

ORDINANCE NO. 5377

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE SUBDIVISION REGULATIONS OF THE CITY OF DENISON, TO AMEND ARTICLE IV (REQUIREMENTS FOR PUBLIC IMPROVEMENTS AND DESIGN), TO ADD DIVISION 10 (ENGINEERING STANDARDS VARIANCE); PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Denison (the “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 adopted Chapter 22 of its Code of Ordinances, the same being the Subdivision Regulations of the City, which sets forth various regulations for the construction of public improvements, including sidewalks; and

WHEREAS, after complying with all legal notices, requirements, and conditions, THE city Council has determined it would increase efficiency in development to provide for an administrative variance procedure for engineering standards.

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. SUBDIVISION REGULATIONS AMENDMENTS. Chapter 22 of the Code of Ordinances of the City of Denison, Texas, the same being the City’s Subdivision Regulations, is hereby amended to add Division 10, Engineering Variance Procedures, to Article IV, Requirements for Public Improvements and Design, as follows:

DIVISION 10: ENGINEERING STANDARDS VARIANCE

SECTION 22-120. Procedures. The director of public works or his/her designee shall review and render judgement on requests for variances from the technical requirements contained in the Public Works Design Manual.

(a) The applicant must formally request a variance in writing. The written variance request shall (i) be submitted in writing as a response to City comments during the construction plan review process; or (ii) be submitted in writing by emailing the request to the City’s engineering staff. Variance requests to the Public Works Design Manual will not be reviewed until a construction plan set has been submitted.

(b) A written request for a variance must include the following items. Incomplete requests will not be reviewed and may be returned.

- (1) A construction plan submittal,
- (2) An explanation why the ordinances and/or requirements in the Public Works Design Manual cannot be met,
- (3) A proposed solution or alternative for consideration, and
- (4) An exhibit or drawing that illustrates the existing conditions, site constraints and the proposed solution or alternative.

(c) Engineering staff shall review the complete variance request and supporting documentation and issue a written response (i) within 15 business days, or (ii) upon issuing a review letter for the most recent plan review.

(d) The applicant will have up to 5 business days to appeal the denial of a variance request to the Director of Public Works. The applicant must submit a written response to the variance denial and any other supporting documentation necessary to support the variance with the request for appeal.

(e) The Director of Public Works shall review the appeal of the variance denial and provide a final determination on whether the denial is upheld or overturned within 15 business days of timely receipt of a complete request for an appeal.

SECTION 3. 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 4. SEVERABILITY. Should any section, subsection, sentence, clause, 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 5. PENALTY. Any person, firm, entity or corporation who violates any provision of this Ordinance or Denison's Subdivision Ordinance Chapter 22, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in accordance with Chapter 1, Section 1-12 of the Code of Ordinances. 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 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

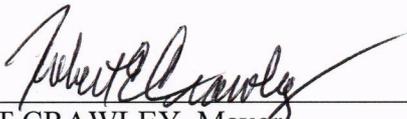
SECTION 7. OPEN MEETINGS. That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

AND IT IS SO ORDERED.

On motion by Council Member Redwine, seconded by Council Member Thomas, the above and foregoing ordinance was passed and approved on this the 17th day of February 2025, by the following vote:

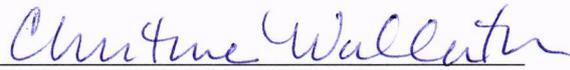
Ayes: Adams, Courtright, Thorne, Crawley, Redwine and Thomas
Abstentions:
Nays:
Absent: Massey

At regular meeting February 17, 2025.



ROBERT CRAWLEY, Mayor

ATTEST:



Christine Wallentine, City Clerk

