

TOWN OF TROPHY CLUB, TEXAS

ORDINANCE NO. 2008-16 P&Z

AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS, AMENDING ORDINANCE NO. 2000-06 P&Z OF THE TOWN, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN BY CHANGING THE ZONING ON CERTAIN TRACTS OF LAND DESCRIBED AS A TOTAL OF 12.2643 ACRES OF LAND LOCATED GENERALLY TO THE NORTH OF CORPS OF ENGINEERS PROPERTY, EAST OF THE FUTURE NEIGHBORHOOD 8 OF THE HIGHLANDS OF TROPHY CLUB, SOUTH OF TROPHY CLUB PARK AT GRAPEVINE LAKE AND THE FUTURE NEIGHBORHOOD 7 OF THE HIGHLANDS AT TROPHY CLUB, AND WEST OF THE TOWN'S EASTERN CITY LIMIT WITH THE CORPS OF ENGINEERS PROPERTY; AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN FROM ITS CURRENT ZONING OF "R-15" SINGLE FAMILY RESIDENTIAL TO PD PLANNED DEVELOPMENT NO. 29, TO BE KNOWN AS CHURCHILL DOWNS; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE TOWN; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE PD PLANNED DEVELOPMENT NO. 29 ZONING DISTRICT FOR THE SUBJECT PROPERTY; PROVIDING AND INCORPORATING EXHIBIT "B", ENTITLED "SUBDIVISION PLAN - CHURCHILL DOWNS"; PROVIDING AND INCORPORATING EXHIBIT "C" ENTITLED "DEVELOPMENT STANDARDS"; ESTABLISHING A PROJECT LOCATION; PROVIDING A PURPOSE AND INTENT; ESTABLISHING APPLICABILITY; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING REZONING; PROVIDING APPLICABLE REGULATIONS; PROVIDING FOR A ZONING MAP AMENDMENT; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING 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. (ZCA-08-013)

WHEREAS, the Town of Trophy Club (hereinafter referred to as "Town") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the owner of the tracts of land (hereinafter referred to as "Land"), collectively described as a 12.2643 acre tract of land consisting of 35 lots zoned R-15 Single Family Residential, such land being more specifically described in Exhibit "A", a copy of which is attached hereto and incorporated herein, filed an application with the Town Planning & Zoning Commission requesting a change in zoning of the Land into PD Planned Development

No. 29, Churchill Downs (hereinafter referred to as "PD-29"). Such application further requested an amendment to the official Zoning District Map of the Town in accordance with Ordinance No. 2000-06 P&Z of the Town (the "Comprehensive Zoning Ordinance"); and

WHEREAS, all legal notices, requirements and conditions having been complied with, the case to rezone the Land came before the Planning and Zoning Commission; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those 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 Comprehensive Zoning Ordinance No. 2000-06 P&Z as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before Town Council at which the Town Council considered, among other things, proposed density, the character of the land and its suitability for particular uses, with a view of 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 has determined that the proposed standards provide appropriate regulatory requirements to control future residential and non-residential developments in accordance with the Town's Comprehensive Land Use Plan; and

WHEREAS, the Town Council has determined that there is a necessity for the change in zoning and that the proposed change is consistent with the Comprehensive Land Use Plan.

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.
FINDINGS

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 and amendment is consistent with the Comprehensive Land Use Plan and general zoning of the Town and in the best interests of the Town of Trophy Club, Texas, and of the public health, safety and welfare.

SECTION 3.
REZONING

A CZO Amended Ordinance No. 2000-06 P&Z 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:

1. **Rezoning:** The zoning on the Land, more particularly described in Exhibit "A", attached hereto and incorporated herein, is hereby changed from "R-15" Single Family Residential to PD Planned Development District No. 29, consisting of approximately 12.2643 acres of land, for use in accordance with the requirements of this Ordinance and all other applicable ordinances, rules, and regulations of the Town. Requirements of this Ordinance are more specifically described and set forth in Exhibits "A", "B", and "C", which are attached hereto and incorporated herein for all purposes, and shall apply to all 12.2643 acres of PD Planned Development No. 29 unless otherwise specified in such Exhibits. In the event of any ambiguities or conflicts between the written word in the Development Standards of this Ordinance and the illustrations provided in the Exhibits to this Ordinance, the Development Standards of this Ordinance shall control.
 - a. **Development Standards:** The development standards for this PD Planned Development are attached hereto as Exhibit "C", "Development Standards", and are incorporated herein as if copied in their entirety. Such standards and regulations include, but are not limited to, purpose and intent, applicability, roadway standards, accessory structures, screening and fences, landscape standards, off-street parking requirements, residential architectural standards, building materials, garages, signage in residential areas, and franchise utilities. Such Development Standards shall be adhered to in carrying out the development of the land in accordance with this Ordinance, and shall individually and collectively constitute conditions precedent to the granting of any building permit or Certificate of Occupancy for all structures within PD Planned Development No. 29.

SECTION 4.
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 5.
ZONING MAP

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

SECTION 6.
CUMULATIVE REPEALER

That this Ordinance shall be cumulative of all other Ordinances 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 7.
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 zoning, 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 8.
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 9.
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 or part of a day during or on which a violation occurs or continues.

SECTION 10.
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 and Town Charter.

SECTION 11.
ENGROSSMENT & ENROLLMENT

The Town Secretary of the Town of Trophy Club is hereby directed to engross and enroll this Ordinance in accordance with the Home Rule Charter of the Town and by filing this Ordinance in the ordinance records of the Town.

SECTION 12.
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 July, 2008.



Mayor
Town of Trophy Club, Texas

Effective Date: July 7, 2008

ATTEST:

[SEAL]



~~Town Secretary~~ Deputy Town Secretary
Town of Trophy Club, Texas



APPROVED TO AS FORM:



Town Attorney
Town of Trophy Club, Texas

SINGLE FAMILY RESIDENTIAL
PLANNED DEVELOPMENT
AMENDMENT TO
ZONING ORDINANCE NO. 2000-06 P&Z
FOR
A 12.2643 ACRE TRACT
KNOWN AS
CHURCHILL DOWNS
TROPHY CLUB, DENTON COUNTY, TEXAS

- Exhibit A – Legal Description
- Exhibit B – Subdivision Plan
- Exhibit C – PD Development Standards

EXHIBIT A

LEGAL DESCRIPTION CHURCHILL DOWNS

Description of a 12.2643 acre tract of land situated in the M. Medlin Survey, Abstract No. 832, Denton County, Texas and being all of Churchill Downs, an addition to the Town of Trophy Club, Denton County, Texas according to the plat thereof recorded in Cabinet X, Page 812, Plat Records, Denton County, Texas; said 12.2643 acre tract being more particularly described by metes and bounds as follows:

BEGINNING, at a PK Nail in asphalt set at the northwest corner of said 2.00 acre tract; said point also being the northeast corner of a tract of land conveyed to John A. Coleman, Jr. by deed recorded in Volume 539, Page 24, Deed Records, Denton County, Texas; said point also being on the south right-of-way line of Marshall Creek Road (a public right-of-way);

THENCE, North 89 degrees 44 minutes 40 seconds East, with the common line of said 12.2643 acre tract and the south right-of-way line, a distance of 1410.47 feet to a 5/8-inch iron rod with "GSES, INC., RPLS 4804" cap set at the northeast corner of said 12.2643 acre tract; said point also being on the east line of Tract E-405, conveyed to the United States of America (Corps of Engineers);

THENCE, with the common line of said 12.2643 acre tract and Tract E-405, the following metes and bounds;

South 20 degrees 55 minutes 00 seconds East, leaving the said south right-of-way line of Marshall Creek Road, at a distance of 23.00 feet pass a found Corps of Engineers concrete monument, continuing, in all, a distance of 379.80 feet to a Corps of Engineers concrete monument found at the southeast corner of said 12.2643 acre tract;

South 89 degrees 57 minutes 16 seconds West, a distance of 1349.97 feet to a Corps of Engineers concrete monument found for corner;

South 55 degrees 20 minutes 12 seconds West, a distance of 238.39 feet to a 5/8-inch iron rod with "GSES, INC., RPLS 4804" cap set at the southwest corner of said 12.2643 acre tract; said point also being the southeast corner of said Coleman tract;

THENCE, North 00 degrees 00 minutes 00 seconds West, with the east line of said Coleman tract, a distance of 485.14 feet to the POINT OF BEGINNING;

CONTAINING, 534,231 square feet or 12.2643 acre tract of land, more or less.

EXHIBIT B

**SUBDIVISION PLAN
CHURCHILL DOWNS**

CHURCHILL DOWNS
LOTS 1-8, BLOCK A
LOTS 1-27, BLOCK B
 M. MEDLIN SURVEY, ABSTRACT NO. 832
 DENTON COUNTY, TEXAS

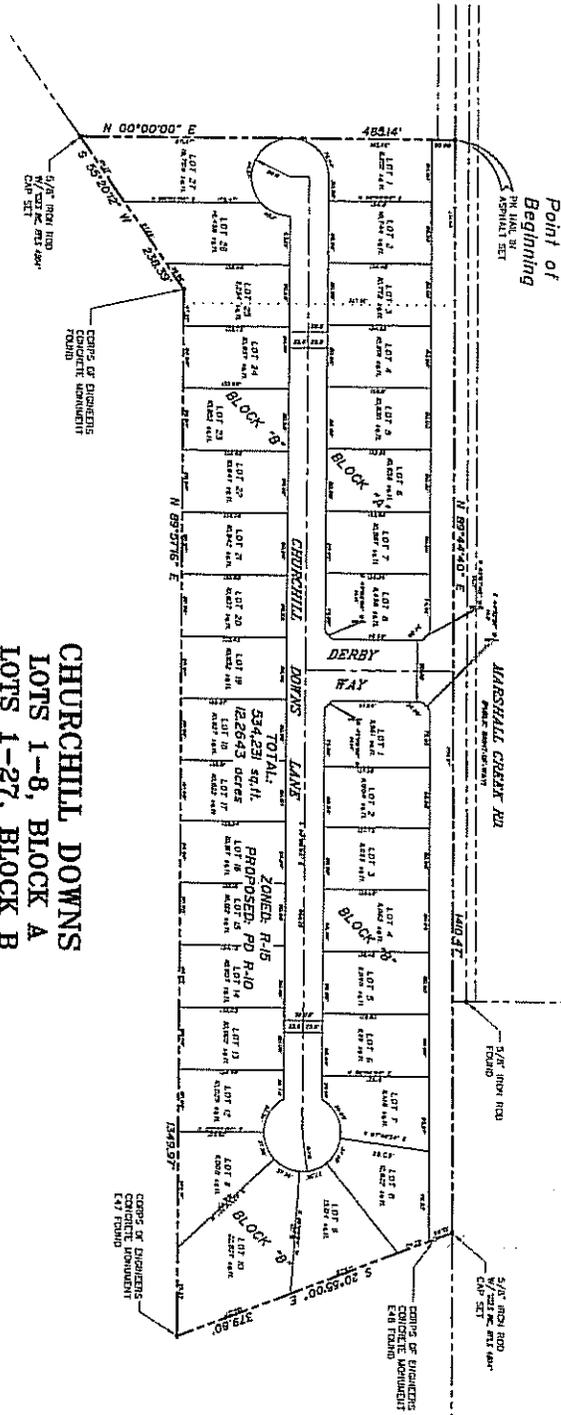


EXHIBIT C

DEVELOPMENT STANDARDS SINGLE FAMILY RESIDENTIAL CHURCHILL DOWNS

- A. GENERAL PURPOSE:** The purpose of this PD Ordinance is to allow single family detached dwellings on lots of not less than ten thousand (10,000) square feet together with allowed incidental and accessory uses, in order to provide a viable and compatible neighborhood for the Town of Trophy Club.

Churchill Downs is a private, gated, residential neighborhood near Lake Grapevine, located near the entrance of Trophy Club Park. The existing topography and site lines of the streets are integrated into a unified residential plan.

The purpose of the PD Ordinance guidelines is to establish a framework for development which provides for the protection of the project character. Enforcement of the design guidelines will insure the protection of the design intent and will optimize property values.

- B. USES:** In "Churchill Downs" 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 Utilities.
 - d. Public Utilities, including storm sewer.
2. **Accessory Uses:** Accessory uses shall be permitted in accordance with the regulations provided in Town of Trophy Club Code of Ordinances, Chapter 13 – Zoning, Article V – Supplementary District Regulations.
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 Town of Trophy Club Code of Ordinances, Chapter 13 – Zoning, Article V—Supplementary District Regulations, Section 5.04, Height Limits, no building shall exceed forty (40') feet or two and one-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 ten thousand (10,000) square feet.
 2. **Minimum Open Space:** All areas not devoted to buildings or paving 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 Living Area Square Footage of a Dwelling Unit:** The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be at least 3,000 square feet.
 5. **Depth of Front Yard:** 25 feet minimum.
 6. **Depth of Rear Yard:** 15 feet minimum.
 7. **Width of Side Yard (on each side):** 7 feet minimum.
 8. **Width of Side Yard Adjacent to Side Street:** 10 feet minimum.
 9. **Width of Lot:** 80 feet minimum.
 10. **Depth of Lot:** 100 feet minimum.
- F. GARAGES:**
1. Every residence must have an attached 3-car garage; two must be side entry and one can face the street if the one-car garage is setback at least 50-ft. from the street. Every garage must have a minimum interior dimension of ten and one-half (10-1/2) feet (side to side) by twenty-two (22) feet (front to back) per vehicle space.

2. No Driveways allowed on Derby Way.
3. Garage Doors must be cedar.

G. CONSTRUCTION REGULATIONS:

1. The exterior surface of all residential dwellings shall be constructed of glass, stucco, stone, rock, brick or similar applications approved by the Town of Trophy Club. It is specifically required that the exterior wall area of each residence located within Churchill Downs will have not less than ninety-five (95%) percent of masonry and stone coverage. Any portion of the exterior masonry that is not directly supported by the masonry brick ledge must have engineered stamped drawings.
2. Three hundred (300) pound, forty (40) year warranty, composition roofing is the minimum standard of quality for roofing material to be used in the properties.
3. No above ground-level swimming pools shall be installed on any Lot. In-ground swimming pools are allowed in the side or rear yards; side yard in-ground pools must be completely screened from the street by the primary dwelling structure or by stone or masonry wall.
4. Time of Completion. The following shall be completed not later than one hundred eighty (180) days 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 wall, ceilings, and doors shall be covered by paint, wallpaper, paneling, or the like, and all floors covered by wood, carpet, tile or similar floor covering or stained concrete).
5. No projections of any type visible from the street shall be placed or permitted to remain above the roof of any residential building with the exception of chimneys, vent stacks and lightning rods.

H. DRIVEWAYS AND FLATWORK: All driveways, sidewalks and walkways shall be constructed of exposed aggregate or stained concrete with stone trim; stone trim must match primary dwelling. Sidewalks must be 4-ft. wide.

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 10-ft. back of the front building line of a dwelling to the side property lines. All fencing shall be cedar or ornamental iron.
 - b) **Side Yard Fencing.** Fencing between Lots may be of wrought iron or clear grade cedar, cedar slats must be six (6) inches wide and installed vertically, (not horizontally or diagonally) and is no higher than six (6) feet. Cedar fencing must be capped.
 - c) **Rear Yard Fencing Facing Trophy Park Dr.:** A subdivision wall has been provided as the rear yard fencing for lots along Trophy Park Drive. Parallel fencing is prohibited.
 - d) **Perimeter Fencing Facing Corps of Engineers Property.** Perimeter fencing facing Corps of Engineers property shall be constructed of cedar or ornamental iron no higher than six (6) feet.
- K. 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, side and rear yards. Each Lot shall be planted with three (3) trees provided; however, any tree used to satisfy this requirement shall contain at least three and one half (3-½) caliper inches. Caliper inches shall be measured twelve (12) inches above final grade adjacent to the trunk of the tree.
- L. UTILITIES:** All utilities shall be underground. Electric transformers shall be pad mounted and located at front of Lots.
- M. 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 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.

- N. ANTENNA REGULATIONS:** All radio or television aerial wires, towers or antennas must be installed as required by Town of Trophy Club Regulations, Chapter 13 – Zoning, Article V – Supplementary District Regulations, Section 5.10 Wireless Antennas & Antenna Facilities.
- 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 the builder reserves the exclusive right to erect, place and maintain, such facilities 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 of 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 Builder or 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 for not exceeding 48 hours.
- P. SIGNS:** Developer or Builder may erect and maintain a sign in front of the temporary sales office as approved by the Planning & Zoning Commission and Town Council. All other signs are as allowed by Town of Trophy Club Code of Ordinances Sign Regulations, Chapter 5 – General Land Use, Article IV – Sign Regulations.
- Q. EXTERIOR LIGHTING:** All exterior street lights shall be installed to the Town of Trophy Club standards and shall be owned and maintained by the Town.
- R. PRIVATE STREETS:**
- a) **Maintenance Cost:** Churchill Downs 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. Further, in the event that repairs to private streets are necessary due to Town’s repair, improvement, or maintenance of public infrastructure, Churchill Down’s Homeowner’s Association shall be responsible for such repair to its private streets.

- 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;
 - (iii) Providing the Town with the right of access for any purpose related to the exercise of a governmental service or function;
 - (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 Homeowners 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. Further, in addition to the process described herein, the Town shall have the right to collect any and all payments due through any method legally available and to exercise any and all legal remedies available.
 - (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 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 by Town to provide public services and required repairs and maintenance of public infrastructure, 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 fifteen (15) feet at the location of the access control device and any deviation in the 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 and manual backup systems, shall be approved by the Fire Department before installation.

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