

ORDINANCE NO. XXXX

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 APPROXIMATELY 19 ACRES LOCATED WITHIN THE JOHN GROVES SURVEY ABSTRACT NUMBER 599 TRACTS 3K01A, 3K3, AND 3G02 AND FERGUSON ADDITION BLOCK 1, LOT 1 FROM TEXAS HIGHWAY 10 MULTIUSE DISTRICT (TX-10) AND LIGHT INDUSTRIAL DISTRICT (I-1) TO PLANNED DEVELOPMENT ZONING DISTRICT (PD) FOR A COMMERCIAL RETAIL, WHOLESALE, WAREHOUSE, AND STORAGE YARD USE; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR PROVIDING FOR PURPOSE OF REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING RESTRICTIONS ON USE; PROVIDING A PENALTY FOR VIOLATIONS; 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 conducted a public hearing on March 3, 2015 in conjunction with Zoning Case No. 15-02-PD, and has rendered a recommendation to the City Council with respect to this case; and,

WHEREAS, the City Council conducted a public hearing on March, 24 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; and,

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

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 approximately acres located within the John Groves Survey Abstract

Number 599, Tracts 3K01A, 3K3, and 3G02 and Ferguson Addition Block 1, Lot 1 from the Texas Highway 10 Multi-use District (TX-10) and Light Industrial District (I-1) to Planned Development (PD) as described herein and on the Attached 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. The Property shall conform to the uses and development standards provided herein.

SECTION 2 DEVELOPMENT STANDARDS

All development and use standards of the Light Industrial (I-1) Zoning District as referenced in the Euless Unified Development Code shall be applicable to the Property with the exception that development standards for warehouse construction shall be as follows:

Exterior Façade Requirements

1. Primary wall facades, those designated as facing the primary street access, shall be constructed with 100% masonry of acceptable masonry façade material as designated by Section 81-181 (a)(3) of the Euless Unified Development Code and must include at least two of the following enhanced exterior masonry treatments or elements into the design: enhanced course projections coining, coping, colonnades, cornice, pilaster, or other masonry enhancements as approved by the Building Official.
2. Non-primary wall facades of structures may be allowed to be constructed of acceptable masonry façade materials as designated by Section 81-181 (a)(3) of the Euless Unified Development Code or other alternate building materials as approved by the Building Official.

SECTION 3 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 4 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 5 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 6 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 7 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 8 PUBLICATION

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 Euless City Charter.

**SECTION 9
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication, 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 the 24th Day of March, 2015 , by a vote of _ ayes, _ nays, and no abstentions.

APPROVED:

Linda Martin, Mayor

ATTEST:

Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

Wayne K. Olson, City Attorney

EXHIBIT A