

## ORDINANCE NO. 2091

**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 KOSAMBO ADDITION BLOCK A, LOT 1, 345 WESTPARK WAY, BY CHANGING THE ZONING FROM NEIGHBORHOOD BUSINESS (C-1) INTO PLANNED DEVELOPMENT (PD) ZONING DISTRICT AS DESCRIBED HEREIN AND ON THE ATTACHED EXHIBIT "A"; PROVIDING FOR A SEVERABILITY CLAUSE; PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission has conducted a public hearing on October 6, 2015 in conjunction with Zoning Case No. 15-09-PD, and has rendered a recommendation to the City Council with respect to this case; and

**WHEREAS**, the City Council has conducted a public hearing on October 27, 2015, 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.

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

### **SECTION 1.**

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 Kosambo Addition, Block A, Lot 1, 345 Westpark Way by changing the zoning from Neighborhood Business (C-1) into Planned Development (PD) zoning district 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.**

All uses as permitted within the Neighborhood Business (C-1) zoning district as defined by Section 84-84 of the Euless Unified Development Code shall be allowed within this district with the inclusion of Senior Citizens Assisted Living use.

### **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.**

**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 5.**

**SAVINGS CLAUSE.** All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of the Euless 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 6.**

**PUBLICATION.** The caption, penalty clause, and effective date clause of this ordinance shall be published in a newspaper of general circulation in the City of Euless, in compliance with the provisions of Article II, Section 12 of the Euless City Charter.

### **SECTION 7.**

**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 Eules City Council on October 27, 2015 by a vote of \_\_\_ ayes, \_\_\_ nays, and \_\_\_ abstentions.

APPROVED:

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Linda Martin, Mayor

ATTEST:

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Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

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Wayne K. Olson, City Attorney

# Exhibit A

