

ORDINANCE NO. 2071

AN ORDINANCE AMENDING CHAPTER 84 OF THE CODE OF ORDINANCES, IDENTIFIED AS THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EULESS, TEXAS; 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 PLANNED DEVELOPMENT (PD) INTO PLANNED DEVELOPMENT (PD) ZONING DISTRICT AS DESCRIBED HEREIN AND ON THE ATTACHED EXHIBIT "A"; PROVIDING FOR A SEVERABILITY CLAUSE, PENALTY FOR VIOLATION AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on June 2, 2015 in conjunction with Zoning Case No. 15-05-PD, and has rendered a recommendation to the City Council with respect to this case; and

WHEREAS, the City Council has conducted a public hearing on June 23, 2015, 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, THAT:

SECTION 1.

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, by changing the zoning from Planned Development (PD) 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 in herein.

SECTION 2.

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

SECTION 3.

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, 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 June 23, 2015 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 an 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.