

ORDINANCE 2006-108

AN ORDINANCE AMENDING THE BASIC ZONING ORDINANCE OF THE CITY OF ROANOKE, TEXAS, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY, TO WIT: APPROXIMATELY 179.4 ACRES OF LAND IN THE W.R. KELSEY SURVEY, ABSTRACT 705; W.M. PERRY SURVEY ABSTRACT 1033; A.M. BEALL SURVEY, ABSTRACT 87; W.D. BEALL SURVEY ABSTRACT 82; CONSISTING OF TRACT A (APPROX. 15.8 ACRES), TRACT B (APPROX. 26.5 ACRES), TRACT C (APPROX. 48.6 ACRES), TRACT D (APPROX. 39.5 ACRES), TRACT E (APPROX. 2.8 ACRES); TRACT F (APPROX. 32.3); AND TRACT G (APPROX. 13.9), CITY OF ROANOKE, DENTON COUNTY, TEXAS, SHALL BE CHANGED FROM "PLANNED DEVELOPMENT" TO "PLANNED DEVELOPMENT;" PRESCRIBING THE PERMISSIBLE USES THEREOF; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a public hearing was held before the Planning & Zoning Commission and the City Council of the City of Roanoke, Texas, after due notice thereof was had in accordance with the Zoning Ordinance of the City of Roanoke, Texas; and

WHEREAS, at such public hearings all persons having any interest in doing so were afforded an opportunity to be heard concerning the rezoning of the property hereinafter described as requested by the applicant.

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

**Section 1:**

The basic Zoning Ordinance of the City of Roanoke be and the same is hereby amended insofar as the property being more particularly described and depicted in *Exhibit A* attached hereto and incorporated herein as though fully set out, shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said Ordinance generally, and the Zoning Map and Plat be and are hereby amended and corrected so that said property consisting of approximately 179.4 acres in the WR Kelsey Survey, Abstract No. 705, the WM Perry Survey, Abstract No. 1033, the AM Beall Survey, Abstract No. 87, and the WD Beall Survey Abstract No. 82, which are presently zoned Planned Development, shall be zoned Planned Development.

**Section 2:**

The property shall be developed in strict accordance with the allowable land uses for the property being more particularly described and depicted in *Exhibit A* attached hereto and incorporated herein as though fully set out.

**Section 3:**

The terms of the Planned Development for the subject property are attached hereto as *Exhibits B* and *C* and incorporated herein as though fully set out, and shall become a part of the zoning regulations of the City of Roanoke.

**Section 4:**

The City Secretary is directed to engross and enroll this ordinance in the Code of Ordinances of the City of Roanoke and to reflect this change of zoning on the official zoning map of the City of Roanoke, Texas.

**Section 5: PENALTY CLAUSE**

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

**Section 6: REPEALER CLAUSE**

Any provision of Ordinance 2000-124, with exception of Tract 2 MOD B-3, Tract 3 MOD B-2, and Tract 4 MOD B-2 as depicted in *Exhibit D*, or any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect. The provisions of Ordinance 2000-124 are continued in effect as applied to Tract 2 MOD B-3, Tract 3 MOD B-2 and Tract 4 MOB B-2, as depicted in *Exhibit D* attached hereto and incorporated herein.

**Section 7: SAVINGS CLAUSE**

All rights and remedies of the City of Roanoke, Texas are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**Section 8: CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Roanoke, Texas, 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.

**Section 9: 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.

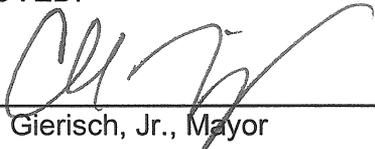
**Section 10: EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Roanoke, Texas, on this the 11<sup>th</sup> day of April, 2006.



APPROVED:

  
\_\_\_\_\_  
Carl E. Gierisch, Jr., Mayor

ATTEST:

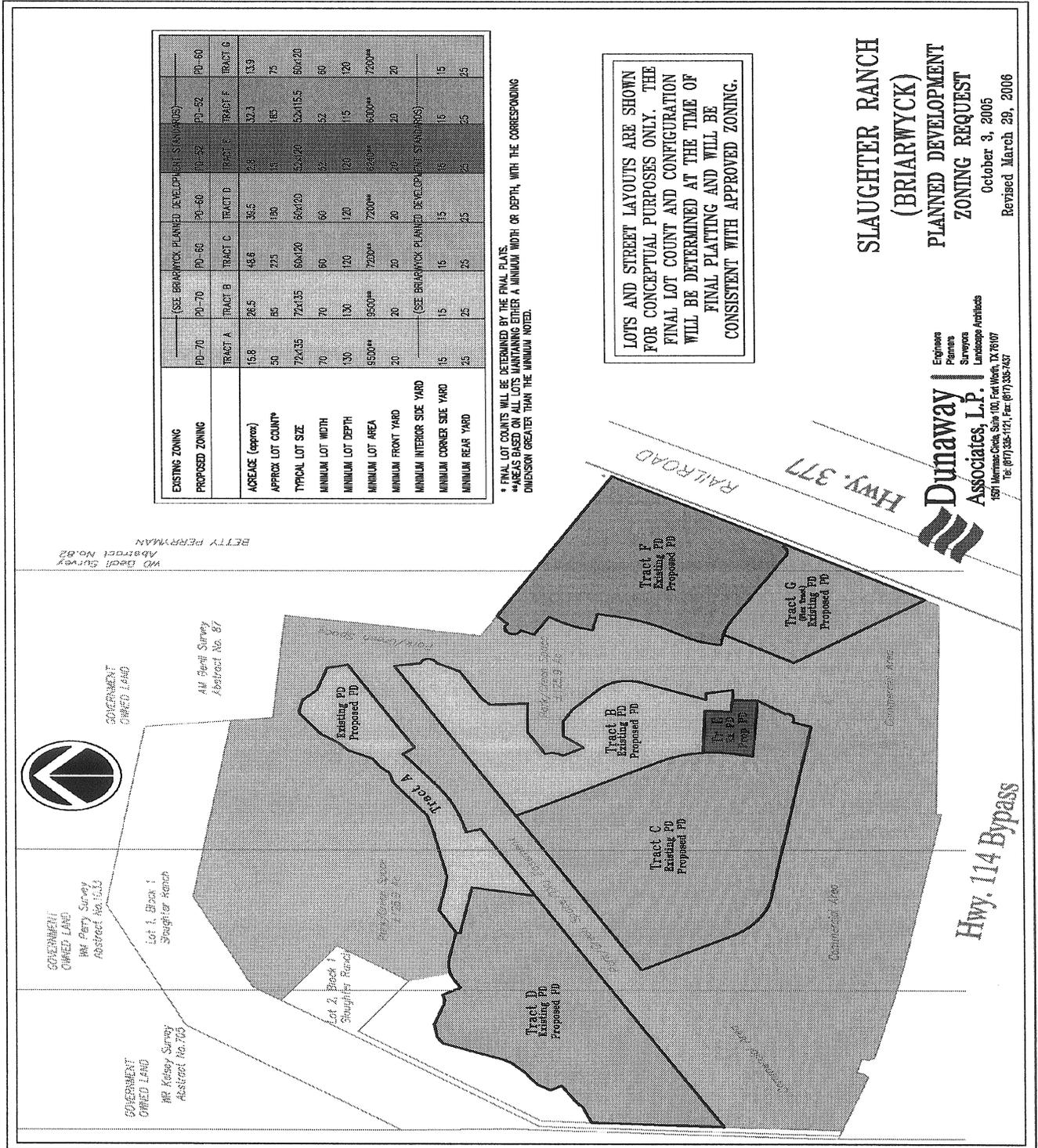
  
\_\_\_\_\_  
Kelly Edwards, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jeff Moore, City Attorney

# EXHIBIT A

## Legal Description and Depiction of Property



LOTS AND STREET LAYOUTS ARE SHOWN FOR CONCEPTUAL PURPOSES ONLY. THE FINAL LOT COUNT AND CONFIGURATION WILL BE DETERMINED AT THE TIME OF FINAL PLATTING AND WILL BE CONSISTENT WITH APPROVED ZONING.

**SLAUGHTER RANCH  
(BRIARWYCK)**  
 PLANNED DEVELOPMENT  
 ZONING REQUEST

October 9, 2005  
 Revised March 29, 2006

**Dunaway Associates, L.P.**  
 Engineers Planners Surveyors Landscape Architects  
 1601 Maricopa, Suite 100, Fort Worth, TX 76107  
 Tel: (817) 335-1721, Fax: (817) 335-7437

TRACT A  
METES & BOUNDS DESCRIPTION  
EXISTING "PD" ZONING  
PROPOSED "PD" ZONING

BEING a 15.8 acre tract of land in the WM Perry Survey, Abstract No. 1033 and the AM Beall Survey, Abstract No. 87 situated in the City of Roanoke, Denton County, Texas and being more particularly described as follows:

COMMENCING at the southeastern most point of Lot 2, Block 1 of Slaughter Ranch addition, an addition to the City of Roanoke as recorded in Cabinet W, Slide 478 of the Plat Records of Denton County, Texas, said point also being located on the northern right-of-way line of State Highway 114 Bypass (ROW Varies); THENCE N02°10'27"E, 386.55 feet; THENCE N02°32'03"E, 318.01 feet; THENCE N60°38'11"E, 2269.50 feet to the POINT OF BEGINNING;

THENCE N10°39'22"E, 384.46 feet;

THENCE N79°20'38"W, 396.94 feet;

THENCE N10°39'22"E, 25.00 feet;

THENCE N62°14'46"E, 217.29 feet;

THENCE S79°20'38"E, 216.00 feet;

THENCE S82°01'08"E, 72.08 feet;

THENCE N78°18'41"E, 395.13 feet;

THENCE N75°20'27"E, 147.64 feet;

THENCE N54°33'34"E, 353.56 feet;

THENCE N75°04'01"E, 81.33 feet;

THENCE N43°58'18"E, 78.79 feet;

THENCE 57°01'41"E, 83.12 feet;

THENCE N25°43'25"E, 160.45 feet;

THENCE N48°24'45"E, 88.34 feet;

THENCE N35°49'21"E, 126.11 feet;

THENCE N54°30'04"E, 225.92 feet;

THENCE S78°37'12"E, 107.44 feet;

THENCE S45°17'48"E, 126.23 feet;

THENCE S72°34'41"E, 198.83 feet;

THENCE S11°11'53"E, 125.06 feet;

THENCE S60°38'11"W, 811.59 feet;

THENCE N39°32'06"W, 90.05 feet;

THENCE S51°53'48"W, 102.44 feet;

THENCE S53°19'42"W, 214.59 feet to the Point of Curvature of a circular curve to the right having a radius of 1025.00 feet, a central angle of 22°35'50", a chord length of 401.64 feet and a chord bearing of S64°37'37"W;

THENCE along said curve to the right, 404.25 feet;

THENCE S76°43'10"W, 60.13 feet;

THENCE S17°24'15"E, 92.39 feet;

THENCE S60°38'11"W, 658.34 feet to the POINT OF BEGINNING and containing 15.8 acres of land, more or less.

TRACT B  
METES & BOUNDS DESCRIPTION  
EXISTING "PD" ZONING  
PROPOSED "PD" ZONING

BEING a 26.5 acre tract of land in the AM Beall Survey, Abstract No. 87 situated in the City of Roanoke, Denton County, Texas and being more particularly described as follows:

COMMENCING at the southeastern most point of Lot 2, Block 1 of Slaughter Ranch addition, an addition to the City of Roanoke as recorded in Cabinet W, Slide 478 of the Plat Records of Denton County, Texas, said point also being located on the northern right-of-way line of State Highway 114 Bypass (ROW Varies); THENCE N02°10'27"E, 386.55 feet; THENCE N02°32'03"E, 35.21 feet; THENCE N60°38'11"E, 3075.30 feet to the POINT OF BEGINNING;

THENCE N60°38'11"E, 1476.54 feet;

THENCE S08°16'15"E, 159.40 feet to the Point of Curvature of a non-tangent circular curve to the right having a radius of 50.00 feet, a central angle of 148°53'17", a chord length of 96.34 feet and a chord bearing of S01°26'46"E;

THENCE along said curve to the right, 129.93 feet;

THENCE S26°57'40"W, 155.39 feet;

THENCE 60°38'11"W, 265.32 feet;

THENCE S45°53'52"W, 74.68 feet;

THENCE S02°32'00"E, 224.28 feet;

THENCE N89°47'47"W, 245.01 feet;

THENCE S61°18'11"W, 214.07 feet to the Point of Curvature of a non-tangent circular curve to the right having a radius of 100.00 feet, a central angle of 64°12'18", a chord length of 106.29 feet and a chord bearing of S08°54'31"W;

THENCE along said curve to the right, 112.06 feet;

THENCE S29°21'49"E, 140.81 feet;

THENCE N60°38'11"E, 8.02 feet;

THENCE N39°36'57"E, 149.82 feet;

THENCE S89°52'24"E, 120.31 feet;

THENCE S60°53'37"E, 122.84 feet;

THENCE S47°31'56"E, 227.90 feet to the Point of Curvature of a non-tangent circular curve to the right having a radius of 235.00 feet, a central angle of 68°46'19", a chord length of 265.44 feet and a chord bearing of S13°08'46"E;

THENCE along said curve to the right, 282.07 feet;

THENCE S21°14'23"W, 403.29 feet;

THENCE S87°44'26"E, 54.22 feet;

THENCE S10°19'40"E, 161.33 feet to the Point of Curvature of a non-tangent circular curve to the right having a radius of 500.00 feet, a central angle of 08°39'59", a chord length of 75.54 feet and a chord bearing of N87°47'35"W;

THENCE along said curve to the right, 75.61 feet;

THENCE N83°27'39"W, 71.72 feet to the Point of Curvature of a circular curve to the right having a radius of 500.00 feet, a central angle of 03°26'25", a chord length of 30.02 feet and a chord bearing of N85°10'51"W;

THENCE along said curve to the right, 30.02 feet;

THENCE N03°05'57"E, 150.07 feet;

THENCE N87°44'26"W, 360.08 feet to the Point of Curvature of a non-tangent circular curve to the left having a radius of 650.00 feet, a central angle of 23°41'11", a chord length of 266.80 feet and a chord bearing of N16°51'14"W;

THENCE along said curve to the left, 268.71 feet;

THENCE N28°41'49"W, 853.37 feet to the Point of Curvature of a circular curve to the right having a radius of 2000.00 feet, a central angle of 03°34'41", a chord length of 124.88 feet and a chord bearing of N26°54'28"W;

THENCE along said curve to the right, 124.90 feet to the POINT OF BEGINNING and containing 26.5 acres of land, more or less.

TRACT C  
METES & BOUNDS DESCRIPTION  
EXISTING "PD" ZONING  
PROPOSED "PD" ZONING

BEING a 48.6 acre tract of land in the WM Perry Survey, Abstract No. 1033 and the AM Beall Survey, Abstract No. 87 situated in the City of Roanoke, Denton County, Texas and being more particularly described as follows:

COMMENCING at the southeastern most point of Lot 2, Block 1 of Slaughter Ranch addition, an addition to the City of Roanoke as recorded in Cabinet W, Slide 478 of the Plat Records of Denton County, Texas, said point also being located on the northern right-of-way line of State Highway 114 Bypass (ROW Varies); THENCE N02°10'27"E, 386.55 feet; THENCE N02°32'03"E, 35.21 feet; THENCE N60°38'11"E, 1556.30 feet to the POINT OF BEGINNING;

THENCE N60°38'11"E, 1519.00 feet to the Point of Curvature of a non-tangent circular curve to the left having a radius of 2000.00 feet, a central angle of 03°34'41", a chord length of 124.88 feet and a chord bearing of S26°54'28"E;

THENCE along said curve to the left 124.90 feet;

THENCE S28°41'49"E, 853.37 feet to the Point of Curvature of a circular curve to the right having a radius of 650.00 feet, a central angle of 39°56'24", a chord length of 443.99 feet and a chord bearing of S08°43'37"E;

THENCE along said curve to the right 453.10 feet;

THENCE S11°14'35"W, 111.45 feet;

THENCE S86°13'46"E, 479.70 feet;

THENCE S34°41'17"W, 195.80 feet to the Point of Curvature of a non-tangent circular curve to the right having a radius of 50.00 feet, a central angle of 124°54'22", a chord length 88.66 feet and a chord bearing of S55°15'25"W;

THENCE along said curve to the right 109.00 feet;

THENCE S20°53'57"W, 114.77 feet;

THENCE N80°30'00"W, 1484.37 feet to the Point of Curvature of a circular curve to the right having a radius of 470.00 feet, a central angle of 51°48'11", a chord length of 410.62 and a chord bearing of N54°35'55"W;

THENCE along said curve to the right 424.94 feet;

THENCE N28°41'49"W, 604.95 feet to the POINT OF BEGINNING and containing 48.6 acres of land, more or less.

TRACT D  
METES & BOUNDS DESCRIPTION  
EXISTING "PD" ZONING  
PROPOSED "PD" ZONING

BEING a 39.5 acre tract of land in the WR Kelsey Survey, Abstract No. 705 and the WM Perry Survey, Abstract No. 1033 situated in the City of Roanoke, Denton County, Texas and being more particularly described as follows:

COMMENCING at the southeastern most point of Lot 2, Block 1 of Slaughter Ranch addition, an addition to the City of Roanoke as recorded in Cabinet W, Slide 478 of the Plat Records of Denton County, Texas, said point also being located on the northern right-of-way line of State Highway 114 Bypass (ROW Varies); THENCE N02°10'27"E, 386.55 feet; THENCE N02°32'03"E, 318.01 feet to the POINT OF BEGINNING;

THENCE N02°32'03"E, 782.82 feet;

THENCE N68°23'10"E, 149.37 feet to the Point of Curvature of a non-tangent circular curve to the right having a radius of 100.00 feet, a central angle of 27°56'37", a chord length of 48.29 feet and a chord bearing of N44°10'03"E;

THENCE along said curve to the right, 48.77 feet;

THENCE N58°08'21"E, 170.10 feet;

THENCE N31°51'39"W, 76.49 feet;

THENCE N32°04'47"E, 88.90 feet;

THENCE N51°32'53"E, 82.38 feet;

THENCE N58°08'21"E, 41.10 feet;

THENCE N45°59'41"E, 120.82 feet;

THENCE N30°47'29"E, 53.97 feet;

THENCE N21°09'20"E, 391.82 feet;

THENCE N58°23'38"E, 64.21 feet;

THENCE N81°04'56"E, 109.90 feet;

THENCE S71°38'51"E, 172.52 feet;

THENCE S80°40'07"E, 46.62 feet;

THENCE N73°28'21"E, 44.43 feet;

THENCE S29°21'49"E, 125.00 feet;

THENCE N60°38'11"E, 75.11 feet to the Point of Curvature of a circular curve to the right having a radius of 275.00 feet, a central angle of 40°01'12", a chord length of 188.20 feet and a chord bearing of N80°38'46"E;

THENCE along said curve to the right, 192.08 feet;

THENCE S79°20'38"E, 225.59 feet;

THENCE S10°39'22"W, 25.00 feet;

THENCE S79°20'38"E, 396.94 feet;

THENCE S10°39'22"W, 384.46 feet;

THENCE S60°38'11"W, 2269.50 feet to the POINT OF BEGINNING and containing 39.5 acres of land, more or less.

TRACT E  
METES & BOUNDS DESCRIPTION  
EXISTING "PD" ZONING  
PROPOSED "PD" ZONING

BEING a 2.8 acre tract of land in the AM Beall Survey, Abstract No. 87 situated in the City of Roanoke, Denton County, Texas and being more particularly described as follows:

COMMENCING at the southeastern most point of Lot 2, Block 1 of Slaughter Ranch addition, an addition to the City of Roanoke as recorded in Cabinet W, Slide 478 of the Plat Records of Denton County, Texas, said point also being located on the northern right-of-way line of State Highway 114 Bypass (ROW Varies); THENCE N02°10'27"E, 386.55 feet; THENCE N02°32'03"E, 35.21 feet; THENCE N60°38'11"E, 3075.30 feet to the Point of Curvature of a non-tangent circular curve to the left having a radius of 2000.00 feet, a central angle of 03°34'41", a chord length of 124.88 feet and a chord bearing of S26°54'28"E; Thence along said curve to the left 124.90 feet; THENCE S28°41'49"E, 853.37 feet to the Point of Curvature of a circular curve to the right having a radius of 650.00 feet, a central angle of 23°41'11", a chord length of 266.80 feet and a chord bearing of S16°51'14"E; THENCE along said curve to the right 268.71 feet to the POINT OF BEGINNING:

THENCE S87°44'26"E, 360.08 feet;

THENCE S03°05'57"W, 150.07 feet to the Point of Curvature of a non-tangent circular curve to the left having a radius of 500.00 feet, a central angle of 03°26'25", a chord length of 30.02 feet and a chord bearing of S85°10'51"E;

THENCE along said curve to the left, 30.02 feet;

THENCE S83°27'39"E, 71.72 feet;

THENCE S02°15'34"W, 149.74 feet;

THENCE N86°13'46"W, 479.70 feet;

THENCE N11°14'35"E, 111.45 feet to the Point of Curvature of a circular curve to the left having a radius of 650.00 feet, a central angle of 16°15'13", a chord length of 183.77 feet and a chord bearing of N03°06'58"E;

THENCE along said curve to the left, 184.39 feet to the POINT OF BEGINNING and containing 2.8 acres of land, more or less.

TRACT F  
METES & BOUNDS DESCRIPTION  
EXISTING "PD" ZONING  
PROPOSED "PD" ZONING

BEING a 32.3 acre tract of land in the AM Beall Survey, Abstract No. 87 and the WD Beall Survey, Abstract No. 82 situated in the City of Roanoke, Denton County, Texas and being more particularly described as follows:

COMMENCING at the southeastern most corner of that tract of land conveyed to Gloria S. Hammack (50% owner) and the Betty Lu Williams Limited Partnership (50% owner) by deed recorded in Volume 4285, Page 262 of the Deed Records of Denton County, Texas; THENCE N29°50'37"E, 1057.79 feet to the POINT OF BEGINNING;

THENCE N60°09'23"W, 25.00 feet to the Point of Curvature of a non-tangent circular curve to the right having a radius of 50.00 feet, a central angle of 90°30'17", a chord length of 71.02 feet and a chord bearing of S75°05'46"W;

THENCE along said curve to the right, 78.98 feet;

THENCE N59°39'06"W, 642.04 feet to the Point of Curvature of a circular curve to the left having a radius of 500.00 feet, a central angle of 26°25'34", a chord length of 228.57 feet and a chord bearing of N72°51'53"W;

THENCE along said curve to the left, 230.61 feet to the Point of Curvature of a non-tangent circular curve to the right having a radius of 500.00 feet, a central angle of 23°58'01", a chord length of 207.63 feet and a chord bearing of N17°43'42"E;

THENCE along said curve to the right, 209.15 feet;

THENCE N29°42'43"E, 135.38 feet to the Point of Curvature of a circular curve to the left having a radius of 1000.00 feet, a central angle of 18°56'27", a chord length of 329.08 feet and a chord bearing of N20°14'29"E;

THENCE along said curve to the left, 330.58 feet;

THENCE N10°46'16"E, 108.18 feet;

THENCE N78°18'44"W, 104.01 feet;

THENCE N13°40'31"E, 60.38 feet;

THENCE N19°04'57"E, 60.38 feet;

THENCE N24°29'23"E, 60.38 feet;

THENCE N29°21'25"E, 56.06 feet;

THENCE N30°20'54"E, 50.00 feet;

THENCE N59°39'06"W, 174.40 feet;

THENCE N23°35'11"E, 85.95 feet to the Point of Curvature of a non-tangent circular curve to the right having a radius of 50.00 feet, a central angle of 203°23'30", a chord length of 97.92 feet and a chord bearing of N35°16'56"E;

THENCE along said curve to the right, 177.49 feet;

THENCE N46°58'41"E, 90.89 feet;

THENCE S60°09'23"E, 1389.06 feet;

THENCE S29°50'37"W, 1181.62 feet to the POINT OF BEGINNING and containing 32.3 acres of land, more or less.

TRACT G – Flex Tract  
METES & BOUNDS DESCRIPTION  
EXISTING “PD” ZONING  
PROPOSED “PD” ZONING

BEING a 13.9 acre tract of land in the AM Beall Survey, Abstract No. 87 and the WD Beall Survey, Abstract No. 82 situated in the City of Roanoke, Denton County, Texas and being more particularly described as follows:

COMMENCING at the southeastern most corner of that tract of land conveyed to Gloria S. Hammack (50% owner) and the Betty Lu Williams Limited Partnership (50% owner) by deed recorded in Volume 4285, Page 262 of the Deed Records of Denton County, Texas; THENCE N29°50'37"E, 97.67 feet to the POINT OF BEGINNING;

THENCE N34°26'21"W, 951.02 feet;

THENCE N29°50'37"E, 484.56 feet to the Point of Curvature of a non-tangent circular curve to the right having a radius of 500.00 feet, a central angle of 16°09'49", a chord length of 140.59 feet and a chord bearing of S67°44'01"E;

THENCE along said curve to the right, 141.05 feet;

THENCE S59°39'06"E, 642.04 feet to the Point of Curvature of a circular curve to the left having a radius of 50.00 feet, a central angle of 90°30'17", a chord length of 71.02 feet and a chord bearing of N75°05'46"E;

THENCE along said curve to the left, 78.98 feet;

THENCE S60°09'23"E, 25.00 feet;

THENCE S29°50'37"W, 960.12 feet to the POINT OF BEGINNING and containing 13.9 acres of land, more or less.

*Exhibit B*

**BRIARWYCK**  
**PLANNED DEVELOPMENT STANDARDS**

FLOOR AREA - NO MORE THAN 20% OF THE HOMES IN TRACTS E, F & G CAN BE BELOW 1,800 SQUARE FEET, WITH A MINIMUM OF 1,600 SQUARE FEET.

MASONRY REQUIREMENT - THE MINIMUM MASONRY REQUIREMENT, EXCLUDING WINDOWS, DOORS AND THE LIKE, SHALL BE 100% OF THE FRONT FACADE OF THE HOME OR WHEREVER THERE IS A BRICK LEDGE AND 75% OF THE SIDE AND REAR FACADES.

SIDE YARD - SIDE YARDS SHALL BE A MINIMUM OF 5 FEET ON ONE SIDE AND 7 FEET ON THE OPPOSING SIDE WITH A MINIMUM OF 12 FEET OF SEPARATION BETWEEN HOMES.

PLAN ELEVATIONS - PLAN ELEVATIONS SHALL ALTERNATE EVERY 4 HOMES. IN THE EVENT THAT THE SAME PLAN AND ELEVATION OCCURS EVERY 6TH HOME, THE COLORS OF THE EXTERIOR MASONRY MATERIALS MUST BE DIFFERENT.

TREES - A MINIMUM OF 3 TREES SHALL BE PLANTED PER LOT, WITH AT LEAST 1 TREE BEING A 2-INCH CALIPER HARDWOOD AND 4 TREES ON CORNER LOTS WITH 2 TREES BEING 2-INCH CALIPER HARDWOODS. THE NON-HARDWOOD TREES MAY INCLUDE YAUPONS, CREPE MYRTLES AND PLANTS OF A SIMILAR NATURE.

TRAIL SYSTEM - A MAIN TRAIL, AS INDICATED ON THE ACCOMPANYING CONCEPTUAL PLAN, SHALL MEANDER ALONG THE EXISTING TESCO EASEMENT AND BE 8- FEET IN WIDTH AND MADE OF CONCRETE. ALL OTHER TRAILS SHALL BE A MINIMUM OF 5- FEET IN WIDTH AND MADE OF CONCRETE. THE MAIN TRAIL SHALL BE LIGHTED IN SUCH A MANNER AS TO BE CONSISTENT WITH STREET LIGHTS. THE DEVELOPER WILL CONSTRUCT TRAILS ADJACENT TO THE PHASES AS THE PHASES ARE BEING DEVELOPED.

MECHANICAL UNITS - ALL MECHANICAL UNITS SHALL BE PLACED WITHIN THE FENCING SUCH AS TO SCREEN THEM FROM THE PUBLIC RIGHT-OF-WAY. THE LOCATION OF ALL MECHANICAL UNITS IS RESTRICTED TO THE 5-FOOT SIDEYARD.

RESIDENTIAL/COMMERCIAL SCREENING - A MASONRY WALL WILL BE PROVIDED.

AL SLAUGHTER PARKWAY SCREENING - THE SCREENING PROVIDED WILL BE MASONRY OR AS APPROVED BY CITY STAFF.

IRRIGATION SYSTEMS - IRRIGATION SYSTEMS WILL BE PROVIDED IN THE FRONT YARDS OF ALL LOTS AND THE STREET SIDE YARDS OF CORNER LOTS.

PUBLIC PARK - THE GENERAL PUBLIC SHALL HAVE ACCESS TO AREAS DESIGNATED AS "PARK/GREEN SPACE".

ENTRY FEATURES - LANDSCAPED, IRRIGATED AND LIGHTED WITH MASONRY AND/OR STONE FEATURES AND/OR ORNAMENTAL METAL AND/OR STAINED WOOD.

AMENITY CENTER - PRIVATELY FUNDED RECREATION AREA WITH FAMILY ORIENTED WATER FACILITY AS CENTERPIECE. ACCESS CONTROLLED FOR BRIARWYCK RESIDENTS.

**Exhibit C**

**Planned Development Allowed Uses**

<b>TABLE 1 – ALLOWED USES</b>			
<b>USE</b>	<b>DISTRICTS ALLOWED</b>		
	<b>Light Retail/Office</b>	<b>Heavy Retail/Office</b>	<b>Office/Service/ Showroom/Dist.</b>
Agricultural uses			X
Aircraft, aircraft hardware or parts manufacture			X
Animal hospitals or veterinary clinics	X	X	
Antique shop		X	
Appliance (household) sales and service	X	X	
Auditoriums, theatres	X	X	
Auto parts sales (no outside storage or display)		X	
Auto parts sales, new, retail	X	X	
Auto repair (garage)		X	
Auto upholstery or muffler shop		X	
Bakery or confectionery for sale on the premises or wholesale	X	X	
Ballpark, stadium, athletic field (private)			X
Banks, savings and loan or other financial institution	X	X	
Barber shop, beauty shop	X	X	X
Baseball parks	X	X	
Bicycles and bicycle repair shops	X	X	
Bird stores and pet shops	X	X	
Blood banks		X	
Bottling works, soft drinks			X
Building material and lumber sales (outside storage permitted)			X
Building material storage yards			X
Building materials or lumber sales (with screened outside storage)	X	X	
Burglar alarm sales and service	X	X	
Cabinet, upholstery woodworking shop			X
Car rental businesses	X	X	
Car washes		X	
Carnivals			
Carpet and rug cleaning			X
Caterer or wedding service	X	X	
Chemical or X-ray Laboratory		X	
Child care facilities (except boarding homes)	X	X	
Cigar or tobacco sales	X	X	
City owned buildings and uses	X	X	X
Clay products manufacture			X
Cleaning or laundry (pick up station)	X	X	
Cleaning or laundry (self service) using fully automated equipment:			
a. washers, capacity of not more than forty 40 pounds	X	X	
b. dryers or extractors, capacity of not more than 60 pounds	X	X	
c. dry cleaning machine	X	X	X

**TABLE 1 – ALLOWED USES (con't)**

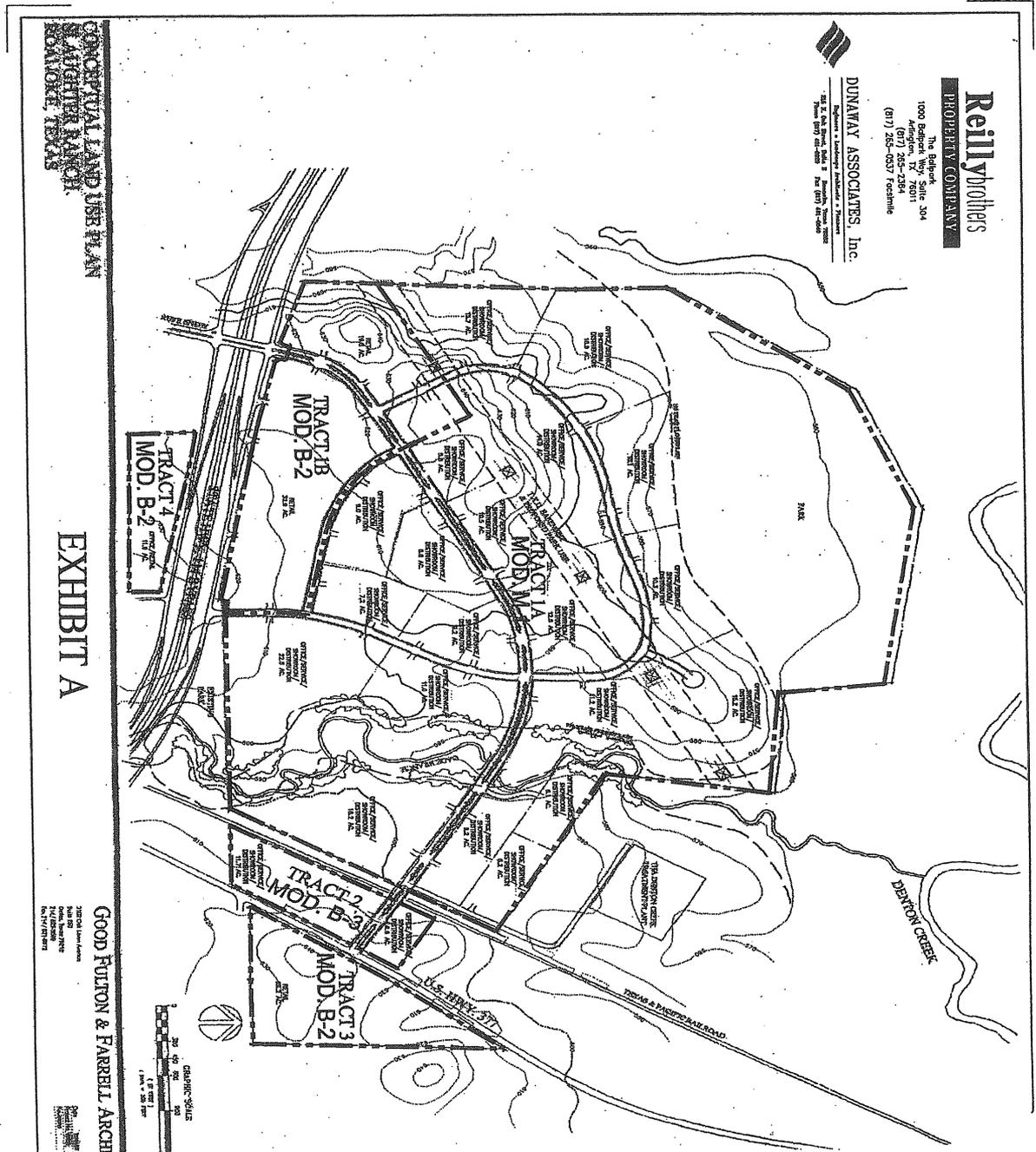
USE	DISTRICTS ALLOWED		
	Light Retail/Office	Heavy Retail/Office	Office/Service/Showroom/Display
Cleaning, dyeing, pressing works, laundry and washateria	X	X	
Cleaning, pressing, dyeing:			X
Coffee Shop	X	X	
Cold storage plan (locker rental)		X	X
Cold storage plants			X
Commercial and business clubs	X	X	X
Commercial parking		X	
Commercial print centers	X	X	X
Construction field office and yard; during construction only	X	X	X
Contractor's or storage yards			X
Custom personal service shops	X	X	
Customarily incidental use	X	X	X
Customarily incidental use	X	X	X
Customarily incidental use	X	X	X
Dancing schools	X	X	
Day Care Centers and Kindergartens	X	X	
Delicatessen shops	X	X	
Dental Laboratory		X	
Department stores	X	X	
Dispensing Apothecary	X	X	
Dispensing Optician	X	X	
Distribution warehouse centers			X
Drugstore or pharmacy	X	X	
Dry goods and notions stores	X	X	
Educational institutions	X	X	X
Electric equipment or appliance manufacture (large)			X
Electric utility substation			X
Electroplating incidental to manufacturing			X
Express offices	X	X	X
Florist, garden shop, greenhouse or nursery (retail)	X	X	
Food processing			X
Fur storage or sales	X	X	
Furniture repair		X	X
Furniture, cabinet, kitchen equipment manufacture			X
Galvanizing incidental to manufacturing			X
Gasoline service station	X	X	
Golf Courses including miniature course, driving tee, driving range and "Pitch "n" Put"	X	X	
Grocery store	X	X	
Gunsmithing, repairs and sales		X	
Hardware, paint and wallpaper stores		X	
Health clubs	X	X	
Hospital, home or center for the acute or chronically ill	X	X	
Hotel or motel	X	X	

<b>TABLE 1 – ALLOWED USES (con't)</b>			
<b>USE</b>	<b>DISTRICTS ALLOWED</b>		
	<b>Light Retail/Office</b>	<b>Heavy Retail/Office</b>	<b>Office/Service Showroom/Dis t.</b>
Hotels	X	X	
Household or office furniture, furnishings and appliances	X	X	X
Interior decorating	X	X	
Jewelry stores	X	X	
Job Printing: not more than 17"x25" size	X	X	
Kennel, private (no outside kennels)	X	X	
Leather and leather good shops	X	X	
Locksmith	X	X	
Lodges or fraternal organizations	X	X	
Machine shops			X
Major automotive repair		X	X
Manufacturing			X
Milk bottling or distribution			X
Mini-warehouses		X	X
Minor automotive repair		X	
Monument or marble works, finishing and carving only		X	X
Mortuary or funeral chapel	X	X	
Motels	X	X	
Museum	X	X	
Newspaper or job printing		X	X
Nursery yards or buildings for retail sales	X	X	X
Offices, general business	X	X	X
Paper box manufacturing			X
Pattern shops	X	X	X
Philanthropic institutions (not elsewhere listed)	X	X	
Physical Therapy Clinic	X	X	
Piano stores, musical instruments and supplies	X	X	
Planing mill or woodworking shops			X
Plumbing, electrical, air conditioning services shop (no outside storage)	X	X	
Printing, lithography, bookbinding, newspapers and publishing			X
Professional Building housing offices of recognized professions	X	X	X
Public owned utility buildings and structures	X	X	X
Public parks, recreation areas, playgrounds, museums and community centers	X	X	X
Radio and television sales	X	X	
Radio and television servicing	X	X	
Radio, television, micro-wave broadcast, relay and receiving towers, and transmission and retransmission facilities			X
Radio, television, microwave tower facilities			X
Recording studios		X	X
Registered Public Surveyor			X

<b>TABLE 1 – ALLOWED USES (con't)</b>			
<b>USE</b>	<b>DISTRICTS ALLOWED</b>		
	<b>Light Retail/Office</b>	<b>Heavy Retail/Office</b>	<b>Office/Service Showroom/Dist.</b>
Religious institutions, churches and facilities for worship, fellowship and education when located on a site of three acres or more	X	X	X
Restaurants, tea rooms, cafeterias or cafes (as allowed in B-3)	X	X	
Retail sales with gasoline sales (as allowed in B-3)	X	X	
Saddle and/or harness repair and sales		X	
Sandwich shops	X	X	
Second hand goods store		X	
Sheet metal shops			X
Shoe-shine parlors	X	X	
Signs: on-site or off-site uniform signage (may be in City right-of-way if permitted by City)	X	X	X
Small animal clinic or pet grooming shop (no outside kennels)	X	X	
Spray painting or paint mixing			X
Stables for commercial boarding of horses			X
Storage warehouse		X	X
Studio for photography, interior decoration, fine arts, instruction or sale of art objects	X	X	
Tailor, clothing or wearing apparel shops	X	X	
Telemarketing centers	X	X	X
Telephone exchange building			X
Tennis or swim club	X		X
Terminals, freight			X
Terminals, motor			X
Terminals, rail			X
Textile or garment manufacture			X
Tracks – team, spur, loading or storage and freight yards			X
Trade or business school	X	X	
Truck rental businesses	X	X	X
Trucking terminals			X
Variety stores	X	X	
Veterinary hospitals	X	X	
Welding shops			X
Wholesale offices	X	X	X
Wood, plastic container manufacture			X

Exhibit D

Depiction of Property  
[Tract 2 MOD B-3 & Tract 3 MOD B-2]



**Reillybrothers**  
PROPERTY COMPANY  
The Ballpark  
1000 Ballpark Way, Suite 304  
Arlington, TX 76011  
(817) 265-2300  
(817) 265-0537 / cell/mobile

**DUNAWAY ASSOCIATES, Inc.**  
Subsidiary of Landmark Associates, a Division of  
201 E. Ash Street, Suite 8, Southworth, Texas, 75488  
Phone (817) 265-2300 Fax (817) 481-0400

CONCEPTUAL LAND USE PLAN  
MAGNIFICENT RANCH,  
FAYETTE COUNTY, TEXAS

EXHIBIT A

**GOOD FULTON & FARRELL ARCHT**  
3020 Oak Lawn Avenue  
Suite 100  
Ft. Worth, TX 76102  
Tel: (817) 342-1111  
Fax: (817) 342-1111