

ORDINANCE NO. **DCA18-0009q**

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, APPROVING AND ADOPTING THE NEWLY REVISED DENTON DEVELOPMENT CODE; SUPERSEDING AND EXPRESSLY REPEALING CHAPTERS 31, 34 AND 35 OF THE 1991 CODE OF THE CITY OF DENTON, TEXAS, AS AMENDED, AND LEAVING ALL OTHER CHAPTERS INTACT; SUPERSEDING AND EXPRESSLY REPEALING THE EXISTING 2002 DENTON DEVELOPMENT CODE, AS AMENDED; ESTABLISHING A PENALTY IN THE MAXIMUM AMOUNT OF \$2000.00 FOR VIOLATIONS OF THE DENTON DEVELOPMENT CODE AS FURTHER SPECIFIED THEREIN; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATES AS FURTHER SPECIFIED HEREIN. (DCA18-0009)

WHEREAS, on May 7, 1991, and effective June 1, 1991, the City Council of the City of Denton adopted the Code of the City of Denton, Texas, and approved subsequent amendments thereto; and

WHEREAS, pursuant to Ordinance No. 2002-040, the City Council of the City of Denton adopted the Denton Development Code, and approved subsequent amendments thereto; and

WHEREAS, based in part upon the positive recommendation of the Planning and Zoning Commission of the City of Denton, and extensive feedback from numerous public hearings and briefings, the City Council desires to approve and adopt a new Denton Development Code, while expressly superseding and repealing the prior 2002 Denton Development Code, as revised, and all other previously codified provisions of the Denton Code identified herein as conflicting; and

WHEREAS, the City Council of the City of Denton intends to delay the effective date of the newly revised Denton Development Code, and the corresponding supersedures and repealers, until October 1, 2019, to allow further refinement of the newly refined Denton Development Code, while allowing existing development code provisions to remain in force during this interim period of refinement; and

WHEREAS, during this interim period, the City Council of the City of Denton also desires to allow applicants the option of proceeding either under the newly revised Denton Development Code until October 1, 2019, at which point the newly revised Denton Development Code will take effect, and all prior codified provisions identified herein as conflicting shall be superseded and repealed, without necessity of further approvals; and

WHEREAS, on April 10, 2019, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, having given the requisite notices by publication, and having held due hearings, recommended approval 7-0 of the new Denton Development Code, with the attached Zoning District Transition Chart; and

WHEREAS, on April 23, 2019, the City Council likewise conducted a public hearing in accordance with local and state law, and the City Council hereby finds that the newly adopted Denton Development Code and Zoning District Transition Chart are consistent with the City's comprehensive plan, with federal, state, and local law, and are in the best interest of the citizens of the City of Denton; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this Ordinance are incorporated herein by reference and found to be true.

SECTION 2. Effective October 1, 2019, the newly revised Denton Development Code depicted in Exhibit A, attached hereto and fully incorporated herein by reference, is hereby adopted and approved.

SECTION 3. The Zoning District Transition Chart depicted in Exhibit B, attached hereto and fully incorporated herein by reference, is hereby adopted and approved, defining the zoning district transition that will take effect on October 1, 2019.

SECTION 4. Effective October 1, 2019, the existing Denton Development Code initially adopted in 2002 and subsequently amended, along with existing Chapters 31, 34, and 35 of the Code of the City of Denton, Texas, are expressly superseded and repealed as conflicting.

SECTION 5. Effective immediately upon adoption and approval of this Ordinance, and until October 1, 2019, applicants may opt to pursue projects under either the previously adopted and modified Denton Development Code and zoning, or under the newly revised and approved Denton Development Code and Zoning District Transition Chart.

SECTION 6. Any person, firm, partnership or corporation violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by fine in a sum not exceeding \$2,000.00 for each offense. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 7. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 8. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 9. In compliance with Section 2.09(c) of the Denton Charter, Sections 2, 3, and 4 of this Ordinance shall take effect on October 1, 2019, a date more than fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

SECTION 10. In compliance with Section 2.09(c) of the Denton Charter, Section 6 of this Ordinance shall take effect fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

SECTION 11. Sections 1, 5, 7, 8, 9, 10, and 11 of this Ordinance shall become effective immediately upon passage and approval.

The motion to approve this Ordinance was made by Gerard Hudspeth and seconded by Don Duff, the ordinance was passed and approved by the following vote [6 - 1]:

	Aye	Nay	Abstain	Absent
Mayor Chris Watts:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Gerard Hudspeth, District 1:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Keely G. Briggs, District 2:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Don Duff, District 3:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
John Ryan, District 4:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Deb Armintor, At Large Place 5:	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>
Paul Meltzer, At Large Place 6:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

PASSED AND APPROVED this, the 23rd day of April, 2019.

Chris Watts
CHRIS WATTS, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: Rosa Rios

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY



BY: /s/ Jerry E. Drake, Jr.