

ORDINANCE NO. 5395

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 RHAMY'S ADDITION, BLOCK 4, LOTS 10 & 11, ACRES 0.344 OF DENISON, GRAYSON COUNTY, TEXAS, ACCORDING TO PLAT RECORDED AS DEED NO. 2021-35940, AS DESCRIBED IN VOLUME 2031, PAGE 599, REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS, COMMONLY REFERRED TO AS 701 EAST BULLOCK STREET, DENISON, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", FROM ITS ZONING CLASSIFICATION OF SINGLE-FAMILY-7.5 DISTRICT TO SINGLE-FAMILY-5; 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 DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY OF UP TO \$2000 PER OFFENSE; 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, Richard Rawlins (the "Owner") owns Rhamy's Addition, Block 4, Lots 10 and 11, Acres 0.344, of Denison, Grayson County, Texas, according to deed number 2021-35940, as described in Volume 2031, Page 599, Real Property Records of 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 for a zoning change on the Property from the current zoning district classification of Single-Family-7.5 District to Single-Family-5; 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 Single-Family-7.5 District to Single-Family-5 District. The Property shall be subject to all applicable City ordinances and regulations governing a Single-Family-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.

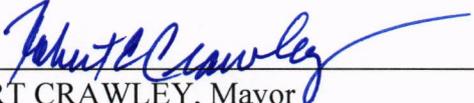
Section 6. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from 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.

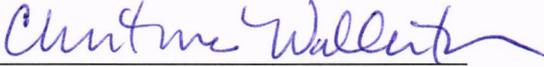
Section 9. Open Meeting. That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, ON THIS 19th DAY OF MAY 2025.



ROBERT CRAWLEY, Mayor

ATTEST:

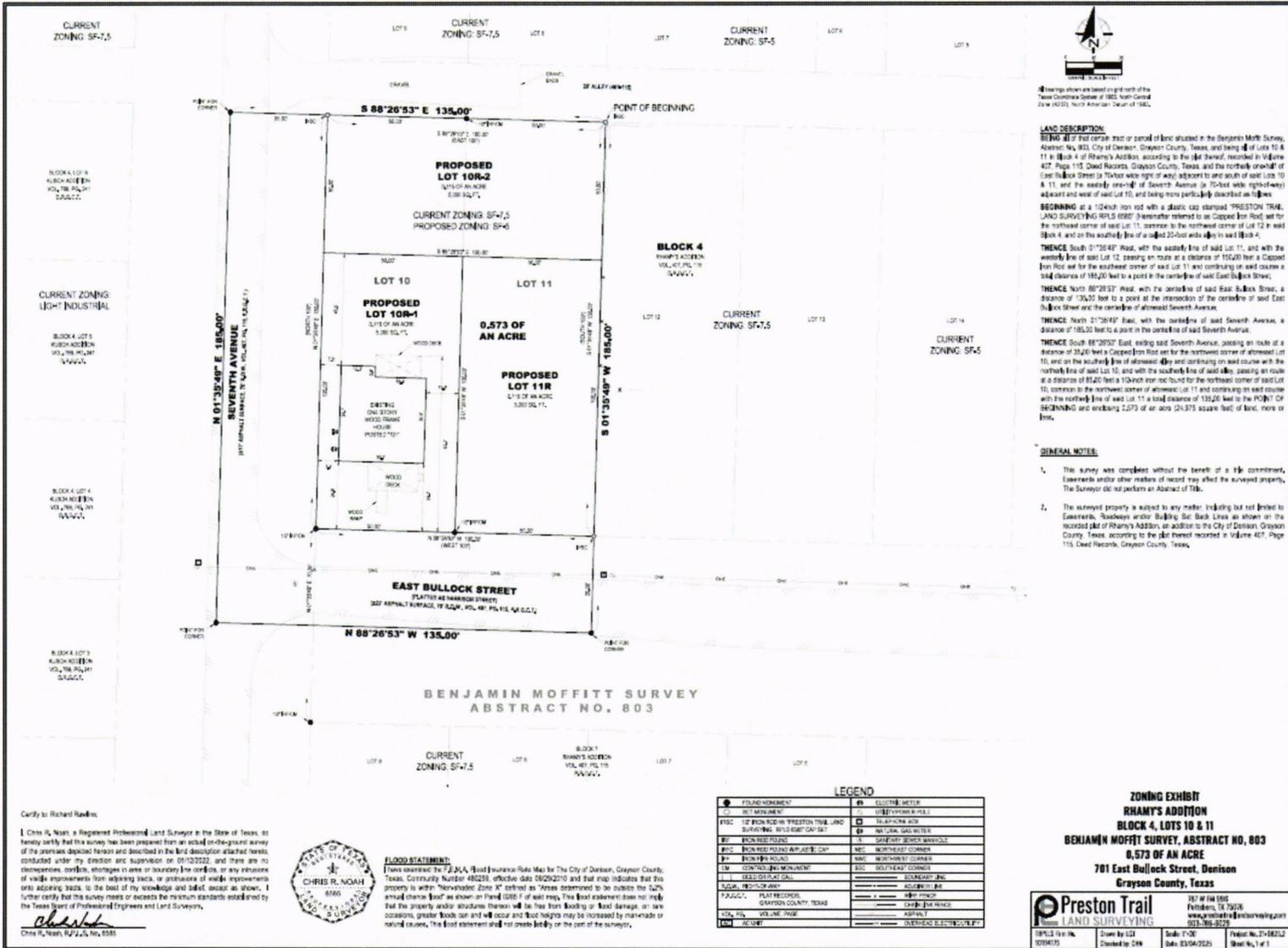


Christine Wallentine, City Clerk



EXHIBIT "A" LEGAL DESCRIPTION AND DEPICTION

BEING RHAMY'S ADDITION, BLOCK 4, LOT 10 & 11, 0.344 ACRES, OF DENISON, GRAYSON COUNTY, TEXAS, ACCORDING TO DEED NO. 2021-35940, AS DESCRIBED IN VOLUME 2031, PAGE 599, REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS, COMMONLY REFERRED TO AS 701 EAST BULLOCK STREET, DENISON, TEXAS.



LAND DESCRIPTION:
BEING 1/15 of that certain tract or parcel of land situated in the Benjamin Moffitt Survey, Abstract No. 803, City of Denison, Grayson County, Texas, and being all of Lots 10 & 11 in Block 4 of Rhamy's Addition, according to the plat thereof, recorded in Volume 467, Page 115, Deed Records, Grayson County, Texas, and the northern portion of East Bullock Street in 70-foot wide right-of-way, adjacent to and south of said Lots 10 & 11, and the eastern portion of Seventh Avenue in 75-foot wide right-of-way adjacent to and west of said Lot 10, and being more particularly described as follows:
BEGINNING at a 12x12 inch iron rod with a plastic cap, situated in the center of the north-south line of said Lot 10, corner to the north-south line of said Lot 11, corner to the north-south line of said Lot 12 in said Block 4, and on the southern line of a 25-foot wide alley in said Block 4;
TENURE South 0°12'58" West, with the westerly line of said Lot 11, and with the westerly line of said Lot 12, bearing to a point in a distance of 155.00 feet a Copper Iron Rod set for the northeast corner of said Lot 11, corner to the northeast corner of said Lot 12 in said Block 4, and on the southern line of a 25-foot wide alley in said Block 4;
TENURE North 88°29'37" West, with the westerly line of said East Bullock Street, a distance of 135.00 feet to a point at the intersection of the centerline of said East Bullock Street and the centerline of abutment Seventh Avenue;
TENURE North 01°28'49" East, with the centerline of said Seventh Avenue, a distance of 185.00 feet to a point in the centerline of said Seventh Avenue;
TENURE South 88°29'37" East, ending said Seventh Avenue, passing on the north side of a distance of 135.00 feet a Copper Iron Rod set for the northeast corner of abutment Lot 10, and on the southern line of abutment 10R-1 and continuing on said course with the northern line of said Lot 10, and with the southern line of said 10R-1, passing to a point in a distance of 185.00 feet a 1/2 inch iron rod set for the northeast corner of said Lot 10, corner to the northeast corner of abutment Lot 11 and continuing on said course with the northern line of said Lot 11 a total distance of 135.00 feet to the POINT OF BEGINNING and enclosing 0.573 of an acre (24,573 square feet) of land, more or less.

GENERAL NOTES:

- This survey was completed without the benefit of a title commitment, Easements and/or other matters of record may affect the surveyed property. The Surveyor does not perform an Abstract of Title.
- The surveyed property is subject to any matter, including but not limited to Easements, Encroachments and/or Building Set Back Lines as shown on the recorded plat of Rhamy's Addition, an addition to the City of Denison, Grayson County, Texas, according to the plat thereof recorded in Volume 467, Page 115, Deed Records, Grayson County, Texas.

Certify to Richard Redman:
I, Chris R. Noah, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey has been prepared from an actual on-the-ground survey of the premises depicted hereon and described in the first description attached hereto conducted under my direction and supervision on 09/13/2022, and there are no discrepancies, conflicts, shortages in area or boundary line conflicts, or any situation of visible encroachments from adjoining tracts, or encroachments of visible improvements onto adjoining tracts, to the best of my knowledge and belief, except as shown. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Engineers and Land Surveyors.

Chris R. Noah, P.L.S., No. 6581



FLOOD STATEMENT:
These premises are in the 1% A.A. Flood Insurance Rate Map for the City of Denison, Grayson County, Texas, Community Number 480293, effective date 09/29/2010 and that map indicates that this property is within "Moderate Risk Zone X" defined as "Areas determined to be outside the 1% annual chance flood as shown on Flood 1005-F of said map. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage, on rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor."