

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION FROM RURAL RESIDENTIAL (RR) DISTRICT AND RESIDENTIAL 4 (R4) DISTRICT TO RESIDENTIAL 7 (R7) DISTRICT ON APPROXIMATELY 6.63 ACRES OF LAND GENERALLY LOCATED SOUTH OF EAST MCKINNEY STREET, APPROXIMATELY 615 FEET WEST OF GLENN GARY WAY, 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. (Z25-0013a)

WHEREAS, Benjamin, Dilcia, and Osualdo Canales, property owners, requested to rezone approximately 6.63 acres of land from Rural Residential (RR) District and Residential 4 (R4) to Mixed Use Neighborhood (MN) District, legally described in **Exhibit "A"** attached hereto and depicted as **Exhibit "B"** and incorporated herein by reference (hereinafter, the "Property"); and

WHEREAS, on October 8, 2025, 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 denial (6-0) of a request to rezone the property to MN District due to land use compatibility concerns; and

WHEREAS, on October 8, 2025, 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 a request to rezone the property to the Residential 7 (R7) District; and

WHEREAS, on October 20, 2025, Benjamin, Dilcia, and Osualdo Canales, property owners, submitted a revised request to rezone the Property from RR and R4 to R7 District; and

WHEREAS, on November 18, 2025, 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 2.7.2 of the Denton Development Code, and is consistent with the Denton 2040 Comprehensive 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 zoning district change for the Property, have determined that the proposed zoning district is in the best interest of the health, safety, 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 to Residential 7 (R7) District.

SECTION 3. The City's official zoning map is hereby amended to show the established 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. 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 [____ - ____]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzie 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 _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:
INGRID REX, INTERIM 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 M. Forrest Survey, Abstract No. 417, Denton County, Texas, same being a portion of a tract of land conveyed to Ediberto Alfrado Rodriguez, by deed recorded in Volume 4332, Page 2735, Deed Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner, said corner being the Northeast corner of that tract of land conveyed to Grace like Rain, Inc., a Texas Non-Profit Corporation, by deed recorded in instrument Number 2019-3825, Official Public Records of Denton County, Texas, and being the Southeast corner of a tract of land conveyed to the City of Denton, a Texas Home Rule Municipal Corporation, be deed recorded in instrument Number 2020-51577, Official Public Records of Denton County, same being the Southwest corner of a tract of land conveyed City of Denton, a Texas Home Rule Municipal Corporation, by deed recorded in instrument Number 2019-83370, Official Public Records of Denton County, Texas, from which a ½ inch iron rod found bears North o2 degrees 20 minutes 36 seconds East a distance of 8.98 feet for witness, and being the beginning of a non-tangent curve turning to the right, with a radius of 6189.50 feet, a delta angle of 02 degrees 07 minutes 22 seconds, a chord bearing of South 69 degrees 00 minutes 19 seconds East, and a chord length of 229.30 feet;

THENCE along said curve to the right, along the South line of said City of Denton tract (2019-85370), an arc length of 229.32 feet to a ½ inch iron rod set stamped "CBG Surveying" for corner, said corner being the Southwest corner of a tract of land conveyed to the City of Denton, a Texas Home Rule Municipal Corporation, by deed recorded in instrument Number 2020-40974, Official Public Records of Denton County, Texas, and being the Northwest corner of McDonnell Highlands, on Addition to Denton County, Texas, according to the Plat thereof recorded in Volume 1477, Page 929, Map Records of Denton County Texas;

THENCE South 00 degrees 50 minutes 47 seconds West, along the West line of said McDonnell Highlands, a distance of 285.94 feet to a ½ inch rod found for corner;

THENCE South 01 degrees 37 minutes 48 seconds West, along the West line of said McDonnell Highlands, a distance of 321.99 feet to a ½ inch iron rod set stamped "CBG Surveying" for corner, said corner being along the West line of McDonnell Highlands, Section 0, Slide 380, Map Records of Denton County, Texas;

THENCE South 02 degrees 03 minutes 39 seconds West, along the West line of said McDonnell Highlands, Section 2 (0/380), a distance of 280.50 feet to a ½ inch iron rod set stamped "CBG Surveying" for corner;

THENCE South 03 degrees 16 minutes 00 seconds West, along the West line of said McDonnell Highlands, Section 2 (0/380), a distance of 414.18 feet to a point for corner, said corner being the Southwest corner of said McDonnell Highlands, Section 2 (0/380), and being along North line of a tract of land conveyed to the City of Denton, Texas, by County, Texas, from which a ½ inch iron rod found bears South 50 degrees 30 minutes 42 seconds East a distance of 5.15 feet for witness:

THENCE North 87 degrees 38 minutes 20 seconds West, along the North line of said City of Denton, Texas tract, a distance of 217.60 feet to a fence post found for corner, said corner being on “all” corner of said City of Denton, Texas tract, from which a ½ inch iron rod found bears South 75 degrees 28 minutes 39 seconds West a distance of 0.72 feet for witness;

THENCE North 02 degrees 20 minutes 36 seconds East, along the East line of said City of Denton tract and along the East line of a tract of land conveyed to the Grace Kike Rain, Inc., a Texas non-profit corporation, by deed recorded in instrument Number 2019-38258, Official Records of Denton County, Texas, a total distance of 1375.69 feet to the POINT OF BEGINNING and containing 299,033 square feet or 6.86 acres of land.

Exhibit "B"
Site Location

