

**ORDINANCE NO. 5349**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF DENISON, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF DENISON, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF COMMERCIAL DISTRICT (C) WITHIN THE HIGHWAY ORIENTED AND CORRIDOR DISTRICT WITH A CONDITIONAL USE PERMIT FOR A WAREHOUSE (MINI)/SELF-STORAGE, BEING LEGALLY DESCRIBED AS AN APPROXIMATELY 2.54 ACRE TRACT OF LAND IN THE M.C. DAVIS SURVEY, ABSTRACT NO. 336, GRAYSON COUNTY, TEXAS; AND MORE COMMONLY KNOWN AS 3621 POTTSBORO ROAD, CITY OF DENISON, GRAYSON COUNTY, TEXAS; PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY SHALL REFLECT THE COMMERCIAL DISTRICT (C) WITHIN THE HIGHWAY ORIENTED AND CORRIDOR DISTRICT WITH A CONDITIONAL USE PERMIT FOR A WAREHOUSE (MINI)/SELF-STORAGE FOR THE PROPERTY; PROVIDING THAT THE PROPERTY SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED SHALL BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City of Denison, Texas (hereinafter referred to as “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the City Council of the City (the “City Council”) adopted Chapter 28 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the “Zoning Ordinance”); and

**WHEREAS**, CEHC Denison, LLC, (“Owner”) owns an approximately 2.54 acre tract of land in the M.C. Davis Survey, Abstract No. 336, Grayson County, Texas, as described and depicted in **Exhibit “A”**, which is attached and incorporated as if fully set forth herein (the “Property”), and has made an application under the provisions of the Zoning Ordinance to establish an initial zoning classification of Commercial District (C) within the Highway Oriented and Corridor District with a Conditional Use Permit for a Warehouse (Mini)/Self-Storage; and

**WHEREAS**, Owner has designated Douglas Underwood of Underwood Drafting and Surveying, Inc. to act in the capacity of Owner as agent for submittal, processing, representation, and/or presentation of the application, and as the principal contact person for responding to all requests for information; and

**WHEREAS**, public hearings on said application having been held before the Planning and Zoning Commission and the City Council of the City of Denison (the “City Council”), after due notice of the public hearings having been mailed and published in all respects as required by law on the property fully described in the body of this Ordinance; and

**WHEREAS**, the Planning and Zoning Commission has recommended approval of the initial zoning classification of the Property as Commercial District (C) within the Highway Oriented and Corridor District with a Conditional Use Permit for a Warehouse (Mini)/Self-Storage; and

**WHEREAS**, the City Council has considered the evidence and testimony provided by all parties appearing before the City Council, in person and in writing, and the recommendation of the Planning and Zoning Commission relative to the proposed zoning classification and has further considered all written approvals and protests, all as required by law; and

**WHEREAS**, the City Council has determined that the uses requested for the Property as requested in the Conditional Use Permit application and subject to the provisions of this Ordinance and the Zoning Ordinance are compatible with surrounding properties and are appropriate for the location of the Property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS:**

**Section 1. Incorporation of Premises.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 2. Zoning Map and Conditional Use Permit Approved.** The zoning map of the City of Denison adopted by Section 28.3 of the Denison Code of Ordinances and on file in the office of the Planning Director is hereby amended to reflect the zoning classification of Commercial District (C) within the Highway Oriented and Corridor District with a Conditional Use Permit for a Warehouse (Mini)/Self-Storage is approved on the Property as follows:

2.01. Permit Granted. A Conditional Use Permit (“CUP” or “Permit”) for the Property authorizing use of the Warehouse (Mini)/Self-Storage, is hereby approved.

2.02. Permit Conditions. The CUP and the use for which it is granted is subject to all Applicable Regulations (defined below) and to the following conditions:

A. Uses. The following use shall be permitted in accordance with the conditions of the CUP:

*Mini-warehouse*: Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

- B. Applicable Regulations. In addition to the specific requirements set forth in this Ordinance, this CUP shall be subject to all ordinances and regulations of the City applicable to the Property, including without limitation the Zoning Ordinance and those regulations governing the Warehouse (Mini)/Self-Storage (“Applicable Regulations”). The CUP granted by this Ordinance shall control in cases of conflict between this Ordinance and/or the Comprehensive Zoning Ordinance.

**Section 3. Failure to Comply/Expiration/Transferable.** All terms of this CUP shall be complied with prior to issuance of a certificate of occupancy. This CUP shall be declared null and void and of no force and effect and shall discontinue if or for any one or more of the following:

- A. Any failure to comply with any term or condition of this Ordinance or the applicable regulations, as they exist or may be amended; or
- B. Any improvements, the Property, uses or structures regulated by this CUP are enlarged, modified, structurally altered or otherwise significantly changed unless a separate conditional use permit or other required authorization is granted therefor; or
- C. A building permit for the construction of any new structure for which a use is authorized hereunder has not been approved within one (1) year of the date of approval of this Ordinance; or
- D. A certificate of occupancy for any existing structure for which a use authorized by this Ordinance is not applied for and issued within one hundred and eighty (180) days from the effective date of this Ordinance; or
- E. A use for which this CUP is granted ceases to operate for a continuous period of one hundred eighty (180) calendar days; or
- F. A structure for which this CUP is granted remains vacant for a continuous period of one hundred eighty (180) calendar days; or
- G. This CUP was obtained by fraud or deception; or
- H. As otherwise permitted by law, this Ordinance and/or the City’s Zoning Ordinance, as they exist or may be amended, including without limitation the requirements of Section 28.9 “Nonconforming Uses and Structures”.

**Section 4. Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**Section 5. Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Denison hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

**Section 6. Penalty.** Any person, firm, entity or corporation who violates any provision of this Ordinance or Denison's Zoning Ordinance Chapter 28, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction, therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Denison from filing suit to enjoin the violation. Denison retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**Section 7. Publication and Effective Date.** This Ordinance shall be published as required by law and shall become effective sixty (60) days from the date of its adoption.

**Section 8. Open Meeting.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041 of the Texas Government Code.

**AND IT IS SO ORDERED.**

On motion by Mayor Pro Tem Adams, seconded by Council Member Thorne, the above and foregoing Ordinance was passed and approved by the following vote:

- Ayes:
- Abstentions:
- Nays:

At regular meeting May 20, 2024.

  
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ROBERT CRAWLEY, MAYOR

ATTEST:

  
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Christine Wallentine, City Clerk



# EXHIBIT "A"

## Property Description and Depiction

**AN APPROXIMATELY 2.54 ACRE TRACT OF LAND IN THE M.C. DAVIS SURVEY, ABSTRACT NO. 336, GRAYSON COUNTY, TEXAS, AND MORE COMMONLY KNOWN AS 3621 POTTSBORO ROAD, CITY OF DENISON, GRAYSON COUNTY, TEXAS.**

