

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

AN ORDINANCE OF THE CITY OF DENTON, TEXAS REGARDING A REQUEST FOR A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A MODULAR DATA CENTER USE ON APPROXIMATELY 4.064 ACRES OF LAND, APPROXIMATELY LOCATED 3,800 FEET SOUTH JIM CHRISTAL ROAD, AND 1,200 FEET EAST OF SOUTH WESTERN BOULEVARD, AND LEGALLY DESCRIBED AS LOT 9, BLOCK A WESTPARK ADDITION PHASE 2 IN THE CITY OF DENTON, DENTON COUNTY, TEXAS; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE. (S25-0007)

WHEREAS, Houston Aderhold, representing the property owner Denton Municipal Electric, has applied for a new Specific Use Permit (“SUP”) to allow for a Modular Data Center use on an approximately 3.99-acre site, within the Public Facilities (PF) zoning district and use classification, as described in **Exhibit “A”** (hereinafter, “the Property”); and

WHEREAS, on December 17, 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 and to all property owners interested in this regard, has recommended \_\_\_\_ [xx – xx] of the requested SUP, subject to conditions; and

WHEREAS, on \_\_\_\_\_ 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, 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 Modular Data Center use on the Property as shown on the site plan and landscape plan attached and incorporated herein as **Exhibit “B” and Exhibit “C,”** is hereby approved, with the following conditions:

1. Development of the site shall substantially comply with the attached Site Plan and Landscape Plan. Administrative approval of changes that do not increase the size and number of the modular data center buildings and equipment, change the number of parking

spaces, decrease the buffer and screening requirements, or result in a decrease of more than 5 percent in the landscape area for the whole site may be administratively approved, 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. 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, the attached site plan, and the attached landscape plan, including those referenced in condition 1. The attached site plan and landscape plan are incorporated as requirements of the SUP.
3. In accordance with DDC Subsection 5.3.6.I, the development shall not cause an increase in the ambient noise level in the area more than 3 dBA. The applicant shall be responsible for verifying compliance after installation of the modular structures.
4. Access to the site may be taken from an existing access easement situated within Lots 3 & 4, Block A, Westpark Addition Phase 2. These lots are to be used for the sole purpose of access and shall not contain modular data center buildings.
5. The zoning map shall reflect the Specific Use Permit on the property consistent with the DDC.

SECTION 4. 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 5. 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 6. 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 7. 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 9. 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 10. 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: \_\_\_\_\_

## EXHIBIT A

### Legal Description

**BEING** a tract of land situated in the Thomas Toby Survey, Abstract No. 1285 and the James Perry Survey, Abstract No. 1040, in the City of Denton, Denton County, Texas and being all of Lot 9, Block A of Westpark Addition, Phase 2, Lots 3 through 13, Block A, an addition to the City of Denton, Texas according to the plat thereof recorded in Document No. 2013-318 of the Plat Records of said county and a portion of Lot 3, Block A, Westpark Addition, Phase 2, Lots 1, 2, 3, and 4, Block A, an addition to the City of Denton, Texas according to the plat thereof recorded in Document No. 2019-172 of said Plat Records, same being all of a tract of land described in a Special Warranty Deed to the City of Denton, Texas, as recorded in Document No. 2014-25404 of the Official Records of said county and a portion of a called 6.8717 acre tract described in a Deed to the City of Denton, Texas, as recorded in Document No. 2023-52560 of the Official Records of said county, and being more particularly described by metes and bounds as follows:

**BEGINNING** at an iron rod with a cap, stamped "RPLS 1640", found on the north line of Lot 1, Block 1 of Westpark, an addition to the City of Denton, Texas according to the plat thereof recorded in Cabinet C, Page 127 of said Plat Records, for a southwest corner of Lot 2R, Block A of Peterbilt Addition, an addition to the City of Denton, Texas according to the Plat thereof recorded in Document No. 2022-185 of said Plat Records and the southeast corner of said Lot 9 and the southeast corner of the herein described tract;

**THENCE** North 88°49'46" West, with the south line of said Lot 9, a distance of 181.28 feet to a magnetic nail found for the southeast corner of Lot 1, Block A of Westpark Addition, Phase 2, Lots 1 & 2, Block A, an addition to the City of Denton, Texas according to the plat thereof recorded in Cabinet Y, Page 169 of said Plat Records and the southwest corner of said Lot 9 and the most southerly southwest corner of the herein described tract;

**THENCE** North 01°20'40" East, with the west line of said Lot 9, a distance of 577.85 feet to a 1/2 inch iron rod with a yellow cap, stamped "Trinity 6854", set for the northeast corner of said Lot 1 and the southeast corner of the aforementioned Lot 3 and an inner "L" corner of the herein described tract;

**THENCE** North 88°50'20" West, with the south line of said Lot 3, a distance of 324.05 feet to a 1/2 inch iron rod with a yellow cap, stamped "Trinity 6854", set for the most westerly southwest corner of the herein described tract;

**THENCE** North 01°09'40" East, crossing said Lot 3, a distance of 143.00 feet to a 1/2 inch iron rod with a yellow cap, stamped "Trinity 6854", set on the north line of said Lot 3, same being the south line of Lot 10, Block A, Westpark Addition, Phase 2, Lots 3 through 13, Block A, an addition to the City of Denton, Texas according to the plat thereof recorded in Document No. 2013-318 of said Plat Records, for the northwest corner of the herein described tract;

**THENCE** South 88°50'20" East, with the north line of said Lot 3 part of the way and continuing with the north line of said Lot 9, a distance of 505.78 feet to a iron rod with a cap, stamped "PACHECO", found for the northeast corner of the aforementioned Lot 9, an inner "L" corner of the aforementioned Lot 2R, Peterbilt Addition, and the northeast corner of the herein described tract;

**THENCE** South  $01^{\circ}20'40''$  West, with the east line of said Lot 9, a distance of 720.88 feet to the **POINT OF BEGINNING** and containing 177,049 square Feet or 4.064 acres of land, more or less.

## **EXHIBIT B**

### Site Plan

## **EXHIBIT C**

### Landscape Plan



## **EXHIBIT D**

### Building Elevations