

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 PLANNED DEVELOPMENT -250-HISTORIC TO PD-250R8-H (PLANNED DEVELOPMENT-250-REVISION 8-HISTORIC) FOR THE PROPERTY LOCATED IN OLD TOWN COPPELL ON THE SOUTH SIDE OF BETHEL ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR THE APPROVAL OF THE CONCEPTUAL SITE/LANDSCAPE PLAN ATTACHED AS EXHIBIT “B”; PROVIDING FOR DEVELOPMENT REGULATIONS; 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-250R8-H 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 PD-250 “H” (Planned Development-250 Historic) to PD-250-R8 (Planned Development District Revision-8) for the property located in Old Town Coppel and being more particularly described in Exhibit “A”, attached hereto and made a part hereof for all purposes.

SECTION 2. The property shall be developed and used in accordance with the following regulations:

A) **Purpose.** The purpose of this Planned Development is to provide for a mixed use development within Old Town Coppell for the development of approximately thirteen (13) retail office cottages built with craftsman architectural style, a maximum of forty-four (44) town or patio homes, eleven (11) retail service buildings, two (2) restaurants, private parking and landscaping, to be anchored by the proposed Town Square.

B) **Uses and Base Zoning District.** The property shall be developed and used only in accordance with Chapter 12, Article 28A “H” Historic District regulations of the Code of Ordinances and the Appendices thereto, except as otherwise provided herein:

1) Service, townhome or garden patio homes as depicted on the Conceptual Site/Landscape Plan (Exhibit B) are allowed without a special use permit.

2) The following uses are allowed in the service buildings that do not front the Town Square without Special Use Permit: carpentry; painting, plumbing or mechanical shops; private schools and related facilities; office, limited warehouse and distribution with less than ninety percent (90%) of the floor area in the service buildings.

3) A Special Use Permit shall not be required for sports, recreation and entertainment uses indoors, commercial printing shop, equipment sales and indoor amusement.

4) Restaurants and retail uses are allowed by right except for restaurants and retail uses occupying more than 8,000 square feet of foundation area (excluding patios) which require a special use permit.

5) Auto/Mobile Vehicle Parking Lots are allowed without need to obtain a special use permit.

C) **Area Regulations.**

1) The structures along Coppell and Bethel Roads do not have to conform to the existing setback pattern along the same street. The size and shape of new buildings are not required to be consistent with the general massing of the existing “character defining” buildings.

2) Front yard: To be measured from back of curb, generally, 15-25 feet total on public and private property comprising of:

- a. Five feet to seven feet wide area of street trees, landscaping and lighting.
- b. Minimum five feet wide concrete sidewalk.
- c. Five feet to ten feet wide area with plants and other amenities (benches, trash receptacles, bike racks, etc., if appropriate).
- d. The front yard may also contain a patio (outside of the sidewalk) if a restaurant or similar use is proposed. A larger front yard is permitted for institutional uses.

3) Side yard: Zero to ten feet maximum unless:

- a. Adjacent to a roadway, then it shall be treated as a front yard (this shall follow the same standards of construction as the primary facade).
- b. Adjacent to a residential district, then it shall equal the side yard requirements of that residential district.
- c. A fire lane or drive is included in the side yard, and then a side yard can extend to the limits of such fire lane or drive.

4) Rear yard: No rear yard is required unless a nonresidential use is adjacent to a residential zoning district, then a ten feet minimum landscape buffer is required in accordance with section 12-33-1. Rear yards may provide for parking.

5) Maximum building size: Building footprint may not exceed 8,000 square feet without a special use permit.

D) Parking Regulations.

1) Parking shall be in accordance with the off-street parking regulations of Chapter 12, Article 28A “H” Historic District regulations and Article 31 “Off Street Parking Regulations”, of the Code of Ordinances and the Appendices thereto, as amended, except special considerations and requirements specifically for PD-250-H which are as follows:

- a. Typical parking spaces shall be a minimum of nine-feet by eighteen feet.
- b. No parking area shall be allowed within five feet of the rear property line when abutting a nonresidential district, unless such parking abuts a private alley.
- c. Parking lots shall be screened through plantings of hedges, shrubs, trees, or fences at edges and in medians within the parking area, except those outside of view from public streets which shall not require screening. The screening and landscaping of parking areas shall be in accordance with Articles 33 and 12-34-8b, respectively.

E) Landscaping and Screening.

All landscaping and screening shall comply with Chapter 12, Article 28A “H” Historic District regulations and Article 34, of the Code of Ordinances and the Appendices thereto, as amended, except for special consideration and requirement specifically for PD-250-H which are as follows:

- 1) Residential lots shall have a minimum of a five foot wide area of street trees, landscaping and lighting.
- 2) No screening walls shall be required to separate land uses.
- 3) Trees planted in the parking islands shall be selected from the Overstory trees listed in Table 1 Plant Palette of the Comprehensive Zoning Ordinance, as amended. Trees located in the streetscape may be selected from either Overstory trees or Accent trees.
- 4) The service court area for the retail and service buildings shall be exempt from screening requirements for refuse storage and utility equipment.
- 5) Screening may be evergreen landscape materials as defined by the Code of Ordinances.
- 6) No screening is required for the townhomes or patio garden homes.
- 7) No screening is required of private parking areas not visible from the public rights-of-way or located adjacent to private alleys.
- 8) No perimeter or interior landscaping areas shall be required when located in a service court area.
- 9) Planting islands shall contain: (i) trees; and (ii) shrubs or groundcover.
- 10) If located within a visibility triangle, as required by the City Engineer, shrubs installed and maintained shall be less than 24 inches and trees shall have greater than 7 feet clearance from grade to the bottom of the crown.
- 11) A landscape perimeter buffer shall not be required along interior property lines or alleys.
- 12) Streetscape trees shall be counted toward the required number of trees required under the landscape ordinance in non-vehicular open space. No other trees shall be required for Cottage, Retail or Service uses.

13) Trees in the streetscape may be either Overstory trees or accent trees, as defined. If an accent tree is used, it shall be a Savannah Holly, Tree Yaupon, Little Gem Magnolia, Crepe Myrtle or similar alternative.

14) Ground and wall mounted mechanical and utility equipment must be screened from public rights of way and may be screened by evergreen screening wall. No screening is required from adjacent properties.

15) Streetscape requirements of Sect. 12-28A shall not apply to Burns and Hammond Streets.

16) Overstory trees shall be required for landscape islands.

F) Design and Construction Standards.

Prior to the issuance of any building permit (residential or commercial), the developer/land owner shall conform with all detailed planned development requirements as provided for in Chapter 12, Article 27 of the Code of Ordinances and all structures shall comply with Chapter 12, Article 28A “H” Historic District regulations of the Code of Ordinances and the Appendices thereto, as amended, except as amended herein.:

1) Driveways shall be located to the side or rear with garages sited in the rear yards.

2) Building materials other than wood or brick may not include metal siding but may include cement board.

3) Commercial buildings shall have a minimum of 60 percent glazed area (windows and door openings) from floor to ceiling for ground floor primary facades. Cottage buildings shall have doors and windows appropriate for craftsman architecture.

4) Masonry may only be painted if intended for signage.

5) Roof form and pitch: Gable roof form shall not apply to retail or services buildings which may use flat roofs or parapets.

6) Buildings having facades longer than those historically found in the district may utilize vertically oriented bays or other vertical design elements to break up the massing.

7) Window framing materials may be of aluminum or vinyl but must be traditional in appearance and shall not have brushed or shiny aluminum or other metal appearance elements.

8) Canopies/awnings: May be individually located within major bays or may be continuous. Canopies may be wooden or metal and parallel with the sidewalk. Awnings shall be angled and made of fabric (canvas) or similar materials (sunbrella), or metal. Plastic/vinyl is prohibited.

9) Shutters: Shall be of louvered wood, vinyl, fiberglass or metal construction, and shall fit the window opening (so that if closed, they would cover the window opening).

10) Foundations: May be raised and constructed of brick (brick veneer is acceptable).

11) Gutters: Shall be half-rounded unless there is a flat roof, then box drains may be used.

12) Electrical and gas meters and other mechanical equipment shall be located on the rear or side facades and shall be screened from public rights-of-way.

13) Walls of freestanding brick are not permitted in front yards but are acceptable at rear yards and side yards not visible from the street unless at the rear of retail or service buildings as indicated on the Conceptual Site/Landscape Plan.

I) Sign Regulations.

Developer/owner shall comply with all sign regulations applicable in Chapter 12, Article 28A “H” Historic District regulations and Article 29, of the Code of Ordinances and the Appendices thereto, as amended, except for special consideration and requirement specifically for PD-250-H which are as follows:

1) Signs may be painted directly on the façade.

2) Pan signs may be installed on the facades if architecturally compatible with the facade.

3) Projecting or hanging, perpendicular from vertical building elevations, signs

4) Neon signs are prohibited, except on buildings containing a restaurant .

SECTION 3. In addition, the requirements of Section 2, the property shall be developed and used only in accordance with the Conceptual Site/Landscape Plan attached as Exhibit “B”, and incorporated herein for all purposes, and which are hereby approved.

SECTION 4. After review and recommendation by the Development Review Committee (DRC) the Director of Planning is authorized to approve Detail Site Plans for developments which are in accordance with provisions of this Planned Development District and regulations adopted herein.

A) The Director of Planning may also approve minor amendments to the Detail Plans to:

- a. adjust building materials, colors, configuration and placement;
- b. to realign driveways and parking layout;
- c. to adjust open space, landscaping and screening;
- d. and to change utility and service locations;

provided that no such minor amendments shall not substantially change the approved Concept Plan, as provided herein.

B) Detail Site Plan Approval process:

- a. The applicant shall file an application to the Planning Department for Administrative Approval of Detail Site Plan , sufficient number of sets of the site plan, landscape plan, elevations and sign package for DRC review. Submission of preliminary engineering will be required unless waived by the Engineering Department.
- b. Written DRC Comments will be provided to the applicant 6 days prior to the Applicant DRC Meeting.

- c. The applicant shall address DRC comments, and revise plans to be reviewed at the Applicant DRC Meeting.
 - d. The applicant shall submit the final site plan, landscape plan, elevations and sign package, and preliminary engineering, if required, to the Director of Planning for approval prior to the issuance of a building permit.
- C) If it is determined that the Detail Site Plan is not in general conformance with the provisions as stated in the PD, the applicant can initiate an amendment to the PD and regulations, as required by the Coppel Code of Ordinances.

SECTION 5. That the above property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Coppel, as heretofore amended and as amended herein.

SECTION 6. That all provisions of the Ordinances of the City of Coppel, 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. In the event that a conflict exists between the Code of Ordinances, this Ordinance and/or the exhibits hereto, the Code of Ordinances shall govern. In the event that a conflict exists between this ordinance and the exhibits to this ordinance, Section 2 shall govern.

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
ATTEST:

CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
GS 12/28/09; 40960)(REH/cdb revised)