof design, or as approved by the Director of Planning and Community Development

2. PHASED DEVELOPMENT:

When developments phased on the property and such phasing is designed to be part of a single development, setback requirements will not apply between development phases, unless access to any such development phase is provided directly from a public street, in which case the street yard setback shall apply to the frontage on such street.

- 2.1 Roof Mounted Mechanical Equipment: All roof-mounted mechanical elements must be screened from view from the public right-of-way. Screening must be compatible with the building design.
- 2.2 Street Level Mechanical Equipment: All ground mounted service equipment (e.g., air conditioners, transformers, trash collection equipment) related to each building will be screened with landscaping to soften the visual appearance.
- 2.2 Grass: All landscaped areas not in groundcover or shrub beds shall be sodded with grass. Over seeding in fall with cool season native grasses is allowed.
- 2.3 Irrigation: An underground, automatic irrigation system must be installed in all landscaped areas. Sprinkler heads must be located to effectively water the landscaped areas with minimal spray onto roadways, parking areas and walkways.

3. UTILITY LINES:

All utility service lines must be underground to connection points provided by the utility service provider. All transformers must be screened.

4. FENCING

Fencing may be constructed in any yard and along any property line for the purpose of screening or security. When fencing is constructed it shall meet the following standards:

- 4.1 Street Yard: Fencing in street yards shall be constructed of wrought iron or similar material, masonry or woodcrete. All posts shall be set in concrete to ensure a sturdy and durable fence. Street yard fence materials shall wrap around and extend a minimum of fifty feet (50') alongside property lines.
- 4.2 Other Yards: Fencing in yards other than street yards shall be constructed of wood, woodcrete, masonry or wrought iron. All fence posts shall be either masonry or rust resistant steel, treated wood or similar material set in concrete. The finished side of all perimeter fencing shall face the outside of design development.
- 4.3 Perimeter fencing where development backs onto an arterial or major collector roadway shall be comprehensively designed and a single fence design shall be submitted by the Owner with the first plat that requires a perimeter fence. Following the approval of design perimeter fence design by the City all future perimeter fences along the same roadway within the Property shall utilize the same design. The actual construction of design perimeter fence shall be part of design construction associated with each individual plat.

5. SITE PLAN REQUIRED:

A site plan for each phase of development shall be submitted to the City's Development Review Board to ensure compliance with the terms of this agreement prior to the issuance of each building permit.

6. VEHICLES IN STREET YARDS:

No recreational vehicles, boats, trailers or commercial trucks shall be permitted to be parked in any street yard.

7. PARKING STANDARDS:

The following Parking requirements shall be provided with each phase of development.

Parking spaces for each 1-bedroom unit 2.0 spaces

Parking spaces for each 2-bedroom unit 2.0 spaces

Parking spaces for each 3-bedroom unit 3.0 spaces

Additional parking spaces in the amount equal to three percent (3%) of design combined parking required for all the dwelling units shall be provided to accommodate guest parking.

All parking spaces shall be nine feet (9') wide.

Tandem parking shall be permitted only when it is located in front of a garage, which is attached to a dwelling unit and the tandem space is assigned solely to the dwelling unit to which the garage is attached.