

CITY OF LAVON
ORDINANCE NO. 2020-04-04

Planned Development – Lake Breeze

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING A PLANNED DEVELOPMENT – MIXED USES (PD-MU) DISTRICT FOR COMMERCIAL AND RESIDENTIAL USES ON A 59 ACRE TRACT OF LAND DESCRIBED HEREIN AND LOCATED GENERALLY SOUTHWEST OF THE INTERSECTION OF CR 486/LAKE ROAD AND STATE HIGHWAY 78, LAVON, COLLIN COUNTY, TX; AMENDING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY OF \$2,000 PER DAY; PROVIDING SEVERABILITY, SAVINGS, AND CUMULATIVE/ REPEALER CLAUSES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the owner submitted an Application to change the zoning from (A) Agricultural to (PD-MU) Planned Development for Mixed Uses on 59 acres described as Samuel M. Rainer Survey, Abstract No. 740, (CCAD Property ID 2152129), southwest of the intersection of SH 78 and CR 486/Lake Road, Collin County, Texas for one-hundred nine (109) residential lots and one (1) commercial lot, City of Lavon, Texas; and

WHEREAS, this zoning change is in accordance with the adopted Comprehensive Plan of the City of Lavon; and

WHEREAS, the Planning and Zoning Commission of the City of Lavon and the City Council of the City of Lavon, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Lavon is of the opinion and finds that said changes would provide for and would be in the best interest of the health, safety, morals and general welfare and should be granted and that the Comprehensive Zoning Ordinance and Map should be amended;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lavon, Texas, as follows:

Section 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. Definitions. Definitions shall be those contained in Chapter 9, Exhibit B, Zoning Ordinance of the City of Lavon Code of Ordinances, as amended unless specifically defined herein.

Section 3. That the Comprehensive Zoning Ordinance and the Official Zoning Map of the City of Lavon are hereby amended to reflect the action taken herein. Specifically the Zoning Classification for and the Zoning Map depicting the property, described in “**Exhibit A**” attached hereto, are hereby changed to incorporate the Concept Plan, attached hereto as “**Exhibit B**”, and the Zoning Uses and Design Regulations attached hereto as “**Exhibit C**”.

Section 4. That the granting of the Planned Development – Mixed Use (PD-MU) Zoning Classification to the property described in Exhibit “A” hereto is subject to the regulations of the City of Lavon excepting the following Special Conditions:

- A. The entire tract shall be developed generally in accordance with the Concept Plan, as amended and attached hereto, and made a part hereof as “**Exhibit B**”.
- B. The entire tract shall be developed generally in accordance with the Zoning Development Design Regulations and Concept attached hereto and made a part hereof as “**Exhibit C**”.

Section 5. That Chapter 9, Exhibit B, Zoning Ordinance of the City of Lavon Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 6. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 7. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Lavon, Texas, whether codified or uncoded, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 8. Penalty Clause. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Lavon, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 9. Savings Clause. Should any word, phrase, sentence or section contained herein be found to be invalid, such validity shall not affect any other portion of this ordinance.

Section 10. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas,
this 7th day of April 2020.

Vicki Sanson

Vicki Sanson
Mayor

ATTEST:

Kim Dobbs

Kim Dobbs
City Administrator/City Secretary



ORDINANCE NO. 2020-04-04
EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

BEING A TRACT OF LAND LOCATED IN THE S.M. RANIER SURVEY, ABSTRACT NO. 740, COLLIN COUNTY, TEXAS AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEED TO LAVON 678 DEVELOPMENT, LLC, RECORDED IN INSTRUMENT NO. 20190522000575640, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 78, A VARIABLE WIDTH RIGHT-OF-WAY, AT THE SOUTH COMMON CORNER OF SAID LAVON 678 DEVELOPMENT TRACT AND BENTLY FARMS, AN ADDITION TO THE CITY OF LAVON, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT THERE OF RECORDED IN CABINET M, SLIDE 189, MAP RECORDS, COLLIN COUNTY, TEXAS (M.R.C.C.T.);

THENCE NORTH 00°54'13" EAST, ALONG THE COMMON LINE OF SAID LAVON 678 DEVELOPMENT TRACT AND SAID ADDITION, PASSING A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID ADDITION AND BENTLY FARMS PHASE TWO, AN ADDITION TO THE CITY OF LAVON, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET N, SLIDE 169, M.R.C.C.T., AND CONTINUING NORTHERLY, ALONG THE COMMON LINE OF SAID LAVON 678 DEVELOPMENT TRACT AND SAID BENTLY FARMS PHASE TWO, FOR A TOTAL DISTANCE OF 1,275.00 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF BENTLY FARMS PHASE THREE, AN ADDITION TO THE CITY OF LAVON, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET Q, SLIDE 56, M.R.C.C.T. AT THE NORTHEAST CORNER OF SAID BENTLY FARMS PHASE TWO;

THENCE SOUTH 89°54'53" EAST, ALONG THE COMMON LINE OF SAID LAVON 678 DEVELOPMENT TRACT AND SAID BENTLY FARMS PHASE THREE, A DISTANCE OF 218.76 FEET TO A 1/2-INCH IRON ROD WITH AN ORANGE CAP (ILLEGIBLE) FOUND AT THE SOUTHEAST CORNER OF SAID BENTLY FARMS PHASE THREE;

THENCE NORTH 08°52'29" WEST, CONTINUING ALONG THE COMMON LINE OF SAID LAVON 678 DEVELOPMENT TRACT AND SAID BENTLY FARMS PHASE THREE, A DISTANCE OF 1,169.81 FEET TO A 1/2-INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID BENTLY FARMS PHASE THREE AND THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO DONALD M. BROCK, RECORDED IN INSTRUMENT NO. 20101101001187570, O.P.R.C.C.T.;

THENCE NORTH 10°18'42" WEST, ALONG THE COMMON LINE OF SAID LAVON 678 DEVELOPMENT TRACT AND SAID BROCK TRACT, A DISTANCE OF 140.98 FEET TO A 1/2-INCH IRON ROD WITH A YELLOW CAP STAMPED "RHODES SURVEYING" FOUND AT THE EAST COMMON CORNER OF SAID BROCK TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO VICTORIA MEIRELES, RECORDED IN INSTRUMENT NO. 20190110000032130, O.P.R.C.C.T., SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO SCOTT EVANS, RECORDED IN INSTRUMENT NO. 20190522000575660, O.P.R.C.C.T.;

THENCE NORTH 79°47'22" EAST, LEAVING SAID COMMON LINE AND ALONG THE SOUTH LINE OF SAID EVANS TRACT, A DISTANCE OF 410.48 FEET TO THE SOUTHEAST CORNER OF SAID EVANS TRACT;

THENCE NORTH 00°31'02" EAST, ALONG THE EAST LINE OF SAID EVANS TRACT, A DISTANCE OF 568.43 FEET TO A POINT IN COUNTY ROAD 486 AND THE NORTH LINE OF SAID LAVON 678 DEVELOPMENT TRACT AT THE NORTHEAST CORNER OF SAID EVANS TRACT;

THENCE SOUTH 89°28'18" EAST, ALONG THE NORTH LINE OF SAID LAVON 678 DEVELOPMENT TRACT AND SAID COUNTY ROAD, A DISTANCE OF 760.88 FEET TO A PK NAIL FOUND AT THE NORTH COMMON CORNER OF SAID LAVON 678 DEVELOPMENT TRACT AND THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN INSTRUMENT NO. 20120329000364840, O.P.R.C.C.T.;

THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINES OF SAID STATE OF TEXAS TRACT. THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

SOUTH 01°08'51" EAST, A DISTANCE OF 39.57 FEET TO AN ALUMINUM DISK STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION ROW MONUMENT" (TXDOT MONUMENT) FOUND FOR CORNER;

SOUTH 71°57'36" EAST, A DISTANCE OF 207.76 FEET TO A POINT FOR CORNER;

NORTH 89°32'49" EAST, A DISTANCE OF 130.00 FEET TO A TXDOT MONUMENT FOUND FOR CORNER;

SOUTH 09°18'37" EAST, A DISTANCE OF 195.44 FEET TO A TXDOT MONUMENT FOUND FOR CORNER IN SAID WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 78, AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 19°21'05", A RADIUS OF 5,669.58 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 24°05'10" WEST, 1,905.79 FEET;

THENCE SOUTHWESTERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 1,914.88 FEET TO A 1/2-INCH IRON ROD (POSSIBLE TXDOT MONUMENT MISSING CAP) FOUND FOR CORNER;

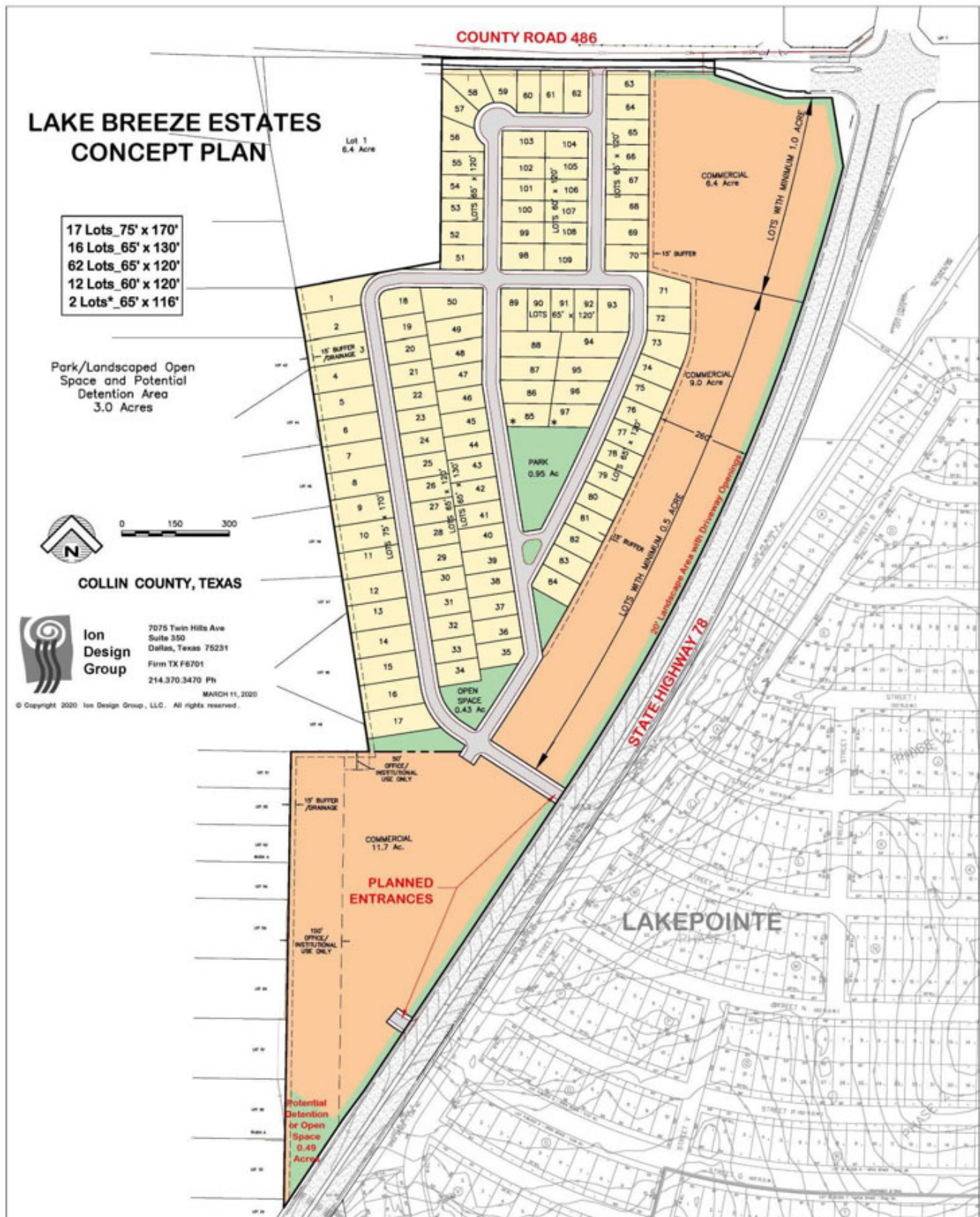
SOUTH 33°43'13" WEST, A DISTANCE OF 1,011.55 FEET TO A TXDOT MONUMENT FOUND FOR CORNER;

SOUTH 36°35'49" WEST, A DISTANCE OF 99.87 FEET TO A TXDOT MONUMENT FOUND FOR CORNER;

SOUTH 33°43'13" WEST, A DISTANCE OF 295.82 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 2,581,937 SQUARE FEET OR 59.273 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE (4202) AS DERIVED FROM GPS OBSERVATIONS. ALL DISTANCES AND AREAS ARE SURFACE MEASUREMENTS.

ORDINANCE NO. 2020-04-04
EXHIBIT B
CONCEPT PLAN



ORDINANCE NO. 2020-04-04

EXHIBIT C

ZONING USES AND DESIGN GUIDELINES



Date: April 1, 2020
To: Kim Dobbs, City Administrator / City Secretary
From: Bryan D. Klein, Managing Director
Re: Lake Breeze Estates, Revised Zoning Application - Updated

Project: Lake Breeze Estates

Applicant: William Sorrels, Lavon 678 Development, LLC, 519 East I-30 Suite 723, Rockwall, TX 75087

Project Representative: Bryan D. Klein, Ion Design Group, LLC, 7075 Twin Hills Avenue, Dallas, TX 75231

Project Description: The 59-acre site is located immediately west of State Highway 78 and south of County Road 486. Applicant proposes to develop under the Planned Development District approximately 32 acres of single-family residential development and approximately 27 acres of commercial/office development. The proposed 109 residential lots encompassing approximately 21.5 acres of the residential acreage will follow the SF-4 Single-Family District standards and uses with some modifications and the retail commercial will follow the Retail District standards and uses with some modifications as shown below (all open space will be maintained by Homeowners/Property Owners Association):

SF-4 Standards		Existing SF-4	Modification
D)	Following are the yard, lot and space requirements for the Single Family-4 District. (SF-4)		
1.	Density - Maximum:		
		4 units per gross acre	No Change (Proposed = 3.4 units per gross acre)
2.	Lot Size		
	a) Minimum Lot Area:	10,000 sf	7200 sf (average lot size is 8500 sf) ¹
	b) Minimum Lot Width:	80 feet	60 feet ²
	c) Minimum Lot Width of Corner Lots:	100 feet	70 feet
	d) Minimum Lot Depth:	125 feet	120 feet ²
3.	Dwelling Regulations		
	a) Minimum Square Footage:	1,500 sf	No Change
	b) Maximum Number of Single-Family Detached Dwellings Units Per Lot:	1	No Change
4.	Yard Requirements - Main Structures.		
	a) Minimum Front Yard:	25 feet	No Change
	b) Minimum Side Yard:	10 feet	7.5 feet
	c) Minimum Side Yard of Corner Lots:	25 feet	15 feet ²
	d) Minimum Side Yard of Allowable Nonresidential Use:	30 feet	No Change
	e) Minimum Rear Yard:	25 feet	No Change ²
	f) Minimum Rear Yard Double Front Lots:	45 feet	25 feet ²
	g) Maximum Lot Coverage:	45%	45%
5.	Height of Structures.		
	a) Maximum Main Structure:	40 feet	No Change
	b) Maximum Accessory Structure:	15 feet	No Change
E)	Additional Provisions.		
	¹ Average lot size is defined as total acreage in residential lots divided by total number of lots as shown on the Concept Plan.		
	² Up to 10% of the residential lots may deviate (reduction) from the required minimum lot depth, width, rear setback or corner lot side yard setback by no more than 10%.		

Retail District Standards		Retail	Modification
D)	Area Requirements.		
1.	Minimum Lot Area:	1 acre (43,560 sf)	½ acre lots permitted as shown on Concept Plan
2.	Lot Dimensions:	None	No Change
3.	Minimum Building Size:	2,500 sf	No Change
4.	Maximum Building Size:	20,000 sf	Larger square footage permitted upon approval of CUP
5.	Yard Requirements - Main Structures.		
	a) Minimum Front Yard:	25 feet	No Change
	b) Minimum Side Yard:	7 feet except adjoining residential where side yard shall be 15 feet	No Change
	c) Minimum Side Yard of Corner Lots:	25 feet	No Change
	d) Minimum Rear Yard:	None except adjoining residential where rear yard shall be 15 feet	No Change
	e) Minimum Rear Yard Double Front Lots:	25 feet	No Change
	f) Maximum Lot Coverage:	80%	No Change
6.	Height of Structures.		
	a) Maximum Main Structure:	45 feet	No Change
	b) Maximum Accessory Structure:	14 feet	No Change
E)	Building Placement, Orientation and Site Design.		
1.	No service canopies, drive-thru lanes, service doors for auto or similar service shall face the public street nor a residential lot or residential zoning district.		Permitted upon approval of CUP
2.	All utility lines (power, phone, cable, etc.) shall be placed underground.		No Change
3.	Sidewalks (8 foot minimum width) shall be provided along lot lines adjoining the public streets. Interior walkways are required and shall be connected to adjoining public sidewalks.		6 foot min.
4.	Marked pedestrian crosswalks shall be provided at all public street intersections adjoining the development.		No Change
5.	Architectural and/or landscape elements shall be designed to provide shade on the south and west exposures to protect patrons in plazas, patios and other public spaces.		No Applicable
6.	Shopping cart areas, within the tenant space shall be screened from view with decorative screening or landscaping as high as the carts.		No Change
7.	Exterior display of retail sales, vending, amusements and seasonal sales shall be pre-planned and proposed locations for such activities shall be depicted on the site plan for approval by City.		No Change
8.	Accessory structures such as trash enclosures, utility services, telecommunication equipment and heating/cooling systems shall be screened from view of neighboring buildings, sites and roadways. Materials to screen around these systems shall match or compliment adjacent building materials. Gates shall not allow for view of the contents of the enclosure.		No Change
9.	Highly visible detention basins for storm drainage shall be contoured, use curvilinear design forms and shall be aesthetically landscaped and maintained.		No Change
10.	All sides of a building shall be designed with consistent architectural and façade elements. Roofline silhouettes shall be broken up through the use of large cornices, changes in parapet heights, or other techniques such as awnings, bulb-outs, and reliefs. At least fifty percent (50%) of the total façade shall use features such as windows, awnings, entryways, columns, architectural relief to discourage long expanses of bare wall. All exterior metals and plastics (vents, flashings, and gutters) shall be screened from view, painted or treated to blend in with the adjacent surrounding materials.		No Change
11.	All glass, plastic or other transparent materials shall be treated to eliminate reflective glare.		No Change
12.	Retail and Commercial Uses adjacent to a residential use or zone shall provide a masonry wall or dense landscaped screen along the lot line from the front yard through the rear yard.		No Change

Zoning Use Table	P = Permitted Use	C = Conditional Use	-- = Not Permitted
RESIDENTIAL USES	SF-4	Retail	
Single family (SF) detached dwelling	P	--	
Home based business within a SF dwelling	P	--	
Single family - zero lot line	--	--	
Single family attached - townhomes	--	--	
Duplex	--	--	
Multi-family dwelling	--	--	
Real estate model home and temporary construction buildings	C P	-- P	
Vertically mixed use multifamily residential and retail	--	--	
Bed and Breakfast	--	--	
Manufactured home detached dwelling park	--	--	
Guest house, caretaker or security quarters for SF dwelling	--	--	
Accessory structure with restrictions	P	--	
SF parking garage	P	--	
SF swimming pool	P	--	
SF hobby shed	P	--	
SF tennis court	P	--	
RETAIL, COMMERCIAL, PERSONAL SERVICE USES	SF-4	Retail	
Amusement establishment	--	C P	
Animal boarding, kennel or shelter (indoor only)	--	-- P	
Automobile fueling station (limited to one in PD)	--	C P	
Automobile service establishment	--	C	
Bakery/confectionery retail establishment	--	C	
Building material sales	--	C P	
Business service and sales	--	P	
Car wash	--	C	
Cash and retail lending service establishment	--	C	
Commercial greenhouse or nursery	--	--	
Commercial stable	--	--	
Dry-cleaning retail establishment	--	C P	
Establishments > 75% revenue from alcohol sales	--	C	
Exercise and sports establishment	--	C P	
Financial institution	--	P	
Home and residence services	--	P	
Hotel and other hospitality establishments	--	C P	
Insurance	--	P	
Medical and state licensed health services	--	P	
Merchandise rental	--	C P	
Nursery, garden, landscape material sales	--	C P	
Outdoor or drive-thru sales or service	--	C P	
Personal services	--	P	
Pet grooming and care services	--	C P	
Pharmacy	--	P	
Private clubs and organizations (indoor)	--	C	
Professional service and sales	--	P	
Recreational vehicle park	--	--	
Real estate	--	P	
Restaurant with drive-thru operations permitted	--	P	
Retail sales	--	P	
Retail storage facilities (See Additional Development Standards)	--	C P	
Second-hand/used goods/pawn shop	--	C --	
Tattoo service and similar body artwork	--	C --	
Technical service and sales	--	P	

Vapor smoking services	--	C --
Vehicle display and sales	--	--
Vehicle parking garage	--	--
Vertically mixed use retail and multifamily residential	--	--
Veterinarian service, animal clinic (indoor only)	--	C P
INSTITUTIONAL & CIVIC USES	SF-4	Retail
Cemetery or mausoleum	--	--
Church or place of worship	P	C P
Community recreational use	C	-- P
Community swimming pool	C	-- P
Country club	C	--
Day care and educational facility - privately-owned	C	P
Educational facility - public	P	--
Federal, State or City owned or controlled facilities	P	P
Franchise-holding facilities and utilities	C	--
Golf course	C	--
Municipal uses	P	P
Nursing home, assisted living facility and independent living	--	-- P
Open Space Preserves	P	P
Public parks and playgrounds including private playgrounds	P	P
Public recreational facilities	P	P
Wind energy, utility or telecommunication tower	C --	--
AGRICULTURAL USES	SF-4	Retail
Animal husbandry, livestock	--	--
Crop cultivation, forestry, farming	--	--
Dairy farm	--	--
Wholesale plant nursery	--	--
Horse stables, riding academies and equestrian boarding	--	--
INDUSTRIAL USES	SF-4	Retail
Auto, tool or equipment rental	--	-- P
Commercial cleaning or laundry plant	--	--
Data center and software design	--	--
Information assembly, broadcasting, carriers	--	--
Information data processing	--	--
Information distribution, publication, production	--	--
Information telecommunication, sellers	--	--
Machinery, heavy equipment, truck sales and service	--	--
Manufacturing - appliance, instrument, controller	--	--
Manufacturing - device, parts, vehicle	--	--
Manufacturing - die, tooling, equipment, machinery	--	--
Materials bending, cutting, machining, molding, welding	--	--
Medical or scientific laboratory	--	--
Open storage and open processing operations	--	--
Outside sales and storage	--	--
Packaging of parts and materials previous manufactured	--	--
Parts assembly, materials sorting previous manufactured	--	--
Professional, scientific and technical services	--	--
Storage of flammable liquids and materials	--	--
Temporary concrete batch plant serving the PD	C P	-- P
Trade contractor office and dispatch	--	--
Truck repairs and service	--	--
Warehousing and distribution facilities	--	--
Wholesale enterprises w/o materials storage and distribution	--	--

Additional Development Standards for Lake Breeze Estates

Concept Plan

- a. The Concept Plan may be modified by applicant to the extent noted below:
 1. There is no increase in the overall number of residential lots.
 2. As more detailed engineering and platting are completed, the boundaries between the area designated as residential and the area designated as commercial/office & institutional on the Concept Plan may be adjusted up to 50 feet without additional approvals. Adjustment to boundaries shall not reduce the required setbacks/buffers shown on the Concept Plan.
 3. Overall acreages of designated as residential and commercial/office & institutional uses may be modified up to 5% without additional approvals. Modification of acreages shall not reduce the required setbacks/buffers shown on the Concept Plan.
- b. Park, Landscaped Open Space and Potential Detention Area:
 1. Areas designated as "Park, Landscaped Open Space and Potential Detention Areas" are shown on the Concept Plan.
 2. All park, landscaped open space and potential detention areas within the residential areas shall be owned and maintained by the Home Owners Association and by the Property Owners Association within the commercial areas.

Residential Area

Residential Structures: The following standards pertain to residential structures within Lake Breeze:

- a. There shall be no duplication of the same house elevation or exterior color palette within three adjacent lots on either side of the lot or on the lot directly across the street.
- b. All elevations of residential structures (excluding doors and windows) shall be 80% masonry or stone construction as the primary building material; except the rear elevation may be a minimum of 50% masonry or stone if the remainder of the rear elevation is constructed of cementitious fiberboard.
- c. Cementitious fiberboard shall be used as a secondary façade material in locations where wood material would be utilized; when installed as overlapping boards, cementitious fiberboard shall be installed horizontally.
- d. Vinyl siding or similar façade materials shall be prohibited.
- e. All roofs will have a minimum roof pitch of 8:12 within 80% of the roof area.
- f. Roof shingles throughout the development shall have the same color tones and be a minimum 30-year asphalt composition.
- g. Heating and air conditioning equipment shall be located in rear yards unless inside main fenced yard area.

Fence Standards. Fencing within residential building lots shall meet the following standards:

- a. Fences shall be located only within the side or rear lot area of the lot on which they are constructed and shall not exceed 6 feet in height.
- b. Fences shall be constructed of spruce or cedar with steel support posts installed in concrete footings.

- c. If abutting a public street or open spaces or a side lot line of another residential lot, fences shall be stained and have pickets placed on the public side facing the street, open space or side lot line of adjacent lot.
- d. Fencing abutting CR 486 shall have caps on support posts and shall have standardized construction along the entire length of CR 486.
- e. Fences may not be located within the front yard forward of the front building face (front of the house on the lot on which they are constructed).
- f. If located on a corner lot, side yard fencing shall not extend further than 15 feet beyond the side of the home which is adjacent to street.
- g. All fencing shall be in place prior to issuance of a certificate of occupancy.
- h. Installation of the masonry wall abutting the commercial development shall be required prior to completion of each phase of the residential development abutting the planned commercial area.

Home Owners Association: A Homeowners Association shall be established to own and maintain all neighborhood parks, open spaces, common areas, drainage and detention areas that are within the residential area. Membership is mandatory for all residential lot owners.

Landscaping: The following landscaping shall be provided within the residential area:

- a. Each residential building lot shall be fully sodded (20% may be other landscape materials) and fully irrigated.
- b. Each lot shall have a minimum of one 3-inch (DBH) caliper tree installed in the front or rear yard.
- c. Each lot shall have front yard landscaping containing mulch and a minimum of two 10-gallon shrubs, eleven 5-gallon shrubs or native grasses, fourteen 3-gallon shrubs or native grasses.

Mailboxes: Cluster mailboxes shall be utilized in accordance with USPS standards and shall be placed within reasonable proximity to a streetlight.

Platting. The preliminary plat for the residential area shall serve as the required Site Plan and shall generally conform to the Concept Plan.

Sidewalks:

- a. Residential sidewalks shall be 5 feet in width installed by the home builder and located within the public rights-of-way or within an easement on the residential lot.
- b. Sidewalks along residential streets not abutting residential lots shall be constructed by the developer prior to completion of each phase of the residential development.
- c. A residential sidewalk shall be provided along CR 486 east of the residential entryway into Lake Breeze Estates to connect the residential area to the commercial area of Lake Breeze Estates abutting CR 486.

Utilities: Installation of new utility service shall be underground except for required aerial service from existing utility poles; above ground utility service shall be permitted for utility appurtenances such as transformers, switch gears, meters, and temporary lines during construction.

Commercial Area

Access Easements: Commercial lots shall provide access easements to adjacent commercial lots.

Buffer Areas - Masonry Wall & Landscape/Drainage Area:

- a. A 15-foot buffer area shall be provided on commercial lots abutting Lake Breeze Estates residential lots and a 6-foot masonry wall shall be required to be constructed abutting these lots residential lots prior to completion of each phase of the residential development.

- b. A 15-foot dense landscaped buffer and drainage area shall be provided along the westernmost edge (and a small area to the north) of the office/institutional area abutting Bently Farms residential lots at the time the office/institutional uses are constructed.

Designated Office/Institutional Area: The westernmost 150 feet of the commercial area and a 50-foot area abutting a portion of a residential lot within Bently Farms shall be limited to office or institutional uses and required drainage/detention improvements (see Concept Plan).

Landscaping. A 20-foot landscaped area shall be provided adjacent to the public rights-of-way along State Highway 78 and FM 486 and a 10-foot landscaped area shall be provided adjacent to entry streets along interior streets.

Lighting: Lighting within the commercial area shall not create light trespass within adjacent residential areas.

Platting. Prior to issuance of commercial building permits, a Site Plan shall be provided showing an overall design theme for planned commercial buildings, egress and ingress points, and landscaping.

Property Association: A Property Association shall be established to own and maintain all common areas, drainage and detention areas that are within the commercial area. Membership is mandatory for all commercial lot owners.

Retail Storage Facilities (self-storage facilities): Retail storage facilities shall have a maximum height of 24 feet and screened with a masonry or concrete sight-barring wall at least 8 feet in height incorporated into the building's structure. No storage facility shall be within 250 feet of Highway 78 or CR 486 on the lot shown on the Concept Plan as "Commercial 6.4 acres" or within 100 feet of the Highway 78 right-of-way on the remainder of the commercial acreage.

Sidewalks: Upon development of commercial lots, a minimum of 6-foot wide sidewalks shall be constructed to provide pedestrian connections within commercial areas and connecting to the Lake Breeze Estates residential area.

Utilities: Installation of new utility service shall be underground except for required aerial service from existing utility poles; above ground utility service shall be permitted for utility appurtenances such as transformers, switch gears, meters, and temporary lines during construction.

City of Lavon Entry Sign: Lake Breeze Estates will work with the City of Lavon to locate a suitable site for a "City of Lavon" sign of the type and size currently constructed by the City, provided such location does not limit the usability of the commercial area.