

ORDINANCE NO. 5399

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 4.683 ACRE TRACT AND A CERTAIN 3.020 TRACT OF LAND LEGALLY DESCRIBED AS P.C. MARTIN SURVEY, ABSTRACT NO. 767, DENISON, GRAYSON COUNTY, TEXAS, AS RECORDED IN THE REAL PROPERTY RECORDS OF GRAYSON COUNTY TEXAS AS DOCUMENT NO. 2024-30165, COMMONLY REFERRED TO AS 2430 WEST COFFIN STREET, DENISON, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", FROM ITS ZONING CLASSIFICATION OF SF-7.5 – SINGLE-FAMILY RESIDENTIAL DISTRICT TO PLANNED DEVELOPMENT OVERLAY WITH BASE OF SF-5 – SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING DEVELOPMENT STANDARDS, ATTACHED HERETO AS EXHIBIT "B"; PROVIDING A CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT "C"; 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 SF-5 DISTRICT WITH PD OVERLAY DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY OF UP TO \$2,000 PER VIOLATION; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS ADOPTED WAS LAWFULLY HELD IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING NO VESTED INTEREST/REPEAL, UNLAWFUL USE OF PROPERTY, 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, Pushban Rajaiyan (the "Owner") owns a 4.683 acre tract and a 3.020 acre tract, of land legally described as being in the P.C. Martin Survey, Abstract No. 767, Denison, Grayson County, Texas, recorded in the Real Property Records of Grayson County as Document No. 2024-30165, and as more particularly described and depicted in **Exhibit "A"**, 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 SF-7.5 – Single-Family Residential District to SF-5 – Single-Family Residential District, and consented to a planned development overlay to modify garage and off-street parking standards; 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; and

WHEREAS, the Zoning Ordinance incorporates design standards and building materials standards that are differentially applicable to residential structures and non-residential buildings; and

WHEREAS, such standards substantially further the preservation of property values and the promotion of economic development within the City; and

WHEREAS, such standards also establish the character of community development and embody architecturally and, in some contexts, culturally significant features of continuing duration; and

WHEREAS, the Zoning Ordinance also provides for planned development districts, which enable departures from traditional zoning district standards in recognition of the unique character of a development project; and

WHEREAS, the City's policy in creating or amending a planned development district is to incorporate and enhance to the fullest extent feasible the design and building materials standards that are integral to the City's zoning regulations in all planned development districts; and

WHEREAS, the City Council finds and determines that the incorporation of such standards lends long-term viability to the planned development project; and

WHEREAS, the owner and/or developer of the Property has consented in writing to the enforcement of the City's design and building materials standards within the planned development district and waived the statutory provisions in Chapter 3000, Texas Government Code.

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, are found to be true, and are adopted a legislative findings of the City Council.

SECTION 2. Zoning Amendment. Chapter 28 of the Code of Ordinances of the City, the same being the City's Comprehensive Zoning Ordinance, is hereby amended as follows: The zoning designation for the Property, and all streets, roads and alleyways contiguous and/or adjacent to the Property, is hereby rezoned from SF-7.5 – Single-Family Residential District to Planned Development Overlay with base of SF-5 – Single-Family Residential District, subject to the below modifications to the SF-5 – Single-Family Residential District regulations.

Section 28.24.8.D. Parking Regulations shall not apply to the Property. The following standards shall apply to the Property:

Parking regulations:

1. *Single-family dwelling unit*— A minimum total of four (4) paved parking spaces shall be required for each dwelling unit. A minimum of two (2) enclosed parking spaces shall be located behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces shall also be located on a paved driveway on the same lot as the main structure (all concrete or a similar solid paved surface such as turf pavers, brick pavers or asphalt). Prefab metal carports or garages are prohibited.
2. *Other*—In addition to other applicable ordinance regulations section 28.50, Off-Street Parking and Loading Regulations shall apply.
3. *Garages:*
 - a. The face of garage doors shall not be located nearer than twenty-five (25) feet to a street right-of-way. For corner lots, this distance may be reduced to twenty (20) feet for a garage entered from the side street.
 - b. Garage doors directly facing a street shall not comprise more than fifty (50) percent of the width of the front façade of a house.
 - c. Where a house has three (3) or more garage/enclosed parking spaces, no more than two (2) single garage doors or one (1) double garage door shall face the street, unless the garage(s) is located behind the main structure.

SECTION 3. Zoning Map and Code Requirements. The Zoning Map of the City, adopted by Section 28.3 of the Code of Ordinances, and on file in the office of the Director of Development Services is hereby amended to this zoning reclassification. The Property shall be developed and used in accordance with all applicable City, state, and federal laws, as they exist or may be in the future amended, including but not limited to building codes, fire codes, and all accessibility standards as required by law.

SECTION 4. No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any

portion of this Ordinance may be repealed or amended by the City Council in the manner provided for by law.

SECTION 5. Unlawful Use of Property. It shall be unlawful for any person, firm, association, entity or corporation to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, association, entity, or corporation to construct on said Property and building that is not in conformity with the permissible uses under the City's Zoning Ordinance and this Ordinance.

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, sentence, clause, phrase or word thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases and words be declared unconstitutional or invalid.

SECTION 7. 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.

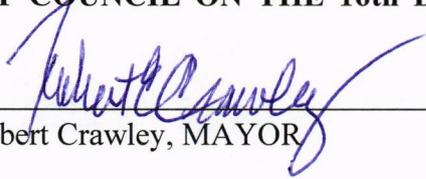
SECTION 8. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$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 9. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 10. 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 Section 551.041, Texas Government Code.

PASSED AND APPROVED BY THE CITY COUNCIL ON THE 16th DAY OF JUNE 2025.




Robert Crawley, MAYOR

ATTEST:



Christine Wallentine, City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION AND DEPICTION

TRACT ONE:

Situated in the County of Grayson, State of Texas, being a part of the P. C. Martin Survey, Abstract No.767, and being the second tract (called 4.828 acre tract) described in Correction Warranty Deed to Forgin Group, LLC as recorded in Document No. 2018-7812, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a set 1/2" steel rod at the northwest corner of Lot 6, Block 2, Shiloh Estates Addition, Section 3, an addition to the City of Denison as recorded in Volume 5, Page 42, Plat Records, Grayson County, Texas;

Thence North 01°05'00" East with the west line of said second tract, the east line of a 40' undeveloped right-of-way, a distance of 649.78 feet to a set 1/2" steel rod in the south line of Coffin Street;

Thence South 89°16'28" East with said south line, a distance of 137.93 feet to a set 1/2" steel rod at the northwest corner of that 0.173 acre tract of land conveyed to Ensearch Corp-Lone Star as recorded in Volume 414, Page 443, Deed Records, Grayson County, Texas;

Thence South 00°00'13" West with the west line of said 0.173 acre tract, a distance of 100.95 feet to a set 1/2" steel rod;

Thence North 89°59'25" East with the south line of said 0.173 acre tract, a distance of 75.00 feet to a set 1/2" steel rod;

Thence North 00°00'14" East with the east line of said 0.173 acre tract, a distance of 99.98 feet to a set 1/2" steel rod in the south line of said Coffin Street;

Thence South 89°16'28" East with said south line, a distance of 111.10 feet to a set 1/2" steel rod;

Thence South 00°44'25" West, passing the northwest corner of Lot 1, Block 2, Shiloh Estates Addition, an addition to the City of Denison as Recoded in Volume 4, Page 82 of said Plat Records at a distance of 12.06 feet, in all a distance of 648.11 feet to a set 1/2" steel rod in the north line of said Block 2;

Thence North 89°33'54" West with said north line; a distance of 327.92 feet to the Point of Beginning and containing 4.683 acres of land.

TRACT TWO:

Situated in the County of Grayson, State of Texas, being a part of the P. C. Martin Survey, Abstract No. 767, and being the First tract (called 3.00 acre tract) described in Correction

Warranty Deed to Forgin Group, LLC as recorded in Document No. 2018-7812, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of said 3.00 acre tract

Thence North $01^{\circ}08'36''$ East with the west line of said 3.00 acre tract, the east line of that 18.21 acre tract of land described as Tract 2 in General Warranty Deed to AZIZUL-HASSAN FAMILY LIMITED PARTNERSHIP as recorded in Document No. 2017-18962 of said Official Public Records, a distance of 837.93 feet to a found A" steel rod;

Thence South $88^{\circ}38'58''$ East with the north line of said 3.00 acre tract, a distance of 156.62 feet to a found 1/2" steel rod in the west line of 40' right-of-way;

Thence South $01^{\circ}05'00''$ West with said west line, a distance of 837.09 feet to a set 1/2" steel rod;

Thence North $88^{\circ}57'24''$ West with the south line of said 3.00 acre tract, a distance of 157.50 feet to the Point of Beginning and containing 3.020 acres of land.

EXHIBIT B
DEVELOPMENT STANDARDS

DENISON MEADOWS
PLANNED DEVELOPMENT DISTRICT
STATEMENT OF INTENT AND PURPOSE

This zoning submittal encompasses approximately 7.703 total acres of land located within the City of Denison.

This PD document and the exhibits listed below supersede any existing zoning, use and development regulations for the tract of land described herein.

1. PROJECT OVERVIEW

The purpose of this Planned Development District is to create a single-family development.

2. PROJECT LOCATION

Tract One: Situated in the County of Grayson, State of Texas, being a part of the P.C. Martin Survey, Abstract No. 767, and being the second tract (called 4.828 acre tract) described in Correction Warranty Deed to Forgin Group, LLC as recorded in Document No. 2018-7812, Official Public Record, Grayson County, Texas.

Tract Two: Situated in the County of Grayson, State of Texas, being a part of the P.C. Martin Survey, Abstract No. 767, and being the First tract (called 3.00 acre tract) described in Correction Warranty Deed to Forgin Group, LLC as recorded in Document No. 2018-7812, Official Public Records, Grayson County, Texas.

3. HOMEOWNER'S ASSOCIATION

A Homeowner's Association (HOA) shall be established and shall be responsible for the ownership and maintenance of all common areas shown on the Concept Plan.

4. PROPOSED THOROUGHFARES/ACCESS/CROSS SECTIONS

Coffin Street, Bluebonnet Avenue and Arapaho Drive are designated on the Throughfare Plan as a proposed Local Street (50' ROW).

5. CONCEPT PLAN

The design and development of the Property shall generally comply with the Concept Plan, which is intended to provide a general representation of the location of the land uses on the property.

6. SF-5, SINGLE FAMILY RESIDENTIAL DISTRICT

Except as noted below, the property as depicted on the Concept Plan shall develop in accordance with the SF-5, Single Family Residential District as it exists or may be amended:

A. Parking regulations:

1. Single-family dwelling unit— A minimum total of four (4) paved parking spaces shall be required for each dwelling unit. A minimum of two (2) enclosed parking spaces shall be located behind the front building line on the same lot as the main structure, plus two (2) additional parking spaces shall also be located on a paved driveway on the same lot as the main structure (all concrete or a similar solid paved surface such as turf pavers, brick pavers or asphalt). Prefab metal carports or garages are prohibited.

2. Other—In addition to other applicable ordinance regulations section 28.50, Off-Street Parking and Loading Regulations shall apply.

3. Garages:

a. The face of garage doors shall not be located nearer than twenty-five (25) feet to a street right-of-way. For corner lots, this distance may be reduced to twenty (20) feet for a garage entered from the side street.

b. Garage doors directly facing a street shall not comprise more than fifty (50) percent of the width of the front façade of a house.

c. Where a house has three (3) or more garage/enclosed parking spaces, no more than two (2) single garage doors or one (1) double garage door shall face the street, unless the garage(s) is located behind the main structure.

