

CITY OF CELINA, TEXAS

ORDINANCE 2018-04

Burnco Planned Development #90

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 18.74 ACRE TRACT OF LAND SIUTED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 167; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT #90; 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, #84 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 “B” attached hereto and incorporated herein, as “PD” Planned Development District #90.

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

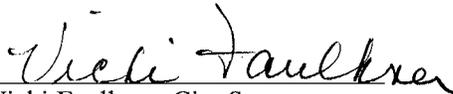
This Ordinance shall become effective from and after its date of passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 9th day of January, 2018.


Sean Terry, Mayor
City of Celina, Texas

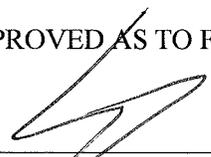
ATTEST:


Vicki Faulkner, City Secretary
City of Celina, Texas



[SEAL]

APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

Exhibit "A" Property Description

STATE OF TEXAS)
COUNTY OF COLLIN)

WHEREAS: TRICYCLE LANE TEXAS, LLC, A TEXAS LIMITED LIABILITY COMPANY, IS THE OWNER OF THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN COLLIN COUNTY, TEXAS, A PART OF THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 167, AND BEING OUT OF AND A PART OF THAT CERTAIN TRACT SAID TO CONTAIN 49.616 ACRES AS DESCRIBED IN A DEED TO DREWRY INVESTMENTS LLC, RECORDED UNDER CLERK'S DOCUMENT NO. 20150511000343490, SAID TRACT OR PARCEL OF LAND MORE PARTICULARLY BEING AND INCLUDING ALL THAT CERTAIN 18.74 ACRE TRACT DESCRIBED IN A DEED RECORDED UNDER CLERK'S DOCUMENT NO. 20170306000289870, SAID TRACT IS HEREIN DESCRIBED AS FOLLOWS: TO WIT:

BEGINNING AT AN ONE-HALF INCH IRON ROD FOUND IN COUNTY ROAD NO. 53 FOR THE SOUTHEAST CORNER OF SAID 49.616 ACRE TRACT AND THE SOUTHEAST CORNER OF THE PREMISES HEREIN DESCRIBED, SAID CORNER BEING THE NORTHEAST CORNER OF A RECORD ONE ACRE TRACT DESCRIBED IN A DEED TO H.W. STONE RECORDED IN VOLUME 5812, PAGE 3638 OF THE COLLIN COUNTY DEED RECORDS;

THENCE SOUTH 89 DEGREES 38 MINUTES 56 SECONDS WEST 1542.09 FEET TO AN ONE-HALF INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID 49.616 ACRE TRACT FOR THE SOUTHWEST CORNER HEREOF, SAID CORNER BEING ON THE EAST LINE OF A 37.00 ACRE TRACT DESCRIBED IN A DEED TO CELINA TORK LTD RECORDED UNDER CLERK'S DOCUMENT NO. 2007-210230;

THENCE ALONG THE WEST LINE OF SAID 49.616 ACRE TRACT, COMMON WITH THE EAST LINE OF SAID 37.00 ACRE TRACT, NORTH 00 DEGREES 52 MINUTES 29 SECONDS WEST 157.41 FEET TO A 5/8 INCH IRON ROD FOUND WITH CAP MARKED "LAMBSTAR" (HEREINAFTER CALLED 5/8 INCH IRON ROD FOUND) ON THE FUTURE SOUTH RIGHT-OF-WAY LINE OF THE COLLIN COUNTY OUTER LOOP FOR THE NORTHWEST CORNER HEREOF;

THENCE WITH SAID FUTURE SOUTH RIGHT-OF-WAY LINE, NORTH 63 DEGREES 26 MINUTES 18 SECONDS EAST 715.01 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT SUBTENDED BY AN ANGLE OF 6 DEGREES 22 MINUTES 50 SECONDS AND A RADIUS OF 3713.94 FEET (WITH A CHORD THAT BEARS NORTH 69 DEGREES 36 MINUTES 07 SECONDS EAST 413.38 FEET) AN ARC LENGTH OF 413.59 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 53 DEGREES 45 MINUTES 09 SECONDS EAST 104.81 FEET TO AN ONE-HALF INCH IRON ROD SET WITH CAP MARKED "J.E. SMITH 3700" (HEREINAFTER CALLED ONE-HALF INCH IRON ROD SET) FOR CORNER;

THENCE ALONG A CURVE TO THE RIGHT SUBTENDED BY AN ANGLE OF 3 DEGREES 01 MINUTE 40 SECONDS AND A RADIUS OF 3749.44 FEET (WITH A CHORD THAT BEARS NORTH 75 DEGREES 49 MINUTES 12 SECONDS EAST 198.12 FEET) AN ARC LENGTH OF 198.14 FEET TO AN ONE-HALF INCH IRON ROD SET FOR CORNER;

THENCE NORTH 84 DEGREES 31 MINUTES 19 SECONDS EAST 276.43 FEET TO AN ONE-HALF INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 51 DEGREES 02 MINUTES 22 SECONDS EAST 35.69 FEET TO A CAPPED 5/8 INCH IRON ROD FOUND FOR CORNER;

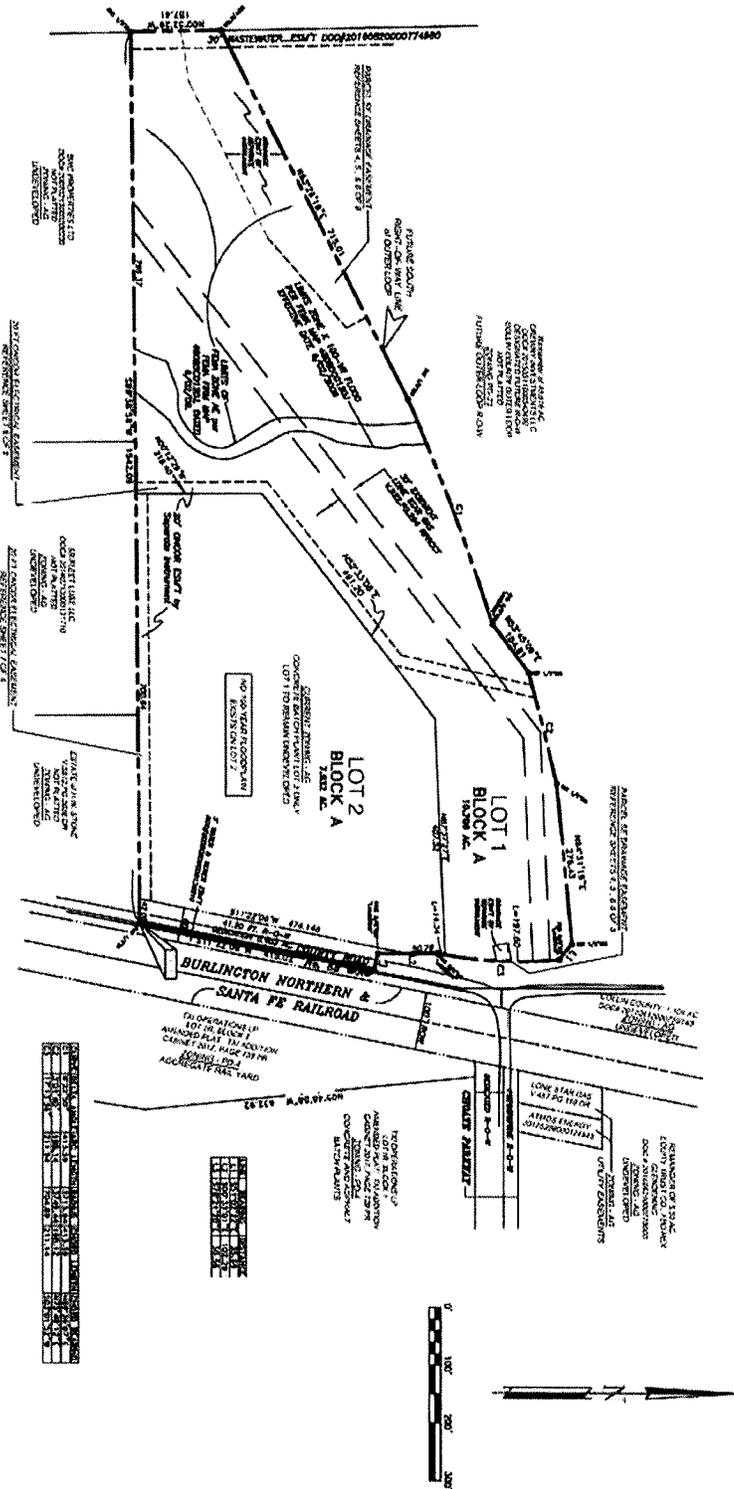
THENCE ALONG A CURVE CONCAVE TO THE WEST SUBTENDED BY AN ANGLE OF 17 DEGREES 13 MINUTES 36 SECONDS AND A RADIUS OF 704.89 FEET (WITH A CHORD THAT BEARS SOUTH 03 DEGREES 01 MINUTE 52 SECONDS WEST 211.14 FEET) AN ARC LENGTH OF 211.94 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER;

THENCE SOUTH 00 DEGREES 33 MINUTES 01 SECONDS EAST 102.29 FEET TO A CAPPED 5/8 INCH IRON ROD FOUND ON THE WEST SIDE OF COUNTY ROAD NO. 53 FOR A RE-ENTRANT CORNER HEREOF;

THENCE SOUTH 78 DEGREES 21 MINUTES 20 SECONDS EAST 30.56 FEET TO AN ONE-HALF INCH IRON ROD SET IN SAID COUNTY ROAD NO. 53 ON THE EAST LINE OF SAID 49.616 ACRE TRACT FOR THE SOUTHEAST CORNER OF SAID "FUTURE RIGHT-OF-WAY", SAID CORNER BEING EXTERIOR ELL CORNER HEREOF;

THENCE WITH SAID ROAD AND ALONG THE EAST LINE OF SAID 49.616 ACRE TRACT, SOUTH 11 DEGREES 22 MINUTES 06 SECONDS WEST A DISTANCE OF 415.02 FEET TO THE PLACE OF BEGINNING AND CONTAINING 18.74 ACRES (816334 SQUARE FEET) OF LAND.

Exhibit "B"



PD Development Regulations for Burnco

District Regulations

It is the intent of this ordinance that all uses permitted by the planned development conform to the applicable City of Celina development guidelines as they exist at the time of development.

The Base zoning district shall be HI, Heavy Industrial Zoning Districts. Any development standards not amended by this PD shall revert back to the City's Code of Ordinances.

Uses

In Addition to the allowed uses within the HI, Heavy Industrial Zoning District the following uses shall also be allowed.

Light Manufacturing

Concrete of asphalt batching plant (temporary)	Permitted
Concrete or asphalt batching plant (permanent)	Permitted

Design Standards

(c) Height regulations.

- (1) Main building(s). 45 feet/three stories.
- (2) Accessory building(s). 25 feet/one story.
- (3) Material storage. The onsite storage of materials shall not exceed 45 feet in height.
- (4) Other. Refer to article 14.05, development standards and use regulations, for other regulations.

(d) Area regulations.

- (1) Size of lot.
 - (A) Minimum lot area. None.
 - (B) Minimum lot width. 100 feet.
 - (C) Minimum lot depth. 200 feet.
- (2) Size of yards.
 - (A) Minimum front yard. 50 feet; all yards adjacent to a street shall be considered a front yard. See divisions 2 through 6 of article 14.05 for any additional setback requirements.

(B) Minimum side yard. 30 feet; 30 feet adjacent to a public street or residential lot.

(C) Minimum rear yard. 30 feet.

(D) Adjacent to a single-family district. Any nonresidential use that is over one story in height and that is located adjacent to (and not across a right-of-way from) any single-family zoning district shall be set back from the applicable property line by 50 feet.

(E) This subsection shall also apply to accessory structures.

(3) Minimum open space requirement. 15% of the total lot area.

(4) Maximum impervious surface. 85% of the total lot area, including main buildings, accessory buildings, parking lots, and loading areas.

(e) Parking requirements. Refer to article 14.05, division 2.

(f) Landscaping requirements. In addition to the requirements found within article 14.05, division 3 the following requirements shall also apply:

(1) Landscape Buffer Required: There shall be a minimum 100 ft landscape buffer along County Road 53.

(g) Accessory buildings.

(1) There may be a maximum of three (3) accessory buildings per lot.

(2) Accessory buildings shall have a minimum of 4 feet of masonry wainscoting around the perimeter of the structure.

(h) Special requirements.

(1) Temporary facilities or structures. Recreational vehicles, manufactured homes, travel trailers, motor homes or other nonpermanent structures, shall not be allowed.

(2) Open storage. Open storage shall not be located in front of or on top of the building, shall not be located facing any street, and must be screened in accordance with the provisions of article 14.05, division 4. Storage must not be visible from any public street or adjacent property. Open storage shall comply with article 14.05, division 6.