

## ORDINANCE NO. 1933

**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 3.759 ACRES, INCLUDING TRACTS 3A01, 3A04, AND 3A07; OUT OF THE ALLEN M. DOWNEN SURVEY, A-415, BY CHANGING THE ZONING FROM COMMUNITY BUSINESS DISTRICT (C-2) AND TEXAS HIGHWAY 10 MULTI-USE DISTRICT ZONING INTO PLANNED DEVELOPMENT (PD) ZONING (PLANNED DEVELOPMENT) FOR A WRECKER SERVICE; AUTO AND TRUCK IMPOUND AND CONTAINER STORAGE 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 November 15, 2011, in conjunction with Zoning Case No. #11-03-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 December 13, 2011, 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;

**WHEREAS**, the City Council approved Ordinance 1173 on April 11, 1995 creating a planned development zoning district allowing wrecker service; auto and truck impound on 6.988 acres Tracts 4B1A and 4B2B out of the A. M. Downen Survey, A - 415 immediately adjacent to the subject property described herein.

**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 3.759 acres including tracts 3A01, 3A04, and 3A07 out of the Allen M. Downen Survey, A-415 are changed from Community Business District (C-2) and Texas Highway 10 Multi-Use District (TX-1) zoning into Planned Development (PD) Zoning As Described Herein 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

**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 3

**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 4

**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 December 13, 2011, by a vote of \_\_\_ ayes, \_\_\_ nays, and \_\_\_ abstentions.

APPROVED:

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Mary Lib Saleh, Mayor

ATTEST:

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Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

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Wayne K. Olson, City Attorney

