

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A DOWNTOWN RESIDENTIAL 2 (DR-2) ZONING DISTRICT AND USE CLASSIFICATION TO A DOWNTOWN COMMERCIAL GENERAL (DC-G) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 0.55 ACRES OF LAND GENERALLY AT 1604 WEST HICKORY STREET, APPROXIMATELY 85 FEET EAST OF NORTH AVENUE C 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. (Z16-0028)

WHEREAS, MSGS-B, Ltd ("Owner") and Gary Chang of Jackson Chang Apartments ("Applicant") have applied for a zoning change for approximately 0.55 acres of property legally described and depicted in Exhibit A attached hereto and incorporated herein by reference from a DR-2 District to a DC-G District; and

WHEREAS, on March 22, 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 (4-2) of the change in zoning district and use classification; and

WHEREAS, on May 2, 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; and

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 for approximately 0.55 acres from Downtown Residential 2 (DR-2) District to Downtown Commercial General (DC-G) District.

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

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. 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:  _____

Exhibit A

Legal Description

BEING all that certain lot, tract or parcel of land situated in the Eugene Puchalski Survey Abstract Number 996 in the City of Denton, Denton County, Texas, being all that certain tract of land conveyed by deed from John I. Magee to Jim T. Harris and Glenna Harris recorded in Volume 321, Page 228, Deed Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod found for corner in the north line of West Hickory Street, a public roadway having a right-of-way of 50.0 feet, said point being the southeast corner of that certain "Tract II" of land conveyed by deed from John L. Hendry, III to John S. Maxon and Robert L. Satterfield recorded in Volume 717, Page 990, Deed Records, Denton County, Texas;

THENCE N 00° 00' 38" E, 160.00 feet with the east line of said "Tract II" to an iron rod set for corner, said point being the southwest corner of that certain "Tract I" of land conveyed by deed from John L. Hendry, III to John S. Maxon and Robert L. Satterfield recorded in Volume 717, Page 990, Deed Records, Denton County, Texas;

THENCE N 89° 45' 55" E, 149.52 feet with the south line of said "Tract I" to an iron rod set for corner, said point being the northwest corner of Lot 5, Block 23 of College Addition, an addition to the City of Denton, Denton County, Texas according to the plat thereof recorded in Volume 44, Page 600, Deed Records, Denton County, Texas;

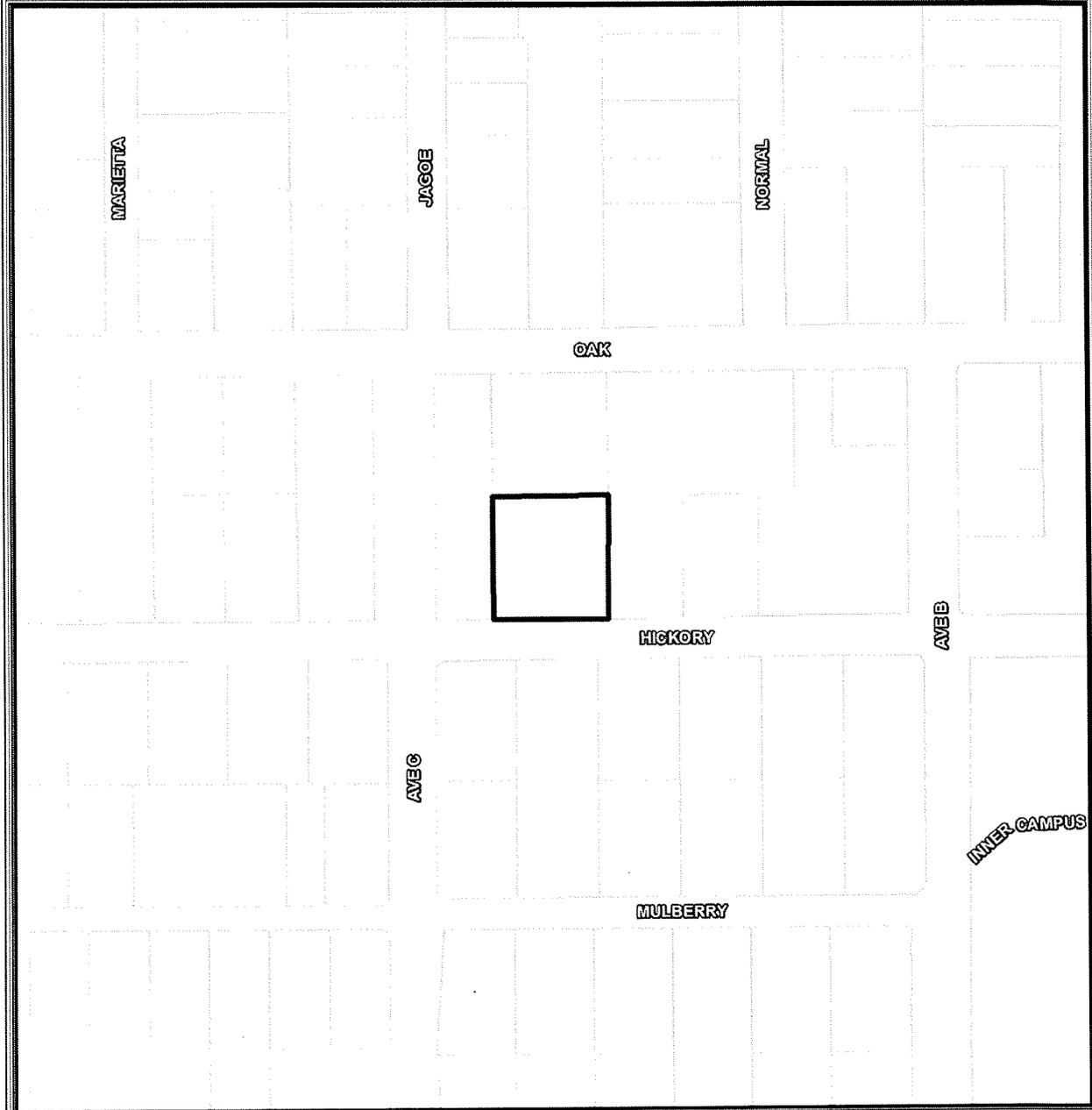
THENCE S 00° 09' 42" E, 159.91 feet with the west line of said Lot 5 to an iron rod set for corner in said north line of said West Hickory Street;

THENCE S 89° 43' 49" W, 150.00 feet with said north line of said West Hickory Street to the PLACE OF BEGINNING and containing 0.550 acres of land.

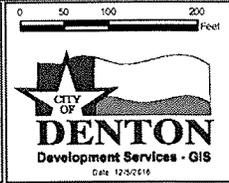
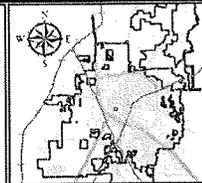
(commonly known as 1604 through 1618 West Hickory Street)

Site Location

Z16-0028 Site Location



-  SITE
-  Parcels
-  Roads



The City of Denton has prepared maps for departmental use. These are not official maps of the City of Denton and should not be used for legal, engineering or surveying purposes but rather for reference purposes. These maps are the property of the City of Denton and have been made available to the public based on the Public Information Act. The City of Denton makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein. Its use, or its interpretation. Utilization of this map indicates understanding and acceptance of this statement.