

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF COPPELL, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM R (RETAIL) TO PD-264-RBN-5 (PLANNED DEVELOPMENT 264-RBN5-RESIDENTIAL URBAN NEIGHBORHOOD), TO ALLOW THE DEVELOPMENT OF 58 SINGLE-FAMILY LOTS AND (3) THREE COMMON AREA LOTS ON 22 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF S.H. 121, APPROXIMATELY 2,500 FEET WEST OF DENTON TAP ROAD AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR DEVELOPMENT REGULATIONS AS SET FORTH HEREIN AND IN ZONING EXHIBIT/DETAIL SITE PLAN, BUFFER CROSS SECTION, TREE SURVEY OF THOSE TREES TO BE PRESERVED IN THE COMMON LOT, , LANDSCAPE PLAN, ENTRY FEATURES AND FENCING AND TREE SURVEY ATTACHED HERETO AS EXHIBITS “B”, “C”, “D”, “E”, “F” AND “G”, RESPECTIVELY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Coppel, Texas, in compliance with the laws of the State of Texas and pursuant to the Comprehensive Zoning Ordinance of the City of Coppel, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Zoning Application No. PD-264-RBN-5 should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Coppel, Texas, duly passed by the governing body of the City of Coppel, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from R (Retail) to PD-264-RBN-5 (Planned Development 264-RBN5-Residential Urban Neighborhood), to allow the development of 58 single-family lots and (3) three common area lots on 22 acres of property located on the south side of S.H. 121,

approximately 2,500 feet west of Denton Tap Road for the property described in Exhibit “A” attached hereto and made a part hereof for all purposes.

SECTION 2. That PD-264-RBN5 (Planned Development-264-Urban Residential District-5) is hereby approved subject to the following development regulations:

A. Use regulations

1. A building or premise shall be used only for the following purposes:

- i. Any use permitted in the "RBN-5" district, as provided in the Coppell Code of Ordinances.
- ii. Home occupation, as defined in the Coppell Code of Ordinances.

B. Maximum height regulations - The maximum height regulations will be 35 feet nor more than two and one-half stories high, whichever is less.

C. Area regulations, exclusive of the common area lots.

1. Minimum size of yards as shown on the Detail Site Plan, Exhibit “B” of this Ordinance, and as provided herein:

- i. Front yard setbacks shall be a minimum of 20 feet
- ii. Front porches may encroach into the front yard six (6) feet, but shall not be closer than fourteen (14) feet to the right-of-way line.
- iii. All garage doors shall be setback a minimum of 22 feet from the property line.
 - a) No more than two (2) garage doors shall face the street.
 - b) Each garage door shall be a stained wood door or a metal door simulated to appear as a stained wooden door.
- iv. Side yard setbacks shall be a minimum of 5 feet, and a minimum of 10 feet adjacent to a street.

- v. Rear yard setbacks shall be a minimum of 10 feet.
- 2. Minimum Lot areas shall be as depicted on the Detail Site Plan, Exhibit “B” of this Ordinance.
 - i. Minimum lot width shall be a minimum of 50 feet.
 - ii. Lot depth shall be a minimum of 115 feet.
- D. Minimum dwelling size: 1,800 square feet, exclusive of garages, breezeways and porches.
- E. Maximum lot coverage: no more than 60 percent of the total lot area may be covered by the combined area of the main buildings and accessory buildings.
- F. Type of exterior construction.
 - 1. At least 80 percent of the exterior walls of the first floor of all structures shall be of masonry construction exclusive of doors, windows, and the area above the top plate line. Each story above the first floor of a straight wall structure shall be at least 80 percent masonry exclusive of doors, windows and the area above the top plate line
 - 2. Each single family dwelling shall have three of the following architectural elements: dormers, gables, recessed entries, covered porches, cupolas or towers, pillars or post, eaves, bay windows, or decorative patterns on exterior finishes.
- G. Tree Retribution: A Tree Removal Permit shall be required prior to the removal of any trees.
- H. Homeowners Association
 - 1. The Homeowners Association shall maintain all common areas and walls contained within and adjacent to all common areas.
 - 2. Homeowners Association documents shall be submitted, reviewed and approved by the City in accordance with the Code of Ordinances.
- I. Alleys shall not be constructed within this development

J. Common Lot D, Lot 1X :

1. This area shall be developed as depicted in Exhibit “C”, Buffer Cross Section, which shall be attached hereto and made a part of the Ordinance.
2. The Protected Trees shall be preserved as indicated on the Protected Trees Preserved within Buffer Zone, attached hereto as Exhibit “D”.
3. Once the infrastructure is in place, evergreen trees (such as Elderica Pine or Eastern Red Cedar) shall be planted as necessary to provide that there will be tree approximately every 40 linear feet within this buffer area.

K. Until such time that a second point of access is provided, a maximum of 30 homes may be built without fire suppression systems. Permits for homes 31-58 shall require approved fire suppression systems, unless a second point of access is provided. A temporary access (all weather surface) shall be allowed as the second point of access for a period not to exceed two years from the date of City acceptance of the subdivision improvements. Thereafter, a permanent (concrete) surface shall be required, or permits for homes 31-58 to be built in the development will require approved fire suppression systems until permanent concrete access is provided. This second point of access shall be provided via an easement which shall approved by the City Attorney prior to being filed for record.

L. Park Fees in the amount of \$1,285 per unit shall be assessed.

M. The Developer shall dedicate and deed a fifteen foot (15’) wide right-of-way in favor of the City and construct an eight (8’) foot wide concrete hike and bike trail. This hike and bike trail shall be installed at the developers cost, as provided for other hardscape elements, as set forth in Exhibit “E”, Landscape Plan. Final alignment of the hike and bike trail shall be as approved by the Parks and Recreation Department.

N. Prior to filing any Final Plats for the Easthaven Development, the Floodplain Study (CLOMR) shall be approved and the revised 100-year flood plain line shall be depicted on the Final Plat.

SECTION 3. That the property shall be developed and used in accordance with the RBN-5 (RBN-5) development standards under the Coppell Zoning Ordinance, except as amended in the Zoning Exhibit/Detail Site Plan, Section of Buffer Area, Survey of Existing Trees To Be Retained In The Buffer Area, Landscape Plan (4 pages) Entry Features and Fencing (5 Pages) and Tree Survey (38 pages) provided herein and as indicated on Attached hereto as Exhibits “B”, “C”, “D”, “E”, “F” and “G” , made a part hereof for all purposes, are hereby approved.

SECTION 4. That the property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Coppell, as heretofore amended, and as amended herein.

SECTION 5. That the development of the property herein shall be in accordance with building regulations, zoning ordinances, and any applicable ordinances except as may be specifically altered or amended herein.

SECTION 6. That all provisions of the Ordinances of the City of Coppell, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect. **SECTION 7.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 8. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 9. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Coppell, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Coppell, Texas, this the _____ day of _____, 2013.

APPROVED:

KAREN SELBO HUNT, MAYOR

ATTEST:

CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH/mpm)