

**CITY OF CELINA, TEXAS
ORDINANCE NO. 2020-17
CROSSWOOD CREEK PD-104**

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 26 ACRE TRACT OF LAND LOCATED IN THE H. ROUTH SURVEY, ABSTRACT NO. 765, THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 170, AND THE J. RICE SURVEY, ABSTRACT NO. 767, CITY OF CELINA, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED APPROXIMATELY 2,600 FEET EAST OF PRESTON ROAD AND NORTH OF FM 455; AS DEPICTED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT NO. 104; 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 zoning is in conformance with the existing Development Agreement approved and recorded on January 2019 which outlined the annexation and zoning, and modified on January 2020; and

WHEREAS, the establishment of a zoning classification has been requested for the property more specifically depicted in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the Concept Plan and Development Regulations set forth in Exhibit "B" and Exhibit "C", 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. 104 on a certain tract of land depicted in Exhibit "A."

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 No. 104, and incorporates the Concept Plan and Development Regulations, attached hereto as Exhibit "B" and Exhibit "C".

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

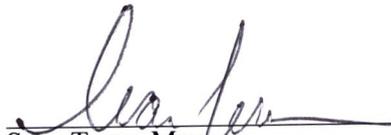
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

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 10th day of March, 2020.


Sean Terry, Mayor
City of Celina, Texas

ATTEST:


Vicki Tarrant, City Secretary
City of Celina, Texas



[SEAL]

APPROVED AS TO FORM:

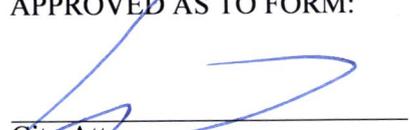

City Attorney
City of Celina, Texas

Exhibit "A"
Property Exhibit

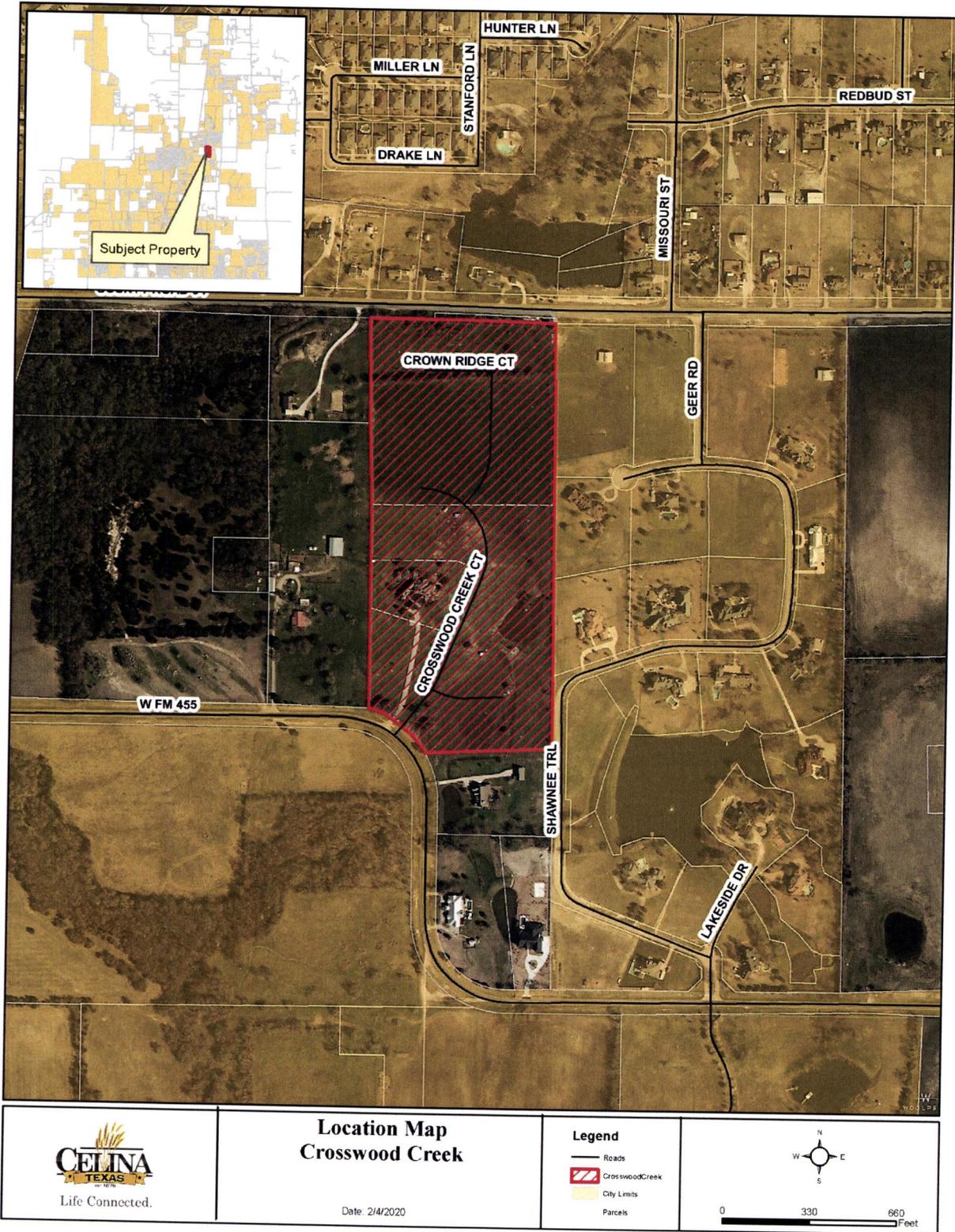


Exhibit "B" Concept Plan



Exhibit "C"
Development Regulations

1.0 PROJECT OVERVIEW

The purpose of these Development Regulations is to create a well-designed, environmentally sensitive community that creates open spaces and trails that link the various areas of the development to encourage and promote outdoor activity among the residents. The open space areas shown on the Concept Plan shall consist of existing corridors, and proposed usable open space dedication (dedicated to the HOA), trails, ornamental trees and shade trees. This development will promote a sense of community, environmental stewardship and a healthy and robust relationship with one's neighbors.

2.0 PROJECT LOCATION

The project is located on the north side of FM 455, approximately 2,600 feet east of Preston Road and abuts CR 94, future Lynn Stambaugh Parkway. The 25.44-acre property is comprised of the 10.936-acre Thompson Property and the 14.5-acre James Property and is situated in the J.K. Rice Survey, Abstract No. 767 in the City of Celina ETJ and Collin County, Texas as described in Exhibit A, Legal Description and as depicted graphically in Exhibit C, Concept Plan.

3.0 DEFINITIONS

Except as otherwise defined in this Agreement, terms used herein shall be the same as those found in Section 14.01.007 of the Zoning Ordinance for the City of Celina, Texas, in effect on the effective date of this Agreement (the "Zoning Ordinance").

4.0 HOMEOWNERS/PROPERTY OWNERS ASSOCIATION

A homeowners association shall be established and shall be responsible for the ownership and maintenance of all common areas, including all private open space areas shown on the Concept Plan.

5.0 PROPOSED THOROUGHFARES/ACCESS/CROSS SECTIONS

FM 455 is not designated on the Thoroughfare Plan and will remain a two-lane country road. CR 94 (future Lynn Stambaugh Parkway) is shown on the Thoroughfare Plan as a four-lane divided minor arterial, is planned to be generally adjacent to the northern property line with associated right-of-way dedication. No access is proposed to CR 94. The one access point to the residential subdivision will be off FM 455.

Roadway development shall meet the standards as required in the Subdivision Regulations except as follows:

1. Access Point: there shall be one primary access point located on the south boundary line of the Property providing access from FM 455.
2. Cul-de-Sac Length - No Minimum.
3. Rural Cross Section Roadways: roads and streets constructed within the Property may be constructed to drain into an underground storm sewer system or into bar ditches constructed alongside and adjacent to the roads and streets. Concrete streets shall be constructed with a minimum width of 26 feet and shall not be required to be bound by curbing.

6.0 LAND USES

The following uses are permitted by right except as otherwise noted:

1. Single-family estate detached - The layout for this planned development is shown on the Concept Plan, Exhibit C.
2. Temporary marketing and sales centers associated with the development of the property.
3. Temporary construction offices and storage yards associated with development of the property.
4. Public works related facilities necessary to serve the development.
5. Parks, playgrounds, trails, swimming pools, and other forms of improved and unimproved open space.
6. Recreation/Amenity centers, pools, cabana buildings and/or locker/ changing rooms.
7. All other SF-E single family residential estate district uses as listed in the Zoning Ordinance, as it exists or may be amended.

7.0 CONCEPT PLAN

The concept plan calls for 20 one-acre lots and 1 one-acre Pond Lot. The amenity center lot will feature an aerated retention pond and trails.

8.0 FIRE

The Fire Department has approved the location of the single entrance to the subject property as there are fewer than twenty-nine lots, which is the threshold for the two point of access requirement.

9.0 DEVELOPMENT REGULATIONS

9.1 General Area regulations for residential uses are set forth in the table and notes below in this Section 9.0 which contain the exclusive lot size, setback, height, dwelling size, and lot coverage requirements for the Property.

Minimum Lot Size	43,560 SF
Maximum Building Height	60 feet
Minimum Front Yard Setback	20 feet
Minimum Dwelling Unit Size	4,100 SF
Maximum Lot Coverage (see Note 2)	No Maximum

1. The lot widths shall be measured along the arc of the front building line.
2. Lot coverage is defined as the footprint of the primary residential structure, excluding, without limitation, patios (covered or uncovered), pools, driveways, sidewalks and other improvements which are not part of an enclosed building.

9.2 Subdivision Regulations. Development shall meet the standards as required in the Subdivision Regulations except as follows:

1. Access Point: there shall be one primary access point located on the south boundary line of the Property providing access from FM 455. A second access point providing access to and from CR 94 for emergency vehicles and personnel is not required so long as the total lot number remains below 30 lots.

2. Right-of-way dedication for CR 94 is required at time of platting.
3. Cul-de-Sac Length - No Minimum.
4. Roadways: A rural cross section is allowed and shall provide a minimum 50 foot wide right-of-way, with 26 feet of concrete, and may include bar ditches in lieu of curb and gutter.
5. A divided entry with a signature entry feature or other accentuated focal point to provide a sense of arrival and branding shall be provided at the FM 455 entrance and along FM 455 frontage.
6. No septic is allowed, as the subdivision shall connect to the City's sewer system.
7. Plat Extensions - Unless construction has commenced, plats expire two (2) years after approval, and construction plans expire one (1) year after approval.

10.0 RESIDENTIAL DESIGN GUIDELINES

1. Exterior building facades for residential structures shall abide by the governing architectural design standards of the City.
2. Every detached single-family residence shall have at least two enclosed parking spaces and two surface parking spaces.
3. Garage doors shall be placed according to the Zoning Ordinance, as it exists or may be amended.
4. No building shall exceed a height of more than 60 feet.
5. A minimum four large canopy trees is required per lot prior to issuance of a Certificate of Occupancy for a home.

11.0 OPEN SPACE & TRAILS

Open space and amenities shall be provided per the following:

1. All open space areas shall be owned and maintained by the HOA.
2. The Development shall provide a minimum 1 acre open space lot (Pond Lot), generally located per the Concept Plan with the existing pond, that is owned and maintained by the HOA.
3. The Pond Lot shall include a minimum eight foot wide pedestrian access trail to activate the pond area, the pond shall be aerated with a fountain, a minimum eight large canopy trees shall be planted on the Pond Lot, and additional large evergreen canopy trees shall be planted along the eastern property line of the Pond Lot spaced 40 feet on center.

12.0 PERIMETER SCREENING & LANDSCAPE BUFFERS

Landscape Buffer:

1. No landscape buffer shall be required adjacent to FM 455.
2. A minimum 30 foot wide landscape easement, to be installed and maintained by the HOA, that shall not be encroached upon by any improvements (e.g. pools, accessory structures, fences, etc.) shall be provided along CR 94. This landscape easement shall include four-foot tall earthen berms (maximum 4:1 slope) with large canopy trees generally spaced 30 feet on center along CR 94.

12.2 Screening:

1. Fencing within the planned development may include split-rail fencing.

2. No other screening fence requirements shall apply in order to promote the visual of rural, estate residential development.

13.0 DEVELOPMENT AMENITIES

1. A divided entry with landscaping and decorative fencing on both sides of the main entrance along FM 455 is planned.
2. An open space with trails and an amenitized, aerated retention area will be within the development.