

**ORDINANCE NO. 5350**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF DENISON, BEING THE SUBDIVISION REGULATIONS, SPECIFICALLY AMENDING ARTICLE I, "IN GENERAL," SECTION 22-6, "DEFINITIONS" AND ARTICLE IV "REQUIREMENTS FOR PUBLIC IMPROVEMENTS AND DESIGN"; AMENDING SECTION 21-150 "CONFORMANCE WITH THE THOROUGHFARE PLAN" OF THE CODE OF ORDINANCES; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City of Denison (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 of Denison, Texas (the "City Council") adopted Chapter 22 in the Code of Ordinances, the same being the Subdivision Regulations of the City (the "Subdivision Regulations") and Chapter 21 being "Streets, Sidewalks, and Right-of-Way Management"; and

**WHEREAS**, the City Council has investigated and determined that it is in the best interest of the City to amend Chapter 21 and 22 to define "Thoroughfare Plan" and related amendments, and to acknowledge the Grayson County Thoroughfare Plan adopted by the City; and

**WHEREAS**, after due deliberations and consideration, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City and the public health, safety and welfare.

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

**SECTION 1. INCORPORATION OF FINDINGS.** The above and foregoing findings are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2. AMENDMENT TO SECTION 22-6.** Chapter 22, "Subdivision Regulations," Article I, "In General," Section 22-6, "Definitions" of the Code of Ordinances of the City of Denison, Texas is hereby amended to add the definition of "Thoroughfare Plan" in alphabetical placement to read as follows:

*Thoroughfare Plan.* Use of the phrases "thoroughfare plan", "master thoroughfare plan", "city's master thoroughfare plan", "City's thoroughfare plan", "applicable thoroughfare plan", and/or similar terms means the Thoroughfare Plan of the City of Denison adopted by the City Council and any thoroughfare plan of Grayson County adopted, whether as a guide or otherwise, by the City Council.

**SECTION 3. AMENDMENT TO SECTION 22-91(d).** Chapter 22, "Subdivision Regulations," Article IV, "Requirements for public improvements and design," Division 4, "Streets and Roadway Facilities," Section 22-91, "Private Streets" of the Code of Ordinances of the City is hereby amended to delete the last

sentence of paragraph (d), which presently reads “We had some discussion about whether this standard was practical or need to be on a different interval” and was included in the Code by Municode in error.

**SECTION 4. AMENDMENT TO SECTION 21-150.** Chapter 21, “Streets, Sidewalks, and Right-of-Way Management” Article VII, “Right-of-Way Management,” Division 1, “In General,” Section 22-150, “Conformance with Thoroughfare Plan” of the Code of Ordinances of the City is hereby amended to read as follows:

A ROW user should consult the City's Thoroughfare Plan and any Grayson County Thoroughfare Plan adopted, whether as a guide or otherwise, by the City prior to the acquisition of any interest in real property in the City for the installation or relocation of service lines or other equipment or facilities along or adjacent to any street, ROW, thoroughfare, highway, or any proposed street, ROW, highway or thoroughfare to attempt to minimize any future conflict regarding the location of such facilities. All ROW users are charged at all times with constructive notice of the City's and Grayson County's Thoroughfare Plans subsequent to the effective date of this article. The City shall, at a minimum, have no liability for the value of or loss by a ROW user of any improvements constructed in the area shown on the Thoroughfare Plans, except as provided herein.

**SECTION 5. 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 6. 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. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase there irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 7. PUBLICATION AND EFFECTIVE DATE.** This ordinance shall become effective immediately upon its adoption.

**SECTION 8. OPEN MEETING.** That it is hereby 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 Chapter 551, Texas Government Code.

**AND IT IS SO ORDERED.**

On motion by Mayor Pro Tem Adams, seconded by Council Member Courtright, the above and foregoing ordinance was passed and approved on this the 17<sup>th</sup> day of June 2024, by the following vote:

Ayes: Adams, Courtright, Thorne, Crawley, Massey and Thomas  
Abstentions:  
Nays:  
Absent: Redwine

At regular meeting June 17, 2024.



ROBERT CRAWLEY, MAYOR

ATTEST:



Christine Wallentine, City Clerk

