

PLANNED DEVELOPMENT DISTRICT

MILLCREEK

Approved September 4, 2019

236

ORDINANCE NO. 236

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 52.459 ACRES OF LAND LOCATED AT THE NE CORNER OF GRISTMILL ROAD AND HEIDENREICH LANE, WITH GEO REFERENCE CODE TEXAS COORDINATE SYSTEM SOUTH CENTRAL ZONE (4204), NAD 83, TO PLANNED DEVELOPMENT (“PD”); ESTABLISHING LAND USE AND DEVELOPMENT STANDARDS FOR THE CONSTRUCTION AND OPERATION OF A MIXED USE PROJECT FEATURING A HIGH QUALITY RESIDENTIAL COMMUNITY WITH A PRIVATE COMMUNITY PARK AND COMMERCIAL DEVELOPMENT; AND PROVIDING FOR: RULES, STANDARDS, PROCEDURES, AND SEVERABILITY.

WHEREAS, **RANCH ROAD MILLCREEK, LLC**, (“Owner”) owns a total of 52.459 acres of land, more or less, located in Hays County, Texas, and more particularly described by the metes and bounds description and the survey which are collectively attached as **Exhibit “A” to Attachment “A”** (the “Property”). The Property is located wholly within the City’s corporate limits; and

WHEREAS, Owner plans to develop 50.179 acres of the Property as a high quality, residential community with a mix of lot sizes and a private community park and 2.28 acres of the Property as commercial (the “Project”), which will benefit and serve the present and future citizens of the City as generally delineated in the PD Master Plan attached as **Exhibit “B” to Attachment “A”**, and the Permitted and Prohibited Uses attached as **Exhibit “C” to Attachment “A”**; and

WHEREAS, a Planned Development (“PD”) district accommodates large or complex developments under unified control planned as a single continuous project providing greater design flexibility in return for desirable features not normally required in conventional zoning districts to create a superior development to that which would occur using conventional zoning regulations; and

WHEREAS, the City of Umland seeks to protect the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, the City of Umland has been in negotiations with Owner and agents of the proposed PD Project; and

WHEREAS, Owner has submitted an application to the City to rezone the Property to Planned Development District, designating it as the “ Millcreek PD”; and

WHEREAS, the City held discussions and invited public comment on the proposed PD district zoning in a public hearing held on the _____ day of _____ at _____ o’clock ____M.; and

WHEREAS, pursuant to Chapter 51 of the Texas Local Government Code, the City has general authority to adopt this Ordinance; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has broad zoning authority; and

WHEREAS, the City finds that the land use and development standards established in the proposed Millcreek PD Project are consistent to promote the public health, safety, and general welfare of those living in, working in, and visiting the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Umland:

ARTICLE I. FINDINGS OF FACT

The foregoing Recitals are hereby adopted as findings of facts and are incorporated fully herein.

ARTICLE II. ENACTMENT

- A. Zoning Map.** The official zoning map of the City of Umland is hereby amended to reflect the zoning designations established in *Attachment "A"*.
- B. Development Plan.** This Ordinance, together with *Attachment "A"* and the exhibits thereto constitutes the land use standards and development plan for the Millcreek PD District upon the Property, as reflected in *Attachment "A"*, covered by this Ordinance. All land use and development of the Millcreek PD District on the Property must conform to the limitations and conditions set forth in this Ordinance, *Attachment A* and the exhibits thereto. Enactment of this Ordinance shall constitute the City's approval of the land use standards and development plan.
- C. Planned Development (PD) Master Plan.** The PD Master Plan detailed in **Exhibit "B"** of *Attachment "A"*, is hereby approved.
- D Applicable Regulations.** Except as specifically provided by this Ordinance, the Millcreek PD Project is subject to all provisions of the City's Ordinances in effect on the effective date of this Ordinance. To the extent any provisions of this Ordinance conflicts with any provisions of City Ordinances or any related regulations, the provisions of this Ordinance will control.
- E. Variances.** The approval of this Ordinance and **Exhibits A-D of Attachment "A"** constitutes the approval of the development standards and shall be deemed to be the functional equivalent of the approval of variances, exceptions, and alternative standards from conflicting provisions of City Ordinances. When considering a request for variances, exceptions, or alternative standards for the Millcreek PD Project that were not addressed by the development standards contained herein, the City shall consider this Ordinance, the PD Master Plan, and the City's, then existing, Ordinances collectively.

F. Resolution of Conflicts. The documents governing the PD should be read in harmony to the fullest extent possible. If a conflict arises between the charts included in the exhibits and the illustrations contained in the exhibits, the charts shall control. If a conflict arises between the terms of this Ordinance and the exhibits, the terms of this Ordinance shall control.

G. Attachments and Exhibits. The following Attachment and exhibits thereto are incorporated into this Ordinance in their entirety, as though set forth fully in the text of this Ordinance:

Attachment "A" – Millcreek Planned Development

<u>Exhibit "A"</u>	Description of the Property
<u>Exhibit "B"</u>	PD Master Plan
<u>Exhibit "C"</u>	Permitted and Prohibited Uses
<u>Exhibit "D"</u>	Open Space & Fencing Plan

ARTICLE III. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

ARTICLE IV. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE V. PROPERTY RECORDS

The City Secretary is hereby directed to record a Notice of this Ordinance in the real property records of the County (so as to bind the City, the Owner and all future owners of the Property), and to provide regulatory certainty during the Term of this Ordinance.

ARTICLE VI. PUBLICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Ordinances as authorized by Chapter 52 of the Texas Local Government Code.

ARTICLE VII. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

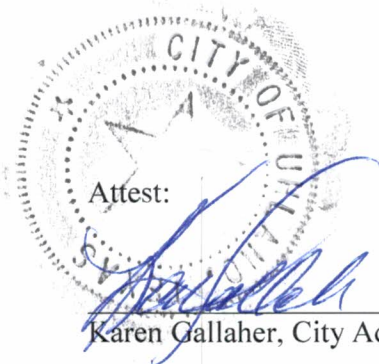
ARTICLE VIII. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage by the City Council and publication as required by law.

PASSED AND APPROVED this, the 4 day of September 2019.

CITY OF UHLAND, TEXAS:

Vicki Hunter
Vicki Hunter, Mayor


Attest:
Karen Gallaher
Karen Gallaher, City Administrator

Attachment “A”

MILLCREEK PLANNED DEVELOPMENT

SECTION 1. ENACTMENT PROVISIONS

1.1 Popular Name.

This Ordinance shall be commonly cited as the “Millcreek PD”.

1.2 Purpose.

The enactment of this Ordinance memorializes the City Council’s approval of the “Millcreek Planned Development” and memorializes the City’s legislative creation of the zoning classification, “Millcreek Planned Development.”

1.3. Scope.

This Ordinance applies to the Property as described in **Exhibit “A”** attached hereto and incorporated herein for all purposes.

SECTION 2. DEFINITIONS

2.1 General.

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Terms that are not defined below but are defined elsewhere in the City Code of Ordinances, shall be given the meanings set forth in the Ordinance for which it is defined. Words and phrases not defined in any City Ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural shall include the singular, and words in the masculine gender shall include the female gender; and vise-a-versa. The word “shall” is always mandatory and the word “may” is merely directory. Headings and captions are for reference only.

2.2 Specific.

1. **Master Plan:** The Master Plan attached hereto as **Exhibit “B”** shows the boundary of the Property and location of notable drainage areas. The Master Plan, along with the other exhibits attached hereto, also provides private parkland areas, building setbacks, and other pertinent development features.

2. **Applicable Requirements:** shall mean the applicable federal and state laws, city ordinances, rules and regulations, and the Millcreek PD District Development Standards.
3. **Applicant:** shall mean any owner, developer, person or entity engaging in subdivision or development of any of the Property or applying for any permit, approval, variance or waiver for any of the Property.
4. **Certified Inspector:** shall mean an independent certified state licensed inspector to inspect the Vertical Building Improvements as to their conformity with applicable city ordinances and building codes and related building plans.
5. **City:** shall mean the City of Umland, Texas, a Texas Type A, general law city.
6. **City Administrator:** shall mean the person or entity engaged by City to serve in the capacity of City's chief administrative officer.
7. **City Code of Ordinances:** shall mean the collective duly adopted ordinances of the City, together with all related administrative rules and technical criteria manuals.
8. **City Council:** shall mean the governing body of the City of Umland, Texas.
9. **City Engineer:** shall mean the person or entity engaged by the City to serve in the capacity of engineer for the City of Umland, Texas.
10. **County:** shall mean Hays County.
11. **Development Standards:** shall mean the land use standards for the Property as described in this Ordinance. in. All land use and development of the Property in the Millcreek PD District must conform to the limitations and conditions set forth in this Ordinance.
12. **Development Plan:** shall mean this Ordinance, this **Attachment "A"** and the exhibits attached hereto constitutes the development plan for the Millcreek PD on the Property.
13. **Dwelling Unit:** shall mean a residential unit providing complete, independent living facilities including permanent provisions for living, sleeping, eating, and cooking.
14. **Effective Date:** and similar references shall mean the date this Ordinance is approved and adopted.
15. **Final Plat** shall mean a map of a subdivision, addition or development, together with any applicable development plan, covenants, restrictions, dedications or easements, to be recorded in the County property records after approval by City.
16. **Lot:** shall mean any individual parcel of land subdivided within the Project for a specific permitted use.
17. **Masonry:** shall be defined as stone, simulated stone, brick, hard-coat stucco, and cement-based siding.

18. **Owner:** shall mean (i) the Owner named above, or (ii) any subsequent owner of a part of the Property that is a successor or assignee of rights from Owner.
19. **Preliminary Plat:** shall mean a map showing the salient features of a proposed development, submitted for the purpose of preliminary consideration and communication prior to the submission of a Final Plat.
20. **Project:** shall mean the Millcreek Planned Unit Development on the Property as generally delineated in the PD Master Plan attached as **Exhibit "B"**.
21. **Property:** shall have the meaning set forth in the recitals to this Ordinance, and consists of the 52.49 acres of land, more or less, located in Hays County, Texas, and more particularly described in **Exhibit "A"**.
22. **Residential Community:** Shall mean, collectively, all of the lots developed for residential use, open space, common areas, and park land located within the Project.
23. **Unit:** shall mean a Single-Family Residential home.
24. **Vertical Building Improvements:** shall mean the construction and reconstruction of a building, structure or any above ground improvement or development, not including roads, drainage facilities or utility facilities, and not including manufactured homes, modular housing or industrialized buildings covered by Chapters 1201 or 1202 of the Texas Occupations Code.

SECTION 3. LAND USE AND ZONING

- 3.1 **Zoning.** The zoning classification of the property is hereby changed to Millcreek Planned Development.
- 3.2 **Permitted Uses.** The project may contain residential and commercial uses in accordance with **Exhibit "C"** ("Permitted and Prohibited Uses"). Specifically, no more than 245 Single Family Residential lots shall be located within the Property.
- 3.3 **Prohibited Uses.** The project shall not contain any prohibited uses as described in **Exhibit "C"**.
- 3.4 **Maximum Densities.**
 - a. **Residential Uses.** The Project shall not exceed the maximum gross density of 4.67 units per acre of residential use and only one unit per lot.
 - b. **Commercial Uses.** The Project shall not exceed the following maximum gross densities (maximum lot-size per use not including parking):

- 1) Fast-Food: 16,000 square feet
- 2) Restaurant: 60,000 square feet
- 3) Grocery Store: 100,000 square feet
- 4) Hotel: 200 rooms
- 5) Movie Theater: 45,000 square feet
- 6) Office: 60,000 square feet
- 7) Gym or Health Club: 12,000 square feet

- 3.5 Restrictive Covenants and Private Homeowners Association.** For the better development and benefit of the Property, Owner shall impose certain covenants, conditions and restrictions applicable to the use and maintenance thereof. Owner shall establish a private Homeowners Association (HOA) to enforce such covenants, conditions and restrictions upon any and all residential lots. The HOA shall be responsible for the maintenance of private landscape areas, private community park, water quality ponds, detention ponds, water features, all community signage, community perimeter walls and common open space areas within the Residential Community.
- 3.6 Permitting and Approval Criteria.** All applications for permits required by the City for the use and development of the Property shall be consistent with this Ordinance. All aspects of such approvals which are not specifically covered by this Ordinance shall be governed by the City Code of Ordinances.
- 3.7 Unified Development.** The Property shall be treated as a unified development for the purposes of requirements relating to drainage, structural and non-structural water quality and detention control, impervious cover, utility service, traffic impact analysis, landscaping, open space, green space, and tree replacement and mitigation.
- 3.8 Phased Development.** The Project may be developed in phases over time and the phasing of development may be changed from time to time, including phases being developed concurrently, in response to market conditions or other factors.

SECTION 4.

DEVELOPMENT STANDARDS

- 4.1 Open Space Requirements.** A minimum of 20 percent (20%) of the gross Property area, not including water quality ponds or detention ponds, shall be developed in the form of private parkland, green space, or greenbelt.
- 4.2 Impervious Cover.** The Project shall not exceed an aggregate of 60 percent (60%) in impervious cover of the entire Property.

4.3 Residential Site Requirements.

Lot Width	
Minimum	40 ft. *
Exception: Minimum for Corner Lots	55 ft.
Front Setback	Setbacks are measured from the foundation.
Minimum	15 ft.
Exception: Garage setback	20 ft.
Side Setback	Setbacks are measured from the foundation.
Minimum (*) *Eaves may project a maximum of 18" into side setbacks.	5 ft.
Exception: Minimum for side setback adjacent to a street	15 ft.
Rear Setback	Setbacks are measured from the foundation.
Minimum	10 ft.
Building Height (maximum)	35 ft.
Lot Area (minimum)	4,800 sq. ft.

* The Minimum Lot Width shall be measured at the Front Setback line.

4.4. Commercial Site Requirements.

Lot Width	
Minimum	100 ft.
Front Setback	Setbacks are measured from the foundation.
Minimum	25 ft.

Side Setback	Setbacks are measured from the foundation.
Minimum	10 ft.
Street Corner	25 ft.
Rear Setback	Setbacks are measured from the foundation.
Minimum	20 ft.
Building Height	
Grocery Store, Movie Theater	45 ft. and 2 stories
Hotel	60 ft. and 5 stories
Office	45 ft. and 3 stories
All Other Buildings	32 ft. OR 2 stories

4.5 Underground Utility Service. Except where approved in writing by the City Administrator, all utilities shall adhere to the following:

- a. All dry utilities to include electrical, telephone and cable television distribution and service lines will be underground, other than overhead lines that are three phase or larger which are required to be brought to the project for service availability.
- b. All utilities and the improvements thereof shall be the responsibility of Owner.

4.6. Fencing Plan.

a. **Perimeter Boundary Wall.** Enhanced concrete panel fencing along Grist Mill Road and Heidenreich Lane shall be constructed consistent with the locations and lengths illustrated on **Exhibit “D”**, Open Space and Fencing Plan. Enhanced concrete panel fencing shall be at six feet (6’) in height.

Masonry columns shall be constructed at certain corners along the length of the enhanced concrete panel fencing as illustrated in Exhibit “D”.

b. **Residential Boundary Fencing.** Fencing may be located along the residential property lines and shall not encroach into public right of ways or extend past the front elevation of

residential houses into the front street yard. Wood fencing, or tubular steel in certain view areas, is permitted along the property lines of all remaining residential lots.

- 4.7. Pedestrian Circulation.** A six-foot (6') wide sidewalk shall be constructed along Grist Mill Road and along all non-residential roadways constructed within the Project. All residential roadways shall be constructed with a four-foot (4') wide sidewalk at the time of residential home construction prior to final home construction inspection. All sidewalks shall be made of concrete. Sidewalks shall be free of any encroachment to include mailboxes, road signs, light poles, landscaping or any other vertical obstruction that would reduce the clear width of the sidewalk to less than 4 feet (4'). ADA approved ramps shall be placed at intersection corners to provide unimpeded pedestrian access in all directions.
- 4.8. Curbs and Gutters.** All roadways constructed within the Project shall be constructed with standard curb and gutter or mountable curb. Mountable curbs shall only be used to permit driveway access.
- 4.9. Roadways.** All roadways within the project shall be constructed with 52' Right-of-Ways and 32' of pavement to allow for on-street parking.
- 4.10. Parking Requirements.** Each parking space shall be a minimum of 9 feet wide by 18 feet deep.
- a. Residential Uses.** All residential lots shall include a concrete driveway to provide a minimum for two off-street parking spaces.
 - b. Commercial Uses.** All commercial uses shall provide the following minimum parking spaces and adjoining parking lots shall provide for circulation and connecting access through each lot from and to roadways so as to limit the number of roadway attachments:
 - 1) Fast-Food: one space per 300 square feet of gross building floor area
 - 2) Retail / Restaurant: one space per 200 square feet of gross building floor area
 - 3) Grocery Store: one space per 225 square feet of gross building floor area
 - 4) Hotel: one space per room
 - 5) Movie Theater: one space per four seats
 - 6) Office: one space per 275 square feet of gross building floor area
 - 7) Gym / All Other: one space per 275 square feet of gross building floor area
- 4.11. Lighting.** Streetlights shall be provided at all internal intersections and along residential roadways, spaced no greater than three-hundred (300) feet apart. No fixture or light source shall be turned up so as to disperse light into the night sky. All fixtures shall utilize Light-Emitting Diode (LED) lighting. Solar fixtures may be used.

4.12 Landscaping Requirements. All landscaping shall enhance the natural aesthetic beauty of the Umland area through diverse use of both native and non-invasive adapted species of plants. A minimum of 80 percent of the required landscaping shall be native plants and the remaining 20 percent may be non-invasive adapted plants. Invasive species, as defined by the Ladybird Johnson Wildflower Center, are prohibited. All landscaping materials shall be drought tolerant and native type materials. Native plants shall be defined as plants identified in the City of Austin’s Grow Green Guide, 5th Edition Revised 2016. Under no circumstance shall any non-invasive existing tree in excess of eighteen (18) inch DBH in diameter be removed or demolished from the site without prior specific approval of the City.

a. Tree Protection, Mitigation and Preservation. A tree survey, protection, mitigation and preservation plan for all healthy non-invasive trees with an eight (8) inch DBH in diameter shall be created and submitted to the City prior to the start of site development work. Prior to the start of site work all protection and preservation of all existing trees to remain on site shall be completed to prevent any disturbance within each tree’s critical root zone. Replacement trees for all existing non-invasive trees shall be planted prior to completion of the Project.

b. Residential Lots. At a minimum the following shall be installed on each residential lot:

- (1) two (2) - 2” caliper shade trees outside of the easements along the right-of-way located in the front yard;
- (2) five (5) - 1-gallon shrubs and three (3) - 5-gallon shrubs and other drought tolerant natural landscaping for front, sides, and rear yards

c. Commercial Bufferyards. A fifteen feet (15’) wide landscape bufferyard shall be provided between commercial uses and any adjoining residential lots. The bufferyard shall be located on the subject commercial lot. Landscape planting located within the required bufferyard shall consist of one (1) shade tree and two (2) evergreen ornamental trees per each fifty feet (50’) of bufferyard.

d. Commercial Uses. All commercial landscaping shall be maintained by the Owner and each successive Owner. Parking lot islands shall be purposefully configured to accommodate existing trees on site.

e. Planting Criteria.

- (1) Planting shall remain at least five feet (5’) from edge of roadways and driveways.
- (2) Planting should be at least five feet (5’) from underground utilities and twenty-five feet (25’) from overhead lines
- (3) Planting should be at least five feet (5’) from fire hydrants.

f. Shade Trees shall be defined as the following:
Bald Cypress

Burr Oak
Cedar Elm
Chinquapin Oak
Chinese (Lacebark) Elm
Chinese Pistache
Live Oak
Monterey Oak
Pecan
Shumard Oak
Texas Ash
Texas Red Oak

g. Evergreen Ornamental Trees shall be defined as the following:

Wax Myrtle
Yaupon Holly
Mountain Laurel
Little Gem Magnolia
Eastern Red Cedar
Cherry Laurel

4.13 Water Reuse. The development shall install purple pipe to be used to irrigate the entry lot along Grist Mill Road at the time that reuse line service is available.

**SECTION 5.
SINGLE-FAMILY ARCHITECTURAL AND DESIGN STANDARDS**

- 5.1 Masonry Façade Requirements.** The front elevation of all homes shall consist of masonry elements excluding features such as doors, windows, trim and accent features on non-load bearing elements. The following façade requirements are further regulated as follows:
- a. The homes that back to Grist Mill Road and Heidenreich Lane shall be constructed of rear masonry.
 - b. All corner lots shall be constructed of street side masonry.
 - c. Typical side and rear facades will be horizontal lap cement-based siding with optional masonry options.
- 5.2 Roofing Materials.** Roofs shall have a minimum roof pitch of 4:12. Colors will be restricted to two colors determined by the homebuilder.
- 5.3 Building Elevations.** Exterior elevations shall vary so that no adjacent units nor units directly across a roadway from each other shall have the same elevation or exterior materials.

- 5.4 Minimum Square Footage Requirements.** The living area of the primary residential structure, exclusive of porches and garages, located on any lot shall adhere to the following standards:
- a. All homes shall be a minimum square footage of 1,200 square feet of living space.
 - b. Each residence shall have a fully enclosed garage for no less than two (2) standard car parking spaces.
 - c. Residential driveways will provide for two (2) additional off-street parking spaces that will be a minimum of twenty feet (20') by eighteen feet (18'). This area will be located between the front property line to the front of the garage door.

SECTION 6.

COMMERCIAL ARCHITECTURE AND DESIGN STANDARDS

- 6.1 Material Requirements.** In addition to any other building product or material that is approved for use by a national model code published within the last three code cycles for non-residential construction, all non-residential buildings and structures may include the following materials:
- a. Wood or “Hardi-Board”
 - b. Glass; except, mirrored glazing is prohibited
 - c. Pre-finished, non-reflective metal siding
 - d. Canvas awnings on steel or aluminum framing
 - e. Steel and/or aluminum framing for trellis, canopies, awnings, roof elements, exposed columns and other architectural features of painted and/or galvanized finish
- 6.2 Masonry Façade Requirements.** All commercial buildings and structures shall include the following masonry standards excluding features such as doors, windows, trim and accent features on non-load bearing design elements:
- a. Buildings larger than 25,000 square feet of gross area: at least 65 percent of all exterior wall surfaces; and at least 85 percent of the front elevation
 - b. Buildings larger than 4,500 square feet of gross area: at least 70 percent of all exterior wall surfaces; and at least 90 percent of the front elevation
 - c. Buildings smaller than 4,500 square feet of gross area: at least 75 percent of all exterior wall surfaces; and at least 95 percent of the front elevation

- 6.3 Roofing.** Flat roofs, metal roofs, parapet roofs, and facades are permitted. Raised parapet walls, sloped roofs shapes, awnings/canopies, trellis and similar architectural design elements shall be incorporated to add visual interest, shield the “flat-roof” from view and add continuity of design throughout.

SECTION 7.

DEDICATIONS AND IMPACT FEES

- 7.1 Park and Open Space Dedication.** A parkland fee of \$1,200.00 per lot will be assessed and paid at the time of final plat recordation. However, as illustrated on **Exhibit “D”**, the PD Master Plan provides for an activation of private open space and community parkland in which Owner will provide improved recreational facilities in a private ownership/management format, when platted and constructed. Owner agrees to install improvements in the minimum value of \$255,600.00, that may include a trail along Bunton Creek with several viewing areas of the creek and open space complete with benches, picnic tables and trash receptacles, trailheads, a covered gathering area and a trailside orchard intended to utilize the abundant natural amenities of the Property. Any improvement value will be credited towards the parkland dedication fee for the first development phases with the remaining balance being paid in full to the City at final plat recordation.

All private landscape areas and common open space areas within the Property will be maintained by the homeowner’s association including supplemental maintenance of the detention pond areas.

- 7.2 Roadway Impact Improvements.** Each single family residential lot on the recorded final plat shall be required to pay a fee to the City in the amount of \$1,228.00 at the time of a building permit application for the improvement and/or maintenance of public roadways affected by the Project in the City.

SECTION 8.

AMENDMENTS

Due to the fact that the Project comprises a significant land area and its development may occur in phases over a number of years, Owner may make major or minor amendments to the PD Master Plan upon notification to, and approval from, the City. Major amendments shall be those that (a) increase the density of single family home dwelling lots or units allowed by the Development Standards; (b) seek to allow a use which is prohibited by the Development Standards; or (c) increase the total Project’s impervious cover. Major amendments to the PD Master Plan shall require approval by City Council. Any amendment which is not classified as a major amendment, including an amendment which alters the relative percentages of the various residential use types without changing the density permitted for a type of residential

use, shall be classified as a minor amendment. Minor amendments shall be administratively approved by the City Administrator except that the City Administrator may at the City Administrator's sole discretion seek approval from the City Council. If the City Administrator and Owner dispute the classification of an amendment as major or minor, the issue shall be referred to City Council for final determination.

SECTION 9.
LIST OF EXHIBITS

The following list of exhibits, attached hereto, together with this Attachment and addenda, constitute the land use standards and development plan for the Millcreek PD District.

- Exhibit "A":** Description of The Property
- Exhibit "B":** PD Master Plan
- Exhibit "C":** Permitted and Prohibited Uses
- Exhibit "D":** Open Space & Fencing Plan

EXHIBIT "A"

DESCRIPTION OF THE PROPERTY

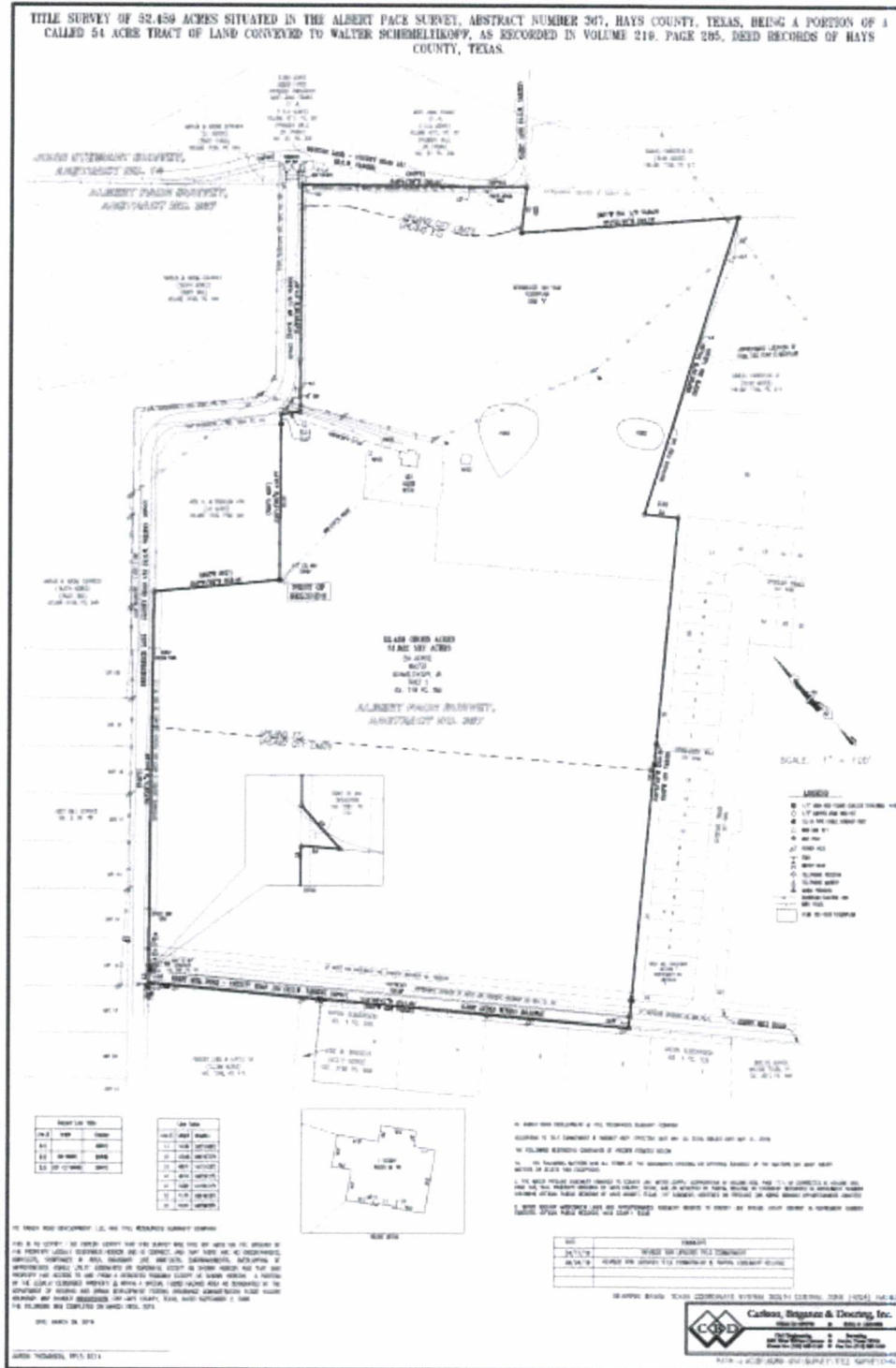


EXHIBIT "B"

PD MASTER PLAN

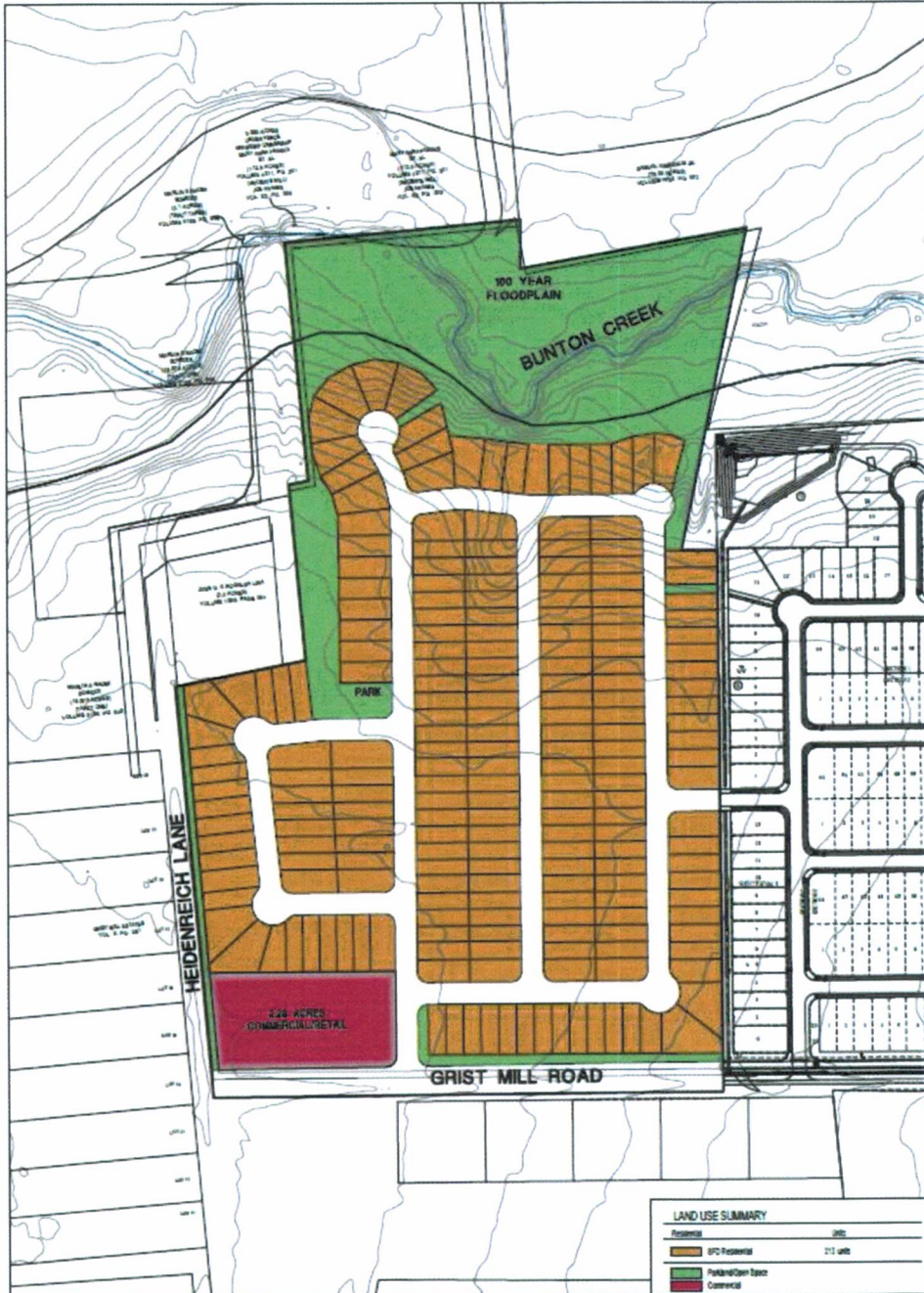


EXHIBIT “C”

PERMITTED AND PROHIBITED USES

The uses allowed with the Millcreek Commercial PD shall comply with the list of allowed and prohibited uses defined in the Umland Zoning Ordinance, Schedule 7-102 through 7-114, for the GB base district with the following exceptions, or as otherwise approved under conditional permit:

Utility and Service Uses (7-104)

Electrical Transmission Line (High Voltage)
Fire Station
Gas Line Transmission and Regulating Station

Public Building Shop Yard of Local, State or Federal Government
Radio, Television or Microwave Tower
Radio-Television Transmitting Station

Telephone Exchange Switching - Relay or Transmitting Equipment
Utility Shops or Storage Yards or Buildings
Utilities Other Than Listed
Water Stand Pipe or Elevated Storage Water
Water Well or Pumping Station
Water Treatment Plant

Recreational and Entertainment Uses (7-105)

Amusement, Commercial (Outdoor)
Carnival or Circus (Temporary)
Drag Strip or Commercial Racing
Playfield or Stadium (Public)
Rodeo Grounds
Shooting Range (Outdoor)

Educational, Institutional and Special Uses (7-106)

Cemetery, Mausoleum, Crematorium
Fairgrounds or Exhibition Area

Institution for Alcoholic or Narcotic Patients

Transportation and Related Uses (7-107)

Airport or Landing Field
Emergency Vehicle Service (Ambulance)
Bus Station or Terminal
Hauling or Storage Company
Heliport
Motor Freight Terminal
Railroad Freight Terminal
Railroad Passenger Station
Railroad Tract or Right-of-Way
Railroad Team Track
Railroad Yard or Roundhouse
Parking Lot, Trucks and Trailers
Parking Lot or Structure (Commercial)

Automobile and Related Service Uses (7-108)

Auto Laundry (Car Wash)
Auto Leasing, Rental
Auto Parts Accessory and Sales (Outdoors)

Auto Storage or Auto Auction
Boat Sales, Servicing
Major Vehicle Repair

Minor Vehicle Servicing
New or Used Auto Sales Outdoor Lot
New or Used Auto Sales Facility
Motorcycle or Scooter Sales and Repair
Truck Sales
Truck Stop
Wrecker or Salvage Yard

Retail and Service Type Uses (7-109)

Cleaning Plant (Commercial)
Laundry and Cleaning (Self-Service)
Medical Appliances, Fitting, Sales or Rental
Mortuary or Funeral Home
Pawn Shop
Tool Rental (Outside Equipment Storage)
Veterinarian Hospital (Outside Pens)

Agricultural Uses (7-110)

Farm, Ranch, Orchard or Garden (e.g. Hogs, cattle, goats, chickens, etc.)
Livestock Auction
Hatchery, Poultry
Animal Shelter (Public or Private)
Kennel
Animal Feed Lot (animals not born on owner's property)
Greenhouse or Nursery (Commercial)
Hatchery, Fish/Shrimp, Fish Farm
Grain Elevator

PERMITTED AND PROHIBITED USES (CONTINUED)

MillCreek PD

Permitted and Prohibited Uses (Continued)

Commercial Type Uses (7-111)

Cleaning Dyeing or Laundry Plant
Contractor Storage and Equipment Yard
Flea Market (Indoors)
Flea Market (Outdoors)
Heavy Machinery Sales, Storage and Repair *
Light Manufacturing and Assembly Process
Laboratory, Manufacturing
Laboratory, Scientific or Research
Lithographic or Print Shop
Maintenance and Repair Service for Building
Milk Depot, Dairy or Ice Cream Plant
Open Storage of Furniture, Appliances or Machinery *
Trailer, Portable Building, Mobile Home, Sales or Rental
Upholstery Shop

Natural Resource Storage and Extraction Uses (7-112)

Caliche Pit and Caliche
Mining and Storage of Mining Waste
Petroleum or Gas Well
Petroleum Storage and Collecting Facilities
Sand or Gravel Extraction
Topsoil Earth, Clay or Stone Extraction

EXHIBIT "D"

OPEN SPACE & FENCING PLAN



LEGEND	
	6' ENHANCED CONCRETE PANEL FENCE
	6'-6" MASONRY COLUMN
	ENTRY SIGN
	TRAIL SIGN
LAND USE LEGEND	
	PARK AND OPEN SPACE



OPEN SPACE AND FENCING PLAN

MILLCREEK
 UNLAND, TEXAS



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THE STATE OF TEXAS

COUNTY OF HAYS

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Records of Hays County, Texas.

19033559 **ORDINANCE**

09/18/2019 01:18:32 PM Total Fees: \$110.00

 Elaine H. Cardenas

Elaine H. Cardenas, MBA, PhD, County Clerk
Hays County, Texas