

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING DISTRICT AND USE CLASSIFICATION FROM SUBURBAN CORRIDOR (SC) DISTRICT TO RESIDENTIAL 6 (R6) DISTRICT ON APPROXIMATELY 1.52 ACRES OF LAND GENERALLY LOCATED 266.11' EAST OF COUNTRY CLUB ROAD AND LOCATED NORTH OF HOBSON LANE 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. (Z24-0003)

WHEREAS, Vandersmith Developers, LTD., property owner, requested to rezone approximately 1.52 acres of land from Suburban Corridor (SC) District to Residential 6 (R6) District, legally described in Exhibit "A", attached hereto and incorporated herein by reference (hereinafter, the "Property"); and

WHEREAS, on April 24, 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 May 21, 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 6 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 William Daniel Survey, Abstract No. 378, City of Denton, Denton County, Texas, and being part of a called 27.32 acre tract of land described in the Special warranty Deed to RCH Development, LLC recorded in Document No. 2017-54442, Official Records of Denton County, Texas, and a portion of Hobson Lane (a variable width right-of-way) and being more particularly described as follows:

BEGINNING at the northernmost northwest corner of said 27.32 acre tract and at the northeast corner of a called 1.0025 acre tract of land described in the Special Warranty Deed to RCH Development, LLC recorded in Document No. 2017-56075, Official Records of Denton County, Texas, at the southeast corner of a called 1.736 acre tract of land described in the Special Warranty Deed to CST Stations Texas LLC, recorded in Document No. 2017-54513, Official Records of Denton County, Texas, and at the southwest corner of a called 9.58 acre tract of land described in the Special Warranty Deed to Vandessmith Partners Ltd., recorded in Document No. 2017-54443, Official Records of Denton County, Texas;

THENCE South 89°39'44" East, with the south line of said 9.58 acre tract, a distance of 68.52 feet to a point for corner;

THENCE South 00°10'30" East, over and across said 27.32 acre tract, and Hobson Lane (a variable width right-of-way), a distance of 484.29 feet to a point for corner in Hobson Lane;

THENCE South 89°13'36" West, along Hobson Lane, a distance of 156.10 feet to a point for corner;

THENCE North 01°00'54" West, over and across said Hobson Lane and said 27.32 acre tract, a distance of 298.05 feet to a point for corner;

THENCE North 04°50'20" East, continuing over and across said 27.32 acre tract and along the east line of said 1.0025 acre tract, a distance of 25.38 feet to a point for corner;

THENCE continuing along said east line of the 1.0025 acre tract, the following courses and distances:

North 44°33'55" East, a distance of 127.57 feet to a point for corner;

North 00°13'47" West, a distance of 72.62 feet to the **POINT OF BEGINNING** and containing 66,295 square feet or a gross 1.5219 acres of land with 0.1882 acres within public right-of-way resulting in a net area of 1.3397 acres.