

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING CHAPTER 84 OF THE CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EULESS, TEXAS; AMENDING THE CITY OF EULESS ZONING DISTRICT MAP ON PROPERTY SITUATED AS A 4.288 ACRE TRACT OF LAND IN THE L. FRANKLIN SURVEY, ABSTRACT NO. 513, , FROM TX121 GATEWAY DISTRICT (TX-121) TO PLANNED DEVELOPMENT DISTRICT (PD); ADOPTING SPECIFIC DEVELOPMENT STANDARDS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on November 15, 2016, in conjunction with Zoning Case No. 16-03-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, 2016, 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:

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 4.288 acres out of the L. Franklin Survey, Abstract No. 513 as described on the attached **Exhibit "A-1"**, is changed from TX-121 Gateway District (TX-121) to Planned Development (PD).

SECTION 2.

DEVELOPMENT STANDARDS

GENERAL DEFINITIONS. Senior Multi-Family Housing shall be defined as a building containing three or more independent and separate dwelling units which may or may not have common access through halls or stairways. Residency of senior multi-family housing shall be limited to senior citizen residents.

Senior citizen residents shall be defined as individual residents at least fifty-five (55) years of age or older.

Age Restriction. The Property shall be deed restricted as to the potential development and use of a senior independent living community on the Property. Specifically, each unit shall be solely occupied by individuals fifty five (55) years of age or older. A copy of the deed restrictions for the Property shall be submitted to the City Attorney for review and approval prior to the issuance of any plat or building permits for the construction of a senior living community. The deed restrictions must be filed of record with the plat. Any termination or amendment of the deed restrictions shall require the review of the City Attorney and the approval of City Council of the City of Euless prior to recordation.

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 Euless City Council on December 13, 2016 by a vote of ____ ayes, ____ nays, and ____ abstentions.

APPROVED:

Linda Martin, Mayor

ATTEST:

Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

Wayne Olson, City Attorney

Exhibit A-1

Description of a 4.2878 acre tract of land situated in the Levi Franklin Survey, Abstract No. 513, Tarrant County, Texas and being the remainder of a tract of land conveyed to Charles C. Yang and Kon Chou Yang as recorded in Volume 9431, Page 1742, Deed Records, Tarrant County, Texas and being the remainder of a tract of land conveyed to Eules 121 Associates as recorded in Volume 9431, Page 1729, Deed records, Tarrant County, Texas; said 4.2878 acre tract being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red plastic cap stamped "WA1" found at the northwest corner of said 4.2878 acre tract; said point also being on the east right-of-way line at State Highway No. 121 and State Highway No. 157 (variable width right-of-way); said point also being the western most southwest corner of Lot 1, Block A, Mansions by the Vineyard Addition, an addition to the City of Eules, Texas as recorded in Cabinet A, Page 4026-4027, Map Records, Tarrant County, Texas.

THENCE, with the common line of said 4.2878 acre tract and Lot 1, Block A, the following metes and bounds:

North 85 degrees 32 minutes 40 seconds East, leaving said east right-of-way line, a distance of 144.32 feet to a 1/2-inch iron rod found on an angle corner;

South 57 degrees 41 minutes 17 seconds East, a distance of 201.61 feet to a 1/2-inch iron rod found for an angle corner;

South 68 degrees 50 minutes 26 seconds East, a distance of 99.01 feet to a 5/8-inch iron rod with "GSES, Inc., RPLS 4804" cap set (60D batt found – North 80 degrees 43 minutes 48 seconds, 0.37 feet) at the northeast corner of said 4.2878 acre tract;

South 21 degrees 25 minutes 40 seconds West, passing at a distance of 33.06 feet a 5/8-inch iron rod with "GSES, Inc., RPLS 4804" cap set at the southeast corner of said Yang tract; said point also being the northeast corner of said Eules tract; continuing, in all, at a distance of 439.87 feet to a 5/8-inch iron rod with "GSES, Inc., RPLS 4804" cap set at the southeast corner of said 4.2878 acre tract; said point also being the southern most southwest corner of said Lot 1, Block A, Mansions by the Vineyard; said point also being on the North line of Lot 1, Block A, A1-Ko Southwest Addition, an addition to the City of Eules, Texas as recorded in Cabinet A, Page 562, Map Records, Tarrant County, Texas;

THENCE, South 89 degrees 20 minutes 30 seconds West, with the common line of said 4.2878 acre tract and Lot 1, Block A, A1-Ko Southwest Addition, a distance of 287.29 feet to a 5/8-inch iron rod with "GSES, Inc., RPLS 4804" cap set at the southwest corner of said 4.2878 acre tract; said point also being the northwest corner of said Lot 1, Block A, A1-Ko Southwest Addition; said point also being on the said east right-of-way line of State Highway No. 121 and State Highway No. 157; said point also being on a circular curve to the right having a radius of 2834.79 feet;

THENCE, northeasterly, with said curve to the right, passing, through a central angle of 07 degrees 38 minutes 23 seconds, an arc length of 377.99 feet (chord bears North 02 degrees 37 minutes 36 seconds East, 377.71 feet) a 1/2-inch iron rod found at the northwest corner of said Eules tract; said point also being the southwest corner of said Yang tract; continuing, in all, through a central angle of 11 degrees 03 minutes 56 seconds, an arc length of 547.46 feet (chord bears North 04 degrees 20 minutes 22 seconds East, 546.63 feet) to the POINT OF BEGINNING; CONTAINING, 186,778 square feet or 4.2878 acres of land, more or less.