

Exhibit 11
Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REPEALING ORDINANCE NO. 99-277 ALLOWING FOR A SPECIFIC USE PERMIT ON 9.578 ACRES AND REPLACING IT WITH A SPECIFIC USE PERMIT FOR AN EXPANDED HIGH SCHOOL USE ON APPROXIMATELY 13.73 ACRES OF LAND IN A NEIGHBORHOOD RESIDENTIAL MIXED USE (NRMU) ZONING DISTRICT AND USE CLASSIFICATION GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE EAST UNIVERSITY DRIVE AND NOTTINGHAM DRIVE INTERSECTION IN THE CITY OF DENTON, DENTON COUNTY, TEXAS; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (S17-0002)

WHEREAS, Ordinance No. 99-277 was approved by City Council to allow a Specific Use Permit (SUP) on or about August 17, 1999 for the operation of a private school on 9.578 acres of land located at 1910 E. University Drive within a Single-Family 7 (SF-7) Zoning District and Use Classification (“Original Property”); and

WHEREAS, Max Roberson of Denton Calvary Academy has applied for a Specific Use Permit (SUP) to allow a High School use on the Original Property and an additional 4.152 acres of land, for a total of approximately 13.73 acres, within the most recent NRMU zoning district and use classification, said total acreage is composed of lots legally described as Lots 1R, 2R, 3R, and 4R of the Denton Bible Church Addition and the location of which is shown in **Exhibit A**, attached hereto and incorporated by reference herein (the “Property”); and

WHEREAS, after notice was published, a public hearing was held before the Planning and Zoning Commission in accordance with State law on April 26, 2017, whereby the Planning and Zoning Commission recommended approval (6-0) of the requested SUP, subject to conditions; and

WHEREAS, on May 2, 2017, after notice published, a public hearing was held before the City Council in accordance with State law and the City Council hereby finds that the request is consistent with the Denton Plan and federal, state, and local law and that the Applicant has agreed to comply with all provisions of the Denton Development Code, as they exist, may be amended, or in the future arising, including but not limited to, this Ordinance, and has further agreed to comply with the additional restriction and/or condition set forth herein; and

WHEREAS, the City Council has determined that it will be beneficial to Denton and its citizens to grant the SUP; that such grant will not be detrimental to the public welfare, safety, or health; and that the SUP should be granted; 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. Ordinance 99-277 is hereby repealed in its entirety and replaced with this Ordinance.

SECTION 3. SUP Granted. The SUP to allow the High School use on the Property is hereby approved, subject to the following condition:

The proposed use must be restricted to existing buildings on Lots 1R, 2R, 3R, and 4R, Block A, of the Denton Bible Church Addition, as is reflected on the Site Plan which is attached as **Exhibit B** hereto and incorporated by reference herein. Existing landscaping coverage and parking counts must be maintained as is reflected on the attached Site Plan. Any changes to the building footprints, parking counts, parking lot layouts, or landscaping area on Lots 1R, 2R, or 3R must be approved by amending the SUP. Lot 4R can develop with uses permitted in the NRMU District under the standards of the Denton Development Code without amending the SUP.

SECTION 4. Failure to Comply. Except as otherwise stated above, all terms of the SUP shall be complied with prior to issuance of a Certificate of Occupancy. Failure to comply with any term or condition of the Ordinance will result in the SUP being declared null and void and of no force and effect. The SUP is issued to the entity named above and is assignable and transferable.

SECTION 5. SUP Regulations. Upon notice to the property owner and a hearing before the City Council, a SUP may be revoked or modified if:

1. There is one or more of the conditions imposed by this Ordinance that has not been met or has been violated on the Property; or
2. The SUP was obtained or extended by fraud or deception; or
3. As otherwise permitted by law and/or Denton's Zoning Ordinance.

SECTION 6. Unlawful use. It shall be unlawful for any person, firm, entity, or corporation to make use of the above-referenced Property in some manner other than as authorized by the Denton Code of Ordinances and this Ordinance.

SECTION 7. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 8. Penalty. Any person, firm, entity or corporation violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00

for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense. The penal provisions imposed under this Ordinance shall not preclude Denton from filing suit to enjoin the violation and it retains all legal rights and remedies available to it under local, state and federal law.

SECTION 9. Effective Date. 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 _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

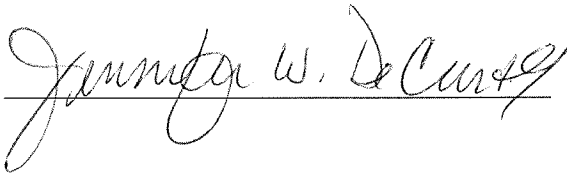
BY: 

Exhibit A
Site Location

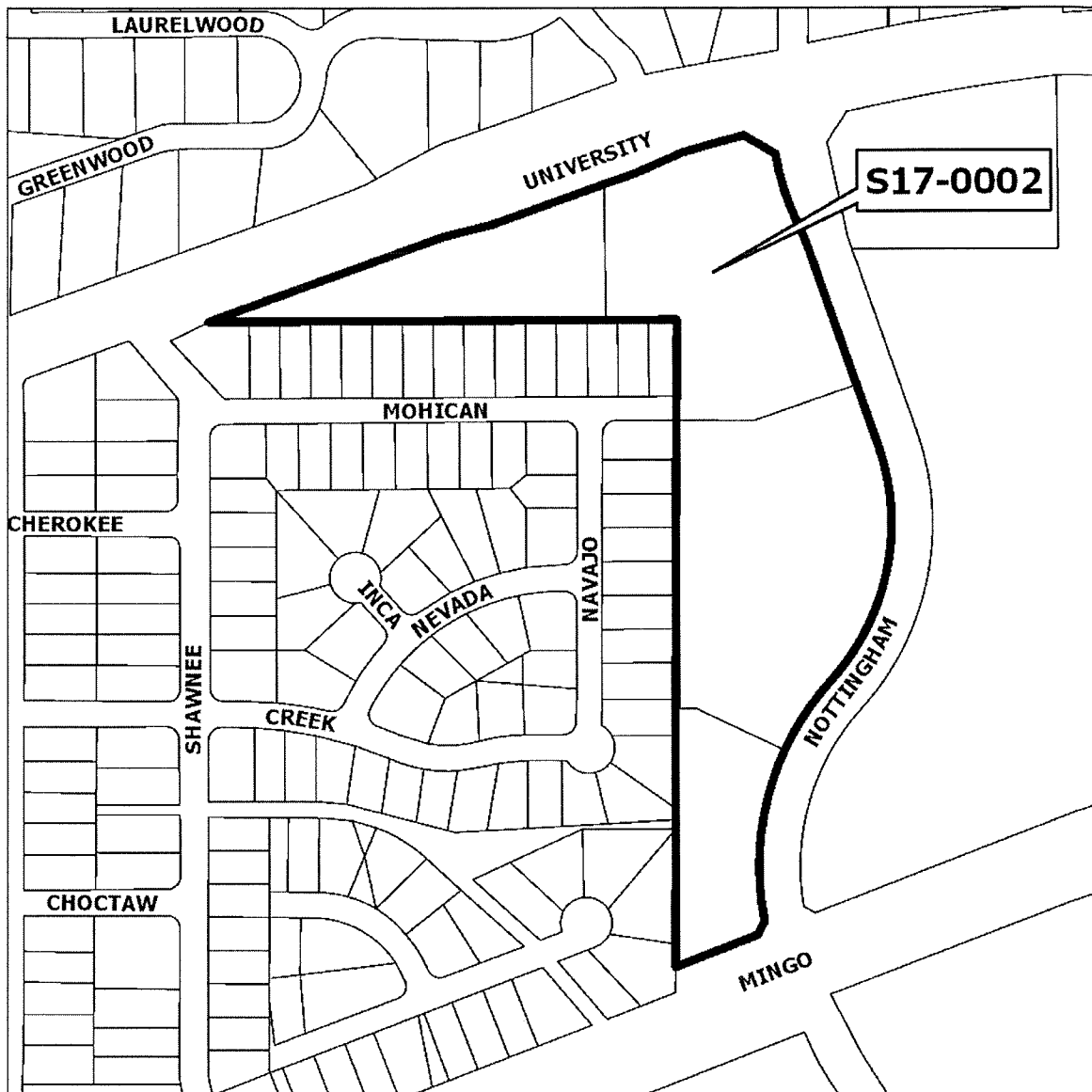


Exhibit B

Site Plan

