

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A DOWNTOWN RESIDENTIAL 1 (DR-1) ZONING DISTRICT AND USE CLASSIFICATION TO A DOWNTOWN RESIDENTIAL 2 (DR-2) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 0.87 ACRES OF LAND GENERALLY LOCATED ON THE EAST SIDE OF MCCORMICK STREET APPROXIMATELY 100 FEET SOUTH OF WEST EAGLE DRIVE IN THE CITY OF DENTON, DENTON COUNTY, TEXAS; ADOPTING AN AMENDMENT TO THE CITY'S OFFICAL ZONING MAP; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING SEVERABILITY AND SAVINGS CLAUSES AND AN EFFECTIVE DATE. (Z16-0017)

WHEREAS, the Catholic Diocese of Fort Worth, applicant and property owner, has applied for a zoning change for three parcels of land consisting of approximately 0.87 acres and legally described as all of Lots 2, 3, and 4, Block 1 of the F.M. Darnall Addition, E. Puchalski Survey, Abstract 996, more commonly known as 907, 909, and 911 McCormick, Denton, Texas (hereinafter, the "Properties");

WHEREAS, the Properties are currently zoned as a Downtown Residential-1 (DR-1) zoning district and use classification, and the applicant desires to rezone the Properties to a Downtown Residential-2 (DR-2) zoning district and use classification; and

WHEREAS, on September 14, 2016, 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 (6-0) of the change to a DR-2 zoning district and use classification on the Properties; and

WHEREAS, on October 18, 2016, 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 35.3.4 of the Denton Development Code and state law, and is consistent with the Denton Plan and the Denton Development Code;

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Denton, in considering the application for a change in the zoning classification of the Properties, 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 Properties are hereby changed from Downtown Residential 1 (DR-1) to Downtown Residential 2 (DR-2).

SECTION 3. The City's official zoning map is hereby amended to show the change in the zoning district and use classification for the Property.

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. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. 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.

PASSED AND APPROVED this the ____ day of _____, 2016.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: Jennifer W. DeCorte
Deputy City Attorney