

ORDINANCE NO. 1999-021

AN ORDINANCE OF THE TOWN OF FAIRVIEW, TEXAS AMENDING AND CHANGING THE ZONING ON A TRACT OF LAND GENERALLY ADJACENT TO THE EAST OF FM 1378 (COUNTRY CLUB RD.) AND NORTH OF STACY ROAD AND COMPRISING APPROXIMATELY 575 ± ACRES OF LAND AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN AS A PLANNED DEVELOPMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING AN EFFECTIVE DATE:

WHEREAS, the owner of the tract of land (the "Land"), generally described as approximately 575 ± Acre tract of land and as more particularly described in Exhibit A attached hereto and incorporated herein, filed an application with the Town of Fairview (the "Town") Planning and Zoning Commission requesting a change in zoning of the Land and an amendment to the official Zoning District Map of the Town in accordance with Chapter 154 of the Town's Code of Ordinances (the same being the Town's Comprehensive Zoning ordinance); and

WHEREAS, all legal notices, requirements and conditions having been complied with, the case to rezone the Land came on before the Planning and Zoning Commission and Town Council; and

WHEREAS, the Planning and Zoning Commission and the Town Council held separate public hearings and had an opportunity to consider the following factors in making a determination as to whether the requested changes should be granted or denied; effect on the congestion in the streets, safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the Land, noise producing elements and glare of vehicular and stationary lights and effect of such lights on the established character of the neighborhood, the fire hazards and other dangers possibly present and the securing of safety from the same, lighting and type of signs and the relation of signs to traffic control and adjacent property, street size and adequacy of width for traffic reasonably expected to be generated for proposed uses around the Land and in the immediate neighborhoods, the effect on the promotion of health and the general welfare, effect on adequate light and air, the effect on the transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, the Town Council further considered among other things the character of the districts and their peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the Town, and does hereby find that the rezoning approved hereby accomplishes such objectives; and

WHEREAS, after public notices were given in compliance with State Law and public hearings were conducted, and after considering the information submitted at the said public hearings and all other relevant information and materials, the Planning and Zoning commission of the Town has recommended to the Town Council the adoption of the amendments to the Comprehensive Zoning ordinance as set forth in this ordinance; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the Town Council has concluded that the adoption of this ordinance is in the best interests of the Town of Fairview, Texas and of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

SECTION 1. Incorporation of premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. Rezoning. Chapter 154 of the Code of Ordinances of the Town of Fairview, Texas, the same being the Town's Comprehensive Zoning Ordinance, is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed:

A. The zoning on the Land, being approximately a 575 ± Acre tract of land described in Exhibit A attached hereto and incorporated herein, heretofore zoned Agricultural Zone is hereby changed to Planned Development (PD) described in Exhibit B.

SECTION 3. Zoning map. The Town Council hereby directs the Town Staff to mark and indicate on the official Zoning District Map of the Town to reflect the zoning change herein made.

SECTION 4. Applicable regulations. Except as amended by this ordinance, in all respects the Land and all development thereon shall be subject to the standards, terms and conditions of the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances and regulations of the Town.

SECTION 5. Purpose. The amendment to zoning herein made has been made in accordance with the Comprehensive Plan of the Town for the purpose of promoting the health, safety and welfare of the community, and with consideration of the reasonable suitability for the particular use and with a view of conserving the value of the buildings and encouraging the most appropriate use of land within the community.

SECTION 6. Savings. This ordinance shall be cumulative of all other ordinances of the Town affecting the regulation of land and zoning and shall not repeal any of the

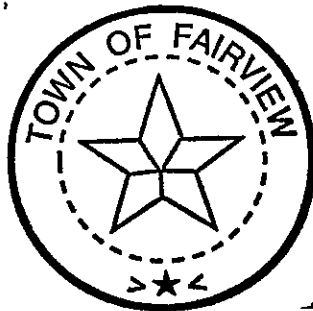
provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this ordinance.

SECTION 7. Penalty. It shall be unlawful for any person to violate any provision of this ordinance, and any person violating or failing to comply with any provisions hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION 8. Severability. The section, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

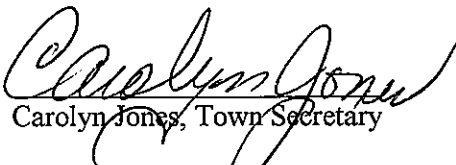
SECTION 9. Effective date. This Ordinance shall become effective from and after its date of adoption and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Fairview, Texas on this the 9th day of JULY, 1999.




DONALD T. PHILLIPS, MAYOR

ATTEST:


Carolyn Jones, Town Secretary

PLANNED DEVELOPMENT DISTRICT REGULATIONS FOR HERITAGE RANCH

Section I: Purpose

This Planned Development (PD) entails 575 ± acres for an exclusive age qualified community with special amenities. It provides for a maximum of 1,144 single-family homes, which may include a maximum of 250, attached single family homes. The intent of the overall PD is to provide a variety of home sizes (i.e., not all units the same size) and styles (i.e., not all units look alike) for persons qualified under the Fair Housing Act (42 U.S.C. Sec 3601 et. Seq.). Recreational amenities will include an 18-hole golf course, driving range, walking trails, and clubhouse. The purpose of this Planned Development district is to provide specific regulations to ensure that Heritage Ranch is developed as a coordinated, comprehensive project in order to take advantage of existing natural features. This ordinance assures compliance with the spirit and intent of the Planned Development (PD) Ordinance of the Town of Fairview Comprehensive Zoning Ordinance.

This Planned Development Ordinance for Heritage Ranch provides the opportunity for innovative design concepts and site planning consistent with orderly development considering existing natural resources, with provisions for the submittal and review of projects which consist of residential community facilities, golf course, driving range, walking trails, and open space uses.

By using the stated maximum 1,144 dwelling units for residential development within the community of Heritage Ranch, various sizes and scales of residential products will be blended into a more cohesive, balanced community reflective of current and future market demands. A diversity of buildings, landscaping, architecture, amenities, and open spaces will result.

The intent of the zoning regulations and standards set forth herein is, among other things, to effectively use the natural topography and open space by preserving many of the most prominent and distinctive vistas and natural features while blending the development into the topography through the use of sensitive site design.

This ordinance is established to promote the development of a high quality living environment, responsive to the social, economic, and physical needs of the residents of Heritage Ranch, the Town of Fairview, and surrounding areas. This ordinance is drafted and adopted to implement the goals, policies, and guidelines of the Town to be used in the development of Heritage Ranch.

Section II: General Provisions

1. **Concept Plan:** For the purpose of this ordinance, the concept plan shall show locations and delineations of zoning areas within the Heritage Ranch Community. The Concept Plan is accompanied by Planned Development District Regulations, which establish the permitted uses, development densities and maximum number of units.
2. **Provisions Not Covered:** Any detail, issues or zoning not specifically covered by this ordinance shall be subject to the provisions of the Fairview Comprehensive Zoning and Subdivision Ordinances and other Town regulations in effect at the time of the establishment of this PD which includes the site plan and platting process.
3. **PD Amendments on Parcels within Heritage Ranch:** If an application is made to amend this ordinance for a specific tract or tracts within the Heritage Ranch Planned Development, for the purposes of legal notification, notice of said application for the rezoning request shall be sent to owners of land located within five hundred (500) feet of the tract or tracts under consideration for rezoning.
4. **Flood Plain:** The Developer will study the flood plains as established in the area of development for the purpose of adjusting, utilizing and/or reclaiming portions of the flood plain for various development related uses. Modification of the flood plain shall be through the platting process and shall be subject to review and approval by the Town's Engineer and Hydrologist in accordance with applicable federal regulations. The Developer shall comply with all federal, state, and local ordinances regarding flood plain modification including map revisions and amendments.
5. **Single Family Unit Totals:** There shall be a maximum of 1,144 single-family units of which a maximum of 250 may be single family attached units. Lot and unit sizes and development regulations shall be in accordance with the Single-family detached (SFD) and Single-family attached (SFA) Districts as set forth in this ordinance. The specific distribution, density and location of the various lots, house and product types and sizes shall be determined by the Developer at the time of platting, allowing the Developer to develop the maximum units specified in each district or to reduce the dwelling units per acre in any tract. As part of each plat submission, the Developer shall submit an accounting of the number of lots previously platted and/or approved by the Town and the number currently being planned, net acres, total lots and density. The Developer will also calculate the total number of units, if any, which the Developer did not construct on previous tracts or portions of tracts that could be developed on future tracts. The Concept Plan is reflective of unit mix that could occur under these regulations. Specific lot layouts in conformance with this PD ordinance will be submitted for approval through the platting process. Residential and golf course (fairways, tees

& greens) development does not require site plan approval. The golf clubhouse, driving range and all other non-residential uses do require site plan approval.

6. Special Amenities: The Heritage Ranch Community will incorporate a number of unique amenities and aesthetic improvements, such as, but not limited to; ponds, creeks, landscaping, berming, golf course, trails, pool, clubhouse, recreation center, open space, flood plain, roadways, gate(s), gatehouse(s), tennis court(s), irrigation systems, entry features, directional and street signage, street and other lighting, and other facilities. The Developer agrees to accept responsibility for the construction and maintenance of all such aesthetic, specialty items, and facilities until the responsibility for maintenance is turned over to a mandatory Homeowners' Association that is formed by the Developer through a Declaration of Covenants, Conditions and Restrictions ("Declaration"). In the event that the responsible party fails to maintain any of these items including those within rights-of-way or common areas, the Town of Fairview may, but will not have the obligation to, maintain these amenities by assessing a fee per property owner in the Heritage Ranch Community. Such fee will be determined by the Town Council and will remain in effect until the responsible party secures other maintenance provisions. The provisions as stated above regarding the Towns authority to assess fees for maintenance shall be included in the Declaration.
7. Stacy Road Landscaping: A minimum landscape buffer of fifty (50') feet in width exclusive of rights-of-way shall be provided along Stacy Rd. Within the landscape buffer, the Developer shall construct five-foot tall, undulating berms landscaped with plant materials (to include large and ornamental trees, shrubs, and groundcover, turf areas, etc.) and shall provide irrigation systems for all landscaped areas. The undulation of the berms should occur at least every 250 feet. Berms or approved landscaping must be located where the golf course is not adjacent to Stacy Rd.
8. Sidewalks: Sidewalks may be provided along all street frontages for non-residential buildings/uses (e.g., clubhouse, recreation center, driving range, etc.) within the Community Facilities ("CF") district as set forth herein. Sidewalks may also be provided on both sides of the main looped roadway that will serve as a collector for the development as shown on the concept plan. Sidewalks may be provided on at least one side of all other residential streets serving individual home sites as shown on the concept plan and may be provided on both sides of said streets at the Developer's discretion. For residential cul-de-sacs not exceeding 600 feet in length, sidewalks are optional. All sidewalks shall be a minimum of four feet in width, and shall be located in the street rights-of-way (i.e., the "private street" lot) at least five feet away from the curb. The five foot parkway area shall be landscaped and/or planted in turf, and shall be maintained by the owner of the adjacent lot.
9. Cul-de-sac Length: The maximum length of any cul-de-sac shall not exceed 1200 feet.

10. Recreational Facilities: An integral part of the development of the Heritage Ranch Community is the provision of recreational facilities for the residents. The development will include entryway(s) into the community, 18-hole golf course, clubhouse and recreation center, flood plain, open space, trails, swimming pool, tennis courts and other amenities. Except for the golf course, these facilities are reserved for the exclusive use of the residents and guests of Heritage Ranch. The Heritage Ranch Country Club/Golf Course will provide public play until the control of the association is transferred from the Developer to the lot owners. After which time, the homeowners' association may determine the extent to which the golf course and other facilities will be available for public use, if at all.
11. Golf Course: Heritage Ranch Community shall offer an 18-hole golf course including other uses such as clubhouse, putting greens, driving range and other customary uses. Integral to the clubhouse activities will be a food service facility(s) and a professional golf shop. The plat of the golf course (fairways, tees and greens) will be reviewed by the Planning and Zoning Commission and approved by the Town Council. All other non-residential facilities shall be approved through the site plan/platting process. The construction of the golf course, as designed by the Developer, shall commence as part of the first phase of development.
12. Private Streets:
 - (a) The streets within Heritage Ranch shall be platted as a separate "street lot," which is privately owned and maintained by the Homeowners' Association established by the developer through a declaration of Covenant Conditions and Restrictions ("Declaration") placed as covenants running with the Property. The private streets and related facilities shall be privately constructed and not subject to public bidding and bonding.
 - (b) The Declaration shall be filed of record prior to the conveyance of the first residential lot. The Declaration must convey membership in the Homeowners' Association to each lot owner and provide for the payment of dues and assessments required by the Homeowners' Association.
 - (c) The Town shall not pay for any portion of the cost of constructing or maintaining a private street.
 - (d) Water, sewer and drainage facilities and streetlights and signs placed within the private street shall be installed to Town standards and TNRCC regulations. Water lines shall be located on the north and east side of streets and sewer lines shall be on the south and west side. The Developer may deviate from the location standards for the water and sewer lines if approved by the Town staff. All water and sewer infrastructure shall be turned over to the Town after the Town Building Official issues a letter of acceptance. The

Town shall reasonably repair any street damaged due to the maintenance of water, sewer, or drainage facilities.

- (e) Upon the issuance of the first Certificate of Occupancy, all entrances (except for entrances for maintenance facilities and construction entrances) that allow non-resident access shall be manned 24 hours a day, or provide an alternative means of ensuring access to the subdivision by the Town and other utility service providers with appropriate identification.
- (f) Any private street, which has an access control, gate or cross arm and has a staffed gatehouse must provide uninterrupted pavement two lanes in width at the location of the access control device. All gates and cross arms must be capable of manual access. A turn-around space must be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets. The type of gate or controlled access mechanism is subject to the approval of the Town Fire Chief for compliance with applicable fire code.
- (g) The Declaration documents shall address, but shall not be limited to, the following:
 - (1) The streets within the development are privately owned and maintained by the Homeowners' Associations, and the Town has no obligation to maintain or reconstruct the private streets.
 - (2) The Town may, but is not obligated to, inspect private streets and require repairs necessary to insure that the same are maintained to Town standards.
 - (3) Should the Homeowners' Association fail to comply with the provisions of the Declaration regarding maintenance of the private streets then after a 60 day written notice and failure to cure the Town may, at its option, take any action necessary to perform or comply with the same and upon demand, collect the cost thereof from the Homeowners' Association, including all costs of collection and reasonable attorneys' fees. The Town shall be entitled to any and all legal or equitable rights and remedies provided by law to enforce this paragraph.
- (h) No portion of the Homeowners' Association documents pertaining to the maintenance of the private streets by the Town, nor any portion of such documents pertaining to any rights or privileges of the Town with respect to the Property or any part thereof, may be amended without the written consent of the Town of Fairview.

- (i) Each subdivision final plat and Declaration shall include language whereby the Homeowners' Association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the Town, any governmental entity and public utility for damages to the private street occasioned by the reasonable use of the private street by the Town, governmental entity or public utility; and for damages and injury (including death) arising from the condition of said private street, access gate or entrance. Further, such language shall provide that all lot owners shall release the Town, governmental entities and public utilities from such damages and injuries.
 - (j) Each private street development plat shall also contain the following wording on the face of the plat: "The streets shown hereon have not been dedicated to the public, for public access nor have they been accepted by the Town as public improvements. The streets shall be maintained by the Homeowners' Association within Heritage Ranch, and the streets shall always be open to emergency vehicles, law enforcement, public and private utility maintenance and service personnel, the U.S. Postal, and governmental employees in pursuit of their official duties".
 - (k) An easement covering the street lot should be conveyed to the utility providers including the Town providing use of the property for utilities (including drainage) and their maintenance. The easement must allow the Town to remove any vehicle or obstacle within the street lot that impairs access.
13. Traffic Control, Directional and Informational Signage: The Developer shall provide decorative directional and informational signage reasonably necessary to identify the street system and direct the residents and guests through Heritage Ranch. The Homeowners' Association shall maintain directional and informational signage and traffic control devices. Traffic control devices and their locations shall be approved by the Town, and shall be installed by the Developer or Homeowners' Association to standards established in the Manual of Uniform Traffic Control Devices.
14. Street Lights: The Developer shall have the right to provide decorative street lights at locations approved by the town through the platting process. The street lights must conform to the town ordinance. The Homeowners' Association shall be responsible for maintaining the street lights if such maintenance and costs are not covered by the electric utility company
15. Utilities: All utilities and utility connections except three phase power, shall be located underground, including electrical, telephone and television cables and wires, gas, and other utilities as directed by Town. Transformers or other utility company apparatus shall be screened with landscaping to effectively obscure the apparatus.

16. Sales Office and Models: The Developer shall have the right to designate lots for sales offices, construction offices and model homes until the development is built to completion.
17. Building Regulations: Developer and contractors will comply with all town adopted codes.
18. Special Vehicle Parking and Storage: The outdoor parking and/or storage of special vehicles (e.g., boats, campers, travel trailers, motor homes, etc.) shall not be permitted on individual residential lots or within the private street lots. Parking/storage of such vehicles shall only be permitted in designated areas (i.e., parking lots) that have improved paved surfaces that are designed to accommodate heavy load vehicles (e.g., concrete, asphalt, pavers, etc.) Designated parking areas, if provided, shall be subject to site plan approval, and shall conform with the development standards of the Community Facilities ("CF") district as set forth in this ordinance as well as applicable General Provisions also set forth herein.
19. Age Qualified Residents of Heritage Ranch: The PD District herein described is intended, and shall be operated, as housing for age qualified persons in compliance with the Fair Housing Act (42 U.S.C. sec. 3601, et. Seq.), as may be amended from time to time, which provides that at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older. All permanent occupants must be at least 19 years of age or older.
20. Landscaping Plants for Common Areas, Buffers, and Screening: All landscaping plants shall consist of living materials and shall be maintained in a living growing condition. Dead plant materials shall be replaced in the appropriate planting season. The use of artificial plant material is expressly prohibited. Landscaping requirements within the CF district will be provided through the site plan process. There are no landscaping requirements for residential areas except that at least two trees with a minimum three inch caliper must be planted on each residential lot at the time the dwelling unit is constructed. At the time of installation, the plant materials used to satisfy the requirements must comply with the following minimum size requirements:
 - (a) Large trees must have a minimum height of 10 feet and a minimum caliper of 3 inches measured 6 inches above the root ball. Multi-stem tree variety need only meet the height requirement.
 - (b) Ornamental trees must have a minimum height of 6 feet and a minimum caliper of 2 inches measured 6 inches above the root ball. Multi-stem tree variety need only meet the height requirement.
 - (c) Shrubs must be of a reasonable and customary size for each type of shrub and shall be well established (e.g., root bound) in their containers.

(d) Ground cover must have a minimum of four-inch pots.

(1) Definitions:

Large trees – a tree of a species which normally reaches a height of 30 feet or more upon maturity.

Ornamental trees – a tree of a species which normally reaches a height of less than 30 feet upon maturity.

Evergreen – a species which retains its leaves throughout the year.

(2) Recommended Landscape Materials:

Large trees – Live Oak, Red Oak, Shumard Oak, Burr Oak, Cedar Elm, Sweetgum, Bald Cypress, October Glory Maple, and Lace Bark Elm.

Ornamental trees – Bradford Pear, Crape Myrtle, Possum Haw, Yaupon Holly, Chinese Pistachio, Red Bud, Purple Leaf Plum, and Wax Myrtle.

Evergreen Shrubs – Cleyera, Silver Berry, Burford Holly, Chinese Holly, Nellie R. Stevens Holly, Yaupon Holly, Photina, Abelia and Indian Hawthorn.

Ground Covers – Asian Jasmine, English Ivy, Purple Leaf Wintercreeper, Liriope, Mondo Grass, Bermuda, St. Augustine and Buffalo grasses.

21. Screening Materials: Acceptable materials include combinations of ornamental fencing with or without masonry columns, solid landscaped hedges, trees or earthen berms or combination thereof. Solid wood and chain link fences shall be prohibited.

22. Lighting: Exterior lighting used within the Heritage Ranch Community shall be of harmonious design and shall give strong emphasis to preserving the natural night environment by the use of lights, which minimize light pollution, reduce glare and conserve energy. All reasonable methods to support these objectives including, but not limited to, the following:

- a.) Use of exterior lighting fixtures which are of a down light design except for ornamental lighting, landscape lighting and other lighting specifically approved through the site plan process.
- b.) Maximum use of full-cutoff type fixtures which do not emit direct light above the plane of the lowest light emitting part of the fixture.
- c.) Use of low-pressure sodium type lights in lieu of mercury vapor lighting.
- d.) Use of bulbs and fixtures with lower rated light outputs consistent with the needs of the specific lighting application.
- e.) Careful placement of lights with appropriate lighting angles to avoid undue concentration of lights or unnecessary upward directed light emissions.

- f.) Automatic shut off of designated exterior lighting at specific times in accordance with a lighting plan.

The Developer shall prepare and submit for approval to the Town of Fairview a lighting plan at the time of site plan approval showing light locations, types of fixtures, lighting levels and other lighting restrictions applicable to the Heritage Ranch Community. Appropriate supporting documentation shall be submitted with this plan. The Developer will be required to follow the Town lighting ordinance.

23. Signage: The location, number, type, design and size of signage, with the exception of traffic control, directional, temporary real estate signs, and informational signs shall be approved through the site plan process. Two signs identifying the development shall be permitted at the entry of the Heritage Ranch Community. Each sign shall be no larger than 100 square feet and may be illuminated by indirect lighting with shields. The size of the sign does not include the monument upon which it is located. Each sign shall be constructed of durable material and shall be maintained in a high state of repair at all times by the Developer or Homeowners' Association. Any other signs may be approved or disapproved by the building inspector. Monument and wall mounted signs are acceptable. However pole signs, gaseous tubing, and plastic backlit shall be prohibited.
24. Perimeter Buffers for Blue Grass Farms, Ranger Estates, Quest Addition, Crawford and Patillo Property: A minimum landscape buffer of fifty feet in width shall be provided. Within the landscape buffer, the Developer may where circumstances warrant construct five-foot tall undulating berms. The Developer will provide a means to water the landscaping to ensure its survival. The drawing showing the landscaping requirements for the perimeter buffers is attached as part of the Concept Plan. The buffering shall be provided at the time of development of the adjacent subdivision. Where golf course, flood plain or mature stands of trees do not exist, the Developer/Builder shall landscape with plant materials within the landscape buffer. Perimeter buffer areas shall be open space that is owned and maintained by the Homeowners' Association.
25. Town Council must approve a Development Agreement regarding fees and other infrastructure improvements prior to acceptance of the first site plan or residential plat.

26. **Tree Removal:** Developer shall be permitted to remove trees as are necessary to implement the development of the property. For purposes of compliance with the Town tree ordinance as applied to this development, Developer shall plant two trees, each having a minimum three inch caliper, on each residential lot within the development. Additionally, at the time of preliminary plat approval, the Developer shall present a tree removal plan showing the location of groups of trees to be removed. When approved as part of the preliminary plat, this plan shall constitute the tree removal permit for the property subject to the provisions below. For those trees measuring 30 inches or more in diameter (at the 4 ft. above grade height level) located in any area of the property other than the golf course, the Developer shall specifically identify such trees as part of its submission of site grading plans. The Town shall appoint two representatives and alternate representative to serve as "tree advisors" for the development who shall review the Developer's grading plan and within 14 days from the submission of the grading plans provide advice to the Developer on those trees planned for removal that may possibly be saved based on reasonable engineering criteria. The Developer must consider the counsel of the designated Town "tree advisor" in making a final determination on the removal of such trees. In the event of unresolvable disagreement with the "tree advisor" over the removal of a tree, the Developer may proceed with the removal of the disputed tree(s) but must pay \$100 per caliper inch (measured 4 feet above grade) to the Town for each such tree for no more than ten (10) disputed trees on the entire property.

Section III: SFD Single-Family Detached Residential District Regulations

1. **Purpose:** This district is to allow single-family, detached dwellings, on lots of not less than five thousand square feet, together with the allowed incidental and accessory uses. The overall district shall provide for a maximum number of dwelling units of 1,144.
2. **Allowed Land Use:** A building or premises shall be used only for the following purposes:
 - (a) Single family detached units and accessory uses customarily incidental to this use.
 - (b) Parks and related uses as permitted.
 - (c) Temporary sales office, construction office, and model homes.
 - (d) Golf Courses and related facilities.
 - (e) Public utilities.
3. **Height Regulations:** No building shall exceed two stories or thirty-five feet in height, as measured in accordance with the Uniform Building Code.
4. **Lot Area:** No building shall be constructed on any lot of less than 5,000 square feet. However, a minimum of 25% of the SFD lots in the PD will be at least 6,000 square feet in area and a minimum of 10% of the SFD lots in the PD will be at least 7,000 square feet in area.

5. Lot Width: Except for eyebrow and cul-de-sac lots, the width of any lot at the front setback line shall not be less than 45 feet. Lots on eyebrows and cul-de-sacs may not be less than 25 feet in width at the front setback line.
6. Lot Depth: The depth of any lot shall not be less than 70 feet.
7. Front Yard Setback: There shall be a minimum front yard setback of 20 feet.
8. Side Yard Setback: There shall be a minimum side yard setback of 5 feet. A side yard adjacent to a side street shall not be less than 10 feet.
9. Rear Yard Setback: There shall be a rear yard setback of twelve feet. Decks and patios may be located within the required rear yard setback.
10. Minimum Dwelling Size: The minimum floor area per dwelling, excluding finished and unfinished basements, attics, and garages shall be 1,200 square feet. However, at full buildout at least fifty percent of the dwelling units shall be 1,500 square feet or larger in size. Each dwelling unit must have a minimum one-car garage.
11. Maximum Units Per Building: The maximum number of dwelling units per building or lot is one.
12. Masonry Requirements: Buildings shall have exterior construction totaling a minimum of 80% brick, tiles, concrete, stucco, stone, or similar masonry material. Siding comprised primarily of masonry materials shall not be considered in determining the 80% minimum. The percentages shall exclude windows, doors, roof, and other portions of the structure not customarily made of masonry.
13. Roof Shapes & Materials: The following are the minimum standards required for roof shape and materials.
 - (a) Minimum quality of roof material – Architectural dimensional composite shingles with a minimum 25-year warranty.
 - (b) Minimum roof pitch, rise to run – 5 to 12.
14. Accessory Buildings: Accessory, free standing buildings, whether attached to the main building by a covered walkway or not, must be architecturally compatible with and clad in one of the materials of the main structure, and are subject to the same setback requirements.
15. Look-a-Like Clause: No two units within a group of four consecutive units along the same side of the street shall have the same architectural elevations and not two opposing units facing the same street shall have the same architectural elevations. This provision shall not apply to the same floor plan.

Section IV: SFA Single-Family Attached Residential District Regulations

1. Purpose: This district is to allow single-family, attached dwellings, on lots of not less than 1,500 square feet in area. The overall district shall provide for a maximum number of dwellings units of 250 within the total allowable 1144 units.
2. Allowed Land Use: A building or premise shall be used only for the following purposes.
 - (a) Single-family detached units (which shall be in accordance with the SFD regulations set forth herein) and accessory uses customarily incidental to this use.
 - (b) Single-family attached dwelling units and accessory uses customarily incidental to this use.
 - (c) Parks and related uses as permitted.
 - (d) Temporary sales offices and model homes.
 - (e) Golf Courses and related facilities.
 - (f) Public utilities.
3. Height Regulations: No building shall exceed two stories, or thirty-five feet in height, as measured in accordance with the Uniform Building code.
4. Lot Area: No building shall be constructed on any lot of less than 1,500 square feet in area.
5. Lot Width: Except for eyebrow and cul-de-sac lots, the width of any lot at the front setback line shall not be less than 30 feet. Lots on eyebrows and cul-de-sacs may not be less than 25 feet at the front setback line.
6. Lot Depth: The depth of any lot shall not be less than 70 feet.
7. Front Yard Setback: There shall be a minimum front yard setback of 20 feet.
8. Side Yard Setback: There shall be a minimum side yard setback of 0 feet on interior lot lines when dwellings are attached and 5 feet when dwellings are not attached. A side yard adjacent to a side street shall not be less than 10 feet.
9. Rear Yard Setback: There shall be a rear yard setback of twelve feet. Decks and patios may be located within the required rear yard setback.
10. Minimum Dwelling Size: The minimum floor area per dwelling excluding finished and unfinished basements, attics, and garages shall be 900 square feet. At least 125 units will be greater than 1,000 square feet in size. Each dwelling unit must have an enclosed garage.

11. **Maximum Units Per Building:** The maximum number of dwellings attached together as one building unit is six.
12. **Masonry Requirements:** Buildings shall have exterior construction totaling a minimum of 80% brick, tiles, concrete, stucco, or similar masonry material. Siding comprised primarily of masonry materials shall not be considered in determining the 80% minimum. The percentages shall exclude windows, doors, roof, and other portions of the structure not customarily made of masonry.
13. **Roof Shapes & Materials:** The following are the minimum standards required for roof shape and material:
 - (a) Minimum quality of roof material – Architectural dimensional composite shingles with a minimum 25-year warranty.
 - (b) Minimum roof pitch, rise to run – 5 to 12.
14. **Accessory Buildings:** Accessory, free standing buildings, whether attached to the main building by a covered walkway or not, must be architecturally compatible with and clad in one of the materials of the main structure, and are subject to the same setback requirements.

Section V: CF-Community Facilities District Regulations

1. **Purpose:** The Community Facilities (“CF”) district is to provide for recreational, community facilities and improvements to enhance the quality of life as well as to serve the welfare of the Heritage Ranch Community.
2. **Site Plan Approval:** The approval of community facilities as shown on the concept plan must follow the standards in this ordinance. Requirements not specifically covered by this ordinance shall be subject to the provisions of the Fairview Comprehensive Zoning and Subdivision Ordinances. Development within the CF district shall require site plan approval. The detailed site plans shall be reviewed by the Planning and Zoning Commission and approved by the Town Council. Certain Town regulations except zoning regulations may be varied through the site plan and/or platting process. Zoning regulations may only be varied/modified by amendment of the specific PD ordinance or, in bona fide hardship cases, by variance through the Board of Adjustments.
3. **Allowed Land Use:** A building or premise in this district shall be used only for the following purposes.
 - (a) Clubhouse, and related uses.
 - (b) Private, non-commercial recreation facilities.
 - (c) Ground maintenance facilities.
 - (d) Security facilities.
 - (e) Parking areas (including parking/storage areas for special vehicles).

4. **Height Regulations:** No building shall exceed two stories (i.e., floor levels), or thirty-five feet in height, as measured in accordance with the Uniform Building Code. However, non-occupiable architectural features of buildings may extend above 35 feet to a maximum of forty feet in total height.
5. **Building Setback:** Buildings shall be set back a minimum of 20 feet from adjacent rights-of-way.
6. **Architecture Requirements:** The architecture of the clubhouse and all other non-maintenance buildings shall be designed and constructed in a quality manner with an aesthetic appearance sensitive to overall design goals for Heritage Ranch. All buildings including the clubhouse, gatehouse, and all other non-maintenance buildings shall be of harmonious design, utilizing compatible styles, materials, color, lighting, landscaping, and buffering. At least 80% of the exterior of the clubhouse and all other non-maintenance buildings shall be masonry. Siding comprised primarily of masonry materials shall not be considered in determining the 80% minimum. The 80% masonry requirement shall exclude windows, doors, roof and other portions of the structure not customarily made of masonry.
7. **Mechanical Equipment:** All roof top mechanical equipment shall be screened on all sides with a visual barrier to be installed and maintained at a minimum height above finished grade equal to the height above grade of the highest point on any of the mechanical equipment being screened. All ground level equipment must be screened with evergreen landscape materials that will attain a height of six feet within three years of initial planting or elements otherwise approved.
8. **Maintenance Building:** Maintenance buildings shall reflect the same design as the clubhouse building or if not of the same design must be screened from adjacent SFD and SFA district development and streets.
9. **Service Facilities, Outdoor Storage, Trash Containers and Dumpster Pads:** Service facilities, outdoor storage, trash containers/pads shall be screened from streets and adjacent SFD and SFA districts. All facilities, storage, trash containers must be harmonious to the styles, materials and color used in the development and shall be approved on the site plan. All such facilities and areas shall be screened with evergreen landscape materials that will attain a height of eight feet within three years of initial planting.

10. Parking Areas: A minimum of 5% of the total interior surface area of parking areas shall be landscaped islands planted with ground cover, grass, shrubs, trees, and/or other such landscape materials. The total interior surface shall include parking spaces, maneuvering areas (drive aisles) and islands. All parking lots shall have a ten foot landscaped, irrigated edge along all streets, exclusive of street rights-of-way, and shall be screened from view of adjacent streets in SFD and SFA districts. The screening must extend along entire adjacent frontage of the surface parking lot exclusive of driveways and access ways at points of ingress and egress to the lot, and visibility triangles, and one of the following conditions must be met:
- (a) Undulating earthen berm(s) planted with turf grass or ground cover; slope of berms shall not exceed a 3:1 (width: height) grade. The overall visual screening effect of the berm(s) shall be a minimum three foot height along the adjacent frontage and its view corridor. Trees, shrubs and other landscape materials shall also be provided to achieve a varied, lush appearance.
 - (b) Evergreen shrubs, in a varied/undulating designs which must provide a solid visual barrier along the adjacent frontage and which must attain a minimum of four feet in height within three years of initial planting.
11. Private Clubs: A Private Club may be permitted in the golf course and clubhouse area in accordance with Texas State Law regarding the storage, sale, consumption, and serving of alcoholic beverages.

Section VI: Attachments

The Concept Plan for this PD is attached hereto and made a part of this ordinance and includes:

- Concept Plan for 50 ft. buffer along Blue Grass Farms, Ranger Estates, Quest Addition, Crawford and Patillo Properties.
- Conceptual cross-section for entry at the guard house Type 1A.
- Conceptual cross-section for the entry drive to the clubhouse Type 1B. (At least four median breaks are required for Type 1B the first median break before the gate and three other breaks at the secondary roads along the entry drive.
- Conceptual cross-section for community collector street Type II. Parking shall be restricted on the secondary roads to emergency access points.
- Conceptual cross-section for local residential street & cul-de-sac street more than 600 ft. Type III.
- Conceptual cross-section for cul-de-sac streets less than 600 ft. Type IV.

PLANNED DEVELOPMENT DISTRICT REGULATIONS FOR HERITAGE RANCH

Section I: Purpose

This Planned Development (PD) entails 572 ± acres for an exclusive age qualified community with special amenities. It provides for a maximum of 1,144 single-family homes, which may include a maximum of 250, attached single family homes. The intent of the overall PD is to provide a variety of home sizes (i.e., not all units the same size) and styles (i.e., not all units look alike) for persons qualified under the Fair Housing Act (42 U.S.C. Sec 3601 et. Seq.). Recreational amenities will include an 18-hole golf course, driving range, walking trails, and clubhouse. The purpose of this Planned Development district is to provide specific regulations to ensure that Heritage Ranch is developed as a coordinated, comprehensive project in order to take advantage of existing natural features. This ordinance assures compliance with the spirit and intent of the Planned Development (PD) Ordinance of the Town of Fairview Comprehensive Zoning Ordinance.

This Planned Development Ordinance for Heritage Ranch provides the opportunity for innovative design concepts and site planning consistent with orderly development considering existing natural resources, with provisions for the submittal and review of projects which consist of residential community facilities, golf course, driving range, walking trails, and open space uses.

By using the stated maximum 1,144 dwelling units for residential development within the community of Heritage Ranch, various sizes and scales of residential products will be blended into a more cohesive, balanced community reflective of current and future market demands. A diversity of buildings, landscaping, architecture, amenities, and open spaces will result.

The intent of the zoning regulations and standards set forth herein is, among other things, to effectively use the natural topography and open space by preserving many of the most prominent and distinctive vistas and natural features while blending the development into the topography through the use of sensitive site design.

This ordinance is established to promote the development of a high quality living environment, responsive to the social, economic, and physical needs of the residents of Heritage Ranch, the Town of Fairview, and surrounding areas. This ordinance is drafted and adopted to implement the goals, policies, and guidelines of the Town to be used in the development of Heritage Ranch.

Section II: General Provisions

1. Concept Plan: For the purpose of this ordinance, the concept plan shall show locations and delineations of zoning areas within the Heritage Ranch Community. The Concept Plan is accompanied by Planned Development District Regulations, which establish the permitted uses, development densities and maximum number of units.
2. Provisions Not Covered: Any detail, issues or zoning not specifically covered by this ordinance shall be subject to the provisions of the Fairview Comprehensive Zoning and Subdivision Ordinances and other Town regulations in accordance with law.
3. PD Amendments on Parcels within Heritage Ranch: If an application is made to amend this ordinance for a specific tract or tracts within the Heritage Ranch Planned Development, for the purposes of legal notification, notice of said application for the rezoning request shall be sent to owners of land located within five hundred (500) feet of the tract or tracts under consideration for rezoning ~~or for the establishment of a Conditional Use Permit.~~
4. Flood Plain: The Developer will study the flood plains as established in the area of development for the purpose of adjusting, utilizing and/or reclaiming portions of the flood plain for various development related uses. Modification of the flood plain shall be through the platting process and shall be subject to review and approval by the Town's Engineer and Hydrologist in accordance with applicable federal regulations. The Developer shall comply with all federal, state, and local ordinances regarding flood plain modification including map revisions and amendments.
5. Single Family Unit Totals: There shall be a maximum of 1,144 single-family units of which a maximum of 250 may be single family attached units. Lot and unit sizes and development regulations shall be in accordance with the Single-family detached (SFD) and Single-family attached (SFA) Districts as set forth in this ordinance. The specific distribution, density and location of the various lots, house and product types and sizes shall be determined by the Developer at the time of platting, allowing the Developer to develop the maximum units specified in each district or to reduce the dwelling units per acre in any tract. As part of each plat submission, the Developer shall submit an accounting of the number of lots previously platted and/or approved by the Town and the number currently being planned, net acres, total lots and density. The Developer will also calculate the total number of units, if any, which the Developer did not construct on previous tracts or portions of tracts which could be developed on future tracts. The Concept Plan is reflective of unit mix that could occur under these regulations. Specific lot layouts in conformance with this PD ordinance will be submitted for approval through the platting process. Residential and golf course (fairways, tees & greens) development does not require site plan approval. The

golf clubhouse, driving range and all other non-residential uses do require site plan approval.

6. Special Amenities: The Heritage Ranch Community will incorporate a number of unique amenities and aesthetic improvements, such as, but not limited to; ponds, creeks, landscaping, berming, golf course, trails, pool, clubhouse, recreation center, open space, flood plain, roadways, gate(s), gatehouse(s), tennis court(s), irrigation systems, entry features, directional and street signage, street and other lighting, and other facilities. The Developer agrees to accept responsibility for the construction and maintenance of all such aesthetic, specialty items, and facilities until the responsibility for maintenance is turned over to a mandatory Homeowners' Association that is formed by the Developer through a Declaration of Covenants, Conditions and Restrictions ("Declaration"). In the event that the responsible party fails to maintain any of these items including those within rights-of-way or common areas, the Town of Fairview may, but will not have the obligation to, maintain these amenities by assessing a fee per property owner in the Heritage Ranch Community. Such fee will be determined by the Town Council and will remain in effect until the responsible party secures other maintenance provisions. The provisions as stated above regarding the Towns authority to assess fees for maintenance shall be included in the Declaration.
7. Stacy Road Landscaping: A minimum landscape buffer of fifty (50') feet in width exclusive of rights-of-way shall be provided along Stacy Rd. Within the landscape buffer, the Developer shall construct five-foot tall, undulating berms landscaped with plant materials (to include large and ornamental trees, shrubs, and groundcover, turf areas, etc.) and shall provide irrigation systems for all landscaped areas. The undulation of the berms should occur at least every 250 feet. Berms or approved landscaping must be located where the golf course is not adjacent to Stacy Rd.
8. Sidewalks: Sidewalks ^{may} shall be provided along all street frontages for non-residential buildings/uses (e.g., Clubhouse, recreation center, driving range, etc.) within the Community Facilities ("CF") district as set forth herein. Sidewalks shall also be provided on both sides of the main looped roadway that will serve as a collector for the development as shown on the concept plan. Sidewalks ^{may} shall be provided on at least one side of all other residential streets serving individual home sites as shown on the concept plan and may be provided on both sides of said streets at the Developer's discretion. For residential cul-de-sacs not exceeding 600 feet in length, sidewalks ^{are} shall be optional. All sidewalks shall be a minimum of four feet in width, and shall be located in the street rights-of-way (i.e., the "private street" lot) at least five feet away from the curb. The five foot parkway area shall be landscaped and/or planted in turf, and shall be maintained by the owner of the adjacent lot.
9. Cul-de-sac Length: The maximum length of any cul-de-sac shall not exceed 1200 feet.

10. Recreational Facilities: An integral part of the development of the Heritage Ranch Community is the provision of recreational facilities for the residents. The development will include entryway(s) into the community, 18-hole golf course, clubhouse and recreation center, flood plain, open space, trails, swimming pool, tennis courts and other amenities. Except for the golf course, these facilities are reserved for the exclusive use of the residents and guests of Heritage Ranch. The Heritage Ranch Country Club/Golf Course will provide public play until the control of the association is transferred from the Developer to the lot owners. After which time, the homeowners' association may determine the extent to which the golf course and other facilities will be available for public use, if at all.
11. Golf Course: Heritage Ranch Community shall offer an 18-hole golf course including other uses such as clubhouse, putting greens, driving range and other customary uses. Integral to the clubhouse activities will be a food service facility(s) and a professional golf shop. The plat of the golf course (fairways, tees and greens) will be reviewed by the Planning and Zoning Commission and approved by the Town Council. All other non-residential facilities shall be approved through the site plan/platting process. The construction of the golf course, as designed by the Developer, shall commence as part of the first phase of development.
12. Private Streets:
 - (a) The streets within Heritage Ranch shall be platted as a separate "street lot," which is privately owned and maintained by the Homeowners' Association established by the developer through a declaration of Covenant Conditions and Restrictions ("Declaration") placed as covenants running with the Property. The private streets and related facilities shall be privately constructed and not subject to public bidding and bonding.
 - (b) The Declaration shall be filed of record prior to the conveyance of the first residential lot. The Declaration must convey membership in the Homeowners' Association to each lot owner and provide for the payment of dues and assessments required by the Homeowners' Association.
 - (c) The Town shall not pay for any portion of the cost of constructing or maintaining a private street.

- (d) Water, sewer and drainage facilities and streetlights and signs placed within the private street shall be installed to Town standards and TNRCC regulations. Water lines shall be located on the north and east side of streets and sewer lines shall be on the south and west side. The Developer may deviate from the location standards for the water and sewer lines if approved by the Town staff. All water and sewer infrastructure shall be turned over to the Town after the Town Building Official issues a letter of acceptance. The Town shall reasonably repair any street damaged due to the maintenance of water, sewer, or drainage facilities.
- (e) Upon the issuance of the first Certificate of Occupancy, all entrances (except for entrances for maintenance facilities and construction entrances) that allow non-resident access shall be manned 24 hours a day, or provide an alternative means of ensuring access to the subdivision by the Town and other utility service providers with appropriate identification.
- (f) Any private street, which has an access control, gate or cross arm and has a staffed gatehouse must provide uninterrupted pavement two lanes in width at the location of the access control device. All gates and cross arms must be capable of manual access. A turn-around space must be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets. The type of gate or controlled access mechanism is subject to the approval of the Town Fire Chief for compliance with applicable fire code.
- (g) The Declaration documents shall address, but shall not be limited to, the following:
- (1) The streets within the development are privately owned and maintained by the Homeowners' Associations, and the Town has no obligation to maintain or reconstruct the private streets.
 - (2) The Town may, but is not obligated to, inspect private streets and require repairs necessary to insure that the same are maintained to Town standards.
 - (3) Should the Homeowners' Association fail to comply with the provisions of the Declaration regarding maintenance of the private streets then after ~~reasonable notice~~ and failure to cure the Town may, at its option, take any action necessary to perform or comply with the same and upon demand, collect the cost thereof from the Homeowners' Association, including all costs of collection and reasonable attorneys' fees. The Town shall be entitled to any and all legal or equitable rights and remedies provided by law to enforce this paragraph.
- (h) No portion of the Homeowners' Association documents pertaining to the maintenance of the private streets by the Town, nor any portion of such documents pertaining to any rights or privileges of the Town with respect to

the Property or any part thereof, may be amended without the written consent of the Town of Fairview.

- (i) Each subdivision final plat and Declaration shall include language whereby the Homeowners' Association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the Town, any governmental entity and public utility for damages to the private street occasioned by the reasonable use of the private street by the Town, governmental entity or public utility; and for damages and injury (including death) arising from the condition of said private street, access gate or entrance. Further, such language shall provide that all lot owners shall release the Town, governmental entities and public utilities from such damages and injuries.
 - (j) Each private street development plat shall also contain the following wording on the face of the plat: "The streets shown hereon have not been dedicated to the public, for public access nor have they been accepted by the Town as public improvements. The streets shall be maintained by the Homeowners' Association within Heritage Ranch, and the streets shall always be open to emergency vehicles, law enforcement, public and private utility maintenance and service personnel, the U.S. Postal, and governmental employees in pursuit of their official duties".
 - (k) An easement covering the street lot should be conveyed to the utility providers including the Town providing use of the property for utilities (including drainage) and their maintenance. The easement must allow the Town to remove any vehicle or obstacle within the street lot that impairs access.
13. Traffic Control, Directional and Informational Signage: The Developer shall provide decorative directional and informational signage reasonably necessary to identify the street system and direct the residents and guests through Heritage Ranch. The Homeowners' Association shall maintain directional and informational signage and traffic control devices. Traffic control devices and their locations shall be approved by the Town, and shall be installed by the Developer or Homeowners' Association to standards established in the Manual of Uniform Traffic Control Devices.
14. Street Lights: The Developer shall have the right to provide decorative street lights at locations approved by the town through the platting process. The street lights must conform to the town ordinance. The Homeowners' Association shall be responsible for maintaining the street lights if such maintenance and costs are not covered by the electric utility company

15. Utilities: All utilities and utility connections except three phase power, shall be located underground, including electrical, telephone and television cables and wires, gas, and other utilities as directed by Town. Transformers or other utility company apparatus shall be screened with landscaping to effectively obscure the apparatus.
16. Sales Office and Models: The Developer shall have the right to designate lots for sales offices, construction offices and model homes until the development is built to completion.
17. Building Regulations: Developer and contractors will comply with all town adopted codes.
18. Special Vehicle Parking and Storage: The outdoor parking and/or storage of special vehicles (e.g., boats, campers, travel trailers, motor homes, etc.) shall not be permitted on individual residential lots or within the private street lots. Parking/storage of such vehicles shall only be permitted in designated areas (i.e., parking lots) that have improved paved surfaces that are designed to accommodate heavy load vehicles (e.g., concrete, asphalt, pavers, etc.) Designated parking areas, if provided, shall be subject to site plan approval, and shall conform with the development standards of the Community Facilities ("CF") district as set forth in this ordinance as well as applicable General Provisions also set forth herein.
19. Age Qualified Residents of Heritage Ranch: The PD District herein described is intended, and shall be operated, as housing for age qualified persons in compliance with the Fair Housing Act (42 U.S.C. sec. 3601, et. Seq.), as may be amended from time to time, which provides that at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older. All permanent occupants must be at least 19 years of age or older.
20. Landscaping Plants for Common Areas, Buffers, and Screening: All landscaping plants shall consist of living materials and shall be maintained in a living growing condition. Dead plant materials shall be replaced in the appropriate planting season. The use of artificial plant material is expressly prohibited. Landscaping requirements within the CF district will be provided through the site plan process. There are no landscaping requirements for residential areas except that at least two trees with a minimum three inch caliper must be planted on each residential lot at the time the dwelling unit is constructed. At the time of installation, the plant materials used to satisfy the requirements must comply with the following minimum size requirements:
 - (a) Large trees must have a minimum height of 10 feet and a minimum caliper of 3 inches measured 6 inches above the root ball. Multi-stem tree variety need only meet the height requirement.

- (b) Ornamental trees must have a minimum height of 6 feet and a minimum caliper of 2 inches measured 6 inches above the root ball. Multi-stem tree variety need only meet the height requirement.
- (c) Shrubs must be of a reasonable and customary size for each type of shrub and shall be well established (e.g., root bound) in their containers.
- (d) Ground cover must have a minimum of four-inch pots.

(1) Definitions:

Large trees – a tree of a species which normally reaches a height of 30 feet or more upon maturity.

Ornamental trees – a tree of a species which normally reaches a height of less than 30 feet upon maturity.

Evergreen – a species which retains its leaves throughout the year.

(2) Recommended Landscape Materials:

Large trees – Live Oak, Red Oak, Shumard Oak, Burr Oak, Cedar Elm, Sweetgum, Bald Cypress, October Glory Maple, and Lace Bark Elm.

Ornamental trees – Bradford Pear, Crape Myrtle, Possum Haw, Yaupon Holly, Chinese Pistachio, Red Bud, Purple Leaf Plum, and Wax Myrtle.

Evergreen Shrubs – Cleyera, Silver Berry, Burford Holly, Chinese Holly, Nellie R. Stevens Holly, Yaupon Holly, Photina, Abelia and Indian Hawthorn.

Ground Covers – Asian Jasmine, English Ivy, Purple Leaf Wintercreeper, Liriope, Mondo Grass, Bermuda, St. Augustine and Buffalo grasses.

21. Screening Materials: Acceptable materials include combinations of ornamental fencing with or without masonry columns, solid landscaped hedges, trees or earthen berms or combination thereof. Solid wood and chain link fences shall be prohibited.

22. Lighting: Exterior lighting used within the Heritage Ranch Community shall be of harmonious design and shall give strong emphasis to preserving the natural night environment by the use of lights, which minimize light pollution, reduce glare and conserve energy. All reasonable methods to support these objectives including, but not limited to, the following:

- a.) Use of exterior lighting fixtures which are of a down light design except for ornamental lighting, landscape lighting and other lighting specifically approved through the site plan process.
- b.) Maximum use of full-cutoff type fixtures which do not emit direct light above the plane of the lowest light emitting part of the fixture.
- c.) Use of low-pressure sodium type lights in lieu of mercury vapor lighting.

- d.) Use of bulbs and fixtures with lower rated light outputs consistent with the needs of the specific lighting application.
- e.) Careful placement of lights with appropriate lighting angles to avoid undue concentration of lights or unnecessary upward directed light emissions.
- f.) Automatic shut off of designated exterior lighting at specific times in accordance with a lighting plan

The Developer shall prepare and submit for approval to the Town of Fairview a lighting plan at the time of site plan approval showing light locations, types of fixtures, lighting levels and other lighting restrictions applicable to the Heritage Ranch Community. Appropriate supporting documentation shall be submitted with this plan. The Developer will be required to follow the Town lighting ordinance.

- 23. Signage: The location, number, type, design and size of signage, with the exception of traffic control, directional, temporary real estate signs, and informational signs shall be approved through the site plan process. Two signs identifying the development shall be permitted at the entry of the Heritage Ranch Community. Each sign shall be no larger than 100 square feet and may be illuminated by indirect lighting with shields. The size of the sign does not include the monument upon which it is located. Each sign shall be constructed of durable material and shall be maintained in a high state of repair at all times by the Developer or Homeowners' Association. Any other signs may be approved or disapproved by the building inspector. Monument and wall mounted signs are acceptable. However pole signs, gaseous tubing, and plastic backlit shall be prohibited.
- 24. Perimeter Buffers for Blue Grass Farms, Ranger Estates, Quest Addition, Crawford and Patillo Property: A minimum landscape buffer of fifty feet in width shall be provided. Within the landscape buffer, the Developer may where circumstances warrant construct five-foot tall undulating berms. The Developer will provide a means to water the landscaping to ensure its survival. The drawing showing the landscaping requirements for the perimeter buffers is attached as part of the Concept Plan. The buffering shall be provided at the time of development of the adjacent subdivision. Where golf course, flood plain or mature stands of trees do not exist, the Developer/Builder shall landscape with plant materials within the landscape buffer. Perimeter buffer areas shall be open space that is owned and maintained by the Homeowners' Association.
- 25. Town Council must approve a Development Agreement regarding fees and other infrastructure improvements prior to acceptance of the first site plan or residential plat.

26. Tree Removal: Developer shall be permitted to remove trees as are necessary to implement the development of the property. For purposes of compliance with the Town tree ordinance as applied to this development, Developer shall plant two trees, each having a minimum three inch caliper, on each residential lot within the development. Additionally, at the time of preliminary plat approval, the Developer shall present a tree removal plan showing the location of groups of trees to be removed. When approved as part of the preliminary plat, this plan shall constitute the tree removal permit for the property subject to the provisions below. For those trees measuring 30 inches or more in diameter (at the 4 ft. above grade height level) located in any area of the property other than the golf course, the Developer shall specifically identify such trees as part of its submission of site grading plans. The Town shall appoint two representatives and alternate representative to serve as "tree advisors" for the development who shall review the Developer's grading plan and within 14 days from the submission of the grading plans provide advice to the Developer on those trees planned for removal that may possibly be saved based on reasonable engineering criteria. The Developer must consider the counsel of the designated Town "tree advisor" in making a final determination on the removal of such trees. In the event of unresolvable disagreement with the "tree advisor" over the removal of a tree, the Developer may proceed with the removal of the disputed tree(s) but must pay \$100 per caliper inch (measured 4 feet above grade) to the Town for each such tree for no more than ten (10) disputed trees on the entire property.

Section III: SFD Single-Family Detached Residential District Regulations

1. Purpose: This district is to allow single-family, detached dwellings, on lots of not less than five thousand square feet, together with the allowed incidental and accessory uses. The overall district ~~should~~ *shall* provide for a maximum number of dwelling units of 1,144.
2. Allowed Land Use: A building or premises shall be used only for the following purposes:
 - (a) Single family detached units and accessory uses customarily incidental to this use.
 - (b) Parks and related uses as permitted.
 - (c) Temporary sales office, construction office, and model homes.
 - (d) Golf Courses and related facilities.
 - (e) Public utilities.
 - ~~(f) Other uses as may be permitted by Conditional Use Permit through the Town's zoning process.~~
3. Height Regulations: No building shall exceed two stories or thirty-five feet in height, as measured in accordance with the Uniform Building Code.

4. Lot Area: No building shall be constructed on any lot of less than 5,000 square feet. However, a minimum of 25% of the SFD lots in the PD will be at least 6,000 square feet in area and a minimum of 10% of the SFD lots in the PD will be at least 7,000 square feet in area.
5. Lot Width: Except for eyebrow and cul-de-sac lots, the width of any lot at the front setback line shall not be less than 45 feet. Lots on eyebrows and cul-de-sacs may not be less than 25 feet in width at the front setback line.
6. Lot Depth: The depth of any lot shall not be less than 70 feet.
7. Front Yard Setback: There shall be a minimum front yard setback of 20 feet.
8. Side Yard Setback: There shall be a minimum side yard setback of 5 feet. A side yard adjacent to a side street shall not be less than 10 feet.
9. Rear Yard Setback: There shall be a rear yard setback of twelve feet. Decks and patios may be located within the required rear yard setback.
10. Minimum Dwelling Size: The minimum floor area per dwelling, excluding finished and unfinished basements, attics, and garages shall be 1,200 square feet. However, at full buildout at least fifty percent of the dwelling units shall be 1,500 square feet or larger in size. Each dwelling unit must have a minimum one-car garage.
11. Maximum Units Per Building: The maximum number of dwelling units per building or lot is one.
12. Masonry Requirements: Buildings shall have exterior construction totaling a minimum of 80% brick, tiles, concrete, stucco, stone, or similar masonry material. Siding comprised primarily of masonry materials shall not be considered in determining the 80% minimum. The percentages shall exclude windows, doors, roof, and other portions of the structure not customarily made of masonry.
13. Roof Shapes & Materials: The following are the minimum standards required for roof shape and materials.
 - (a) Minimum quality of roof material – Architectural dimensional composite shingles with a minimum 25-year warranty.
 - (b) Minimum roof pitch, rise to run – 5 to 12.
14. Accessory Buildings: Accessory, free standing buildings, whether attached to the main building by a covered walkway or not, must be architecturally compatible with and clad in one of the materials of the main structure, and are subject to the same setback requirements.

- 15 Look A Like Clause: No two units within a group of four consecutive units along the same side of the street shall have the same architectural elevations and not two opposing units facing the same street shall have the same architectural elevations. This provision shall not apply to the same floor plan.

Section IV: SFA Single-Family Attached Residential District Regulations *shall*

1. Purpose: This district is to allow single-family, attached dwellings, on lots of not less than 1,500 square feet in area. The overall district ~~should~~ provide for a maximum number of dwellings units of 250 within the total allowable 1144 units.
2. Allowed Land Use: A building or premise shall be used only for the following purposes.
 - (a) Single-family detached units (which shall be in accordance with the SFD regulations set forth herein) and accessory uses customarily incidental to this use.
 - (b) Single-family attached dwelling units and accessory uses customarily incidental to this use.
 - (c) Parks and related uses as permitted.
 - (d) Temporary sales offices and model homes.
 - (e) Golf Courses and related facilities.
 - (f) Public utilities.
 - ~~(g) Other uses as may be permitted by Conditional Use Permit through the Town's zoning process.~~
3. Height Regulations: No building shall exceed two stories, or thirty-five feet in height, as measured in accordance with the Uniform Building code.
4. Lot Area: No building shall be constructed on any lot of less than 1,500 square feet in area.
5. Lot Width: Except for eyebrow and cul-de-sac lots, the width of any lot at the front setback line shall not be less than 30 feet. Lots on eyebrows and cul-de-sacs may not be less than 25 feet at the front setback line.
6. Lot Depth: The depth of any lot shall not be less than 70 feet.
7. Front Yard Setback: There shall be a minimum front yard setback of 20 feet.
8. Side Yard Setback: There shall be a minimum side yard setback of 0 feet on interior lot lines when dwellings are attached and 5 feet when dwellings are not attached. A side yard adjacent to a side street shall not be less than 10 feet.
9. Rear Yard Setback: There shall be a rear yard setback of twelve feet. Decks and patios may be located within the required rear yard setback.

10. Minimum Dwelling Size: The minimum floor area per dwelling excluding finished and unfinished basements, attics, and garages shall be 900 square feet. At least 125 units will be greater than 1,000 square feet in size. Each dwelling unit must have an enclosed garage.
11. Maximum Units Per Building: The maximum number of dwellings attached together as one building unit is six.
12. Masonry Requirements: Buildings shall have exterior construction totaling a minimum of 80% brick, tiles, concrete, stucco, or similar masonry material. Siding comprised primarily of masonry materials shall not be considered in determining the 80% minimum. The percentages shall exclude windows, doors, roof, and other portions of the structure not customarily made of masonry.
13. Roof Shapes & Materials: The following are the minimum standards required for roof shape and material:
 - (a) Minimum quality of roof material – Architectural dimensional composite shingles with a minimum 25-year warranty.
 - (b) Minimum roof pitch, rise to run – 5 to 12.
14. Accessory Buildings: Accessory, free standing buildings, whether attached to the main building by a covered walkway or not, must be architecturally compatible with and clad in one of the materials of the main structure, and are subject to the same setback requirements.

Section V: CF-Community Facilities District Regulations

1. Purpose: The Community Facilities (“CF”) district is to provide for recreational, community facilities and improvements to enhance the quality of life as well as to serve the welfare of the Heritage Ranch Community.
2. Site Plan Approval: The approval of community facilities as shown on the concept plan must follow the standards in this ordinance. Requirements not specifically covered by this ordinance shall be subject to the provisions of the Fairview Comprehensive Zoning and Subdivision Ordinances. Development within the CF district shall require site plan approval. The detailed site plans shall be reviewed by the Planning and Zoning Commission and approved by the Town Council. Certain Town regulations except zoning regulations may be varied through the site plan and/or platting process. Zoning regulations may only be varied/modified by amendment of the specific PD ordinance or, in bona fide hardship cases, by variance through the Board of Adjustments.

3. Allowed Land Use: A building or premise in this district shall be used only for the following purposes.
 - (a) Clubhouse, and related uses.
 - (b) Private, non-commercial recreation facilities.
 - (c) Ground maintenance facilities.
 - (d) Security facilities.
 - (e) Parking areas (including parking/storage areas for special vehicles)
 - ~~(f) Other uses as may be permitted by conditional use permit through the Town's zoning process.~~

4. Height Regulations: No building shall exceed two stories (i.e., floor levels), or thirty-five feet in height, as measured in accordance with the Uniform Building Code. However, non-occupiable architectural features of buildings may extend above 35 feet to a maximum of forty feet in total height.

5. Building Setback: Buildings shall be set back a minimum of 20 feet from adjacent rights-of-way.

6. Architecture Requirements: The architecture of the clubhouse and all other non-maintenance buildings shall be designed and constructed in a quality manner with an aesthetic appearance sensitive to overall design goals for Heritage Ranch. All buildings including the clubhouse, gatehouse, and all other non-maintenance buildings shall be of harmonious design, utilizing compatible styles, materials, color, lighting, landscaping, and buffering. At least 80% of the exterior of the clubhouse and all other non-maintenance buildings shall be masonry. Siding comprised primarily of masonry materials shall not be considered in determining the 80% minimum. The 80% masonry requirement shall exclude windows, doors, roof and other portions of the structure not customarily made of masonry.

7. Mechanical Equipment: All roof top mechanical equipment shall be screened on all sides with a visual barrier to be installed and maintained at a minimum height above finished grade equal to the height above grade of the highest point on any of the mechanical equipment being screened. All ground level equipment must be screened with evergreen landscape materials that will attain a height of six feet within three years of initial planting or elements otherwise approved.

8. Maintenance Building: Maintenance buildings shall reflect the same design as the clubhouse building or if not of the same design must be screened from adjacent SFD and SFA district development and streets.

9. Service Facilities, Outdoor Storage, Trash Containers and Dumpster Pads: Service facilities, outdoor storage, trash containers/pads shall be screened from streets and adjacent SFD and SFA districts. All facilities, storage, trash containers must be harmonious to the styles, materials and color used in the development and shall be approved on the site plan. All such facilities and areas shall be screened with evergreen landscape materials that will attain a height of eight feet within three years of initial planting.
10. Parking Areas: A minimum of 5% of the total interior surface area of parking areas shall be landscaped islands planted with ground cover, grass, shrubs, trees, and/or other such landscape materials. The total interior surface shall include parking spaces, maneuvering areas (drive aisles) and islands. All parking lots shall have a ten foot landscaped, irrigated edge along all streets, exclusive of street rights-of-way, and shall be screened from view of adjacent streets in SFD and SFA districts. The screening must extend along entire adjacent frontage of the surface parking lot exclusive of driveways and access ways at points of ingress and egress to the lot, and visibility triangles, and one of the following conditions must be met:
 - (a) Undulating earthen berm(s) planted with turf grass or ground cover; slope of berms shall not exceed a 3:1 (width: height) grade. The overall visual screening effect of the berm(s) shall be a minimum three foot height along the adjacent frontage and its view corridor. Trees, shrubs and other landscape materials shall also be provided to achieve a varied, lush appearance.
 - (b) Evergreen shrubs, in a varied/undulating designs which must provide a solid visual barrier along the adjacent frontage and which must attain a minimum of four feet in height within three years of initial planting.
11. Private Clubs: A Private Club may be permitted in the golf course and clubhouse area in accordance with Texas State Law regarding the storage, sale, consumption, and serving of alcoholic beverages.

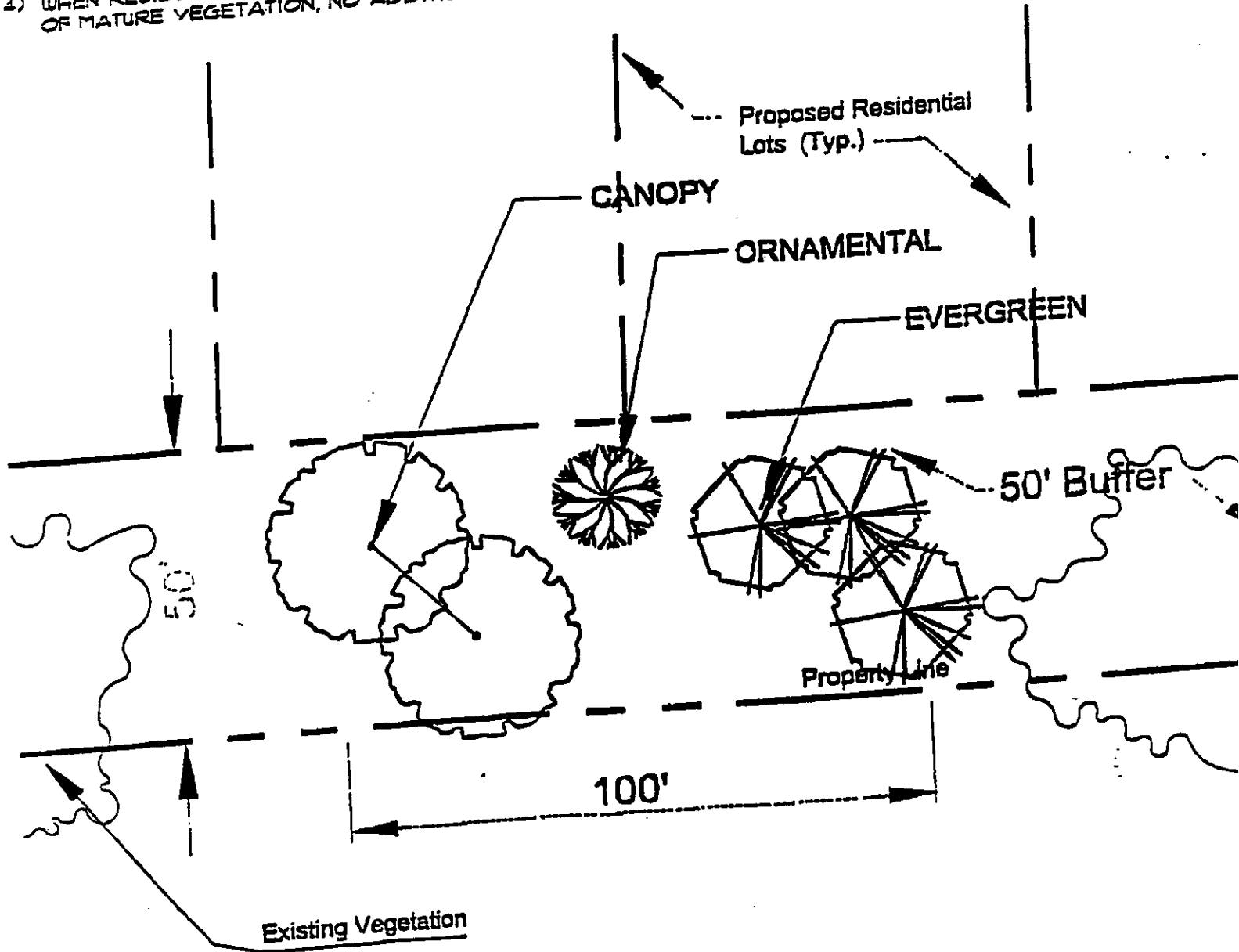
Section VI: Attachments

The Concept Plan for this PD is attached hereto and made a part of this ordinance and includes:

- Concept Plan for 50 ft. buffer along Blue Grass Farms, Ranger Estates, Quest Addition, Crawford and Patillo Properties.
- Conceptual cross-section for entry at the guard house Type 1A.
- Conceptual cross-section for the entry drive to the clubhouse Type 1B. (At least four median breaks are required for Type 1B the first median break before the gate and three other breaks at the secondary roads along the entry drive.
- Conceptual cross-section for community collector street Type II. Parking shall be restricted on the secondary roads to emergency access points.
- Conceptual cross-section for local residential street & cul-de-sac street more than 600 ft. Type III.
- Conceptual cross-section for cul-de-sac streets less than 600 ft. Type IV.

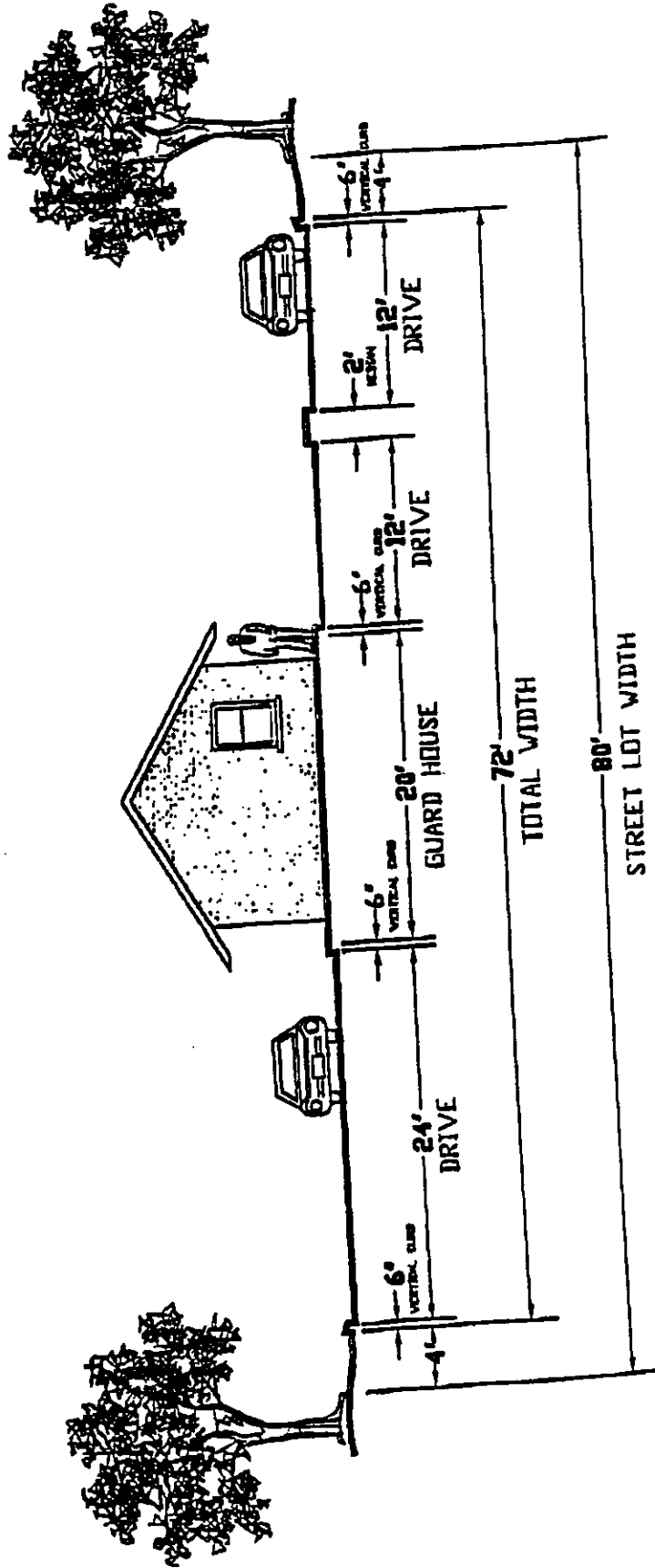
NOTES:

- 1) TREE VARIETY TO BE SELECTED BY DEVELOPER IN ACCORDANCE WITH RECOMMENDED SPECIES IN THE PD ORDINANCE.
- 2) REPRESENTATIVE OF A TYPICAL 100' BUFFER AREA.
- 3) WHEN PERIMETER PROPERTIES ARE ADJACENT TO GOLF COURSE, FLOOD PLAIN, OR MATURE STANDS OF TREES, NO LANDSCAPING IS REQUIRED WITHIN THE 50' BUFFER.
- 4) WHEN RESIDENTIAL LOTS ARE ADJACENT TO EXISTING STANDS OF MATURE VEGETATION, NO ADDITIONAL LANDSCAPE IS REQUIRED.



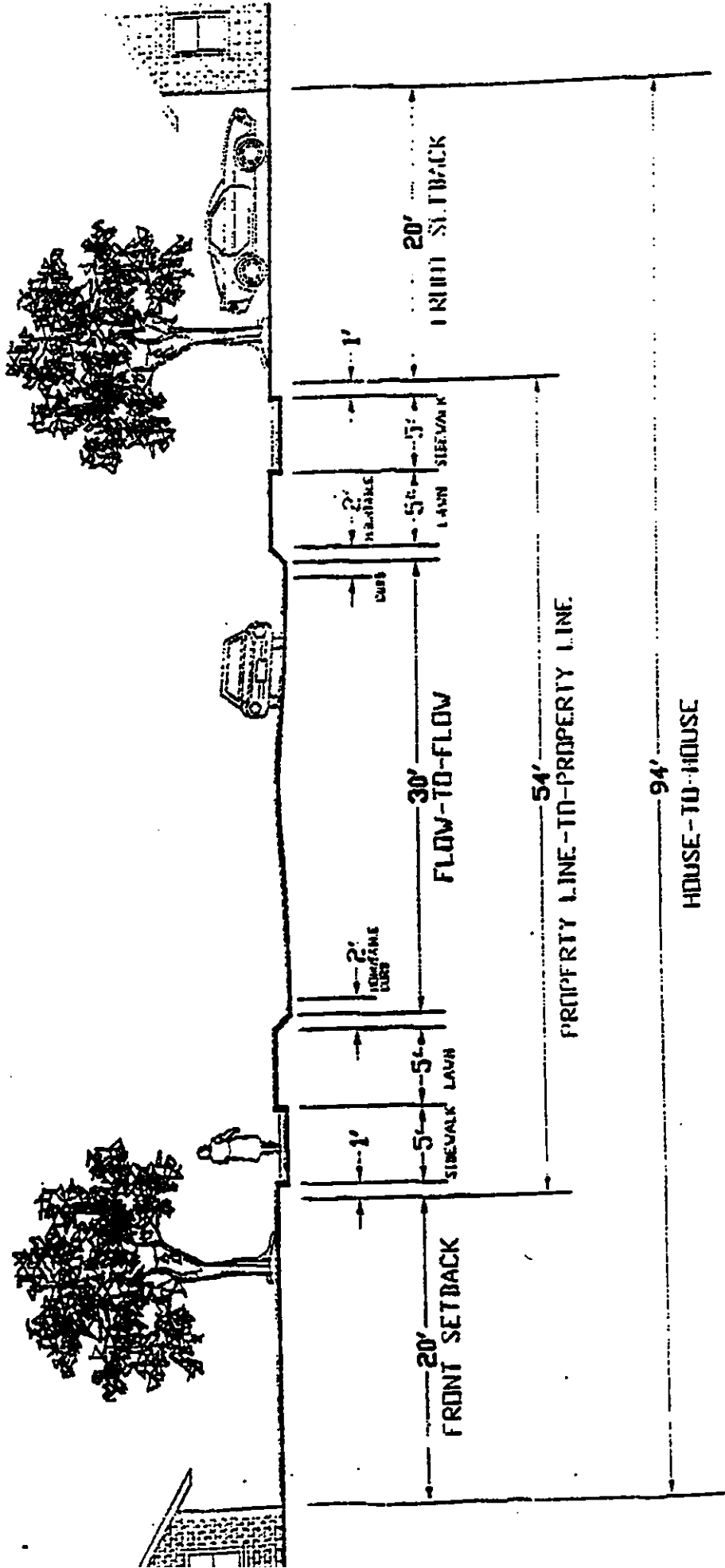
BLUE GRASS FARMS, RANGER ESTATES
QUEST ADDITION, CRAWFORD & PATILLO PROPERTIE

NOTE: TREES & LOCATIONS DEPICTED ON THIS CROSS-SECTION ARE CONCEPTUAL & SUBJECT TO CHANGE.



TYPE IA - ENTRY AT GUARD HOUSE

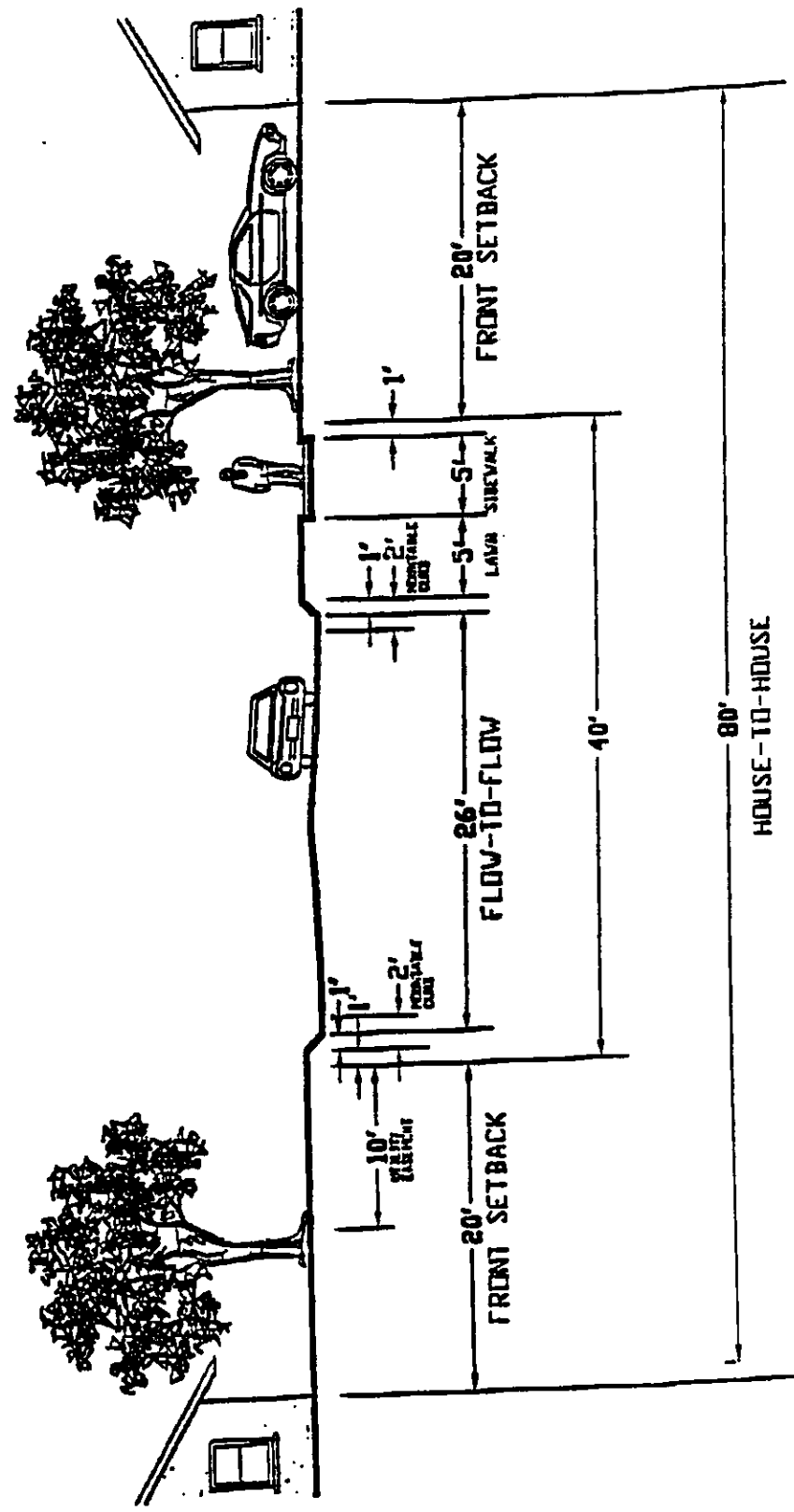
NOTE: TREES & LOCATIONS DEPICTED ON THIS CROSS-SECTION ARE CONCEPTUAL & SUBJECT TO CHANGE.



STREET LOT WIDTH = 54'

TYPE II - COMMUNITY COLLECTOR STREET

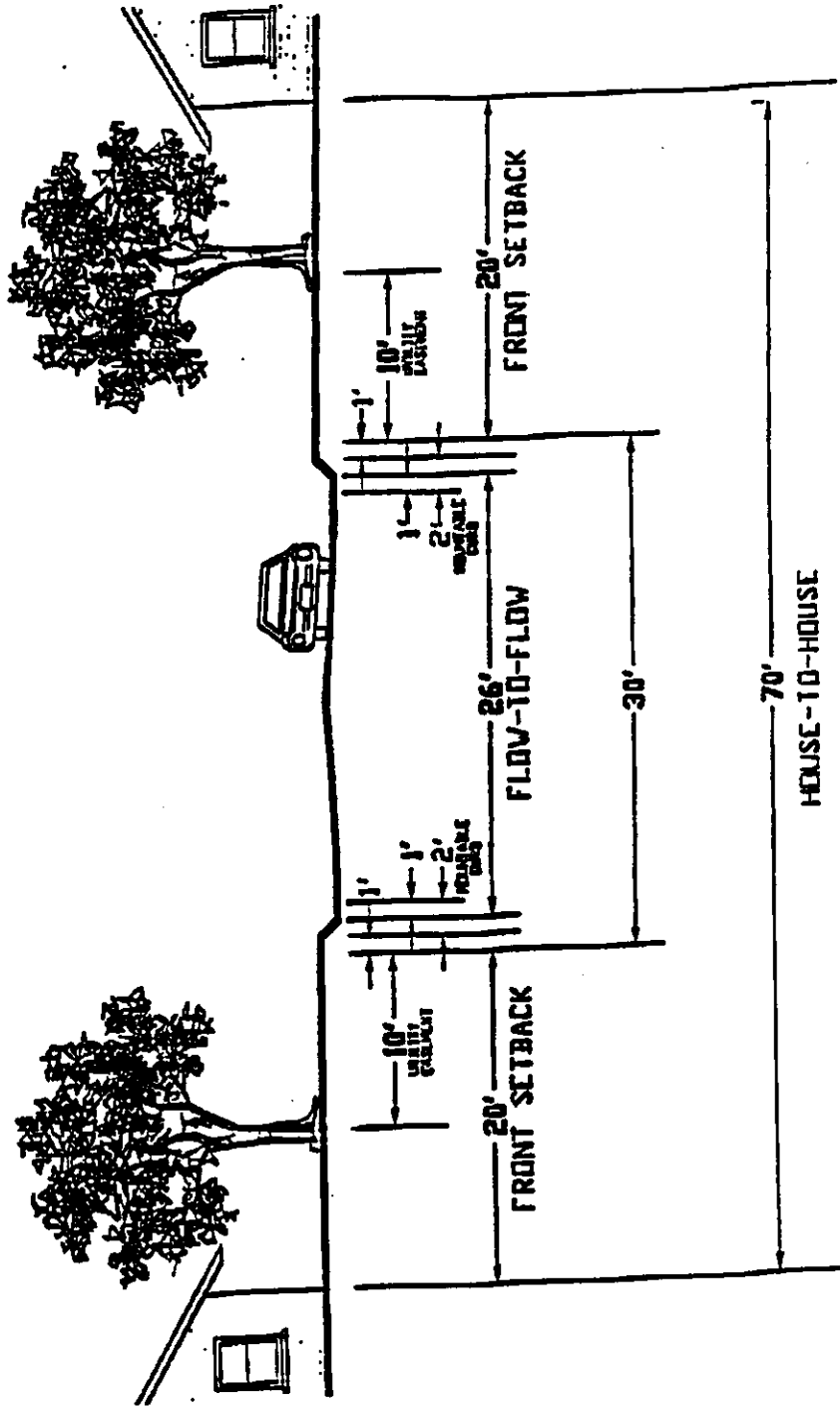
NOTE: TREES & LOCATIONS DEPICTED ON THIS CROSS-SECTION ARE CONCEPTUAL & SUBJECT TO CHANGE.



STREET LOT WIDTH = 40'

TYPE III - LOCAL RESIDENTIAL STREET & CUL-DE-SAC STREET MORE THAN 600'

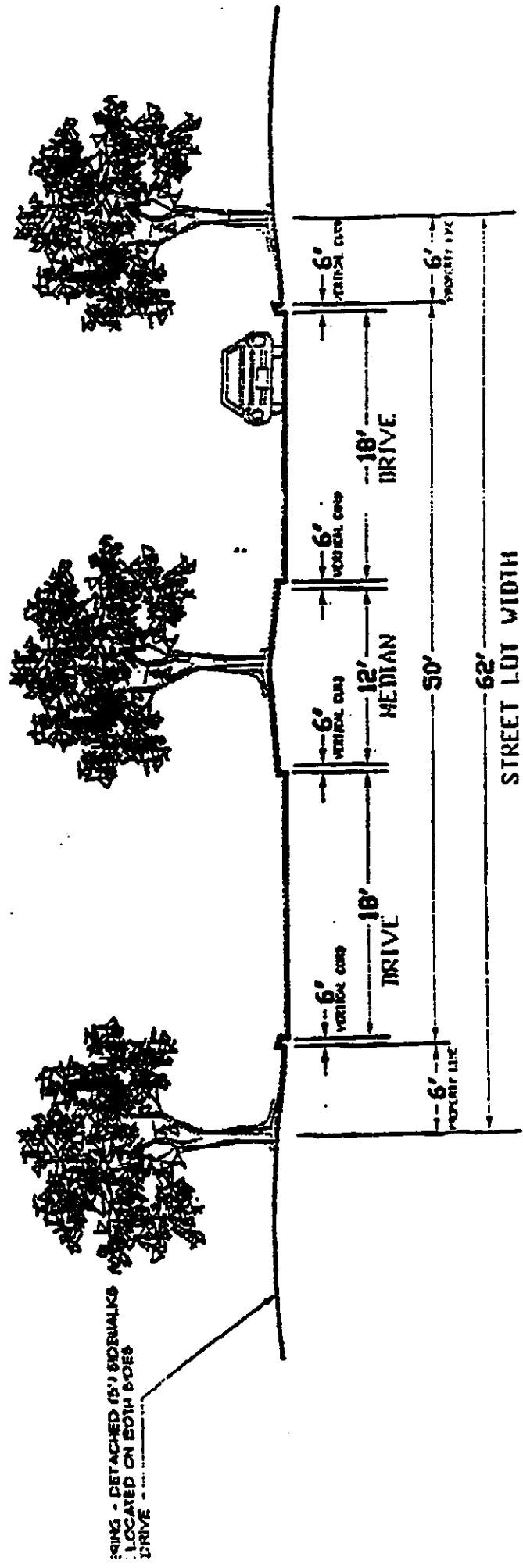
NOTE: TREES & LOCATIONS DEPICTED ON THIS CROSS-SECTION ARE CONCEPTUAL & SUBJECT TO CHANGE.



STREET LOT WIDTH = 30'

TYPE IV - CUL-DE-SAC STREETS. (LESS THAN 600')

NOTE: TREES & LOCATIONS DEPICTED ON THIS CROSS-SECTION ARE CONCEPTUAL & SUBJECT TO CHANGE.



TYPE 1B - ENTRY DRIVE TO CLUBHOUSE