

**TOWN OF TROPHY CLUB, TEXAS
ORDINANCE NO. 2012-04 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 A TOTAL OF 26.354 ACRES OF LAND LOCATED GENERALLY AT STATE HIGHWAY 114 AND TROPHY CLUB DRIVE; AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", (A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN) FROM ITS CURRENT ZONING OF CR-COMMERCIAL RECREATION, AND PO – PROFESSIONAL OFFICE TO PD PLANNED DEVELOPMENT NO. 30 TO BE KNOWN AS THE SHOPS AT TROPHY CLUB; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF PD PLANNED DEVELOPMENT NO. 30 AND THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE TOWN; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE PD PLANNED DEVELOPMENT NO. 30 ZONING DISTRICT FOR THE SUBJECT PROPERTY; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR REZONING; PROVIDING GENERAL CONDITIONS FOR MIXED-USE ZONING; PROVIDING DEVELOPMENT STANDARDS AS SET FORTH IN EXHIBIT "B", ENTITLED "PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS" AND INCORPORATED HEREIN; PROVIDING FOR PROCEDURES; PROVIDING FOR A LIST OF EXHIBITS AND APPENDIX "A" WHICH ARE ATTACHED TO EXHIBIT "B" AND INCORPORATED THEREIN; EXPRESSLY PROVIDING FOR A "CONCEPT PLAN" AND "PRELIMINARY SITE PLAN" WHICH ARE INCORPORATED THEREIN AND ARE INCORPORATED INTO THIS ORDINANCE ALONG WITH ALL OTHER CONTENT OF EXHIBIT "B" AND ATTACHMENTS THERETO; 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-11-017)

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 26.354 acre tract of land described in Exhibit "A" (hereinafter referred to as "Land"), currently zoned CR – Commercial Recreation and PO – Professional Office, 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. 30, The Shops At Trophy Club (hereinafter referred to as "PD-30"). 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 recommended to the Town Council the denial of the proposed PD-30 amendments to Comprehensive Zoning Ordinance No. 2000-06 P&Z; 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 denial made by 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 is in the best interests of the Town of Trophy Club, Texas, and of the public health, safety and welfare.

SECTION 3.
REZONING

A **Amendment to CZO.** 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, the boundaries of which Land are more particularly described in Exhibit "A", attached hereto and incorporated herein, is hereby changed from "CR" Commercial Recreation and "PO" Professional Office to PD Planned Development District No. 30, consisting of approximately 26.354 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 Exhibit "B" entitled "Planned Development District Development Standards" and Exhibits "A", "A1", "A2", "A3", "A4", "A5", "B", "B1", "C", "C1", "D", "E", "F", "G", "H" and "I", and Appendix "A", all such Exhibits and appendices being attached to and incorporated into Exhibit "B" "Planned Development District Development Standards", and all being attached hereto and incorporated herein for all purposes, and which shall apply to all 26.354 acres of PD Planned Development No. 30 unless otherwise specified therein. In the event of any ambiguities or conflicts between the written word in the Planned Development District Development Standards of this Ordinance and the Exhibits thereto and/or illustrations provided in the Exhibits to the "Planned Development District Development Standards", the written word in the Planned Development District Development Standards adopted in this Ordinance shall control.

- a. **Development Standards:** The development standards for this PD Planned Development are attached hereto as Exhibit "B", "Planned Development District Development Standards", and are incorporated herein as if copied in their entirety. Such standards and regulations include, but are not limited to, General Conditions for Mixed-Use Zoning; Development Standards, Procedures, and Exhibits. Such Planned Development District 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 and Land within PD Planned Development No. 30.
- b. **Concept Plan:** A concept plan for the Land, and all parts thereof, is attached hereto as Exhibit "C", "Concept Plan" to Exhibit "B" "Planned development District Development Standards" 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 this Ordinance and such plan shall constitute a condition precedent to the issuance of any building permit or Certificate of Occupancy for all structures and Land within PD Planned Development District No. 30.
- c. **Preliminary Site Plan:** A Preliminary Site Plan for the Land, and all parts thereof, is attached hereto as Exhibit "I", "Preliminary Site Plan" to Exhibit "B" "Planned development District Development Standards" and incorporated herein as if copied in its entirety. Such Preliminary Site 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 this Ordinance and such plan shall constitute a condition precedent to the issuance of any building permit or Certificate of Occupancy for all structures and Land within PD Planned Development District No. 30.
- d. **General:** The regulations for this PD Planned Development are incorporated into Exhibit "B" "Planned development District Development Standards" and are attached hereto and incorporated herein as if copied in their entirety. Such regulations shall be adhered to in carrying out the development of the land in accordance with this Ordinance, and compliance with each and every part this Ordinance and of such plan shall constitute a condition precedent to the issuance of any building permit or Certificate of Occupancy for all structures and Land within PD Planned Development District No. 30.

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 AMENDMENT

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.

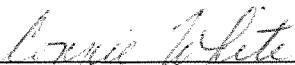
**SECTION 11.
ENGROSSMENT & ENROLLMENT**

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 and procedures 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, by a vote of 5 members voting "for" and 1 members voting "against" on this 26th day of January, 2012.




Connie White, Mayor
Town of Trophy Club, Texas

ATTEST:



Shannon DePrater, Town Secretary
Town of Trophy Club, Texas

APPROVED AS TO FORM:



Patricia A. Adams, Town Attorney
Town of Trophy Club, Texas

[SEAL]

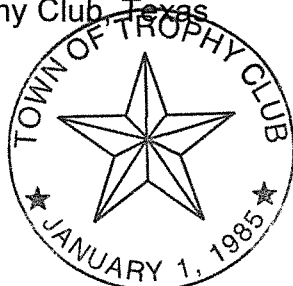


EXHIBIT "A"
LEGAL DESCRIPTION OF THE LAND
(26.354 ACRE TRACT – PD NO. 30)

FIELD NOTES:

BEING a tract or parcel of land situated in the C. Medlin Survey, Abstract Number 823 in the Town of Trophy Club, Denton County, Texas, and being all of those tracts of land described to JSB PROPERTIES, LP by deeds recorded in Clerk File Numbers 00-108365, 2007-148054, 2007-148055 and 2007-148056, Deed Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at an X-cut in concrete at the intersection of the south line of Trophy Club Drive (80 foot-wide Right-of-Way) and the west line of Indian Creek Drive (80 foot-wide Right-of-Way);

THENCE South 31 deg. 38 min. 24 sec. East along the west line of said Indian Creek Drive a distance of 639.17 feet to a one half inch iron rod with yellow cap marked "MCCULLAH SURVEYING" found at the northwest corner of Lake Forest Village Phase III, an addition to the Town of Trophy Club recorded in Cabinet B, Slide 160, Plat records, Denton County, Texas;

THENCE departing the west line of said Indian Creek Drive and along the common boundary line between said Lake Forest Village Phase III and said JSB PROPERTIES, LP tract, and following the general course of Golf Course Creek the following calls:

South 61 deg. 38 min. 36 sec. West a distance of 95.16 feet to a one half inch iron rod with yellow cap marked "MCCULLAH SURVEYING" found for corner;

South 40 deg. 15 min. 56 sec. West a distance of 176.54 feet to a one half inch iron rod found for corner;

South 08 deg. 29 min. 21 sec. West a distance of 165.48 feet to a one half inch iron rod found for corner;

South 02 deg. 48 min. 11 sec. East a distance of 103.17 feet to a one half inch iron rod found for corner;

South 27 deg. 16 min. 26 sec. West a distance of 293.66 feet to a one half inch iron rod with yellow cap marked "MCCULLAH SURVEYING" found at the southwest corner of said Lake Forest Village Phase III and in the north line of State Highway Number 114 (variable-width Right-of-Way);

THENCE North 71 deg. 36 min. 48 sec. West departing the west line of said Lake Forest Village Phase III and along the north line of said State Highway Number 114 a distance of 956.92 feet to a 5/8 inch iron rod found;

THENCE continuing along the north line of said State Highway Number 114 and along the south line the following calls:

North 71 deg. 33 min. 55 sec. West a distance of 326.99 feet to a 5/8 inch iron rod found for corner;

North 69 deg. 16 min. 11 sec. West a distance of 75.06 feet to a PK nail for corner;

North 12 deg. 50 min. 31 sec. East a distance of 4.55 feet to a one half inch iron rod with yellow cap marked "MCCULLAH SURVEYING" for corner;

South 69 deg. 25 min. 25 sec. East a distance of 74.06 feet to a 5/8 inch iron rod found for corner at the beginning of a non-tangent curve to the right whose chord bears North 25 deg. 13 min. 18 sec. West a distance of 105.41 feet;

Along said non-tangent curve to the right, having a radius of 75.00 feet, a central angle of 89 deg. 17 min. 30 sec. and an arc distance of 116.88 feet to a one half inch iron rod with yellow cap marked "MCCULLAH SURVEYING" for corner in the east line of said Trophy Club Drive;

THENCE along the east line of said Trophy Club Drive and continuing along the west line the following calls:

North 19 deg. 25 min. 08 sec. East a distance of 90.04 feet to a one half inch iron rod with yellow cap

marked "MCCULLAH SURVEYING" for corner at the beginning of a tangent curve to the right whose chord bears North 52 deg. 40 min. 25 sec. East a distance of 610.37 feet;

Along said tangent curve to the right having a radius of 556.56 feet, a central angle of 66 deg. 30 min. 22 sec., passing at 474.18 feet a one half inch iron rod with yellow cap marked "MCCULLAH SURVEYING" found, continuing for a total arc distance of 646.03 feet to a 5/8 inch iron rod found for corner in the north line of said JSB PROPERTIES, LP tract;

THENCE North 85 deg. 55 min. 36 sec. East continuing along the south line of said Trophy Club Drive passing at 107.80 feet a 5/8 inch iron rod found, continuing for a total distance of 170.79 feet to a one half inch iron rod with yellow cap marked "MCCULLAH SURVEYING" for corner at the beginning of a tangent curve to left whose chord bears North 72 deg. 08 min. 35 sec. East a distance of 310.43 feet;

THENCE continuing along the southeast line of said Trophy Club Drive and along said tangent curve to the left having a radius of 651.46 feet, a central angle of 27 deg. 34 min. 01 sec., and an arc distance of 313.44 feet to a 5/8 inch iron rod found for corner;

THENCE North 58 deg. 21 min. 36 sec. East continuing along the southeast line of said Trophy Club Drive a distance of 350.53 feet to the POINT OF BEGINNING and containing 26.400 acres, more or less.

EXHIBIT "B"
PLANNED DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS
(PD NO. 30)