

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A AN INITIAL ZONING OF EMPLOYMENT CENTER COMMERCIAL (EC-C) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 16 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF BARTHOLD ROAD, APPROXIMATELY 340 FEET WEST OF THE I-35 SOUTHBOUND SERVICE ROAD 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. (Z17-0011)

WHEREAS, H3H, LLC has applied for an initial zoning district and use classification on approximately 16 acres of land legally described and depicted in Exhibit A, attached hereto and incorporated herein by reference (hereinafter, "the Property"); and

WHEREAS, on July 12, 2017, 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 initial zoning district and use classification; and

WHEREAS, on August 15, 2017, 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 an initial 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 initial zoning 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 established as Employment Center Commercial (EC-C) District.

SECTION 3. The City's official zoning map is hereby amended to show the initial 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.

PASSED AND APPROVED this the ____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY: Jennifer W. Walters

Exhibit A
Legal Description and Site Location Map

BEING all that certain lot, tract, or parcel of land situated in the S. L. Johnson Survey Abstract Number 683 in the City of Denton, Denton County, Texas, being a part of that certain "21.000 Acre Tract" of land conveyed by deed from HLHTE-Lydia Hill Trust et al to H3H, LLC recorded under Document Number 2011-22008, Real Property Records, Denton County, Texas and being more particularly described as follows:

COMMENCING at an iron rod marked "KHA" found for corner in the west line of Interstate Highway Number 35, a public roadway having a variable width right-of-way, said point being the southeast corner of that certain tract of land conveyed by deed from New Farms, LLC to Phase 17 Investments, LP recorded under Document Number 2011-104771, Real Property Records, Denton County, Texas;

THENCE N 89° 48' 47" W, 325.09 feet with the south line of said Phase 17 Investments tract to a point in the Denton City Limit Line for **PLACE OF BEGINNING**;

THENCE S 01° 09' 06" E, 722.71 feet with said City Limit Line to a point for corner in Barthold Road, a public roadway and in the north line of the B.B.B. and C.R.R. Company Survey Abstract Number 141;

THENCE N 89° 48' 26" W, 955.92 feet with said Barthold Road and with said north line of said B.B.B. and C.R.R. Company Survey to a P.K. nail set for corner, said point being the southeast corner of that certain "Tract 3" of land conveyed by deed from Ellouise McDonnell to Harlan Properties, Inc. recorded in Volume 4296, Page 1426, Real Property Records, Denton County, Texas;

THENCE N 00° 01' 43" W, 722.42 feet the east line of said Harlan Properties tract to an iron rod marked "KHA" found for corner, said point being the southwest corner of said Phase 17 Investments tract;

THENCE S 89° 48' 47" E, 941.75 feet with the south line of said Phase 17 Investments tract to the **PLACE OF BEGINNING** and containing 15.737 acres of land.



