

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, PROVIDING FOR A SPECIFIC USE PERMIT FOR A “HEAVY MANUFACTURING USE” IN AN “INDUSTRIAL CENTER GENERAL” (IC-G) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 2.95 ACRES OF LAND GENERALLY LOCATED ON THE WEST SIDE OF WORTHINGTON DRIVE, NORTH OF BARCELONA STREET AND SOUTH OF SCHUYLER STREET, BEING LOT 3, BLOCK A OF THE HULL ADDITION; AND PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (S14-0004)

WHEREAS, hot dip galvanization was determined by staff to be a heavy manufacturing use per the definitions in the Denton Development Code; and

WHEREAS, Edsco Fasteners appealed the staff decision that hot dip galvanization is a heavy manufacturing use to the Zoning Board of Adjustment (ZBA) and at a public hearing on April 28, 2014 the ZBA voted 5-2 that the use should be considered light manufacturing and did not achieve a concurring vote of 6 members required to overturn a staff decision; and

WHEREAS, Edsco Fasteners has applied for a Comprehensive Plan Amendment and a Rezoning Request to change the future land use from “Regional Mixed Use Center” to “Industrial Center” and the change the zoning from “Regional Center Commercial Downtown” to “Industrial Center General”; and

WHEREAS, the Planning and Zoning Commission held a combined public hearing on August 27, 2014 and recommended approval (5-2) to City Council for both the Comprehensive Plan Amendment (CA14-0003) and Zoning Change (Z14-0014) and the City Council held a combined public hearing on September 16, 2014 for CA14-0003 and Z14-0014 found that the requests meet and comply with all substantive and procedural standards set for in Sections 35.4.3 and 35.3.3 of the Denton Development Code; and

WHEREAS, Edsco Fasteners has applied for a Specific Use Permit to for a “Heavy Manufacturing Use”, specifically hot dip galvanization in an Industrial Center General (IC-G) zoning district on approximately 2.95 acres of land legally described as Lot 3, Block A of the Hull Addition, detailed in Exhibit “A”, attached hereto and incorporated herein by reference (hereinafter, the “Property”); and

WHEREAS, on August 27, 2014, the Planning and Zoning Commission concluded a public hearing as required by law, and recommended approval (7-0) of the Specific Use Permit with conditions as allowed in Section 35.6.5 of the Denton Development Code and directed staff to further evaluate standards that would ensure compatibility with the surrounding area; and

WHEREAS, on September 16, 2014, the City Council conducted a public hearing as required by law, and finds that the request meets and complies with all substantive and procedural standards set for in Section 35.6 of the Denton Development Code, and is consistent with the Denton Plan and the Denton Development Code; 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. A Specific Use Permit for the Property is hereby granted for a “Heavy Manufacturing Use” with conditions as outlined below:

- A. The heavy manufacturing use is limited to hot dip galvanization.
- B. The SUP is specific to Edsco Fasteners.
- C. The applicant is required to comply with all building, environmental, and safety standards in the Denton Development Code and Denton Code of Ordinances.
- D. Development of the Property will provide 20 percent Tree Canopy consistent with the Regional Center Commercial Downtown zoning district.
- E. Development of the Property will follow the Non-residential and Mixed Use Buildings Site Development Requirements regarding Orientation, Building Materials, and Parking to help ensure compatibility with existing and future uses in the surrounding area.
- F. Operation Hours are limited to 7:00 a.m. to 7:00 p.m.

SECTION 3. Notwithstanding the attached real property description, the property being re-designated includes all property to the centerline of all adjacent street rights-of-way.

SECTION 4. The City’s official future land use map is amended to show the change in future land use designation.

SECTION 5. 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 6. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 7. 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.

PASSED AND APPROVED this the ____ day of _____, 2014.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

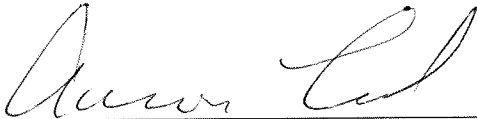
BY:  _____

Exhibit A
Legal Description

STATE OF TEXAS

COUNTY OF DENTON

BEING ALL OF A TRACT OF LAND IN THE BBB & CRR SURVEY, ABSTRACT NUMBER 141 IN THE CITY OF DENTON, DENTON COUNTY, TEXAS AND BEING ALL OF LOT 3, BLOCK A OF HULL ADDITION, AN ADDITION TO THE CITY OF DENTON, DENTON COUNTY, TEXAS AS RECORDED IN CABINET X, PAGE 307 OF THE PLAT RECORDS, DENTON COUNTY TEXAS; THE SUBJECT TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE A POINT FOR THE NORTHEAST CORNER OF SAID LOT 3 AND BEING THE SOUTHEAST CORNER OF LOT 4, BLOCK A OF HULL ADDITION, AN ADDITION TO THE CITY OF DENTON, DENTON COUNTY, TEXAS AS RECORDED IN CABINET U, PAGE 772 OF THE PLAT RECORDS, DENTON COUNTY, TEXAS AND BEING IN THE WEST LINE OF WORTHINGTON DRIVE;

THENCE SOUTH 00 DEGREES 27 MINUTES 54 SECONDS WEST WITH THE WEST LINE THEREOF A DISTANCE OF 317.33 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID LOT 3 AND THE MOST EASTERLY NORTHEAST CORNER OF LOT 2R OF SAID HULL ADDITION RECORDED IN SAID CABINET X, PAGE 307;

THENCE NORTH 89 DEGREES 30 MINUTES 38 SECONDS WEST WITH THE COMMON LINE THEREOF A DISTANCE OF 405.33 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE NORTH 00 DEGREES 27 MINUTES 54 SECONDS EAST A DISTANCE OF 317.30 FEET TO A POINT FOR THE NORTHEAST CORNER OF SAID LOT 3 AND THE MOST NORTHERLY NORTHEAST CORNER OF SAID LOT 2R AND BEING IN THE SOUTH LINE OF SAID LOT 4;

THENCE SOUTH 89 DEGREES 30 MINUTES 57 SECONDS EAST WITH THE SOUTH LINE THEREOF A DISTANCE OF 405.33 FEET TO THE PLACE OF BEGINNING AND ENCLOSING 2.95 ACRES OF LAND MORE OR LESS.