

**CITY OF CELINA, TEXAS
ORDINANCE NO. 2018-49
CELINA WEST MARKETPLACE
PLANNED DEVELOPMENT NO. 93**

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 8.00 ACRE TRACT OF LAND LOCATED IN THE T. MCINTYRE SURVEY, ABSTRACT NO. 903, CITY OF CELINA, DENTON 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. 93; 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 "PD" Planned Development District No. 93 is hereby amended as "PD" Planned Development District No. 93 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 No. 93.

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

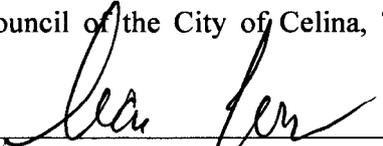
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

**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 September, 2018.


Sean Terry, Mayor
City of Celina, Texas

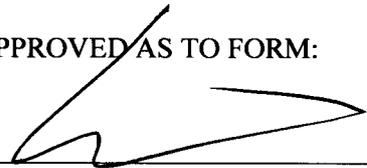
ATTEST:


Vicki Faulkner, City Secretary
City of Celina, Texas



[SEAL]

APPROVED AS TO FORM:


City Attorney
City of Celina, Texas

**EXHIBIT A
LEGAL DESCRIPTION**

**STATE OF TEXAS
COUNTY OF DENTON**

BEING a tract of land situated in the T. McIntyre Survey, Abstract No. 903, Denton County, Texas, conveyed to First Texoma National Bank as recorded in Document No. 201069657, Official Public Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for corner being in the East line of FM 1385 and being the Southwest corner of a tract of land conveyed to Dena Riley as recorded in Document No. 20000050894 and being the Northwest corner of said First Texoma National Bank tract;

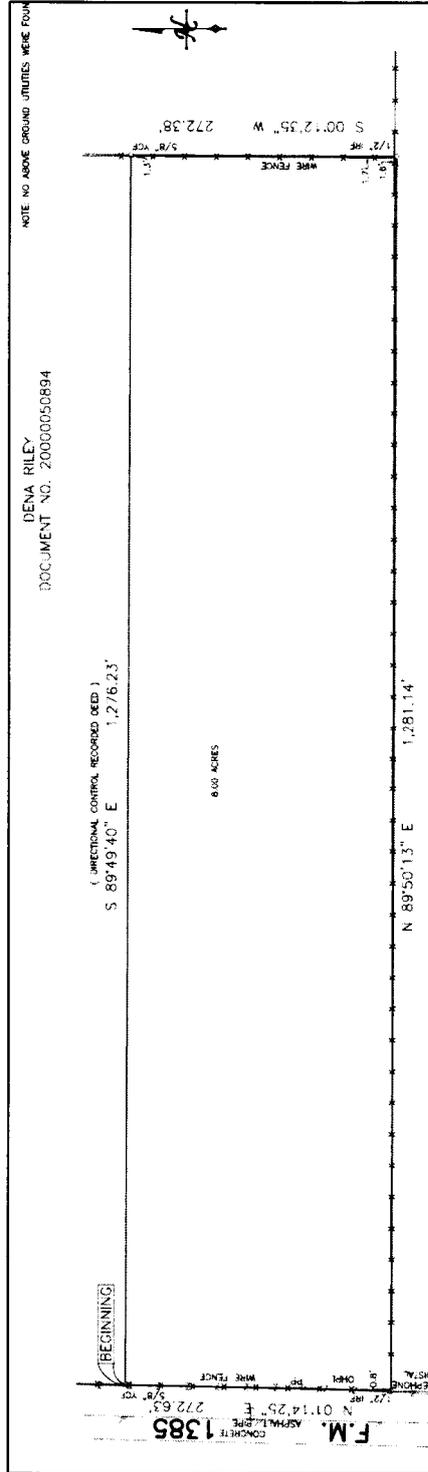
THENCE South 89 degrees 49 minutes 40 seconds East, a distance of 1,276.23 feet to a 5/8 inch yellow capped iron rod found for the corner being in a West line of a tract deeded to Affordable Housing Commission, as recorded in Document No. 200000116799, Official Public Records, Denton County, Texas and being the Southeast corner of said Riley tract;

THENCE South 00 degrees 12 minutes 35 seconds West, a distance of 272.38 feet to a ½ inch iron rod found for the corner;

THENCE North 89 degrees 50 minutes 13 seconds East, a distance of 1,281.14 feet to a ½ inch iron rod found for the corner;

THENCE North 01 degrees 14 minutes 25 seconds East, a distance of 272.63 feet to PLACE OF BEGINNING and containing 8.00 acres of land.

**EXHIBIT B
Zoning Exhibit**



**EXHIBIT C
Concept Plan**

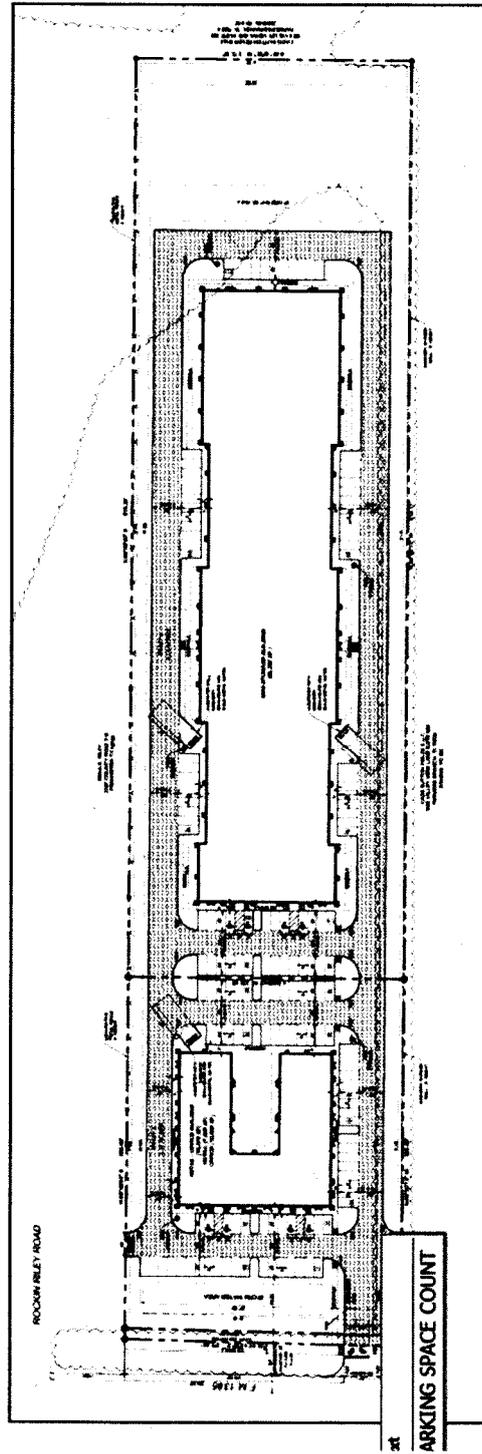


EXHIBIT D
Development Regulations
CELINA WEST MARKETPLACE PROPERTY

These development regulations are intended for a ±2.19 acre tract of land (Tract 1) and a ±5.81 acre tract of land (Tract 2) in the Denton County McIntyre Land Survey, Abstract No. 903, City of Celina, Denton County, Texas. The property is generally located on the east side of F.M. 1385 approximately 1,750 feet north of Crutchfield Drive.

The purpose of this Planned Development (PD) is to create two tracts of land. Tract 1 that allows retail and office uses and Tract 2 that allows a mini warehouse and storage facility. In the event that the proposed uses are not built, the Planned Development provides for additional approved uses. This site will provide vehicular connections to the neighboring property to the north and south. The proposed uses are in compliance with the Comprehensive Plan dated April 2013.

1.0 Definitions

Definitions used herein shall be the same as those found in Section 14.01.007 of the Zoning Ordinance and Section 10.03.009 of the Subdivision Ordinance as exists or may be amended for the City of Celina, Texas.

2.0 General Regulations

- 2.1 All regulations for this PD District not redefined by this document shall conform to the regulations set forth in the City of Celina Zoning Ordinance and the Subdivision Ordinance at the time of development as they exist or may be amended.
- 2.2 Any significant changes to the land uses as depicted on the on the Concept Plan (Exhibit C) shall require approval by the City of Celina Planning and Zoning Commission as well as the City of Celina City Council through a Planned Development/Zoning amendment. Any minor changes to the Conceptual Site Plan regarding building locations and individual uses within the PD are allowed by staff approval, so long as the general character within the base zoning district in the PD is maintained and the general location of the land uses remains as shown in Exhibit C.

3.0 Permitted Land Uses:

3.1 The permitted uses within the PD are listed below.

Hotel	P
Household appliance service and repair	P
Kiosk (providing a service)	P
Amusement services (indoors)	P
Laundry/dry cleaning (drop off/pick up)	P
Amusement services (outdoors)	P
Medical Facilities	P
Armed services recruiting center	P
Microbrewery with manufacturing	P
Artist studio	P
Mini Storage & Warehouse (Climate Controlled & Enclosed) Tract 2 Only	P

Assisted living facility	P
Municipal facility	P
Nursing/convalescent home	P
Auto supply store for new & rebuilt parts	P
Office Center	P
Bakery or confectionery (retail)	P
Bank/credit unions	P
Offices (professional and general business)	P
Bed & breakfast inn	P
Parking lot structure, commercial (auto)	P
Personal service shop	P
Pet and animal grooming shop	P
Child day care (business)	P
Propane sales (retail)	P
Church/ place of worship	P
Club, private (class I & II)	P
Convenience store (with beer and wine sales)	P
Restaurant (with no drive-through service)	P
Convenience store (with or without gas service)	P
Retirement home/home for the aged	P
Day camp for children	P
Drapery, blind or furniture upholstery shop	P
Studio for radio or television (without tower)	P
Family home (adult or child care)	P
Feed & grain store	P
Food or grocery store	P
Theater or playhouse (indoor)	P

4.0 Development Regulations:

4.1 All regulations for the District not redefined by this document shall conform to the regulations set forth in the City of Celina Zoning Ordinance and the Subdivision Ordinance as they exist or may be amended.

a) Setbacks:

- Minimum front yard: Sixty five (65) feet
- Minimum side yard: Fifteen (15) feet

- Minimum rear yard: Twenty-five (25) feet
 - Minimum landscape buffer: Forty (40) feet
 - Any building that is located adjacent to (and not across any right-of-way from) any existing single-family detached zoning district shall be setback from the applicable perimeter property line a distance equal to the height of the building, but not less than twenty-five (25) feet.
- b) Maximum impervious surface. 85% of the total lot area, including main buildings, accessory buildings, parking lots, drive lanes, fire lanes, and loading areas.
- c) Connectivity: vehicular connectivity to adjacent tracts is required.

5.0 Parking Regulations

- 5.1 The parking shall be provided according to the City of Celina Zoning Ordinance as it exists or may be amended.
- 5.2 Parking for Tract 2 shall be 1 space per 1,000 square feet of mini storage area.

6.0 Landscape & Irrigation Regulations

- 6.1 The landscape and irrigation requirements shall conform to City of Celina Development Standards and Use Regulations described in the Zoning Ordinance, as exists or may be amended with the exception that no landscaping shall be required within the mini warehouse service areas (defined as travel lanes, parking and any open spaces within the warehouse/storage units' area). Landscape screening along northern property line and in front yard shall be required.

7.0 Screening Regulations

- 7.1 The screening requirement for all uses adjacent to residential uses shall be a six (6) foot solid masonry wall with materials that are consistent with the color and design of the primary structure and conform to City of Celina Development Standards and Use Regulations described in the City of Celina Zoning Ordinance, as exists or may be amended. Screening along northern property line shall be decorative metal with landscape.

8.0 Subdivision Ordinance Regulations

- 8.1 Development shall meet the standards of City of Celina Engineering Design Manual and the Subdivision Ordinance, as exists or may be amended.