

**TOWN OF ARGYLE, TEXAS
ORDINANCE NO. 2019-10**

AN ORDINANCE OF THE TOWN OF ARGYLE, TEXAS, AMENDING THE TOWN DEVELOPMENT STANDARDS AS HERETOFORE AMENDED; BY APPROVING A SPECIFIC USE PERMIT (SUP-19-003) FOR EAGLE PLAZA, A PROPOSED RETAIL/RESTAURANT WITH A DRIVE-THRU FACILITY, BEING APPROXIMATELY 1.92 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 4, BLOCK A, WHITE ROCK FARM ADDITION; IN THE TOWN OF ARGYLE, DENTON COUNTY, TEXAS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The applicant, 7 Mile Investment, on behalf of the owner, Ruffner& Ruffner LLP, has submitted a Specific Use Permit application to the Town of Argyle for the purpose of operating a drive-thru facility as part of Eagle Plaza, a proposed restaurant/retail building, being an approximately 1.92-acre tract of land, legally described as Lot 4, Block A, White Rock Farm Addition; and

WHEREAS, the Town Council has appointed a Planning and Zoning Commission to consider and recommend modifications to the boundaries of the various original zoning districts and appropriate use regulations being enforced therein; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their suitability for particular uses and standards, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town; and

WHEREAS, on April 2, 2019, the Planning and Zoning Commission of the Town of Argyle, in compliance with state law with reference to granting of zoning changes under the Town Development Standards of the Town of Argyle, and with the requisite notices by publication and otherwise, afforded a full and fair hearing to all the property owners interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, the Town Council of the Town of Argyle deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the Town, to enact said Town Development Standards; and

WHEREAS, the Argyle Town Council, in compliance with State Law with reference to changes to zoning classifications and development regulations under the Town Development Standards, having given the requisite notices by publication and otherwise, and after holding due hearings

and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof; the governing body of the Town of Argyle deems it to be in the best interest and welfare of the Town that said Specific Use Permit should be approved as submitted.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:

SECTION 1: That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2: That the Town Development Standards of the Town of Argyle, Texas, is hereby amended by approving a Specific Use Permit for the purpose of operating a drive-thru facility as part of Eagle Plaza, a proposed restaurant/retail building, being an approximately 1.92-acre tract of land situated, legally described at Lot 4, Block A, White Rock Farm Addition and zoned OR (Office Retail) in the Town of Argyle, Denton County, Texas, as submitted.

SECTION 3. That all building standards authorized by the Specific Use Permit shall conform to the specifications as stated in the Town Development Standards.

SECTION 4. That the above described lot shall be used only in the manner and for the purpose provided by the Town Development Standards of the Town of Argyle as heretofore amended, and as amended herein.

SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Town Development Standards of the Town of Argyle, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 6. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or portion thereof, other than that portion so decided to be invalid or unconstitutional.

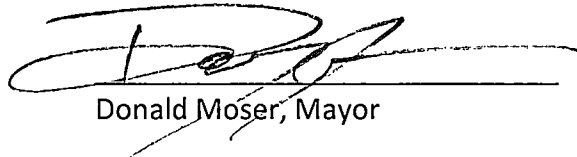
SECTION 7. Injunctive Relief. In addition to and accumulative of all other penalties, the Town of Argyle shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. Whereas, it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development, and in order to protect the public interest, comfort and general

welfare, this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such case provides.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS on this the 23rd day of April 2019.

APPROVED:



Donald Moser, Mayor




ATTEST:

APPROVED AS TO FORM:



Erika McComis, Town Secretary



Robert Hager, Town Attorney