

CITY OF CELINA, TEXAS

**ORDINANCE 2016- 67
MAHARD ZONING - PD-73**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING ORDINANCE NO. 2006-57, AS HERETOFORE AMENDED, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY DESIGNATING THE ZONING OF LAND THAT IS AN APPROXIMATELY 10.00 ACRE TRACT OF LAND SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NUMBER 167, AND BEING PART OF A TRACT OF LAND CONVEYED TO GRAHAM S. STELZER AND WIFE DORIS STELZER DATED SEPTEMBER 15, 1961 RECORDED IN VOLUME 587, PAGE 146 DEED RECORDS, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED AT THE NORTHEAST CORNER OF FRONTIER PARKWAY AND THE BURLINGTON NORTHERN SANTA FE RAILROAD, COLLIN COUNTY, TEXAS; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT NO. 73;" PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF ZONING CLASSIFICATION; PROVIDING FOR ZONING DESIGNATION AND DEVELOPMENT STANDARDS; PROVIDING FOR REVISION OF ZONING MAP; PROVIDING FOR COMPLIANCE; 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 A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a home rule municipality located in Collin County, Texas created in accordance with the provisions of the Texas Local Government Code, The Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, Title 7 Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, the establishment of a zoning classification has been requested for the property more specifically described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the tract comprising the property has been depicted in detail in Exhibit "B" attached hereto; and incorporated herein; and

WHEREAS, the concept plan and development regulations set forth in Exhibit "C" and Exhibit "D" attached hereto and incorporated herein define the base zoning districts and provide for certain modifications to such district regulations.

WHEREAS, the City Council has considered, among other things, the character of the property and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and is in the interest of public health, safety, and welfare, and does hereby find that the requested zoning accomplishes such objectives and is consistent with the provisions of the 2030 Comprehensive Plan of the City of Celina; and

WHEREAS, the Planning and Zoning Commission of the City of Celina and the City Council of the City of Celina, in compliance with the laws of the State of Texas and the ordinances of the City of Celina, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that the zoning classification on the tract of land described herein should be changed and the zoning map so amended.

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 the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

SECTION 3
AMENDMENT OF ZONING CLASSIFICATION

That the zoning classification is hereby established as "PD" Planned Development District No. 73" on a certain tract of land described in in Exhibit "A" and depicted in Exhibits "B" and "C."

SECTION 4
ZONING DESIGNATION AND DEVELOPMENT STANDARDS

4.01 That Ordinance No. 2006-57 of the City of Celina, Texas, as heretofore amended, the same being the City's Comprehensive Zoning Ordinance, is hereby amended by designating the zoning on the land, depicted in Exhibit "A" attached hereto and incorporated herein, as "PD" Planned Development District No. 73.

4.02 This ordinance only regulates the uses allowed for the property identified above. All development and construction shall occur in accordance with the requirements of this ordinance; the concept plan set forth in Exhibit "C;" the development standards set forth in Exhibit "D" and all other applicable ordinances, rules, and regulations of the City.

SECTION 5
REVISION OF ZONING MAP

That the City Manager for the City of Celina is hereby directed to mark and indicate on the official Zoning District Map of the City the zoning change herein made.

SECTION 6
COMPLIANCE REQUIRED

That the property depicted on Exhibit "A" hereto shall be used only in the manner and for the purposes provided for in this ordinance and the Comprehensive Zoning Ordinance, of the City of Celina as amended.

SECTION 7
PENALTY

7.01 Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

7.02 If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, 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 8
CUMULATIVE REPEALER CLAUSE

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. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 9
SAVINGS CLAUSE

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 zoning regulation 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 but may be prosecuted until final disposition by the court.

SECTION 10
SEVERABILITY

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full

force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 11
PUBLICATION CLAUSE

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, and Effective Date of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage and publication as required by law.

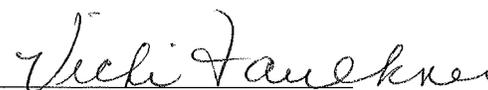
AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 11th day of October, 2016.



Sean Terry, Mayor
City of Celina, Texas

ATTEST:

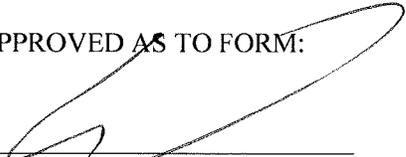


Vicki Faulkner, City Secretary
City of Celina, Texas



[SEAL]

APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

Exhibit A

Mahard 10 Acres – Legal Description

SITUATED in Collin County, Texas, in the Collin County School Land Survey No. 14, Abstract No. 167, and being a resurvey of part of the 81.68 Acres of Land described in a Deed from James K. Burns, et ux to Graham S. Stelzer and wife, Doris Stelzer dated September 15, 1961, recorded in Volume 587, Page 146 of the Collin County Deed Records, being described by metes and bounds as follows:

COMMENCING at an existing Iron Pin found at the Southeast corner of said 81.68 Acre tract in the center of an East-West paved road (formerly State Highway No. 289 (Preston Road), at the projection of an established fence from the North; Thence North 89 deg. 22 min. West 480.93 feet with the South line of said 81.68 Acre tract and with the center of said paved road to an Iron Pin found in said South line and road for the POINT OF BEGINNING;

THENCE North 89 deg. 22 min. West 428.0 feet with said South line and road leaving said paved road where same turns to the South and continuing with a rock road to a Railroad Spike set in the East R.O.W. Line of the Burlington Northern Railroad for a corner;

THENCE North 12 deg. 26 min. East with said East R.O.W. Line, passing a 1" Dia. By 6' long reinforcing steel rod set at 889.02 feet and hereby designated as point "A" and continuing in all 1277.41 feet to a point where said East R.O.W. line intersects the center of a small branch for a corner;

THENCE Southeasterly upstream with the center meanders of said branch as follows:

South 45 deg. 01 min. 47 sec. East 138.08 feet;

South 59 deg. 40 min. 15 sec. East 68.61 feet;

South 26 deg. 04 min. 50 sec. East 68.68 feet;

South 45 deg. 42 min. 33 sec. East 73.95 feet;

South 50 deg. 48 min. 39 sec. East 64.27 feet;

South 35 deg. 05 min. 13 sec. East 24.91 feet to a point for corner;

THENCE South 9 deg. 05 min. 13 sec. West passing an Iron Pin at 60 feet, passing a second Iron Pin at 907.67 feet and containing in all 957.67 feet to the place of beginning, containing 10.00 Acres.



4821 West Avenue, Suite 210
 Dallas, Texas 75241
 Phone: (972) 488-4900

DEVELOPER/OWNER



PROJECT NO.	1008021
SUBJECT	
CITY/STATE	
DATE	05-19-18
BY	

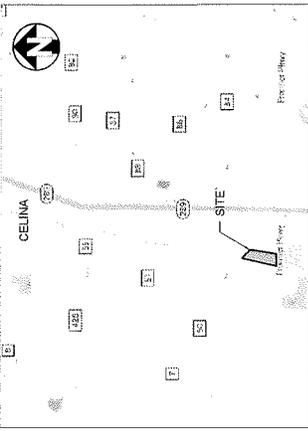
Kirkman Engineering, LLC
 Texas Firm No. 15874

MAHARD 10
 100 ACRES IN THE
 COLLIER COUNTY
 LAND BANK
 ABSTRACT NO. 0367
CITY OF CELINA
 COLLIER COUNTY,
 TEXAS

ZONING CASE: _____

**ZONING
 EXHIBIT B**

2 OF 2



**VICINITY MAP
 N.T.S.**

LAND USE SUMMARY:

ZONING GROSS ACREAGE	10.0 ACRES
ZONING NET ACREAGE	9.4 ACRES
PROPOSED LAND USE	LIGHT INDUSTRIAL

- GENERAL NOTES:**
1. THE PROPERTY IS CURRENTLY UNZONED AS IT IS IN CELINA'S EXTRA-TERRITORIAL JURISDICTION (E.T.J.). IT IS IN THE PROCESS OF BEING ANNEXED VOLUNTARILY INTO THE CITY OF CELINA.
 2. AT THIS TIME ALL PROPERTIES WITHIN 200 FEET OF THE ZONING BOUNDARY SHOWN ARE UNZONED.
 3. THE THROUGHFARE ALIGNMENTS SHOWN ON THIS PLAN ARE PROPOSED AND DO NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL THROUGHFARE ALIGNMENTS AND RIGHT-OF-WAY MOTIONS SHOWN ARE BASED ON EXISTING THROUGHFARE PLAN INFORMATION AND ARE SUBJECT TO CHANGE.



Exhibit "C"

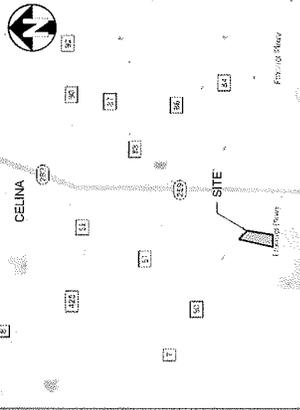
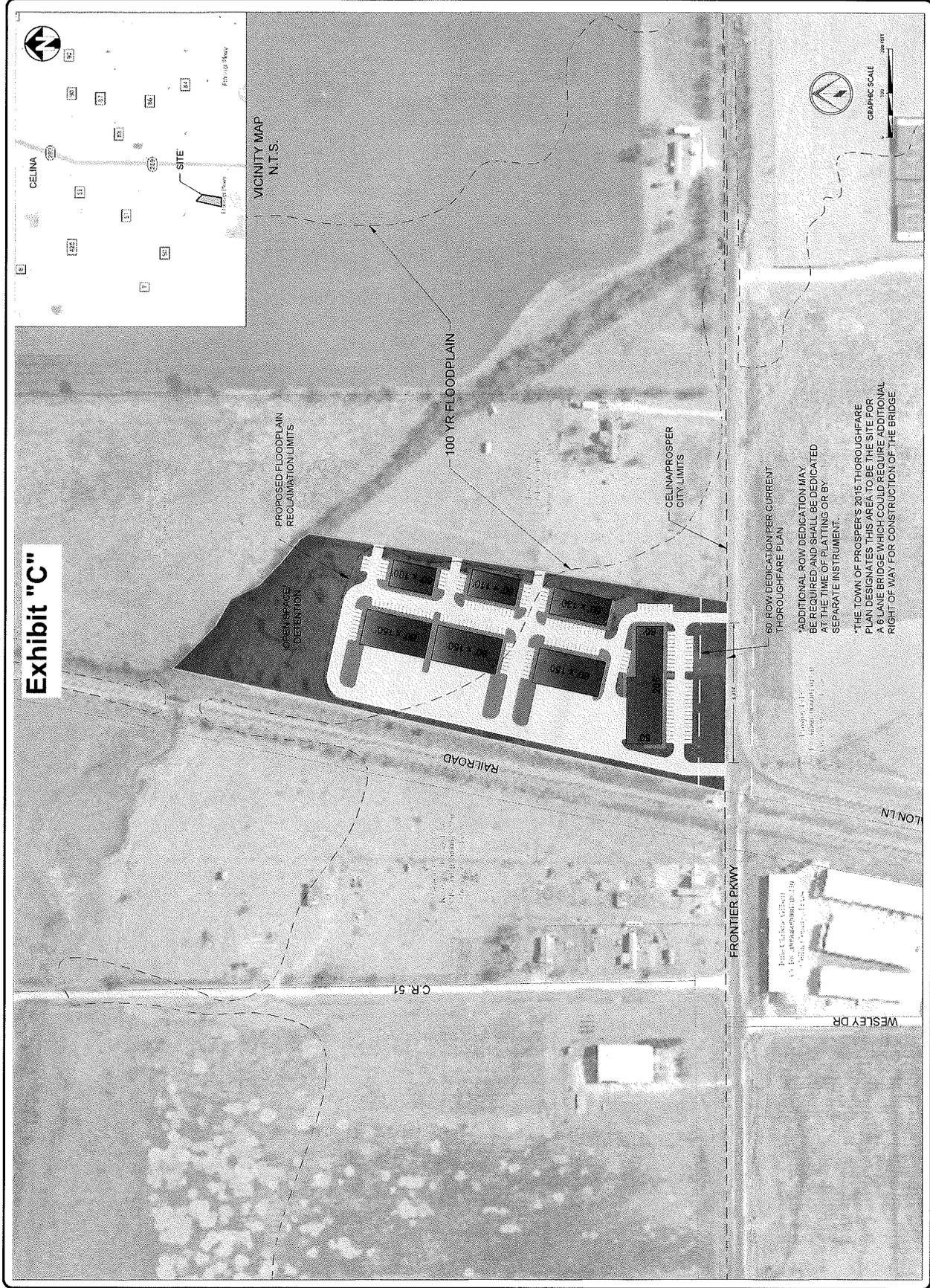


EXHIBIT D
PLANNED DEVELOPMENT DISTRICT STANDARDS

1.0 GENERAL CONDITIONS FOR PD:

- 1.1 Conformance to All Applicable Articles of the Celina Zoning Ordinance: Except as amended herein, this PD shall conform to any and all applicable articles and sections of the Zoning Ordinance as it presently exists or may be amended.

Approval of this PD ordinance does not change the non-conforming status of any existing structures currently located on the property.

- 1.2 Landscape Requirements: Landscaping shall conform to the provisions set forth in the Zoning Ordinance, as it exists or may be amended.

- 1.3 Screening Standards: All development within this PD District shall comply with the following minimum screening standards:

- Lots adjacent to the Railroad: No screening required
- Lots adjacent to Single Family: 6' masonry wall
- Lots adjacent to Commercial: 6' wood fence or 6' decorative metal fence
- Lots adjacent to Frontier Parkway: A 15' landscape buffer or 4' landscape berm with the following landscaping:
 - a. 1 Tree per 50' on center (3-inch minimum caliper)
 - b. 5 Shrubs (grouped or linear) per 50'
- Open Storage shall be in accordance with City standards for screening.

- 1.4 Property Owners Association: A Property Owners' Association will be established as the land is developed. The PD District shall contain one or multiple Property Owners' Associations.

- 1.5 Open Space: A minimum of 10% open space shall be provided. Private open space shall be maintained by the Property Owner Association. Open space includes areas used for facilities such as walks, plazas, courts, recreational amenities, detention/retention ponds, amenity centers, landscape buffers (including the 15' buffers adjacent to public rights-of-way), public or private parks, water features and other similar uses and features and all parking or loading areas and driveways associated with such uses. Detention/Retention areas must be amenitized on three sides with improvements. A sidewalk,

bench or pavilion constitutes an improvement. Open space includes any parcel of land or water (no minimum dimension) exclusive of public right-of-way, associated with all non-residential and residential developments that is generally provided to improve the microclimate and/or aesthetics of the site and that is not covered by buildings, structures, parking or loading areas and driveways (except for parking or loading areas and driveways associated with the open space uses or any principal or accessory use of such open space as described above in this section).

- 1.6 Street Parking and Loading Requirements: Off-Street Parking and Loading Requirements shall conform to the provisions of the Zoning Ordinance, as they exist or as amended from time to time. At a minimum, the cumulative parking requirement shall be 1 Space/450 square feet of building area for the entire site. In the event that the property needs more parking than what is shown on the Concept Plan, it shall comply with the City’s parking standards at that time, including landscaping and parking islands as found in Chapter 14.05 Division 3 of the Celina Code of Ordinances as it currently exists or may be amended.

Parking Requirements	
Use Type	Requirement
Office/Medical Office	1 Space/300sf
Dance, Gymnastics, Martial Arts, Indoor Batting Cages	1 Space/300sf
Retail	1 Space/200sf

- 1.7 Land Use Mix Limits: There is no land use mix within Light Industrial.

2.0 PD STANDARDS

LIGHT INDUSTRIAL

- 2.1 General Description: This PD shall allow uses which conform to the Use Regulations specified in the current Zoning Ordinance. The base zoning for this tract shall be the I-1, Light Industrial District as described in the current Zoning Ordinance except as otherwise herein modified.
- 2.2 Additional Permitted Uses: In addition to the I-1 uses defined in the current Zoning Ordinance, the following uses shall be allowed within this PD.
- a. Agricultural Uses: Agricultural uses whose products are grown primarily for home consumption, such as domestic gardening, berry

- or bush crops, tree crops, flower gardening, orchards and aviaries.
- b. Armed services recruiting center
 - c. Artist studio
 - d. Auto laundry or carwash
 - e. Auto supply store for new and rebuilt parts
 - f. Bakery or confectionery (retail)
 - g. Bank/credit unions
 - h. Child day care (business)
 - i. Church/place of worship
 - j. Community facility uses
 - k. Concrete or asphalt batching plant (temporary only and not within 200 feet of residential uses)
 - l. Convenience store (with or without gas sales)
 - m. Dance studio
 - n. Food or grocery store
 - o. Funeral home (no crematorium)
 - p. Garden shop (indoor/outdoor storage, outdoor storage shall be screened per City code and may not exceed 50% of the total gross floor area)
 - q. General retail store
 - r. Gymnastics Facility
 - s. Karate, martial arts studio
 - t. Laundry/dry cleaning (drop off/pick up)
 - u. Motorcycle sales and repair (without outdoor display)
 - v. Nursing/convalescent home
 - w. Offices (professional and general business)
 - x. Parking lot structure, commercial (auto)
 - y. Personal services shop
 - z. Pet and animal grooming shop
 - aa. Public and private parks
 - bb. Recreational and open space including but not limited to playgrounds, parkway, greenbelts, ponds and lakes, botanical gardens, pedestrian paths, bicycle paths, equestrian bridle trails, nature centers, bird and wildlife sanctuaries
 - cc. Retirement home/home for the aged
 - dd. Temporary structure for storage of building materials and equipment used for initial construction, when on the same or adjoining lot, for a period not to exceed the duration of the construction. This shall include temporary trailers for construction and sale/leasing activity. Building material storage will be allowed adjacent to temporary trailers or in a lot designated for storage during periods of construction only. Must be removed within 90 days of project completion.
 - ee. Theater or playhouse (indoor)

- ff. Veterinarian (indoor kennels)
- gg. Warehouse/office warehouse
- hh. Winery

2.3 Design Guidelines:

- a. Height Regulations: All development within this PD District shall comply with the height regulations as defined by the I-1, Light Industrial District.
- b. Area Regulations: All development within this PD District shall comply with the area regulations as defined by the I-1, Light Industrial District except as described below:
 - i. Minimum Front Yard: 50 feet.
All yards adjacent to a street shall be considered a front yard.
 - ii. Minimum Side Yard: 8 feet; or
15 feet when adjacent to a residential lot.
 - iii. Minimum Rear Yard: 15 feet.
- c. Exterior Construction and Design Requirements: The requirements for exterior construction materials shall conform to the provisions set forth in this PD, the City of Celina's Zoning Ordinance as it exists or may be amended.

For all non-residential buildings immediately adjacent to Frontier Parkway or visible from Frontier Parkway, the minimum masonry requirement shall be 100%. For all non-residential buildings facing or siding to the railroad or internal to the site, a minimum of 3 feet of masonry wainscoting will be required with metal, masonry,

hardiboard, stucco or a combination of those materials allowed for the balance of the structure excluding the roof.