

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING ASSIGNMENT OF AN INITIAL ZONING CLASSIFICATION TO A COMMUNITY MIXED USE GENERAL (CM-G) ZONING DISTRICT AND USE CLASSIFICATION ON APPROXIMATELY 0.30 ACRES OF LAND GENERALLY LOCATED ON THE EAST SIDE OF OLD ALTON ROAD, SOUTH OF THE INTERSECTION OF OLD ALTON ROAD AND TEASLEY LANE 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. (Z17-0033)

WHEREAS, Yolanda Vorel on behalf of FBA Properties, has applied for an initial zoning classification on approximately 0.30 acres of land legally described in Exhibit "A" and depicted in Exhibit "B", attached hereto and incorporated herein by reference (hereinafter, the "Property") to Community Mixed Use General (CM-G) zoning district and use classification; and

WHEREAS, on April 11, 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 7-0 of the initial assignment of a 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 assigned as a Community Mixed Use General (CM-G) 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

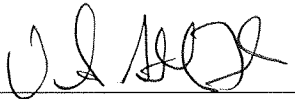
BY:  _____

Exhibit A

0.30 ACRES

Being all that certain lot, tract, or parcel of land lying and being situated in Denton County, Texas, and being the portion lying outside the approximate City Limits of Lot 1, Block A, Denton Creek Business Park, Phase I, according the Plat recorded in Cabinet X, Page 484, Plat Records, Denton County, Texas and being more fully described by metes and bounds as follows:

COMMENCING at a capped iron rod found for the Northeast corner of said Lot 1 of said Block A and the Northwest corner of a tract of land described in a deed to Ultimate Properties, Inc., recorded in Instrument Number 2013-103853, Real Property Records, Denton County, Texas;

THENCE South 00 Degrees 03 Minutes 53 Seconds East with the common line of said Lot 1, and said Ultimate Properties tract, 152.26 feet to the POINT OF BEGINNING;

THENCE South 00 Degrees 03 Minutes 53 Seconds East with the West line of said Ultimate Properties, Inc. tract, 47.74 feet to a point, being the Northeast corner of Lot 6 of said Block A, the Southeast corner of said Lot 1, and the Southeast corner of the herein described tract;

THENCE South 89 Degrees 56 Minutes 07 Seconds West with the North line of said Lot 6 and the North line of Lot 2 of said Block A, 247.29 feet to a point in the East line of Old Alton Road, being the Southwest corner of said Lot 1, the Northwest corner of said Lot 2, and the Southwest corner of the herein described tract, and being the beginning of a curve to the left whose long chord bears North 35 Degrees 52 Minutes 35 Seconds East, 90.23 feet;

THENCE continuing along said curve with the East line of Old Alton Road, whose radius is 436.50 feet with an arc length of 90.39 feet to a point in the West line of said Lot 1, being the Northwest corner of the herein described tract, and being the beginning of a curve to the left whose long chord bears South 82 Degrees 38 Minutes 33 Seconds East, 195.97 feet;

THENCE along said curve whose radius is 1342.65 feet with an arc length of 196.15 feet to the PLACE OF BEGINNING containing 0.30 acres of land more or less

K Z
SURVEYING

TX FIRM REGISTRATION # 10002100

1720 WESTMINSTER
DENTON, TX 76205
(940)382-3446

JOB NUMBER: 070045-05

DRAWN BY: MBC/MMF

DATE: 10-27-2017

R.P.L.S

KENNETH A. ZOLLINGER

