

CITY OF CELINA, TEXAS

ORDINANCE NO. 2005- 30

AN ORDINANCE OF THE CITY OF CELINA, TEXAS, AMENDING ORDINANCE NO. 97-10 AS HERETOFORE AMENDED, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY DESIGNATING THE ZONING ON A CERTAIN TRACT OF LAND CONTAINING 84.18 ACRES, BEING MORE PARTICULARLY DESCRIBED AS A TRACT SITUATED IN THE I.C. WILLIAMSON SURVEY, ABSTRACT NO. 943 IN COLLIN COUNTY, TEXAS AND BEING PART OF AN 86.22 ACRE TRACT OF LAND THAT WAS CONVEYED TO ROBERT SHORT IN DEED RECORDED IN VOLUME 295, PAGE 61 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN, TO BE ZONED "PD" PLANNED DEVELOPMENT, HOOKER; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR ZONING DESIGNATION AND DEVELOPMENT STANDARDS; PROVIDING FOR APPLICABLE REGULATIONS; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE PLANNED DEVELOPMENT ZONING DISTRICT FOR THE SUBJECT PROPERTY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO PUBLIC HEALTH AND SAFETY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the tracts of land (the "Land"), described as part of an 86.22 acre tract of land, containing 84.18 acres, more specifically described in Exhibit "A" attached hereto and incorporated herein, filed an application with the City Planning and Zoning Commission requesting zoning of the Land to be "PD" Planned Development. Such application further requested an amendment to the official Zoning District Map of the City in accordance with Ordinance No. 97-10 of the City (the "Comprehensive Zoning Ordinance"); and

WHEREAS, all legal notices, requirements and conditions having been complied with, the case to zone the Land came before the Planning and Zoning commission; 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 Comprehensive Zoning Ordinance No. 97-10 as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before City Council at which the City Council considered, among other things, the character of the land and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and does hereby find that the zoning approved hereby accomplishes such objectives; and

WHEREAS, the City Council has determined that there is a necessity and need for the zoning designation and that the proposal is consistent with the Comprehensive Land Use Plan.

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

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City of Celina, Texas, and of the public health, safety and welfare.

SECTION 3
ZONING AND DEVELOPMENT STANDARDS

Ordinance No. 97-10 of the City of Celina, Texas, the same being the City's Comprehensive Zoning Ordinance, is hereby amended by designating the zoning on the Land, more particularly described in Exhibit "A", attached hereto and incorporated herein, as "PD" Planned Development, Hooker, for use in accordance with the requirements of this Ordinance and all other applicable ordinances, rules, and regulations of the City. Requirements of this Ordinance are more specifically described and set forth in the Development Standards included within Exhibit "B", which is attached hereto and incorporated herein for all purposes.

SECTION 4
APPLICABLE REGULATIONS

In all respects the Land shall be subject to the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances and regulations of the City, in accordance with the rules and guidelines set forth in Exhibit "B".

SECTION 5
ZONING MAP

The City Secretary is hereby directed to mark and indicate on the official Zoning District Map of the City the zoning designation herein made.

SECTION 6
CUMULATIVE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance.

SECTION 7
SAVINGS

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other Ordinance affecting regulations governing and regulating the zoning, platting, and subdivision of land which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances same shall not be affected by this Ordinance and may be prosecuted until final disposition by the courts.

SECTION 8
SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9
PENALTY

9.01 That any person violating any of the provisions of this Ordinance shall be deemed guilty of a Class C misdemeanor upon conviction and shall be fined, except as otherwise provided herein, in a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

9.02 That is the governing body of the City of Celina determines that a violation of this Ordinance creates a threat to the public safety, the City of Celina may bring suit in district court to enjoin the person, firm partnership, corporation, or association from engaging in the prohibited activity.

SECTION 10
PUBLICATION

The City Secretary of the City of Celina is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 11
ENGROSSMENT AND ENROLLMENT

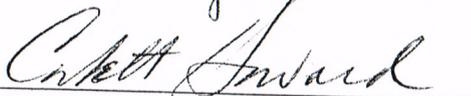
The City Secretary of the City of Celina is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the ordinance records of the City.

SECTION 12
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

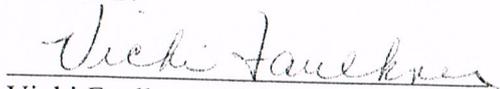
AND IT IS SO ORDAINED

PASSED AND APPROVED by the City Council of the City of Celina, Texas, this 14 day of June, 2005.



Corbett Howard, Mayor
City of Celina, Texas

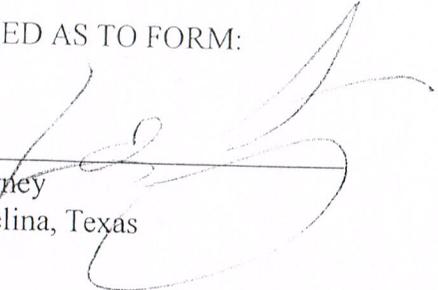
ATTEST:



Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

Exhibit A

SITUATED in the I.C. Williamson Survey, Abstract No. 943 in Collin County, Texas and being part of an 86.22 Acre tract of land that was conveyed to Robert Short in Deed recorded in Volume 295, Page 61 of the Deed Records of Collin County, Texas, being more particularly described by metes and bounds to wit:

BEGINNING at a Pipe found being the Southwest corner of said 86.22 Acre tract;
THENCE North 1 deg. 07 min. 25 sec. West with the West line of said tract, same being a fence 1928.42 feet to an Iron Pin found in the South R.O.W. Line of FM Hwy. 428;

THENCE North 88 deg. 43 min. East with said R.O.W. line 1128.12 feet to a Wooden R.O.W. Marker;

THENCE North 89 deg. 18 min. 25 sec. East with said R.O.W. Line 741.68 feet to an Iron Pin set in a Wooden R.O.W. Marker;

THENCE South 47 deg. 24 min. East 21.3 feet to an Iron Pin set;

THENCE North 89 deg. 18 min. 25 sec. East 20 feet to an Iron Pin set in the centerline of County Road 52;

THENCE South 1 deg. 07 min. 25 sec. East with said centerline 1902.40 feet to an Iron Pin found;

THENCE South 88 deg. 36 min. 51 sec. West 1905.19 feet to the place of beginning, containing 84.18 Acres.

Exhibit B

Zoning Submittal for

84.18 Acres

constituting

A Planned Development

in

Celina, Texas

Prepared For:

Mr. David Hooker

Box 4
Celina, TX 75009

Prepared By:

Huitt-Zollars, Inc.
3131 McKinney Avenue, Suite 600
Dallas, Texas 75204-2489

May 6, 2005

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Development Standards

1. **Concept Plan:**

Consistent with the intent of Section 20 (Planned Development District) of the City of Celina's Zoning Ordinance, Exhibit 5 (the "Concept Plan") identifies and locates the general location of proposed land uses and illustrates the potential integration of these land uses in a general commercial development. Development of the Property must generally be in accordance with the Concept Plan.

2. **Development Site Plan Requirements:**

- a. Within 45 days of the effective date of this ordinance and prior to submittal of a development site plan required for development within the district, four hundred feet of right-of-way for the tollway, as depicted in Exhibit 5, shall be dedicated to the County at no cost.
- b. Prior to submittal of an application for any development of the property, including but not limited to, submittal of any plat application, application to remove vegetation or otherwise grade property outside the right-of-way for the tollway, or application for a building permit or construction of utilities, a development site plan shall be first submitted and approved, addressing each of the following:
 1. A specific layout of the development (in phases), graphically listing and depicting all uses in each phase of the development in conformity with the approved concept plan;
 2. A lay-out of the internal and perimeter roads serving the development;
 3. A description of all development standards applicable to each use of the property for each phase;
 4. No development site plan shall be submitted for a period of 18 months from the effective date of this ordinance.
- c. The development site plan shall be approved by ordinance of the City Council, upon recommendation of the Planning and Zoning Commission, in conformity with the procedures of Section 20(C)(1) and (2) and Section 29 of Ordinance No. 97-10 (as amended) and other applicable sections.

3. Development Standards:

- a. The City ordinance pertaining to the development site plan shall specify the following types of standards for development within the district:
 - 1. Thoroughfare and/or railway overlay districts
 - 2. Land use mix and non-residential dispersion
 - 3. Lot coverage, including but not limited to
 - a. Building square footage
 - b. Impervious surface coverage
 - c. Maximum square footage restrictions
 - d. Floodplain preservation
 - e. Public open spaces
 - f. Pedestrian corridors
 - 4. Building size, orientation and massing
 - 5. Exterior design standards, including but not limited to
 - a. materials
 - b. architectural articulation
 - c. thematic design elements
 - d. screening of dumpsters & mechanical equipment
 - e. screening of loading areas
 - 6. Landscaping standards, including
 - a. Overall site landscaping
 - b. Landscaped edges along roadways
 - c. Parking lot landscaping
 - 7. Building setbacks along roadways designated on the Thoroughfare Plan
 - 8. Signage
 - 9. Lighting
 - 10. Screening
 - 11. Buffering, including transitions between land uses
 - 12. Parking and off-street loading
 - 13. Any standards or requirements as may be included in any overlay district.
- b. The standards specified shall be consistent with those in effect in the City at the time an application for a development site plan is submitted.
- c. None of the aforementioned standards shall be so restrictive as to have the effect of disallowing or otherwise limiting any allowable uses of the Property as enumerated in Exhibit 6.

4. Uses Permitted:

- a. Main Uses

The only uses allowed on the Property are those uses set forth in the land use table in Exhibit 6, which is attached hereto for all purposes.

b. Conditional Uses

Conditional uses allowed as a conditional use in the C-2 Commercial District, as specified in the City of Celina Zoning Ordinance No. 97-10, Section 16, are hereby allowed subject to the provisions of Section 6 of that Ordinance.

5. **Area Regulations**

a. Commercial Uses

The requirements regulating the minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings as pertains to this district shall conform to the provisions of Section 22, "Schedule of District Regulations", and other applicable provisions of Section 23, "Supplementary District Regulations" of the City of Celina Zoning Ordinance No. 97-10, except that the maximum height of buildings adjacent to the tollway may be two hundred (200) feet in height and the maximum height of buildings associated with office and/or hotel uses may be two hundred (200) feet. All other structures shall be a maximum of fifty (50) feet in height. Commercial uses shall conform to all development standards in effect at the time of platting.

b. Industrial Uses

The requirements regulating the minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings as pertains to this district shall conform to the provisions of Section 22, "Schedule of District Regulations", and other applicable provisions of Section 23, "Supplementary District Regulations" of the City of Celina Zoning Ordinance No. 97-10. The maximum height of buildings with Industrial uses shall be limited to 50 feet. Without requiring a variance per the September, 2000 version of Schedule 22: Schedule of District Regulations, the City Council, at its sole discretion, and on a case-by-case basis, may increase such maximum requirement to 120 feet. Industrial uses shall conform to all development standards in effect at the time of platting.

6. **Parking**

Parking regulations shall comply with Section 25 of the City of Celina Zoning Ordinance No. 97-10, as amended.

Except as otherwise amended herein, the provisions of the City of Celina Zoning Ordinance No. 97-10 as amended concerning "C-2" Commercial District remain in full force and effect and apply to the development of the Property.

Exhibits

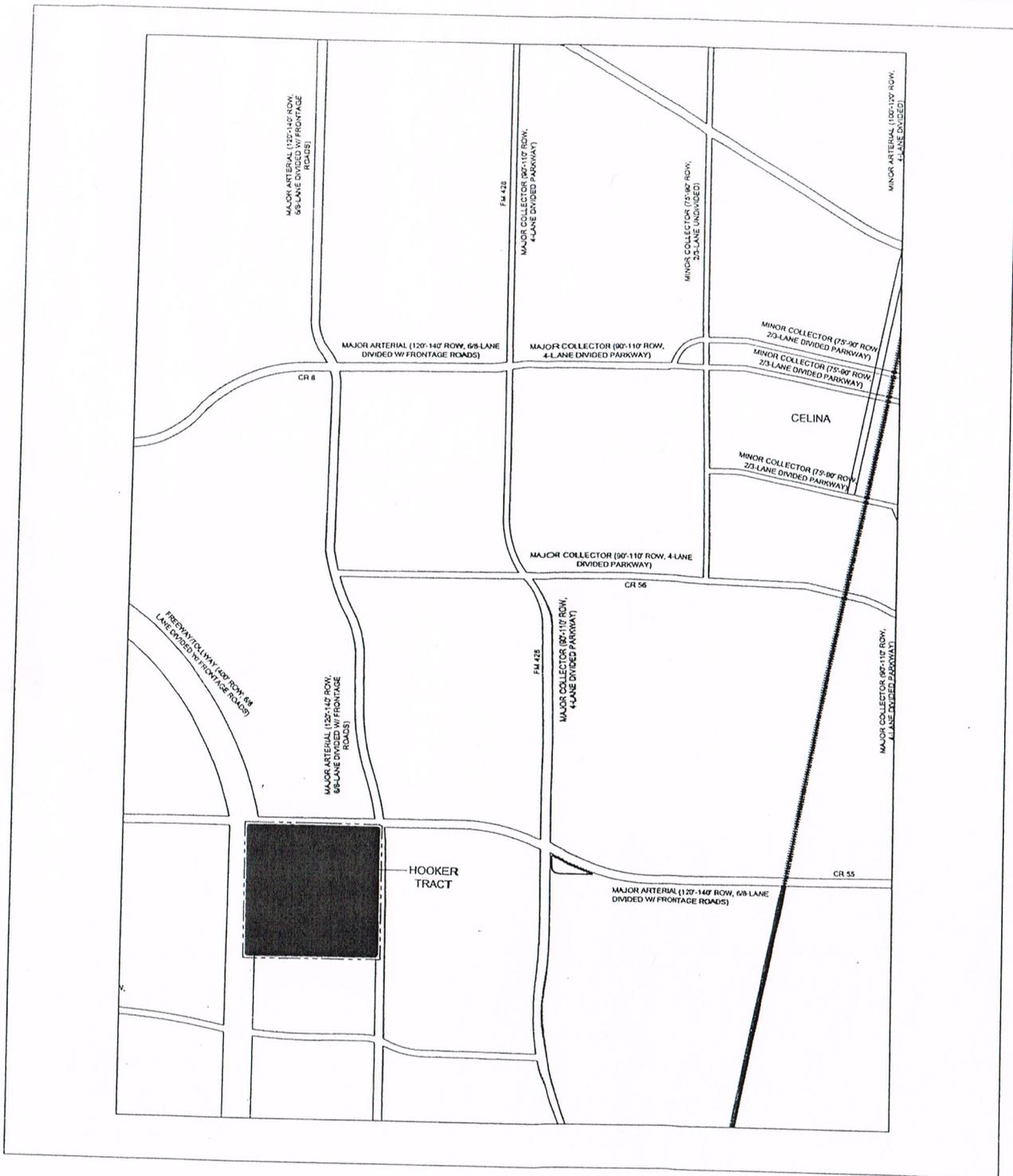


Exhibit 1 - Location Map

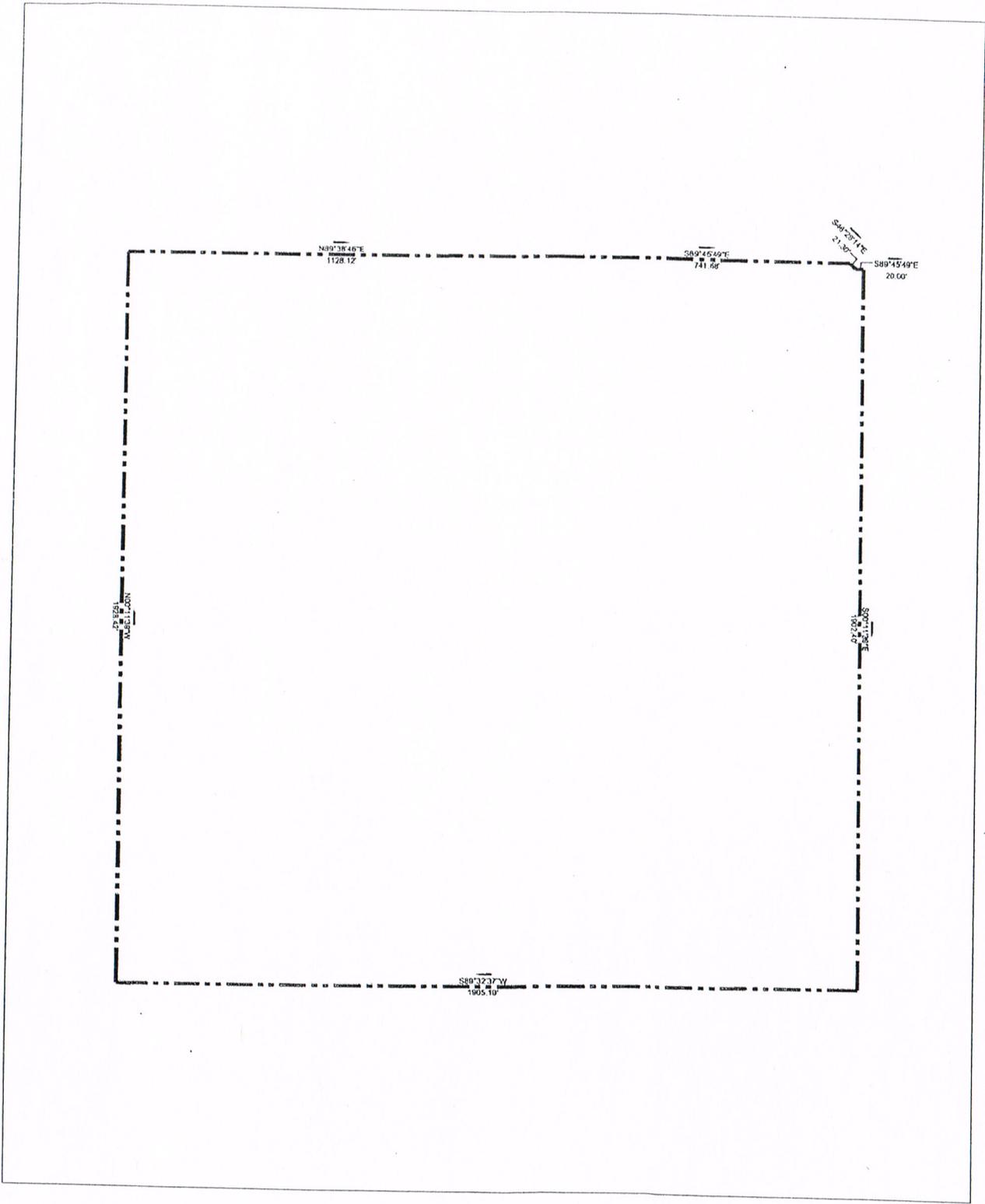


Exhibit 2 - Boundary Exhibit

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Exhibit 3 - Legal Description

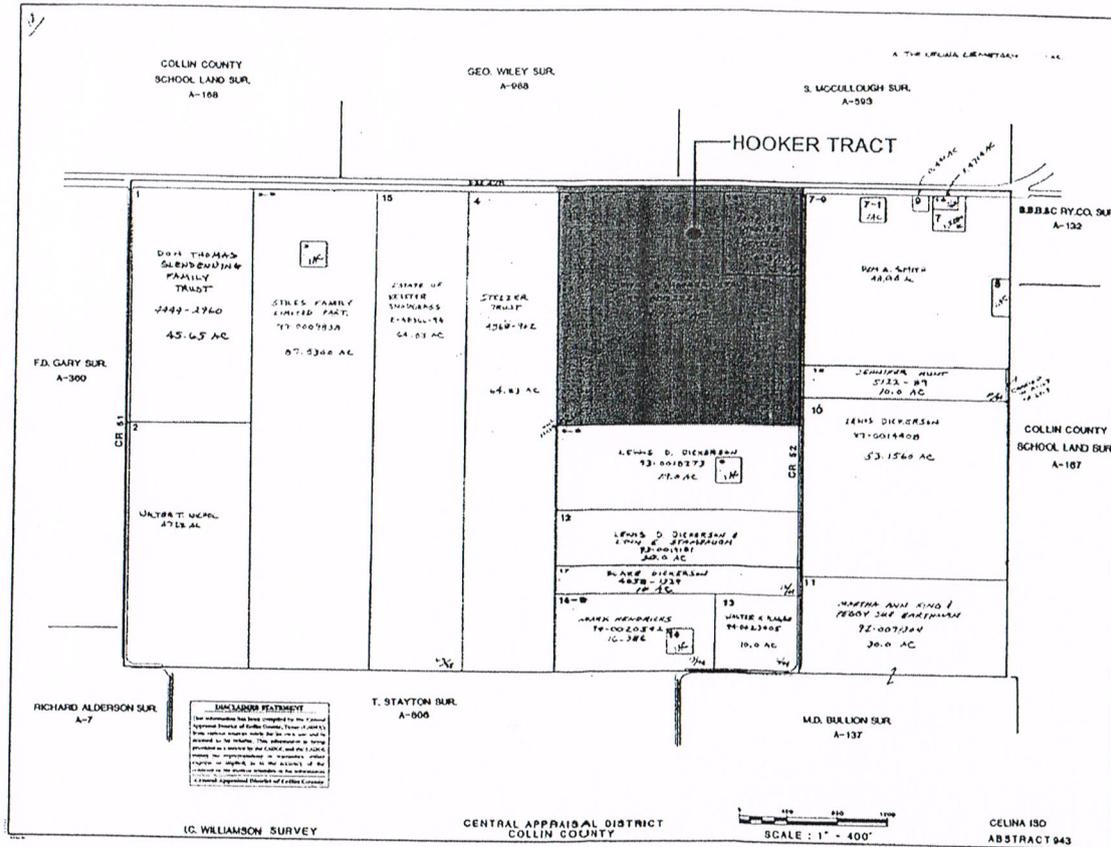


Exhibit 4 - Tax Map

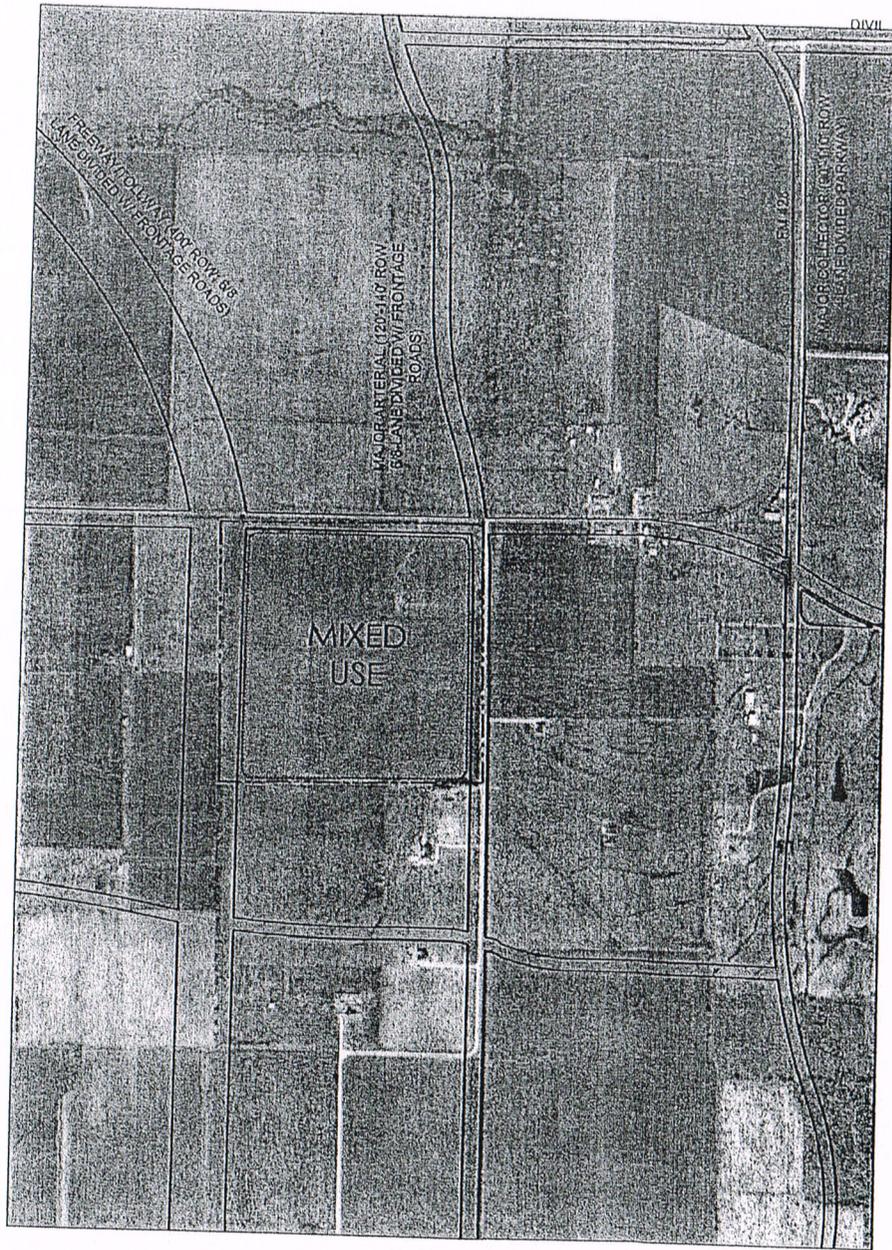


Exhibit 5 - Concept Plan

Exhibit 6 – Allowable Uses

OFFICE USES	
Armed Services Recruiting Center	P
Check Cashing Service	P
Credit Agency	P
Insurance Agency Offices	P
Offices (Brokerage Services)	P
Offices (Health Services)	P
Offices (Legal Services)	P
Offices (Medical Office)	P
Offices (Professional)	P
Offices (Parole-Probation)	P
Real Estate Offices	P
Telemarketing Agency	P
Bank	P
Savings and Loan	P
Security Monitoring Company (No Outside Storage)	P
P - Designates use permitted in District indicated	
C - Designates use may be approved as Conditional Use	

PERSONAL AND BUSINESS SERVICE USES	
Artist Studio	P
Ambulance Service (Private)	C
Automobile Driving School	C
Automatic Teller Machines (ATM's)	P
Barber Shop (Non-College)	P
Beauty Shop (Non-College)	P
Computer Sales	P
Credit Unions	P
Dance/Drama/Music Schools (Performing Arts)	P
Extended Stay Hotels / Motels (Residence Hotels)	C
Financial Services (Advice/Invest)	P
Hotel/Motel	P
Kiosk (Providing A Service)	P

**PERSONAL AND BUSINESS SERVICE USES
(cont.)**

Laundry/Dry Cleaning (Drop Off/Pick Up)	P
Locksmith	P
Photo Studio	P
Photocopying/Duplicating	P
Security Quarters as Associated with a Business (Live-In)	C
Shoe Repair	P
Studio for Radio or Television (without tower)	P
Tailor Shop	P
Travel Agency	P
P - Designates use permitted in District indicated	
C - Designates use may be approved as Conditional Use	

RETAIL USES

Art Dealer / Gallery	P
Auto Dealer (New)	C
Bakery (Retail)	P
Bike Sales and/or Repair	P
Bakery (Retail)	P
Bike Sales and/or Repair	P
Book Store	P
Cafeteria	P
Confectionery Store (Retail)	P
Consignment Shop	P
Convenience Store with or without gas sales	P
Department Store	P
Drapery Shop / Blind Shop	P
Florist	P
Food or Grocery Store	P
Furniture Sales (Indoor)	P
Garden Shop (Inside Storage)	P
Handicraft Shop	P
Hardware Store	P
Motorcycle Dealer (New)	C
Personal Watercraft Sales (New)	C
Needlework Shop	P
Outside Display of retail goods as accessory use only	P
Outside Storage as accessory use only	C
Pet Shop / Supplies	P

RETAIL USES (cont.)

Pharmacy	P
Plant Nursery (Retail Sales / outdoors)	C
Recycling Kiosk	C
Restaurant	P
Restaurant (Drive-In)	P
Retail Store (Misc.)	P
Security Systems Installation Company	P
Studio Tattoo or Body Piercing	C
Temporary Outdoor Retail Sales / Commercial Promotion	P
Upholstery Shop (Non-Auto)	P
Used merchandise; Furniture, Antique Shop Store	P
Vacuum Cleaner Sales and Repair	P
Veterinarian (Indoor Kennels)	P
P - Designates use permitted in District indicated	
C - Designates use may be approved as Conditional Use	

TRANSPORTATION AND AUTO SERVICE USES

Auto Financing & Leasing (Indoor)	P
Auto Repair as an Associated Use to Retail Sales	C
Car Wash (Self Service)	C
Full Service Car Wash (Detail Shop)	P
Limousine / Taxi Service	P
Public Garage / Parking Structure	P
Quick Lube/Oil Change/Minor Inspection	C
P - Designates use permitted in District indicated	
C - Designates use may be approved as Conditional Use	

AMUSEMENT AND RECREATION SERVICE USES

Amusement Devices/Arcade (Four or More Devices)	C
Amusement Services (Indoors)	C
Amusement Services (Outdoors)	C
Billiard / Pool Facility (Three or More Tables)	C
Bingo Facility	C
Bowling Center	C
Broadcast Station (with Tower)	C
Country Club (Private)	C

**AMUSEMENT AND RECREATION
SERVICE USES (cont.)**

Day Camp	C
Dinner Theatre	P
Driving Range	C
Earth Satellite Dish (Private, less than 3' in diameter)	P
Fair Ground	C
Golf Course (Miniature)	C
Golf Course (Public/Private)	C
Health Club (Physical Fitness)	P
Motion Picture Theater (Indoors)	P
Motion Picture Studio, Commercial Film	P
Museum	P
Park and/or Playground	P
Skating Rink	P
Swimming Pool (Public / Private)	P
Tennis Court (Lighted)	P
Tennis Court (Private / Not Lighted)	P
Theater (Non-Motion Picture)	P
Video Rental / Sales	P
P - Designates use permitted in District indicated	
C - Designates use may be approved as Conditional Use	

**INSTITUTIONAL AND
GOVERNMENTAL USES**

Antenna (Non-Commercial)	P
Assisted Living Facility	P
Child Day Care (Business)	P
Church/Place of Worship	P
Civic Club	P
Clinic (Medical)	P
Community Center (Municipal)	P
Electrical Generating Plant	C
Electrical Substation	C
Electrical Transmission Line	C
Emergency Care Clinic	P
Fire Station	P
Franchised Private Utility (not listed)	C
Fraternal Organization	P
Gas Transmission Line (Regulating Station)	C

INSTITUTIONAL AND GOVERNMENTAL USES (cont.)

Governmental Building (Municipal, State or Federal)	P
Group Day Care Home	P
Hospital (Acute care / Chronic Care)	P
Library (Public)	P
Mailing Service (Private)	P
Non-Profit Activities by Church	P
Nursing/Convalescent Home	P
Philanthropic organization	P
Phone Exchange/Switching Station	C
Police Station	P
Post Office (Governmental)	P
Radio/Television Tower (Commercial)	C
Rectory/Parsonage	P
Retirement Home/Home for the Aged	P
School, Driving/Defensive Driving	P
School, K through 12 (Private)	C
School, K through 12 (Public)	C
School, Vocational (Business/Commercial Trade)	P
Sewage Pumping Station	P
Utility Distribution Line	P
Water Supply Facility (Elevated Water Storage)	P
P - Designates use permitted in District indicated	
C - Designates use may be approved as Conditional Use	

COMMERCIAL AND WHOLESALE TRADE USES

Book Binding	P
Furniture Manufacture	C
Warehouse / Office	C
P - Designates use permitted in District indicated	
C - Designates use may be approved as Conditional Use	

MANUFACTURING AND INDUSTRIAL USES

Contractor's Office/Sales, No Outside Storage including Vehicles	C
Contractor's Temporary On-Site Construction Office	C
Electronic Assembly	C
Laboratory Equipment Manufacturing	C
Maintenance & Repair service for Buildings	C
Manufacturing or Assembly Processes other than Those Listed Elsewhere	C
Research Lab (Non-Hazardous)	C
P - Designates use permitted in District indicated	
C - Designates use may be approved as Conditional Use	