

CITY OF CELINA, TEXAS

ORDINANCE 2020-25

TUSCANY ESTATES

PLANNED DEVELOPMENT #106

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 119 ACRE TRACT OF LAND LOCATED IN THE LEVIN ROUTH SURVEY, ABSTRACT NO. 779, CITY OF CELINA, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF COUNTY ROAD 87 AND COUNTY ROAD 90; AS DESCRIBED IN EXHIBIT "A" AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT NO. 106; PROVIDING FOR INCORPORATION OF PREMISES, FINDINGS, AMENDMENT OF ZONING CLASSIFICATION, ZONING DESIGNATION AND DEVELOPMENT REGULATIONS, REVISION OF ZONING MAP, COMPLIANCE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 PER OFFENSE AND OTHER ENFORCEMENT MECHANISMS; PROVIDING CUMULATIVE REPEALER, SAVINGS AND SEVERABILITY CLAUSES; 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, Section 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 as though fully set forth herein (the "Property"); and

WHEREAS, the Concept Plan and Development Regulations set forth in Exhibit "B" and Exhibit "C", 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 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 to establish the zoning classification for the Property as "PD" Planned Development District No. 106 and is subject to the following PD regulations, which exhibits are incorporated as if fully set forth herein:

- Exhibit B: Concept Plan
- Exhibit C: Development Regulations

SECTION 4
ZONING DESIGNATION AND DEVELOPMENT REGULATIONS

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. 106, and incorporates the Concept Plan attached hereto as Exhibit "B" and the Development Regulations attached hereto as 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 14th day of April, 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
Legal Description

BEING a 118.9044 acre tract or parcel of land situated in the LEVIN ROUTH SURVEY, Abstract No. 779, Collin County, Texas, and being that certain tract of land described in Special Warranty Deed to Celina Land Development LLC, recorded in Instrument Number 2019111000037300, Official Public Records, Collin County, Texas (O.P.R.C.C.T.); and being more particularly described by metes and bounds as follows:

BEGINNING at a found PK nail for the southwest corner of said Celina Land Development tract located in the approximate center of County Road 87; said found PK nail also being the northwest corner of that certain tract of land described in Special Warranty Deed to Celina Stone, LLC, recorded in Instrument Number 2016916001237420, O.P.R.C.C.T.;

THENCE North 01 degrees 21 minutes 14 seconds West, along the west line of said Celina Land Development tract and the approximate centerline of said County Road 87, and along the east line of those certain tracts described in documents to Balaji Texas Properties, LLC, recorded in Instrument Number 20160610000729930, O.P.R.C.C.T. and to Richard Weber et ux, recorded in Instrument Number 97-0040053, O.P.R.C.C.T. and Robert Pickens, recorded in Volume 1772, Page 229, Deed Records, Collin County, Texas (D.R.C.C.T.), a distance of 2632.39 feet to a found PK nail for the northwest corner of said Celina Land Development tract and the northeast corner of said Pickens tract; said found PK nail also being on the south line of that certain tract described in document to A. J. Malone, recorded in Volume 256, Page 340, D.R.C.C.T.;

THENCE South 89 degrees 57 minutes 04 seconds East, along the north line of said Celina Land Development tract and the south line of said Malone tract and along the south line of that certain tract described in document to A. J. McKnight, recorded in Instrument Number 2003-02311730, O.P.R.C.C.T., a distance of 2086.84 feet to a found 3/8 inch iron rod for the northeast corner of said Celina Land Development tract;

THENCE South 00 degrees 18 minutes 20 seconds East, along the east line of said Celina Land Development tract, a distance of 722.83 feet to a found 3/4 inch iron rod;

THENCE South 88 degrees 22 minutes 20 seconds East, along the east line of said Celina Land Development tract, a distance of 85.28 feet to a point being the north end of a Boundary Line Agreement by and between Celina/Coit Road, LLC and The Parks at Wilson Creek, L.P., recorded in Instrument Number 20190111000037290, O.P.R.C.C.T.;

THENCE South 01 degrees 59 minutes 21 seconds West, along said Boundary Line Agreement, a distance of 96.45 feet to a found capped iron rod;

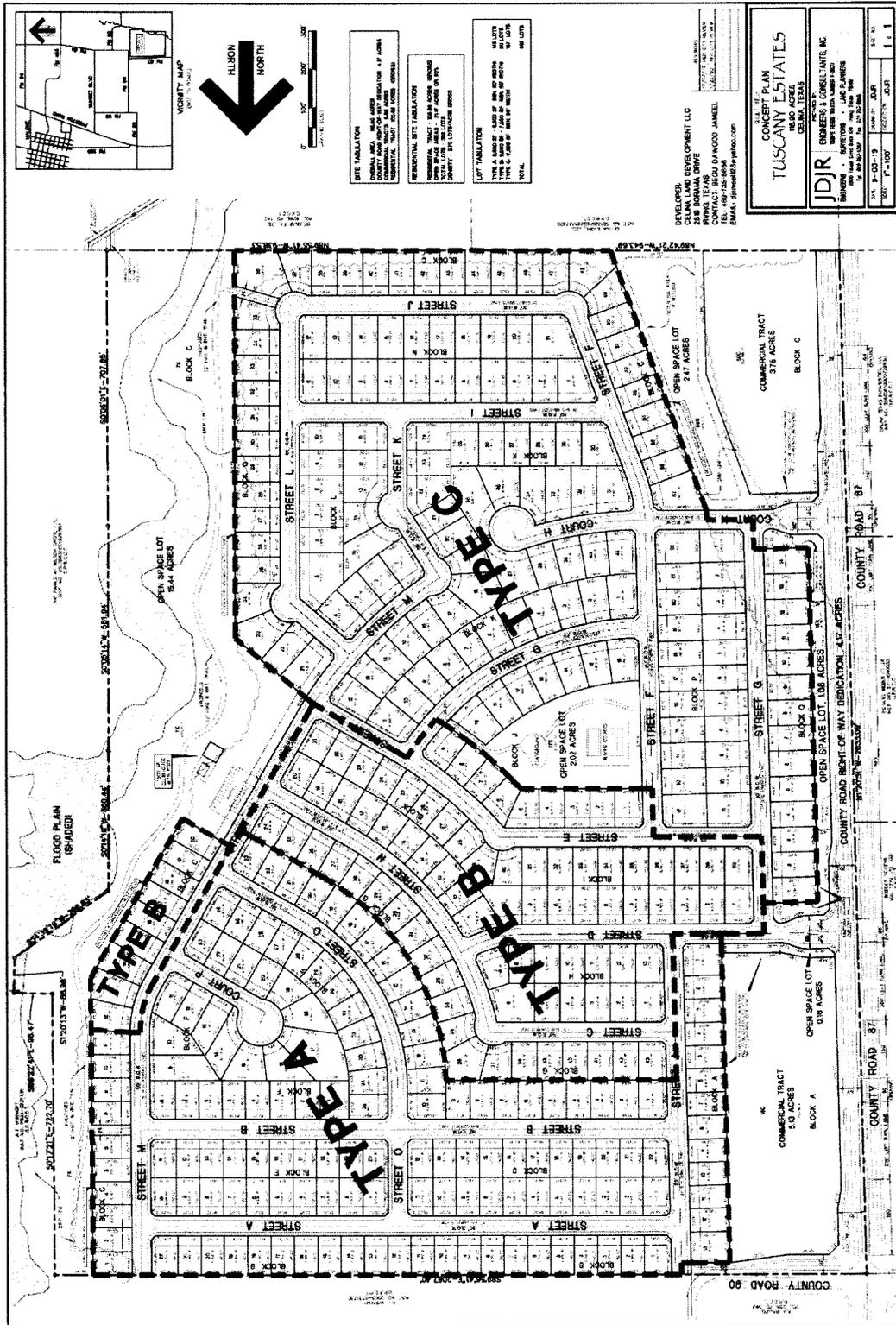
THENCE South 54 degrees 14 minutes 20 seconds West, along said Boundary Line Agreement, a distance of 296.98 feet to a found 1/2 inch iron rod;

THENCE South 00 degrees 38 minutes 09 seconds East, along said Boundary Line Agreement, a distance of 1641.53 feet to a found 1/2 inch capped iron rod for the southeast corner of said Celina Land Development tract as determined by said Boundary Line Agreement; said found 5/8

inch iron rod also being located on the north line of that certain tract described in document to Belknap FP, Ltd., recorded in Volume 4288, Page 162, D.R.C.C.T.;

THENCE North 89 degrees 47 minutes 44 seconds West, along the south line of said Celina Land Development tract, the north line of said Belknap FP Ltd. tract, and continuing along the north line of the aforementioned Celina Stone, LLC tract, a distance of 1887.64 feet to the Point of Beginning, and containing 118.9044 Acres (5,179,477 square feet) of land.

Exhibit B Concept Plan



**Exhibit C
Development Regulations**

1. Base Zoning:

The development shall follow all standards in the Zoning Ordinance, Subdivision Ordinance, and all other applicable City ordinances, as may be amended, except as follows.

The base zoning of the residential portion of the Planned Development shall be SF-R, Single-Family Residential Detached District.

The base zoning for the commercial portion of the Planned Development shall be C, Commercial, Office, & Retail District.

2. Concept Plan:

The subject property shall generally develop per the attached Concept Plan. The Concept Plan displays the general location and configurations of streets, lotting patterns, and other infrastructure and amenities, all of which can be adjusted for pragmatic purposes at time of permitting. Such modifications shall not be unreasonably withheld, but are subject to review and approval by the Director of Development Services. Nothing on the Concept Plan precludes the administration of Engineering requirements, such as detention.

3. Architecture: The subject property is an architecturally, historically, and culturally significant tract of land and shall abide by the City's architectural standards, as may be amended.

4. Tree Removal: Any protected trees removed on the property will require a Tree Removal Permit.

5. Lot Regulations for SF-R

The Development shall meet the standards in the Subdivision Regulations and the Zoning Ordinance, as may be amended, except as follows:

	TYPE A	TYPE B	TYPE C
Minimum Lot Area	6,000 sq. ft.	6,500 sq. ft.	7,500 sq. ft.
Minimum Dwelling Size	1,600	1,750 sq. ft.	1,950
Minimum Lot Width	60'	60'	60'
Minimum Lot Depth	100'	100'	100'
Minimum Front Yard Setback	20'	20'	20'
Minimum Front Garage Door Setback	25'; 20' if J-Swing	25'; 20' if J-Swing	25'; 20' if J-Swing

Minimum Rear Yard Setback	20'	20'	20'
Minimum Side Yard Setback	5'	5'	5'
Minimum Side Yard Setback (Corner Lots, measured from Curb)	15'	15'	15'

- For all residential lot types, the following general area regulations apply:
 - a. The lot widths are measured along the arc of the front building line.
 - b. For cul-de-sac and eyebrow lots, the minimum lot width may be reduced by 5', and the maximum lot width measured at the right-of-way line shall be 35'.

6. Amenities for SF-R:

- a. Lot 7X, Block C (along Wilson Creek):
 - 12' concrete trail per the Trails Master Plan.
 - The trail shall maintain multiple trail connections into the adjacent street's sidewalks, in addition to view corridors along Wilson Creek, generally as shown on the Concept Plan.
 - Community clubhouse to have a minimum air-conditioned area of 1,500 square feet
 - Community swimming pool
 - The 12' concrete trail must be constructed and the clubhouse and swimming pool must obtain a building permit prior to the issuance of the 200th residential building permit within the development.
- b. Lot 17X, Block J:
 - Playground area with commercial grade playground equipment
 - Two tennis/basketball courts or comparable
 - The amenities listed above (within Lot 17X, Block J) shall be completed prior to the issuance of the 100th residential building permit within the development.
- c. Lot 58X, Block C:
 - This area only counts toward the open space requirements if it remains a heavily wooded environment.