

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, TEXAS REGARDING A REQUEST FOR A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN OUTDOOR STORAGE USE ON APPROXIMATELY 4.95 ACRES OF LAND, APPROXIMATELY LOCATED ON THE WEST SIDE OF INTERSTATE HIGHWAY 35 WEST, 287 FEET NORTH OF METRO STREET, AND LEGALLY DESCRIBED AS LOT 4, BLOCK A LATTIMORE INDUSTRIAL PARK 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 ESTABLISHING AN EFFECTIVE DATE. (S25-0014)

WHEREAS, Gregg Madsen, representing the property owner Lattimore Materials Corporation, has applied for a new Specific Use Permit (“SUP”) to allow for an Outdoor Storage use on an approximately 4.95-acre site, within the Light Industrial (LI) zoning district and use classification, as described in **Exhibit “A”** (hereinafter, “the Property”); and

WHEREAS, on February 11, 2026, 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 and to all property owners interested in this regard, has recommended approval [7 – 0] of the requested SUP, subject to conditions; and

WHEREAS, on March 3, 2026, the City Council likewise conducted a public hearing as required by law to consider the SUP request. Upon consideration, the City Council hereby 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 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 Outdoor Storage 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. Administrative approval of changes that do not increase the size and number of the Outdoor Storage buildings and equipment, change the number of parking spaces, or decrease the buffer and screening requirements, if such changes are permissible per the

Denton Development Code. All other changes shall require a Specific Use Permit amendment in accordance with the Denton Development Code.

2. The City reserves the right to require approval by ordinance of any amendments or alterations to the SUP, the attached site plan, and the attached landscape plan. The attached site plan and landscape plan are incorporated as requirements of the SUP.
3. The zoning map shall reflect the Specific Use Permit on the property consistent with the DDC.

SECTION 3. Failure to Comply. Except as otherwise stated above, all terms of the SUP shall be complied with prior to issuance of a Certificate of Occupancy. Failure to comply with any term or condition of the 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 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 permitted by the Denton Development Code.

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 Denton's Codes 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 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 [ \_\_\_ - \_\_\_ ]:

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
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 \_\_\_\_\_, 2026.

\_\_\_\_\_  
GERARD HUDSPETH, MAYOR

ATTEST:  
INGRID REX, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

BY:           *Helary McMahon*

**EXHIBIT A**

Legal Description

**BEING A TRACT OF LAND LOCATED IN THE OEL S. BREWSTER SURVEY, ABSTRACT NUMBER 56, DENTON COUNTY, TEXAS, BEING A PORTION OF LOT 1R1, BLOCK A, LATTIMORE INDUSTRIAL PARK, AN ADDITION TO THE CITY OF DENTON, DENTON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN DOCUMENT No. 2020-350, PLAT RECORDS, DENTON COUNTY, TEXAS (P.R.D.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING AT A 1/2" IRON ROD FOUND BEING AN ELL CORNER IN THE SOUTH LINE OF SAID LOT 1R1, AND THE NORTHWEST CORNER OF SAID LOT 2R1, BLOCK A, OF SAID LATTIMORE INDUSTRIAL PARK;**

**THENCE S 00°31'39" W, ALONG THE WEST LINE OF SAID LOT 2R1 AND AN EAST LINE OF SAID LOT 1R1, A DISTANCE OF 445.41 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "WIER & ASSOC INC" IN THE NORTH LINE OF LOT 1, BLOCK A, JARRELL ADDITION, AN ADDITION TO THE CITY OF DENTON, DENTON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN DOCUMENT No. 2011-203, P.R.D.C.T., SAID IRON ROD BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID LOT 1R1 AND THE SOUTHWEST CORNER OF SAID LOT 1R2;**

**THENCE S 88°44'13" W, ALONG A SOUTH LINE OF SAID LOT 1R1 AND THE NORTH LINE OF SAID LOT 1, BLOCK A, JARRELL ADDITION, AT A DISTANCE OF 57.44 FEET, PASSING THE NORTHWEST CORNER OF SAID LOT 1, BLOCK A, JARRELL ADDITION AND THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO TEXAS INDUSTRIES, INC., RECORDED IN DOCUMENT NO. 1994-68137, O.R.D.C.T., CONTINUING ALONG THE NORTH LINE OF SAID TEXAS INDUSTRIES TRACT, IN ALL A TOTAL DISTANCE OF 446.31 FEET TO 1/2" IRON ROD FOUND WITH A CAP STAMPED "WIER & ASSOC INC", FROM WHICH A 5/8" IRON ROD FOUND WITH A CAP STAMPED "RPLS 1640" BEARS N 29°03' E, 1.6 FEET, SAID IRON ROD SET BEING THE SOUTHWEST CORNER OF SAID LOT 1R1, THE SOUTHEAST CORNER OF LOT 2, BLOCK A, RYAN COMPANIES ADDITION, AN ADDITION TO THE CITY OF DENTON, DENTON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN DOCUMENT NUMBER 2010-96, OFFICIAL RECORDS, DENTON COUNTY, TEXAS (O.R.D.C.T.), AND BEING IN THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO TEXAS INDUSTRIES, INC., RECORDED IN DOCUMENT NUMBER 1994-68137, O.R.D.C.T.;**

**THENCE N 00°47'02" E, ALONG THE WEST LINE OF SAID LOT 1R1 AND THE EAST LINE OF SAID LOT 2, A DISTANCE OF 484.30 FEET TO A POINT;**

**THENCE N 88°44'13" E, DEPARTING THE WEST LINE OF SAID LOT 1R1 AND THE EAST LINE OF SAID LOT 2, A DISTANCE OF 444.14 FEET TO A POINT;**

**THENCE S 00°31'39" W, A DISTANCE OF 38.82 FEET TO THE PLACE OF BEGINNING AND CONTAINING 4.947 ACRES (215,487 SQUARE FEET) OF LAND, MORE OR LESS.**

