

CITY OF CELINA, TEXAS

ORDINANCE 2018-55

CELINA 79 PARTNERS/OUTER LOOP – PD-48

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 30.16 ACRE TRACT OF LAND SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY #14, ABSTRACT NO. 167, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED ON THE WEST SIDE OF PRESTON ROAD (SH 289) AND SOUTH OF CHOATE PARKWAY (CR 88), 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 NO. 48; 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. 48 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-48, 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 save and except minor revisions necessitated by final, detailed civil engineering, architectural or landscape design.

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

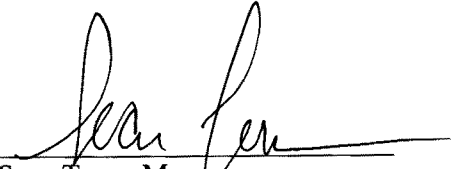
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

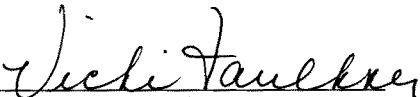
This Ordinance shall become effective from and after its date of passage and publication as required by law.

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

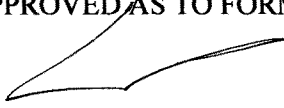
ATTEST:


Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]



APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

Exhibit A
Legal Description

BEING a 30.16 acre tract of land situated in the Collin County School Land Survey, Abstract No. 167, Collin County, Texas, being a part of that same tract of land described to Celina 79 Partners, Ltd. by deed recorded in Document No. 20130522000697070, Official Public Records of Collin County, Texas (O.P.R.C.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at an Aluminum Monument found in the current West right-of-way line of Preston Road (State Highway 289, variable width right-of-way);

THENCE North 04 Degrees 28 Minutes 30 Seconds West, with the current West right-of-way line of said Preston Road, a distance of 200.47 feet to a point for corner;

THENCE North 00 Degrees 33 Minutes 16 Seconds West, continuing with the current West right-of-way line of said Preston Road, a distance of 270.21 feet to a point for corner, same being the POINT OF BEGINNING;

THENCE South 49 Degrees 02 Minutes 15 Seconds West, departing the current West right-of-way line of said Preston Road, a distance of 1705.79 feet to a point for corner;

THENCE North 00 Degrees 38 Minutes 23 Seconds West, a distance of 1691.44 feet to a point for corner;

THENCE North 89 Degrees 21 Minutes 37 Seconds East, a distance of 962.56 feet to a point for corner;

THENCE South 00 Degrees 38 Minutes 59 Seconds East, a distance of 516.96 feet to a point for corner;

THENCE North 89 Degrees 25 Minutes 59 Seconds East, a distance of 430.47 feet to a point for corner, said corner being in the west right-of-way line of said Preston Road;

THENCE South 00 Degrees 38 Minutes 22 Seconds East, along the centerline of said Preston Road, a distance of 70.13 feet to a point for corner;

THENCE South 89 Degrees 21 Minutes 38 Seconds West, a distance of 92.60 feet to the PLACE OF BEGINNING and containing 30.16 acres of land, more or less.

Exhibit B Zoning Exhibit

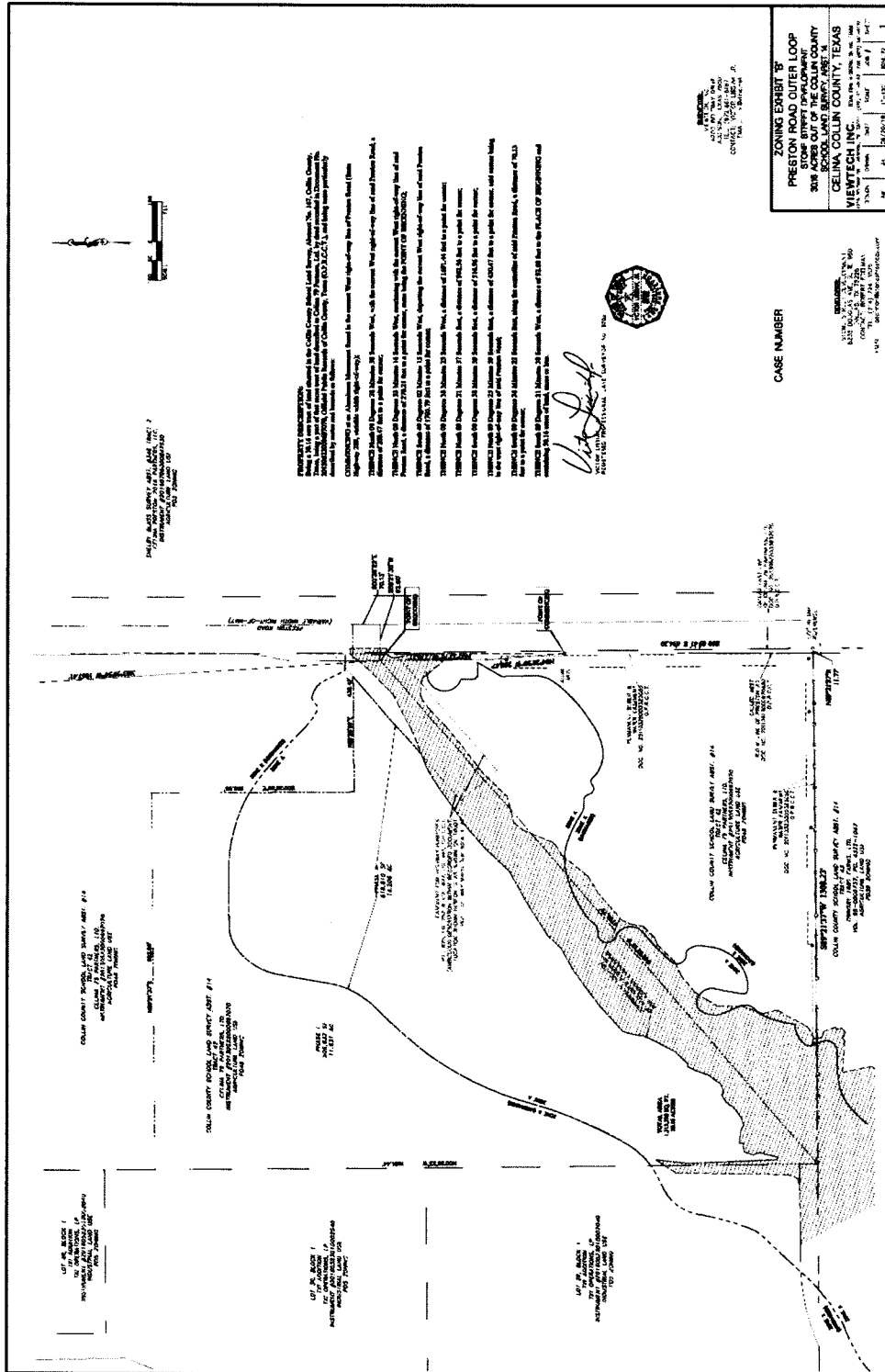


Exhibit C Concept Plan

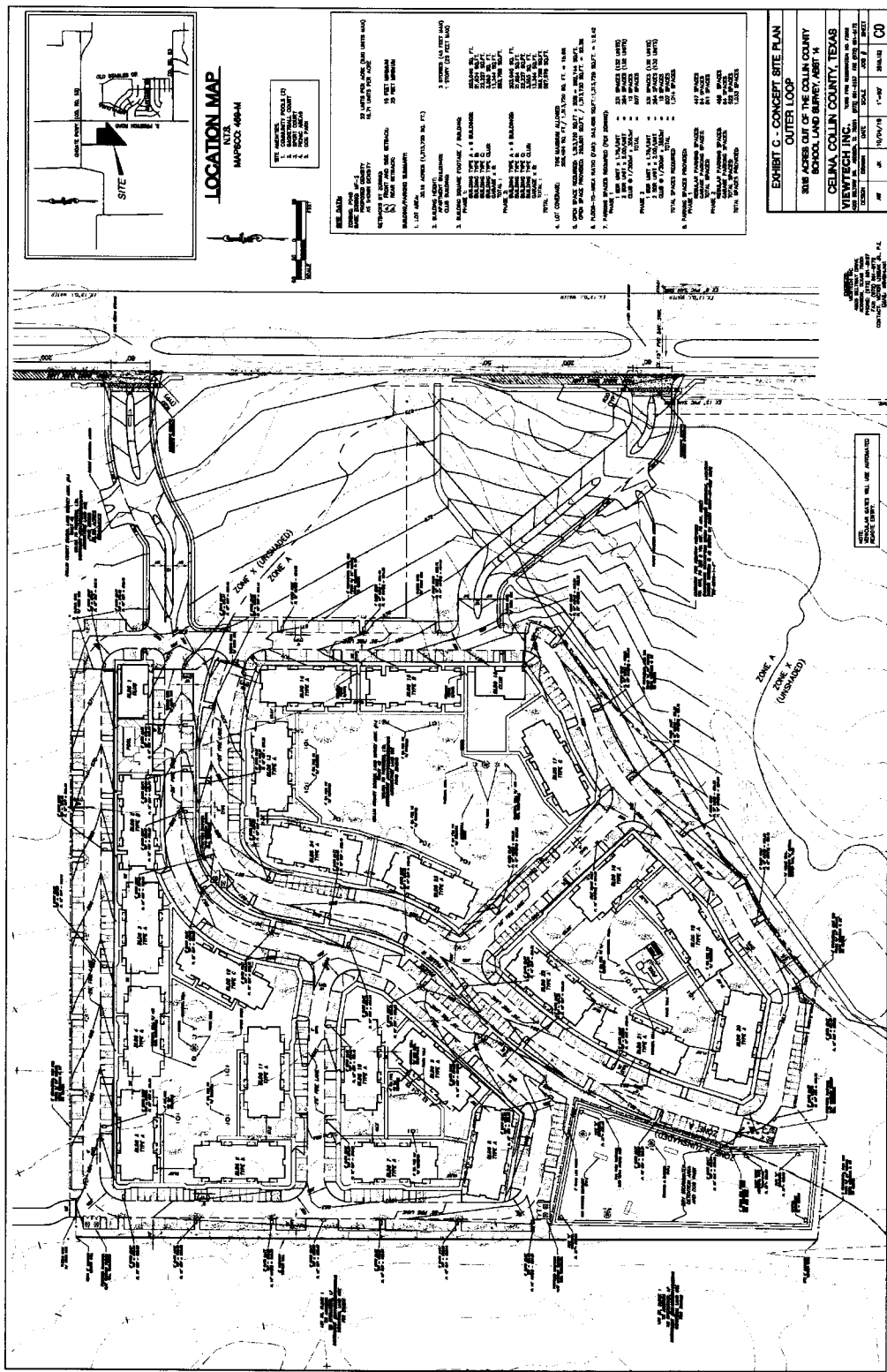


Exhibit D
Development Regulations

Any significant changes to the land uses as depicted on the Concept Plan (Exhibit C) shall require approval by the City of Celina Planning and Zoning Commission and City of Celina Council.

Street pattern, building location and individual uses are proposed and may be adjusted so long as the general character of the PD is adhered to and the general location of the multi-family, commercial and retail uses remains as shown in Exhibit C.

Architectural Elevations

Architectural elevations will be submitted for review at the time of permitting and shall comply with the architectural design standards of the Zoning Ordinance as it exists, and as may be amended.

Preston Road Overlay District

All development within 750 feet of the right of way of Preston Road (S.H. 289) must meet the standards established in the City of Celina Zoning Ordinance as they exist or may be amended. The following regulations shall also be applicable:

A. Permitted Uses.

Permitted by Right

- (1) Armed Service recruiting Center
- (2) Artist studio
- (3) Assisted Living Facility
- (4) Auto laundry or car wash (CUP required if adjacent to Single Family detached development)
- (5) Auto supply store for new or rebuilt parts
- (6) Bakery or confectionery (retail)
- (7) Bank/credit unions
- (8) Child day care (business)
- (9) Church/Place of worship
- (10) Convenience store (with beer and wine sales)
- (11) Convenience store (with or without gas sales)
- (12) Day camp for children
- (13) Drapery, blind or furniture upholstery shop
- (14) Dwelling, multiple-family (garden style or urban)
- (15) Dwelling, Single Family
- (16) Extended stay hotels/motels (residence hotels)
- (17) Farmers Market
- (18) Food or grocery store
- (19) Food or grocery store (with beer and wine sales)
- (20) Franchised private utility
- (21) Gas Station
- (22) General Retail Store
- (23) Group day care
- (24) Hotel
- (25) Laundry/dry cleaning (drop off/pick up)
- (26) Medical facilities
- (27) Micro brewery
- (28) Motor cycle sales and repair
- (29) Municipal facility

- (30) Nursing Convalescent home
- (31) Office Center
- (32) Offices (professional and general business)
- (33) Pawn shop
- (34) Personal services shop
- (35) Pet and animal grooming shop
- (36) Propane sales (retail)
- (37) Residential lot
- (38) Restaurant (drive-in service)
- (39) Restaurant (with drive-through service)
- (40) Restaurant (with drive-through service)
- (41) Restaurant (with no drive-through service)
- (42) Retirement home/home for the aged
- (43) Studio for radio or television (without tower)
- (44) Theatre or playhouse (indoor)

Permitted with Conditional Use Permit

- (1) Funeral Home and crematorium
- (2) Tire Dealer with Open Storage
- (3) Outdoor Display/sales (shall be screened and may not exceed 15% percent of the total gross floor area of the entire structure)
- (4) Nursery (retail sales outdoor)
- (5) Auto repair (major/minor)
- (6) Living quarters on-site with a business
- (7) Auto laundry or car wash (CUP required if adjacent to Single Family detached development)
- (8) Club, private (class I & II)

Prohibited Uses

- (1) Check Cashing Services
- (2) Recycling Kiosk
- (3) Sexually Oriented Business

B. Definitions.

- a. Garden Style Apartments - Multi-family dwellings that do not exceed three (3) stories in height. No Garden Style apartments are permitted within 300 feet of the Collin County Outer Loop or within 400 feet of Preston Road.
- b. Urban Style Apartments - Multi-family dwellings greater than three (3) stories in height. Urban style apartments are required to have structured parking.

C. Density.

- a. Single family detached units shall not exceed a maximum density of ten (10) dwelling units per gross acre (du/ga). No single family units will be permitted within 300 feet of the Collin County Outer Loop right-of-way or within the Preston Road Overlay District.
- b. Multiple-family units shall not exceed a maximum of 620 units for garden style apartments.
- c. Multiple-family units shall not exceed a maximum density of thirty (3) dwelling units per acre for urban style apartments.
- d. Maximum floor area ratio (FAR) is 2.75 and includes parking structures.

- D. **Land Use Mix Limits:** All MU-2 zoning districts will have a mix of residential and nonresidential uses at the following rates:
- a. Single Family Residential uses (Stand-alone): between 20% and 40% of the net developable acreage (per Exhibit C); and/or
 - b. Residential uses (integrated): between 20% and 50% of the net developable acreage (per Exhibit C); and/or
 - c. Nonresidential uses (Stand-alone): between 20% and 80% of the net developable acreage (per Exhibit C); and/or
 - d. Nonresidential uses (integrated): between 20% and 50% of the net developable acreage (per Exhibit C); and/or
 - e. Multiple-family uses (stand-alone): Shall not exceed forty (40) percent of the net developable acreage of the zoning district (per Exhibit C).

Land Use Limits		
MU-2 = 70.56 Net Acres (76.83 Gross Acres)	Percent of Net Acreage Allowed	Allowed Acreages*
Single Family Residential (Stand Alone)	20%-40%	14.1 Ac-28.2 Ac
Residential (Integrated)	20%-50%	14.1 Ac-35.3 Ac
Non-Residential (Stand Alone)	20%-80%	14.1 Ac- 56.5 Ac
Non-Residential (Integrated)	20%-50%	14.1 Ac-35.3 Ac
Multi-Family (Stand Alone)	40%	28.2 Ac

*Allowed Acreages may be adjusted to reflect any changes in the net acreage as the final location and alignment of the Collin County Outer Loop right of way is determined.

- E. **Open Space/Landscaping Requirements.**
- a. No less than fifteen (15) percent of the net acres of the entire development must be used for open space. Open Space may consist of any pervious areas including landscape reserves, publically accessible detention/ drainage facilities, natural open space areas including floodplain, and public or private parks and plazas. Any detention areas counted towards the open space requirement will be landscaped and amenitized with benches and sidewalks on a minimum of three (3) sides. Open space must be maintained through a property ownership association. Residential open space requirements, as listed below, are required in addition to the overall open space requirements.
 - a. **Multi-Family Open Space Requirements**
 - 1. Urban Style Multi-Family and/or Mixed Use (Integrated) Multi-Family must provide open space at a rate of one (1) acre per 150 dwelling units.
 - 2. Garden Styles Apartments must provide open space at a rate of one (1) acre per 100 dwelling units.
 - 3. Multi-Family open space calculations may include all pervious areas and/or landscaped areas in addition to all recreation areas within the Multi-Family parcel. A dedicated recreation area with a pool must make up a portion of the open space area.
 - b. Single Family Open Space Requires a minimum of one (1) acre per 75 dwelling units must be provided for all single family developments.
- F. **Setback from Preston Road for Multi-family Development.**
- a. All multi-family structures must be located a minimum of 400 feet from Preston Road right-of-way.

- b. The front commercial pad facing Preston Road shall be utilized as open space or for retail, office, or commercial uses. No multi-family uses shall be located on this tract (marked as Zone A and Zone X).
- G. **Screening.** A solid masonry screening wall six (6) foot minimum height shall be provided along the west side of the property to screen the industrial-site.
- H. **Maximum Impervious Surface.**
 - a. No more than eighty five (85) percent of the total lot area, including main buildings, accessory buildings, parking lots, drive, fire lanes and loading areas shall be impervious surface.
- I. **Connectivity.**
 - a. A minimum of two (2) vehicular points of connection to adjacent roadways shall be provided. The connection can be through either a direct driveway to the adjacent roadway or through a shared access driveway to the adjacent roadway.
 - b. In addition, a minimum of two (2) pedestrian points of connection to adjoining sidewalks, trails or developments shall be provided both within the multi-family tract and between the multi-family tract and the adjacent commercial tracts.
 - c. Ten (10) foot wide pedestrian trails shall be provided along the creek with sufficient canopy trees for shading.
- J. **Amenities.**
 - a. Swimming pools will be provided as shown on the Concept Plan.
 - b. Open space areas within the multi-family development shall provide various usable amenities, such as playground equipment, sport courts, barbeque pits, benches, tables, etc. to serve the residents.
- K. **Parking/Loading Requirements.**
 - a. A minimum stacking length of eighty (80) feet measured from the street right-of-way to the first intersection aisle or paving stall shall be required for access from Preston Road, Punk Carter Parkway and the Collin County Outer Loop. Deceleration lanes are required for all ingress/egress from Preston Road, Punk Carter Parkway and the Collin County Outer Loop.
- L. **Lot Regulations.**
 - Single Family Detached:**
 - a. Lot Size - Minimum twenty- five hundred (2,500) square feet and twenty (20) feet in width when measured at the front of the yard setback line
 - b. Height - The primary structure shall not exceed forty-five (45) feet in height as measured to the peak
 - c. Setbacks
 - 1. Front yard –
 - A minimum building setback of fifteen (15) foot, integral architectural elements of the main structure may extend up to five (5) feet into the front yard. A garage door must be set back a minimum of twenty (20) feet. A corner lot shall have two front yards.
 - 2. Side Yard -
 - A minimum building setback of five (5) feet shall be provided on each side of the lot. A garage door must be set back a minimum of twenty (20) feet.

An interior side yard setback of zero (0) feet shall be permitted provided that all dwelling units maintain a minimum wall to wall separation of ten (10) feet. No portion of a building may cross a property line.

3. Rear Yard-

A minimum building setback of fifteen (15) shall be provided on the rear of the lot. A garage door must be set back a minimum of eighteen (18) feet if alley access is provided.

Multiple-Family Development:

- a. Height – maximum 3 stories
- b. Landscape Buffers – A minimum ten (10) foot landscape buffer shall be applied to the western and northern adjacent property lines. When multi-family is adjacent to single-family land uses, a fifty (50) landscape buffer shall be required.

Integrated Multi-Family (Mixed Use)

	Adjacent to Single Family Residential*	Adjacent to West	Adjacent to North
Front Yard			
1 story	50 feet	25 feet	15 feet
2 story	75 feet		
3 story	150 feet		
Side Yard			
1 story	50 feet	15 feet	15 feet
2 story	75 feet		
3 story	150 feet		
Rear Yard			
1 story	50 feet	15 feet	15 feet
2 story	75 feet	15 feet	
3 story	150 feet	50 feet**	

*If a public road or open space a minimum of sixty (60) feet in width separates the multi-family development from the Single Family Development, the standards for property adjacent to non-residential developments shall apply.

**When adjacent to open space greater than 100 feet in width, a minimum rear setback of ten (10) feet is required

***Corner Lots - The side yard of corner lots shall follow the same regulations as a typical side yard when adjacent to an internal access street. When adjacent to a public right of way, a lot must have two (2) front yards.

c. Minimum Dwelling Area

Number of Bedrooms	Minimum Floor Area (Square Feet)*
Efficiency/Studio	500 sf
1 Bedroom	650 sf
2 Bedroom	900 sf
Over 2 Bedrooms	900 sf + 150 sf per additional room

Nonresidential Development:

- a. Lot Size - Minimum five thousand (5, 000) square feet and one hundred (100) in width when measured at the front of the yard setback line
- b. Height – The primary structure shall not exceed sixty five (65) feet in height as measured to the peak.
- c. Setbacks
 1. Primary Structure
 - a. Front yard - A minimum building setback of twenty five (25) feet, integral architectural elements of the main structure may extend up to five (5) feet into the front yard. A corner lot shall have two front yards.
 - b. Side yard - Minimum of ten (10) feet; or when nonresidential uses are platted adjacent to other nonresidential uses and integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the city's building code.
 - c. Rear yard - A minimum building setback of fifteen (15) foot is required.
- d. Off Street Parking Regulations
 1. In addition to the parking and loading requirements listed in Article 14, Division 2 of the City of Celina Zoning Ordinance., the following standards apply.
 2. For all Mixed Use Developments, on street or off street parking may be shared among residential and non-residential users as well as among users of different properties so long as a shared parking agreement is executed among property owners. Parking shall be computed separately for each use within the structure.
- e. Open Space/Landscaping Requirements - See Open Space/Landscape requirements on Page 10 of this document.

M. Temporary/Seasonal Sales.

- a. Temporary structures and kiosks for temporary and/or seasonal sales are permitted for a period not to exceed forty five (45) consecutive days. Such sales may include, but are not limited to, Valentine's Day sales, Christmas tree sales, pumpkin sales, etc. Structures shall be located on a concrete paved surface. Structures may only occupy parking spaces if the spaces are in excess of the minimum required parking based on the City of Celina Parking ratios.
- b. Large shipping containers may be placed in the rear of anchor retail uses if they are entirely screened from view. The screening must be provided by a masonry wall (brick or CMU) a minimum of eight (8) in height or the height of the container, whichever is greater. The Wall must be composed of materials that match those used on the main structure.
- c. Outdoor Sales
 1. Large retail centers may include departments on the exterior of the air conditioned portion of the building that allows for sales of additional goods and services including but not limited to, plants and garden materials, equipment, tools, appliance, etc. When this option is utilized, the following standards must be met:
 2. The structure must be built of permanent materials and connected to the main building.
 3. The area must be enclosed and screened from view by a material with a minimum of eighty (80) percent opacity. Screening height shall be adequate to screen all materials.
 4. No more than fifteen (15) percent of the total gross floor area of the entire structure shall be used for Outdoor sales.