

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 TO LIGHT INDUSTRIAL (LI) DISTRICT ON APPROXIMATELY 13.4 ACRES OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF US 380 APPROXIMATELY 2,400 FEET WEST OF MASCH BRANCH 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. (Z23-0014a)

WHEREAS, Aimee Bissett of 97 Land Company, on behalf of the property owner, requested to rezone approximately 13.4 acres of land from Rural Residential (RR) District to Light Industrial (LI) District, legally described in Exhibit "A", attached hereto and incorporated herein by reference (hereinafter, the "Property"); and

WHEREAS, on February 28, 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 (5-0) of the request; and

WHEREAS, on March 19, 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 Light Industrial (LI) 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 [\_\_\_ - \_\_\_]:

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
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

 Hilary Negron  
2024.03.05  
12:31:30 -06'00'

BY: \_\_\_\_\_

## **Exhibit A Legal Description**

**BEING** all that certain tract or parcel of land situated in the S. Huizar Survey, Abstract No. 514 and the G.H. Barb Survey, Abstract No. 208, Denton County, Texas, being a portion of a called 29.85 acres of land described in Special Warranty Deed to Series V, Henrey Property Development LLC, recorded under Instrument Number 2021-102870, Deed Records, Denton County, Texas (D.R.D.C.T.), and being more particularly described by the following metes and bounds description:

**COMMENCING** at a capped 5/8 inch iron rod stamped “TXDOT” found for corner in the most southerly Right-of-Way line of W. University Drive (variable width Right-of-Way), same being in the most northwesterly corner of Crow-Billingsley Denton GHB, LTD, recorded under Instrument Number 2023-40765, Deed Records, Denton County, Texas (D.R.D.C.T.), also being in the most northeasterly corner of the remainder of Servies V, Henry Property Development LLC, recorded under Instrument Number 2021-102870, Deed Records, Denton County, Texas (D.R.D.C.T.);

**THENCE** South 00 degrees 36 minutes 14 seconds West, in a southerly direction along the common line between the most easterly line of said remainder of Series V tract and the most westerly line of said Crow-Billingsley GHB tract, a distance of 431.68 feet to a point for corner in the most southeasterly corner of said remainder of Series V tract, same being the most northeasterly corner of the portion of Servies V, Henry Property Development LLC, recorded under Instrument Number 2021-102870, Deed Records, Denton County, Texas (D.R.D.C.T.), and being THE POINT OF BEGINNING

**THENCE** South 00 degrees 36 minutes 14 seconds West, continuing in a southerly direction along the common line between the most easterly line of said portion of Series V tract and the most westerly line of said Crow-Billingsley GHB tract, a distance of 329.46 feet to a 1/2 inch iron rod found for corner in the most southwesterly corner of said Crow-Billingsley GHB tract, same being the most southeasterly corner of said portion of Series V tract, also being a point in the most northerly line of Crow-Billingsley Denton LPB, LTD, recorded under Instrument Number 2023-59179, Deed Records, Denton County, Texas (D.R.D.C.T.);

**THENCE** North 89 degrees 42 minutes 07 seconds West, in a westerly direction along the common line between the most northerly line of said Crow-Billingsley LPB tract and the most southerly line of said portion of Series V tract, a distance of 338.39 feet to a “60D” nail found for corner at the most northwesterly corner of said Crow-Billingsley LPB tract, same being the most northeasterly corner of The Robert H. and Jimmie G Nobles Charitable Remainder unitrust, recorded under Volume 2897, Page 995, Deed Records, Denton County, Texas (D.R.D.C.T.), also being a point in the most southerly line of said portion of Series V tract;

**THENCE** North 89 degrees 25 minutes 30 seconds West, in a westerly direction along the common line between the most northerly line of said The Robert and Jimmie Nobles tract and the most southerly line of said portion of Series V tract, a distance of 1314.63 feet to a capped 5/8 inch iron rod stamped “TRAVERSE LS PROP COR” set for corner in the most southwesterly corner of said portion of Series V tract, same being a point in the most northerly line of said The Robert and Jimmie Nobles tract, also being in the most southeasterly corner of Annette Sue Schroeder, recorded under Instrument Number 2015-54980, , Deed Records, Denton County, Texas (D.R.D.C.T.);

**THENCE** North 00 degrees 37 minutes 06 seconds East, in a northerly direction along the common line between the most easterly line of said Annete Schroeder tract and the most westerly line of said portion of

Series V tract, a distance of 376.14 feet to a point for corner in the most northwesterly corner of said portion of Series V tract, same being a point in the most easterly line of said Annette Schroeder tract, also being in the most southwesterly corner of said remainder of Series V tract;

**THENCE** South 87 degrees 51 minutes 50 seconds East, a distance of 1653.51 feet to **THE POINT OF BEGINNING** and containing 13.412 acres (584,240 square feet) of land, more or less.