

ORDINANCE NO. 2040

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 3.282 ACRES OF LAND OUT OF THE J.E. WHITENER ESTATE, BLOCK 2, LOTS 31 AND 32, BY CHANGING THE ZONING FROM COMMUNITY UNIT DEVELOPMENT (CUD) DISTRICT ORDINANCE NO. 753 INTO PLANNED DEVELOPMENT (PD) ZONING DISTRICT 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 2, 2014 in conjunction with Zoning Case No. #14-02-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 September 23, 2014, 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 3.282 acres of land out of the J.E. Whitener Estate, Block 2, Lots 31 and 32, is changed from Community Unit Development (CUD) district Ordinance No. 753 into Planned Development (PD) zoning district 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 masonry screening wall along East Whitener Road, will be maintained by a homeowner's association.

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 September 23, 2014 by a vote of ____ ayes, ____ nays, and ____ abstentions.

APPROVED:

Linda Martin, Mayor

ATTEST:

Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

Wayne Olson, City Attorney

Exhibit B

Hearthstone – Bloomfield Homes - Design Criteria

Design Standards

1. Minimum Roof Pitch: 6:12
2. Architectural grade asphalt shingles.
3. Brick and/or Stone – each home shall have at least 80% coverage.
4. Windows – Vinyl divided light windows (Prairie Style) standard on all front elevations.
5. Concealed HVAC units, trash storage and utility meters (as appropriate).
6. Brick shall course exactly to the top and bottom of all walls.
7. Windows will be single or double hung with sliders on the sides as necessary in bedrooms.
8. Windows are to be placed on each wall elevation with a proper wall to window ratio.
9. If shutters are used, shutters shall be the same height as the associated opening and proportional in scale to the windows and elevation.
10. If a porch is used, the porch column base shall not protrude beyond the foundation.
11. Eaves and Soffits – consist of durable LP smart siding and cementitious products.
12. Landscaping shall include a minimum of 2 trees and 12 shrubs with stone edging.
13. Irrigation – each home will include a irrigation system for front, side and rear yard.
14. Ornamental address blocks placed on each house on the front façade.
15. Fencing –each home will have rear & side yard fencing with 8' metal posts and stained wood.