ORDINANCE NO.	•
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AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AMENDING EXHIBITS B-1 AND B-4 OF THE RAYZOR RANCH OVERLAY DISTRICT IN SUBCHAPTER 35.7.15 OF THE DENTON DEVELOPMENT CODE TO CHANGE APPROXIMATELY TEN ACRES FROM THE SOUTH MIXED USE SUBAREA TO THE SOUTH RR-2 SUBAREA; PROVIDING A REPEALER AND A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF, AND PROVIDING AN EFFECTIVE DATE. (Z16-0013)

WHEREAS, the Rayzor Ranch Overlay District consists of approximately 410 acres on both sides of US Route 380 and between IH-35 and Bonnie Brae Street, which is more particularly described and depicted in **Exhibit A**, attached hereto and incorporated by reference as if set forth at length herein (the "District"), and which exhibit's spatial definition constitutes the boundaries of the District (the "District Boundaries");

WHEREAS, the owner(s) of property within the Rayzor Ranch Overlay District have applied for an amendment to **Exhibit B-1** and **Exhibit B-4** of the Rayzor Ranch Overlay District to change approximately 10 acres of land from the South Mixed Use subarea to the South RR-2 District as described in Subchapter 35.7.15.3.B.3 of the Denton Development Code;

WHEREAS, the Denton Development Code authorizes the City Council to approve overlay districts to protect and enhance certain specific lands and structures which, by virtue of their type or location, have characteristics which are distinct from lands and structures outside such special districts and contain such reasonable and necessary requirements to insure the protection and enhancement of said land and structures;

WHEREAS, the Denton Development Code authorizes the City Council to approve overlay districts to establish specific design standards and development regulations to effectuate the purpose of the district, and may require or address any of the following, in addition to or in lieu of other regulations affecting the property within the overlay district: (1) protection of features designated as being of special concern within the district; (2) mixtures or limitations or permitted uses; (3) special performance standards and development regulations; and (4) other matters as appropriate to promote the special public interests of the district;

WHEREAS, on June 15, 2010 the City Council held a public hearing as required by law and approved the modified Rayzor Ranch Overlay District under Ordinance No. 2010-158, which incorporated additional regulations under Ordinance 2008-018;

WHEREAS, on January 26, 2016 the City Council held a public hearing as required by law and approved the modified Rayzor Ranch Overlay Distrct under Ordinance No. 2016-017, which amended regulations under Ordinance 2010-158;

WHEREAS, on September 28, 2016 the Planning and Zoning Commission, in compliance with the laws of the State of Texas, after having given the requisite notices by publication and otherwise, and having held full and fair hearings for all property owners interested in this regard, recommended approval of the overlay changes in this Ordinance;

WHEREAS, on October 11, 2016 the City Council likewise conducted a public hearing as required by law, and finds that this Ordinance meets and complies with all substantive and procedural standards set forth in the Denton Development Code and is consistent with the Denton Code of Ordinances and Denton Plan 2030, as amended;

WHEREAS, the City Council finds that the modified Rayzor Ranch Overlay District serves a public purpose by permitting the development of a regional shopping center and complementary peripheral development to create a unique, walkable, mixed-use style of development that will set it apart from other shopping centers in the area; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Denton, in considering the overlay changes in this Ordinance, have determined that the changes are in the best interests of the health, safety, morals, and general welfare of the City of Denton, are consistent with Denton Plan 2030, will protect and enhance the Property, and accordingly, the City Council of the City of Denton is of the opinion and finds that the said overlay changes 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 are found to be true.

SECTION 2. Ordinance Nos. 2016-017, 2010-158 and 2008-018 are only amended to the extent that they are inconsistent with the changes as established herein. Any provisions not addressed by this Ordinance shall continue with full force and effect and any official actions taken as a result of the original ordinances prior to the effective date of this Ordinance are hereby ratified, affirmed, and adopted. Nothing herein shall repeal or modify any permit approvals for property within the Rayzor Ranch Overlay District approved prior to the effective date of this Ordinance, including, but not limited to, approved site plans, plats, and building permits and/or any rights that may be associated with those permits.

<u>SECTION 3</u>. The City Council hereby adopts these amendments to Exhibits B-1 and B-4 of the Rayzor Ranch Overlay District.

SECTION 4. If any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity or the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

SECTION 5. 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 6. 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	day of	, 2016.
·	CUDIC WAT	ES MANOD
	CHRIS WAT	15, MATOR
ATTEST: JENNIFER WALTERS, CITY SECRETARY		
JEINNI EK WIEFERG, OH I BEOLGHA		
BY:		
APPROVED AS TO LEGAL FORM:		
ANITA BURGESS, CITY ATTORNEY		

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# METES AND BOUNDS, PART ONE AND PART TWO 410.28 ACRES (TOTAL) FRANCIS BATSON SURVEY, ABSTRACT NO. 43 B.B.B. & C.R.R. COMPANY SURVEY, ABSTRACT NO. 192 CITY OF DENTON, DENTON COUNTY, TEXAS

#### PART ONE

BEING a tract of land situated in the Francis Batson Survey, Abstract No. 43, in the City of Denton, Denton County, Texas, being all of a called 121.4759 acre tract (description of Shephard Hall Tract, Tract 2), described in deed to Denton Hillview, L.P., recorded in Denton County Clerk's File No. 2005-127450 of the Real Property Records of Denton County, Texas, all of a called 0.2254 acre tract (Tract 1), a called 2.1017 acre tract (Tract 2) and a called 2.2200 acre tract (Tract 3) described in deed to Quantum at Denton Self Storage, L.P., recorded in Volume 5021, Page 01847 of the Real Property Records of Denton County, Texas, part of a called 18.269 acre tract, described in deed to Denton Property Joint Venture, recorded in Denton County Clerk's File No. 00-R0101370 of the Real Property Records of Denton County, Texas, all of a called 2.999 acre tract, described in deed to De Hall Properties, Ltd., recorded in Denton County Clerk's File No. 2005-40231 of the Real Property Records of Denton County, Texas, being part of a called 8.9217 acre tract of land described in Deed to Mesquite Creek Development, Inc., recorded in Volume 4562, Page 0683 of the Real Property Records of Denton County, Texas, and all of Lot 1 of SANDY ADDITION, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Volume 13, Page 47 and Cabinet J, Slide 348 of the Plat Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2-inch iron rod found for the north end of a corner clip at the intersection of the north right-of-way line of West University Drive (U.S. Highway No. 380, a 100.20 foot wide public right-of-way) and the west right-of-way line of Bonnie Brae Street (a variable width public right-of-way) for the most easterly southeast corner of the beforementioned Lot 1 of SANDY ADDITION;

**THENCE** with the corner clip, South 45°48'44" West, a distance of 90.93 feet to a 3/4-inch iron rod found for corner;

THENCE with the north right-of-way line of West University Drive, the following courses and distances to wit:

- --North 89°07'28" West, a distance of 773.40 feet to a 5/8-inch iron rod with "KHA" cap set for corner; --North 88°56'28" West, a distance of 1761.77 feet to a 1/2-inch iron rod found for the southeast corner of
- --North 88°56'28" West, a distance of 1761.77 feet to a 1/2-inch iron rod found for the southeast corner of the called 8.9217 acre tract;

**THENCE** leaving the north right-of-way line of West University Drive with the east line of the 8.9217 acre tract, North 00°23'40" East, a distance of 276.40 feet to a point for corner;

THENCE crossing the called 8.9217 acre tract, the following courses and distances to wit:

- --North 89°10'52" West, a distance of 227.61 feet to a point for corner;
- --North 00°59'35" East, a distance of 80.89 feet to a point for corner;
- --North 89°00'25" West, a distance of 290.00 feet to a point for corner in the east line of Lot 1, Block A of PORTER/ANDRUS ADDITION, an addition to the City of Denton, Denton County, Texas, according to the Plat thereof recorded in Cabinet O, Slide 45 of the Plat Records of Denton County, Texas;

**THENCE** with the east line of Lot 1, Block A and the east line of Lot 2, Block A of PORTER/ANDRUS ADDITION, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet V, Slide 856 of the Plat Records of Denton County, Texas, North 00°59'47" West, a distance of 217.71 feet to a 5/8-inch iron rod with "KHA" cap set for the northeast corner of Lot 2, Block A;

THENCE with the north and west lines of Lot 2, Block A, the following courses and distances to wit:

- --North 88°42'36" West, a distance of 400.01 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- --South 01°28'09" West, a distance of 28.89 feet to a 5/8-inch iron rod with "KHA" cap set for the northeast corner of Lot 1R, Block 1 of ALVIN AND CHARLOTTE WHALEY ADDITION, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet I, Slide 148 of the Plat Records of Denton County, Texas;

**THENCE** leaving the west line of Lot 2, Block A of PORTER/ANDRUS ADDITION with the north line of Lot 1R, Block 1 of ALVIN AND CHARLOTTE WHALEY ADDITION, North 88°31'28" West, a distance of 399.39 feet to a 5/8-inch iron rod with "KHA" cap set in the northeasterly right-of-way line Interstate Highway No. 35 (a variable width public right-of-way) for the most northerly northwest corner of Lot 1R, Block 1 of ALVIN AND CHARLOTTE WHALEY ADDITION;

**THENCE** leaving the north line of Lot 1R, Block 1 of ALVIN AND CHARLOTTE WHALEY ADDITION with the northeasterly right-of-way line Interstate Highway No. 35, North 16°07'54" West, a distance of 632.67 feet to a 5/8-inch iron rod with "KHA" cap set for the southwest corner of Lot 14 of GREENWAY CLUB ESTATES, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Volume 4, Page 27 of the Plat Records of Denton County, Texas;

**THENCE** leaving the northeasterly right-of-way line Interstate Highway No. 35 with the south and east lines of GREENWAY CLUB ESTATES, the following courses and distances to wit:

- --North 73°15'13" East, a distance of 518.79 feet to a 5/8-inch iron rod with "KHA" cap set for the beginning of a curve to the right;
- --Easterly, with the curve to the right, through a central angle of 16°47'40", having a radius of 345.00 feet, and chord bearing and distance of North 81°39'03" East, 100.76 feet, an arc distance of 101.13 feet to a 5/8-inch iron rod with "KHA" cap set for the end of the curve;
- --North 89°58'43" East, a distance of 364.46 feet to a5/8-inch iron rod with "KHA" cap set for corner;
- --North 00°57'04" West, a distance of 450.70 feet to a 5/8-inch iron rod with "KHA" cap set for the southwest corner of Lot 1, Block 10 of WESTGATE HEIGHTS, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet E, Slide 78 of the Plat Records of Denton County, Texas;

**THENCE** leaving the east line of GREENWAY CLUB ESTATES with the south and east lines of WESTGATE HEIGHTS, the following courses and distances to wit:

- --North 89°32'37" East, a distance of 48.23 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- --South 87°34'57" East, a distance of 1042.99 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- --North 00°32'57" East, a distance of 318.04 feet to a 5/8-inch iron rod with "KHA" cap set for the most northerly northwest corner of the beforementioned 121.4759 acre tract

**THENCE** leaving the east line of WESTGATE HEIGHTS with the north line of the 121.4759 acre tract, South 89°13'56" East, a distance of 2067.29 feet to a 5/8-inch iron rod with "KHA" cap set in the west right-of-way line of Bonnie Brae Street;



**THENCE** leaving the north line of the 121.4759 acre tract with the west right-of-way line of Bonnie Brae Street, the following courses and distances to wit:

- --South 00°37'18" West, a distance of 1455.38 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- --South 00°26'45" West, a distance of 568.70 feet to the **POINT OF BEGINNING** and containing 153.37 acres of land.

Bearing system based upon Texas State Plane Coordinate System, using monuments R0610108 AND R0610060.

#### **PART TWO**

BEING a tract of land situated in the B.B.B. & C.R.R. Company Survey, Abstract No. 192, in the City of Denton, Denton County, Texas, being part of a called 265.6365 acre tract of land (description of Shephard Hall Tract, Tract 1), described in deed to Denton Hillview, L.P., recorded in Denton County Clerk's File No. 2005-127450 of the Real Property Records of Denton County, Texas, and all of Lot 3 of LOTS 1,2,8,3 PEARCY/CHRISTON ADDITION No. 1, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Slide 34 of the Plat Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8-inch iron rod found in the south right-of-way line of West University Drive (U.S. Highway No. 380, a 100.20 foot wide public right-of-way) for the northerly common corner of Lots 2 and 3 of the beforementioned LOTS 1,2,8,3 PEARCY/CHRISTON ADDITION;

**THENCE** leaving the south right-of-way line of West University Drive with the common line of Lots 2 and 3, South 01°08'26" West, a distance of 600.00 feet to a 5/8-inch iron rod found for the southerly common corner of Lots 2 and 3:

THENCE leaving the common line of Lots 2 and 3 with the south lines of Lot 2 and Lot 1-C of LOTS 1-A, 1-B, 1-C PEARCY/CHRISTON ADDITION No. 1, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in Cabinet L, Slide 188 of the Plat Records of Denton County, Texas, South 89°04'34" East, passing the southeast corner of Lot 1-C at a distance of 711.59 feet and continuing for a total distance of 730.60 feet to a 5/8-inch iron rod found in the west right-of-way line of Bonnie Brae Street (a variable width public right-of-way) for the most easterly northeast corner of the beforementioned 265.6365 acre tract;

THENCE with the west right-of-way line of Bonnie Brae Street, the following courses and distances to wit:

- --South 00°58'54" West, a distance of 1438.01 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- --South 00°48'51" West, a distance of 1175.56 feet to a 5/8-inch iron rod with "KHA" cap set for the beginning of a curve to the right;
- --Southwesterly, with the curve to the right, through a central angle of 45°01'58", having a radius of 321.07 feet, and chord bearing and distance of South 23°19'47" West, 245.91 feet, an arc distance of 252.35 feet to a 5/8-inch iron rod found for the beginning of a reverse curve to the left;
- --Southwesterly, with the curve to the left, through a central angle of 57°31'56", having a radius of 392.01 feet, and chord bearing and distance of South 17°04'48" West, 377.30 feet, an arc distance of 393.63 feet to a 5/8-inch iron rod found for the end of the curve;
- --South 11°41'10" East, a distance of 10.57 feet to a 5/8-inch iron rod found for the north end of a corner clip at the intersection of the north right-of-way line of Scripture Street (a variable width public right-of-way) and the west right-of-way line of Bonnie Brae Street;

**THENCE** with the corner clip, South 39°33'50" West, a distance of 11.48 feet to a 5/8-inch iron rod found for the south end of the corner clip;



**THENCE** with the north right-of-way line of Scripture Street, North 88°58'00" West, a distance of 1265.16 feet to a 5/8-inch iron rod found in the south line of the 265.6365 acre tract;

THENCE leaving the north right-of-way line of Scripture Street, the following courses and distances to wit:

- --North 01°02'00" East, a distance of 500.06 feet to a 5/8-inch iron rod found for corner;
- --North 88°58'00" West, a distance of 761.56 feet to a 5/8-inch iron rod found for corner;
- --South 01°02'00" West, a distance of 500.06 feet to a 5/8-inch iron rod found in the north right-of-way line of Scripture Street;

THENCE with the north right-of-way line of Scripture Street, the following courses and distances to wit:

- --North 88°58'00" West, a distance of 318.44 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- --North 88°48'26" West, a distance of 41.73 feet to a 5/8-inch iron rod found in the northeasterly right-of-way line Interstate Highway No. 35 (a variable width public right-of-way) and the north right-of-way line of Scripture Street for the most southerly southwest corner of the 256.6365 acre tract;

**THENCE** with the northeasterly right-of-way line Interstate Highway No. 35, the following courses and distances to wit:

- --North 15°50'30" West, a distance of 38.32 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- --North 16°24'00" West, a distance of 3494.36 feet to a 5/8-inch iron rod found for corner;
- --North 14°50'06" East, a distance of 171.01 feet to a 3-inch brass disk in concrete found for corner;
- --North 46°04'12" East, a distance of 303.95 feet to a 5/8-inch iron rod found for corner;
- --North 60°32'22" East, a distance of 114.22 feet to a 5/8-inch iron rod found for corner;
- --North 00°58'25" East, a distance of 13.09 feet to a concrete monument found in the south right-of-way line of West University Drive;

**THENCE** leaving the northeasterly right-of-way line Interstate Highway No. 35 with the south right-of-way line of West University Drive, the following courses and distances to wit:

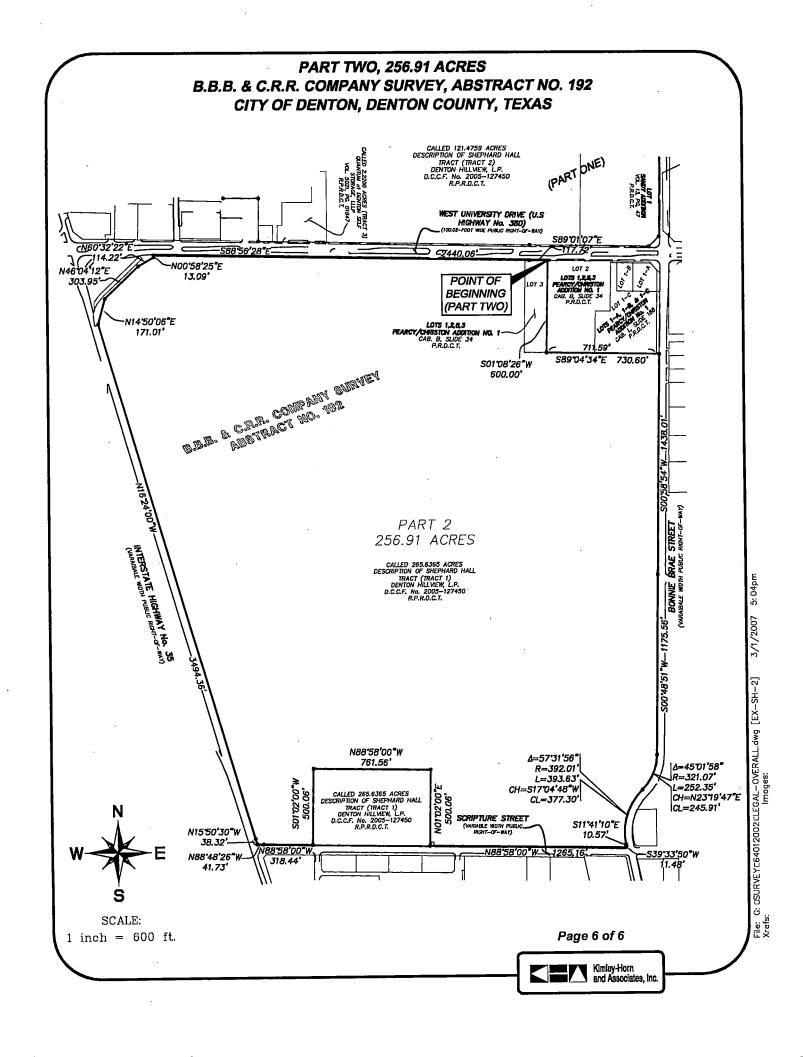
- --South 88°56'28" East, a distance of 2440.06 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
- --South 89°01'07" East, a distance of 117.72 feet to the **POINT OF BEGINNING** and containing 256.91 acres of land.

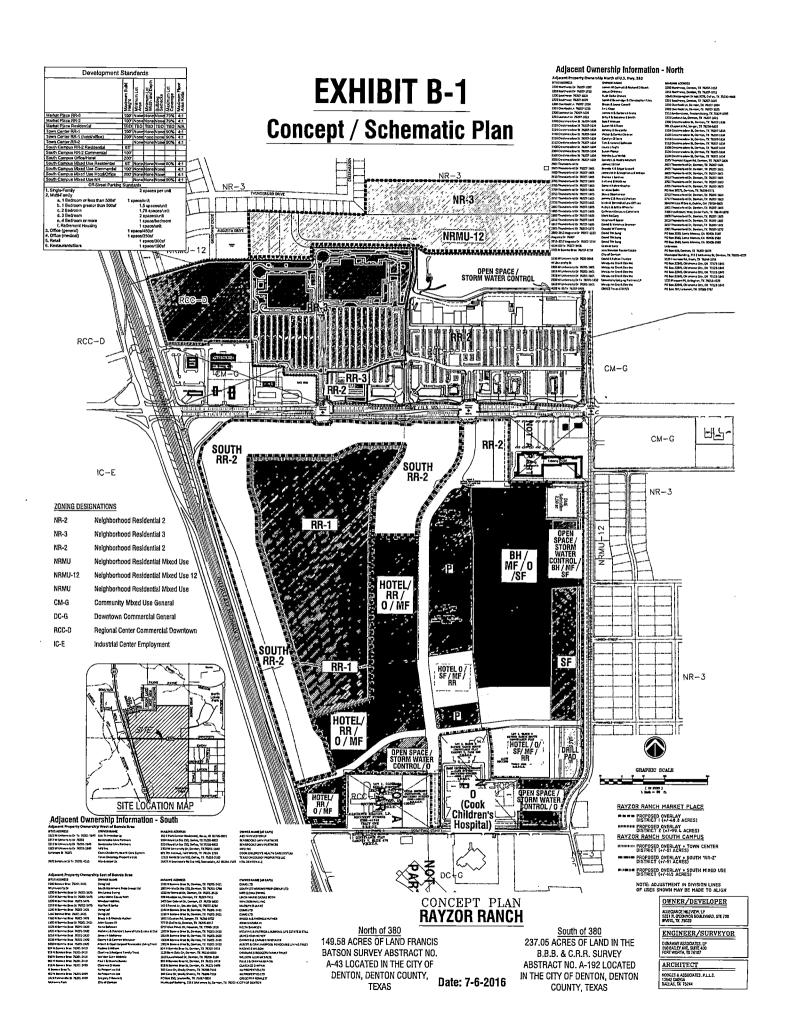
Bearing system based upon Texas State Plane Coordinate System, using monuments R0610108 AND R0610060.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



## PART ONE, 153.37 ACRES FRANCIS BATSON SURVEY, ABSTRACT NO. 43 CITY OF DENTON, DENTON COUNTY, TEXAS BONNIE BRAE STREET (VARAIBALE WIDTH PUBLIC RIGHT-OF-WAY) 500°26'45"W 1455.38 **LOT 1** SANDY ADDITION VOL. 13, PG, 47 P.R.D.C.T. **POINT OF** CHURCH OF THE IMMACULATE CONCEPTION LOT 1, BLOOK A CABINET U, PACE 546 P.R.D.C.T. Charles of the contract of the **BEGINNING** FEARCY/CHRISTO ADDITION NO. 1 CAB. B. SLIDE 3 P.R.D.C.T. (PART ONE) LOT 2 MEST UNIVERSITY DRIVE (U.S. HIGHWAY NO. 380) (100.02-1001 WISE PUBLIC RIGHT-GT-WAY) LOTS 1,24,3 HRISTON ADDITION NO. 1 18. B. SLIDE 34 P.R.D.C.T. PART 1 153.37 ACRES CALLED 121:4759 ACRES DESCRIPTION OF SHEPHARD HALL TRACT (TRACT 2) DENTON HILLVIEW, L.P. D.C.C.F. No. 2005–127450 R.P.R.D.C.T. CALLED 2.2200 ACRES (TRACT 3) QUANTUM at DENTON SELF STORACE, LLLP VOL. 5021, PG. 01847 R.P.R.D.C.T. CALLED 265.6365 ACRES DESCRIPTION OF SHEPHARD HALL TRACT (TRACT 1) DENTON HILLYEW, LP. D.C.G.F. No. 2005–127450 R.P.R.D.C.T. N00°32′57°E - 318.04° 5: 03pm CALLED 2.1017 ACRES (TRACT 2) QUANTUM at DENTON SELF STORAGE, LILP VOL 5021, PG. 01847 — R.P.R.D.C.T. (PART TWO) 3/1/2007 CAB. E. SUDE 78 LED 0.2254 ACRES (TRACT 1) QUANTUM at DENTON SELF STORAGE, LLLP VOL. 5021, PG. 01847 R.P.R.D.C.T. ,07.972 G: DSURVEYC64012002 CLEGAL-OVERALL.dwg [EX-SH-1] 100.53,40.E NB9:32:37 E NO0'57'04"W 450.70' NO0'59'47"W • 217.71 .68°8Z 60,82,105 A=16'47'40" R=345.00' L=101.13' - CB=N81'39'03'E - CL=100.76' CALLED 18.269 ACRES DENTON PROPERTY JOINT VENTURE D.C.C.F. No. 00-R0101370 R.P.R.D.C.T. INTERSTATE HIGHWAY NO. 35 WAY) SCALE: 1 inch = 500 ft.Page 5 of 6 Kimley-Horn and Associates, Inc.





# **EXHIBIT B-4 Zoning Overlay**

