ORDINANCE NO. 5438

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 LAND DESCRIBED IN EXHIBIT "A", BEING APPROXIMATELY 0.1722 ACRES, AND BEING LEGALLY DESCRIBED AS LOT 5, BLOCK 21, OF LAYNE'S ADDITION, DENISON, TEXAS, AND BEING IDENTIFIED AS GRAYSON COUNTY APPRAISAL DISTRICT PROPERTY ID NO. 145236, DENISON, TEXAS, AND COMMONLY REFERRED TO AS 816 WEST SHEPHERD STREET, DENISON, TEXAS, TO ALLOW ACCESSORY DWELLING AS A USE IN ITS ZONING CLASSIFICATION OF 2F—TWO-FAMILY (DUPLEX) RESIDENTIAL 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, ASJ Homes, LLC ("Owner") owns Lot 5, Block 21, of Layne's Addition, Denison, Grayson County, Texas, identified as Grayson County Appraisal District Property ID No. 145236, Denison, Texas, and commonly known as 816 West Shepherd Street, 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 this application under the provisions of the Zoning Ordinance of the City of Denison for a conditional use permit to allow an Accessory Dwelling as use on the Property, which has a zoning district classification of 2F—Two-Family (duplex) Residential District, as depicted by the Floor Plans in **Exhibit "B"**; and

WHEREAS, the Comprehensive Zoning Ordinance of the City allows for Accessory Dwelling as a use in the 2F—Two-Family (duplex) Residential District with the grant of a

Conditional Use Permit; 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 Accessory Dwelling as a use approved in the 2F—Two-Family (duplex) Residential District for the Property, subject to all Applicable Regulations (defined below) and to the following conditions:

A. Use. The following use of Accessory Dwelling shall be permitted in accordance with the conditions of the CUP with such use being defined as:

Accessory Dwelling: An accessory dwelling shall only be allowed by CUP, floor area shall be equal to or less than thirty-five (35) percent of the total floor area of the main residence, shall meet all minimum setback and other requirements of the district in which it is located, shall meet all requirements set forth in the CUP, and shall only be allowed in conjunction with a single family residence. An accessory dwelling shall not be allowed in conjunction with a duplex or other multi-family use.

B. Applicable Regulations. In addition 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 2F—Two-Family (duplex) Residential District ("Applicable Regulations"). The CUP granted by this Ordinance shall control in cases of conflict between this Ordinance and/or the Comprehensive Zoning Ordinance.

C. Acquisition and compliance with all state and local permits.

D. The existing height of the two (2) story accessory dwelling is twenty-five feet (25'), five inches (5") is to remain unaltered, and shall be permitted with this CUP.

E. The existing side yard setback of four feet (4') on the East side of the Property shall be permitted with this CUP so long as there is compliance with all other requirements of the City and the Chief Building Official, including the requirement for a fire-rated wall assembly.

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 2ND DAY OF MARCH 2026.

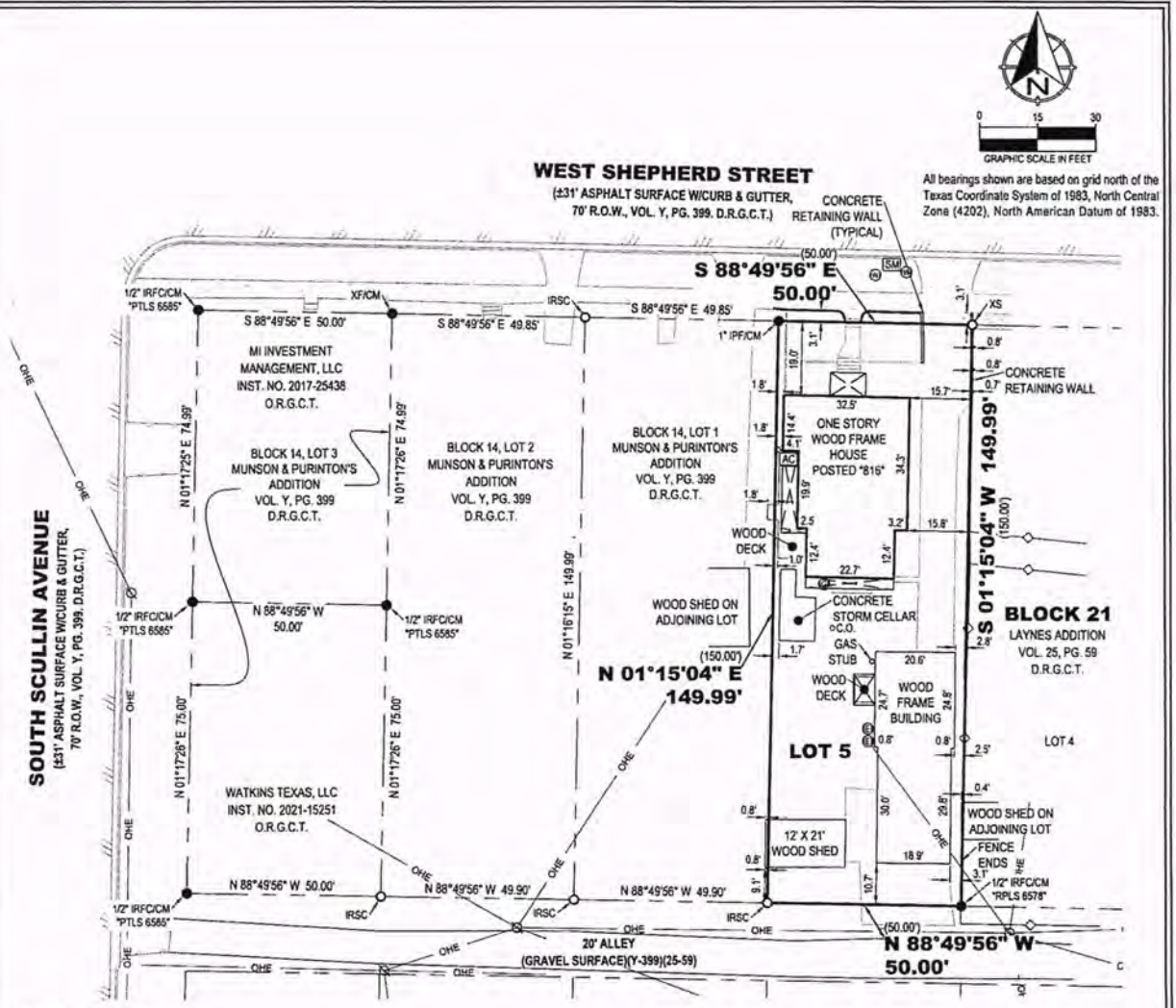
ROBERT CRAWLEY, Mayor

ATTEST:

Christine Wallentine, City Clerk

EXHIBIT "A"
Property Description and Depiction

Being Lot 5, Block 21, of Layne's Addition, City of Denison, Grayson County, Texas.



LAND DESCRIPTION:

BEING Lot Number Five (5), in Block Number Twenty-One (21), of Laynes Addition to the City of Denison, Grayson County, Texas, as shown by plat of record in Volume 25, Page 59, Deed Records, Grayson County, Texas.

NOTES ADDRESSING SCHEDULE 'B' EXCEPTIONS:

Only those easements and/or other matters of record, as listed in Title Commitment GF No. 0146472, issued by Texan Title Insurance Company, countersigned by Red River Title Company, with an effective date of March 24, 2025, and an issued date of March 31, 2025, and relisted below were considered for this Survey. The surveyor did not perform an abstract of title.

10a. The surveyed property is subject to any matter, including but not limited to, Easements, Roadways and/or Building Set Back Lines as shown on the recorded plat of Laynes Addition to the City of Denison, Texas, filed of record in Volume 25, Page 59, Deed Records, Grayson County, Texas.

FLOOD STATEMENT:

I have examined the F.E.M.A. Flood Insurance Rate Map for City of Denison, Grayson County, Texas, Community Number 480259, effective date 09/29/2010 and that map indicates that this property is within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on Panel 0285 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.

LEGEND

●	FOUND MONUMENT	INST. NO.	INSTRUMENT NO.
O	SET MONUMENT	VOL., PG.	VOLUME, PAGE
IRSC	1/2" IRON ROD W/ "PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET	C.O.	CLEAN OUT
		AC	AC UNIT
IRFC	IRON ROD FOUND W/PLASTIC CAP	SM	STONE MAILBOX
XS	"X" SCRIBED IN CONCRETE SET	W	WATER METER
XF	"X" SCRIBED IN CONCRETE FOUND		UTILITY/POWER POLE
IPF	IRON PIPE FOUND	E	ELECTRIC METER
CM	CONTROLLING MONUMENT	G	NATURAL GAS METER
( )	DEED OR PLAT CALL		BOUNDARY LINE
R.O.W.	RIGHT-OF-WAY		ADJOINER LINE
D.R.G.C.T.	DEED RECORDS, GRAYSON COUNTY, TEXAS		CHAIN LINK FENCE
			ASPHALT
O.R.G.C.T.	OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS		OVERHEAD ELECTRIC/UTILITY

Certify to: ASJ Homes LLC, Tiffany Donielle Williams, Texan Title Insurance Company, Red River Title Company;

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 land description attached hereto, conducted under my direction and supervision on 03/27/2025, and there are no discrepancies, conflicts, shortages in area or boundary line conflicts, or any intrusions of visible improvements from adjoining tracts, or protrusions 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, R.P.L.S. No. 6585

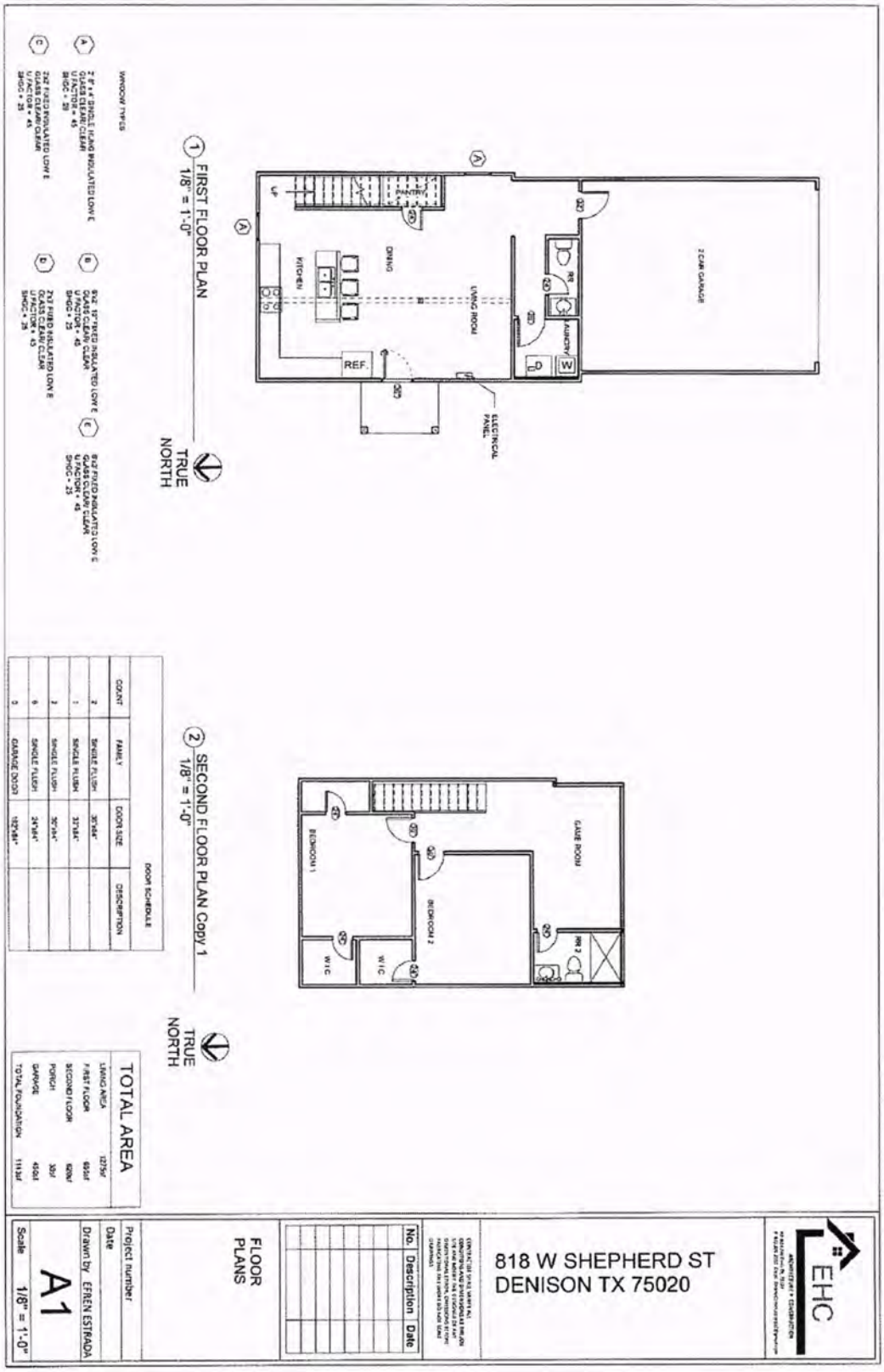
STATE OF TEXAS REGISTERED CHRIS R. NOAH 6585 PROFESSIONAL LAND SURVEYOR

TITLE SURVEY
BLOCK 21, LOT 5
LAYNES ADDITION
816 West Shepherd Street, Denison
Grayson County, Texas

Preston Trail LAND SURVEYING
787 W FM 996
Pottsboro, TX 75076
www.prestontraillandsurveying.com
903-786-6029

TBPELS Firm No. 10194175	Drawn by: AJH Checked by: CRN	Scale: 1"=30' Date: 04/02/2025	Project No. 25-0088 Sheet No. 1 of 1

EXHIBIT "B"
Floor Plans



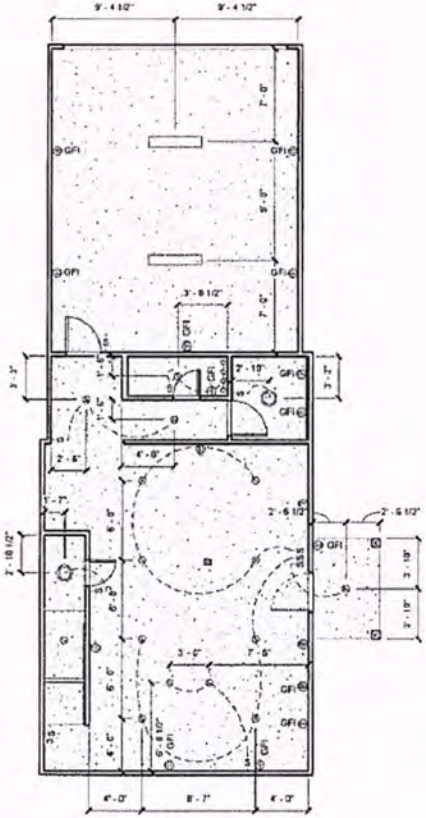
NOTE
ALL CEILINGS TO BE 9'-0" UNLESS NOTED OTHERWISE

LEGEND

- RECESSED CAN LIGHT
- PENDANT LIGHT
- CEILING FAN
- 2x4 TROFFER LIGHT
- WALL SCONCE

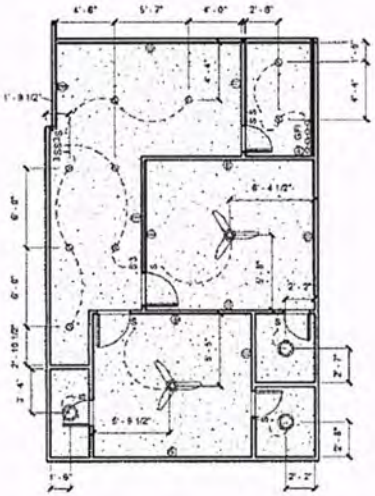
LEGEND

- DUPLEX OUTLET
- LIGHT SWITCH
- 3-WAY LIGHT SWITCH



1 RCP AND ELECTRICAL PLAN
1/8" = 1'-0"

TRUE NORTH



2 Second Floor
1/8" = 1'-0"

TRUE NORTH

EHC
ARCHITECTURE + CONSTRUCTION

818 W SHEPHERD ST
DENISON TX 75020

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE DESIGNER OF ANY DIMENSIONAL ERRORS, OMISSIONS BEFORE FABRICATING ANY WORK. DO NOT SCALE DRAWINGS

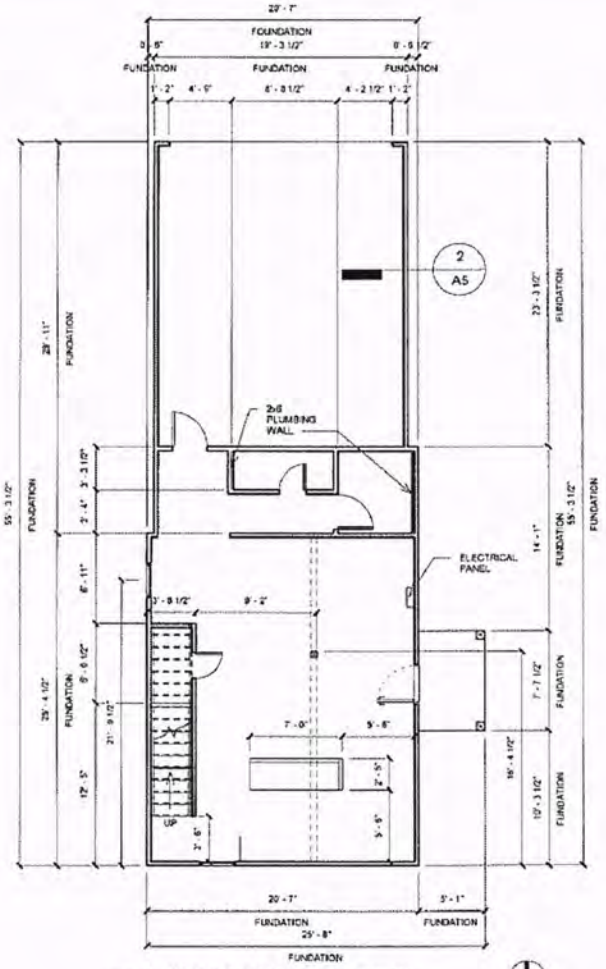
No.	Description	Date

ELECTRICAL PLANS

Project number
Date
Drawn by EFREN ESTRADA

A2

Scale 1/8" = 1'-0"



1 CONSTRUCTION FLOOR PLAN
1/8" = 1'-0"

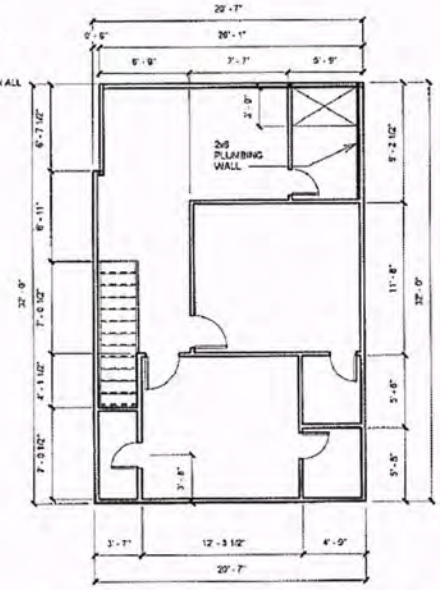
TRUE NORTH

GENERAL NOTES

1. ALL INTERIOR WALL TO BE 2x4 WOOD STUDS UNLESS NOTED
2. ALL EXTERIOR WALL TO BE 2x4 WOOD STUDS
3. ALL BRICK LEDGES TO BE 5 1/2"
4. ALL ANGLES TO BE 45 D UNLESS NOTED OTHERWISE.
5. ALL SHOWER HEADS TO BE @ 6' - 10" A.F.F.
6. STANDARD DOOR JAMB TO BE 4". UNLESS NOTED OTHERWISE

NOTE TO FRAMER:

1. ALL DIMENSIONS ARE TO FACE OF STUDS UNLESS NOTED OTHERWISE.
2. ALL FINISHED CEILINGS TO BE 9' - 4" SLOPED UNLESS NOTED OTHERWISE.
3. ALL WINDOW ROUGH OPENING SIZES TO BE FRAMED SAME AS WINDOW CALL-OUT SIZE
4. TUB BLOCKING 26" - 32" FROM WALL BOTTOM PLATE TO TOP PLATE
5. VANITY LIGHT FIXTURE 2x4 BLOCKING TO BE IN ALL BATHS @ 59" A.F.F. (TO BOTTOM OF BLOCKS)
6. BLOCK BETWEEN STUDS @ ALL RAKES W/2x MATERIAL AT ROOF LINE



2 SECOND FLOOR CONSTRUCTION PLAN
1/8" = 1'-0"

TRUE NORTH

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DENISON TX 75020

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ENGINEER OF ANY DIMENSIONAL ERROR, OMISSIONS BEFORE FABRICATING ANY WORK DO NOT SCALE DRAWINGS

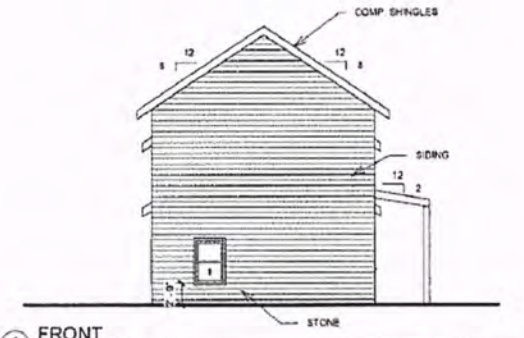
No.	Description	Date

CONSTRUCTION PLANS

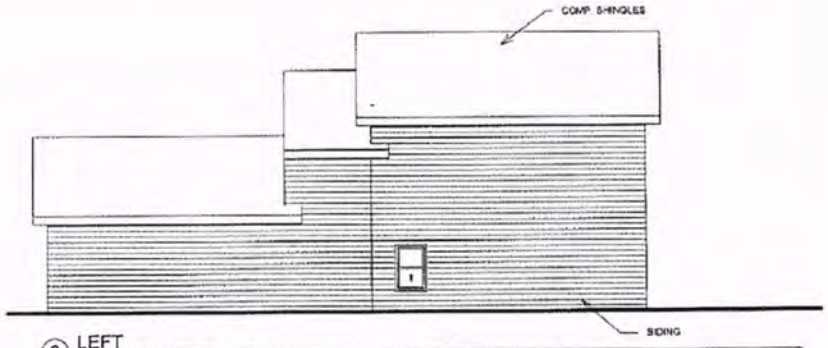
Project number
Date
Drawn by EFREN ESTRADA

A3

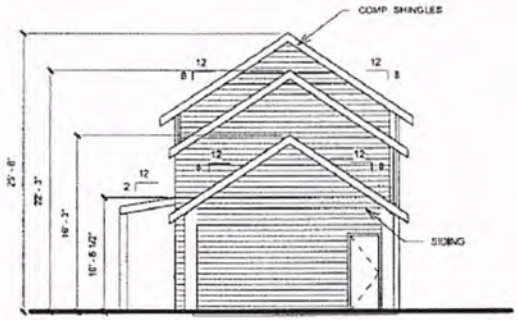
Scale 1/8" = 1'-0"



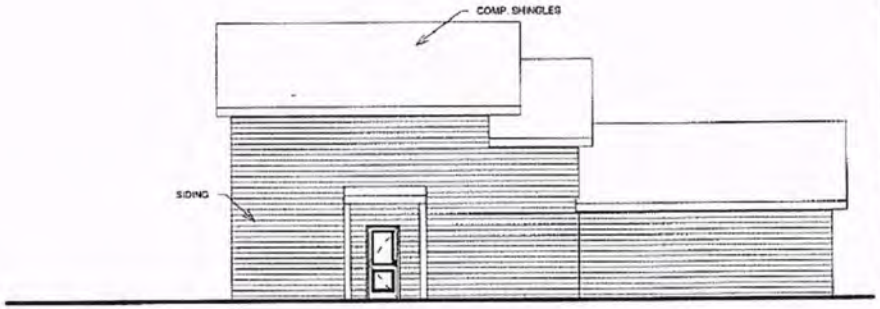
1 FRONT
1" = 10'-0"



3 LEFT
1" = 10'-0"



2 BACK
1" = 10'-0"



4 RIGHT
1" = 10'-0"

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DENISON TX 75020

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE DESIGNER OF ANY DISCREPANCIES. OMISSION BEFORE COMMENCING ANY WORK. DO NOT SCALE DRAWINGS

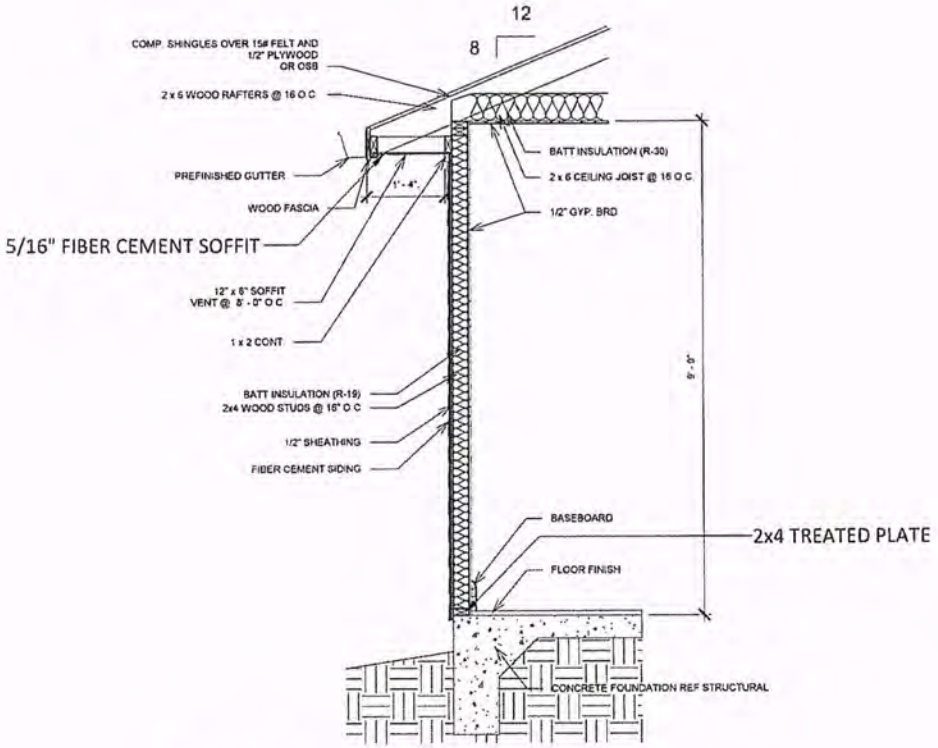
No.	Description	Date

ELEVATIONS

Project number
Date
Drawn by EFREN ESTRADA

A4

Scale 1" = 10'-0"



② WALL SECTION
1/2" = 1'-0"

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DENISON TX 75020

CONTRACTOR SHALL VARIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE DESIGNER OF ANY DIMENTIONAL ERROR, OMISSIONS BEFORE FABRICATING ANY WORK DO NOT SCALE DRAWINGS

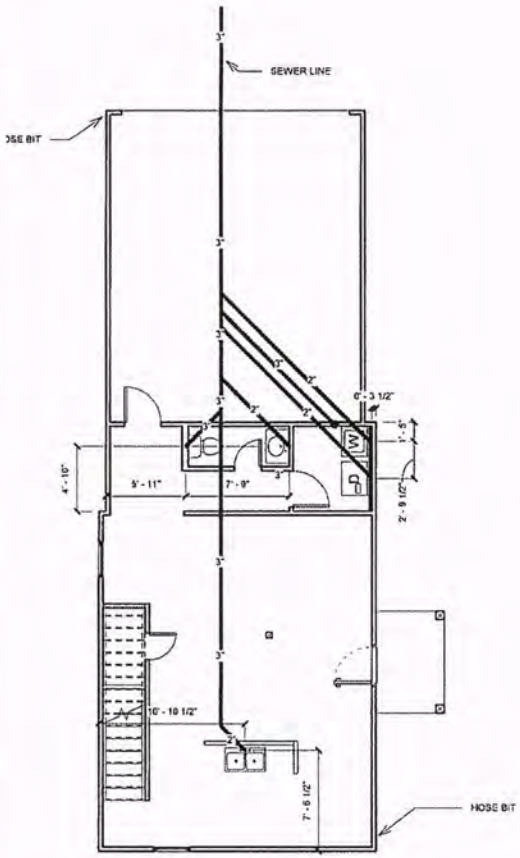
No.	Description	Date

DETAILS

Project number
Date
Drawn by EFREN ESTRADA

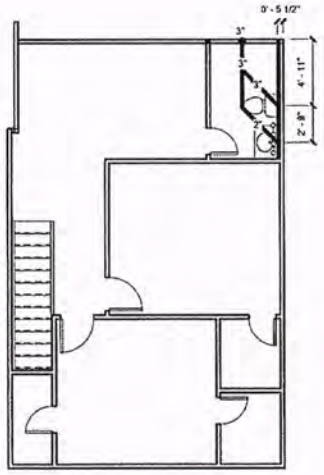
A5

Scale 1/2" = 1'-0"



1 PLUMBING PLAN
1/8" = 1'-0"

TRUE NORTH



2 SECOND FLOOR PLUMBING PLAN
1/8" = 1'-0"

TRUE NORTH

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DENISON TX 75020

CONTRACTOR SHALL VARIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE DESIGNER OF ANY DIMENSIONAL ERROR, OMISSIONS BEFORE FABRICATING ANY WORK DO NOT SCALE DRAWINGS

No.	Description	Date

PLUMBING PLAN

Project number

Date

Drawn by EFREN ESTRADA

A6

Scale 1/8" = 1'-0"

TE PLAN
16" = 1'-0"

WESSST SHEPHERD STREET

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DENISON TX 75020

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND SHALL REPORT ANY DISCREPANCIES BEFORE FABRICATING ANY WORK OR NOT SCALE DRAWINGS

No.	Description	Date

SITE PLAN

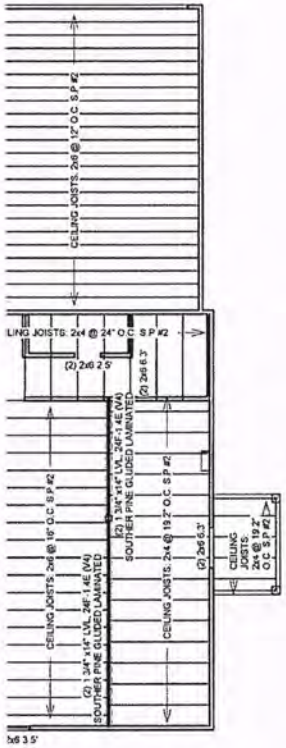
Project number

Date

Drawn by EFREN ESTRADA

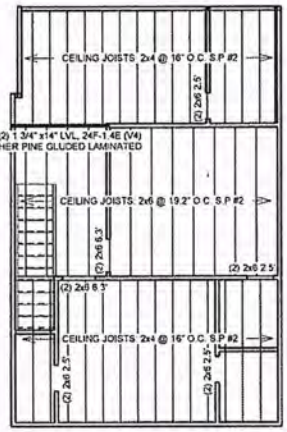
A7

Scale 1/16" = 1'-0"



TRUE NORTH

ILING FRAMING
3" = 1'-0"



TRUE NORTH

2 SECOND CEILING FRAMING
1/8" = 1'-0"

NOTES

1. ALL CEILING JOISTS TO BE #2 SOUTHERN PINE.

2. ALL CEILING JOISTS MUST BE NAILED TO TOP PLATE W/3-8D COMMON NAILS.

3. ALL CEILING JOISTS MUST BE NAILED TO RAFTER W/9-16D COMMON NAILS.

4. JOISTS AND BEAM HANGERS, WHERE SPECIFIED, SHALL BE FULLY NAILED PER MANUFACTURER'S CATALOG SPECIFICATIONS.

5. DECKING FOR UNINHABITABLE ATTICS WITH LIMITED STORAGE SHALL BE MINIMUM 7/16" PLYWOOD OR OSB, WITH A SPAN RATING THAT MEETS OR EXCEEDS THE CEILING JOIST SPACING.

6. MULTIPLE-PLY BEAMS, WHERE SPECIFIED, SHALL HAVE EACH PLYY NAILED TOGETHER WITH 2 ROWS OF 16D COMMONS @ 12" O.C. (3 ROWS OF NAILS REQUIRED FOR BEAMS EXCEEDING 12" MIN. DEPTH)

7. ALL MULTIPLE-PLY BEAM CALLOUTS ON PLANS SHALL BE #2 SOUTHERN PINE UNLESS NOTED OTHERWISE.

SPAN CHART FOR #2 SOUTHERN PINE

	CEILING JOISTS DEAD LOAD = 5 LIVE LOAD = 10				CEILING JOISTS DEAD LOAD = 10 LIVE LOAD = 20			
	12"	16"	19.2"	24"	12"	16"	19.2"	24"
2 x 4	11'-10"	10'-9"	10'-2"	9'-3"	9'-3"	8'-6"	7'-4"	6'-7"
2 x 6	18'-8"	16'-11"	15'-7"	13'-11"	13'-11"	12'-0"	11'-0"	9'-10"
2 x 8	24'-7"	21'-7"	19'-8"	17'-7"	17'-7"	15'-3"	13'-11"	12'-6"
2 x 10	26'-0"	25'-7"	23'-5"	20'-11"	20'-11"	18'-1"	16'-6"	14'-9"
2 x 12	26'-0"	25'-4"	23'-0"	23'-0"	23'-0"	20'-3"	16'-8"	16'-10"

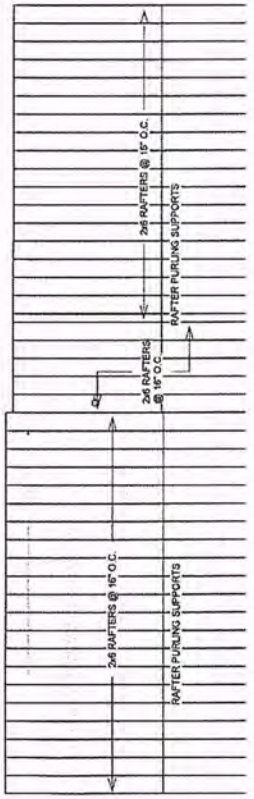
REF. INTERNATIONAL RESIDENTIAL CODE 2018

CEILING JOISTS: UNINHABITABLE ATTICS WITH LIMITED STORAGE.

DL = 5psf LL = 10psf, = L/240 △

DL = 10psf LL = 20psf, = L/240 △

HEADER SPAN ALLOWANCE (MAXIMUM)		
(PLY) SIZE	LOAD BEARING	NON-LOAD BEARING
(2) 2X6	-	4 FT
(2) 2X8's	4 FT	6 FT
(2) 2X10's	6 FT	8 FT
(2) 2X12's	8 FT	10 FT
LOAD BEARING HEADERS GREATER THAN 8'-0" NEED TO BE SIZED		



1 ROOF FRAMING PLAN
1/8" = 1'-0"

No.

Proje
Date
Draw
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