



**NORTHLAKE TOWN COUNCIL
REGULAR MEETING AGENDA
SEPTEMBER 28, 2023, AT 5:30 P. M.
TOWN HALL - COUNCIL CHAMBER ROOM
1500 COMMONS CIRCLE, SUITE 300, NORTHLAKE, TEXAS 76226**

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the Northlake Town Council will meet in a Regular Meeting on September 28, 2023, at 5:30 p.m., at the Northlake Town Hall in the Chamber Room, 1500 Commons Circle, Suite 300, Northlake, Texas 76226. The items listed below are placed on the agenda for discussion and/or action. Town Councilmembers may appear virtually via video conference pursuant to Texas Government Code § 551.127. The following items will be considered:

1. CALL TO ORDER

- A. Roll Call, Invocation, Pledge of Allegiance

2. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

- A. Briefing - Comprehensive Plan Update
- B. Briefing - Utility Fee and Rate Adjustments
- C. Briefing- Engineering Design Manual Revisions

3. PUBLIC INPUT

- A. This item is available for citizens to address the Town Council on any matter. The presiding officer may ask the citizen to hold his or her comment on an agenda item until that agenda item is reached. By law, no deliberation or action may be taken on the topic if the topic is not posted on the agenda. The presiding officer reserves the right to impose a time limit on this portion of the agenda.

4. CONSENT ITEMS

Any Council member may request an item on the Consent Agenda to be taken up for individual consideration

- A. Consider approval of the Town Council Meeting Minutes for September 14, 2023

- B. Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute an Interlocal Agreement with Denton County District Attorney's Office regarding disposition of contraband seized and forfeited under Chapter 59 of the Texas Code of Criminal Procedure
- C. Consider a Resolution of the Town of Northlake, Texas, declaring certain personal property owned by the Town of Northlake to be surplus property and authorizing the Town Manager to dispose of such property
- D. Consider calling and authorizing a public hearing to be held on October 12th, 2023, at 5:30 p.m., at the Town of Northlake, 1500 Commons Circle, Suite 300, Northlake, Texas 76226, in the Council Chambers, regarding the proposed Engineering Design Manual revisions adopting the fifth edition specifications and drainage changes from the North Central Texas Council of Governments

5. ACTION ITEMS

- A. Consider an Ordinance of the Town of Northlake, Texas, to amend the Pecan Square Mixed-Use Planned Development (MPD) Zoning, Ordinance No. 17-0413E, to revise the landscaping, setback, and fencing details along FM 407 and Cleveland-Gibbs Road for the approximately 160.374-acre tract of land situated in the A. McDonald Survey, Abstract No. 785, and generally located south of FM 407 at Faught Road. HP Gibbs, LP is the owner/applicant. Case # PD-23-003
 - a. Public Hearing
 - b. Consider approval
- B. Consider an Ordinance of the Town of Northlake, Texas, to amend the Pecan Square Mixed-Use Planned Development (MPD) Zoning, Ordinance No. 17-0413C, to revise the landscaping, setback, and fencing details along FM 407 and Cleveland-Gibbs Road for the approximately 635.5-acre tract of land situated in the F.W. Thornton Survey, Abstract No. 1244, and the A. McDonald Survey, Abstract No. 785, and generally located west of Cleveland-Gibbs Road between FM 407 and Mulkey Lane. HP Gibbs, LP is the owner/applicant. Case # PD-23-004
 - a. Public Hearing
 - b. Consider approval
- C. Consider an Ordinance of the Town of Northlake, Texas, to amend the Canyon Falls Mixed-Use Planned Development (MPD) Zoning, Ordinance No. 15-0326, to revise the boundaries of the zoning district, the development plan and certain development standards for that certain 58.094-acre tract of land located west of Cleveland-Gibbs Road and IH 35W and approximately 700 feet north of Westbridge Drive. NASH Canyon Falls LLC is the owner. Centurion American is the applicant/developer. McAdams is the planner. Case # PD-23-002
 - a. Public Hearing
 - b. Consider approval
- D. Consider an Ordinance of the Town of Northlake, Texas, amending the Adopted Budget for Fiscal Year October 1, 2022, through September 30, 2023; providing that expenditure for the said fiscal year shall be made in accordance with the said Amended Budget

6. EXECUTIVE SESSION

The Town Council will convene in an Executive Session, pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

A. Section 551.071 - Consultation with Attorney

The Town Council may convene in an executive session to consult with its attorney to seek advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except: (1) When the governmental body seeks the advice of its attorney about: (a) pending or contemplated litigation; or (b) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The Town Council may adjourn into executive session for consultation with the Town Attorney regarding:

- i. Potential mediation between parties related to complaint filed with Public Utility Commission Docket No. 54243.
- ii. Discuss submission of motion to intervene in application of Oncor Transmission Line Project, Public Utility Commission Docket No. 55067.
- iii. Recent legislative changes and impact to Town including decertification of Certificates of Convenience and Necessity in Extraterritorial Jurisdiction areas.
- iv. Potential water service agreement with DFW Northlake Business Park LLC, 7515 Faught Road.
- v. Potential utility service agreement with Aspire Development LLC, 1730 Old Justin Road.
- vi. Potential Development Agreement and annexation of the Florance Endeavors tract on approximately 5.0 acres of land generally located on the east side of 8000 block of Florance Road in the extraterritorial jurisdiction of the Town.
- vii. Potential Development Agreement and annexation of the Austin Two Tracts LP tract on approximately 11.923 acres of land generally located at the northeast corner of SH 114 and Dale Earnhardt Way in the extraterritorial jurisdiction of the Town.
- viii. Potential Development Agreement and lease agreement with tenant of proposed sports venue.
- ix. Potential Development Agreement with Chadwick Farms, LLC.
- x. Financial responsibility of offsite improvements related to Catherine Branch Wastewater Treatment Plant.

B. Section 551.072 - Real Property

The Town Council may convene in an executive session to discuss or deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

- i. Regarding purchase, exchange, lease of value of real property to be acquired as right-of-way out of the following parent tract of 75.7 acres at northeast corner of FM 407 and Faught Road.

7. RECONVENE INTO OPEN SESSION

- A. The Town Council will reconvene into Open Session for possible action resulting from any items posted and legally discussed or deliberated in Executive Session.

8. ADJOURN

NOTE: The Town Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by Texas Government Code Section 551.071(Consultation with Attorney); Section 551.072 (Deliberations about Real Property);551.073 (Deliberations about Gifts and Donations); 551.074 (Personnel Matters); 551.076 (Deliberations about Security Devices); 551.087(Economic Development Negotiations).

CERTIFICATION

I, Zolaina R. Parker, Town Secretary for the Town of Northlake, Texas, hereby certify that the above agenda was posted on the official bulletin board located at Town Hall, 1500 Commons Circle, Suite 300, Northlake, Texas 76226, on September 22, 2023, by 5:00 p.m., in accordance with Chapter 551 of the Texas Government Code.



Zolaina R. Parker
Zolaina R. Parker, Town Secretary

NOTICE: THE TOWN OF NORTHLAKE'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA). THE TOWN WILL PROVIDE ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED IF REQUESTED AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE TOWN SECRETARY'S OFFICE AT 940-242-5702 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD), BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATIONS CAN BE ARRANGED.

TOWN OF NORTHLAKE COUNCIL ITEM NO. 1.



DATE: September 28, 2023

ITEM: CALL TO ORDER

TOWN OF NORTHLAKE COUNCIL ITEM NO. 2.



DATE: September 28, 2023

ITEM: ANNOUNCEMENTS-PROCLAMATIONS-PRESENTATIONS

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION



DATE: September 28, 2023
REF. DOC.: Council Strategic Plan; Chapter 213 of Texas Local Government Code (TLGC)
SUBJECT: Briefing - Comprehensive Plan Update
**GOALS/
OBJECTIVES:** Reinforce our Identity/Define who we are (and don't settle for less)

BACKGROUND INFORMATION:

- Visit website www.northlakenext.com for latest information on the update
- Completed meetings and engagement opportunities
 - March 20: Steering Committee Meeting #1
 - March 20 & 23: Listening Sessions with key stakeholders
 - March 23: Joint Town Council, P&Z, EDC & CDC visioning session
 - April 3: Public Meeting #1
 - Kickoff open house
 - April 3 to April 28: Online community survey
 - April 28: Steering Committee Meeting #2
 - Town Center Inspiration Tour
 - May 23: Steering Committee Meeting #3
 - Scenario Planning Workshop
 - June 26: Public Meeting #2
 - Town Center Design Workshop
 - July 31: Steering Committee Meeting #4
 - Future Land Use Map, Town Center Concept Plan, Key Plan Themes
 - August 28: Public Meeting #3
 - Future Land Use Map, Key Plan Themes
 - September 25: Steering Committee Meeting #5
- Upcoming meetings and engagement opportunities
 - October 26: Joint Town Council/P&Z Meeting to review final draft
 - November 28: P&Z to hold public hearing and consider recommendation
 - December 14: Town Council to hold public hearing and consider approval

COUNCIL DIRECTION:

- Provide feedback as Town Council deems necessary

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION



DATE: September 28, 2023
REF. DOC.: FISCAL YEAR 2023-2024 ADOPTED BUDGET
SUBJECT: Briefing - Utility Fee and Rate Adjustments
**GOALS/
OBJECTIVES:** Exercise Fiscal Responsibility/Create a sustainable service plan

BACKGROUND INFORMATION:

The Fiscal Year 2024 Budget included utility rate adjustments:

- Water Rate Drivers
 - Subscription increased with Upper Trinity
 - 5.8 MGD to 8.2 MGD
 - Costs increased \$1,405,549 or 51%
 - Ft. Worth Water costs wholesale costs decreased \$94,046 or 15%
- Wastewater Rate Drivers
 - TRA wholesale costs increased \$2,126,702 or 60%
- Items being considered in the rate model
 - 10,000-gallon winter average cap built into base sewer charge
- Storm Drainage Fee
 - Average residential area is high due to our average lot size
 - Looking to implement mid-year
 - Estimated between \$5.00 - \$8.00 per month
 - Fee to pay for state-mandated drainage study and MS4 permit
 - Estimated annual costs of \$500,000 for first year

COUNCIL DIRECTION:

Provide direction and feedback to staff regarding utility fee and rate adjustments

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION



DATE: September 28, 2023
REF. DOC.: Northlake Engineering Design Manual
SUBJECT: Briefing- Engineering Design Manual Revisions
**GOALS/
OBJECTIVES:** Invest in Infrastructure/Provide an adequate/functional roadway system, including associated water, sewer and storm drainage facilities

BACKGROUND INFORMATION:

- Original Design Manual adoption on May 13th, 2010
 - Last revisions were approved during 12th September 2013 Town Council meeting
- Proposed 2023 changes:
 - Adopt North Central Texas Council of Governments (NCTCOG) 5th edition specifications
 - 2021 Integrated Storm Water Management (iSWM) versions
 - Addition of appurtenances
 - Ex. valves, hydrants, fitting
- Next Steps
 - 9/28/2023 - Call public hearing for Engineering Design Manual revisions
 - Advertise notice and post on Town website
 - 10/12/2023 -Hold public hearing and consider manual revisions

COUNCIL DIRECTION:

Provide feedback on manual revisions

TOWN OF NORTHLAKE COUNCIL ITEM NO. 3.



DATE: September 28, 2023

ITEM: PUBLIC INPUT

TOWN OF NORTHLAKE COUNCIL ITEM NO. 4.



DATE: September 28, 2023

ITEM: CONSENT

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION



DATE: September 28, 2023
REF. DOC.: Home Rule Charter
SUBJECT: Consider approval of the Town Council Meeting Minutes for September 14, 2023
**GOALS/
OBJECTIVES:** Define Future Amenities/Prioritize Town-provided services

BACKGROUND INFORMATION:

- Approval of Minutes Draft:
 - September 14, 2023

COUNCIL ACTION:

Approve Minutes Draft as presented



**NORTHLAKE TOWN COUNCIL
REGULAR MEETING MINUTES
TOWN HALL COUNCIL CHAMBER ROOM
1500 COMMONS CIRCLE, SUITE 300
SEPTEMBER 14, 2023**

The Northlake Town Council convened in a Regular Meeting on September 14, 2023, at 5:30 p.m., in the Northlake Town Hall – Council Chamber Room, 1500 Commons Circle, Suite 300, Northlake, Texas.

1. CALL TO ORDER

A. Mayor Rettig called the meeting to order at 5:30 p.m., and a quorum was present as follows:

• Roll Call:

David Rettig, Mayor	Roger Sessions, Place 4
Robert Keecker, Place 1	Maryl Lorencz, Place 5
Michael Ganz, Place 2	Aaron Fowler, Place 6
Brian Montini, Mayor Pro Tem, Place 3	

Also present were Drew Corn, Town Manager, and Ashley Dierker, Town Attorney.

- Invocation was given by Kely Harmon, Pastor, The Well Church of Argyle.
- The Pledge of Allegiance to the United States and Texas Flags was recited.

2. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Briefing- Hotel Occupancy Tax Uses

The item was presented by John Zagurski, Finance Director, and commentary followed. There was no direction or consensus as the item was for presentation purposes only.

3. PUBLIC INPUT

The following individuals shared comments as allowed under the Public Input portion of the agenda. All comments may be viewed in their entirety on the Town's Website at <https://www.town.northlake.tx.us/337/Watch-Council-Meetings>.

- John Pezzuto, address on file - Planning & Zoning Commission appointment
- Amy Godwin, address on file - Agenda Item 5.C.; Tea Xetera Performance Agreement
- Rena Hardeman, address on file - Hotel Occupancy Tax

4. CONSENT ITEMS

The Consent Agenda consisted of Item 4.A. - 4.F., and item 4.B. was pulled for Individual Consideration at the request of staff.

Mayor Pro Tem Montini moved to approve the Consent Agenda now consisting of Items 4.A., 4.C-4.F. Motion seconded by Councilmember Ganz. Motion carried.

AYES (7): Rettig, Montini, Keeker, Ganz, Sessions, Lorencz, Fowler

NAYS (0): None

ABSENT (0): None

- A. Consider approval of the Town Council Regular Meeting Minutes for August 21 and August 14, 2023
APPROVED

- C. Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute a purchase agreement/contract with Caldwell Country Chevrolet, for 4 Chevrolet Tahoes, in an amount not to exceed \$200,000
APPROVED RESOLUTION NO. 23-59

- D. Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute a purchase agreement with Caldwell Country Chevrolet, for two Silverado 2500 Pickups, in an amount not to exceed \$133,311.50
APPROVED RESOLUTION NO. 23-60

- E. Consider an Ordinance of the Town of Northlake, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the company's 2023 Rate Review Mechanism Filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; and requiring the company to reimburse ACSC's reasonable ratemaking expenses
APPROVED ORDINANCE NO. 23-0914B

- F. Consider a Resolution of the Town Council of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute an amendment to the Development Agreement between Sandstrom Development Tx, LTD and the Town of Northlake (Hawthorne Estates)
APPROVED RESOLUTION NO. 23-61

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- B. Consider an Ordinance of the Town Council of the Town of Northlake, Texas, amending the Code of Ordinances by amending Chapter 9, "Planning and Miscellaneous Development Regulations," to add Article 9.04, "Extraterritorial Jurisdiction," to provide a process for release from the Town's extraterritorial jurisdiction; amending Appendix A, "Fee Schedule," Article A5.000, "Development Application Fees," to add a fee to process a petition for release of extraterritorial jurisdiction; and amending Article A6.000, "Public Works/Engineering Fees," to revise the public facilities plan review and inspections fees
Pulled for Individual Consideration at recommendation of staff
APPROVED ORDINANCE NO. 23-0914A

The item was presented and discussion followed.

Drew Corn, Town Manager advised of minor change in ordinance.

Councilmember Sessions moved to approve the item as presented with the updated ordinance. Motion seconded by Mayor Pro Tem Montini. Motion carried.

AYES (7): Rettig, Montini, Keeker, Ganz, Sessions, Lorencz, Fowler

NAYS (0): None

ABSENT (0): None

5. ACTION ITEMS

- A. Consider appointment to fill the Planning & Zoning Commission, Place 2 Vacancy, for the unexpired term ending May 31, 2024

The item was presented, and discussion followed.

Mayor Pro Tem Montini moved to appoint Mr. Joshua Pezzuto to fill the Planning & Zoning Commission, Place 2 Vacancy. Motion seconded by Councilmember Ganz. Motion carried.

AYES (7): Rettig, Montini, Keeker, Ganz, Sessions, Lorencz, Fowler

NAYS (0): None

ABSENT (0): None

- B. Consideration a Resolution of the Town of Northlake, Texas, nominating candidates for appointment to the Denton Central Appraisal District Board of Directors for the Term of January 1, 2024 through December 31, 2025, and providing an effective date

NO ACTION TAKEN

The item was presented, and commentary followed.

No action was taken on the item by Town Council.

- C. Consider a Resolution of the Town council of the Town of Northlake, Texas, approving an amendment to a Pioneer Grant for Tea Xetera and authorizing the Northlake Economic Development Corporation and the Northlake Community Development Corporation to enter into an amended performance agreement

MOTION TO DENY & REFER TO CDC/EDC

The item was presented, and discussion followed.

Mayor Rettig moved to deny the item as presented and refer to CDC/EDC for further review and updated recommendation based on Town Council discussion. Motion seconded by Councilmember Ganz. Motion carried.

AYES (6): Rettig, Keeker, Ganz, Sessions, Lorencz, Fowler

NAYS (1): Montini

ABSENT (0): None

- D. Consider an Ordinance of the Town of Northlake, Texas, designating a geographic area within the Town as a Tax Increment Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Two, Town of Northlake, Texas

- i. Public hearing
- ii. Consider approval

APPROVED ORDINANCE NO. 23-0914C

The item was presented, and discussion followed.

Mayor Rettig opened the public hearing at 6:28 p.m. with the following speakers coming forward:

- Rena Hardeman, address on file – commented on TIRZ and structure

With no other speakers coming forward, the public hearing was closed at 6:29 p.m.

Councilmember Session moved to approve the item as presented. Motion seconded by Mayor Pro Tem Montini. Motion carried.

AYES (7): Rettig, Montini, Keeker, Ganz, Sessions, Lorencz, Fowler

NAYS (0): None

ABSENT (0): None

- E. Consideration by the Town of Northlake, Texas, of a proposal by the board of the Belmont Fresh Water Supply District #1 for continuation of police services

NO ACTION TAKEN

The item was presented, and discussion followed.

Following discussion, Mayor Rettig convened into Executive Session at 7:14 p.m., and reconvened at 7:28 p.m.

No action was taken on the item by Town Council.

- F. Consider an Ordinance of the Town Council of the Town of Northlake, Texas, levying assessments for the cost of services provided in Northlake Public Improvement District No. 1 (Harvest) during the Fiscal Year 2023-2024; setting the charges and liens against property in the District and against the owners thereof; providing for the collection of such assessments; reserving unto the Town Council the right to allow credits reducing the amount of the respective assessment to the extent of any credit granted

- i. Public hearing
- ii. Consider approval

APPROVED ORDINANCE NO. 23-0914D

The item was presented, and discussion followed.

Mayor Rettig opened the public hearing at 7:33 p.m. with the following coming forward to speak:

- Tom Wright; address on file - commented on PID, structure and inquired as to creation

With no other speakers coming forward the public hearing was closed at 7:37 p.m.

Mayor Pro Tem Montin moved to zero the existing PID. Motion seconded by Mayor Rettig. Motion carried.

AYES (7): Rettig, Montini, Keeker, Ganz, Sessions, Lorencz, Fowler
NAYS (0): None
ABSENT (0): None

- G. Consider an Ordinance of the Town Council of the Town of Northlake, Texas, amending and restating Ordinance 23-0824E adopting the Proposed Budget for Fiscal Year 2023-2024 beginning on October 1, 2023, and ending on September 30, 2024, for the Town of Northlake, Northlake Public Improvement District No. 1 (Harvest), Northlake Public Improvement District No. 2 (The Highlands), and Tax Increment Financing Zone No. 1 (TIRZ-Canyon Falls)
APPROVED ORDINANCE NO. 23-0914E

The item was presented, and discussion followed.

Mayor Rettig moved to approve the item to include the zeroing out of the Northlake Public Improvement District No. 1 (Harvest). Motion seconded by Mayor Pro Tem Montini. Motion carried.

AYES (7): Rettig, Montini, Keeker, Ganz, Sessions, Lorencz, Fowler
NAYS (0): None
ABSENT (0): None

- H. Consider approval on setting a date for a public hearing for the Fiscal Year 2023-2024 service and assessment plans of Northlake Public Improvement District No. 1 (Harvest) and set the adoption of the plans during the Regular Town Council Meeting on September 28, 2023
NO ACTION TAKEN

The item was not presented or discussed, and no action was taken by Town Council.

- I. Consider a Resolution of the Town of Northlake, Texas, releasing Aspire Development LLC tract, 3.0538 acres of land, from the Extraterritorial Jurisdiction of the Town
NO ACTION TAKEN

The item was presented and discussed, and no action was taken by Town Council.

- J. Consider a Resolution of the Town of Northlake, Texas, expressing intent to reimburse certain Town of Northlake expenditures from the proceeds of debt obligations to be issued in the future
APPROVED RESOLUTION NO. 23-62

The item was presented and commentary followed.

Mayor Pro Tem Montini moved to approve the item as presented. Motion seconded by Councilmember Keeker. Motion carried.

AYES (6): Rettig, Montini, Keeker, Ganz, Lorencz, Fowler
NAYS (1): Sessions
ABSENT (0): None

6. EXECUTIVE SESSION

The Town Council convened into an Executive Session at 7:45 p.m., consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law to address the following:

A. Section 551.071 - Consultation with Attorney

- i. Potential development agreement and annexation of the DFW Northlake Business Park LLC tract on approximately 67.7-acre tract of land generally located north of FM 407 and 1,200 feet east of Faught Road in the extraterritorial jurisdiction of the Town.
- ii. Recent legislative changes and impact to Town including decertification of Certificates of Convenience and Necessity in Extraterritorial Jurisdiction areas.
- iii. Potential water service agreement with DFW Northlake Business Park LLC, 7515 Faught Road.
- iv. Potential development agreement and lease agreement with tenant of proposed sports venue.
- v. Potential mediation between parties related to complaint filed with Public Utility Commission Docket No. 54243.
- vi. Financial responsibility of offsite improvements related to Catherine Branch Wastewater Treatment Plant.
- vii. Discuss submission of motion to intervene in application of Oncor Transmission Line Project, Public Utility Commission Docket No. 55067.
- viii. Potential development agreement and annexation of the Florance Endeavors tract on approximately 5.0 acres of land generally located on the east side of 8000 block of Florance Road in the extraterritorial jurisdiction of the Town.
- ix. Potential utility service agreement with Aspire Development LLC, 1730 Old Justin Road.

B. Section 551.072 – Real Property

- i. Regarding purchase, exchange, lease of value of real property to be acquired as right-of-way out of the following parent tract of 75.7 acres at northeast corner of FM 407 and Faught Road.
- ii. Regarding purchase, exchange, lease of value of real property to be acquired out of the following parent tract of 41.0 acres at southwest corner of SH 114 and Cleveland-Gibbs Road.

C. Section 551.074 – Personnel Matters

- i. Town Manager evaluation and compensation

7. RECONVENE INTO OPEN SESSION

Mayor Rettig reconvened the Regular Meeting at 9:24 p.m., to address any Council action regarding the items deliberated during Executive Session.

The following action resulted from deliberations during Executive Session:

- C.i. Town Manager evaluation and compensation

APPROVED

Councilmember Sessions moved to proceed with an amendment to the Town Manager’s contract pursuant

to instructions provided during deliberations. Motion seconded by Mayor Rettig. Motion carried.

AYES (7): Rettig, Montini, Keeker, Ganz, Sessions, Lorencz, Fowler

NAYS (0): None

ABSENT (0): None

8. ADJOURN

With no further business, Mayor Rettig adjourned the meeting at 9:25 p.m.

David Rettig, Mayor

Attest:

Zolaina R. Parker, Town Secretary

MINUTES APPROVED ON: _____

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION



DATE: September 28, 2023
REF. DOC.: Texas Code of Criminal Procedures - Chapter 59, Article 18.18
SUBJECT: Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute an Interlocal Agreement with Denton County District Attorney's Office regarding disposition of contraband seized and forfeited under Chapter 59 of the Texas Code of Criminal Procedure

**GOALS/
OBJECTIVES:** Protect the Public/Provide creative policing with high community engagement to ensure public trust

BACKGROUND INFORMATION:

- Denton County District Attorney's Office and Northlake Police Department have an existing agreement for asset forfeiture seizures
- Notice of intent to terminate existing local agreement and enter into new local agreement
- Changes have been made to include other personal property and/or real property
- Current agreement ending September 30, 2023 and new agreement begins October 1, 2023

COUNCIL ACTION:

Approve Resolution authorizing new interlocal agreement



Paul Johnson

Criminal District Attorney

Denton County Courts Building
1450 E. MCKINNEY, STE 3100
P. O. BOX 2344
DENTON, TEXAS 76202

Main Number 940-349-2600
Main Fax 940-349-2601

Hot Checks 940-349-2700
www.dentoncounty.com

August 29, 2023

NORTHLAKE POLICE DEPARTMENT
P.O. Box 729
Northlake, Texas 76247

**NOTICE OF INTENT TO TERMINATE EXISTING LOCAL AGREEMENT
AND ENTER INTO NEW LOCAL AGREEMENT**

RE: Local Agreement between the Denton County District Attorney's Office and LOCAL AGENCY in regards to seizures filed under Chapter 59 and Article 18.18 of the Texas Code of Criminal Procedure in Denton County, Texas

Dear Whom It May Concern:

Your Agency is receiving this notice because a local agreement currently exists between your Agency and the Denton County District Attorney's Office in regards to distribution of contraband seized and forfeited under Chapter 59 of the Texas Code of Criminal Procedure "hereinafter Existing Local Agreement."

Our office has seen an increase in personal property consisting of stocks, bonds, securities, Cryptocurrencies, negotiable instruments, jewelry, precious metals, and coins. These items are being used as a means of hiding proceeds from law enforcement. Additionally, there has been an increase in negotiated cash settlements in lieu of forfeiting property. In response, our office is adjusting the local agreements with each of our agencies.

Accordingly, the first purpose of this Notice is to inform you that Denton County District Attorney's Office is terminating the above-referenced Agreement under and in accordance with the Article IV of the Existing Local Agreement, which states that either party can terminate the agreement with thirty (30) days prior written notice. The Existing Local Agreement **shall**

terminate September ³⁰ 31, 2023.

The second purpose of this letter is to enter into a new local agreement that would govern **both Chapter 59 and Article 18.18 forfeiture** cases handled by the Denton County District Attorney's Office filed on behalf of your Agency "hereinafter New Local Agreement." The New Local Agreement is attached for your review and signature. Once executed by all appropriate parties and received by our office, the New Local Agreement **shall take effect on October 1, 2023.**

Please review and sign the attached document. Should you have any questions regarding this Notice or the New Local Agreement, please do not hesitate to contact me.

Sincerely,



Sheena Molsbee
Assistant District Attorney
Denton County, Texas
940-349-2760
sheena.molsbee@dentoncounty.gov

Enclosures

*Local Agreement Respecting Forfeited Contraband Under Chapter 59
and Article 18.18, Texas Code of Criminal Procedure*

**LOCAL AGREEMENT RESPECTING FORFEITED CONTRABAND
UNDER CHAPTER 59 AND ARTICLE 18.18, TEXAS CODE
OF CRIMINAL PROCEDURE
DENTON COUNTY, TEXAS**

NORTHLAKE POLICE DEPARTMENT

This LOCAL AGREEMENT is made and entered into by and between the NORTHLAKE POLICE DEPARTMENT, hereinafter “the AGENCY,” and the Denton County Criminal District Attorney’s Office, hereinafter “the DISTRICT ATTORNEY.”

WITNESSETH:

WHEREAS, the AGENCY and the DISTRICT ATTORNEY desire to enter into an agreement regarding disposition of contraband seized and forfeited under Chapter 59 of the Texas Code of Criminal Procedure and Article 18.18 of the Texas Code of Criminal Procedure; and

WHEREAS, Chapter 59 of the Texas Code of Criminal Procedure provides for the forfeiture to the State of Texas of property found to be “contraband” as defined by Chapter 59 of the Texas Code of Criminal Procedure; and

WHEREAS, Article 18.18 of the Texas Code of Criminal Procedure provides for forfeiture, to the State, any political subdivision of the State, or to any institution or agency, of items believed to be gambling paraphernalia, devices, equipment, real (gambling property), cash proceeds, prohibited weapons, criminal instruments, and other contraband as defined under Article 18.18 of the Texas Code of Criminal Procedure.

WHEREAS, the DISTRICT ATTORNEY represents the State of Texas in all cases regarding the forfeiture of contraband seized in Denton County, Texas, pursuant to Chapter 59 of the Code of Criminal Procedure and Article 18.18 of the Code of Criminal Procedure.

NOW, therefore, this Local Agreement is hereby made and entered into by the AGENCY and the DISTRICT ATTORNEY for the mutual consideration stated herein:

ARTICLE I.

A. In consideration for the services provided by the AGENCY and the DISTRICT ATTORNEY associated with the forfeiture of contraband, the AGENCY and the DISTRICT ATTORNEY agree to the following disposition of contraband forfeited under Chapter 59 of Texas Code of Criminal Procedure:

- (1) The AGENCY will receive eighty percent (80%) and DISTRICT ATTORNEY twenty percent (20%) of all **currency** seized and forfeited.
- (2) Personal property consisting of stocks, bonds, securities, Cryptocurrencies, negotiable instruments and other documents representing things of value, jewelry, precious metals, and coins shall be sold and the proceeds allocated between the AGENCY and the DISTRICT ATTORNEY as provided by Article I, Section (A)(1) above. For all other personal property the AGENCY will receive, one hundred percent (100%) of the proceeds from the sale of **personal property**

seized and forfeited that the AGENCY does not use in its law enforcement operations.

- (3) The AGENCY shall pay the DISTRICT ATTORNEY the sum of THREE HUNDRED AND NO/100 DOLLARS (\$300.00) for each final judgment obtained for the forfeiture of a **motor vehicle**. If a motor vehicle is the subject of a final judgment of forfeiture, the AGENCY has the option of taking title to said vehicle and using it for law enforcement purposes in the investigation of alleged violations of the criminal laws of the State of Texas pursuant to the requisites of Chapter 59 of the Texas Code of Criminal Procedure. All costs associated with the use of the motor vehicle shall be borne by the party using said vehicle.
- (4) Proceeds from the sale of **real property** seized and forfeited shall be negotiated between the AGENCY and the DISTRICT ATTORNEY on a case-by-case basis prior to commencement of litigation by the DISTRICT ATTORNEY.
- (5) On property seized other than, cash proceeds, the DISTRICT ATTORNEY may endeavor to negotiate a cash settlement in lieu of forfeiture of the property. Any money received in this manner shall be allocated between the AGENCY and the DISTRICT ATTORNEY as provided by Section (A)(1) above.
- (6) The AGENCY shall pay for all court costs and litigation expenses related to forfeiture proceedings. All costs of title searches and title policies for the forfeiture of real property shall be paid by the AGENCY. All other costs and expenses related to forfeiture proceedings, including the costs of storage, maintenance and auctions of vehicles and property held pending a final forfeiture judgment, shall be paid by the AGENCY.
- (7) It is further specifically agreed by the parties that if special circumstances dictate that a different percentage other than that set out in this Local Agreement should be awarded to the DISTRICT ATTORNEY, that this Local Agreement may be specifically modified in writing by the written consent of both parties prior to the commencement of litigation by the DISTRICT ATTORNEY.

B. All currency seized by the AGENCY under Chapter 59 of the Texas Code of Criminal Procedure shall be deposited in an interest-bearing bank account held by the AGENCY and containing only funds acquired pursuant to Chapter 59 of the Texas Code of Criminal Procedure until a final judgment is rendered. AGENCY shall then transfer currency to the DISTRICT ATTORNEY as noted in Article I, Section A(1) above. Payments to DISTRICT ATTORNEY shall be made pursuant to Article III.

C. In accordance with Chapter 59 of the Texas Code of Criminal Procedure, all of the DISTRICT ATTORNEY's share of forfeited currency; all proceeds from the sale of personal property; all proceeds from the sale of real property; the flat fee of THREE HUNDRED AND NO/100 DOLLARS (\$300.00) for forfeited motor vehicles; and the negotiated cash settlements shall be deposited into a special fund in the County Treasury to be used by the DISTRICT ATTORNEY solely for the official purposes of the office of the DISTRICT ATTORNEY.

D. In accordance with Chapter 59 of the Texas Code of Criminal Procedure, all currency and proceeds from the sale of real property, motor vehicles and personal property received by the AGENCY shall be deposited in a special fund in the City Treasury to be used by the NORTHLAKE POLICE DEPARTMENT solely for law enforcement purposes.

ARTICLE II.

A. In consideration for the services provided by the AGENCY and the DISTRICT ATTORNEY associated with the forfeiture of gambling paraphernalia, devices, equipment, real (gambling property), cash proceeds, prohibited weapons, criminal instruments, and other contraband as defined, the AGENCY and the DISTRICT ATTORNEY agree to the following disposition of the forfeited property and proceeds under Article 18.18 of Texas Code of Criminal Procedure:

- (1) The AGENCY will receive eighty percent (80%) and DISTRICT ATTORNEY twenty percent (20%) of all **currency** seized and forfeited.
- (2) On property seized other than cash proceeds, the DISTRICT ATTORNEY may endeavor to negotiate a cash settlement in lieu of forfeiture of the property. Any money received in this manner shall be allocated between the AGENCY and the DISTRICT ATTORNEY as provided by Section (A)(1) above.
- (3) The AGENCY will receive one hundred percent (100%) of the proceeds from the sale of **all other property** seized and forfeited, but not negotiated to cash settlements, that the AGENCY does not use in its law enforcement operations.

B. All currency seized by the AGENCY under Article 18.18 of the Texas Code of Criminal Procedure shall be deposited in an interest-bearing bank account held by the AGENCY and containing only funds acquired pursuant to Article 18.18 of the Texas Code of Criminal Procedure until a final judgment is rendered. AGENCY shall then transfer currency to the DISTRICT ATTORNEY as noted in Article II, Section A(1) above. Payments to DISTRICT ATTORNEY shall be made pursuant to Article III.

C. In accordance with Article 18.18 of the Texas Code of Criminal Procedure, all of the DISTRICT ATTORNEY's share of forfeited currency and the negotiated cash settlements shall be deposited into a special fund in the County Treasury to be used by the DISTRICT ATTORNEY solely for the official purposes of the office of the DISTRICT ATTORNEY.

D. In accordance with Chapter 59 of the Texas Code of Criminal Procedure, all currency and proceeds from the sale of forfeited property received by the AGENCY shall be deposited in a special fund in the City Treasury to be used by the NORTHLAKE POLICE DEPARTMENT solely for law enforcement purposes.

ARTICLE III.

This Local Agreement shall apply to currency, real property, personal property and motor vehicles seized for forfeiture purposes by the AGENCY effective upon date of signature by all parties. Currency, real property, motor vehicles and personal property shall be considered forfeited to the State once a forfeiture judgment has become final, and no Motion for New Trial or Notice of Appeal has been taken. Payments to the DISTRICT ATTORNEY shall be made monthly. Each payment shall be based upon the amount of currency forfeited to the State of Texas in that period; upon the proceeds of the sale of forfeited personal property in that period; upon the proceeds of the sale of forfeited real property in that period; upon the flat fee of THREE HUNDRED AND NO/100 DOLLARS (\$300.00) for all motor vehicles forfeited to the AGENCY in that period; and upon the cash settlements negotiated in lieu of forfeiture to the

AGENCY. All costs of court proceedings shall be paid by the AGENCY including the cost of titles searched and title policies issued.

ARTICLE IV.

In the event of a special circumstance where the DISTRICT ATTORNEY is required to expend significant time and effort in planning for a forfeiture case, it will be developed as a joint investigation with the AGENCY with the option of the percentage apportioned between parties being modified in a manner commensurate with the time and effort required by each of the Parties and a written Addendum to this Local Agreement will be executed by the parties as it pertains to the particular seizure.

ARTICLE V.

The term of this Local Agreement shall be for a period of one (1) year from the date of execution of this agreement. This Agreement shall automatically be renewed on a yearly basis after the initial one (1) year term. This Agreement may be terminated by either party upon thirty (30) days prior written notice thereof to the other of its intention to terminate upon the date specified in such notice. Any pending forfeiture under this Agreement filed prior to the termination date, however, shall not be affected by such notices.

ARTICLE VI.

Any notice, payment, statement, or demand required or permitted to be given hereunder by either party to the other may be effected by personal delivery in writing or by mail, postage prepaid. Mailed notices shall be addressed to the parties at the addresses appearing below, but each party may change its address by written notice in accordance with this section. Mailed notices shall be deemed communicated as of three days after mailing.

If intended for the AGENCY:

If intended for the DISTRICT ATTORNEY:

NORTHLAKE POLICE DEPARTMENT
P.O. Box 729
Northlake, TX 76247

Denton County Criminal District Attorney
1450 E. McKinney Street, Suite 3100
Denton, Texas 76209

SIGNED on this the _____ day of _____, 2023.

CRIMINAL DISTRICT ATTORNEY
DENTON COUNTY, TEXAS

NORTHLAKE POLICE DEPARTMENT

Paul Johnson
Criminal District Attorney
Denton County, Texas

Chief of Police

TOWN OF NORTHLAKE

Mayor



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF NORTHLAKE AND DENTON COUNTY DISTRICT ATTORNEY'S OFFICE IN REGARD TO SEIZURES FILED UNDER CHAPTER 59 AND ARTICLE 18.18 OF THE TEXAS CODE OF CRIMINAL PROCEDURE

WHEREAS, Town of Northlake and the Denton County District Attorney's Office have an existing interlocal agreement; and

WHEREAS, Town of Northlake and the District Attorney desire to terminate existing agreement and enter into an agreement regarding disposition of contraband seized and forfeited under Chapter 59 of the Texas Code of Criminal Procedure and Article 18.18 of the Texas Code of Criminal Procedure; and

WHEREAS, Chapter 59 of the Texas Code of Criminal Procedure provided for the forfeiture to the State of Texas of property found to be "contraband" as defined by Chapter 59 of the Texas Code of Criminal Procedure; and

WHEREAS, Article 18.18 of the Texas Code of Criminal Procedure provided for forfeiture, to the State, any political subdivision of the State, or to any institution or agency, of items believed to be gambling paraphernalia, devise, equipment, real (gambling property), cash proceeds, prohibited weapons, criminal instruments, and other contraband as defined under Article 18.18 of the Texas Code of Criminal Procedure; and

WHEREAS, the Town Council finds that it is in the public interest, safety, and welfare to authorize the execution of the Interlocal Agreement hereto and incorporated herein for all intents and purposes as Exhibit "A".

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

Section 1. All the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified, and incorporated into the body of this resolution as if copied in their entirety.

Section 2. That the Town Council hereby authorizes the Town Manager to execute an Interlocal Agreement (Exhibit "A") with the Denton County District Attorneys Office in regards to seizures filed under Chapter 59 and Article 18.18 of the Texas Code of Criminal Procedure.

Section 3. This resolution shall be effective immediately upon approval by the Town Council.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, this ____ day of _____ 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION



DATE: September 28, 2023
REF. DOC.: Texas Local Government Code Chapter 253
SUBJECT: Consider a Resolution of the Town of Northlake, Texas, declaring certain personal property owned by the Town of Northlake to be surplus property and authorizing the Town Manager to dispose of such property

**GOALS/
OBJECTIVES:** Exercise Fiscal Responsibility/Sustain the low property tax rate

BACKGROUND INFORMATION:

- State law allows municipalities to dispose of surplus property
- Governing body designates responsible party for disposition of surplus property
- Available disposition methods: auction, destruction, department use or donation
- Equipment below no longer in use:
 - 2018 Chevrolet Colorado

COUNCIL ACTION:

Declare property surplus and authorize Town manager to dispose



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS DECLARING CERTAIN PERSONAL PROPERTY OWNED BY THE TOWN TO BE SURPLUS PROPERTY AND AUTHORIZING THE TOWN MANAGER TO DISPOSE OF SUCH PROPERTY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The Town Council of the Town of Northlake, Texas, has determined that certain personal property owned by the Town in the form of certain equipment and seized assets is no longer needed; has been replaced by other equipment; and is no longer necessary for the Town's current or foreseeable needs; and

WHEREAS, such surplus property, while no longer being of value or benefit to the Town, may be of benefit or value to some other person or entity; and

WHEREAS, the Texas Government Code authorizes the Town to dispose of surplus property.

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

Section 1. All the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified, and incorporated into the body of this resolution as if copied in their entirety.

Section 2. The Town Council hereby finds and determines that the property identified on the attached Exhibit "A", which is hereby incorporated and made part of this Resolution as if set forth fully at length is no longer necessary for the operations of the Town of Northlake and is hereby declared to be surplus property in accordance with the Texas Government Code.

Section 3. The Town Manager is hereby directed to take all reasonable steps to dispose of such items of surplus property and the proceeds there from shall be deposited to the General Fund or appropriate fund.

Section 4. This resolution shall be effective immediately upon approval by the Town Council.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, this 28th day of September 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary

EXHIBIT A

VEHICLE YEAR	MAKE/MODEL	COLOR	VIN
2018	Chevrolet Colorado	White	XXXXXXXXXX61151

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION



DATE: September 28, 2023
REF. DOC.: Northlake Engineering Design Manual
SUBJECT: Consider calling and authorizing a public hearing to be held on October 12th, 2023, at 5:30 p.m., at the Town of Northlake, 1500 Commons Circle, Suite 300, Northlake, Texas 76226, in the Council Chambers, regarding the proposed Engineering Design Manual revisions adopting the fifth edition specifications and drainage changes from the North Central Texas Council of Governments

**GOALS/
OBJECTIVES:** Invest in Infrastructure/Provide an adequate/functional roadway system, including associated water, sewer and storm drainage facilities

BACKGROUND INFORMATION:

- Original Design Manual adoption on May 13th, 2010
- Last revisions approved during 12th September 2013 Town Council meeting
- Final vote on specifications held during Public Works Council meeting on August 17th, 2023
- Proposed 2023 Changes:
 - Adopt North Central Texas Council of Governments 5th edition specifications
 - Adopt 2021 iSWM, Integrated Storm Water Manual, versions
- Next Steps
 - Call public hearing for Engineering Design Manual revisions
 - Advertise notice and post on Town website
 - Hold public hearing and consider manual revisions at October 12th Town Council meeting

COUNCIL ACTION:

Call public hearing for October 12th, 2023, to receive comments on the manual revisions

TOWN OF NORTHLAKE COUNCIL ITEM NO. 5.



DATE: September 28, 2023

ITEM: ACTION ITEMS

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION



DATE: September 28, 2023
REF. DOC.: Unified Development Code (UDC); The Pathway to 2040 Northlake Comprehensive Plan Update; Pecan Square MPD
SUBJECT: Consider an Ordinance to amend the Pecan Square Mixed-Use Planned Development (MPD). Case # PD-23-003
**GOALS/
OBJECTIVES:** Reinforce our Identity/Add beautification measures to roads and community entrances
Advance Northlake's Interests/Effectively plan and manage ahead of state restrictions

BACKGROUND INFORMATION:

Site: Approximately 160.374-acre tract of land situated in the A. McDonald Survey, Abstract No. 785, and generally located south of FM 407 at Faught Road.

Owner/Applicant: HP Gibbs, LP

Current Zoning: Mixed-Use Planned Development (MPD)

Proposed Zoning: Mixed-Use Planned Development (MPD) - Proposed changes limited to the landscaping, setback, and fencing requirements along FM 407 and Cleveland-Gibbs Road by revising the following exhibits to Ordinance No. 17-0413E:

- Exhibit F - Cleveland-Gibbs
- Exhibit G - FM 407

Future Land Use: Neighborhood Residential (NR) -- Described as an area usually in a suburban form though may retain undeveloped areas, such as the perimeter of a subdivision along collectors and arterials. A mix of single family housing products would be available. A rural or rustic aesthetic of architecture on smaller lots and the perimeter of the subdivision are necessary to retain as much of the rural character as possible in a suburban form development.

Staff Analysis: Staff has reviewed this application in accordance with the Unified Development Code and found the submittal to meet the requirements for consideration by the Town Council. Further analysis of aspects of the requested amendment are discussed under the approval criteria below. Items provided for this amendment are as follows and are attached hereto.

- Exhibit 1 - Current Exhibit F - Cleveland-Gibbs from Ordinance No. 17-0413E
- Exhibit 2 - Current Exhibit G - FM 407 from Ordinance No. 17-0413E
- Exhibit 3 - Proposed amendments and supporting documents
- Proposed Ordinance
 - Exhibit A
 - Exhibit B

Criteria for Approval: The PD amendment has been drafted in accordance with the requirements of the Unified Development Code (UDC) and staff finds it to meet the requirements to be considered by the P&Z/Town Council. The P&Z/Town Council, in considering this PD amendment, should consider the following criteria outlined in the UDC:

1. Whether the proposed PD implements the policies of the adopted

Comprehensive Plan and other adopted master plans of the Town;

- *The Comprehensive Plan provides that Neighborhood Residential (NR) areas are usually in a suburban form though they may retain **undeveloped areas, such as the perimeter of a subdivision along collectors and arterials**. A mix of single family housing products would be available. A **rural or rustic aesthetic of architecture on smaller lots and the perimeter of the subdivision are necessary to retain as much of the rural character as possible in a suburban form development**.*
 - *The larger lots and setbacks adjacent to FM 407 were a key component of the Pecan Square MPD in order to address the above referenced aspect of the plan.*
2. Whether the proposed PD promotes the health, safety, or general welfare of the Town and the safe, orderly, efficient and healthful development of the Town
- *Town staff has concerns about the proximity of the shared use path to the roadway and lack of canopy trees to provide shade over the path and buffering as originally proposed.*
 - *However, staff acknowledges the right-of-way improvements, including the shared use path are to be constructed by TxDOT and in accordance with their standards, and along with right-of-way improvements, several utility conflicts in the setback area will be obstacles to providing the landscaping as originally proposed.*
2. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
- *No change of uses within the MPD proposed. Only changes are related to the setback buffers adjacent to FM 407 and Cleveland-Gibbs Road*
4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;
- *The current FM 407 landscape setback is established according to the Town's Master Thoroughfare Plan right-of-way requirement of 120 feet (60-feet from the existing FM 407 center line).*
 - *TxDOT requires a larger right-of-way (ROW) and plans to obtain the additional ROW from the south side of FM 407 adjacent to Pecan Square due to constraints with existing Upper Trinity Regional Water District transmission line on north side of FM 407.*
5. The extent to which the proposed PD will result in a superior development than could be achieved through conventional zoning; or
- *PD amendment proposes to modify existing PD to address proposed TxDOT ROW takings.*
 - *It also proposes an alternative condition for FM 407 and Cleveland-Gibbs Road commercial frontage. The current PD does not distinguish between areas adjacent to residential (rear of lots) and commercial which will front towards the adjacent street.*

5. Other criteria which, at the discretion of the [P&Z] and/or Town Council are deemed relevant and important in the consideration of the PD.

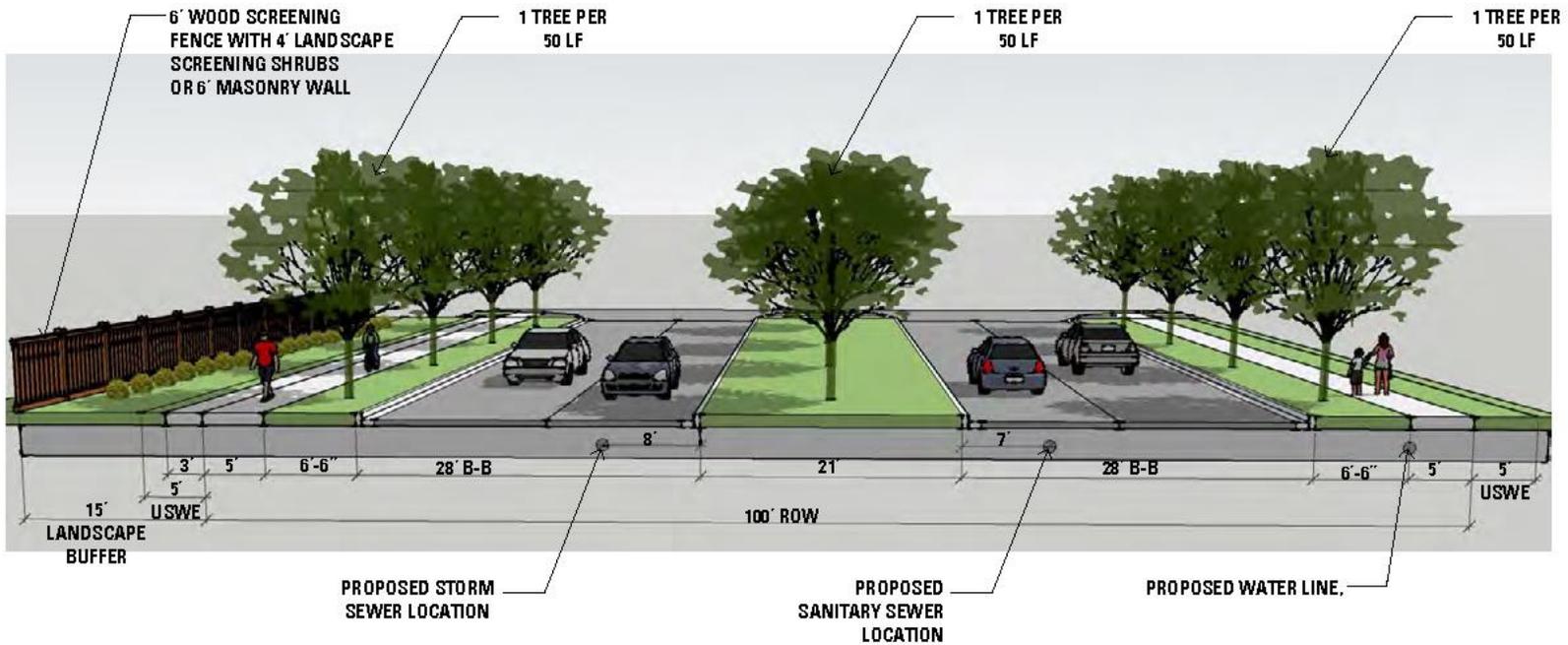
Public Hearing: A public hearing is required prior to acting on the planned development amendment request. Public hearing notices were mailed to Northlake property owners within 200 feet, signs posted, and notice was published in the Denton Record Chronicle and on the Town's website. As of September 21st no written comments have been received.

P&Z Action: September 19th Planning & Zoning Commission Meeting

- Held public hearing
- Recommended approval of planned development amendment as presented

COUNCIL ACTION:

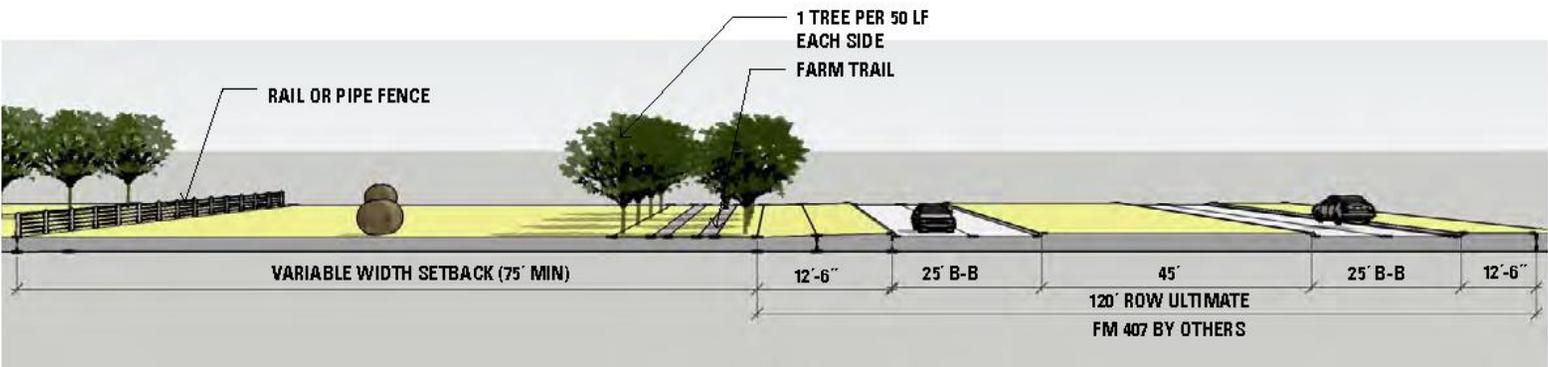
- Applicant has requested item to be continued to October 12th meeting
- Public hearing must be opened since it has been noticed, and it can then be continued to October 12th Town Council meeting



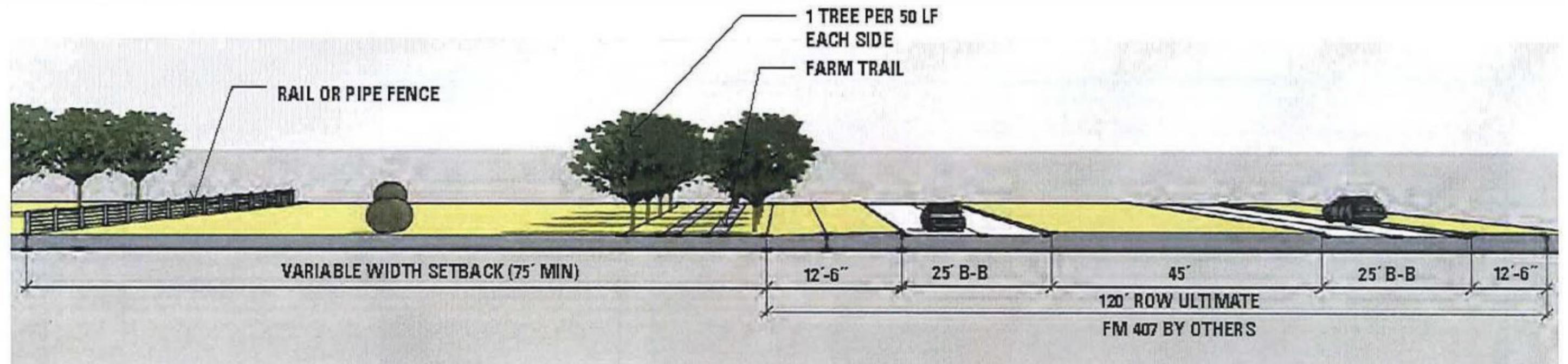
- *ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
- ** LANDSCAPE BUFFER ONLY REQUIRED TO ADJACENT SINGLE FAMILY OR COMMERCIAL WITHIN TOWN LIMITS
- *** SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)

Exhibit G
FM 407 Setback, Landscaping, and Fencing Details

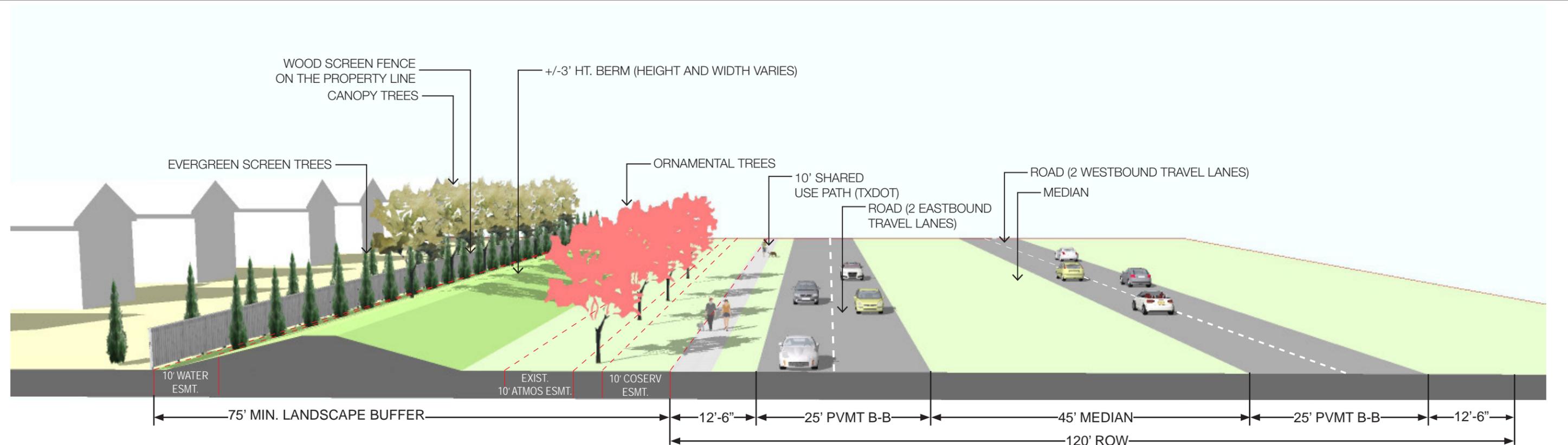
FM 407 SETBACK AND LANDSCAPING



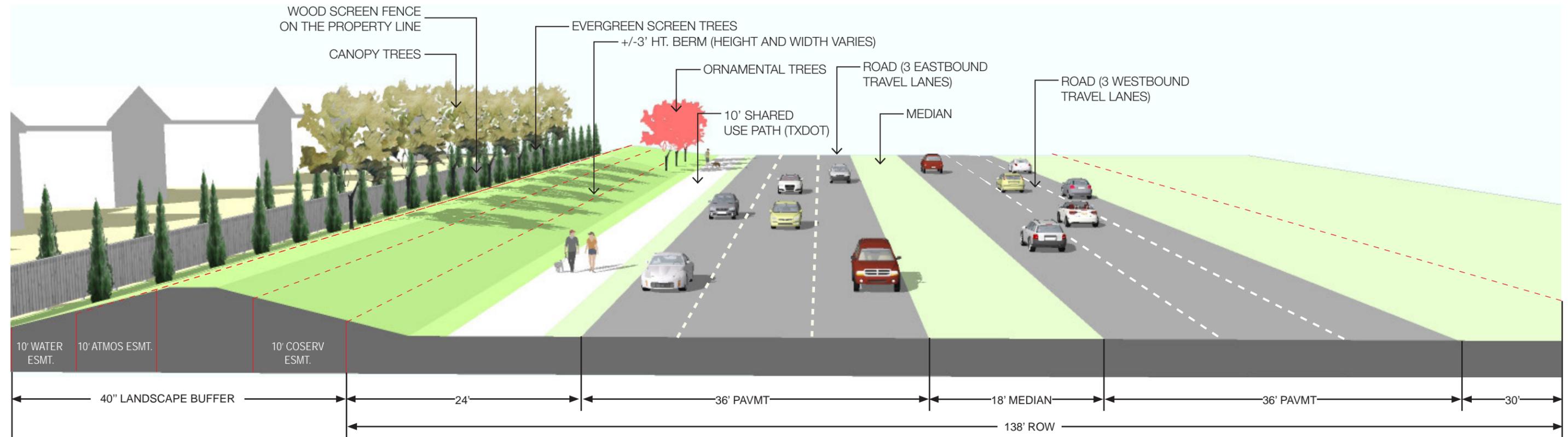
FM 407 STREET SECTION - PER PD



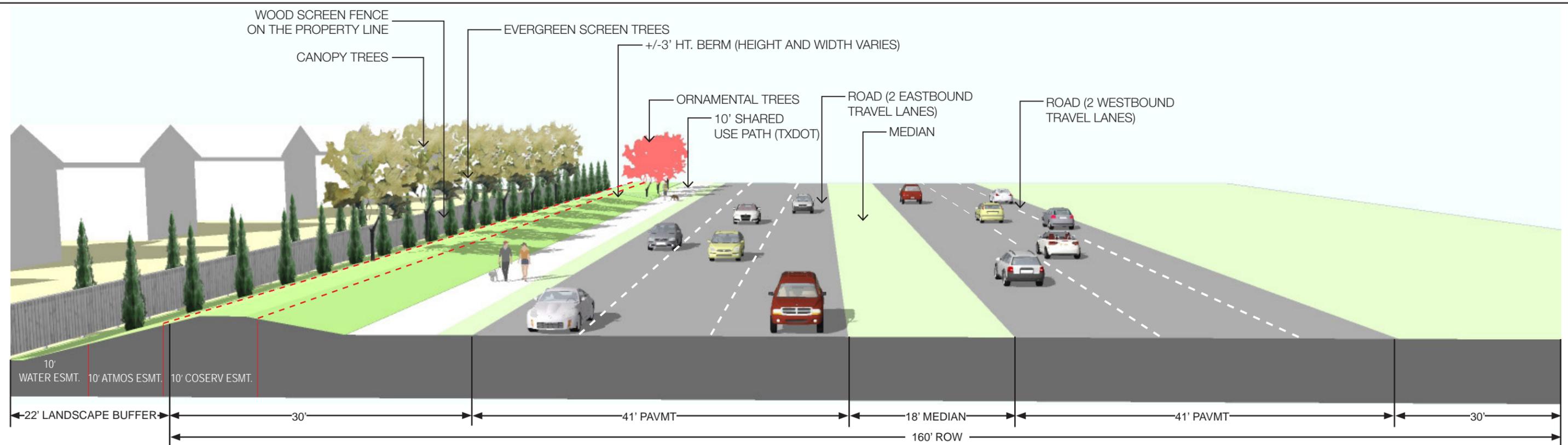
FM 407 STREET SECTION - PROPOSED 120' ROW (ASSUMES EQUAL TAKE ON BOTH SIDES OF FM407)



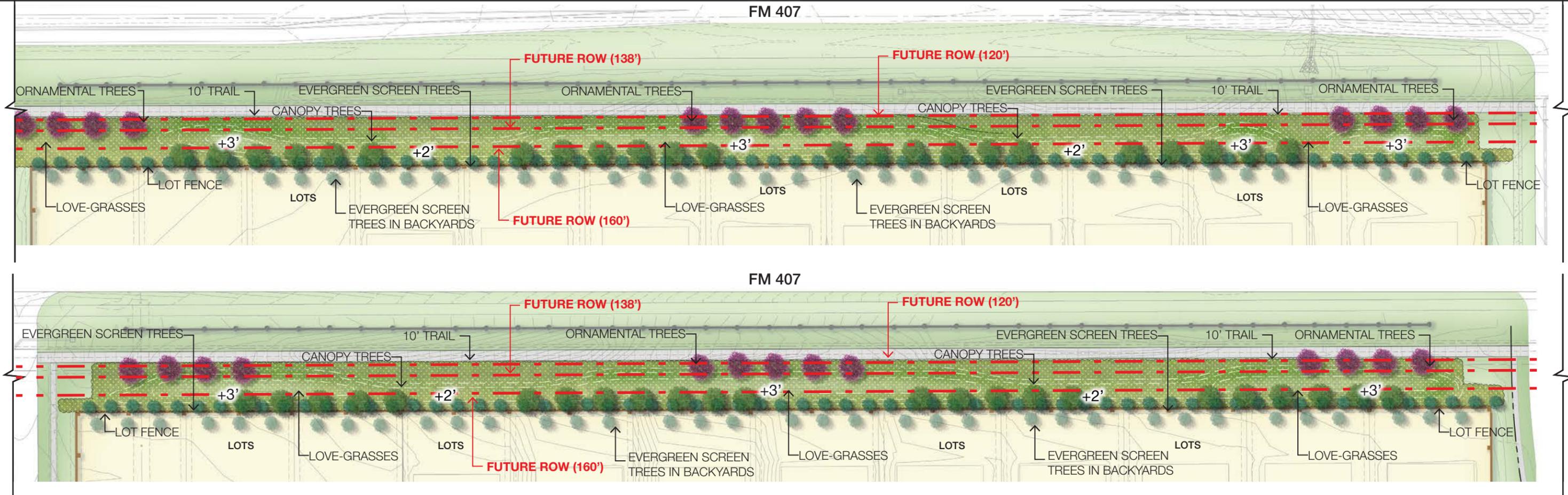
FM 407 STREET SECTION - PROPOSED 138' ROW (CURRENT PLANS FROM TXDOT 1-35W TO CLEVELAND GIBBS)



FM 407 STREET SECTION - PROPOSED 160' ROW (LATEST SCHEMATICS FROM TXDOT CLEVELAND GIBBS TO CITY OF JUSTIN)

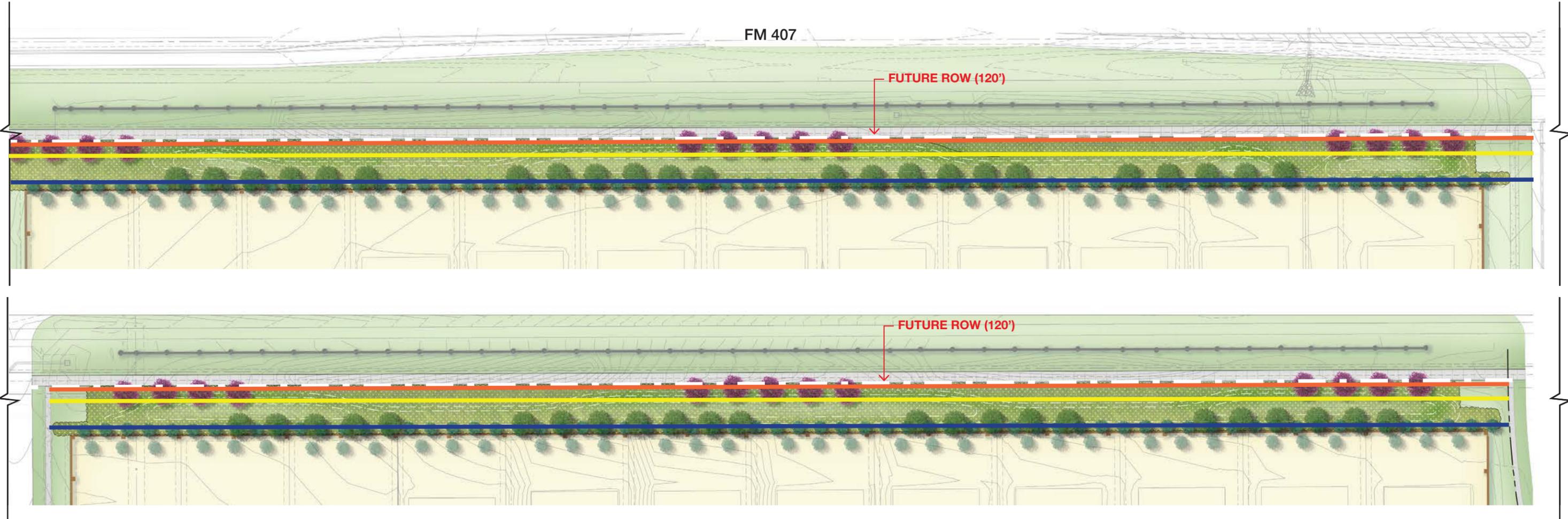


FM 407 STREET SECTION - PROPOSED



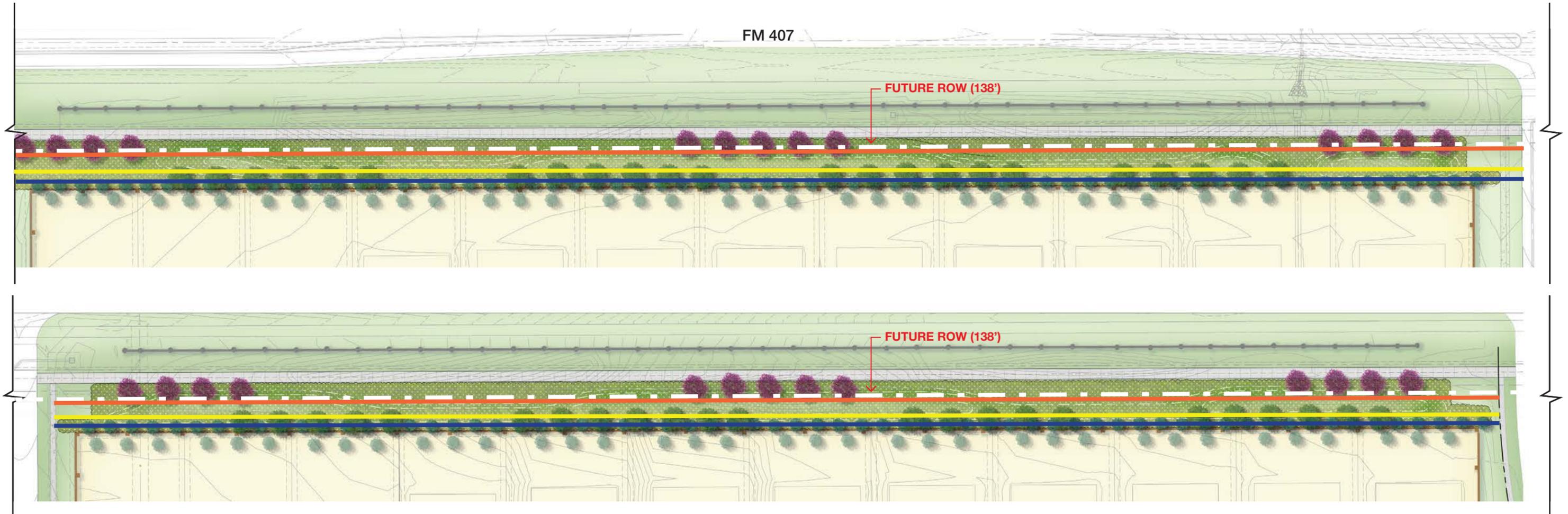
	TXDOT R.O.W. IMPACT AT TIME OF PD AGREEMENT	NEWLY REVISED TXDOT R.O.W. IMPACT
Existing Right of Way	80' R.O.W.	80' R.O.W.
Proposed Right of Way	120' (EXPANDED EQUALLY FROM CENTERLINE)	138' OR 160' (OFFSET TO SOUTH SIDE OF ROAD)
Impact to Pecan Square	20' ROW TAKE	38' ADDITIONAL ROW TAKE (138' ROW)
		60' ADDITIONAL ROW TAKE (160' ROW)
	PD Requirement	Concept Plan (proposed design)
Landscape Setback from FM407	75' Buffer	40' Buffer to 22' Buffer
Tree Spacing	1 canopy tree every 50' both sides of farm trail	1 ornamental tree every 30'
		1 evergreen screen tree every 16'
		3 evergreen screen trees per lot (Builder)
Tree Quantity	92	214
Pedestrian Experience	farm trail (gravel)	10' TXDOT shared use path (concrete)
Fencing	rail or pipe fence	solid wood fence

FM 407 STREET SECTION - PROPOSED 120' ROW (WITH UTILITY LINES)



- KEY
- R.O.W.
 - WATER UTILITY LINE
 - ATMOS UTILITY LINE
 - CONSERV UTILITY LINE

FM 407 STREET SECTION - PROPOSED 138' ROW (WITH UTILITY LINES)



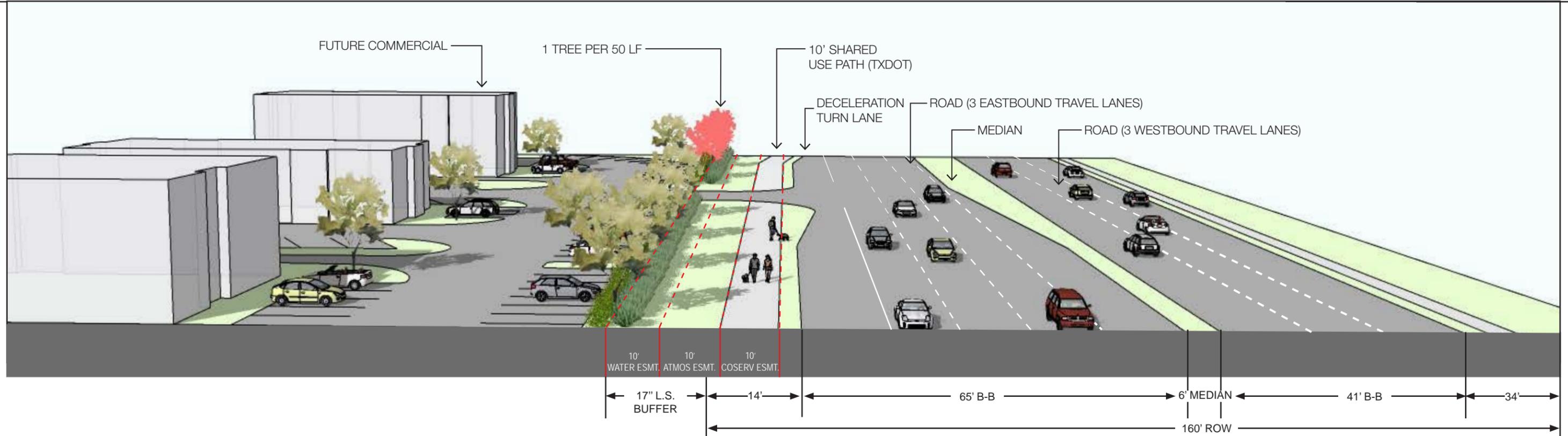
- KEY
- □ □ R.O.W.
 - WATER UTILITY LINE
 - ATMOS UTILITY LINE
 - CONSERV UTILITY LINE

FM 407 STREET SECTION - PROPOSED 160' ROW (WITH UTILITY LINES)

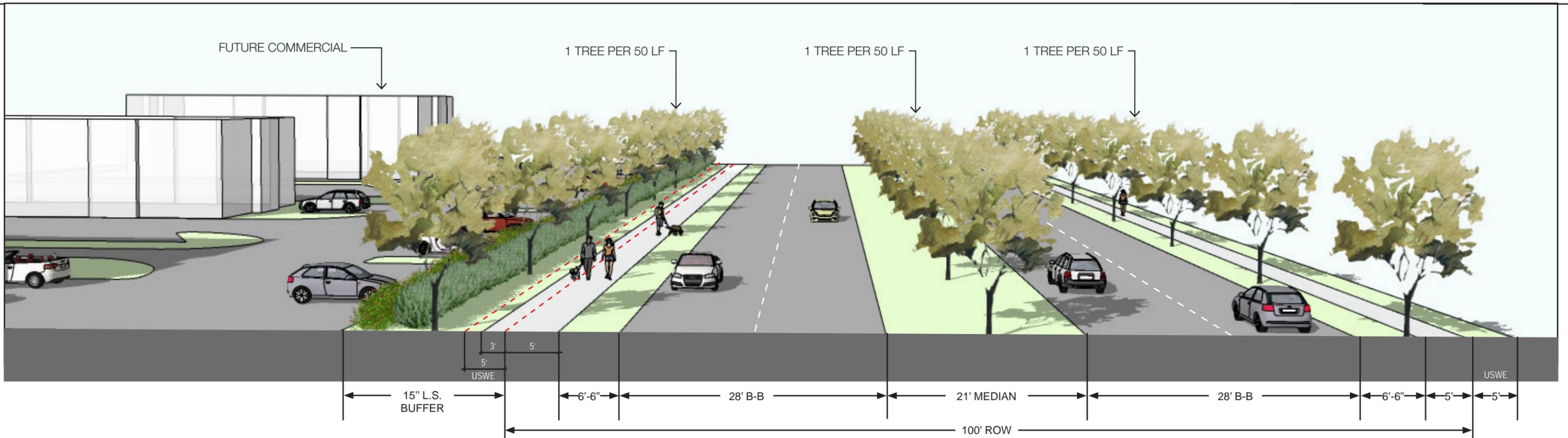


- KEY
- □ □ R.O.W.
 - WATER UTILITY LINE
 - ATMOS UTILITY LINE
 - CONSERV UTILITY LINE

FM 407 COMMERCIAL STREET SECTION - PROPOSED 160' ROW



CLEVELAND GIBBS COMMERCIAL STREET SECTION - PROPOSED 100' ROW





TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AMENDING ORDINANCE NO. 17-0413E TO REVISE THE LANDSCAPING, SETBACK, AND FENCING DETAILS ALONG FM 407 AND CLEVELAND-GIBBS ROAD FOR THAT CERTAIN 160.374-ACRE TRACT OF LAND SITUATED IN THE A. MCDONALD SURVEY, ABSTRACT NUMBER 785, IN THE TOWN OF NORTHLAKE ZONED "MPD" MIXED-USE PLANNED DEVELOPMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; 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. 17-0413E establishing "MPD" Mixed-Use Planned Development zoning on a 160.374-acre tract of land located in the A. McDonald Survey, Abstract Number 785, in the Town of Northlake, Denton County, Texas, more particularly described on Exhibit A of Ordinance No. 17-0413E (the "Property"); and

WHEREAS, the Town of Northlake has received a request from the owners of the Property to amend the landscape, setback, and fencing details along FM 407 and Cleveland-Gibbs Road established by the adoption of Ordinance No. 17-0413E; and

WHEREAS, the Town of Northlake heretofore adopted Ordinance No. 16-1208E on December 12, 2016, The Pathway to 2040 Northlake Comprehensive Plan Update, and the requested amendments to Ordinance No. 17-0413E comply with recommendations of the plan; 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, upon review and consideration of the Planning and Zoning Commission following a public hearing at their meeting on September 19, 2023, the Planning and Zoning Commission recommended approval of the amendment as provided herein; and

WHEREAS, a public hearing was held by the Town Council of the Town of Northlake on September 28, 2023 with respect to the amendment described herein; and

WHEREAS, the Town Council of the Town of Northlake does hereby deem it advisable and in the public interest to approve the requested amendments to Ordinance No. 17-0413E reflected on the exhibits attached hereto.

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

Section 1. All the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified, and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Cleveland-Gibbs/Mulkey street section attached to Ordinance No. 17-0413E as Exhibit F – Page 2 shall be revised to include the Cleveland-Gibbs Commercial Street Section attached hereto and incorporated herein for all purposes as Exhibit A. The FM 407 Setback, Landscaping, and Fencing Details attached to Ordinance No. 17-0413E as Exhibit G shall be replaced with the FM 407 Street Sections attached hereto and incorporated herein for all purposes as Exhibit B.

Section 3. Any person, firm or corporation violating any of the provisions of this Ordinance shall be punished in accordance with Section 1.01.009 of the Town of Northlake Code of Ordinances, and no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

Section 4. With the exception of those Ordinances expressly repealed herein, this Ordinance shall be cumulative of all provisions of Ordinances of the Town of Northlake, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more stringent provision shall apply and the less stringent provision, whether contained within this Ordinance or in any prior Ordinance of the Town, whether codified or un-codified, is hereby repealed to the extent of the conflict, but all other provisions of the Ordinances of the Town, whether codified or un-codified, which are not in conflict with the provisions of the Ordinance, shall remain in full force and effect.

Section 5. All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Ordinance, or any other Ordinances affecting the matters addressed herein, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by the Ordinance but may be prosecuted until final disposition by the courts.

Section 6. The Town Secretary of the Town of Northlake is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this Ordinance.

Section 7. This Ordinance shall be in full force and effect from and after its passage and/or publication as required by law.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, this 28th day of September 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina R. Parker, Town Secretary

EXHIBIT A

CLEVELAND GIBBS COMMERCIAL STREET SECTION - PROPOSED 100' ROW

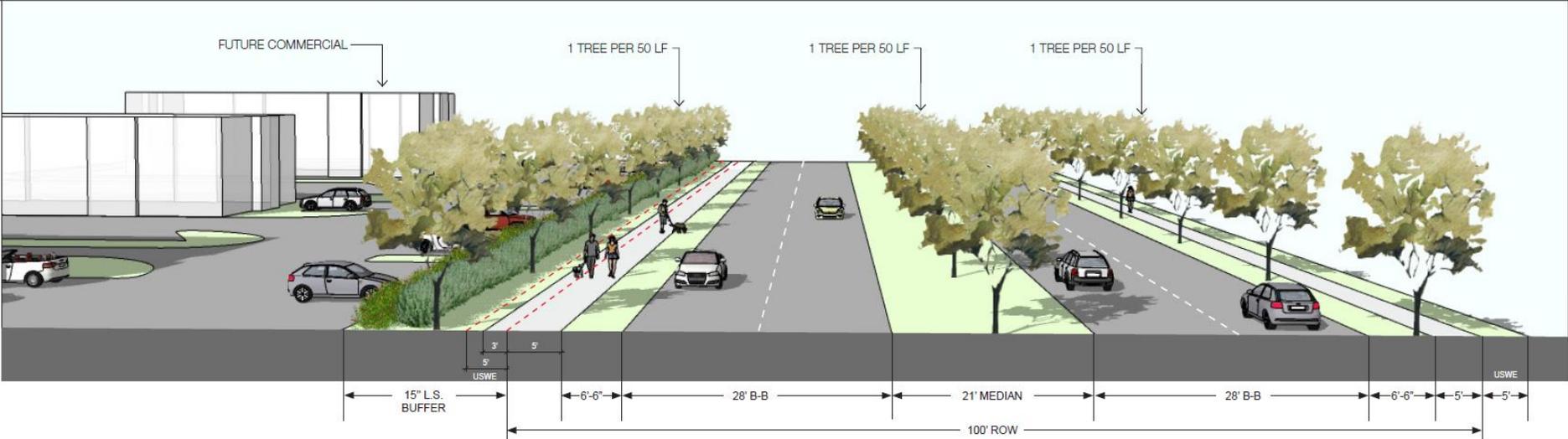
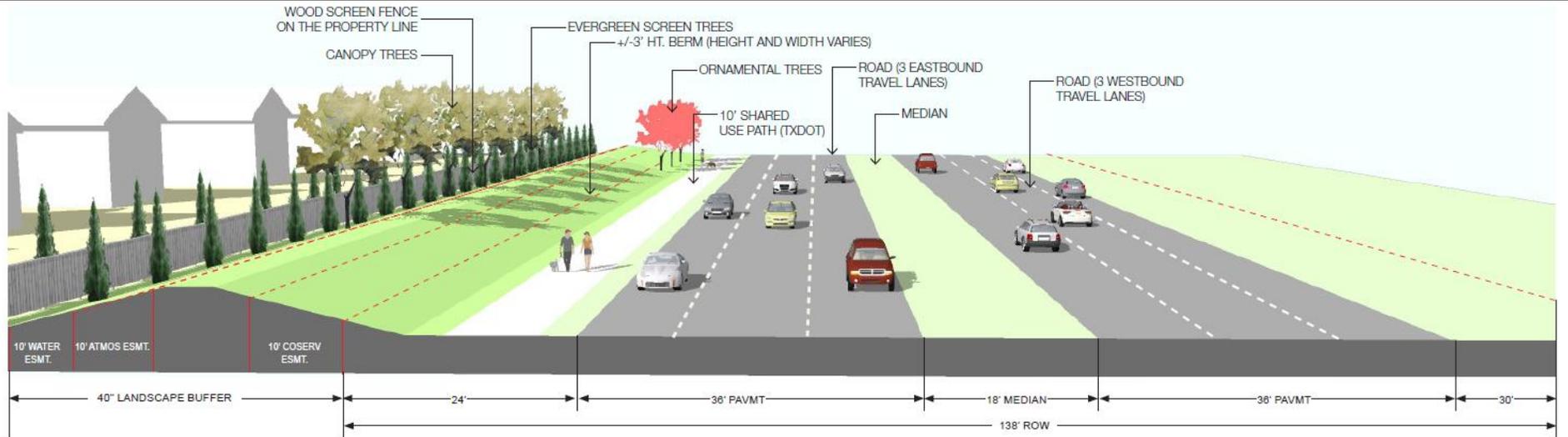
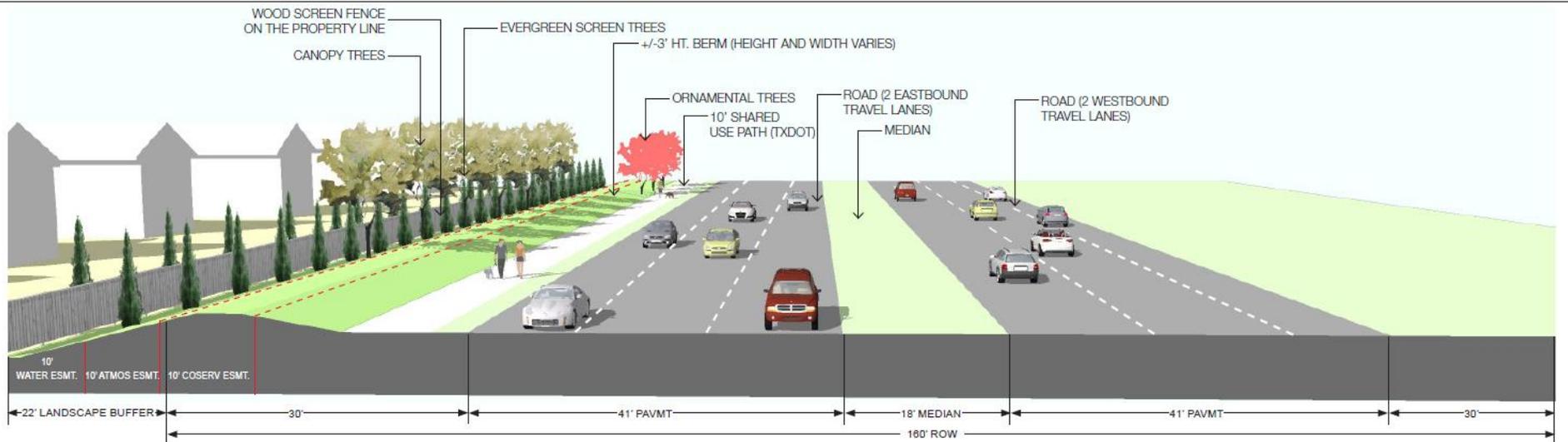


EXHIBIT B

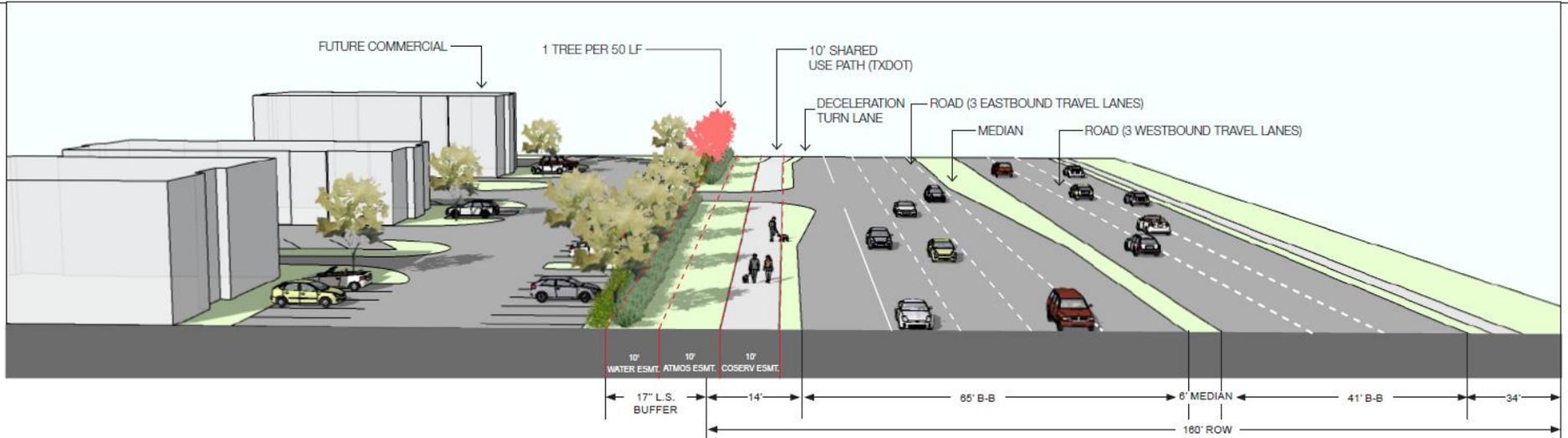
FM 407 STREET SECTION - PROPOSED 138' ROW (CURRENT PLANS FROM TXDOT 1-35W TO CLEVELAND GIBBS)



FM 407 STREET SECTION - PROPOSED 160' ROW (LATEST SCHEMATICS FROM TXDOT CLEVELAND GIBBS TO CITY OF JUSTIN)



FM 407 COMMERCIAL STREET SECTION - PROPOSED 160' ROW



NORTHLAKE MAYOR AND COUNCIL COMMUNICATION



DATE: September 28, 2023
REF. DOC.: Unified Development Code (UDC); The Pathway to 2040 Northlake Comprehensive Plan Update; Pecan Square MPD
SUBJECT: Consider an Ordinance to amend the Pecan Square Mixed-Use Planned Development (MPD). Case # PD-23-004
**GOALS/
OBJECTIVES:** Reinforce our Identity/Add beautification measures to roads and community entrances
Advance Northlake's Interests/Effectively plan and manage ahead of state restrictions

BACKGROUND INFORMATION:

Site: Approximately 635.5-acre tract of land situated in the F.W. Thornton Survey, Abstract No. 1244, and the A. McDonald Survey, Abstract No. 785, and generally located west of Cleveland-Gibbs Road between FM 407 and Mulkey Lane.

Owner/Applicant: HP Gibbs, LP

Current Zoning: Mixed-Use Planned Development (MPD)

Proposed Zoning: Mixed-Use Planned Development (MPD) - Proposed changes limited to the landscaping, setback, and fencing requirements along FM 407 and Cleveland-Gibbs Road by revising the following exhibits to Ordinance No. 17-0413C:

- Exhibit F - Cleveland-Gibbs
- Exhibit G - FM 407

Future Land Use: Neighborhood Residential (NR) -- Described as an area usually in a suburban form though may retain undeveloped areas, such as the perimeter of a subdivision along collectors and arterials. A mix of single family housing products would be available. A rural or rustic aesthetic of architecture on smaller lots and the perimeter of the subdivision are necessary to retain as much of the rural character as possible in a suburban form development.

Staff Analysis: Staff has reviewed this application in accordance with the Unified Development Code and found the submittal to meet the requirements for consideration by the Town Council. Further analysis of aspects of the requested amendment are discussed under the approval criteria below. Items provided for this amendment are as follows and are attached hereto.

- Exhibit 1 - Current Exhibit F - Cleveland-Gibbs from Ordinance No. 17-0413C
- Exhibit 2 - Current Exhibit G - FM 407 from Ordinance No. 17-0413C
- Exhibit 3 - Proposed amendments and supporting documents
- Proposed Ordinance
 - Exhibit A
 - Exhibit B

Criteria for Approval: The PD amendment has been drafted in accordance with the requirements of the Unified Development Code (UDC) and staff finds it to meet the requirements to be considered by the P&Z/Town Council. The P&Z/Town Council, in considering this PD amendment, should consider the following criteria outlined in the UDC:

1. Whether the proposed PD implements the policies of the adopted Comprehensive Plan and other adopted master plans of the Town;
 - *The Comprehensive Plan provides that Neighborhood Residential (NR) areas are usually in a suburban form though they may retain **undeveloped areas, such as the perimeter of a subdivision along collectors and arterials**. A mix of single family housing products would be available. A **rural or rustic aesthetic of architecture on smaller lots and the perimeter of the subdivision are necessary to retain as much of the rural character as possible in a suburban form development**.*
 - *The larger lots and setbacks adjacent to FM 407 were a key component of the Pecan Square MPD in order to address the above referenced aspect of the plan.*

2. Whether the proposed PD promotes the health, safety, or general welfare of the Town and the safe, orderly, efficient and healthful development of the Town
 - *Town staff has concerns about the proximity of the shared use path to the roadway and lack of canopy trees to provide shade over the path and buffering as originally proposed.*
 - *However, staff acknowledges the right-of-way improvements, including the shared use path are to be constructed by TxDOT and in accordance with their standards, and along with right-of-way improvements, several utility conflicts in the setback area will be obstacles to providing the landscaping as originally proposed.*

2. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
 - *No change of uses within the MPD proposed. Only changes are related to the setback buffers adjacent to FM 407 and Cleveland-Gibbs Road*

4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;
 - *The current FM 407 landscape setback is established according to the Town's Master Thoroughfare Plan right-of-way requirement of 120 feet (60-feet from the existing FM 407 center line).*
 - *TxDOT requires a larger right-of-way (ROW) and plans to obtain the additional ROW from the south side of FM 407 adjacent to Pecan Square due to constraints with existing Upper Trinity Regional Water District transmission line on north side of FM 407.*

5. The extent to which the proposed PD will result in a superior development than could be achieved through conventional zoning; or
 - *PD amendment proposes to modify existing PD to address proposed TxDOT ROW takings.*
 - *It also proposes an alternative condition for FM 407 and Cleveland-Gibbs Road commercial frontage. The current PD does not distinguish between areas adjacent to residential (rear of lots) and commercial which will front towards the adjacent street.*

5. Other criteria which, at the discretion of the [P&Z] and/or Town Council are deemed relevant and important in the consideration of the PD.

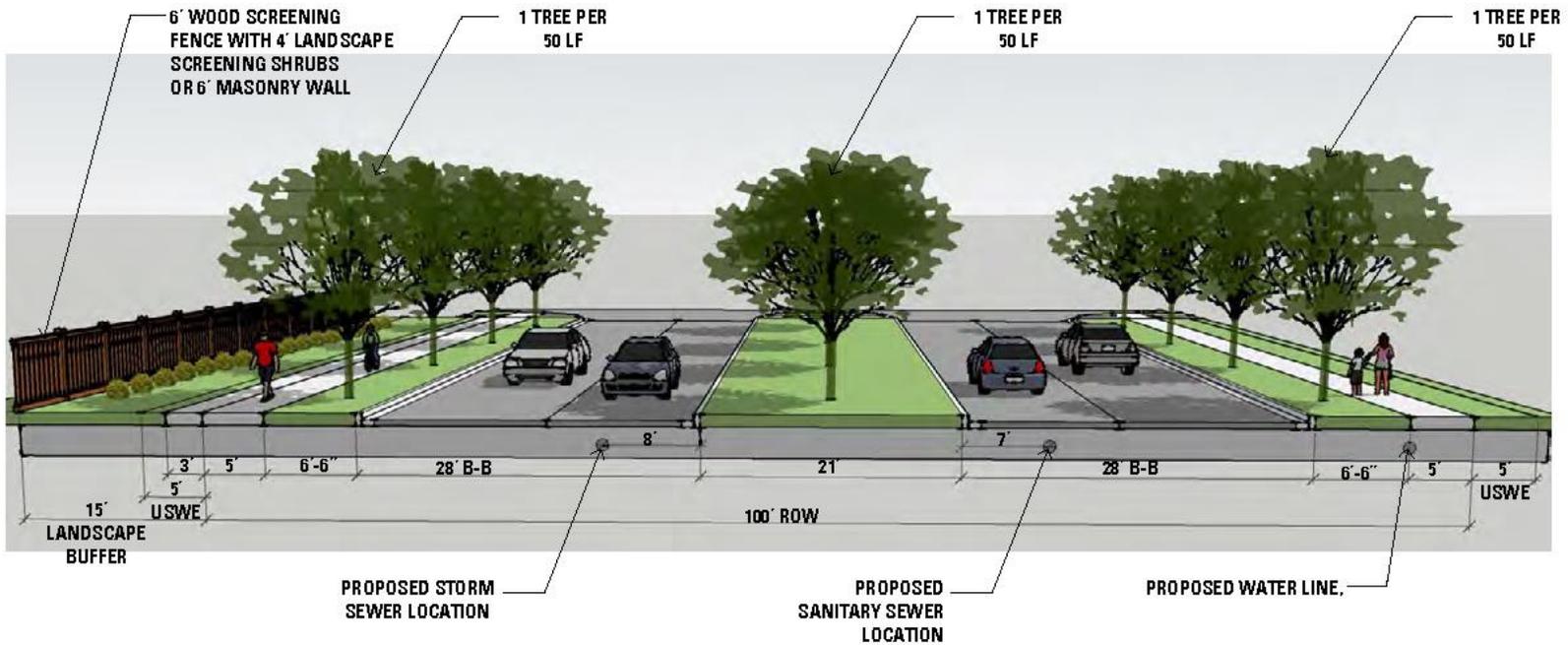
Public Hearing: A public hearing is required prior to acting on the planned development amendment request. Public hearing notices were mailed to Northlake property owners within 200 feet, signs posted, and notice was published in the Denton Record Chronicle and on the Town's website. As of September 21st no written comments have been received.

P&Z Action: September 19th Planning & Zoning Commission Meeting

- Held public hearing
- Recommended approval of planned development amendment as presented

COUNCIL ACTION:

- Applicant has requested item to be continued to October 12th meeting
- Public hearing must be opened since it has been noticed, and it can then be continued to October 12th Town Council meeting

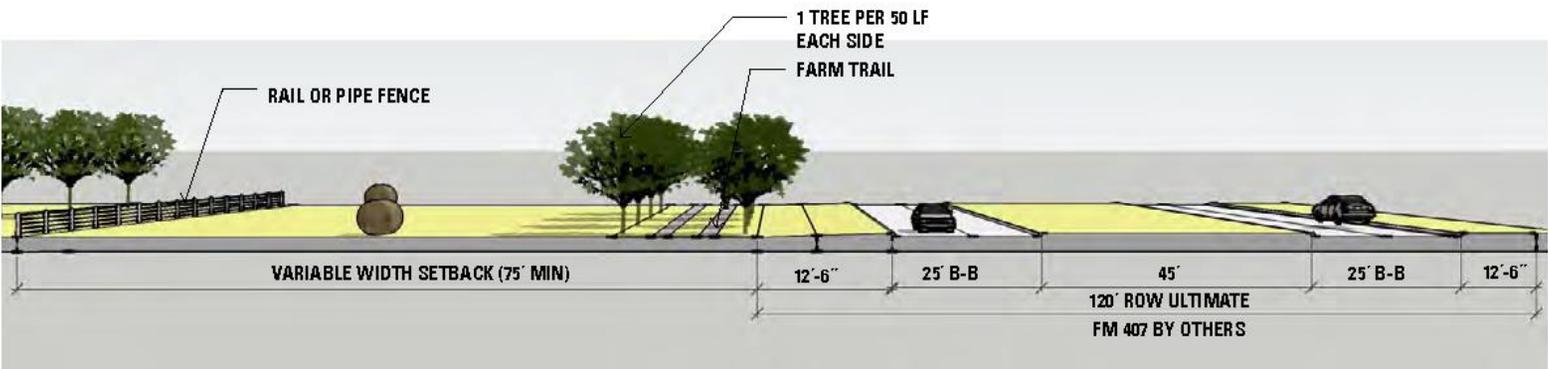


CLEVELAND GIBBS/MULKEY

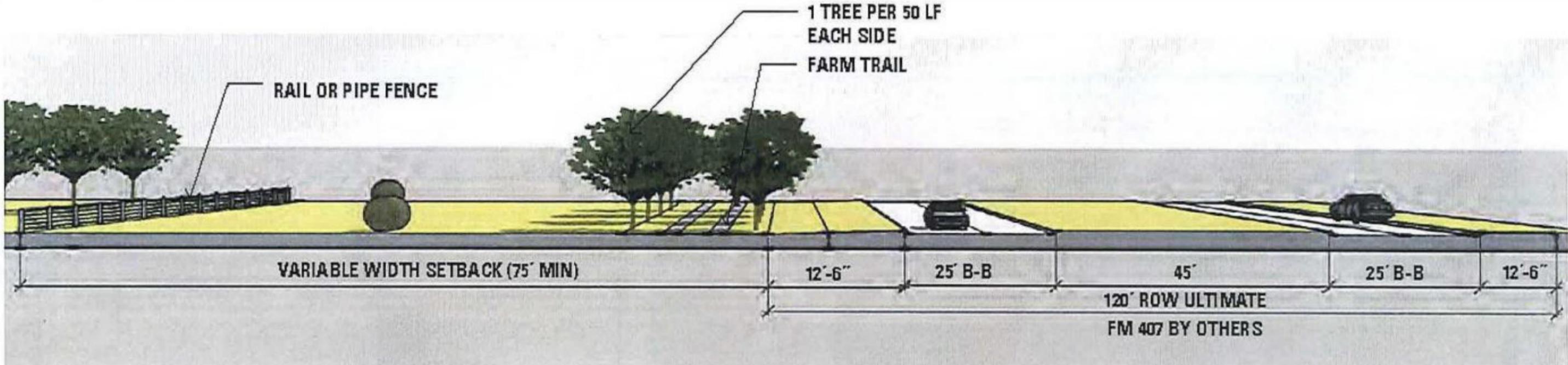
- *ALL TREES TO BE CENTERED BETWEEN CURB AND SIDEWALK
- ** LANDSCAPE BUFFER ONLY REQUIRED TO ADJACENT SINGLE FAMILY OR COMMERCIAL WITHIN TOWN LIMITS
- *** SHRUBBERY SIDEWALKS, GROUND COVER AND TRAILS ARE ALLOWED WITHIN THE UTILITY AND SIDEWALK EASEMENTS (USWE)

Exhibit G
FM 407 Setback, Landscaping, and Fencing Details

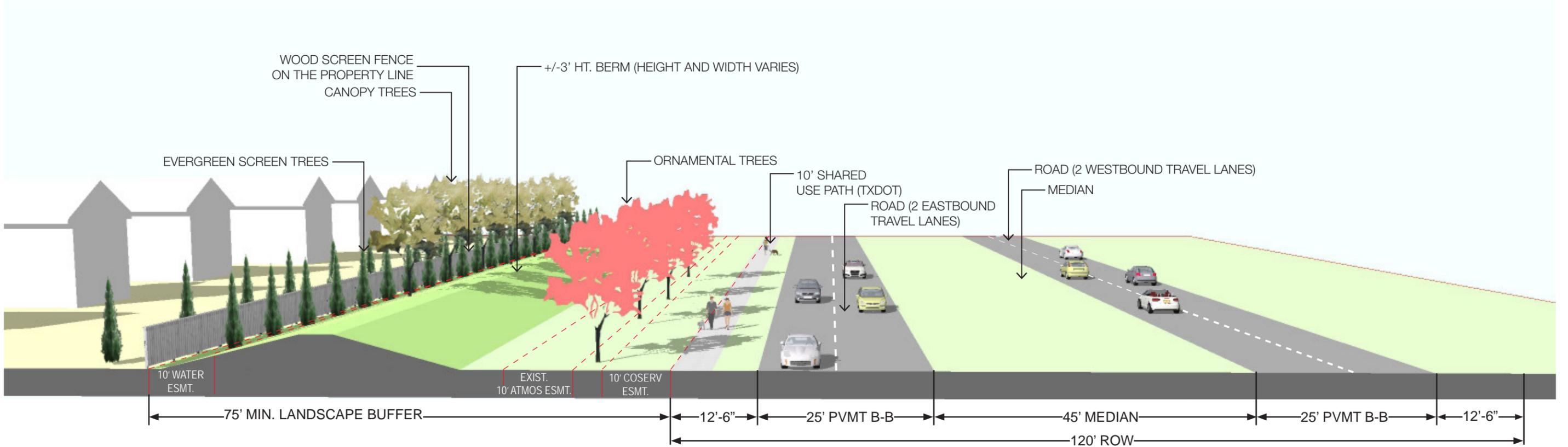
FM 407 SETBACK AND LANDSCAPING



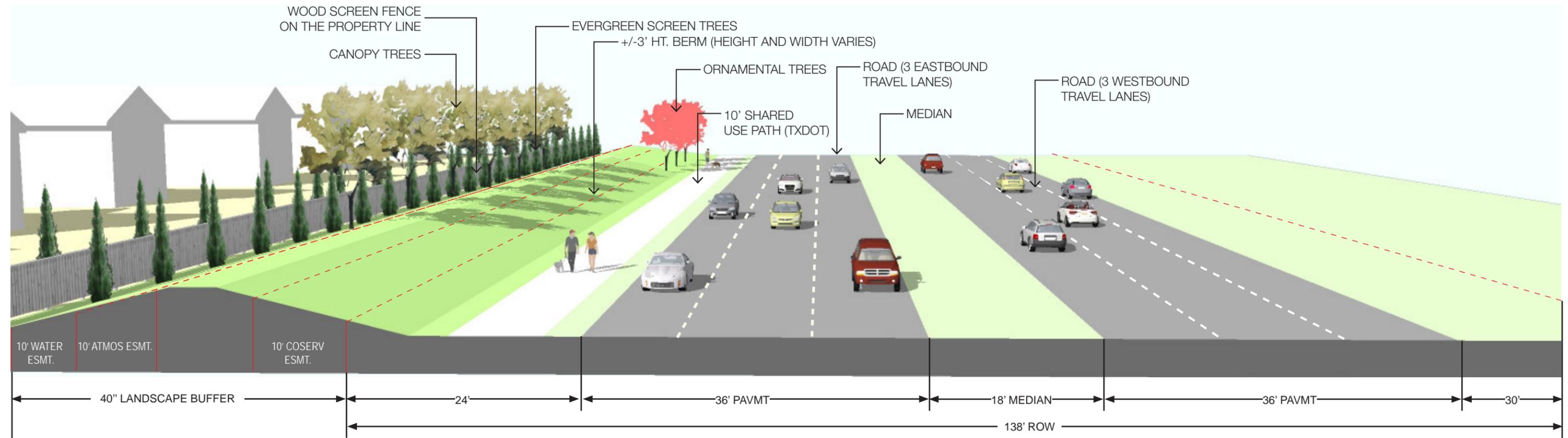
FM 407 STREET SECTION - PER PD



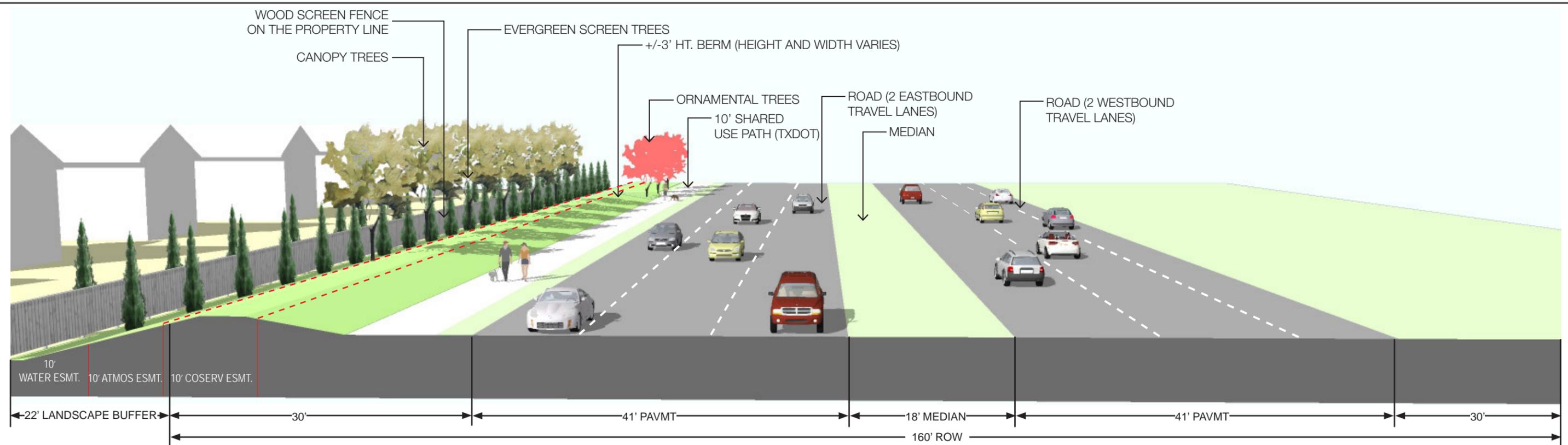
FM 407 STREET SECTION - PROPOSED 120' ROW (ASSUMES EQUAL TAKE ON BOTH SIDES OF FM407)



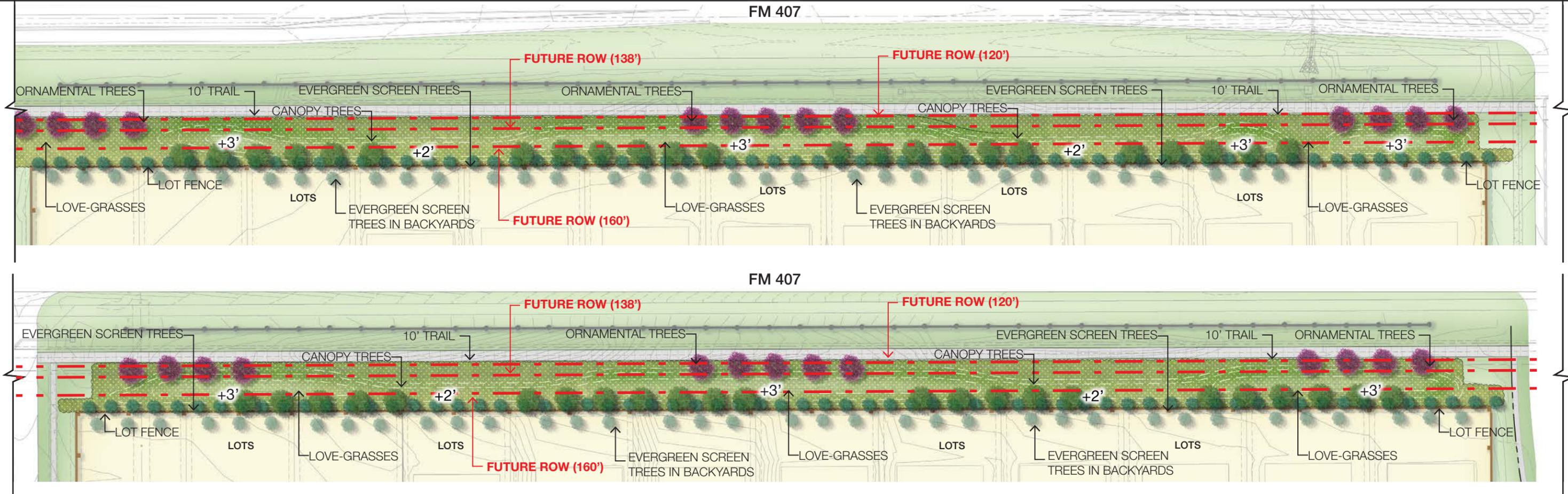
FM 407 STREET SECTION - PROPOSED 138' ROW (CURRENT PLANS FROM TXDOT 1-35W TO CLEVELAND GIBBS)



FM 407 STREET SECTION - PROPOSED 160' ROW (LATEST SCHEMATICS FROM TXDOT CLEVELAND GIBBS TO CITY OF JUSTIN)

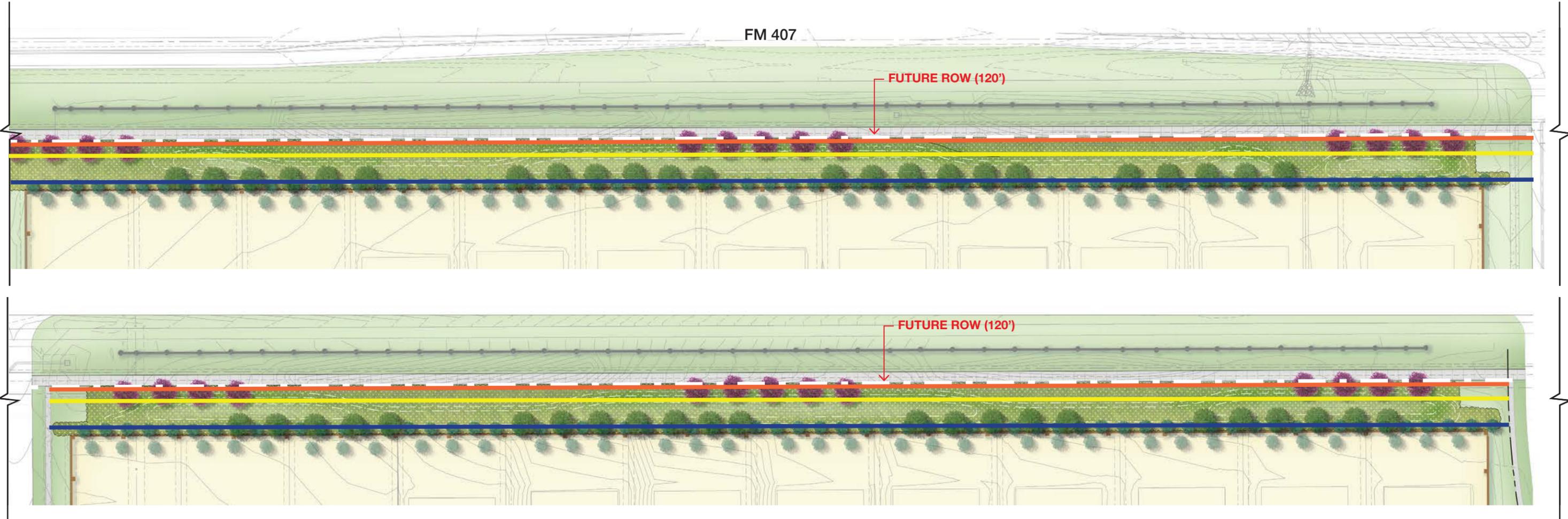


FM 407 STREET SECTION - PROPOSED



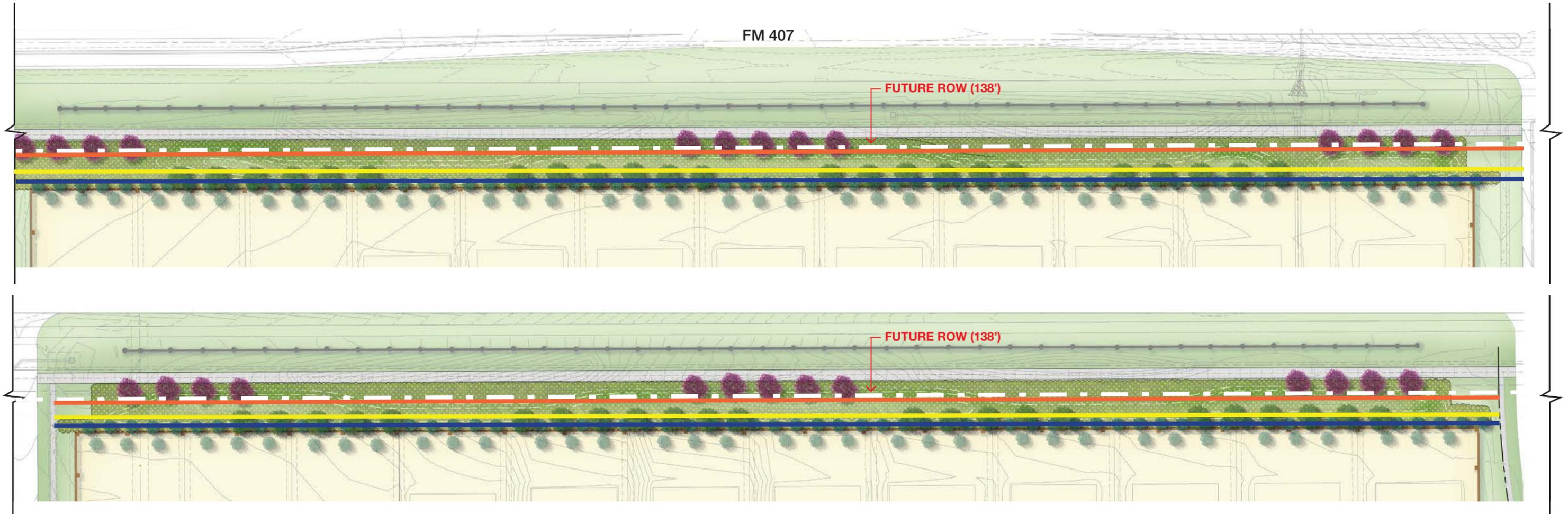
	TXDOT R.O.W. IMPACT AT TIME OF PD AGREEMENT	NEWLY REVISED TXDOT R.O.W. IMPACT
Existing Right of Way	80' R.O.W.	80' R.O.W.
Proposed Right of Way	120' (EXPANDED EQUALLY FROM CENTERLINE)	138' OR 160' (OFFSET TO SOUTH SIDE OF ROAD)
Impact to Pecan Square	20' ROW TAKE	38' ADDITIONAL ROW TAKE (138' ROW)
		60' ADDITIONAL ROW TAKE (160' ROW)
	PD Requirement	Concept Plan (proposed design)
Landscape Setback from FM407	75' Buffer	40' Buffer to 22' Buffer
Tree Spacing	1 canopy tree every 50' both sides of farm trail	1 ornamental tree every 30'
		1 evergreen screen tree every 16'
		3 evergreen screen trees per lot (Builder)
Tree Quantity	92	214
Pedestrian Experience	farm trail (gravel)	10' TXDOT shared use path (concrete)
Fencing	rail or pipe fence	solid wood fence

FM 407 STREET SECTION - PROPOSED 120' ROW (WITH UTILITY LINES)



- KEY
-  R.O.W.
 -  WATER UTILITY LINE
 -  ATMOS UTILITY LINE
 -  CONSERV UTILITY LINE

FM 407 STREET SECTION - PROPOSED 138' ROW (WITH UTILITY LINES)



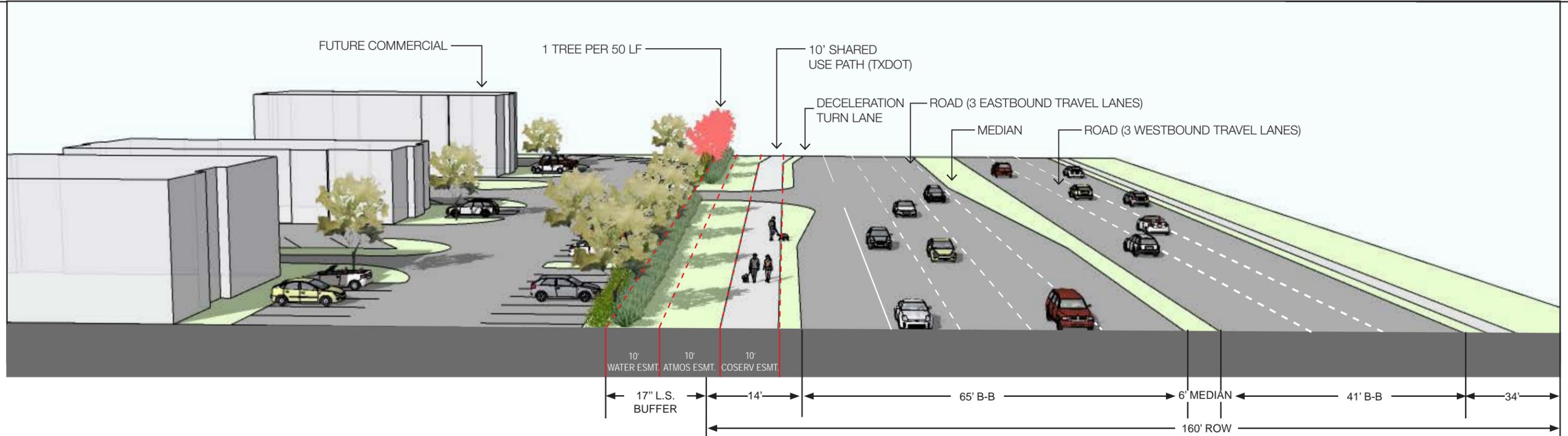
- KEY
- □ □ R.O.W.
 - WATER UTILITY LINE
 - ATMOS UTILITY LINE
 - CONSERV UTILITY LINE

FM 407 STREET SECTION - PROPOSED 160' ROW (WITH UTILITY LINES)

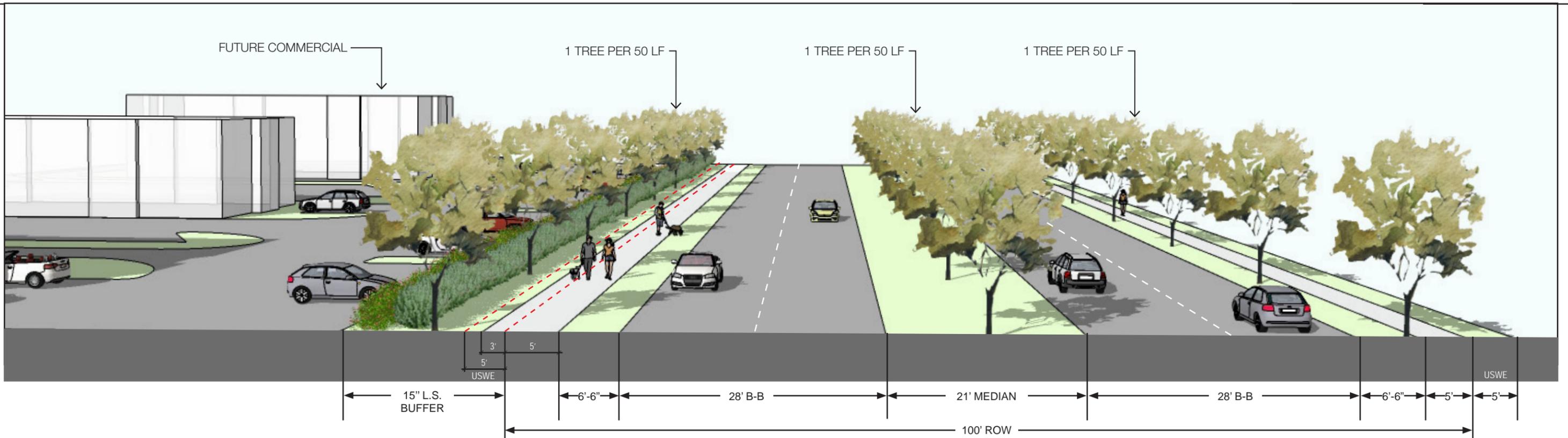


- KEY
- □ □ R.O.W.
 - WATER UTILITY LINE
 - ATMOS UTILITY LINE
 - CONSERV UTILITY LINE

FM 407 COMMERCIAL STREET SECTION - PROPOSED 160' ROW



CLEVELAND GIBBS COMMERCIAL STREET SECTION - PROPOSED 100' ROW





TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AMENDING ORDINANCE NO. 17-0413C TO REVISE THE LANDSCAPING, SETBACK, AND FENCING DETAILS ALONG FM 407 AND CLEVELAND-GIBBS ROAD FOR THAT CERTAIN 635.5-ACRE TRACT OF LAND SITUATED IN THE F.W. THORNTON SURVEY, ABSTRACT NUMBER 1244, AND A. MCDONALD SURVEY, ABSTRACT NUMBER 785, IN THE TOWN OF NORTHLAKE ZONED "MPD" MIXED-USE PLANNED DEVELOPMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; 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. 17-0413C establishing "MPD" Mixed-Use Planned Development zoning on a 635.5-acre tract of land located in the F.W. Thornton Survey, Abstract Number 1244, and the A. McDonald Survey, Abstract Number 785, in the Town of Northlake, Denton County, Texas, more particularly described on Exhibit A of Ordinance No. 17-0413C (the "Property"); and

WHEREAS, the Town of Northlake has received a request from the owners of the Property to amend the landscape, setback, and fencing details along FM 407 and Cleveland-Gibbs Road established by the adoption of Ordinance No. 17-0413C; and

WHEREAS, the Town of Northlake heretofore adopted Ordinance No. 16-1208E on December 12, 2016, The Pathway to 2040 Northlake Comprehensive Plan Update, and the requested amendments to Ordinance No. 17-0413C comply with recommendations of the plan; 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, upon review and consideration of the Planning and Zoning Commission following a public hearing at their meeting on September 19, 2023, the Planning and Zoning Commission recommended approval of the amendment as provided herein; and

WHEREAS, a public hearing was held by the Town Council of the Town of Northlake on September 28, 2023 with respect to the amendment described herein; and

WHEREAS, the Town Council of the Town of Northlake does hereby deem it advisable and in the public interest to approve the requested amendments to Ordinance No. 17-0413C reflected on the exhibits attached hereto.

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

THAT:

Section 1. All the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified, and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Cleveland-Gibbs/Mulkey street section attached to Ordinance No. 17-0413E as Exhibit F – Page 2 shall be revised to include the Cleveland-Gibbs Commercial Street Section attached hereto and incorporated herein for all purposes as Exhibit A. The FM 407 Setback, Landscaping, and Fencing Details attached to Ordinance No. 17-0413E as Exhibit G shall be replaced with the FM 407 Street Sections attached hereto and incorporated herein for all purposes as Exhibit B.

Section 3. Any person, firm or corporation violating any of the provisions of this Ordinance shall be punished in accordance with Section 1.01.009 of the Town of Northlake Code of Ordinances, and no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

Section 4. With the exception of those Ordinances expressly repealed herein, this Ordinance shall be cumulative of all provisions of Ordinances of the Town of Northlake, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more stringent provision shall apply and the less stringent provision, whether contained within this Ordinance or in any prior Ordinance of the Town, whether codified or un-codified, is hereby repealed to the extent of the conflict, but all other provisions of the Ordinances of the Town, whether codified or un-codified, which are not in conflict with the provisions of the Ordinance, shall remain in full force and effect.

Section 5. All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Ordinance, or any other Ordinances affecting the matters addressed herein, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by the Ordinance but may be prosecuted until final disposition by the courts.

Section 6. The Town Secretary of the Town of Northlake is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this Ordinance.

Section 7. This Ordinance shall be in full force and effect from and after its passage and/or publication as required by law.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, this 28th day of September 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina R. Parker, Town Secretary

EXHIBIT A

CLEVELAND GIBBS COMMERCIAL STREET SECTION - PROPOSED 100' ROW

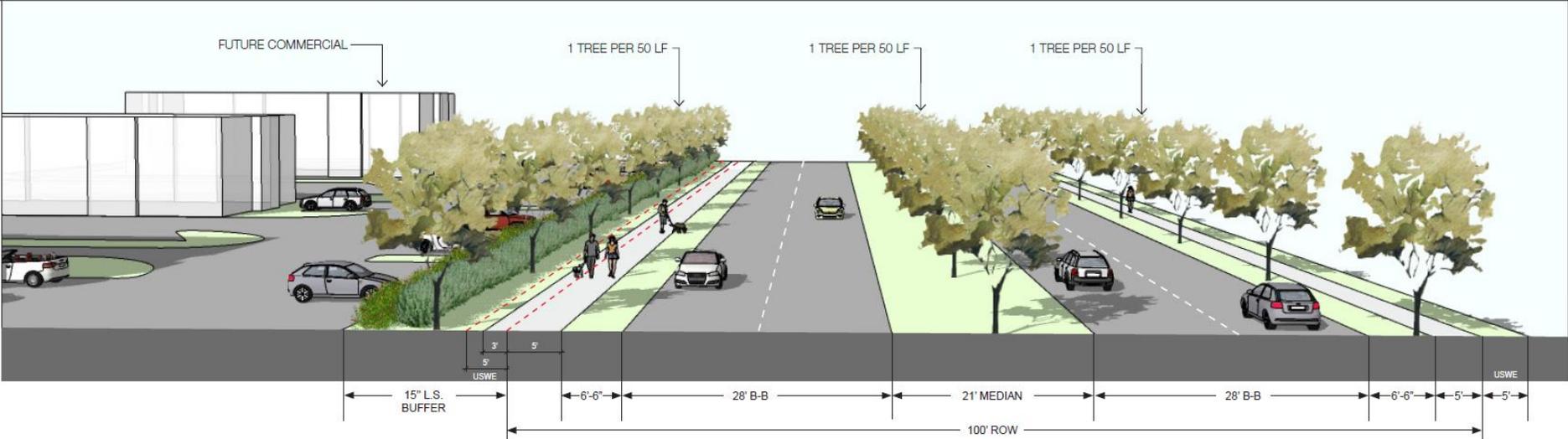
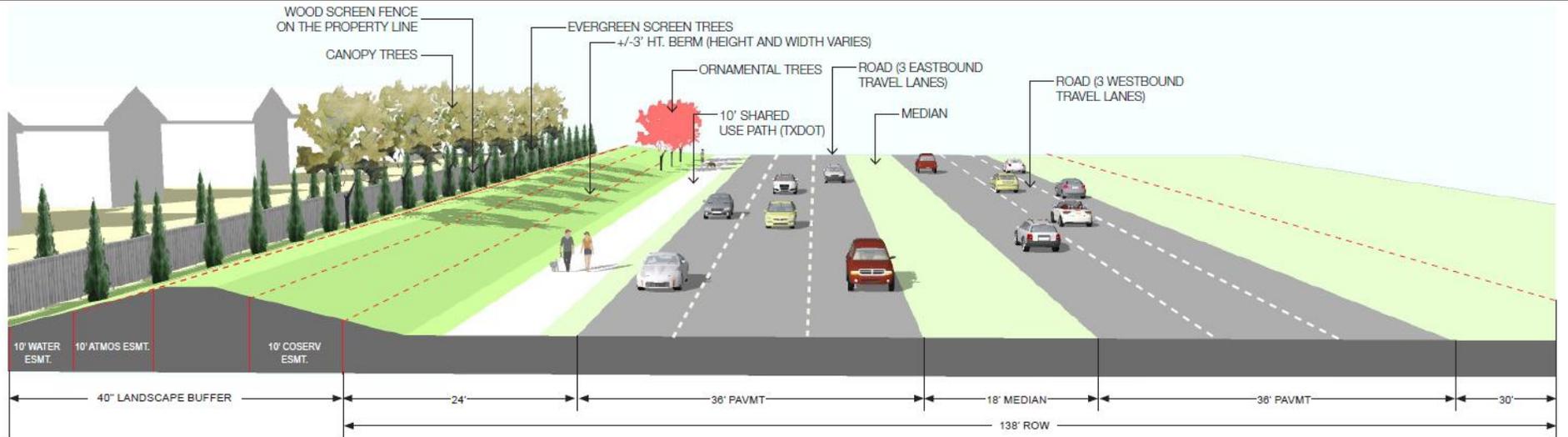
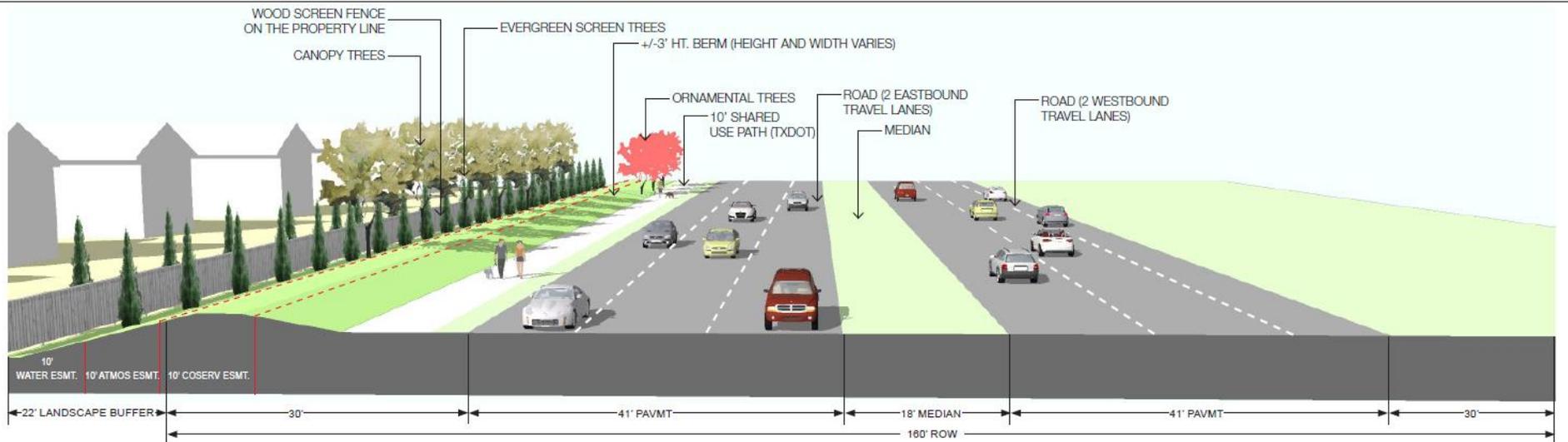


EXHIBIT B

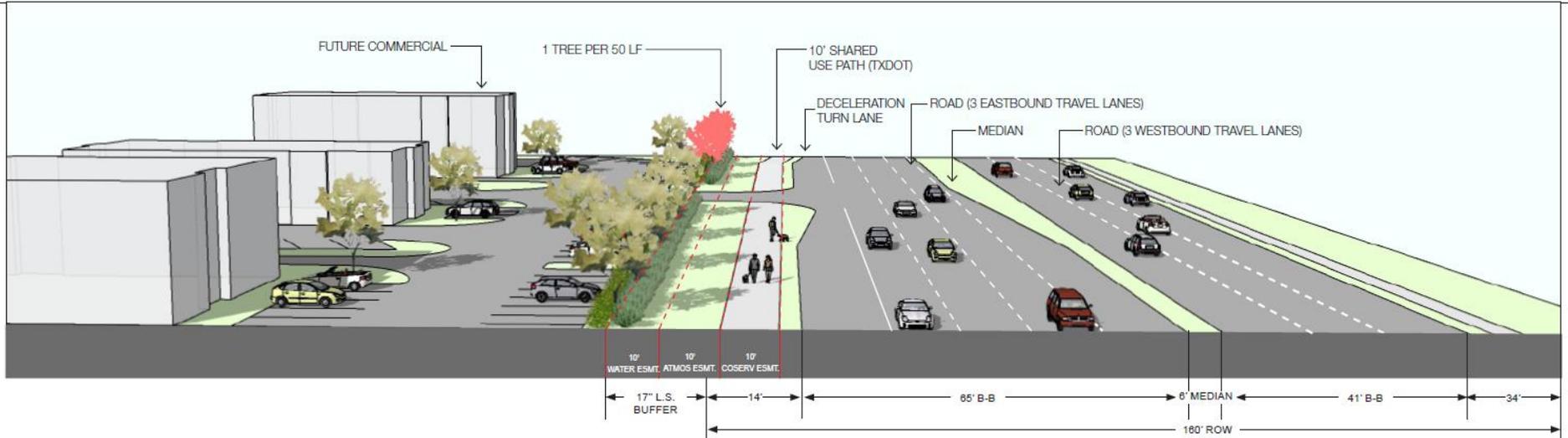
FM 407 STREET SECTION - PROPOSED 138' ROW (CURRENT PLANS FROM TXDOT 1-35W TO CLEVELAND GIBBS)



FM 407 STREET SECTION - PROPOSED 160' ROW (LATEST SCHEMATICS FROM TXDOT CLEVELAND GIBBS TO CITY OF JUSTIN)



FM 407 COMMERCIAL STREET SECTION - PROPOSED 160' ROW



NORTHLAKE MAYOR AND COUNCIL COMMUNICATION



DATE: September 28, 2023
REF. DOC.: Unified Development Code (UDC); The Pathway to 2040 Northlake Comprehensive Plan Update; Canyon Falls MPD
SUBJECT: Consider an Ordinance to amend the Canyon Falls Mixed-Use Planned Development (MPD). Case # PD-23-002
**GOALS/
OBJECTIVES:** Reinforce our Identity/Define who we are (and don't settle for less)

BACKGROUND INFORMATION:

Site: Approximately 58.094 acres of land generally located west of Cleveland-Gibbs Road and IH 35W and approximately 700 feet north of Westbridge Drive. The area subject to this amendment is vacant except for an operating gas well site.

Owners: NASH Canyon Falls LLC

Applicant/Developer: Centurion American

Planner: McAdams

Current Zoning: Part of Canyon Falls Mixed-Use Planned Development (MPD) - MPD development plan designates the area subject to this amendment as Mixed Use & Mixed Use/Residential which allows for a mix of commercial uses (300 residential units available in Mixed Use maxed out with development of Livano at Canyon Falls on FM 1171).

Proposed Zoning: Mixed-Use Planned Development (MPD) - Amendment to the development plan and related development standards to provide for:

- Approximately 100 single-family homes at same standard as adjacent Canyon Falls homes (50-foot lot widths)
- 7.36-acres of commercial use between realigned Cleveland-Gibbs Road and IH 35W
- Up to 120 townhomes (single-family attached) as buffer between single-family detached homes and major thoroughfares/commercial areas

Future Land Use: Neighborhood Residential (NR) generally west of planned Cleveland-Gibbs Road realignment -- Described as an area usually in a suburban form though may retain undeveloped areas, such as the perimeter of a subdivision along collectors and arterials. A mix of single family housing products would be available. A rural or rustic aesthetic of architecture on smaller lots and the perimeter of the subdivision are necessary to retain as much of the rural character as possible in a suburban form development.

Mixed Use (MU) generally east of planned Cleveland-Gibbs Road realignment - Described as a destination center/area. There may be mixed-use developments with limited residential, shopping centers, entertainment districts, public amenities and services, or professional office buildings.

Staff Analysis: Staff has reviewed this application in accordance with the Unified Development Code and found the submittal to generally meet the requirements for consideration by the Town Council. Further analysis of aspects of the requested amendment are discussed under the approval criteria below. Items provides for this amendment

are as follows and are attached hereto. All amendments are to the most current MPD Ordinance No. 15-0326.

- Exhibit 1 - Letter of Intent (describes proposed changes requested by applicant)
- Exhibit 2 - Public hearing notice responses (as of 9/22/23)
- Proposed Ordinance
 - Exhibit A - Legal Description
 - Exhibit B - Amended Planned Development

Criteria for Approval: The PD has been drafted in accordance with the requirements of the Unified Development Code (UDC) and staff finds it to meet the requirements to be considered by the Town Council. The Town Council, in considering this PD, should consider the following criteria outlined in the UDC:

1. Whether the proposed PD implements the policies of the adopted Comprehensive Plan and other adopted master plans of the Town;
 - *Proposed land uses include those called for in the Town's Future Land Use Plan. However, specific location of uses and appropriate densities are to be carefully considered.*
2. Whether the proposed PD promotes the health, safety, or general welfare of the Town and the safe, orderly, efficient and healthful development of the Town
 - *Town staff has concerns with changes outlined in #9 of the Letter of Intent. Median spacing requirements of the Town's Engineering Design Manual provide for safe and efficient traffic flow on Town thoroughfares. Staff recommends striking this proposed change, and P&Z included striking this change as a condition of their recommendation.*
2. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
 - *Current MPD calls for commercial uses for the entire area this amendment applies to. The proposed amendment leaves commercial along 35W, but it calls for additional single-family residential next to existing homes in Canyon Falls with the same standards. Higher density townhomes are requested as a buffer to between the home and potentially high traffic thoroughfares and commercial areas.*
4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;
 - *Site is within Northwest ISD which opened a new elementary school this year and plans a new middle school and future high school near this site on west side of 35W. Notice of public hearing for PD amendment was sent to Northwest ISD. No comments have been received.*
 - *Proposed thoroughfares align with the Master Thoroughfare Plan.*
 - *Water and Sewer Master Plans appear to work with and be able to accommodate uses and densities proposed with amendment. Further analysis will be required at time of development.*

5. The extent to which the proposed PD will result in a superior development than could be achieved through conventional zoning; or
 - *PD amendment includes similar enhancements such as provision of amenities, enhanced setbacks, landscaping and screening along Cleveland-Gibbs Road that are included in the current MPD.*
5. Other criteria which, at the discretion of the [P&Z] and/or Town Council are deemed relevant and important in the consideration of the PD.

Public Hearing: A public hearing is required prior to acting on the zoning change request. Public hearing notices were mailed to Northlake property owners within 200 feet, signs posted, and notice was published in the Denton Record Chronicle and on the Town's website. As of September 22nd two written comments have been received and are attached.

P&Z Action: September 19th Planning & Zoning Commission Meeting

- Hold public hearing
- Recommended approval of planned development amendment with following conditions which have been incorporated in proposed ordinance for consideration:
 - Masonry screening wall to match height of existing wall/fence and utilize same stone and design
 - Minimum 10' construction easement and 5' maintenance easement necessary to replace existing wood fencing on adjacent property with masonry screening wall
 - Provide shade trees along east-west collector (future Mulkey Lane)
 - Strike request to waive median spacing requirements of Engineering Design Manual (EDM)

COUNCIL ACTION:

- Hold a public hearing
- Consider approval, approval with conditions, or disapproval of planned development amendment as presented in proposed ordinance

August 21, 2023

Mr. Nathan Reddin
Development Director
Town of Northlake
1700 Commons Circle, Suite 200
Northlake, Texas 76226

Mr. Reddin:

Please accept this letter, on behalf of Centurion American, and Nash Canyon Falls, LLC as an explanation for the request to update approximately 58-acres of the Canyon Falls Planned Development. This project is located within the Town of Northlake, more specifically on the north and east sides of Cleveland Gibbs and Interstate Highway 35W. The Planned Development Ordinance Number that we are requesting to amend is Ord. No. 15-0326.

SITE CHARACTERISTICS

The subject property is straddled between the Canyon Falls neighborhood, city limit line between the Towns of Northlake, and Flower Mound, and the current alignment of Cleveland Gibbs. There is about 50-feet of fall over a span of $\pm 1,300$ -feet from west to east towards the existing neighborhood. Along the northern property line there is a creek that serves as the delineation between the Town of Northlake and the Town of Flower Mound.

There are three operational gas wells on the property, as well as associated equipment and storage tanks that serve the wells. It has also been identified on the Texas Railroad Commission public GIS maps that there is a gas pipeline that is associated with the gas wells. Lastly there is a Trinity River Authority (TRA) easement that bisects the subject property.

PROJECT DESCRIPTION

With this amendment we are proposing to deliver a development that not only meets the Town of Northlake's Codes and Ordinances, but also diversifies and enhances the housing options in Northlake, as well as commercial businesses within the community. The concept plan that has been submitted for review shows three different land-uses: commercial, townhomes, and traditional 50-foot-wide single-family lots. The concept plan also provides details related to the extension and future alignment of Cleveland Gibbs and a new commercial collector road that will connect into a new bridge over Interstate Highway 35W. Both alignments are being shown as approved on the Thoroughfare Plan and adopted within the Town of Northlake. This development also proposes to extend the 50-foot landscape buffer on the east side of Cleveland Gibbs with a meandering trail that will end by connecting into the existing trail that is located and connects into Arcadia Lane.

Due to the gas wells and gas equipment on-site, the concept plan calls out different phases of development. Should this amendment be approved, the entitlement will allow for approximately 100, 50' wide lots, 118 townhomes, and ± 7.36 -acres of commercial. However, due to the setbacks that are required from the associated gas wells and equipment 28 of the 50' wide lots and seven of the townhomes will have to be constructed in a future phase once the equipment is removed.

Lastly, this plan calls out excess TXDOT land for commercial development. If the right of way is abandoned there is the possibility for this land to be developed as commercial, which would increase the total proposed commercial on the property to ±8.9-acres. The future land-use for this property is called out as mixed-use, and the current zoning on the property is Rural Residential (R). This request proposes to include this ±1.54-acres in the Planned Development.

ZONING

We are requesting to amend the Planned Development for Canyon Falls. The following list of changes to the various section can be found below:

1. **PAGE 4:** Add the following definitions:
 - a. **Dwelling, single-family attached (townhouse):** A building designed for or occupied exclusively by one (1) family which has a common wall construction with an adjacent single-family attached dwelling. Front entry shall be permitted.
2. **PAGE 15:** IV Deed Restrictions, add a new standard to the list:
 - a. 10. Amended area may have separate CCR's.
3. **PAGE 16:** VIII (B) should be revised to state the following:
 - a. ATTACHED/DETACHED SINGLE FAMILY IN MU
Attached/Detached single family homes are permitted on the approximately "18.55"-acre portion of the Property identified on the Development plan as "Mixed Use/Residential," subject to the following restrictions:
 - i. No more than 120 townhomes are permitted.
 - ii. Such homes shall be developed under the standards for TH on **Exhibit D.**
4. **PAGE 17:** VIII (E) Model Home should be added to the Temporary Uses Section. Section E should be updated to state the following:
 2. *Model Homes shall also be permitted.*
5. **PAGE 23:** High Density Residential Landscaping, standard #2 should be revised as follows: [*changes in italics*]
 2. For attached residential, a minimum of one tree that is at least 2.5" in caliper measured six inches above the ground level is required for each 3,000 square feet of gross lot area, [*except for front entry attached residential shall not be required any canopy trees if less than 3,000 square feet in gross lot area.*]
6. **PAGE 25:** XI (B) Text should be revised to state the following: [*changes in italics*]
 - a. [*An amenity center shall be provided in the area as shown on the Concept Plan, Exhibit B.2. The amenities provided are subject to change and shall be reviewed at time of site plan submittal. Exhibit G.1 illustrates the intended character of the amenities that are allowed.*]
7. **PAGE 26:** XII (C) Should be revised to state the following: [*changes in italics*]

- a. *[Residential screening shall be provided as shown on Exhibit H.1.]*
 - b. All single-family residential lots backing to parks, floodplain or linear greenbelts shall have wrought iron *[or decorative/ornamental metal at developer discretion.]*
 - c. All wood fencing shall be replaced with a minimum 8' masonry screening wall when existing adjacent single family lots in Canyon Falls are backing to the proposed residential lots, subject to the following standards:
 - i. Property owners agree to the removal of their wood fence and the installation/construction of a masonry screening wall;
 - ii. All affected homeowners grant a 15' wall maintenance easement on their property; and
 - iii. In the event not all property owners agree to the removal, installation/construction, and/or 15' wall maintenance easement on their property, the existing wood fencing shall not be removed or replaced, and the proposed residential lots shall have standard board-on-board wood fencing.
8. **PAGE 26:** Design Guidelines states that all new construction shall meet the minimum exterior construction and design standards established in Section 9.5 of the UDC and requires deed restrictions with an architectural review committee.
9. **PAGE 26:** XIV (A) Should be revised to state the following: *[changes in italics]*
The primary roadway within the Property connects FM 1171 and I-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. *Median spacing shall be provided along the realignment of Cleveland Gibbs as shown on Exhibit B.1 and is not subject to the Town of Northlake Engineering Design Manual, Table 11-2 Intersection Design Manual.*
- The improvements to Cleveland Gibbs and the Collector Road shall be subject to the following standards:*
- i. *Half of the street improvements shall be constructed either at the same time or before the property to which it is adjacent is developed.*
10. **Update Exhibit A:** Add metes and bounds description for portion being amended – to include the excess TxDOT land.
11. **Add Exhibit B.1:** Add Amended Development Plan to show the portion of the exhibit being revised. This exhibit will extend the High-Density Residential land use further to the north to provide additional 50-foot-wide single-family lots. The Mixed-Use/Residential land-use has been revised to the area which townhomes are planned for, and the mixed-use area has been reduced to the area that will be commercial is planned.
12. **Add Exhibit B.2:** Add a Concept Plan to show approximately how the ±58-acres of property could develop. This plan provides a conceptual representation of how the residential streets, lots, thoroughfares, trails, and open spaces could be configured.

13. **Update Exhibit D:** Add to the Development Standards Chart standards for townhome use per the following regulations: *[highlighted cells are proposed changes, which includes an increase in the total number of SF-50 lots, which also results in an increase in the maximum number of dwelling units on the property.]*

	Medium Density Residential	High Density Residential		Mixed Use/Residential	
	SF-70	SF-60	SF-50	MU	TH
Minimum Lot Area (SF)	8200	7000	6000	None	2250
Minimum Lot Width (lots not fronting on cul-de-sac or inside curve)	70'	60'	50'	None	25'
Minimum Lot Depth	120'	110'	110'	None	90'
Minimum Front Yard Setback	20'	20'	20'	None	20'
Minimum Side Yard Setback (non-corner lots)	5'	5'	5'	None	<i>No side yard is required.</i>
Minimum Side Yard Setback (corner lots)	15'	15'	15'	None	10'
Minimum Rear Yard Setback	20'	20'	20'	None	5'
Minimum Dwelling Unit Size (air-conditioned floor area)	1800	1650	1650	See note2	1500
Maximum Building Height	35'	35'	35'	60'	40' or 3 stories
Maximum Lot Coverage	55%	55%	55%	65%	90%
Maximum Floor Area Ratio	n/a	n/a	n/a	1:1	n/a
Maximum Number of Dwelling Units by Land Use Category	200	400	700	300	120
Maximum Number of Dwelling Units on the Property	1140			300	120

14. **Update Exhibit E:** Permitted Uses and Parking Requirements: Add “X” for MU for single family attached. The minimum parking will be satisfied with the garage parking 2 (2 car garage).
15. **Updated Footnote in Exhibit E:** The portion of the Property identified on the Development Plan as “Mixed Use/Residential” may be developed with a maximum of *[120 attached/detached single family dwelling units.]*
16. **Add Exhibit H.1:** This exhibit will provide regulation to the type of perimeter fencing that is proposed around the residential component of the concept plan.

CONCLUSION

With this proposed amendment we are seeking to further enhance the residential and commercial options for the future residents and business owners that are looking to call the Town of Northlake home. We are pleased to bring you a complete application and respectfully request your support for this amendment to the Planned Development. Thank you in advance for your consideration and please do not hesitate to contact us with any questions or comments regarding this application.

Sincerely,
MCADAMS



Randi Rivera, AICP
Director, Planning + Entitlement

Cc: Centurion American, Nash Canyon Falls, LLC



NOTIFICATION RESPONSE FORM

CASE INFORMATION

Public Hearing Dates: P&Z – September 19, 2023, 5:30 pm; Town Council – September 28, 2023, 5:30 pm
 Case Type: Planned Development Amendment
 Case Name: Canyon Falls Mixed-Use Planned Development Amendment
 Case #: PD-23-002

WRITTEN RESPONSE

Please check one: In favor of request Neutral/Undecided on request Opposed to request

Comments (optional):

This development plan will continue to take away the beautiful, unobstructed views & quietness that currently exists. Along with that the current roads cannot handle all of the additional traffic!

Signature: Samantha Robinson Date: 09/14/2023
 Printed Name: Samantha Robinson
 Address: 1520 Westborough Dr. City/State/ZIP: Northlake TX 76226
 Phone number: 989.928.2017

RETURN COMPLETED FORM VIA MAIL, EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
 Nathan Reddin, Development Director
 Email: nreddin@town.northlake.tx.us
 Phone: 940-242-5703
 Fax: 940-648-0363

Address:
 1700 Commons Circle Ste. 200
 Northlake, Texas 76226

TOWN OFFICE USE ONLY

Stamp Received

9/19/23

Property within notification area: Yes No

Property ID: 676803

Property Size: 0.1379 acres



NOTIFICATION RESPONSE FORM

CASE INFORMATION

Public Hearing Dates: P&Z – September 19, 2023, 5:30 pm; Town Council – September 28, 2023, 5:30 pm

Case Type: Planned Development Amendment

Case Name: Canyon Falls Mixed-Use Planned Development Amendment

Case #: PD-23-002

WRITTEN RESPONSE

Please check one: In favor of request Neutral/Undecided on request Opposed to request

Comments (optional):

the developer and developer representatives met with Canyon Falls (CF) Northlake residents within 200 ft of PD-23-002 site. Request approval is contingent upon:

- Stone/Rock fence extension to include areas marked on enclosed attachment.
- Stone/Rock fence at height of 8 feet due to new development topography at greater height than CF current homes.
- Proper/standard storm water drainage away from existing CF homes.

Signature: James E. / Jamie M. Haring Date: 14 Sept. 2023

Printed Name: Jamie M. Haring, James Haring

Address: 1540 Westborough Ln. City/State/ZIP: Northlake TX 76226

Phone number: 409 782-0276 / 409 782-0281

RETURN COMPLETED FORM VIA MAIL, EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

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 Nathan Reddin, Development Director
 Email: nreddin@town.northlake.tx.us
 Phone: 940-242-5703
 Fax: 940-648-0363

Address:
 1700 Commons Circle Ste. 200
 Northlake, Texas 76226

FOR OFFICE USE ONLY

Stamp Received

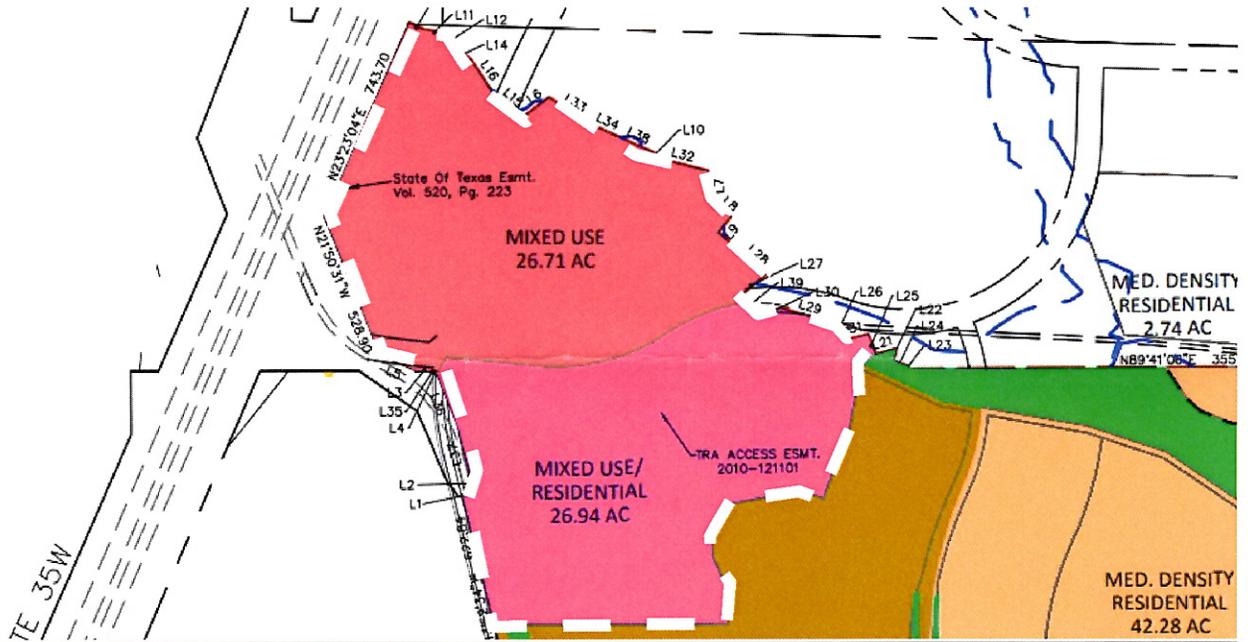
Property within notification area: Yes No

Property ID: _____

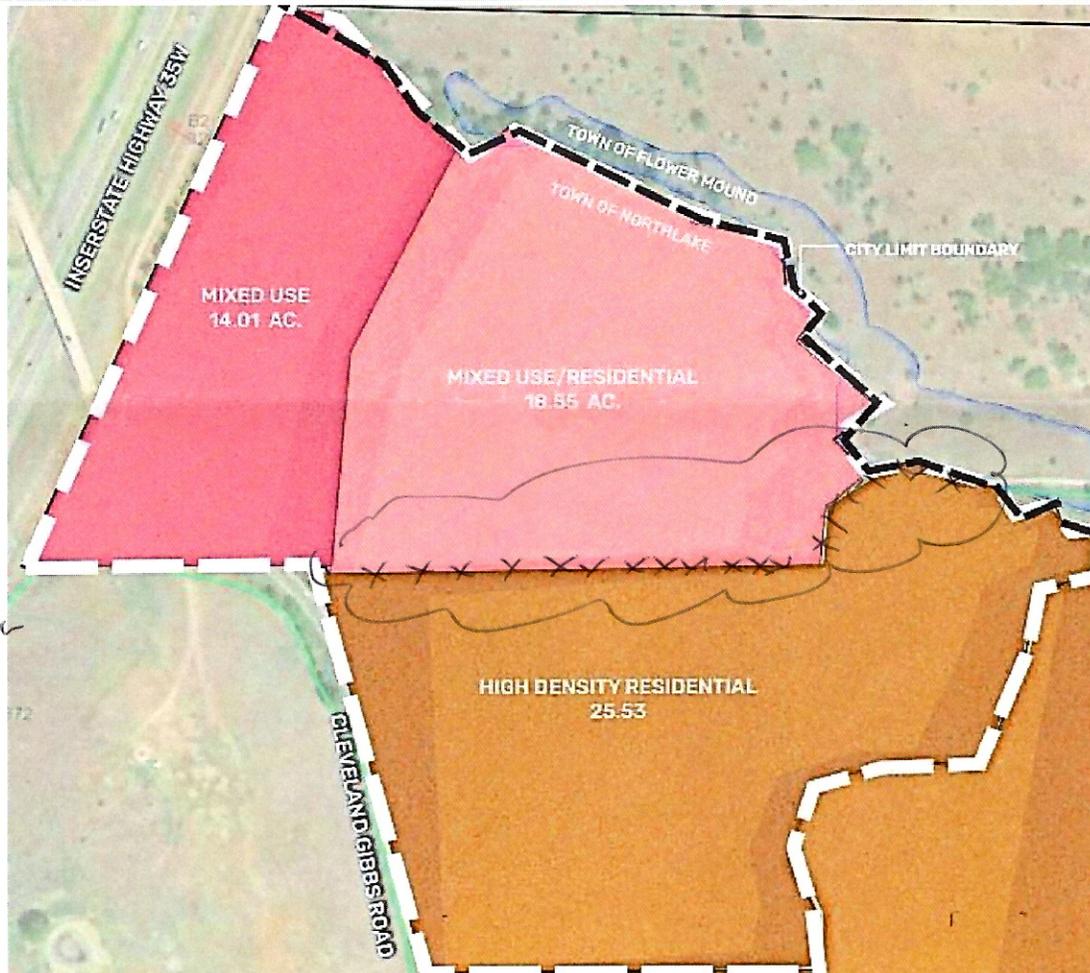
Property Size: _____

OFFICIAL NOTIFICATION

CURRENT DEVELOPMENT PLAN



PROPOSED DEVELOPMENT PLAN



X = Stone/Rear fence



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AMENDING ORDINANCE NO. 15-0326 TO REVISE THE BOUNDARIES OF THE ZONING DISTRICT, THE DEVELOPMENT PLAN AND CERTAIN DEVELOPMENT STANDARDS FOR THAT CERTAIN 58.094-ACRE TRACT OF LAND SITUATED IN THE M.E.P. & P.R.R. SURVEY, ABSTRACT NUMBER 913, AND THE F.W. THORNTON SURVEY, ABSTRACT NUMBER 1244, IN THE TOWN OF NORTHLAKE ZONED "MPD" MIXED-USE PLANNED DEVELOPMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; 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. 15-0326 establishing the zoning of Mixed-Use Planned Development District "MPD" for Canyon Falls on a 504.01-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, in the Town of Northlake, Denton County, Texas; and

WHEREAS, the Town of Northlake has received a request to expand the district and to amend the development plan and development standards for that certain 58.094-acre tract of land located in the MEP & PRR Survey A. 913 and the F. Thornton Survey A. 1244, in the Town of Northlake, Denton County, Texas, more particularly described on Exhibit A (the "Property"); and

WHEREAS, the Town of Northlake heretofore adopted Ordinance No. 16-1208E on December 12, 2016, The Pathway to 2040 Northlake Comprehensive Plan Update, and the requested amendments to Ordinance No. 15-0326 comply with recommendations of the plan; 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, upon review and consideration of the Planning and Zoning Commission following a public hearing at their meeting on September 19, 2023, the Planning and Zoning Commission recommended approval of the amendment as provided herein; and

WHEREAS, a public hearing was held by the Town Council of the Town of Northlake on September 28, 2023 with respect to the amendment described herein; and

WHEREAS, the Town Council of the Town of Northlake does hereby deem it advisable and in the public interest to approve the requested amendments to Ordinance No. 15-0326 reflected herein and on the exhibits attached hereto.

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

THAT:

Section 1. All the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified, and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Canyon Falls “MPD” Mixed-Use Planned Development District is hereby amended for the Property described in Exhibit A so that henceforth and hereafter the Planned Development regulations shall be amended as provided in Exhibit B. The Property shall be developed and used in accordance with the Planned Development Standards and exhibits in Exhibit “B” 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. Any person, firm or corporation violating any of the provisions of this Ordinance shall be punished in accordance to Section 1.01.009 of the Town of Northlake Code of Ordinances, and no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

Section 4. With the exception of those Ordinances expressly repealed herein, this Ordinance shall be cumulative of all provisions of Ordinances of the Town of Northlake, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more stringent provision shall apply and the less stringent provision, whether contained within this Ordinance or in any prior Ordinance of the Town, whether codified or un-codified, is hereby repealed to the extent of the conflict, but all other provisions of the Ordinances of the Town, whether codified or un-codified, which are not in conflict with the provisions of the Ordinance, shall remain in full force and effect.

Section 5. All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Ordinance, or any other Ordinances affecting the matters addressed herein, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by the Ordinance but may be prosecuted until final disposition by the courts.

Section 6. The Town Secretary of the Town of Northlake is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this Ordinance.

Section 7. This Ordinance shall be in full force and effect from and after its passage and/or publication as required by law.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, this 28th day of September 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina R. Parker, Town Secretary

Legal Description

58.094 Acres

Being all that certain lot, tract or parcel of land situated in the Memphis, El Paso & Pacific Railway Company Survey, Abstract Number 913 and the Francis W. Thornton Survey, Abstract Number 1244, Town of Northlake, Denton County, Texas, being part of that certain called 9.023 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 520, Page 220 of the Deed Records of Denton County, Texas, and being part of that certain called 0.370 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 520, Page 646 of the Deed Records of Denton County, Texas, and being part of that certain called 1,116.758 acre tract of land described as Parcel 1 in deed in favor of WS – DCF Investments LLC, recorded in Instrument Number 2012-101123 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at the remnants of a concrete Texas Department of Transportation (TXDOT) monument found on the easterly line of Interstate Highway 35W (I.H. 35W) at the northeast corner of said 9.023 acre tract and the northwest corner of said 1,116.758 acre tract, and being the most westerly northwest corner of that certain called 582.974 acre tract of land described in Exhibit A as "Field Note Description City of Flower Mound Tract 1" in Development Agreement between the Town of Flower Mound, Texas, and Canyon Falls Land Partners, L.P., recorded in Document Number 2008-23094 of the Real Property Records of Denton County, Texas, and being on the south line of that certain called 53.638 acre tract of land described as Parcel 28 Part 2 in Cause No. 6002, styled State of Texas v. McCutchin Investment Co., recorded in Volume 548, Page 469 of the Deed Records of Denton County, Texas, from which a concrete TXDOT monument found at the southeast corner of said 53.638 acre tract and the southwest corner of that certain called 472.679 acre tract of land described in deed in favor of MM VMF I, LLC, recorded in Document Number 2021-33813 of the Real Property Records of Denton County, Texas, bears S 88°27'20" E, 96.2 feet and a 5/8" rebar found at the most southerly and westerly re-entrant corner in the north line of said 1,116.758 acre tract and the southeast corner of said 472.679 acre tract bears S 88°27'20" E, 4,487.4 feet;

THENCE in a southeasterly direction with the thalweg of Tributary 8 of Graham Branch (as shown and referenced on the Flood Insurance Rate Map for Denton County, Texas, Map Number 48121C505G revised April 18, 2011) and generally with the meander calls on the southwesterly line of said 582.974 acre tract as follows:

S 65°00'00" E, 53.75 feet;

S 79°55'00" E, 79.02 feet;

S 36°05'00" E, 57.79 feet;

S 49°14'00" E, 75.64 feet;

S 33°17'00" E, 129.42 feet;

S 47°34'00" E, 148.50 feet;

N 52°22'00" E, 122.04 feet;

S 57°40'00" E, 175.61 feet;

S 65°17'00" E, 102.00 feet;

S 65°54'00" E, 137.84 feet;

S 25°31'00" E, 21.57 feet;

S 75°57'00" E, 190.64 feet;

S 06°02'00" E, 106.22 feet;

S 51°56'00" E, 86.44 feet;

S 38°10'00" W, 70.06 feet;

S 48°40'00" E, 223.88 feet;

S 50°05'00" E, 120.96 feet;

S 43°25'00" E, 105.51 feet;

N 70°22'00" E, 85.98 feet;

S 72°27'00" E, 194.40 feet;

S 26°06'00" E, 66.32 feet;

N 76°45'00" E, 95.93 feet;

S 21°02'00" E, 76.45 feet;

N 74°58'00" E, 72.63 feet;

S 15°08'00" E, 40.94 feet;

S 69°06'00" E, 56.47 feet;

S 18°33'00" E, 11.58 feet to the most westerly southwest corner of said 582.974 acre tract;

THENCE N 89°41'05" E, 280.64 feet with the westerly south line of said 582.974 acre tract to a 1/2" capped rebar found (JVC) at the northwest corner of that certain called 109.981 acre tract described in deed in favor of the Town of Northlake, Texas, recorded in Document Number 2018-146273 of the Real Property Records of Denton County, Texas;

THENCE with the west line of said 109.981 acre tract with the arc of a non-tangent curve to the right having a radius of 750.00 feet, a central angle of 12°08'52" and an arc length of 159.01 feet whose chord bears S 02°18'56" E, 158.72 feet to the northwest corner of Lot 1, Block D and the northeast corner of Lot 88X, Block A of Canyon Falls - Village W8 & W9, an addition to the Town of Northlake, Denton County, Texas, according to the plat thereof recorded in Document Number 2020-389 of the Plat Records of Denton County, Texas;

THENCE with the north and west line of said Canyon Falls – Village W8 & W9 the following:

N 79°46'35" W, 172.25 feet;

N 64°58'55" W, 222.64 feet;

S 69°13'20" W, 101.53 feet to a 1/2" capped rebar found (JVC);

S 10°40'10" W, 165.45 feet to the beginning of a non-tangent curve to the left;

with the arc of said non-tangent curve to the left having a radius of 1,970.00 feet, a central angle of 06°56'41" and an arc length of 238.78 feet whose chord bears S 21°27'15" W, 238.63 feet to the northeast corner of Lot 43, Block A of Canyon Falls – Village W4 Phase Two, an addition to the Town of Northlake, Denton County, Texas, according to the plat thereof recorded in Document Number 2015-475 of the Plat Records of Denton County, Texas;

THENCE with the north and west line of said Canyon Falls – Village W4 Phase Two the following:

N 84°19'00" W, 88.92 feet to a 1/2" capped rebar found (JVC)

S 83°38'00" W, 238.83 feet to a 1/2" rebar found;

S 31°19'00" W, 131.39 feet to a 1/2" capped rebar found (JVC);

S 00°13'20" E, 69.22 feet;

S 21°49'35" E, 133.41 feet to a 1/2" capped rebar found;

S 01°40'10" E, 123.98 feet to a cotton spindle found at the southwest corner of Lot 35, Block A, being on the north line of Lot 32, Block A of said Canyon Falls – Village W4 Phase Two,

S 89°46'25" W, passing at 726.36 feet the northwest corner of Lot 62X, Block A of said Canyon Falls – Village W4 Phase Two and the most northerly northeast corner of Lot 1X, Block A of Canyon Falls – Village Phase One, an addition to the Town of Northlake, Denton County, Texas, according to the plat thereof recorded in Document Number 2015-156 of the Plat Records of Denton County, Texas, continuing with the north line thereof a total distance of 777.75 feet to a 1/2" capped rebar found (JVC) at the most northerly northwest corner of said Lot 1X, and being the northeast corner of Cleveland – Gibbs Road as evidenced by the Final Plat of Right-of-way Dedication for Bridge Road, Cleveland – Gibbs Road and Canyon Falls Drive, an addition to the Town of Northlake, Denton County, Texas, according to the plat thereof recorded in Document Number 2015-158 of the Plat Records of Denton County, Texas;

THENCE S 76°08'30" W, 45.00 feet with the north line of said Cleveland – Gibbs Road to a 1/2" capped rebar found at the northwest corner thereof, being on the west line of said 1,116.758 acre tract and being on the east line of a right-of-way dedication for Cleveland – Gibbs Road as evidenced by the final plat of Ligon Addition, an addition to the Town of Northlake, Denton County, Texas, according to the plat thereof recorded in Document Number 2017-511 of the Plat Records of Denton County, Texas;

THENCE N 13°52'00" W, 487.30 feet with the west line of said 1,116.758 acre tract and the east line of said Ligon Addition to magnetic nail found on the southerly I.H. 35W at the southwest corner of the aforementioned 0.370 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 520, Page 646 of the Deed Records of Denton County, Texas, and being the southeast corner of that certain called 0.999 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 518, Page 667 of the Deed Records of Denton County, Texas;

THENCE N 14°11'50" W, 449.86 feet with the west line of said 0.370 acre tract and the east line of said 0.999 acre tract in said I.H. 35W to a 5/8" rebar found at the northwest corner of said 0.370 acre tract and being on the easterly line of said I.H. 35W and being on the westerly line of said 1,116.758 acre tract;

THENCE N 19°00'00" W, 6.10 feet continuing with the easterly line of said I.H. 35W, the east line of said 0.999 acre tract and the westerly line of said 1,116.758 acre tract to a concrete TXDOT monument found at the northeast corner of said 0.999 acre tract;

THENCE N 89°21'00" W, 57.63 feet continuing with the easterly line of said I.H. 35W, the north line of said 0.999 acre tract and the westerly line of said 1,116.758 acre tract to a concrete TXDOT monument found at the southeast corner of the aforementioned 9.023 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 520, Page 220 of the Deed Records of Denton County, Texas;

THENCE S 89°20'00" W, 202.30 feet with the south of said 9.023 acre tract and the north line of said 0.999 acre tract in said I.H. 35W to the remnants of a concrete TXDOT monument found at the northwest corner of said 0.999 acre tract, being the most northerly northeast corner of Lot 1, Block A of the aforementioned Ligon Addition and being on the easterly line of said I.H. 35W;

THENCE S 89°43'00" W, 297.70 feet continuing with the south line of said 9.023 acre tract, the north line of said Lot 1, Block A, Ligon Addition and the easterly line of said I.H. 35W to the southwest corner of said 9.023 acre tract, and being the southeast corner of that certain called 7.906 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 520, Page 642 of the deed records of Denton County, Texas;

THENCE N 00°21'50" W, 134.56 feet with the west line of said 9.023 acre tract and the east line of said 7.906 acre tract in I.H. 35W;

THENCE N 23°21'05" E, in I.H. 35W, passing at 454.0 feet the remnants of a concrete TXDOT monument found on the east line of said 9.023 acre tract and the easterly line of said I.H. 35W, continuing with the east line thereof a total distance of 1,197.18 feet to the POINT OF BEGINNING and containing approximately 58.094 acres of land.

Canyon Falls

Town of Northlake

Mixed-Use

Planned Development (MPD)

District

Any changes to text from Ordinance 15-0326 are identified in **red text**.

Exhibit “B”

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.

Dwelling, Single-family Attached (Townhouse). A building designed for or occupied exclusively by one (1) family which has a common wall construction with an adjacent single-family attached dwelling. Front entry shall be permitted.

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.
10. **Area subject to this amendment may have separate CCRs.**

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. **ATTACHED/DETACHED SINGLE FAMILY IN MU.**

Attached/Detached single family homes are permitted on the approximately **18.55**-acre portion of the Property identified on the Development Plan as "Mixed Use/Residential," subject to the following restrictions:

- 1. No more than **120 townhomes** are permitted; and
- 2. Such homes shall be developed under the standards for **TH** 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.
2. **Model Homes shall also be permitted.**

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 R(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 Driveway 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,

except for front entry attached residential shall not be required any canopy trees if less than 3,000 square feet in 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.**

An amenity center shall be provided in the area as shown on the Concept Plan, Exhibit B.2. The amenities provided are subject to change and shall be reviewed at time of site plan submittal. Exhibit G.1 illustrates the intended character of the amenities that are allowed.

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 $\frac{3}{4}$ 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.**

1. Residential screening shall be provided as shown on Exhibit H.1.
2. All single-family residential lots backing to parks, floodplain or linear greenbelts shall have wrought iron fencing or decorative/ornamental metal at developer discretion.
3. All wood fencing shall be replaced with a minimum 6' masonry screening wall or higher to match existing fence height when existing adjacent single family lots in Canyon falls are backing to the proposed residential lots, subject to the following standards:
 - i. Masonry wall to be constructed of stone to match existing walls in Canyon Falls
 - ii. Property owners agree to the removal of their wood fence and the installation/construction of a masonry screening wall; and
 - iii. All affected homeowners grant a temporary 10' wall construction easement and a permanent 5' wall maintenance easement on their property; and
 - iv. In the event not all property owners agree to the removal, installation/construction, and/or temporary 10' wall construction easement and a permanent 5' wall maintenance easement on their property, the existing wood fencing shall not be removed or replaced, and the proposed residential lots shall have a standard board-on-board wood fencing.

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 and requires deed restrictions with an architectural review committee.

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. **The improvements to Cleveland-Gibbs Road and Collector Road (future Mulkey Lane) shall be subject to the following standards:**

- i. **Half of the street improvements shall be constructed either at the same time or before the property to which it is adjacent is developed.**

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 (Add description of portion being amended)

Exhibit "B" Development Plan

Exhibit "B.1" Development Plan for amendment area

Exhibit "B.2" Concept Plan for amendment area

Exhibit "C" Site Plan Requirements

Exhibit "D" Development Standards (updated for amendment area)

Exhibit "E"	Permitted Uses and Parking Requirements (updated for amendment area)
Exhibit "F"	Approved Landscaping List
Exhibit "G"	Landscape Framework Plan
Exhibit "H"	Perimeter Fencing
Exhibit "H.1"	Screening Plan for amendment area
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.

Legal Description

58.094 Acres

Being all that certain lot, tract or parcel of land situated in the Memphis, El Paso & Pacific Railway Company Survey, Abstract Number 913 and the Francis W. Thornton Survey, Abstract Number 1244, Town of Northlake, Denton County, Texas, being part of that certain called 9.023 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 520, Page 220 of the Deed Records of Denton County, Texas, and being part of that certain called 0.370 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 520, Page 646 of the Deed Records of Denton County, Texas, and being part of that certain called 1,116.758 acre tract of land described as Parcel 1 in deed in favor of WS – DCF Investments LLC, recorded in Instrument Number 2012-101123 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at the remnants of a concrete Texas Department of Transportation (TXDOT) monument found on the easterly line of Interstate Highway 35W (I.H. 35W) at the northeast corner of said 9.023 acre tract and the northwest corner of said 1,116.758 acre tract, and being the most westerly northwest corner of that certain called 582.974 acre tract of land described in Exhibit A as "Field Note Description City of Flower Mound Tract 1" in Development Agreement between the Town of Flower Mound, Texas, and Canyon Falls Land Partners, L.P., recorded in Document Number 2008-23094 of the Real Property Records of Denton County, Texas, and being on the south line of that certain called 53.638 acre tract of land described as Parcel 28 Part 2 in Cause No. 6002, styled State of Texas v. McCutchin Investment Co., recorded in Volume 548, Page 469 of the Deed Records of Denton County, Texas, from which a concrete TXDOT monument found at the southeast corner of said 53.638 acre tract and the southwest corner of that certain called 472.679 acre tract of land described in deed in favor of MM VMF I, LLC, recorded in Document Number 2021-33813 of the Real Property Records of Denton County, Texas, bears S 88°27'20" E, 96.2 feet and a 5/8" rebar found at the most southerly and westerly re-entrant corner in the north line of said 1,116.758 acre tract and the southeast corner of said 472.679 acre tract bears S 88°27'20" E, 4,487.4 feet;

THENCE in a southeasterly direction with the thalweg of Tributary 8 of Graham Branch (as shown and referenced on the Flood Insurance Rate Map for Denton County, Texas, Map Number 48121C505G revised April 18, 2011) and generally with the meander calls on the southwesterly line of said 582.974 acre tract as follows:

S 65°00'00" E, 53.75 feet;

S 79°55'00" E, 79.02 feet;

S 36°05'00" E, 57.79 feet;

S 49°14'00" E, 75.64 feet;

S 33°17'00" E, 129.42 feet;

S 47°34'00" E, 148.50 feet;

N 52°22'00" E, 122.04 feet;

S 57°40'00" E, 175.61 feet;

S 65°17'00" E, 102.00 feet;

S 65°54'00" E, 137.84 feet;

S 25°31'00" E, 21.57 feet;

S 75°57'00" E, 190.64 feet;

S 06°02'00" E, 106.22 feet;

S 51°56'00" E, 86.44 feet;

S 38°10'00" W, 70.06 feet;

S 48°40'00" E, 223.88 feet;

S 50°05'00" E, 120.96 feet;

S 43°25'00" E, 105.51 feet;

N 70°22'00" E, 85.98 feet;

S 72°27'00" E, 194.40 feet;

S 26°06'00" E, 66.32 feet;

N 76°45'00" E, 95.93 feet;

S 21°02'00" E, 76.45 feet;

N 74°58'00" E, 72.63 feet;

S 15°08'00" E, 40.94 feet;

S 69°06'00" E, 56.47 feet;

S 18°33'00" E, 11.58 feet to the most westerly southwest corner of said 582.974 acre tract;

THENCE N 89°41'05" E, 280.64 feet with the westerly south line of said 582.974 acre tract to a 1/2" capped rebar found (JVC) at the northwest corner of that certain called 109.981 acre tract described in deed in favor of the Town of Northlake, Texas, recorded in Document Number 2018-146273 of the Real Property Records of Denton County, Texas;

THENCE with the west line of said 109.981 acre tract with the arc of a non-tangent curve to the right having a radius of 750.00 feet, a central angle of 12°08'52" and an arc length of 159.01 feet whose chord bears S 02°18'56" E, 158.72 feet to the northwest corner of Lot 1, Block D and the northeast corner of Lot 88X, Block A of Canyon Falls - Village W8 & W9, an addition to the Town of Northlake, Denton County, Texas, according to the plat thereof recorded in Document Number 2020-389 of the Plat Records of Denton County, Texas;

THENCE with the north and west line of said Canyon Falls – Village W8 & W9 the following:

N 79°46'35" W, 172.25 feet;

N 64°58'55" W, 222.64 feet;

S 69°13'20" W, 101.53 feet to a 1/2" capped rebar found (JVC);

S 10°40'10" W, 165.45 feet to the beginning of a non-tangent curve to the left;

with the arc of said non-tangent curve to the left having a radius of 1,970.00 feet, a central angle of 06°56'41" and an arc length of 238.78 feet whose chord bears S 21°27'15" W, 238.63 feet to the northeast corner of Lot 43, Block A of Canyon Falls – Village W4 Phase Two, an addition to the Town of Northlake, Denton County, Texas, according to the plat thereof recorded in Document Number 2015-475 of the Plat Records of Denton County, Texas;

THENCE with the north and west line of said Canyon Falls – Village W4 Phase Two the following:

N 84°19'00" W, 88.92 feet to a 1/2" capped rebar found (JVC)

S 83°38'00" W, 238.83 feet to a 1/2" rebar found;

S 31°19'00" W, 131.39 feet to a 1/2" capped rebar found (JVC);

S 00°13'20" E, 69.22 feet;

S 21°49'35" E, 133.41 feet to a 1/2" capped rebar found;

S 01°40'10" E, 123.98 feet to a cotton spindle found at the southwest corner of Lot 35, Block A, being on the north line of Lot 32, Block A of said Canyon Falls – Village W4 Phase Two,

S 89°46'25" W, passing at 726.36 feet the northwest corner of Lot 62X, Block A of said Canyon Falls – Village W4 Phase Two and the most northerly northeast corner of Lot 1X, Block A of Canyon Falls – Village Phase One, an addition to the Town of Northlake, Denton County, Texas, according to the plat thereof recorded in Document Number 2015-156 of the Plat Records of Denton County, Texas, continuing with the north line thereof a total distance of 777.75 feet to a 1/2" capped rebar found (JVC) at the most northerly northwest corner of said Lot 1X, and being the northeast corner of Cleveland – Gibbs Road as evidenced by the Final Plat of Right-of-way Dedication for Bridge Road, Cleveland – Gibbs Road and Canyon Falls Drive, an addition to the Town of Northlake, Denton County, Texas, according to the plat thereof recorded in Document Number 2015-158 of the Plat Records of Denton County, Texas;

THENCE S 76°08'30" W, 45.00 feet with the north line of said Cleveland – Gibbs Road to a 1/2" capped rebar found at the northwest corner thereof, being on the west line of said 1,116.758 acre tract and being on the east line of a right-of-way dedication for Cleveland – Gibbs Road as evidenced by the final plat of Ligon Addition, an addition to the Town of Northlake, Denton County, Texas, according to the plat thereof recorded in Document Number 2017-511 of the Plat Records of Denton County, Texas;

THENCE N 13°52'00" W, 487.30 feet with the west line of said 1,116.758 acre tract and the east line of said Ligon Addition to magnetic nail found on the southerly I.H. 35W at the southwest corner of the aforementioned 0.370 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 520, Page 646 of the Deed Records of Denton County, Texas, and being the southeast corner of that certain called 0.999 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 518, Page 667 of the Deed Records of Denton County, Texas;

THENCE N 14°11'50" W, 449.86 feet with the west line of said 0.370 acre tract and the east line of said 0.999 acre tract in said I.H. 35W to a 5/8" rebar found at the northwest corner of said 0.370 acre tract and being on the easterly line of said I.H. 35W and being on the westerly line of said 1,116.758 acre tract;

THENCE N 19°00'00" W, 6.10 feet continuing with the easterly line of said I.H. 35W, the east line of said 0.999 acre tract and the westerly line of said 1,116.758 acre tract to a concrete TXDOT monument found at the northeast corner of said 0.999 acre tract;

THENCE N 89°21'00" W, 57.63 feet continuing with the easterly line of said I.H. 35W, the north line of said 0.999 acre tract and the westerly line of said 1,116.758 acre tract to a concrete TXDOT monument found at the southeast corner of the aforementioned 9.023 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 520, Page 220 of the Deed Records of Denton County, Texas;

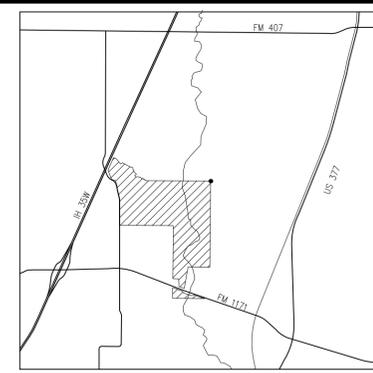
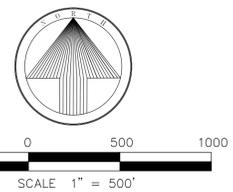
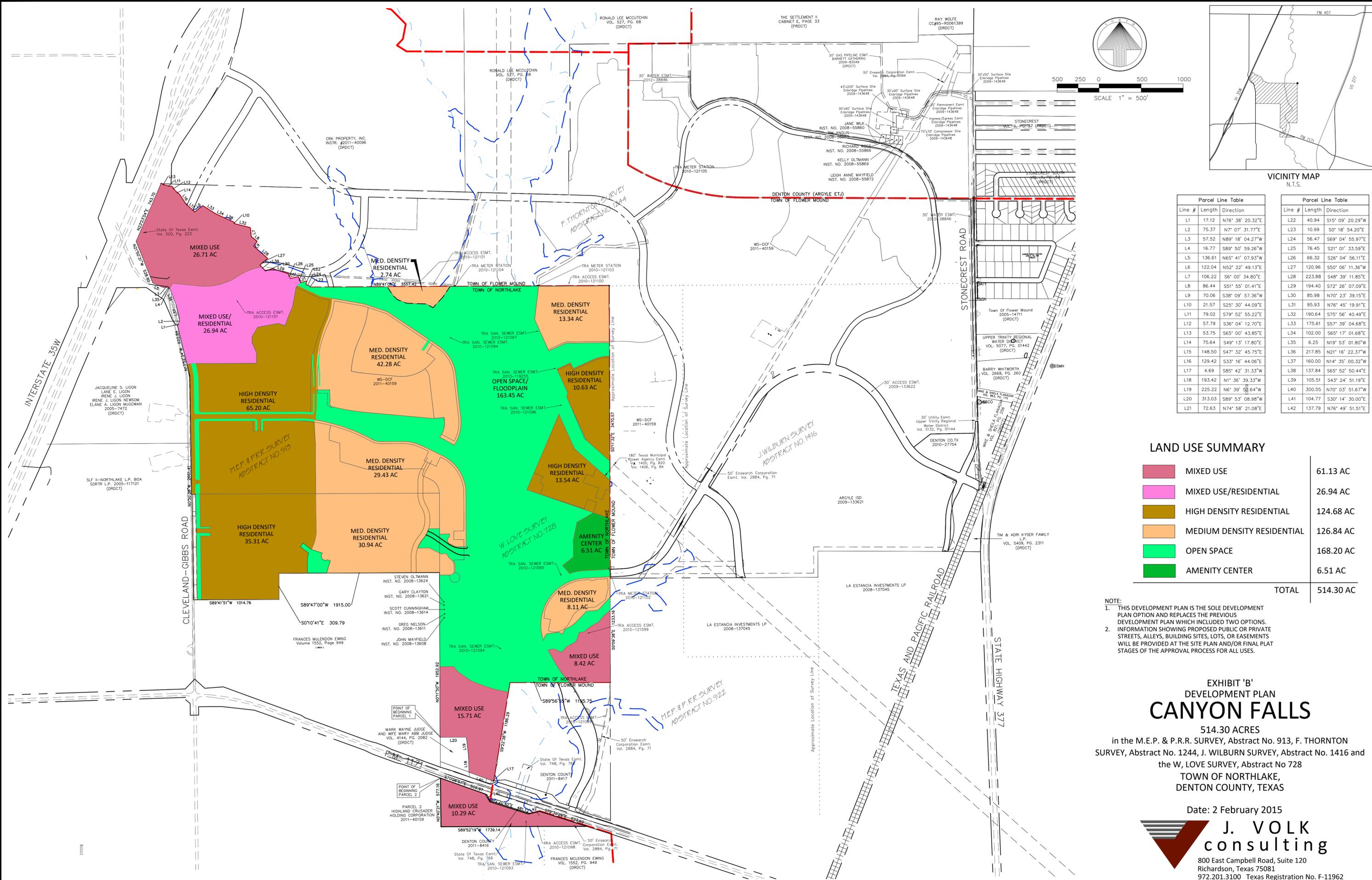
THENCE S 89°20'00" W, 202.30 feet with the south of said 9.023 acre tract and the north line of said 0.999 acre tract in said I.H. 35W to the remnants of a concrete TXDOT monument found at the northwest corner of said 0.999 acre tract, being the most northerly northeast corner of Lot 1, Block A of the aforementioned Ligon Addition and being on the easterly line of said I.H. 35W;

THENCE S 89°43'00" W, 297.70 feet continuing with the south line of said 9.023 acre tract, the north line of said Lot 1, Block A, Ligon Addition and the easterly line of said I.H. 35W to the southwest corner of said 9.023 acre tract, and being the southeast corner of that certain called 7.906 acre tract of land described in deed in favor of the State of Texas, recorded in Volume 520, Page 642 of the deed records of Denton County, Texas;

THENCE N 00°21'50" W, 134.56 feet with the west line of said 9.023 acre tract and the east line of said 7.906 acre tract in I.H. 35W;

THENCE N 23°21'05" E, in I.H. 35W, passing at 454.0 feet the remnants of a concrete TXDOT monument found on the east line of said 9.023 acre tract and the easterly line of said I.H. 35W, continuing with the east line thereof a total distance of 1,197.18 feet to the POINT OF BEGINNING and containing approximately 58.094 acres of land.

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' 52.64"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

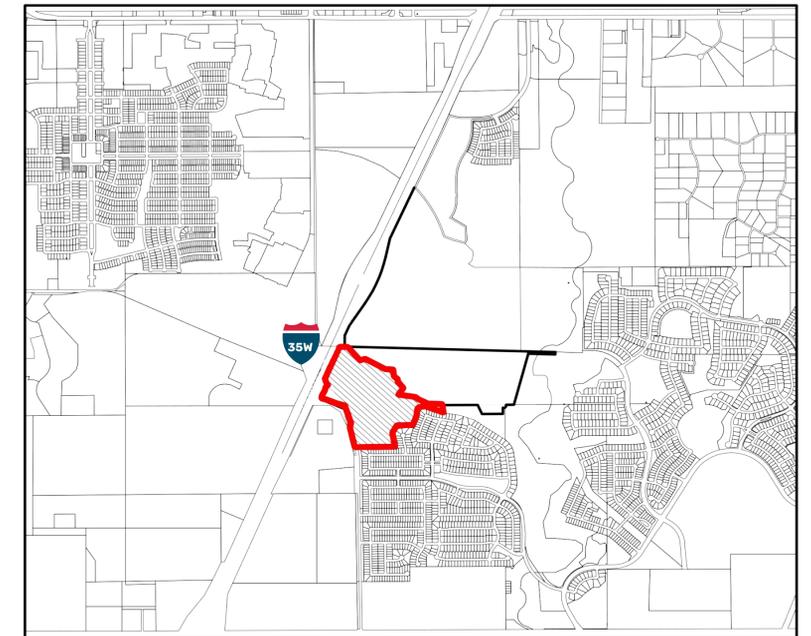
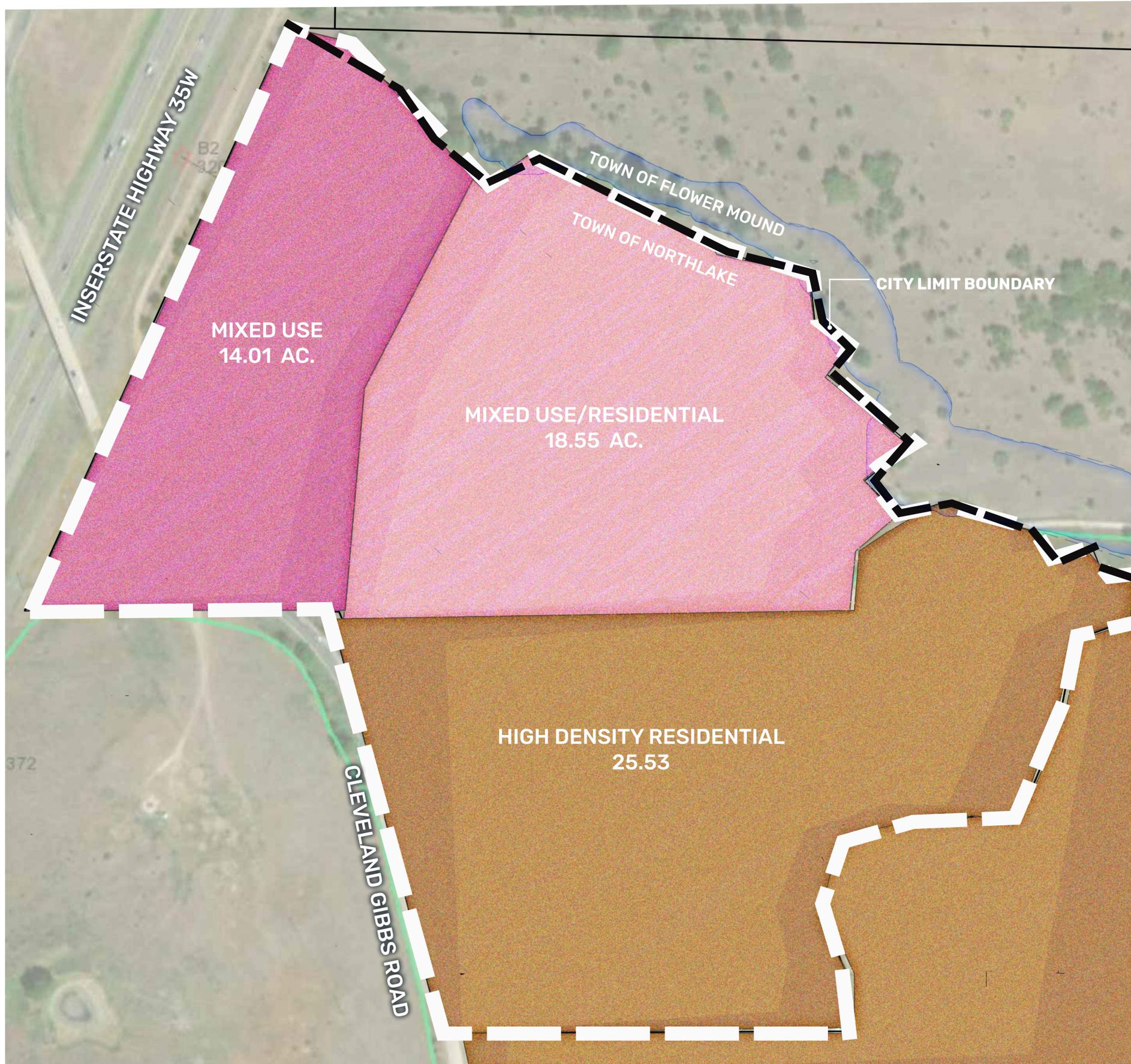
	MIXED USE	61.13 AC
	MIXED USE/RESIDENTIAL	26.94 AC
	HIGH DENSITY RESIDENTIAL	124.68 AC
	MEDIUM DENSITY RESIDENTIAL	126.84 AC
	OPEN SPACE	168.20 AC
	AMENITY CENTER	6.51 AC
TOTAL		514.30 AC

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

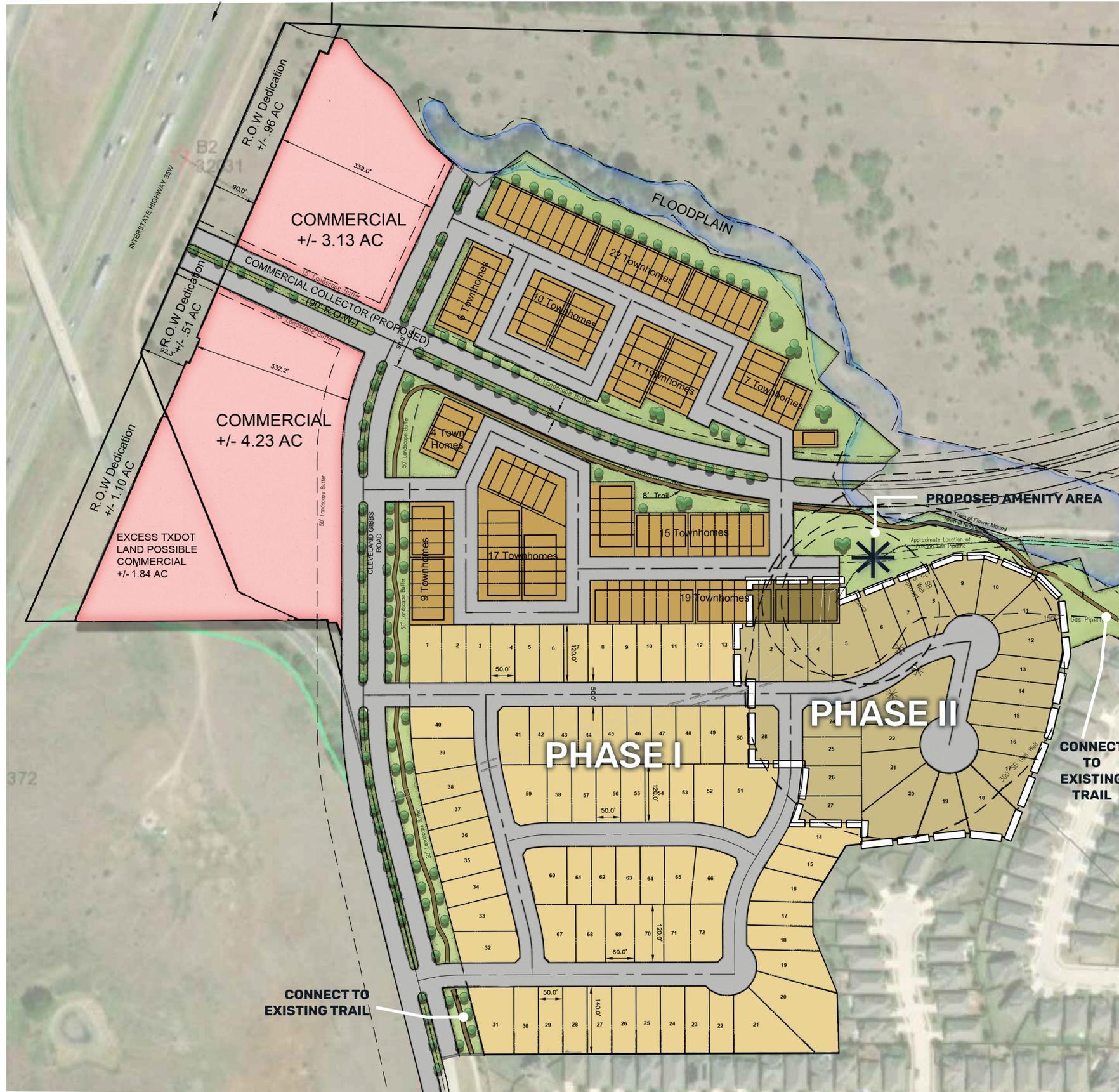
Date: 2 February 2015

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



VICINITY MAP





- 01** This concept assumes that the existing pipelines will be abandoned and gas well (approximate location shown with an asterisk *) will be plugged
- 02** Concept plan was prepared using a non-confirmed boundary. Boundary subject to change
- 03** This concept was prepared without the benefit of a flood analysis performed by McAdams
- 04** Detention may be required if results from drainage study indicates negative downstream impacts
- 05** This concept plan is for illustrative purposes only and subject to change at time of development.

LAND USE SUMMARY CHART PHASE 1		
Land Use	Lot Size	Number of Lots
Single Family Residential	50' x 120'	72
Townhomes	25' x 90'	111

*Phasing based on removal of gas well improvements

LAND USE SUMMARY CHART PHASE 2		
Land Use	Lot Size	Number of Lots
Single Family Residential	50' x 120'	28
Townhomes	25' x 90'	7

*Phasing based on removal of gas well improvements

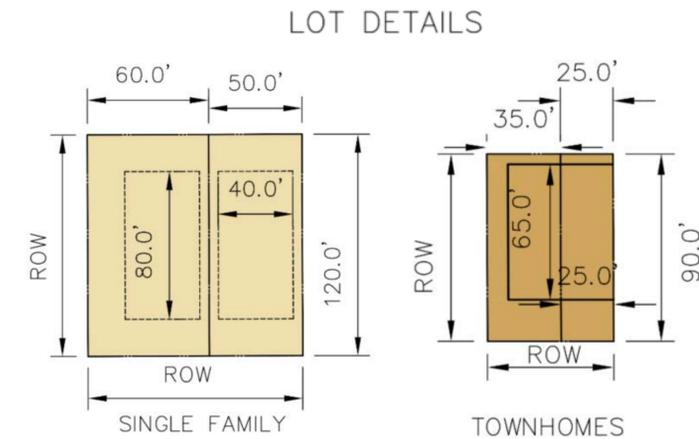


Exhibit "C"

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 offences 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/Residential	
	SF-70	SF-60	SF-50	MU ¹	TH
Minimum Lot Area (SF)	8200	7000	6000	none	2250
Minimum Lot Width (lots not fronting on cul-de-sac or inside curve)	70'	60'	50'	none	25'
Minimum Lot Width (lots fronting on cul-de-sac or inside curve)	60'	50'	45'	none	25'
Minimum Lot Depth	120'	110'	110'	none	60'
Minimum Front Yard Setback	20'	20'	20'	none	20'
Minimum Side Yard Setback (non-corner lots)	5'	5'	5'	none	none
Minimum Side Yard Setback (corner lots)	15'	15'	15'	none	10'
Minimum Rear Yard Setback	20'	20'	20'	15'	5'
Minimum Dwelling Unit Size (air conditioned floor area)	1800	1650	1650	see note ²	1500
Maximum Building Height	35'	35'	35'	60'	40' or 3 stories
Maximum Lot Coverage	55%	55%	55%	65%	90%
Maximum Floor Area Ratio	n/a	n/a	n/a	1:1	n/a
Maximum Number of Dwelling Units by Land Use Category	200	400	700	300	120
Maximum Number of Dwelling Units on the Property	1140			300	120

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			X	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 **120 attached/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

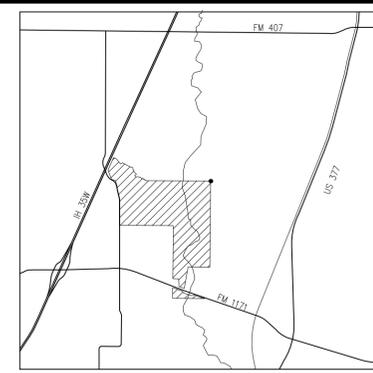
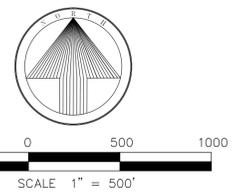
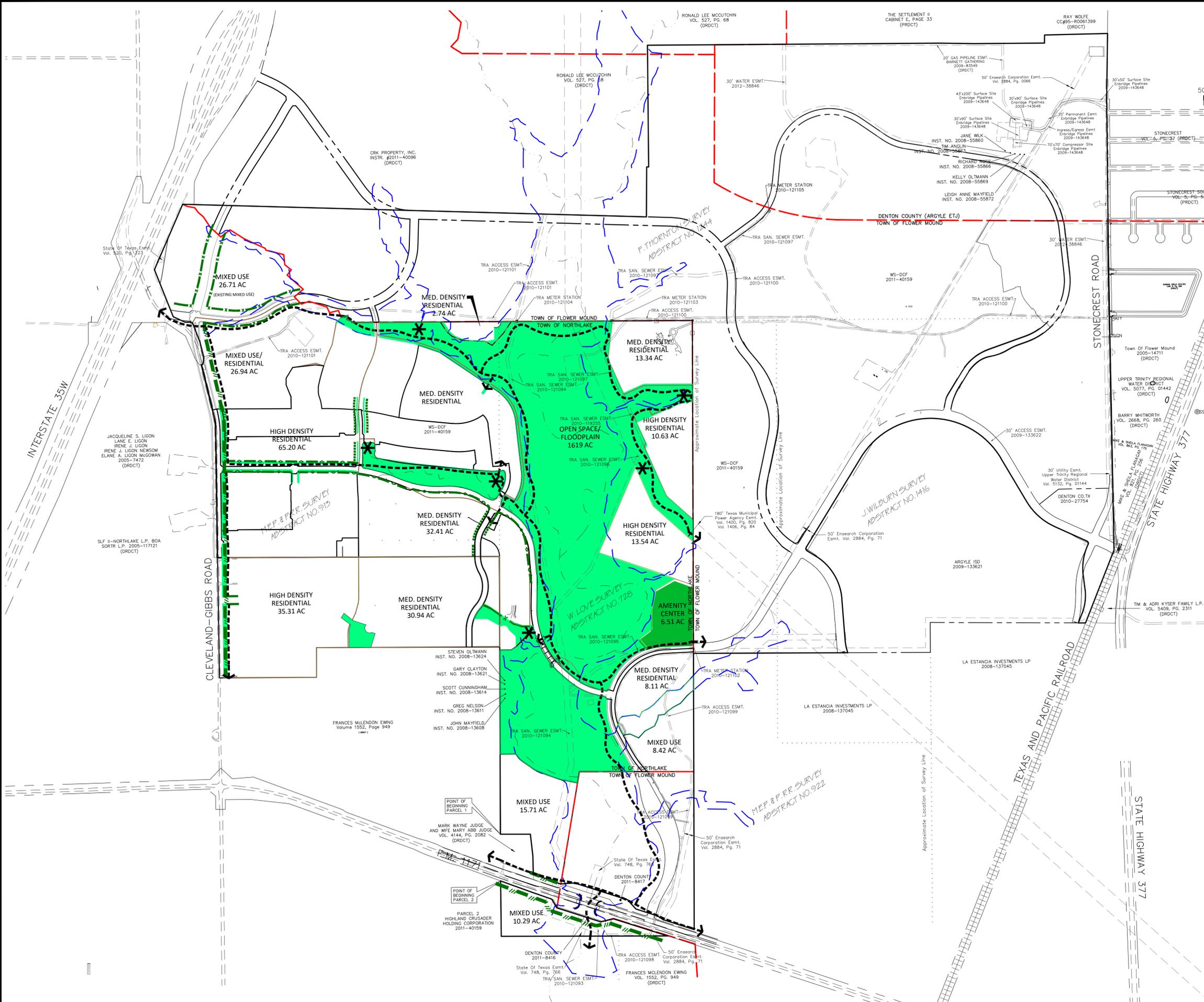
Common Name	Scientific Name
Canopy Trees	
An "*" indicates an approved street tree.	
Ash, Tree	Fraxinus texensis
Cedar Elm	Ulmus crassifolia
Cedar, Eastern Red	Juniperus Virginiana
Cypress, Bald	Taxodium distichum
Elm*, Lace Bark	Ulmus parvifolia
Magnolia, Southern	Magnolia grandiflora
Maple, Bigtooth	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 illinoensis
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 luicidum '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	Hespenaloe paruiiflora

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

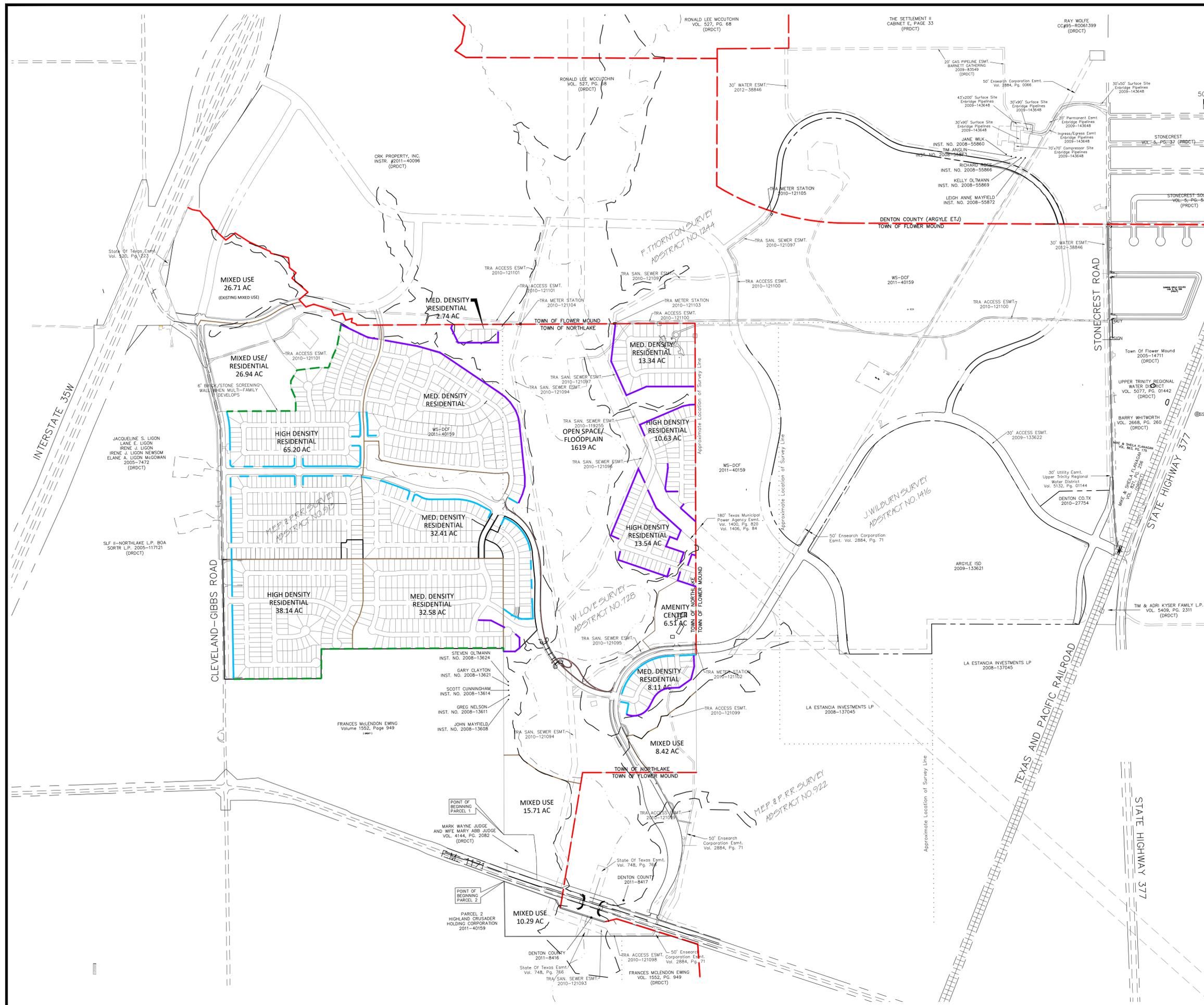
EXHIBIT 'G'
LANDSCAPE FRAMEWORK PLAN
CANYON FALLS
 514.30 ACRES
 in the M.E.P. & P.R.R. SURVEY, Abstract No. 913, F. THORNTON SURVEY, Abstract No. 1244, J. WILBURN SURVEY, Abstract No. 1416 and the W, LOVE SURVEY, Abstract No 728
 TOWN OF NORTHLAKE,
 DENTON COUNTY, TEXAS

Date: 2 February 2015

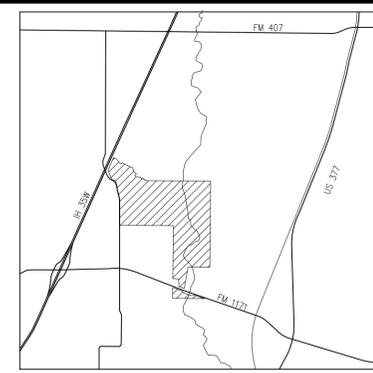
J. VOLK
 consulting
 800 East Campbell Road, Suite 120
 Richardson, Texas 75081
 972.201.3100 Texas Registration No. F-11962



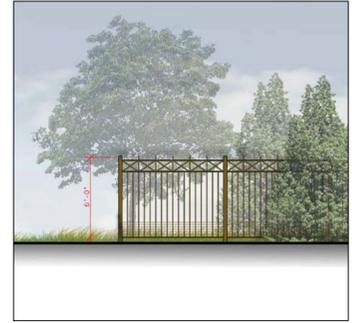
Exhibit "H"
Perimeter Fencing



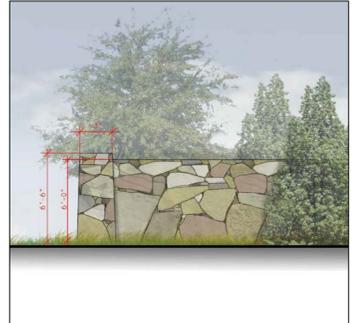
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SCALE 1" = 500'



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



SCREENING TYPE LEGEND		
	Material	Height
	Masonry	6-feet (min.)
	Ornamental Metal/Tubular Steel	6-feet (min.)
	Wood	6-feet (min.)
	Masonry or Ornamental Metal/Tubular Steel at developer discretion	6-feet (min.)

01 See Section XII of this Planned Development Ordinance. 8' Masonry screening wall is subject to standards as listed in the ordinance.

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.



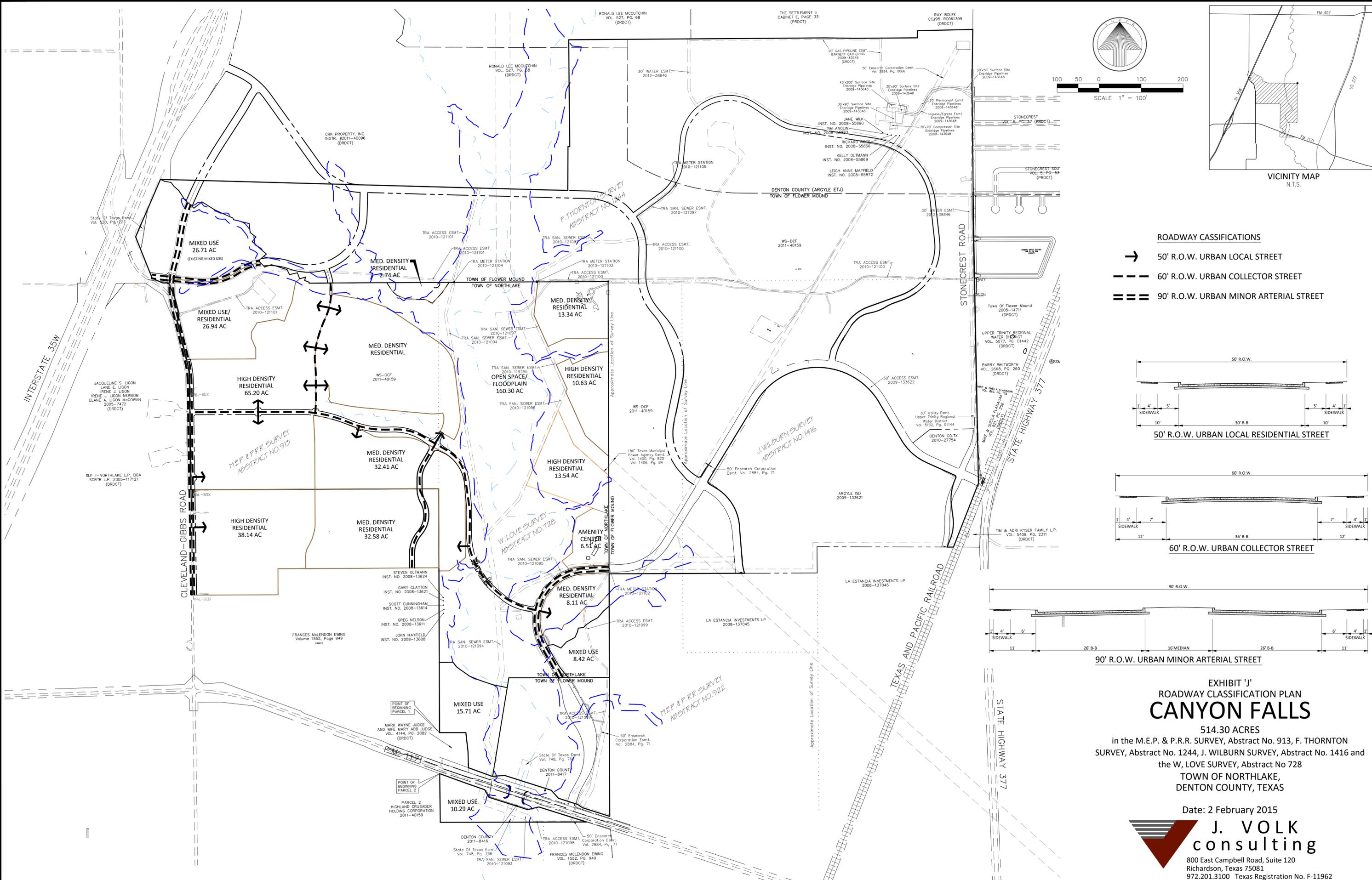
THE STATE OF TEXAS)
COUNTY OF DENTON)

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.

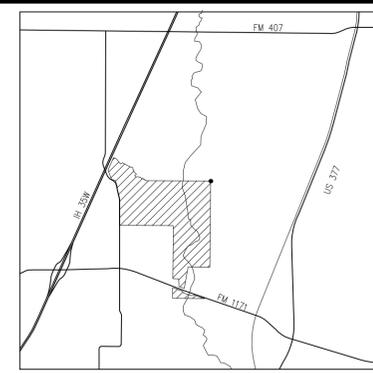
C Mitchell

County Clerk
Denton County, Texas

Exhibit "J"
Roadway Classification Plan

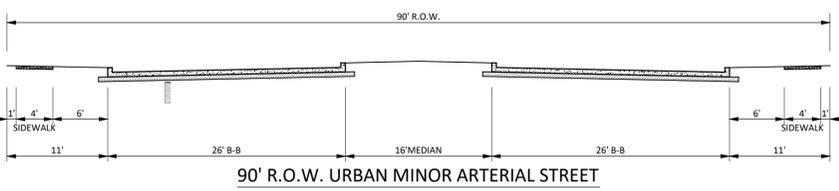
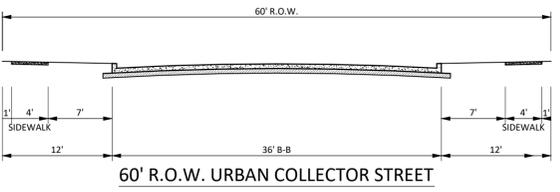
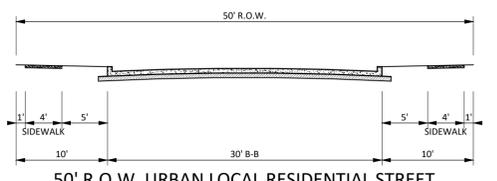


SCALE 1" = 100'



ROADWAY CLASSIFICATIONS

- 50' R.O.W. URBAN LOCAL 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.

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION



DATE: September 28, 2023
REF. DOC.: FISCAL YEAR 2022-2023 ADOPTED BUDGET
SUBJECT: Consider an Ordinance of the Town of Northlake, Texas, amending the Adopted Budget for Fiscal Year October 1, 2022, through September 30, 2023; providing that expenditure for the said fiscal year shall be made in accordance with the said Amended Budget

**GOALS/
OBJECTIVES:** Exercise Fiscal Responsibility/Accurately project and budget future resources and staffing needs

BACKGROUND INFORMATION:

- FY2023 Budget Amendment #2 accounts for all changes during year
- Amendments fall under three categories:
 - Timing of Expenses Across Multiple Fiscal Years
 - Need for Expedited Replacement of Assets
 - Changes in Accounting
- Total Budget Amendment: \$1,567,300
 - General Fund
 - \$500,000 for Catherine Branch Phase I
 - \$100,000 for ESD#1
 - Hotel Occupancy Fund
 - \$100,000 for Entry Way Signage Design
 - EDC/ CDC
 - \$500,000 for Catherine Branch Phase I
 - \$100,000 for Economic Development Consulting
 - Police Asset Forfeiture
 - \$25,000 for Police Equipment
 - Technology Services
 - \$47,000 for Server Replacements
 - Equipment Services
 - \$97,000 for 2 Tahoe Replacements from a prior year
 - \$98,300 for 2 Utility Truck Replacements

COUNCIL ACTION:

Approve Budget Amendment #2 for Fiscal Year 2022-2023



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AMENDING THE ADOPTED BUDGET FOR THE TOWN OF NORTHLAKE, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; PROVIDING THAT EXPENDITURES FOR THE SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID AMENDED BUDGET; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Northlake, Texas held work sessions and a public hearing on the budget for the Town of Northlake, Texas for the Fiscal Year 2022-2033; and

WHEREAS, the Town Council concluded its public hearing on said budget on September 25, 2022; and

WHEREAS, the Town Council adopted the budget on September 25, 2022, fulfilling State statutes; and

WHEREAS, the Town Council has made appropriations and agreements throughout the year and in prior years that necessitate an amendment to the budget.

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

Section 1. All the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified, and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. That appropriations as designated for the payment of expenses for the operation of the Town government, as itemized by a true and correct copy of the amended General Fund, Grants Fund, Economic Development Corporation Fund, and Community Development Corporation Fund, hereto attached at Exhibit A, are hereby approved.

Section 3. That expenditures during the fiscal year shall be made in accordance with the budget as approved by this ordinance, unless otherwise authorized by a duly enacted ordinance of the Town, said budget document being on file for public inspection in the office of the Town Secretary.

Section 4. That the necessity for making and approving a budget for the fiscal year, as required by the laws of the State of Texas, requires that this Ordinance shall take effect immediately from and after its passage, as the law in such case provides.

Section 5. This Ordinance shall be in full force and effect from and after its passage and/or publication as required by law.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, this 28 day of September 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina R. Parker, Town Secretary

Exhibit A

Fund	Amendment Type	Budget Total	Amendment Amount	Amended Budget
General	Expenditure	9,701,669	600,000	10,301,669
Hotel Occupancy	Expenditure	97,091	100,000	197,091
EDC	Expenditure	531,806	300,000	831,806
CDC	Expenditure	531,156	300,000	831,156
Police Asset Forfeiture	Expenditure	-	25,000	25,000
Debt Service	Revenue	(18,952,051)	14,000,000	(4,952,051)
Debt Service	Expenditure	18,997,559	(14,000,000)	4,997,559
Water/Wastewater	Revenue	(13,209,221)	(14,000,000)	(27,209,221)
Water/Wastewater	Expenditure	13,052,663	14,000,000	27,052,663
Technology Services	Expenditure	525,000	47,000	572,000
Equipment Replacement	Expenditure	355,199	195,300	550,499
		\$ 11,630,871	\$ 1,567,300	\$ 13,198,171
Total Fiscal Impact of Amendment #2			\$ 1,567,300	

TOWN OF NORTHLAKE COUNCIL ITEM NO. 6.



DATE: September 28, 2023

ITEM: EXECUTIVE SESSION

TOWN OF NORTHLAKE COUNCIL ITEM NO. 7.



DATE: September 28, 2023

ITEM: OPEN SESSION/RECONVENE

TOWN OF NORTHLAKE COUNCIL ITEM NO. 8.



DATE: September 28, 2023

ITEM: ADJOURNMENT
