

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 PD-259-SF-7&9 (PLANNED DEVELOPMENT 259-SINGLE FAMILY-7 & 9) TO PD-259R-SF-7&9 (PLANNED DEVELOPMENT REVISED 259-SINGLE FAMILY-7 & 9), TO REVISE THE DETAIL SITE PLAN AND CONDITIONS, TO PERMIT THE DEVELOPMENT OF 74 SINGLE-FAMILY LOTS AND NINE (9) COMMON AREA LOTS ON 54.8 ACRES OF LAND LOCATED ON THE NORTH SIDE OF SANDY LAKE ROAD, APPROXIMATELY 750 FEET NORTHEAST OF STARLEAF ROAD (EXTENDED), AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR APPROVAL OF THE DETAIL SITE PLAN, LANDSCAPE PLAN, ENTRY FEATURE AND COMMON AREA LOT 2X, BRIDGE EXHIBIT, AND RETAINING AND SCREENING WALL EXHIBIT; ATTACHED HERETO AS EXHIBITS "B" THROUGH "F"; AND 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-259R-SF-7/9 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 , a zoning change request from PD-259-SF-7&9 (Planned Development 259-Single Family-7 & 9) to PD-259R-SF-7&9 (Planned Development Revised 259-Single Family-7 & 9), to revise the Detail Site Plan and Conditions, to permit the development of 74 single-family lots and nine (9) common area lots on 54.8 acres of land

located on the north side of Sandy Lake Road, approximately 750 feet northeast of Starleaf Road (extended), for the property described in Exhibit “A” attached hereto and made a part hereof for all purposes.

SECTION 2. That the Property will be used and developed for Single Family purposes as provided in the Code of Ordinances, is hereby approved subject to the following development regulations:

- A. The exterior of a maximum of 18 single family residences in this development shall be permitted to be constructed with stucco exterior finish in lieu of masonry as provided in the Comprehensive Zoning Ordinance. Stucco as used in this ordinance shall be defined as continuous plaster or mortar of seven-eighths (7/8”) of an inch thickness over wood frame with metal lath and elastomeric topcoat. All single family residences permitted to be of stucco material or plaster shall be of earth tone color.
- B. Minimum 25-foot front building line shall be provided for all single family lots.
- C. Homes to be built on Lot 1 and Lot 20 in Block D shall have a minimum size of 2,800 square feet.
- D. There will be a minimum side yard setback of 5 feet on Lots 1 through 20, Block D.
- E. Sidewalks will be constructed at time of house construction on all single family lots.
- F. No alley shall be required for any Lots within the development.
- G. Hardscapes consisting of masonry, wood, stucco where home is stucco, and/or decorative metal courtyard wingwalls and screening may be constructed and maintained to a maximum height of eight (8) feet shall be permitted in front yard but must be behind the 25-foot front building setback and shall be an integral architectural component of the primary structure.
- H. The center island in the cul-de-sac at the east end of known as Persimmon Drive shall be constructed of cobblestone patterned concrete and shall be maintained by the Homeowners Association.

- I. No building permits shall be issued for home construction prior to the filing of the Final Plat, Conservation Easement and HOA covenants.
- J. Prior to filing of the Final Plat for Phase 1, permits shall be approved by the U.S. Army Corps of Engineers and the Conservation Easement shall be established.
- K. Prior to issuance of a building permit for the first structure (including the Farm House on Common Lot 2X), proof of the initial payment for the establishment of the Conservation Easement shall be submitted to the City of Coppell, estimated to be \$92,000. Thereafter, at the time of issuance of building permits for the remaining 54 single family homes in Phase 1, verification of payment of the remaining balance of the \$300,000, estimated to be \$3,852 on a per lot shall be submitted to the city of Coppell.
- L. The Homeowners Association shall be responsible to maintain the stabilization along the creek bank of Denton Creek from erosion. Each Lot Owner shall be notified and provide a hold harmless agreement by separate instrument that the City and Developer are not liable for future erosion of the creek bank. The Developer shall dedicate a conservation easement to a third-party land conservancy for the purposes of monitoring and enforcing the integrity of the stream banks. Notice of the provisions shall be noted on the Final Plat. The conservation easement will be executed and filed prior to filing the Final Plat.
- M. The Homeowners Association shall be responsible to maintain the storage basins/ponds being constructed with the development as well as all common lots, Farm House Homeowners Association Covenants Declarations and Restrictions.
- N. The HOA documents shall reflect a minimum 40-year termination clause.
- O. Tree mitigation fees of \$125,000 must be paid prior to issuance of any building permit or construction.
- P. Park fees are required in the amount of \$1,285 per lot shall be paid by the time of issuance of any residential building permit.

- Q. The creek crossing bridge shall be a concrete single arch culvert with a stone pattern and textured concrete or natural stone veneer and a steel rail on a reinforced concrete base as shown on Exhibit E, attached hereto.
- R. This project is not subject to the Erosion Hazard Setback per City Ordinance, Sec. 13-9-1, G20.
- S. Retaining Walls are to be constructed of stone and maintained by the lot owner, as illustrated on Exhibit F, attached hereto and made a part of this ordinance. If the owner fails to maintain the wall, the Homeowners Association has the right to repair the wall and assess the lot owner. City has no responsibility for the retaining walls on private property.
- T. Detail Site and Landscape Plan for Lot 2X and the screening wall entry feature shall be attached to this PD as Exhibit D and shall govern the development, maintenance and use of said lot subject to:
- a. The farm house at the subdivision entrance will not be used or occupied as a residence or retail business, except occasional sales of seasonal botanical gardening materials which may occur for four (4) times a year for two consecutive weeks (14 days).
 - b. The development of Lot 2X and the entry features shall be constructed prior to the issuance of a building permit for the first home, other than a model home.
- U. The development and maintenance of Lot 2X shall be in accordance with Section 2(T) of this Ordinance.

SECTION 3. That the Detail Site Plan, Landscape Plan, Entry Feature and Common Area Lot 2X, Bridge Exhibit, and Retaining and Screening Wall Exhibit attached hereto as Exhibits “B” through “F”; respectively shall be deemed as development regulations to this development.

SECTION 4. 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 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 _____, 2021.

APPROVED:

KAREN SELBO HUNT

ATTEST:

ASHLEY OWENS, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY

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 PD-259-SF-7&9 (PLANNED DEVELOPMENT 259-SINGLE FAMILY-7 & 9) TO PD-259R-SF-7&9 (PLANNED DEVELOPMENT REVISED 259-SINGLE FAMILY-7 & 9), TO REVISE THE DETAIL SITE PLAN AND CONDITIONS, TO PERMIT THE DEVELOPMENT OF 74 SINGLE-FAMILY LOTS AND NINE (9) COMMON AREA LOTS ON 54.8 ACRES OF LAND LOCATED ON THE NORTH SIDE OF SANDY LAKE ROAD, APPROXIMATELY 750 FEET NORTHEAST OF STARLEAF ROAD (EXTENDED), AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR APPROVAL OF THE DETAIL SITE PLAN, LANDSCAPE PLAN, ENTRY FEATURE AND COMMON AREA LOT 2X, BRIDGE EXHIBIT, AND RETAINING AND SCREENING WALL EXHIBIT; ATTACHED HERETO AS EXHIBITS "B" THROUGH "F"; AND 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.

DULY PASSED by the City Council of the City of Coppell, Texas, this the _____ day
of _____, 2021

APPRO
VED:

KAREN SELBO HUNT, MAYOR

ATTEST:

ASHLEY OWENS, CITY SECRETARY

