

ORDINANCE NO. 5428

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 AN APPROXIMATE 0.194 ACRES OF LAND, LEGALLY DESCRIBED AS BEING A PART OF THE MORRISON RULON SURVEY, ABSTRACT NO. 1030, GRAYSON COUNTY, TEXAS, IDENTIFIED AS PROPERTY ID NO. 385905 BY THE GRAYSON COUNTY APPRAISAL DISTRICT, INTO THE BOUNDARY LIMITS OF THE CITY OF DENISON, GRAYSON COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", ESTABLISHING A ZONING CLASSIFICATION OF AGRICULTURAL 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 AGRICULTURAL 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, the City owns the approximate 0.194 acre tract of land legally described as being a part of the Morrison Rulon Survey, Abstract No. 1030, Grayson County, Texas, identified as Property ID No. 385905 by the Grayson County Appraisal District, into the boundary limits of the City of Denison, Grayson County, 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 to establish a zoning district classification of Agricultural 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. 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 established as Agricultural District. The Property shall be subject to all applicable City ordinances and regulations governing the Agricultural District.

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 20th DAY OF JANUARY 2026.



Robert Crawley, MAYOR

ATTEST:



Christine Wallentine, City Clerk



EXHIBIT "A"
LEGAL DESCRIPTION AND DEPICTION

Helvey-Wagner Surveying, Inc.

222 West Main Street • Denton, Texas 75020

Ph: (903) 463-6191 • Fax: (903) 463-4088 • Email: helveysurvey@cableone.net

TBPLS Firm Registration No. 10088100

Dilly F. Helvey, RPLS No. 4488 - Kate A. Wagner, RPLS No. 6578 - Kenneth N. Russell, RPLS No. 4409

**Tract Two
0.194 Acres**

SITUATED in the County of Grayson, State of Texas, being a part of the Morrison Kulon Survey, Abstract No. 1030, being a part of the 19.5 acre tract of land conveyed by Warranty Deed from Florence Marie Whaley Williams, to Carl Edward Whaley, on August 24, 1962, and recorded in Volume 961, Page 474, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a magnetic nail with metal flasher set in the Southwest right-of-way of F. M. Hwy. 84, in the South line of said Whaley 19.5 ac., and in a North line of the Mary Sherrard property (no deed reference), at the Southeast corner of the herein described tract, in the asphalt paving of Eisenhower Drive (aka: Eisenhower Road);

THENCE South 89 deg. 43 min. 15 sec. West, with the South line said Whaley 19.5 ac. and with a North line of said Sherrard property, along the asphalt paving of Eisenhower Drive, leaving said asphalt where it turns Southerly at about 90 ft., and continuing for a **TOTAL** distance of 134.42 ft. to a ½ inch capped rebar (RPLS 6578) set at the Southwest corner of said Whaley 19.5 ac., at an EIL corner of said Sherrard property;

THENCE North 00 deg. 43 min. 09 sec. West, with the West line of said Wintley 19.5 ac. and with an East line of said Sherrard property, with the general course of a wire fence, **PASSING** through the East wall of a barn at 42.6 ft., and continuing now along and through the East wall of said barn, **EXITING** said barn at 57.7 ft., and continuing again with the general course of a wire fence, for a **TOTAL** distance of 124.29 ft. to a ½ inch capped rebar (RPLS 6578) set in the Southwest right-of-way line of F. M. Hwy. 84, at the Northwest corner of the herein described tract;

THENCE South 48 deg. 14 min. 06 sec. East, with the Southwest right-of-way line of F. M. Hwy. 84, a distance of 87.68 ft. to the beginning of a curve;

THENCE Southeasterly, continuing with the Southwest right-of-way line of F. M. Hwy. 84, with a curve to the right having a Central Angle (Delta) of 1 deg. 57 min. 22 sec, and a Radius of 2814.79 ft. (Chord bears South 47 deg. 15 min. 25 sec. East, 96.10 ft.), an arc distance of 96.10 ft. to the **PLACE OF BEGINNING** and containing **0.194 ACRES** of land.




Kate A. Wagner, R.P.L.S. No. 6578
July 27, 2016

