

RESOLUTION NO. 12-1395

A RESOLUTION OF THE CITY COUNCIL THE CITY OF EULESS, TEXAS AUTHORIZING THE ZONING BOARD OF ADJUSTMENT TO INITIATE AMORTIZATION PROCEEDINGS FOR THE PROPERTY LOCATED AT 311 S. INDUSTRIAL BOULEVARD FOR THE PURPOSE OF DISCONTINUING THE NONCONFORMING USE BY A DATE CERTAIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Euless is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the property located at 311 S. Industrial Blvd., known as the Shadow Creek Apartments, has been a nonconforming use under the provisions of the City's Unified Development Code since 1973; and

WHEREAS, Article III, Section 84-50 of the Unified Development Code provides that it is a purpose of this article that nonconforming uses and structures should be eventually discontinued and the use of such premises shall be required to conform to the regulations prescribed in the Unified Development Code having due regard for the investment in such nonconforming use; and

WHEREAS, the Zoning Board of Adjustment has the authority under Section 84-59 of the Unified Development Code to determine whether the property owner has been given an opportunity to recover its investment in the nonconforming use from the time such property became nonconforming; and

WHEREAS, the City Council now deems it necessary to authorize the Zoning Board of Adjustment to initiate amortization proceedings in order to discontinue the nonconforming use of the above referenced property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EULESS, TEXAS:

SECTION 1.

The City Council of the City of Euless, Texas, hereby finds and determines that the recitals made in the preamble of this Resolution are true and correct, and incorporates such recitals herein.

SECTION 2.

The City Council of the City of Euless, Texas hereby finds and determines that it is in the best interest of the public health, safety and welfare of the citizens of Euless that the property located at 311 S. Industrial Boulevard, known as the Shadow Creek Apartments, should be amortized as a nonconforming use and that thereafter the

property should be utilized in accordance with applicable regulations of the Unified Development Code.

SECTION 3.

The City Council hereby authorizes the Zoning Board of Adjustment to initiate amortization proceedings under Section 84-59 of the Unified Development Code for the discontinuance of the nonconforming use of the above referenced property by conducting a hearing to determine a reasonable date for termination of the nonconforming use based upon the recovery of the owners investment in the nonconforming use and any other factors that should be considered in determining a reasonable termination date.

SECTION 4.

This resolution shall become effective immediately upon its passage and approval.

APPROVED AND ADOPTED at a regular meeting of the Euless City Council on the 28th day of August 2012 by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

Mary Lib Saleh, Mayor

ATTEST:

Kim Sutter, TRMC
City Secretary