

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A NEIGHBORHOOD RESIDENTIAL 6 (NR-6) DISTRICT AND USE CLASSIFICATION TO A NEIGHBORHOOD RESIDENTIAL MIXED-USE 12 (NRMU-12) DISTRICT AND USE CLASSIFICATION WITH MIXED USE RESIDENTIAL PROTECTION OVERLAY RESTRICTIONS ON APPROXIMATELY 3.2 ACRES OF LAND GENERALLY LOCATED ON THE EAST SIDE OF JANNIE STREET, APPROXIMATELY 420 FEET NORTH OF EAST MCKINNEY STREET 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. (Z17-0013)

WHEREAS, Eugene Hartman has applied for a zoning change on approximately 3.2 acres of land legally described and depicted in Exhibit A, attached hereto and incorporated herein by reference (hereinafter, "the Property") from an NR-6 zoning district and use classification to NRMU-12 zoning district and use classification; and

WHEREAS, on September 27, 2017, 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 [4-3] of the change in zoning and use classification with Mixed Use Residential Protection Overlay restrictions; and

WHEREAS, on October 17, 2017, 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 is consistent with the Denton 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 an initial zoning classification of 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 initial zoning 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 from NR-6 District to NRMU-12 District with the following Mixed Use Residential Protection Overlay restrictions:

- Restrict buildings to a maximum one-story building.
- Restrict maximum building height to 35 feet.
- Mechanical units located within 100 feet of the adjacent properties will be limited to 5-ton units, placed on the sides of the buildings such that there will not be more than 2 units on both sides of the building, limiting the total units to 4 units per building. Units will be screened from the adjacent properties for both noise and aesthetics.
- Construct a screening wall around the property.
- Strike the below uses from the district:
  - Dwelling above businesses
  - Group homes
  - Multi-Family Dwellings
  - Fraternity or Sorority Homes
  - Dormitories
  - Bed and Breakfasts
  - Laundry Facilities
  - Semi-Public Halls, Clubs, or Lodges
  - Kindergarten or Elementary Schools
  - Middle Schools
  - Elderly Housing

SECTION 3. The City's official zoning map is hereby amended to show the 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. 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.

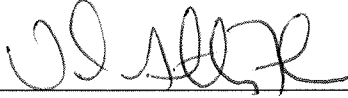
PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

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

BY:  \_\_\_\_\_

**Exhibit A**  
**Legal Description and Site Location Map**

3.125 ACRES

FIELD NOTES TO ALL THAT CERTAIN TRACT OF LAND SITUATED IN THE JONATHON BROCK SURVEY, ABSTRACT NUMBER 55, CITY OF DENTON, DENTON COUNTY, TEXAS, AND BEING A PART OF THE TRACT OF LAND DESCRIBED IN THE DEED TO BETTIE BUSHEY, AS RECORDED IN VOLUME 399, PAGE 526, DEED RECORDS OF DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND AT A 1/2" IRON ROD FOUND FOR CORNER IN THE NORTH LINE OF SAID BUSHEY TRACT;

THENCE NORTH 88 DEGREES 12 MINUTES 28 SECONDS EAST WITH THE NORTH LINE OF SAID BUSHEY TRACT, PASSING EN ROUTE AT A DISTANCE OF 0.85 FEET A 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF LOT 3 IN JANNIE STREET ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET E, PAGE 84, PLAT RECORDS OF DENTON COUNTY, TEXAS, AND CONTINUING ON SAID COURSE AND WITH THE SOUTH LINE OF SAID LOT 3 IN, A TOTAL DISTANCE OF 210.09 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE SOUTHEAST CORNER OF SAID LOT 3 AND THE SOUTHWEST CORNER OF LOT 12 OF MACK ADDITION FIRST INSTALLMENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7, PAGE 43, SAID PLAT RECORDS;

THENCE NORTH 89 DEGREES 34 MINUTES 06 SECONDS EAST WITH THE NORTH LINE OF SAID BUSHEY TRACT AND WITH THE SOUTH LINE OF SAID LOT 12 FOR A DISTANCE OF 176.53 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT A RE-ENTRANT CORNER IN BLOCK 6 OF SAID MACK ADDITION;

THENCE SOUTH 00 DEGREES 11 MINUTES 10 SECONDS EAST WITH THE WEST LINE OF SAID BLOCK 6, A DISTANCE OF 316.53 FEET TO A 1/2" CAPPED IRON ROD SET FOR CORNER;

THENCE THE NEXT FIVE (5) COURSES AND DISTANCES SEVERING SAID BUSHEY

TRACT; 1) NORTH 78 DEGREES 45 MINUTES 36 SECONDS WEST, FOR A DISTANCE OF

59.68

FEET TO A POINT FOR CORNER;

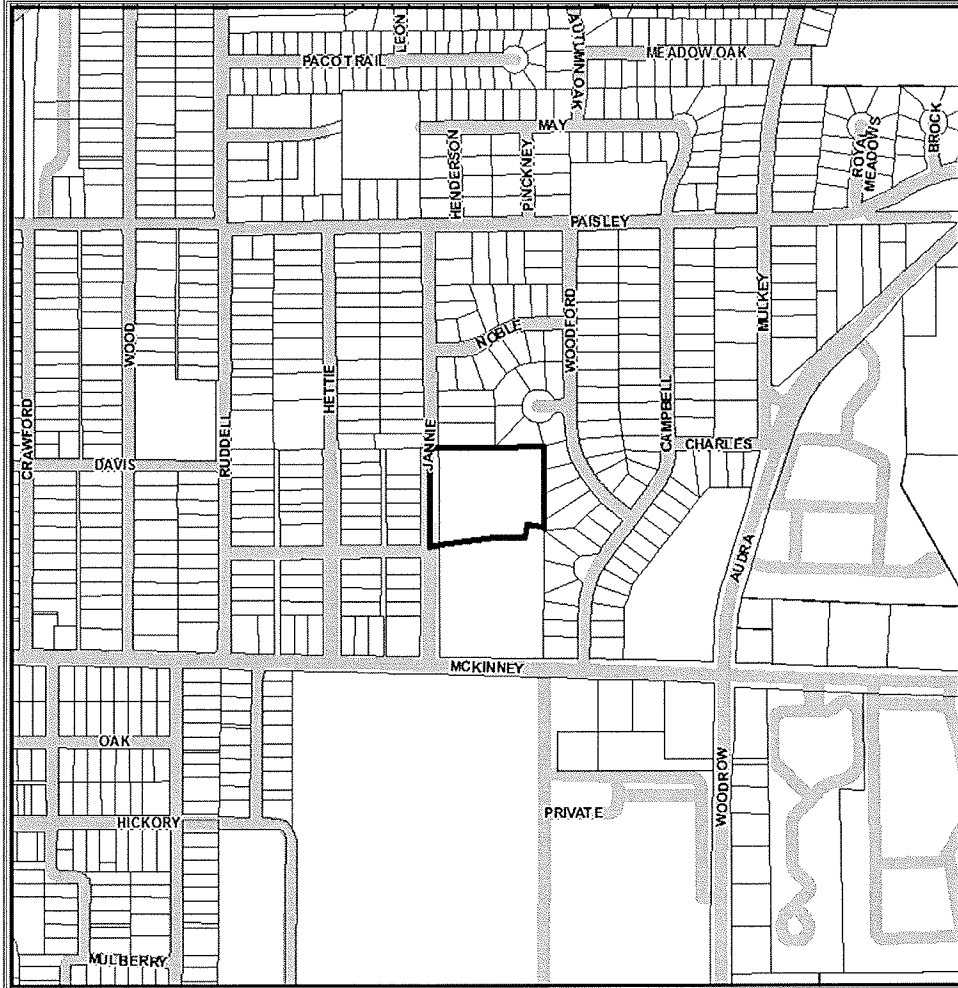
2) SOUTH 11 DEGREES 14 MINUTES 24 SECONDS WEST, FOR A DISTANCE OF 49.12 FEET TO A POINT FOR CORNER AND THE BEGINNING OF A CURVE TO THE LEFT;




3) WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 91.67 FEET, WITH A RADIUS OF 640 FEET, WITH A CHORD BEARING OF SOUTH 89 DEGREES 04 MINUTES 22 SECONDS WEST, WITH A CHORD LENGTH OF 91.59 FEET TO A POINT FOR CORNER;

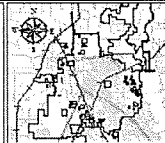
4) CONTINUING WITH A COMPOUND CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 103.01 FEET, WITH A RADIUS OF 1600 FEET, WITH A CHORD BEARING OF SOUTH 83 DEGREES 07 MINUTES 31 SECONDS WEST, WITH A CHORD LENGTH OF 102.99 FEET TO A POINT FOR CORNER;

5) SOUTH 81 DEGREES 16 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 125.06 FEET TO A 1/2" CAPPED IRON ROD SET FOR CORNER;

**Z17-0013  
Site Location**



-  SITE
-  Parcels
-  Roads



The City of Denton has prepared maps for departmental use. These are not official maps of the City of Denton and should not be used for legal, engineering or surveying purposes but rather for reference purposes. These maps are the property of the City of Denton and have been made available to the public based on the Public Information Act. The City of Denton has no liability for the production and publication of the information provided. No warranties, expressed or implied, are provided for the data herein. Its use or its reproduction, distribution or its use in any other manner is prohibited without the written consent of the City of Denton.