

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING A CHANGE IN THE ZONING CLASSIFICATION FROM A REGIONAL CENTER COMMERCIAL NEIGHBORHOOD (RCC-N) ZONING DISTRICT TO A REGIONAL CENTER COMMERCIAL DOWNTOWN (RCC-D) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 0.808 ACRES OF LAND GENERALLY LOCATED ON THE NORTHEAST SIDE OF I-35E, APPROXIMATELY 627 FEET SOUTHEAST OF S. MAYHILL 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. (Z17-0034)

WHEREAS, David Zigo on behalf of Melissa Investments LLC, has applied for a zoning change on approximately 0.808 acres of land legally described in Exhibit "A" and depicted in Exhibit B, attached hereto and incorporated herein by reference (hereinafter, the "Property") from a Regional Center Commercial Neighborhood (RCC-N) zoning district to a Regional Center Commercial Downtown (RCC-D) zoning district and use classification; and

WHEREAS, on April 25, 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 5-0 of the change in zoning district and use classification; and

WHEREAS, on May 1, 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;

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 a Regional Center Commercial Neighborhood (RCC-N) zoning district to a Regional Center Commercial Downtown (RCC-D) zoning 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.

SECTION 8. Effective Date.

This Ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by _____
and seconded by _____, the ordinance was passed and
approved by the following vote [___ - ___]:

Mayor Chris Watts: _____

Gerard Hudspeth, District 1: _____

Keely G. Briggs, District 2: _____

Don Duff, District 3: _____

John Ryan, District 4: _____

Dalton Gregory, At Large Place 5: _____

Sara Bagheri, At Large Place 6: _____

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"

**3809 S IH 35 E.
Denton, Texas
(Legal Description)**

All that certain tract of land situated in the M.E.P. & P. Railroad Company Survey, Abstract Number 950 in the City and County of Denton, Texas and being all of the called 0.810 acre tract described in the deed from Paul. C. Guzik et. ux. to Robert C. Gilchrist recorded under Clerk's File Number 95-R0018901 of the Real Property Records of Denton County, Texas as recognized and occupied on the ground; the subject tract being more particularly described as follows;

BEGINNING for the South Corner of the tract being described herein at a ½" iron rod found for the South Corner of said 0.810 acre tract, same being the West Corner of the called 0.804 acre tract described in the deed to Spence and Chegwiddden recorded in Volume 1187 Page 607 Deed Records, said corner being in the Northeasterly right-of-way line of Interstate Highway 35E;

THENCE North 49 Degrees 23 Minutes 00 Seconds West along said Highway and the South line of said 0.810 acre tract a distance of 202.68 feet to a capped iron rod found for the West Corner of said 0.810 acre tract, same being the South Corner of Lot 1 Block 1 Lakewood Manufactured Homes Addition, an addition to the City of Denton, according to the Plat thereof recorded in Cabinet D Page 213 Plat Records;

THENCE North 41 Degrees 21 Minutes 30 Seconds East with the Southeasterly line of said Lot and the Northwesterly line of said 0.810 acre tract along and near a fence a distance of 175.39 feet to a capped iron rod set for the North Corner of said 0.810 acre tract;

THENCE South 49 Degrees 17 Minutes 14 Seconds East with the Northeasterly line thereof a distance of 199.05 feet to a capped iron rod found for the East Corner of said 0.810 acre tract, same being the North Corner of said 0.804 acre tract;

THENCE South 40 Degrees 10 Minutes 08 Seconds West with the common line of the last two mentioned tracts a distance of 175.05 feet to the PLACE OF BEGINNING and enclosing 0.808 of an acre of land.

Exhibit B

