

CITY OF CELINA, TEXAS
ORDINANCE NO. 2002- 21

AN ORDINANCE OF THE CITY OF CELINA, TEXAS, AMENDING ORDINANCE NO. 2002-14 OF THE CITY OF CELINA, TEXAS, THE SAME BEING AN AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY AND KNOWN AS THE PLANNED DEVELOPMENT REGULATIONS FOR CARTER RANCH; BY AMENDING EXHIBIT C OF SAID ORDINANCE BY REPLACING IT WITH THE ATTACHED EXHIBIT C; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a Type A General Law Municipality located in Collin County, Texas, created in accordance with provisions of the Texas Local Government Code 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 City Council of the City of Celina, Texas has previously adopted Ordinance No. 2002-14, an Ordinance amending Ordinance 97-10, the Zoning Ordinance of the City; and

WHEREAS, the City Council has considered, among other things, the character of the land and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and does hereby find that the requested rezoning accomplishes such objectives and is consistent with the provisions of The 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 now deems it necessary to amend those regulations to provide for the public health and safety of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS:

SECTION 1.
INCORPORATION OF PREMISES

That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.
ZONING ORDINANCE AMENDED

That Ordinance No. 2002-14 of the City, the same being an amendment to the official Zoning Map of the City, changing the zoning on a certain tract of land described as a 304.5 acre tract of land out of the John Cahill Survey, Abstract No. 171, Celina, Collin County, Texas from AG-Agriculture to PD-Planned Development District, the Carter Ranch, for single family detached residential uses and commercial, is hereby amended by replacing Exhibit C attached and incorporated into Ordinance No. 2002-14, with the attached Exhibit C entitled "Planned Development Amendments."

SECTION 3.
CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of ordinances of the City of Celina, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed; however, Ordinance No. 2002-14 shall remain in full force and effect in its entirety with the exception of those provisions which were amended by Section 2 of this Ordinance.

SECTION 4.
SAVINGS CLAUSE

That all rights and remedies of the City of Celina are expressly saved as to any and all violations of the provisions of any Ordinances affecting Comprehensive Zoning Ordinance No. 97-10 or the zoning and development of land within the City of Celina, which have accrued 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 courts.

SECTION 5.
SEVERABILITY CLAUSE

That it is hereby declared to be the intention of the City Council of The City of Celina that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6.
PUBLICATION CLAUSE

That the City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, Penalty Clause and Effective Date of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 7.
ENGROSSMENT AND ENROLLMENT

That the City Secretary of the City of Celina is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty Clause and the Effective Date in the minutes of the City Council of the City of Celina and by filing this Ordinance in the Ordinance records of the City.

SECTION 8.
EFFECTIVE DATE

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 30
day of May 2002.



(Seal)

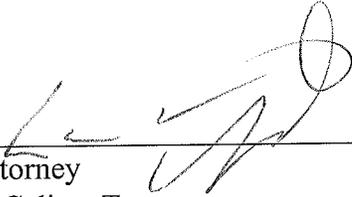
Corbett Howard, Mayor
City of Celina, Texas

ATTEST:



Vicki Faulkner, City Secretary
City of Celina, Texas

APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

Exhibit C

PLANNED DEVELOPMENT AMENDMENTS

1. Definition of term "Masonry" Eighty percent (80%) of the homes of each phase shall meet the masonry requirement of Celina as it currently exists or as it may be amended. Up to twenty percent (20%) of each phase of the homes on the Property may utilize cementitious lap siding and cementitious materials as the predominant exterior material, such that where not installed under a porch or patio or adjacent to flatwork, the siding shall be installed over a masonry wainscot having a minimum height of 32". No other material other than cementitious lap siding or other masonry such as stucco, brick, real or man-made stone may be employed as a siding material.
2. Comprehensive Signage Program. A comprehensive signage program may be created for development on the Property (the "Comprehensive Signage Program"). The purpose of the signage shall be to direct prospective homebuyers to specific models and phase locations. The Comprehensive Signage Program shall consist of a uniformly designed signage program to be erected within the public rights-of-way of community streets and adjacent to, but outside of, existing rights-of-way on existing perimeter streets. Permanent Signage, such as name identification markers for different residential phases or villages, shall be permitted outside of street rights-of-way so long as visibility triangles are preserved at street intersections. Acceptable permanent signage materials shall be wood, stone, and steel. All signs, whether permanent or temporary, shall be limited to a maximum size of 8 feet in width and 12 feet in height if located within development on the Property, and 22 feet in width and 20 feet in height if such sign is located along the current and/or future Preston Road right-of-way . Prior to sign installation, a Sign Location Plan showing location, size and type of each sign shall be submitted to the City Administrator for review.

3. Sideyard Grading and Drainage: The Developer shall provide an engineered grading and drainage plan for each lot with side yards less than 8 feet to ensure that the side yard drainage can be conveyed to an acceptable drainage point. The Developer shall provide an engineer's certification that the finished grading and drainage for these lots conforms to the design plan prior to city acceptance of the subdivision improvements. Sideyard retaining walls between building pads will be constructed of a natural stone material.

4. Temporary Model Home Parking Lot: A temporary 6" thick asphalt parking lot may be constructed to accommodate a model home as shown on the preliminary plat. This parking lot is not to exceed a total vehicle accommodation count of 30 vehicles, plus 4 additional handicap access vehicles. The temporary parking lot shall be removed within 7 years after the lot is installed.

5. Roofing Material Restriction: No wood shakes or shingles are to be allowed as a final roofing material for residential use within the Property.

6. Development Plan Amendments: Amendments to the Development Plan are to be approved by the City Administrator, or his designee. The amendment must be approved if the amendment conforms to the development standards set forth herein. An applicant for an amendment to the development agreement may appeal the decision of the City Administrator, or his designee, to the City's Planning and Zoning Commission. An applicant for an amendment to the development agreement may appeal the decision of the Planning and Zoning Commission to the City Council.

7. Development Standards:

Lot Type	A	B	C	D
Min. Lot Width (ft)[1]	55	62	74	80
Min. Lot Depth (ft)	115	120	120	120
Min. Lot Area (sf)	5750	7440	8880	9,600
Min. Front Yard Setback (ft) [2]	15	20	25	25
Min. Front Yard Setback w/ Porch	10	15	20	20
Min. Rear Yard Setback (ft) [3]	15	15	15	15
Min. Side Yard Setback (ft) [4]	5	6	7	8
Min. Side Yard Setback to Street	10	11	12	13
Min. House Size (living area – sf)	1600	1800	2000	2200

[1] The lot width shall be measured at the building line as shown on the final plat.

[2] Garage door and porch setbacks: Garage doors facing a side street on a corner lot shall be a minimum of twenty feet from the street right of way. Side entry garages accessed from the front street, front porches and architectural elements may extend into the front yard no more than five feet. Porches extending into the front yard must be a minimum of fifty square feet in area. There is no minimum area for front porches that do not extend into the front yard setback.

[3] Alleys shall not be required in this planned development. If alleys are provided, the rear yard setback shall be 20 feet for those lots in which a garage door faces the alley.

[4] Side yards adjacent to a street shall be increased a minimum of 5 feet in addition to the standard side yard setback for each lot type.

8. That this ordinance shall control the development of the above property and in the event of a conflict between this ordinance and any other ordinance of the City of Celina, this ordinance shall control. All provisions of the ordinances of the City of Celina in conflict with the provisions of this ordinance be, and the same are hereby, repealed as they relate to the property above, and all other provisions of the ordinances of the City of Celina not in conflict with the provisions of this ordinance shall remain in full force and effect.



October 17, 2003

Mr. Mehrdad Moayedi
One Carter Ranch, L.P.
Centurion American Development Group
1905 Industrial Blvd.
Colleyville, Texas 76034

02-21

Vicki
Add the attached
Development Plan
to Carter Ranch
PO. The 10-08-03
Development Plan
replaces the
original
Scott A.

Dear Mehrdad:

On August 13, 2002, staff approved the revised Development Plan for Carter Ranch with stipulations.

On August 04, 2003, a revised Development Plan for Carter Ranch was submitted addressing the stipulations outlined August 13, 2002.

On October 08, 2003, Kevin Carlson submitted a revised Development Plan at the request of the City Administrator. Staff accepts the revised Development Plan submitted October 08, 2003, pursuant to the comments outlined in the memorandum dated October 07, 2003, from Todd Parton (City Planner- Dunkin, Sefko & Associates) and contingent that you concur the entry monument is subject to denial.

If you have any questions, feel free to call my office at (972) 382-2682 ext.14.

Respectfully,

A handwritten signature in cursive script that reads "Scott L. Albert".

Scott L. Albert
City Administrator

Copy:

Ocie Vest P.E., Huitt-Zollars
Paul Carline P.E., Birkhoff, Hendricks & Conway
Todd Parton Senior Planner, Dunkin, Sefko & associates
David Hall Construction Superintendent
Vicki Faulkner, City Secretary

Attachments:

- 10/07/03 MEMO from Todd Parton
- 10/08/03 Development Plan 11 x 17

Dunkin, Sefko and Associates, Inc.

Urban Planning Consultants

Date: October 7, 2003
To: Scott Albert, City Administrator
From: Todd Parton, Senior Planner
Subject: Comments: The Carter Ranch – Revised Development Plan

The following comments are offered pursuant to the submittal of the revised development plan for The Carter Ranch, dated August 2003. This review has been conducted pursuant to the stipulations pertaining to the previous Planning and Zoning Commission and City Council actions.

Comments:

1. *Lotting:*
The lotting layout conforms to that per the approved planned development standards.
2. *Right-of-Way Dedication:*
The right-of-way shown for the development plan is consistent with that specified by the planned development and the facilities agreement. It should be noted that the actual right-of-way dedicated at the time of platting must meet the City's subdivision regulations in addition to the specifications of the planned development and the facilities agreement.
3. *Parks and Open Spaces:*
The parks and open spaces as indicated on the development plan conforms to the approved planned development standards and the amended facilities agreement.
4. *Screening:*
The screening concepts shown meet the standards of the planned development and the amended facilities agreement.

Recommendation:

It is recommended that this revised development plan be accepted by the City.