ORDINANCE NO. 5408

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 GRANTING A CONDITIONAL USE PERMIT ON A CERTAIN 0.254 ACRE TRACT OF LAND LEGALLY DESCRIBED AS BEING A PART OF LOTS 1 & 2, BLOCK 43, OF THE J.P. DUMAS ADDITION, ABSTRACT NO. G-3052, DENISON, GRAYSON COUNTY, TEXAS, AS RECORDED IN THE REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS AS DOCUMENT NO. 2020-27801, COMMONLY REFERRED TO AS 1201 S. AUSTIN AVENUE, DENISON, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", TO ALLOW AUTOMOBILE REPAIR (MINOR) AS A USE IN ITS ZONING CLASSIFICATION OF COMMERCIAL DISTRICT AND THE AUSTIN AVENUE OVERLAY DISTRICT; PROVIDING CONDITIONS FOR THE CONDITIONAL USE PERMIT TO REMAIN EFFECTIVE; 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 A PENALTY OF UP TO $2,000 PER VIOLATION; FINDING THAT THE MEETING AT WHICH THIS ORIDNANCE 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, Bash Realty Inc. (the "Owner") owns a 0.254 acre tract of land legally described as being part of Lots 1 & 2, Block 43, of the J.P. Dumas Addition, Abstract No. G-3052, Denison, Grayson County, Texas, as recorded in the Real Property Records of Grayson County, Texas as Document No. 2020-27801, commonly referred to as 1201 S. Austin Avenue, Denison, Texas, 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 conditional use permit to allow Automobile repair (minor) use on the

Property, which has a zoning district classification of Commercial District and the Austin Avenue Overlay 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, are found to be true, and are adopted a legislative findings of the City Council.

SECTION 2. Conditional Use Permit Approved. Chapter 28 of the Code of Ordinances of the City, the same being the City's Comprehensive Zoning Ordinance, is hereby amended to reflect the Conditional Use Permit ("CUP") authorizing Automobile repair (minor) as a use is approved in the Commercial District and the Austin Avenue Overlay District for the Property, subject to all Applicable Regulations (defined below) and to the following conditions:

A. Uses. The following use of Automobile repair (minor) shall be permitted in accordance with the conditions of the CUP, with such use being defined as:

   Automobile repair (minor): Auto mechanical repair includes, but is not limited to, repair of an auto's engine, brakes, front end and suspension, HVAC system, cooling system, electrical system and the component parts necessary for the effective operation of each.

B. Applicable Regulations. In additional to the specific requirements set forth in this Ordinance, this CUP shall be subject to all ordinances and regulations of the City applicable to the Property, including without limitation the Comprehensive Zoning Ordinance and those regulations governing the Commercial District and the Austin Avenue Overlay District ("Applicable Regulations"). The CUP granted by this Ordinance shall control in cases of conflict between this Ordinance and/or the Comprehensive Zoning Ordinance.

SECTION 3. Failure to Comply/Expiration/Transferable. All terms of this CUP shall be complied with prior to issuance of a certificate of occupancy. This CUP shall be declared null and

void and of no force and effect and shall discontinue if or for any one or more of the following:

A. Any failure to comply with any term or condition of this Ordinance or the applicable regulations, as they exist or may be amended; or

B. Any improvements, the Property, uses or structures regulated by this CUP are enlarged, modified, structurally altered or otherwise significantly changed unless a separate conditional use permit or other required authorization is granted therefor; or

C. A building permit for the construction of any new structure for which a use is authorized hereunder has not been approved within one (1) year of the date of approval of this Ordinance; or

D. A certificate of occupancy for any existing structure for which a use authorized by this Ordinance is not applied for and issued within one hundred and eighty (180) days from the effective date of this Ordinance; or

E. A use for which this CUP is granted ceases to operate for a continuous period of one hundred eighty (180) calendar days; or

F. A structure for which this CUP is granted remains vacant for a continuous period of one hundred eighty (180) calendar days; or

G. This CUP was obtained by fraud or deception; or

H. As otherwise permitted by law, this Ordinance and/or the City's Zoning Ordinance, as they exist or may be amended, including without limitation the requirements of Section 28.9 "Nonconforming Uses and Structures".

SECTION 4. 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 reflect the conditional use permit. 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 11. 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 4TH DAY OF AUGUST 2025.

Robert Crawley, MAYOR

ATTEST:

Christine Wallentine, City Clerk

CITY OF DENISON
Denison
TEXAS
TEXAS 1872

EXHIBIT "A"
LEGAL DESCRIPTION AND DEPICTION

2020 27801

EXHIBIT "A"

Situated in the County of Grayson, State of Texas, being a part of Lot's 1 & 2, Block 43, of the J.P. Dumas Addition, to the City of Denison Texas, by Plat recorded in Volume "Y", Page 324, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

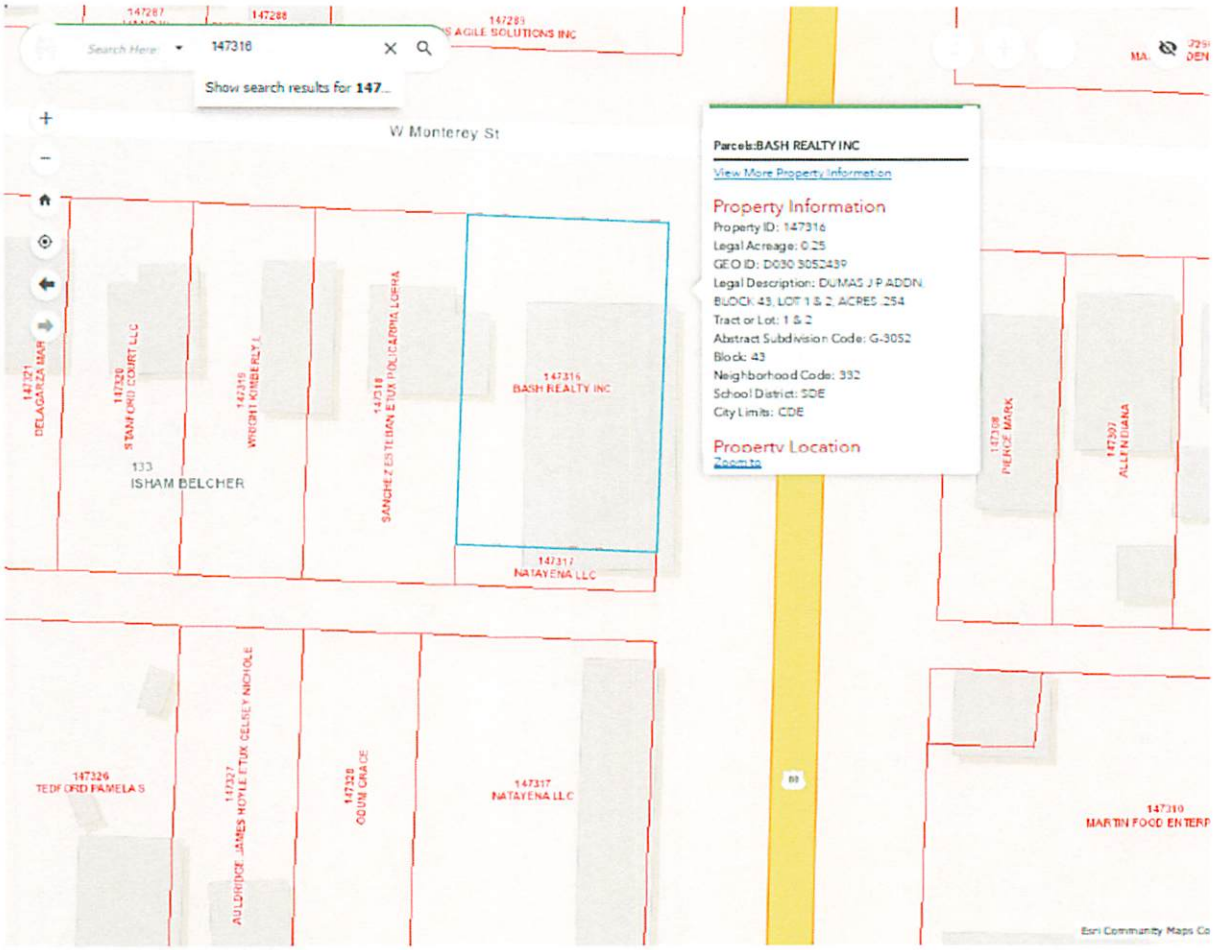
Beginning at a set 1/2" steel rod at the northeast corner of said Lot 1;

Thence South 01°13'25" West with the east line of said Lot 1 and the west Right-of-Way line of Austin Avenue a distance of 135.00 feet to a found 1/2" steel rod;

Thence North 88°50'25" West over and across said Lot's 1 & 2 a distance of 82.00 feet to a found 1/2" steel rod;

Thence North 01°13'25" East over and across said Lot 2 a distance of 135.00 feet to a set 1/2" steel rod;

Thence South 88°50'25" East with the south Right-of-Way line of Monterey Street a distance of 82.00 feet to the Point of Beginning and containing 0.254 acres of land.


147287
147288
147289
AGILE SOLUTIONS INC
Search Here
147316
Show search results for 147...
W Monterey St
Parcels:BASH REALTY INC
View More Property Information
Property Information
Property ID: 147316
Legal Acreage: 0.25
GEO ID: D030 3052439
Legal Description: DUMAS J P ADDN
BLOCK 43, LOT 1 & 2, ACRES .254
Tract or Lot: 1 & 2
Abstract Subdivision Code: G-3052
Block: 43
Neighborhood Code: 332
School District: SDE
City Limits: CDE
Property Location
Zoom to
147321
DELAGARZA MAR
147320
STAMFORD COURT LLC
147319
WRIGHT KIMBERLY L
147318
SANCHEZ ESTEBAN ETUX POLICARPIA LORHA
147316
BASH REALTY INC
133
ISHAM BELCHER
147317
NATAYENA LLC
147308
PIERCE MARK
147307
ALLEN DIANA
147326
TEDFORD PAMELA S
147327
AULDRIDGE JAMES HOYLE ETUX DELSEY NICHOLE
147328
COUN CRACE
147317
NATAYENA LLC
147310
MARTIN FOOD ENTERP
Esri Community Maps Co