

CITY OF CELINA, TEXAS

ORDINANCE 2018-53

HAWTHORN CREEK OFFICE-WAREHOUSE – PD-94

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 5.00 ACRE TRACT OF LAND SITUATED IN THE FREEMAN WILKERSON SURVEY, ABSTRACT NO. 1411, DENTON COUNTY, TEXAS, AND GENERALLY LOCATED ON THE NORTH SIDE OF PARVIN ROAD AND APPROXIMATELY 2,500 FEET EAST OF FM 1385, 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. 94; 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 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. 94 on a certain tract of land described in in Exhibit "A" and depicted in Exhibit "B."

SECTION 4
ZONING DESIGNATION AND DEVELOPMENT STANDARDS

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-94, and incorporates the concept plan attached hereto as Exhibit "C" and the development standards attached hereto as Exhibit "D."

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 October, 2018.



Sean Terry, Mayor
City of Celina, Texas

ATTEST:

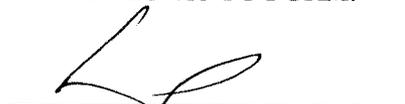


Vicki Faulkner, City Secretary
City of Celina, Texas



[SEAL]

APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

Exhibit A
Legal Description

Situated in the County of Denton, State of Texas, being a part of the Freeman Wilkerson Survey, Abstract No. 1411, and being the same tract of land described as a 5.000 acres conveyed by Sarah L. Jones to John M. Cospers et ux by deed dated August 8, 1971, recorded in Volume 626, Page 706, Deed Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point for the southeast corner of the said Cospers tract 4 feet north of the centerline of the pavement of a public road locally known as Parvin Road, said point being in a west line of the same tract of land described as 97.547 acres conveyed by Ok Kyun Kim and Youngmoo Kim to a west line of the same tract of land described as 97.547 acres conveyed by Ok Kyun Kim and Youngmoo Kim, Trustees by deed dated June 16, 2005, recorded in Document No. 2005-86220, said Deed Records:

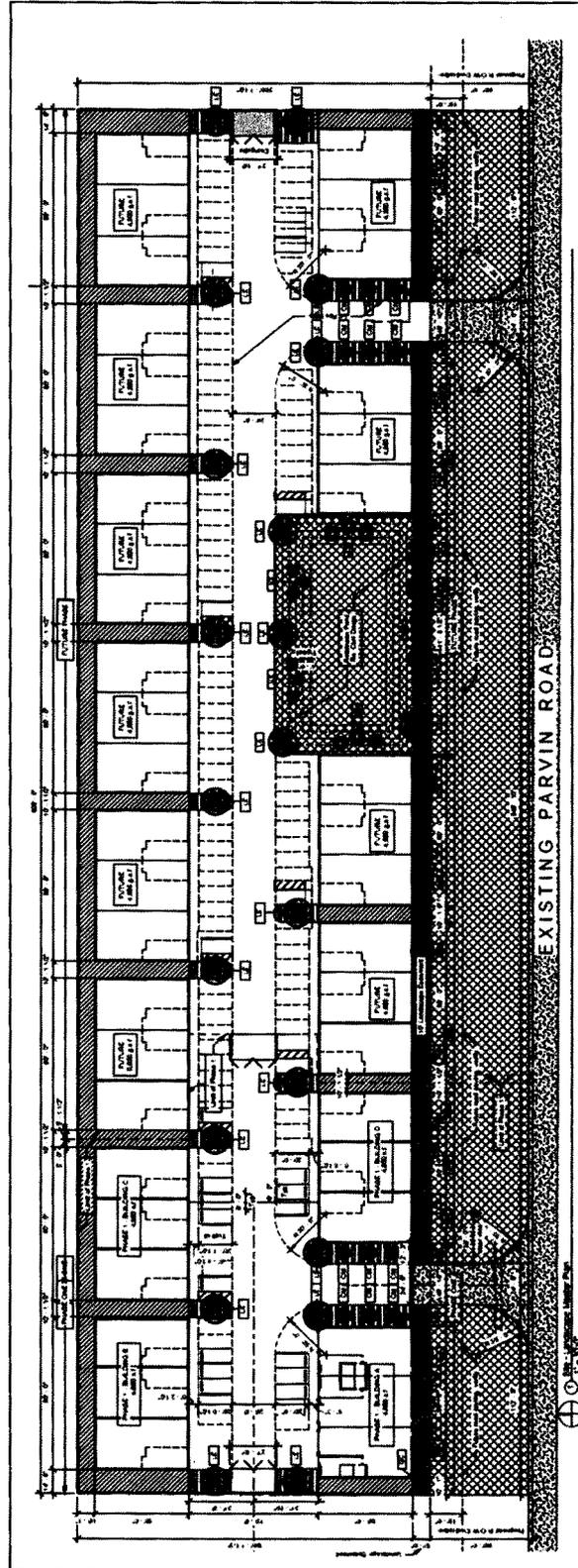
Thence south 89°24'31" west along said road a distance of 820.00 feet to a ½" steel rod found maintaining the southwest corner of the said Cospers tract, said rod lying 6.6 feet north of said center of pavement and in an east line of the said Kim tract;

Thence north 00°27'24" west passing a 1/2 " steel rod in concrete found on the north side of said road at 21.06 feet and continuing for a total distance of 265.61 feet to a point for the northwest corner of the said Cospers tract and an inside "L" corner to the said Kim tract from which a ½" steel rod (not in concrete) lies north 82° west a distance of 1 foot;

Thence south 89°24'31" east a distance of 820 feet to a ½" steel rod in concrete found maintaining the northeast corner of the said Cospers tract and an inside "L" corner to the said Kim tract;

Thence south 00°27'24" east passing a ½" steel rod in concrete found on the said north side of road at 240.4 feet and continuing for a total distance of 265.61 feet to the Point-of-Beginning and containing 5.00 acres of land.

Exhibit C
Concept Plan and Elevations



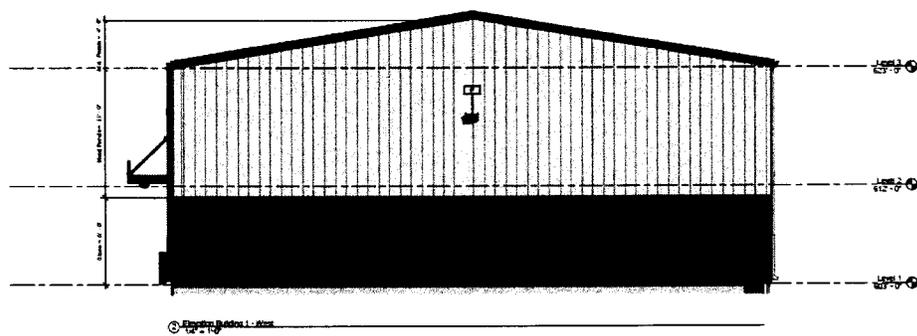
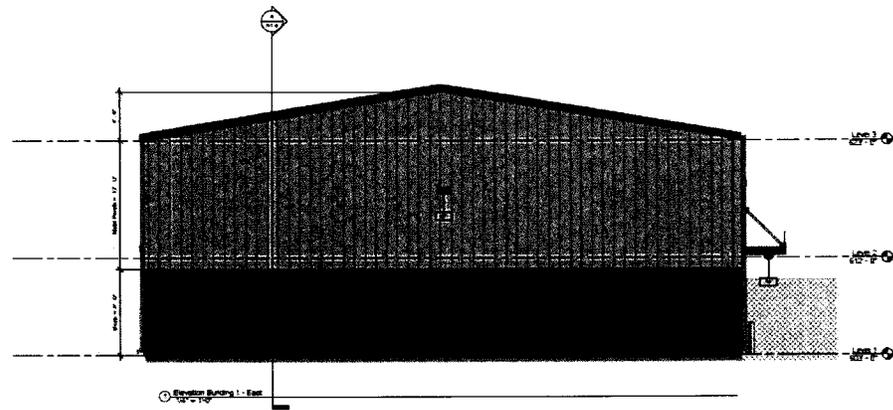
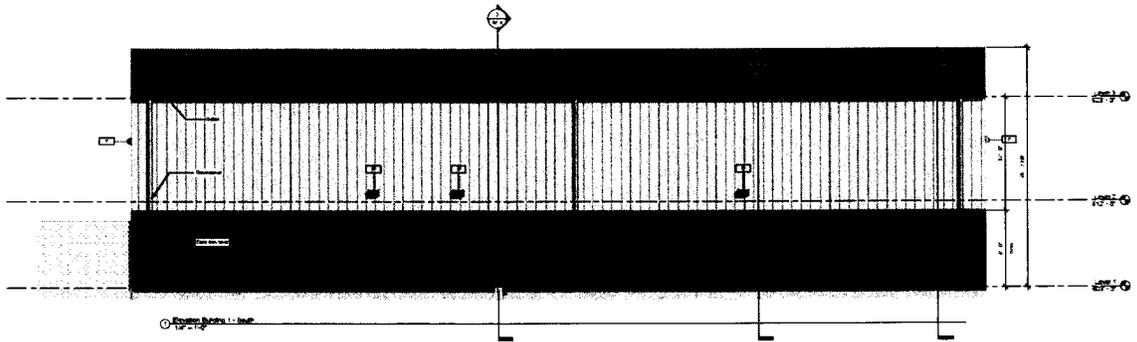
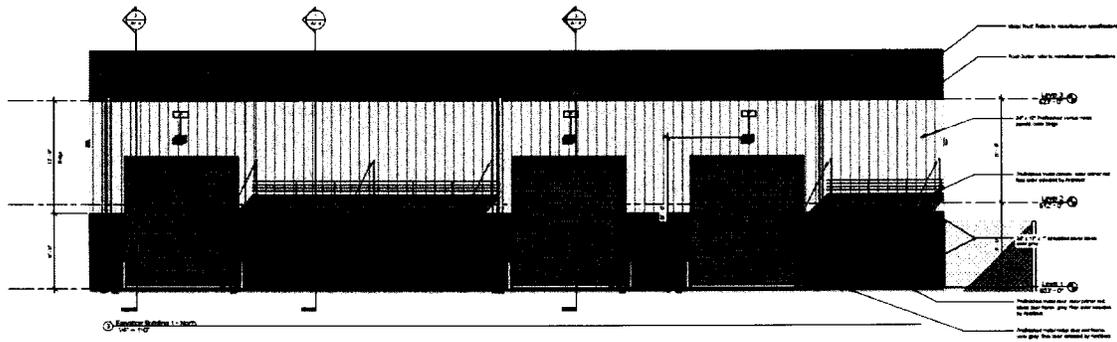


Exhibit D
Development Regulations
Hawthorn Creek Business Park

Purpose: The purpose of this Planned Development (PD) District is to accommodate development of an office showroom/warehouse condominium on a 5-acre property.

Uses: Uses permitted are as follows:

Appliance repair
Ambulance service – C
Artist studio
Cabinet shop
Concrete or asphalt batching plant (temporary)
Concrete or asphalt batching plant (permanent) - C
Contractor's office/sales (no outside storage)
Electronic assembly
Handicraft/artisan shop Industrial manufacturing – C
Laboratory equipment manufacturing – C
Laboratory, scientific or research (non hazardous)
Lawnmower sales repair
Light manufacturing
Machine shop
Maintenance and repair service for buildings
Micro-brewery – C
Mini-warehouse/self-storage
Office, general
Open storage/outside storage, accessory
Pet Care Facility (indoor, air conditioned space)
Plant nursery, commercial
Plant nursery, retail
Plumbing shop
Real estate offices
Recycling center – C
Sand/gravel sales (storage) – C
Savings and loan
Security quarters as associated with a business - C
Sign manufacturing
Silk screen printing printing/tee shirt shop
Stone/clay/glass manufacturing – C
Tool rental, indoor
Tool rental,outdoor – C
Warehouse/office warehouse
Welding shop
Woodworking, indoor Winery - C

Building Setbacks: The minimum building setback from all perimeters is 10 feet. Dumpster and any dumpster screening walls may encroach into the required setback.

Building Height: The maximum building height is 30 feet.

Parking: One parking space is required for each 1,000 square feet of floor area or fraction thereof for any permitted use.

Exterior Building Materials: A minimum of 40% of façades facing Parvin Road shall be masonry. **Façade Articulation:** Development is exempt from building articulation requirements.

Landscaping: The minimum width of perimeter landscape buffer is 10 feet.

Perimeter Screening: A minimum 6-foot tall concrete pre-cast screening wall is required along the northern, eastern and western perimeters per exhibit 2.

Outside storage is limited to no more than 20% of the PD District area. All outside storage must be completely screened from public streets and adjacent properties.

Detention Pond: Decorative metal fencing is not required around the detention pond. Landscape screening in the form of vegetative shrubs or ornamental trees is required between any future detention pond and Parvin Road.