

Bear Creek
Ordinance No. 2003-137

Standards amended by
PD Ord. 2004-204

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, ORDINANCE NO. 2001-64, AS AMENDED, BY AMENDING THE ZONING MAP FOR LAND ZONED RR RURAL RESIDENTIAL AND PDC PLANNED DEVELOPMENT COMBINING DISTRICTS TO PD PLANNED DEVELOPMENT DISTRICT; INCORPORATING A CONCEPT PLAN FOR DEVELOPMENT; ESTABLISHING STANDARDS AND CONDITIONS FOR DEVELOPMENT IN THE PD DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a request for a change in zoning classification from RR Rural Residential and PDC Planned Development Combining Districts to PD Planned Development District for single-family residential use was duly filed with the City of Cedar Hill, Texas, concerning the property described in Section 1, and was assigned case no. 02-54 PD-ZC; and

WHEREAS, the proposed PD District is accompanied by a Concept Plan that depicts single-family residential dwellings at a gross density of 2.23 units per acre; and

WHEREAS, residential development within the proposed PD District would be subject to the rules and regulations applicable in a SF-10 Single-family Residential District 10,000; and

WHEREAS, the proposed PD District contains open space and amenities that will substantially benefit the future residents; and

WHEREAS, the proposed PD District sets aside right-of-way for the future regional access road, Loop 9; and

WHEREAS, the proposed PD District is in conformance with the City's adopted Comprehensive Plan, as amended; and

WHEREAS, the City Council finds that development within the proposed PD District is dependent on the extension and oversizing of offsite water and wastewater mains to accommodate the increased residential densities and future development of adjacent areas; and

WHEREAS, the City Council further finds that in the absence of such facilities, development at the residential density proposed in the PD District is premature and approval of the PD District and Concept Plan is inappropriate; and

WHEREAS, the City Council further finds that extension and oversizing of the offsite water and wastewater mains to serve the tracts is dependent on execution of a capital improvements and development agreement by the applicant or property owners that sets forth the responsibilities for installing such facilities; and

WHEREAS, due notice of hearing was made in the time and manner prescribed by law; and

WHEREAS, the Planning and Zoning Commission of the City of Cedar Hill, Texas, duly convened and conducted a public hearing for the purpose of assessing a zoning classification change on the hereinafter described property on November 4, 2002, and delivered its report and recommendation of approval to the City Council; and

WHEREAS, an additional opportunity for all interested persons to be heard was provided by the City Council of the City of Cedar Hill, Texas, at an open meeting, with proper notices posted, on December 10, 2002;

WHEREAS, the City Council hereby finds that it is in the best interest of the City of Cedar Hill, taking into consideration the public health, safety and welfare, to approve the proposed rezoning to a PD Planned Development District, subject to execution of a capital improvements agreement providing for the extension of water and wastewater utilities by the applicant or property owners;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS, THAT:

SECTION 1. PROPERTY DESCRIPTION. This ordinance applies solely to approximately 202 acres of land out of Abstract 1202, Dallas County, generally located south and east of the intersection of Duncanville and Bear Creek Roads, as more particularly described in "Exhibit A," which is attached hereto and incorporated by reference herein as if fully set forth.

SECTION 2. CHANGE IN ZONING DISTRICT CLASSIFICATION. The zoning district classification for the property described in Section 1 hereby is changed from RR Rural Residential and PDC Planned Development Combining Districts to PD-Planned Development District for single-family residential use. The official zoning map for the City shall be changed to reflect this change in zoning district classification.

SECTION 3. PURPOSE AND INTENT. The purpose and intent of this Planned Development District is to provide for development of single-family residential dwellings under standards generally applicable within the SF-10 Single-family Residential District 10,000, and in accordance with the attached Concept Plan.

SECTION 4. CONCEPT PLAN. Development of this property shall be consistent with the Concept Plan, containing 10-pages, attached hereto as "**Exhibit B**" and incorporated by reference herein as if fully set forth. The location of authorized land uses shall be as depicted on the Concept Plan.

SECTION 5. AUTHORIZED LAND USES. Single-family residential uses and accessory uses authorized in the SF-10 Single-family Residential District 10,000, section 3.6 of Ord. No. 2000-64, is authorized within the PD District.

SECTION 6. MAXIMUM DENSITY. The maximum dwelling unit density within the PD District shall not exceed 2.23 dwelling units per gross acre.

SECTION 7. DEVELOPMENT STANDARDS - Development within the PD District shall conform to the standards of the SF-10 Single-family Residential District 10,000, section 3.6 of the Zoning Ordinance, and to the standards contained in Article 5 of the Zoning Ordinance, except as otherwise expressly provided in this ordinance. In addition, the standards and conditions contained in "**Exhibit C**," containing 7-pages, which is attached hereto and incorporated by reference herein as if fully set forth, shall apply to development within the PD District.

SECTION 8. TRAFFIC IMPACT ANALYSIS. A Traffic Impact Analysis shall be provided that encompass the entire project. The Traffic Impact Analysis shall be submitted before any application for final platting of any of property contained within this PD. The City Council, upon staff recommendation, may require the developer to construct or contribute to any or all of the improvements or modification recommended by the Traffic Impact Analysis.

SECTION 9. OPEN SPACE. The requirement that 20% open space be provided within the PD District hereby is waived, due to the proximity of publicly dedicated parkland and the design features contained in the Concept Plan.

SECTION 10. DEVELOPMENT AND SITE PLANS. Development plans and site plans shall be approved prior to any construction or development within the PD district in accordance with the standards in Section 3.19 of the Zoning Ordinance.

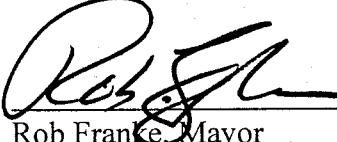
SECTION 11. SEVERABILITY. The terms and provisions of this ordinance shall be deemed to be severable and if the validity of any section, subsection, sentence, clause or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this ordinance.

SECTION 12. CONFLICTS. This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Cedar Hill, Texas, as amended, except

where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and Code hereby are superseded.

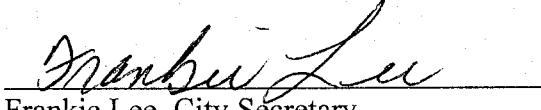
SECTION 13. EFFECTIVE DATE. Because of the importance of assuring the adequacy of water and wastewater facilities to serve new development within the City of Cedar Hill, and because development of the land at the residential density proposed in the PD District is premature in the absence of extension and oversizing of water and wastewater mains to serve such developments, this ordinance shall take effect only upon execution of a capital improvements agreement with the developer or property owners of such land that provides for such extensions and oversizing in conformance with the City's master water and wastewater facilities plans and in accordance with the City's design and construction standards. In the event that such agreement has not been so executed within thirty days of the date of approval and passage of this ordinance, it is the intent of the City Council that this ordinance shall be of no further force and effect and shall be deemed null and void.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Cedar Hill, Texas, on this the 14th day of January, 2003.



Rob Franke, Mayor
City of Cedar Hill, Texas

ATTEST:



Frankie Lee, City Secretary

Exhibit A
Ordinance 2003-137
Bear Creek Ranch Planned Development
Boundary Description

Being a tract of land situated in the H. M. Rawlins Survey, Abstract No. 1202, Dallas County, Texas and also being the tract of land conveyed to Roger D. Herbard, Jr., as recorded in Volume 99091, Page 00980 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the east line of Duncanville Road (60 foot right-of-way) and the south line of Bear Creek Road (80 foot right-of-way);

THENCE S89°45'00"E, continuing along said south line, 1022.39 feet to a point for corner;

THENCE S89°29'00"E, continuing along said south line, 491.93 feet to a point for corner;

THENCE in an easterly direction continuing along said south line with a curve to the right, Chord Bearing S77°39'00"E, a central angle of 23°40'00" and a radius of 915 feet, an arc distance of 377.95 feet to a point for corner;

THENCE S87°13'20"E, continuing along said south line, 27.40 feet to a point for corner

THENCE in an easterly direction continuing along said south line with a curve to the left, Chord Bearing S77°21'30"E, a central angle of 23°05'00" and a radius of 1462.50 feet, an arc distance of 589.21 feet to a point for corner;

THENCE S88°54'00"E, continuing along said south line, 131.50 feet to a point for corner;

THENCE S00°25'29"W, 1474.19 feet to a point for corner;

THENCE S89°41'18"E, 1321.40 feet to a point for corner;

THENCE S00°07'22"W, 1094.08 feet to a point for corner;

THENCE N89°40'00"W, 424.55 feet to a point for corner;

THENCE S00°03'00"W, 822.00 feet to a point for corner;

THENCE N89°06'22"W, 898.22 feet to a point for corner;

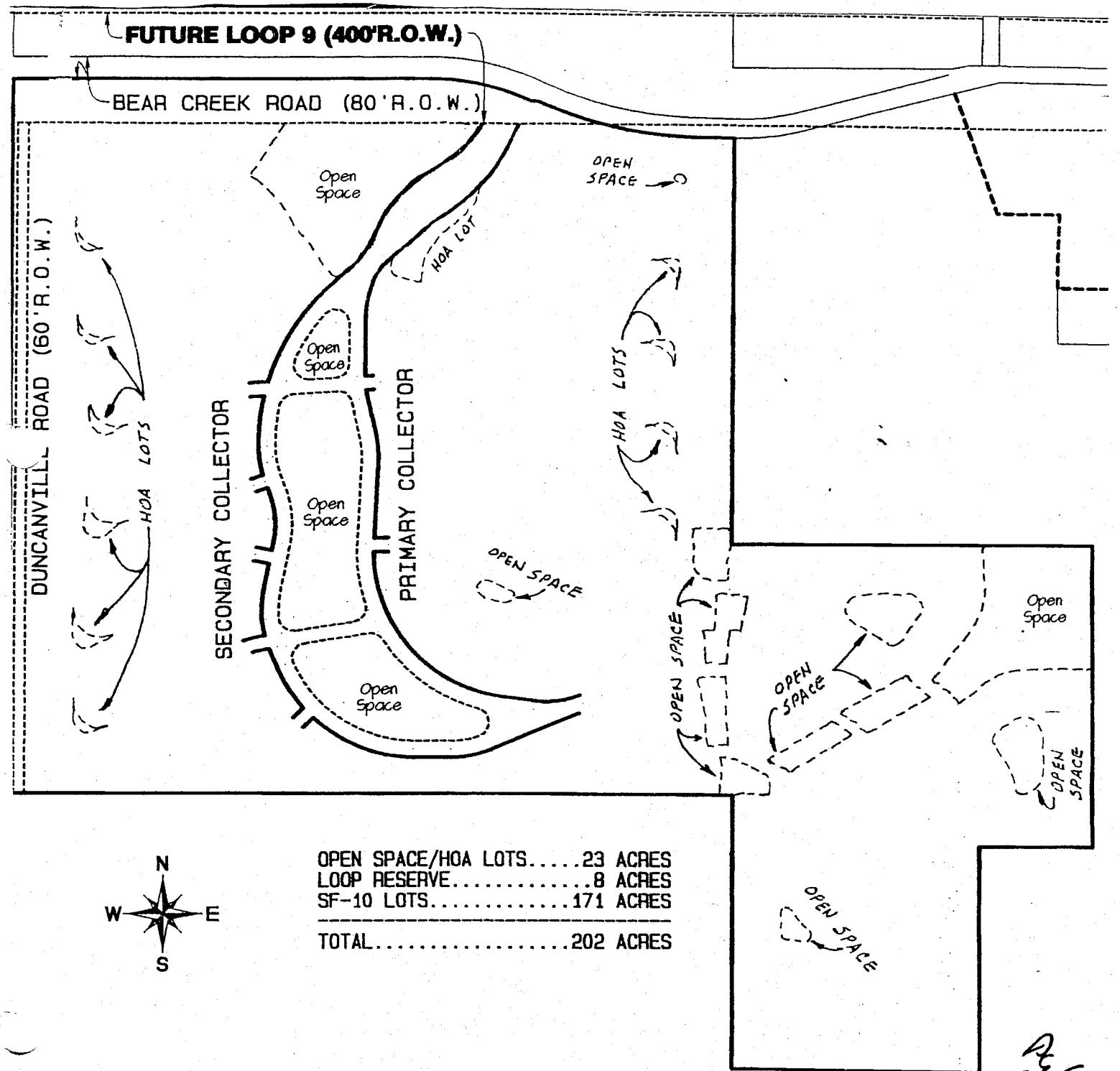
THENCE N00°16'41"E, 993.13 feet to a point for corner;

THENCE N89°46'22"W, 1331.48 feet to a point for corner;

THENCE N89°52'33"W, 1285.81 feet to a point for corner in the east line of Duncanville Road;

THENCE N00°24'00"E along said east line, 2601.42 feet to a point for corner and the place of beginning and containing 202.758 acres (8,832,119 square feet) of land.

Exhibit B
Ordinance 2003-137
Bear Creek Ranch Planned Development
Concept Plan Map



AUGUST 2002 - SCALE: 1"=500'

BEAR CREEK ROAD (60' R.O.W.)

ZONED RR

CEDAR HILL, TEXAS

LOOP 9 DEDICATION

CEDAR HILL, TEXAS

CEDAR HILL, TEXAS

ENDCAP HOA
LANDSCAPE LOTS TYP.

50' FRONT YARD
SETBACK ON LOTS
FACING PARK

BEAR CREEK RANCH	
Lots SF.10 (80' X 125')	450
Lots per Acre	2.23
Open Space	22.00 AC
Loop 9 Dedication	8.33 AC
Total Site Acreage	202 AC

ENDCAP HOA
LANDSCAPE LOTS TYP.

OVILLA, TEXAS

ZONED RR

DUNCANVILLE ROAD (60' R.O.W.)

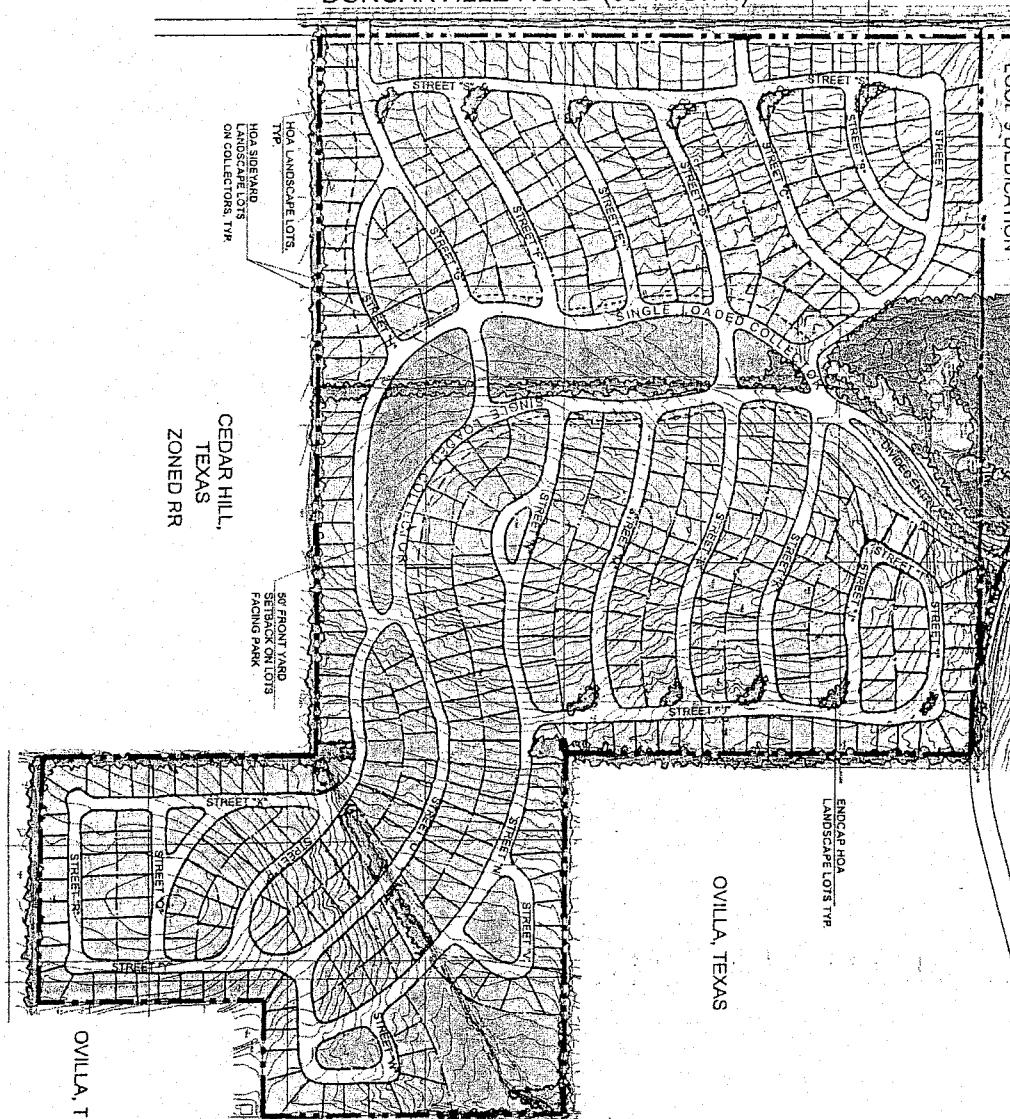
HOA LANDSCAPE LOTS
TYP.

HOA FRONT YARD
LANDSCAPE LOTS
ON COLLECTOR, TYP.

50' FRONT YARD
SETBACK ON LOTS
FACING PARK

CEDAR HILL,
TEXAS

ZONED RR



SPYGLASS HILL GP, LLC
17480 Dallas Parkway, Suite 107
Dallas, Texas 75287
(972) 360-5501
(972) 360-5513 fax

BEAR CREEK RANCH CONCEPT PLAN

CEDAR HILL, TEXAS
21 SEPTEMBER 2002

FERGUSON DEERE, INC. ENGINEERS
9817 KINGSLY ROAD
DALLAS, TEXAS 75238
214-348-2221
214-348-3644 FAX

MESA

3169 Abundant Sunn Stree
Dallas, Texas 75205
(214) 971-1346
(214) 971-1307 fax

2010-2011

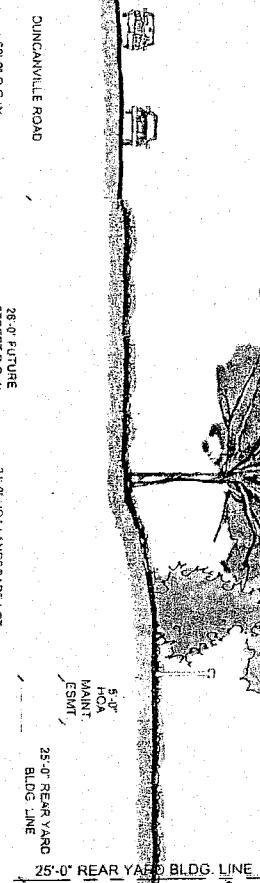
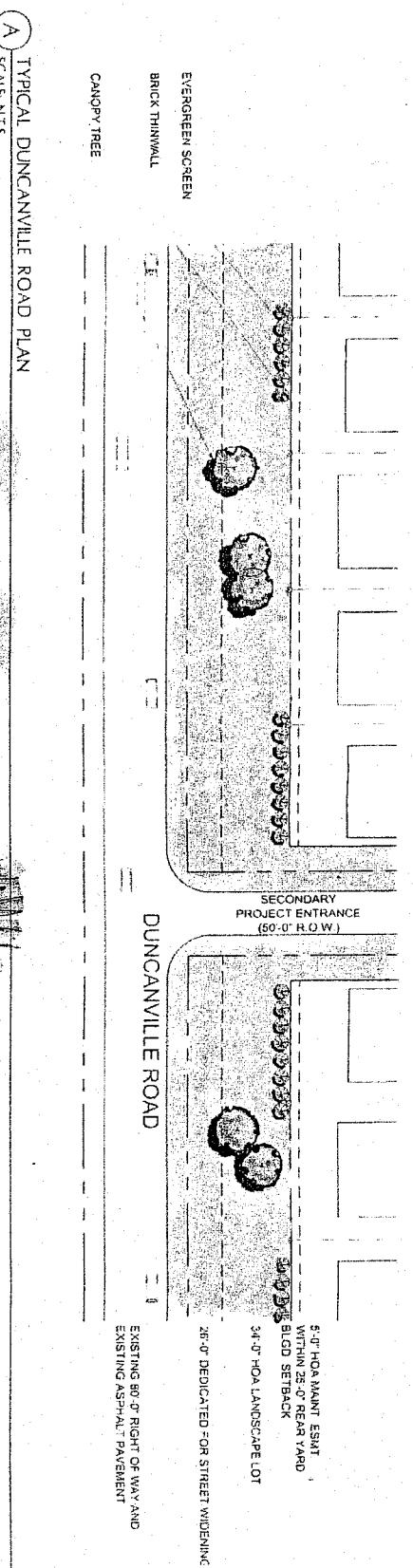


EXHIBIT "A"

This graphic exhibit is a supplement to the development standards. The text of the standards document shall be dominant over this illustration.

SPYGLASS HILL GP, LLC
Dallas, Texas

BEAR CREEK RANCH
CEDAR HILL, TEXAS



Quarter 35 2002

01-1068

BEAR CREEK RANCH
CEDAR HILL, TEXAS

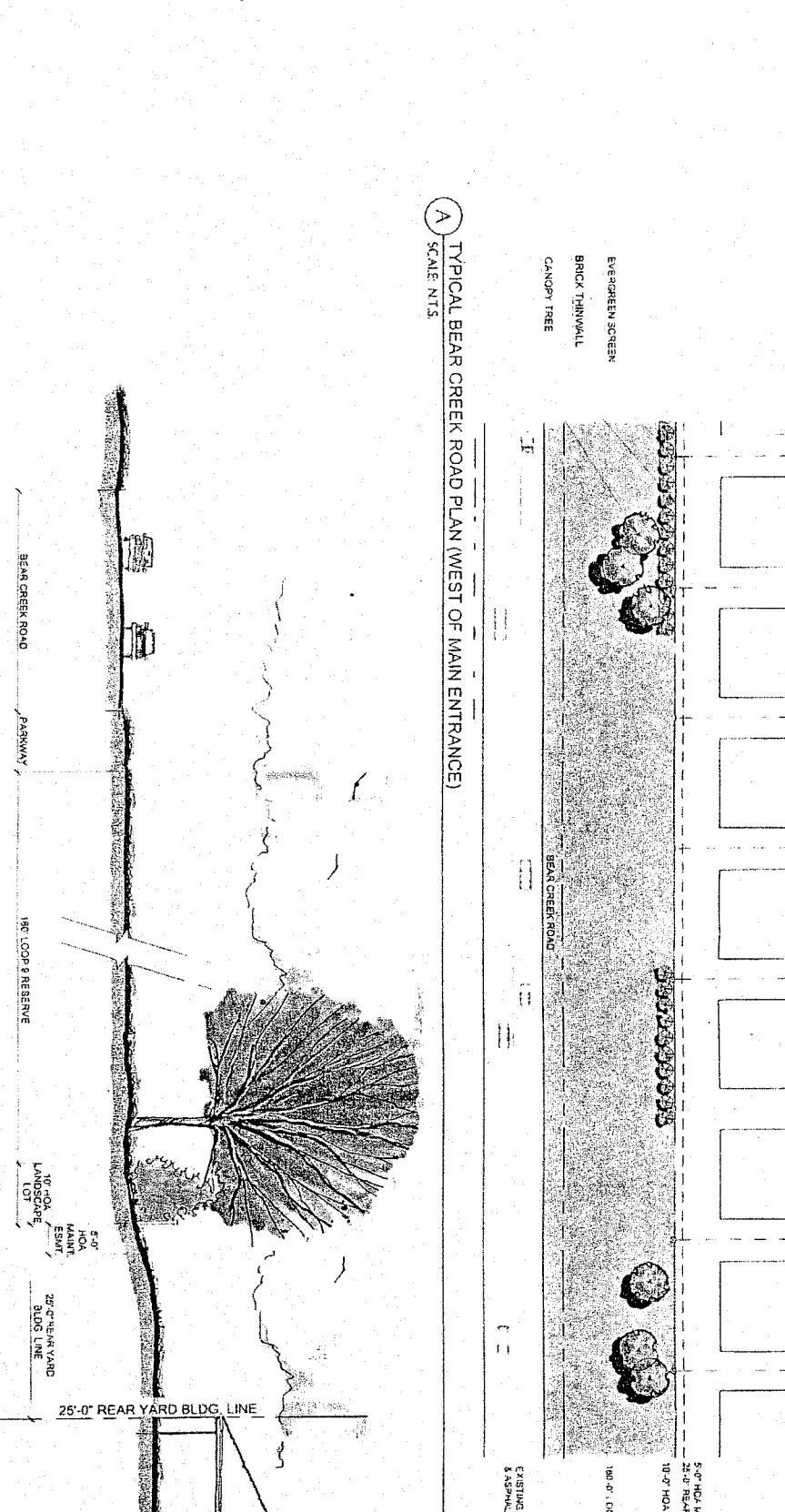
This graphic exhibit is a supplement to the development standards. The text of the standards document shall be dominant over this illustration.



October 25, 2002

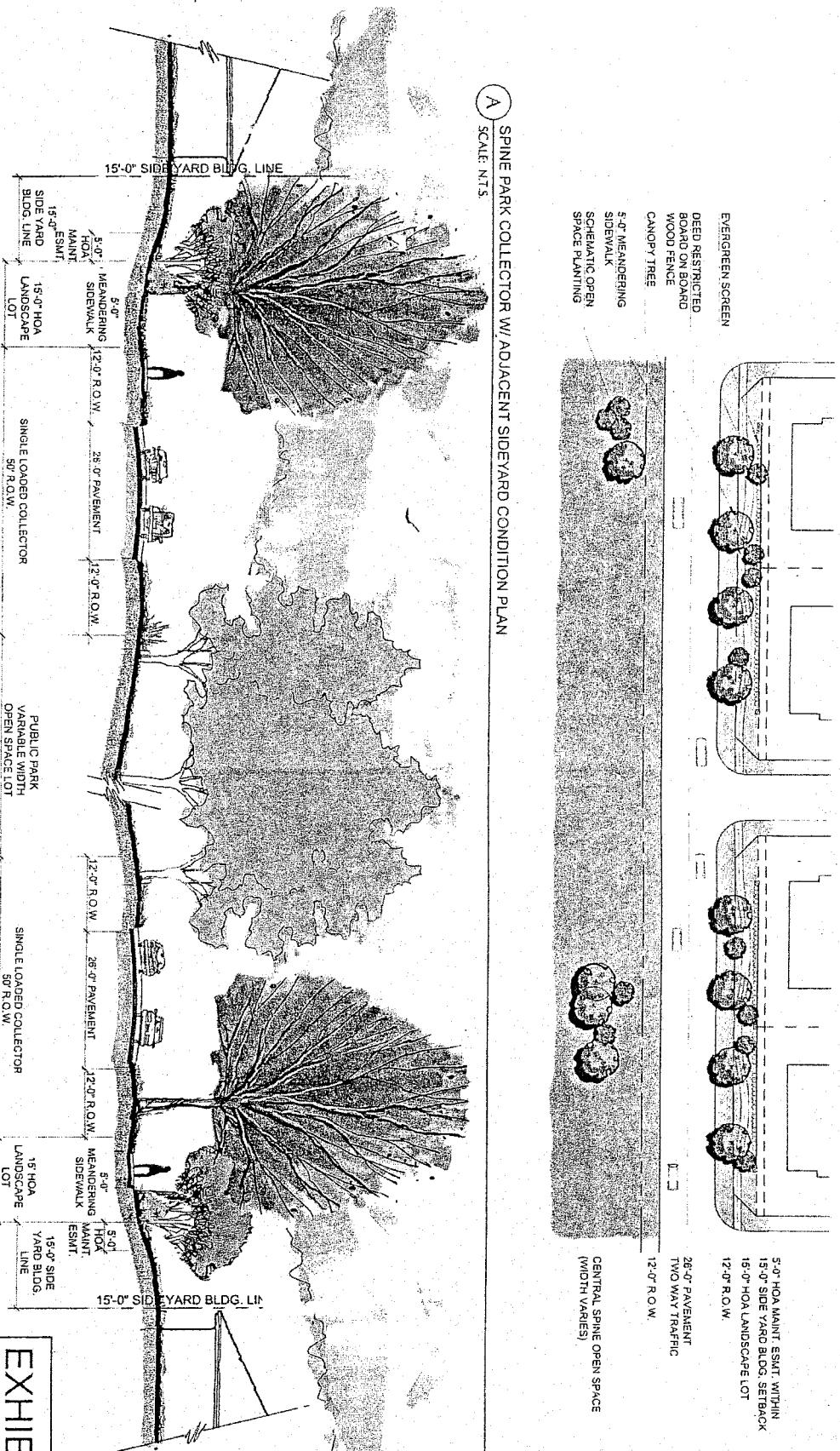
EXHIBIT "B"

(B) TYPICAL BEAR CREEK ROAD SECTION (WEST OF MAIN ENTRANCE)
SCALE: N.T.S.



(A) TYPICAL BEAR CREEK ROAD PLAN (WEST OF MAIN ENTRANCE)
SCALE: N.T.S.

SPYGLASS HILL GP, LLC
Dallas, Texas



A SPINE PARK COLLECTOR W/ ADJACENT SIDEYARD CONDITION PLAN
SCALE: N.T.S.

B SPINE PARK COLLECTOR W/ ADJACENT SIDEYARD CONDITION SECTION
SCALE: N.T.S.

SPYGLASS HILL GP, LLC
Dallas, Texas

BEAR CREEK RANCH
CEDAR HILL, TEXAS

This graphic exhibit is a supplement to the development standards. The text of the standards document shall be dominant over this illustration.



EXHIBIT "C"

50F10

04/04/2022

(A) SPINE PARK COLLECTOR PLAN W/ ADJACENT FRONT YARD CONDITION

SCALE: N.T.S.

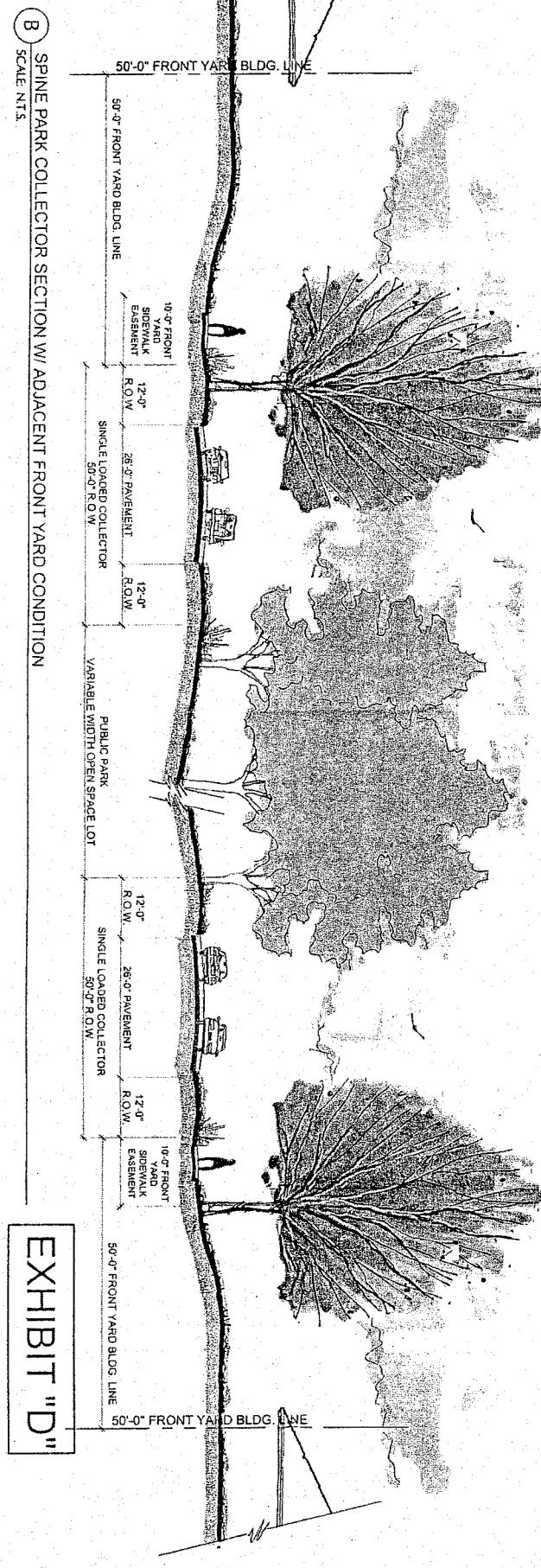
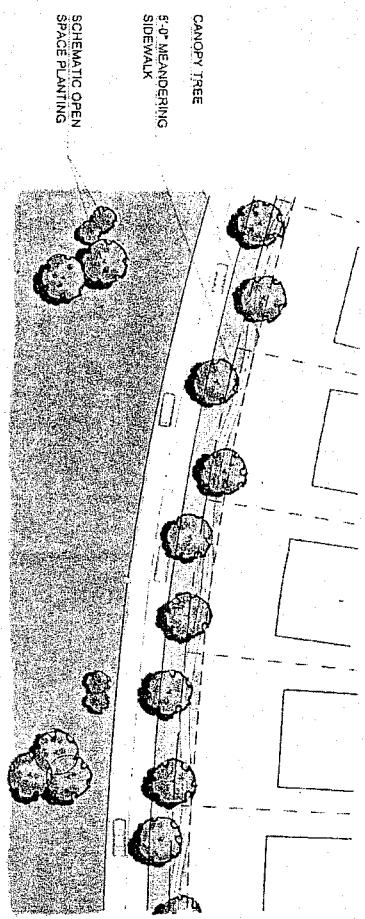


EXHIBIT "D"

This graphic exhibit is a supplement to the development standards. The text of the standards document shall be dominant over this illustration.

SPYGLASS HILL GP, LLC
Dallas, Texas

BEAR CREEK RANCH
CEDAR HILL, TEXAS

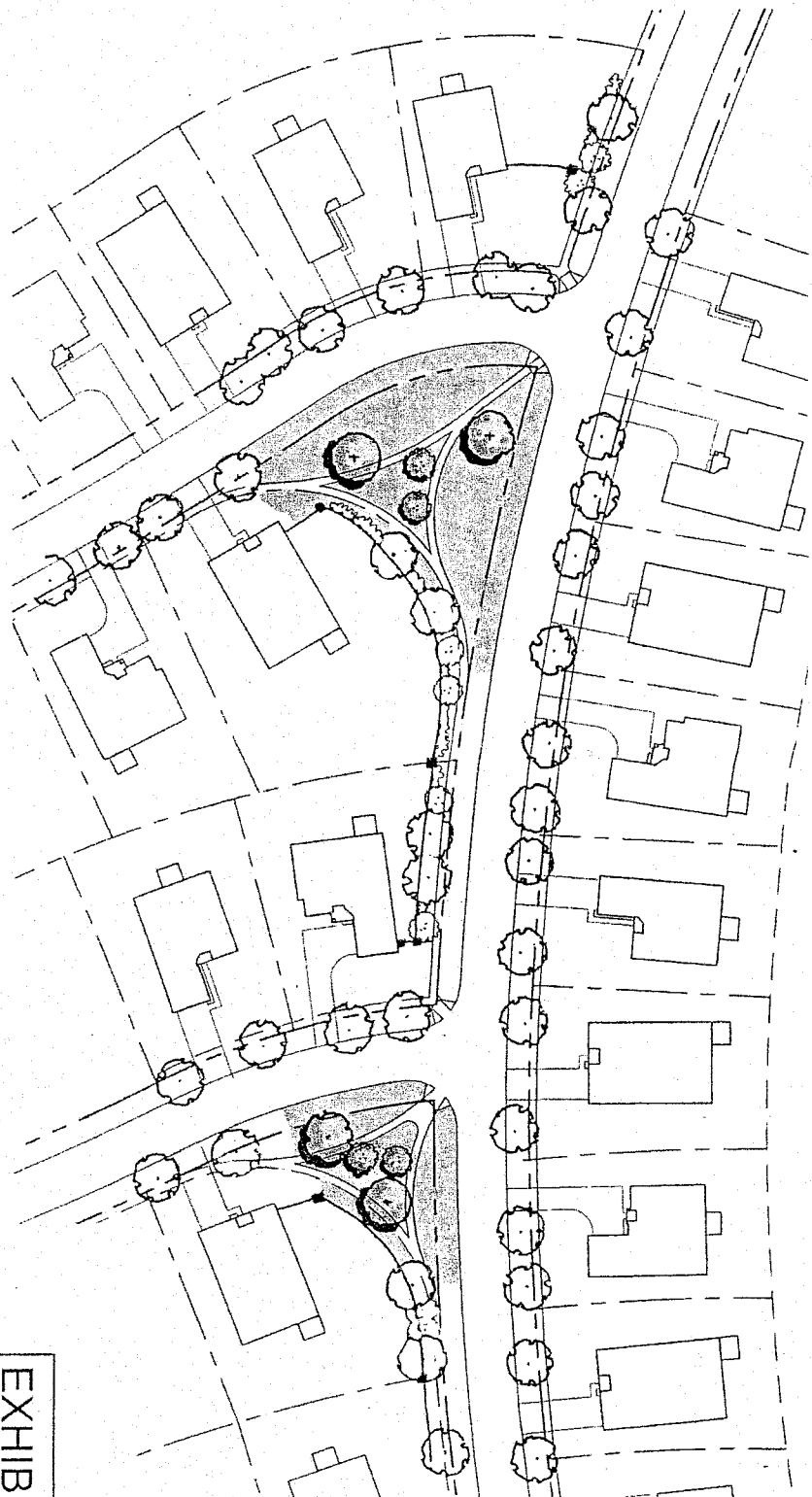


October 4, 2002

01-49-94

EXHIBIT "F"

A
ENDCAP HOA LOT SCHEMATIC LANDSCAPE PLAN
SCALE: N.T.S.



SPYGLASS HILL GP, LLC
Dallas, Texas

BEAR CREEK RANCH
CEDAR HILL, TEXAS

This graphic exhibit is a supplement to the development standards. The text of the standards document shall be dominant over this illustration.



01-0840

01-0840

SPYGLASS HILL GP, LLC
Dallas, Texas

NOTE: ALL 6'-0" HT. WOOD FENCES TO UTILIZE
STEEL POSTS, FOUR STRINGERS, AND BE
TREATED WITH PAINT, STAIN, OR SEALER.

01-106 8/0



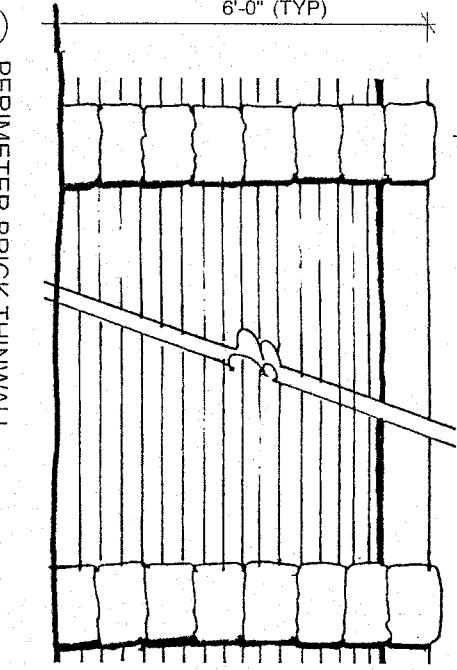
October 4 2002

BEAR CREEK RANCH

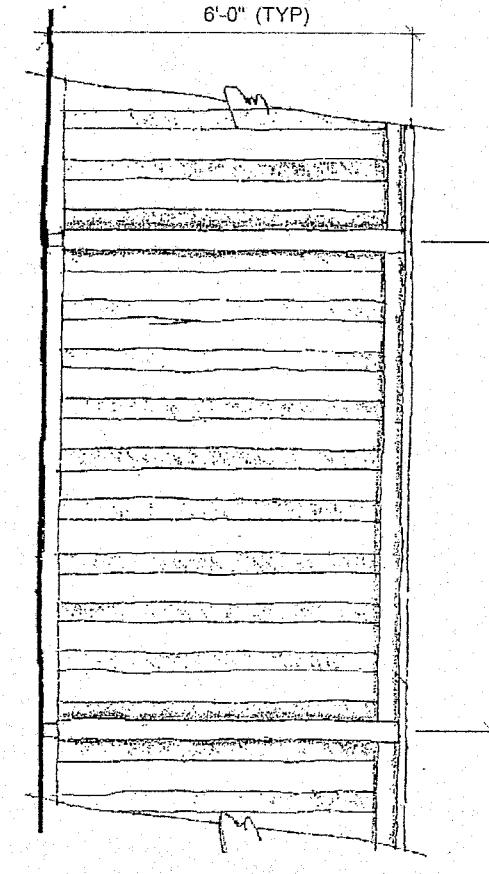
CEDAR HILL, TEXAS

EXHIBIT "G"

A PERIMETER BRICK THINWALL
SCALE: 1/2" = 1'-0"



B DEED RESTRICTED BOARD ON BOARD FENCE
SCALE: 1/2" = 1'-0"



COLUMNS EVENLY SPACED

STEEL POSTS 8'-0" O.C. (TYP)

Bear Creek Ranch – Development Standards

APPROVED PLANT LIST

The developer may select from the following plant list for fulfilling the requirement of the landscape ordinance. In the event that the developer uses trees not identified in the selected plant list, the requested tree must be submitted to Park and Recreation Department for approval.

<u>LARGE OR MEDIUM TREES</u>	
<i>Acer grandidentatum</i>	Big-toothed Maple
<i>Carya illinoensis</i>	Pecan
<i>Cercis canadensis</i>	Red Bud
<i>Cercis Canadensis</i> var. <i>texensis</i>	Texas Redbud
<i>Chilopsis linearis</i>	Desert Willow
<i>Crataegus reverchonii</i>	Hawthorne
<i>Fraxinus texensis</i>	Texas Ash
<i>Gleditsia triacanthos</i> var. <i>inermis</i>	Thornless Honey Locust
<i>Ilex decidua</i>	Possumhaw
<i>Juglans microcarpa</i>	Texas Walnut
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Pinus edulis</i>	Pinyon Pine
<i>Pistacia chinensis</i>	Chinese Pistachio
<i>Populus deltoids</i> var. <i>occidentalis</i>	Texas Cottonwood
<i>Prunus mexicana</i>	Mexican Plum
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus muehlenbergii</i>	Chinquapin Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Quercus sinuata</i> var. <i>berviloba</i>	Bigelow Oak
<i>Quercus virginiana</i>	Live Oak
<i>Rhus lanceolata</i>	Texas Sumac
<i>Sapindus drummondii</i>	Western Soapberry
<i>Sophora affinis</i>	Eve's Necklace
<i>Ulmus crassifolia</i>	Cedar Elm
<i>Vitex Agnus-castus</i>	Vitex
<u>Small Accent Trees/Shrubs/Evergreens</u>	
<i>Chilopsis linearis</i>	Desert Willow
<i>Ilex vomitoria</i>	Yaupon
<i>Ilex x 'Nellie R. Stevens'</i>	'Nellie R. Stevens' Holly
<i>Lagerstroemia indica</i>	Crape Myrtle
<i>Myrica cerifera</i>	Wax Myrtle

2/10/10

EXHIBIT C
Ordinance 2003-137
Bear Creek Ranch Planned Development
Development Standards

In accordance with Section 3.6 SF-10 of the Zoning Ordinance except as amended below:

Authorized Uses: Maximum of four hundred and fifty (450) lots

Lot Dimension Requirements: No amendment other than:

Minimum Lot Width: Seventy five feet (75'), except corner lots having sides on interior residential streets, which shall be ninety feet (90').

Yard Requirements

Minimum Front Yard: Thirty feet (30') for lots facing interior residential streets and fifty feet (50') for lots facing the Spine Collector Roads.

Minimum Side Yard (interior): No amendment.

Minimum Side Yard (street side): Where adjacent to fifty foot (50') right of way interior residential streets, such lots shall have a fifteen foot (15') screening fence setback and an additional five foot (5') building setback. Provided, however, where such side yards adjoin the front yard of an adjacent lot, the side yard shall have a thirty foot (30') screening fence setback and an additional five foot (5') building setback.

Minimum Rear Yard: Where adjacent to fifty foot (50') right of way interior residential streets, such lots shall have a thirty foot (30') screening fence setback and an additional twenty-five foot (25') building setback

Structure Standards: No amendment.

Minimum Off-Street Parking: No amendment.

Rights of Way & HOA Lots and Easements

1. Duncanville Road: see Exhibit A of the Concept Plan

- a. ROW Dedication: A twenty six foot (26') public right of way shall be dedicated adjacent to Duncanville Road to provide for the future expansion of the roadway section.
- b. Homeowners Association Landscape Lot: A thirty four foot (34') landscape lot shall be dedicated to the homeowners association (in addition

to the required right-of-way) to provide a widened area for landscape plant materials and screening elements along the west boundary of the development.

- c. Homeowners Association Maintenance Easement: A five foot (5') maintenance easement shall be located adjacent to the HOA landscape lot on the homeowner's property to provide maintenance access to screening and landscape materials placed within the HOA lot.

2. Bear Creek Road/Loop 9: see Exhibit B of the Concept Plan

- a. ROW Dedication: A one hundred and sixty foot (160') public right of way shall be dedicated adjacent to the southern portion of Bear Creek Road, reduced as Bear Creek Road turns south, to provide for the future expansion of the roadway section.
- b. Homeowners Association Landscape Lot: A ten foot (10') landscape lot shall be dedicated to the homeowners association (in addition to the required right-of-way) to provide a widened area for landscape plant materials and screening elements along the north boundary of the development adjacent to the homeowners' property.
- c. Homeowners Association Maintenance Easement: A five foot (5') maintenance easement shall be located adjacent to the HOA landscape lot on the homeowner's property to provide maintenance access to screening and landscape materials placed within the HOA lot.

3. Spine Roads: see Exhibits C and D of the Concept Plan

- a. ROW Dedication: The Spine Road entrance at Bear Creek Road shall have a variable right of way width to provide for two (2) twenty four foot (24') street sections, reduced to a sixty foot (60') right of way to provide for a thirty six foot (36') pavement section through the first intersection. Thereafter the spine street east of the open space shall have a fifty foot (50') right of way providing for a twenty six foot (26') pavement section. The spine street west of the open space shall also have a fifty foot (50') right of way providing for a twenty six foot (26') pavement section. The entrance and these roads surrounding the open space are referred to herein as the Spine Roads.
- b. Sidewalk Easement and Homeowners Association Landscape Lot: Where homes face the Spine Roads, a ten foot (10') easement adjacent to the right of way shall be granted to the city to provide for a five foot (5') meandering sidewalk. Where homes side to a Spine Collector Road (and face the

intersecting residential street), a variable width (minimum fifteen feet (15')) landscape lot adjacent to the right of way shall be dedicated to the homeowners association to provide for landscape plant materials and screening elements therein and to provide a sidewalk easement to the city to provide for a five foot (5') meandering sidewalk.

- c. Homeowners Association Maintenance Easement: Where homes side to the Spine Roads, a five foot (5') maintenance easement shall be located adjacent to the HOA landscape lot on the homeowner's property to provide maintenance access to screening and landscape materials placed within the HOA lot.
- d. Building Setback: Where homes face the Spine Roads, the front yard setback from the right of way shall be fifty feet (50') and the lot depth be at least one hundred and forty feet (140'). Where homes side to the Spine Roads, the side yard setback shall be fifteen feet (15') and where homes back to the Spine Road, the rear yard setback shall be twenty five feet (25').

4. Interior Residential Streets: see Exhibit E of the Concept Plan
 - a. ROW Dedication: A fifty foot (50') public right of way shall be dedicated for each such street.
 - b. Sidewalk Easement: Where homes face or side an interior street right of way, a four foot (4') sidewalk easement adjacent to the right of way shall be granted to the city to provide for a four foot (4') sidewalk therein.
5. Other Homeowners Association Landscape Lots and Easements: In addition to those identified above, parkway islands, medians and corner end caps (Exhibit F of the Concept Plan) shall be dedicated to the homeowners association as HOA landscape lots to provide for landscape plant materials and screening elements therein. Where adjacent to a homeowner's lot, a five foot (5') maintenance easement shall be located adjacent to the HOA landscape lot on the homeowner's property to provide maintenance access to screening and plant materials placed within the HOA lot.

Sidewalks, Landscaping & Screening

1. Sidewalks:
 - a. Locations: Along the Spine Roads, the sidewalk shall gently meander wherever possible within the HOA landscape lot and adjacent street right of way, but in no event closer than five feet (5') from the street curb.

Adjacent to the entrance median, the sidewalk shall only be within the eastern parkway and adjacent HOA landscape lot. Along interior residential streets, the sidewalks shall be within the lots and be adjacent to the street right of way. Sidewalks shall not be required for open space lots other than the corner end cap lots.

- b. Size: Sidewalks along the Spine Collector Roads shall be five feet (5') in width. Sidewalks along interior residential streets shall be four feet (4') in width.

2. Landscaping and Irrigation:

- a. Turf grass, other ground covers: All HOA landscape lots and all interior public rights of way shall be planted with turf grass or other approved plant materials. Front yards, and side yards or rear yards outside screening fences, shall be planted with turf grass or other approved plant materials.

b. Canopy Trees:

- i. Along Bear Creek Road and Duncanville Road: Except where existing mature trees are preserved, within the HOA landscape lots, five (5) canopy trees along the western portion of Bear Creek Road (west of the large open space) shall be required and fifteen (15) canopy trees along Duncanville Road, at entrances and elsewhere, shall be required.
- ii. Along Spine Collector Roads: Except where existing mature trees are preserved, two (2) canopy trees per adjacent lot within the HOA landscape lot or street parkway shall be required.
- iii. Along Interior Residential Streets: Two (2) canopy trees within the front yard parkway and one (1) canopy tree within the side yard or rear yard parkway shall be required.
- iv. Size: 4" caliper minimum.
- v. Trees may be placed in rhythmic patterns or naturalized groupings.

c. Ornamental Trees:

- i. Within the Bear Creek Road entrance median, fifteen (15) ornamental trees shall be required.

- ii. Along Spine Collector Roads: Where homes side or back to the street, two (2) ornamental trees per adjacent lot within the HOA landscape lot or street parkway shall be required.
- iii. Along Interior Residential Streets: Where homes side or back to the street, two (2) ornamental trees within each adjacent lot and outside of the screening fence shall be required.
- iv. Size: 6' height minimum.

d. Evergreen Shrubs:

- i. Along Bear Creek Road and Duncanville Road: Except where mature trees are preserved, shrubs shall be planted in front of the screening wall within the HOA landscape lot, on ten foot (10') centers in groups to provide 35% coverage of the wall frontage; and the shrubs shall be initially at least four feet (4') tall.
- ii. Along the Spine Roads: Shrubs shall be planted in front of the screening fence within the HOA landscape lot, continuously on three foot (3') centers, be container grown and be at least thirty inches (30") tall.

e. Other Homeowner Association Lots:

- i. The corner end cap lots shall have turf or other approved ground covers and contain one (1) canopy tree and one ornamental tree per four thousand square feet (4000 sq. ft.) of HOA landscape area and adjacent parkway area.
- ii. The Spine Road open space (excluding the tree covered land west of the Bear Creek Road entrance) shall have turf or other approved ground covers, including naturalized plantings, and may contain canopy trees and ornamental trees.
- iii. The large southeastern drainageway lot may remain a mowed field or have turf and/or naturalized plantings and may contain canopy trees and ornamental trees.
- iv. Other open space lots shall have turf grass or other approved ground covers and may contain canopy trees and ornamental trees.

- f. Species: Selected from the approved plant list appended hereto (Exhibit H of the Concept Plan).
- g. Irrigation: Unless naturalized planting, all required landscape materials shall be watered by an automatic irrigation system.

3. Screening:

- a. A brick wall shall be placed adjacent to rear or side yards of all residential lots whose rear or side yards adjoin Duncanville Road, Bear Creek Road, and the Bear Creek entrance. The brick wall shall be within the HOA landscape lots and maintained by the HOA. The brick wall shall be as described in Exhibit G of the Concept Plan.
- b. A deed restricted board on board wood fence shall be placed adjacent to the HOA lot along the Collector Roads and also placed fifteen feet (15') inside side or thirty feet (30') inside rear lot lines on all residential lots whose side or rear yards adjoin an interior residential street. The fencing shall be as described in Exhibit G.

Home Owners Association

A Homeowners Association ("HOA") shall be formed to provide for the continuing maintenance of the HOA lots, their landscaping and screening, and landscaping within adjacent rights of way, if any. The documents establishing the HOA and the HOA By-Laws shall be submitted to the city for approval prior to the issuance of final plat and be filed concurrently with the final plat.

The HOA shall have the obligation to enforce the provisions dealing with any failure to install landscaping or irrigation within single family lots and the city shall have the right to do so.

Installation of Sidewalks, Landscaping of Screening

1. Sidewalks

- a. Handicap ramps are to be installed prior to acceptance of the subdivision improvements.
- b. Sidewalks not within single family lots are to be installed prior to acceptance of the subdivision improvements.
- c. Sidewalks within a single family lot are to be installed prior to the issuance of a certificate of occupancy on such lot.

2. Landscaping and Irrigation

- a. Landscaping and Irrigation not within single family lots is to be installed prior to acceptance of the subdivision; provided, however, the city may extend such time thereafter as it may determine due to weather conditions or unavailability of materials.
- b. Landscaping and Irrigation within a single family lot is to be installed prior to the issuance of a certificate of occupancy on such lot; provided, however, the city may extend such time thereafter as it may determine due to weather conditions or unavailability of materials.

3. Screening

- a. Screening not within single family lots is to be installed prior to acceptance of the subdivision improvements.
- b. Screening within a single family lot is to be installed prior to the issuance of a certificate of occupancy on such lot.