

**Exhibit B – Land Use and Development Regulations – Ordinance No. xxxx – Page 1 of 11**

Zoning Case ZC23-0051

Willow Springs

Tracts 3, 3D, and 3D1, William Cox Survey, Abstract 321

Tracts 1 and 1B, Eliza Ann Cross Survey, Abstract 281

6900-7100 block Davis Boulevard, North Richland Hills, Texas

This Residential Planned Development (R-PD) District must adhere to all the conditions of the North Richland Hills Code of Ordinances, as amended, and adopt a base district of R-2 (Single-Family Residential), unless otherwise stated herein. The following regulations must be specific to this R-PD district. Where these regulations conflict with or overlap another ordinance, easement, covenant or deed restriction, this document will prevail.

**A. PERMITTED LAND USES**

Uses in this R-PD are limited to those permitted in the R-2 (Single Family Residential) zoning district, as amended, and subject to the following.

1. Any land use requiring a special use permit in the R-2 (Single-Family Residential) zoning district, as amended, is only allowed if a special use permit is issued for the use.
2. Any land use prohibited in the R-2 (Single-Family Residential) zoning district, as amended, is also prohibited.
3. This R-PD shall contain no more than sixty-three (63) single-family homes meeting the standards contained herein.

**B. SITE DEVELOPMENT STANDARDS**

Development of the property must comply with the development standards of the R-2 (Single-Family Residential) zoning district unless otherwise provided below.

1. **Lot dimensions and setbacks.** The minimum standards for lot dimensions and setbacks are as follows. These standards are the minimum requirements except where noted in the table.

STANDARD	MINIMUM REQUIREMENT
Lot area	5,000 square feet
Lot width, interior	50 feet
Lot width, corner	60 feet
Lot depth	110 feet
Front building line	15 feet
Garage building line	20 feet
Side building line	5 feet interior 15 feet on corner street side
Rear building line	10 feet
Rear yard open space	Not required
Building area coverage (maximum)	60% of lot area

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2. Structures listed below may project into specified required setbacks. Projections must not extend or encroach into a public or private easement or right-of-way.
  - 1) Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may encroach up to eight (8) feet into a front setback. The covered porch or entrance area encroaching into the setback must be unenclosed and remain exterior to the building, but may be enclosed by a railing.
3. **Open space and landscaping.** Landscaping must generally follow the design as shown on the conceptual landscape plan attached as Exhibit “C” and is subject to the following.
  - 1) A landscape plan for the development must be prepared by a Registered Landscape Architect. The plan must be submitted with the public infrastructure plans for the development and is subject to approval by the Development Review Committee.
  - 2) *Required open space.* Open space must be provided as generally shown on the conceptual landscape plan attached as Exhibit “C” and as follows.
    - i. The development must set aside at least seventeen percent (17%) of the land area as common open space. The common open space areas must be designed generally as shown on the site plan attached as Exhibit “C.”
    - ii. A twenty (20) foot wide landscape buffer must be provided adjacent to the residential properties in the Stonybrooke Addition.
    - iii. All common open space areas and amenities must be owned and maintained by the homeowner’s association.
  - 3) *Minimum open space planting.* Large/Canopy and Small/Ornamental trees must be planted and maintained within open space lots and along public streets adjacent to open spaces generally as shown on Exhibit “C” and as follows.
    - i. *Davis Boulevard Frontage.* Street trees must be planted in open space lots adjacent to Davis Boulevard. One (1) tree per fifty (50) linear feet of street frontage must be provided. At least fifty percent (50%) of the trees must be an evergreen species. All trees must be located between Davis Boulevard and the required masonry screening wall.
    - ii. *Interior Open Space Lots.* Open space areas internal to the neighborhood, excluding the drainage channel area and east 20-foot landscape buffer, must be generally landscaped as shown on Exhibit “C.”
    - iii. *East 20-foot Landscape Buffer (“the buffer”).* The following standards shall apply to the 20-foot landscape buffer located along the eastern property line adjacent to the Stonybrooke Addition.

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- a. *Tree protection and mitigation.* All protected trees identified by the Tree Preservation Plan for this development to be preserved within the buffer are subject to tree mitigation from the effective date of this ordinance to two (2) years following the final acceptance of the subdivision. Trees lost to the removal, death, or disease within that period must be mitigated pursuant to Section 114-35 of the Vegetation Chapter of the City of North Richland Hills, as amended. The replacement requirement for this 20-foot buffer is calculated at 0.9 caliper inches per 1 caliper inches of trees lost or removed. All tree removal must be approved by the Development Review Committee.
  - b. *Minimum tree cover.* Prior to subdivision acceptance and within the two (2) years after the date of final subdivision acceptance, at least one (1) North Texas native large tree must be planted per thirty (30) linear feet. Existing trees that are preserved and maintained in the buffer area may count toward this minimum spacing requirement. The intent of this regulation is to maintain a consistent tree canopy without any large gaps.
  - c. *Maintenance and irrigation of new plantings.* The homeowners association must maintain the buffer area on a monthly basis, including tree care and maintenance, litter removal, and understory growth clearance as needed. New/replacement trees must be irrigated for a period of at least one year following installation.
- 4) *Streetscape and residential lots.* Landscaping on and adjacent to individual residential lots is subject to the following.
- i. For all single-family lots, one (1) street tree must be planted between the sidewalk and curb adjacent to the front of each lot. On corner lots, two (2) street trees must be planted between the sidewalk and curb adjacent to the side of each lot. The tree must be a hardwood species such as oak, elm, maple, or similar species. The street trees must be spaced a minimum of twenty (20) feet apart and must be maintained to provide proper clearance along the sidewalk and street.
  - ii. On all residential lots, at least two (2) trees must be installed. At least one (1) tree must be a Large/Canopy Tree of a hardwood species such as oak, elm, maple, or similar species at least three (3) caliper inches in size. One (1) tree may be a Small/Ornamental tree selected from the City's Plant List.
  - iii. The front yard of all lots must be landscaped with a minimum of five (5) three-gallon shrubs and five (5) one-gallon shrubs. The shrubs must include at least two different species.

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- 1) *Irrigation required.* All landscaped areas of each residential lot and each open space lot must be watered by an automatic underground irrigation system equipped with rain and freeze sensors. All large and ornamental trees must be on bubbler/drip irrigation on separate zones from turf grass.
- 5) *Tree mitigation.* Unless otherwise specified herein, the tree planting as generally shown on Exhibit “C”, and described above, shall satisfy any required tree mitigation for the development.
4. **Walls and fences.** Walls and fencing must be designed as shown on the site plan attached as Exhibit “C” and is subject to the following.
  - 1) *Davis Boulevard.* A minimum six-foot tall masonry screening wall must be constructed adjacent to Davis Boulevard, as depicted on Exhibit “C.” The developer is responsible for the masonry wall construction as part of the public improvements for the subdivision. The masonry wall must be complete prior to the issuance of building permits for the development.
    - i. The wall must be constructed as a traditional masonry wall meeting the design standards of the Public Works Design Manual. Precast concrete panel walls are prohibited.
    - ii. Masonry columns sized with a minimum dimension of 16 inch by 16 inch and at least 6 inches taller than the wall height must be provided at a spacing of 100 or 150 feet on center.
    - iii. A twelve-inch (12”) concrete mow strip must be constructed with the wall.
  - 2) Fences on Willow Springs residential lots adjacent to existing Stonybrooke Addition residential properties must comply with the following.
    - i. On residential lots adjacent to existing Stonybrooke Addition residential properties, rear or side yard fencing must be an eight-foot (8’) board-on-board pre-stained cedar fence with metal posts, top cap, top trim, and weather-treated baseboard. The fence must be set at the top of any retaining wall required for proper grading and drainage and/or a 12- to 18-inch concrete mow strip.
    - ii. To encourage the preservation of trees adjacent to the existing Stonybrooke Addition, no new fencing is required along the east property line of the neighborhood.
  - 3) Builder or homeowner installed fencing visible from the public street, if provided, must be either ornamental metal, wood-grain vinyl, or board-on-board pre-stained cedar fence with metal posts, top cap, top trim, and weather-treated baseboard. The

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fence must not exceed eight (8) feet in height. The finished side of the fence must face the street.

- 4) Builder or homeowner installed rear or side yard fencing adjacent to an open space lot, if provided, must be ornamental metal. A vegetative screen may be installed for privacy. Opaque fences or opaque fencing materials are prohibited adjacent to open space lots.
- 5) Standard wood privacy fences with metal poles may be constructed on residential lots in locations other than described in this subsection. The fence must not exceed eight (8) feet in height. However, where a privacy fence intersects an ornamental metal fence on an open space lot or a masonry screening wall, the privacy fence must transition to six (6) feet in height over the course of at least one fence panel.
5. **Sidewalks and crosswalks.** Sidewalks and crosswalks must be designed as shown on the site plan attached as Exhibit “C” and are subject to the following.
  - 1) A five-foot wide sidewalk must be constructed on Davis Boulevard. The developer is responsible for the sidewalk construction as part of the public improvements for the subdivision.
  - 2) A four-foot wide sidewalk must be constructed on internal streets adjacent to all open space lots. The developer is responsible for the sidewalk construction as part of the public improvements for the subdivision.
  - 3) A four-foot wide sidewalk must be constructed on internal streets adjacent to all single-family residential lots. The builder is responsible for the sidewalk construction.
  - 4) Crosswalks must be designed and installed as shown on the site plan attached as Exhibit “C.” All crosswalks must be at least six (6) feet wide and enhanced with a decorative stamp and stain or dyed as approved by the Development Review Committee.
6. **Franchise Utilities.** Franchise utility construction is subject to the following.
  - 1) Streetlights must be selected from Oncor’s decorative street lighting options. Fiberglass and galvanized metal poles are prohibited.
  - 2) Lateral and service lines for all franchise utilities must be placed and maintained underground.
  - 3) The utilities may be located at the front of the residential lots. All utility pedestals and boxes must be setback at least five (5) feet from the sidewalk and within a utility easement.

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- 4) In the event the lines are not necessary to provide service to the development, the lines and poles must be removed. No new aerial utilities may be installed as a result of this development.
  - 5) Ground-mounted equipment such as HVAC equipment, lift stations, franchise utility meters, and other machinery must be located at the side or rear of the building. If this standard cannot be met, alternative location standards may be approved by the Development Review Committee. Ground-mounted equipment must be screened from view of common open spaces and public streets.
7. **Drainage channel.** The existing drainage channel is subject to the following:
- 1) All protected trees identified by the Tree Preservation Plan for this development to be preserved along the channel are subject to tree mitigation from the effective date of this ordinance to two (2) years following the final acceptance of the subdivision. Trees lost as a result of construction activities within that period must be mitigated pursuant to Section 114-35 of the Vegetation Chapter of the City of North Richland Hills, as amended.
  - 2) Operation and maintenance of the existing channel shall be the responsibility of the Home Owner's Association as generally expressed herein:
    - i. Culverts shall remain clear and unobstructed at all times.
    - ii. Weeds, brush, and woody vegetation shall be controlled along the embankments. This vegetation and its roots shall be removed before it reaches 1 foot in height, or  $\frac{3}{4}$  inch in diameter. In cases where the roots cannot be removed, the root systems shall be treated with herbicides that are in accordance with applicable Federal, State, and local laws and regulations. Vegetation located within the limits of a jurisdictional stream or water way, should one exist, shall remain undisturbed.
    - iii. Soil that is removed from the embankments, slopes, and other earthen appurtenances by erosion, vandalism, rodents, vehicles or other causes shall be replaced to original slopes and grades.
    - iv. Mosquitoes shall be controlled regularly and/or as needed with pesticides that are in accordance with applicable Federal, State, and local laws and regulations.
  - 3) Culvert and bridge crossing design must comply with the City Image Study recommendations.
8. **Mailboxes.** The development must include cluster mailboxes. The mailbox design must be equipped with decorative tops and pedestals. The location and design must be approved by the Development Review Committee and US Postal Service.

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9. **Entry features and signs.** Development entry features and signs must be designed and installed in accordance with *Chapter 106 – Signs* of the North Richland Hills Code of Ordinances and details attached as Exhibit “C.”
10. **Construction entrance(s).** Construction ingress and egress for both the development and homebuilding is limited to Davis Boulevard only. Construction access from Brookhaven Drive or Brookview Drive is not permitted.

**C. BUILDING DESIGN STANDARDS**

Building design and appearance must comply with the standards described below.

1. *Dwelling unit size.* The minimum dwelling unit size is 1,800 square feet for a maximum of fifteen (15) lots. Dwelling units on all other lots must be at least 2,000 square feet.
2. *Height.* The maximum structure height is thirty-eight (38) feet.
3. *Garages.* Garages are subject to the following.
  - a. Front entry garages are permitted within the development. At least nineteen (19) houses must have individual doors separated by a minimum twelve-inch (12) wide column.
  - b. The garage entry for front entry garages must be set back at least twenty (20) feet from the property line.
  - c. The proportion of garage doors on a front building façade may not exceed fifty (50) percent of the building width.
  - d. Garage doors must include at least two of the following elements.
    - i. Two individual garage doors.
    - ii. Decorative windows.
    - iii. Decorative hardware.
    - iv. Raised or recessed panels, reveals with texture.
    - v. Garage door paint or stain that is significantly contrasting in color than the trim of the dwelling.
4. *Driveways.* Driveways are subject to the following.
  - a. Surface materials for driveways must be salt finished, aggregate pebble, paverstone, broom finish with minimum 6-inch smooth border at edges and joints, or stamped and stained concrete.
  - b. Drive approaches are prohibited on Davis Boulevard.

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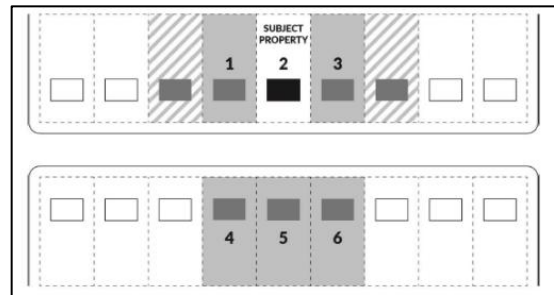
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- c. The maximum width of driveways shall be 20 feet.
  - d. Driveways on corner lots should be located on the side street and at the rear of the dwelling furthest from the intersection. Alternatively, the driveway may be located on the front-facing street provided the driveway is located on the side of the lot furthest from the intersection.
5. *Roofs.* Building roofs are subject to the following.
- a. Roof must have a minimum pitch of 8:12 on front elevation of house, and a minimum pitch of 6:12 on the sides. Accent roofs, porch roofs, and shed roofs must be pitched 4:12 or greater.
  - b. Roofing materials must have a minimum 30-year warranty.
  - c. Three-tab shingles are prohibited.
  - d. Mansard, gambrel, chalet, and flat roofs are prohibited.
6. *Anti-monotony standards.* Building elevations and floor plans are subject to the following. The purpose of this section is limit the effects of repetition and uniformity by requiring substantive variation and diversity in front elevations within a certain lot pattern.
- a. The same front building elevation may not be repeated more frequently than every fourth lot.

- b. There must be at least two (2) dwellings located between dwelling units that have the same building elevation or the same floor plan.



- c. The same floor plan may not be used if a dwelling with that floor plan already exists either directly across the street or diagonally across the street.
- d. A dwelling is considered sufficiently differentiated when three of the following elements are satisfied:
  - i. Different number of full stories.
  - ii. Change in the roofline that is at least fifty percent (50%) of the width of the front elevation.
  - iii. Change in roof pitch of at least two units of change, e.g., 6:12 pitch to 8:12 pitch.
  - iv. Inclusion or exclusion of a front porch, or change in height of a front porch roof by at least four (4) feet.
  - v. Difference in the number of dormers.



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- vi. Garages recessed or projected by at least four (4) feet.
  - vii. Change in exterior materials covering fifty percent (50%) or more of the wall coverage on the front elevation, excluding door and window openings.
  - viii. Difference in the number of windows, provided there is at least two (2) feet of separation between windows when two or more windows are present.
- e. The following elements will not be considered when evaluating the elements stated above.
- i. Change in paint or material color.
  - ii. Change in roof pitch of less than two units of change, e.g., 5:12 pitch to 6:12 pitch.
  - iii. Change in roofline of less than fifty percent (50%) of the width of the front elevation.
  - iv. Minor changes in exterior architectural features.
  - v. Same proportions of exterior features, including flipped or mirrored front elevations.
  - vi. Changes in roof material.
7. *Architectural elements.* Architectural design is subject to the following.
- a. Each building must include at least one decorative coach lighting fixture of at least thirteen (13) inches in height on the front elevation.
  - b. Each building must also include at least three of the following architectural elements.
    - i. At least two distinct masonry materials.
    - ii. Divided light or border light windows on street facing elevations, including front elevations and side elevations on corner lots.
    - iii. Enhanced brick details, such as herringbone, rowlocks, etc.
    - iv. Metal seam roof accents.
    - v. Cedar shutter accents that are at least one-half the width of the window.
    - vi. Cast stone accents.
    - vii. Front porches with a minimum depth of at least six (6) feet and an area of at least sixty (60) square feet.
    - viii. Cedar columns.
    - ix. Dormers.
    - x. Balconies.

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- xi. Eight-foot tall entry doors.

#### **D. PROPERTY OWNER'S ASSOCIATION**

Each lot owner must be a mandatory member of the homeowners' association (HOA). Conditions, covenants, and restrictions (CC&Rs) for all property within the R-PD district must be recorded in the official public records of Tarrant County by the owner before a final subdivision plat may be filed, a lot sold, or a building permit issued. Conditions, covenants, and restrictions that relate to provisions required in this district must be approved by the city attorney, and they must:

1. Create a property owners' association with mandatory membership for each property owner.
2. Establish architectural standards that are in conformity with the requirements of this R-PD district.
3. Create an architectural review committee to review development for compliance with the architectural standards and issue certificates of approval for additions and exterior remodels prior to a building permit application.
4. Provide for the maintenance of the landscaping and trees within the right-of-way.
5. Provide for the maintenance of all common amenities, common areas, open space lots, and associated landscaping and irrigation.
6. Provide for the maintenance of fences and walls adjacent to open space lots and/or within dedicated wall easements.
7. At a minimum, the conditions, covenants, and restrictions establishing and creating the mandatory property owners' association must contain and/or provide for the following:
  - a. Definitions of terms contained therein;
  - b. Provisions acceptable to the City for the establishment and organization of the mandatory property owners' association and the adoption of bylaws for the association, including provisions requiring that the owner of any lot within the applicable subdivision and any successive buyer shall automatically and mandatorily become a member of the association;
  - c. The initial term of the covenants, codes, and restrictions establishing and creating the association must be for a 50-year period and must automatically renew for successive ten-year periods, and the association may not be dissolved without the prior written consent of the City;
  - d. The right and ability of the City or its lawful agents, after due notice to the association, to remove any landscape systems, features, or elements that cease to be maintained by the association; to perform the responsibilities of the association if the association

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- fails to do so in compliance with any provisions of the covenants, codes, and restrictions of the association or of any applicable city code or regulations; to assess the association for all costs incurred by the City in performing said responsibilities if the association fails to do so; and/or to avail itself of any other enforcement actions available to the city pursuant to state law or city codes or regulations; and
- e. Provisions indemnifying and holding the City harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorney's fees and costs of suit, incurred or resulting from the City's removal of any landscaping, features, or elements that cease to be maintained by the association or from the city's performance of the aforementioned operation, maintenance or supervision responsibilities of the association due to the associations' failure to perform said responsibilities.

#### **E. AMENDMENTS TO APPROVED PLANNED DEVELOPMENTS**

An amendment or revision to the Residential Planned Development (R-PD) must be processed in the same manner as the original approval. The application for an amendment or revision must include all land described in the original ordinance that zoned the land to the R-PD district.

The city manager or designee may approve minor amendments or revisions to the R-PD standards provided the amendment or revisions does not significantly:

1. Alter the basic relationship of the proposed uses to adjacent uses;
2. Change the uses approved;
3. Increase approved densities, height, site coverage, or floor areas;
4. Decrease on-site parking requirements;
5. Reduce minimum yards or setbacks; or
6. Change traffic patterns.