

91-034

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ORDINANCE NO 91-034

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, APPROVING A CHANGE FROM AGRICULTURE (A) TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION FOR 450 6 ACRES OF LAND LOCATED ALONG U S INTERSTATE 35W AND BOUNDED BY BONNIE BRAE, ROARK BRANCH, AND HICKORY CREEK, APPROVING A GENERAL CONCEPT PLAN FOR THE DISTRICT, PROVIDING FOR A PENALTY IN THE AMOUNT OF \$2,000 FOR VIOLATIONS THEREOF, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, HSM Inc , Trustee for Southwest Denton Joint Venture, has applied for a change in zoning for 450 6 acres of land from agriculture (A) to planned development (PD) zoning district classification and use designation and for approval of a general concept plan for the district, and

WHEREAS, on February 27, 1991, the Planning and Zoning Commission recommended approval of the requested change in zoning and the approval of the general concept plan,

WHEREAS, the City Council finds that the change in zoning and approval of the general concept plan will be in compliance with the Denton Development Plan, NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS

SECTION I That the zoning district classification and use designation of the 450 6 acres of land described in Exhibit A, attached to and incorporated into this ordinance by reference, is changed from agriculture (A) to planned development (PD) zoning district classification and use designation under the comprehensive zoning ordinance of the City of Denton, Texas

SECTION II That Exhibit B, attached to and incorporated into this ordinance by reference, is approved as the General Concept Plan for the district in accordance with article 11 of Appendix B-Zoning of the Code of Ordinances

SECTION III That the City's official zoning map is amended to show the change in zoning district classification

SECTION IV It shall be unlawful for any person to violate any condition or restriction imposed upon the use of any land under the provisions of this ordinance and any person found to be in violation thereof shall, upon conviction, be fined a sum not exceeding \$2,000 Each day that a violation occurs shall constitute a separate and distinct offense

SECTION V That 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, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage

PASSED AND APPROVED this the 5th day of March, 1991


BOB CASTLEBERRY, MAYOR

ATTEST
JENNIFER WALTERS, CITY SECRETARY

BY 

APPROVED AS TO LEGAL FORM
DEBRA A DRAYOVITCH, CITY ATTORNEY

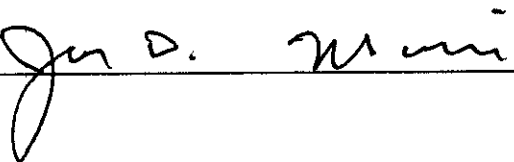
BY 

EXHIBIT A

(1 of 3)

TRACT I

BEING all that lot, tract or parcel of land out of the JAMES EDMONSON SURVEY, Abstract No 401 and the JAMES L HARRIS SURVEY, Abstract No 555 and a part of the S A PRITCHETT SURVEY, Abstract No 1021, situated about 4 miles South 35 West from the courthouse in Denton County, Texas, and embracing Parcel No 1, Parcel No 2 and Parcel No 3 described in the deed to Henry S Miller Company recorded in Volume 2240, Page 481 of the Denton County Deed Records;

PARCEL 1

BEGINNING at the Southeast corner of said J E Edmonson Survey in the middle of a County Road for the Southeast corner of said Parcel No 1, from which an 8" pipe post bears N 88 50-1/2' W, 30-5/10 feet;

THENCE N 88 50-1/2' W, to and along a fence for the South line of said Parcel No 1, a distance of 2,658-8/10 feet to a 1-inch iron on the West side of a corner post of a fence, for the Southwest corner of said Edmonson Survey and the Southeast corner of said S A Pritchett Survey and Southerly Southwest corner of said Parcel No 1;

THENCE N 00 33' E, along the common line of said Edmonson and Pritchett Surveys for the Southerly West line of said Parcel No 1, a distance of 2,217-5/10 feet to a 1-inch iron on the East side of an old 10-inch oak corner post of a fence for a reentrant corner of said Parcel No 1,

THENCE N 89 07' W, along a South line of said Parcel No 1, a distance of 1,997-5/10 feet to a 1-inch iron for the Westerly Southwest corner of said parcel No 1 and the Southerly Southeast corner of the 42-526/1000 acres tract described in the deed to the State of Texas for highway right-of-way recorded in Volume 529, Page 538 of the said Deed Records;

THENCE NORTHERLY, along the Westerly line of said Parcel No 1 and Easterly line of said State of Texas tract

- 1 N 27 24' E, 67-4/10 feet,
- 2 N 30 31' E, 599-9/10 feet to a damaged highway monument;
- 3 N 77 38' E, 312-5/10 feet to a highway monument;
- 4 N 27 43' E, 644-5/10 feet to a highway monument;
- 5 N 17 37' W, 183-1/10 feet to a damaged highway monument;
- 6 N 62 28' W, 139-2/10 feet to a highway monument;
- 7 N 27 28' E, 426 feet to a highway monument;
- 8 N 22 23' E, 99-7/10 feet to a damaged highway monument;
- 9 N 27 37' E, 1,270-5/10 feet to a 1-inch iron in the North line of said Pritchett Survey and for the Northwest corner of said Parcel No 1;

EXHIBIT A

(2 of 3)

THENCE S 89 02' E, along the said North line of Pritchett Survey, to and along the North line of said Harris Survey, for the North line of said Parcel No 1, a distance of 3,061-8/10 feet to a 1-inch iron for the Northwest corner of said Harris Survey and said Parcel No 1,

Thence S 00 08' W, to and along the said middle of County Road, being along the East line of said Harris Survey, to and along the East line of said Edmonson Survey for the East line of said Parcel No 1, a distance of 5,299-2/10 feet to the PLACE OF BEGINNING, containing 401-23/100 acres of which 3-96/100 acres lie within said County Road, leaving 397-27/100 acres exclusive of said Road

PARCEL 2

BEGINNING at a 1-inch iron on the Northwest side of a corner post of a fence for the Northwest corner of said Parcel No 2 and by previous deed call to be the Northwest corner of said S A Pritchett Survey, Abstract No 1021,

THENCE S 89 02' E, along the North line of said Pritchett Survey for the North line of said Parcel No 2, a distance of 1,602-6/10 feet to a 1-inch iron for the Northeast corner of said Parcel No 2 and the Northerly Northwest corner of the 42-526/1000 acres tract described in the deed to the State of Texas for highway right-of-way recorded in Volume 529, Page 538 of the said Deed Records;

THENCE SOUTHWESTERLY, along the Easterly line of said Parcel No 2 and Westerly line of said State of Texas tract;

- 1 S 27 33' W, 789-3/10 feet to a damaged highway monument,
- 2 S 37 33' W, 405-2/10 feet to a highway monument,
- 3 S 27 44-1/2' W, 424-4/10 feet to a highway monument,
- 4 N 62 24' W, 490-2/10 feet to a damaged highway monument for a Northwest corner of said State of Texas tract in the North line of the right-of-way of the Denton to Ponder Road,

THENCE N 61 52' W, along the said North line of right-of-way of the Ponder Road for a Southwesterly line of said parcel No 2, a distance of 423-8/10 feet to a 1-inch iron for the Southwest corner of said Parcel No 2;

THENCE N 00 53' E, along the West line of said Parcel No 2, a distance of 996-8/10 feet to the PLACE OF BEGINNING, containing 35-6/10 acres

EXHIBIT A

(3 of 3)

TRACT II

PARCEL 3

BEGINNING at a 3/4-inch iron for the Southwest corner of said Parcel No 3 and being by deed call in the West line of said S A Pritchett Survey, Abstract No 1021,

THENCE N 00 53' E, along the West line of said Parcel No 3, a distance of 1,963 feet to a 1-inch iron for the Northwest corner of said Parcel No 3 in the Southerly line of right-of-way for the Denton to Ponder Road,

THENCE S 62 17' E, along the said Southerly line of right-of-way, for the Northerly line of said Parcel No 3, a distance of 372 feet to a highway monument for a Southwest corner of the 42-526/1000 acres tract described in the deed to the State of Texas for highway right-of-way recorded in Volume 529, Page 538 of the said Deed Records,

THENCE SOUTHEASTERLY and SOUTHWESTERLY, along the Easterly line of said Parcel No 3 and said Westerly line of State of Texas tract

- 1 S 38 26' E, 208-5/10 feet,
- 2 S 6 10-1/2' W, 204 feet to a 7/8-inch iron,
- 3 S 27 39' W, 400-2/10 feet to a highway monument,
- 4 S 27 41' E, 351-5/10 feet to a damaged highway monument,
- 5 S 27 40' W, 856-5/10 feet to a 1-inch iron for the Southeast corner of said Parcel No 3 and the Southerly Southwest corner of said State of Texas tract,

THENCE N 89 07' W, along the South line of said Parcel No 3, a distance of 47-1/10 feet to the PLACE OF BEGINNING, containing 13-83/100 acres

GENERAL CONCEPT PLAN FOR
450 6 ACRE PLANNED DEVELOPMENT

BUSINESS VILLAGE

(Henry S Miller/Grubb & Ellis Tract)

1 Relation to Comprehensive Plan This tract is located southwest of the Denton Municipal Airport and within the Special Purpose Activity Center

2 Size of District The district includes 450 6 acres

3 Terms Terms used in this General Concept Plan shall have the meanings as defined in the Code of Ordinances of the City of Denton, unless defined in this Plan

4 Ordinance Governing This District and General Concept Plan are approved in accordance with and shall be governed by the provisions of article 11 of Appendix B-Zoning of the Code of Ordinances

5 Permitted Uses The following uses and combination of uses are permitted

(a) Hospitality Uses Facilities which offer transient lodging accommodations to the general public and which may provide additional services such as, but not limited to, restaurants, meeting rooms, and recreation facilities. Uses such as hotels, motels, and convention, meeting, and conference facilities will provide support for the office, institution and manufacturing and distribution uses in the district

(b) Institutional Uses Facilities for large governmental, educational, medical and cultural facilities compatible with business and industrial park uses

(c) Manufacturing and Distribution Uses This category permits the development of manufacturing and distribution uses, but excludes any residential or multifamily land uses. This category encourages manufacturing, assembly and warehouse and distribution type facilities

(d) Office Uses The office use category (along with interior secondary support retail facilities serving the office employees and guests, such as but not limited to, sundries, eating facilities) is encouraged as support for the Manufacturing and Distribution and Hospitality uses. Office uses may also consist of independent office develop-

ments which are well planned, amenity oriented facilities for service, industrial, and institutionally related users

(e) Residential/Multifamily Uses The residential/multi-family use category will provide for convenient nearby housing for a portion of the population to be employed in the "Business Village" A mix of mid to high density residential uses (single-family to multi-family) and the residential uses will be no more intensive than the parameters shown in the Development Standards The front yard of every single family home must have a minimum of two hardwood trees prior to occupancy

(f) Retail and Service Any establishment whose primary purpose is to provide goods and services to the general public for their use or consumption The retail uses category includes community shopping centers, automobile services, and other retail and personal services These facilities are compatible with the freeway corridor and will be well planned amenity oriented facilities designated to serve the regional population The permitted uses exclude residential/multifamily uses

(g) Recreational Uses The Manufacturing and Distribution, Hospitality, Office, and Institutional uses may have recreational facilities to support the health and welfare of employees including but not limited to golf courses, racquet ball, polo, soccer, etc These types of recreational uses are proposed to be developed in conjunction with the open spaces and the intent of the overall planned development

(h) Accessory Uses A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with a principal use

6 Prohibited Uses The following uses are prohibited in the district

Cement, lime, gypsum or plaster manufacturing
Cemetery
Concrete or asphalt batch plants (permanent facilities)
Contractor's yard
Fat rendering or animal reduction
Fertilizer manufacturing
Forge plant

Gas, butane, propane operations
Halfway house
Hazardous and/or toxic chemical manufacturing
Junk or salvage yard
Machine shop or welding
Mining or topsoil extraction
Mobile home display or sales
Paper or pulp manufacture
Pawn shop
Petroleum products refining
Radio or T V broadcast or microwave towers
Railroad yard or roundhouse
Sexually oriented businesses
Smelting of ores or metals
Stockyards or slaughterhouse

7 Development Standards

(a) Hospitality The development standards for property designated for hospitality uses shall be as follows

Minimum lot area	5 AC
Minimum lot width	200 FT
Minimum lot depth	NONE
Front yard setback	25 FT
Rear yard setback	10 FT
Side yard setback	10 FT
Corner lot requirement	25 FT
Maximum building height	20 stories
Maximum lot coverage	50%
Maximum floor to area ratio	2 1
Parking	As listed for each use in the Denton zoning ordinance

(b) Institutional The development standards for property designated for institutional uses shall be as follows

Minimum lot area	None
Minimum lot width	None
Minimum lot depth	None
Front yard setback	25 FT
Rear yard setback	10 FT
Side yard setback	10 FT
Corner lot requirement	25 FT
Maximum building height	43 FT*
Maximum lot coverage	50%
Maximum floor to area ratio	2 1

Parking As listed for each
use in Denton zoning ordinance

* Height may be increased by 1 ft above 43 ft for each one foot of increase in the front, side, and rear yard setbacks, up to a maximum of 20 stories

(c) Manufacturing and Distribution The development standards for property designated for manufacturing and distribution uses shall be as follows

Minimum lot area	2 5 AC
Minimum lot width	200 FT
Minimum lot depth	NONE
Front yard setback	25 FT
Rear yard setback	10 FT
Side yard setback	10 FT
Corner lot requirement	25 FT
Maximum building height	43 FT*
Maximum building coverage	75%
Maximum floor to area ratio	1 1
Parking	As listed for each in the Denton zoning ordinance

* Height may be increased by 1 ft above 43 ft for each one foot of increase in the front, side, and rear yard setbacks, up to a maximum of 8 stories

(d) Office The development standards for property designated for commercial uses shall be as follows

Minimum lot area	None
Minimum lot width	None
Minimum lot depth	None
Front yard setback	25 FT
Rear yard setback	10 FT
Side yard setback	10 FT
Corner lot requirement	25 FT
Maximum building height	43 FT*
Maximum lot coverage	50%
Maximum floor to area ratio	3 1
Parking	As listed for each use in Denton zoning ordinance

* Height may be increased by 1 ft above 43 ft for each one foot of increase in the front, side, and rear yard setbacks, up to a maximum of 20 stories

(e) Residential/Multifamily Uses The development standards for property designated for residential/multifamily uses shall be as follows

Minimum lot area	6000 SQ FT
Minimum lot width	60 FT
Minimum lot depth	100 FT
Front yard setback	25 FT
Rear yard setback	S F 20 FT
	M F *
Side yard setback	S F 6 FT
	M F **
Corner lot requirement	16 FT
Maximum building height	S F 2 1/2 stories
	M F 3 stories
Maximum lot coverage	40%
Maximum Density	20 0 DU/AC
Parking	As listed for each
	use in Denton zoning ordinance

* Multifamily rear yard 20 ft minimum, if greater than 2 stories, the rear yard setback shall be equal to one foot per each 2 ft of height to a maximum setback of 50 ft

** Multifamily side yard 10 ft minimum, if greater than 2 stories, the side yard setback shall be equal to one foot per each 2 ft of height to a maximum setback of 50 ft

(f) Retail The development standards for property designated for retail uses shall be as follows

Minimum lot area	None
Minimum lot width	None
Minimum lot depth	None
Front yard setback	25 FT
Rear yard setback	10 FT
Side yard setback	10 FT
Corner lot requirement	25 FT
Maximum building height	43 FT
Maximum lot coverage	50%
Maximum floor to area ratio	0 8 1
Parking	As listed for each
	use in the Denton Zoning Ordinance

(g) Adjacency Relationships for residential/multifamily uses

(1) At least 50% of the total perimeter of a tract used for residential use (including multifamily) shall be adjacent to one or a combination of the following uses

(1) open space

(11) Existing residential/multifamily uses or residential/multifamily zoned property

(111) Existing or proposed arterial roadway or interstate highway right-of-way

(1V) Existing undeveloped property

(2) No residential/multifamily use shall be located adjacent to manufacturing or bulk distribution uses, unless said residential/multifamily use is separated from those uses by an arterial roadway or a non-residential to residential/multifamily building-to-building separation distance of not less than 150 feet

(h) Setbacks The following setbacks shall control over any other specified setbacks

(1) The minimum setback for buildings and parking facilities shall be forty (40) feet from the right-of-way line of I H -35W

(2) No residential and multifamily buildings shall be permitted within 250 feet of the centerline of interstate 35 W

(3) Residential and multifamily buildings to be located adjacent to undeveloped property zoned for non-residential or multifamily uses shall observe an 80 foot building setback from the common property line

(4) Non-residential and multifamily uses shall observe a minimum 100 foot building-to-building setback from existing adjacent residential and multifamily buildings

(5) Residential and multifamily buildings to be located adjacent to existing non-residential or multifamily uses shall observe a 100 foot building-to-building setback from existing adjacent non-residential buildings

(i) Denton Airport Zoning Regulations All buildings and structures in the district shall also be subject to the height limitations of the Municipal Airport Zoning Regulations and federal regulations

(j) Open Space The Open Space in the district shall contain 15% (or over one-seventh) of the gross land area in the existing 450.6 acre tract. The open space will consist of at least all Roark Branch Floodway and those flood prone areas generally north of the first USGS elevation 576 contour which is south of the original channel of Hickory Creek. The areas along the edge of the original channel of Hickory Creek will provide an ideal alignment and location for a future "hike/bike/pedestrian" trail

(k) Landscaping and Trees The regulations of the Denton Landscape Code in effect on the date of the approval of this Plan shall apply to the District

(l) Development Intensity The overall intensity of development for the gross area, 450.6 acres, shall not exceed a floor to area ratio of 1.5 to 1

FEBRUARY 8 1968



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• NOTES •

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