

**VIRIDIAN
PLANNED DEVELOPMENT
DISTRICT**

DRAFT DATED 1/4/2007

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I.
APPLICABLE REGULATIONS

A.

1. For gas well drilling and production on property described in Exhibit O as the first set of previously approved gas drilling sites, the gas well drilling and production regulations and development plan in Exhibit O apply. For gas well drilling and production on property described in Exhibit P as the second set of previously approved gas drilling sites, the gas well drilling and production regulations and development plan in Exhibit P apply. For all other purposes, all other provisions of this ordinance apply, and the regulations in Exhibits O and P do not apply.
2. Any use other than gas well drilling and production must be platted as a separate building site from the gas well drilling and production use if both uses are located on any one Tract of property described in Exhibit O or Exhibit P.
3. A graphic representation of the previously approved gas drilling sites is provided in the Master Plan attached as Exhibit A. In the event of a conflict between the property location depicted in the Master Plan and the property descriptions in Exhibit O or Exhibit P, the descriptions in Exhibit O or Exhibit P controls.

In the event of a conflict between this PD and the Zoning Ordinance or any other City ordinance imposing zoning regulations, this PD shall control.

- B. Article XIII [Residential Adjacency Standards and General Fence Requirements] of the Zoning Ordinance does not apply.
- C. Section 9-300 [Planned Development “PD” District] of the Zoning Ordinance does not apply to the creation of this PD.

II.
MASTER PLAN

Development of the Property shall generally comply with the land use patterns illustrated on the Master Plan attached as Exhibit A. The town center areas designated on the Master Plan may be developed with permitted residential and non-residential uses, including, but not limited to, mixed use buildings. Areas indicated as residential on the Master Plan will be developed primarily with residential uses and related uses, such as schools and parks. Areas indicated as

civic or community facilities shall be developed with civic and community uses, such as amenity centers, churches, and community centers. Gas well drilling and production is not limited to those areas shown on the Master Plan as gas well sites. Areas shown on the Master Plan as gas well sites may be developed as gas well drilling and production uses or may otherwise be developed in accordance with this PD.

III.

DEFINITIONS AND INTERPRETATION

A. Definitions. Terms used within this PD, including its exhibits, shall be defined as stated below. If a term is not listed below, the definition in the Zoning Ordinance shall apply.

1. Accessory Community Center, Private – means a private accessory community center as defined in the Zoning Ordinance. An accessory community center may include a restaurant open to members and their guests. An accessory community center may also include banquet facilities that may be rented for special occasions, such as wedding receptions and parties.
2. Accessory Secondary Living Unit – means a living unit that does not exceed 800 square feet in floor area, located on the same lot as and that is accessory to a single family detached or duplex living unit and that is occupied only guests, servants, or family members of the residents of the main structure. An accessory secondary living unit may include its own cooking facilities, may be attached to or detached from the main structure, may be located above a garage, and may not be rented or leased.
3. Alley – means a private access easement that functions similar to a traditional alley; however, it shall be privately owned and maintained.
4. Amenity Center – means an accessory use to a residential development that may consist of one or more buildings and structures and that may include, but is not limited to, meeting space, recreational facilities (such as a swimming pool and playground), and a fitness center.
5. Blockface – means one side of a block between two streets.
6. Boutique Hotel – A hotel (other than a full service hotel) with a maximum of 100 guest rooms that provides rooms for temporary lodging and offers personalized service to each guest, such as concierge service. A boutique hotel may contain personal service shops.
7. Code – means the Code of the City of Arlington.
8. Community Center – means a facility that is used as a place of meeting, recreation, or social activity but not primarily to render a service that is customarily carried on as a business.

9. Condominium – means a building used or designed as a residence for three or more families or households living independently of each other on the same lot that is structured as a form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership solely by the owners of those portions. Real property is a condominium only if one or more of the common elements are directly owned in undivided interest by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners. The term condominium does not include multi-family, and the terms multi-family and condominium are not used interchangeably in this PD.
10. Dredging – means to clear out with a dredge or to remove sand, silt, mud, and similar materials from the bottom of a body of water.
11. Extended Care Facility – means a facility for the temporary lodging and care of patients treated by a local hospital or medical facility. An extended care facility may also provide temporary lodging for a patient’s family members or guests.
12. Facade – means any separate face of a building that encloses or covers usable space. In the context of approved building materials, a facade does not include doors, fascia, windows, chimneys, dormers, window box-outs, bay windows, soffits, eaves, and outdoor fireplaces. Multiple buildings on the same lot will each be deemed to have separate facades. A roof is not a facade.
13. Farmers Market – means the indoor or outdoor retail sale, by individual vendors, of farm products such as fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey.
14. Floor Area – means air conditioned floor space.
15. Gas Well Drilling and Production – means development, exploration, and production of natural gas.
16. General Retail Store, Other Than Listed – means a facility or area for the retail sale of general merchandise or food. This use does not include uses in this PD specifically listed. Without limiting the generality of the foregoing, this use may include the sale of wine for off-premise consumption, as well as on-premise consumption of wine.
17. Height – means the vertical distance measured from grade to the highest point of a structure (including a sign).
18. Land Use Category – means one of the following land use categories identified on the permitted use table attached as ***Exhibit B***: (i) institutional; (ii) office; (iii) recreation and entertainment; (iv) residential and lodging; or (v) retail and personal service.

19. Large Scale Retail, Town Center – A single use retail building over 20,000 square feet that has more than sixty percent (60%) of its front facade hidden by secondary retail uses so that only the main entrance is visible from the adjacent street. The front facade is considered the facade with the main entrance.
20. Library – means an establishment for the loan or display of books.
21. Masonry – means stone or brick laid up unit by unit and set in mortar, or cultured stone, cast stone, or natural stone panels.
22. Medical Clinic or Ambulatory Surgical Center – means a facility for examining, consulting with, and treating patients with medical, dental, or optical problems on an out-patient basis.

Mixed Use Building – means a building that contains two or more uses from a different land use category, with one land use category occupying at least 10% of the gross floor area of the building or 15,000 square feet (whichever is less) and the other land use category occupying at least 5% of the gross floor area of the building or 10,000 square feet (whichever is less). In the case of a multi-family use or condominium use, the entire first floor must be non-residential or have multi-family related uses other than dwelling units (such as a leasing office or a multi-family amenity center on the first floor) to qualify as a mixed use building.

- 23.
24. Multi-Family – means a building used or designed as a residence for three or more families or households living independently of each other on the same lot, where each dwelling unit may be rented or owned by the occupant. The term condominium is excluded from the definition of multi-family, and the terms multi-family and condominium are not used interchangeably in this PD.
25. Open Space – means property that is at least 0.25 acres and is one of the following: a public park, a private park accessible to residents living on the Property, or an undeveloped space open to the sky and accessible by the public and located on private property, such as native mitigation areas or trails.
26. Parkway– means the area between a sidewalk and the back of curb.
27. PD – means this Planned Development District Ordinance No. _____ adopted on _____, 2008.
28. Personal Services – means a facility or area for the sale of personal services, such as a spa or salon, a tailor, a florist, or a pet grooming shop.
29. Property – means the property depicted on the attached **Exhibit C** and described by metes and bounds on the attached **Exhibit D**.
30. Radio, Television, or Microwave Tower – means a structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum.
31. Rear Entry Garage – means a garage served by an alley or a side street abutting the rear of a lot.

32. Side-Entry Garage – means a front entry garage with a garage door that is perpendicular to the street (e.g., “j-swing garage”), or a garage on a corner lot with a garage door that is parallel to a side street.
33. Single Family Attached – means a single family dwelling on a separate lot that fronts on a street, a place, a court, or a private access easement, and that is attached to one or more single family dwellings by either a common wall or another structure which causes the attached dwellings to constitute an architectural whole or appear on the exterior to be a single building.
34. STC – means sound transmission class, which is commonly accepted integer-number rating of how well a building partition attenuates airborne sound. It is used to rate interior walls, ceilings/floors, doors, windows and exterior wall configurations.
35. Stealth Towers – means a communications tower that is effectively camouflaged or concealed so that it blends in with the natural surroundings or the built environment.
36. Temporary – means of limited duration; not permanent.
37. Temporary Asphalt or Concrete Batch Plant – means a temporary facility or area for mixing concrete or asphalt to be used for new construction on the Property. This use may include associated temporary buildings, such as trailers.
38. Temporary Construction Field Office – means a facility or area used as a temporary field construction office. This use may be operated from a temporary building, such as a trailer.
39. Temporary Construction Storage Yard – means a facility or area for the temporary outside storage of construction equipment and materials associated with an active permit to demolish or construct. This use may include associated temporary buildings, such as trailers.
40. Temporary Outdoor Sales – means an area used for the temporary outdoor sale of general merchandise or seasonal merchandise to the public. This use may include a temporary farmers market. For the sale of seasonal merchandise, this use shall not exceed 90 days. For the sale of non-seasonal merchandise, this use shall not exceed 14 days.
41. Utility Lines, Towers, or Metering Station – This use is defined as set forth in the Zoning Ordinance. In addition, this use may include windmills and solar-powered panels.
42. Wireless Communications Facilities – means telecommunication towers, antennas, and other facilities regulated by Section 12-800 of the Zoning Ordinance.

43. Zoning Ordinance – means Ordinance No. 94-100 adopted on June 28, 1994 and in effect on the date of the adoption of this PD.

IV.
DEVELOPMENT REVIEW PROCEDURES.

A. Zoning Change.

1. Property Owner Consent for PD Amendments. PD amendments are authorized for all or a portion of the land governed by this PD. With the exception of PD amendments initiated by the City, all requests to amend this PD shall only be accompanied by the written consent of the owners of the land that is the subject of the amendment, to the extent permitted by law. A request to amend or an amendment to this PD with respect to a portion of the Property shall not affect this PD as it applies to the remainder of the Property, unless otherwise provided by law. A request to amend specific provisions of this PD (regardless of the portion of the Property to which the amendment applies) shall not affect the remaining provisions of this PD , unless otherwise provided by law.
2. Approval Authority. The Zoning Administrator has the authority to authorize minor amendments as provided by this PD.
3. Specific Use Permits. The provisions of Section 5-500 of the Zoning Ordinance [Specific Use Permits], as well as all definitions in the Zoning Ordinance pertaining thereto, shall apply to all requests for Specific Use Permits, except that the landscape plan required by Section 5-500(H)(5) shall be in compliance with the standards of this PD, not the standards of Article XIV of the Zoning Ordinance entitled “Landscape and Screening Standards.”

B. Zoning Site Plan Approval.

1. Approval Required. Prior to the issuance of a building permit to construct a building other than a single family detached home, a zoning site plan for the project must be submitted to the Department of Community Development and Planning and approved in accordance with this section.
2. Zoning Site Plan Content. An application for zoning site plan approval must include a site plan, elevation plan, grading plan, and a stormwater management/drainage plan that cumulatively includes all of the following information:
 - a. Dumpster locations;
 - b. All proposed building facades;
 - c. Landscaping;
 - d. Lighting;

- e. Location, type, and height of fencing and screening;
 - f. Maximum height of all proposed structures;
 - g. Minimum setbacks for buildings and parking;
 - h. Utilities;
 - i. Outside storage;
 - j. Building materials;
 - k. Site boundaries and acreage;
 - l. General topographic conditions, significant natural features, and 100-year floodplain;
 - m. Existing uses adjacent to the site;
 - n. Existing and proposed sidewalks;
 - o. Existing and proposed easements located on or adjacent to the site;
 - p. Access points and drives;
 - q. Off-street loading areas;
 - r. Building orientation;
 - s. The approximate location and dimensions of all parking spaces, open areas, and recreational areas;
 - t. A letter from the architectural review committee of the property owners association or its designee confirming that the proposed building is in compliance with all restrictive covenants governing the property on which the building will be constructed; and
 - u. The square footage and density of all proposed uses.
3. Approval Criteria. The zoning site plan is an administrative document necessary to demonstrate compliance with this PD and other applicable City ordinances.
 4. Procedure. Zoning site plans shall be submitted by the applicant to the Zoning Administrator for review. Upon completion of the review by the Zoning Administrator, the zoning site plan shall be approved if it complies with all applicable City ordinances. If the Zoning Administrator denies an application for zoning site plan approval, the applicant may appeal that decision to the Zoning Board of Adjustment within 15 days after the denial in accordance with the procedures set forth in Section 5-800 of the Zoning Ordinance.

5. Amendments. Amendments to an approved zoning site plan shall be processed in the same manner as the original zoning site plan.
6. Restrictive Covenants. Prior to issuance of a building permit for the construction of any building, design guidelines for the Property will be recorded in the country deed records as part of the restrictive covenants that will encumber the Property. Such restrictive covenants will include a private architectural review committee charged with reviewing building construction. The City will notify the municipal management district and the homeowner's association at the addresses they have provided to the City if a building permit application is made without attaching written confirmation from the private architectural review committee that it has reviewed the plans for the proposed building and found that the building complies with the design guidelines found in the restrictive covenants, but the City will otherwise disregard the applicant's failure to provide this letter, and the City shall not be liable for the results of any failure to provide notice.

V. PERMITTED USES

A. Principal Uses.

1. Permitted Uses Table. See the permitted use table on Exhibit B. The principal uses followed by "P" are permitted by right. Uses followed by "S" are permitted by Specific Use Permit. The uses followed by "C" are permitted subject to the applicable conditions set forth in Section C below. Except as otherwise provided in Subsection 2 below for similar uses, all uses not listed on Exhibit B are prohibited.
2. Similar Uses Allowed. Uses not specifically listed on Exhibit B, but of a similar type and nature to those uses listed on Exhibit B, are permitted as determined by the Zoning Administrator.
3. Sexually Oriented Businesses Prohibited. Without limiting the generality of the foregoing and notwithstanding any other provision in this PD to the contrary, sexually oriented businesses are prohibited.
4. Prohibition of Certain Gas-Related Uses. With the exception of gas well drilling and production, and associated accessory uses such as tanks and pipelines, all uses related to gas compression, processing, and storage (including, but not limited to, compression facilities and saltwater disposal wells) are expressly prohibited.

B. Accessory Uses. Accessory uses are permitted. Without limiting the generality of the foregoing, the following accessory uses are permitted:

1. Accessory caretakers quarters.
2. Accessory community center, private.

3. Accessory garage, private.
4. Accessory outside display and sales.
5. Accessory outside storage. When in connection with a non-residential uses and visible from ground level on an adjacent street, this use shall be screened with a masonry wall that is a minimum of six feet in height, and none of the items stored may project above the screening wall. The perimeter of the screening wall shall be landscaped with a minimum 12 inch wide landscape strip containing shrubs, vines, or a combination of both.
6. Accessory secondary living unit.
7. Accessory swimming pool, private.
8. Amenity center.

C. Special Conditions Applicable to Certain Uses.

1. Boutique Hotel. Section 12-1000 [Special Standards for Full Service Hotels, Motels, and Residence Hotels/Motels] of the Zoning Ordinance does not apply to a boutique hotel. A boutique hotel must meet the following requirements:
 - a. The entrance to each guest room must be gained from a completely enclosed area or from an exterior court located within a secured area.
 - b. A boutique hotel must have management onsite 24 hours a day.
 - c. A boutique hotel must provide housekeeping services or daily maid service.
 - d. A boutique hotel must provide guests with access to a natural area in excess of 1,000 acres.
 - e. A boutique hotel must offer concierge service or other personalized service to each guest.
 - f. A boutique hotel must be located either within the town center area shown on the Master Plan or adjacent to or across the street from publicly accessible open space or a lake.
 - g. A boutique hotel within the town center area shown on the Master Plan must offer the following services to each guest either on-site or within the specified distance from the boutique hotel¹:

¹ These services may be developed concurrently with a boutique hotel or in a subsequent development phase.

- (1) One or more meeting or conference rooms with a minimum of 1,000 square feet of conference space within 1,500 feet;
- (2) Recreational facilities within 500 feet; and
- (3) A restaurant with a full service kitchen offering meals during normal dining hours (breakfast, lunch, and dinner) and seating for a minimum of 50 patrons within 500 feet.

2. Gas Well Drilling and Production.

- a. Gas well drilling and production is permitted on the Property subject to the following limitations, in addition to any other applicable non-zoning regulations:
 - (1) Gas well drilling and production in the area described in Exhibits N and O is permitted pursuant to the regulations in Exhibits N and O respectively. Gas drilling in all other areas is permitted by SUP only.
 - (2) No well site shall exceed 4.4 acres.

3. Large Scale Retail.

- a. Large scale retail uses shall comply with Section 12-1100 [Standards for the Development of Large Scale Retail Uses in the “CS,” “B,” “LI,” “IM,” “BP-CS,” Zoning Districts] of the Zoning Ordinance.
 - (1) The vehicular access requirements of Section 12-1100 of the Zoning Ordinance do not apply; and
 - (2) The Zoning Administrator may approve screening requirements for loading areas that differ from the requirements in Section 12-1100 if the applicant can demonstrate that the alternative method will adequately screen loading areas from the street.
- b. If a use meets both the definitions of a large scale retail use and a town center large scale retail use, it shall be considered a town center large scale retail use and shall not be subject to Section 12-1100.

4. Temporary Asphalt or Concrete Batch Plant. This use is permitted on the Property in connection with the issuance of a construction permit. This use shall cease operation upon completion of construction on the Property. This use must be in compliance with all applicable local, state, and federal regulations.

5. Temporary Construction Field Office. This use is permitted on the Property in connection with the issuance of a permit authorizing the construction of structures or infrastructure improvements. This use shall cease operation, and the building

shall be removed, upon completion of construction of improvements or structures on the Property.

6. Temporary Construction Storage Yard. This use is permitted on the Property in connection with the issuance of a permit authorizing the construction of structures or infrastructure improvements. This use shall cease operation upon completion of construction of improvements or structures on the Property.
7. Veterinary Clinic. Rooms containing cages or pens are not permitted to have windows, doors, or other penetrations on exterior walls. Areas designated for holding, boarding, or grooming pets are limited to no more than 15% of the gross floor area. Outside boarding is prohibited.
8. Wireless Communications Facilities. Except as otherwise provided in this section, the provisions of Section 12-800 of the Zoning Ordinance, as well as all definitions in the Zoning Ordinance pertaining thereto, apply. Mounted antennas may be located on mixed use and non-residential buildings. Unless towers are stealth towers, towers are permitted only in the area identified on Exhibit F. Stealth towers are permitted at any location on the property. All towers are subject to the height restrictions and SUP requirements set forth in Section 12-800 of the Zoning Ordinance.

VI.

MAXIMUM NUMBER OF MULTI-FAMILY DWELLING UNITS

A maximum of 900 multi-family dwelling units are permitted, except that only 600 multi-family dwelling units are permitted on the Property until one or more building permits have been issued authorizing the construction of a minimum of 30,000 square feet of floor area in one or more non-residential or mixed use buildings and a minimum of 300 non multi-family dwelling units on the Property. In the case of multi-family uses developed concurrently with other uses, a phasing plan may be provided to demonstrate compliance this provision. The foregoing restriction on the number of multi-family units does not apply to multi-family units located in a mixed use building.

VII.

BUILDING SETBACK, AREA, AND BULK REQUIREMENTS

A. Requirements for Residential.

1. Requirements. The requirements in this Section A and Exhibit G are the exclusive building setback, area, and bulk requirements applicable to single family detached and attached, duplex, condominiums, and multi-family development (excluding mixed use buildings). Without limitation, Article XI of the Zoning Ordinance does not apply to such development, except to the extent it cannot be varied in a PD. The requirements in Exhibit G apply to all buildings, but do not apply to other structures such as retaining walls, fences, paved areas, and swimming pools, which are regulated by Article XI.

2. Garages.
 - a. With the exception of side entry garages, garages may not extend beyond the front of a single family detached home or duplex.
 - b. Required parking spaces for single family detached, single family attached, and duplex uses must be located in enclosed, covered parking areas.
 - c. Notwithstanding anything to the contrary in Exhibit G, front-facing garage doors are permitted provided they are located at least ten feet behind the front facade. For homes with front porches, the front facade is considered to be the portion of the front porch closest to the front property line.
3. Single Family Attached. The front facade of single family attached structure may not exceed 350 feet in length.
4. Multi-Family. Multi-family buildings (excluding multi-family within mixed use buildings) shall comply with the following anti-monotony rule: within an individual multi-family development, multi-family buildings shall include at least two distinct front elevations that incorporate different architectural features to distinguish the elevations. A front elevation is an elevation that faces a street. See Exhibit G-1 for an illustration of the anti-monotony rule.

B. Requirements for Mixed Use Buildings and Non-Residential Development.

1. Requirements. The requirements in the table below are the exclusive building setback, area, and bulk requirements applicable to mixed use buildings and non-residential buildings. Without limitation, Article XI of the Zoning Ordinance does not apply to such buildings, except to the extent it cannot be varied by PD. The setback requirements in the table below apply to all buildings other than a large scale retail building, but do not apply to other structures such as retaining walls, freestanding signs, fences, and paved areas which are regulated by Article XI.

Mixed Use and Non-Residential Development	
Maximum Setback from a Street	A building facade must be constructed within 21 feet of the back of curb along a minimum of 50% of each front building facade, exclusive of open space areas, parks, and driveways. If a blockface is built out in phases, a phasing plan may be used to show how this requirement will be satisfied in a future construction phase. There shall be no maximum setback requirement along Collins Street or streets within the Property that provide direct access to Collins Street. The Zoning Administrator may alter the maximum setback requirement upon a finding that the alteration will meet the spirit and intent of this ordinance to provide a pedestrian-oriented community.
Maximum Height	15 stories. Exception: No height limit for a full service hotel.

	Mixed Use and Non-Residential Development
Minimum Dwelling Unit Size for Units within a Mixed Use Building	600 square feet (must average a minimum of 800 square feet when considering all dwelling units within a mixed use building) This provision controls in the event of a conflict with <u><i>Exhibit G</i></u> .

VIII.
DESIGN STANDARDS

- A. Applicability of Other Design Standards. The design standards in this article are the exclusive design standards applicable to the Property.
- B. Approved Building Materials.
1. A minimum of 90% of each exterior building facade shall consist of one or more of the following building materials:
 - a. Stone, brick or tile laid up unit by unit and set in mortar;
 - b. Stucco (exterior Portland cement plaster with 3 coats over metal lath or wire fabric lath or other methods approved by the Zoning Administrator as equal or better quality in durability);
 - c. Cultured stone or cast stone;
 - d. Architecturally finished block (i.e. burnished block or split faced concrete laid up unit by unit and set in mortar);
 - e. Cementitious fiber board;
 - f. Exterior Insulation and Finish System (EIFS). EIFS is limited to the following: (1) non-residential buildings and mixed use buildings by right; and (2) buildings containing single family attached, condominium, and multi-family uses (excluding mixed use buildings) if approved by the Zoning Administrator based on a finding that the proposed use of EIFS is consistent with the spirit and intent of this PD to require high quality building materials and a variety of building materials. EIFS may used only four feet or higher above grade on a facade, and is limited to a maximum of 50% of a facade.
 - g. LEED-certified materials; or
 - h. An alternative material approved by the Zoning Administrator based on a finding that it is of a quality equal to or better than the materials listed above **in durability**

2. A maximum of 10% of a facade may include accent materials not listed above, except that aluminum siding, vinyl siding, unfinished concrete block, reflective glass, and galvanized steel are prohibited. The Zoning Administrator may approve the use of reflective glass in unique circumstances in order to comply with green building techniques.
3. A minimum of two different building materials shall be used on each building other than single family detached homes.

C. Roofing Design and Materials.

1. Roofing materials for sloped roofs shall be selected from the following list:
 - a. Asphalt shingles;
 - b. Industry approved synthetic shingles;
 - c. Standing seam metal roofs;
 - d. Tile roofs;
 - e. Slate roofs;
 - f. LEED-certified roofing materials; or
 - g. An alternative material approved by the Zoning Administrator based on a finding that it is of a quality equal to or better than the materials listed above **in durability**.
2. All pitched roofs of non-residential buildings shall have a minimum pitch of 4:12, and all pitched roofs of residential buildings shall have a minimum pitch of 6:12. Roofs covering porches and other architectural elements are excluded from this requirement. The Zoning Administrator may approve a roof that does not meet these requirements based on a finding that a different roof pitch is appropriate for the proposed architectural style.
3. Flat roofs require parapet screening that adheres to vertical articulation requirements for the facade.
4. Parapets shall require cornice detailing.
5. Each single family detached home will have a 30-year dimensional shingle, tile, or metal seam roof.

D. Design Features for Residential Buildings (Excluding Multi-Family and Mixed Use Buildings). A minimum of four of the following design features are required on the exterior of each building containing a single family detached, single family attached, duplex, or condominium use:

1. Dormers;
2. Cupolas;
3. Gables;
4. Recessed entries (minimum three feet);
5. Balconies;
6. Covered front porches (minimum 70 square feet in area and seven feet in depth);
7. Courtyards;
8. Box windows;
9. Architectural pillars or posts;
10. Exterior chimneys;
11. Varied roof heights;
12. Archways;
13. Porte cocheres;
14. Porticos;
15. Shutters (functional or decorative); or
16. Articulated cornice lines.

E. Design Features for Non-Residential and Mixed Use Buildings. Non-residential, multi-family, and mixed use buildings shall comply with the following requirements:

1. Cladding materials used on a facade shall extend a minimum of 20 feet around building corners onto adjacent facades, other than facades abutting an alley.
2. All buildings must include at least four of the following design features, and buildings that are greater than 20,000 square feet in floor area must include at least six of the following design features:
 - a. Canopies, archways, covered walkways, or porticos;
 - b. Awnings;
 - c. Arcades;
 - d. Courtyards;

- e. Cupolas;
- f. Balconies;
- g. Tower elements;
- h. Recesses, projections; columns; pilasters projecting from the planes; offsets; reveals; or projecting ribs used to express architectural or structural bays;
- i. Varied roof heights for pitched, peaked, sloped, or flat roof styles;
- j. Articulated cornice line;
- k. Arches;
- l. Display windows, faux windows, or decorative glass windows;
- m. Architectural details, such as tile work and molding, or accent materials integrated into the building facade;
- n. Integrated planters or wing walls that incorporate landscaping and sitting areas or outdoor patios;
- o. Integrated water features; or
- p. Other similar architectural features approved by the Zoning Administrator.

F. Repetition of Elevations for Single Family Detached Uses and Duplexes.

- 1. No street-facing elevation on a single family detached home or duplex shall be repeated directly across the street from itself, at “T” intersections, within a cul-de-sac, or within four lots of itself along the same blockface, as illustrated on *Exhibit H*. At least 10% of an elevation must be different, or it will be considered to be a repeated elevation.
- 2. In addition, no color scheme may be repeated within three lots of the same color scheme along the same blockface.

G. Single Family Attached Sound Attenuation. When single family attached uses share a common wall, the common wall shall have a minimum Sound Transmission Class (STC) rating of 58.

H. Drive-Through Windows. Drive-through windows associated with restaurants are permitted only within 500 feet of Collins Street. Drive through windows associated with all other uses are limited to the town center area illustrated on the Master Plan or the area within 500 feet of Collins Street.

I. Entries.

1. Non-residential, multi-family, and mixed use buildings shall comply with the following requirements:
 - a. All ground floor entrances shall be covered or inset.
 - b. Building entrances shall be articulated with architectural elements such as columns, porticos, porches, and overhangs.
 - c. All buildings over 20,000 square feet in floor area shall incorporate elements such as arcades, roofs, alcoves, porticos, and awnings that protect pedestrians from sun and weather for a minimum of 50% of the length of the building frontage along a street.

J. Building Articulation. Non-residential, multi-family, and mixed use buildings (excluding accessory buildings) shall comply with the following articulation requirements:

1. All facades adjacent to and facing a street or public open space shall comply with the following standards, as illustrated on *Exhibit I*:
 - a. No building facade shall extend for a distance greater than three times the mean height of the facade without having an off-set of 15% or more of the mean height of the facade. This off-set shall extend for a distance equal to at least 25% of the length of the adjacent plane described in the preceding sentence.
 - b. No portion of a horizontal facade that is the same height shall extend for a distance greater than three times that height without changing height by a minimum of 15%. This height change shall continue for a distance equal to at least 25% of the length of the adjacent plane described in the preceding sentence.
2. Facades adjacent to and facing a street or public open space shall include changes in relief such as columns, cornices, bases, fenestration, and fluted masonry.
3. The top floor of any building shall contain a distinctive finish, consisting of a cornice, banding, or other architectural termination. In addition, the bottom one-third of any building exceeding six stories shall be distinguished from the remainder of the building by providing a distinctive level of detail, such as columns, pilasters, masonry base rustication, unique masonry detailing, unique fenestration, or other distinctive material or color variation.

K. Transparency.

1. At least 25% of each residential facade (excluding mixed use buildings) adjacent to and facing a street or public open space shall contain windows or doorways.
2. At least 40% of each non-residential facade or (including a facade on a mixed use building) adjacent to and facing a street or public open space shall contain

windows or doorways, except that on a mixed use building containing residential uses, at least 40% of the first floor of each facade adjacent to a street or public open space shall contain windows or doorways, and at least 25% of the upper floors of each facade adjacent to a street or public open space shall contain windows or doorways.

3. There are no transparency requirements for a large scale retail use.
- L. Outdoor Storage. Outdoor storage is prohibited in connection with a non-residential use unless the Zoning Administrator approves it based upon a finding that the adverse effects of such storage have been mitigated through adequate restrictions regarding the storage location and type of screening. This provision does not apply to accessory outdoor storage, which is required to be screened in accordance with **Section V.B.5** of this PD.
- M. Prohibited Fences. With the exception of temporary construction fencing, the following types of fences are prohibited: chain link, barbed wire, pipe, and razor wire fences.
- N. Pedestrian Connectivity. When a blockface developed with non-residential uses or mixed use buildings exceeds 500 feet in length, pedestrian access through the block shall be provided. Such access may be provided through a pedestrian access easement, a business open to the public, or any other means that provides pedestrian access during regular business hours.
- O. Accessory Buildings. An accessory building shall not exceed the floor area of the main building.
- P. Enhancements on Corner Lots.
 1. Each single family detached home located on a corner lot shall include architectural enhancements on the side of the home facing the intersecting street. Examples of architectural enhancements include, but are not limited to, gables, columns, windows, vents, porches, and shutters.
 2. Each corner lot with a single family detached home shall have landscape enhancements along the side street as follows: at least one minimum three-inch caliper tree shall be planted for each 35 feet (or fraction thereof) of lot length along the side street, and a minimum of five evergreen shrubs that are a minimum of five gallons shall be planted every five feet on center along fence lines facing the side street. Trees are not required to be evenly spaced.
- Q. Other.
 1. Each single family detached home will have enhancements particular to each style of architecture. For example, coastal style homes will have elevations that feature cementitious fiberboard siding (lap, shake or scallop design), covered porches, porch railings, fascia and trim moldings, shutters, lower pitch roofs, and dormers, and Mediterranean style homes will have elevations that feature arched windows, porches with arches, “A” gable roofs, soffit rafter tails, balconies, and towers.

2. Each single family detached home will utilize signature stone featured on the home or within the grounds such as on patios, columns, facades or retaining walls.
3. Each single family detached home will be elevated a minimum of 18 inches above the street, unless a lower elevation is necessitated by drainage considerations. This design will give the home a more appealing street presence and allow the ability to implement two to three steps to be constructed in the lead walk at the entrance to the front door.
4. Each single family detached home shall be serviced by a central mailbox located at a street intersection and housed within a covered enclosure. The mail enclosure will be landscaped and architecturally compatible with the village within which it is located.
5. All streets will have upgraded street lights that will be architecturally compatible with the overall theme of this PD.
6. The developer shall utilize green building techniques such as the use of curbless streets, rain gardens, grass filtering methods, and detention swales.

IX.

GRANT OF PERMISSION FOR USE OF RIGHT-OF-WAY

- A. Grant of permission. The Council hereby grants a non-exclusive revocable permission subject to an easement use agreement for each named improvement to each owner of land and tenant within the Property boundaries to use the public right of way within the Property boundaries for the exclusive purpose of constructing, operating, repairing and maintaining the following improvements and any improvements reasonably related thereto or necessary for the operation thereof:
1. Street and pedestrian lighting,
 2. Public seating areas,
 3. Landscaping and related amenities, including fountains,
 4. Monuments, statues, or other public artwork,
 5. Street furniture, including benches,
 6. Drinking fountains,
 7. Trash containers,
 8. Tunnels;
 9. Security cameras,
 10. Bollards,

11. Temporary construction barricades,
12. Underground duct banks,
13. Pedestrian bridges and overpasses,
14. Arches,
15. String lighting, and
16. Wiring.

The Zoning Administrator may authorize additional items (other than those enumerated in this **Section A** above) to be included in the permission if such items do not interfere with the public use of the right of way.

- B. **Limitations.** This permission will not terminate at the end of any specific time period, however, the Council reserves and has the absolute right to terminate this permission at will, by adoption of a resolution, at any time such termination becomes necessary. Written notice shall be provided to the abutting property owner as listed on the current tax roll 15 days in advance of the Council meeting. The determination by the City of the necessity of the termination is final and binding, and the City is entitled to possession of the premises without giving any additional notice and without necessity of legal proceedings to obtain possession thereof, when in its judgment, the purpose or use of this permission is inconsistent with the public use of the right-of-way or the purpose or use of this permission is likely to become a nuisance or a public safety issue. Upon termination of the permission by the Council, each owner or tenant shall remove all improvements and installations in the public right-of-way to the satisfaction of the Director of Public Works and Transportation. The City reserves the right to require the relocation of improvements and encumbrances at the owners' or tenants' expense for any construction project within the right of way, as determined by the Director of Public Works and Transportation, or when in the City's sole discretion it is warranted by the public health, safety and welfare.
- C. **Insurance Required.** Upon the conducting of any activities or installing any of the improvements described in **Section A**, it is a condition to continuation of the license that there be in place commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the City, covering, but not limited to, the liability assumed under the license granted under this section, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, \$2,000,000 annual aggregate. Coverage under this liability policy must be on an "occurrence" basis and the City shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Arlington, PO 90231, Arlington, TX 76004-3231; and the policy must provide for thirty days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or other material change in coverage. All subrogation rights for loss or damage against the City are hereby waived to the extent same are covered by the liability insurance policy. In the event there is more than one

license holder, such holders shall be individually, and not joint and severally, liable hereunder.

D. Maintenance. Each owner or tenant placing permitted improvements in the right-of-way shall be responsible for obtaining all required construction and building permits, and maintaining and keeping the improvements safe and from deteriorating in value or condition at no expense to the City. The City shall be absolutely exempt from any requirement to make repairs to or to maintain the permitted improvements.

E. Staff Review.

1. The Director of Public Works and Transportation shall review all proposed improvements described by Section A, and shall approve a proposed improvement if:

a. The improvement will not unreasonably interfere with pedestrian or vehicular traffic, the design and location of the improvement includes all reasonable planning to minimize potential harm or injury to or interference with the public in the use of the public street, and the improvement will not create any hazardous condition or obstruction of vehicular or pedestrian travel upon the public street; and

b. There is clear, continuous, and unobstructed passageway for pedestrians that is a minimum of five feet in width with a minimum vertical clearance of eight feet, provided, however, that where unusual circumstances exist, the requirement could be less than five feet in width where it is certain that public safety would not be jeopardized

2. The Zoning Administrator shall review all proposed improvements described by Section A in the context of land use compatibility, architectural consistency, character of the development, and pedestrian mobility. If the Zoning Administrator determines that a permitted improvement is inappropriate based on the foregoing standards, an applicant may appeal that determination to the Zoning Board of Adjustment within 15 days after the decision in accordance with the procedures set forth in Section 5-800 of the Zoning Ordinance.

X.

LANDSCAPING

A. The landscaping requirements in this article are the exclusive landscaping requirements applicable to the Property. Unless otherwise stated in this article, the requirements of Article XIV of the Zoning Ordinance [Landscape and Screening Standards] do not apply.

B. Single family detached, single family attached, duplex, condominium, and multi-family development shall be landscaped in accordance with the residential landscaping requirements on Exhibit J.

- C. Parkways adjacent to mixed use buildings and non-residential development shall be landscaped in accordance with Section 14-300 of the Zoning Ordinance, except as follows:
1. The tree point provisions of Section 14-300 do not apply.
 2. The landscape setback shall be measured from the inside boundary line of the pedestrian access and utility easement (not the streetside boundary line).
 3. The requirements of Section 14-300 of the Zoning Ordinance related to transitional buffers do not apply.
 4. Subsection 14-300(D) [Landscaping Internal to Parking Areas] does not apply.
 5. All required landscape materials shall be irrigated with an automatic irrigation system, however, landscaping in above ground planters may be irrigated by hand or with an automatic irrigation system. All automatic irrigation systems shall have rain and freeze sensors.
- D. Parking lots shall be landscaped as described below:
1. A maximum of 20 uninterrupted parking spaces are permitted in a row before relieved by a landscaped island.
 2. Landscaped islands are required at the end of each parking aisle.
 3. All landscaped islands shall be a minimum of seven feet in width and the depth of a parking space. If a double row of parking is provided, the island shall be the depth of both rows.
 4. At least 15% of a parking lot shall be landscaped.
 5. Every landscaped island shall have at least one tree and shall be landscaped with ground cover. Trees shall be a minimum of three inches in caliper at the time of planting, except that trees located at the end of parking aisles must be a minimum of four inches in caliper at the time of planting. Trees may be located within landscaped islands, minimum four foot by four foot landscape diamonds, or other landscaped areas within a parking lot.
 6. The total number of trees within a parking lot shall equal at least one tree for every 20 parking spaces within the parking lot.
 7. All required landscape materials shall be irrigated with an automatic irrigation system, however, landscaping in above ground planters may be irrigated by hand or with an automatic irrigation system.
- E. All required trees must be of a species approved for planting under Article XIV of the Zoning Ordinance, except that seedless cottonwood trees shall also be permitted.

XI.
TREE PRESERVATION

- A. This article contains the exclusive tree preservation requirements applicable to the Property. The trees required to be preserved by this article will exceed the tree preservation standards in the Zoning Ordinance.
- B. Trees located in the area shown on **Exhibit K** must be preserved, except that trees may be removed in areas that will contain drainage, roadway, trail, or similar improvements, but only to the extent tree removal is necessary to construct such improvements.
- C. Prior to the commencement of any construction activity within 20 feet of the area shown on **Exhibit K**, areas shown on **Exhibit K** that are within 20 feet of proposed construction activity shall be protected by installing temporary protective fencing between such areas and the construction activity. The protective fencing may be comprised of brightly colored vinyl construction fencing, chain link fencing, or other similar fencing with an approximate height of four feet or greater.
- D. No tree removal permit shall be required to remove trees outside of the area shown on **Exhibit K**. A tree removal permit is required to remove trees within the area shown on **Exhibit K**.
- E. If this PD is amended in the future to include additional property, the trees shown on **Exhibit K** for preservation may also be used to satisfy the tree preservation requirements for a maximum of 100 additional acres.

XII.
SCREENING

- A. **Rooftop Equipment**. Rooftop equipment shall be screened from view at ground level on adjacent streets.
- B. **Trash Storage Areas**. Outdoor trash storage areas visible from a street must be screened on three sides by a solid wall at least eight feet in height of a material that is consistent with the exterior building material of the main building that the storage area serves. Decorative metal opaque gates shall be used to access such trash collection areas. The perimeter of screening walls shall be landscaped with a minimum 12-inch wide landscape strip containing shrubs, vines, or a combination of both.
- C. **Off-Street Loading and Service Areas**. Off-street loading and service areas designated on an approved zoning site plan must be screened by walls at least six feet in height, or by planting evergreen plant material capable of growing to six feet in height within 18 months after planting.
- D. **Other**. Each single family detached home will have the HVAC, electrical, and gas equipment located behind the rear yard fence to create a more appealing streetscape. If the electrical and gas equipment cannot be located behind the fence due to regulatory

requirements, meters will be screened from the street by evergreen plant material of sufficient height to effectively screen the equipment from view.

**XIII.
PARKING**

A. General Provisions.

1. Except as otherwise provided in this paragraph, required parking must be off-street parking. Head-in and parallel parking spaces located on streets are permitted and count toward required parking. Head-in parking is not permitted if maneuvering is done on an arterial street, unless the maneuvering is done on a slip road.
2. Within the town center areas on the Master Plan, as well as areas within 300 feet of those areas, shared parking and off-premise parking may be provided for mixed use buildings in accordance with the town center parking requirements in **Section D** below. Off-premise and shared parking for all other areas is prohibited, unless the Zoning Administrator approves such parking if the alternative parking arrangement avoids the provision of excess parking or is otherwise supported by the findings of a parking study and the alternative parking arrangement will not have an adverse effect on property adjacent to the area where the alternative parking is provided.
3. Unless otherwise stated, all parking spaces may be enclosed or unenclosed.

B. Off-Premise Parking. Except as otherwise provided in this article, parking spaces must be located on the same platted lot as the use that they serve.

C. Minimum Parking Requirements.

See **Table 1** below for the minimum parking requirements for each principal use. Parking is not required for floor area devoted to common areas, such as common areas associated with indoor malls and the lobbies of office buildings. If a use has a drive through window, a minimum of six stacking spaces shall be provided in addition to the parking requirements listed in **Table 1**.

**Table 1
Minimum Parking Requirements**

PERMITTED USE	MINIMUM PARKING REQUIREMENT ²
INSTITUTIONAL	
Business School	1 per student

² Fractional parking requirements shall be rounded up to the nearest whole number. Unless otherwise stated, references to square footage are to floor area.

PERMITTED USE	MINIMUM PARKING REQUIREMENT²
Church	1 per 4 seats in sanctuary or auditorium
College, University, or Seminary	1 per 4 students
Community Center	1:200 SF
Day Care	1 per 8 students
Government Facility	To be determined by Zoning Administrator based on most similar use
Hospital	1½ per bed
Library	1:350 SF of public area
Medical Clinic or Ambulatory Surgical Center	4: 1,000 SF
Museum or Art Gallery	1:400 SF
Public or Private School	Elementary – 1 per 20 students; Junior High – 1 per 18 students; Senior High – 1 per 1.75 students; Kindergarten – 1 per 8 students
OFFICES	
Offices	3:1,000 SF
RECREATION AND ENTERTAINMENT USES	
Country Club with Golf Course	1:300 SF
Night Club	1:100 SF
Park, Playground, or Golf Course	Golf course 9.8 per hole; otherwise none
Private Club, Lodge, or Fraternal Organization	1:200 SF
Recreation, Inside	Theater – 1 per 4 seats; Bowling Alley – 6 per lane; Pool Halls and Other Commercial Amusements (Indoor) – 1:100 SF; Racquetball Court – 4 per court; Health Club – 1:200 SF
RESIDENTIAL AND LODGING USES	
Boutique Hotel	1 per guest room up to 100 rooms; then 0.75 per guest room over 100; 50% of these spaces may be counted to satisfy the parking requirements of accessory uses
Condominium	2 per dwelling unit
Duplex	2 per dwelling unit
Extended Care Facility	1 per 6 beds
Full Service Hotel	1 per guest room up to 100 rooms; then 0.75 per guest room over 100; 50% of these spaces may be counted to satisfy the parking requirements of accessory uses
Multi-Family	2 per dwelling unit for the first 50 dwelling units; 1.75 per dwelling unit thereafter
Nursing Home	1 per six beds

PERMITTED USE	MINIMUM PARKING REQUIREMENT²
Personal Care Facility	1 per six beds
Single Family (Attached and Detached)	2 per dwelling unit
Supervised Living Facility	1 per 1½ dwelling units
RETAIL AND PERSONAL SERVICE USES	
Bar	1:75 SF
Antique Shop	2:1,000 SF (1:400 for furniture sales)
Car Wash	1:150 SF
Catering Service	3:1,000 SF
Cleaning Laundry	3:1,000 SF
Copy Center	3:1,000 SF
Custom and Craft Work	1:400 SF
Farmers Market	1:1,000 SF of site area
Gasoline Sales	1:250 SF with a minimum of 4 spaces
General Retail Store, Other Than Listed	3:1,000 SF (1:400 SF for furniture sales)
Large Scale Retail	3:1,000 SF (1:400 SF for furniture sales)
Large Scale Retail, Town Center	3:1,000 SF (1:400 SF for furniture sales)
Nursery, Garden Shop, or Plant Sales	3:1,000 SF for indoor portion; 1:600 SF for outdoor portion
Open Air Vending	None
Personal Services	3:1,000 SF
Restaurant	1:150 SF
Veterinary Clinic	1:400 SF
TEMPORARY USES	
Temporary Asphalt or Concrete Batch Plant	None
Temporary Carnival, Circus, or Amusement Ride	None
Temporary Construction Field Office	None
Temporary Construction Storage Yard	None
Temporary Outdoor Sales	None
UTILITY, COMMUNICATION, AND TRANSPORTATION USES	
Electric Generating Plant	None
Electric Utility Substation	None
Radio or TV Station Recording Studio	1:400 SF
Radio, Television, or Microwave Tower	None
Utility Lines, Towers, or Metering Station	None
Wireless Telecommunication Facilities	None
WHOLESALE, DISTRIBUTION, AND STORAGE	
Distribution Center	1:3000 SF
OTHER	
Dredging	None

PERMITTED USE	MINIMUM PARKING REQUIREMENT ²
Gas Well Drilling and Production	None, except as required in Exhibit N or O

D. Town Center Parking. This **Section D** only applies to parking for a mixed use building.

1. Off-Premise Parking.

- a. Residential Uses. Required parking spaces for residential uses are not required to be located on the same lot as the use they serve; however, such spaces must be within 300 feet of the use they serve if they are not located on the same lot.
- b. Non-Residential Uses. Parking spaces for non-residential uses, whether required or excess, are not required to be located on the same lot as the use that they serve; however, such spaces must be within 600 feet of the use they serve if they are not located on the same lot.

2. Shared Parking.

- a. The minimum parking requirements above may be reduced using the occupancy rates in **Table 2** below to calculate the adjusted parking requirements, and the parking requirement shall be determined by the adjusted off-street parking calculation:

Table 2

Time of Day Use	Weekday			Weekend		
	12 am – 8 am	8 am – 6 pm	6 pm – 12 am	12 am – 8 am	8 am – 6 pm	6 pm – 12 am
Office	5%	100%	20%	5%	5%	5%
Restaurant	10%	70%	100%	20%	70%	100%
Retail	5%	90%	80%	5%	100%	70%
Entertainment	10%	40%	100%	50%	80%	100%
Hotel	100%	70%	100%	100%	70%	100%
Institutional (non-church)	5%	100%	20%	5%	10%	10%

Time of Day Use	Weekday			Weekend		
	12 am – 8 am	8 am – 6 pm	6 pm – 12 am	12 am – 8 am	8 am – 6 pm	6 pm – 12 am
Institutional (church)	5%	10%	5%	5%	100%	50%
Conference / Meeting Room	5%	100%	100%	5%	100%	100%
Residential	100%	60%	100%	100%	80%	100%
All other uses	100%	100%	100%	100%	100%	100%

3. Calculation of the adjusted off-street parking requirements will be as follows:
 - a. Determine the parking requirements for each use within the PD.
 - b. Multiply the parking requirement calculated per **Table 1** by the occupancy rate for that category of use in **Table 2**. See **Table 3** for the shared parking category of use for each land use listed in **Table 1**.
 - c. Total the time of day columns for both weekday and weekend to determine the parking demand at each time of day.
 - d. The column with the largest sum is the adjusted off-street parking requirement.

4. Example of adjusted parking calculations:
 - a. 50,000 sq. ft. office, 30,000 sq. ft. retail and 20,000 sq. ft. restaurant, respectively.
 - b. Individual office parking requirements: $(3 \text{ spaces}/1,000 \text{ sq. ft.})(50,000 \text{ sq. ft.}) = 150 \text{ spaces}$
 - c. Individual retail parking requirements: $(3 \text{ spaces}/1,000 \text{ sq. ft.})(30,000 \text{ sq. ft.}) = 90 \text{ spaces}$
 - d. Individual restaurant requirements: $(1 \text{ space}/100 \text{ sq. ft.})(20,000 \text{ sq. ft.}) = 200 \text{ spaces}$
 - e. Total: $150 + 90 + 200 = 440 \text{ total spaces}$

f. Adjusted parking calculation is as follows:

<u>Weekday</u>			
<u>Time of Day</u>			
<u>12mid - 8am</u>	<u>8am - 6pm</u>		<u>6pm - 12mid</u>
Office	(.05)(150) = 8	(1.0)(150) = 150	(0.2)(150) = 30
Retail	(.05)(90) = 5	(0.9)(90) = 81	(0.8)(90) = 72
Restaurant	(0.1)(200) = <u>20</u>	(0.7)(200) = <u>140</u>	(1.0)(200) = <u>200</u>
<u>Total</u>	33	371	302
<u>Weekend</u>			
<u>Time of Day</u>			
<u>12mid-8am</u>	<u>8am - 6pm</u>		<u>6pm-12mid</u>
Office	(.05)(150) = 8	(.05)(150) = 8	(.05)(150) = 8
Retail	(.05)(90) = 5	(1.0)(90) = 90	(0.7)(90) = 63
Restaurant	(0.2)(200) = <u>40</u>	(0.7)(200) = <u>140</u>	(1.0)(200) = <u>200</u>
<u>Total</u>	53	238	271

g. Solution to example calculation: 371 spaces required, i.e., the highest total for any time period both weekday and weekend. (Allows a 16% savings from 440 spaces.)

5. The categories of shared parking attributable to each use are identified in **Table 3. Table 3.**

Table 3

Uses within Each Shared Parking Category

PERMITTED USE	SHARED PARKING CATEGORY³
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³ Uses identified as “other” are not permitted to have reduced parking requirements through a shared parking arrangement (i.e., they are deemed to have a 100% occupancy).

PERMITTED USE	SHARED PARKING CATEGORY³
INSTITUTIONAL	
Business School	Not Eligible
Church	Not Eligible
College, University, or Seminary	Not Eligible
Community Center	Not Eligible
Day Care	Not Eligible
Government Facility	Institutional (non-church)
Hospital	Institutional (non-church)
Library	Institutional (non-church)
Medical Clinic or Ambulatory Surgical Center	Institutional (non-church)
Museum or Art Gallery	Institutional (non-church)
Public or Private School	Not Eligible
OFFICES	
Offices	Office
RECREATION AND ENTERTAINMENT	
Country Club with Golf Course	Not Eligible
Night Club	Entertainment
Park, Playground, or Golf Course	Not Eligible
Private Club, Lodge, or Fraternal Organization	Institutional (non-church)
Recreation, Inside	Entertainment
RESIDENTIAL AND LODGING	
Boutique Hotel	Hotel
Condominium	Residential
Duplex	Not Eligible
Extended Care Facility	Not Eligible
Full Service Hotel	Hotel or Conference/Meeting Room (As Applicable)
Multi-Family	Residential
Nursing Home	Not Eligible
Personal Care Facility	Not Eligible
Single Family (Attached)	Not Eligible
Single Family (Detached)	Not Eligible
Supervised Living Facility	Not Eligible
RETAIL AND PERSONAL SERVICE	
Bar	Entertainment
Antique Shop	Retail
Car Wash	Not Eligible
Catering Service	Retail
Cleaning Laundry	Retail
Copy Center	Retail
Custom and Craft Work	Retail
Farmers Market	Retail
Gasoline Sales	Not Eligible

PERMITTED USE	SHARED PARKING CATEGORY³
General Retail Store, Other Than Listed	Retail
Large Scale Retail	Retail
Large Scale Retail, Town Center	Retail
Nursery, Garden Shop, or Plant Sales	Retail
Open Air Vending	Not Eligible
Personal Services	Retail
Restaurant	Restaurant
Veterinary Clinic	Retail
TEMPORARY	
Temporary Asphalt or Concrete Batch Plant	Not Eligible
Temporary Carnival, Circus, or Amusement Ride	Not Eligible
Temporary Construction Field Office	Not Eligible
Temporary Construction Storage Yard	Not Eligible
Temporary Outdoor Sales	Not Eligible
UTILITY, COMMUNICATION, AND TRANSPORTATION	
Electric Generating Plant	Not Eligible
Electric Utility Substation	Not Eligible
Radio or TV Station Recording Studio	Not Eligible
Radio, Television, or Microwave Tower	Not Eligible
Utility Lines, Towers, or Metering Station	Not Eligible
Wireless Telecommunication Facilities	Not Eligible
WHOLESALE, DISTRIBUTION, AND STORAGE	
Distribution Center	Not Eligible
OTHER	
Dredging	Not Eligible
Gas Well Drilling and Production	Not Eligible

6. Master Parking Plan.

- a. Applicability. Notwithstanding anything to the contrary in this subsection, only uses that utilize off-premise or shared parking are required to demonstrate parking requirements through a master parking plan.
- b. Initial Master Parking Plan. Prior to the issuance of the first building permit to construct new floor area served by off-premise or shared parking, an initial master parking plan shall be provided to the Zoning Administrator.
- c. Periodic Updated Master Parking Plans Required. Except as otherwise provided below, the initial master parking plan shall be updated, and an updated plan submitted to the Zoning Administrator, prior to any of the following:

- (1) Issuance of any subsequent building permits to construct new floor area served by off-premise or shared parking;
 - (2) Issuance of a demolition permit to demolish existing floor area served by off-premise or shared parking;
 - (3) Issuance of a certificate of occupancy that allows a new use or changes an existing use served by off-premise or shared parking; and
 - (4) Making any change to a mixed use building that increases or decreases the existing parking requirement if that building is served by off-premise or shared parking, regardless of whether such change requires a building permit or certificate of occupancy.
- d. Contents of Master Parking Plan. Both the initial and updated master parking plans shall contain the following information:
- (1) A tabulation box that includes the basis for the calculation of the parking requirement (e.g., amount of floor area; number of dwelling units, guest rooms, or beds) for each existing and proposed use served by off-premise or shared parking, and the resulting calculation of the parking requirement for such uses;
 - (2) The general location⁴ of all required parking identified under the preceding paragraph (the boundaries of the parking area and the total number of spaces within such area shall suffice); and
 - (3) Identification of the particular parking spaces devoted to each mixed use building containing a residential use for the purpose of confirming such parking spaces are within the required distances from the uses they serve. Only the parking spaces devoted to the residential portion must be identified.

XIV.

OFF-STREET LOADING FOR NON-RESIDENTIAL USES

Off-street loading facilities may be accessed from a street or a private service drive, or may consist of a berth within a structure. Off-street loading facilities shall be screened in accordance with the applicable provisions of this PD. On-street loading is permitted in designated loading zones.

⁴ It is not necessary to show each individual parking space. The outline of the parking lot, or the footprint of the parking garage, along with a notation regarding the number of parking spaces in such lot or garage, is sufficient.

XV.
SIGNS

The Council may approve different sign regulations than the regulations in the Zoning Ordinance by approving an alternate sign package. An alternate sign package follows the same process as a zoning change.

XVI.
OPEN SPACE

- A. The requirements of this article are intended to help maintain the integrity of the River Legacy Park and existing trail system on the Property; promote the continuity and expansion of publicly accessible open space and trails; protect and enhance the environmental values of the River Legacy Park and the surrounding open space; and ensure that publicly accessible open space is preserved in perpetuity.
- B. Parks and open space areas shall be designated on approved plats for the Property and shall generally comply with the Preliminary Park and Open Space Master Plan attached as **Exhibit L**. Additional parks and open space areas, as well as payment of park fees, required by other City zoning ordinances shall not apply.
- C. A Final Park and Open Space Master Plan generally consistent with the Preliminary Park and Open Space Master Plan shall be submitted to the City prior to submittal of a preliminary plat for any portion of the Property.
- D. Open space amenities shall be provided as follows:
 - 1. The developer shall, at a minimum, construct the following amenities within open space shown on the first final plat for single family attached and detached development, and such amenities shall be constructed concurrently with single family homes but are not required to be completed until the full buildout of all single family homes within the area covered by such final plat :
 - a. One recreational facility (may be an amenity center);
 - b. A swimming pool complex;
 - c. One soft track jogging facility;
 - d. One baseball field;
 - e. Four tennis courts;
 - f. One soccer field (minimum 120 feet in width by 240 feet in length);
 - g. Two play structures (such as climbers, jungle gyms, spinners, or hangers);
 - h. One shade structure for each active park;

- i. Two picnic tables for each active park;
 - j. Two park benches for each active park;
 - k. One dog clean-up station;
 - l. Fencing for each pocket park;
 - m. Barbeque pits; and
 - n. Park signage.
2. The developer shall, at a minimum, construct the following amenities within open space shown on the second final plat for single family attached and detached development, and such amenities shall be constructed concurrently with single family homes but are not required to be completed until the full buildout of all single family homes within the area covered by such final plat:
- a. One recreational facility (may be an amenity center)
 - b. A swimming pool complex;
 - c. One soccer field;
 - d. Barbeque pits;
 - e. One play structure (such as climbers, hangers, slides or spinners);
 - f. Two picnic tables for each active park;
 - g. Two park benches for each active park;
 - h. One dog clean up station;
 - i. Park signage;
 - j. One shade structure per park; and
 - k. Fencing for each pocket park.
3. The developer shall, at a minimum, construct the following amenities within open space shown on the third final plat for single family attached and detached development, and such amenities shall be constructed concurrently with single family homes but are not required to be completed until the full buildout of all single family homes within the area covered by such final plat:
- a. One recreational facility (may be an amenity center)
 - b. A swimming pool complex;

- c. One soccer field or similar active play field;
 - d. Barbeque pits;
 - e. Four tennis courts;
 - f. One play structure (such as climbers, hangers, slides, or spinners)
 - g. Two picnic tables for each active park;
 - h. Two park benches for each active park;
 - i. One dog clean up station;
 - j. Park signage;
 - k. One shade structure for each active park; and
 - l. Fencing for each pocket park.
- E. Every dwelling unit shall be within 700 feet of open space, except that each dwelling unit in a single family attached, condominium, or multi-family structure shall be within 1,000 feet of open space.
- F. The developer shall use utilize nonpotable whenever possible to irrigate open spaces and parks. The developer will install an irrigation system for all open spaces. The developer commits to working towards a grey water supply system from sources other than the City of Arlington water system. The lakes are anticipated to be recharged from rain collection, wells, and the Trinity River (utilizing effluent from the Fort Worth Sewer Treatment Plant).
- G. Open space areas shall be landscaped with one tree that is a minimum of three inches in caliper for every 35 feet of street frontage or fraction thereof. Trees may be planted in clusters to create a natural appearance. Where feasible, the developer shall transplant as native trees from areas scheduled for developmental impact to open space areas and parks within the Property.
- Ownership and maintenance of public open space areas shall be in accordance with Senate Bill No. 919 adopted by the Texas Legislature in 2007, codified at Chapter 3861 of Subtitle C, Title 4, Special District Local Laws Code,— the Viridian Municipal Management District.
- H. and other applicable State law. Private open space shall be maintained by a property owners associate or other appropriate entity.

XVII.
RECREATIONAL AND SOCIAL AMENITIES

- A. Prior to the issuance of a building permit for the 500th single family detached residence on the Property, an amenity center shall be constructed.
- B. Prior to the issuance of a building permit for the 2,000th single family detached residence on the Property, a second amenity center shall be constructed.
- C. Each amenity center shall have the following amenities and shall be open to residents and their guests:
1. Restroom facilities;
 2. Meeting rooms;
 3. A swimming pool;
 4. Group recreational equipment;
 5. A playground; and
 6. An indoor community gathering space.
- D. In order to promote a sense of community, social programming will be incorporated into the fabric of this PD by the home owners association. This programming is intended to create and support interaction between families, neighbors, neighborhoods and villages within this PD. Functions and events may include, but are not limited to, items such as the following:
1. Clubhouse/pool activities and events: dance classes, ballet classes, karate classes, fitness classes, scrap booking, book clubs, cooking classes, wine tasting, New Years celebrations, bunko night, poker night, kid's story time, casino nights, super bowl parties, Valentine's Day moms' night out, March madness, Easter Parade, Memorial Day pool opening, 4th of July event, Labor Day celebrations, Halloween events, Thanksgiving pot luck, meet and greet Santa, meet and greet your neighbors, and pancake socials.
 2. Outdoor activities: bike races, softball, soccer, basketball, horseshoes, tennis, sand volleyball, fishing tournaments, fly and reel, movies on the lake, fireworks, national night out (safety), astronomy, bird watching, nature tours and classes, summer camps (in conjunction with River Legacy, Boy Scouts, or Girl Scouts), nature hikes, fun runs, marathons, mom's stroller classes, and Barktoberfest (dog party).
 3. Lake events: sailing regattas, sculling, scuba diving lessons, canoeing/kayaking, bird watching classes, River Legacy educational classes, camping, boat

rentals/catamarans, sand castle building, swimming, beach parties, and fishing tournaments.

4. Town center events: trade days, art and craft fairs, pottery, Taste of Arlington, farmers market, WiFi in public areas, art competitions, sculpture contests, community parades, medieval fair, and musical and theatrical performances.

XVIII.

STREET AMENITY DESIGN PACKAGE

- A. The following street amenities will be provided in non-residential and town center areas internal to the Property: pedestrian street lamps, bike racks, litter containers, and street seating. Such amenities shall be installed concurrently with required landscaping. Street amenities are not required within 100 feet of a platted single family attached or detached residential lot line.
- B. A street amenity design package shall be submitted along with the initial zoning site plan for the Property. The design package shall, at a minimum, include designs for pedestrian street amenities that are consistent with accepted urban design principles and compatible with the theme or architecture of the development depicted in the zoning site plan application. The design package shall indicate the general location of street amenities proposed on or adjacent to the portion of the Property that is the subject of the zoning site plan, and future zoning site plans shall also show the proposed locations of street amenities.

XIX.

STREET SECTIONS

Proposed street sections are shown on Exhibit M; however, this PD shall not be construed to modify the City's standard requirements for street construction and the dedication of public right-of-way.

XX.

PEDESTRIAN AND STREET LIGHTING STANDARDS

Street lighting and pedestrian lighting shall be provided in accordance with Exhibit N.

XXI.

EXHIBITS

The following exhibits are attached hereto and incorporated by reference for all purposes:

Exhibit "A"	Master Plan
Exhibit "B"	Permitted Uses
Exhibit "C"	Depiction of the Property
Exhibit "D"	Legal Description of the Property
Exhibit "E"	Wireless Communication Tower Locations
Exhibit "F"	Building Setback, Area, and Bulk Requirements for Residential

- Exhibit “G” Illustration of Anti-Monotony Rule
- Exhibit “G-1” Illustration of Anti-Monotony Rule for Multi-family
- Exhibit “H” Building Articulation
- Exhibit “I” Landscaping
- Exhibit “J” Tree Preservation Area
- Exhibit “K” Preliminary Park and Open Space Master Plan
- Exhibit “L” Street Section Table
- Exhibit “M” Pedestrian and Street Lighting Standards
- Exhibit “N” First Set of Previously Approved Gas Drilling Sites: Property Description, General Regulations, Gas Well Drilling and Production Regulations, and Development Plan.
- Exhibit “O” Second Set of Previously Approved Gas Drilling Sites: Property Description, General Regulations, Gas Well Drilling and Production Regulations, and Development Plan.

EXHIBIT A
MASTER PLAN

EXHIBIT B

PERMITTED USES

PERMITTED USE	P = PERMITTED BY RIGHT S = SUP C = PERMITTED WITH CONDITIONS (SEE SECTION V.C FOR MORE DETAILS ON CONDITIONS)
INSTITUTIONAL	
Business School	P
Church	P
College, University, or Seminary	P
Community Center	P
Day Care	P
Government Facility	P
Hospital	P
Library	P
Medical Clinic or Ambulatory Surgical Center	P
Museum or Art Gallery	P
Public or Private School	P
OFFICE	
Offices	P
RECREATION AND ENTERTAINMENT	
Country Club with Golf Course	P
Night Club	P
Park, Playground, or Golf Course	P
Private Club, Lodge, or Fraternal Organization	P
Recreation, Inside ⁵	P
RESIDENTIAL AND LODGING	

⁵ Coin operated arcades operated in connection with an inside recreation use are permitted only as an accessory use, and shall not include games of chance.

PERMITTED USE	P = PERMITTED BY RIGHT S = SUP C = PERMITTED WITH CONDITIONS (SEE SECTION V.C FOR MORE DETAILS ON CONDITIONS)
Boutique Hotel	C
Condominium	P
Duplex	P
Extended Care Facility	P
Full Service Hotel ⁶	P
Multi-Family	C
Nursing Home	P
Personal Care Facility	P
Single Family (Attached and Detached)	P
Supervised Living Facility	P
RETAIL AND PERSONAL SERVICE USES	
Bar	P
Antique Shop	P
Car Wash	P
Catering Service	P
Cleaning Laundry	P
Copy Center	P
Custom and Craft Work	P
Farmers Market	P
Gasoline Sales	P
General Retail Store, Other Than Listed	P
Large Scale Retail	C
Large Scale Retail, Town Center	P
Nursery, Garden Shop, or Plant Sales	P
Open Air Vending	P
Personal Services	P

⁶ Full service hotels must comply with Section 12-1000 of the Zoning Ordinance.

PERMITTED USE	P = PERMITTED BY RIGHT S = SUP C = PERMITTED WITH CONDITIONS (SEE SECTION V.C FOR MORE DETAILS ON CONDITIONS)
Restaurant	P
Veterinary Clinic	C
TEMPORARY	
Temporary Asphalt or Concrete Batch Plant	C
Temporary Carnival, Circus, or Amusement Ride	P
Temporary Construction Field Office	C
Temporary Construction Storage Yard	C
Temporary Outdoor Sales	P
UTILITIES, COMMUNICATION, AND TRANSPORTATION	
Electric Generating Plant	P
Electric Utility Substation	P
Radio or TV Station Recording Studio	P
Radio, Television, or Microwave Tower	P
Utility Lines, Towers, or Metering Station	P
Wireless Telecommunication Facilities	C
WHOLESALE, DISTRIBUTION, AND STORAGE	
Distribution Center	S
OTHER	
Dredging	P
Gas Well Drilling and Production	SEE SECTION V.C FOR MORE DETAILS

EXHIBIT C

DEPICTION OF THE PROPERTY

EXHIBIT D

LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT E

WIRELESS COMMUNICATION TOWER LOCATIONS

EXHIBIT F

BUILDING SETBACK, AREA, AND BULK REQUIREMENTS FOR RESIDENTIAL

EXHIBIT G

ILLUSTRATION OF ANTI-MONOTONY RULE

EXHIBIT H
BUILDING ARTICULATION

EXHIBIT I

LANDSCAPING

Residential Landscaping Requirements

Residential Type	Custom Estates	Large Lot	Standard Lot	Small Lot	Paseo Courts	Green Courts	Compound	Single Family Attached	Multi-Family
Minimum Number and Size of Trees ⁷	One 3-inch caliper tree per 30 feet of street frontage or fraction thereof	One 3-inch caliper tree per 30 feet of street frontage or fraction thereof	One 3-inch caliper tree per lot	One 3-inch caliper tree per lot	One 3-inch caliper tree per lot	One 3-inch caliper tree per lot	One 3-inch caliper tree per lot	One 4-inch caliper tree per 30 feet of street frontage or fraction thereof	One 4-inch caliper tree per 30 feet of street frontage or fraction thereof
15 Gallon Shrubs	5	5	3	2	1	1	1	1	1
7 Gallon Shrubs	8	5	5	3	3	3	3	3	3
5 Gallon Shrubs	20	15	12	10	10	10	10	10	10
1 Gallon Shrubs	30	20	15	10	10	10	10	10	10
Minimum Public Walkway Width ⁸	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	8 feet	8 feet
Minimum Private Walkway Width ⁹	5 feet	5 feet	4 feet	4 feet	4 feet	4 feet	4 feet	4 feet	4 feet
Lawn	Fully sodded								
Irrigation	All landscaping other than trees shall be irrigated with automatic irrigation systems that include rain and freeze sensors								
Drip Irrigation	All trees must be irrigated using drip irrigation								

⁷ Trees shall be planted in the parkway, and may be spaced 20 to 50 feet apart.

⁸ Public walkways located on blockfaces that contain mixed use buildings shall be a minimum of ten feet in width.

⁹ Intended to connect the residential structure to the public walkway along the street.

EXHIBIT J
TREE PRESERVATION

EXHIBIT K

PRELIMINARY PARK AND OPEN SPACE MASTER PLAN

EXHIBIT L

STREET SECTION TABLE

EXHIBIT M

PEDESTRIAN AND STREET LIGHTING STANDARDS

	Individual Street Light	Individual Pedestrian Light	Combination Pole for Street & Pedestrian Light	Pedestrian Lighting in Parks
Applicability	For boulevards, street lighting shall be provided within the medians	For boulevards, pedestrian lighting shall be provided along sidewalks	For non-boulevards, combination pedestrian and street light poles shall be provided along sidewalks	For public parks, pedestrian lighting shall be provided along trails and on bridges
Maximum Illumination Level (Footcandle)	Per IESNA	Per IESNA	Per IESNA	Per IESNA
Average Pole Height (Measured Along a Street within the Property)¹⁰	40 feet	12 feet	20 feet for street lights and 12 feet for pedestrian lights	12 feet
Average Spacing¹¹	180 feet	90 feet	90 feet	90 feet

¹⁰ A lower average pole height may be approved by the Zoning Administrator upon a finding that the lower height will provide adequate lighting.

¹¹ Different spacing may be approved by the Zoning Administrator upon a finding that the alternative spacing will provide adequate lighting.

Location Criteria	Centered in the median. Refer the Standard Specification for Streetlighting, Department of Public Works & Transportation	At least four feet from back of curb. Centered between street trees. Average one light every 15 feet on center.	At least four feet from back of curb. Centered between street trees. Average one light every 15 feet on center.	A maximum of one foot off the edge of a trail.
Pole/Post Specification	None	Capacity to accommodate vertical banner signs (twin banner arm)		Pole/Post specification
Light Source	Type (HPS) and wattage to be determined by Photometric Mapping/study. Luminaire shall meet cutoff classification and prevent unwanted light from spilling onto neighboring property. Lighting design shall meet IESNA's recommendations for uniformity and glare control.			

Exhibit N: First Set of Previously Approved Gas Drilling Sites: Property Description, General Regulations, Gas Well Drilling and Production Regulations, and Development Plan.

Property Description:

Tract 1 – Gas Well #2

BEING a 4.292-acre tract of land situated in the Jehu Condra Survey, Abstract No. 347, City of Arlington, Tarrant County, Texas, and being part of a called 1,845.082-acre tract of land, conveyed as Tract One to LOBF, LP by deed recorded in Document No. D204096335 in Deed Records, Tarrant County, Texas. Said 4.292-acre tract, with reference bearing being Grid North, Texas State Plane Coordinates, North Central Zone 4202 as determined from City of Arlington Control Monuments “AR02” and “AR04”, being more particularly described by metes and bounds as follows:

COMMENCING at a point for the northwest corner of Block 32 of the Lakes of Arlington, and addition to the City of Arlington by plat recorded in Cabinet “A”, Slide 5048, Plat Records, Tarrant County, Texas and being on the east right-of-way of FM 157 (a variable width right-of-way);

THENCE, North 50°23’16” East, a distance of 8,998.57 feet to a 5/8-inch iron rod with a yellow plastic cap stamped “CARTER BURGESS” set for the POINT OF BEGINNING on the north line of aforesaid 1,845.082-acre tract and on the common south line of a called Tract 1 conveyed to Jacqueline Ferris Baker by deed recorded in Volume 12042, Page 2279, Deed Records, Tarrant County, Texas;

THENCE, South 89°51’38” East, along said common line, a distance of 227.52 feet to a 5/8-inch iron rod found on the north line of said 1,845.082-acre tract and being the southeast corner of a tract of land conveyed to Frank Arville Reaves by deed recorded in Volume 8125, Page 284, Deed Records, Tarrant County, Texas;

THENCE South 89°57’36” East, along the north line of aforesaid 1,845.082-acre tract and the common south line of aforesaid Frank Arville Reaves tract, a distance of 248.28 feet to a 5/8-inch iron rod with a yellow plastic cap stamped “CARTER BURGESS” set for corner;

THENCE over and across aforesaid 1,845.082-acre tract the following courses and distances:

South 00°04’38” West, a distance of 439.04 feet to a 5/8-inch iron rod with a yellow plastic cap stamped “CARTER BURGESS” set for corner and being the beginning of a non-tangent curve to the left having a central angle of 14°43’07”, a radius of 200.00 feet, a chord bearing of South 71°21’48” West, a chord length of 51.24 feet;

Along said non-tangent curve to the left an arc length of 51.38 feet, to a 5/8-inch iron rod with a yellow plastic cap stamped “CARTER BURGESS” set for corner and being the beginning of reverse curve to the right having a central angle of 62°08’02”, a radius of 50.00 feet, a chord bearing of North 84°55’45” West, a chord length of 51.60 feet;

Along said reverse curve to right an arc length of 54.22 feet, to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner and being the beginning of a reverse curve to the left having a central angle of $27^{\circ}36'12''$, a radius of 500.00 feet, a chord bearing of North $67^{\circ}39'50''$ west, a chord length of 238.56 feet:

Along said reverse curve to the left an arc length of 240.88 feet, to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner; North $81^{\circ}27'55''$ West, a distance of 81.31 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner and being the beginning of a tangent curve to the left having a central angle of $21^{\circ}31'46''$, a radius of 200.00 feet, a chord bearing of South $87^{\circ}46'12''$ West, a chord length of 74.71 feet;

Along said tangent curve to the left an arc length of 75.15 feet, to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

North $00^{\circ}04'38''$ East, a distance of 351.75 feet to the POINT OF BEGINNING, containing 4.292 acres of land, more or less.

Tract 2 – Gas Well #7

BEING a 4.396 acre tract of land situated in the William Jenkins Survey, Abstract No. 856 and the Patrick G. Dalton Survey, Abstract No. 414, City of Arlington, Tarrant County, Texas, and being part of Block 32 of the Lakes of Arlington, an addition to the City of Arlington by plat recorded in Cabinet "A", Slide 5048, Plat Records, Tarrant County, Texas. Said 4.396-acre tract, with reference bearing being Grid North, Texas State Plane Coordinates, North Central Zone 4202 as determined from City of Arlington Control Monuments "AR02" and "AR04", being more particularly described by metes and bounds as follows:

COMMENCING at a point for the northwest corner of aforesaid Block 32 of the Lakes of Arlington, and addition to the City of Arlington by plat recorded in Cabinet "A", Slide 5048, Plat Records, Tarrant County, Texas and being on the east right-of-way of FM 157 (a variable width right-of-way);

THENCE along the west line of aforesaid Block 32 and the common east right-of way of aforesaid FM 157 the following courses and distances:

South $00^{\circ}34'23''$ East, a distance of 73.42 feet to a Texas Department of Transportation concrete monument with an aluminum disc found for the beginning of non-tangent curve to the left having a central angle of $00^{\circ}29'00''$, a radius of 7,572.80 feet, a chord bearing of South $00^{\circ}48'37''$ East, a chord length of 63.90 feet;

Along said non-tangent curve to the left, an arc length of 63.90 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for the POINT OF BEGINNING;

THENCE over and across aforesaid Block 32 the following courses and distances:

North 87°18'06" East a distance of 213.29 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner and being the beginning of a non-tangent curve to the right having a central angle of 48°57'29", a radius of 545.30 feet, a chord bearing of South 38°08'43" East, a chord length of 451.90 feet;

Along said non-tangent curve to the right an arc length of 465.95 feet, to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

South 13°39'58" East a distance of 94.52 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

South 85°25'30" West a distance of 492.30 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner on the west line of aforesaid Block 32 and being on the common east right-of-way of aforesaid FM 157 and being the beginning of a non-tangent curve to the right having a central angle of 03°36'36", a radius of 7,572.80 feet, a chord bearing of North 02°51'25" West, a chord length of 477.06 feet;

THENCE along said non-tangent curve to the right, and west line of aforesaid Block 32 and being on the common east right-of-way of aforesaid FM 157, an arc length of 477.14 feet, to the POINT OF BEGINNING, containing 4.396 acres of land, more or less.

Tract 3 – Gas Well #8

BEING a 4.400 acre tract of land situated in the William Jenkins Survey, Abstract No. 856, City of Arlington, Tarrant County, Texas, and being part of a 45.251-acre tract of land, conveyed as tract four to LOBF, LP by deed recorded in Document No. D204096335, in Deed Records, Tarrant County, Texas. Said 4.400-acre tract, with reference bearing being Grid North, Texas State Plane Coordinates, North Central Zone 4202 as determined from City of Arlington Control Monuments "AR02" and "AR04", being more particularly described by metes and bounds as follows:

COMMENCING at a point for the northwest corner of Block 32 of the Lakes of Arlington, and addition to the City of Arlington by plat recorded in Cabinet "A", Slide 5048, Plat Records, Tarrant County, Texas and being on the east right-of-way of FM 157 (a variable width right-of-way);

THENCE, North 28°49'47" West, a distance of 1,439.41 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set on the west line of aforesaid 45.251-acre tract and the common east right-of-way line of old FM 157 (a variable width right-of-way) for the POINT OF BEGINNING;

THENCE North 00°40'04" West, along aforesaid common line, a distance of 278.31 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner and

being the beginning of a tangent curve to the right having a central angle of $83^{\circ}05'04''$, a radius of 80.93 feet, a chord bearing of North $41^{\circ}30'02''$ east, a chord length of 107.35 feet;

THENCE over and across aforesaid 45.251-acre tract the following courses and distances:

Along said tangent curve to the right an arc length of 117.36 feet, to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

North $83^{\circ}17'47''$ East, a distance of 365.51 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner and being the beginning of a tangent curve to the right having a central angle of $91^{\circ}10'28''$, a radius of 80.00 feet, a chord bearing of South $51^{\circ}06'59''$ East, a chord length of 114.29 feet;

Along said tangent curve to the right, an arc length of 127.30 feet, to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner on the east line of aforesaid 45.251 acre tract and being on the common west right-of-way of aforesaid FM 157 and being the beginning of a compound curve to the right having a central angle of $02^{\circ}1'20''$, a radius of 7,572.81 feet, a chord bearing of South $04^{\circ}24'05''$ east, a chord length of 298.11 feet;

THENCE along said compound curve to the right, and the east line of aforesaid 45.251-acre tract and the common west right-of-way of aforesaid FM 157, an arc length of 298.13 feet, to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

THENCE South $86^{\circ}34'12''$ West, over and across aforesaid 45.251-acre tract, a distance of 543.71 feet to the POINT OF BEGINNING, and containing 4.400 acres of land, more or less.

Tract 4 – Gas Well #11

BEING a 4.378-acre tract of land situated in the Samuel Kephart Survey, Abstract No. 891, City of Arlington, Tarrant County, Texas, and being part of a called 1845.082-acre tract of land, conveyed as Tract One to LOBF, LP by deed recorded in Document No. D204096335, Deed Records, Tarrant County, Texas. Said 4.378-acre tract, with reference bearing being Grid North, Texas State Plane Coordinates, North Central Zone 4202 as determined from City of Arlington Control Monuments "AR02" and "AR04", being more particularly described by metes and bounds as follows:

COMMENCING at a point for the northwest corner of Block 32 of the Lakes of Arlington, an addition to the City of Arlington by plat recorded in Cabinet "A", Slide 5048, Plat Records, Tarrant County, Texas and being on the east right-of-way of FM 157 (a variable width right-of-way);

THENCE North $37^{\circ}23'30''$ East, a distance of 6,194.67 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for the POINT OF BEGINNING set on a north line of aforesaid 1,845.082-acre tract and the common south line of a tract of land conveyed to

Son Winn and K.C. Yale by deed recorded in Volume 10695, Page 0089, Deed Records, Tarrant County, Texas;

THENCE North 89°18'20" East, along said common line, a distance of 490.31 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

THENCE over and across aforesaid 1,845.082-acre tract the following courses and distances:

South 00°41'40" East, a distance of 327.76 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

South 75°17'10" West, a distance of 505.37 feet to North 00°41'40" West, a distance of 450.19 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner on a north line of aforesaid 1,845.082-acre tract and being on the common south line of aforesaid Son Winn and K.C. Yale tract;

North 00°41'40" West, a distance of 450.19 feet to the POINT OF BEGINNING, and containing 4.378 acres of land, more or less;

AND being generally north of Northeast Green Oaks Boulevard and east and west of North Collins Street with the approximate addresses being within the 3100 and 3900 blocks of North Collins Street.

General Regulations: Gas Well Drilling and Production is permitted on the property described in this Exhibit N subject to the regulations and development plan in this Exhibit N. An approved final development plan shall be required for gas well drilling uses. The Development Plan and Preliminary Plat may be considered concurrently.

- 1. Access Management.** Access management will comply with City of Arlington ordinance requirements.
- 2. Additional Landscaping.** Landscaping shall be in accordance with standards established in the City of Arlington Zoning Ordinance.
- 3. Building Orientation.** In general, buildings shall be oriented so that primary building entrances face a public street.
- 4. Dumpster Locations.** In general, dumpsters and other waste storage facilities shall be located so that they are not visible from a public street, or screening shall be provided so that the dumpster may not be viewed from a public street.

5. Landscape Buffer Widths. Internal transitional landscape buffers shall be provided between incompatible districts. The levels of buffers shall correspond to those required between straight zoning districts.

6. Landscape Areas at Street Frontages. Landscaping areas at street frontages will comply with City of Arlington ordinance requirements.

7. Lighting. In general, street lighting fixtures of common or complementary design shall be provided throughout the District.

8. Fencing and Screening. Fencing and screening will comply with City of Arlington ordinance requirements.

9. Maximum Height of Structures. Maximum height of structures shall be in accordance with the standards established in the City of Arlington Zoning Ordinance.

10. Minimum Setbacks for Buildings and Parking. Except as provided in these regulations, minimum setbacks for buildings and parking shall be in accordance with the standards established in the City of Arlington Zoning Ordinance.

11. Signs. Signs shall be in accordance with the standards established in the City of Arlington Zoning Ordinance.

12. Utilities. All utilities shall be provided in accordance with the City of Arlington Subdivision Ordinance.

13. Outside Storage. Outside storage on lots with commercial land uses shall be screened from view from public streets in accordance with the City of Arlington Zoning Ordinance.

14. Building Materials. Building materials shall be in accordance with the standards established in the City of Arlington Zoning Ordinance.

Gas Well Drilling and Production Regulations (Performance Standards):

1. Permitted Use. Natural gas drilling and production is permitted by right in the property described in this Exhibit N in accordance with the performance standards outlined in this section.

- 2. Location.** Gas wells are permitted in the general locations shown on the concept plan. Gas wells shall not be located closer than 200 feet from a residential property or 300 feet from a public assembly area, church or school. The maximum area of a well site shall be 4.4 acres.
- 3. Adequate Facilities.** Each gas well shall be located on a designated well site. The gas well development site shall provide for adequate public facilities, including water supply, access roads, drainage, erosion control and other necessary supporting facilities.
- 4. Landscaping / Security.** Gas well locations within residential sub-districts shall be screened with a 6 foot solid masonry fence or a solid living screen at least 6 feet in height at maturity. One canopy tree shall be provided for every 30 feet of perimeter screening. Gas well locations within non-residential sub-districts shall provide dark-colored, vinyl-coated fence material around the perimeter.
- 5. Refining Processes.** No refining process, or any process for the extraction of products from gas, shall be carried on at a well site, except that a dehydrator and separator may be maintained on the drill site for the separation of liquids from gas. Any such dehydrator or separator may serve more than one well.
- 6. Signs.** Permanent weather proof signs reading “DANGER NO SMOKING ALLOWED” in a minimum of four inch lettering shall be posted at the entrance of each drill site. The sign shall include the phone number for emergency service (911), the number for the operator, and the well designation required by the Railroad Commission in two inch lettering.
- 7. Colors.** All production equipment, including pumping units, storage tanks, buildings and structures, used on the drill site shall be painted in earth tones and maintained at all times.
- 8. Number of Well Heads at a Well Site.** The number of well heads at each well site shall be controlled by State law.
- 9. Venting of Gas.** There shall be no venting of gas into the open air in residential areas except as allowed by the Railroad Commission and approved by the city fire marshal.
- 10. Structures.** Structures shall not be built over flow lines or gathering lines. No structures shall be built over a well site unless it has been properly capped and abandoned.
- 11. Environmental Regulations.** The drilling and production of gas and access to gas well sites shall be in compliance with all state and federal environmental regulations.

Development Plan:

- 1. One point of access for Site 2 shall be from a 25-foot leased road (outside of the City limits). An existing 24-foot leased road shall be used for access to Site 11. Sites 7 and 8 shall be accessed from North Collins Street. At the time of application for gas well drilling, a Road Repair Contract shall be submitted for City approval.**

2. **Drilling of all gas wells (Lots 2, 7, 8, and 11) shall utilize the closed loop system.**

3. **The landscape berm detail is proposed to vary in height between one and three feet. An eight-foot masonry wall shall surround the drill site. The shrubs included with the berm height shall measure at minimum eight feet. In addition, one canopy tree for every 30 feet of perimeter screening shall be provided. The gate provided shall be kept locked except when being used and the operator shall be required to provide the Fire Department with a Knox Padlock or Knox Box.**

4. **A ten-foot landscaped buffer along the North Collins Street frontage is depicted on the development plan. This buffer shall include one tree per 35 linear feet. Ground cover shall be located in the landscape setback and arranged in a curvilinear fashion.**

5. **Site development other than drilling, shall be conducted only between the hours of 6:00 a.m. and 7:00 p.m., except in cases of fires, blowouts, explosions, and other emergencies.**

6. **No drilling or other operations shall produce a sound level greater than 78db (decibels), when measured at a distance of 300 feet from the production equipment.**

7. **The top of the tanks shall be no higher than eight feet above the terrain and all tanks shall be set back, as required by the Railroad Commission, at least twenty-five feet from any public right-of-way or property line.**

8. **The setback distance per the Gas Drilling and Production Ordinance shall be no less than 300 feet from any public park or from any residence, church, hospital, or public or private school. Currently, there are no such uses located within 300 feet of the subject site.**

9. **Tank batteries, well facilities, and equipment shall be located at least 100 feet from any public park or from any residence, church, hospital or public or private school. Currently, there are no such uses located within 100 feet of the subject site.**

10. **A sign shall be displayed at the gate stating the well number, the name and number of the operator, the emergency 911 number, and the telephone numbers of two contacts. Per the development plan, the signs shall comply with the Sign Ordinance.**

11. **No on-site storage shall be permitted, unless it is necessary for everyday operation.**

12. **Upon completion of drilling, all wells shall be abandoned in accordance with the rules of the Railroad Commission.**

13. **One on-site parking space shall be provided per well.**

14. **The attached diagram is part of this development plan.**

Exhibit O: Second Set of Previously Approved Gas Drilling Sites: Property Description, General Regulations, Gas Well Drilling and Production Regulations, and Development Plan.

Property Description:

Tract 1 – Gas Well #3

BEING a 4.400-acre tract of land situated in the Thomas D. Newton survey, Abstract No. 1164, City of Arlington, Tarrant County, Texas, and being part of a 1,845.082-acre tract of land, described as Tract One in a deed to LOBF, LP as recorded in Document No. D204096335, Deed Records, Tarrant County, Texas, said 4.400-acre tract, with reference bearing being grid north, Texas State Plane Coordinates, North Central Zone 4202 as determined from City of Arlington Control Monuments “AR02” and “AR04”, being more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Block 32 of the Lakes of Arlington, an addition to the City of Arlington, as recorded in Cabinet A, Slide 5048, Plat Records, Tarrant County, Texas and on the east right-of-way line of FM 157 (variable width right-of-way);

THENCE, North 78°12’20” East, over and across aforesaid 1,845.082-acre tract, a distance of 6,404.72 feet to a 5/8-inch iron rod with a yellow plastic cap stamped “CARTER BURGESS” set at the point of beginning;

THENCE, over and across said 1,845.082-acre tract, the following courses and distances:

North 00°00’41” West, a distance of 437.80 feet to a 5/8-inch iron rod with a yellow plastic cap stamped “CARTER BURGESS” set for corner;

North 90°00’00” East, a distance of 437.80 feet to a 5/8-inch iron rod with a yellow plastic cap stamped “CARTER BURGESS” set for corner;

South 00°00’41” East, a distance of 437.80 feet to a 5/8-inch iron rod with a yellow plastic cap stamped “CARTER BURGESS” set for corner;

North 90°00’00” West, a distance of 437.80 feet to the POINT OF BEGINNING and containing 4.400 acres of land, more or less.

Tract 2 – Gas Well #5

BEING a 4.400-acre tract of land situated in the Thomas D. Newton Survey, Abstract No. 1164 and the Samuel Kephart Survey, Abstract No. 891, City of Arlington, Tarrant County, Texas, and being part of a 1,845.082-acre tract of land, described as Tract One in a deed to LOBF, LP as recorded in Document No. D204096335, Deed Records, Tarrant County, Texas, said 4.400-acre tract, with reference bearing being grid north, Texas State Plane coordinates, North Central Zone

4202 as determined from City of Arlington control monuments "AR02" and "AR04", being more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Block 32 of the Lakes of Arlington, an addition to the City of Arlington, as recorded in Cabinet A, Slide 5048, Plat Records, Tarrant County, Texas and on the east right-of-way line of FM 157 (variable width right-of-way);

THENCE, North 89°43'00" East, over and across aforesaid 1,845.082-acre tract, a distance of 4,269.51 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set at the POINT OF BEGINNING;

THENCE, over and across said 1,845.082-acre tract, the following courses and distances:

North 06°37'19" East, a distance of 236.80 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

South 83°22'41" east, a distance of 855.43 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

South 06°37'19" west, a distance of 145.30 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

South 75°38'32" west, a distance of 255.57 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

THENCE North 83°22'41" West, a distance of 616.80 feet to the POINT OF BEGINNING and containing 4.400 acres of land, more or less.

Tract 3 – Gas Well #6

BEING a 4.385-acre tract of land situated in the Jehu Condra Survey, Abstract No. 347, City of Arlington, Tarrant County, Texas, and being part of a 1,845.082-acre tract of land, described as Tract One in a deed to LOBF, LP as recorded in Document No. D204096335, Deed Records, Tarrant County, Texas, said 4.385 acre tract, with reference bearing being grid north, Texas State Plane coordinates, North Central Zone 4202 as determined from City of Arlington control monuments "AR02" and "AR04", being more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Block 32 of the Lakes of Arlington, an addition to the City of Arlington, as recorded in Cabinet A, Slide 5048, Plat Records, Tarrant County, Texas and on the east right-of-way line of FM 157 (variable width right-of-way);

THENCE, North 57°23'33" East, over and across aforesaid 1,845.082-acre tract, a distance of 8,451.14 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set at the POINT OF BEGINNING;

THENCE, over and across said 1,845.082-acre tract, the following courses and distances:

North 32°06'29" West, a distance of 400.00 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

North 57°53'31" East, a distance of 320.00 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

North 86°56'48" East, a distance of 205.91 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

South 32°06'29" East, a distance of 300.00 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

South 57°53'31" West, a distance of 500.00 feet to the POINT OF BEGINNING and containing 4.385 acres of land, more or less.

Tract 4 – Gas Well #9

BEING a 4.347 acre tract of land situated in the William Jenkins Survey, Abstract No. 856, City of Arlington, Tarrant County, Texas, and being part of a 1,845.082-acre tract of land, described as Tract One in a deed to LOBF, LP as recorded in Document No. D204096335, Deed Records, Tarrant County, Texas, said 4.347 acre tract, with reference bearing being grid north, Texas State Plane coordinates, North Central Zone 4202 as determined from City of Arlington control monuments "AR02" and "AR04", being more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Block 32 of the Lakes of Arlington, an addition to the City of Arlington, as recorded in Cabinet A, Slide 5048, Plat Records, Tarrant County, Texas and on the east right-of-way line of FM 157 (variable width right-of-way);

THENCE, North 00°24'13" West, over and across aforesaid 1,845.082-acre tract, a distance of 3,702.62 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set at the POINT OF BEGINNING;

THENCE, over and across said 1,845.082-acre tract, the following courses and distances:

North 14°22'19" West, a distance of 387.57 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

North 90°00'00" East, a distance of 632.39 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

South 00°00'00" East, a distance of 278.65 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set at the beginning of a non-tangent curve to the left having a central angle of 08°25'07", a radius of 3,045.00 feet, and a long chord that bears south 80°31'28" west, a distance of 447.00 feet;

Along said non-tangent curve to the left, an arc distance of 447.41 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

South 76°18'54" West, a distance of 98.07 feet to the POINT OF BEGINNING and containing 4.347 acres of land, more or less.

Tract 5 – Gas Well #10

BEING a 4.400-acre tract of land situated in the Samuel Kephart Survey, Abstract No. 891, City of Arlington, Tarrant County, Texas, and being part of a 1,845.082-acre tract of land, described as Tract One in a deed to LOBF, LP as recorded in Document No. D204096335, Deed Records, Tarrant County, Texas, said 4.400-acre tract, with reference bearing being grid north, Texas State Plane coordinates, North Central Zone 4202 as determined from City of Arlington control monuments "AR02" and "AR04", being more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of block 32 of the Lakes of Arlington, an addition to the City of Arlington, as recorded in Cabinet A, Slide 5048, Plat Records, Tarrant County, Texas and on the east right-of-way line of FM 157 (variable width right-of-way);

THENCE, North 37°24'04" East, over and across aforesaid 1,845.082-acre tract, a distance of 4,102.13 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set at the POINT OF BEGINNING;

THENCE, over and across said 1,845.082-acre tract, the following courses and distances:

North 00°32'29" West, a distance of 437.80 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

North 89°28'12" East, a distance of 437.80 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set on the west line of a 110.971 acre tract of land described in a deed to Birds Fort Lake, Ltd. as recorded in Document No. D204009022, Deed Records, Tarrant County, Texas;

THENCE, South 00°32'29" East, along the west line of said 110.971 acre tract, a distance of 437.80 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

THENCE, South 89°28'12" West, over and across aforesaid 1,845.082-acre tract, a distance of 437.80 feet to the POINT OF BEGINNING and containing 4.400 acres of land, more or less.

Tract 5 – Gas Well #10

BEING a 4.400-acre tract of land situated in the J.J. Goodfellow Survey, Abstract No. 1904, City of Arlington, Tarrant County, Texas, and being part of a 1,845.082-acre tract of land, described as Tract One in a deed to LOBF, LP as recorded in Document No. D204096335, Deed Records, Tarrant County, Texas, said 4.400-acre tract, with reference bearing being grid north, Texas State Plane coordinates, North Central Zone 4202 as determined from City of Arlington control monuments "AR02" and "AR04", being more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Block 32 of the Lakes of Arlington, an addition to the City of Arlington, as recorded in Cabinet A, Slide 5048, Plat Records, Tarrant County, Texas and on the east right-of-way line of FM 157 (variable width right-of-way);

THENCE, North 57°13'32" East, over and across aforesaid 1,845.082-acre tract and across a tract of land described in a deed to Frank Arville Reaves as recorded in Volume 8125, Page 284, Deed Records, Tarrant County, Texas, a distance of 10,920.40 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set on the east line of said Reaves tract, on a west line of said 1,845.082-acre tract, and at the POINT OF BEGINNING;

THENCE, North 00°42'27" West, along the east line of said Reaves tract and a west line of said 1,845.082-acre tract, a distance of 437.80 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

THENCE, over and across said 1,845.082-acre tract, the following courses and distances:

North 89°18'14" East, a distance of 437.80 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

South 00°42'27" East, a distance of 437.80 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

South 89°18'14" West, a distance of 437.80 feet to the 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set of beginning and containing 4.400-acres of land, more or less.

AND being generally north of Northeast Green Oaks Boulevard and east and west of North Collins Street with the approximate addresses being within the 3100 and 3900 blocks of North Collins Street.

General Regulations: Gas Well Drilling and Production is permitted on the property described in this Exhibit O subject to the regulations and development plan in this Exhibit O. An approved

final development plan shall be required for gas well drilling uses. The Development Plan and Preliminary Plat may be considered concurrently.

- 1. Access Management.** Access management will comply with City of Arlington ordinance requirements.
- 2. Additional Landscaping.** Landscaping shall be in accordance with standards established in the City of Arlington Zoning Ordinance.
- 3. Building Orientation.** In general, buildings shall be oriented so that primary building entrances face a public street.
- 4. Dumpster Locations.** In general, dumpsters and other waste storage facilities shall be located so that they are not visible from a public street, or screening shall be provided so that the dumpster may not be viewed from a public street.
- 5. Landscape Buffer Widths.** Internal transitional landscape buffers shall be provided between incompatible districts. The levels of buffers shall correspond to those required between straight zoning districts.
- 6. Landscape Areas at Street Frontages.** Landscaping areas at street frontages will comply with City of Arlington ordinance requirements.
- 7. Lighting.** In general, street lighting fixtures of common or complementary design shall be provided throughout the District.
- 8. Fencing and Screening.** Fencing and screening will comply with City of Arlington ordinance requirements.
- 9. Maximum Height of Structures.** Maximum height of structures shall be in accordance with the standards established in the City of Arlington Zoning Ordinance.
- 10. Minimum Setbacks for Buildings and Parking.** Except as provided in these regulations, minimum setbacks for buildings and parking shall be in accordance with the standards established in the City of Arlington Zoning Ordinance.
- 11. Signs.** Signs shall be in accordance with the standards established in the City of Arlington Zoning Ordinance.

12. Utilities. All utilities shall be provided in accordance with the City of Arlington Subdivision Ordinance.

13. Outside Storage. Outside storage on lots with commercial land uses shall be screened from view from public streets in accordance with the City of Arlington Zoning Ordinance.

14. Building Materials. Building materials shall be in accordance with the standards established in the City of Arlington Zoning Ordinance.

Gas Well Drilling and Production Regulations (Performance Standards):

1. Permitted Use. Natural gas drilling and production is permitted by right in the property described in this Exhibit O in accordance with the performance standards outlined in this section.

2. Location. Gas wells are permitted in the general locations shown on the concept plan. Gas wells shall not be located closer than 200 feet from a residential property or 300 feet from a public assembly area, church or school. The maximum area of a well site shall be 4.4 acres.

3. Adequate Facilities. Each gas well shall be located on a designated well site. The gas well development site shall provide for adequate public facilities, including water supply, access roads, drainage, erosion control and other necessary supporting facilities.

4. Landscaping / Security. Gas well locations within residential sub-districts shall be screened with a 6 foot solid masonry fence or a solid living screen at least 6 feet in height at maturity. One canopy tree shall be provided for every 30 feet of perimeter screening. Gas well locations within non-residential sub-districts shall provide dark-colored, vinyl-coated fence material around the perimeter.

5. Refining Processes. No refining process, or any process for the extraction of products from gas, shall be carried on at a well site, except that a dehydrator and separator may be maintained on the drill site for the separation of liquids from gas. Any such dehydrator or separator may serve more than one well.

6. Signs. Permanent weather proof signs reading “DANGER NO SMOKING ALLOWED” in a minimum of four inch lettering shall be posted at the entrance of each drill site. The sign shall include the phone number for emergency service (911), the number for the operator, and the well designation required by the Railroad Commission in two inch lettering.

7. Colors. All production equipment, including pumping units, storage tanks, buildings and structures, used on the drill site shall be painted in earth tones and maintained at all times.

8. Number of Well Heads at a Well Site. The number of well heads at each well site shall be controlled by State law.

9. Venting of Gas. There shall be no venting of gas into the open air in residential areas except as allowed by the Railroad Commission and approved by the city fire marshal.

10. Structures. Structures shall not be built over flow lines or gathering lines. No structures shall be built over a well site unless it has been properly capped and abandoned.

11. Environmental Regulations. The drilling and production of gas and access to gas well sites shall be in compliance with all state and federal environmental regulations.

Development Plan:

- 1. The access points to the six drill sites shall be from a 24-foot leased road off of North Collins Street. At the time of application for Gas Well Drilling, a Road Repair Contract shall be submitted for City approval.**
- 2. Gas wells (Lots 3, 5, 6, 9, 10, and 12) shall utilize the closed loop system. The production facility shall be located on Pad Site 8, as shown in Exhibit N**
- 3. After completion of the wells on a pad site, an eight-foot masonry wall with at least one gate shall be constructed around the well site. The gate provided shall be kept locked except when being used and the operator shall be required to provide the Fire Department with a Knox Padlock or Knox Box.**
- 4. The Ordinance does not require internal transitional landscape buffers within a unified "PD" development.**
- 5. Site development, other than drilling, shall be conducted only between the hours of 6:00 a.m. and 7:00 p.m., except in cases of fires, blowouts, explosions, and other emergencies.**
- 6. No drilling or other operations shall produce a sound level greater than 78db, when measured at a distance of 300 feet from the production equipment.**
- 7. The top of the tanks shall be no higher than eight feet above the terrain, and all tanks shall be set back as required by the Railroad Commission, at least twenty-five feet from any public right-of-way or property line.**

- 8. The setback distance per the Gas Drilling and Production Ordinance shall be no less than 300 feet from any public park or from any residence, church, hospital or public or private school. Currently, there are no such uses located within 300 feet of the subject site.**

- 9. Tank batteries, well facilities and equipment shall be located at least 100 feet from any public park or from any residence, church, hospital or public or private school. Currently, there are no such uses located within 100 feet of the subject site.**

- 10. A sign shall be displayed at the gate stating the well number, the name and number of the operator, the emergency 911 number, and the telephone numbers of two contacts. Per the development plan, the signs shall comply with the Sign Ordinance.**

- 11. No on-site storage shall be permitted, unless it is necessary for everyday operation.**

- 12. Upon completion of drilling, all wells shall be abandoned in accordance with the rules of the Railroad Commission.**

- 13. Per the attached development plan, on-site parking shall be provided.**

- 14. The attached diagram is part of this development plan.**

