

ORDINANCE NO. 19-2-21-04
MILLENNIUM PLANNED DEVELOPMENT # 44 AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CORINTH, EACH BEING A PART OF THE UNIFIED DEVELOPMENT CODE OF THE CITY, AS AMENDED BY ORDINANCE NO. 16-08-18-26 ZONING THE PROPERTY DESCRIBED HEREIN AS PLANNED DEVELOPMENT MIXED USE COMMERCIAL (PD MX-C), THE SAME BEING ADMINISTRATIVELY DESIGNATED AS MILLENNIUM PLANNED DEVELOPMENT DISTRICT NO. 44 (“PD-44”) AND AS FURTHER AMENDED BY THIS ORDINANCE AMENDING PD-44 AS SET FORTH HEREIN, PD-44 BEING AN APPROXIMATE 24.197 ACRE TRACT OF LAND SITUATED IN THE H. GARRISON SURVEY, ABSTRACT NUMBER 507, CITY OF CORINTH, DENTON COUNTY, TEXAS AND DESCRIBED MORE FULLY IN EXHIBIT “A” HERETO; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A LEGAL PROPERTY DESCRIPTION “EXHIBIT “A””; PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE DEVELOPMENT REGULATIONS AND PLANNED DEVELOPMENT CONCEPT PLAN BY ADOPTING AN AMENDED EXHIBIT “B”, “AMENDED PD CONCEPT PLAN” AND AN AMENDED EXHIBIT “C”, “AMENDED LAND USE REGULATIONS” AS SET FORTH IN THEIR ENTIRETY HEREIN; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 A DAY FOR EACH VIOLATION OF THE ORDINANCE; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas has adopted Ordinance 13-05-02-08, which adopts a Unified Development Code of the City, which includes the Comprehensive Zoning Ordinance and which, in accordance with the City’s Comprehensive Plan, establishes zoning districts and adopts a Zoning Map; and

WHEREAS, on August 18, 2016, after notice and public hearing and upon the recommendation of the Planning and Zoning Commission, the City Council of the City of Corinth adopted Ordinance No. 16-08-18-26 amending the Comprehensive Zoning Ordinance and Zoning Map of the City Of Corinth, each being a part of the Unified Development Code of the City, in order to rezone the Property (described in the Legal Description attached hereto and incorporated herein as Exhibit “A”) from Mixed Use Commercial (“MX-C”) to Planned Development Mixed Use Commercial (“PD MX-C”) and administratively designated as Millennium Planned Development District No. 44, (“PD-44”) with a base zoning designation of MX-C, Mixed Use Commercial under the City's Unified Development Code and designated on the City’s Zoning Map; and

WHEREAS, an authorized person having a proprietary interest in the Property has requested that Exhibits “B” and “C” to Ordinance No. 16-08-18-26 adopting PD-44 be further amended in order to revise certain parking ratios, to exempt kitchen areas from parking calculation requirements, to accommodate additional square footage for signage and to reduce certain setback requirements to compliment the urban design of the Property, and other related changes; and

WHEREAS, the proposed amendments to the development regulations are set forth in **Amended Exhibit “C”** hereto; and

WHEREAS, the proposed changes to the Concept Plan for PD-44 are set forth in **Amended Exhibit “B”** hereto, to reflect the changes in Amended Exhibit “C”; and

WHEREAS, the Planning and Zoning Commission of the City of Corinth and the City Council of the City of Corinth, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Corinth City Council is of the opinion that said amendments in the zoning should be made; and

WHEREAS, the City Council considered the following factors in making a determination as to whether the requested change should be granted or denied: safety of the motoring public and pedestrians using the facilities in the area immediately surrounding the sites; safety from fire hazards and damages; noise producing elements and glare of the vehicular and stationary lights and effect of such lights on established character of neighborhoods; location, and types of signs and relation of signs to traffic control and adjacent property; street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking as determined by requirements of this ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; effect on the over-crowding of the land; effect on the concentration of population, and effect on transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, the City Council further considered among other things the character of the proposed district and its peculiar suitability for particular use requested and the view to conserve the value of the buildings, and encourage the most appropriate use of the land throughout this City; and

WHEREAS, the City Council finds that the amendments to the zoning for the Property identified as Millennium Planned Development District No. 44, (“PD-44”) promotes the health and the general welfare, provides adequate light and air, prevents the over-crowding of land, avoids undue concentration of population, and facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and the general health, safety and welfare of the community;

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

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

SECTION 2
LEGAL PROPERTY DESCRIPTION; AMENDMENT

That Ordinance 13-05-02-08, adopting the Unified Development Code of the City of Corinth (“UDC”), which UDC includes the Comprehensive Zoning Ordinance that establishes zoning districts in accordance with the City’s Comprehensive Plan, and adopts the Zoning Map of the City of Corinth as amended by Ordinance No. 16-08-18-26 zoning the Property described in Exhibit “A” hereto as Planned Development Mixed Use Commercial (“PD MX-C”), the same being administratively designated as Millennium Planned Development District No. 44, (“PD-44”) with a base zoning designation of MX-C, Mixed Use Commercial under the City's Unified Development Code and designated on the City’s Zoning Map, is hereby further amended to amend Development Regulations and Planned Development Concept Plan by adopting an Amended Exhibit “B”, “Amended PD Concept Plan” and an Amended Exhibit “C”, “Amended Land Use Regulations” as set forth in their entirety herein for the Property, such Property being an approximate 24.197 acre tract of land described in "**Exhibit A**" attached hereto and incorporated herein, Millennium Planned Development District No. 44 (“PD-44”), and the Zoning Map of the City is also hereby reaffirmed to reflect the current zoning classification for the Property as amended by this Ordinance.

SECTION 3.
AMENDED PLANNED DEVELOPMENT CONCEPT PLAN

The Amended Planned Development Concept Plan for the Property as set forth in “**Amended Exhibit B**”, a copy of which is attached hereto and incorporated herein, is hereby approved and adopted to be in its entirety as set forth in **Amended Exhibit “B”**.

SECTION 4.
AMENDED LAND USE REGULATIONS

- A. The zoning and Amended Land Use Regulations set forth in “**Amended Exhibit C**” attached hereto and made a part hereof for all purposes is hereby approved and adopted to be and read in its entirety as set forth in **Amended Exhibit “C”**, and the regulations contained therein shall regulate the development and use of the Property designated as Millennium PD-Planned Development District No. 44 zoning district with a base zoning designation of MX-C, Mixed Use Commercial zoning district and shall be adhered to in their entirety. In the event of conflict between the provisions of “Amended Exhibit C” and provisions of any other City zoning regulations, including without limitation the regulations governing MX-C, Mixed Use Commercial zoning district, the provisions of “Amended Exhibit C” shall control.
- B. That the zoning regulations and district herein established have been adopted in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

- C. The Amended Planned Development Concept Plan (Amended Exhibit “B”) and the Amended Land Use Regulations (Amended Exhibit “C”) shall control the use and development of the Property, and all building permits and development requests shall be in accordance with applicable City ordinances, the Amended PD Concept Plan and Amended Land Use Regulations set forth herein. The Amended PD Concept Plan and Amended Land Use Regulations shall remain in effect as set forth herein unless amended by the City Council.
- D. If a change to the Amended Concept Plan, if any, is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development and shall be subject to City Council approval.

**SECTION 5.
PENALTY FOR VIOLATIONS**

Any person, firm, or corporation who intentionally, knowingly or recklessly violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this Ordinance or Code of Ordinances, as amended hereby, governing the fire safety, zoning, or public health and sanitation shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

**SECTION 6.
SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority’s decisions or enactment.

**SECTION 7.
CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 8.
SAVINGS**

All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning for the Property which have secured 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

EXHIBIT "A"
LEGAL DESCRIPTION

Being all that certain lot, tract or parcel of land situated in the H. Garrison Survey, City of Corinth, Denton County, Texas, being part of that certain called 24.601 acres tract of land described in deed to Donald L. Anderson and wife, Virginia L. Anderson recorded in Volume 562, Page 593 of the Deed Records of Denton County, Texas, the same being described in deed to D.L.A. Partners, Ltd. recorded in Volume 4168, Page 2634 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a ½" capped rebar (G & A) set at the southeast corner of said tract, being on the north line of Dobbs Road and being on the west line of Carpenter Street;

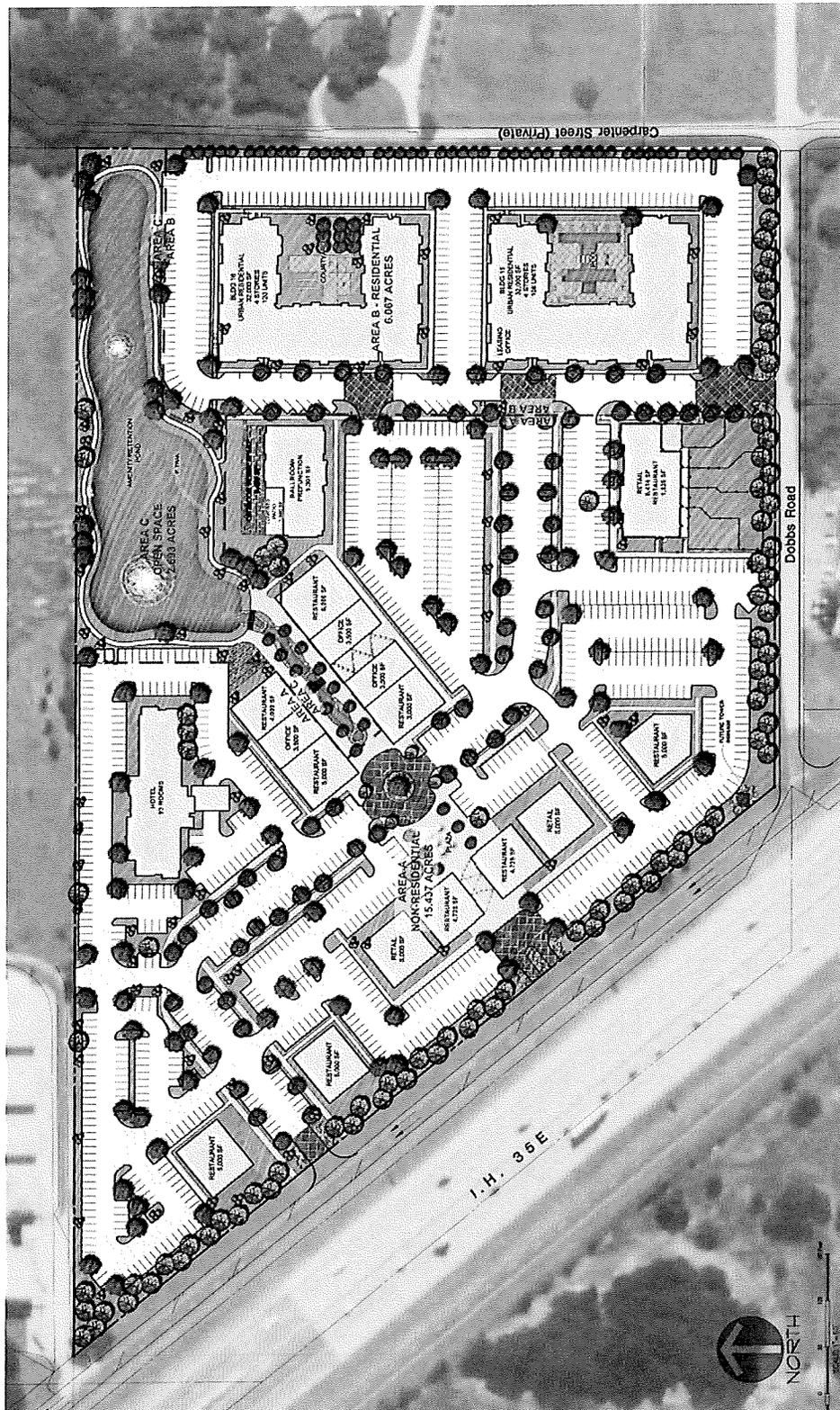
THENCE N 89°59'42" W, 812.44 feet, along the north line of Dobbs Road and the south line of said Anderson tract, to a ½" capped rebar (G & A) set on the east right-of-way line of Interstate Highway 35E according to deed to the State of Texas recorded in Volume 400, Page 511 of the Deed Records of Denton County, Texas;

THENCE N 39°01'00" W (Record), 1150.79 feet, along the east right-of-way line of Interstate Highway 35E, to a ½" capped rebar (G & A) set on the north line of said Anderson tract, being on the south line of that certain tract of land described in deed to C. R. Brown recorded in Volume 285, Page 520 of the Deed Records of Denton County, Texas,

THENCE S 89°59'01" E, along the north line of said Anderson tract and the south line of said Brown tract, and passing the southwest corner of that certain tract of land described as Tract D in deed to Philip C. McGahey recorded in Clerk's File Number 93-23046 of the Real Property Records of Denton County, Texas, and continuing a total distance of 1545.91 feet, to a ½" rebar found at the northeast corner of said Anderson tract, being the southeast corner of said McGahey tract and being on the west line of Carpenter Street, and being on the west line of that certain tract of land described as Tract II in deed to Harvest Christian Ministries, Inc. recorded in Clerk's File Number 97-015608 of the Real Property Records of Denton County, Texas;

THENCE S 00°34'34" W, 893.80 feet, along the east line of said Anderson tract and the west line of Carpenter Street and said Harvest Christian Ministries tract, to the POINT OF BEGINNING and containing approximately 24.197 acres of land.

AMENDED EXHIBIT "B" AMENDED PD CONCEPT PLAN



**AMENDED EXHIBIT “C”
AMENDED LAND USE REGULATIONS**

SECTION 1: REGULATIONS

A. Purpose

The regulations set forth in this Amended Exhibit provide development standards for Planned Development Mixed Use-Commercial district for Millennium PD-Planned Development District No. 44 zoning district with a base zoning designation of MX-C, Mixed Use Commercial zoning district (hereinafter “PD”). The Planned Development (PD) District is identified by metes and bounds on Exhibit A and is depicted on Amended Exhibit B with three areas, Area A - Non-Residential Area, Area B - Residential Area and Area C, - Open Space. Every use not authorized herein is expressly prohibited in this Planned Development (PD) District.

B. Base Districts

In this Planned Development (PD) District, the Mixed-Use Commercial District regulations of the Corinth Unified Development Code, Ordinance No. 13-05-02-08, shall apply to the non-residential area, as shown in Area A on Amended Exhibit B – Amended PD Concept Plan, except as modified herein. The MF-3, Multi-Family Residential, shall apply to the residential area as shown in Area B on Amended Exhibit B – Amended Concept Plan.

SECTION 2: USES AND AREA REGULATIONS

A. Purpose

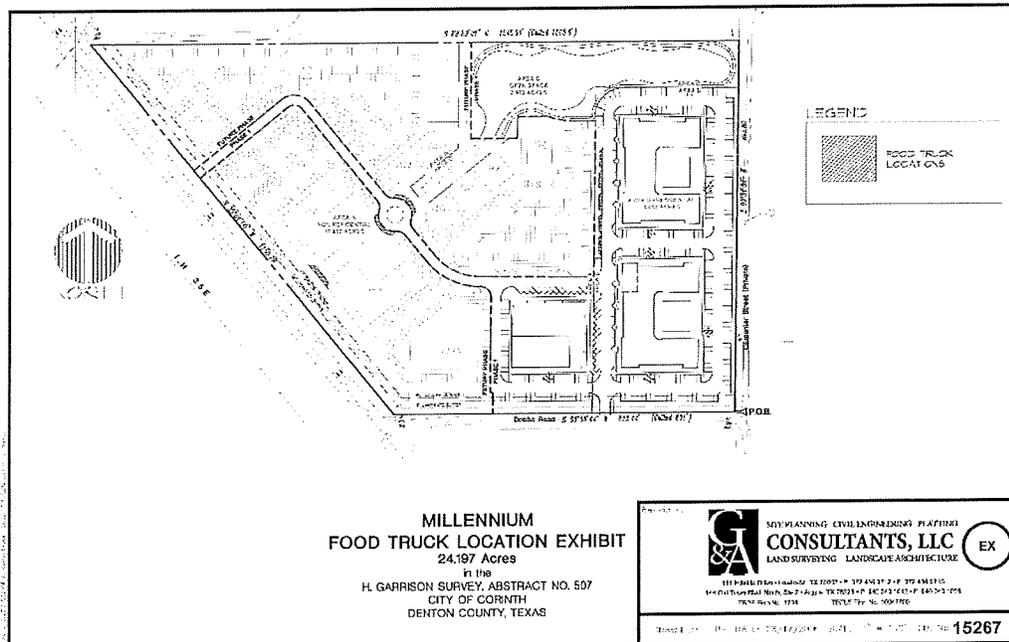
In the Planned Development (PD) District, no building or land shall be used and no building shall be hereafter erected, reconstructed, enlarged or converted, unless permitted by the Mixed-Use Commercial District regulations of the Unified Development Code except as otherwise included in the PD.

B. Permitted Uses and Use Regulations

1. The Permitted Uses in Section 2.06.02 of the Unified Development Code, Ordinance No. 13-05-02-08, for the Commercial Mixed Use District and shall include the following uses, respectively:
 - a. Dog Park, Private or Public, with conditions
 - b. Dwelling, Multi-Family (permitted in Area B Only)
 - c. Kennel, Veterinary Office, with conditions
 - d. Library
 - e. Park, Playground, or Community Center, Public

- f. Radio or TV Station
 - g. Wedding Chapel, Reception Facility, Special Events Center
 - h. Food Trucks, with conditions
 - i. Farmer's Market
 - j. Special Event (subject to provisions of Chapter 116 Special Events)
2. The following list of uses require an approved Specific Use Permit to be allowed within this PD District:
- a. Parking Garage
 - b. Private Club
 - c. Brewpub
 - d. Microbrewery
 - e. Brewery
3. The following Prohibited Uses are not allowed within this PD District:
- a. Automobile or other Motorized Vehicle Sales and Service
 - b. Automotive Part Store
 - c. Automobile Service Garage, Major or Minor
 - d. Car Wash, Full Service or Self Service
 - e. Exterminating Company
 - f. Feed Store
 - g. Gas or Oil Well and Production
 - h. Gasoline Filling or Service Station/Car Wash
 - i. Self Storage
 - j. Taxi Garage or Dispatch
4. The following Conditional Development Standards shall apply:
- a. The Kennel use shall comply with Section 02.07.04 of the Unified Development Code, in addition to the following standards:
 - i. The hours of operation shall be from 7:00 am to 7:00 pm on Monday through Friday. On Saturday and Sunday the hours of operation shall be 9:00 am to 5:00 pm.
 - b. The Dog Park use
 - i. Shall maintain the hours of operation from 7:00 am to 9:00 pm.
 - ii. Will be owned and operated by the Retail Establishment
 - iii. Shall provide a double-gated system to prevent dog escape.
 - iv. Shall contain two separate dog areas. One for small dogs and one for large dogs.
 - v. Shall provide a dog waste station, cleaning supplies, covered garbage cans, and waste bags.

- vi. Shall install a 6’ ornamental metal fence on the entire perimeter of the dog park.
 - vii. May be open to the public during hours of operation on weekends.
 - viii. Occupancy limits shall not exceed one dog per 100 square feet.
 - ix. The following rules shall be implemented to govern use of the dog park and be enforced by the Retail Establishment
 - a. Dogs entering park must be up to date on their shots.
 - b. Dogs entering park must be leashed.
 - c. Owners are responsible for their dog(s)’ behavior.
 - d. Owners are responsible to clean up after their dog(s).
- c. Food truck vendors shall be allowed and shall be located in areas shown on the following Food Truck Location Exhibit.



C. Dimensional Regulations

The Dimensional Regulations described in Section 2.08.05 of the Unified Development Code, Ordinance No. 13-05-02-08, for the MX-C, Mixed Use Commercial shall apply except as follows:

Regulation	MX-C	PD – Area A
Minimum Front Yard	40’	40’ along 35E and Dobbs 3
Minimum Side Yard		
Interior Lot	15’	0’
Corner Lot	15’	N/A
Minimum Rear Yard	20’	0’

Minimum Lot Area	20,000 SF	5,000 SF ¹
Minimum Lot Width	150'	50' ¹
Minimum Lot Depth	100'	50' ¹
Maximum Height	2 ½ Stories or 40' w/ SUP	60' / 4 Stories (Hotel Only) 2 ½ stories or 40' w/ SUP on all other buildings ²
Maximum Building Area	50%	N/A

¹No minimum lot size or width or depth for common area lots.

² Architectural elements may be allowed up to 50' in height.

³ With the abandonment of Dobbs the front yard setback on lots facing Dobbs will revert to 15'.

The Dimensional Regulations described in Section 2.08.04 of the Unified Development Code, Ordinance No. 13-05-02-08, for the MF-3, Multi-Family Residential shall apply except as follows:

Regulation	MF-3	PD – Area B
Minimum Front Yard	30'	30'
Minimum Side Yard		
Interior Lot	30'	0'
Corner Lot	30'	N/A
Minimum Rear Yard	30'	30'
Minimum Lot Area	2,750 SF per DU/at least 1 acre or 16 DU/Acre	Maximum 250 Units
Minimum Lot Width		
Interior Lot	150'	150'
Corner Lot	150'	N/A
Minimum Lot Depth	100'	100'
Minimum Floor Area	850 SF/DU	700 SF/DU
Maximum Height	35' / 2 Stories or 50' w/ Setback	60' / 4 Stories w/ rooftop terrace
Maximum Building Area	N/A	N/A

D. Development Standards – Area A (Non-Residential)

The Development Standards described in Section 2.06.02 of the Unified Development Code, Ordinance No. 13-05-02-08, for the MX-C, Mixed Use Commercial District, as amended shall apply except as follows:

1. UDC Section 2.07.07 **Accessory Buildings and Uses** shall apply.
2. UDC Section 2.09.01 **Landscape Regulations** shall apply, except:

- a. Section 2.09.01.A.6., Landscaping for Nonresidential Areas Adjacent to Residential Areas, does not apply to areas within the Planned Development (PD) District since it is intended to be a mixed-use development.
3. UDC Section 2.09.03 **Vehicle Parking Regulations** shall comply, except:
- a. Section 2.09.03.E. Due to the mixed-use design of this Planned Development (PD) District, Shared Parking standards may be used to satisfy the parking requirement. The following Shared Parking Schedule sets forth the percentage component for the calculation. The number of required parking spaces is determined by multiplying the percentage in each cell by the number of spaces required for the use pursuant to Section 2.09.03.E. of the Unified Development Code and then totaling the resulting numbers for each column, and the column that generates the highest number of parking spaces is the parking requirement.

<u>Use</u>	<u>Weekday</u>		<u>Weekend</u>		<u>Night</u>
	Daytime 6 a.m. – 6 p.m.	Evening 6 p.m.- midnight	Daytime 6 a.m. – 6 p.m.	Evening 6 p.m.- midnight	Midnight- 6 a.m.
Office	100%	10%	10%	5%	5%
Retail	50%	90%	100%	90%	5%
Restaurant	50%	100%	100%	100%	10%
Hotel	70%	100%	70%	100%	70%

- b. Temporary Surface Parking.
 - c. Restaurant parking shall be provided at a ratio of 1 space for every 100 square feet of building. Kitchens and utility areas are exempt from calculating parking requirements.
 - d. Any parking for a conference use within a hotel shall not be required to provide any additional parking that than calculated for the hotel use.
4. UDC Section 2.09.04 **Building Façade Material Standards** shall apply, except:
- a. Primary building materials shall constitute a minimum of seventy percent (70%) of the area of the building façade and shall include a combination of the following materials: Class 1 Masonry, porcelain tile, and high pressure laminate panels.

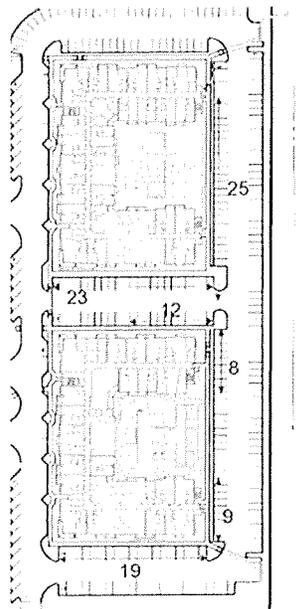
- b. Secondary building materials may constitute a maximum of twenty percent (20%) of the area of the building façade and shall be Class 2 Masonry materials: stucco
 - c. Accent materials may constitute a maximum of ten percent (10%) of the area of the building façade and may include a combination of the following materials: painted metal and fiber reinforced plastic.
 - d. Building material percentages shall exclude glass and doorways.
 - e. Roofing materials (visible from any public right-of-way) may include: copper, factory finished painted metal, slate, synthetic slate, terra cotta, cement tile, glass fiber shingles or similar materials. Glaring roofing materials are not allowed.
 - f. The building architecture shall be complimentary to the conceptual elevations.
 - g. Neutral and earth tone colors are permitted. Accent or non-neutral colors are permitted and may be limited to a fifteen percent (15%) maximum area of the building façade. The colors shall be complimentary to conceptual elevations.
5. UDC Section 2.09.06 **Nonresidential Architectural Standards** shall apply, except:
- a. Section 2.09.06.C. Nonresidential Building Orientation does not apply. Buildings are required to face either public right-of-way, access easement for which the building is being accessed by, or open space. Side or rear facades shall be of finished quality and of the same color and materials that blend with the front of the building.
 - b. Table 17, “Menu of Nonresidential Design Elements” of Section 2.09.06.D.1. shall apply and includes the following additional design elements: enhanced building material patterns, enhanced storefront framing system, and decorative wall sconces.
6. UDC Section 2.09.07 **Lighting and Glare Regulations** shall apply, except:
- a. Festoon or string lighting shall be allowed.
7. UDC Section 4.01 **Sign Regulations** shall apply, except:
- a. A Unified Sign Plan shall be required.
 - b. The monument sign for this development may consist of an architectural feature, such as a tower, provided that the feature reinforces the design theme of the project.
 - c. The height of the monument sign may be fifty (50) feet, provided that a minimum of six (6) of the performance standards, listed in the City’s Unified Development Code, are provided and shall be approved with the site plan by City Council.

- d. The sign regulations shall apply except as otherwise described herein and except for approved public art.
 - e. The setback for monument signs in Section 4.01.15.F.6 Multi-tenant Monument Sign (Sign, Multi-tenant Monument) - I-35E is waived; provided however, a vision clip at a minimum of fifteen (15) feet will be required.
 - f. The square footage provisions of Section 4.01.15.F.10 Changeable Electronic Variable Message sign for Multi-tenant Monument Sign (Sign, Multi-tenant Monument) is waived.
8. UDC Section 4.02 **Fence and Screening Regulations** shall apply.

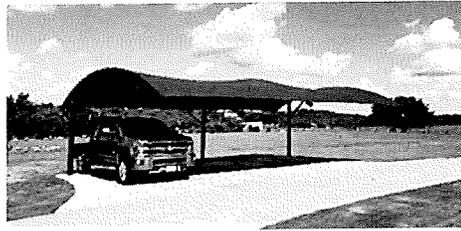
E. Development Standards – Area B (Residential)

The Development Standards described in Section 2.04.09 of the Unified Development Code, Ordinance No. 13-05-02-08, for the MF-3, Multi-Family Residential District, as amended shall apply except as follows:

- 1. UDC Section 2.07.07 **Accessory Buildings and Uses** shall apply.
- 2. UDC Section 2.09.01 **Landscape Regulations** shall apply, except:
 - a. Section 2.09.01.B.1.k.i and ii. Additional Multifamily Landscape Requirements, a minimum of ten (10) foot landscape on all sides of the building and may include sidewalks.
- 3. UDC Section 2.09.02 **Tree Preservation** shall apply.
- 4. UDC Section 2.09.03 **Vehicle Parking Regulations** shall apply, except:
 - a. Section 2.09.03.D.1. Parking may be located in front of the building line.
 - b. Section 2.09.03.D.2. Parking for Multi-Family shall be 1 space per unit plus 1 space per additional bedroom.
 - c. Covered parking, such as canopies/carports, are only permitted in the locations shown and must be built to the following style.



Total
96



Color to complement the building

5. UDC Section 2.09.04 **Building Façade Materials** shall apply, except:
 - a. Primary building materials shall constitute a minimum of eighty percent (80%) of the façade on the first and second stories and a minimum of thirty-five percent (35%) of the façade on the third and fourth stories and shall be Class 1 Masonry: natural stone and brick.
 - b. Secondary building materials may constitute a maximum of twenty percent (20%) of the façade on the first and second stories and maximum of sixty-five percent (65%) of the façade on the third and fourth stories and shall be stucco.
 - c. Accent materials may constitute a maximum of thirty percent (30%) of the façade on the third and fourth stories and shall be woodtone.
 - d. Building material percentages shall exclude glass and doorways.
 - e. Glaring roofing materials are not allowed.
6. UDC Section 2.09.05 **Residential Adjacency Standards** shall apply.
7. UDC Section 2.09.07 **Lighting and Glare Regulations** shall apply.
8. UDC Section 4.01 **Sign Regulations** shall apply.
9. UDC Section 4.02 **Fence and Screening Regulations** shall apply.

F. Open Space, Trails, and Amenities

A “Property Owner’s Association” (“POA”) shall be established for Millennium that will be responsible for the maintenance of common areas including without limitation open space, dog park, pond, trails, fire lanes, and access easements. The POA shall own the lots that are platted as designated open space lots.

In order to promote a walkable community with open space and amenities, Millennium shall include the following items:

1. Minimum of 11% of open space;
2. Amenity pond with aeration that may be used for storm water retention and irrigation;
3. 6’ concrete trail surrounding the pond;
4. Pedestrian improvements as each development occurs within Millennium to provide connectivity to the trail around the pond;
5. Plaza/gathering area to allow for outdoor events such as, but not limited to, festivals, music performances, art shows, food truck vendors, and/or splash pads;
6. Outdoor dining
7. Statues or fountains;
8. Street furnishings that may include benches, trash receptacles, bike racks, pedestrian bollards, and street lighting that are complimentary to the development theme.
9. 10’ landscape buffer adjacent to the northern and eastern most property lines.

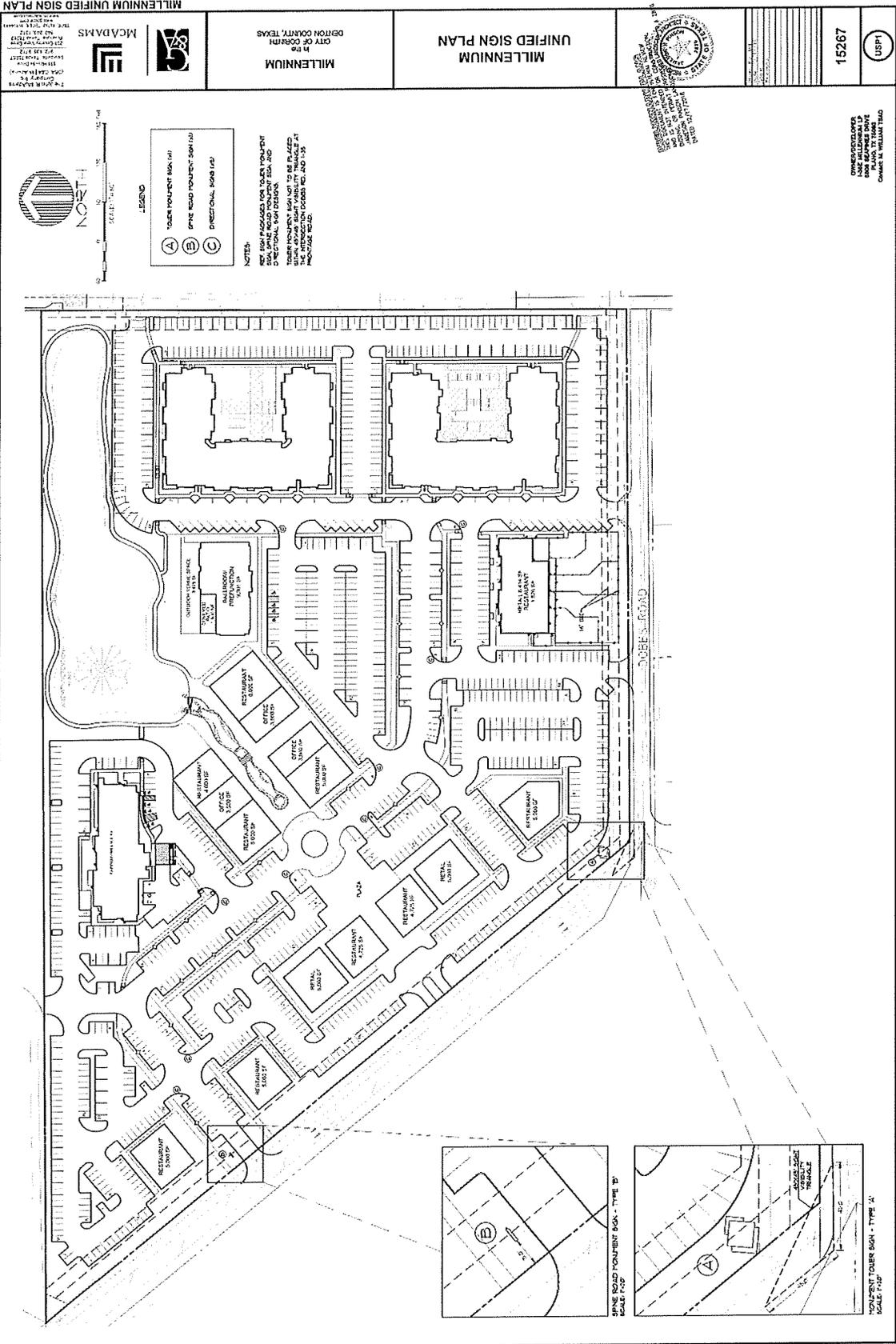
G. Administration

The following section sets forth the procedure for reviewing and approving development applications. Any requirement not listed herein, shall revert to the City’s Unified Development Code, Ordinance No. 13-05-02-08, for development application processes.

1. Minor variations to the Planned Development (PD) Ordinance: Minor changes/modifications to the PD may be authorized by the Planning Director , and a variance shall not be required provided that the changes will not cause any of the following to occur:
 - a. A change in the permitted uses;
 - b. A change in character;

- c. An increase in residential density;
 - d. A decrease in open space; or
 - e. An increase in allowed building heights;
2. If the items listed above occur, then the PD will be required to be amended through the City's PD rezoning process.
 3. Amended Concept Plan: The approved Amended Concept Plan attached herein demonstrates the development intent of this PD and is a conceptual layout. Building locations, parking lots, landscape, and vehicular circulation may be altered provided that the requirements of this PD are met. The uses shown on the Amended Concept Plan are subject to change within Area A provided that the parking requirements can be achieved. The subsequent Site Plan process will act as the regulating process to ensure compliance with the PD and applicable City Codes, see "Site Plan" below.
 4. Site Plan: For this Planned Development (PD) the approved Amended Concept Plan attached herein shall replace the Site Plan requirement that is listed in Section 2.10.08.B.1.a.ii., Rezoning Applications Requiring Site Plans, of the City's Unified Development Code. Subsequent Site Plans shall be required for the phase which is being developed. Landscape buffers along Dobbs Road and I-35E shall be installed as part of the individual Site Plan(s) that occur for each lot that is adjacent to these roadways. Site Plans shall be processed administratively by the Planning and Development Director.
 5. Non-Residential Use Trigger Event: Prior to the issuance of a Certificate of Occupancy (CO) for the second Urban Residential building as shown on the approved Amended Concept Plan, a minimum of 15,000 square feet of non-residential building space shall have been issued a building permit (the hotel shall not be calculated towards the 15,000 square feet). A maximum 10% reduction in required building square footage shall be allowed for required building articulation.
 6. Phased Construction: Phase one construction of residential buildings shall also include: the main entrances off of I-35E and Dobbs Road including enhanced paving, main spine road and roundabout, retention/detention pond with aeration and perimeter trail, as well as, landscape buffers directly adjacent to Phase one construction.
 7. Area B-Residential: The total land area of Area B-Residential shall not exceed 26% of gross land area for this project as shown on Amended Exhibit "B" Amended Concept Plan.

H. Unified Site Plan



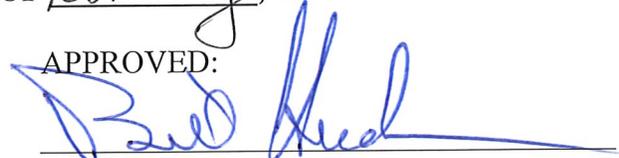
not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 9.
EFFECTIVE DATE**

This ordinance shall become effective after approval and publication as provided by law. The City Secretary is directed to publish the caption and penalty of this ordinance two times.

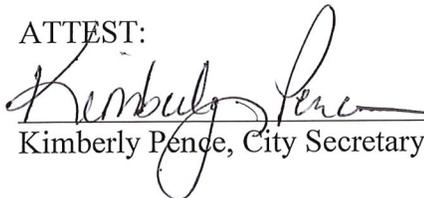
PASSED AND APPROVED THIS 21st **DAY OF** February, 2019.

APPROVED:



Bill Heidemann, Mayor

ATTEST:



Kimberly Pence, City Secretary



APPROVED AS TO FORM:



Patricia Adams, City Attorney