

ORDINANCE NO. 15-0326

AN ORDINANCE AMENDING ORDINANCE NO. 07-0111A AS AMENDED WITH ORDINANCES NO. 12-1108A; NO. 14-1113B AND NO. 15-0122A, BEING A MIXED-USE PLANNED DEVELOPMENT DISTRICT ORDINANCE OF THE TOWN OF NORTHLAKE, TEXAS; ESTABLISHING THE ZONING CLASSIFICATION AND DEVELOPMENT STANDARDS OF CERTAIN PROPERTY IN THE TOWN OF NORTHLAKE KNOWN AS CANYON FALLS AND MORE PARTICULARLY DESCRIBED IN EXHIBIT 'A'; BEING A 504.01 ACRE TRACT OF LAND SITUATED IN THE M.E.P. & P.R.R. SURVEY, ABSTRACT 913, F. THORNTON SURVEY, ABSTRACT 1244, J. WILLIAM SURVEY, ABSTRACT 1416 AND W. LOVE SURVEY, ABSTRACT 728 AND A 10.287 ACRE TRACT OF LAND SITUATED IN THE W. LOVE SURVEY, ABSTRACT 728, IN THE TOWN OF NORTHLAKE, DENTON COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, as an incorporated municipality in the State of Texas, has been given the authority by Chapter 211 of the Local Government Code to establish zoning and amend zoning in accordance with Chapter 211; and

WHEREAS, the Town Council of the Town of Northlake heretofore adopted Ordinance No. 07-0111A establishing the zoning of Mixed-Use Planned Development District "MPD" for Canyon Falls, a development proposed on a 433.539 acre tract of land located in the MEP & PRR Survey A. 913, F. Thornton Survey A. 1244, the J. Wilburn Survey A. 1416 and W. Love Survey A. 728 and a 10.427-acre tract of land located in the W. Love Survey A. 728 in the Town of Northlake, Denton County, Texas; and

WHEREAS, Ordinance No. 07-0111A contained development standards which regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, Ordinance No. 12-1108A amended the conceptual development plan and related development standards; and

WHEREAS, Ordinance No. 14-1113B and Ordinance No. 15-0122A amended the requirements for residential subdivision perimeter fencing; and

WHEREAS, the Town of Northlake has received a request to expand the district and to amend the conceptual development plan and development standards, the same being the established Canyon Falls "MPD" Mixed-Use Planned Development District; and

WHEREAS, all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for zoning of property have been complied with; and

WHEREAS, a public hearing was held by the Town Council of the Town of Northlake on March 26, 2015 with respect to the zoning changes described herein; and

WHEREAS, the Town Council of the Town of Northlake does hereby deem it advisable and in the public interest to amend Ordinance No. 07-0111A, as amended with Ordinances No. 12-1108A; No. 14-1113B; and No. 15-0122A, being the Canyon Falls “MPD” Mixed-Use Planned Development District.

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

SECTION 1

The Canyon Falls “MPD” Mixed-Use Planned Development District is hereby amended so that henceforth and hereafter the Planned Development regulations shall be amended as provided in Exhibit A.

SECTION 2

The property shall be developed and used in accordance with the Planned Development Standards and exhibits in Exhibit “A” which is hereby approved. All requirements and regulations not addressed in the text of the Planned Development regulations shall be subject to the regulations contained in the Unified Development Code of the Town of Northlake, Texas and all other applicable and pertinent ordinances of the Town of Northlake.

SECTION 3

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the Town of Northlake, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the Town of Northlake or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the Northlake Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

Any person, firm, association of persons, corporation or other organization violating

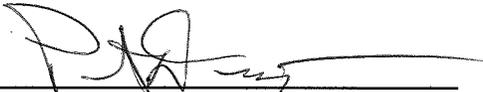
the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 6

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED on this the 26th day of March 2015

Town of Northlake, Texas

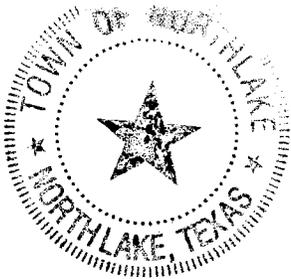


Peter Dewing, Mayor

ATTEST:



Shirley Rogers, Town Secretary



Canyon Falls

Town of Northlake

Mixed-Use

Planned Development (MPD)

District

Exhibit "A"

I. DEFINITIONS

For the purposes of this PD, the following terms, phrases, words and their derivations shall have the meaning given in this section. Any term not expressly defined in this section shall be defined according to Article 14 of the Unified Development Code.

Accessory Building or Structure. A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building.

Accessory Use. A use of land or a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Alley. A public way which affords only secondary means of access to property.

Antique Shop. An establishment offering for sale within a building, articles such as glass, china, furniture, or similar furnishings and decorations which have value and significance as a result of age, design, or sentiment, with no outside display or storage.

Appliance Sales. An establishment specializing in the sale of household and/or medical appliances.

Art Gallery or Museum. An institution for the collection, display, and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

Art Supply Store. An establishment offering for sale those materials used by conventional artists for the preparation of their art form.

Asphalt or Concrete Batching Plant, Temporary. A temporary batching plant operating for a specific length of time.

Awning. An architectural projection, which provides weather protection, identity, or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached, which may be of fabric or other material. Such sign may be raised or retracted to a position against the building, and may be illuminated.

Bakery or Retail Confectioner. A shop offering for sale baked goods or candies made on-premises or off-premises.

Bakery or Wholesale Confectioner. A manufacturing facility for either baked goods or candy with the purpose of selling the product at off-site retail locations.

Bank/Financial Institution. A building or premise offering banking, savings and loan, and other financial services (not including pawnshops).

Banner. A sign made of paper, plastic, or fabric, with or without a frame, containing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric. Banner does not include a flag.

Board of Adjustment. Board of Adjustment as provided for in Section 3.4 of the Unified Development Code.

Builders Directional Sign. A temporary sign which provides direction or instruction to guide persons to sites where new homes are under construction, usually off premise.

Building. Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building Line. A line parallel or approximately parallel to and a specified distance from the street line, marking the minimum distance from the street line that a building may be placed.

Building Official. The designated Town official carrying the title of building official and charged with the responsibility of issuing building permits and certificates of occupancy in conformance with this ordinance and charged with enforcing the criminal provisions of this ordinance.

Building Site. An area of land for which it is permissible to obtain a building permit.

Cabinet and Upholstery Shop. A shop for the assembly of cabinetry for domestic use and furniture repairing and upholstery.

Canopy. A structure made of metal or other material with a frame supported by either one or more columns or the building to which it is accessory, and is open on two or more sides.

Caretaker or Guard Residence. A residence located on a premises with a main nonresidential or residential use and occupied only by a caretaker or guard employed on the premises. Manufactured housing units are not allowed for this purpose.

Certificate of Occupancy. An official certificate issued by the Building Official which indicates conformance with or approved conditional waiver from the building and zoning regulations and authorizes legal use of the premises for which it is issued.

Child Care Center. An establishment where more than three children are housed for care or training during the day or portion of the day under State of Texas licensing provisions.

Community Center. Public. A building and grounds owned and operated by a governmental body for the social, recreational, health, or welfare of the community served.

Construction Sign. A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing, or improvements of the premises where work is under construction.

Convenience Store With Automotive Fuel Sales. A neighborhood store offering limited amounts of consumer goods, and permitting the sale of automotive fuel and other petroleum products.

Convenience Store Without Automotive Fuel Sales. A neighborhood store offering limited amounts of consumer goods, without automotive fuel sales. This use includes small neighborhood grocery stores and drugstores whose purpose is to serve the immediate neighborhood, as distinguished from large chain stores.

Coverage. The area of a site covered by building or roofed areas, but not including the area covered by allowed projecting eaves, balconies, and similar features.

Custom Personal Service Shop. Tailor, dressmaker, shoe shop, barber shop, beauty shop, or similar shop offering custom service.

Department Store. A large store offering a variety of comparison and consumer goods at a retail price.

Development Plan. The development plan attached as Exhibit B.

Directory Sign. A sign which indicates the name and/or address of the tenants or occupants, the address of the premises, and/or identification of any business or occupation which may exist on the premises.

District. That certain fresh water supply district or water control improvement district that has the same boundaries as the Property.

Drapery, Sewing, or Weaving Shop. A shop offering custom made draperies and other sewn goods and hand- or machine-woven goods for sale.

Drugstore or Pharmacy. An establishment offering over-the-counter and prescription drugs and allied products for retail sale.

Dwelling Unit. A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters, and includes facilities for food preparation and sleeping.

Easement. A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Effective Date. The date this ordinance was adopted by the Town.

Electrical Substation. A facility designed to convert electrical current to a different phase or voltage prior to consumption by dwellings and other structures.

Entry Feature. A design element that is part of the entry driveway of a commercial development. An entry feature consists of signage that is incorporated into walls, berms, decorative fencing or other design elements that creates an entry statement.

Family. One or more persons occupying a single dwelling unit and living as a single, nonprofit housekeeping unit; provided that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include five or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

Flag. Any fabric containing distinctive color, pattern, or symbols, used as a symbol of a government, political subdivision, non-profit organization, or corporation.

Floor Area. The total square feet of floor space within the outside dimensions of a building, including each floor level but excluding attics, cellars, carports, covered patios, and garages.

Florist Shop. A shop offering flowers, flower arrangement services, and associated products for sale.

Furniture or Appliance Store. A retail establishment offering home furnishings and appliances for sale to the general public.

Golf Course/Driving Range, Commercial. An establishment offering areas for driving golf balls, and/or grounds and facilities used in the playing of the game of golf, privately owned but open to the general public for a fee and operated as a commercial venture.

Greenhouse or Nursery. A facility for the storage, growing, and care of plant materials to be sold on the premises or at an off-site retail location.

Grocery Store. A retail establishment offering food and beverage products for sale to the general public generally for consumption off the premises.

Gross Surface Area. The area of the smallest rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other fixtures, material, or color forming part of the sign. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. Gross surface area shall be measured on one side only of a two faced (back to back) sign carrying the same image and message on both faces. Two faced signs carrying different messages and images on each side shall be considered as separate signs.

Ground Sign. A sign which is supported by two or more columns, poles, uprights, or braces placed in or upon the ground and is not a part of a building.

Handicraft Shop and Art Objects. A shop offering handmade art, convenience objects, handicraft supplies, and associated products for sale.

Hardware or Hobby Shop. An establishment offering small hand tools, small building materials, personal hobby materials, and associated convenience items for sale to the general public.

HDR. High density residential.

Health and Fitness Studio. An establishment offering the use of equipment and providing instruction for health inducing exercise or activity.

Height. The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:

- (a) The highest point of the roofs surface if a flat surface;
- (b) The deck line of mansard roofs; or
- (c) The mean height level between eaves and ridge for hip and gable roofs. Height does not include chimneys, cooling towers, elevator bulkheads, ornamental cupolas, domes, spires, and/or parapet walls that do not exceed 10 feet in height.

If the street elevation has not been officially established, the average front yard grade shall be used for a base level.

High Density Residential. SF-50.

Home for the Aged, Residence. A home where elderly people are provided with lodging and meals without nursing care being a primary function.

Home Occupation. An occupation conducted in a dwelling unit, provided that:

- (a) No person other than members of the family residing on the premises are engaged in the occupation on the premises.
- (b) The use of the dwelling unit for the home occupation is clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 250 square feet of floor area of the dwelling unit are used in the conduct of the home occupation.
- (c) There is no visible evidence of the conduct of the home occupation from outside the building.
- (d) The home occupation is not conducted in an accessory building.
- (e) Any sales in connection with the home occupation are clearly secondary, and there are no sales from the dwelling.
- (f) Traffic is not generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation is met off the street and other than in a required front yard.
- (g) Equipment, processes, or work is not used or conducted in the home occupation which create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment, process, or work is used or conducted which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (h) The following occupations are specifically excluded as home occupations: operation of beauty culture schools, beauty parlors, barber shops, lawn mower or other small engine repair, automotive repair, television, radio, or electronic repair, and bicycle repair.
- (i) No outdoor storage of any type is permitted with any home occupation.

Hotel or Motel. A building or group of buildings containing individual living or sleeping units specifically designed as temporary quarters for transient guests and may include provisions for meals and personal service. To be classified as a motel or hotel an establishment shall contain a minimum of six individual guest rooms or units and may furnish customary services such as linens, maid service, telephone use, and upkeep of furniture.

Illuminated Sign. A sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes, or other means that are specifically placed to draw attention to, or provide nighttime viewing of, the subject matter on the sign face.

Incidental Signs. Small signs of a non-commercial nature, intended primarily for convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephones, and so forth.

Inflatable Sign. Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

Instructional Sign. A sign limited to directional messages, principally for pedestrian and vehicular traffic, such as one-way, entrance, and exit.

Kennel. A facility for the breeding, training, and raising of domestic dogs for sale. Such use also includes the temporary boarding of such animals.

Key Shop. An establishment specializing in making keys, repairing locks, and associated materials.

Laundry/Dry Cleaning. A custom cleaning shop for wearing apparel and other fabrics.

Library. Buildings and structures open for the general public, for which a fee may or may not be charged for the use of book collections.

Lithography or Print Shop. A large commercial printing shop with multiple presses and capabilities offering duplicating services including blueprinting and photostating. May also include mailing or shipping services.

Local Franchise Utility. A utility such as one distributing heat, chilled water, closed circuit television, or similar service, and requiring a franchise to operate in the Town.

Logo. Any design or insignia of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company, or product.

Lot. A parcel of land which is shown on an approved plat recorded in the county plat records.

Lot Area. The area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.

Lot, Corner. A lot abutting on and at the intersection of two or more streets.

Lot Depth. The horizontal mean distance between the midpoint of the front and midpoint of the rear lot lines.

Lot, Flag. A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, Interior. A lot that is other than a corner lot.

Lot Line, Front. The line separating the front of the lot from the street. When a lot is bounded by a public street and one or more alleys or private street easements or private streets, the front lot line shall be the nearest right-of-way line of the public street.

Lot Line, Rear. The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.

Lot Line, Side. Any lot line not a front or rear lot line.

Lot Lines. The lines bounding a lot.

Lot Width. The width of a lot at the front building line.

Main Building. The building or buildings on a lot which are occupied by the primary use.

Marquee. A permanent roof-like structure extending from part of the wall of a building not supported by the ground, and constructed of durable material such as metal, glass, or wood.

Massage, Therapeutic. The act of kneading, rubbing, stroking, or other such touching as performed by duly licensed medical doctors, doctors of osteopathy, chiropractors, registered physical therapists, registered nurses, licensed vocational nurses at the direction or under the prescription of a medical doctor or doctor of osteopathy, when such treatment is administered or prescribed in the professional course of treatment of a patient for a bona fide medical or mental infirmity, or massage therapist registered by the State of Texas Department of Health. This term includes massage

authorized by the State in establishments licensed by the State as beauty shops and barber shops staffed by licensed barbers and beauticians.

Masonry. Stone (including pre-cast stone), brick, concrete, hollow clay tile, concrete tile, rock, or other similar building units or materials or combination of these materials, and including brick veneer and stucco.

MDR. Medium density residential.

Medium Density Residential. SF-60 and SF-70.

Menu Board. A sign displaying the menu for a drive-up window for a food establishment.

Miniature Golf Course. A private commercial enterprise offering outdoor miniature golf to the general public for a fee or charge.

Monument Sign. A permanent ground sign generally constructed out of brick, stone, or cast concrete foundation across the entire base of the structure.

Movie Theater or Indoor Playhouse. A facility designed to house either a cinema, film, or live theater production.

Moving Sign. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners, or pennants.

MU. Mixed use.

Multifamily Dwelling. A building or portion of a building which contains three or more dwelling units and which is intended for occupancy as a place of residence by three or more families.

Municipal Building and Uses. A structure or use designed to serve a public purpose of the municipality not defined elsewhere.

Musical Instrument Sales. A retail establishment offering for sale musical instruments.

Nameplate Sign. An on-premise non-illuminated sign identifying only the name, address, and/or profession of the occupant of the premises on which the sign is located.

Off-Premise Sign. A sign which directs attention to a business, person, organization, activity, event, place, commodity, product or service not conducted, sold, or offered upon the premise on which the sign is located.

Office, Business or Professional. Offices for the provision of business and professional services, not including retail sales or production.

Office, Medical or Dental. Offices for the provision of medical and dental health care services, not including ambulatory care.

On-Premise Sign. A sign which promotes or advertises a business, person, organization, activity, event, place, commodity, product, or service which is conducted, sold, or offered upon the premise where the sign is located.

Open Space. Public or private undeveloped areas that are not platted as part of a lot containing buildings.

Ordinance. Ordinance No. 15-0326A creating this PD.

Paint Store. A shop for the storage, mixing, and sale of a full line of retail paint supplies.

Park or Public Playground and Related Facilities. An open recreation facility or park owned and operated by a public agency such as the Town and available to the general public for neighborhood use, including lighted tennis courts, but not including lighted athletic fields for nighttime play.

Parking Space. An enclosed or unenclosed all-weather surfaced area of asphalt paving, asphaltic concrete, concrete, or paving brick, together with an all-weather surfaced driveway of asphaltic concrete, concrete, or paving brick connecting the area with a street or alley permitting free ingress and egress without the vehicle being required to maneuver or encroach on the street or alley.

PD. The planned development district created by this ordinance.

Pennant. A wind device usually made of lightweight plastic, fabric, or other material whether or not containing a message of any kind, usually triangular in shape and attached to a single cord.

Permanent Sign. A sign which is fixed in nature that is erected, affixed, or maintained on a premises for a period of time.

Pet Shop. An establishment offering small animals for sale, with associated goods and services.

Photographer and/or Artist Studio. An establishment of a professional artist or photographer offering services to the general public.

Photographic Print Shop. An establishment engaged in film editing, development, and processing of photographs. May also provide for retail sale of cameras, film, and other photographic supplies and equipment to the general public.

Pole Sign (Also Called Pylon Sign). A freestanding sign supported by one or more poles columns, uprights, or braces placed in or upon the ground and having no guys or braces to the ground or to any other structure.

Police or Fire Station and Related Facilities. Facilities designed to provide public protection from the dangers of fire or crime.

Political Sign. A temporary sign, that contains primarily a political message pertaining to any national, state, county, or local election that supports or opposes an announced candidate, political party, or issue of political significance. Such sign must be, located on private real property and may not have an effective area greater than thirty-six (36) feet; may not be more than eight (8) feet high; may not be illuminated; and may not have any moving elements. For purposes of this ordinance, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose. "Political sign" does not include a sign that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial ad Portable Sign. Any temporary sign supported by the ground but not attached to the ground, which can be regularly moved from a location at periodic intervals, and which is located upon the premises where the business, profession, activity,

commodity, service, or entertainment referred to by the sign is located. The term "portable sign" shall include the following:

- (a) A sign which is mounted on a trailer or wheels or is part of a trailer and by its design can be towed from one location to another by the use of attached wheels or by attaching an axle to existing mounts;
- (b) An "A-frame" type sign;
- (c) A sign affixed by pole or poles to a portable base made of wood, metal, or concrete;
- (d) A sign suspended or attached to a stand with an inverted "T" base; and
- (e) Any sign that the base is inserted into a sleeve mounted or driven into the ground which can be easily extracted from said sleeve by simply lifting or removing bolts,vertising or other messages that are not primarily political.

Premises. A lot or tract, or a combination of contiguous lots or unplatted tracts if the lots or tracts or combination are under a single ownership and are reflected in the plat or deed records of Denton County. Multi-tenant locations shall be considered as being one premise.

Private Club. Facilities where food, beverages, including alcoholic beverages, entertainment, or meeting space is provided to specific membership only.

Property. The property described on Exhibit A.

Pylon Sign. See pole sign.

Occupancy. The use or intended use of the land or buildings by proprietors or tenants,

Reader Board Sign. A sign comprised of non-permanent letters, numerals, or symbols which may be changed by adding, removing, or rearranging the letters, numerals, or symbols, either manually or electronically.

Real Estate Sign. A sign relating to the sale, lease, or rental of the premises upon which such a sign is placed.

Recreation or Health Club. A private commercial enterprise serving a limited membership and tenancy with specific fee requirements, with facilities for swimming, playing tennis, handball, racquetball, squash, or other court games.

Religious Institution. A building or group of buildings or structures that, by design and construction, are primarily intended for conducting religious services, meetings, and other activities, as well as associated accessory uses such as schools, child care, and meeting halls.

Residence. Same as a dwelling; also when used with "district," an area of residential regulations.

Restaurant, Without Drive-In Service. An establishment serving food to the general public in designated dining areas, where food is prepared on-site and is intended primarily for on-site consumption. In restaurants where alcoholic beverages are offered for sale, no more than seventy-five percent (75%) of gross receipts shall be derived from alcoholic sales and no less than twenty-five percent (25%) of gross sales shall be derived from food sales.

Retail Specialty Shop. Small retail shops such as dress shops or gift shops serving specific neighborhood areas, as differentiated from department stores or discount stores having community-wide service importance.

Retail, Variety or Similar Store. A smaller version of the department store with predominantly consumer goods.

Right-of-Way. An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

Roof Sign. A sign mounted upon, against, or directly above the roof or parapet line of a building or structure, or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the cave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof

School, Primary. A public or private facility that provides a curriculum of elementary academic instruction, including kindergartens, elementary schools, and junior high schools.

School, Secondary. A public or private facility that provides a curriculum of secondary academic instruction, such as high schools.

Secondary Sign. A sign located on premise identifying individual uses in a mixed use multi-tenant commercial shopping center.

Setback. The required minimum horizontal distance between the building line and the related front, side, or rear lot line.

Shopping Center or Mall. A grouping of retail business and service uses on a single site with common parking facilities.

Sign. Any name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light, or insignia, illuminated or non-illuminated, affixed directly or indirectly to or upon any building, window, door, or outdoor structure, which is visible to the general public and calls attention to any business, person, organization, event, commodity, object, product, service, place, or activity, including any permanently installed or situated merchandise or facsimile, without regard to the message content or lack thereof.

Sign Area. The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Single-Family Detached Dwelling. A dwelling designed and constructed as a free-standing structure for occupancy by one family and located on a lot or tract and having no physical connection to a building located on any other lot or tract.

Site Plan. A document or group of documents containing the material required by Exhibit C.

Staff. A committee made up of Town employees to provide a centralized technical review of development plans as established by recognized engineering and planning practices and the ordinances and regulations of the Town.

Storage Warehouse. A building or buildings designed for short- or long-term rental for storage of material.

Story. The height between the successive floors of a building or from the top floor to the roof the standard height for a story is 11.6 feet.

Story Half. The space between the top floor and the roof which may be used for residence purposes but which, because of roof slope and structural design, does not cover more than 50 percent of the area of the ground floor of the building.

Street. The area between the right-of-way lines of a thoroughfare or public drive, other than an alley, which has been dedicated or deeded to the public for public use.

Street Elevation. The average elevation of the projected corners of a property, adjacent to a dedicated street right-of way or roadway easement, the elevation of the corners being measured at the top of the curb, or the centerline of the street if no curb is present.

Street Line. A dividing line between a lot or tract and a contiguous street; the right-of way line.

Street Tree. A species of tree that is suitable for planting along street rights-of-way.

Street Yard. The area between a building and the adjacent public right-of-way.

Structure. Same as building.

Studio, Music, Dance and/or Drama. An establishment offering instruction in music, dance, or drama.

Swimming Pool, Private. A swimming pool constructed for the exclusive use of the residents of a one-family, two-family, or multiple-family dwelling and located and fenced in accordance with the regulations of the Town.

Temporary Sign. A non-permanent sign designed or intended to be displayed for a short period of time erected, affixed, or maintained on a premises.

Temporary Manufactured Housing. Temporary HUD-certified manufactured homes necessary for the creation and administration of the district.

Thoroughfare. Those public streets designated on the official thoroughfare plan as "thoroughfares."

Town. The Town of Northlake, Texas.

Town Administrator. The person appointed by the Town Council to serve as the chief administrative officer of the town.

Town Council. The governing body of the Town of Northlake, Texas.

Town Engineer. The person or group of persons or consultants that have been appointed Town Engineer.

Town Planner. The person or group of persons or consultants that have been appointed as Town Planner.

Town Secretary. The person appointed by the Town Council, including any deputies appointed by the Town Council to act in the absence of the Town Secretary.

UDC. Unified Development Code

Unified Development Code. Ordinance Number 13-0124A, the Unified Development Code of the Town of Northlake, Texas, enacted the 24th day of January, 2013, as amended up until the effective date of this ordinance.

Vehicular Sign. Any sign, not including bumper stickers, on or in a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection or lettering of company vehicle that advertises only the company name, address, and/or logo, or temporary signs (with an area less than 3 feet) attached to vehicles which may be removed daily.

Veterinarian, Office Only. The office of a doctor of veterinary medicine with limited on-site treatment of small domestic animals.

Video/Game Rental Store. A commercial establishment that provides as a service a library of video movies and video games which may be rented on a short-term basis and returned for reuse.

Wall Sign. A sign attached or affixed to an exterior wall of a building or structure or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to the exterior building wall to which it is attached or by which it is supported and not extending more than 12 inches from said wall. A wall sign shall not extend above the wall or parapet to which the sign is attached. For the purpose of this section, awnings, canopy fascias, mansards extending along a building side shall be considered a part of the wall.

Warning Sign. A sign containing no advertising material, warning the public of the existence of danger.

Water Storage Facility. A tank or similar structure used to contain water for public use including elevated, ground, and underground locations.

Window Sign. A sign attached to, placed upon, or painted on the exterior or interior of a window or door of a building, which is intended for public viewing from the exterior of such building.

Yard, Front. A yard adjoining a public street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

Yard, Rear. A yard extending across the rear of a lot between the side lot lines, having a depth between the building and the rear lot line as specified in the district in which the lot is situated.

Yard, Side. A yard on one or two sides of a main building and on the same lot with the building, situated between the building and a side lot line, extending through from the front yard to the rear yard.

Yard Sign. Any sign of a temporary nature other than a development, real estate, builders or construction sign, which includes the advertisement of a service which has been performed on premise, or construction/repair that has been performed on-premises.

Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zoning District Map. The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning regulations of the Unified Development Code (UDC) and maintained in accordance with Section 2.1 of the UDC.

II. APPLICABILITY.

This ordinance amends the UDC as applied to the Property, and is intended to serve as the exclusive set of zoning regulations applicable to the Property. All requirements and regulations not addressed herein shall be subject to the regulations contained in the UDC and all other applicable and pertinent ordinances of the Town of Northlake. In the event of a conflict between this ordinance and any other Town ordinance, this ordinance shall control.

III. AMENDMENTS.

Amendments to this ordinance shall comply with all state law requirements for changes in zoning. If the Town receives an application to amend the PD with respect to only a portion of the Property, the Town shall consider the request for that portion only, and shall leave the zoning for the remainder of the Property unchanged.

IV. DEED RESTRICTIONS.

A. Conditions, covenants, and restrictions ("CCR's") for all of the Property must be filed in the deed records of Denton County, Texas before a final subdivision plat may be approved or a building permit issued. The CCR's must:

1. Create a property owners association with mandatory membership for each property owner;
2. Establish architectural standards that are in conformity with the requirements of the PD;
3. Create one or more architectural review committees to review development for compliance with the architectural standards and issue certificates of approval prior to a building permit being applied for;
4. Provide for the ownership, development, management, and maintenance of private open space, shared parking facilities, and community meeting halls and other common areas, unless such areas and facilities are to be owned or maintained by a special district, such as a fresh water supply district or water control and improvement district, or a public improvement district;
5. Provide for the maintenance of landscaping and trees within the right-of-way, unless such maintenance will be provided by a special district, such as a fresh water supply district or water control and improvement district, or a public improvement district;
6. Require the collection of assessments from members in an amount sufficient to pay for its functions;
7. Provide for an initial term of fifty years and automatic renewals for successive ten year periods; and provide that the association may not be

dissolved without the prior written consent of the Town;

8. Provide the right and ability of the Town or its lawful agents, after due notice to the associations to remove any landscape systems, features, or elements that cease to be maintained by the associations, to perform the responsibilities of the association if the association fails to do so in compliance with any provisions of the CCRs; and the right and ability of the Town or its lawful agents to collect from the association all costs incurred by the Town in performing said responsibilities and/or to avail itself of any other enforcement actions available to the Town pursuant to state law or Town codes or regulations; and
9. Provide provisions indemnifying and holding the Town harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorney's fees and costs of suit, incurred or resulting from the Town's removal of any landscaping, features, or elements that cease to be maintained by the associations in compliance with any provisions of the CCRs, or from the Town's performance of the actions listed in (8) above.

V. **PLANS.**

A. **DEVELOPMENT PLAN.**

All development shall comply with the Development Plan attached as Exhibit B, as amended from time to time in accordance with this ordinance.

B. **SITE PLAN APPROVAL.**

1. **Residential.** There is no site plan review process for single-family residential construction. The preliminary plat will serve as the site plan.
2. **Temporary Manufactured Housing.** There is no site plan review process for temporary manufactured housing.
3. **Non-Residential.** A site plan must be approved in accordance with **Exhibit C** for all non-residential and multi-family residential uses.

C. **BUILDING PERMITS.**

Except as otherwise provided herein, building permits are required in accordance with the Town's rules and regulations. No building permit is required for temporary manufactured housing or temporary uses authorized by Section VIII of this ordinance. No building permit shall be issued for any project until the certificate described in Section IV.A.3 of this PD is submitted along with the building permit application.

D. CERTIFICATES OF OCCUPANCY.

Except as otherwise provided herein, certificates of occupancy are required in accordance with the Town's rules and regulations. No certificate of occupancy is required for temporary manufactured housing or temporary uses authorized by Section VIII of this ordinance.

VI. GENERAL PROVISIONS.

Section 1.6 – Section 1.8 of the UDC shall apply.

VII. DEVELOPMENT STANDARDS.

- A. All development shall comply with the development standards in **Exhibit D.**
- B. In addition, Sections 5.6 B. of the UDC shall apply.

VIII. PERMITTED USES.

A. GENERALLY.

The uses permitted on the Property are set forth on **Exhibit E.**

B. DETACHED SINGLE FAMILY IN MU.

Detached single family homes are permitted on the approximately 26.94-acre portion of the Property identified on the Development Plan as "Mixed Use/Residential," subject to the following restrictions:

- 1. No more than 100 single family homes are permitted; and
- 2. Such homes shall be developed under the standards for SF-50 on **Exhibit D.**

C. TEMPORARY MANUFACTURED HOUSING.

A maximum of six (6) temporary HUD-certified manufactured homes are permitted on the Property at any given time as necessary for the creation and administration of the district. The landowner shall notify the Town prior to the installation of each unit of temporary manufactured housing. The landowner shall also notify the Town of the make, model, HUD number, and 911 address for each unit no later than 30 days after the unit is occupied. The following do not apply to temporary manufactured housing: (i) the development standards and minimum parking requirements set forth on **Exhibit E.** (ii) the landscaping requirements set forth in Section X; and (iii) the design guidelines set forth in Section XIII. Temporary manufactured housing shall be removed from the Property on or before the date that certificates of occupancy for 6 homes are issued within the district. Neither the conveyance by metes and bounds of any portion of the Property to any person for the purpose of qualifying such person to be a member of the board of directors of the district, nor the short term placement of temporary manufactured housing on an unplatted tract of land, shall be considered the development or subdivision of land requiring a plat or otherwise requiring approval of the Town; provided, however, no structure shall be constructed on any portion of the Property conveyed for such purpose unless and until the Town has approved a plat for such portion. Nothing herein shall be construed to limit the applicability of the Town's building permit and certificate of occupancy requirements.

D. **WATER WELLS.**

Except for water wells associated with temporary manufactured housing, no water wells may be drilled for the purpose of providing potable water. Wells may be drilled for the purpose of providing water for irrigation and to maintain surface water levels. All water wells will be permitted through and constructed in accordance with all applicable rules, regulations, and requirements of the Town and any other governmental entity having jurisdiction.

E. **TEMPORARY USES.**

Temporary uses enumerated in Section 5.12 of the UDC shall not be deemed violations of this ordinance when a permit has been issued and the use is conducted under the conditions therein provided in addition to the conditions specified below:

1. Outdoor Sales, Christmas Tree Sales, and Carnivals and Circuses shall only be permitted on sites designated for "Mixed Use" on the Development Plan.

IX. PARKING.

A. The minimum parking requirements for each use are set forth on **Exhibit E**. If specific requirements result in a fraction of a parking space, the next larger whole number of spaces is required. In computing the parking requirements for any building or development the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development. Floor area of structures devoted to off street parking of vehicles shall be excluded in the computing of off street parking requirements.

B. Required parking in MDR or HDR must be located on the same lot or tract as the main use for which the parking is provided.

C. Required parking in MU may be located on the lot or tract with the main use for which the parking is provided or on a lot or tract on the property and within 300 feet of the building or structure constituting the main use.

D. No parking space, garage or carport or other automobile storage or structure shall be used for the storage of any truck, truck trailer, or van exceeding one and one-half ton capacity.

E. Off street parking areas shall be designed in accordance with Table 1 below state and federal law.

Table 1

PARKING ANGLE						
8.5' STALL						
	AISLE		ONE ROW		TWO ROWS	
	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY
30	11.1'	20.0'	27.5'	36.4'	43.9'	52.8'
40	11.4'	20.0'	29.5'	38.1'	47.6'	56.2'
50	12.7'	20.0'	32.0'	39.3'	51.3'	58.6'
60	15.2'	20.0'	35.0'	39.8'	54.8'	59.6'
70	18.2'	20.0'	38.0'	39.8'	57.8'	59.6'
80	21.8'	21.8'	41.0'	41.0'	60.2'	60.2'
90	24.0'	24.0'	42.0'	42.0'	60.0'	60.0'
PARKING ANGLE						
9.0' STALL						
	AISLE		ONE ROW		TWO ROWS	
	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY
30	10.7'	20.0'	27.5'	36.8'	44.3'	53.6'
40	11.0'	20.0'	29.5'	38.1'	47.6'	56.9'
50	11.4'	20.0'	31.0'	39.8'	50.6'	59.2'
60	14.0'	20.0'	34.0'	40.0'	54.0'	60.0'
70	17.0'	20.0'	37.0'	40.0'	57.0'	60.0'
80	19.7'	20.0'	39.0'	39.3'	58.3'	58.6'
90	22.0'	22.0'	40.0'	40.0'	58.0'	58.0'
PARKING ANGLE						
10.0' STALL						
	AISLE		ONE ROW		TWO ROWS	3WS
	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY
30	9.3'	20.0'	27.0'	37.7'	44.7'	55.4'
40	9.3'	20.0'	28.5'	39.2'	47.7'	58.4'
50	9.9'	20.0'	30.1'	40.2'	50.3'	60.4'

70	13.7'	20.0'	34.0'	40.3'	54.3'	60.6'
80	17.5'	20.0'	37.0'	39.5'	56.5'	59.0'
90	20.0'	20.0'	38.0'	38.0'	56.0'	56.0'

F. Raised curbs shall be provided on all driving and parking surfaces. If wheel stops are not provided at locations where vehicles extend over the sidewalk areas, a minimum of four feet (4') of free walking, exclusive of vehicle over-hang, width must be provided.

G. When vehicles extend over the curb, wheel stops shall be required for all head-in parking spaces adjacent to landscaped areas, wheel stops shall be designed so that the overhang of vehicles is contained totally within the parking space.

H. All parking lots shall be striped in a manner that will clearly delineate parking spaces, fire lanes, and pedestrian crosswalks. In large lots with two-way drive lanes, directional arrows shall be provided. Directional arrows shall be provided for all one-way drive lanes and driveways.

I. Off-street maneuvering areas and internal driveways shall be sufficient for all vehicle movements into a parking space, up to a loading dock, or to safely accomplish any other turning movements. No back-in or back-out vehicle maneuvering from a driveway will be allowed onto any public street or right-of-way.

J. Minimum parking lot driveway separations from a public street or right-of-way shall comply with Table 2 below.

Table 2	
Minimum Drive way Separation	
Design Speed Limit	Minimum Spacing (from center line of drive to center line of drive)
25 mph	105 feet
30mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet

K. To reduce the number of curb cuts and access driveways, the dedication of joint-use, private access driveway easements and cross-lot access easements shall be required for all commercial development, unless otherwise approved by the Town as part of the subdivision process or site plan approval process. Shared

easements must encompass the entire width of the planned driveway plus an additional width of one foot on both sides of the drive.

L. The minimum distance, measured from the throat curb to street return curb, to intersections from access driveways along an arterial roadway shall be 100 feet. The distance shall be measured from the nearest edge of the driveway throat curb to the intersecting street curb return.

M. A portion of the total parking shall be specifically designed, located, and reserved for vehicles licensed by the state for use by the handicapped. These spaces will be provided according to Table 3 below. Each parking space designated for use by the handicapped shall consist of a rectangular area not less than 12.6 feet wide by 18 feet long, with a vertical clearance of 7.6 feet. Each designated handicapped parking space shall be located in an area not exceeding a two percent slope, and shall be located near and convenient to a level or ramped entrance accessible to handicapped persons. Parking spaces for the handicapped shall be marked in accordance with state law and restricted for use by the handicapped only. Care in planning shall be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars.

Table 3	
Total Spaces in Lot	No. of Required Handicapped Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
Over 500	2% of total

X. LANDSCAPING.

A. GENERALLY.

1. A landscape plan meeting the requirements of this ordinance shall be approved by staff prior to the issuance of a building permit, Within 90 days after the Town grants a certificate of occupancy, all landscaping shall be completed and installed in accordance with the approved landscape plan.

2. All required landscaping shall be permanently maintained and provided with an automatic irrigation system.
3. Required landscaping may be used to satisfy more than one landscaping requirement in this ordinance. For example, if a lot is required to have a roadway landscape buffer and a parking lot landscape strip, the planting requirements of the roadway buffer may satisfy the parking lot landscape strip requirement, or landscape requirements for a parking lot may be credited toward street yard landscape requirements.
4. Landscaping shall not be erected or installed in such a manner to interfere with traffic view or impose safety hazards.
5. Landscapes should be designed to provide a natural appearance whenever possible. Design alternatives may include a variety of heights, clustering plant materials or other means that will achieve the desired effect.
6. Landscaping that, at ultimate growth, will be located within five feet (5') of any public right-of-way shall not exceed two feet (2') in height unless otherwise permitted or limited by the Town.
7. Trees that are located in any public right-of-way or within the interior or adjacent to a parking area shall be pruned so that the lowest branches of the canopy are a minimum of nine feet (9').
8. All landscaped areas, including the permeable areas and drip lines around trees and planting beds used for visual screening which abut any parking lot or vehicular travel area, shall be protected with curbs, tire stops/parking blocks or similar barriers sufficient to protect them from vehicular intrusion.
9. All required trees and shrubs shall be selected from the list on *Exhibit F*.

B. LANDSCAPING WITHIN THE RIGHT-OF-WAY.

At the option of the owner or developer, and issuance of a permit by the Town, the owner or developer may landscape the right-of-way subject to the following limitations:

1. Trees planted in the right-of-way must be maintained such that the lowest branches of the canopy are a minimum of nine feet (9') above grade.
2. Trees located in the right-of-way shall not be arranged in a manner to interfere with traffic flow or traffic view. The decision of the Town Engineer shall be final in questions regarding traffic view or traffic safety.
3. No trees or vertical plants shall be permitted within five feet (5') of any fire hydrant.
4. The Town and franchise utilities are not responsible for damage to any landscaping while performing repairs or maintenance to their systems.

5. If the owner or developer elects to provide landscaping within the right-of-way, this landscaping will count toward the total landscaping required.
6. Trees located in the public right-of-way shall be located on an average of thirty-five feet (35') on center, and shall be a minimum of three inches (3") in diameter at the time of planting (installing).
7. Shrubs located in the public right-of way shall be located on an average of nine (9) shrubs for each forty feet (40') of street frontage, and shall be a minimum of five (5) gallons in size and a maximum of two and one-half foot (2.5) in height.

C. **RELIEF FROM LANDSCAPING REQUIREMENTS.**

Upon completion of the following, relief from landscaping requirements may be granted by the Town Administrator in situations where the individual circumstances, such as the presence of existing facilities or unusual topography, limit the applicant's ability to comply with the landscaping requirements;

1. The applicant shall provide the Town Administrator or his/her designee with an alternative landscape plan for review and approval.
2. The landscape plan shall illustrate the available landscape area, provide for irrigation, and provide a phasing schedule for completing the plan.
3. The installation of landscaping as indicated by the landscape plan must be completed as approved by the Town Administrator or his/her designee.

D. **TREE PROTECTION.**

Unless otherwise approved in writing by the Building Official, the following procedures shall be followed on all construction projects to protect existing trees to be preserved in order to satisfy the requirements of this section:

1. **Flagging.** All preserved trees shall be flagged with bright fluorescent orange vinyl tape wrapped around the main trunk at a height of four feet (4') or more so that the tape is very visible to workers operating construction equipment.
2. **Protective Fencing.** Protective fencing may be required by the Building Official for trees to be preserved if the trees are located so close to the construction area that construction equipment will infringe upon the root systems. The fence will be placed between the trees and the construction activity in a manner to ensure that the tree roots, up to the drip line, will be protected from construction equipment.

E. **ROADWAY LANDSCAPING.**

1. **FM 1171.** A minimum 50' wide landscape buffer shall be provided on private property along FM 1171 and landscaped as follows:
 - a. A minimum of one 3" caliper tree, measured six inches above ground level, for every 25 linear feet of frontage or fraction thereof on FM 1171; and

- b. A minimum of ten shrubs that are a minimum of five gallons each for every 50 linear feet of frontage or fraction thereof on FM 1171.
2. **Cleveland Gibbs Road.** A minimum 50' wide landscape buffer shall be provided on private property along Cleveland Gibbs Road and landscaped as follows:
 - a. A minimum of one 3" caliper tree, measured six inches above ground level, for every 30 linear feet of frontage or fraction thereof on Cleveland Gibbs Road; and
 - b. A minimum of ten shrubs that are a minimum of five gallons each for every 40 linear feet of frontage or fraction thereof on Cleveland Gibbs Road.
 3. **Internal Collectors and Minor Urban Arterial.** A landscape buffer with a minimum width as identified on **Exhibit G** shall be provided on private property along all internal collector streets and the minor urban arterial connecting FM 1171 and I 35W, and shall be landscaped as follows:
 - a. A minimum of one 3" caliper tree, measured six inches above ground level, for every 30 linear feet of frontage or fraction thereof along internal collector streets and minor urban arterials; and
 - b. A minimum of ten shrubs that are a minimum of five gallons each for every 50 linear feet of frontage or fraction thereof along internal collector streets and minor urban arterials.

F. **MEDIUM DENSITY RESIDENTIAL LANDSCAPING.**

All residential development in MDR shall meet the following landscaping requirements:

1. A minimum of three trees that are at least 2.5" in caliper measured six inches above ground level must be planted on each lot, and at least one of the three trees must be planted in the front yard.
2. All unimproved areas of a lot shall be landscaped with sod or other landscape materials.
3. Each residential lot shall have a minimum of ten (10) 3 gallon shrubs and five (5) one gallon shrubs.

G. **HIGH DENSITY RESIDENTIAL LANDSCAPING.**

All residential development in HDR shall comply with the following landscaping requirements:

1. For detached residential, a minimum of three trees that are at least 2.5" in caliper measured six inches above ground level must be planted on each lot, and at least one of the three trees must be planted in the front yard.
2. For attached residential, a minimum of one tree that is at least 2.5" in caliper measured six inches above ground level is required for each 3,000 square feet of gross lot area.

3. Each lot shall have a minimum of eight shrubs that are at least 3 gallons each.
4. All unimproved areas of a lot shall be landscaped with sod or other landscape materials.

H. **NON-RESIDENTIAL LANDSCAPING.**

All development other than residential development shall comply with the following landscaping requirements:

1. **Minimum Landscaped Area.** A minimum of 20% of the total lot area shall be landscaped with sod or other landscape materials.

2. **Parking Lot Areas:**

- a. One minimum 3" caliper tree is required for every ten parking spaces.
- b. A minimum of 162 square feet of landscape area is required for every 12 parking spaces
- c. All parking spaces shall be within 50' of a tree.
- d. A landscape strip that is a minimum of 20' in width shall be provided between and right-of-way and parking lot. One minimum five gallon shrub is required for every five linear feet or fraction thereof of required landscape strip. One canopy tree or two ornamental trees are required for every 60' linear feet or fraction thereof of required landscape strip. Canopy trees shall be a minimum of 3" caliper and ornamental shall be a minimum of 1.5" caliper.

3. **Street Yards:**

- a. For street yards that are less than 10,000 square feet in area, one tree is required for every 1,000 square feet or fraction thereof of street yard area.
- b. For street yards that are between 10,000 square feet and 110,000 square feet in area, ten trees are required. In addition, one tree is required for every 2,500 square feet or fraction thereof of street yard area in excess of 10,000 square feet.
- c. For street yards that exceed 110,000 square feet in area, 50 trees are required. In addition, one tree is required for every 5,000 square feet of street yard area in excess of 110,000 square feet.

XI. **PARKS AND OPEN SPACE.**

A. **GENERALLY.**

Exhibit G illustrates the general location planned for parks, open space, and trails on the Property. Except as otherwise provided herein, the parks, open space, and trails described herein and shown on **Exhibit G** shall be

recognized as meeting all of the Town of Northlake's acreage and/or parkland dedication fee requirements for public and/or private open space to serve the Property. The parks, open space and trails shall be owned by a property owners association unless the Town wishes to accept any and/or all of the land as public park land. The open space shall be maintained by a property owners association if the property is owned by a property owners association. At the discretion of the developer and Town, a Public Improvement District (PID) may be established and used for maintenance and operation purposes. With the exception of swimming pool area(s) and similar private amenity area(s), which shall be enclosed or accessed through a gate, all other parks, open spaces and trails within the Property shall be accessible to the public.

B. AMENITY CENTER.

Development shall include a private amenity center for residents of the Property that is a minimum of five acres, a portion of which may be located within the corporate limits of the Town of Flower Mound. The amenity center shall include, but is not limited to, parking areas and at least three of the following features: a clubhouse, swimming pool, sport courts, trails, picnic facilities, and a playground.

C. NEIGHBORHOOD POCKET PARKS.

A minimum of one neighborhood pocket park is required for every 120 single family dwellings and shall be centrally located so that each lot may easily access the park. Each pocket park will be a minimum of ¾ acre and include improvements such as playgrounds, trails, picnic facilities, and play fields.

D. LINEAR TRAILS AND GREENBELT PARKS.

Linear trails traversing the Property shall be shown on all plats. Trails shall be a minimum of eight (8) feet in width and shall be constructed of concrete or decomposed granite. Notwithstanding the trails to be located in landscape buffers adjacent to streets as identified on Exhibit G, trails shall be contained within greenbelt parks that have a minimum width of fifty (50) feet.

E. FLOODPLAIN TRAILS.

Trails may be incorporated into floodplain areas on the Property, and may connect to the linear trails described above. Floodplain trails may be paved.

XII. WALLS, FENCING, AND SCREENING.

A. GENERAL.

No fence shall exceed eight (8) feet in height measured from the ground at the base of the fence. Barbed wire, chain link, and electrical fences are prohibited.

B. RESIDENTIAL SUBDIVISION PERIMETER FENCING.

1. Single-family residential subdivision perimeter fencing shall be constructed as illustrated on Exhibit H.
2. Fencing shall be located within a 3' wide fence easement.
3. All perimeter fencing identified on Exhibit H, whether installed by the builder or developer, shall be maintained by the property owners association, and no fence shall be removed from these locations except for the temporary purposes of reconstruction or repair.

C. **RESIDENTIAL.**

All single-family residential lots backing to parks, floodplain or linear greenbelts shall have wrought iron fencing. All other residential lots shall have fences constructed of wood cedar, except that where any residential lot abuts a collector or arterial roadway fencing shall be provided in accordance with Section XII (B).

D. **NON-RESIDENTIAL.**

1. Where any non-residential or multi-family residential use is adjacent to a single-family residential use, a minimum 6' solid masonry wall is required along the lot line of the non-residential or multi-family residential lot at the time of development of the lot establishing such a use.
2. Garbage storage areas for non-residential or multi-family residential uses must be screened on all sides by a solid masonry wall with a minimum 12' solid gate.
3. All proposed fencing and screening for non-residential and multi-family residential uses must be shown on a site plan to be approved by the Town Council.

XIII. DESIGN GUIDELINES.

All new construction shall meet the minimum exterior construction and design standards established in Section 9.5 of the UDC. Prior to issuance of a building permit for the construction of any building on the Property, design guidelines must be recorded in the deed records of Denton County as part of the restrictive covenants that will encumber the Property. Such restrictive covenants must include a private architectural review committee charged with reviewing all building construction on the Property. No building permit shall be issued by the Town until the private architectural review committee has provided written confirmation to the Town that it has reviewed the plans for a proposed building and found that the building complies with the design guidelines found in the restrictive covenants. **Exhibit I** is reserved to place a copy of the recorded covenants.

XIV. ROADWAYS.

Exhibit J illustrates the location and street section for each roadway type proposed within the Property.

A. **URBAN MINOR ARTERIAL**

The primary roadway within the Property connects FM 1171 and 1-35 W and is designed as a 4 lane, median divided roadway. The arterial will be contained within a 90' right of way with a 16' median and 4' sidewalks on each side.

B. **URBAN COLLECTOR**

Urban collectors will be contained within a 60' right of way with 36' of pavement back of curb to back of curb and 4' sidewalks on each side.

C. **LOCAL RESIDENTIAL URBAN**

Internal neighborhood streets within the Property will be contained within 50' right of way. The pavement width will be 30' back of curb to back of curb with 4' sidewalks on each side.

D. CUL-DE-SAC

Cul-de-sacs may be a maximum of 600 feet in length. No more than 35 lots may have access off of a cul-de-sac. Cul-de-sacs shall have a 60' right-of-way radius and a 50' pavement radius.

E. ALLEYS

Alleys may be provided at the option of the developer.

XV. SIGNAGE.

All signs shall comply with Exhibit K.

XVI. OFF-STREET LOADING.

All retail, commercial, and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of 10 by 45 feet and the spaces or berths shall be provided in accordance with the following schedule:

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0-5,000	None
5,000-15,000	1
15,000-40,000	2
40,000-65,000	3
65,000-100,000	4

Note: The existence of a 20 foot alley adjacent to the property shall be the equivalent of one berth.

XVII. GAS WELLS.

Article 13 of the UDC shall apply. To the extent that Article 13 uses terms not defined in this ordinance, the definitions for such terms in the UDC shall apply.

XVIII. ANTENNA FACILITIES.

Section 8.6 of the UDC shall apply to the erection of all antenna facilities. To the extent that Section 8.6 uses terms not defined in this ordinance, the definitions for such terms in the UDC shall apply. For purposes of interpreting Section 8.6, MDR and HDR shall be considered a residential district. Undeveloped portions of MU or portions of MU developed with non-residential uses shall be considered a nonresidential district. Portions of MU developed with residential uses shall be considered a residential district.

XIX. OUTDOOR LIGHTING.

Section 8.5 of the UDC shall apply. To the extent that Section 8.5 uses terms not defined in this ordinance, the definitions for such terms in the UDC shall apply.

XX. PRELIMINARY PLAT EXPIRATION.

Except as otherwise provided in this section, a preliminary plat shall expire two years from the date of approval. A preliminary plat shall not expire if one or more phases of the preliminary plat are final platted within such two year period. A preliminary plat may be final platted in phases.

XXI. NONCONFORMING USES, LOTS AND STRUCTURES.

Article 7 of the UDC shall apply. To the extent that Article 7 uses terms not defined in this ordinance, the definitions for such terms in the UDC shall apply.

XXII. ADMINISTRATIVE.

Article 4 of the UDC shall apply, and to the extent that Article 4 uses terms not defined in this ordinance, the definitions for such terms in the UDC shall apply.

XXIII. SPECIAL EXCEPTIONS.

The Board of Adjustment may grant a special exception to any of the provisions of this ordinance upon a finding that the granting of a special exception will not have a detrimental impact on adjacent property.

XXIV. EXHIBITS.

The following exhibits are attached hereto and incorporated by reference into this ordinance for all purposes:

- Exhibit "A" Legal description of the Property
- Exhibit "B" Development Plan
- Exhibit "C" Site Plan Requirements
- Exhibit "D" Development Standards
- Exhibit "E" Permitted Uses and Parking Requirements
- Exhibit "F" Approved Landscaping List
- Exhibit "G" Landscape Framework Plan
- Exhibit "H" Perimeter Fencing
- Exhibit "I" Restrictive Covenants
- Exhibit "J" Roadway Classification Plan
- Exhibit "K" Sign Regulations

Exhibit "A"
Legal Description of the Property

EXHIBIT 'A'

Property Legal Description

PARCEL 1

BEING a tract of land situated in the M.E.P. & P.R.R. SURVEY, Abstract No. 913, F. THORNTON SURVEY, Abstract No. 1244, J. WILBURN SURVEY, Abstract No. 1416 and the W, LOVE SURVEY, Abstract No 728 and being a portion of a tract of land described in a deed to WS-DCF, LLC as recorded in Clerk's File No. 2012-82463 of the Real Property Records of Denton County, Texas and being more particularly described as follows:

BEGINNING at a capped 1/2 inch iron rod found at the most northwesterly corner of a tract of land conveyed to Mark Wayne Judge, and wife Mary Abb Judge as recorded in Volume 4144, Page 2082 of the Deed Records of Denton County, Texas, said iron rod being in the easterly line of a tract of land described in a deed to Frances McLendon Ewing as recorded in Volume 1552, Page 949 of the Deed Records of Denton County, Texas;

THENCE departing the northerly line of said Judge tract and along the easterly line of said Ewing tract North 00 degrees 11 minutes 50 seconds West along a barb wire fence a distance of 1952.92 feet to a point for corner, said point being the most southeasterly corner of a tract of land described in a deed to D.W. Coin, and wife Christine Coin as recorded in Volume 543, Page 552 of the Deed Records of Denton County, Texas;

THENCE along a barb wire fence South 89 degrees 47 minutes 00 seconds West a distance of 1915.00 feet to a point for corner, said point being the most southwesterly corner of a tract of land described in a deed to D.W. Coin, and wife Christine Coin as recorded in Volume 543, Page 552 of the Deed Records of Denton County, Texas;

THENCE South 00 degrees 10 minutes 41 seconds East a distance of 309.79 feet to a point for corner, said point being the most southeasterly corner of a tract of land described in a deed to Earl Bates, and wife Linda Bates as recorded in Volume 4511, Page 1091 of the Deed Records of Denton County, Texas;

THENCE South 89 degrees 41 minutes 51 seconds West a distance of 1014.76 feet to a point being the approximate centerline of CLEVELAND-GIBBS ROAD, said point being the most southwesterly corner of a tract of land described in a deed to Earl Bates, and wife Linda Bates as recorded in Volume 4511, Page 1091 of the Deed Records of Denton County, Texas

THENCE along the approximate centerline of as CLEVELAND-GIBBS ROAD as follows:

North 00 degrees 50 minutes 38 seconds West a distance of 2661.41 feet to a 1/2 inch iron rod found with a red plastic cap stamped "W.A.L." for corner;

North 13 degrees 52 minutes 34 seconds West a distance of 622.96 feet to a Pk. Nail set in asphalt pavement for corner, said point being set in the southeasterly right of way of INTERSTATE 35W (variable width right of way);

THENCE departing the approximate centerline of said CLEVELAND-GIBBS ROAD and along the southeasterly right of way line of said INTERSTATE 35W as follows:

North 76 degrees 38 minutes 20 seconds East a distance of 17.12 feet to a TXDOT Concrete Monument found for corner;

North 07 degrees 07 minutes 32 seconds East a distance of 75.37 feet to a 1/2 inch iron rod found with a red plastic cap stamped "W.A.I." for corner;

North 14 degrees 35 minutes 00 seconds West a distance of 160.00 feet to a TXDOT Concrete Monument found for corner;

North 21 degrees 16 minutes 22 seconds West a distance of 217.85 feet to a point for corner in a tree;

South 89 degrees 50 minutes 59 seconds West a distance of 16.77 feet to a 1/2 inch iron rod found for corner;

North 19 degrees 53 minutes 02 seconds West a distance of 6.25 feet to a TXDOT Concrete Monument found for corner;

North 89 degrees 18 minutes 04 seconds West a distance of 57.52 feet to a TXDOT Concrete Monument found for corner;

North 65 degrees 41 minutes 08 seconds West a distance of 136.61 feet to a TXDOT Concrete Monument found for corner;

North 21 degrees 50 minutes 31 seconds West passing through a TXDOT Concrete Monument at a distance of 248.70 feet continuing in all a distance of 528.90 feet to a TXDOT Concrete Monument found for corner;

North 23 degrees 23 minutes 04 seconds East a distance of 743.70 feet to a broken TXDOT Concrete Monument found for corner;

THENCE departing the southeasterly Right of way line of said INTERSTATE 35W and the boundary of said WS-DCF tract, South 65 degrees 00 minutes 44 seconds East a distance of 53.75 feet to a point;

THENCE South 79 degrees 52 minutes 55 seconds East a distance of 79.02 feet to a point;

THENCE South 36 degrees 04 minutes 13 seconds East a distance of 57.79 feet to a point;
THENCE South 49 degrees 13 minutes 18 seconds East a distance of 75.64 feet to a point;
THENCE South 33 degrees 16 minutes 34 seconds East a distance of 129.42 feet to a point;
THENCE South 47 degrees 32 minutes 46 seconds East a distance of 148.50 feet to a point;
THENCE North 52 degrees 22 minutes 49 seconds East a distance of 122.04 feet to a point;
THENCE South 57 degrees 39 minutes 05 seconds East a distance of 175.61 feet to a point;
THENCE South 65 degrees 17 minutes 02 seconds East a distance of 102.00 feet to a point;
THENCE South 65 degrees 52 minutes 50 seconds East a distance of 137.84 feet to a point;
THENCE South 25 degrees 30 minutes 44 seconds East a distance of 21.57 feet to a point;
THENCE South 75 degrees 56 minutes 40 seconds East a distance of 190.64 feet to a point;
THENCE South 06 degrees 00 minutes 35 seconds East a distance of 106.22 feet to a point;
THENCE South 51 degrees 55 minutes 01 seconds East a distance of 86.44 feet to a point;
THENCE South 38 degrees 09 minutes 57 seconds West a distance of 70.06 feet to a point;
THENCE South 48 degrees 39 minutes 12 seconds East a distance of 223.88 feet to a point;
THENCE South 50 degrees 06 minutes 11 seconds West a distance of 120.96 feet to a point;
THENCE South 43 degrees 24 minutes 51 seconds East a distance of 105.51 feet to a point;
THENCE North 70 degrees 23 minutes 39 seconds East a distance of 85.98 feet to a point;
THENCE South 72 degrees 26 minutes 07 seconds East a distance of 194.40 feet to a point;
THENCE South 26 degrees 04 minutes 56 seconds East a distance of 66.32 feet to a point;
THENCE North 76 degrees 45 minutes 20 seconds East a distance of 95.93 feet to a point;
THENCE South 21 degrees 01 minutes 34 seconds East a distance of 76.45 feet to a point;
THENCE North 74 degrees 58 minutes 21 seconds East a distance of 72.63 feet to a point;
THENCE South 15 degrees 09 minutes 21 seconds West a distance of 40.94 feet to a point;
THENCE South 69 degrees 04 minutes 56 seconds East a distance of 56.47 feet to a point;

THENCE South 0 degrees 18 minutes 54 seconds East a distance of 10.99 feet to a point;

THENCE North 89 degrees 41 minutes 06 seconds East a distance of 3557.42 feet to a point;

THENCE South 00 degrees 11 minutes 32 seconds East a distance of 3470.57 feet to a fence post found for a corner of said WS-DCF tract, being the northwest corner of a tract of land described in deed to La Estancia Investments LP LLC as recorded in Clerk's File No. 2008-137045 of the Real Property Records of Denton County, Texas;

THENCE along the west line of said La Estancia tract South 00 degrees 09 minutes 38 seconds East a distance of 1233.16 feet to a point;

THENCE departing the west line of said La Estancia Investments LP tract South 89 degrees 56 minutes 55 seconds West 1195.75 feet to a point;

THENCE South 09 degrees 22 minutes 38 seconds West a distance of 1186.29 feet to a point lying in the northerly right-of-way of F .M. 1171;

THENCE South 85 degrees 42 minutes 31 seconds West a distance of 4.69 feet to a point lying in the northerly right-of-way of F .M. 1171;

North 70 degrees 03 minutes 52 seconds West a distance of 300.55 feet to a 1/2 inch iron rod set for corner in the easterly line of said Judge tract;

THENCE along the easterly line of said Judge tract as follows:

North 01 degrees 36 minutes 39 seconds West a distance of 193.42 feet to a capped 1/2 inch iron rod found for corner;

North 06 degrees 39 minutes 53 seconds West a distance of 225.22 feet to a capped 1/2 inch iron rod found for the most northeasterly corner of said Judge tract;

THENCE along the northerly line of said Judge tract North 89 degrees 53 minutes 09 seconds West a distance of 313.03 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 504.01 acres or (21,954,637 square feet) of land more or less.

PARCEL 2

BEING a tract of land situated in the W. LOVE SURVEY, Abstract No. 728 and being a portion of a tract of land conveyed as to WS-DCF, LLC as recorded in Clerk's File No. 2012-82463 of the Real Property Records of Denton County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at the intersection of the common line of a tract of land conveyed as Frances McLendon Ewing as recorded in Volume 1552, Page 949 (DRDCT) and the said WS-DCF, LLC tract and the southerly Right-of-Way line of F.M. 1171 (a variable width Right-of-Way);

THENCE along the southerly Right-of-Way line of said F.M. 1171 as follows;

South 70 degrees 26 minutes 57 seconds East a distance of 566.97 feet to a wood TXDOT monument found for corner;

South 30 degrees 14 minutes 30 seconds East a distance of 104.77 feet to a wood TXDOT monument found for corner;

South 72 degrees 20 minutes 40 seconds East passing through a wood TXDOT monument found at a distance of 145.00 feet and passing through a wood TXDOT monument found at a distance of 253.46 feet continuing in all a distance of 481.12 feet to a wood TXDOT monument found for corner;

North 76 degrees 49 minutes 52 seconds East a distance of 137.79 feet to a wood TXDOT monument found for corner;

South 72 degrees 30 minutes 25 seconds East a distance of 593.69 feet to a 1/2 inch iron rod found for corner, said point being found in the northerly line of said Ewing tract;

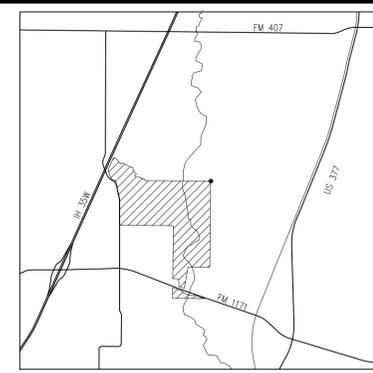
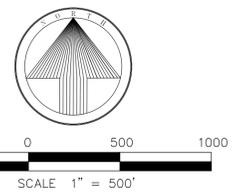
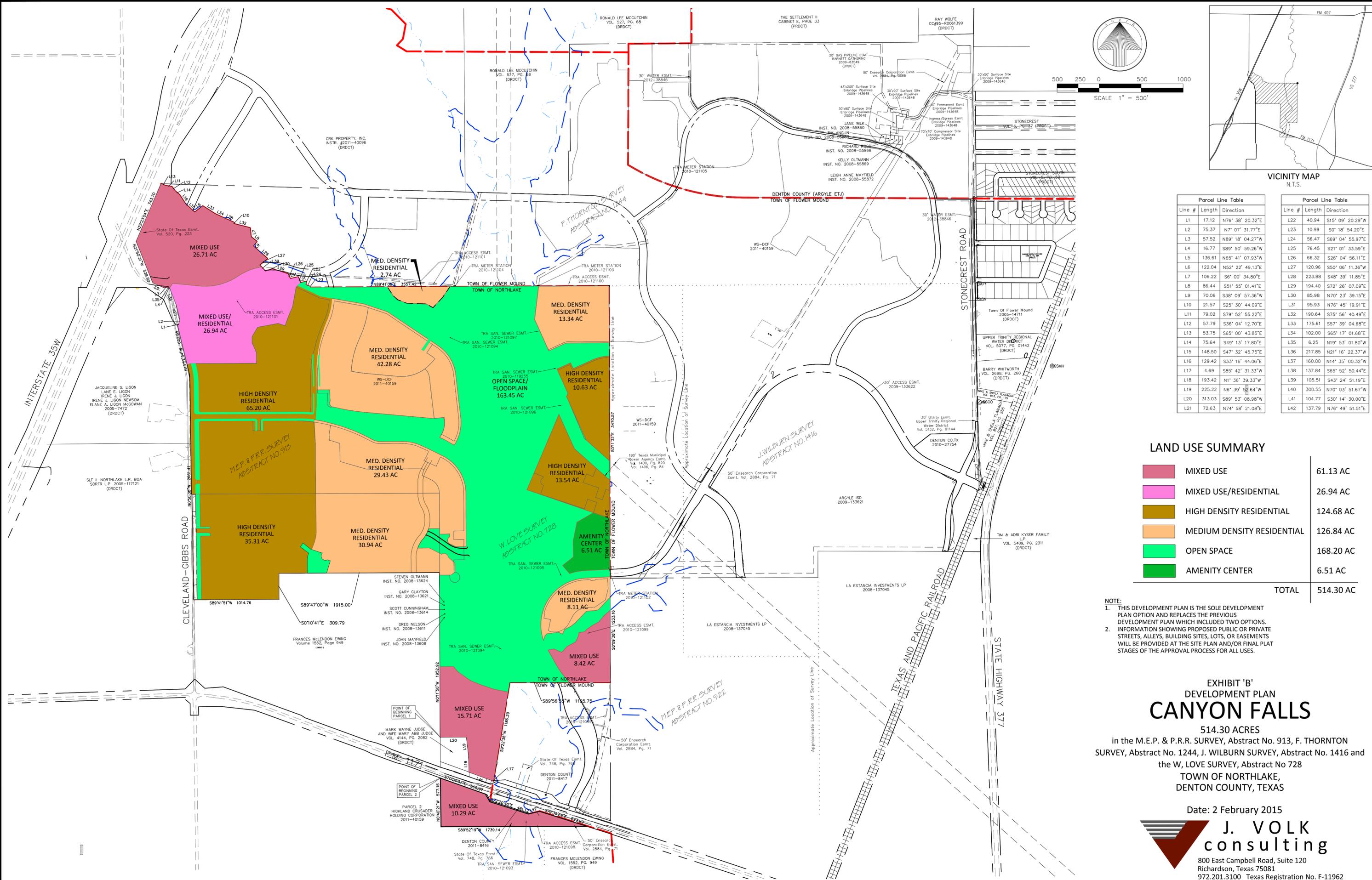
THENCE along the northerly line of said Ewing tract and along a barb wire fence as follows;

North 89 deg 52 min 19 sec West a distance of 1739.14 feet to a wood fence post found for corner;

North 00 deg 40 min 21 sec West a distance of 577.16 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 10.287 acres or 448,116 square feet of land more or less.

Exhibit "B"
Development Plan



VICINITY MAP
N.T.S.

Parcel Line Table			Parcel Line Table		
Line #	Length	Direction	Line #	Length	Direction
L1	17.12	N76° 38' 20.32"E	L22	40.94	S15° 09' 20.29"W
L2	75.37	N7° 07' 31.77"E	L23	10.99	S0° 18' 54.20"E
L3	57.52	N89° 18' 04.27"W	L24	56.47	S69° 04' 55.97"E
L4	16.77	S89° 50' 59.26"W	L25	76.45	S21° 01' 33.59"E
L5	136.61	N65° 41' 07.93"W	L26	86.32	S26° 04' 56.11"E
L6	122.04	N52° 22' 49.13"E	L27	120.96	S50° 06' 11.36"W
L7	106.22	S6° 00' 34.80"E	L28	223.88	S48° 39' 11.85"E
L8	86.44	S51° 55' 01.41"E	L29	194.40	S72° 26' 07.09"E
L9	70.06	S38° 09' 57.36"W	L30	85.98	N70° 23' 39.15"E
L10	21.57	S25° 30' 44.09"E	L31	95.93	N76° 45' 19.91"E
L11	79.02	S79° 52' 55.22"E	L32	190.64	S75° 56' 40.49"E
L12	57.79	S36° 04' 12.70"E	L33	175.61	S57° 39' 04.68"E
L13	53.75	S65° 00' 43.85"E	L34	102.00	S65° 17' 01.68"E
L14	75.64	S49° 13' 17.80"E	L35	6.25	N19° 53' 01.80"W
L15	148.50	S47° 32' 45.75"E	L36	217.85	N21° 16' 22.37"W
L16	129.42	S33° 16' 44.06"E	L37	160.00	N14° 35' 00.32"W
L17	4.69	S85° 42' 31.33"W	L38	137.84	S65° 52' 50.44"E
L18	193.42	N1° 36' 39.33"W	L39	105.51	S43° 24' 51.19"E
L19	225.22	N6° 39' 58.64"W	L40	300.55	N70° 03' 51.67"W
L20	313.03	S89° 53' 08.98"W	L41	104.77	S30° 14' 30.00"E
L21	72.63	N74° 58' 21.08"E	L42	137.79	N76° 49' 51.51"E

LAND USE SUMMARY

	MIXED USE	61.13 AC
	MIXED USE/RESIDENTIAL	26.94 AC
	HIGH DENSITY RESIDENTIAL	124.68 AC
	MEDIUM DENSITY RESIDENTIAL	126.84 AC
	OPEN SPACE	168.20 AC
	AMENITY CENTER	6.51 AC
TOTAL		514.30 AC

NOTE:
 1. THIS DEVELOPMENT PLAN IS THE SOLE DEVELOPMENT PLAN OPTION AND REPLACES THE PREVIOUS DEVELOPMENT PLAN WHICH INCLUDED TWO OPTIONS.
 2. INFORMATION SHOWING PROPOSED PUBLIC OR PRIVATE STREETS, ALLEYS, BUILDING SITES, LOTS, OR EASEMENTS WILL BE PROVIDED AT THE SITE PLAN AND/OR FINAL PLAT STAGES OF THE APPROVAL PROCESS FOR ALL USES.

EXHIBIT 'B'
 DEVELOPMENT PLAN
CANYON FALLS
 514.30 ACRES
 in the M.E.P. & P.R.R. SURVEY, Abstract No. 913, F. THORNTON SURVEY, Abstract No. 1244, J. WILBURN SURVEY, Abstract No. 1416 and the W, LOVE SURVEY, Abstract No 728
 TOWN OF NORTHLAKE,
 DENTON COUNTY, TEXAS

Date: 2 February 2015

J. VOLK consulting
 800 East Campbell Road, Suite 120
 Richardson, Texas 75081
 972.201.3100 Texas Registration No. F-11962

Exhibit "C"

Site Plan Requirements

1. **Generally:** All site plans must be approved by the Town Council. The site plan submitted in support of an application (form provided by the Building Official) shall satisfy the requirements for site plan submittals as set forth by the staff. Site plans shall be reviewed by the staff at the next scheduled meeting after submittal. Comments shall be returned within five working days after the review by the staff in no event shall the review process exceed 15 working days after submittal. The submittal date of the site plan shall be the date upon which the site plan is found to be in compliance with the provisions of the site plan application by the staff.
2. **Required prior to building permit:** When required by this ordinance, a site plan must be approved prior to the issuance of a building permit by the Town.
3. **Changes to the site plan:** Changes to the site plan shall be processed in the same manner as the original approved site plan.
 - (a) Except as otherwise provided in Section 3(b) below, any site plan that is amended shall require approval of the Town Council.
 - (b) Changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent properties; do not alter the use permitted; and do not increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the Town Administrator or his/her designee. An aggrieved party may appeal the decision of the Town Administrator or his/her designee to the board of adjustment in accordance with the provisions of this ordinance.
4. **Site plan content:** The site plan shall contain the information listed below, and any or all of the required features may be incorporated on a single drawing if the drawing is clear and capable of evaluation by the Town Council and Staff required to enforce and interpret this ordinance.
 - (a) The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, sidewalks, emergency access easements, and public rights-of-way.
 - (b) Topography of the property proposed for development in contours of not less than two feet, together with any proposed grade elevations, if different from existing elevations.
 - (c) Floodplains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.
 - (d) The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and/or alley.
 - (e) Total number, location, and arrangement of off-street parking and loading spaces, where required.

- (f) All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.
- (g) Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.
- (h) The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.
- (i) The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.
- (j) If multiple types of land uses are proposed, a delineation of the specific areas to be devoted to various land uses.
- (k) Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, and street address or common description of the property.
- (l) Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties.
- (m) Buildings on the exterior of the site and within twenty-five feet of all property lines.
- (n) The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and direction of flow.
- (o) The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas.

5. The Town Council shall approve a site plan if the development shown on the site plan meets the requirements of this PD.

Exhibit "D"
Development Standards

EXHIBIT 'D'
DEVELOPMENT STANDARDS

	Medium Density Residential		High Density Residential	Mixed Use ¹
	SF-70	SF-60	SF-50	MU
Minimum Lot Area (SF)	8200	7000	6000	none
Minimum Lot Width (lots not fronting on cul-de-sac or inside curve)	70'	60'	50'	none
Minimum Lot Width (lots fronting on cul-de-sac or inside curve)	60'	50'	45'	none
Minimum Lot Depth	120'	110'	110'	none
Minimum Front Yard Setback	20'	20'	20'	none
Minimum Side Yard Setback (non-corner lots)	5'	5'	5'	none
Minimum Side Yard Setback (corner lots)	15'	15'	15'	none
Minimum Rear Yard Setback	20'	20'	20'	15'
Minimum Dwelling Unit Size (air conditioned floor area)	1800	1650	1650	see note ²
Maximum Building Height	35'	35'	35'	60'
Maximum Lot Coverage	55%	55%	55%	65%
Maximum Floor Area Ratio	n/a	n/a	n/a	1:1
Maximum Number of Dwelling Units by Land Use Category	200	400	600	300
Maximum Number of Dwelling Units on the Property	1040			300

1. Detached single family shall be developed in accordance with the standards for SF-50. All other uses shall be developed in accordance with the standards set forth in this column.
2. A maximum of 20% of the multi-family dwelling units may be between 635 square feet and 700 square feet in floor area.
3. A minimum of 30% of the multi-family dwelling units shall be at least 700 square feet in floor area. A minimum of 30% of the multi-family dwelling units shall be at least 810 square feet in floor area. A minimum of 10% of the multi-family dwelling units shall be at least 960 square feet in floor area. A minimum of 10% of the multi-family dwelling units shall be at least 1,130 square feet in floor area.

Exhibit "E"

Permitted Uses and Parking Requirements

RESIDENTIAL USES				
	MDR	HDR	MU	Minimum Parking ⁶
Home for the aged		X	X	1 space for each 3 beds
Model Home	X	X	X	2 spaces
Multi-family dwelling			X	2 spaces for each unit
Single-family attached dwelling				2 spaces
Single-family detached dwelling	X	X	X ⁷	2 spaces
Temporary manufactured housing	X	X	X	1 space
AGRICULTURAL USES				
	MDR	HDR	MU	Minimum Parking
Agricultural	X	X	X	None
COMMERCIAL USES				
	MDR	HDR	MU	Minimum Parking
Antique Shop			X	1:200
Appliance sales or rental			X	1:200
Art gallery or museum			X	10 plus 1:300
Art supply store			X	1:200
Auto gasoline or motor fuel sales			X	6 spaces
Auto parts and accessory sales, no outside storage			X	1:200
Bakery or retail confectioner			X	1:200
Bakery or wholesale confectioner			X	1:300

⁶ All ratios in this *Exhibit E* refer to the number of spaces in relation to the square footage of floor area within a structure.

⁷ The portion of the Property identified on the Development Plan as "Mixed Use/ Residential" may be developed with a maximum of 100 detached single family dwelling units.

Bank/financial institution			X	1:300
Building material sales			X	1:500
Cabinet and upholstery shop			X	1:200
Child care center			X	1:500
Convenience store with automotive fuel sales			X	1:200
Convenience store without automotive sales			X	1:200
Custom personal service shop			X	1:200
Day camp for children			X	1:500
Department store			X	1:200
Drapery, sewing, or weaving shop			X	1:200
Drugstore or pharmacy			X	1:200
Florist shop			X	1:200
Furniture or appliance store			X	1:200
Golf course/driving range; commercial.			X	30 spaces
Greenhouse or nursery			X	1:500 square feet of retail floor area, plus one space per 1,000 square feet of site area exclusive of parking area.
Grocery store			X	1:200
Handicraft shop and art objects			X	1:200
Hardware or hobby shop			X	1:200
Health and fitness studio			X	1:200
Hotel or motel			X	1 space per guestroom
Kennel			X	1:500
Key shop			X	1:200
Laundry/dry cleaning			X	1:200
Lithography or print shop			X	1:200
Massage, therapeutic			X	1:200

Miniature golf course			X	30 spaces
Movie theater or indoor play house			X	1 space per 28 square feet of seating area
Musical instrument sales			X	1:200
Office, business or professional			X	1:200
Office, medical or dental			X	1:200
Paint store			X	1:200
Pet shop			X	1:200
Photographer and/or artist studio			X	1:200
Photographic print shop			X	1:200
Private club			X	1:200
Recreation or health club			X	1:200
Restaurant w/out drive-in service			X	1:200
Retail specialty shop			X	1:200
Retail, variety or similar store			X	1:200
Shopping center or mall			X	1:250
Storage warehouse			X	1:1,000
Studio, music, dance, and/or drama			X	1:200
Veterinarian, office only			X	1:300
Video/game rental store			X	1:200
PUBLIC AND CIVIC USES				
	MDR	HDR	MU	Minimum Parking
Community center, public			X	1:300
Electrical substation	X	X	X	2 spaces
Fire station and facilities			X	5 spaces plus 1 per bed
Library			X	10 spaces plus 1:300
Local franchise utility	X	X	X	None

Municipal building and uses			X	To be determined by the Town
Park or public playground and related facilities	X	X	X	1:300
Police station and facilities			X	1:150
Religious institution		X	X	1 space for every four seats in the main sanctuary
School, primary	X	X	X	1 space for each classroom, plus 1 space for each 4 seats in any auditorium, gymnasium, or other place of assembly
School, secondary	X	X	X	1 space for each classroom or laboratory instruction area, plus 1 space for each 3 students accommodated in the institution
Water storage facility	X	X	X	2 spaces
INDUSTRIAL-USES				
	MDR	HDR	MU	Minimum Parking
Asphalt/concrete batching, temporary	TUP/ SUP	TUP/ SUP	TUP/ SUP	3 spaces
ACCESSORY USES				
	MDR	HDR	MU	Minimum Parking
Accessory building or structure	X	X	X	None
Amenity Center	X	X	X	1:500
Caretaker or guard residence	X	X	X	1 space
Home occupation	X	X	X	None
Petroleum or gas well ⁸	SUP	SUP	SUP	None
Stable or bam, private	X	X		None
Swimming pool, private	X	X	X	None

⁸ Gas well drilling operations and gas wells are permitted by SUP in accordance with Article XVII of this PD.

Exhibit "F"
Approved Landscaping List

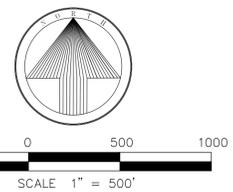
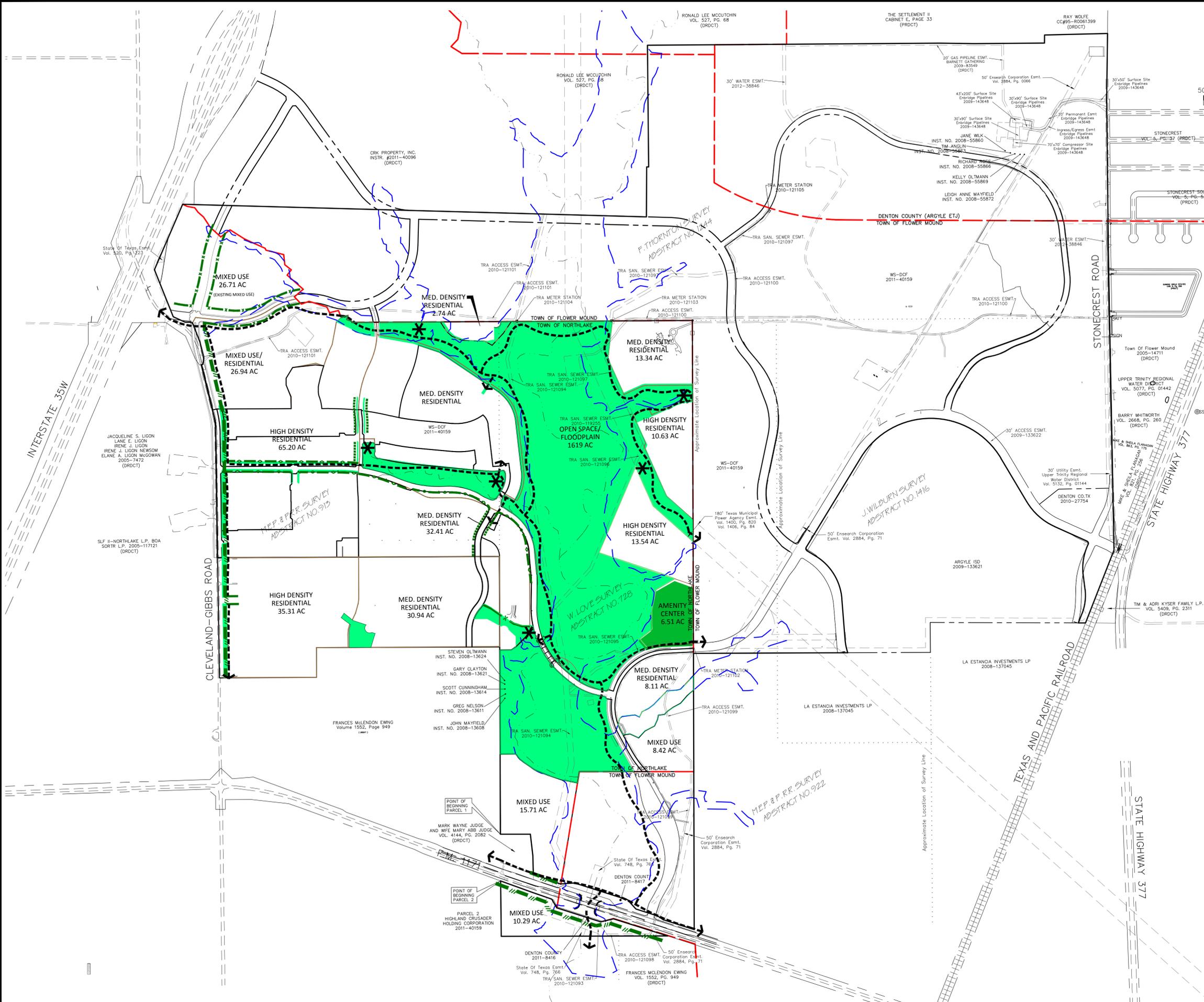
Common Name	Scientific Name
Canopy Trees	
An "*" indicates an approved street tree.	
Ash, Tree	Fraxinus texensis
Cedar Elm	Ulmus crassifolia
Cedar, Eastern Red	Juniperus Virginiana
Cypress, Bald	Taxodium distichum
Elm*, Lace Bark	Ulmus parvifolia
Magnolia, Southern	Magnolia grandiflora
Maple, Bigtooth	Acer gradidentatum
Maple, Caddo	Acer saccharum
Oak, Bur	Quercus macrocarpa
Oak, Chinquapin	Quercus muhlenbergil
Oak, Escarpment Live	Quercus fusi formis
Oak, Lacey	Quercus glaucoides
Oak, Live	Quercus virginiana (Escarpment)
Oak, Post	Quercus stellata
Oak, Red	Quercus shumardi
Oak, Texas Red	Quercus texana
Osage Orange	Madura pomifers (thornless and fruitless)
Pecan (native)	Carya illinoiensis
Pistache*, Chinese	Pistacia chinensis
Soapberry, Western	Sapindus drummondii
Walnut, Black	Juglans nigra
Ornamental Trees	
Buckeye, Mexican	Ungnadia speciosa
Buckeye, Texas	Aesculus glabra var. arguta

Buckthorn, Carolina	<i>Rhamnus caroliniana</i>
Chaste Tree*	<i>Vitex agnus-castus</i>
Crabapple, Prairie	<i>Pyrus ioensis</i>
Crape Myrtle*	<i>Lagerstroemia indica</i>
Eves Necklace	<i>Sophora affinis</i>
Goldenball Leadtree	<i>Leucaena rietusa</i>
Hawthorne*	<i>Crataegus phaenopyrum</i>
Hawthorne*	<i>Crataegus crus-galli</i>
Hawthorne*	<i>Crataegus reverchonii</i>
Holly, Possumhaw	<i>Ilex decidua</i>
Indigo, False	<i>Amorpha fruticosa</i> var. <i>angustipolic</i>
Mountain Laurel, Texas	<i>Sophora secundiflora</i>
Persimmon, Texas	<i>Diospyros texana</i>
Plum, Mexican	<i>Prunus mexicana</i>
Redbud	<i>Cercis Canadensis</i>
Smoketree	<i>Continus obovatus</i>
Smoke tree*	<i>Cotinus caggyria</i>
Sumac, Prairie Flame-leaf	<i>Rhus lanceolata</i>
Viburnum, Rusty Blackhow	<i>Viburnum rufidulum</i>
Wax Myrtle	<i>Myrica cerifera</i>
Willow, Desert	<i>Chilopsis linearis</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Shrubs	
Agarita	<i>Berberis trifoliolata</i>
Althea	<i>Hibiscus syriacus</i>
American Beautyberry	<i>Callicarpa americana</i>
Aspidistra	<i>Aspidistra eliator</i>
Barberry, Red	<i>Berberis thunbergii</i>
Barberry, Texas	<i>Berberis thunbergii</i>
Bayberry	<i>Myrica pensylvanica</i>

Bird of Paradise	Caesalpinia gilliesii
Burning Bush	Euonymus alata compacta
Butterfly Bush	Buddleia sp.
Cactus, Prickly Pear	Opuntia phaeacantha
Cenizo	Leucophyllum frutescens
Chokeberry, Red	Aronia arbutifolia
Coralberry	Symphoricarpos obiculatus
Dogwood, Rough Leaf	Comus drummondii
Elaeagnus	Elaeanus macrophylla
Forsythia	Forsythia sp.
Germander, Upright	Teucrium chamaedrys
Holly, Drazzler	Ilex cornuta 'Dazzler'
Holly, Dwarf yaupon	Ilex vomitoria
Holly, Nellie R. Stevens	Ilex X 'Nellie R. Stevens'
Honeysuckle, Bush	Lonicera fragrantissima
Hydrangea, Oakleaf	Hydrangea quercifolia
Hypericum, Upright	Hypericum patulum
Jasmine, Italian	Jasmine nudiflorum
Lantana	Lantana horrida
Mahonia, Leatherleaf	Mahonia bealeii
Mimosa, Fragrant	Mimosa borealis
Nandina, Compact	Nandina domestica compacta
Nandina, Gulfstream	N.d. 'Gulfstream'
Nandina, Standard	N. domestica
Pavonia	Pavonia lasiopetala
Photinia, Chinese	Photinia serrulata
Privet, Southern River	Ligustrum vulgare
Privet, Variegated	Ligustrum lucidum 'variegata'
Quince, Flowering	Chaenomeles japonica
Sage, Cherry	Salvia greggii

Spiraea, Bridal Wreath	Spiraea sp.
Spiraea, Anthony Waterer	Spiraea x bumalda 'goldflame'
Spiraea, Goldflame	Spiraea x bumalda 'goldflame'
Spiraea, Little Princess	Spiraea x bumalda 'little princess'
Spiraea, Shirobana	Spiraea japonica 'Shirobana'
Spiraea, Aromatic	Rhus aromatica
Sumac, Evergreen	Rhus virens
Sumac, Smooth	Rhus glabra
Turk's Cap	Malvaviscus drummondii
Viburnum, Cranberry Bush	Viburnum opulus
Viburnum, Small Leaf	Viburnum obavatum
Viburnum, Snowball	viburnum opulus
Virginia Sweetspire	Itea Virginia
Wax Myrtle, Dwarf	Myrica pusilla
Yucca, Red	Hesperaloe parviflora

Exhibit "G"
Landscape Framework Plan



- POCKET PARKS**
- A. POCKET PARKS SHALL BE A MINIMUM OF 0.75 AC.
 - B. POCKET PARKS SHALL INCLUDE IMPROVEMENTS SUCH AS PLAYGROUND EQUIPMENT, PICNIC FACILITIES, BENCHES, TRAILS, OR BALL FIELDS.
- ROADWAY LANDSCAPING**
- FM 1171**
- A. A MINIMUM 50' LANDSCAPE BUFFER WILL BE PROVIDED ALONG FM 1171.
 - B. A MINIMUM OF ONE TREE (3 INCH CALIPER MEASURED 6 INCHES ABOVE GROUND LEVEL) PER 25 LINEAR FEET OF FRONTAGE.
 - C. TEN 5-GALLON SHRUBS PER 50 LINEAR FEET OF FRONTAGE.
- CLEVELAND-GIBBS ROAD**
- A. A MINIMUM 50' LANDSCAPE BUFFER WILL BE PROVIDED ALONG CLEVELAND-GIBBS ROAD
 - B. A MINIMUM OF ONE TREE (3 INCH CALIPER MEASURED 6 INCHES ABOVE GROUND LEVEL) PER 30 LINEAR FEET OF FRONTAGE.
 - C. TEN 5-GALLON SHRUBS PER 40 LINEAR FEET OF FRONTAGE.
- INTERNAL COLLECTORS AND MINOR URBAN ARTERIALS**
- A. A MINIMUM 20' LANDSCAPE BUFFER WILL BE PROVIDED ALONG THE EAST-WEST INTERNAL COLLECTOR.
 - B. A MINIMUM 10' LANDSCAPE BUFFER SHALL BE PROVIDED ALONG THE NORTH-SOUTH INTERNAL COLLECTORS (EXCEPT WHERE RESIDENTIAL LOTS FRONT ON THE COLLECTOR).
 - C. A MINIMUM OF ONE TREE (3 INCH CALIPER MEASURED 6 INCHES ABOVE GROUND LEVEL) PER 30 LINEAR FEET OF FRONTAGE.
 - D. TEN 10 GALLON SHRUBS PER 50 LINEAR FEET OF FRONTAGE.

- NOTE:**
1. THE LANDSCAPE BUFFER WIDTHS AND OTHER REQUIREMENTS SHOWN ON THIS PLAN SHALL SUPERSEDE THE REQUIREMENTS CONTAINED IN THE TEXT OF THE PD ORDINANCE. IN THE EVENT OF A CONFLICT BETWEEN THE TEXT AND THE LANDSCAPE FRAMEWORK PLAN, THE REQUIREMENTS OF THE LANDSCAPE FRAMEWORK PLAN SHALL PREVAIL.
 2. HIKE AND BIKE TRAILS SHOWN OUTSIDE OF NORTHLAKE CORPORATE LIMITS OR OUTSIDE OF CANYON FALLS BOUNDARY ARE FOR INFORMATIONAL PURPOSES ONLY. CONSTRUCTION OF THESE TRAILS SHALL NOT BE A CONDITION OF DEVELOPMENT.

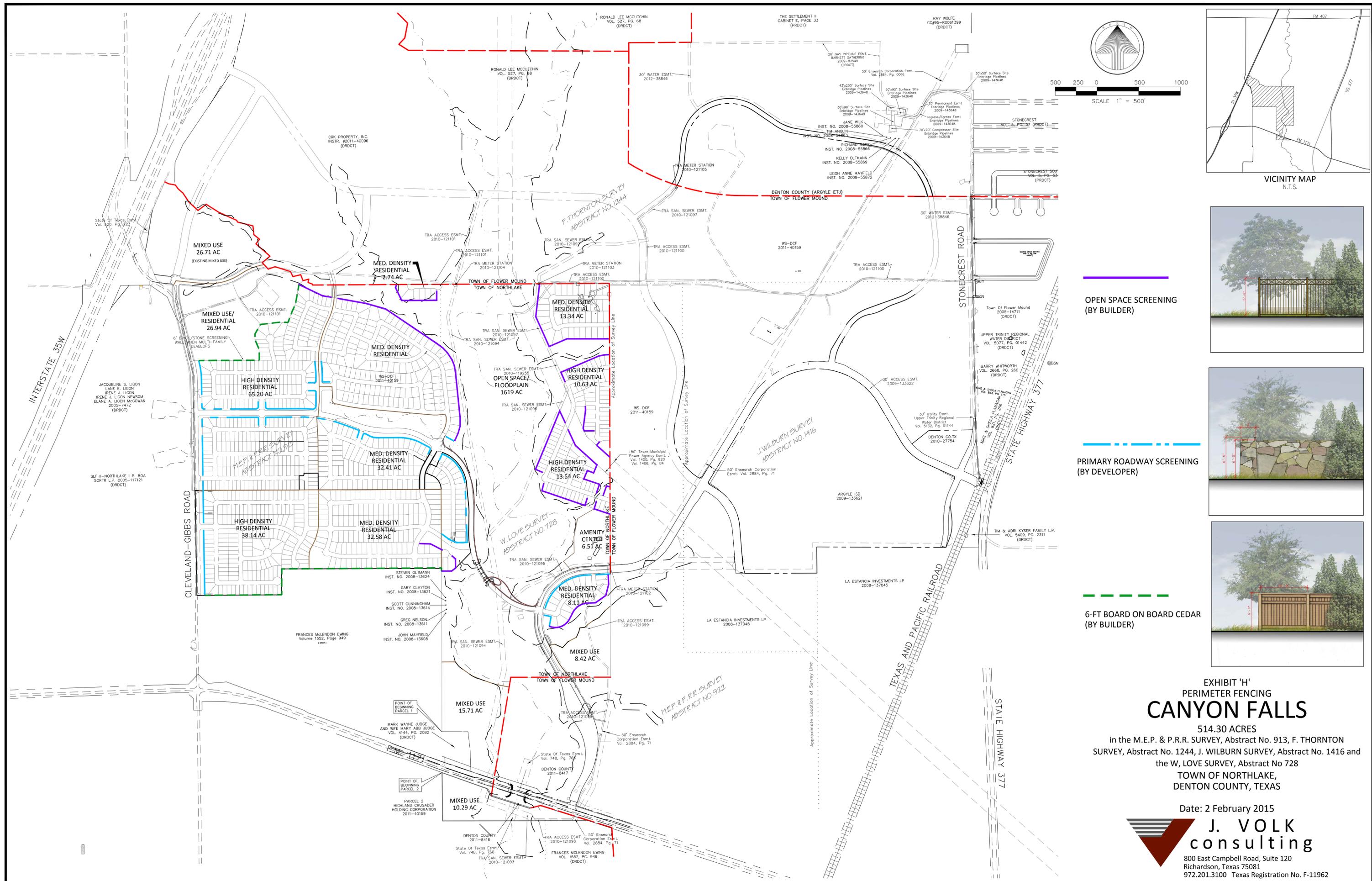
- POCKET PARK
- 8-FT HIKE & BIKE TRAIL (CONCRETE OR DECOMPOSED GRANITE)
- PARKS/OPEN SPACE
- AMENITY CENTER
- 10' LANDSCAPE BUFFER
- 15' LANDSCAPE BUFFER
- 20' LANDSCAPE BUFFER
- 50' LANDSCAPE BUFFER

EXHIBIT 'G'
LANDSCAPE FRAMEWORK PLAN
CANYON FALLS
 514.30 ACRES
 in the M.E.P. & P.R.R. SURVEY, Abstract No. 913, F. THORNTON SURVEY, Abstract No. 1244, J. WILBURN SURVEY, Abstract No. 1416 and the W, LOVE SURVEY, Abstract No 728
 TOWN OF NORTHLAKE,
 DENTON COUNTY, TEXAS

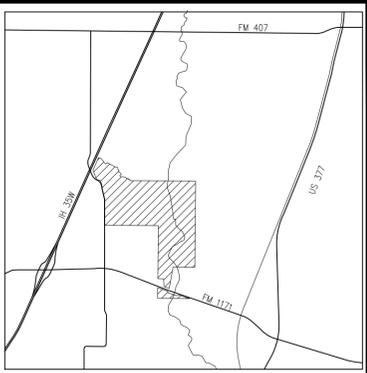
Date: 2 February 2015

J. VOLK
 consulting
 800 East Campbell Road, Suite 120
 Richardson, Texas 75081
 972.201.3100 Texas Registration No. F-11962

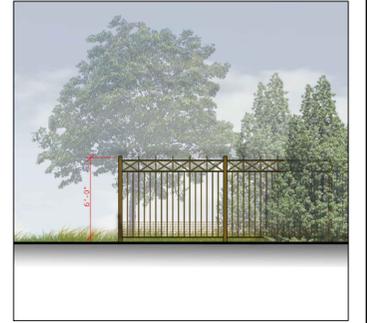
Exhibit "H"
Perimeter Fencing



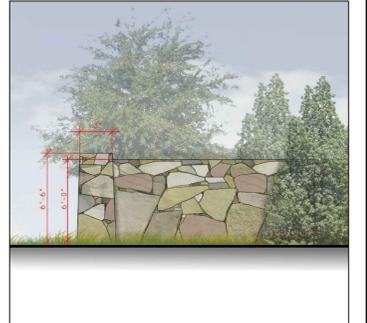
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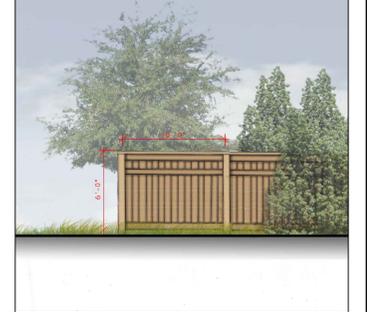
VICINITY MAP
N.T.S.



OPEN SPACE SCREENING
(BY BUILDER)



PRIMARY ROADWAY SCREENING
(BY DEVELOPER)



6-FT BOARD ON BOARD CEDAR
(BY BUILDER)

EXHIBIT 'H'
PERIMETER FENCING
CANYON FALLS

514.30 ACRES
in the M.E.P. & P.R.R. SURVEY, Abstract No. 913, F. THORNTON SURVEY, Abstract No. 1244, J. WILBURN SURVEY, Abstract No. 1416 and the W, LOVE SURVEY, Abstract No 728
TOWN OF NORTHLAKE,
DENTON COUNTY, TEXAS

Date: 2 February 2015



J. VOLK
consulting

800 East Campbell Road, Suite 120
Richardson, Texas 75081
972.201.3100 Texas Registration No. F-11962

Exhibit "I"
Restrictive Covenants

**** Electronically Filed Document ****

Denton County
Cynthia Mitchell
County Clerk

Document Number: 2014-18622
Recorded As : ERX-DECLARATION

Recorded On: March 04, 2014
Recorded At: 01:25:01 pm
Number of Pages: 67

Recording Fee: \$290.00

Parties:

Direct- WS-DCF DEVELOPMENT LLC
Indirect-

Receipt Number: 1138416
Processed By: Jane Kline

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.



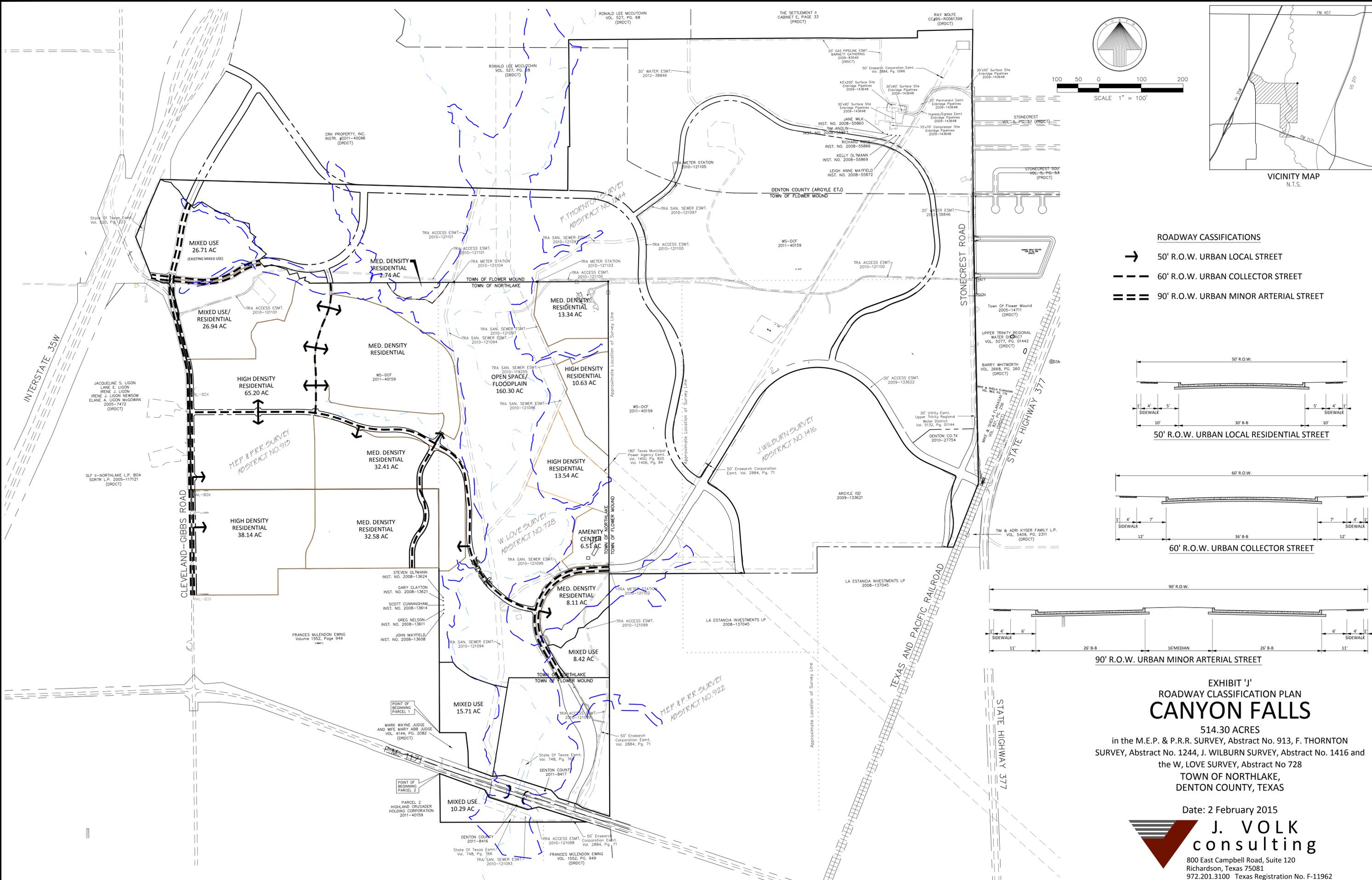
THE STATE OF TEXAS)
COUNTY OF DENTON)

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

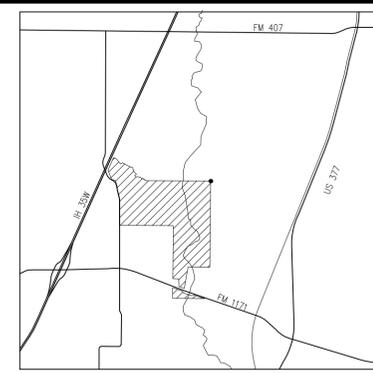
C Mitchell

County Clerk
Denton County, Texas

Exhibit "J"
Roadway Classification Plan



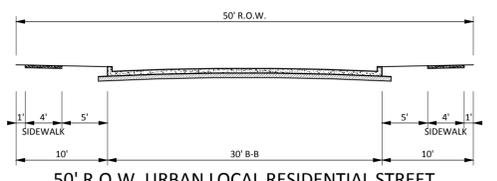
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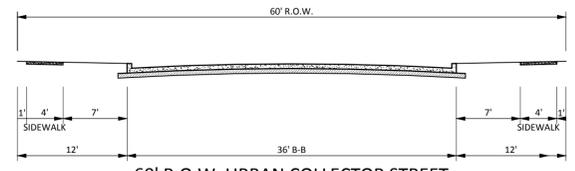
VICINITY MAP
N.T.S.

ROADWAY CLASSIFICATIONS

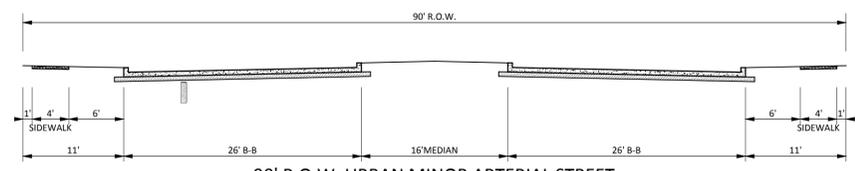
- 50' R.O.W. URBAN LOCAL STREET
- 60' R.O.W. URBAN COLLECTOR STREET
- === 90' R.O.W. URBAN MINOR ARTERIAL STREET



50' R.O.W. URBAN LOCAL RESIDENTIAL STREET



60' R.O.W. URBAN COLLECTOR STREET



90' R.O.W. URBAN MINOR ARTERIAL STREET

**EXHIBIT 'J'
ROADWAY CLASSIFICATION PLAN
CANYON FALLS**

514.30 ACRES
in the M.E.P. & P.R.R. SURVEY, Abstract No. 913, F. THORNTON SURVEY, Abstract No. 1244, J. WILBURN SURVEY, Abstract No. 1416 and the W, LOVE SURVEY, Abstract No 728
TOWN OF NORTHLAKE,
DENTON COUNTY, TEXAS

Date: 2 February 2015



**J. VOLK
consulting**

800 East Campbell Road, Suite 120
Richardson, Texas 75081
972.201.3100 Texas Registration No. F-11962

Exhibit "K"
Sign Regulations

1. General Standards:

- (a) Height of signs: Sign height shall be measured from ground level at the base of the sign to the highest part of the sign.
- (b) Building and electrical codes applicable: All signs must conform to the regulations and design standards of the Town's adopted building codes and other ordinances of the Town. Wiring of all electrical signs must conform to the electric code of the Town.
- (c) Illumination of signs: Signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination upon adjacent public right-of-way and surrounding property.
- (d) Requirement to repair: Whenever a sign is damaged by wind, is inadequately maintained, is of faulty construction, or is damaged by any other cause, it shall be considered a public nuisance and the owner shall be required to repair such sign substantially to its original condition as determined by the designated official, or at the owner's election such sign shall be removed. A sign which has been permitted to remain in place as a nonconforming use shall be removed when the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other material on the sign. For purposes of this ordinance, a sign or a substantial part of it is considered to have been destroyed if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location.
- (e) Placement of signs: No sign may be erected or placed on public right-of-way. Any signs that are so erected or placed may be removed by the designated official without notice. No sign may be erected or placed on vacant lots or tracts unless written permission has been given by the property owner and such documentation is provided to the designated official upon the official's request.
- (f) Visibility triangle: No permanent or temporary sign shall be located to block the visibility triangle as defined in the Town's subdivision regulations.
- (g) Noncommercial messages: Any sign authorized in this ordinance is allowed to contain a noncommercial message in place of any other authorized message.
- (h) Off premise signs: Off-premise signs are prohibited, with the exception of builders directional signs or instructional signs when written permission has been given by the property owner and such documentation is provided to the designated official upon the official's request.
- (i) Painted signs: No sign shall be permitted which is painted on the wall of any building or on any part of a building.

2. Schedule for Permanent Signs: No permanent sign shall be erected, placed, displayed or located except in accordance with this *Exhibit K*, including *Attachment 1* to this *Exhibit K*,

3. Schedule for Temporary Signs: No temporary sign shall be erected, placed, displayed, or located except in accordance with this Exhibit K, including Attachment 2 to this Exhibit K.

4. Pole and Monument Not to be Used in Combination: Pole and monument signs shall not be used in combination on the same premise. Each premise shall be permitted only one pole sign or one monument sign. A pole sign or monument sign may be used in combination with other permanent signs listed Attachment 1 to this Exhibit K, and in accordance with Section 7 of this Exhibit K regulating multi-tenant signs.

5. Prohibited Signs: The following signs are prohibited from installation, construction, repair, alteration, or relocation within the Town, except as otherwise permitted in this ordinance:

- (a) "A" frame or sandwich board, and sidewalk or curb signs, except as temporary signs.
- (b) Balloons, or inflatable signs.
- (c) Moving, flashing, animated, or rotating signs, signs with moving lights, or signs which create the illusion of movement, except for reader boards which convey a message.
- (d) Portable signs.
- (e) Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this does not prohibit signs placed on vehicles and trailers that are incidental to the primary use or ownership of the vehicle or trailer as transportation.
- (f) Signs attached to utility poles or other surfaces which are not the property of the utility or serve a public purpose located within a public right-of-way or easement.
- (g) Permanent off premise signs, as defined by the Highway Beautification Act.
- (h) Neon signs.

6. Signs Exempt From Regulation: The following signs are exempt from the provisions and regulations of this Exhibit K:

- (a) Public signs. Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.
- (b) Signs on vehicles. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer as transportation.
- (c) Warning signs. Signs warning the public of the existence of danger but containing no advertising material, to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
- (d) Flags. Flags of governmental entities or non-profit organizations. Nothing in this ordinance shall be construed to prevent the display of a national or state flag, or to limit flags, insignias, or legal notices, or informational, directional, or traffic signs which are legally required and necessary to the essential functions of government agencies.

- (e) Governmental signs. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
- (f) Address numerals. Address numerals and other signs required to be maintained by law or governmental order, rule, or regulation are allowed, provided that the content and size of the sign do not exceed the requirements of such law, order, rule, or regulation.
- (g) Athletic signs. Signs used as scoreboards in athletic stadiums.
- (h) Directional signs. Signs which direct vehicles and pedestrian traffic, which may display arrows, words, or other symbols to indicate direction of facilities.
- (i) Directory signs. Signs which are located in or adjacent to entrances or foyers.
- (j) Instructional signs. Signs providing no advertising of any kind, which provide direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to the signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities.
- (k) Political signs.

7. Multi-Tenant Signs: Primary and secondary permanent signs shall be permitted on commercial shopping center sites having multi-tenants in accordance with the following regulations:

- (a) Primary signs: Each commercial shopping center having multi-tenants is permitted one primary monument sign identifying the shopping center and the tenants within that center. The dimensions of a primary sign shall be as follows:
 - (1) Maximum surface area of primary signs:
 - Pole sign maximum: 150 square feet
 - Monument sign maximum: 150 square feet
 - (2) Maximum height of primary signs:
 - Pole sign maximum: 30 feet
 - Monument sign maximum: 20 feet
- (b) Secondary signs: In a multi-tenant shopping center all signs in addition to the primary sign identifying the center and the tenants within that center are secondary signs. Secondary signs shall be permitted on a multi-tenant shopping center site in accordance with the following regulations:
 - (1) Separation: All pole or monument type secondary signs shall be separated by a distance of at least 100 feet.
 - (2) Number of signs: The total number of pole or monument secondary signs shall be limited according to the table below.

Leasable Square Footage (in whole shopping center)	Number of Secondary Pole or Monument Signs
Up to 50,000 sq. ft.	1
50,000 to 100,000 sq. ft.	2
100,000 +	3

(3) Area of secondary signs:

Secondary pole sign maximum: 60 square feet

Secondary monument sign maximum: 50 square feet

(4) Height of secondary signs:

Secondary pole sign maximum: 25 feet

Secondary monument sign maximum: 6 feet

(c) Other signs: Each tenant may be permitted one additional sign, which will be limited to one of the following: a canopy, wall, reader board, or nameplate sign meeting the requirements of Attachment 1 to this **Exhibit K**.

8. Entry Features:

(a) All commercial development shall include an entry feature that is appropriate in scale to the size of the development. Entry features shall incorporate walls, berms and decorative fencing into the design. All commercial development shall provide an entry feature element on both sides of the drive entrance. Multi-user commercial developments may incorporate the entry feature into a boulevard entrance. Alternate designs may be permitted upon approval of the Town Council.

(b) One sign is permitted at the entrance to each neighborhood to identify the neighborhood. These signs may be monument signs or signs designed within the walls at the entrances to the neighborhoods. The sign face message area of these signs shall not exceed 30 square feet.

9. Permit Requirements: Except as herein provided, no permanent sign shall be erected, placed, displayed or located without first obtaining a sign permit from the Town.

(a) Application for Permit: Application for a permit for a permanent sign shall be made in writing upon forms finished by the Town Secretary. Such application shall contain the location by street and address number of the proposed sign structure, height, area, sign function, as well as the name, address and phone number of the owner and sign contractor or erector. The Town Secretary may require the filing of plans or other pertinent information which, in the Town Secretary's opinion, is necessary to ensure compliance with this ordinance.

(b) Termination of Permit: A sign permit may be terminated in accordance with the following provisions.

(1) A permit shall be active for the life of the Sign, as long as it is in compliance with this ordinance.

(2) A permit shall be terminated if the sign for which it has been issued has not been constructed within one year from the date of issuance.

(3) A permit issued for any sign including its supporting structure shall automatically terminate in the event the sign shall fail and not be corrected within 60 days.

(c) Permit Fees: A sign permit fee shall be paid to the Town in accordance with the most current fee schedule adopted by the Town.

10. Nonconforming Uses: Any existing sign that does not conform to the regulations stated herein shall be deemed a nonconforming sign and shall be subject to the provisions of this ordinance pertaining to nonconforming uses and structures. It is the declared purpose of this section that nonconforming signs and signs directing attention to nonconforming uses eventually discontinue and the signage comply with the regulations stated herein, having due regard for the investment in such signs.

11. Meritorious Exceptions and Appeals:

(a) It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly nonconforming to this ordinance and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.

(b) Upon request of an interested party, the Town Council, upon recommendation by the Planning and Zoning Commission, shall hear and shall seriously and fairly consider, and may authorize, a request for a meritorious exception under this section.

(c) In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of the provisions of this ordinance, the Town Council shall hear appeals with respect to any actions of the Town Secretary in the interpretation and enforcement of this ordinance. Any such appeal shall be brought by written application filed by an interested party, to the Town Council within ten (10) days after the action of the Town Secretary which is the subject of the appeal. Enforcement of this ordinance shall be stayed pending such appeal. In hearing such appeals, the Town Council shall review the determination of the Town Secretary and, in so doing, may consider whether or not the regulations and standards of this ordinance will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship. The Town Council shall then act on the subject of the appeal. The decision of the Town Council shall be final.

12. Prohibition: All signs not specifically authorized herein are prohibited. The Town Administrator or his/her designee shall have the authority to remove any sign in violation of this ordinance which is not permanently affixed to the ground on the effective date of this ordinance.

**Attachment 1 to Exhibit K
Schedule for Permanent Signs**

	Permitted Districts	Permit Required	Max. Area (sq. ft.)	Maximum Height	Max. No. of Signs	Minimum Setback	Minimum Spacing
Awning	MU	Yes	100% of awning face	N/A	N/A	N/A	N/A
Canopy	MU	Yes	50% of canopy face	N/A	N/A	N/A	N/A
Directory	MU	Yes	50 sq. ft.	10'	1 per premise	15'	N/A
Incidental	MU; MDR and IIDR for a school use or home for the aged	Yes	2 sq. ft.	N/A	N/A	N/A	N/A
Instructional	All districts	Yes	3 sq. ft.	10'	N/A	5'	N/A
Menu Board	MU	Yes	20 sq. ft.	8'	2 per premises	5'	N/A
Monument	MU; MDR and HDR for a school use or home for the aged	Yes	150 sq. ft.	20'	1 per premises, or per street frontage	15'	100' from sign on premise. 50' on adjacent premise.
Nameplate	MU	No	2 sq. ft.	N/A	1 per business or tenant per street frontage	N/A	N/A
Pole/Pylon	MU	Yes. Permitted on I-35W and FM 1171 only.	150 sq. ft. Height, area of 2nd may be max. 50% of 1st.	30'. 15' from bottom of sign to ground.	1 per premises or frontage	20' for any portion of the sign	100' from sign on premise. 50' on adjacent premise.
Reader Board	MU; MDR	Yes	25 sq. ft.	15'	1 per	15'	N/A

	and HDR for a school use				premises		
Wall	MU; MDR and HDR for a school use or home for the aged	Yes	15% front wall. 5% side, rear wall.	Not to exceed the roof line	1 per wall, max. 2 walls, 2nd max. 50% area of 1st.	N/A	N/A

**Attachment 2 to Exhibit K
Schedule for Temporary Signs**

	Permitted Districts	Permit Required	Max. Area (sq. ft.)	Maximum Height	Max. No. of Signs	Minimum Setback	Time Limitation
Banner	MU	No	40 sq. ft.	10'	1 sign per premise	5'	3 times per year, 15 days per display
Builders Directional	All districts	No	Res: 6/face, 12 total. Nonres: 200/face, 400 total	Res.=5' Nonres.=8'	1 sign per premise	5'	Remove within 7 days of sale, lease
Construction	All districts	No	Res: 50/face, 100 total. Nonres: 200/face, 400 total	15'	1 per premisc, or per street frontage	5'	60 days prior to const - 14 days after completion
Development Information	All districts	Yes	Non-Res: 100 sq. ft/face, 200 sq. ft. total – Rcs: 50 sq. ft. total	15'	1 sign each 1500 lin. ft.. of frontage	5'	1 yr. , or sale/lease of all parcels; 1 yr. extension with permit approval
Flag	All districts	No	Gov: no limit. Non-gov: 75% of arca of gov. flag	Res: 20' Nonres: 35'	Gov: No limit. Non-gov: 1 flag allowed with gov.	N/A	N/A
Political	All districts	No	N/A	N/A	N/A	N/A	21 days prior to election – 24 hours after

Real Estate	All districts	No	Res.=6/face, 12 total. Nonres: 75/face, 150 total	Res.=5' Nonres.=15'	1 per premise, or per street frontage	5'	Remove within 7 days of sale, lease
Warning Sign	All districts	No	N/A	N/A	N/A	N/A	N/A
Window	MU	No	25% of window area, excluding incidental signs.	N/A	N/A	N/A	N/A
Yard	All districts	No	Res.=6/face, 12 total. Nonres: 15/face, 30 total.	Res.=5' Nonres.=15'	1 per premise, or per street frontage	5'	Remove upon completion of activity