

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

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A NEIGHBORHOOD RESIDENTIAL 2 (NR-2) ZONING DISTRICT AND USE CLASSIFICATION TO A NEIGHBORHOOD RESIDENTIAL 6 (NR-6) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 7.14 ACRES OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF AUDRA LANE APPROXIMATELY 265 FEET EAST OF NOTTINGHAM DRIVE 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. (Z17-0024)

WHEREAS, Denton Affordable Housing Corporation has applied for a zoning change on approximately 7.14 acres of land legally described and depicted in **Exhibit A**, attached hereto and incorporated herein by reference (hereinafter, "the Property") from a NR-2 zoning district and use classification to a NR-6 zoning district and use classification; and

WHEREAS, on November 29, 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 (4-0) of the change in zoning district and use classification; 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 a change in the 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 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 Property is hereby changed from NR-2 District to NR-6 District.

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

BEING all that certain lot, tract, or parcel of land situated in the M.E.P. and P.R.R. Company Survey Abstract Number 1473 and in the M.E.P. and P.R.R. Company Survey Abstract Number 1479 in the City of Denton, Denton County, Texas, being a part of that certain tract of land conveyed by deed from Amazing Love Ministries of North Texas, Inc. to Denton Church of Christ recorded under Document Number 2012-9223, Real Property Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at a fence corner for corner in the north line of that certain tract of land conveyed by deed from Philo Luginbyhl and wife, Jo Ann Luginbyhl to Mickey Via and T. J. Thomas recorded in Volume 1629, Page 173, Real Property Records, Denton County, Texas, said point being the southeast corner of that certain tract of land conveyed by deed from Tilza, L.P. to Albert D. Melanson recorded under Document Number 2016-31303, Real Property records, Denton County, Texas;

THENCE N 04° 12' 18" E, 212.76 feet with the east line of said Melanson tract and with the east line of that certain tract of land conveyed by deed from Carol Bryant to George Bryant recorded in Volume 5032, Page 1595, Real Property Records, Denton County, Texas to an iron rod found corner in the south line of Lot 1, Block A of Denton Church of Christ Addition, an addition to the City of Denton, Denton County, Texas according to the plat thereof recorded under Document Number 2015-131, Plat Records, Denton County, Texas;

THENCE S 87° 37' 59" E, 228.02 feet with said south line of said Denton Church of Christ Addition to an iron rod found for corner, said point being the southeast corner of said Denton Church of Christ tract;

THENCE N 00° 21' 22" E, 304.11 feet with the east line of said Denton Church of Christ Addition to an iron rod set for corner in the south line of Audra Lane, a public roadway;

THENCE S 89° 25' 46" E, 493.91 feet with said south line of said Audra Lane to an iron rod found for corner, said point being the most northerly northwest corner of that certain tract of land conveyed by deed from Glenn R. Biffar and wife, Patricia Wilkins Biffar to Mickey Via and T. J. Thomas recorded in Volume 1630, Page 94, Real Property Records, Denton County, Texas;

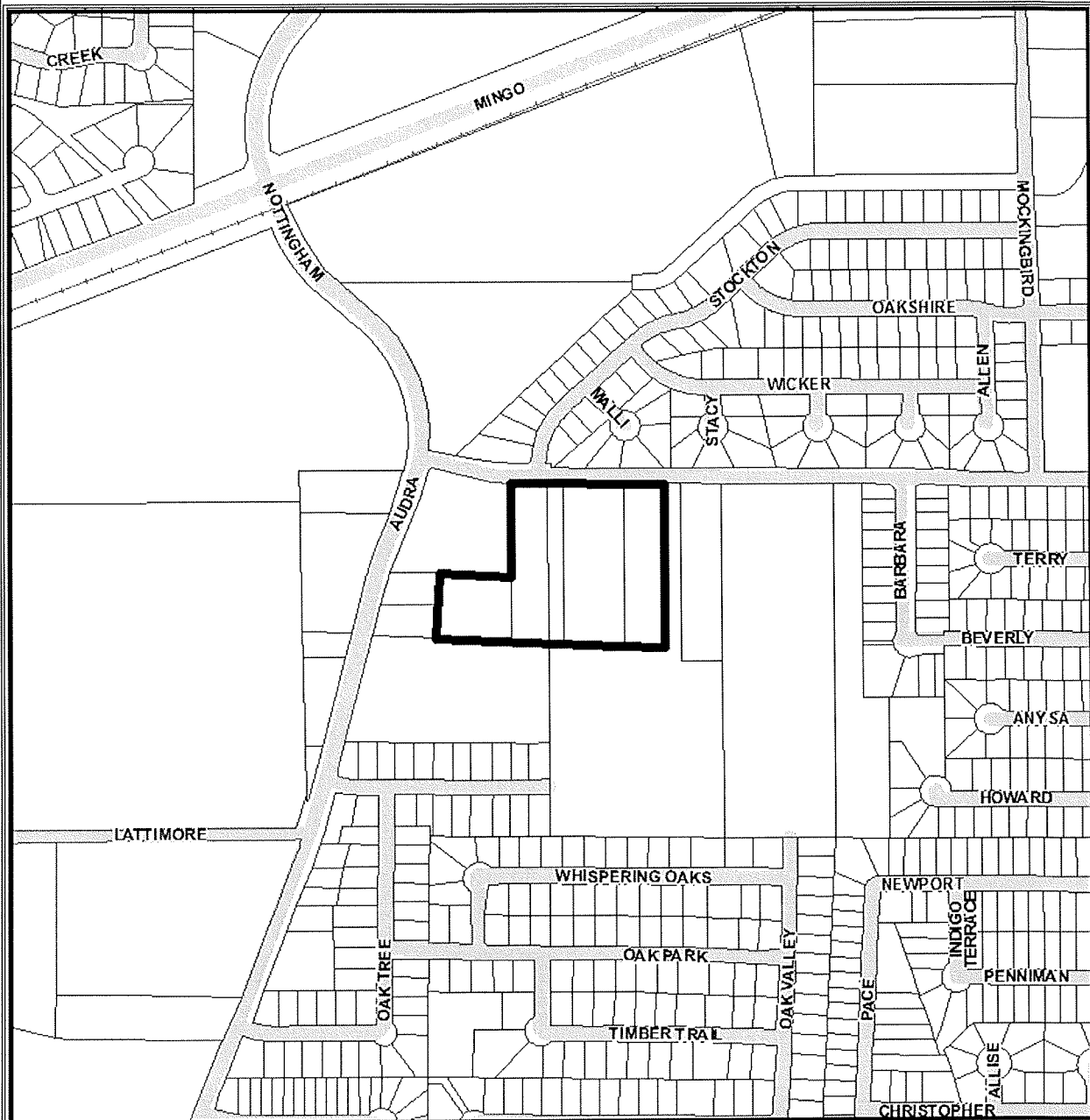
THENCE S 00° 16' 25" E, 533.26 feet with a west line of said Biffar to Via and Thomas tract to a 4 inch diameter fence post for corner at an inner ell of said Biffar to Via and Thomas tract;




THENCE N 87° 33' 26" W, 151.86 feet with a north line of said Biffar to Via and Thomas tract to an iron rod found for corner;

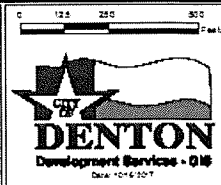
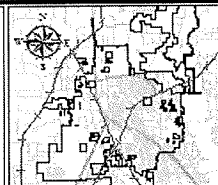
THENCE N 87° 35' 24" W, 590.55 feet with a north line of said Biffar to Via and Thomas tract and with the north line of said Luginbyhl to Via and Thomas tract to the PLACE OF BEGINNING and containing 7.137 acres of land.

The Company is prohibited from insuring the area or quantity of the land described herein. Therefore, the Company does not represent that the acreage or square footage calculations are correct. References to quantity are for informational purposes only.

# Z17-0024 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.