

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A NEIGHBORHOOD RESIDENTIAL MIXED-USE 12 (NRMU-12) ZONING DISTRICT AND USE CLASSIFICATION TO A COMMUNITY MIXED-USE GENERAL (CM-G) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 2 ACRES OF LAND GENERALLY LOCATED AT 1101 W. UNIVERSITY 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 A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (Z17-0027)

WHEREAS, Rayzor Inv. Ltd. has applied for a zoning change on approximately 2 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 February 7, 2018, 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 of the change in zoning district and use classification; and

WHEREAS, on March 6, 2018, 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 NRMU-12 District to CM-G 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 _____, 2018.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY:  _____

Exhibit A
Property Legal Description and Site Location Map

DESCRIPTION OF PROPERTY

Tract 1

SITUATED in the City of Denton, Denton County, Texas, and being a tract of land in the ROBERT BEAUMONT SURVEY, Abstract No. 31, and being portions of that certain Tract One of the deed to Rayzor Investments, Ltd. Recorded in Volume 1795, Page 601, of the Denton County Deed Records and referenced in instrument recorded under Denton County Clerk's File No. 2006-33433, and said portion being more fully described as follows:

BEGINNING at an "RPLS 1640" capped 5/8" iron rod in the southerly line of West University Drive/U.S. Highway No. 380 (100 foot wide right-of-way at this point) for the northwest corner of said Tract One and the northeast corner of that certain tract conveyed to the Denton Independent School District (hereafter ISD) by deed recorded in Volume 455, Page 663, of the Denton County Deed Records, said point being on a curve whose center bears North 2 degrees, 29 minutes, 34 seconds West, 3869.72 feet;

THENCE easterly with said curve and with the north line of said Rayzor Investments tract and said southerly line of West University Drive, a distance of 256.0 feet to an "RPLS 1640" capped 5/8" iron rod for the northeast corner of said Rayzor Investments tract and the northwest corner of a certain 40 foot wide parcel labeled "Reserved by Owner" on plat recorded in Volume 350, Page 321, of said Denton County Plat Records;

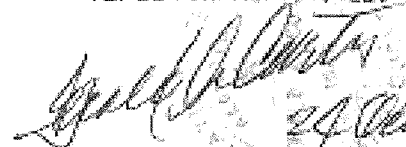
THENCE South 0 degrees, 33 minutes, 10 seconds West with the east line of said Rayzor Investments tract and the west line of said 40 foot strip, continuing with said east line and the west end of Westway Street, and continuing with said east line and the west line of Lots 3 and 4, Block 22, Carroll Park Addition, 3rd Filing, as shown on said plat recorded in Volume 350, Page 321, Denton County Plat Records, in all 357.72 feet;

THENCE North 89 degrees, 44 minutes, 30 seconds West across said Rayzor Investments tract, 253.55 feet to a point in the common line between said Tract One and said ISD tract;

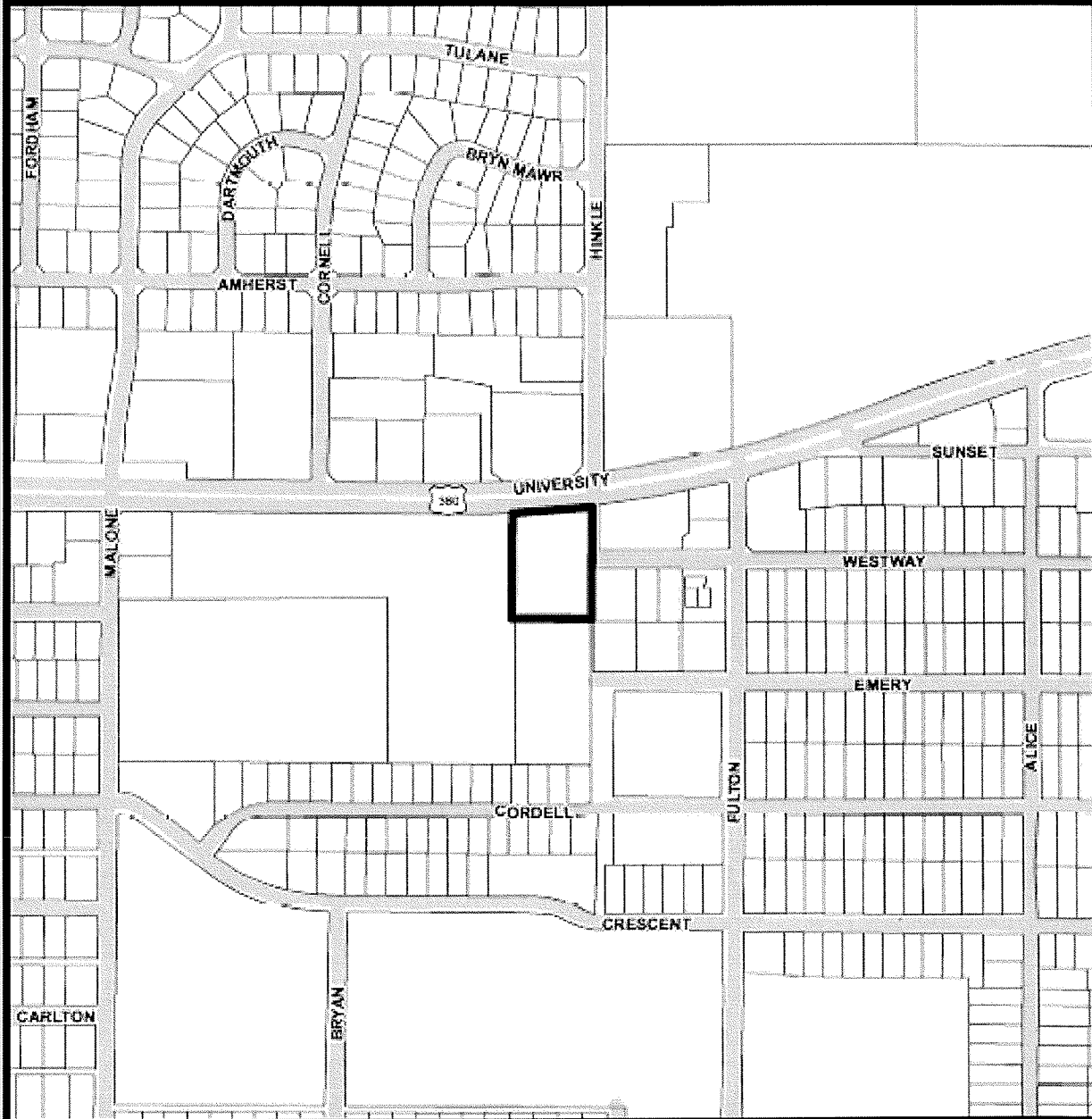
THENCE North 0 degrees, 21 minutes, 24 seconds East with said common line, 337.19 feet to the PLACE OF BEGINNING, and containing 2.022 acres (88,085 square feet).

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

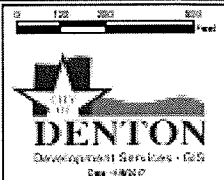
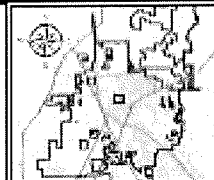
G CURTIS SURVEYORS LLC
TBPLS Firm No. 10194225


24 October 2017
Gerald A. Curtis, RPLS
Texas Registration No. 1640

Z17-0027 **Site Location**



- SITE
- Parcels
- Roads



The City of Denton has prepared maps for informational use. These are not official maps of the City of Denton and should not be used for legal, engineering or planning purposes. These maps are the property of the City of Denton and may only be used for informational purposes. The City of Denton makes every effort to produce and publish the most current and accurate information possible. No warranty, expressed or implied, is provided for the use of this information. Limitation of the map-making understanding and acceptance of this disclaimer.