

**TOWN OF TROPHY CLUB, TEXAS**

**ORDINANCE NO. 2013-18 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 A CERTAIN TRACT OF LAND DESCRIBED AS AN 8.286 ACRE TRACT OF LAND LOCATED GENERALLY TO THE NORTH OF STATE HIGHWAY 114, WEST OF TROPHY WOOD DRIVE, SOUTH OF VALLEY WOOD CT. AND HILLCREST COURT SOUTH, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN, FROM ITS CURRENT ZONING OF "CG", COMMERCIAL GENERAL, TO PD PLANNED DEVELOPMENT NO. 34, TROPHY WOOD COMMERCIAL CENTER; 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. 34 ZONING DISTRICT FOR THE SUBJECT PROPERTY; PROVIDING A CONCEPT PLAN; PROVIDING DEVELOPMENT STANDARDS; PROVIDING A CUMULATIVE 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.**

**WHEREAS**, the Town Council of the Town of Trophy Club, Texas (the "Town"), is authorized and empowered by law, in accordance with Chapter 212 of the Texas Local Government Code, to regulate the subdivision of land and property development within the Town;

**WHEREAS**, the owner of the tract of land (the "Land"), collectively described as an 8.286 acre tract of land currently zoned "CG" Commercial General, such Land being more specifically 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 into PD Planned Development No. 34. 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, 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 there is a necessity and need 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 is in the best interests of the Town of Trophy Club, Texas, and of the public health, safety and welfare.

**SECTION 3.  
REZONING**

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:

A. The zoning on the Land, more particularly described in Exhibit "A", attached hereto and incorporated herein, is hereby changed from "CG" Commercial General to PD Planned Development District No. 34, consisting of approximately 8.286 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 "B" and "C", which are attached hereto and incorporated herein for all purposes. In the event of any ambiguities or conflicts between the written word in the Development Standards and the illustrations provided in the Exhibits to this Ordinance, the Exhibits shall control.

1. Concept Plan. A concept plan for the Land, and all parts thereof, is attached hereto as **Exhibit "B"**, "Concept Plan" and incorporated herein as if copied in its entirety. Such Concept Plan shall be adhered to in carrying out the development of the Land in accordance with this Ordinance, and compliance with each and every part of such plan shall constitute a condition precedent to the issuance of any building permit for the Land in this PD Planned Development District.
2. 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, a general purpose; size of lots; uses generally, permitted uses; limitation of uses; area, building and site regulations; North property line; parking and loading requirements; special paving; landscaping requirements; hours of operation; building materials and colors; lighting; screening & fencing; signage; fire lanes; outdoor storage; and mechanical and electrical equipment. 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 Certificate of Occupancy for all structures within PD Planned Development No. 34.

#### **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; provided however, that in the event of a conflict between the regulations in this Ordinance and the regulations in another applicable ordinance or regulation of the Town, the regulations in this Ordinance shall control.

**SECTION 5.  
ZONING MAP**

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

**SECTION 6.  
CUMULATIVE**

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 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.

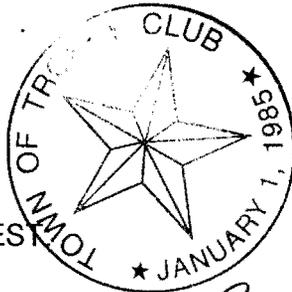
**SECTION 11.**  
**ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Trophy Club is hereby directed to engross and enroll this Ordinance in accordance with state law and the Town's Home Rule Charter.

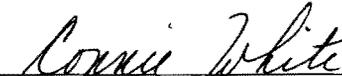
**SECTION 12.**  
**EFFECTIVE DATE.**

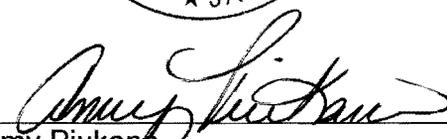
This Ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

**PASSED AND APPROVED** by the Town Council of the Town of Trophy Club, Texas, this 5<sup>th</sup> day of August, 2013.



ATTEST

  
\_\_\_\_\_  
Connie White, Mayor  
Town of Trophy Club, Texas

  
\_\_\_\_\_  
Amy Piukana  
Town Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Patricia A. Adams  
Town Attorney

## EXHIBIT "A"

### LEGAL DESCRIPTION

BEING a tract of land situated in the Joseph Henry Survey, Abstract No. 528, Town of Trophy Club, Tarrant County, Texas and being all of that tract of land described in instrument to Maguire Partners-Solana Land, L.P. as recorded under Instrument No. 2005-130471, Denton County, Texas, said tract of land being more particularly described as follows;

BEGINNING at a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars at the Southeast corner of Lot 1, Block 1, of Trophy Club Medical Plaza, an addition to the City of Southlake as recorded in Cabinet V, Page 822, Plat Records Denton County, Texas, and being on the North right-of-way line of State Highway No. 114 (a variable width right-of-way);

THENCE North 18 degrees 45 minutes 00 seconds East, along the East line of said Trophy Club Medical Plaza, a distance of 403.73 feet to a 5/8 inch iron rod found with plastic cap stamped "Huitt-Zollars" at the Northeast corner of said Trophy Club Medical Plaza and being on the South line of Trophy Club Section Nine, an addition to the Town of Trophy Club, as recorded in Volume 16, Page 17, Plat Records, Denton County, Texas.

THENCE South 70 degrees 56 minutes 00 seconds East, along the South line of Trophy Club Section Nine, a distance of 455.84 feet to a point for corner from which a 5/8 inch iron rod found bears South 72 degrees 44 minutes East, a distance of 0.30 feet;

THENCE South 75 degrees 13 minutes 24 seconds East, along the South line of Trophy Club Section Nine, a distance of 416.50 feet to a 5/8 inch rod found;

THENCE South 40 degrees 17 minutes 50 seconds East a distance of 59.68 feet to a 5/8 inch Iron rod found with Carter & Burgess cap at the beginning of a non-tangent curve to the left with a central angle of 46 degrees 00 minutes 11 seconds, a radius of 586.27 feet and being subtended by a chord which bears South 26 degrees 41 minutes 08 seconds West, a distance of 458.18 feet;

THENCE along said curve to the left an arc length of 470.72 feet to a 5/8 inch iron rod found with plastic cap stamped "Huitt-Zollars" on the aforementioned north right-of-way line of State Highway 114 at the beginning of a non-tangent curve to the left with a central angle of 13 degrees 12 minutes 37 seconds, a radius of 1,959.86 feet and being subtended by a chord which bears North 64 degrees 28 minutes 30 seconds West, a distance of 450.87 feet;

THENCE along said curve to the left and along the north right-of-way line of State Highway 114, an arc length of 451.87 feet to a TxDOT aluminum monument in concrete found;

THENCE North 71 degrees 04 minutes 48 seconds West, along the north right-of-way line of State Highway 114, a distance of 411.54 feet to the POINT OF BEGINNING and containing 8.286 acres of land, more or less.



## EXHIBIT "C"

### DEVELOPMENT STANDARDS

The development of the Land described in Exhibit "A" – Legal Description, a copy of which is attached hereto and incorporated herein, consisting of approximately 8.286 acres of land shall be in accordance with Exhibit "B" – Concept Plan of the development, a copy of which is attached hereto and incorporated herein, all other Exhibits attached to or incorporated herein, the Comprehensive Zoning Ordinance, all other applicable ordinances and regulations of the Town of Trophy Club, and the following Development Standards, conditions and requirements. If any regulation is silent in this document, the zoning ordinance shall rule.

A. Purpose: The Planned Development is designed to accommodate a variety of retail and commercial uses. For developments purposes, the Land is divided into four lots, as shown in Exhibit "B", and the use and development of each of the tracts shall be in accordance with the following:

1. Lots 1 thru 4 (as depicted in Exhibit "B"): The following standards shall apply to Lots 1 thru 4:

a. Size of Lots:

Lot 1 shall contain approximately 2.87 acres of land

Lot 2 shall contain approximately 1.50 acres of land

Lot 3 shall contain approximately 1.75 acres of land

Lot 4 shall contain approximately 2.15 acres of land

b. Uses Generally: In the development and use of Lots 1 thru 4, no land shall be used and no building or structure shall be installed, erected, or converted to any use other than the following:

c. Permitted Uses:

(1) Lot 1 shall allow a Hotel and shall be only from the following brands: Hilton, Marriott, Starwood, or Hyatt. The Hotel Use shall (at a minimum) have the following services:

- 24 Hour Front Desk
- Daily Housekeeping
- Sit down Lobby area
- Breakfast served in the morning 7 days a week
- Swimming Pool
- Fitness Center
- Business Center

(2) Lot 2 shall allow a Restaurant or a Restaurant with Alcoholic Beverage Sales.

(3) Lots 3 and 4 shall allow all uses indicated below.

#### Use List

Art Supply Store	Household Furnishings, Fixtures
Arts, Crafts, Hobby Shops	Ice Cream Shop
Audio, Video, Stereo sales (no arcade games or adult rentals)	Jewelry, Watch Store
Bakery Shop	Juice Store
Barber, Beauty, Styling Shops	Kitchen Store
Bath Shop	Lamp Sales
Bicycle Shop	Luggage and Leather Sales
Book Stores	Mailing and Packaging Store
Cameras / Film Processing Store	Men's Wear Shop
Car Accessories Sales	Music Store
Cards and Gifts Sales	Nail Salon
Children's Wear Shop	Newspaper/Magazine Sales
China and Glassware Sales	Office Supplies Store
Computer / Software Sales and Service	Party Supplies Store
Confectionary Shop	Picture Framing Store
Cosmetic / Beauty Supply Shop	Restaurant
Curtain and Drapes Shop	Restaurant, with Alcoholic Beverage Sales
Drug Store, Apothecary, Pharmacy	Shoe Repair Shop
Dry Cleaner, Pick Up and Drop Off	Shoe Store
Electrical Goods and Fixtures	Sporting Goods Store
Fabric and Knitting Shop	Sports Bar*
Floor Coverings Shop	Stationery-School Supplies Store
Florist	Tailor Shop
Formal Wear / Rental Store	Telephone Store
Furniture Sales	Toys Store
Grocery Stores	Wallpaper, Paint Store
Hardware Store	Wearing Apparel Store
Health, Athletic Shops	Women's Ready-To-Wear/Women's Specialty Shop
Household Appliance Store	

\*Requires a Conditional Use Permit and shall meet the Town's definition of "Restaurant with Alcoholic Beverage Sales": A restaurant or eating establishment where alcoholic beverages are sold whose gross sales in Trophy Club from food on an annual basis at the location represent at least sixty percent of total sales.

d. Limitation of Uses: Any use not expressly permitted herein or allowed by permit in the designated zoning district is prohibited.

e. Area Building and Site Regulations:

- (1) Maximum Building Coverage: The combined area of all main and accessory buildings shall not exceed sixty percent (60 %) of the total site area.
- (2) 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 site area.
- (3) Minimum Open Space: All areas (but in any event at least twenty percent (20 %) of the total site area) not devoted to buildings, walkways, structures or off-street parking area shall be devoted to grass, trees, gardens, shrubs, or other suitable landscape material.
- (4) Depth of Front Yard: There shall be a front yard having a depth of not less than thirty feet (30').
- (5) Depth of Rear Yard: There shall be a rear yard having a depth of not less than then forty feet (40') adjacent to residentially zoned land.
- (6) Width of Side Yard on each Side: A minimum of fifteen (15') side yard shall be required.
- (7) Height: Building and/or structure heights shall be measured from the adjacent finished sidewalk elevation.

Lot 1: For a hotel use, the maximum height shall not exceed sixty-five feet (65') or four (4) stories in height.

Lots 2-4: No building or structure shall exceed forty feet (40') in height or two (2) stories maximum. Any structure located within one hundred feet (100') of adjacent residential property shall not exceed twenty-eight feet (28') or one (1) story.

- f. North Property Line: A forty foot (40') landscape buffer shall be provided along the north property line of this development to provide buffering from the existing adjacent residential. The 40-ft. buffer area shall contain only fencing (in accordance with Chapter 13, Section 7.01, "Fencing, Retaining Walls, and Screening", as amended), berms, trees and landscaping to provide visual and acoustical privacy and to adequately buffer adjoining uses. Landscaping adjacent to

residentially zoned land shall contain evergreen shade trees to provide screening year-round.

g. Parking & Loading Regulations:

- a. The minimum number of off-street parking spaces shall comply with Section 7.04, Article, Chapter 13, "Off-Street Parking Regulations" of the Comprehensive Zoning Ordinance, as amended.
- b. Shared parking may be allowed if, and only if, it can be established, to the satisfaction of the Planning and Zoning Commission and Town Council during Site Plan approval, that the parking spaces are sufficient for each particular use based on type of use, and where heavy parking usage may escalate at differing time periods for each particular use. Written permission and stated written cooperation of each property owner within the PD shall be required to request acceptance of shared parking.
- c. Hotel uses shall provide a minimum of one (1) parking space for each room (shared parking shall not be allowed for this requirement). Other uses within the hotel shall provide parking in compliance with "off-street parking regulations" of the Comprehensive Zoning Ordinance. Handicapped parking, including van accessible spaces, shall be provided according to Town and ADA requirements.
- d. Off-street loading shall be in accordance with Section 7.05, "Off-Street Loading Requirements," of the Comprehensive Zoning Ordinance, as amended.
- h. Special Paving: Patterned and colored concrete, meeting Town of Trophy Club construction standards shall be constructed at the driveway entrances along State Highway 114.

B. Additional Development Standards:

1. Landscaping: Landscaping shall be provided as required by applicable ordinances, including but not limited to the Comprehensive Zoning Ordinances, Section 7.03, Article VII, Chapter 13, Landscaping Regulations, as amended, and Chapter 12, Subdivision Rules and Regulations "Tree Preservation and Removal", as amended, except as specifically provided below:
  - a. A minimum of 15' landscape strip shall be provided along Highway 114 frontage road.

- b. All landscaping areas shall be irrigated.
- c. Landscaping shall be maintained by the developer/owner of the land. Any dead landscaping material shall be removed and replaced within thirty (30) days.
- d. All plant materials must be selected from the mandatory plant list which shall be in accordance with the Approved Tree Planting List, as outlined in Article VIII, "Tree Preservation and Removal" of the Subdivision Regulations, as amended. A Landscape Plan and Plant List shall be submitted with the Final Site Plan for Planning and Zoning Commission recommendation and Town Council approval.
- e. The caliper of a tree is defined as the diameter of the tree trunk as measured at the point twelve inches (12") above the finished grade in accordance with standard nursery practice.
- f. Detailed Landscape Plans, sealed by a registered landscape architect shall be provided on each lot at the time of the Final Site Plan submittal, which shall require Town Council approval upon recommendation by the Planning & Zoning Commission.
- g. Landscape Accent Lighting shall be low wattage – not to exceed 100 watts.

2. Hours of Operation of Uses:

- a. Hours of operation for the restaurant and sports bar uses set forth herein shall be from 6:00 a.m. to 12:00 a.m. (midnight).
- b. A Conditional Use Permit (CUP) shall be required for a restaurant or sports bar to stay open later than 12:00 a.m., but no later than 2:00 a.m. provided a CUP has been obtained pursuant to Chapter 13, Zoning, Article VI, Conditional & Specific Uses, Section 6.01 Conditional Use Permits, as amended.
- c. Hotel uses shall operate twenty-four (24) hours per day. Normal business hours for retail uses shall be 6:00 a.m. to 11:00 p.m.
- d. Delivery hours shall be limited to 8 a.m. to 6 p.m.
- e. Outside sales may be allowed a maximum of one (1) time per calendar year provided that such outside sales are conducted as part of a Special Event for which the Town has issued a permit

pursuant to Chapter 10, Public Safety, Article XV, Special Events, as amended.

3. Building Materials and Colors: The exterior walls of all main and accessory buildings shall be constructed of one hundred percent (100 %) natural or manufactured stone, brick, stucco, or split face block. The exterior wall masonry requirement shall exclude doors, windows and porches. The scheme for the entire PD shall have Earth-tone colors. Specific colors shall be approved at Site Plan approval for each lot.
4. Lighting: All parking lot lighting shall be located as shown on the Final Site Plan. Lighting fixtures shall be a maximum total height of twenty-five feet (25') on structurally designed concrete bases. Total height of lighting fixtures shall be measured from the adjacent ground. All lighting shall be fully shielded, with directional lighting away from residential property lines. Building lighting shall be mounted to the building face or in ground fixtures and shall be oriented as to wash the building with light. Building attached lighting adjacent to residential shall not be flood lights. Wall mounted down directional lights shall be on the rear of buildings and perimeter light will be shielded to minimize overspill. Perimeter lighting shall be designed to reflect away from adjacent residential areas. Foot-candle limitations at residential property lines and right-of-way lines shall not exceed 0 foot candle. Foot-candles on a site shall average 2.5 foot-candle and not exceed 8.0 foot-candle. A photometric plan shall be included with the Final Site Plan.
5. Screening & Fencing:
  - a. Where a non-residential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be solidly fenced to a height of eight feet (8'), pursuant to Chapter 13, of the Zoning Ordinance, Article VII, Development and Design Standards; Section 7.01 Fencing, Retaining Walls and Screening; K. Non-living Screening, as amended.
  - b. Fencing adjacent to residentially zoned land shall be of masonry construction and shall be eight feet (8') in height. Commercial property owner shall be required to coordinate with existing residential property owners to remove existing fencing for replacement with the new fence, and provide, with platting of the commercial property, a 5-ft. wall easement for maintenance of the screening wall, which shall be owned and maintained by the commercial property owners. Parallel fencing may be allowed but only with review of an applicable fence permit that meets all other Town fencing ordinance requirements.

- c. For Lot 1 development, installation of the new wall shall begin from the Northwest property corner of Lot 1 and extend to the Northeast property corner of the Lot to be developed. Furthermore for Lot 1 development, the wall shall extend beyond the proposed northeast corner of the Lot 1 property, to end at the southeast corner of the adjacent residential property to the rear of Lot 1. This amounts to extending the wall approximately 15' beyond the northeast corner of Lot 1, per the attached Concept Plan.
  - d. At the time of their development, subsequent Lot developments are required to install the same wall material and height as installed on Lot 1. Extent of wall for each subsequent lot shall be determined during the individual site plan review.
  - e. Maintenance of the fence will be the responsibility of the commercial property owners via a 5' wide easement to be provided at the time of platting.
6. Signage: Prior to the issuance of a building permit for the Land or any part thereof, an overall sign plan, accompanying the Final Site Plan for the Land must be approved by the Town Council upon recommendation from the Planning & Zoning Commission. As and after the site develops, additions or revisions to the sign of the site shall conform to the Town's sign ordinance with appropriate staff review and appropriate permit issuance.
7. Fire Lanes: Fire lanes shall be shown on the Final Site Plan and fire protection relative to circulation throughout the entire site shall be addressed and each individual lot owner shall adhere to the fire protection circulation plan approved with the Final Site Plan. Any changes to the fire lanes shall require a revised Site Plan with approval by the Town Council upon recommendation from the Planning and Zoning Commission.
8. Final Site Plan: The Final Site Plan shall require approval by the Town Council upon recommendation by the Planning & Zoning Commission in the form of an ordinance duly adopted by the Town Council, upon recommendation from the Planning & Zoning Commission.

Upon approval, the Final Site Plan shall become an amendment to this Ordinance. In the event of any conflicts between this ordinance and such approved Final Site Plan, the Ordinance adopting the Approved Final Site Plan shall control.

9. Outdoor Storage: No outdoor storage, except for refuse disposal, shall be permitted on the land. Dumpster location shall be shown on the Final

Site Plan and shall be subject to approval through the Site Plan review and approval process. Dumpsters shall be enclosed on three (3) sides with masonry that is of a similar architectural style as the main building. A gate shall be required on the fourth side. 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 regulations.

10. Mechanical & Electrical Equipment: Mechanical and electrical equipment including air conditioning units, shall be designed, installed, and operated to minimize noise impact on surrounding property. All such equipment shall be screened from public view. Equipment screening shall not be considered as a part of building height.
11. Amendments to the Site Plan: Amendments to the Site Plan for items that are determined to be non-substantial by the Town Manager or his/her designee shall be permitted. The Town Manager or his/her designee may, according to his/her discretion, defer any such consideration to the Planning and Zoning Commission and Town Council for action. Substantial shall be defined as any change or revision that alters the intensity or impedes on-site traffic circulation, decreases the effect of an established ordinance, increases the visibility or noise level to residential property, fails to maintain the original purpose and design of the PD, development plan, or site plan.
12. Notwithstanding any contrary provision in the Ordinance or any exhibits hereto, the final approvals listed below shall be obtained from the Town prior to the issuance of any building permits. Such approval shall require a recommendation from the Planning and Zoning Commission and approval of the Town Council:
  - a. Final Site Plan
  - b. Landscape Plan and Plant List
  - c. Building Elevations
  - d. Sight Line Study
  - e. Photometric Plan & Light Fixtures Illustrations
  - f. Sign Criteria
  - g. Retaining Wall and Fence Criteria