



**NOTICE OF
REGULAR MEETING OF THE BOARD OF ADJUSTMENTS
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065
TUESDAY, MAY 18, 2021, 6:15 PM**

AGENDA

Call to Order

Roll Call

Pledge of Allegiance to the U.S. And Texas Flags

Invocation

Public Comment

This item allows the public an opportunity to address the Board of Adjustment. To comply with the provisions of the Open Meetings Act, the board cannot discuss or take action on items brought before them not posted on the agenda. Please complete a request if you wish to address the board. Comments will be limited to three minutes. Open Forum is for information only. No charges and/or complaints will be heard against any elected official, board member, the Town, or employee of the Town that are prohibited by law.

Consent Agenda

Items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. No separate discussion of these items will occur unless so requested by at least one member of the Board of Adjustments.

1. April 21, 2021 Meeting Minutes

Regular Agenda

2. Conduct a public hearing regarding a request from Adam Luther for a variance of Chapter 3, 3.06.005(j) fence construction in front yard and Ordinance 98-11-448 establishing a zoning designation of Planned Development for the Glenview Addition, Exhibit B, Section 3 Area Regulations (1) required front yard for the construction of a swimming pool and fence and consider and act on the same. The property is located at 109 Northfield Circle and is legally described as Glenview Addition, Lot 25.

Adjournment

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact Town Hall at 940-497-2528 or by fax 940-497-3531 so that appropriate arrangements can be made.

I, Chris Chaudoir, do hereby certify, that this meeting notice was posted on the bulletin board at Town Hall, 1075 Ronald Reagan Avenue, Hickory Creek, Texas on May 4, 2021 at 4:00 p.m.

A handwritten signature in cursive script that reads "C Chaudoir". The signature is written in black ink and is positioned above a horizontal line.

Chris Chaudoir
Town of Hickory Creek

**SPECIAL MEETING OF THE BOARD OF ADJUSTMENTS
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
WEDNESDAY, APRIL 21, 2021**

MINUTES

Call to Order

Meeting called to order at 6 p.m. by Chairman Crawford.

Roll Call

PRESENT

Chairman Larry Crawford
Member David Jones
Member Brian Engle
Alternate Alex Valderrey
Alternate Dennis Day

ABSENT

Vice-Chairman Joey Hernandez
Member Jan Bowman

ALSO PRESENT

Trey Sargent, Town Attorney
Chris Chaudoir, Administrative Assistant

Pledge of Allegiance to the U.S. And Texas Flags

Pledge to The U.S. and Texas flags led by Chairman Crawford.

Invocation

Invocation given by Chairman Crawford.

Public Comment

No Public Comment

Consent Agenda

1. March 16, 2021 Meeting Minutes

Motion to approve the minutes as presented made by Member Day, Seconded by Member Jones.

Voting Yea: Chairman Crawford, Member Jones, Member Engle, Member Valderrey, Member Day. Motion passed unanimously.

Regular Agenda

2. Conduct a public hearing regarding a request from Lisa Kupersmith for a variance of Ordinance 2014-05-721 establishing a zoning designation of Planned Development for the Shadow Creek Addition, Exhibit B (5), (E) Lot Areas and Setbacks and Exhibit C and consider and act on the same. The property is located at 329 Kellan Court and is legally described as Shadow Creek Estates Phase II, Block E, Lot 6.

Public Hearing opened at 6:05 p.m.

Lisa Kupersmith, 329 Kellan Court, explained that she needed a shed to store her 0-turn mower and other wood working equipment. Her HOA restrictive covenants do not allow for an accessory structure to be taller than a fence. The fence to the south is an 8-foot perimeter fence and the east and north is 6 feet. She wishes to build 3 feet from her eastern rear fence within the required rear setback line.

Chairman Crawford asked questions to clarify the HOA requirements. According to the covenants, accessories cannot be visible from the street, common area, or an adjoining lot and cannot be taller than a fence. Member Day asked if it was possible to place it along the Corps of Engineers fence line at the building line. Ms. Kupersmith explained it would not meet HOA guidelines.

Member Jones said he saw where the HOA ACC had already approved her request within the setback, but she needed the variance of the 15-foot line in the PD to construct. He remembered the front of the shed was 8 feet tall and asked about the rear wall height. She wishes to build a lean-to style shed but, in order to have a functional interior height of 7.5 feet, she needs to build it in the lowest section of her yard to allow for an extra 20 inches. Member Jones asked about drainage. Ms. Kupersmith stated the ground was sandy soil. She took a photo during the last heavy rain and water did not stand in the area.

Chairman Crawford stated he had gone by the property and looked at the yard from the construction site next door. He had observed the majority of the Corps property behind the lot was lower and did not see that drainage would be an issue.

Member Valderrey asked why she was proposing a 3 foot offset from the 6 foot fence on the east side of the property instead of moving 12 feet to the west to maintain the setback. Ms. Kupersmith explained that moving the shed to another section would make it higher and require the removal of trees.

Chairman Crawford confirmed that the required letters had been sent and there were no others wishing to express concerns.

Public Hearing closed at 6:14

BOARD OF ADJUSTMENTS SPECIAL MEETING

April 21, 2021

Page 3

Motion to approve the variance as submitted made by Member Day, Seconded by Member Jones.

Voting Yea: Chairman Crawford, Member Jones, Member Engle, Member Valderrey, Member Day. Motion passed unanimously.

Adjournment

Motion to adjourn made by Member Jones, Seconded by Member Engle.

Voting Yea: Chairman Crawford, Member Jones, Member Engle, Member Valderrey, Member Day. Motion passed unanimously.

Meeting adjourned at 6:15 p.m.

Approved:

Attest:

Larry Crawford, Chairman
Position 2
Board of Adjustments

Chris Chaudoir,
Administrative Assistant
Board of Adjustments

Please attach a copy of the deed to the property. If you are currently purchasing the property, please include a copy of the contract for the purchase of the property. Also include a copy of any and all restrictive covenants pertaining to any property to be developed or rezoned.

Appeals and Zoning Changes

What is the proposed use?

Homestead

Why do you believe that the approval of the request would be in harmony with the character of the neighborhood?

New fence to allow the install of a pool, increasing the property value and taxes.

Why do you believe that the approval of this request would not be detrimental to the property or persons in the neighborhood?

The relocation of fence does not effect any other homes. HOA has approved the project.

Why do you believe that there is a need in this area for the uses that would be allowed under this proposed zoning change?

To install a pool, it need this area for the pool pump, and level yard for family.

Lien holder:

Is the property burdened by a lien of any nature? Yes () No

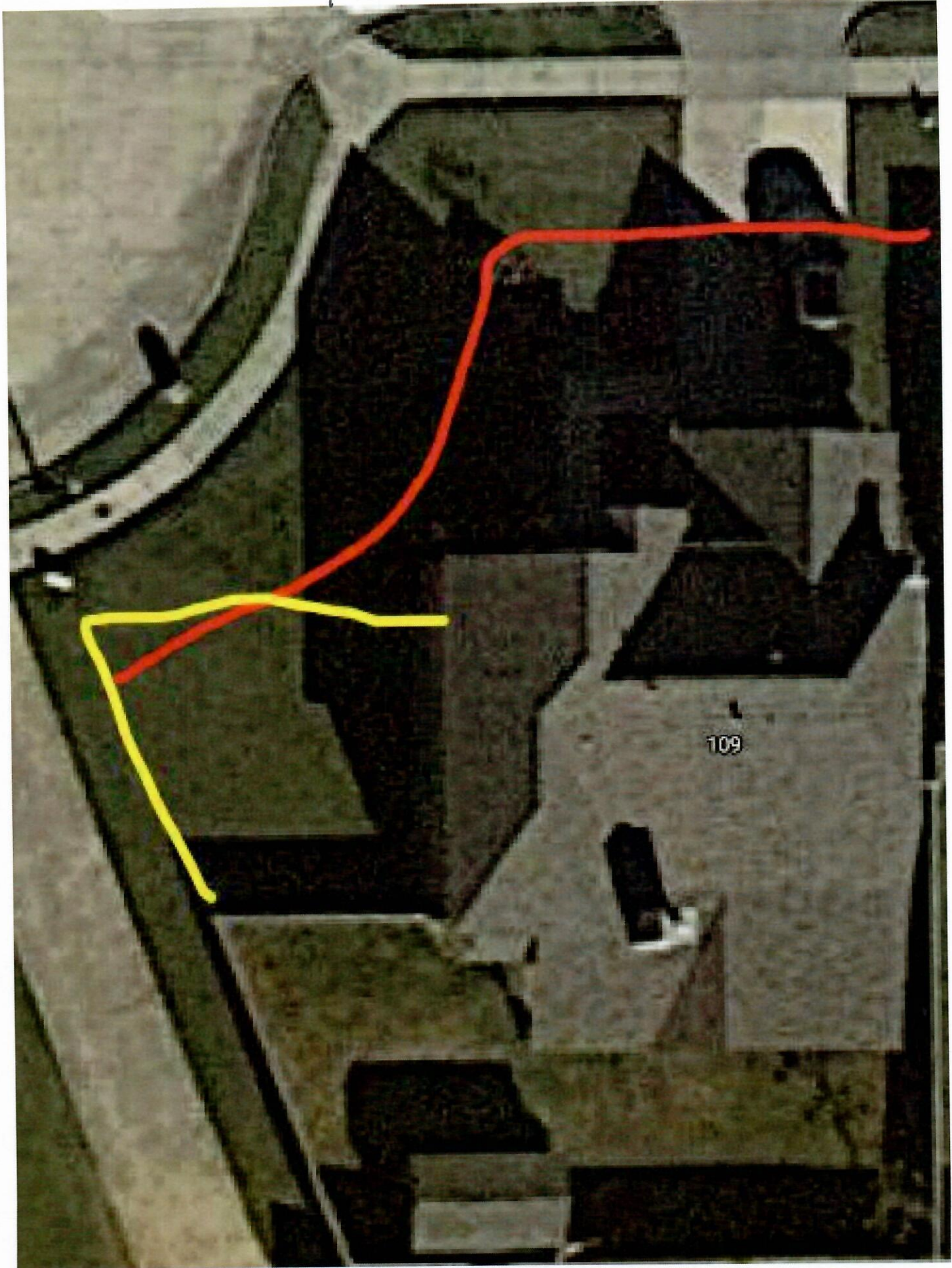
If so, describe the lien and give the name and address of lien holder and secure their consent to the requested zoning change with their signature. PPT Mortgage Co.

Other:

Approximate cost of work involved? \$ 500.00
Include a schematic drawing of the site.

Red is the front yard easement. Yellow is new fence location.

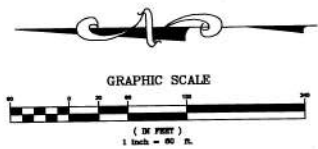
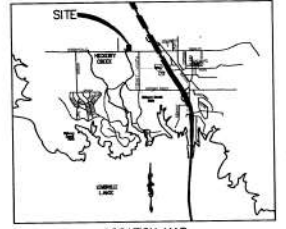
~ 7' from pl



Approx. 50 sqft.

Cab R pg. 225

Filed for Record in
DENTON COUNTY, TX
On Feb 08 2008
At 11:56am
Doc/Num : 08-18081983
Doc/Type : 54.0
Recorded : 66.88
Doc/Sheet : 5487
Records #: 5487
Deply - Christy



- LEGEND**
- I.R.S. IRON ROD SET
 - I.R.F. IRON ROD FOUND
 - W.E. WATER EASEMENT
 - D.E. DRAINAGE EASEMENT
 - U.E. UTILITY EASEMENT
 - B.L. BUILDING LINE
 - DENOTES 1/2" IRON RODS SET AT ALL BLOCK CORNERS, P.C.'s & P.T.'s OF CURVES
 - UTRW UPPER TRINITY REGIONAL WATER DISTRICT

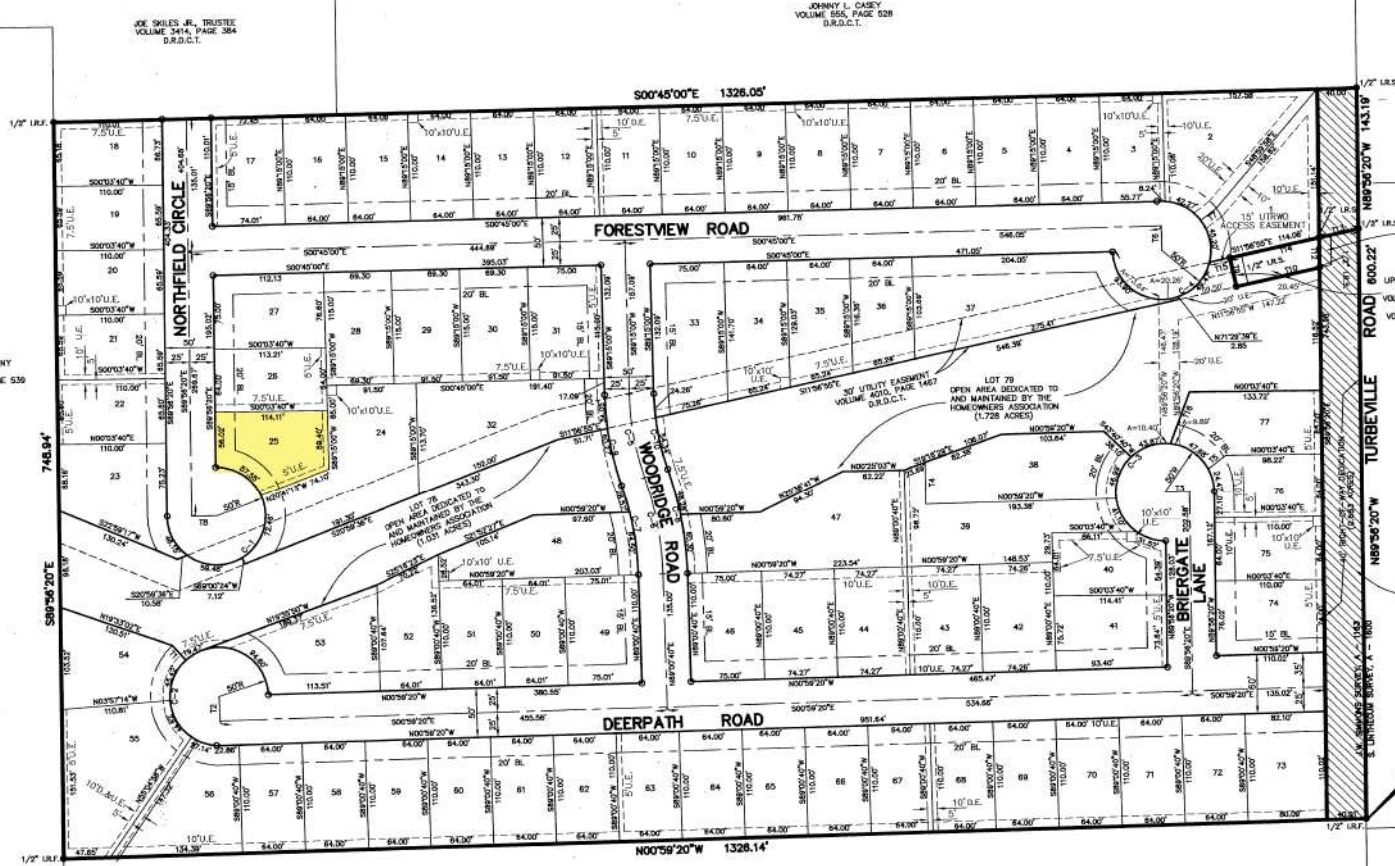
FINAL PLAT

GLENVIEW

22.651 ACRES OUT OF
J.W. SIMMONS SURVEY, ABSTRACT NO. 1163
TOWN OF HICKORY CREEK
DENTON COUNTY, TEXAS

BRIERGATE DEVELOPMENT COMPANY, LTD. OWNER
5305 Village Creek
Piano, Texas 75093 (972) 960-7500

JONES & BOYD, INC. SURVEYOR/ENGINEER
16800 Dallas Parkway, Suite 240
Dallas, Texas 75248 (972) 248-7878



JOE SKILES JR., TRUSTEE
VOLUME 5414, PAGE 384
D.R.D.C.T.

JOHNNY L. CASEY
VOLUME 555, PAGE 029
D.R.D.C.T.

YAS LAND COMPANY
TRACT I
VOLUME 5318, PAGE 536
D.R.D.C.T.

YAS LAND COMPANY
TRACT E
VOLUME 5415, PAGE 539
D.R.D.C.T.

CURVE TABLE

CURVE	RADIUS	DELTA	TANGENT	LENGTH	CHORD	BEARING
C-1	50.00'	270°00'00"	50.00'	235.62'	70.71'	44°56'20"
C-2	50.00'	26°59'44"	54.57'	331.25'	73.73'	43°41'17"
C-3	50.00'	270°00'01"	50.00'	235.62'	70.71'	44°56'19"
C-4	50.00'	273°58'01"	48.91'	338.09'	88.91'	47°53'27"
C-5	275.00'	187°00'00"	45.56'	86.46'	86.11'	80°14'35"
C-6	323.00'	174°48'30"	50.82'	100.82'	100.42'	80°07'25"
C-7	350.00'	174°48'30"	48.91'	83.00'	82.70'	80°14'35"
C-8	350.00'	174°48'30"	54.71'	108.58'	108.15'	80°07'25"
C-9	300.00'	180°00'00"	47.58'	84.33'	83.83'	80°14'35"
C-10	250.00'	180°00'00"	39.83'	78.60'	78.28'	80°14'35"

LINE TABLE

TANGENT	BEARING	LENGTH
T1	N 48°05'50" E	20.00'
T2	S 89°00'40" W	24.82'
T3	S 00°03'40" W	25.00'
T4	N 89°56'20" W	43.16'
T5	N 37°08'36" W	22.16'
T6	N 89°15'00" E	24.87'
T7	N 36°59'32" W	20.00'
T8	N 00°03'40" E	25.00'
T9	S 78°03'05" W	30.00'
T10	S 11°56'51" E	86.80'
T11	N 11°56'55" W	12.44'
T12	N 89°42'23" E	30.63'
T13	S 11°56'55" E	40.80'
T14	N 11°56'55" W	134.08'
T15	S 11°56'55" E	20.89'
T16	S 69°06'13" E	55.97'

POINT OF BEGINNING



109 Northfield Circle

Being Lot 25 of GLENVIEW, an addition to the City of Hickory Creek, Denton County, Texas, according to the Plat thereof recorded in Cabinet R, Slide 225 and 226, Plat Records Denton County, Texas, together with Certificate of Correction of Error filed April 4, 2000, resurveyed in Volume #561, Page 687, Dead Records Denton County, Texas.

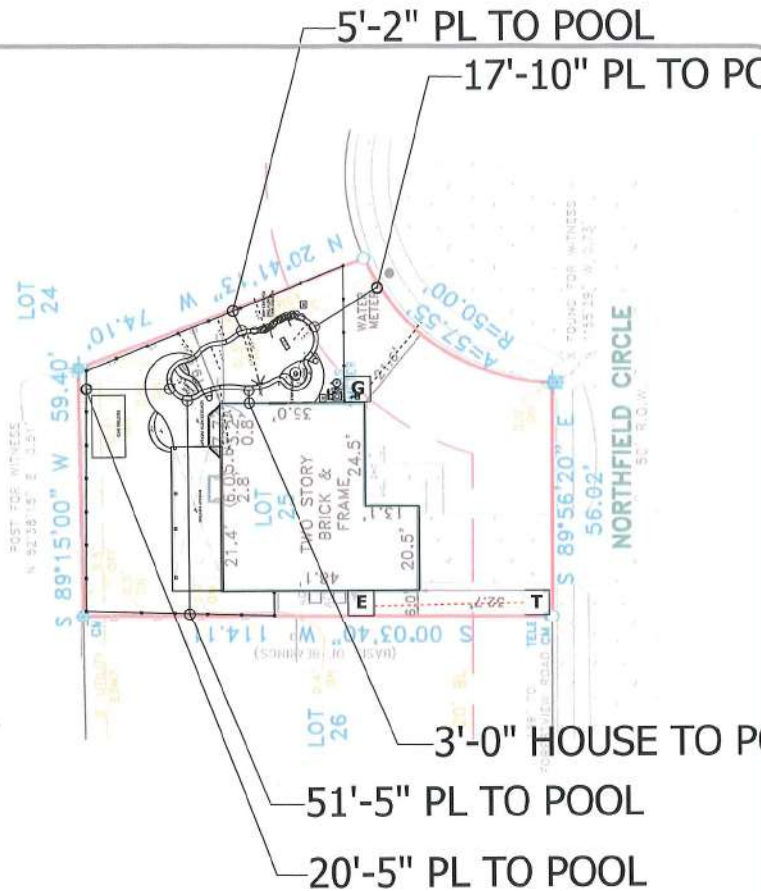


SYMBOLS

- G** GAS METER
- E** ELECTRIC METER
- T** TRANSFORMER



- LEGEND**
- 1/2" ROD FOUND
 - ⊗ 1/4" ROD SET
 - 1" PIPE FOUND
 - ⊗ 2" FOUND
 - ⊗ 5/8" ROD FOUND
 - ⊕ POINT FOR CORNER POST FOR CORNER MONUMENT
 - CONTROLLING MONUMENT
 - AIR
 - AC CONDITIONER
 - PE EQUIPMENT
 - TE PAD
 - COLLUMN
 - POWER POLE
 - UNDERGROUND ELECTRIC
 - ▲ OVERHEAD ELECTRIC
 - △ ELECTRIC
 - SWR
 - OVERHEAD ELECTRIC POWER
 - GAS SERVICE
 - OVERHEAD ELECTRIC SERVICE
 - CHAIN LINK
 - WOOD FENCE 0.5" WIDE TYPICAL
 - IRON FENCE
 - X BARBED WIRE
 - DOUBLE SIZED WOOD FENCE
 - EDGE OF ASPHALT
 - EDGE OF GRAVEL
 - CONCRETE
 - COVERED AREA
 - BRICK
 - STONE



EXCEPTIONS:

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENTS RECORDED IN CAB. R, SLD, 225 & 226; VOL. 495, PG. 157; CCF 2009-99373, 2014569, 19-111516, VOL. 4856, PG. 1983

EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY VOL. 368, PG. 610; VOL. 4010, PG. 1465

NOTES:
 NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
 FLOOD NOTE: According to the F.I.R.M. No. 48121C03956, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Exact Title Group. Use of this survey by anyone other than the person or persons named herein shall be at their own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: ADL/TJM
 Scale: 1" = 30'
 Date: 9/23/19
 GF No.: 19-0001400FS
 Job No.: 1918427



Date: _____
 Accepted by: Purchaser
 Purchaser

ALL POOL MEASUREMENTS ARE TO BACK OF BEAM : WATERS EDGE IS 1 ADDITIONAL FOOT

A-1

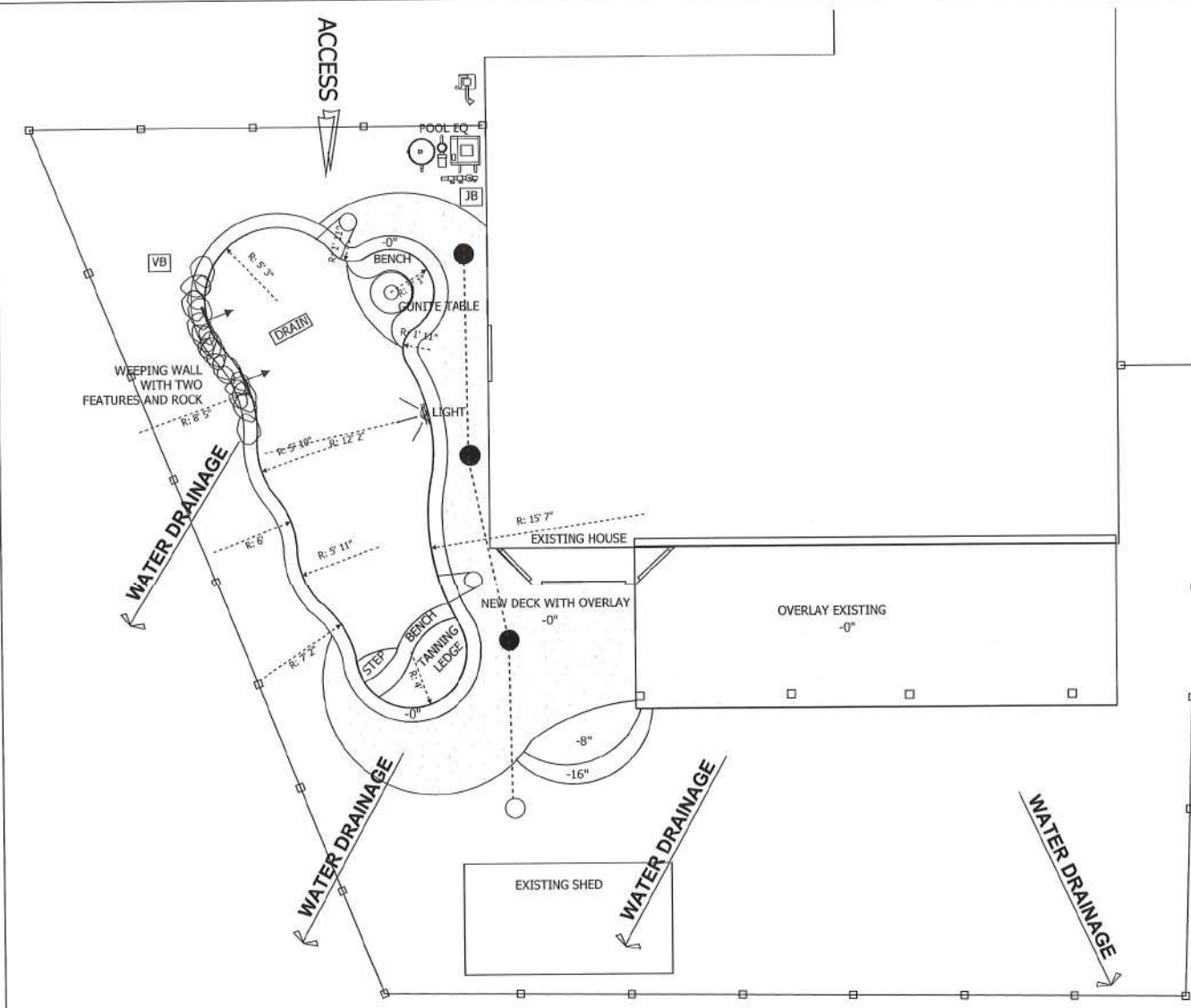
SUBDIVISION	DESIGNER
GLENVIEW	CLINT BANDFIELD
LOT, 25	ISSUE DATE
	2-4-2021

(ISSUED FOR CONSTRUCTION)
 THIS DESIGN IS THE PROPERTY OF
 OUTDOORLIVING POOL AND PATIO. DO NOT
 DUPLICATE OR REDISTRIBUTE IN ANY FORM
 WITHOUT THE WRITTEN CONSENT OF
 OUTDOORLIVING POOL AND PATIO

LUTHER FAMILY
 109 NORTHFIELD CIRCLE
 HICKORY CREEK, TEXAS

OUTDOORLIVING POOL AND PATIO
 9067 TEASLEY LANE
 DENTON, TEXAS 76210
 972-317-3500

SITE PLAN
 SCALE 1"=30'-0"



NOTE:
 DECK DRAINS SHOWN ARE APPROXIMATE
 NUMBER AND LOCATION - FINAL NUMBER
 AND LOCATION DETERMINED ON JOB AT TIME
 OF DECK LAYOUT

- SYMBOLS**
- 4" DECK DRAIN
 - POP UP DRAIN 5' FROM PROPERTY LINE
 - 4" PVC SCH. C PIPE

A-4	SUBDIVISION	DESIGNER	(ISSUED FOR CONSTRUCTION) THIS DESIGN IS THE PROPERTY OF OUTDOORLIVING POOL AND PATIO. DO NOT DUPLICATE OR REDISTRIBUTE IN ANY FORM WITHOUT THE WRITTEN CONSENT OF OUTDOORLIVING POOL AND PATIO	LUTHER FAMILY 109 NORTHFIELD CIRCLE HICKORY CREEK, TEXAS	OUTDOORLIVING POOL AND PATIO 9067 TEASLEY LANE DENTON, TEXAS 76210 972-317-3500	DRAINAGE PLAN SCALE 1/8"=1'-0"
	GLENVIEW	CLINT BANDFIELD				
	LOT, 25	ISSUE DATE 2-4-2021				

Sec. 3.06.005. General requirements and restrictions.

- (a) Fences constructed on any lot, and specifically corner lots, will be subject to and shall conform to the visibility triangle requirements as follows:
 - (1) Residential zoning districts. 25 feet × 25 feet visibility triangle on corner lots at the intersection of two streets; five feet setback from alley pavement.
 - (2) Nonresidential zoning districts. 40 feet × 40 feet visibility triangle on corner lots at the intersection of two streets.
 - (3) All zoning districts. Teen feet visibility triangle on corner lots at the intersection of an alley and street.
 - (4) Reverse frontage lots. On all reverse frontage lots it shall be unlawful to construct, maintain, suffer or permit a fence within the required side yard area that is adjacent to a front yard area at a distance closer than 15 feet from and perpendicular to the side property line.
 - (5) The owner of property adjoining a reverse frontage lot may have a fence that meets the requirements in subsection (4) above at the adjoining property line.
 - (6) Additional clear zone may be required by the town engineer.
- (b) No fence, guy wire, brace or post of any fence shall be constructed upon or extend over property over which the town has control, owns or has an easement over or under, except for utility easements which are permitted to be fenced if written permission is granted.
- (c) No fence shall exceed eight feet in height, measured from the finished grade of the lot or property upon which the fence is being erected. Any permanent trim or attachment(s) shall be counted toward the height calculation.
- (d) No fence erected within the town limits shall be electrically charged in any manner except for agricultural use.
- (e) No fence shall be constructed of barbed wire on any property zoned residential or used for residential purposes, except for agricultural use.
- (f) All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of any gate shall be three feet.
- (g) In C-1, C-2, and PBD zoning districts, fences with a base of eight feet in height may be constructed with additional angle arms at the top, and such angle arms may be armed with barbed wire. Such arms shall not exceed two feet above the eight-foot base and shall not extend over public property, town, county or state rights-of-way, easements or private property belonging to others. Any property that requires a screening device shall conform to the zoning ordinance.
- (h) Fence construction material may be wood, chain link, masonry, vinyl or wrought iron except in the case of a sight barrier fence, then masonry shall be required. In all such cases the zoning ordinance shall prevail. No fence may be constructed of, including but not limited to, deteriorated or damaged wood; wood such as plywood or scrap lumber; slats of any nature or material; wire or mesh products except for agricultural use; sheet metal; corrugated or fiberglass panels; rope; string, or other materials not manufactured or intended as fence materials.
- (i) All swimming pools and spas, whether private (single family) or public (hotel, motel, apartment, etc.) shall be fenced or enclosed. The fence or enclosure shall extend around the entire pool or spa and have a minimum height of four feet. The fence or enclosure shall be equipped with self-closing and self-latching gates or doors that will close and latch when released from an open position six inches from the gatepost. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the

release mechanism shall be located on the pool side of the gate at least six inches below the top of the gate, and the gate and the barrier shall not have an opening greater than one-half inch within 18 inches of the release mechanism. Such fence and gates shall be so constructed as to have no openings, holes or gaps in or under larger than four inches in any dimension. All horizontal members and supports shall be on the interior of the fence, smooth side out. No water shall be placed in any swimming pool within the town by any person unless and until there shall be erected and in place a fence which meets these specifications.

- (j) No fence shall be constructed in the required front yard area of any lot in an SF-1, SF-2, or SF-3 zoning district, except that a decorative fence may be constructed to a height no more than three feet above the finished lot grade and the solid area of such fence shall not exceed 50 percent of the total. This prohibition shall not apply in the event a property's front yard adjoins the backyard of a neighbor's property. In such a case the regulations for backyard fences shall apply. Properties in excess of one acre may erect a perimeter fence of 50 percent visibility, including in the required front yard, to a height greater than three feet but no more than ten feet in height.
- (k) No fence shall be constructed so as to encroach past any adjacent lot's front building line except as defined in subsection (j) above or in the case of a reverse frontage lot.
- (l) Fences shall be of solid color and shall be limited to the following colors only: White; black; or earth tones of brown, gray, green, rust or natural wood.
- (m) All fences shall be constructed with the smooth side facing out.
- (n) A masonry fence or retaining wall exceeding four feet in height shall require a design submitted by a registered engineer or registered architect.
- (o) All fences and retaining walls shall be a minimum of one foot from all property lines adjacent to public right-of-ways or easements. Plans for all fences and retaining walls adjacent to public property must be submitted to the town for review, regardless of height, prior to the start of any new construction or the repair of previously existing structures.
- (p) No fence adjacent to a required subdivision screening wall, whether parallel or perpendicular to the wall, may be constructed higher than the height of the subdivision screening wall.

(1999 Code, § 3.514; Ord. 2007-03-578, § 3.04, 3-20-07; Ord. 2007-09-597, § 3, 9-18-07; Ord. 2009-04-635, §§ 3.01—3.04, 4-21-09)

ORDINANCE NO. 98-11-448

AN ORDINANCE OF THE TOWN OF HICKORY CREEK AMENDING THE COMPREHENSIVE ZONING ORDINANCE #86-10-114, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTY TO THE NEW ZONING CLASSIFICATION HEREIN STATED, PROVIDING A SEVERABILITY CLAUSE, ESTABLISHING PENALTIES FOR VIOLATION OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.

WHEREAS, the Town Council of the Town of Hickory Creek, Texas finds that the requisite notices by publication and otherwise, in compliance with the laws of the State of Texas, have been given in regard to said zoning change; and

WHEREAS, two (2) full and fair separate hearings were afforded to all property owners generally and, to the persons interested and situated in the area. The first being held at 7:30 p.m. on the 5th day of August, 1998, at Town Hall Hickory Creek, Texas; and the second being held at 7:00 p.m. on the 19th day of November, 1998 at Town Hall, Hickory Creek, Texas and

WHEREAS, the Town Council of the Town of Hickory Creek, Texas, is of the opinion that said change of zoning which initiated by the Town Council of Hickory Creek which was previously before the Planning and Zoning Commission, should be granted and the Comprehensive Zoning Ordinance of the Town of Hickory Creek should be amended in the exercise of the Town Council's legislative discretion:

NOW THEREFORE, BE IT ORDAINED THAT:

Section 1. That the Comprehensive Zoning Ordinance of the Town of Hickory Creek, Texas be and the same is hereby amended by amending the Zoning Map of the Town of Hickory Creek to give the hereinafter describe property the new zoning district classification as set forth below to wit:

- A. From TH-1 - Town House to P.D. - Planned Development District for SF-1 and SF-2 District uses with special conditions for the property described below in Exhibit "A" and Exhibit "B" to wit:

Section 2. That should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part of provision thereof other than the part so decided to be invalid, illegal or unconstitutional and, shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

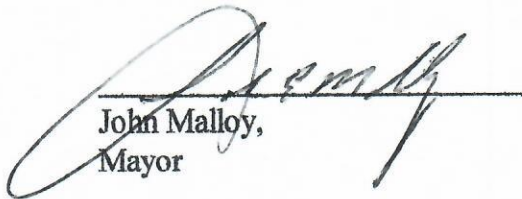
Section 3. That any person, firm or coporation violating any of the provisions or terms of this ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00) and each day and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense.

Ordinance 98-11-448


Section 4. The fact that it is necessary to give the property described herein the above mentioned zoning classification in order to permits its proper development and in order to protect the public interest, comfort and general welfare of the Town creates all urgency and an emergency and requires that it take effect upon its passage and publication.

PASSED AND APPROVED this 19th day of November, 1998.

Approved:


John Malloy,
Mayor

Attest:


Kelly D'Amato, Town Secretary
Town Secretary

Approved As To Form:



Tiffany Haertling,
Town Attorney



EXHIBIT "A"

BEING a tract of land situated in the J.W. Simmons Survey, Abstract 1163, Denton County, Texas and being the same tract of land conveyed to James N. Hays by deed being the Denton County Clerk's Number 95-0042100 and further described as follows:

BEGINNING at a ½ inch iron rod found in the center of Turbeville Road (on apparent 50 foot wide Right-of Way) and being on the called southerly line of said Simmons Survey;

THENCE North 00 degrees 59 minutes 20 seconds West, passing a ½ inch iron rod found at 24.5 feet and continuing for a total distance of 1326.14 feet to a 8 inch wooden fence post found;

THENCE South 89 degrees 56 minutes 20 seconds East, 748.94 feet to a 5/8 inch iron rod found;

THENCE South 00 degrees 45 minutes 00 seconds East, passing a 5/8 inch iron rod found at 1297.1 feet and continuing for a total distance of 1326.05 feet to point on the aforementioned center of Turbeville Road and the southerly line of said Simmons Survey;

THENCE North 89 degrees 56 minutes 20 seconds West, along the center of said Road and southerly line, 743.41 feet to the POINT of BEGINNING and CONTAINING 22.713 acres of land which 0.457 acres are currently situated in fenced Right-of-Way of Turbeville Road and leaving a remainder of 22.256 acres of land, more or less.

EXHIBIT "B"

SECTION 1: Regulations set forth in this section are the district regulations Planned Development.

SECTION 2 USES: Building may be erected, altered, or used and land may be used for any of the following purposes:

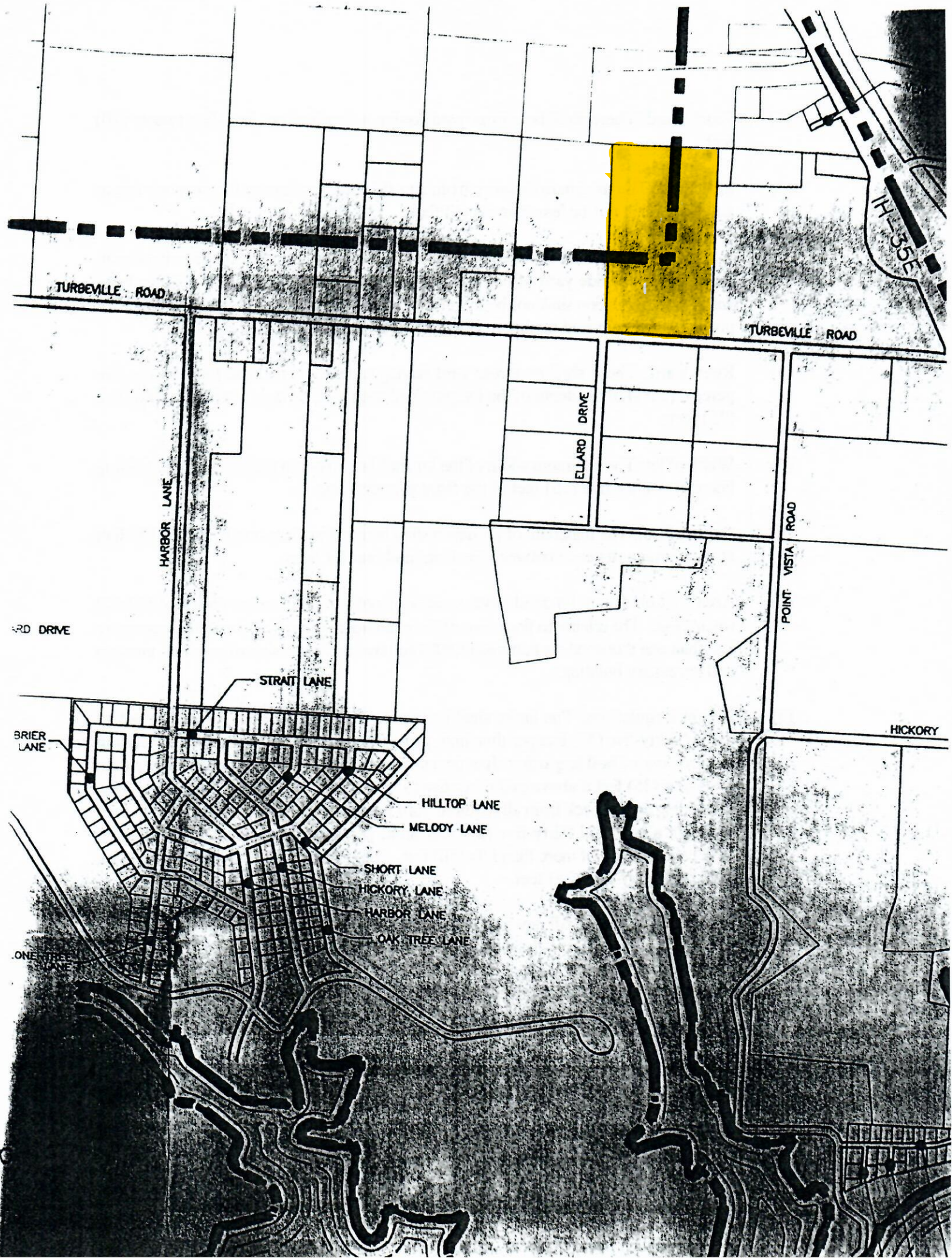
- (1) For all uses permitted in SF-1 and SF-2 Residential District except as modified herein.
- (2) Only the following accessory buildings and uses:
 - (a) One private garage when located no less than twenty (20) feet back from any other street line, or located in a compartment as an integral part of the main building; provided, however, that each entrance to such garage shall be not less than twenty-five (25) feet back from the lot line it faces.
 - (b) Hobby shops as an accessory use.
 - (c) Uses customarily incident to any other above uses situated in the same dwelling, when not involving the conduct of a business or industry.
 - (d) Unilluminated signs not exceeding twelve (12) square feet in an area pertaining to the sale or rental property on which they are located; provided, however, that no advertising sign of any other character shall be permitted in this P.D. (Planned Development). Temporary signs may be an exception with prior approval by the Town Council.
 - (e) Accessory Building: In a residential district, a subordinate building, attached or detached, and used for a purpose customarily incidental to the main structure, such as a private garage for automobile storage, tool house, lath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business.
 - (f) Portable accessory buildings shall not exceed one hundred twenty (120) square feet in area nor twenty-five (25) feet in height. The building must be securely anchored to the ground to withstand winds up to seventy-five (75) miles per hour.
- (3) Every use not hereby specifically authorized and permitted is expressly prohibited in this P.D. (Planned Development).

SECTION 3: AREA REGULATIONS:

- (1) **Front Yard:** There shall be a front yard having a depth of not less than twenty (20) feet.
- (2) **Side Yard:** The minimum distance from any side building line to the property line at any point shall not be less than six (6) feet.

In the case of a corner lot where the side of a lot faces the other intersecting street, there shall be a side yard of not less than one hundred percent (100%) of the front yard. This regulation shall not be so interpreted as to reduce the buildable width after providing the required minimum side yard of a corner lot.

- (3) **Rear Yard:** There shall be a rear yard having a depth of not less than twenty-five percent (25%) of the depth of the lot, provided such yard need not exceed twenty-five (25) feet.
- (4) **Width of lot:** The minimum width of the lot shall be sixty-two (62) feet at the building line and twenty-five (25) feet at the front property line.
- (5) **Depth of Lot:** The minimum of lot depth shall be not less than one hundred (100 feet at the average distance between the front and rear lot lines.
- (6) **Area of Lot:** Every lot shall have an area of not less than seven thousand (7,000) square feet. The minimum floor area of the main building shall not be in the aggregate less than one thousand six hundred (1,600) square feet, exclusive of porches, garages and accessory buildings.
- (7) **Height Regulations:** The limits shall be two and one-half (2 ½) stories, but not to exceed thirty-five (35) feet per dwelling, provided that the dwelling or other building or portions of building other than accessory buildings may be erected higher than thirty-five (35) feet if above said thirty-five (35) feet limits of said building or portions of building are set back from all required yard lines two (2) feet for each one (1) foot in height above said thirty-five (35) feet limit; provided, however, that no building shall have a height of more than fifty (50) feet. Height limit for any accessory building shall be twenty-five (25) feet.
- (8) **Garage Regulations:** All new homes not yet under construction shall have at least a two-car enclosed garage, attached per dwelling unit.
- (9) **Driveways:** All shall have paved driveways.
- (10) **Construction:** All buildings shall be constructed according to the Standard Masonry Construction requirements as defined herein.



TURBEVILLE ROAD

TURBEVILLE ROAD

H-35E

HARBOR LANE

ELLARD DRIVE

POINT VISTA ROAD

RD DRIVE

STRAIT LANE

HICKORY

BRIER LANE

HILLTOP LANE

MELODY LANE

SHORT LANE

HICKORY LANE

HARBOR LANE

OAK TREE LANE

ONE TREE LANE