

TOWN OF TROPHY CLUB, TEXAS

ORDINANCE NO. 90-17

AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS AMENDING ORDINANCE NO. 87-23 OF THE TOWN, THE TOWN COMPREHENSIVE ZONING ORDINANCE, BY GRANTING A CHANGE IN ZONING ON A CERTAIN TRACT OF LAND IN TROPHY CLUB, TEXAS, BEING APPROXIMATELY 4.1824 ACRES OF LAND IN THE J. HENRY SURVEY, ABSTRACT NO. 1045, DENTON COUNTY, TEXAS, AS MORE FULLY DESCRIBED IN THE ATTACHED EXHIBIT "A", SAID CHANGE IN ZONING BEING FROM R-7.5 SINGLE FAMILY RESIDENTIAL DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT AS AUTHORIZED BY SECTION 16 OR ORDINANCE NO. 87-23 OF THE TOWN, FOR TOWNHOMES AND DUPLEXES, IN ACCORDANCE WITH THE EXHIBITS ATTACHED HERETO, WITH THE SPECIFIC REQUIREMENTS CONTAINED IN THIS ORDINANCE, AND WITH A COMPREHENSIVE SITE PLAN; PROVIDING THAT THE ZONING MAP SHALL REFLECT PD, PLANNED DEVELOPMENT DISTRICT NO. 10 FOR THE SUBJECT PROPERTY; PRESERVING ALL OTHER PARTS OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; DETERMINING THAT THE PUBLIC INTEREST AND GENERAL WELFARE DEMAND THE ZONING HEREIN MADE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, application was made to amend the official Zoning District Map of the Town of Trophy Club, Texas (the "Town"), by making application for same with the Planning and Zoning Commission of the Town, as required by state statutes and the Zoning Ordinance of the Town, and all the legal requirements, conditions and prerequisites having been compiled with, the case having come before the Town Council of the Town of Trophy Club, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

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

WHEREAS, the Town Council of the Town of Trophy Club, Texas, at a public hearing called by the Town Council, did consider the following factors in making a determination as to whether the requested changes should be granted or denied; effect on the congestion of the streets, the fire hazards, panics and other dangers possible present in the securing of safety from same, the effect on the promotion of health and general welfare, effect on adequate light and air, the effect on the over-crowding of the land, the effect on the concentration on population, the effect on the transportation; water, sewerage, schools, parks and other public facilities; and

WHEREAS, the Town Council has established conditions of and development standards for the operation, location, arrangement and construction of the use granted by this Ordinance, and which such conditions and development standards impose sufficient safeguards important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view and other undesirable or hazardous conditions; and

WHEREAS, the Town Council of the Town of Trophy Club, Texas, further considered among other things the character of the districts and their peculiar suitability for particular uses and with the view to conserve the value of buildings, encourage the most appropriate use of land throughout this Town; and

WHEREAS, the Town Council of the Town of Trophy Club, Texas, does find that there is a public necessity for the zoning changes, that the public demands them, that the public interest clearly requires the amendments, that the zoning changes do not unreasonably invade the rights of those who bought or improved property with reference to the classification which existed at the time their original investment was made; and

WHEREAS, the Town Council of the Town of Trophy Club, Texas, does find that the changes in zoning lessen the congestion in the streets, helps secure safety from fire, panic and other dangers; promotes the health and the general welfare; provides adequate light and air; prevents the over-crowding of land; avoids undue concentration of population; facilitates the adequate provisions of transportation, water sewerage, schools, parks and other public requirements; and

WHEREAS, the Town Council of the Town of Trophy Club, Texas, has determined that there is a necessity and need for the changes in zoning and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the tract of land requested for a change since the tract of land was originally classified and desires to make the use of the property conforming and not non-conforming and therefore feels that the respective changes in zoning classification for the tract of land are needed, are called for, and are in the best interest of the public at large, the citizens of the Town of Trophy Club, Texas, and helps promote the general health, safety and welfare of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS:

Section 1. That all of the above premises are found to be true and correct and are incorporated in the body of this ordinance as if copied in their entirety.

Section 2. That Ordinance No. 87-23 the Zoning Ordinance of the Town of Trophy Club, Texas, is hereby amended and changed in the following particulars, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases and words of said Zoning Ordinance are not amended, but remain intact and are hereby ratified, verified and affirmed:

A. That the allowed use of a tract of land containing approximately 4.1824 acres and located in the J. Henry Survey, Abstract 1045, Denton County, Texas, and more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes, which, in accordance with the Zoning Ordinance is presently zoned R-7.5 Single Family Residential District, is hereby changed to and shall be in accordance and conformity with and be zoned PD, Planned Development District for townhomes and duplexes according to the standards and requirements set forth in Exhibit "B" attached hereto and incorporated herein for all purposes, and with the specific requirements contained in this Ordinance, and with the comprehensive site plan and plat of the development.

Section 3. That a comprehensive Site Plan, a true and correct copy of which is attached hereto as a part of Exhibit "B" and is incorporated herein, was submitted by the Owner and reviewed and approved by the Town Council upon the recommendation of the Planning and Zoning Commission.

Section 4. That the Developer and Owner has voluntarily agreed to submit, if and when the Property which is the subject of this ordinance is developed as townhome/duplexes, covenants and deed restrictions covering all of the said Property for review by and approval of the Planning and Zoning Commission and Town Council. In the event such deed covenants and restrictions are approved by the Town Council, they shall be attached to and become a part of this ordinance and filed of record in Denton County, Texas; provided however, that such approval shall not constitute an amendment of this ordinance.

Section 5. That the development of the herein described property shall be developed in accordance with all PD, Planned Development District regulations as provided by the Comprehensive Zoning Ordinance, Ordinance No. 87-23, except as otherwise provided by this Ordinance.

Section 6. That in carrying out the development of the PD, Planned Development District, the development standards and conditions as set forth in Exhibit "B" shall be conditions precedent to the granting of any Certificate of Occupancy as required in the Comprehensive Zoning Ordinance, Ordinance No. 87-23.

Section 7. The Town Secretary is hereby directed to mark and indicate on the official Zoning District Map of the Town of Trophy Club, Texas, to reflect the zoning made herein.

Section 8. That in all other respects the use of the property hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the Town of Trophy Club, Texas, and with the site plan attached hereto as part of Exhibit "B".

Section 9. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made with consideration of the reasonable suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

INDIAN CREEK TOWNHOMES

"EXHIBIT A"

BEING a 4.1824 acre tract of land out of the J. HENRY SURVEY, Abstract No. 528, and the W. H. PEA SURVEY, Abstract 1045, in Denton County and also being part of a 307.91 acre tract as recorded in Volume 676, Page 153, Denton County Deed Records, and now being platted as TROPHY CLUB INDIAN CREEK TOWNHOMES, an addition to Denton County, Texas according to the plat thereof recorded in Cabinet C, Slide 357, Plat Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8" iron rod found for the southwest corner of the abovementioned 307.91 acre tract, said point being in the north right-of-way line of State Highway 114, (100' R.O.W.); THENCE North 13° 15' East, a distance of 393.94 feet to a 1/2" iron rod set for the northwest corner of this 4.1824 acre tract and the POINT OF BEGINNING, said point also being in the south right-of-way line of Indian Creek Drive (80' wide), a dedicated street with this same point being the southwest corner of TROPHY CLUB, SECTION THREE, an addition to Denton County, Texas according to the plat thereof recorded in Volume 12, Page 12, Plat Records of Denton County, Texas;

THENCE South 71° 15' East, along the south right-of-way line of Indian Creek Drive, a distance of 681.45 feet to a 1/2" iron rod set for the beginning of a tangency curve to the left;

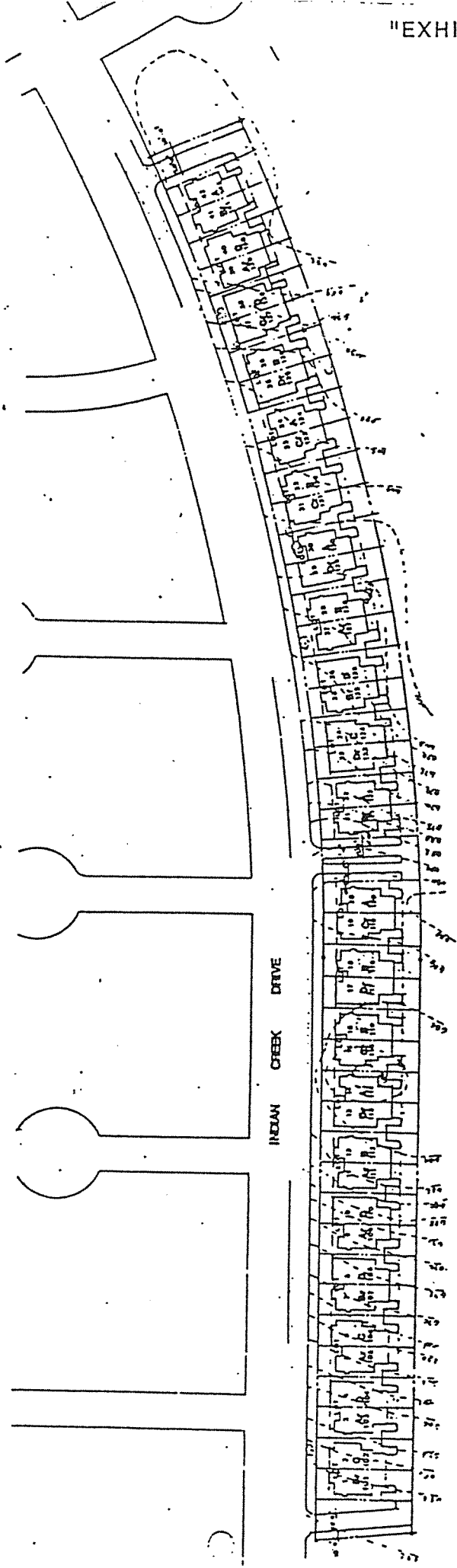
THENCE Easterly along a curve to the left, having a central angle of 26° 10' 39", a radius of 2095.26 feet and a radial bearing of North 18° 45' 00" East, an arc distance of 957.29 feet to a 1/2" iron rod set for the northeast corner of this tract, and the northwest corner of the TROPHY CLUB SECTION NINE, an addition to Denton County, Texas according to the plat thereof recorded in Volume 16, Page 17, Plat Records of Denton County, Texas;

THENCE South 04° 56' 41" East, along the westerly line of TROPHY CLUB SECTION NINE, a distance of 110.10 feet to a 1/2" iron rod found for the southeast corner of this tract, and a corner of THE GREENS OF TROPHY CLUB, an addition to Denton County, Texas according to the plat thereof recorded in Cabinet D, Slide 04, Plat Records of Denton County, Texas, said corner being in a non-tangency curve;

THENCE Westerly along the curve to the right, having a central angle of 26° 03' 13", a radius of 2205.26 feet, and a radial bearing of North 07° 18' 13" West, an arc distance of 1002.78 feet to a 1/2" iron rod found for the point of tangent of the curve;

THENCE North 71° 15' West, a distance of 670.86 feet to a 1/2" iron rod found for the southwest corner of this tract and the northwest corner of TROPHY CLUB PLANTATION, an addition to Denton County, Texas according to the plat thereof recorded in Cabinet C, Slide 393, Plat Records of Denton County, Texas;

THENCE North 13° 15' East, a distance of 110.51 feet to the POINT OF BEGINNING and containing 4.1824 acres of land.



- 302
- 304
- 306
- 308
- 310
- 312
- 314
- 316
- 318
- 320
- 322
- 324
- 326
- 328
- 330
- 332
- 334
- 336
- 338
- 340
- 342
- 344
- 346
- 348
- 350
- 352
- 354
- 356
- 358
- 360
- 362
- 364
- 366
- 368
- 370
- 372
- 374
- 376
- 378
- 380
- 382
- 384

↑ SITE PLAN

Indian Creek Luxury Townhomes at Trophy Club

Owner/Contractor: Britt Phillips Company, Inc.
 Dallas, Texas

Architect: Architectural Consortium
 Austin, Texas

ALL RIGHTS RESERVED
 1. All information contained herein is confidential and proprietary to the Architectural Consortium, Inc. and is not to be distributed, copied, or used in any manner without the prior written consent of the Architectural Consortium, Inc.

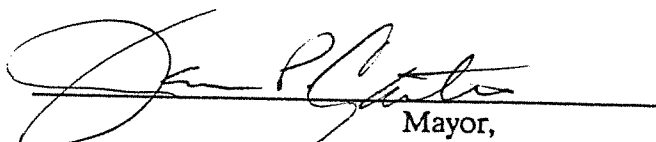
Section 10. This Ordinance shall be cumulative of all other ordinances of the Town of Trophy Club, Texas affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 11. That the terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the tract of land described herein shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract of land described herein.

Section 12. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

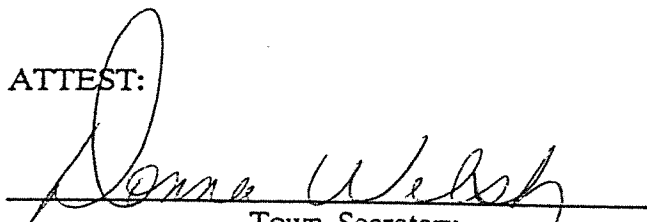
Section 13. That this Ordinance shall take effect from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Trophy Club, Texas this the 5th day of November, 1990.



Mayor,
Town of Trophy Club, Texas

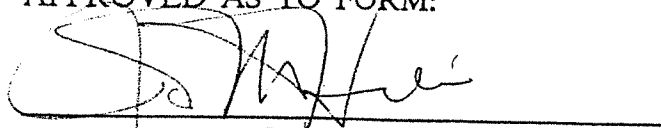
ATTEST:



Town Secretary
Town of Trophy Club, Texas

[SEAL]

APPROVED AS TO FORM:



Town Attorney
Town of Trophy Club, Texas