

**CITY OF CELINA, TEXAS
ORDINANCE 2019-38**

MONSCHKE TRACT PD-98

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 40 ACRE TRACT OF LAND LOCATED IN THE F.D. GARY SURVEY, ABSTRACT NO. 360, CITY OF CELINA, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED 2,000 FEET SOUTH OF FM 428 AND EAST OF FUTURE LEGACY DRIVE; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT NO. 98; 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", respectively, and 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. 98 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, described in in Exhibit "A" and depicted in Exhibit "B attached hereto and incorporated herein as PD No. 98, and incorporates the Concept Plan and Development Regulations attached hereto as Exhibit "C" and Exhibit "D", respectively.

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

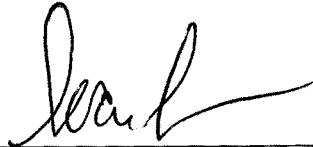
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

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

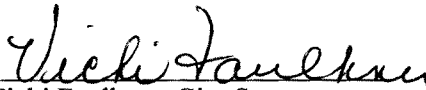
AND IT IS SO ORDAINED.

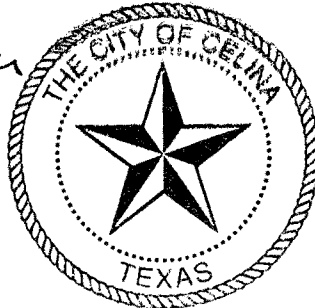
PASSED AND APPROVED by the City Council of the City of Celina, Texas this 13th day of August, 2019.



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 THAT CERTAIN TRACT OF LAND SITUATED IN THE F. D. GARY SURVEY, ABSTRACT NUMBER 360, COLLIN COUNTY, TEXAS AND BEING THAT TRACT OF LAND DESCRIBED IN DEED TO THE ESTATE OF MATTIE RUTH PRESTON MONSCHKE, RECORDED IN INSTRUMENT NUMBER 94-0034942 OF THE COUNTY RECORDS, COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID MONSCHKE TRACT, SAID CORNER BEING IN THE CENTERLINE OF COUNTY ROAD 51 (A PAVED TRAVELED ROADWAY OF UNDETERMINED WIDTH);

THENCE SOUTH, 704.88 FEET WITH SAID CENTERLINE TO THE SOUTHEAST CORNER OF SAID MONSCHKE TRACT;

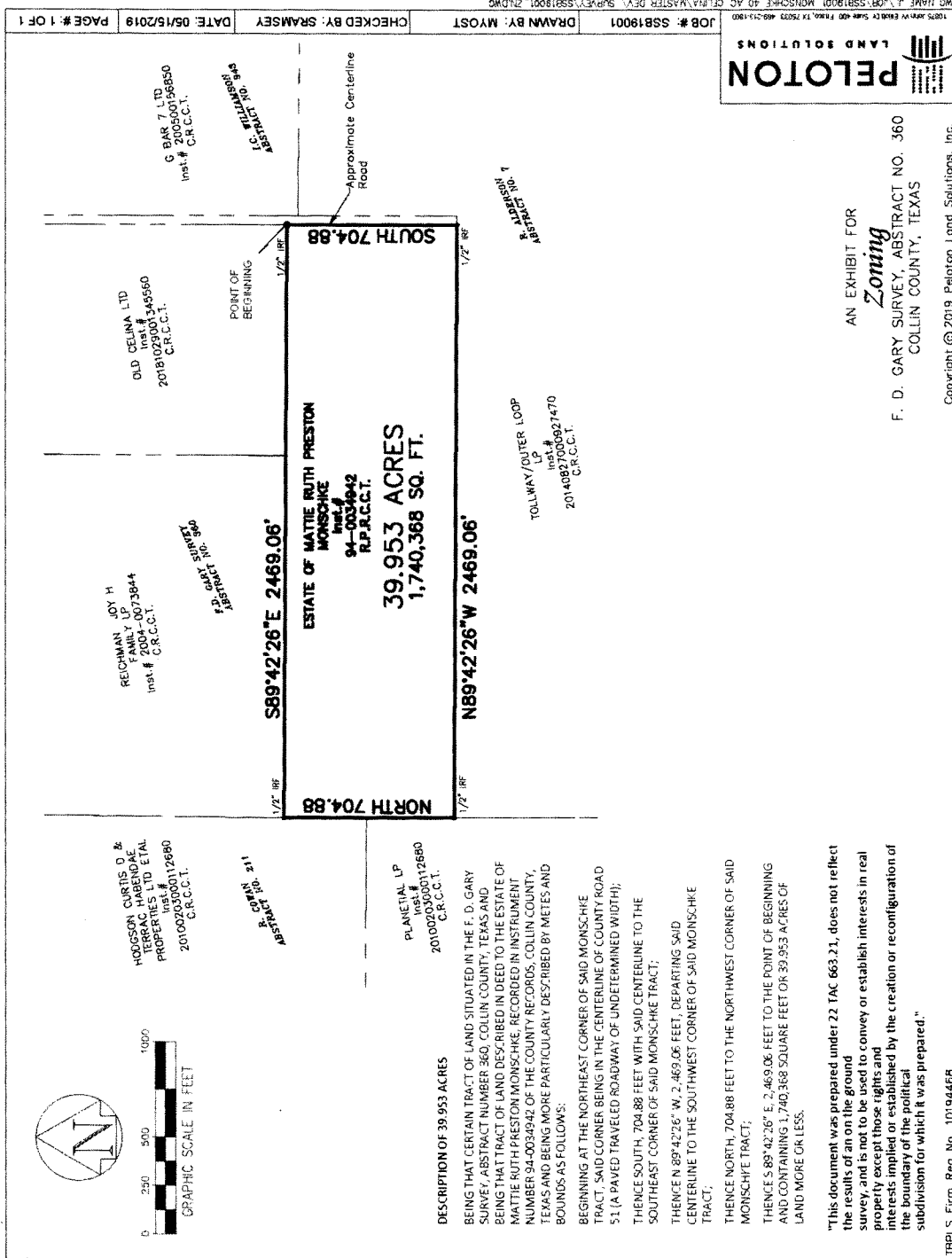
THENCE N 89°42'26" W, 2,469.06 FEET, DEPARTING SAID CENTERLINE TO THE SOUTHWEST CORNER OF SAID MONSCHKE TRACT;

THENCE NORTH, 704.88 FEET TO THE NORTHWEST CORNER OF SAID MONSCHKE TRACT;

THENCE S 89°42'26" E, 2,469.06 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,740,368 SQUARE FEET OR 39.953 ACRES OF LAND MORE OR LESS.

"THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

Exhibit "B" Boundary Exhibit



DESCRIPTION OF 39.953 ACRES

BEING THAT CERTAIN TRACT OF LAND SITUATED IN THE F. D. GARY SURVEY, ABSTRACT NUMBER 360, COLLIN COUNTY, TEXAS, AND BEING THAT TRACT OF LAND DESCRIBED IN DEED TO THE ESTATE OF MATTIE RUTH PRESTON MONSCHKE, RECORDED IN INSTRUMENT NUMBER 94-0034942 OF THE COUNTY RECORDS, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID MONSCHKE TRACT, SAID CORNER BEING IN THE CENTERLINE OF COUNTY ROAD 51 (A PAVED TRAVELED ROADWAY OF UNDETERMINED WIDTH); THENCE SOUTH, 704.88 FEET WITH SAID CENTERLINE TO THE SOUTHEAST CORNER OF SAID MONSCHKE TRACT;

THENCE N 89°42'26" W, 2,469.06 FEET, DEPARTING SAID CENTERLINE TO THE SOUTHWEST CORNER OF SAID MONSCHKE TRACT;

THENCE NORTH, 704.88 FEET TO THE NORTHWEST CORNER OF SAID MONSCHKE TRACT;

THENCE S 89°42'26" E, 2,469.06 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,740,368 SQUARE FEET OR 39.953 ACRES OF LAND MORE OR LESS.

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

TBPLS Firm Reg. No. 10194468



AN EXHIBIT FOR

Zoning

F. D. GARY SURVEY, ABSTRACT NO. 360
COLLIN COUNTY, TEXAS

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Exhibit "D"
Development Regulations

Development within this Planned Development (PD) District must follow the regulations and standards outlined below and meet the intent of the Zoning Exhibit. The subject property shall be zoned PD with a base zoning of MU-2, Mixed Use Regional District, and shall abide by the uses listed in the City's approved use chart within the zoning ordinance, and as may be amended in the future. The following standards will further allow, restrict, or prohibit additional land uses on the subject property.

PART 1 – USES

All Commercial and Retail Development within the subject property shall meet the standards of the Mixed Use Regional (MU-2) zoning district as established in the City of Celina Zoning Ordinance as they exist or may be amended, except as modified below.

- A. Additional Permitted Uses by Right:
 - 1. Gas station with masonry standards
 - 2. Veterinarian Clinic (with indoor kennels)

- B. Permitted with a Conditional Use Permit:
 - 1. Auto Repair, Minor
 - 2. Car Wash
 - 3. Nursery (with retail outdoor sales)

- C. Prohibited Uses:
 - 1. Auto Sales
 - 2. Motorcycle Sales and Repair
 - 3. Recycling Center or Kiosk
 - 4. Sexually Oriented Businesses (SOBs)
 - 5. Outdoor storage/display (exempting home improvement centers)
 - 6. Alternative financial services (including Check Cashing Services)
 - 7. Body art facility
 - 8. Vice paraphernalia
 - 9. Gaming or slot machines (excluding arcades)
 - 10. Lewd merchandise sales
 - 11. Liquor store
 - 12. Pawn shop

Part 2 – MULTIPLE FAMILY REGULATIONS

Development standards for MF land uses (up to 100% of tract) are outlined within this text and shall be developed in accordance to the following criteria:

- A. Definitions:

- i. Urban Edge Apartments - Multi-family dwellings that do not exceed three (3) stories in height. Urban Edge apartments are typically designed where surface parking is interior to the site and screened from the public streets by using landscaping or hardscape.
- ii. Urban Style Apartments - Multi-family dwellings that may be greater than three (3) stories in height. Urban Style apartments are typically designed to either have structured parking or designed to where surface parking is interior to the site and screened from public streets using landscaping or hardscape. Parallel parking may be allowed on access drives but the intent of this type of development is to prevent large visible parking areas.

B. Density:

- i. Urban Edge: Maximum of twenty-four (24) dwelling units per net acre.
- ii. Urban Style: Maximum of thirty-five (35) dwelling units per net acre.

C. Minimum Floor Area:

Dwelling Unit Type	Minimum Floor Area	Restrictions
Efficiency Unit	550 sq. ft.	-
One-bedroom/Studio	650 sq. ft.	-
Two-Bedroom	750 sq. ft.	-
Three-Bedroom	900 sq. ft.	No more than 10% of total units
Four-Bedroom and Above	Not Permitted	

D. Lot Coverage: In no case shall more than sixty-five (65) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, sidewalks and other paved areas shall not be included in determining the maximum lot coverage.

E. Building Height: Buildings shall be a maximum of three (3) stories for Urban Edge apartments, not to exceed forty-five (45) feet in height. Urban Style apartments shall be a maximum of 5 stories and not to exceed a height of sixty-five (65) feet. Chimneys, antennae, and other architectural projections not used for occupancy may extend above this height limit. Accessory buildings shall be a maximum of twenty-five (25) feet, including a detached garage.

F. Required Parking:

Dwelling Unit Type	Parking Requirements (Per Unit)
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Efficiency Unit	1.5
One-bedroom/Studio	1.5
Two-Bedroom	2
Three-Bedroom	2.5
Total required spaces	No less than 1.8 spaces per dwelling unit overall

G. Optional Enclosed Parking and Density Bonus for Urban Edge Apartments:

- i. An increase in density up to twenty-six (26) units per gross acre of land permitted when at least 50% of the required parking spaces are constructed as enclosed spaces.
- ii. An increase of up to twenty-nine (29) units per gross acre of land is permitted when 100% of the required parking spaces are constructed as enclosed spaces.

H. Open Space:

Regardless of the type of development, a minimum of twenty (20) percent of the gross acreage of the tract shall be reserved as usable open space. Open Space may consist of any pervious areas including landscape reserves, landscape islands, publicly accessible detention/drainage facilities, natural open space areas including floodplain and public or private parks and plazas. All detention areas must be per engineering standards and shall not be steeper than 6:1, improved with eight (8) foot sidewalks and benches on a minimum of two sides, and will be landscaped with trees, spaced at not greater than thirty-five (35) foot centers. A minimum of fifty (50) percent of the required Open Space shall be provided outside the floodplain or detention areas. Open Space must be maintained through a Property Owner's Association (POA). All other trees shall be provided as required per City regulations.

I. Amenities:

Open space areas within the multi-family development greater than 280 units shall provide various usable amenities, including playground equipment, sport courts (tennis, basketball, volleyball, or comparable), dog park, pools/spas, indoor fitness center, etc. and installations that promote gathering areas (barbeque and fire pits, benches, tables, etc.) to serve the residents. For multi-family developments less than 280 units, only the pool/spa and fitness center shall be required. For the purposes of this regulation, the amenity and gathering area requirement applies to the entire tract, regardless of if the property is developed in phases or subdivided.

Part 3 – GENERAL CONDITIONS FOR PD:

A. Development Standards:

Development Standards shall conform to the provisions set forth in the Zoning ordinance, as they exist or as amended from time to time, except set forth herein, unless modified by a CUP or zoning amendment.

B. Architectural Standards:

All building elevations shall conform to the provisions set forth in the City's approved Architectural Standards, as they exist or as may be amended in the future.

C. Landscaping and Building Setback Requirements:

Landscaping shall conform to the provisions set forth in the Zoning Ordinance, as it exists or as may be amended in the future, except that a forty (40) foot landscape buffer shall be provided adjacent to any single family residential development. In addition, a forty (40) foot building setback is required for two (2) stories; a sixty (60) foot building setback is required for three (3) stories; and an eighty (80) foot building setback is required for four (4) stories or taller. A forty (40) buffer is also required adjacent to Legacy Drive. A ten (10) foot landscape buffer shall be provided adjacent to any commercial, office, and multi-family residential development. Within that buffer, one large canopy tree (evergreen) shall be provided every thirty five (35) linear feet.

D. Screening:

A minimum effective eight (8) foot tall solid masonry screening wall shall be provided along any property line adjacent to single-family residential uses. A pedestrian access-way from multi-family development to the commercial tract is required.