



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
www.cityofdenton.com

## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**DCM:** Cassey Ogden

**DATE:** March 24, 2026

### **SUBJECT**

Conduct the second of two readings and consider adoption of an ordinance of the City of Denton, Texas annexing approximately 1.09 acres of land, generally located 290 feet west of Swisher Road, and 740 feet south of Edwards Road, into the City of Denton, Denton County, Texas; providing for a correction to the City map to include the annexed land; and providing for a savings clause and an effective date. (A25-0004c, Swisher Road, Bryce Van Arsdale)

### **BACKGROUND**

In accordance with State Law, Non-Annexation Agreements (NAAs) were initially offered to property owners between 2010 and 2016 when the City was in the process of annexing land area within the Extra-Territorial Jurisdiction (ETJ). Texas Local Government Code Section 43.016 requires municipalities to offer NAA agreements to property owners of land area the City is interested in annexing if that land area is appraised for tax purposes as having agricultural, wildlife management, or timber use. In addition, the City also offered NAAs to properties used as single-family residences. NAAs entered into during this initial time period had an original expiration date of August 2020. In 2020, City Council directed staff to offer extensions of the NAAs to August 2040. In accordance with State Law, the total duration of the NAA shall not exceed 45 years.

The general requirements of the NAAs are as follows:

- The property may only be used for single-family residential, agricultural, wildlife, timber, or related uses.
- City of Denton regulations apply to proposed development.
- Development applications and building permits must be submitted and approved through the City of Denton.
- Land may be subdivided into smaller parcels via plating, provided the minimum lot size is at least 5 acres.
- Notification must be provided to the City if the property is sold.
- Properties with agriculture, wildlife management, or timberland exemptions are required to provide notice to the City if there is a change in exemption status.
- If the property owner does not abide by these requirements, or if the NAA expires, the City may proceed with annexation of the property.

Following Council direction in 2020, staff began engaging with property owners with expired NAAs in an effort to enter into new agreements with 2040 expiration dates. Between 2020 and 2021 a majority of property owners with expired NAAs entered into new agreements; however, 18 NAAs remained expired.

In 2024, staff revisited the topic of expired NAAs with City Council. Direction was given to contact the property owners of the 18 expired agreements to extend the NAAs and pursue annexation for any remaining expired NAAs. Initial letters offering NAA extensions were mailed in May 2024 with follow-up letters in June prior to the initial response deadline of June 21, 2024. Additional letters were mailed in September 2024. Currently, 7 of the 18 property owners with expired NAAs have entered into new agreements with the City. 11 NAAs remain expired and the City has begun the process of annexing these areas. There was a delay in bringing these annexation cases forward because there was a significant number of bills submitted during the 89<sup>th</sup> Legislative Session, which may have impacted annexation law. On December 11, 2025, a final letter was sent to this property owner, informing them of the City's intent to move forward with annexation.

After the first reading of the annexation ordinance at City Council on February 17, 2026, staff sent a certified letter to the property owner as the final notice of the opportunity to sign the new NAA. Staff has not received any communication from the property owner as of the writing of this report.

The next (and final) step required for a voluntary annexation based upon the requirements of TXLGC Sec. 43.0672 and the City's Charter is to conduct the second of two readings of the annexation ordinance at least 30 days after the publication of the draft annexation ordinance in the newspaper (see steps outlined below).

1. Approval of a Municipal Services Agreement
2. Annexation Public Hearing
3. First Reading of Annexation Ordinance
4. Publication of Annexation Ordinance
5. **Second Reading and Adoption of Annexation Ordinance**

The subject property is situated 290 feet west of Swisher Road, approximately 740 feet south of Edwards Road. Swisher Road, the nearest right-of-way, is classified as a Proposed Secondary Arterial according to the 2022 Mobility Plan. The properties to the south and east of the subject property are situated within the City of Denton City Limits and classified under the Rural Residential (RR) zoning district. The property to the north of the subject property is within City Limits and zoned as Public Facilities (PF) zoning district; this property is maintained by the City as Villages of Carmel Park. The properties to the west of the subject property are within city limits and zoned as Residential-6 (R6) zoning district.

The Future Land Use designation for the subject property is Moderate Residential within the Denton 2040 Comprehensive Plan. The description for this Future Land Use category is provided below:

This category accommodates single-family detached housing on small lots, typical of Denton's more compact, established single-family neighborhoods and low-rise multi-family dwellings and townhomes. This land use applies to areas within the central areas of Denton and transition areas between established single-family neighborhoods and mixed-use or commercial areas that can accommodate greater density, or adjacent to key corridors. Dwellings in this future land use category vary in scale and style and may contain a great deal of diversity by each street and block. Most areas are characterized by rectilinear lots with modest front yards. Most streets are lined by sidewalks, but this is not prevailing throughout. Development is linked by local streets and is most commonly accessed by multiple intersections and points of access. While the land use primarily includes single-family dwellings, multi-family dwellings, and townhomes may be located in this land use as well. While the quality of multi-family dwellings and townhomes currently varies, in the case of future infill development, they should maintain a scale, style, and building orientation in order to complement the prevailing character of its surroundings. This category may also include land uses that support residential neighborhoods, such as neighborhood scaled

commercial at arterial and collector street corners, and appropriately scaled public and quasi-public uses, such as religious and educational institutions

The Subject Property is not currently being served with City water or sewer.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

December 18, 2012	City Council	Non-Annexation Agreement	Approved
February 17, 2026	City Council	Municipal Services Agreement Ordinance	Approved
February 17, 2026	City Council	Public Hearing	Public hearing held; no further action occurred
February 17, 2026	City Council	First Reading of the Annexation Ordinance	First Reading held; no further action occurred

**OPTIONS**

1. Approve
2. Deny
3. Postpone item

**EXHIBITS**

- Exhibit 1 - Agenda Information Sheet
- Exhibit 2 - Site Location Map
- Exhibit 3 - Future Land Use Map
- Exhibit 4 - Current Zoning Map
- Exhibit 5 - Draft Annexation Ordinance
- Exhibit 6 - Presentation

Respectfully submitted:  
Hayley Zagurski, AICP  
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