

TOWN OF TROPHY CLUB, TEXAS

ORDINANCE NO. 2002- 06 P&Z

AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS, AMENDING ORDINANCE NO. 1999-11, THE SAME BEING AN ORDINANCE ADDING NEW PROVISIONS FOR BUILDING HEIGHT REGULATIONS FOR PD PLANNED DEVELOPMENT #20, GENERALLY KNOWN AS THE ESTATES OF HOGAN'S GLEN, PHASE II, WHICH WAS CREATED BY AMENDMENT TO THE THEN CURRENT COMPREHENSIVE ZONING ORDINANCE NO. 94-09 P&Z; PROVIDING FOR THE CORRECTION OF CLERICAL ERRORS REFERENCING INCORRECT ORDINANCE NUMBERS THROUGHOUT ORDINANCE 1999-11; AMENDING THE OFFICIAL ZONING MAP TO REFLECT ALL CHANGES HEREIN; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; 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 FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; 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 and operating in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas;

WHEREAS, on the 1st day of June, 1999, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at public hearing, the Town Council adopted Ordinance 1999-11, the same being an Ordinance adding new provisions for building height regulations for PD Planned Development #20, generally known as the Estates of Hogan's Glen, Phase II. PD Planned Development #20 was created by amendment to the then current Comprehensive Zoning Ordinance No. 98-24 P&Z, the Town having determined that such amendment was in the best interests of the Town of Trophy Club, Texas and of the public health, safety and welfare;

WHEREAS, after the adoption of Ordinance No. 1999-11, inadvertent clerical errors were discovered whereby Ordinance No. 1999-11 erroneously indicated that it was an amendment to Ordinance No. 1999-10, which was an incorrect numerical citing for the Ordinance that created PD Planned Development #20, and also incorrectly referenced the Comprehensive Zoning Ordinance as Ordinance No. 94-09;

WHEREAS, having been unable to locate a copy of the original Ordinance creating PD Planned Development #20, Town Council subsequently adopted an Ordinance ratifying the original Council action taken on January 19, 1999, approving the creation of PD #20. Such Ordinance is currently referenced as Ordinance No. 2002-04 P&Z;

WHEREAS, after due deliberation and consideration by the Planning and Zoning Commission and the Town Council of the Town of Trophy Club, Texas at properly posted

hearings, the Town Council now deems it necessary to adopt this Ordinance amending Ordinance No. 1999-11 to correct all clerical errors and ratify all other provisions of Ordinance No. 1999-11; having concluded that such adoption is in the best interest of the Town 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.
AMENDING

Ordinance No. 1999-11 of the Town of Trophy Club, Texas, the same being an ordinance adding new provisions for building height regulations for PD Planned Development #20, generally known as the Estates of Hogan's Glen, Phase II, which was created by amendment to then current Comprehensive Zoning Ordinance No. 98-24 P&Z, is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases and terms of Ordinance No. 1999-11, or any other amending ordinances thereof, are hereby ratified and affirmed. Ordinance No. 1999-11 shall be amended to reflect the following:

- A. That all references to Ordinance No. 1999-10 in the caption and body of Ordinance 1999-11 shall be changed to reference the Ordinance ratifying the creation of PD Planned Development #20, such Ordinance which has recently been adopted to ratify the original council action taken on January 19, 1999, to adopt the provisions for PD Planned Development #20 and amend the official zoning map. Such Ordinance is currently referenced as Ordinance No. 2002-04 P&Z.
- B. That all references to Comprehensive Zoning Ordinance No. 94-09 shall be changed to reference Comprehensive Zoning Ordinance No. 98-24 P&Z, the then current Comprehensive Zoning Ordinance which was amended to create PD Planned Development #20.

SECTION 3.
ZONING MAP

The Planning and Zoning Coordinator is hereby directed to mark and indicate on the official Zoning District Map of the Town to reflect all corrections herein made.

SECTION 4.
CUMULATIVE

That this Ordinance shall be cumulative of all other Ordinances affecting the regulation of land and zoning and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance.

SECTION 5.
SAVINGS

All rights and remedies of the Town of Trophy Club, Texas, are expressly saved as to any and all violations of the provisions of any other Ordinance affecting regulations governing and regulating the platting and subdivision of land which have secured at the time of the effective date of this 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 6.
SEVERABILITY

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

SECTION 7.
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 8.
PUBLICATION

The Town Secretary of the Town of Trophy Club is hereby directed to publish, the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

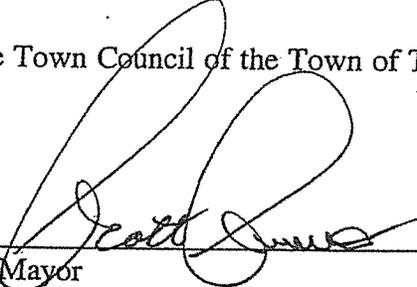
SECTION 9.
ENGROSSMENT AND ENROLLMENT

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

SECTION 10.
EFFECTIVE DATE

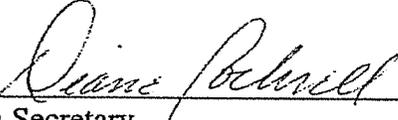
This Ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by the Town Council of the Town of Trophy Club, Texas, this 7th day of January, 2002.



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

EFFECTIVE: January 16, 2002

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SINGLE FAMILY RESIDENTIAL

PLANNED DEVELOPMENT

ZONING ORDINANCE

FOR

PD 20

THE 6.6589 ACRE TRACT

KNOWN AS

THE ESTATES OF HOGAN'S GLEN,
PHASE II

TROPHY CLUB,

DENTON COUNTY

TEXAS

TABLE OF CONTENTS

LOCATION MAP

APPLICATION

SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT ZONING ORDINANCE

- I. EXHIBIT A: LEGAL DESCRIPTION
- II. EXHIBIT B: PD DEVELOPMENT PLAN
- III. EXHIBIT C: DEVELOPMENT STANDARDS AND SINGLE FAMILY HOUSING REGULATIONS
 - A. GENERAL PURPOSE
 - B. USES GENERALLY
 - C. BUILDING PERMIT REQUIREMENTS
 - D. HEIGHT REGULATIONS
 - E. AREA REGULATIONS
 - F. GARAGES
 - G. CONSTRUCTION REGULATIONS
 - H. DRIVEWAYS AND WALKWAYS
 - I. SPECIAL PAVING
 - J. FENCES / WALLS / RETAINING WALLS
 - K. COMMON AREAS
 - L. LANDSCAPE
 - M. UTILITIES
 - N. SIGNS
 - O. EXTERIOR LIGHTING
 - P. PRIVATE STREETS
 - Q. NON SPECIFIED REGULATIONS
- IV. EXHIBIT D: DRAFT OF PROPOSED COVENANTS, CONDITIONS AND RESTRICTIONS
- V. EXHIBIT E: CONSTRUCTION SCHEDULE

**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 fifteen thousand (15,000) 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 Estates of Hogan's Glen, Phase II is a continuation of an existing 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 ensure the protection of the design intent and will optimize the preservation of the site.

- B. **USES:** In "The Estates of Hogan's Glen, Phase II" 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 the Accessory Uses section of the current Comprehensive Zoning Ordinance as may be amended there of.
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:** No building shall exceed thirty-five (35) feet or forty (40) feet for 2½ stories.

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 fifteen thousand (15,000) 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 forty-five (45) 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 three thousand five hundred (3,500) square feet.
5. **Depth of Front Yard:** Twenty-five (25) foot minimum.
6. **Depth of Rear Yard:** Twenty (20) foot minimum, except as noted on plat.
7. **Width of Side Yard:** Ten (10) foot minimum.
8. **Width of Side Yard Adjacent To Side Street:** Fifteen (15) foot minimum.
9. **Width of Lot:** Ninety (90) foot minimum at building line.
10. **Depth of Lot:** One hundred fifteen (115) foot minimum.

F. **GARAGES:** No attached garages may face the street, except an attached or detached structure which is provided in addition to the required two (2) car garage may face the street if the garage sits back at least fifty (50) feet from the property line which the garage faces.

G. CONSTRUCTION REGULATIONS:

- (a) **Roofing Material:** Three hundred-fifty (350) pounds per square, 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.
- (f) **Wall Surface Above Garage Doors:** All wall surfaces above garage doors shall be masonry to match the residence.

H. DRIVEWAYS AND WALKWAYS: All driveways and walkways shall be constructed of exposed aggregate, stamped and colored concrete or pavers acceptable to the Architectural Control Committee.

I. SPECIAL PAVING: Those paved areas identified on Exhibit B: PD Site Plan as "Special Paving" shall permit patterned and colored concrete or pavers 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.** Shall be installed by the Developer at the time of development.
 - (i) **Facing Golf Course or Creek.** Perimeter Fences shall be constructed of decorative iron with native stone columns at each property corner. Maximum height six (6) feet.
 - (ii) **Facing Indian Creek Boulevard and Trophy Club Drive.** Shall be constructed of masonry and decorative iron eight (8) feet in height at time of development.

K. COMMON AREAS:

- (a) All open space, as identified on Exhibit B: PD Site Plan, shall be constructed and landscaped by the Developer.
- (b) Open space area maintenance shall be by "The Estates 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. Any above ground utility structure visible to public view or the golf course shall be permanently screened at the time of installation by the developer. A living screen alone is not acceptable to satisfy this requirement.

N. SIGNS: 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. All signs shall be in accordance with the current ordinances and laws of the Town of Trophy Club.

O. EXTERIOR LIGHTING: Pole Lamps shall be a maximum of fifteen (15) feet 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.

P. PRIVATE STREETS:

- (a) Maintenance Cost:** The Estates 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.

Q. NON SPECIFIED REGULATIONS: Any regulation not specifically addressed herein shall be governed by the regulations as contained in the R-15 Residential District of the Zoning Ordinance and other ordinances as may pertain to specific issues in the current zoning laws of the Town of Trophy Club.