

## **ORDINANCE NO. 95-20**

### **Including Amendments:**

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|------------------------|--|
| <b>2010-28 P&amp;Z</b> | <b>Council Approval 10/4/10, Outdoor Display of Propane and Ice; 24 Hour Store Operation</b>   |
| <b>2006-15 P&amp;Z</b> | <b>Council Approval 6/5/06, Tract 4B Signs</b>   |
| <b>2002-23 P&amp;Z</b> | <b>Council Approval 6/3/02, Tract 4 Signs</b>  |
| <b>2001-09 P&amp;Z</b> | <b>Council Approval 5/7/01, Tract 1 Signs</b>  |
| <b>97-23 P&amp;Z</b>   | <b>Council Approval 10/21/97, Adding Permitted Use of Restaurant with Drive-Through Service and Adding Certain Sign Standards to Tract 2</b> |
| <b>97-16 P&amp;Z</b>   | <b>Council Approval 8/8/97, Outdoor Storage</b>  |

**FOR A TRACT OF LAND  
KNOWN AS  
PD-13  
VILLAGE (Shopping Center)**

**TROPHY CLUB,  
DENTON COUNTY, TEXAS**

**TOWN OF TROPHY CLUB, TEXAS**

**ORDINANCE NO. 95-20**

**AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS AMENDING ORDINANCE NO. 94-09 OF THE TOWN, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, BY AMENDING THE OFFICIAL ZONING MAP OF THE TOWN BY CHANGING THE ZONING ON A CERTAIN TRACT OF LAND DESCRIBED AS A 9.947 ACRE TRACT OF LAND LYING AT THE NORTHWEST CORNER OF THE INTERSECTION OF TROPHY CLUB DRIVE AND STATE HIGHWAY 114 AND AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN, FROM ITS CURRENT ZONING OF CG-COMMERCIAL GENERAL TO PD PLANNED DEVELOPMENT #13 FOR RETAIL (INCLUDING A GASOLINE SERVICE STATION) AND COMMERCIAL OFFICE USES; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCES OF THE TOWN; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE PD PLANNED DEVELOPMENT #13 ZONING DISTRICT FOR THE SUBJECT PROPERTY; PROVIDING A SAVINGS CLAUSE; 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 A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the owner of the tract of land (the "Land"), described as a 9.947 acre tract of land located generally at the northwest corner of the intersection of Trophy Club Drive and State Highway 114 within the Town of Trophy Club, Texas (the "Town") as more particularly described in Exhibit "A" attached hereto and incorporated herein, filed an application with the Town Planning and Zoning Commission requesting a change in zoning of the Land and an amendment to the official Zoning District Map of the Town in accordance with the Ordinance No. 94-09 of the Town (the "Comprehensive Zoning Ordinance"); and

**WHEREAS**, all legal notices, requirements and conditions having been complied with, the case to rezone the Lane came on before the Planning and Zoning Commission and Town Council,

**WHEREAS**, the Town Council, at a public hearing held jointly with the Planning and Zoning Commission, had an opportunity to consider the following factors in making a determination as to whether the requested changes should be granted or denied: effect on the congestion in the streets, safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the Land, noise producing elements and glare of vehicular and stationary lights and effect of such lights on the established character of the neighborhood, and the fire hazards and other dangers possibly present and the securing of safety from the same, lighting and type of signs and the relation of signs to traffic control and adjacent property, street size and adequacy of width for traffic reasonably expected to be generated for proposed uses around the Land and in the immediate neighborhoods, the effect on the promotion of health and the general welfare, effect on adequate light and air, the effect on the transportation, water, sewerage, schools, parks and other public facilities; and

**WHEREAS**, the Town Council further considered among other things the character of the districts and their peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the Town, and does hereby find that the rezoning approved hereby accomplishes such objectives; and

**WHEREAS**, the Town Council finds that the zoning granted herein utilizes innovative land development concepts and is consistent with the Town's Comprehensive Land Use Plan; and

**WHEREAS**, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at the said public hearings and all other relevant information and materials, the Planning and Zoning Commission of the Town has recommended to the Town Council the adoption of the amendments to the Comprehensive Zoning Ordinance as set forth in this Ordinance; and

**WHEREAS**, the Town Council has determined that there is a necessity and need for the change in zoning and that there has been a change in the conditions of the Land surrounding and in close proximity to the Land since the Land was originally classified and therefore the change in zoning herein made is needed; and

**WHEREAS**, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the Town Council has concluded that the adoption of this Ordinance is in the best interests of the Town of Trophy Club, Texas and of the public health, safety and welfare.

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

Section 1. Incorporation of premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Rezoning. Ordinance No. 94-09 of the Town of Trophy Club, Texas, the same being the Town's Comprehensive Zoning Ordinance, is hereby amended in the following

particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed:

A. The zoning on the Land, being a 9.947 acre tract of land described in Exhibit "A" attached hereto and incorporated herein, heretofore zoned CG-Commercial General District is hereby changed to PD Planned Development District for retail (commercial and gasoline service station uses) and commercial office uses, in accordance with the requirements of this Ordinance (including Exhibits "B" (PD Site Plan), "C" (Development Standards), "E" (Conceptual Landscape Plan and other conceptual drawings, "F" (Approved Plant List ), "H" (Preliminary Grading/Sight Line Study), "I" (Conceptual East and South Elevations), "J" (showing Ripon-A light fixtures), and "K" (Austin stone masonry wall design), each of which Exhibits is incorporated herein for all purposes), all applicable parts of the Comprehensive Zoning Ordinance, and all other applicable ordinances, rules and regulations of the Town.

Section 3. Site plan. A planned development site plan for the Land or any part thereof which shall be in substantial conformity with Exhibits described in Section 2.A. above shall be submitted by the Owner of the Land as required by and in accordance with the Comprehensive Zoning Ordinance and shall be filed as a part of this Ordinance and shall be made a part hereof prior to the issuance of any building permit for the Land in this Planned Development District. By way of example only, Exhibit "G" (Potential Alternate Site Plan) represents a potential final site configuration and building design which maintains the design elements reflected in the PD Site Plan attached as Exhibit "B."

Section 4. Zoning Map. The Planning and Zoning Administrator is hereby directed to mark and indicated on the official Zoning District Map of the Town to reflect the zoning change herein made.

Section 5. Development conditions. In carrying out the development of the Land in accordance with this Ordinance, the Development Standards set forth in Exhibit "C" shall be conditions precedent to the granting of any certificate of occupancy.

Section 6. Restrictive covenants. In connection with the development of the Land, the Owner of the Land has voluntarily agreed to place against the Land certain restrictive covenants running with the Land (which covenants are attached hereto as Exhibit "D") in a form to be approved by the Town and to which the Town may be made a party for certain purposes.

Section 7. Applicable regulations. In all respects the Land shall be subject to the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances and regulations of the Town.

Section 8. Purpose. The amendment to zoning herein made has been made in accordance with the Comprehensive Plan of the Town for the purpose of promoting the health, safety and welfare of the community, and with consideration of the reasonable suitability for the particular use and with a view of conserving the value of the buildings and encouraging the most appropriate use of land within the community.

Section 9. Savings. This Ordinance shall be cumulative of all other ordinances of the Town affecting the regulation of land and zoning and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 10. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 11. Severability. The sections, paragraphs, sentences, phrases, clauses, and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 12. Effective date. This Ordinance shall become effective from and after its date of adoption and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Trophy Club, Texas this the 21<sup>st</sup> day of November, 1995.

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Mayor, Town of Trophy Club, Texas

ATTEST:

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Town Secretary, Town of Trophy Club, Texas

[SEAL]

APPROVED AS TO FORM:

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Town Attorney, Town of Trophy Club, Texas

EXHIBIT "A"

LEGAL DESCRIPTION

See original ordinance for copy of Exhibit A

EXHIBIT "B"

PD SITE PLAN

See original ordinance for copy of Exhibit B

**EXHIBIT “C”**

**DEVELOPMENT STANDARDS  
THE VILLAGE AT TROPHY CLUB, TEXAS**

The development of the Land described in Exhibit “A” consisting of approximately 9.947 acres of land shall be in accordance with the PD Site Plan of the development (attached hereto as Exhibit “B”), all other Exhibits attached to or to be made apart of this Ordinance, the Comprehensive Zoning Ordinance (Ordinance No. 94-09), all other applicable ordinances and regulations of the Town of Trophy Club, and the following Development Standards, conditions and requirements:

A. Purposes, development standards, uses within individual tracts: This Planned Development is designed to accommodate a variety of retail commercial and commercial office uses. For development purposes, the Land is divided into four tracts (Tracts 1, 2, 3, and 4 as shown on Exhibit “B” attached hereto (PD Site Plan)), and the use and development of each of the tracts shall be in accordance with the following:

1. Tract 1 (Retail uses, as depicted in Exhibit “B”): The following standards shall apply to Tract 1:

- (a) Size of tract: Tract 1 shall contain approximately 3.8 acres of land.
- (b) Uses generally: In the development and use of Tract 1, no land shall be used and no building or structure shall be installed, erected or converted to any use other than the following:
  - (1) Permitted uses:

(A) Book Stores	(N) Specialty household furnishings and fixtures.
(B) Stationary, card and party Stores	(O) Boutiques
(C) Specialty gift stores	(P) Antique Shops
(D) Computer and electronic sales and service stores	(Q) Neighborhood hardware stores
(E) Specialty neighborhood	(R) Small household appliance stores
(F) Barber, nail and beauty shops	(S) Bicycle shops (non-motorized)
(G) Art gallery	(T) Wearing apparel and shoe shops
(H) Confectionery shops	(U) Art supply store
(I) Ice cream shops	(V) Electric goods and fixtures
(J) Drug stores, apothecary and pharmacy	(W) Sporting goods stores
(K) Jewelry and watch store	(X) Fabric and knitting shops
(L) Florist	(Y) Music/video store (no video arcade machines allowed, no adult video sales or rentals allowed)
(M) Arts, crafts and hobby stores	(Z) All permitted uses in Tracts 3 and 4



(2) Accessory uses. Accessory uses shall be permitted in accordance with the regulations set forth in Section 35 of the Comprehensive Zoning Ordinance. Outdoor pay phones shall not be permitted.

(3) Conditional uses. Conditional uses may be permitted in accordance with the regulations provided in Section 42 of the Comprehensive Zoning Ordinance.

(4) Limitation of uses. Any use not expressly permitted herein or allowed by permit is prohibited.

(c) Area and building regulations:

(i) Maximum building coverage: The combined area of all main and accessory buildings shall not exceed 25% of the total area of Tract 1.

(ii) Maximum floor area, number of buildings: The maximum combined square footage of all main and accessory buildings shall be 40,000 square feet. No more than two (2) buildings shall be constructed or located in Tract 1. No building shall contain more than 20,000 square feet.

(iii) Maximum impervious area: The combined area occupied by all buildings, structures, off-street parking and paved areas shall not exceed eighty percent (80%) of the total area of Tract 1.

(iv) Minimum open space: All areas (but in any event at least 20% of the total area of Tract 1) not devoted to buildings, walkways, structures or off-street parking area shall be devoted to grass, trees, gardens, shrubs, or other suitable landscape material.

(v) Depth of front yard, feet\*: There shall be a front yard having a depth of not less than thirty (30) feet.

(vi) Depth of rear yard, feet\*: There shall be a rear yard having a depth of not less than forty (40) feet.

(vii) Width of side yard on each side, feet\*: A minimum of a fifteen (15) foot side yard shall be required on each side of Tract 1.

(viii) Height: No building or structure shall exceed thirty-five (35) feet in height (1 story maximum).

\*All yards shall comply with Section 37, "Required Yards," of the Comprehensive Zoning Ordinance.

(d) Parking, loading regulations: The minimum number of off-street parking spaces shall be one (1) space for each 200 square feet of building area. In all other

respects, off street parking shall comply with Section 47 of the Comprehensive Zoning Ordinance. Off-street loading shall be in accordance with Section 48, "Off-Street Loading Requirements," of the Comprehensive Zoning Ordinance. Landscaped island shall be provided for every twelve (12) parking spaces. Handicapped parking, including van accessible spaces, shall be provided according to Town standards.

- (5) Tract 1 Signs: The following sign regulations apply to signs within Tract 1 only and are cumulative of all other general sign regulations herein. In the event of a conflict between these regulations and any other regulations contained in this ordinance, the following regulations shall control signage located within Tract 1.
- (a) Monument Signs. Two monument type signs may be located within the landscaped area as shown on Exhibit "C.1". Each sign shall not exceed a maximum of ten (10) feet in height and eight (8) feet in length, as shown on Exhibit "C.2". The signs shall be mounted on a stone base with a maximum height of one (1) foot, six (6) inches above finished grade of the adjacent concrete curb within the parking lot. The signs shall not exceed a maximum of eighty (80) square feet in total area, excluding the height of the stone base.
  - (b) Banners and Temporary Signs. No banner or temporary sign shall be allowed on the exterior of any building, except as specifically provided herein. Banners for grand openings may be displayed no more than fifteen (15) days prior to and thirty (30) days following the date of a grand opening. In no instance shall the period of display exceed a total of forty-six (46) days, including the date of the grand opening. The tenant conducting the grand opening, or that person's designee, shall obtain a permit from the Town designating the date and the duration of the grand opening event. Banners for temporary events shall be permitted a maximum of two (2) times annually for each tenant, and may be displayed for a period not to exceed fifteen (15) days for each event. The tenant conducting the event or that person's designee shall obtain a permit from the Town designating the date(s) and duration of the event.
  - (c) Signs Displayed in Windows: Signs exceeding two (2) square feet in total area shall require a sign permit from the Town. Signs less than or equal to two (2) square feet shall be allowed without a permit.
  - (d) Wall Signs: The size of a wall sign shall not exceed seventy-five (75%) percent of the width or the height of the available wall area or store frontage for a tenant's space. Such signs shall be centered both vertically and horizontally on the store frontage for a tenant's space. The maximum copy height shall not exceed two (2) feet, six (6) inches. The minimum copy height shall be one (1) foot, two (2) inches. The mounted copy depth shall be five (5) inches. Wall signs shall not project more than twelve inches from the wall surface, as shown on Exhibit "C.3".
  - (e) Internal Lighting: Internally lit, individual aluminum channel letters with a 1/8" Plexiglas front shall be permitted on the building face. The raceway shall be painted to match the surface upon which it is mounted.

- (f) Raceway Requirements: The raceway shall allow appropriate internal reinforcing and adequate service access for all hardware. No wiring, angle iron or other supports shall be exposed. The raceway shall contain all transformers and wiring for the letters.
- (g) Internal Illuminated Signs: Illuminated signs which are visible through the window of a tenant's space shall be set back a minimum of one (1) foot from the face of the window. This distance shall be measured from the front surface of the sign to the face of the window. If the front surface contains letters or other symbols that project outward, then the distance shall be measured from that point.
- (h) Temporary Leasing Sign: One leasing sign with maximum dimensions of eight (8) feet in height and four (4) feet in width, not exceeding a maximum area of thirty-two (32) square feet shall be permitted. The leasing sign shall be constructed of wood or aluminum and may not exceed ten (10) feet in height overall.
- (i) Tenants or owners may request a waiver or exception to these provisions as allowed by the ordinances of the Town.  
(Ordinance No. 2001-09 P&Z, Approved 5/7/01)

2. **Tract 2 (Retail/commercial use with gasoline island):** The following standards shall apply to Tract 2:

- (a) Size of tract: Tract 2 shall contain approximately 1.8 acres of land.
- (b) Permitted uses: In the development of tract 2, no land shall be used and no building shall be installed, erected or converted to any use other than the following:
  - (1) Convenience store with gasoline sales (no truck diesel, no cigarette wrapping papers, nor any adult magazine or video sales allowed; no video arcade machines allowed);

Hours of Operation: The hours of operation of the convenience store with gasoline sales may be open to the public and operated for its intended purposes as allowed by law on a 24-hour, seven day per week basis.

Outdoor Display: The convenience store with gasoline sales may display propane and ice on the east (only) sidewalk, for sale inside the store. The size of the propane cabinet shall not exceed: 6'-8" wide; 2'-3" deep; 6'-0" height; and the size of the ice cabinet shall not exceed: 8'-0" wide; 3'-0" deep; 5'-5" height.  
(Ordinance No. 2010-28 P&Z, approved 10/4/2010)

- (2) All uses permitted in Tracts 1, 3 and 4
- (3) Restaurant with drive-through service (Ord. No. 97-23 P&Z, approved 10/21/97)

(c) Area and building regulations:

- (i) Maximum building coverage: The combined area of all main and accessory buildings shall not exceed 15% of the total area of Tract 2.
- (ii) Maximum floor area, number of buildings: The maximum square footage of all main and accessory buildings shall be 8,500 square feet. No more than one (1) building shall be constructed or located in Tract 2.
- (iii) Maximum impervious area: The combined area occupied by all buildings, structures, structures, off-street parking and paved areas shall not exceed eighty percent (80%) of the total area of Tract 2.
- (iv) Minimum open space: All areas (but in any event at least 20% of the total area of Tract 1) not devoted to buildings, walkways, structures or off-street parking area shall be devoted to grass, trees, gardens, shrubs, or other suitable landscape material.
- (v) Depth of front yard, feet\*: There shall be a front yard having a depth of not less than thirty (30) feet.
- (vi) Depth of rear yard, feet\*: There shall be a rear yard having a depth of not less than forty (40) feet.
- (vii) Width of side yard on each side, feet: A minimum of fifteen (15) foot side yard shall be required on each side of Tract 1.
- (viii) Height: No building or structure shall exceed thirty-five (35) feet in height (1 story maximum).

\*All yards shall comply with Section 37, "Required Yards," of the Comprehensive Zoning Ordinance.

- (d) Parking, loading regulations: The minimum number of off-street parking spaces shall be one (1) space for each 200 square feet of building area. In all other respects, off-street parking shall comply with Section 47 of the Comprehensive Zoning Ordinance. Off-street loading shall be in accordance with Section 48, "Off-Street Loading Requirements," of the Comprehensive Zoning Ordinance. Landscaped islands shall be provided for every twelve (12) parking spaces. Handicapped parking, including van accessible spaces, shall be provided according to Town standards.
- (e) Restaurant with Drive-Through Service: In addition to the standards set forth herein, a restaurant with drive-through service shall comply with and be subject to the following standards:

- (i) Location: The restaurant shall be located solely in that area shown as “lease space” adjacent to “Tetco Store” as depicted on the Dimensional Site Plan attached hereto as Exhibit L and incorporated herein. The restaurant use of Tract 2 (and being Lot 2 of the Village at Trophy Club) shall be in accordance with Exhibit L.
- (ii) Signs: Notwithstanding other ordinances or regulations of the Town relating to signs, the following signs exterior to the building in which the restaurant is located shall be permitted (maximum size of signs is indicated in attached exhibits):
  - (aa) One canopy sign as depicted in Exhibit M attached hereto and incorporated herein;
  - (bb) One building sign as depicted in Exhibit M to be attached to the exterior of the building;
  - (cc) One directional sign as depicted in Exhibit M to be located as shown on Exhibit L;
  - (dd) One menu board sign as depicted on Exhibit N attached hereto and incorporated herein; to be located as shown on Exhibit L; and
  - (ee) One monument sign to be located as shown on Exhibit L (a single monument sign is allowed for all uses (restaurant and all other uses) on Tract 2 as shown on Exhibit L).

No other signs exterior to the building regarding the restaurant shall be permitted on Tract 2 or at any other location on the Land.  
(Ordinance No. 97-23 P&Z, Approved 10/21/97)

3. **Tract 3 (Transition from office and commercial to retail)**: The following standards shall apply to Tract 3:

- (a) Size of tract: Tract 3 shall contain approximately 1.5 acres of land.
- (b) Permitted uses: In the development of Tract 3, no land shall be used and no building or structure shall be installed, erected or converted to any use other than the following:
 

<ul style="list-style-type: none"> <li>(1) Restaurants with no drive-through or drive-in</li> <li>(2) Restaurants with alcoholic beverage sales (subject to required Town approvals)</li> <li>(3) Office supply</li> </ul>	<ul style="list-style-type: none"> <li>(4) Photographic service and studio</li> <li>(5) Specialty gourmet food stores</li> <li>(6) Bakery shop</li> <li>(7) Dry Cleaners (pick-up and delivery only)</li> <li>(8) All uses permitted in Tract 4</li> </ul>
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- (c) Area and building regulations:

- (i) Maximum building coverage: The combined area of all main and accessory buildings shall not exceed 15% of the total area of Tract 3.
- (ii) Maximum floor area, number of buildings: The maximum square footage of all main and accessory buildings shall be 8,500 square feet. No more than (1) building shall be constructed or located in Tract 3.
- (iii) Maximum impervious area: The combined area occupied by all buildings, structures, off-street parking and paved areas shall not exceed eighty percent (80%) of the total area of Tract 3.
- (iv) Minimum open space: All areas (but in any event at least 20% of the total area of Tract 1) not devoted to buildings, walkways, structures or off-street parking area shall be devoted to grass, trees, gardens, shrubs, or other suitable landscape material.
- (v) Depth of front yard, feet\*: There shall be a front yard having a depth of not less than thirty (30) feet.
- (vi) Depth of rear yard, feet\*: There shall be a rear yard having a depth of not less than forty (40) feet.
- (vii) Width of side yard on each side, feet\*: A minimum of fifteen (15) foot side yard shall be required on each side of Tract 3.
- (viii) Height: No building or structure shall exceed thirty-five (35) feet in height (1 story maximum).

\*All yards shall comply with Section 37, "Required Yards," of the Comprehensive Zoning Ordinance.

- (d) Parking, loading regulations: The minimum number of off-street parking spaces shall be one (1) space for each 300 square feet of building area. In all other respects, off-street parking shall comply with Section 47 of the Comprehensive Zoning Ordinance. Off-street loading shall be in accordance with Section 48, "Off-Street Loading Requirements," of the Comprehensive Zoning Ordinance. Landscape islands shall be provided for every twelve (12) parking spaces. Handicapped parking, including van accessible spaces, shall be provided according to Town standards.

4. **Tract 4 (Tracts 4A, 4B if Exhibit G is used) (Office/commercial uses)**: The following standards shall apply to Tract 4:

- (a) Size of tract: Tract 4 shall contain approximately 2.8 acres of land.

(b) Permitted uses: In the development of Tract 4, no land shall be used and no building or structure shall be installed, erected or converted to any use other than the following:

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| (1) Administrative, executive editorial office | (13) Specialty neighborhood services                |
| (2) Accounting office                          | (14) Title Company                                  |
| (3) Architectural, engineering planing office  | (15) Health and athletic services                   |
| (4) Attorney's office                          | (16) Weight reduction services                      |
| (5) Physician or dentist                       | (17) Medical, dental, chiropractic, optometry, etc. |
| (6) Municipal administration and               | (18) Real estate office                             |
| (7) Insurance office                           | (19) Art studio                                     |
| (8) Personal or family counselor               | (20) Dance studio                                   |
| (9) Public secretary                           | (21) Duplication and mailing service                |
| (10) Bank, savings and loan                    | (22) Printing, publishing and engraving             |
| (11) Mortgage company                          | (23) Educational services                           |
| (12) Interior design and supply services       | (24) Private health clubs                           |

(c) Area and building regulations:

- (i) Maximum building coverage: The combined area of all main and accessory buildings shall not exceed 35% of the total area of Tract 4.
- (ii) Maximum floor area, number of buildings: The maximum combined square footage of all main and accessory buildings shall be 44,000 square feet. No more than two (2) buildings shall be constructed or located in Tract 4.
- (iii) Maximum impervious area: The combined area occupied by all buildings, structures, off-street parking and paved areas shall not exceed eighty percent (80%) of the total area of Tract 4.
- (iv) Minimum open space: All areas (but in any even at least 20% of the total area of Tract 1) not devoted to buildings, walkways, structures or off-street parking area shall be devoted to grass, trees, gardens shrubs, or other suitable landscape material.
- (v) Depth of front yard, feet\*: There shall be front yard having a depth of not less than thirty (30) feet.
- (vi) Depth of rear yard, feet\*: There shall be a rear yard having a depth of not less than forty (40) feet.

- (vii) Width of side yard on each side, feet: A minimum of a fifteen (15) foot side yard shall be required on each side of Tract 4.
- (viii) Height: No building or structure shall exceed thirty-five (35) feet in height (1 story maximum).

\*All yards shall comply with Section 37, "Required Yards," of the Comprehensive Zoning Ordinance.

- (d) Parking, loading regulations: The minimum number of off-street parking spaces shall be one (1) space for each 300 square feet of building area. In all other respects, off-street parking shall comply with Section 47 of the Comprehensive Zoning Ordinance. Off-street loading shall be in accordance with Section 48, "Off-Street Loading Requirements," of the Comprehensive Zoning Ordinance. Landscaped islands shall be provided for every twelve (12) parking spaces. Handicapped parking, including van accessible spaces, shall be provided according to Town standards.
- (e) Tract 4 Signs: The following sign regulations apply to signs within Tract 4 only and are cumulative of all other general sign regulations herein. In the event of a conflict between these regulations and any other regulations contained in this ordinance, the following regulations shall control signage located within Tract 4.
  - (1) Monument Sign: One (1) monument sign, double sided, shall be located within the landscaped area as shown on Exhibit C.4. The sign shall not exceed a maximum of five feet (5'), six inches (6") in height measured from the bottom of the footing and eleven feet (11'), five inches (5") in length, as shown on Exhibit C.5. The sign copy shall not exceed a maximum three feet (3'), three inches (3") in height and six feet (6'), six inches (6") in length, and no more than twenty-two square feet (22') in total area. The monument sign copy shall be internally illuminated with an aluminum face routed copy, backed with Plexiglas, per logo colors. Additional copy to be 1<sup>st</sup> surface vinyl.
  - (2) Banners and Temporary Signs: No banner or temporary signs shall be allowed on the exterior of the building, except as specifically provided herein. Banners for grand openings may be displayed no more than fifteen (15) days prior to and thirty (30) days following the date of the grand opening event. In no instance shall the period of display exceed a total of forty-six days, including the date of the grand opening. The tenant or property owner conducting the grand opening shall obtain a permit from the Town designating the date and the duration of the grand opening event.

Banners for temporary events shall be permitted a maximum of two times annually for the tenant or property owner, and may be displayed for a period not to exceed fifteen (15) business days for each event. The tenant



or property owner conducting the event shall obtain a permit from the Town designating the date(s) and duration of the event.

- (3) **Wall Signs:** A wall sign shall be located on the south elevation of the building. The letters shall not exceed a maximum height of twenty-two inches (22"). Any logo associated with the sign shall not exceed a maximum height of twenty-eight inches (28"). Such sign shall be horizontally centered on the building elevation. Wall signs shall not exceed more than twelve inches (12") from the wall surface, as shown on Exhibit C.6.
  - (4) **Internal Lighting:** Internally lit, individual aluminum channel letters with a 1/8" Plexiglas front shall be permitted on the building face. The raceway shall be painted to match the surface upon which it is mounted.
  - (5) **Raceway Requirements:** The sign is to be attached to an eight inch (8") by eight-inch (8") aluminum raceway, fabricated from .063 aluminum. The raceway shall enclose all electrical components such as wiring, transformers, etc., with no secondary wiring to be visible on/from the front face of the sign.
  - (6) **Installation:** A licensed electrician shall perform all electrical hook-up. All signage shall be mounted on a raceway. All penetration through the masonry shall be through the mortar joints. No secondary wiring running between letters shall occur on the front face of the raceway. The tenant shall provide the J box, rigid conduit to the panel and wiring.
  - (7) **Additional Requirements:** The following additional standards shall apply to all signage, as applicable:
    - (i) conformance with the 1997 National Electrical Code, as amended;
    - (ii) conformance with UL Standards; and
    - (iii) conformance with Town permitting requirements.
  - (8) **Waiver or Exception:** Tenants or owners may request a waiver or exception to these provisions as allowed by the ordinances of the Town.  
(Ordinance No. 2002-23 P&Z, Approved 6/12/02)
- (f) **Tract 4B Signs:** The following sign regulations apply to signs within Tract 4B only and are cumulative of all other general sign regulations herein. In the event of a conflict between these regulations and any other regulations contained in this ordinance, the following regulations shall control signage located within Tract 4B.
- (1) **Directory Sign:** One (1) directory sign, double sided, shall be located within the landscaped area as designated on the previously approved site plan, and shown on Exhibit C.7. The sign shall not exceed a maximum of three feet, nine inches (3'9") in height measured from the bottom of the footing and thirteen feet, (13') in length, as shown on Exhibit C.8. The sign copy shall not exceed a maximum of three feet, two inches (3'2") in height and nine feet, six inches (9'6") in length. The monument sign face shall be made of sign grade acrylic, white in color and 3/16" thick. The can shall be steel frame with aluminum skin. Surface lettering shall be vinyl.

- (2) Installation: A licensed electrician shall perform all electrical hook-up.
- (3) Additional Requirements: The following additional standards shall apply to all signage, as applicable:
  - (i) conformance with the 2002 National Electrical Code, as amended;
  - (ii) conformance with UL Standards; and
  - (iii) conformance with Town permitting requirements.
- (4) Waiver or Exception: Tenants or owners may request a waiver or exception to these provisions as allowed by the ordinances of the Town. (Ordinance No. 2006-15 P&Z, Approved 6/5/06)

(B) Additional development standards applicable to this Planned Development District:

1. Concept plan: An overall concept plan showing all internal streets, drainage utilities, and exact divisions between land uses shall be submitted simultaneously with the submission of the first comprehensive site plan for any Tract in this Planned Development District.

2. Buffered Area:

- (a) All principal buildings and structures shall be set back a minimum of forty (40) feet from the common property line of any adjoining property used or zoned residential.
- (b) A thirty (30) foot continuous landscape buffer shall be provided along all single family residential property lines as indicated on Exhibit "B" attached hereto (PD Site Plan) and Exhibit "E" (Landscape Concept Plan). The buffer shall be graded so as to closely maintain the existing grades and shall be landscaped with evergreen trees from the mandatory plant list (attached hereto as Exhibit "F") and incorporated herein). The thirty (30) foot continuous landscape buffer shall be irrigated. Maintenance of the landscape buffer and irrigation shall be the responsibility of the owners of the Land. Landscaping and irrigation along the entire landscape buffer shall commence in the first phase of any development of any Tract within the Land and shall be entirely completed prior to the issuance of any certificate of occupancy.
- (c) Prior to the issuance of any building permit for the Land, a continuous eight (8) foot "Woodcrete" fence (see Exhibit "K") shall be provided along the adjacent single family residential property lines and shall be constructed completely on the Land. Eight (8) foot Austin stone columns shall be constructed on all property corners of each adjacent single family residential lot. The height of the fence shall

be measured from the existing grade. The Owner of the Land, at its sole expense, shall remove all rear wood fencing (constructed on the adjacent single-family residential fences and the “Woodcrete” screening fence. Connections shall be of like construction to existing fences. The fence contractor shall design specific per lot fence grades per the existing conditions which will not hinder or impede current utility or drainage conditions. The fence construction shall commence in the first phase of any development or any Tract within the Land and shall be entirely completed prior to the issuance of any certificate of occupancy.

3. Landscaping. Landscaping shall be in accordance with Section 46 “Landscaping Regulations,” of the Comprehensive Zoning Ordinance and with the following:

- (a) Berming shall be utilized along street frontages, when possible, to screen parking from public view.
- (b) All landscaped areas shall be irrigated.
- (c) Landscaping shall be maintained by the Owner’s of the Land. Any dead plant material shall be removed and replaced in a timely manner.
- (d) All plant materials must be selected from the mandatory plant list attached hereto as Exhibit “F.”

The Landscape Concept Plan (Exhibit “E”) has been included with this Ordinance to generally illustrate the intent and location of landscaping tree massing. Trees shall be 3 ½” – 4 ½” minimum caliper, as the case may be, at the time of installation. Trees located in the 30 foot landscape easement adjacent to the single family property shall be located so as to provide a full screen at the time of maturity. These trees shall be evergreen.

Detailed landscape plans, sealed by a registered landscape architect, shall be provided on each tract at the time of Final Site Plan submittal.

4. Deceleration and left turn lanes. The Owner of the Land has voluntarily agreed to and shall provide left-hand turn lanes for both directions of travel located at the ultimate median opening on Trophy Club Drive as shown on Exhibit “B” (Site Plan). A deceleration lane will be provided along Trophy Club Drive as shown on Exhibit “B” (Site Plan). Construction of the deceleration and left-hand turn lanes shall be constructed at the same time as the reconstruction of Trophy Club Drive by the Town.

5. Hours of operation of uses. Hours of operation for the uses set forth herein shall be no longer than from 6:00 a.m. to 11:00 p.m. Deliveries and service calls shall be allowed only between the 8:00 a.m. and 5:00 p.m. No outside sales of any kind shall be conducted, including but not limited to, truck lot, pedestrian walkway, tent or other sales. [See Section A for Hours of Operation for the 7-Eleven convenience store.]

6. Accessory uses. Accessory uses shall be permitted in accordance with the regulations set forth in Section 35, "Accessory Buildings," of the Comprehensive Zoning Ordinance.

7. Conditional uses. No conditional uses shall be permitted.

8. Limitation of uses. Any use not expressly provided for in this Ordinance or otherwise allowed by law is prohibited.

9. Building materials. All main and accessory buildings shall be of exterior fire resistant construction having at least eighty percent (80%) of the total exterior walls, excluding doors, windows and porches, constructed of brick, stone or other masonry or material of equal characteristics in accordance with the Town's Building Code and Fire Code. All buildings and structures shall be constructed of natural stone with a metal type roof. All windows and doors shall be of wood construction. Typical elevations are provided with this Ordinance (see Exhibit "T" to illustrate the conceptual architectural style and detail.

(a) Vertical walls of each building exclusive of doors and windows shall be of one hundred percent (100%) masonry. All vertical walls visible from the street shall be an Austin stone or similar material. Split concrete block or similar material may be used on rear exteriors not visible from the street.

(b) Wood treatment shall be confined to soffits, gable ends, porch ceilings and columns. All windows and doors shall be of wooden construction. All windows and doors shall have gridded lite panes.

(c) The roof of any building shall be galvalum construction and shall be allowed to weather to a natural color, and shall be of a uniform color. No application of a colored paint shall be allowed. All roofs shall be properly maintained by the building owner.

10. Development schedule. The Land shall be developed in accordance with the following schedule submitted by the Owner/Developer:

January 1, 1996 to December 31, 1997

Bank Site	
Convenience Site with Gasoline Sales	
Office Building	14,000 – 22,000 square feet

January 1, 1997 to December 31, 1998

Second Office Building	14,000 square feet
Retail Building	16,000 – 20,000 square feet

January 1, 1998 to December 31, 1999

## Complete remaining office and retail development

Every six (6) months following the approval of this Ordinance, the Building Inspector shall report to the Planning and Zoning Commission and the Town Council the actual development accomplished as compared with the development schedule submitted by the Owner/Developer of the Land.

If in the opinion of the Planning and Zoning Commission or the Town Council, the Owner/Developer has failed to meet the approved development schedule, the Planning and Zoning Commission or the Town Council may initiate proceedings to amend all or part of the zoning on the Land or to amend the provisions of this Ordinance. Upon receiving the recommendation of the Planning and Zoning Commission, after all hearings have been held as required by law, the Town Council may amend all or part of the zoning of the Land and/or amend the provisions of this Ordinance to extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions existing.

11. Landscaped islands/parking. Per the landscape ordinance of the Town of Trophy Club, a landscaped island shall be provided for every twelve (12) parking spaces.

12. Additional parking standards. Parking shall be provided in accordance with the ratios identified on the plan. Shared parking is allowed and can be used in calculations to provide minimum total spaces for overall site.

13. Handicapped parking. Handicapped/accessible parking, including van accessible spaces shall be provided per Town standards.

14. Parking lot lighting. All parking lot lighting shall be located approximately as shown on the PD Site Plan (Exhibit B). Poles shall be a maximum of 20 feet in height. Pole lighting shall be oriented down and away from all adjacent properties. Building lighting shall be mounted to building face or in ground fixtures and oriented to wash building with light. Specific light standards shall be included on final site plan requests and included in final landscape plans and signage plans.

15. Screening fence. The screening fence shown on the PD Site Plan (attached hereto as Exhibit "B") shall be of woodcrete construction with a wood panel design (see detail attached hereto as Exhibit "K") and a minimum of 8 feet in height. This height shall be measured from existing grade. Fence shall be constructed completely on the commercial property in accordance with Town standards. Developer shall construct wooden fence connections between existing residential fences and proposed woodcrete fence. Connections shall be of like construction to existing fences. Fence contractor shall design specific, per lot fence grades per existing conditions and will not hinder or impede current utility or drainage conditions.

16. Signs. Prior to the issuance of a building permit for the Land or any part thereof, an overall sign plan, accompanying the final site plat for the Land, shall have been approved by the Town Council. Upon approval of the sign plan, the plan shall become a part of this

ordinance as if copied herein in its entirety. Except as specifically provided in this Ordinance, the signs reflected on the sign plan shall conform to applicable ordinances of the Town and with the following:

(Ordinance No. 2002-23 P&Z, Approved 6/12/02)

- a. Main Sign – Monument type located within landscaped area at front corner of site. To be a maximum of four (4) feet in height, fifteen (15) feet in length and sixty (60) square feet in total area.
- b. Site Identification Signage – Monument type located within landscaped areas along street frontages. To be a maximum of four (4) feet in height, ten (10) feet in length, and forty (40) square feet in total area. No product advertising shall be allowed.
- c. Building Signage – Placard type signage shall be permitted on the building face and entry doors to identify specific users; signage shall be designed in conjunction with the building architecture.
- d. Directional Signage – all directional, safety and handicapped signage shall be of a character so as to complement the project and be of wooden construction.
- e. All signage shall be externally lighted only. No neon or similar type lighting is permitted.
- f. No signage of any type shall be displayed in window areas of any building. No banner or temporary sign shall be allowed on the exterior of any building.
- g. No pole-type identification signs shall be allowed.
- h. All signage shall be located so as to avoid traffic obstructions and outside of any sight easements.

17. Fire lanes. Fire lanes are as shown on the plan. Location and detail shall be provided at the time of the Final Site Plan approval and shall be approved by the fire department.

18. Final site plan. Any Final Site Plan request shall include, among other things:

- (a) The detailed site plan per Town standards;
- (b) The final architectural elevations and materials;
- (c) The final landscape and irrigation plans; and
- (d) An updated PD concept plan which illustrates any site planning changes modified by the proposed Final Site Plan.

Upon approval, the Site Plan shall become a part of this Ordinance.

19. Outdoor storage. No outdoor storage, except for refuse disposal shall be permitted on the land. A dumpster may be located or relocated at a convenient location on any lot. Such location shall be subject to the prior approval of the Planning and Zoning Commission. Dumpsters are to be enclosed on all sides with Masonry walls and gates of similar architectural style of the buildings. Minimum height of the enclosures shall be determined by the height of the dumpster. When possible, landscaping shall provide additional screening for the enclosure. Operating hours for trash service shall be in accordance with the Town of Trophy Club standards. (Ordinance No. 97-16 P&Z, approved 8/8/97) [See Section A for Outdoor Display allowed for 7-Eleven convenience store.]

20. Mechanical and electrical equipment. Mechanical and electrical equipment, including air conditioning units, shall be designed, installed and operated to minimum noise impact on surrounding property. All such equipment shall be screened from public view.

21. Lighting. Lighting shall be designed to reflect down or away from any adjacent residential area:

- (a) Pole Lamps shall be a maximum of twenty (20) feet in height. Pole lighting shall be oriented down and away from all adjacent properties. Pole lamps should be of the quality of a Sternberg Ripon-A fixture. All light will be a white light.
- (b) Building Lighting shall be mounted to the building face at a height not to exceed eight(8) feet or in ground fixtures and oriented to wash the building with light. All wall or ground fixtures should be made of like materials of the Sternberg Ripon-A fixture and maintain the verde green color.

An overall site lighting plan shall accompany the final site plan meeting all the requirements of this Ordinance and all other applicable ordinances of the Town. The site lighting plan shall be subject to review and approval by the Town Council.

22. Minor site planning modifications. It is understood that the approval of this plan does not deny the opportunity to make minor site planning modifications as it relates to building and lot layout and configuration. The Town shall continue to maintain the intent of this plan in all subsequent approval processes.

Exhibit “D”

**DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR  
THE VILLAGE AT TROPHY CLUB  
TROPHY CLUB, TEXAS**

(See original Ordinance for Copy of Exhibit “D”)



EXHIBIT “E” – CONCEPTUAL LANDSCAPE PLAN (3 PAGES)

EXHIBIT “F” – APPROVED PLANT LIST

EXHIBIT “G” – POTENTIAL ALTERNATE SITE PLAN

EXHIBIT “H” – PRELIMINARY GRADING/SIGHT LINE STUDY

EXHIBIT “I” – CONCEPTUAL EAST AND SOUTH ELEVATIONS

EXHIBIT “J” – LIGHT POLES AND FIXTURES

EXHIBIT “K” – FENCE RENDERING

ORDINANCE NO 97-23

EXHIBIT “L” – DIMENSIONAL SITE PLAN

EXHIBIT “M” – SIGNS – RESTAURANT – WENDY’S

EXHIBIT “N” – OUTDOOR MENU