

**CITY OF CELINA, TEXAS**

**ORDINANCE 2017-51  
MOORE TRACT PD – PD #85**

**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 14.778 ACRE TRACT OF LAND LOCATED IN THE L. LEWIS SURVEY, ABSTRACT NO. 532, CITY OF CELINA, 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 #85 WITH A BASE ZONING DESIGNATION OF R-O, RETAIL OFFICE; 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 and Denton 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, #85 on a certain tract of land described in in Exhibit "A" and depicted in Exhibit "B".

**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 #85.

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**

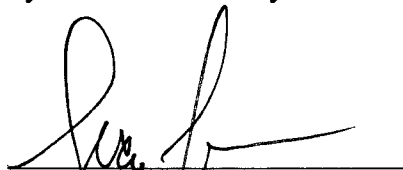
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

**SECTION 13**  
**EFFECTIVE DATE**

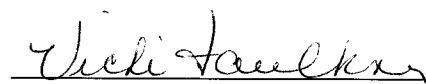
This Ordinance shall become effective from and after its date of passage and publication as required by law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Celina, Texas this 12<sup>th</sup> day of September, 2017.

  
\_\_\_\_\_  
Sean Terry, Mayor  
City of Celina, Texas

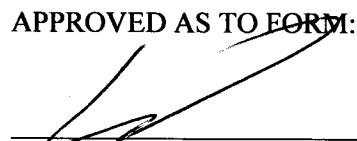
ATTEST:

  
\_\_\_\_\_  
Vicki Faulkner, City Secretary  
City of Celina, Texas



[SEAL]

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney  
City of Celina, Texas



## Proposed Planned Development Regulations

- (a) General purpose and description. This district is established to provide areas for retail sales and professional offices which are not part of an overall larger development. These retail and office buildings will be freestanding buildings, fully contained on a single lot or tract of land. The retail and office district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.
- (b) This Planned Development shall adhere to the R-O, Retail Office Zoning regulations as they exist or may be amended except for as follows:
- a. Area regulations.
- i. Size of lots.
1. Maximum lot size. There shall be no maximum lot size.
- (c) Building size for nonresidential structures. There shall not be a maximum footprint area.
- (d) Screening. A six foot masonry wall is required to be constructed on the eastern property boundary as each lot shown on the Concept Plan in this Planned Development is developed.
- (e) Permitted (P) or conditional (C) uses:

Armed services recruiting center	P
General retail store	P
Artist studio	P
Kiosk (providing a service), only with main use	P
Auto laundry or carwash	P
Laundry/dry cleaning (drop off/pick up)	P
Auto supply store for new & rebuilt parts	P
Motorcycle sales and repair	C
Bakery or confectionery (retail)	P
Nursing/convalescent home	C
Bank/credit unions	P
Offices (professional and general business)	P
Child day care (business)	C
Parking lot structure, commercial (auto)	P
Church/place of worship	P
Personal services shop	P
Concrete or asphalt batching plant (temporary)	C
Pet and animal grooming shop	P

Convenience store (with beer and wine sales)	P
Recycling kiosk	P
Convenience store (with or without gas sales)	P
Restaurant (with drive-through service)	P
Farmers market (public)	C
Restaurant (with no drive-through service)	P
Food or grocery store	P
Retirement home/home for the aged	P
Theater or playhouse (indoor)	P
Funeral home (no crematorium)	C
Veterinarian (indoor kennels)	P
Garden shop (inside storage)	P

## EXHIBIT "A"

### DESCRIPTION OF PROPERTY

DESCRIPTION, of a 14.778 acre tract of land situated in the L. Lewis Survey, Abstract No. 532, Collin County, Texas; said tract being part of that certain tract of land described in Warranty Deed to Jack Moore Et Al recorded in Volume 332, Page 345 of the Deed Records of Collin County, Texas and part of that certain tract of land described in Deed to State of Texas recorded in Volume 637, Page 226 of the said Deed Records; said 14.778 acre tract being more particularly described as follows:

BEGINNING, at a point at the intersection of the centerline of Preston Road and the centerline of County Road No. 83; said point also being the southwest corner of that certain tract of land described in Right Of Way Warranty Deed to City of Celina recorded in County Clerk's File No. 20170227000254710 of the said Deed Records;

THENCE, North 89 degrees, 21 minutes, 41 seconds East, along the centerline of said County Road No. 83 and the south line of said City of Celina tract, a distance of 428.87 feet to a point for corner;

THENCE, South 00 degrees, 32 minutes, 08 seconds East, departing the centerline of said County Road No. 83 and the said south line of City of Celina tract, a distance of 310.00 feet to a point for corner;

THENCE, South 89 degrees, 21 minutes, 41 seconds West, a distance of 50.00 feet to a re-entrant corner;

THENCE, South 00 degrees, 32 minutes, 08 seconds East, a distance of 527.40 feet to an ell corner;

THENCE, North 89 degrees, 27 minutes, 52 seconds East, a distance of 125.46 feet to a point for corner;

THENCE, South 00 degrees, 32 minutes, 08 seconds East, a distance of 599.28 feet to a point for corner in the north line of that certain tract of land described in Special Warranty Deed With Vendor's Lien to Roberta Kathleen Webster recorded in Volume 5419, Page 2461 of the said Deed Records;

THENCE, in a westerly direction, along the said north line Webster tract, the following two (2) calls:

South 89 degrees, 38 minutes, 27 seconds West, a distance of 193.59 feet to a 60D nail found at an angle point;

South 89 degrees 12 minutes 14 seconds West, at a distance of 234.55 feet passing the northwest corner of said Webster tract and the east line of said State of Texas tract,



continuing in all a total distance of 319.96 feet to a point for corner in the centerline of said Preston Road; said point also being in the west line of said State of Texas tract;

THENCE, in a northerly direction, along the centerline of said Preston Road and said west line of State of Texas tract, the following two (2) calls:

North 00 degrees, 19 minutes, 30 seconds West, a distance of 1187.10 feet to an angle point;

North 00 degrees, 40 minutes, 58 seconds East, a distance of 229.82 feet to an angle point; said point also being the northwest corner of said State of Texas tract;

THENCE, North 00 degrees, 38 minutes, 19 seconds West, continuing along the centerline of said Preston Road, a distance of 20.00 feet to the POINT OF BEGINNING;

CONTAINING, 643,749 square feet or 14.778 acres of land, more or less.