

**ORDINANCE NO. 1987**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EULESS, CHAPTER 84, "UNIFIED DEVELOPMENT CODE", AMENDING THE CITY OF EULESS ZONING DISTRICT MAP ON WILSHIRE VILLAGE SHOPPING CENTER ADDITION, TRACTS A, B, AND C, 1350 W. EULESS BOULEVARD BY CHANGING THE ZONING FROM TEXAS HIGHWAY 10 MULTI-USE ZONING DISTRICT (TX-10) INTO PLANNED DEVELOPMENT (PD) ZONING AS DESCRIBED HEREIN AND ON THE ATTACHED EXHIBIT "A"; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 211 of the Texas Local Government Code, the City of Euless has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential and other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

**WHEREAS**, the Planning and Zoning Commission has conducted a public hearing on January 15, 2013, in conjunction with Zoning Case No. #12-04-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 January 22, 2013, 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**, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Texas Local Government Code.

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

**SECTION 1.**

Chapter 84 of the Code of Ordinances of the City of Euless is amended by rezoning the following described property from the current zoning classification of Texas Highway 10 Multi-Use District (TX-10) to Planned Development (PD):

A TRACT OF LAND OUT OF THE A.M. DOWNING SURVEY, ABSTRACT NO. 415, BEING WILSHIRE VILLAGE SHOPPING CENTER ADDITION, TRACTS A, B, AND C

said property being specifically shown in **Exhibit “A”** attached hereto and incorporated herein for all purposes (the “Property”).

The official zoning map of the City of Euless, Texas, being a part of the Euless Unified Development Code, shall be revised to reflect the rezoning approved herein.

## **SECTION 2. PURPOSE OF REGULATIONS**

The zoning districts and boundaries, and the regulations applicable thereto, as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses allowed and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

## **SECTION 3. 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 4. RESTRICTIONS ON USE**

The use of the Property herein described shall be subject to all the applicable regulations contained in the Euless Unified Development Code and all other applicable and pertinent ordinances of the City of Euless, Texas.

## **SECTION 5. 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," Eules Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

**SECTION 6.  
SAVINGS CLAUSE**

All rights and remedies of the City of Eules are expressly saved as to any and all violations of the provisions of the Eules Unified Development Code applicable to the Property that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.  
PUBLICATION CLAUSE**

The City Secretary is hereby directed to publish the caption, penalty clause and effective date clause of this Ordinance in the official newspaper as provided by Article II, Section 12 of the Eules City Charter.

**SECTION 8.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication, as provided by the Eules City Charter and the laws of the State of Texas.

**PRESENTED AND PASSED ON FIRST AND FINAL READING** at a regular meeting of the Eules City Council on January 22, 2013, by a vote of \_\_\_\_ ayes, \_\_\_\_ nays, and \_\_\_\_ abstentions.

APPROVED:

ATTEST:

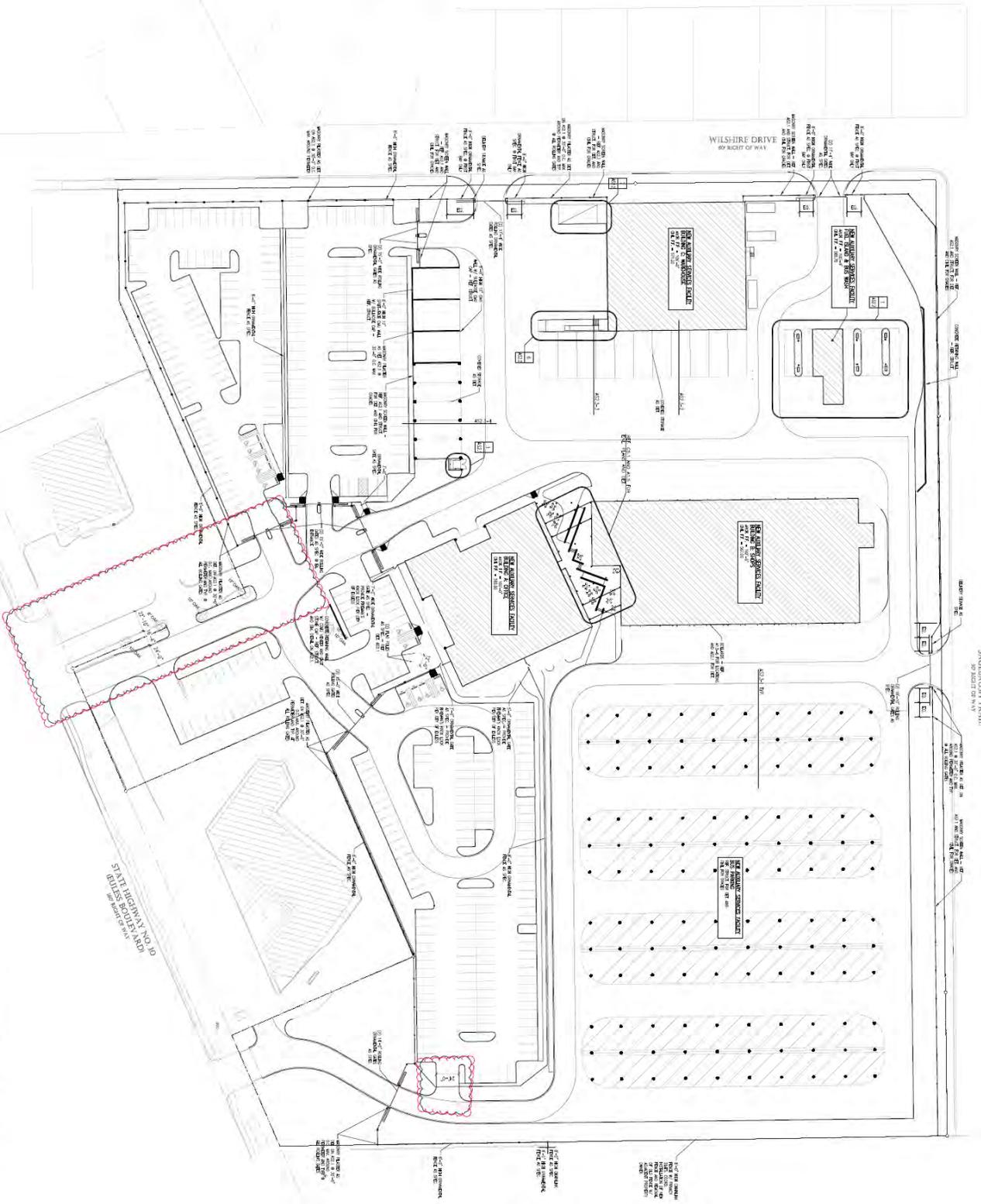
\_\_\_\_\_  
Mary Lib Saleh, Mayor

\_\_\_\_\_  
Kim Sutter, TRMC, City Secretary

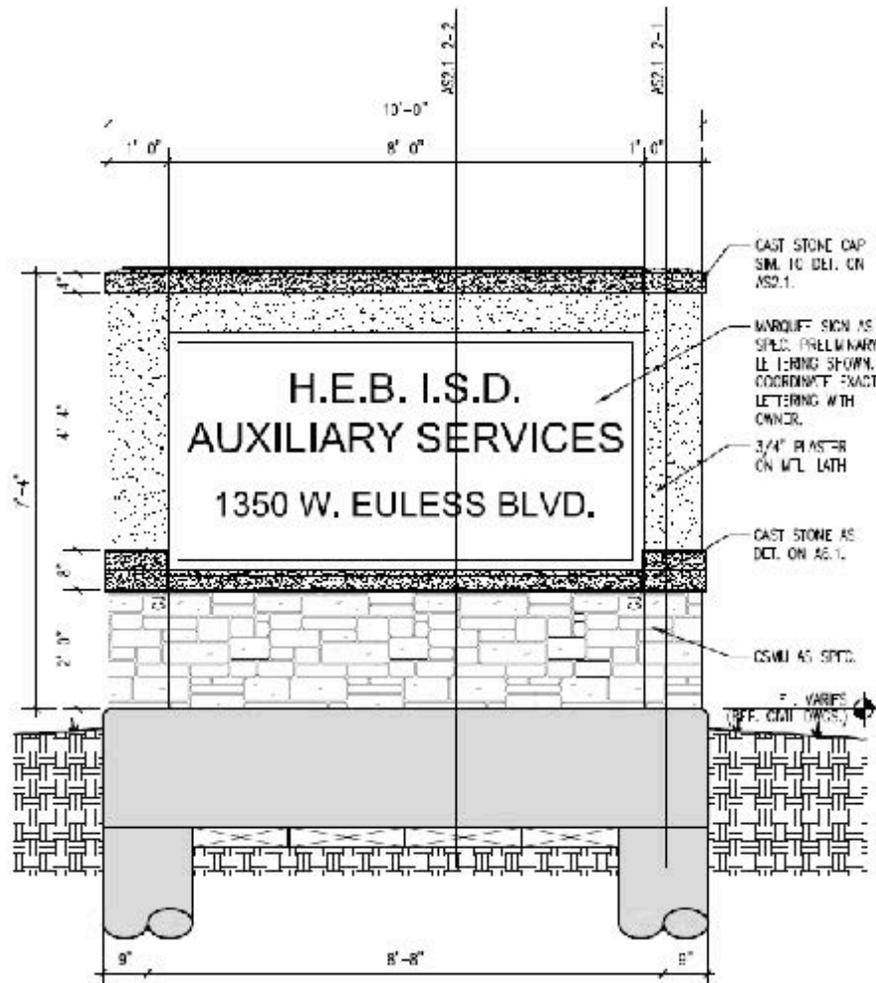
APPROVED AS TO FORM:

\_\_\_\_\_  
Wayne Olson, City Attorney





HEB AUXILIARY SERVICES  
 ARCHITECTURAL SITE PLAN  
 01-07-2013



SIGN ELEVATION OPTION 2  
1/2" = 1'-0"