

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A NEIGHBORHOOD RESIDENTIAL 6 (NR-6) ZONING DISTRICT AND USE CLASSIFICATION TO A NEIGHBORHOOD RESIDENTIAL MIXED USE 12 (NRMU-12) ZONING DISTRICT AND USE CLASSIFICATION WITH AN OVERLAY ON APPROXIMATELY 8.887 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHWEST SIDE OF COLORADO BOULEVARD, APPROX. 315 FEET NORTHWEST OF SAN JACINTO BOULEVARD 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 A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (Z17-0032)

WHEREAS, Eric Schmitz on behalf of Marvin Jeffries, has applied for a zoning change on approximately 8.887 of land legally described as Lot 56, Block A, the Oaks of Township 2, and described in Exhibit "A" and depicted in Exhibit B, attached hereto and incorporated herein by reference (hereinafter, the "Property") from a Neighborhood Residential 6 (NR-6) zoning district and use classification to a Neighborhood Residential Mixed-Use 12 (NRMU-12) zoning district and use classification; and

WHEREAS, on March 7, 2018, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded full and fair hearings to all property owners interested in this regard, and have recommended approval 6-0 of the change in zoning district and use classification; and

WHEREAS, on April 3, 2018, the City Council likewise conducted a public hearing as required by law, and finds that the request meets and complies with all substantive and procedural standards set forth in Section 35.3.4 of the Denton Development Code, and is consistent with the Denton Plan and the Denton Development Code;

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Denton, in considering the application for a change in the zoning classification of the property, have determined that the proposed use is in the best interest of the health, safety, morals, and general welfare of the City of Denton, and accordingly, the City Council of the City of Denton is of the opinion and finds that said zoning change is in the public interest and should be granted as set forth herein; 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 zoning district and use classification for the Property is hereby changed from a Neighborhood Residential 6 (NR-6) zoning district to a Neighborhood Residential Mixed-Use 12 (NRMU-12) zoning district with the following overlay conditions:

1. A height limitation of two stories on those townhomes contingent to the existing residential neighborhoods;
2. The provision of an EMS access gate on Clermont Lane to be located between the existing and proposed neighborhoods. Access to the gate is limited to Police and Fire Department employees during an emergency.
3. The provision of an eight foot tall masonry wall between the existing neighborhoods and the subject site.

SECTION 3. The City's official zoning map is hereby amended to show the change in the zoning district and use classification.

SECTION 4. 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 5. Any person, firm, partnership or corporation violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by fine in a sum not exceeding \$2,000.00 for each offense. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 6. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. 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.

SECTION 8. Effective Date.

This Ordinance shall become effective immediately upon its passage and approval.

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

Mayor Chris Watts: _____

Gerard Hudspeth, District 1: _____

Keely G. Briggs, District 2: _____

Don Duff, District 3: _____

John Ryan, District 4: _____

Dalton Gregory, At Large Place 5: _____

Sara Bagheri, At Large Place 6: _____

PASSED AND APPROVED this the _____ day of _____, 2018.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY:  _____

Exhibit A

LEGAL DESCRIPTION

8.887 ACRES

Being all that certain lot, tract or parcel of land situated in the Mary L. Austin Survey, Abstract Number 4 and the Robert H. Hopkins Survey, Abstract Number 1694, City of Denton, Denton County, Texas, and being part of Lot 56, Block A, The Oaks of Township II, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet E, Page 13 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the most northerly corner of said Lot 56, being the most westerly corner of Lot 55, Block A of said addition, and being on the southwesterly right-of-way line of Colorado Boulevard as evidenced by said plat (called 70' right-of-way);

THENCE S 62°32'20"E, 111.90 feet with the southwesterly line of Colorado Boulevard and the northeasterly line of said Lot 56 to 1/2" capped rebar set (G&A);

THENCE continuing with the southwesterly line of Colorado Boulevard and the northeasterly line of said Lot 56 with the arc of a curve to the right having a radius of 1222.79 feet, a central angle of 22°33'05" and an arc length of 481.29 feet (called 479.23 feet plat) whose chord bears S 51d06'58"E, 478.18 feet to a 1/2" rebar found;

THENCE S 39d57'45" E, 160.09 feet continuing with the southwesterly line of Colorado Boulevard and the northeasterly line of said Lot 56 to an angle point, from which a "+" found in a concrete sidewalk bears N 12°25'40" W, 0.94 feet;

THENCE S 28°39'25" E, 153.06 feet continuing with the southwesterly line of Colorado Boulevard and the northeasterly line of said Lot 56 to a "+" found in the edge of a concrete sidewalk at the most easterly corner of said Lot 56;

THENCE S 50°00'35"W, 365.86 feet with the southeasterly line of said Lot 56, passing the most westerly corner of a called 0.69 acre dedication as shown on the Final Plat of Lot 1, Block 1, Denton South Addition, an addition to the City of Denton according to the plat thereof recorded in Cabinet B, Page 371 of the Plat Records of Denton County, Texas, continuing with the northwesterly line of said Denton South Addition to a 1/2" capped rebar set (G&A);

THENCE continuing with the southeasterly line of said Lot 56 and the northwesterly line of said Denton South Addition with the arc of a curve to the right having a radius of 660.00 feet, a central angle of 12°47'39" and an arc length of 147.38 feet whose chord bears S 56°34'56" W, 147.07 feet to a 1/2" capped rebar found (Alliance) on the northwesterly line of that certain called 2.10 acre tract of land described in deed to Peach Tree Group Incorporated recorded in Document Number 2016-35105 of the Real Property Records of Denton County, Texas;

THENCE S 62°56'00" W, 213.94 feet continuing with the southeasterly line of said Lot 56 and the northwesterly line of said 2.10 acre tract to 1/2" capped rebar set (G&A) at the most easterly corner of Villas of Piney Creek Phase I, an addition to the City of Denton according to the plat thereof recorded in Cabinet M, Page 304 of the Plat records of Denton County, Texas, and being the most easterly corner of Clermont Lane as shown on said plat;

THENCE N 27°04'20" W, with the northeasterly line of said Villas of Piney Creek Phase I, passing at 0.75 feet a 3/8" rebar found, passing at 227.1 feet a 1/2" capped rebar found (Alliance) at the north corner of Lot 24 and the east corner of Lot 23, Block B of said Villas of Piney Creek Phase I, continuing a total distance of 300.47 feet to a 1/2" capped rebar set (G&A) at the most northerly corner of said Lot 23, Block B, being on the southeasterly line of Lot 32, Block A, The Oaks of Township II and the northwesterly line of said Lot 56;

THENCE with the northwesterly line of said Lot 56 the following:

N 62°41'00" E, 213.83 feet with the southeasterly line of Lots 32 and 33, Block A of said Villas of Piney Creek Phase I, to a 1/2" capped rebar found (Alliance) at an angle point;

N 27°35'50" E, 180.63 feet with the southeasterly line of Lots 33 and 34, Block A of said Villas of Piney Creek Phase I, to a 1/2" capped rebar found (RPLS 4561) at an angle point;

N 43°51'10" W, 146.08 feet with the northeasterly line of said Lot 34 to a 1/2" capped rebar found (RPLS 4561) at the most northerly corner thereof, being the most easterly corner of Lot 35, Block A of said Villas of Piney Creek Phase I;

N 62°28'40" W, 260.15 feet with the northeasterly line of Lots 35, 36, 37 and 38, Block A of said Villas of Piney Creek Phase I to a 1/2" rebar found at the southeast corner of Lot 53, Block A of said Villas of Piney Creek Phase I;

N 27°27'40" E, 305.39 feet with the southeasterly line of Lots 53, 54 and 55, Block A of said Villas of Piney Creek Phase I to the POINT OF BEGINNING and containing approximately 8.887 acres of land.

Exhibit B

