

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**JOSEPH I. ENGLER, et al.**  
**Plaintiffs,**

v.

**THE CITY OF KELLER, TEXAS,**  
**Defendant**

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§

**CIVIL ACTION NO.**  
**4:02-CV-746-Y**

**SETTLEMENT AGREEMENT AND RELEASE**

This Settlement Agreement and Release (the "Settlement Agreement") is made and entered into this 2<sup>nd</sup> day of December, 2003, by and between: Joseph I. Engler, Nettye Freeman Engler, Laurence E. Wolf, Jerome L. Waldman, Eleanor Ruth Lensky, Mark Lensky, Ronald A. Robbins, Judith G. Engler, Ellen Rae Penner, Shari Lynn Penner, Murry Penner, Howard Penner, David Hurwitz, and Shawn Hurwitz (the "Plaintiffs") and the City of Keller, Texas (the "Defendant") (collectively the "Parties").

**RECITALS**

**1.0 Circumstances which lead to this Settlement Agreement are as follows:**

- 1.1 The Defendant is a home rule, municipal government located in Tarrant County, Texas. The Plaintiffs are sole owners of approximately 292.869 acres of land located within the municipal boundaries of the City of Keller, Texas (the "Property"), and more specifically described in Exhibit A. The Plaintiffs filed suit against the Defendant on September 6, 2002, asserting various claims, including but not limited to claims pursuant to the Fair Housing Act, 42 U.S.C. §3601, et seq., involving the Defendant's regulatory, land use and zoning decisions and laws affecting the Property (the "Lawsuit"). This Settlement Agreement is intended to be a complete settlement of the Lawsuit.
- 1.2 DEFENDANT EXPRESSLY DENIES ALL LIABILITY FOR THE CLAIMS (DEFINED BELOW) CONTAINED IN THE LAWSUIT.
- 1.3 Plaintiffs have asserted the claims against Defendant and have reached an agreement

to fully, finally and to forever discharge the claims against Defendant and other Released Parties by this Settlement Agreement as set forth below.

## AGREEMENT

The Parties agree as follows:

### **2.0 Release and Discharge**

- 2.1 Plaintiffs do hereby compromise, settle, and fully release and forever discharge the Defendant the Defendant's past and present elected and appointed officials, employees, officers, directors, successors, assigns, administrators, attorneys and other representatives (collectively the "Released Parties"), of and from the Claims (defined below), and any and all claims and demands, controversies, actions or causes of action of every conceivable character, without limitation, regarding or relating to the Lawsuit or Claims.
- 2.2 This Settlement Agreement extends to claims of every kind, character and description, including those which may be directly or indirectly connected with the claims contained in the Lawsuit and court proceedings thereafter. This Settlement Agreement shall extend to and include any and all claims or causes of action asserted in the Lawsuit or that could be asserted, regardless of the legal theory, including but not limited to claims involving civil rights, the Fair Housing Act, 42 U.S.C., § 3601, et seq., 42 U.S.C. § 1981, 42 U.S.C. § 1982, federal and state constitutional rights and privileges, the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, negligence, contract rights, common law, claims in equity, damages, intentional tort, or relating to any local, state or federal law, statute, rule or regulation (collectively referred to as "Claims" or "Released Claims"). By way of example and without limiting the scope of this Settlement Agreement, it is acknowledged that this Settlement Agreement is specifically intended to release all possible claims and damages which Plaintiffs may have at the present or at any time in the past against the Defendant and regardless of whether the claims and damages are fully known or appreciated at this time, and whether or not they have fully matured or are appreciated at this time
- 2.3 The release in this Settlement Agreement shall be fully binding and a complete settlement by the Parties and their respective heirs, assigns and successors.
- 2.4 Plaintiffs acknowledge and agree that the release and discharge set forth in this Settlement Agreement is a general release. Plaintiffs expressly waive and assume the risk of any and all claims for damages which exist as of this date, but of which Plaintiffs do not know or suspect to exist, whether through ignorance, oversight,

error, negligence, or otherwise, and which, if known, would materially affect Plaintiffs' decision to enter into this Settlement Agreement.

### **3.0 Consideration**

In consideration of this Settlement Agreement and the release of Claims and other covenants made in this Settlement Agreement, the Parties agree the following provisions. This consideration is accepted by Plaintiffs and their respective attorneys in full and complete satisfaction of all Claims, demands, causes of action and damages to Plaintiffs which have been asserted, which could have been asserted, or may ever be asserted against any of the Released Parties herein arising out of, or in any way related to the above stated Claims and Lawsuit.

- 3.1 The Parties agree that the attached Land Development Conditions for the Engler Property Located in the City of Keller, Texas (the "Conditions") govern the zoning and land use conditions for the Property to the same effect as if the conditions were contained in a zoning ordinance approved and passed by the Keller City Council. The Conditions are attached as Exhibit B and incorporated herein as if set forth in their entirety.
- 3.2 Either the Plaintiffs or subsequent owners of the Property may seek changes to the conditions for all, or any portions, of the Property using the zoning change procedures for specific properties set out in the City of Keller ordinances. Any subsequent zoning change request on all or a portion of the Property shall be at the discretion of the Keller City Council
- 3.3 The meaning of any terms in the conditions that are also contained in the current City of Keller zoning ordinances shall be the meaning of those terms as set out in the current City of Keller zoning ordinances, unless specifically differentiated in the Conditions.
- 3.4 If the City of Keller chooses in its sole discretion to assert that generally applicable amendments to its ordinances or comprehensive plan and the application of those amendments to the ordinances or comprehensive plan change the legal effect of the Conditions, said amendments shall not apply to the Property unless they are less restrictive than the Conditions. If the owner asserts that the amendments violate the Conditions and seeks judicial review of the amendments, the amendments shall not take effect as to the Property until there is a final judgment in the action seeking judicial review. Prior to seeking any judicial relief for an alleged violation(s) of the Settlement Agreement, the Parties shall provide thirty (30) days written notice. The

owner's action for judicial review shall not effect the operation of the amendments as to any other property in the City of Keller.

3.5 The Plaintiffs agree and stipulate that the City Ordinances, Conditions, and Defendant's Unified Development Code in effect on the Property (the Unified Development is attached hereto as Exhibit C and incorporated herein as if set forth in their entirety) does do not violate the Fair Housing Act, 42 U.S.C. § 3601, et seq. Plaintiffs make this stipulation solely as part of the consideration for this Settlement Agreement. The stipulation is not effective for any legal or administrative action by the Defendant to seek sanctions of any kind against Plaintiffs or their attorneys for violations of this Settlement Agreement. The stipulation does not cover any City of Keller zoning or land use decisions affecting any land not part of the actions by Defendant that affect the Property or other land that is not part of the Property that is the subject of this Settlement Agreement. The stipulation will no longer be effective if there is a judicial determination that the Defendant has breached this Settlement Agreement.

#### **4.0 Warranty of Capacity to Execute Agreement**

Plaintiffs represent and warrant that no other person or entity has, or has had, any interest in the Claims or Lawsuit referred to in this Settlement Agreement, except as otherwise set forth herein; that Plaintiffs have the right and exclusive authority to execute this Settlement Agreement and receive the consideration specified in it; and that Plaintiffs have not sold, assigned, transferred, conveyed or otherwise disposed, in whole or in part, of any of the Claims, demands, obligations or causes of action referred to in the Lawsuit or in this Settlement Agreement. Further, the parties executing this Settlement on behalf of Plaintiffs represent and warrant that they have the right and exclusive authority to enter into and execute this Settlement Agreement on behalf of all Plaintiffs. Any and all Claims against the Released Parties which are not specifically released arising out of the accident are hereby assigned in full to the Released Parties. **FOR AND IN CONSIDERATION OF THE CONSIDERATION RECITED ABOVE, PLAINTIFFS SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS THE RELEASED PARTIES, AND THOSE IN PRIVITY WITH THEM, OF AND FROM ANY CLAIMS, SUITS, DEMANDS, AND CAUSES OF ACTION BROUGHT BY ANY PERSON OR ENTITY CLAIMING AN INTEREST IN THE RELEASED CLAIMS. SUCH INDEMNITY WILL INCLUDE COSTS TO DEFEND RELEASED SUCH CLAIMS, INCLUDING ATTORNEYS FEES AND EXPENSES, AND WILL APPLY EVEN IF SUCH CLAIMS AND CAUSES OF ACTION ARISE OUT OF THE SOLE OR PARTIAL NEGLIGENCE OF THE RELEASED PARTIES.**

#### **5.0 Acknowledgment of the Uncertain and Disputed Nature of the Claim**

It is understood and agreed that this settlement is a compromise of disputed claims, that the consideration being made is not an admission of liability, and the Released Parties have consistently denied all liability.

## **6.0 Additional Acknowledgments**

It is understood and specifically acknowledged by Plaintiffs that:

- 6.1 Plaintiffs have not been influenced and have not received or relied upon any statement, promise, representation, inducement, or agreement from any of the Released Parties, or from any person claiming to represent any of the parties being released, other than explicitly set forth in the written terms of this Settlement Agreement;
- 6.2 This Settlement Agreement is entered into upon Plaintiffs' own free will and upon the exclusive advice and counsel of an attorney of their own choosing;
- 6.3 In signing this Settlement Agreement, Plaintiffs have read it, had its terms explained to them by their attorney and understand that it is a final settlement of all claims which they now or will ever have with regard to the incident in question and these things cannot be reopened in the future.

## **7.0 Governing Law and Disputes**

This Settlement Agreement shall be construed and interpreted in accordance with the laws of the State of Texas. If one or more disputes arise with regard to the interpretation and/or performance of this agreement or any of its provisions, the parties agree to attempt to resolve same by telephone conference with a mediator, agreed to by the parties, and if no agreement, by Court appointment. If the parties cannot resolve their differences by telephone conference with the mediator, then each agrees to schedule one day of mediation with the mediator within thirty (30) days to resolve the dispute and to share the cost of same equally. If a party refuses to mediate, then that party may not recover attorney's fees or costs in any litigation brought to construe or enforce this agreement.

## **8.0 Additional Documents**

All parties agree to cooperate fully and execute any and all supplementary documents and to take all actions which may be necessary or appropriate to give full force and effect to the basic terms of this Settlement Agreement. The parties acknowledge that each of them have had the benefit of counsel of their own choice and have been afforded an opportunity to review the Settlement Agreement with their chosen counsel. The parties further

acknowledge that they have, through their respective counsel, participated in the preparation of this agreement and it is understood that no provision hereof shall be construed against any of the parties hereto.

**9.0 Entire Agreement and Successors in Interest**

This Settlement Agreement contains the entire agreement between Plaintiffs and Defendant with regard to the matters set forth in it and shall be binding upon and enure to the benefit of the executors, administrators, personal representatives, heirs, successors and assigns of each. Any and all prior or contemporaneous agreements, understandings, promises, representations, warranties, and covenants, whether written or oral, or whether expressed, implied, or apparent, are hereby deemed merged into and made a part of this Settlement Agreement. The terms of this Settlement Agreement are contractual and not mere recitals.

**10.0 Dismissal**

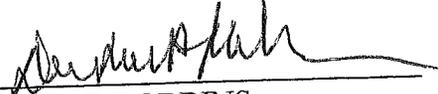
It is agreed by the parties that they shall cause their counsel of record to execute that certain AAgreed Judgment of Dismissal with Prejudice@ attached as Exhibit "D" and have same filed and signed by the Court dismissing the subject lawsuit with prejudice.

THE PARTIES HERETO AFFIRMATIVELY STATE THAT THEY HAVE CAREFULLY READ THIS AGREEMENT AND THAT IT HAS BEEN FULLY EXPLAINED TO THEM BY COUNSEL OF THEIR CHOICE AND THAT THEY FULLY UNDERSTAND ITS FINAL AND BINDING EFFECT. THE TERMS OF THIS AGREEMENT ARE CONTRACTUAL AND NOT A MERE RECITAL.

EXECUTED IN MULTIPLE ORIGINALS ON THIS 2<sup>nd</sup> DAY OF December, 2003.

**PLAINTIFFS:**

  
\_\_\_\_\_  
JOSEPH I. ENGLER

  
\_\_\_\_\_  
RONALD ROBBINS

  
\_\_\_\_\_  
CHARLES HURWITZ, TRUSTEE

**APPROVED:**

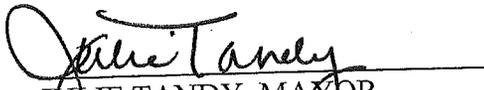
  
\_\_\_\_\_  
SUSAN MEAD  
State Bar No. 13879700  
JACKSON WALKER  
901 Main Street Suite 6000  
Dallas, Texas 75202



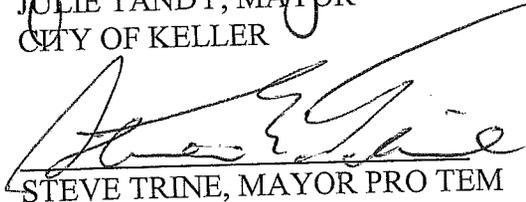
MICHAEL M. DANIEL  
State Bar No. 15360500  
MICHAEL M. DANIEL, P.C.  
3301 Elm Street  
Dallas, Texas 75226-1637  
(214) 939-9230 (Telephone)  
(214) 741-3596 (Facsimile r)

**ATTORNEY FOR PLAINTIFFS**

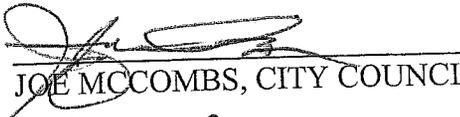
**DEFENDANT:**



JULIE TANDY, MAYOR  
CITY OF KELLER



STEVE TRINE, MAYOR PRO TEM



JOE MCCOMBS, CITY COUNCILMEMBER



JOHN COONEY, CITY COUNCILMEMBER



MITCHELL HOLMES, CITY COUNCILMEMBER



RUSSELL LAKE, CITY COUNCILMEMBER

**APPROVED:**



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L. STANTON LOWRY  
STATE BAR NUMBER: 12642520  
CITY ATTORNEY  
CITY OF KELLER  
BOYLE & LOWRY L.L.P.  
4201 Wingren, Site 108  
Irving, Texas 75062  
(972) 650-7100 (Telephone)  
(972) 650-7105 (Facsimile)

**ATTORNEYS FOR DEFENDANT**

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FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

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plaintiffs,

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THE CITY OF KELLER, TEXAS,  
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AGREED JUDGMENT OF DISMISSAL WITH PREJUDICE

The case is dismissed with prejudice to all claims raised except that the Court maintains jurisdiction to enforce the Settlement Agreement attached to and made a part of this Judgment. Each party shall bear its own costs including attorney's fees and litigation expenses.

Entered on \_\_\_\_\_.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Agreed to in form and substance:

Respectfully submitted,

MICHAEL M. DANIEL, P.C.  
3301 Elm Street  
Dallas, Texas 75226-1637  
214/939-9230 [Telephone]  
214/741-3596 [Telecopier]

By: 

Michael M. Daniel

SB# 05360500

Laura B. Beshara

SB#02261750

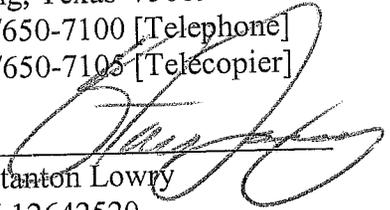
Attorneys for Plaintiff Joseph I. Engler

JACKSON WALKER L.L.P.  
901 Main Street  
Suite 6000  
Dallas, Texas 75202  
214/953-5926 [Telephone]  
214/953-5822 [Telecopier]

By: 

Susan Mead  
SB# 13879700  
L. Suzan Kedron  
SB#24002394  
Attorneys for Plaintiffs

BOYLE & LOWRY, L.L.P.  
4201 Wingren Plaza  
Suite #108  
Irving, Texas 75069  
972/650-7100 [Telephone]  
972/650-7105 [Telecopier]

By: 

L. Stanton Lowry  
SB# 12642520  
Attorney for Defendant  
City of Keller

**LAND  
DEVELOPMENT  
CONDITIONS  
FOR THE  
ENGLER PROPERTY  
LOCATED IN  
KELLER, TEXAS**

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EXHIBIT "B"	City of Keller Unified Development Code ("UDC")
EXHIBIT "C"	Concept Plan
EXHIBIT "D"	Residential Proximity Slope Diagram

## PROPOSED LAND DEVELOPMENT CONDITIONS

### SECTION 1.            PROPERTY LOCATION AND SIZE.

The Property is generally located east of U.S. Highway 377 and north of Mount Gilead Road, within the city limits of the City of Keller. The Property is approximately 292.869 acres and is described in attached Exhibit "A".

### SECTION 2.            DEFINITIONS.

- (a) AVERAGE LOT AREA may be calculated inclusive of public/private alleys, public/private streets, and easements, provided however, the minimum lot size shall be calculated exclusive of public/private alleys and public/private streets.
- (b) CITY shall mean City of Keller.
- (c) CITY OF KELLER UNIFIED DEVELOPMENT CODE ("UDC") shall mean that document attached in its entirety as Exhibit "B". Attached Exhibit "B" reflects the comprehensive development regulations in the City as of August 6, 2002. Development on the Property, unless stated otherwise in this document, will be subject to the attached UDC unless a subsequent revision of the UDC is less restrictive.
- (d) COVERAGE is calculated based on the lot area covered by all air conditioned buildings and accessory buildings located thereon.
- (e) DIRECTOR shall mean the Director of Community Development.
- (f) DWELLING UNIT AREA shall be limited to air conditioned space.
- (g) PROPERTY shall mean the 292.869 acres described in Exhibit "A".
- (h) BUILDING SETBACKS ON U.S. HWY. 377 shall be measured from the existing Property line as of the date of this document; provided, however, that landscape buffers in the UDC shall be met at the time of development.

### SECTION 3.            INTERPRETATIONS.

- (a) Unless stated otherwise, or unless subsequent amendments to the UDC are less restrictive, the definitions and interpretations in the UDC, as attached in its entirety as Exhibit "B", apply to development on the Property.
- (b) All attached exhibits shall be considered a part of this document. If there is an irreconcilable conflict between an attached exhibit and the text of this document, the text of this document controls.

- (c) The regulations outlined in this document for development on the Property are not considered as an overlay or special district. UDC Section 8.04 – Overlay and Special Districts will not apply.

**SECTION 4.                    RELATIONSHIP TO THE CITY’S MASTER PLAN**

- (a) This document is deemed in conformance with the City’s Master Plan for the Property.
- (b) Amendments to the City’s Master Plan will reflect only the development standards as contained in this document.
- (c) All references to the Keller Technology Center Master Plan and the Keller Technology Center Marketing Team guidelines for the Property that are not in conformance with this document are void.

**SECTION 5.                    PRELIMINARY PLATS**

- (a) A Preliminary Plat may include all contiguous property that is under the ownership or control of the applicant.
- (b) A Preliminary Plat may contain more than one phase, but each phase must contain improvements that do not depend on future construction in order to meet the City’s requirements.

**SECTION 6.                    CUL-DE-SACS**

- (a) A cul-de-sac shall not be longer than six hundred feet (600’) and at the closed end shall have a turnaround provided for, having an outside right-of-way diameter of one hundred and twenty feet (120’) and pavement diameter of one hundred feet (100’).
- (b) The cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of the cul-de-sac.
- (c) Cul-de-sacs greater than six hundred feet (600’) in length and outside right-of-way diameter less than required in subsection (a) may be allowed with a recommendation from the Fire Marshal and approval of the City Council.

**SECTION 7.                    PUBLIC PARK AND TRAIL SYSTEMS LAND DEDICATION REQUIREMENTS AND IMPROVEMENTS**

- (a) Article Seven of the UDC, attached as Exhibit “B”, will not apply to the Property.
- (b) There shall be park and/or open space (land dedication) as shown on the Conceptual Plan and payment of \$500 per dwelling unit paid at the time of approval of a final plat or execution of a development agreement for a planning area or phase of development. At the City’s discretion, additional land dedication in lieu of the cash payment may be considered at the development of each planning area or phase of development.

- (c) The equestrian trail shown on the City's Park and Open Space Master Plan shall be deleted.
- (d) There shall be no requirement by the property owner to designate or construct any trails, including an equestrian trail, on the Property.

**SECTION 8.            CREATION OF PLANNING AREAS**

(a) The Property is divided into seven (7) planning areas, Planning Areas A-G, graphically shown on the concept plan attached as Exhibit "C". The planning areas depicted are conceptual, exact acreage will be determined with each detailed site plan for the commercial areas and with each plat for the residential areas.

(b) The planning areas shall be generally defined as follows:

- Planning Area A – Single-family Residential District (6,500 sq. ft. minimum)
- Planning Area B – Single-family Residential District (12,000 sq. ft. minimum)
- Planning Area C – Single-family Residential District (15,000 sq. ft. minimum)
- Planning Area D – Townhouse (118 units) or Single-family Residential District (6,500 sq. ft. minimum)
- Planning Area E – Single-family Residential District (6,500 sq. ft. minimum)
- Planning Area F – Single-family Residential District (15,000 sq. ft. minimum)
- Planning Area G – Commercial District

**SECTION 9.            CONCEPTUAL PLAN**

Use and development of the Property must comply with the concept plan attached as Exhibit "C".

**SECTION 10.          DETAILED SITE PLAN**

- (a) The detailed site plan shall set forth the final plans for development of an area and shall generally conform to the conceptual plan. (Exhibit "C").
- (b) Detailed site plans do not have to correspond exactly to a specific planning area. For example, a detailed site plan may incorporate all of one planning area and a part of another planning area or it may incorporate several parts of multiple planning areas. A detailed site plan may, but is not required to, reflect a planning area in its entirety.
- (c) There is no detailed site plan required for residential development. Detailed site plans for commercial development shall follow the procedure as set forth in the UDC.
- (d) Each approved site plan or plat must include a tabulation box consisting of the following information:

Planning Areas	Maximum Dwelling Units Allowed/Required Park, Open Space, Trail Systems Land Dedication	Dwelling Units/Park, Open Space, Trail Systems Land Dedication Approved with this Detailed Site Plan or Plat
Planning Area A	402	Insert accurate information here for each detailed site plan or plat
Planning Area B	90	
Planning Area C	110	
Planning Area D	118	
Planning Area E	105	
Planning Area F	23	
Planning Area G	N/A	
<b>Total</b>	<b>848 Units</b>	<b>Insert total number of units approved with this detailed site plan</b>
<b>TOTAL UNITS REMAINING = _____</b>		

**SECTION 11. INCENTIVE FOR LARGER LOT DEVELOPMENT**

The maximum number of dwelling units on the Property may not exceed 848 units as shown on the concept plan attached as Exhibit "C" however, the maximum units allowed in Planning Areas B and C may be increased provided that there is a corresponding reduction in the maximum units allowed in Planning Areas A, D and E. The Property owner will receive a reduction in development fees, credited at the time of the issuance of the building permit, as provided below:

- (a) Adding to Planning Area C = \$2,250 plus \$1,000 off of water impact fees = \$3,250 reduction in fees.
- (b) Adding to Planning Area B = \$1,500 plus \$1,000 off of water impact fees = \$2,500 reduction in fees.
- (c) Adding to Planning Area C from Planning Area B = \$750 plus \$1,000 off of water impact fees = \$1,750 reduction in fees.

**SECTION 12. PLANNING AREA A – SINGLE-FAMILY RESIDENTIAL DISTRICT (8,200 sq. ft. average)**

- (a) General Purpose and Description.

Planning Area A is intended to provide for a suitable residential environment on lots or parcels of land not less than six thousand five hundred (6,500) square feet. The range of lot sizes shall be a minimum of six thousand five hundred (6,500) square feet. The average lot size for Planning Area A shall be eight thousand two hundred (8,200) square feet.

(b) Permitted Uses.

1. Those uses specified in this Section.
2. Single family detached dwellings.
3. Municipally owned facilities and uses.
4. Real estate sales offices during the development of residential subdivisions in which the office is located until eighty percent (80%) of the building permits of the platted lots in the subdivision are issued.
5. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Director of Community Development for non-compliance with the provisions of which the use was permitted.
6. Detached accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business, as follows:
  - A. A maximum of two (2) detached accessory buildings are permitted on any lot/tract. Accessory buildings less than one hundred twenty (120) square feet do not require a building permit but must comply with all height and setback requirements. Accessory buildings greater than one hundred twenty (120) square feet but less than five hundred (500) square feet (including detached garages) are allowed with a building permit. All accessory buildings greater than five hundred (500) square feet require a Specific Use Permit (SUP).
  - B. A detached private garage or an attached private garage, used in conjunction with the main building within the regulations of the parking section (see Section 8.06 – Off-Street Parking and Loading Requirements) of the UDC. Side entry (J-type or swing) garages are permitted.
  - C. One antenna less than fifty feet (50') in height (amateur or CB radio) and/or satellite dish antenna located in the rear yard.
  - D. Detached living quarters/accessory dwelling units shall be permitted by Specific Use Permit (SUP) and are required to be on a lot one-and-a-half (1.5) acres or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member. The structure shall in any case not be leased or sold.
  - E. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.

7. Swimming Pool (private).
8. Such uses as may be permitted under the provisions of Specific Use Permits (SUP) in the UDC.

(c) Height Regulations.

**Maximum Height** – Two and one-half (2½) stories or thirty-five feet (35') for the main building. For height requirements for accessory buildings, see UDC Section 8.09 – Accessory Buildings and Use Regulations.

(d) Area Regulations

1. Size of Lots

- A. **Minimum Lot Area** – Six thousand five hundred (6,500) square feet.
- B. **Minimum Lot Width** – Fifty feet (50').
- C. **Minimum Lot Depth** – One hundred feet (100').

2. Size of Yards

- A. **Minimum Front Yard** – Twenty five feet (25').
- B. **Minimum Side Yard** – Ten percent (10%) of the lot width but no more than fifteen feet (15') required; fifteen feet (15') on corner lots adjacent to a street.
- C. **Minimum Rear Yard** – Twenty feet (20') if adjacent to an alley; fifteen feet (15') if no alley exists; ten feet (10') for accessory buildings.

3. **Maximum Lot Coverage** – Forty percent (40%) by main buildings and accessory buildings; sixty percent (60%) including driveways and parking areas.

4. **Parking Regulations** – Single Family Dwelling Unit– A minimum of two (2) car garage on the same lot as the main structure.

5. **Minimum Dwelling Unit Area** – One thousand four hundred (1,400) square feet.

(e) Special Requirements

1. No permanent use of temporary dwellings, such as travel trailers or mobile homes, may be used for on site dwelling purposes unless approved by a Specific Use Permit (SUP). All vehicles shall be parked on paved surface if parked in front or side yards.
2. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on two (2) acres or larger.

3. Open storage is prohibited (except for materials for the residents personal use or consumption i.e. firewood, gardening materials, etc.).
4. "No heavy load vehicle" as defined in the UDC (See Definition for Heavy Load Vehicle) shall be parked or stored overnight in any residential districts.
5. Other Regulations – As established in the UDC Section 8.05 – Development Standards.

**PLANNING AREA A - SINGLE-FAMILY RESIDENTIAL  
DISTRICT (8,200 SQ. FT. AVERAGE)**

**P = Permitted Uses**

**SUP = May Be Approved As Specific Use Permit**

Accessory building (detached) less than 500 sq. ft	P
Accessory building (detached) in excess of 500 sq. ft.	SUP
Accessory dwelling unit (detached) on lots 1.5 acres or larger	SUP
All local utilities (municipal)	P
Amateur radio, TV, or CB antenna (less than 50 ft. in height)	P
Antenna: radio, TV, relay, microwave, or telecommunications (over 50 ft.)	SUP
Athletic stadium or field operated by the city or school district	P
Batching plant (temporary)	Temporary permit Issued by DRC
Church	P
City, County, State, and governmental offices	P
Detached private garage	P
Detached SF dwelling	P
Family Home per State requirements	P
Group family day home (day care) 12 children or less	SUP
Home occupations	P
Library (public)	P
Mobile home on individual lot	SUP
Modular home	P
Private park	P
Private school	SUP
Private street residential development (gated subdivision)	P
Public park or playground	P
Registered family home (day care) 12 children or less	P
Religious or philanthropic institution not listed	SUP
School (public)	P
Temporary field construction office	P
Tourist home (bed and breakfast)	SUP
Utility structures/sub stations (Private or Franchised)	SUP

**SECTION 13.**

**PLANNING AREA B – SINGLE-FAMILY RESIDENTIAL DISTRICT  
(13,500 SQ. FT. AVERAGE)**

(a) General Purpose and Description

Planning Area B is intended to provide for a suitable residential environment on lots or parcels of land not less than twelve thousand (12,000) square feet. The range of lot sizes shall be a minimum of twelve thousand (12,000) square feet. The average lot size for Planning Area B shall be thirteen thousand five hundred (13,500) square feet.

(b) Permitted Uses

1. Those uses specified in this Section.
2. Single-family detached dwellings.
3. Municipally-owned facilities and uses.
4. Real estate sales offices during the development of residential subdivisions in which the office is located until eighty percent (80%) of the building permits of the platted lots in the subdivision are issued.
5. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Director of Community Development for non-compliance with the provisions of which the use was permitted.
6. Detached accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business, as follows:
  - A. A maximum of two (2) detached accessory buildings are permitted on any lot/tract. Accessory buildings less than one hundred twenty (120) square feet do not require a building permit but must comply with all setback and height requirements. Accessory buildings greater than one hundred twenty (120) square feet but less than five hundred (500) square feet (including detached garages) are allowed with a building permit. All accessory buildings greater than five hundred (500) square feet require a Specific Use Permit (SUP).
  - B. A detached private garage or an attached private garage, used in conjunction with the main building within the regulations of the parking section (See Section 8.06 – Off-Street Parking and Loading Requirements) the UDC.
  - C. One antenna less than fifty feet (50') in height (amateur or CB radio) and/or satellite dish antenna located in the rear yard.

- D. Detached living quarters/accessory dwelling units shall be permitted by Specific Use Permit (SUP) and are required to be on a lot one-and-a-half (1.5) acres or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member. The structure shall in any case not be leased or sold.
- E. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
- 7. Swimming Pool (private).
- 8. Such uses may be permitted under the provisions of Specific Use Permits (SUP) in the UDC.

(c) Height Regulations

**Maximum Height** – Two and one half (2½) stories, not to exceed thirty-five feet (35') for the main building. For height requirements for accessory buildings, see UDC Section 8.09 – Accessory Buildings and Use Regulations.

(d) Area Regulations

- 1. Size of Lots
  - A. **Minimum Lot Area** – Twelve thousand (12,000) square feet.
  - B. **Minimum Lot Width** – One hundred feet (100').
  - C. **Minimum Lot Depth** – One hundred fifteen feet (115').
- 2. Size of Yards
  - A. **Minimum Front Yard** – Thirty feet (30').
  - B. **Minimum Side Yard** – Ten percent (10%) of the width of the lot but no more than fifteen feet (15') required; fifteen feet (15') on corner lot adjacent to a street.
  - C. **Minimum Rear Yard** – Twenty feet (20') if adjacent to an alley; fifteen feet (15') if no alley exists; ten feet (10') for accessory buildings.
- 3. **Maximum Lot Coverage** – Thirty five percent (35%) by main buildings; fifty percent (50%) including accessory buildings, driveways, and parking areas.
- 4. **Parking Regulations** – Single Family Dwelling Unit– A minimum of two (2) car garage on the same lot as the main structure.

5. **Minimum Dwelling Unit Area** – One thousand eight hundred (1,800) square feet.

(e) Special Requirements

1. No permanent use of temporary dwellings, such as recreational vehicles, travel trailers or motor homes, may be for on site dwelling purposes unless approved by a Specific Use Permit (SUP). All vehicles shall be parked on paved surface if parked in front or side yards.
2. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on two (2) acres or larger.
3. Open storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, gardening materials, etc.).
4. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage to the side property line for maneuvering (See UDC Section 8.06 – Off Street Parking and Loading Requirements).
5. "No heavy load vehicle" as defined in the UDC (See Definition for Heavy Load Vehicle) shall be parked or stored overnight in any residential districts.
6. Other Regulations – As established in the UDC Section 8.05 – Development Standards.

**PLANNING AREA B – SINGLE-FAMILY RESIDENTIAL  
DISTRICT (13,500 SQ. FT. AVERAGE)**

**P = Permitted Uses**

**SUP = May Be Approved As Specific Use Permit**

Accessory building (detached) less than 500 sq. ft	P
Accessory building (detached) in excess of 500 sq. ft.	SUP
Accessory dwelling unit (detached) on lots 1.5 acres or larger	SUP
All local utilities (municipal)	P
Amateur radio, TV, or CB antenna (less than 50 ft. in height)	P
Antenna: radio, TV, relay, microwave, or telecommunications (over 50 ft.)	SUP
Athletic stadium or field operated by the city or school district	P
Batching plant (temporary)	Temporary permit Issued by DRC
Church	P
City, County, State, and governmental offices	P
Detached private garage	P
Detached SF dwelling	P
Family Home per State requirements	P
Group family day home (day care) 12 children or less	SUP
Home occupations	P
Library (public)	P
Mobile home on individual lot	SUP
Modular home	P
Private park	P
Private school	SUP
Private street residential development (gated subdivision)	P
Public park or playground	P
Registered family home (day care) 12 children or less	P
Religious or philanthropic institution not listed	SUP
School (public)	P
Temporary field construction office	P
Tourist home (bed and breakfast)	SUP
Utility structures/sub stations (Private or Franchised)	SUP

**SECTION 14.**

**PLANNING AREA C – SINGLE-FAMILY RESIDENTIAL DISTRICT  
(17,500 SQ. FT. AVERAGE)**

(a) General Purpose and Description

Planning Area C is intended to provide for a suitable residential environment on lots or parcels of land not less than fifteen thousand (15,000) square feet. The range of lot sizes shall be a minimum of fifteen thousand (15,000) square feet. The average lot size for Planning Area C shall be seventeen thousand five hundred (17,500) square feet.

(b) Permitted Uses

1. Those uses specified in this Section.
2. Single-family detached dwellings.
3. Municipally-owned facilities and uses.
4. Real estate sales offices during the development of residential subdivisions in which the office is located until eighty percent (80%) of the building permits of the platted lots in the subdivision are issued.
5. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Director of Community Development for non compliance with the provisions of which the use was permitted.
6. Detached accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business, as follows:
  - A. A maximum of two (2) detached accessory buildings are permitted on any lot/tract. Accessory buildings less than one hundred twenty (120) square feet do not require a building permit but must comply with all setback and height requirements. Accessory buildings greater than one hundred twenty (120) square feet but less than five hundred (500) square feet (including detached garages) are allowed with a building permit. All accessory buildings greater than five hundred (500) square feet require a Specific Use Permit (SUP).
  - B. A detached private garage or an attached private garage, used in conjunction with the main building within the regulations of the parking section (See Section 8.06 – Off-Street Parking and Loading Requirements) of the UDC.
  - C. One antenna less than fifty feet (50') in height (amateur or CB radio) and/or satellite dish antenna located in the rear yard.
  - D. Detached living quarters/accessory dwelling units shall be permitted by Specific Use Permit (SUP) and are required to be on a lot one-and-a-half

(1.5) acres or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member. The structure shall in any case not be leased or sold.

E. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.

7. Swimming Pool (private).

8. Such uses may be permitted under the provisions of Specific Use Permits (SUP).

(c) Height Regulations

**Maximum Height** – Two and one half (2½) stories, not to exceed thirty-five feet (35') for the main building. For height requirements for accessory buildings, see UDC Section 8.09 – Accessory Buildings and Use Regulations.

(d) Area Regulations

1. Size of Lots

A. **Minimum Lot Area** – Fifteen thousand (15,000) square feet.

B. **Minimum Lot Width** – One hundred five feet (105').

C. **Minimum Lot Depth** – One hundred twenty-five feet (125').

2. Size of Yards

A. **Minimum Front Yard** – Thirty feet (30').

B. **Minimum Side Yard** – Ten percent (10%) of the width of the lot but no more than fifteen feet (15') required; fifteen feet (15') on corner lot adjacent to a street.

C. **Minimum Rear Yard** – Twenty feet (20') if adjacent to an alley; fifteen feet (15') if no alley exists; ten feet (10') for accessory buildings.

3. **Maximum Lot Coverage** – Thirty five percent (35%) by main buildings; fifty-five percent (55%) including accessory buildings, driveways, and parking areas.

4. **Parking Regulations** – Single Family Dwelling Unit– A minimum of two (2) car garage on the same lot as the main structure.

5. **Minimum Dwelling Unit Area** – Two thousand (2,000) square feet.

(e) Special Requirements

1. No permanent use of temporary dwellings, such as recreational vehicles, travel trailers or motor homes, may be for on site dwelling purposes unless approved by a Specific Use Permit (SUP). All vehicles shall be parked on paved surface if parked in front or side yards.
2. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on two (2) acres or larger.
3. Open storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, gardening materials, etc.).
4. "No heavy load vehicle" as defined in the UDC (See Definition for Heavy Load Vehicle) shall be parked or stored overnight in any residential districts.
5. Other Regulations – As established in the UDC Section 8.05 – Development Standards.

**PLANNING AREA C – SINGLE-FAMILY RESIDENTIAL  
DISTRICT(17,500 SQ. FT. AVERAGE)**

**P = Permitted Uses**

**SUP = May Be Approved As Specific Use Permit**

Accessory building (detached) less than 500 sq. ft	P
Accessory building (detached) in excess of 500 sq. ft.	SUP
Accessory dwelling unit (detached) on lots 1.5 acres or larger	SUP
All local utilities (municipal)	P
Amateur radio, TV, or CB antenna (less than 50 ft. in height)	P
Antenna: radio, TV, relay, microwave, or telecommunications (over 50 ft.)	SUP
Athletic stadium or field operated by the city or school district	P
Batching plant (temporary)	Temporary permit Issued by DRC
Church	P
City, County, State, and governmental offices	P
Detached private garage	P
Detached SF dwelling	P
Family Home per State requirements	P
Group family day home (day care) 12 children or less	SUP
Home occupations	P
Library (public)	P
Mobile home on individual lot	SUP
Modular home	P
Private park	P
Private school	SUP
Private street residential development (gated subdivision)	P
Public park or playground	P
Registered family home (day care) 12 children or less	P
Religious or philanthropic institution not listed	SUP
School (public)	P
Temporary field construction office	P
Tourist home (bed and breakfast)	SUP
Utility structures/sub stations (Private or Franchised)	SUP

**SECTION 15.      PLANNING AREA D – TOWNHOMES (118 UNITS) OR SINGLE-FAMILY DISTRICT (8,200 SQ. FT. AVERAGE).**

(a)      General Purpose and Description

Planning Area D is intended to provide for a residential environment with either townhome (attached, single-family units) or single-family residences. The maximum number of townhome units allowed in Planning Area D is 118 and the minimum lot size for a

townhome is two thousand (2,000) square feet. The range of lot sizes for single-family residences shall be a minimum of six thousand five hundred (6,500) square feet. The average lot size for single-family residential development in Planning Area D shall be eight thousand two hundred (8,200) square feet.

(b) Permitted Uses

1. Those uses specified in this Section
2. Single-family attached or detached dwellings.
3. Municipally-owned facilities and uses.
4. Real estate sales offices during the development of residential subdivisions in which the office is located until eighty percent (80%) of the building permits of the platted lots in the subdivision are issued.
5. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Director of Community Development for non-compliance with the provisions of which the use was permitted.
6. Detached accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business, as follows:
  - A. A maximum of two (2) detached accessory buildings are permitted on any lot/tract. Accessory buildings less than one hundred twenty (120) square feet do not require a building permit but must comply with all height and setback requirements. Accessory buildings greater than one hundred twenty (120) square feet but less than five hundred (500) square feet (including detached garages) are allowed with a building permit. All accessory buildings greater than five hundred (500) square feet require a Specific Use Permit (SUP).
  - B. A detached private garage or an attached private garage, used in conjunction with the main building within the regulations of the parking section (See Section 8.06 – Off-Street Parking and Loading Requirements) of the UDC. Side entry (J-type or swing) garages are permitted.
  - C. One antenna less than fifty feet (50') in height (amateur or CB radio) and/or satellite dish antenna located in the rear yard.
  - D. Detached living quarters/accessory dwelling units shall be permitted by Specific Use Permit (SUP) and are required to be on a lot one-and-a-half (1.5) acres or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or

occupant of the main building or is a guest or family member. The structure shall in any case not be leased or sold.

- E. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
- 7. Swimming Pool (private).
- 8. Group Home.
- 9. Such uses as may be permitted under the provisions of Specific Use Permits (SUP) in the UDC.

(c) Height Regulations

**Maximum Height** - Two and one-half (2½) stories or thirty-five feet (35') for the main building. For height requirements for accessory buildings, see UDC Section 8.09 - Accessory Buildings and Use Regulations.

(d) Area Regulations for Townhome (attached, single-family) Uses

1. Size of Lots

- A. **Minimum Lot Area** – Two thousand (2,000) square feet.
- B. **Minimum Lot Width** – Twenty feet (20').
- C. **Minimum Lot Depth** – One hundred feet (100').

2. Size of Yards

- A. **Minimum Front Yard** – Five feet (5').
- B. **Minimum Side Yard** – None.
- C. **Minimum Rear Yard** – Five feet (5').

3. **Maximum Lot Coverage** – Ninety-five percent (95%).

4. **Minimum Parking Regulations:**

- A. One (1) space per each efficiency or one (1) bedroom unit.
- B. There is no maximum number of parking spaces.

5. **Minimum Dwelling Unit Area** – Twelve hundred (1,200) square feet.

(e) Area Regulations for Detached, Single-family and All Other Permitted Uses

1. Size of Lots
    - A. **Minimum Lot Area** – Six thousand five hundred (6,500) square feet.
    - B. **Minimum Lot Width** – Fifty feet (50’).
    - C. **Minimum Lot Depth** – One hundred feet (100’).
  2. Size of Yards
    - A. **Minimum Front Yard** – Twenty five feet (25’).
    - B. **Minimum Side Yard** – Ten percent (10%) of the lot width but no more than fifteen feet (15’) required; ten feet (10’) on corner lots adjacent to a street.
    - C. **Minimum Rear Yard** – Twenty feet (20’) if adjacent to an alley; fifteen feet (15’) if no alley exists; five feet (5’) for accessory buildings.
  3. **Maximum Lot Coverage** – Forty percent (40%) by main buildings and accessory buildings; sixty percent (60%) including driveways and parking areas.
  4. **Parking Regulations** – Single Family Dwelling Unit– A minimum of two (2) car garage on the same lot as the main structure.
  5. **Minimum Dwelling Unit Area** – One thousand four hundred (1,400) square feet.
- (f) Special Requirements
1. No permanent use of temporary dwellings, such as travel trailers or mobile homes, may be used for on-site dwelling purposes unless approved by a Specific Use Permit (SUP). All vehicles shall be parked on paved surface if parked in front or side yards.
  2. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on two (2) acres or larger.
  3. Open storage is prohibited (except for materials for the residents personal use or consumption i.e. firewood, gardening materials, etc.).
  4. “No heavy load vehicle” as defined in the UDC (See Definition for Heavy Load Vehicle) shall be parked or stored overnight in any residential districts.
  5. Other Regulations - As established in the UDC Section 8.05 - Development Standards.

**PLANNING AREA D – TOWNHOMES (118 UNITS) OR SINGLE-FAMILY  
RESIDENTIAL DISTRICT (8,200 SQ. FT. AVERAGE)**

**P = Permitted Uses**

**SUP = May Be Approved As Specific Use Permit**

Accessory building (detached or attached) less than 500 sq. ft	P
Accessory building (detached) in excess of 500 sq. ft.	SUP
Accessory dwelling unit (detached) on lots 1.5 acres or large	SUP
All local utilities (municipal)	P
Amateur radio, TV, or CB antenna (less than 50 ft. in height)	P
Antenna: radio, TV, relay, microwave, or telecommunications (over 50 ft.)	SUP
Athletic stadium or field operated by the city or school district	P
Batching plant (temporary)	Temporary permit Issued by DRC
Church	P
City, County, State, and governmental offices	P
Community Center (private)	P
Detached private garage	P
Detached or Attached SF dwelling	P
Family Home per State requirements	P
Group family day home (day care) 12 children or less	P
Home occupations	P
Library (public)	P
Mobile home on individual lot	SUP
Modular home	P
Private park	P
Private school	SUP
Private street residential development (gated subdivision)	P
Public park or playground	P
Registered family home (day care) 12 children or less	P
Religious or philanthropic institution not listed	SUP
School (public)	P
Temporary field construction office	P
Tourist home (bed and breakfast)	SUP
Townhome (attached or detached) family dwelling	P
Two-Family dwelling	P
Utility structures/sub-stations (Private or Franchised)	SUP

**SECTION 16.            PLANNING AREA E – SINGLE-FAMILY RESIDENTIAL DISTRICT  
(7,500 SQ. FT. AVERAGE)**

(a)    General Purpose and Description.

Planning Area E is intended to provide for a suitable residential environment on lots or parcels of land not less than six thousand five hundred (6,500) square feet. The range of lot sizes shall be a minimum of six thousand five hundred (6,500) square feet. The average lot size for Planning Area E shall be seven thousand five hundred (7,500) square feet.

(b)    Permitted Uses.

1.     Those uses specified in this Section.
2.     Single family detached dwellings.
3.     Municipally owned facilities and uses.
4.     Real estate sales offices during the development of residential subdivisions in which the office is located until eighty percent (80%) of the building permits of the platted lots in the subdivision are issued.
5.     Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Director of Community Development for non-compliance with the provisions of which the use was permitted.
6.     Detached accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business, as follows:
  - A.     A maximum of two (2) detached accessory buildings are permitted on any lot/tract. Accessory buildings less than one hundred twenty (120) square feet do not require a building permit but must comply with all height and setback requirements. Accessory buildings greater than one hundred twenty (120) square feet but less than five hundred (500) square feet (including detached garages) are allowed with a building permit. All accessory buildings greater than five hundred (500) square feet require a Specific Use Permit (SUP).
  - B.     A detached private garage or an attached private garage, used in conjunction with the main building within the regulations of the parking section (see Section 8.06 – Off-Street Parking and Loading Requirements) of the UDC. Side entry (J-type or swing) garages are permitted.
  - C.     One antenna less than fifty feet (50') in height (amateur or CB radio) and/or satellite dish antenna located in the rear yard.

- D. Detached living quarters/accessory dwelling units shall be permitted by Specific Use Permit (SUP) and are required to be on a lot one-and-a-half (1.5) acres or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member. The structure shall in any case not be leased or sold.
  - E. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
- 7. Swimming Pool (private).
  - 8. Such uses as may be permitted under the provisions of Specific Use Permits (SUP) in the UDC.
- (c) Height Regulations.
- Maximum Height** – Two and one-half (2½) stories or thirty-five feet (35') for the main building. For height requirements for accessory buildings, see UDC Section 8.09 – Accessory Buildings and Use Regulations.
- (d) Area Regulations
- 1. Size of Lots
    - A. **Minimum Lot Area** – Six thousand five hundred (6,500) square feet.
    - B. **Minimum Lot Width** – Fifty feet (50').
    - C. **Minimum Lot Depth** – One hundred feet (100').
  - 2. Size of Yards
    - A. **Minimum Front Yard** – Twenty five feet (25').
    - B. **Minimum Side Yard** – Ten percent (10%) of the lot width but no more than fifteen feet (15') required; fifteen feet (15') on corner lots adjacent to a street.
    - C. **Minimum Rear Yard** – Twenty feet (20') if adjacent to an alley; fifteen feet (15') if no alley exists; ten feet (10') for accessory buildings.
  - 3. **Maximum Lot Coverage** – Forty percent (40%) by main buildings and accessory buildings; sixty percent (60%) including driveways and parking areas.
  - 4. **Parking Regulations** – Single Family Dwelling Unit– A minimum of two (2) car garage on the same lot as the main structure.
  - 5. **Minimum Dwelling Unit Area** – One thousand four hundred (1,400) square feet.

(e) Special Requirements

1. No permanent use of temporary dwellings, such as travel trailers or mobile homes, may be used for on site dwelling purposes unless approved by a Specific Use Permit (SUP). All vehicles shall be parked on paved surface if parked in front or side yards.
2. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on two (2) acres or larger.
3. Open storage is prohibited (except for materials for the residents personal use or consumption i.e. firewood, gardening materials, etc.).
4. "No heavy load vehicle" as defined in the UDC (See Definition for Heavy Load Vehicle) shall be parked or stored overnight in any residential districts.
5. Other Regulations – As established in the UDC Section 8.05 – Development Standards.

**PLANNING AREA E – SINGLE FAMILY RESIDENTIAL  
DISTRICT (7,500 SQ. FT. AVERAGE)**

**P = Permitted Uses**

**SUP = May Be Approved As Specific Use Permit**

Accessory building (detached) less than 500 sq. ft	P
Accessory building (detached) in excess of 500 sq. ft.	SUP
Accessory dwelling unit (detached) on lots 1.5 acres or larger	SUP
All local utilities (municipal)	P
Amateur radio, TV, or CB antenna (less than 50 ft. in height)	P
Antenna: radio, TV, relay, microwave, or telecommunications (over 50 ft.)	SUP
Athletic stadium or field operated by the city or school district	P
Batching plant (temporary)	Temporary permit Issued by DRC
Church	P
City, County, State, and governmental offices	P
Detached private garage	P
Detached SF dwelling	P
Family Home per State requirements	P
Group family day home (day care) 12 children or less	SUP
Home occupations	P
Library (public)	P
Mobile home on individual lot	SUP
Modular home	P
Private park	P
Private school	SUP
Private street residential development (gated subdivision)	P
Public park or playground	P
Registered family home (day care) 12 children or less	P
Religious or philanthropic institution not listed	SUP
School (public)	P
Temporary field construction office	P
Tourist home (bed and breakfast)	SUP
Utility structures/sub stations (Private or Franchised)	SUP

**SECTION 17.**

**PLANNING AREA F – SINGLE-FAMILY RESIDENTIAL DISTRICT  
(15,000 SQ. FT. MINIMUM)**

(a) General Purpose and Description

Planning Area F - Single Family Residential District - 15,000 is intended to be similar to the UDC SF-20 zoning district except composed of detached, single family residences on lots of not less than fifteen thousand (15,000) square feet.

(b) Permitted Uses

1. Those uses specified in this Section.
2. Single-family detached dwellings.
3. Municipally-owned facilities and uses.
4. Real estate sales offices during the development of residential subdivisions in which the office is located until eighty percent (80%) of the building permits of the platted lots in the subdivision are issued.
5. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Director of Community Development for non-compliance with the provisions of which the use was permitted.
6. Detached accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business, as follows:
  - A. A maximum of two (2) detached accessory buildings are permitted on any lot/tract. Accessory buildings less than one hundred twenty (120) square feet do not require a building permit but must comply with all height and setback requirements. Accessory buildings greater than one hundred twenty (120) square feet but less than five hundred (500) square feet (including detached garages) are allowed with a building permit. All accessory buildings greater than five hundred (500) square feet require a Specific Use Permit (SUP).
  - B. A detached private garage or an attached private garage, used in conjunction with the main building within the regulations of the parking section (See Section 8.06 – Off-Street Parking and Loading Requirements) the UDC.
  - C. One antenna less than fifty feet (50') in height (amateur or CB radio) and/or satellite dish antenna located in the rear yard.
  - D. Detached living quarters/accessory dwelling units shall be permitted by Specific Use Permit (SUP) and are required to be on a lot one-and-a-half (1.5) acres or larger. No such accessory building or quarters shall be used or

occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member. The structure shall in any case not be leased or sold.

- E. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
- 7. Swimming Pool (private).
- 8. Such uses as may be permitted under the provisions of Specific Use Permits (SUP) in the UDC.

(c) Height Regulations

**Maximum Height** - Two and one-half (2½) stories, not to exceed thirty-five feet (35') for the main building. For height requirements for accessory buildings, see UDC Section 8.09 Accessory Buildings and Use Regulations.

(d) Area Regulations

1. Size of Lots

- A. **Minimum Lot Area** - Fifteen thousand (15,000) square feet.
- B. **Minimum Lot Width** - One hundred five feet (105').
- C. **Minimum Lot Depth** - One hundred twenty-five feet (125').

2. Size of Yards

- A. **Minimum Front Yard** - Thirty feet (30').
- B. **Minimum Side Yard** - Ten percent (10%) of the lot width but no more than fifteen feet (15') required; fifteen feet (15') on corner lots adjacent to a street.
- C. **Minimum Rear Yard** - Twenty feet (20') adjacent to an alley; fifteen feet (15') if no alley exists; ten feet (10') for accessory buildings.

3. **Maximum Lot Coverage** - Thirty-five percent (35%) by main buildings; fifty-five percent (55%) including accessory buildings, driveways, and parking areas.

4. **Parking Regulations** - Single-Family Dwelling Unit - A minimum of two (2) car garage on the same lot as the main structure.

5. **Minimum Dwelling Unit Area** - Two thousand (2,000) square feet.

(e) Special Requirements

1. No permanent use of temporary dwellings, such as travel trailers or mobile homes, may be used for on-site dwelling purposes unless approved by a Specific Use Permit (SUP). All vehicles shall be parked on paved surface if parked in front or side yards.
2. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on two (2) acres or larger.
3. Open storage is prohibited (except for materials for the residents personal use or consumption i.e. firewood, gardening materials, etc.).
4. "No heavy load vehicle", as defined in the UDC (See Definition for Heavy Load Vehicle) shall be parked or stored overnight in any residential districts.
5. Other Regulations - As established in the UDC Section 8.05 - Development Standards.

**PLANNING AREA F – SINGLE-FAMILY RESIDENTIAL DISTRICT  
(15,000 SQ. FT. MINIMUM)**

**P = Permitted Uses**

**SUP = May be Approved as Specific Use Permit**

Accessory building (detached) less than 500 sq. ft	P
Accessory building (detached) in excess of 500 sq. ft	SUP
Accessory dwelling unit (detached) on lots 1.5 acres or larger	SUP
All local utilities (municipal)	P
Amateur radio, TV, or CB antenna (less than 50 ft. in height)	P
Antenna: radio, TV, relay, microwave, or telecommunications (over 50 ft.)	SUP
Ahletic stadium or field operated by the city or school district	P
Batching plant (temporary)	Temporary Permit Issued by DRC
Church	P
City, County, State, and governmental offices	P
Detached private garage	P
Detached SF dwelling	P
Family Home per State requirements	P
Group family day home (day care) 12 children or less	SUP
Home occupations	P
Library (public)	P
Mobile home on individual lot	SUP
Modular home	P
Private park	P
Private school	SUP
Private street residential development (gated subdivision)	P
Public park or playground	P
Registered family home (day care) 12 children or less	P
Religious or philanthropic institution not listed	SUP
School (public)	P
Temporary field construction office	P
Tourist home (bed and breakfast)	SUP
Utility structures/sub-stations (Private or Franchised)	SUP

**SECTION 18. PLANNING AREA G – COMMERCIAL DISTRICT**

(a) General Purpose and Description

The C, Commercial District is intended predominately for certain retail, and light intensity wholesale and commercial uses of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with typical office, other retail, shopping, and residential environments. Any use with outside storage requires a Specific Use Permit.

(b) Permitted Uses

1. Those uses specified in this Section.
2. Such uses as may be permitted under provisions of Specific Use Permits (SUP).

(c) Height Regulations

1. **Maximum Height**

- A. Six (6) stories, seventy-two feet (72')
- B. Additional height may be allowed by a Specific Use Permit (SUP) on a case-by-case basis.

2. **Residential Proximity Slope**

- A. A residential proximity slope is a plane projected upward and outward from property located in Planning Areas A, D, E, and F as shown in Exhibit "D".
- B. The slope is projected from the line formed by the intersection of the vertical plane extending through the property located in Planning Areas A, D, E, and F and the average grade of the restricted structure in this planning area.
- C. The angle and extent of the projection of the residential proximity slope shall be one to one (1:1) for buildings over thirty-five feet (35') in height and shall terminate fifty feet (50') from the site of origin.

(d) Area Regulations

1. Size of Yards

- A. **Minimum Front Yard** - Thirty feet (30'); all yards adjacent to a street shall be considered a front yard.
- B. **Minimum Side Yard** - None.

- C. **Minimum Rear Yard** - Twenty feet (20').
  - D. **Adjacent to a Single-Family District** - The side or rear setback, whichever is adjacent to the single-family zoning district shall observe a twenty -five foot (25') setback.
  - E. **Adjacent to Open Space** – The side or rear setback, whichever is adjacent to open space, including wetlands, shall observe a five foot (5') setback.
2. Size of Lots
- A. **Minimum Lot Size** - Thirty three thousand (33,000) square feet.
  - B. **Minimum Lot Width** - One hundred fifty feet (150').
  - C. **Minimum Lot Depth** - None.
- (e) Other Regulations
- 1. As established in UDC Section 8.05 - Development Standards.
  - 2. Parking Requirements: As established in UDC Section 8.06 - Off Street Parking and Loading Requirements.
  - 3. No permanent use of temporary dwellings, such as travel trailers or mobile homes, may be used for on-site dwelling or non-residential purposes.
  - 4. Site Plan submittal is required.
  - 5. No outside storage is permitted unless approved by a Specific Use Permit (SUP).
- (f) Compliances With State Laws and Federal Laws
- No uses shall be allowed which are prohibited by State law or which operate in excess of State or National environmental or pollution standards as determined by the U.S. Environmental Protection Agency, Texas Air Control Board, Texas State Department of Health, or The Texas Water Quality Control Board, as the case may be.

## PLANNING AREA G – COMMERCIAL DISTRICT

**P = Permitted Uses**

**SUP = May Be Approved As Specific Use Permit**

Administrative or corporate offices	P
*All uses listed in UDC Retail Zoning District with the same conditions	P
Church	P
City, County, State, and governmental offices	P
College, university or private boarding school	P
Commercial engraving/printing	SUP
Contractor shop	SUP
Convenience store with gas pumps	SUP
Copy shop or printing shop	P
Dry cleaning (small shop)	P
Dry cleaning plant or commercial laundry	P
Family home/adult care/day car	P
Freight or truck terminal yard	SUP
Funeral parlor or mortuary	P
Furniture restoration, wholly enclosed in a building	P
Greenhouses and nurseries	SUP
Gunsmith (repair only)	P
Heating and air conditioning sales and services (enclosed building without outside storage)	P
Heavy machinery sales and service	SUP
Heavy vehicle storage	SUP
Heliports and helistops	SUP
Hospital	P
Hotel and motel	P
Light manufacturing in enclosed building	P
Metal recycling collection center	SUP
Miniature golf, driving range, and putting course	SUP
Mini-warehouse or self-service storage warehouse	SUP
Monuments and headstones sales with outside storage	SUP
Newspaper printing	P
Overnight delivery and service center	SUP
Pawnshop	P
Pet grooming, no outside pens	P
Portable building sales with outside storage	SUP
Printing company (commercial)	P
Private club with alcoholic beverages sales	P
Public parking garage	SUP
Quarters for caretaker as a part of primary structure	P
Research and scientific laboratories	P
Retail and services in enclosed building	P
Retirement home and/or nursing home	P
Roller skating rink	SUP
Theater	P
Tool and machinery rental shop	SUP
Tourist home (bed and breakfast)	SUP
Veterinarian office with outside pens	SUP
Wallpaper, flooring, and carpet supply	P
Wholesale distribution center and warehousing	P

\* All uses requiring a SUP in Retail District will require a SUP in Commercial District

**SECTION 19.           LANDSCAPE REQUIREMENTS**

- (a) There shall be a one hundred foot (100') landscape buffer on the Property in Planning Area F & G as reflected on the concept plan attached as Exhibit "C".
- (b) The one hundred foot (100') landscape buffer shall be measured from the future Mt. Gilead right-of-way which is shown on the City's Thoroughfare Plan as a four lane undivided road with an eighty-eight foot (88') right-of-way. The required right-of-way dedication is not to exceed nineteen feet (19') from edge of existing pavement or forty-four feet (44') from the centerline of Mt. Gilead Road, whichever is less.
- (c) The one hundred foot (100') landscape buffer in Planning Area F & G may count towards the park and open space requirements.
- (d) Landscape buffers are not required on the side of the Property adjoining areas designated as open space.

**SECTION 20.           TREE PRESERVATION**

- (a) A tree survey is not required as part of this rezoning. All subsequent applications as required by the UDC for land development shall comply with the tree preservation requirements of Article Nine – Tree Preservation.
- (b) Street trees and open space plantings in common areas such as, but not limited to buffer yards shown on a detailed site plan, will count toward replacement.

**SECTION 21.           SIGNS**

All non-premise signs currently in existence shall be allowed to remain on the Property until the time a building permit is secured for that portion of the Property, as reflected on the site plan, where the sign is located.

**SECTION 22.           MASTER PLAN AND RELATED PLANS AND DOCUMENTS**

The Director shall correct the City's Master Plan and related plans and documents to reflect the changes in zoning made by this document.

**SECTION 23.           OFFICIAL ZONING MAP**

The Director shall correct the Official Zoning Map in the City Secretary's Office and the Department of Community Development to reflect the changes in zoning made by this document.

**SECTION 24.           OTHER PLANS NEEDED FOR LAND DEVELOPMENT**

- (a) A Thoroughfare and Street Plan and any other plans needed for land development will be provided by the applicant prior to or concurrent with each detailed development site plan or plat for that portion of the abutting property.

- (b) The Thoroughfare and Street Plan and any other plans needed for land development, if approved by the City, will take precedent over the City's plans.

## EXHIBIT "A" – PROPERTY DESCRIPTION

A part of the J.J. ROBERTS SURVEY, Abstract No. 1305 and the GUSTAVIS GILBERT SURVEY, Abstract No. 577, situated in the City of Keller in Tarrant County, Texas; and embracing the 148-20/100 acres tract described in the deed to Louis Engler recorded in volume 1919, page 130 of the Tarrant County Deed Records, the 83-84/100 acres tract described in the deed to Louis Engler recorded in volume 1916, page 471 of the said Deed Records and the 60 acres tract described in the deed to Louis Engler recorded in volume 1968, page 196 of the said Deed Records and more particularly described as follows:

Beginning at the intersection of the east right of way of U.S. Highway No. 377 with the south line of the said J.J. Roberts Survey for the southwest corner of said 83-84/100 acres tract in a curve to the right with a radius of 3759-83/100 feet from which a 5/8" iron set bears north 16 degree-14 minutes-34 seconds east 26-01/100 feet.

Thence northeasterly, along the arc of the said curve to the right for the said east right of way of U.S. Highway No. 377 an arc length of 577-10/100 feet to a concrete Highway Department monument found at its end, the long chord of the said 577-10/100 feet arc is north 20 degrees-26 minutes-34 seconds east 576-54/100 feet.

Thence north 24 degrees-50 minutes east, continuing along the said east right of way line of U.S. Highway 377, a distance of 4941-47/100 feet to a 5/8" capped iron found at the intersection of the said east right of way line of U.S. Highway No. 377 and the east line of the said 148-20/100 acres tract.

Thence south no degrees-17 minutes-45 seconds west, along an east line of the said 148-20/100 acres tract, 1403-08/100 feet to a 1/2" capped iron found for a reentrant corner of the said 148-20/100 acres tract.

Thence north 89 degrees-59 minutes-36 seconds east, along the north line of the said 148-20/100 acres tract, 2649-43/100 feet to a 1/2" capped iron found for the northeast corner of the said 148-20/100 acres tract.

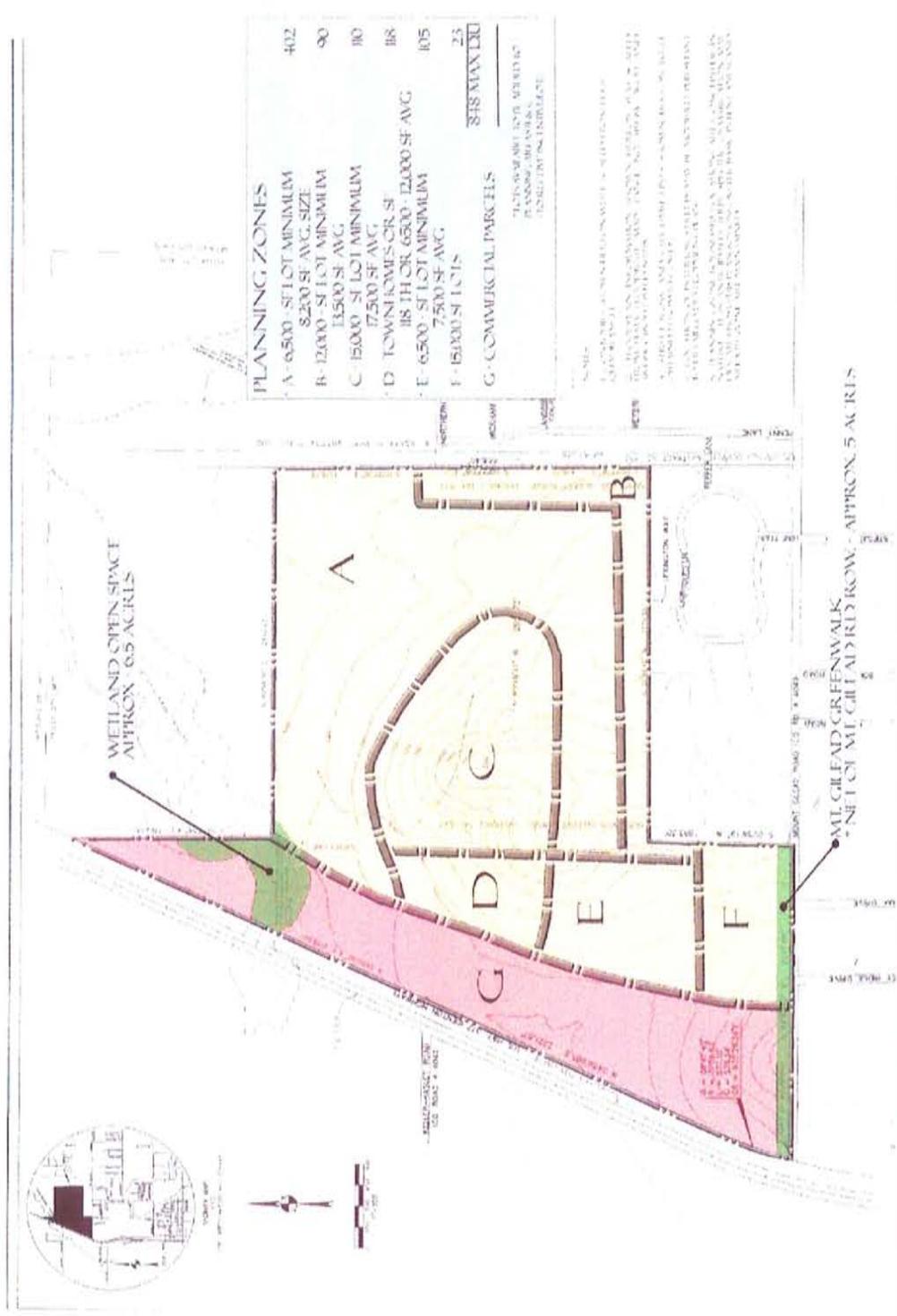
Thence south no degrees-27 minutes-08 seconds east, along the east line of the said 148-20/100 acres tract, to and along the east line of the said 60 acres tract, 2620-94/100 feet to a 5/8" iron found for the northeast corner of the 60-9/10 acres tract described in the deed to Fort Worth Salvage, Inc. recorded in volume 5802, page 886 of the said Deed Records.

Thence north 89 degrees-49 minutes-41 seconds west, along the north line of said 60-9/10 acres tract for the south line of the said 60 acres tract, 2674-99/100 feet to a 5/8" iron set for the northwest corner of the said 60-9/10 acres tract.

Thence south no degrees-56 minutes-19 seconds west, along the west line of the said 60-9/10 acres tract, at 992-53/100 feet pass a 1/2" iron found, in all a distance of 1017-53/100 feet to the said south line of the J.J. Roberts Survey in Mount Gilead Road.

Thence north 89 degrees-47 minutes-27 seconds west, along the said south line of J.J. Roberts Survey and the said 83-84/100 acres tract in said Mount Gilead Road, 2247-86/100 feet to the place of beginning and containing 293-166/1000 acres.

# EXHIBIT "C" - CONCEPT PLAN



**PLANNING ZONES**

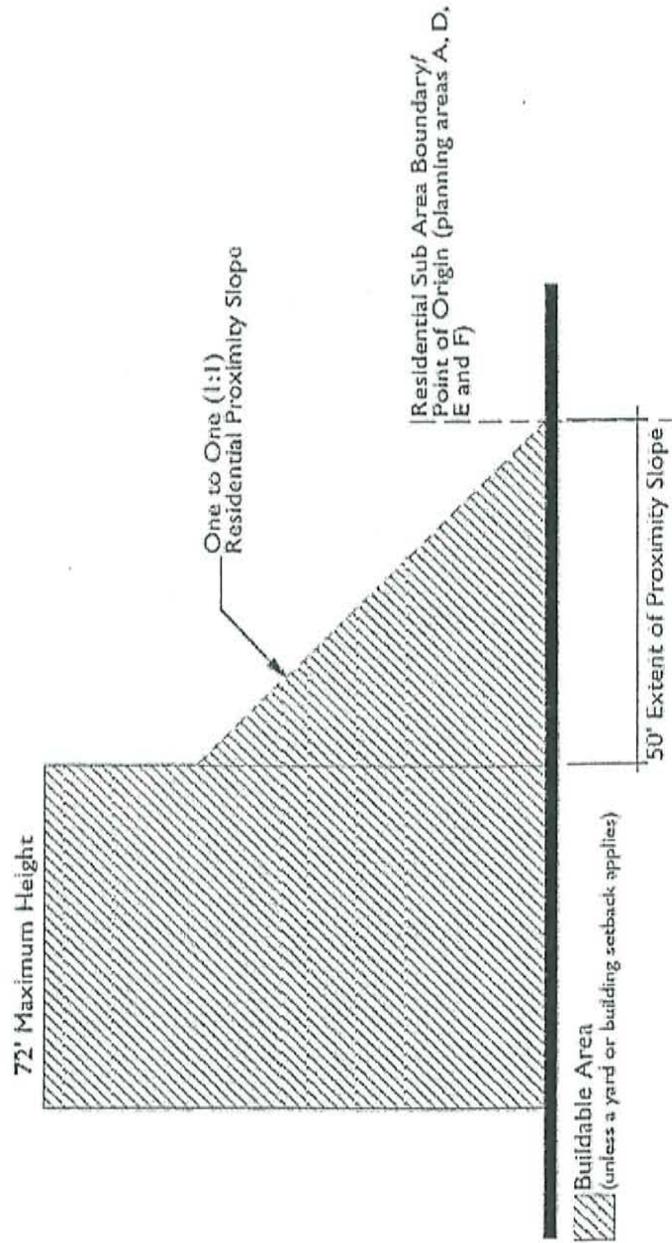
A - 6500 - SF LOT MINIMUM 8200 SF AVG. SIZE	402
B - 12000 - SF LOT MINIMUM 13500 SF AVG.	90
C - 15000 - SF LOT MINIMUM 17500 SF AVG.	180
D - TOWNHOMES CR. SF 18 TH CR. 6500 - 12000 SF AVG.	188
E - 6500 - SF LOT MINIMUM 7500 SF AVG.	105
F - 15000 SF LOTS	25
G - COMMERCIAL PARCELS	SFS MAX LND

7. FACTORS THAT MAY AFFECT THE PLANNING ZONES AND THE DENSITY OF DEVELOPMENT ARE:

- 1. LOCATION OF DEVELOPMENT WITHIN THE PLANNING ZONE
- 2. LOCATION OF DEVELOPMENT WITHIN THE PLANNING ZONE
- 3. LOCATION OF DEVELOPMENT WITHIN THE PLANNING ZONE
- 4. LOCATION OF DEVELOPMENT WITHIN THE PLANNING ZONE
- 5. LOCATION OF DEVELOPMENT WITHIN THE PLANNING ZONE
- 6. LOCATION OF DEVELOPMENT WITHIN THE PLANNING ZONE
- 7. LOCATION OF DEVELOPMENT WITHIN THE PLANNING ZONE
- 8. LOCATION OF DEVELOPMENT WITHIN THE PLANNING ZONE
- 9. LOCATION OF DEVELOPMENT WITHIN THE PLANNING ZONE
- 10. LOCATION OF DEVELOPMENT WITHIN THE PLANNING ZONE

ENGLEER PROPERTY **RTM** CONCEPTUAL PLAN

EXHIBIT "D" - RESIDENTIAL PROXIMITY SLOPE DIAGRAM



**RESIDENTIAL PROXIMITY SLOPE**  
For buildings over 35' in height.