

TOWN OF TROPHY CLUB, TEXAS

ORDINANCE NO. 1999-10

AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS AMENDING ORDINANCE NO. 96-10 OF THE TOWN, THE SAME BEING AN AMENDMENT TO THE OFFICIAL ZONING MAP OF THE TOWN AND KNOWN AS THE PLANNED DEVELOPMENT REGULATIONS OF THE ESTATES OF HOGAN'S GLEN; BY AMENDING EXHIBIT C OF SAID ORDINANCE, BY AMENDING SUBSECTION D, HEIGHT REGULATIONS; AND BY AMENDING EXHIBIT C, SUBSECTION E (5), DEPTH OF FRONT YARD; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Trophy Club, Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, The Town Council of the Town of Trophy Club is authorized to adopt and/or amend the rules governing zoning of land within the Town Limits to promote the health, safety, and general welfare of the citizens; and

WHEREAS, The Town Council of the Town of Trophy Club has previously adopted Ordinance 96-10, and Ordinance amending Ordinance 94-09, the Zoning Ordinance of the Town; and

WHEREAS, The Town Council of the Town of Trophy Club now deems it necessary to amend those regulations to provide for the safe, orderly, healthful environment of the Town.

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

SECTION 1
AMENDMENT

Ordinance No. 96-10 of the Town, the same being an amendment to the official Zoning Map of the Town, changing the zoning on a certain tract of land described as a 9.8082 acre tract of land as described in Exhibit "A" attached thereto and incorporated therein, from its current zoning of R-12 Single Family Residential to PD Planned Development #17 for Single Family Residential uses; by amending Exhibit "C", Subsection D, Height Regulations, to provide that "No building shall exceed two and a half (2 ½) stories. The building height shall be determined by the pitch of the roof."; and by amending Exhibit "C", Subsection E (5), Depth of Front Yard, to provide for a

“Fifteen (15) foot minimum”.

SECTION 2
CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Trophy Club, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 3
SEVERABILITY CLAUSE

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstances 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 it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4
SAVINGS CLAUSE

All rights and remedies of the Town of Trophy Club are expressly saved as to any and all violations of the provisions of any Ordinances affecting Zoning Regulations, which have accrued at the time of the effective date of the Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5
ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Trophy Club is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Publication Clause and Effective Date clause in the minutes of the Town Council of the Town of Trophy Club and by filing this Ordinance in the Ordinance records of the Town.

SECTION 6
PUBLICATION CLAUSE

The Town Secretary of the Town of Trophy Club is hereby directed to publish in the Official newspaper of the Town of Trophy Club, the Caption, and Effective Date clause of this Ordinance for two (2) days as required by Section 52.011 of the Texas Local Government Code.

SECTION 7
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its date of passage and

publication.

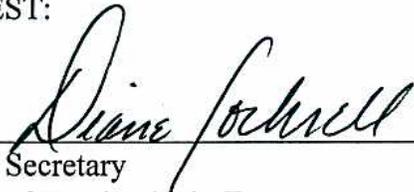
AND IT IS SO ORDAINED

PASSED AND APPROVED by a vote of 5 to 0 , this the 1st
day of June , 1999.



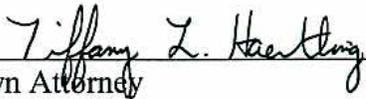
Mayor
Town of Trophy Club, Texas

ATTEST:



Town Secretary
Town of Trophy Club, Texas

APPROVED AS TO FORM:



Town Attorney
Town of Trophy Club, Texas

EXHIBIT "C"

DEVELOPMENT STANDARDS SINGLE FAMILY REGULATIONS

- A. **GENERAL PURPOSE:** The purpose of this PD Ordinance is to allow single family detached dwellings on lots of not less than seven thousand two hundred (7,200) square feet together with allowed incidental and accessory uses, in order to provide a viable and compatible neighborhood for the Town of Trophy Club.

The Villas of Hogan's Glen is a private, gated, residential neighborhood adjacent to the golf course which blends a heavily wooded site with a unique land plan to create a lasting and quality environment.

The existing vegetation, topography and adjoining creek and lake are integrated into a unified residential plan which maximizes the existing natural amenities of the site.

The purpose for the PD Ordinance Guidelines is to establish a framework for development which provides for the protection of the existing site characteristics. Enforcement of the design guidelines will insure the protection of the design intent and will optimize the preservation of the site.

- B. **USES:** In "The Villas of Hogan's Glen" no land shall be used and no building shall be installed, erected for or converted to any use other than as hereinafter provided.
1. **Permitted Uses:** The following uses shall be permitted as principle uses:
 - (a) Single Family Detached Dwellings.
 - (b) Private Roadways constructed to Town standards.
 - (c) Private Common Areas owned by an authorized Homeowner's Association.
 - (d) Public and Private Utilities.
 2. **Accessory Uses:** Accessory uses shall be permitted in accordance with the regulations provided in Section 35 of The Comprehensive Zoning Ordinance No. 94-09.
 3. **Limitation of Uses:**
 - (a) All applicable ordinances of the Town of Trophy Club shall govern any uses allowed unless otherwise expressed herein.
 - (b) Any use not expressly permitted, or allowed by permit, or as provided by this district, is prohibited.

C. **BUILDING PERMIT REQUIREMENTS:** No application for a building permit for the construction of any structure shall be approved unless a plat, meeting all requirements of the Town of Trophy Club has been approved by the Town Council and recorded in the official records of Denton County, Texas.

D. **HEIGHT REGULATIONS:** Except as provided by Section 36 of the Comprehensive Zoning Ordinance 94-09, no building shall exceed ~~thirty-five (35) feet~~ or two and half (2 1/2) stories in height.

E. **AREA REGULATIONS:** The following minimum standards shall be measured from property lines:

1. **Lot Size:** Lots for any permitted single family use shall have a minimum area of seven thousand two hundred (7,200) square feet.
2. **Minimum Open Space:** All areas not devoted to buildings, paving or swimming pool shall be devoted to turf or landscaping.
3. **Maximum Building Coverage:** The combined first floor area covered by all principal and accessory buildings or structures shall not exceed sixty-five (65%) percent of the total lot area. Swimming pools and spas are not included in determining maximum building coverage.
4. **Minimum Floor Area:** The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be 2,500 square feet.
5. **Depth of Front Yard:** ¹⁵20 foot minimum. AMENDED Ord. 99-10
6. **Depth of Rear Yard:** 10 foot minimum.
7. **Width of Side Yard:** 0 foot minimum on one side and 10 foot minimum on the other side.
8. **Width of Side Yard Adjacent To Side Street:** 15 foot minimum.
9. **Width of Lot:** 60 foot minimum.
10. **Depth of Lot:** 110 foot minimum.

F. **GARAGES:**

1. A detached garage, used to meet the minimum off street parking requirement, shall be permitted as an accessory use in a residential district. Said garage shall have a minimum interior dimension of twenty-one (21) feet side to side by twenty-two (22) feet front to back. Said garage shall also be constructed so as to accommodate the enclosed parking of at least two (2) automobiles.
2. A detached garage, which is provided in addition to the required two (2) car garage, shall be permitted as an accessory use in a residential district.

3. Any detached garage shall setback at least fifty (50) feet from the front property line of a residential lot.
4. An attached garage structure, which is provided in addition to the required two (2) car garage may face any street only if the garage sits back at least fifty (50) feet from the front property line of a residential lot.
5. Any garage structure, provided in addition to the required two (2) car garage, shall have a minimum interior dimension of 10 1/2' x 22' per vehicle space.

G. CONSTRUCTION REGULATIONS:

- (a) The exterior surface of all residential dwellings shall be constructed of glass, stucco (or similar applications approved by the Town of Trophy Club), stone, brick or other masonry materials. It is specifically required that the exterior wall area of each residence located within The Villas of Hogan's Glen will have not less than eighty (80%) percent masonry coverage.

Forty (40) year warranty, Timberline or equal composition roofing is the minimum standard of quality for roofing material to be used in the Properties.

- (b) Each residential structure shall have installed on the outside wall thereof a service riser conduit. No such conduit shall be visible from public streets, or Common Properties.
- (c) No above ground-level swimming pools shall be installed on any Lot.
- (d) **Time of Completion.** The following shall be completed not later than one (1) year following the commencement of construction. For the purposes hereof, the term "commencement of construction" shall be deemed to mean the date on which the building permit is issued by the Town of Trophy Club. All exterior construction of the primary residential structure, garage, porches, and any other appurtenances or appendages of every kind and character on any Lot including landscaping and irrigation and all interior construction (including, but not limited to, all electrical outlets in place and operational, all plumbing fixtures installed and operational, all cabinet work, all interior walls, ceilings, and doors shall be covered by paint, wallpaper, paneling, or the like, and all floors covered by wood, carpet, tile or other similar floor covering).
- (e) No projections of any type visible from the street or golf course shall be placed or permitted to remain above the roof of any residential building with the exception of chimneys and vent stacks.

H. DRIVEWAYS AND WALKWAYS: All driveways and walkways shall be constructed of exposed aggregate or stamped and colored concrete.

I. SPECIAL PAVING: Those paved areas identified on Exhibit B: PD Site Plan as "Special Paving" shall permit patterned and colored concrete as constructed to the requirements of the Town of Trophy Club.

J. FENCES / WALLS / RETAINING WALLS: Retaining walls shall be restricted to structurally engineered and designed walls constructed or veneered with masonry to match the residence.

- (a) **Front Yard Fencing.** Fencing will be allowed to extend from the front building line of a dwelling to the side property lines. All fencing shall be masonry, identical to the type of construction used on the residence located on such Lot or ornamental iron. All gates shall be ornamental iron.
- (b) **Side Yard Fencing.** Fencing between Lots may be of masonry or ornamental iron only.
- (c) **Side or Rear Yard Fencing Visible from the Street.** Fencing shall be constructed as noted in Subparagraph (a).
- (d) **Perimeter Fence.**
 - (i) **Facing Golf Course or Creek.** Perimeter Fences shall be constructed of decorative iron with native stone columns at each property corner. Maximum height 4'.
 - (ii) **Facing Indian Creek Boulevard.** Shall be constructed of masonry and decorative iron 8' in height.
- (e) **Electronic Guard Gates.** Electronic guard gates shall be double entried (ingress and egress). Construction shall be metal with a maximum height of nine feet (9'). Access for home owners shall be by card access or electronic vehicle sensitive tag; visitors by electronic call box or a guard; exiting by pressure sensitive strips in the pavement. Emergency personnel and law enforcement personnel will be by access card or electronic vehicle sensitive tag or in case of access failure, emergency pull box.

K. COMMON AREAS:

- (a) All common areas, as identified on Exhibit B: PD Site Plan, shall be constructed and landscaped by the Developer.
- (b) Common Area landscaping and improvements shall be generally constructed in accordance with Exhibit E: Conceptual Landscape Plan.
- (c) Common Area maintenance shall be by "The Villas of Hogan's Glen" Homeowners Association.

L. LANDSCAPING:

Landscaping and Sprinkler System. Each Lot on which a residential dwelling is constructed shall have and contain an underground water sprinkler system for the purpose of providing sufficient water to all front yards, side and rear yards. Each Lot shall be planted with a least twelve (12) caliper inches of trees; provided, however, any tree used to satisfy this requirement shall contain at least three and one half (3 1/2) caliper inches. Preservations of existing trees is encouraged and credit may be given toward the planting requirements for trees preserved in a healthy condition.

M. UTILITIES: All utilities shall be underground. Electric transformers shall be pad mounted and located at rear of Lots.

N. TRASH RECEPTACLES AND COLLECTION: Each Lot Owner shall make or cause to be made appropriate arrangements with the Town of Trophy Club, Texas, for collection and removal of garbage and trash on a regular basis. Each and every Owner shall observe and comply with any and all regulations or requirements promulgated by the Town of Trophy Club, Texas, in connection with the storage and removal of trash and garbage. All Lots shall at all times be kept in a healthful, sanitary and attractive condition. No Lot shall be used or maintained as a dumping ground for garbage, trash, junk or other waste matter. All trash, garbage, or waste matter shall be kept in adequate containers approved by the Town of Trophy Club, Texas, and which shall be maintained in a clean and sanitary condition. An Owner may place trash on the street curb abutting his Lot only on those days designated by the Town of Trophy Club, Texas, as trash collection days. No Lot shall be used for open storage of any materials whatsoever, except that new building materials used for open storage of any materials whatsoever, except that new building materials used in the construction of improvements erected on any Lot may be placed upon such Lot at the time construction is commenced and may be maintained thereon during the time of construction, so long as the construction progresses without unreasonable delay, until completion of the improvements, after which the materials shall either be removed from the Lot or stored in a suitable enclosure on the Lot. No garbage, trash, debris, or other waste matter of any kind shall be burned on any Lot.

O. TEMPORARY STRUCTURES AND VEHICLES: No temporary structure of any kind shall be erected or placed upon any Lot. No trailer, mobile, modular or prefabricated home, tent, shack, barn or any other structure or building, other than the residence to be built thereon, shall be placed on any Lot, either temporarily or permanently, and no residence, house, garage or other structure appurtenant thereto shall be moved upon any Lot from another location, except for a sale, pre-sale or construction trailer; provided, however, that Developer reserves the exclusive right to erect, place and maintain, such facilities in and upon the Property as in its sole discretion may be necessary or convenient during the period of and in connection with the sale of Lots, construction and selling of residences and constructing other improvements on the Properties in compliance with the regulations of the Town of Trophy Club. Such facilities may include, but not necessarily be limited to, a temporary office during the period of and in connection with the construction and sales operations on the Properties, but in no event shall the Developer have such right for a period in excess of that permitted by the Town of Trophy Club. Any truck, bus, boat, boat trailer, mobile home, campmobile, camper or any vehicle other than conventional automobile shall, if brought within the Properties, be stored, placed, or parked within the garage of the appropriate Owner.

- P. **SIGNS**: Neighborhood identification signs are allowed in locations as shown on Exhibit B: PD Site Plan. Developer may erect and maintain a sign or signs for the construction, development, operation, promotion and sale of the Lots. Holiday or patriotic flags may be displayed by Developer and Owners.
- Q. **EXTERIOR LIGHTING**: Pole Lamps shall be a maximum of fifteen feet (15') in height. Pole lighting shall be oriented down and away from all adjacent properties. Pole lamps should be of the quality of an American Style fixture as manufactured by Antique Street Lamps.
- R. **PRIVATE STREETS**:
- (a) **Maintenance Cost**: The Villas of Hogan's Glen Homeowner's Association is responsible for the cost of maintenance of private streets. The Town shall have no responsibility for and shall not pay for any portion of the cost of maintaining a private street.
 - (b) **Maintenance Standards**: Maintenance, amenities, and landscaping of private streets shall conform to the same standards regulating the maintenance, amenities, and landscaping of public streets.
 - (c) **Retention of Easements**: A utility, drainage, and emergency access easement shall be retained in private streets by the Town and other utility companies:
 - (i) providing unrestricted use of the property for utilities and their maintenance;
 - (ii) extending easement rights to all utility providers including telecable companies operating within the Town;
 - (iii) providing the Town with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement; and
 - (iv) permitting the Town to remove any vehicle or obstacle within the private street lot that impairs emergency access.
 - (d) **Town Assumption of Maintenance**: The Town shall be the sole judge of whether repairs to a private street are needed. If the Homeowner's Association, its successors, or assigns, fail or refuse to adequately maintain private streets and related appurtenances, the Town shall have the right, but not the obligation, to assume temporarily the duty of performing the association's maintenance obligations at any time after the expiration of sixty (60) days after receipt by the association, its successors or assigns of written notice from the Town specifying the nature and extent of the failure to maintain.
 - (i) Upon assuming such maintenance obligations, the Town shall have the right to collect, when they become due, the assessments levied

by the Homeowner's Association for the purpose of repairing and maintaining the private streets and related appurtenances, and if necessary, the Town shall have the right to enforce the payment of delinquent assessments in the manner set forth in the association's documents.

- (ii) The Town shall also have the right to levy an assessment upon each lot on a pro rata basis for the cost of such maintenance, which assessment shall constitute an assessment lien upon the lot against which each assessment is made.
 - (iii) Under no circumstances, shall the Town be liable to the association or any lot owner or their respective heirs, successors or assigns for negligent acts or omissions relating in any manner to maintaining, improving and preserving the private streets and related appurtenances.
- (e) **Access Restrictions:** The entrances to all private streets shall be marked with a sign stating that it is a private street. Either a guard house or an access control device such as a gate or cross arm shall be constructed at each entrance. All restricted access entrances shall provide access to the subdivision by the Town and other utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide town services, the Town shall have the right to enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association.
- (f) **Restricted Access Entrance Design Standards:** Private streets which have access controlled by a gate, cross arm, or other access control device shall conform to the following requirements.
 - (i) The street must have a minimum uninterrupted pavement width of 15 feet at the location of the access control device and any deviation in width from the Town standards shall receive prior approval of the Town's engineer.
 - (ii) If an overhead barrier is used, it shall have a minimum height above the road surface as required by the Fire Code for fire lanes.
 - (iii) The design of all gates, cross arms and access control devices, including automatic opening systems and manual backup systems, shall be approved by the Fire Department before installation.
- (g) **Visitor Entrance Design Standards:** At least one entrance to a subdivision with private streets shall be equipped for visitor access. In addition to the above Restricted Access Entrance Design Standards, the visitor entrance shall be equipped with a call or code box located at least 50 feet from the boundary of the subdivision to provide for visitors calling in an automobile queuing. A turn-around space with a minimum outside radius of 30 feet shall be located between any call or code box and the access control device to allow vehicles denied access to safely exit onto public streets in a "head out" position. A sign shall be erected next to the

edge of such turn around space to prohibit vehicle parking in such space. A residents entrance used in combination with a visitor entrance shall comply with the requirements of this paragraph.

- (h) **Resident Only Entrance Design Standards:** In addition to the above Restricted Access Entrance Design Standards, an access control device that requires residents to use a key, card, code or sensing device to gain access shall setback internally a minimum of 50 feet from the boundary of the subdivision to provide for automobile queuing; except, that resident entrances equipped with an electronic opener that allows residents to remotely open the access control device and enter the subdivision without having to stop are exempted from this requirement.

- S. **NON SPECIFIED REGULATIONS:** Any regulation not specifically addressed herein shall be in accordance with the current zoning laws of the Town of Trophy Club.