

ORDINANCE NO. 5359

AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION ON A CERTAIN TRACT OF LAND LEGALLY DESCRIBED AS THE REMAINDER OF LOT 2R, BLOCK A, OF NORTH SIDE ADDITION TO THE CITY OF DENISON, GRAYSON COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", FROM ITS ZONING CLASSIFICATION OF COMMERCIAL (C) DISTRICT TO SINGLE FAMILY-5 (SF-5) DISTRICT; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE SINGLE FAMILY-5 (SF-5) DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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, Kent Hughlett of TX GAK, LLC (the "Owner") owns property in the City legally described as the remainder of Lot 2R, Block A, of North Side Addition to the City of Denison, Grayson County, Texas, as more particularly 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 for a zoning change on the Property from the current zoning district classification of Commercial (C) District to Single Family-5 (SF-5) District; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendments to the Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the requested

zoning change, the recommendation of the Planning and Zoning Commission, and among other things, the character of the land and its suitability for particular uses, and compatibility with surrounding uses, with a view of encouraging the most appropriate use of land in the City, and the City Council does hereby find that the rezoning approved hereby accomplishes such objectives.

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein, and found to be true.

SECTION 2. Findings. After due deliberation and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety, and welfare.

SECTION 3. Zoning Amendments. Chapter 28 of the Code of Ordinances of the City, the same being the City's Comprehensive Zoning Ordinance, is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

The zoning district classification on the Property is hereby changed from Commercial (C) District to Single Family-5 (SF-5) District. The Property shall be subject to all applicable City ordinances and regulations governing a Single Family-5 (SF-5) District.

SECTION 4. Zoning Map. The Zoning Map of the City, adopted by Section 28.3 of the Code of Ordinances, and on file in the office of the Planning Director is hereby amended to reflect the foregoing zoning use changes herein made.

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. The City 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. 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 7. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or the Zoning Ordinance, 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 the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 8. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 9. Open Meeting. That 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 Article 551.041, Texas Government Code.

AND IT IS SO ORDERED.

On motion by Council Member Massey, seconded by Council Member Courtright, the above and foregoing Ordinance was passed and approved by the following vote:

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

At regular meeting July 15, 2024.



ROBERT CRAWLEY, MAYOR

ATTEST:

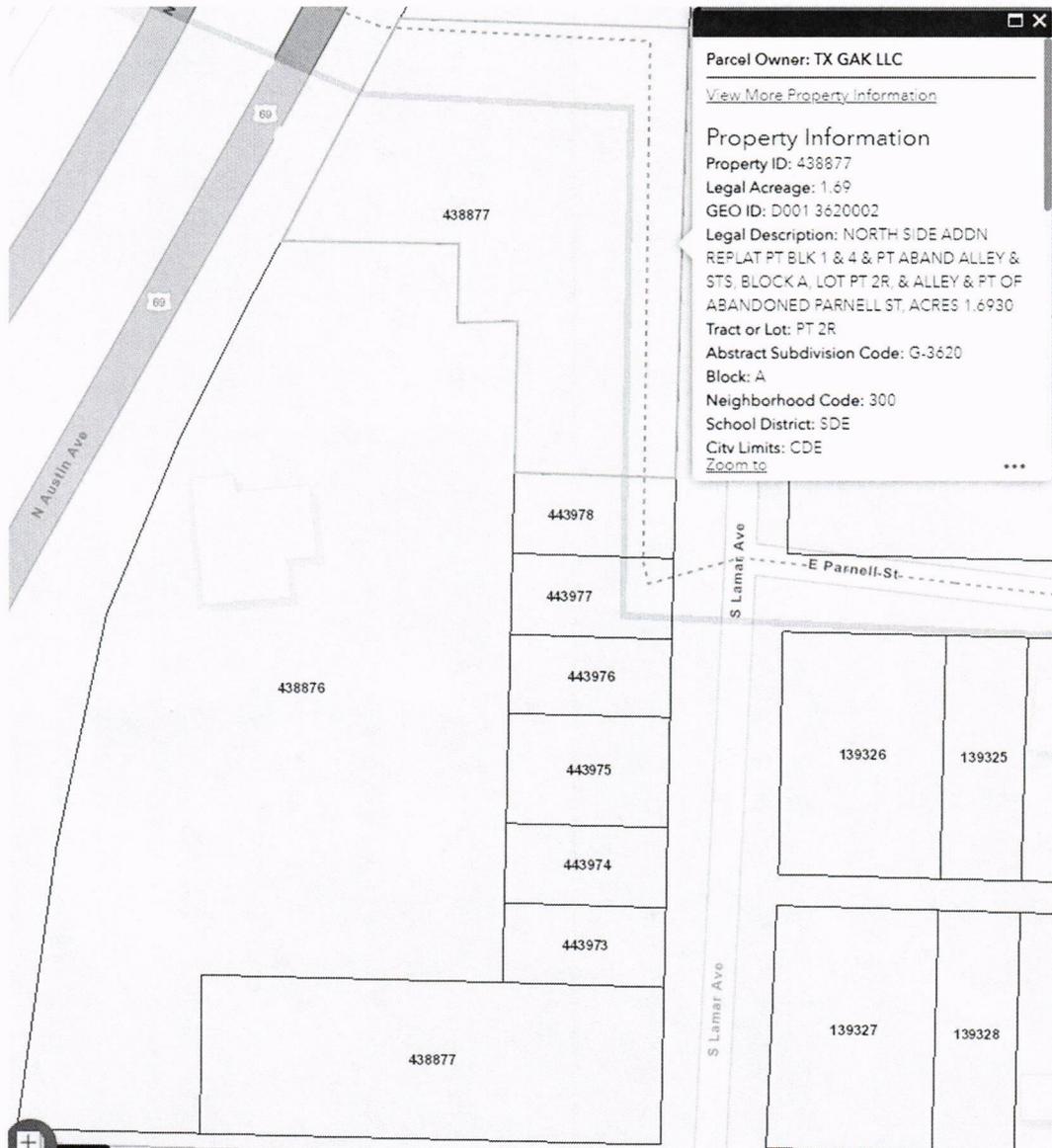


Christine Wallentine, City Clerk



EXHIBIT "A"
LEGAL DESCRIPTION AND DEPICTION

BEING THE REMAINDER OF LOT 2R, BLOCK A, OF THE NORTH SIDE ADDITION TO THE CITY OF DENISON, GRAYSON COUNTY TEXAS, AS PER PLAT OF RECORD IN DOC NO. 2021-189 OF THE GRAYSON COUNTY PROPERTY RECORDS, EXCLUDING LOTS 1-6, BLOCK A OF THE CENTURY RIDGE ADDITION, PHASE 1, PER PLAT OF RECORD IN DOC NO. 2022-130 OF THE GRAYSON COUNTY PROPERTY RECORDS.



Map interface showing parcel boundaries and a detailed information panel for parcel 438877. The map includes labels for 'N Austin Ave', 'S Lamar Ave', and 'E Parnell St'. Parcel numbers visible on the map include 438877, 438876, 443978, 443977, 443976, 443975, 443974, 443973, 139326, 139325, 1096, and 13931.

Parcel Owner: TX GAK LLC

[View More Property Information](#)

Property Information

Property ID: 438877

Legal Acreage: 1.69

GEO ID: D001 3620002

Legal Description: NORTH SIDE ADDN REPLAT PT BLK 1 & 4 & PT ABAND ALLEY & STS, BLOCK A, LOT PT 2R, & ALLEY & PT OF ABANDONED PARNELL ST, ACRES 1.6930

Tract or Lot: PT 2R

Abstract Subdivision Code: G-3620

Block: A

Neighborhood Code: 300

School District: SDE

Civil Limits: CDE

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