

ORDINANCE NO. 6687

AN ORDINANCE OF THE CITY OF SHERMAN, TEXAS AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND CONSISTING OF 0.115 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED AT 413 SOUTH WILLOW STREET, HERETOFORE ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT; REZONING AND PLACING THE TRACT IN THE R-5 (SINGLE FAMILY RESIDENTIAL) DISTRICT ZONING CLASSIFICATION, GLADIATOR BUILD (OWNER) AND BARTON CHAPA SURVEYING (SURVEYOR); PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this proposed rezoning case; and

WHEREAS, the City Council finds that rezoning the property as described in this Ordinance is in accordance with the Comprehensive Plan and will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to rezone the property as described in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That, from and after the effective date of this Ordinance, the property described in **Exhibit A – Survey and Legal Description**, attached hereto, located at 413 South Willow Street, and all streets, roads and alleyways contiguous and/or adjacent thereto, shall be rezoned and placed in the R-5 (Single Family Residential) District, and that Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, is hereby amended so as to hereafter include such property.

SECTION 2. That this Ordinance shall be entered upon the Official Zoning Map as provided in Sherman's Zoning Ordinance/Code of Ordinances, Chapter 14, Section 14.01.002.

SECTION 3. That no person 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 4. That it shall be unlawful for any person to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance. Any person violating any provision of this Ordinance or the General Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. 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 5. That the Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. 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 6. That in the event any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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 Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7. That it is hereby officially found and determined that the meetings at which this Ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 8. That this Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS.

INTRODUCED on this the 16th day of January 2024.

ADOPTED on this the 16th day of January 2024.

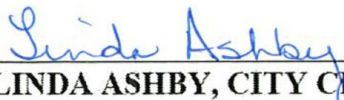
EFFECTIVE DATE on this the 16th day of January 2024.

CITY OF SHERMAN, TEXAS

BY: 

DAVID PLYLER, MAYOR

ATTEST:

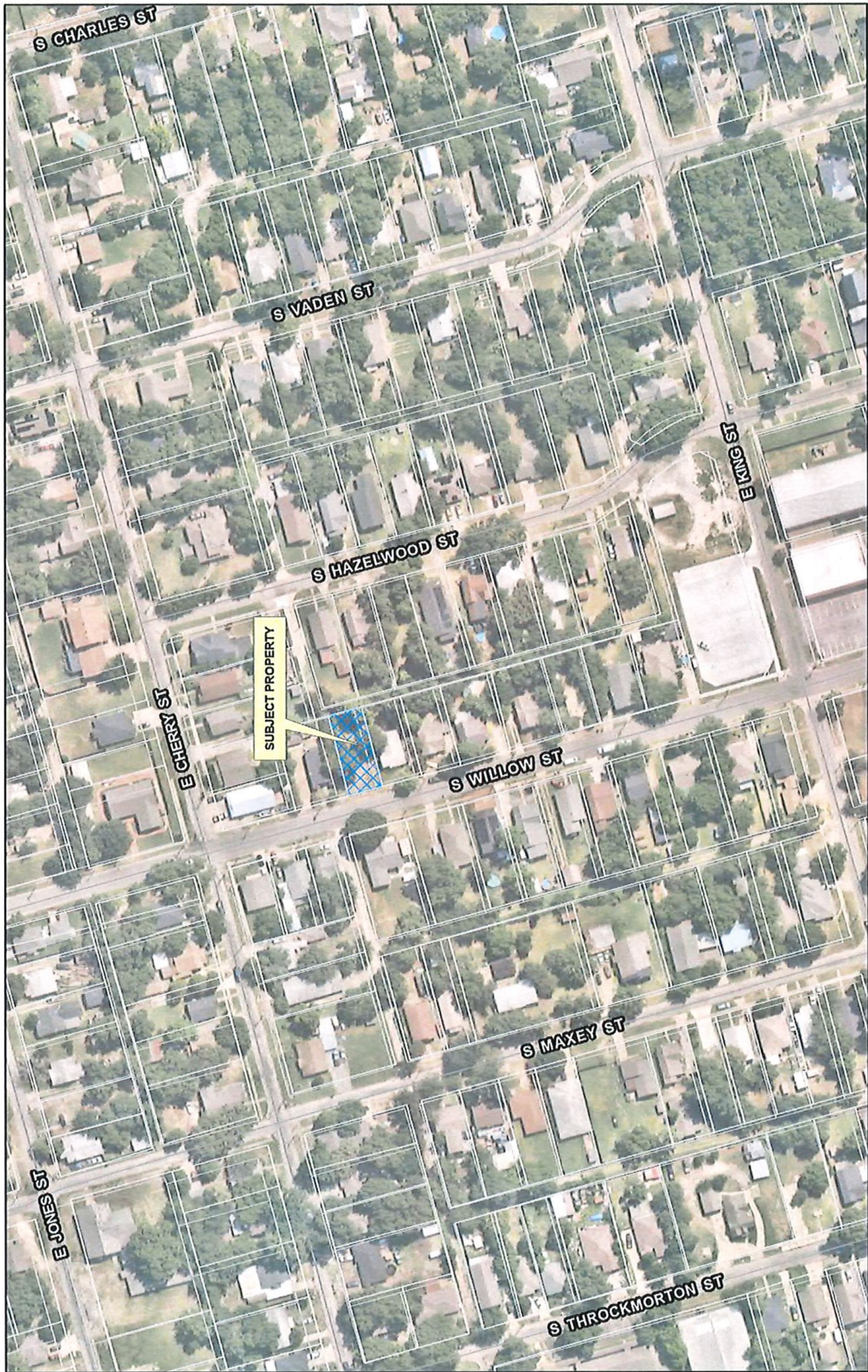
BY: 

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM:
THE LAW FIRM OF ABERNATHY,
ROEDER, BOYD & HULLETT, P.C.

BY: 

RYAN D. PITTMAN, CITY ATTORNEY

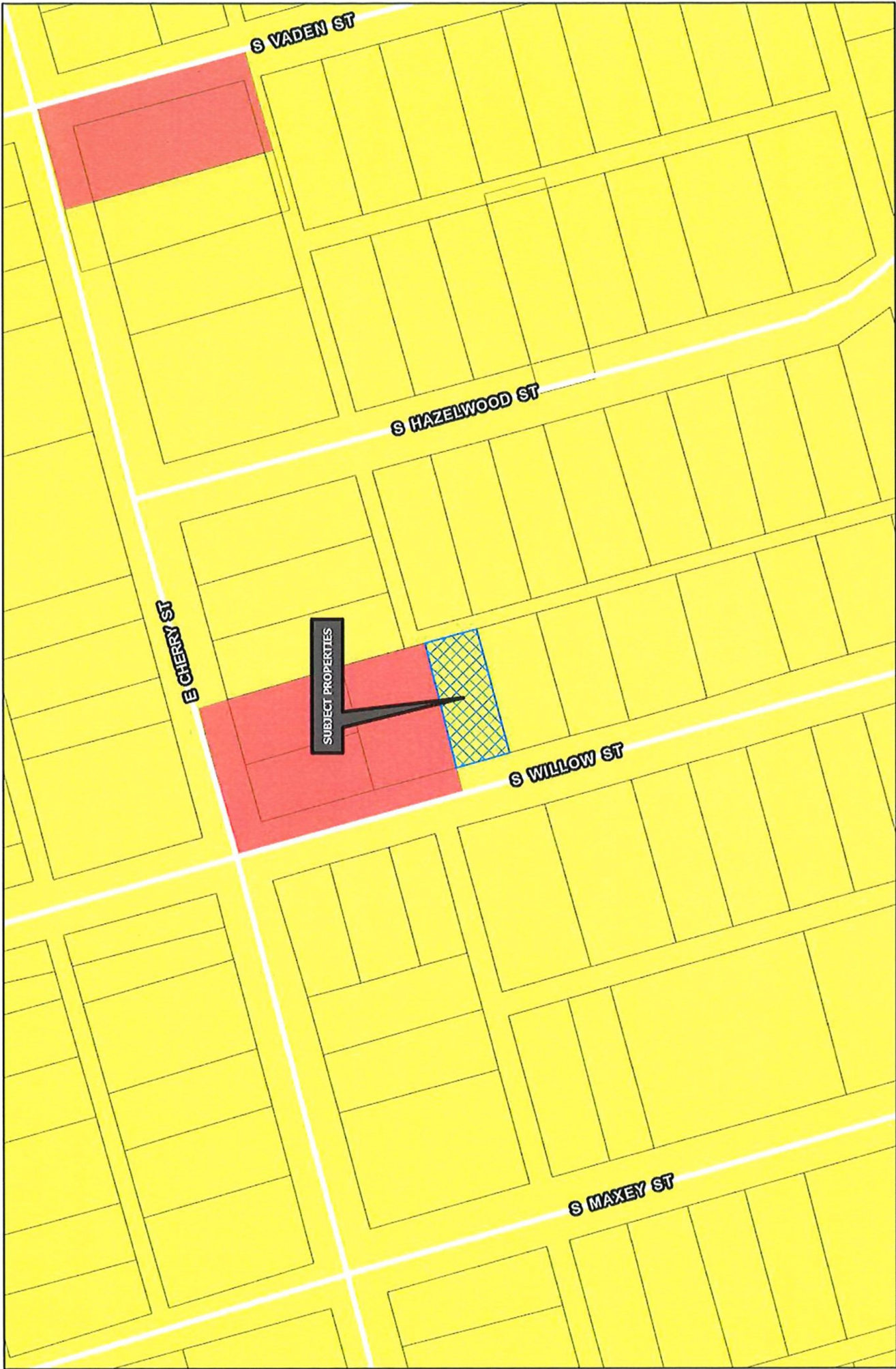


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CITY OF SHERMAN
LOCATION MAP
413 S WILLOW ST

Sherman
CLASSIC TOWN, BROAD HORIZON.

City of Sherman, Texas
Development Services Department



CITY OF SHERMAN
ZONING MAP
413 S WILLOW ST

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- | | |
|--|--------------------------------|
| | M-1.5 Medium Manufacturing |
| | M-2 Heavy Manufacturing |
| | PD Planned Development |
| | Road Names All |
| | Planning & Zoning |
| | MF-15 Multi-Family Residential |
| | MF-30 Multi-Family Residential |
| | MH Manufactured Housing |
| | C-N Neighborhood Commercial |
| | C-O Office |
| | C-1 Retail Business |
| | C-2 General Commercial |
| | R-A Residential Agricultural |
| | R-E Estate Residential |
| | R-12 Single Family Residential |
| | R-6 Single Family Residential |
| | R-5 Single Family Residential |
| | R-4 Patio Home Residential |
| | R-2F Duplex Residential |



Development Services
Department

CORE NEIGHBORHOOD

Intent & Character

The Core Neighborhood category is intended to protect and enhance the existing residential areas of Sherman. This area is generally located in the center of the city, east and west of US-75. A majority of the Core Neighborhood category encompasses what is known as east Sherman. This category encourages infill development that maintains the existing character, while increasing the aesthetic appeal of the community. In certain areas, an increase in density can be appropriate through the development of single-family attached products, like townhomes or quad-plexes.

Appropriate Land Use Types

- Single-family detached
- Single-family attached
- Local/neighborhood commercial and office
- Parks and open space
- Schools and civic uses

Compatible Zoning Districts

- Single-Family Residential (R-5, R-4, R-2F, and R-TH)
- Multi-Family Residential (MF-1S and MF-30)
- Manufactured Housing
- Retail Business
- Neighborhood Commercial

Considerations

- Infill that increases density should match the character of the surrounding structures.
- Small-scale commercial uses are appropriate along larger streets and should be compatible with the surrounding residential development.



**CITY OF SHERMAN
FUTURE LAND USE MAP
413 S WILLOW ST**

- Technology Hub
- Planning & Zoning
- Core Neighborhood
- Downtown
- Regional Commercial
- Suburban Neighborhood
- Agriculture/Rural
- Airport
- City Parkland
- Community Commercial



Development Services
Department



Add a Caption

 Look Up **Plant** >

Tuesday • Nov 28, 2023 • 11:30 AM

[Adjust](#)

 IMG_0538

Apple iPhone 15 Pro Max

HEIF 

Main Camera — 24 mm f1.78

24 MP • 4284 x 5712 • 9.7 MB

VIBRANT

ISO 80 | 24 mm | 0 ev | f1.78 | 1/2331 s



413 S Willow – Rezoning Narrative

The property is currently zoned R-6 (Single Family Residential) District and with the lot being 50X100, we would like to request a rezoning to an R-5 (Single Family Residential) District.

LEGEND OF SYMBOLS

- AC air conditioning unit
- ICV irrigation control valve
- EM electric meter
- X fence or guardrail
- FH fire hydrant
- AD area drain
- GI grate inlet
- GV gas valve
- GM gas meter
- SS sanitary sewer manhole
- SW storm water manhole
- TM telephone manhole
- TPED telephone pedestal
- UC utility clean out
- UVC comm. utility vault
- UVE elect. utility vault
- UVW water utility vault
- UP/SP utility/service pole
- WV water valve
- W well
- WM water meter
- CATV cable tv riser

SURVEYOR'S NOTES:

1. Bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83), distances are surface with a combined scale factor of 1.00012.
2. This property lies within Zone "X" of the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, map no. 48181C0290G, with an effective date of September 1, 2022, via scaled map location and graphic plotting.
3. Monuments are found unless specifically designated as set.
4. Building lines shown hereon are as shown on record plat. City regulations and setbacks may differ.

LEGEND OF ABBREVIATIONS

- P.R.G.C.T. PLAT RECORDS, GRAYSON COUNTY, TEXAS
- C.M. CONTROLLING MONUMENT
- ROW RIGHT OF WAY
- CRS CAPPED REBAR SET

PROPERTY DESCRIPTION

BEING a tract of land out of the G.B. Pilant Survey, Abstract Number 963, in the City of Sherman, Grayson County, Texas, and being that same tract of land described by deed to 468 E FM 120 House, LLC as recorded under Document Number 2023-16591, Official Public Records, Grayson County, Texas, the subject tract being more particularly described by metes and bounds as follows (bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83)):

BEGINNING at a 1/2 inch rebar with cap stamped, "GARTIN" found for the northwest corner of said 468 E FM 120 House tract and the herein described tract, from which a 1/2 inch rebar with cap stamped, "GARTIN" found for the southwest corner of a tract of land described by deed to Jesus E. Hernandez and Yovani F. Hernandez as recorded under Volume 2018, Page 25587, (O.P.R.G.C.T.), bears North 15 degrees 28 minutes 36 seconds West, a distance of 1.81 feet;

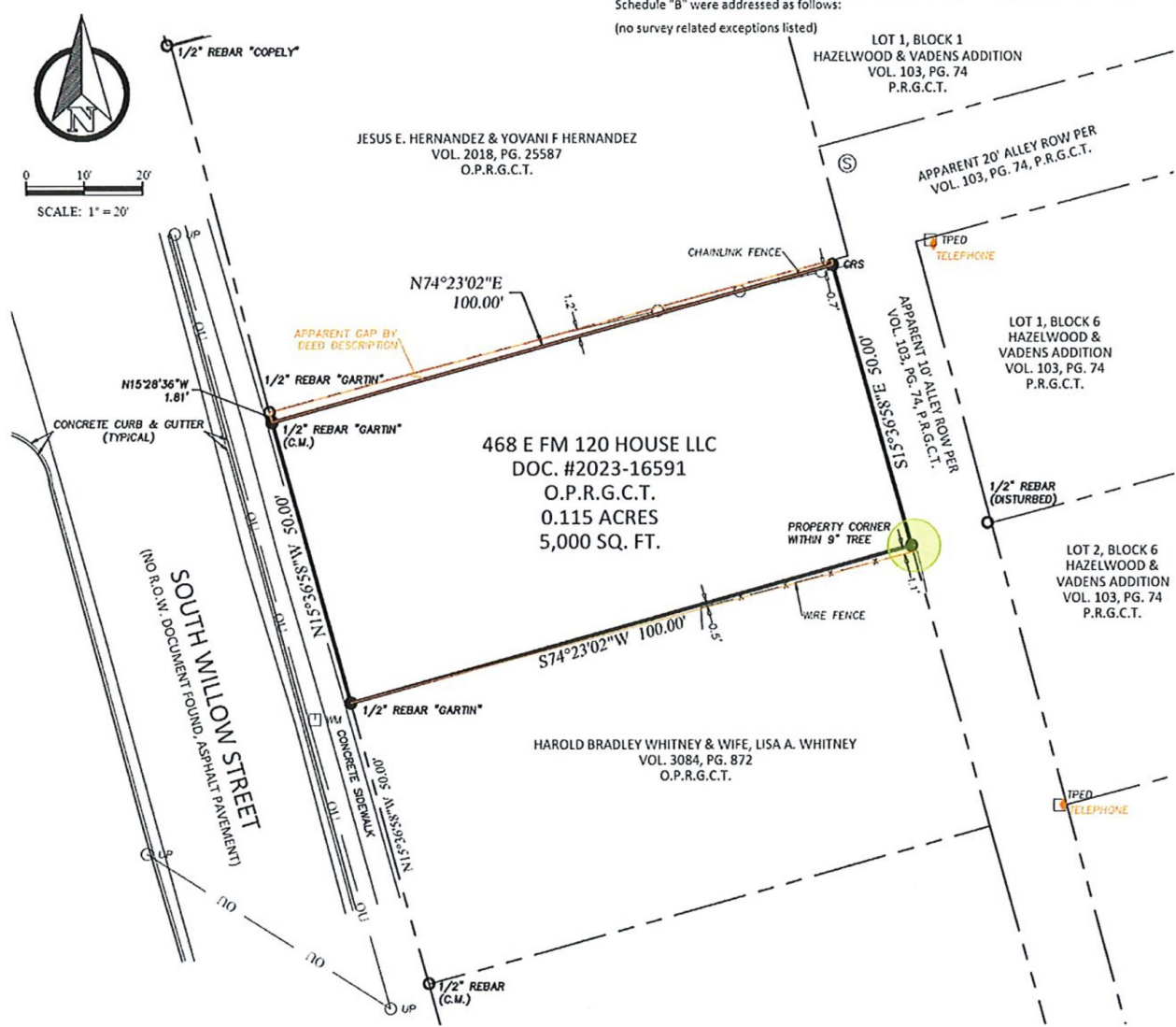
THENCE with the perimeter and to the corners of said 468 E FM 120 House tract, the following calls:

1. North 74 degrees 23 minutes 02 seconds East, a distance of 100.00 feet to a 1/2 inch rebar with pink cap stamped, "BARTON CHAPA" set (hereinafter called "capped rebar set");
2. South 15 degrees 36 minutes 58 seconds East, a distance of 50.00 feet to a point within a 9 inch tree;
3. South 74 degrees 23 minutes 02 seconds West, a distance of 100.00 feet to a 1/2 inch rebar with cap stamped, "GARTIN" found;
4. North 15 degrees 36 minutes 58 seconds West, a distance of 50.00 feet, returning to the **POINT OF BEGINNING** and enclosing 0.115 acres (5,000 square feet) of land, more or less.

TITLE COMMITMENT NOTES

This survey was prepared with the benefit of a commitment for title insurance provided by Texas Title Insurance Company, G.F. Number 0143439, Effective Date September 4, 2023. This commitment was relied upon for encumbrance research, and the surveyor has performed no independent title search. Therefore, easements, agreements, or other documents, either recorded, or unrecorded may exist that affect the subject property that are not shown on this survey. The following exceptions from Schedule "B" were addressed as follows:

(no survey related exceptions listed)



SURVEYOR'S CERTIFICATE

This is to certify that I, John H. Barton III, a Registered Professional Land Surveyor of the State of Texas, have prepared this map from an actual survey on the ground, and that this map correctly represents that survey made by me or under my direction and supervision. This survey meets the minimum requirements for a Category 1A, Condition II Land Title Survey. Fieldwork was completed on September 19, 2023.

Date of Plat/Map: September 20, 2023

John H. Barton III
John H. Barton III, RPLS# 6737



BARTON CHAPA SURVEYING

5200 State Highway 121
Colleyville, TX 76034
Phone: 817-864-1957
info@bcse.com
TBPLS Firm #10194474

CATEGORY 1A, CONDITION II LAND TITLE SURVEY

A TRACT SITUATED IN THE
G.B. PILANT SURVEY, ABSTRACT #963
CITY OF SHERMAN
GRAYSON COUNTY, TEXAS