

**CITY OF CELINA, TEXAS**

**ORDINANCE 2017-28**

**STALEY PD 81**

**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 14.471 ACRE TRACT OF LAND SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY NO. 14, ABSTRACT NO. 167 CITY OF CELINA, COLLIN COUNTY, TEXAS AND HALF OF ADJACENT RIGHT-OF-WAY; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED PLANNED DEVELOPMENT 81, WITH A BASE ZONING OF I-1, LIGHT INDUSTRIAL. 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 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 81" with a base zoning of I-1, Light Industrial, 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 "Planned Development 81" with a base zoning district of I-1, Light Industrial.

**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**

- (a) That the property described on Exhibit "A", and depicted on Exhibit "B" 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.
- (b) That the property shall be subject to those development regulations set forth on Exhibit C and the base zoning regulations of the I-1, Light Industrial District.

**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 regulations 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**

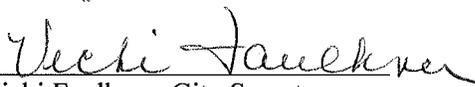
This Ordinance shall become effective from and after its date of passage and publication as required by law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Celina, Texas this 13<sup>th</sup> day of June, 2017.

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

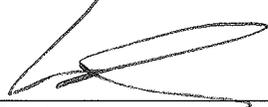
ATTEST:

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

[SEAL]



APPROVED AS TO FORM:

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

**EXHIBIT "A"**  
**Legal Description**

BEING a tract of land situated in Collin County, Texas, a part of the Collin County School Land Survey, Abstract No. 170, and being a portion of the 8.1548 acre tract of land described by the Deed recorded in Volume 1213, Page 638, of the Collin County Land Records, and being more particularly described as follows:

BEGINNING at a found ½ inch iron rod at the southwest corner of the beforementioned 8.1548 acre tract, said iron rod being located in the east line of Spur Highway 289 North;

THENCE north 00 degrees, 29 minutes, 51 seconds, east with the west line of the 8.1548 acre tract and the east line of Highway 289 for a distance of 280.42 feet to a found ½ inch iron rod for corner;

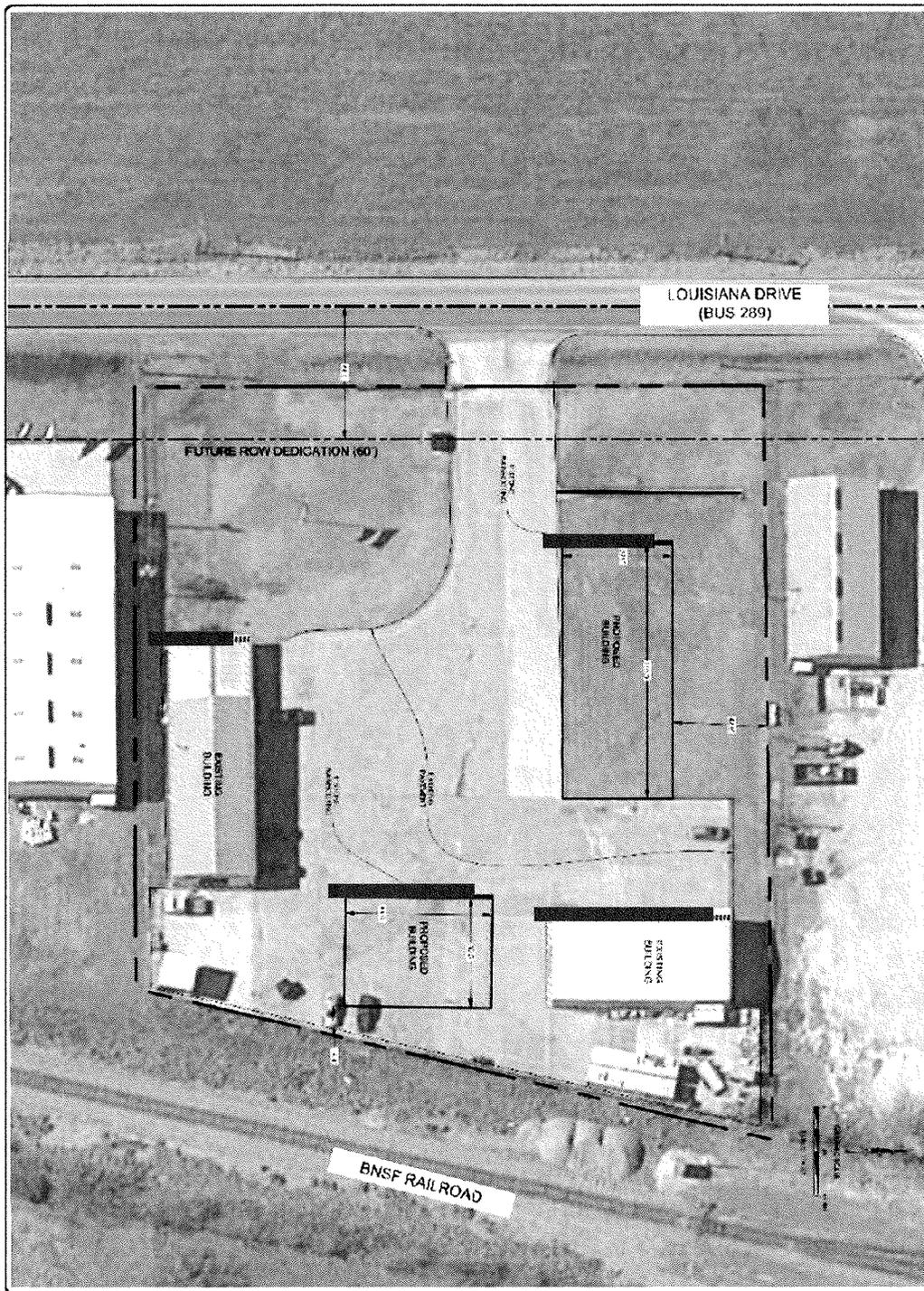
THENCE north 89 degrees 53 minutes, 02 seconds, east parallel to the south line of the 8.1548 acre tract for a distance of 341.74 feet to a found ½ inch iron rod the east line of the said 8.1548 acre tract for corner, said iron rod being the west line of the Burlington Northern Railroad;

THENCE south 12 degrees, 58 minutes, 41 seconds, west with the east line of the 8.1548 acre tract and the west line of the beforementioned railroad for a distance of 287.89 feet to a set ½ inch iron for corner;

THENCE south 89 degrees, 53 minutes, 02 seconds, west with the south line of the beforementioned 8.1548 acre tract for a distance of 279.52 feet to the POINT OF BEGINNING and contained 2.00 acres of land.

Note: The easement to Texas Power & Light as recorded in Vol. 585, PG 283 does not apply to this property.

**EXHIBIT "B"**  
**Zoning Exhibit**



Required 4' masonry wainscot on western façade facing BUS. 289.

## EXHIBIT "C"

### DEVELOPMENT REGULATIONS

#### 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. Additional landscaping shall not be required with the addition of RV Storage.

- 1.3 Screening Standards: No additional screening shall be required for the addition of RV storage. All future 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 or wood fence
- Lots adjacent to Commercial: 6' wood fence or 6' decorative metal fence
- Lots adjacent to public roadway: A 15' landscape buffer, 6' wood fence 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.

## 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



- 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, a minimum of 4 feet of masonry wainscoting will be required on the west facing wall with metal, masonry, hardiboard, stucco or a combination of those materials allowed for the balance of the structure excluding the roof.

Should any of the existing four buildings, as they appear on the concept plan, be demolished, all new structures will be required to adhere to exterior construction and design requirements in the City of Celina's Zoning Ordinance as it exists or may be amended.