

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION FROM PUBLIC FACILITIES (PF) DISTRICT TO RESIDENTIAL 7 (R7) DISTRICT ON APPROXIMATELY 1.143 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHEAST INTERSECTION OF BONNIE BRAE ROAD AND RINEY ROAD IN THE CITY OF DENTON, DENTON COUNTY; 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. (Z23-0008)

WHEREAS, Philip Baker of Rayzor Investments, LTD., property owner, requested to rezone approximately 1.143 acres of land from Public Facilities (PF) District to Residential 7 (R7) District, legally described in Exhibit "A", attached hereto and incorporated herein by reference (hereinafter, the "Property"); and

WHEREAS, on March 20, 2024, 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 (0-0) of the request; and

WHEREAS, on April 16, 2024, 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 establishing a zoning district change for 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 to Residential 7 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 [____ - ____]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2024.

GERARD HUDSPETH, MAYOR

ATTEST:
JESUS SALAZAR, 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 N. Meisenhamer Survey, Abstract No. 810, City of Denton, Denton County, Texas, being part of a tract conveyed to Rayzor Investments, Ltd., by deed recorded in Document No. 2020-13850 of the Official Public Records, Denton County, Texas (OPRDCT), with the subject tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod with plastic cap found for the north end of a corner clip being the intersection of the south line of Riney Road, a variable width right-of-way, with the east line of N. Bonnie Brae Street, a variable width right-of-way;

THENCE S 89°16'35" E, 232.71 feet along the south line of Riney Road to a 1/2" iron rod capped with yellow plastic cap stamped "SPIARSENG" set in the west line of Lot 1, Block 1, B.F. Price Addition, recorded in Cabinet C, Page 126, Plat Records, Denton County, Texas;

THENCE S 00°34'50" W, 197.59 feet along the west line of Lot 1 to a 1/2" iron rod with plastic cap found;

THENCE N 89°29'21" W, 252.34 feet to a point on the east line of N. Bonnie Brae Street;

THENCE N 00°28'30" E, 178.53 feet along the east line thereof to a 1/2" iron rod capped with yellow plastic cap stamped "SPIARSENG" set at the south end of said corner clip;

THENCE N 45°35'55" E, 28.22 feet along said corner clip to the POINT OF BEGINNING with the subject tract containing 49,815 square feet or 1.144 acres of land.