

## ORDINANCE NO. 2027

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A SPECIFIC USE PERMIT ON 6.138 ACRES LOCATED WITHIN THE J. HAVENS SURVEY ABSTRACT NO. 685 LOCATED WEST OF RIO GRANDE BOULEVARD FOR AN ARCADE WITH FOOD ESTABLISHMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PENALTY FOR VIOLATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission has conducted a public hearing on April 1, 2008 in conjunction with Specific Use Permit Case No. 14-03-SUP, and has rendered a recommendation to the City Council with respect to this case;

**WHEREAS**, City Council has conducted a public hearing on April 22, 2014, has 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 that any foreseeable negative impacts of the proposed use have been mitigated through design restrictions or other set conditions;

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

### **SECTION 1 ALLOWED USES**

**THAT** Arcade with Food Establishment uses as specifically described on Exhibit "A" (attached hereto and made a part hereof) and on the SPECIFIC USE PERMIT Form (attached hereto and made a part hereof), shall be permitted on 6.138 acres located within the J. Havens Survey Abstract No. 685 located west of Rio Grande Boulevard.

### **SECTION 2**

**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 3**

**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 4**

**PUBLICATION.** The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Eules, in compliance with the provisions of Article II, Section 12, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

#### **SECTION 5**

**EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage, 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 April 22, 2014, by a vote of \_\_\_\_ayes, \_\_\_\_nays, and \_\_\_\_abstentions.

APPROVED:

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

ATTEST:

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

APPROVED AS TO FORM:

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

## Exhibit A

