

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, APPROVING A SPECIFIC USE PERMIT TO ALLOW FOR A BOARDING HOUSE USE ON APPROXIMATELY 0.403 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST OAK STREET AND FRY STREET IN THE CITY OF DENTON, DENTON COUNTY, TEXAS; ADOPTING AN AMENDMENT TO THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (S25-0004a – 1305 OAK BOARDING HOUSE)

WHEREAS, Robert Stevens (the "Applicant"), representing the property owner Singing Oaks Church of Christ of Denton applied for a Specific Use Permit ("SUP") to allow for a Boarding House use on approximately 0.403 acres of land within the Mixed-Use Neighborhood (MN) zoning district, legally described in **Exhibit "A"** (hereinafter, the "Property"); and

WHEREAS, on July 23, 2025, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, having given the requisite notices by publication and otherwise, and having afforded full and fair hearings to all property owners interested in this regard, recommended approval [4 – 0] of the requested SUP, subject to conditions; and

WHEREAS, on August 19, 2025, the City Council likewise conducted a public hearing as required by law to consider the SUP request, and finds that the request is consistent with the Denton 2040 Comprehensive Plan and federal, state, and local law, and that the Applicant has agreed to comply with all provisions of the Denton Development Code ("DDC"), and has further agreed to comply with the additional restrictions and conditions set forth herein; and

WHEREAS, the City Council has determined that it will be beneficial to Denton and its citizens to grant the SUP; that such grant will not be detrimental to the public welfare, safety, or health; that proposed permit, as conditioned below, satisfies criteria set forth in Sections 2.4.5E and 2.5.2D of the Denton Development Code; and that the SUP should be granted; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. The SUP to allow the Boarding House use on the Property as shown on the site plan attached and incorporated herein as **Exhibit "B"**, is hereby approved, with the following conditions:

1. Development of the site shall substantially comply with the attached Site Plan. Staff shall have the ability to approve administrative changes, provided such changes are permissible per the DDC, do not increase the number of bedrooms to more than nine, and do not decrease the number of parking spaces to less than ten. All other changes shall require a Specific Use Permit amendment in accordance with the DDC.

2. Notwithstanding the limited administrative approvals authorized in condition 1, the City reserves the right to require approval by ordinance of any amendments or alterations to the SUP and the attached site plan including those referenced in condition 1. The attached site plan is incorporated as requirements of the SUP.
3. The zoning map shall reflect the Specific Use Permit on the property consistent with the Post-Decision Action Steps for Specific Use Permits in the 2019 DDC.

SECTION 3. Failure to Comply. Except as otherwise stated above, all terms of the SUP shall be complied with prior to the issuance of a Certificate of Occupancy. Failure to comply with any term or condition of this ordinance will result in the SUP being declared null and void, and of no force and effect. The SUP is issued to the entity named above that runs with the land, and is assignable and transferable to subsequent owners of the Property.

SECTION 4. SUP Regulations. Upon notice to the Property owner and a hearing before the City Council, a SUP may be revoked or modified if: 1. There is one or more of the conditions imposed by this ordinance that has not been met or has been violated on the Property; or 2. The SUP was obtained or extended by fraud or deception; or 3. As otherwise permitted by law and/or the current DDC.

SECTION 5. Unlawful use. It shall be unlawful for any person, firm, entity, or corporation to make use of the above-referenced Property in some manner other than as authorized by the current DDC, Code of Ordinances, and this ordinance.

SECTION 6. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 7. Penalty. Any person, firm, entity or corporation violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00 for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense. The penal provisions imposed under this ordinance shall not preclude Denton from filing suit to enjoin the violation and it retains all legal rights and remedies available to it under local, state and federal law.

SECTION 8. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [___ - ___]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:

LAUREN THODEN, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:

MACK REINWAND, CITY ATTORNEY

BY:  _____

Exhibit A
Legal Description

Lot 2, Block A, of Delta Land Addition, an Addition to the City of Denton, Denton County, Texas, according to the Plat thereof recorded in County Clerk's Document No. 2006-155404, Plat Records of Denton County, Texas.

Project Name: 1305 Oak Boarding House
 Project #: 525-0004
 Owner: Singing Oaks Church, 101 Cardinal Dr, Denton TX 76001-3017 / 4355

Pub. Obj: Delta Land Addition
 Address: 1305 W Oak St, CITY
 Lot: 2, County: Denton
 Project: Robert Stevens, 15333 Southland, Denton TX 76209-2632

DATE: June 17 2025

Site Plan Details:
 - Retail Bldg
 - 24' public access easement
 - Radius per city req.
 - Parking 16 spaces
 - Boarding House: 38' 2" hgt to ridge, 6015 Sq Ft
 - Landscape Area
 - Sidewalk 6', 8', 10'
 - Ramp w/ guard rail
 - Electric Motor
 - Fire Truck
 - Electric
 - Fence legend: 6' 6" wood fence, 6' 0" prefab concrete fence
 - Oak Street
 - Fry Street
 - Exist 6" S S line
 - Exist curb & gutter
 - Exist 6" water line