ORDINANCE NO. 2016

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 1.693 ACRES IN THE B. HARRINGTON SURVEY, ABSTRACT 808, BY CHANGING THE ZONING FROM SINGLE-FAMILY DWELLING DISTRICT (R-1) 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 November 5, 2013, in conjunction with Zoning Case No. #13-03-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 November 12, 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 1.693 acres out of the B. Harrington Survey Abstract 808, is changed from Single-Family Dwelling District (R-1) 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 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.

THAT, preserved trees on the site shall be protected from the development process in the manner outlined within **"Exhibit D."**

SECTION 5.

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 6.

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 7.

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 8.

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 9.

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 November 12, 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

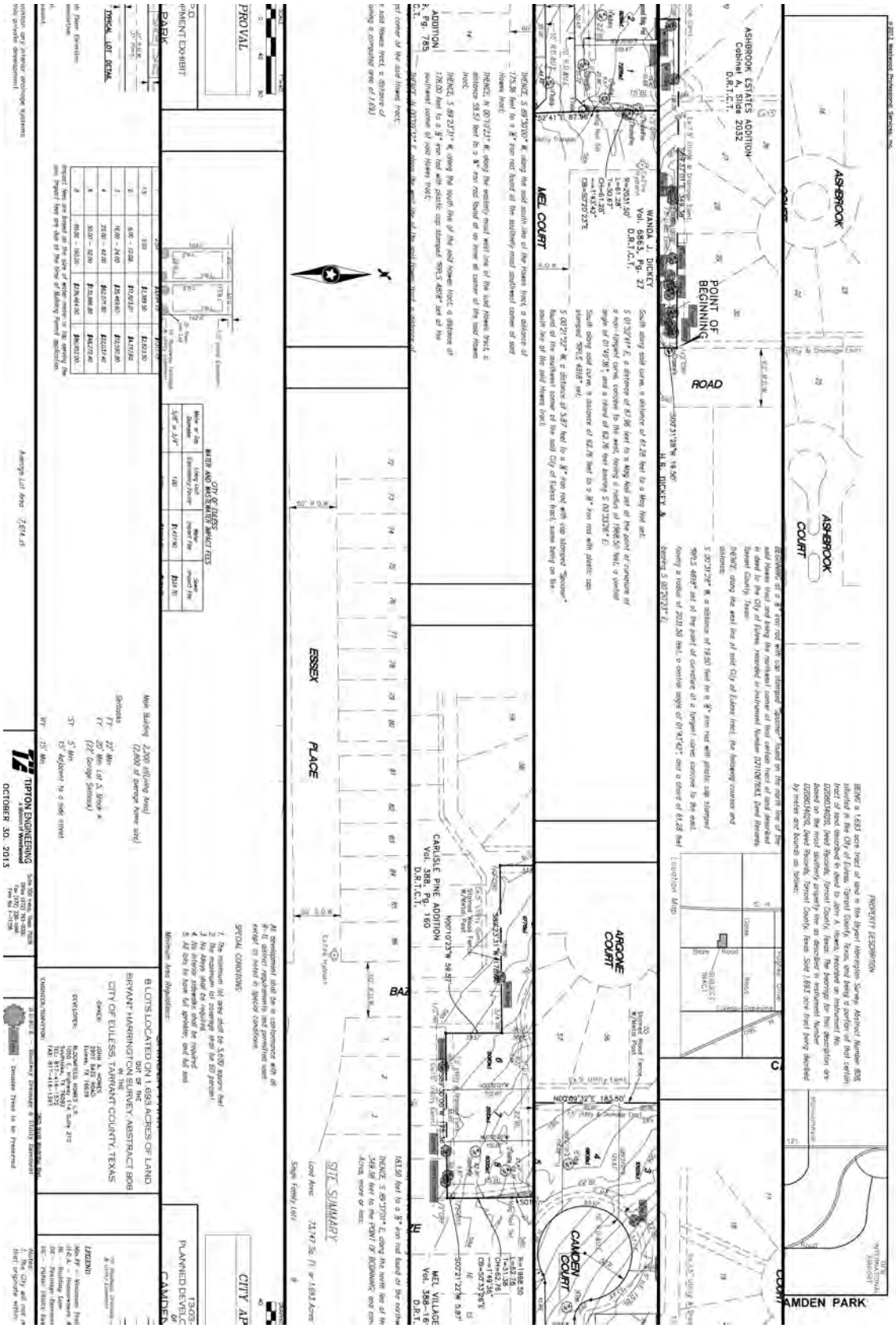

ASHBROOK
ASHBROOK COURT
ASHBROOK ESTATES ADDITION
POINT OF BEGINNING
ROAD
MEL COURT
ESSEX PLACE
ARGONE COURT
CAMDEN COURT
CAMDEN PARK
PROPERTY DESCRIPTION
SITE SUMMARY
TIPTON ENGINEERING
OCTOBER 30, 2013

Exhibit B

Camden Park - Bloomfield Homes, LP. - Design Criteria

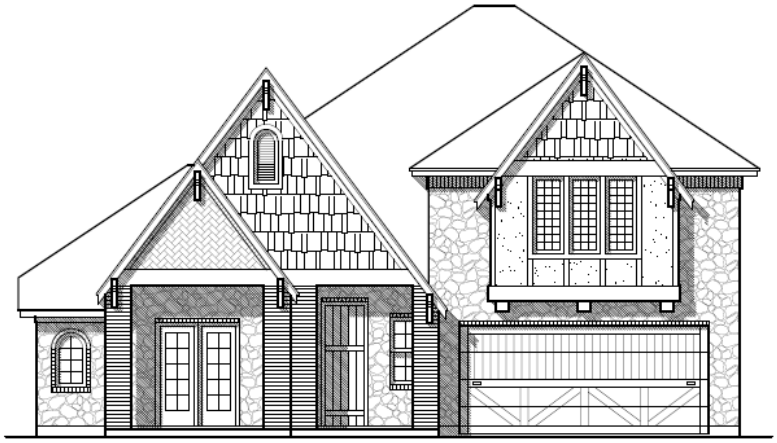
Standard Features

1. Minimum Roof Pitch: 8:12, except porches.
2. Architectural grade asphalt shingles.
3. Cedar garage doors with steel support frames.
4. Wood and Iron 8' front doors.
5. Brick and Stone – brick and stone elevations for all plans. Each home shall have at least 20% stone and/or detailed brick accents on the front façade unless the design incorporates the cementitious fiberboard product as the primary surface material.
6. Cementitious fiberboard or other alternative materials varying from the required masonry products may be requested by the builder based on a particular architectural style of home. The City of Euless Building Official shall determine if the home design warrants changes to the required masonry percentages.
7. Driveway and lead walks shall be aggregate finished concrete.
8. Porches/Patios/Decks – all plans will have a combined minimum square footage of 130 total square feet. Full front porches may encroach the front building line by a maximum of seven (7') feet.
9. Ornamental coach lights on all front elevations.
10. Windows – Vinyl divided light windows (Prairie Style) standard on all front elevations.
11. Concealed HVAC units, trash storage and utility meters (as appropriate).
12. Brick shall course exactly to the top and bottom of all walls.
13. Plan Repetition – will build each elevation no more than 2 times in the neighborhood.
14. Windows will be single or double hung with sliders on the sides as necessary in bedrooms.
15. Windows are to be placed on each wall elevation with a proper wall to window ratio.
16. If shutters are used, shutters shall be the same height as the associated opening and proportional in scale to the windows and elevation.
17. Gutters shall be aluminum or painted if necessary.
18. If a porch is used, the porch column base shall not protrude beyond the foundation.
19. Eaves and Soffits – consist of durable LP Smart Siding and cementitious products.
20. Landscaping shall include a minimum of 2 trees and 12 shrubs with stone edging. Each home will include an irrigation system for front, side and rear yard.
21. Ornamental address blocks placed on each house on the front façade.
22. Front up lighting included on all homes.

Optional Features – variations per Plan and customer selections

1. Dormer windows & Arched windows.
2. Second story front/rear porches per plan.
3. Stone facades options with additional stone details.
4. Decorative cedar accents per elevation.
5. Decorative porch rails and columns per plan selected.
6. Garages – certain plans/lots will offer an optional ½ car additional storage space or an optional 3rd car garage.
7. Ornamental steel fencing may be used from structure to the sideyard fence.

Exhibit C



the carolina
elevation e

the carolina
elevation f

the hawthorne
elevation d

Exhibit D
Tree Protection Procedures

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

All persons submitting construction plans shall insure that such plans comply with the requirements of this Ordinance.

The following activities are prohibited within the limits of the critical root zone of any protected tree subject to the provisions of this Ordinance.

a. 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.
b. 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.
c. Tree Attachments: No signs, wires or other attachments, other than those of a protective nature, shall be attached to any protected tree.
d. 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.
e. 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.
f. 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.

The following procedures shall be followed on all types of construction projects (including residential, land development, municipal / public domain projects):

a. 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.

b. 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.
c. 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.
d. 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.
e. 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.
f. The owner shall cause the required fencing to be installed and maintained for the duration of the construction.
g. 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.
h. 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.
i. 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:

a. 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.

b. 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.

c. 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.