

**TOWN OF ARGYLE, TEXAS
ORDINANCE NO. 2019-09**

AN ORDINANCE OF THE TOWN OF ARGYLE, TEXAS, AMENDING THE TOWN DEVELOPMENT STANDARDS AS HERETOFORE AMENDED; BY APPROVING A SPECIFIC USE PERMIT (SUP-19-002) TO ALLOW FOR AN ALTERNATIVE STREET SECTION IN LIEU OF THE REQUIRED FIFTY-FOOT (50') RIGHT-OF-WAY CONSISTING OF CONCRETE CURB AND GUTTER STREET THIRTY-FEET (30') IN WIDTH FOR A PORTION OF CHARYL LYNN DRIVE, LOCATED ON THE NORTH SIDE OF THE JOYCE DRIVE AND CHARYL LYNN DRIVE INTERSECTION, TOWN OF ARGYLE, DENTON COUNTY TEXAS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ryan Smith, owner, has submitted a Specific Use Permit application to the Town of Argyle to allow for an alternative street section in lieu of the required fifty-foot (50') right-of-way consisting of concrete curb and gutter street thirty-feet (30') in width for a portion of Charyl Lynn Drive, located on the north side of the Joyce Drive and Charyl Lynn Drive intersection; and

WHEREAS, the Town Council has appointed a Planning and Zoning Commission to consider and recommend modifications to the boundaries of the various original zoning districts and appropriate use regulations being enforced therein; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their suitability for particular uses and standards, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town; and

WHEREAS, on April 2, 2019, the Planning and Zoning Commission of the Town of Argyle, in compliance with state law with reference to granting of zoning changes under the Town Development Standards of the Town of Argyle, and with the requisite notices by publication and otherwise, afforded a full and fair hearing to all the property owners interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, the Town Council of the Town of Argyle deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the Town, to enact said Town Development Standards; and

WHEREAS, the Argyle Town Council, in compliance with State Law with reference to changes to zoning classifications and development regulations under the Town Development Standards, having given the requisite notices by publication and otherwise, and after holding due hearings

and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof; the governing body of the Town of Argyle deems it to be in the best interest and welfare of the Town that said Specific Use Permit should be approved as submitted.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:

SECTION 1: That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2: That the Town Development Standards of the Town of Argyle, Texas, is hereby amended by approving a Specific Use Permit to allow for an alternative street section in lieu of the required fifty-foot (50') right-of-way consisting of concrete curb and gutter street thirty-feet (30') in width for a portion of Charyl Lynn Drive, located on the north side of the Joyce Drive and Charyl Lynn Drive intersection in the Town of Argyle, Denton County, Texas, as submitted with the following condition:

1. A portion of Charyl Lynn Drive, located on the north side of the Joyce Drive and Charyl Lynn Drive intersection shall consist of a sixteen-feet (16') in width, six-inch (6") concrete inverted crown street as designed by Teague Nall and Perkins Engineering, at a cost not to exceed \$50,000 to be taken first from the 2019 Road Improvement Funds or if not available, then the funds will come from the Street Maintenance Funds. The construction for the street improvements will not be done until the construction of the house is complete.

SECTION 3. That all building standards authorized by the Specific Use Permit shall conform to the specifications as stated in the Town Development Standards.

SECTION 4. That the above described lot shall be used only in the manner and for the purpose provided by the Town Development Standards of the Town of Argyle as heretofore amended, and as amended herein.

SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Town Development Standards of the Town of Argyle, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 6. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance

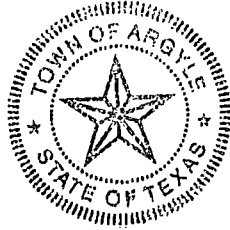
as a whole or any part or portion thereof, other than that portion so decided to be invalid or unconstitutional.

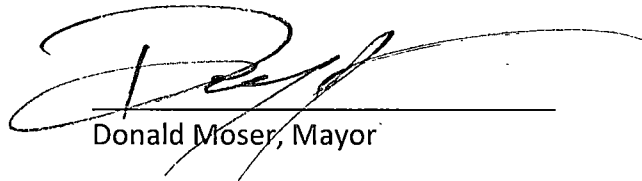
SECTION 7. Injunctive Relief. In addition to and accumulative of all other penalties, the Town of Argyle shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. Whereas, it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development, and in order to protect the public interest, comfort and general welfare, this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such case provides.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS on this the 23rd day of April 2019.

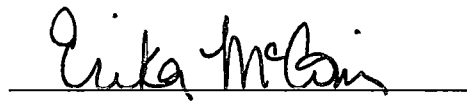
APPROVED:





Donald Moser, Mayor

ATTEST:

APPROVED AS TO FORM:


Erika McComis, Town Secretary


Robert Hager, Town Attorney