

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING AN INITIAL ZONING OF NEIGHBORHOOD RESIDENTIAL MIXED USE (NRMU) DISTRICT WITH A MIXED USE RESIDENTIAL PROTECTION OVERLAY RESTRICTIONS ON APPROXIMATELY 6 ACRES. THE PROPERTY IS GENERALLY LOCATED ON THE EAST SIDE OF THE FUTURE FM 2499 ALIGNMENT, APPROXIMATELY 1,400 FEET SOUTH OF ROBINSON ROAD 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. (Z17-0022)

WHEREAS, CDI 2499, LLC. has applied for an initial zoning on approximately 6 acres of land legally described and depicted in **Exhibit A**, attached hereto and incorporated herein by reference (hereinafter, "the Property") of Neighborhood Residential Mixed Use (NRMU) zoning district and use classification; and

WHEREAS, on November 8, 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 [7-0] of the change in zoning and use classification with Mixed Use Residential Protection Overlay restrictions; and

WHEREAS, on December 5, 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 to NRMU District with the following Mixed Use Residential Protection Overlay restrictions:

- Hotels and Bars are not permitted.

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, CITY ATTORNEY

BY:  _____

Exhibit A

LOT 3:

All that certain lot, tract or parcel of land lying and being situated in the City of Denton, Denton County, Texas and being a part of the Berry Merchant Survey, Abstract number 800 and also being a part of that called 46.21 acre tract of land described in deed to Wheeler Ranch, LTD recorded in Instrument number 2000-39800, Real Property

Records, Denton County, Texas and being more fully described by metes and bounds as follows:

BEGINNING at a capped iron rod set stamped "KAZ" at the Southeast corner of said 46.21 acre tract;

THENCE North 89 degrees 48 minutes 09 seconds West, passing a ½ inch iron rod found at the Northeast corner of Lot 6, Block A, Wynstone at Oakmont, Phase I an addition to the City of Denton, Denton County, Texas according to the plat recorded in Cabinet R, Page 321, Plat Records, Denton County, Texas at 175.17 feet, continuing in all a total distance of 600.78 feet to a capped iron rod set stamped "KAZ" in the New Easterly line of F.M. 2499;

THENCE along said Easterly line, North 36 degrees 22 minutes 54 seconds East, 744.42 feet to a capped iron rod set stamped "KAZ" at the P.C. of a curve to the left whose long chord bears, North 32 degrees 14 minutes 52 seconds East, 180.52 feet;

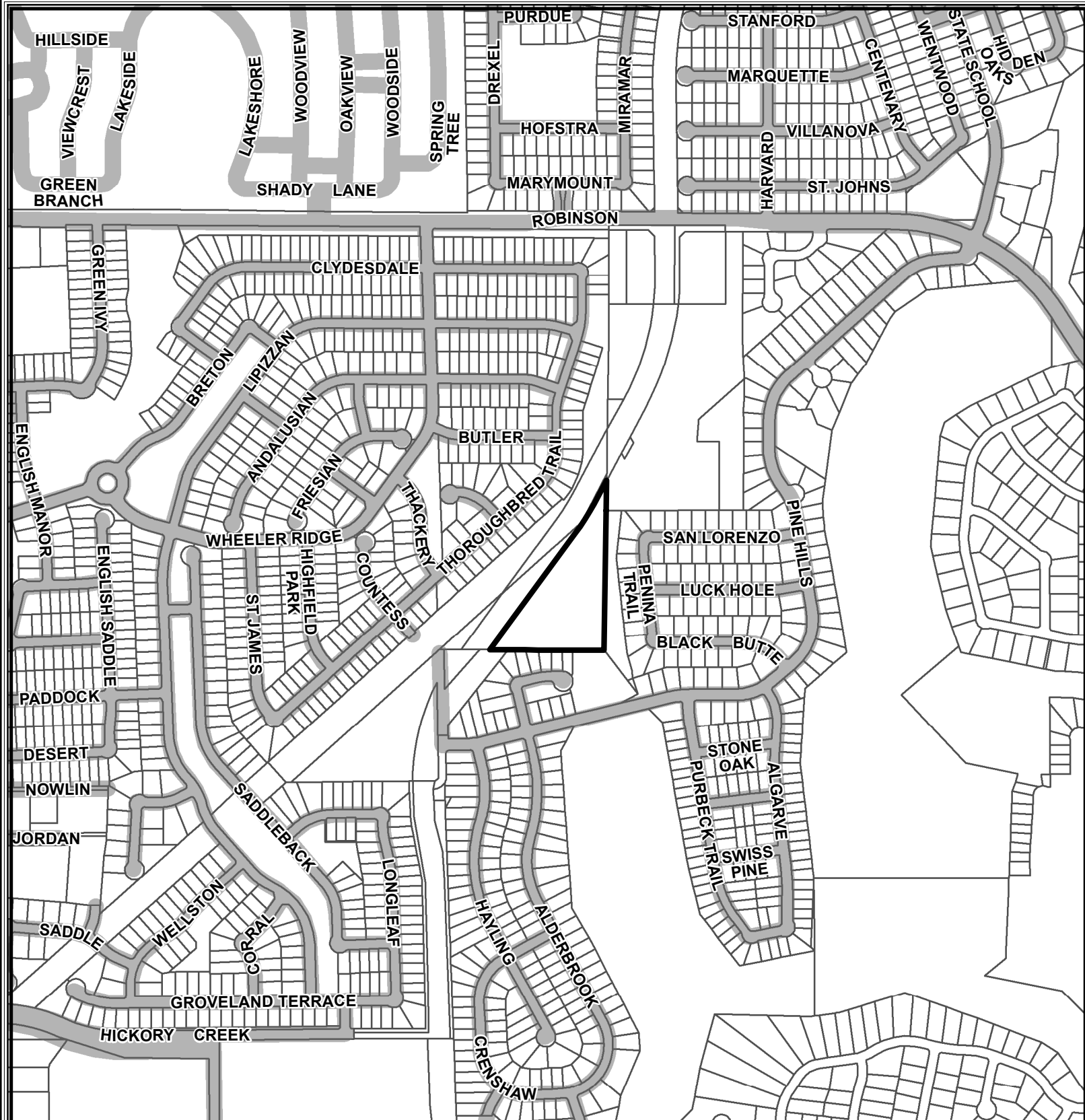
THENCE continuing along said Easterly line and along said curve whose radius is 1260.00 feet and an arc length of 180.67 feet to a capped iron rod set stamped "KAZ" at the P.T. of said curve;


THENCE continuing along said Easterly line, North 28 degrees 08 minutes 23 seconds East, 146.89 feet to a capped iron rod set stamped "KAZ";

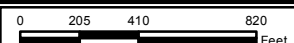
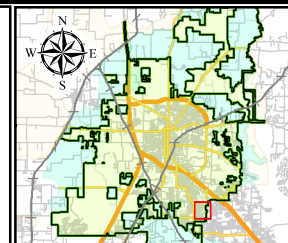
THENCE South 00 degrees 24 minutes 49 seconds West, 883.61 feet to the PLACE OF BEGINNING and containing 5.77 acres of land more or less.

Z17-0022

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 makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. Utilization of this map indicates understanding and acceptance of this statement.