

TOWN OF LAKEWOOD VILLAGE, TEXAS

ORDINANCE NO. 24-03

AN ORDINANCE AMENDING LAKEWOOD VILLAGE'S COMPREHENSIVE ZONING ORDINANCE NO. 19-02; REZONING A TRACT OF LAND CONSISTING OF 19.94 ACRES, MORE OR LESS, SITUATED IN THE BENJAMIN C. SHAHAN SURVEY, ABSTRACT NO. 1169, IN THE TOWN OF LAKEWOOD VILLAGE, DENTON COUNTY, TEXAS HERETOFORE ZONED SINGLE FAMILY RESIDENTIAL DISTRICT 6 (SF-6) IS REZONED PLANNED DEVELOPMENT-6 SINGLE FAMILY RESIDENTIAL (PD-6); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Lakewood Village, Texas ("Lakewood Village") has received a request from Skorburg Company to rezone 19.94 acres of land, more or less, situated in the Benjamin C. Shahan Survey, Abstract No. 1169, in Lakewood Village, Denton County, Texas; and

WHEREAS, the Town Council of Lakewood Village (the "Town Council") has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Lakewood Village and its inhabitants to amend Lakewood Village's Comprehensive Zoning Ordinance No. 19-02 and rezone this property as set forth below.

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

SECTION 1: Findings Incorporated.

The findings set forth above are incorporated in the body of this Ordinance as if fully set forth herein.

SECTION 2: **Amendments to Lakewood Village's Comprehensive Zoning Ordinance No. 19-02.**

Lakewood Village's Comprehensive Zoning Ordinance No. 19-02 is amended as follows: The zoning designation of the below described property containing 19.94 acres, more or less, situated in the Benjamin C. Shahan Survey, Abstract No. 1169, in Lakewood Village, Denton County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Planned Development-Single Family Residential (PD-SF).

The Property as a whole is more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

The development plans, standards, uses and schedules for the Property in this Planned Development District shall confirm to, and comply with 1) the planned development standards attached hereto as Exhibit "B", and 2) the conceptual plan attached hereto as Exhibit "C". Exhibits "B" and "C" are incorporated herein for all purposes. Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of all ordinances, rules and regulations of Lakewood Village, as they currently exist or may be amended.

Three (3) original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

a. Two (2) copies shall be filed with the Town Secretary and retained as the original records and shall not be changed in any manner.

b. One (1) copy shall be filed with the building inspector and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

SECTION 3: **No Vested Interest/Repeal.**

No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

SECTION 4: **Unlawful Use of Premises.**

It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5: **Penalty Provision.**

Any person, firm, corporation or business entity violating this Ordinance or any provision of Lakewood Village's Comprehensive Zoning Ordinance No. 19-02, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Lakewood Village from filing suit to enjoin the violation. Lakewood Village retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: **Savings/Repealing Clause.**

Lakewood Village's Comprehensive Zoning Ordinance No. 19-02 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7: **Severability.**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Lakewood Village hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrases thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 8: **Effective Date.**

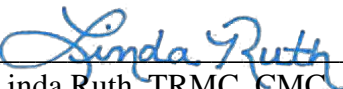
This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS on this 8th day of February 2024.



Dr. Mark E. Vargus
Mayor

ATTESTED:



Linda Ruth, TRMC, EMC
Town Administrator/Town Secretary



Exhibit A

Legal Description

All that certain 19.94 acre tract or parcel of land situated in the B. Shahan Survey, Abstract Number 1169, County of Denton, State of Texas, said tract being part of a called 19.95 acre tract as described in deed to Lakewood Bridge LLC, recorded 04 October 2016, and recorded in instrument number 124527 of the Deed Records of said Denton County Texas, and being more particularly described as follows:

COMMENCING at a found concrete monument, said monument being at the intersection of the south line of said Shahan Survey and the east right of way line of Garza Lane, same being the west line of Block A, of Lakeview Estates, a Subdivision to said Denton County, according to plat of the same filed 11 July 1996, and recorded in document #96-R0047411 of the official records and located in Cabinet M, Slide 215 of the Plat Records of said Denton County;

THENCE: North 00 degrees 06 minutes 54 seconds East, with the east line of said Garza Lane, and with the west line of said Block A, a distance of 835.14 feet to a found 1½ inch rebar with a plastic cap marked 5560 being the **POINT OF BEGINNING** of the tract being described herein, said rebar being the northwest corner of Lot 1 of said Block A of said Subdivision, same being the northwest corner of Tract 1 a called 5.254 acre tract as described in deed to Eric B. Cluff and Ronda F. Cluff, recorded 05 June 2019, and recorded in instrument number 65871 of said official public records, and said rebar being the southwest corner of said Lakewood tract;

THENCE: North 00 degrees 06 minutes 54 seconds East, with the east line of said Garza Lane, and with the west line of said Lakewood tract, a distance of 311.98 feet to a found 1½ inch rebar with a plastic cap marked 5560 for the start of a curve to the right, said curve having a central angle of 60 degrees 21 minutes 40 seconds, a radius of 358.68 feet, and a chord bearing of North 30 degrees 17 minutes 44 seconds East, with a chord length of 360.64 feet;

THENCE: With said curve to the right, an arc length of 377.87 feet, to a found 1/2 inch rebar with a plastic cap marked 5560 for the end of said curve, said rebar being on the south line of West Eldorado Parkway;

THENCE: North 60 degrees 28 minutes 34 seconds East, with the south line of said West Eldorado Parkway, a distance of 4.89 feet to a found 1/2 inch rebar with a plastic cap marked 5560 for the start of a curve to the left, said curve having a central angle of 12 degrees 17 minutes 52 seconds, a radius of 994.93 feet, and a chord bearing of North 66 degrees 15 minutes 03 seconds East, with a chord length of 213.14 feet, said rebar also being the a corner of a called 0.311 acre tract as described in deed to Denton County, Texas, filed 28 April 1998, and recorded in volume 4080 page 449 of said official public records;

THENCE: With said curve to the left, and with the south line of said West Eldorado Parkway, an arc length of 213.55 feet to a found 1/2 inch rebar with a plastic cap for the end of said curve and a corner of said Denton County tract;

THENCE: North 60 degrees 06 minutes 11 seconds East, with the south line of said West Eldorado Parkway, and with the south line of said Denton County tract, a distance of 524.73 feet to a found 1/2 inch rebar with a plastic cap marked 5560 for the most northerly northeast corner of this tract, said rebar being the most northerly northeast corner of said Lakewood tract, same being the west line of a called 19.297 acre tract as described in deed to Albourne Realty Inc., filed 04 March 1999, and recorded in volume 4289, page 27 of said official public records;

THENCE: South 00 degrees 06 minutes 48 seconds West, with the east line of said Lakewood tract, and with west line of said Albourne tract, a distance of 365.80 feet to a found 1/2 inch rebar with a plastic cap marked 5560 for an ell corner of said Lakewood tract, same being the most westerly southwest corner of said Albourne tract;

THENCE: South 89 degrees 55 minutes 42 seconds East, with the north line of said Lakewood tract, and with the south line of said Albourne tract, a distance of 417.42 feet to the found 1/2 inch rebar with a plastic cap marked 5560 for the most easterly northeast corner of said Lakewood tract, same being an ell corner of said Albourne tract;

THENCE: South 00 degrees 03 minutes 17 seconds West, with the east line of said Lakewood tract, and with the west line of said Albourne tract, a distance of 612.04 feet to a point on the north line of said Cluff tract for the southeast corner of this tract, from said point a found 1/2 inch rebar being the southeast corner of said Lakewood tract bears South 00 degrees 03 minutes 17 seconds West, a distance of 0.65 feet, said point being North 89 degrees 45 minutes 39 seconds West, a distance of 44.85 feet from found 1/2 inch rebar being the northeast corner of said Lot 1, Block A of said Subdivision, same being the northeast corner of said Cluff tract, said rebar also being on the boundary line of Lake Lewisville;

THENCE: North 89 degrees 45 minutes 42 seconds West, with the north line of said Cluff Tract, and the north line of said Lot 1, a distance of 5.254 feet to the **POINT OF BEGINNING** and containing 19.94 acres of land

Exhibit B

Development Standards

1. Permitted Uses

A. Allowed Uses: Land uses allowed within this Planned Development district are as follows:

Single Family Residence
Garage Apartment - C
Guest House - C
Accessory Structure - C
Child-Care: Home - C
Home Occupation - C
Homebuilder Marketing Center - C
Parks or Open Space
Temporary buildings of the builders and uses incidental to construction work on the premises, which shall be removed upon completion of such work.

*C - specifies a conditional use which is permitted if the conditional development standards contained in the Zoning Ordinance are met.

2. Development Standards – Single Family Residential

A. Area and building requirements: This Planned Development Ordinance permits two different single-family residential lot type: Type A and Type B as identified on the Concept Plan attached hereto as **Exhibit C**. The development standards for each lot type are outlined in the following Table 1.

TABLE 1

Development Standards	TYPE A	TYPE B
Number of Lots	30	13
Minimum Front Yard	20 ft	20 ft
Minimum Front Yard for porches and swing in garages	20 ft	20 ft
Minimum Side Yard - Dwelling or Accessory Structure ¹	12 ft	7 ft
Minimum Rear Yard - Pool and/or Spa	10 ft	5 ft

Minimum 80% masonry (brick, stone, stucco only)	YES	YES
Lot Dimensions		
Minimum Area	0.33 AC	0.20 AC
Minimum Width *Cul-de-sac déviations acceptable	70 ft	70 ft
Dwellings		
Minimum Dwelling Area - Single Story	3,000 sq ft	2,000 sq ft
Minimum Ground Floor Dwelling Area - Two Story	2,500 sq ft	1,500 sq ft
Maximum Height\Stories	2.5	2.5
Maximum Lot Coverage front yard ²	50%	50%
Ground Floor Minimum Elevation (above mean sea level)	540 ft	540 ft
Fencing Materials	Cedar	Cedar
Driveway Width (minimum)	12 Feet	10 feet
Driveway minimum distance from side Property line	3 feet	3 feet
Minimum Garage Size	25' width 22' depth	25' width 22' depth
Front-facing garages allowed ⁵	NO	YES
Carports Permitted	NO	NO
Detached Garage Apartment permitted	YES	NO
Guest House	NO	NO
Accessory Structures ³	YES	YES

Landscaping		
Minimum number of trees ⁴	2	2
Ground cover (shrubs)	15	10

1. Air conditioner equipment, pool equipment, and similar appurtenances are permitted in the side yard, but must be located at least four feet from the property line.
 2. For corner lots, the 50% coverage applies to each front yard individually
 3. The exterior facades of accessory structures (excluding greenhouses) two hundred fifty (250) square feet or greater in size shall be constructed using the same exterior construction materials as the dwelling and match the façade of the home.
 4. Existing trees included.
 5. Garages located behind gated motor court access are not considered to be front-facing, regardless of orientation.
- B. Lot Width: The width of any lot shall not be less than as shown in Table 1 as measured at the front building line of the lot, except that lot width for lots at the terminus of a cul-de- sac or along street elbows/eyebrows may be less; provided all other requirements of the section are fulfilled.
- C. Lot Size: The minimum lot size for each lot type shall be as shown in Table 1.
- D. Dwelling Area: The minimum dwelling area for each lot type shall be as shown in Table 1.
- E. Front Yard: The minimum front yard shall be as shown in Table 1 as measured from the front ROW line.
- F. Side Yard: The minimum side yard shall be as shown in Table 1. Air conditioner equipment, pool equipment, and similar appurtenances are permitted in the side yard, but must be located at least four feet from the property line.
- G. Rear Yard: The minimum rear yard for each lot type shall be as shown in Table 1.
- H. Driveway Width: The minimum driveway width shall be as shown in Table 1. Additionally, the minimum distance from the side property line shall be three (3) feet.
- I. Floodplain: Any floodplain included within the limits of a single-family lot shall be designated as a no-build easement on the final plat.
- J. Ground Floor Elevation: Ground Floor Minimum Elevation (above mean sea level) shall be as shown on Table 1.

K. Architectural Standards: The following architectural standards shall apply to all single-family homes within this Planned Development District:

1. Exterior Facade Building Materials: All elevations shall be at least eight (80) percent masonry. Masonry shall be defined as brick, natural stone, cut stone, cast stone, hard coat or three-coat stucco (not synthetic). Glass, cement siding, or similar materials may be used for window box-outs, bay windows, roof dormers, or similar architectural features. Rough sawn wood timbers or similar materials may be used for architectural features such as columns and headers above windows and garage doors.
2. Minimum Roof Pitch: The minimum roof pitch shall be 6:12 for all structures on the main roof. Roof pitch may be reduced on window box-outs, bay windows, roof dormers, or similar architectural feature.
3. Roof Material: Roof materials shall be composition 30-year architectural shingles, standing seam metal or copper, natural or imitation slate shingles, or natural or imitation clay shingles. Wooden shingles are prohibited. Exposed gutters shall be compatible with the surface to which they are attached.
4. Garages: For Type A lots, at least two garage door bays must face the side property line (i.e. a J-swing garage); any additional garage doors bays may face the street. For Type B lots, front entry garages shall be permitted. Garages located behind a gated motor court access are not considered front entry, regardless of orientation. The minimum garage size is twenty-two (22) feet in depth by twenty-five (25) feet in width.
 - a. Covered drives and porte-cocheres that are architecturally designed as an integral element of the main structure and are constructed with the same materials as the main structure are permitted. Carports are not permitted within this Planned Development District.
5. Accessory Structures: Accessory structures are permitted within this Planned Development district. The exterior facades of accessory structures (excluding greenhouses) two hundred fifty (250) square feet or greater in size shall be constructed using the same exterior construction materials as the dwelling and match the façade of the home.
 - a. Detached Garage Apartments: Detached garage apartments are permitted on Type A lots. Detached garage apartments are not permitted on Type B lots.
 - b. Guest Houses: Guest houses are not permitted.
6. Landscaping: Required landscaping For Type A and Type B shall include a minimum of two (2) four-inch (4") caliper shade trees. Existing trees shall be counted toward the minimum requirement. Additionally, For Type A lots at least fifteen (15) shrubs with a minimum height of twenty- four inches (24") shall be planted. For Type B Lots at least

ten (10) shrubs with a minimum height of twenty- four inches (24") shall be planted. All lots must have automatic sprinklers.

7. Fencing: The fence requirements for all single-family lots within this Planned Development District shall be:
 - a. Front: Front fences are not required within this Planned Development. Fences extending across the front side yard from the home to the side property line shall be a six-foot (6') black wrought iron or tubular steel fence.
 - b. Side and Rear: All fences constructed along the side and rear property lines between lots shall be cedar wood, stained, and weather-treated with steel posts and be a minimum of six-foot (6') in height. Notwithstanding the foregoing, the Town Ordinance shall apply to fences constructed along the side and rear property lines of Type A lots.
 - c. Special Provisions for Waterfront Properties:
 - i. For any fence where any portion will be constructed in the floodplain, the property owner must submit construction plans along with written letters of approval from the US Army Corp of Engineers and the Lakewood Village Floodplain Administrator prior to the Town issuing a permit.
 - ii. Solid fences such as masonry walls, stockade-type, and board on board are not permitted in the floodplain.
 - d. Fence Height Transitions: Where side yard fences intersect with front or rear yard fences, fences of different heights shall be transitioned so that the fences are the same height where the fences intersect.
8. Retaining Walls: All retaining walls shall be constructed of concrete and/or stone materials.
9. Driveway, Front Walkway, and Front Porch Materials: Driveways, front walkways, and front porches must be constructed of concrete, complementary brick pavers, natural stone, interlocking pavers, stamped concrete, exposed aggregate, or salt with stain finish and may be bordered with stone, brick, or concrete. The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed fifty (50) percent coverage.
10. Patios: All front yard patios must be covered and included in the roofline of the home.
11. Chimneys: All chimneys must have decorative metal caps.
12. Screening of Air Conditioning Units and Pool Equipment: Air conditioning units and pool equipment shall be screened from the view of the street by a fence or landscaping.

13. Design Repetition: A minimum of six (6) platted residential lots must be skipped on the same side and four (4) skipped on the opposite side of a street before rebuilding the same single-family residential unit consisting of an identical elevation. The same floor plan shall not be repeated on adjacent lots or directly across the street. Homes with the same color exterior may not be constructed adjacent to each other.

3. General Conditions – Single Family Residential

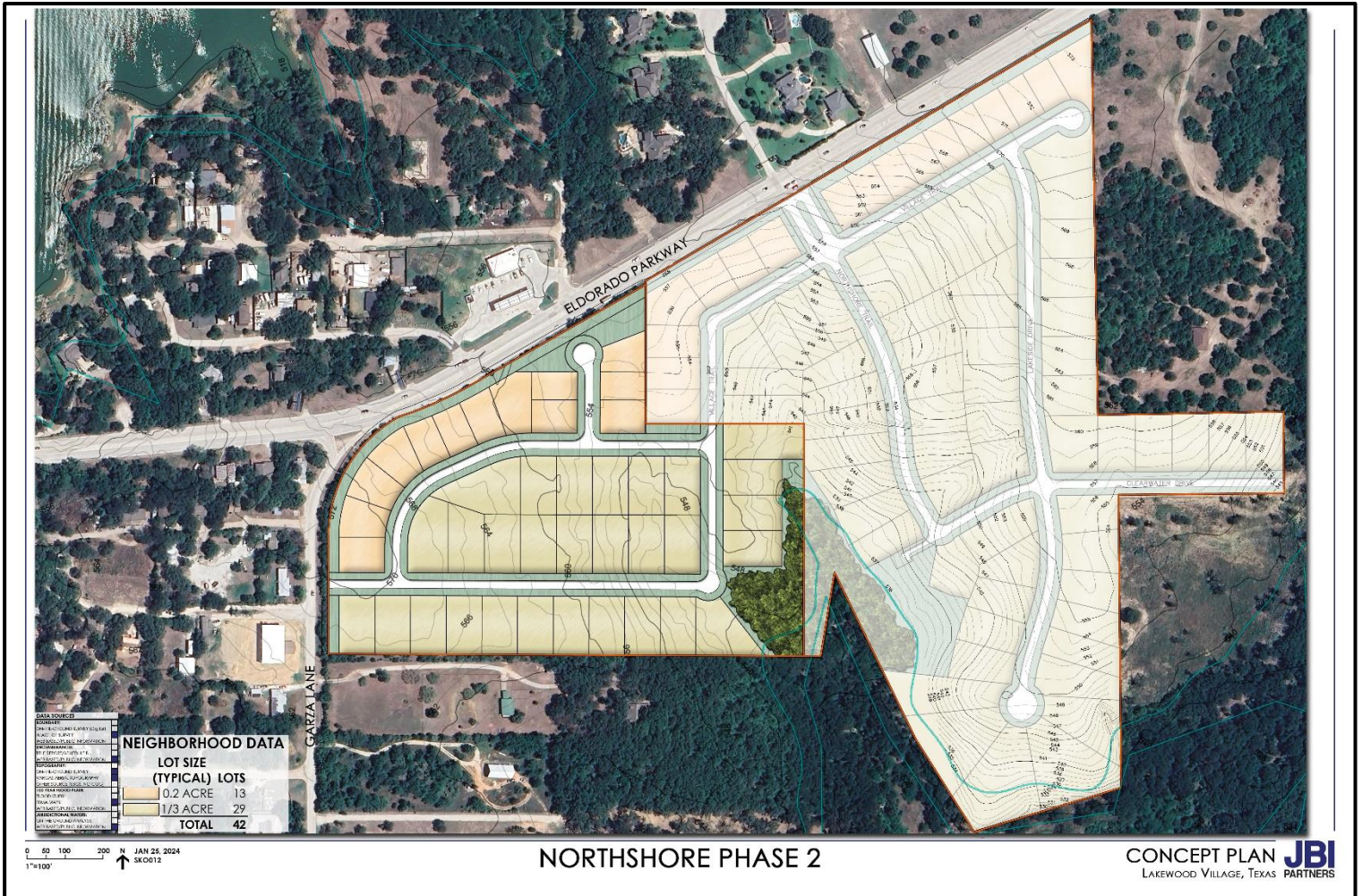
- A. Perimeter Landscaping: In accordance with Town Regulations and a Town approved landscaping plan, Developer shall install, at Developer's sole expense, landscaping in the area adjacent to the right-of-way expansion for the Entry Street, as generally depicted in **Exhibit D**. At minimum, the landscaping plan shall provide for a fifteen foot (15') wide berm, or natural screen (no fences), the plans, dimensions and location of which shall be subject to Town approval as part of the Developer proposed landscape plan.
- B. Perimeter Street Sidewalk: In accordance with Town Regulations, as amended, and at a location as generally depicted in **Exhibit D**, Developer shall design and construct a five (5) foot meandering sidewalk adjacent to the right-of-way. Such sidewalk shall be designed and constructed at Developer's sole cost and expense. Plans, dimensions, and location of such sidewalk shall be subject to Town approval.
- C. Monument Sign: In accordance with Town Regulations, as amended, and at a location as generally depicted in **Exhibit D-1**, Developer shall design and construct a monument sign adjacent to the Eldorado Pkwy right-of-way. Such monument sign shall be designed and constructed at Developer's sole cost and expense. Plans, dimensions, and location of such monument sign shall be subject to Town approval.
- D. Sidewalks: Internal sidewalks are not required within this Planned Development district.
- E. Open Space and Park Space: Developer agrees to dedicate a minimum of 1.7 acres to the Town for use as park and/or open space in the location(s) generally shown on the Concept Plan, which includes the landscape buffer and all open space lots. The dedication will occur at Final Plat in accordance with this Agreement and Town Regulations. The open space to be dedicated to the Town herein shall satisfy both (1) any and all obligations of Developer to dedicate park land or make payments in lieu thereof under the Town's park ordinance (Ordinance No. 15-18, as amended); and (2) any and all open space requirements for this Planned Development District under the Town's comprehensive zoning ordinance (Ordinance No. 19-02, as amended).
- F. Streets: Streets shall consist of a sixty (60) foot wide right-of-way with a twenty-two (22) foot paving section.. Cul-de-sacs shall be designed with a radius of fifty (50) feet for right-of-way and a radius of forty (40) feet for paving. Right-of-way widths and pavement sections may be modified to accommodate the divided entry, and other unique project features.
- G. Alleys: Alleys are not required within this Planned Development district.

- H. Drainage: Storm drainage shall be primarily conveyed by earthen channels, open drainage courses and by the street itself but may also be enclosed in concrete pipes as necessary. Lay down/ roll curbs may be used to convey stormwater but standard six-inch (6") curbs are prohibited, except for the entry street. Open drainage courses carrying street runoff between lots may be an earthen channel provided that an easement is provided from top-of-bank to top-of-bank.
- I. Temporary Signs: Temporary marketing signs are permitted for the purposes of advertising home and lot sales. The display area of the signs shall be a maximum of sixty-four (64) square feet and the maximum height of the signs shall be eighteen (18) feet.
- J. Mailboxes: Cluster box units will be provided for mail delivery as required by the United States Postal Service. Cluster box units will be located within the centralized parks/open space areas or at a location otherwise designated by the Town
- K. Applicable Standards: Development approvals including but not limited to, the Town's approval of: (i) preliminary and final plats that are generally in accordance with the Concept Plan, and (ii) construction plans for the Properties that meet or exceed the applicable requirements of Town regulations, as they exist on the date of the adoption of these regulations, including Subdivision Ordinance No. 20-05, Subdivision Ordinance 22-22, Zoning Ordinance No. 19- 02, Public Works Construction Standards Ordinance No. 23-15 as amended, and Lighting Ordinance No. 19-03 (collectively the "**Applicable Regulations**"), shall be granted without regard to any subsequent amendments to the Applicable Regulations for a period of three (3) years from the adoption of these regulations.

Exhibit C

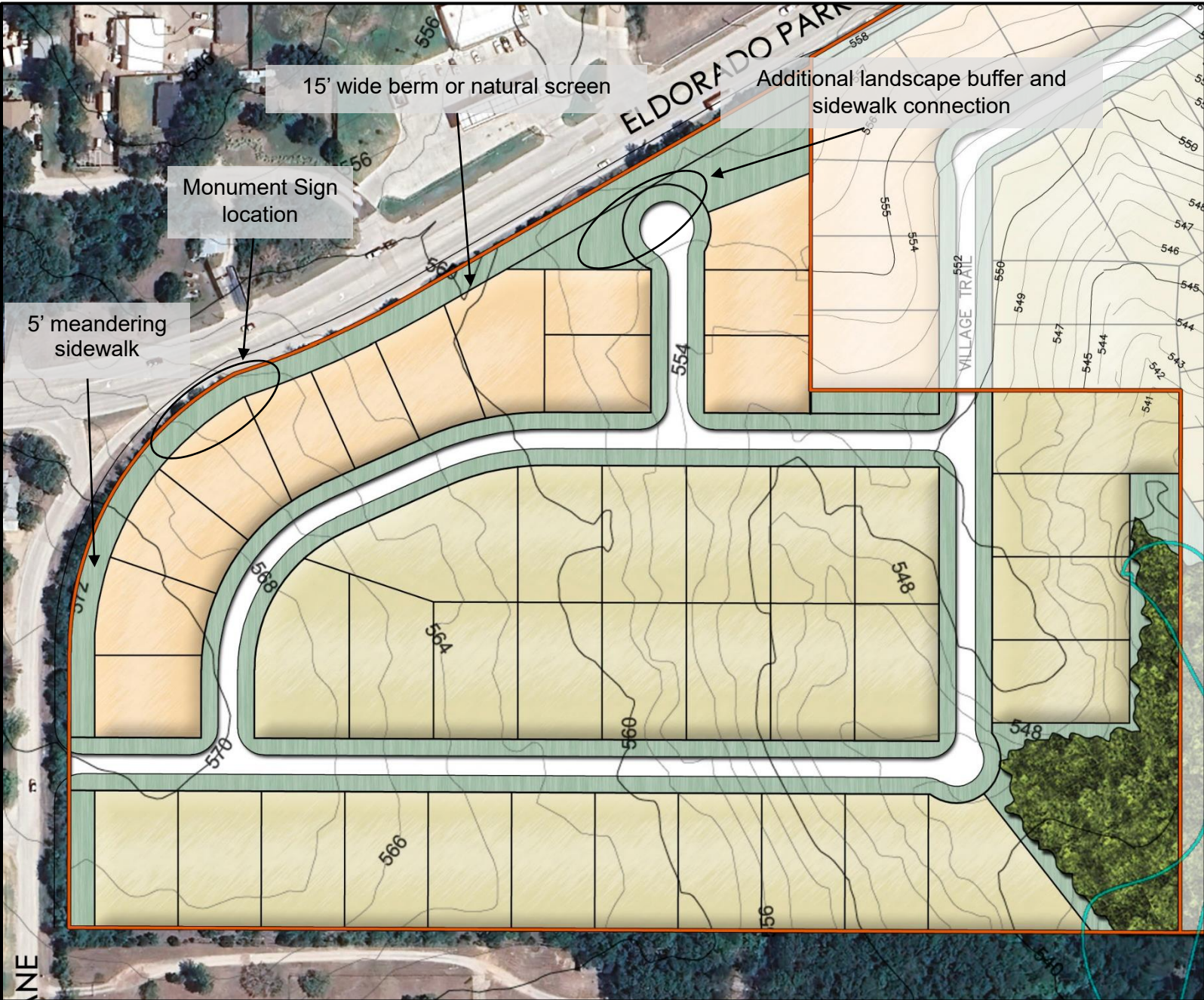
Concept Plan

The Concept Plan establishes the general guidelines for this Planned Development district by conceptually illustrating the project boundaries, land use types, approximate locations of lots, roadways, and open space. Final locations of lots, roadways, and open space will be determined at the time of plat approval and shall be developed in accordance with Town ordinances.



Perimeter Landscaping and Sidewalk

PERIMETER LANDSCAPING AND SIDEWALK



Monument Sign



The Monument Sign depiction and associated dimensions are for representative purposes only.