ORDINANCE NO. 2009

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EULESS, CHAPTER 84, "UNIFIED DEVELOPMENT CODE," AMENDING THE CITY OF EULESS ZONING DISTRICT MAP ON 1.544 ACRES IN THE WILLIAM G. MATTHEWS SURVEY, ABSTRACT 1052, BY CHANGING THE ZONING FROM SINGLE-FAMILY ATTACHED DWELLING DISTRICT (R-1A) ZONING INTO PLANNED DEVELOPMENT (PD) ZONING AS DESCRIBED HEREIN AND ON THE ATTACHED "EXHIBIT A"; PROVIDING FOR A SEVERABILITY CLAUSE, PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on September 17, 2013, in conjunction with Zoning Case No. #13-02-PD, and has rendered a recommendation to the City Council with respect to this case;

WHEREAS, the City Council has conducted a public hearing on October 8, 2013, considered the recommendation of the Planning and Zoning Commission, and has determined that the proposed change is in the best interest of the general welfare of the City of Euless;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EULESS, TEXAS:

SECTION 1.

THAT the official zoning district map of the City of Euless, Texas, being a part of Chapter 84 of the Code of Ordinances, be amended to read so that the zoning district classification of 1.544 acres out of the William G. Matthews Survey, Abstract 1052, is changed from Single-Family Attached Dwelling District (R-1A) zoning into Planned Development (PD) zoning (As Described Herein and on the Attached **"Exhibit A"**). Said property described above shall be subject to all the safeguards and conditions set forth on said "Exhibit A" or stipulated herein. Said "Exhibit A" shall be applicable only to the property described in herein.

SECTION 2.

THAT all residential structures shall be developed and constructed in accordance with the architectural design criteria as attached in "**Exhibit B."**

SECTION 3.

THAT the elevations of residential structures shall be developed and constructed consistent with the building elevations attached as **"Exhibit C"** as a guide for their

development. Innovation and modifications to individual elevations may be approved by the City of Euless Building Official.

SECTION 4.

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

SECTION 5.

PENALTY FOR VIOLATION. Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1, "General Provisions," Section 1-12, "General Penalty," Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 6.

SAVINGS CLAUSE. All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of the Euless Unified Development Code applicable to the Property that 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 this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

PUBLICATION. The caption, penalty clause, and effective date clause of this ordinance shall be published in a newspaper of general circulation in the City of Euless, in compliance with the provisions of Article II, Section 12 of the Euless City Charter.

SECTION 8.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication, as provided by the Euless City Charter and the laws of the State of Texas.

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on October 8, 2013, by a vote of ___ ayes, ___ nays, and ___ abstentions.

APPROVED:

_____
Mary Lib Saleh, Mayor

ATTEST:

_____
Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

_____
Wayne Olson, City Attorney

Exhibit A

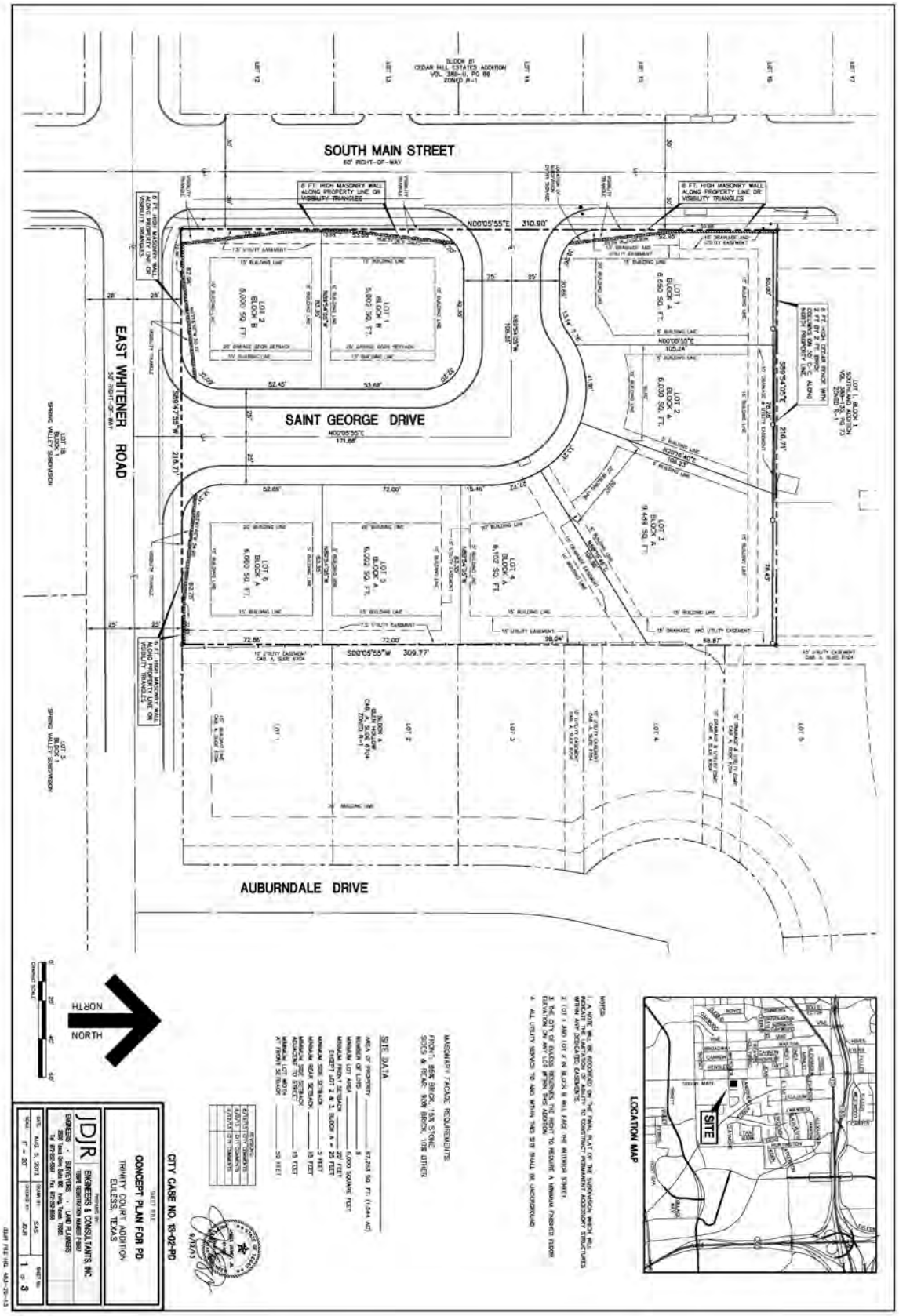
SOUTH MAIN STREET
60' RIGHT-OF-WAY
EAST WHITENER ROAD
50' RIGHT-OF-WAY
SAINT GEORGE DRIVE
AUBURNDALE DRIVE
NORTH
SITE
LOCATION MAP
SITE DATA
CITY CASE NO. 13-02-PD
CONCEPT PLAN FOR PD
TRINITY COURT ADDITION
ELLISS, TEXAS
JDJR
ENGINEERS & CONSULTANTS, INC.

Exhibit B

Trinity Court – Silver Bay Group - Design Criteria

Design Standards

1. Masonry brick veneer and natural stone and/or cement stucco will be used on house exterior. Limited areas in the façade may use painted cementitious board where it is difficult to use masonry. Brick details will articulate the front façade consisting of soldier course and other diagonal brick patterns and row lock, etc. on top of openings. The masonry ratio may be comprised of 80% brick, 10% stone and 10% siding depending on design. However, front façade shall be 100% masonry.
2. Minimum roof pitch shall be 6:12, except porches may be 4:12
3. Architectural grade 30 year asphalt shingles shall be used.
4. Wood, steel or stained fiberglass simulated wood grain front door with transom panel above to be used.
5. Facades will be custom designed for each house as much as possible. However, the same façade will not be repeated within any 5 adjacent lots or across the street from those lots. Arched window heads may be used with arched brick details.
6. HVAC condensing units and utility meters will be placed to the side and rear yards toward the back of the house concealed from the front view.
7. Windows shall be single or double hung recessed in the brick/stone opening to create depth.
8. The design may contain window decorative shutters made of louvers or panels and shall be the same height as the windows.
9. Gutters shall be surface mounted, galvanized steel or aluminum and painted.
10. Dormers shall be used to articulate the house façade in some designs. The dormer proportions shall be designed by the architect of record.
11. Structural posts exposed on the street wall shall be no less than 6”X6” in cross section.
12. If a porch is used, porch beams shall be visible from both the inside and the outside of the porch. Seams between the beam face and the bottom of built up beams shall occur beneath the beam.
13. The design may use stoop and portico at the front door and/or front porch and decorative railings.
14. The houses will have a minimum 1,800 square feet of air conditioned area and a two-car garage.
15. Lots labeled on Exhibit “A” as Lots 3, 4, 5 & 6, Block A shall be limited to single-story construction.

Tree Protection

1. Unless otherwise exempted by this Ordinance, the following procedures shall apply to protect any tree which will be preserved within this development.

2. All persons submitting construction plans shall insure that such plans comply with the requirements of this Ordinance.
3. The following activities are prohibited within the limits of the critical root zone of any protected tree subject to the provisions of this Ordinance.
4. Material Storage: No storage or placement of materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any protected tree.
5. Equipment Cleaning/Liquid Disposal: No equipment shall be cleaned or other liquids, including, without limitation, paint, oil, solvents, asphalt, concrete, mortar or similar materials deposited or allowed to flow into the critical root zone of a protected tree.
6. Tree Attachments: No signs, wires or other attachments, other than those of a protective nature, shall be attached to any protected tree.
7. Vehicular Traffic: No vehicular and/or construction equipment traffic or parking shall take place within the critical root zone of any protected tree other than on existing street pavement. This restriction does not apply to single incident access within the critical root zone for purposes of establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance, emergency restoration of utility service, or routine mowing operations.
8. Impervious Paving: No paving with asphalt, concrete or other impervious materials shall be placed within the limits of the critical root zone of a protected tree except as otherwise allowed in this Ordinance.
9. No heavy equipment, including but not limited to trucks, tractors, trailers, bulldozers, bobcat tractors, trenchers, compressors, and hoists, shall be allowed inside the drip-line of any protected tree on any construction site without prior written approval of the Building Official.
10. The following procedures shall be followed on all types of construction projects (including residential, land development, municipal / public domain projects):
11. Protective Fencing: Prior to the issuance of any building or earth disturbance permit, or commencing construction, the owner, contractor or subcontractor shall construct and maintain, for each protected tree on a construction site, a protective fencing which encircles the outer limits of the critical root zone of the tree to protect it from construction activity or in cases of heavily wooded sites, as approved by the Building Official.
12. All protective fencing shall be in place prior to commencement of any site work and remain in place until all exterior construction activity at the site has been completed.
13. Protective fencing shall be at least four (4) feet high, clearly visible, and shall have a tree protection sign affixed to the fence every twenty (20) feet in such a manner to be clearly visible to workers on the site.
14. The use of orange vinyl construction fencing or other similar fencing is generally permitted only if there is no construction or vehicular activity within ten (10) feet of the fence. If construction activity or vehicular traffic is expected within ten (10) feet of the fence, the fence shall be constructed of chain link or other similar metal, wooden material or semi-rigid vinyl tape fencing supported with a top support wire or equivalent support material affixed to metal or wooden posts, all of which shall be six (6) feet in height.

15. All protective fencing shall be supported at a maximum of ten (10) foot intervals by approved methods sufficient enough to keep the fence upright and in place for the duration of the construction.
16. The owner shall cause the required fencing to be installed and maintained for the duration of the construction.
17. For permits involving trenching such as sewer services, irrigation systems or underground electrical work, the applicant shall provide sufficient plans to provide protection of the trees in the vicinity of the work.
18. All of the above conditions must adhere to and be inspected by a City inspector prior to the issuance of any building or earth disturbance permit.
19. In situations where a protected tree remains in the immediate area of intended construction and the Building Official determines the tree bark to be in danger of damage by construction equipment or other activity, the contractor or subcontractor shall protect the tree by enclosing the entire circumference of the tree trunk with two (2) inches x four (4) inches lumber encircled with wire or other means that do not damage the tree. The intent is to protect the bark of the tree against incidental contact by large construction equipment. The contractors shall comply with the requirements of this Ordinance regarding bark protection.

Construction Methods:

1. Boring: Boring of utilities under the critical root zone of a protected tree shall be required in those circumstances where it is not possible to trench around the critical root zone of the protected tree. When required, the bore shall be a minimum depth of forty-eight (48) inches.
2. Trenching: No trenching shall cross the critical root zone of any protected tree, unless approved in writing by the Building Official. The placement of underground utility lines is encouraged to be located outside of the critical root zone of protected trees. Irrigation system lines shall be placed outside of the critical root zone, except the minimum number of single head supply lines required to irrigate within the critical root zone. Any such irrigation line shall be installed along a horizontal line that bisects the tree trunk, in the manner that has the least possible encroachment into the critical root zone, and that extends no further into the critical root zone as is necessary to provide proper irrigation.
3. Root Pruning: All roots two inches or larger in diameter which are exposed as a result of trenching or other excavation shall be cut off square with a sharp medium tooth saw and covered with pruning compound within two hours of initial exposure.

Exhibit C – Building Elevations