

CITY OF CELINA, TEXAS

ORDINANCE 2020-34

LA TERRA

PLANNED DEVELOPMENT #108

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 98 ACRE TRACT OF LAND LOCATED IN THE J. HEATH SURVEY, ABSTRACT NO. 387, CITY OF CELINA, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED ON THE NORTHWEST CORNER OF COUNTY ROAD 9 AND FM 455; AS DESCRIBED IN EXHIBIT "A" AND INCORPORATED HEREIN BY REPEALING AND REPLACING PLANNED DEVELOPMENT DISTRICT NO. 35 WITH "PD" PLANNED DEVELOPMENT DISTRICT NO. 108; 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, Screening Plan, and Development Regulations set forth in Exhibit "B", 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 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. 108 and is subject to the following PD regulations, which exhibits are incorporated as if fully set forth herein:

- Exhibit B: Concept Plan
- Exhibit C: Screening Plan
- Exhibit D: 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. 108, and incorporates the Concept Plan attached hereto as Exhibit "B", the Screening Plan attached hereto as Exhibit "C", and the Development Regulations 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.

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.

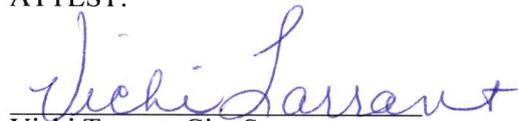
AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 12th day of May, 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

97.754 ACRES

BEING a tract of land in the J. HEATH SURVEY, ABSTRACT NO. 387, Collin County, Texas, and being part of that tract of land conveyed in Deed to JASC Investments Inc., according to the document of record filed in Document Number 20160610000730460, Official Public Records, Collin County, Texas, and being more particularly described as follows;

BEGINNING at a 1/2" iron rod found for the common northwest corner of said JASC Investments Inc. tract and the southwest corner of that tract of land conveyed in Deed to Charles Ray Huddleston and Sherry Lynn Huddleston, according to the document filed of record in Volume 1368, Page 368, Deed Records, Collin County, Texas;

THENCE N 89° 56' 49" E, with the common north line said JASC Investments Inc. tract and the south line of said Huddleston tract, a distance of 269.47 feet to a 3/8" iron rod found for the common southeast corner of said Huddleston tract and the southwest corner of that tract of land described as Tract 1 as conveyed in Deed to Rodney L. Steed and wife, Tommie S. Steed, according to the document of record filed in Book 4393. Page 0942, Official Public Records, Collin County, Texas;

THENCE N 89° 06' 37" E, with the common north line said JASC Investments Inc. tract and the south line of said Tract 1, a distance of 220.24 feet to a 1/2" iron rod found for the common southeast corner of said Tract 1 and the southwest corner of that tract of land described as Tract 1 as conveyed in Deed to Tommie S. Steed and Rodney L. Steed, according to the document of record filed in Document Number 20071011001400330, Official Public Records, Collin County, Texas;

THENCE N 89° 35' 00" E, with the common north line said JASC Investments Inc. tract and the south line of said Tract 1, a distance of 220.01 feet to a 1/2" iron rod found for the common southeast corner of said Tract 1 and the southwest corner of that tract of land described as Tract 1 as conveyed in Deed to Rodney Lynn Steed, Linda Steed Evans, Kathy Steed Hill, Sally Ann Steed and Peggy Steed Jordan, according to the document of record filed in Document Number 20160323000342410, Official Public Records, Collin County, Texas;

THENCE N 89° 29' 11" E, with the common north line said JASC Investments Inc. tract and the south line of said Tract 1, a distance of 220.84 feet to a 1/2" iron rod found for the common southeast corner of said Tract 1 and the southwest corner of that tract of land conveyed in Deed to Jacki Cantrell, Co-Trustee of the Cantrell Family Trust; Kenny Cantrell, Co-Trustee of the Cantrell Family Trust; and Debbie Cantrell, Co-Trustee of the Cantrell Family Trust, according to the document of record filed in Document Number 20071205001624610, Official Public Records, Collin County, Texas;

THENCE N 89° 45' 20" E, with the common north line said JASC Investments Inc. tract and the south line of said Cantrell Family Trust tract, distance of 220.24 feet to a 1/2" iron rod found for

the common southeast corner of said Cantrell Family Trust tract and the southwest corner of that tract of land conveyed in Deed to Celina Parkway 28 Partners, LTD, according to the document of record filed in Document Number 20170616000786060, Official Public Records, Collin County, Texas;

THENCE N 89° 28' 39" E, with the common north line said JASC Investments Inc. tract and the south line of said Celina Parkway 28 Partners, LTD, a distance of 160.17 feet to a 1/2" iron rod set in the west line of that tract of land conveyed in Deed to Leslie C. Hall and Spouse, Barbara P. Hall, according to the document of record filed in Document Number 19920408000221690, Official Public Records, Collin County, Texas, for the common northeast corner of said JASC Investments Inc. tract and the most southerly southeast corner of said Celina Parkway 28 Partners, LTD;

THENCE S 00° 34' 21" E, with the common east line of said JASC Investments Inc. tract and the west line of said Hall tract, a distance of 199.37 feet to a 1/2" iron rod found for the common southwest corner of said Hall tract and the northwest corner of that tract of land conveyed in Deed to Jenny Kay Tolleson, according to the document of record filed in Document Number 20190927001202340, Official Public Records, Collin County, Texas;

THENCE S 00° 39' 11" E, with the common east line of said JASC Investments Inc. tract and the west line of said Jenny Kay Tolleson tract, a distance of 551.88 feet to a 1/2" iron rod found for the common southwest corner of said Jenny Kay Tolleson tract and the northwest corner of that tract of land conveyed in Deed to Laddie Garner and wife, Joan Garner, according to the document of record filed in Book 3969, Page 3021, Official Public Records, Collin County, Texas;

THENCE S 00° 30' 47" E, with the common east line of said JASC Investments Inc. tract and the west line of said Garner tract, a distance of 573.65 feet to a 1/2" iron rod set for a common interior ell corner of said JASC Investments Inc. tract and the southwest corner of said Garner tract;

THENCE N 88° 47' 55" E, with the common north line of said JASC Investments Inc. tract and the south line of said Garner tract a distance of 756.71 feet to a 1/2" iron rod found;

THENCE S 89° 25' 38" E, continuing with said common line, a distance of 447.04 feet to a 1/2' iron rod set;

THENCE S 51° 55' 44" E, a distance of 65.81 feet to a 1/2" iron rod set in the west line of Farm-to-Market Road 455 (FM 455), a 90' right-of-way, for the most easterly northeast corner of said JASC Investments Inc. tract;

THENCE S 00° 17' 07" E, with the common east line of said JASC Investments Inc. tract and the west line of said FM 455, a distance of 945.84 feet to a 1/2" iron rod set at the intersection of the west line of said FM 455 and the north line of CR 9, for the southeast corner of said JASC Investments Inc. tract;

THENCE S 89° 16' 10" W, with the common south line of said JASC Investments Inc. tract and the north line of said CR 9, a distance of 2,532.41 feet to a 1/2" iron rod set in the east line of that tract of land conveyed in Deed to Dynavest Joint Venture, according to the document of record filed in Book 2288, Page 114, Deed Records, Collin County, Texas, for the southwest corner of said JASC Investments Inc. tract;

THENCE N 01° 29' 13" W, with the common west line of said JASC Investments Inc. tract and the east line of said Dynavest Joint Venture tract, a distance of 1,940.30 feet to a 1/2" iron rod with a red plastic cap stamped "PEISER-MANKIN" found for the most easterly northeast corner of said Dynavest Joint Venture tract;

THENCE N 00° 16' 43" W, over and across said JASC Investments Inc. tract, a distance of 382.83 to the **POINT OF BEGINNING**, and containing 97.754 acres of land, more or less.

Exhibit B Concept Plan



Exhibit C Screening Plan

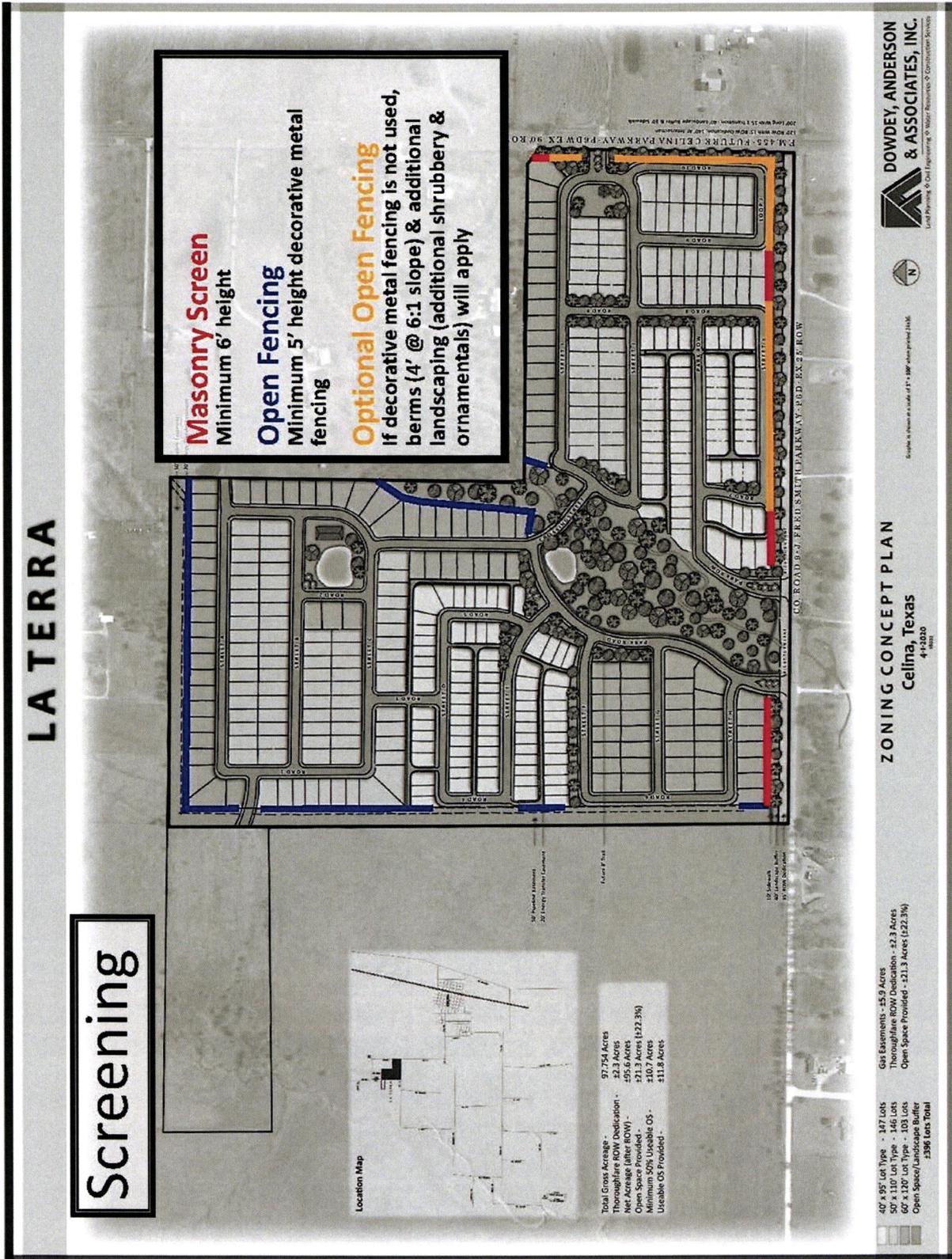


Exhibit D Development Regulations

1. Concept Plan

The development generally consist of lots with both front entry garages and rear entry garages. The lot mix breakdown for each type of lot is as follows:

- Type 60 Residential Lots – Minimum 100 lots
- Type 50 Residential Lots – Maximum 260 lots
- Type 40 Residential Lots – Maximum 150 lots

2. Lot Regulations

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

- Base Zoning: SF
- 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.

	TYPE 60	TYPE 50	TYPE 40
Minimum Lot Area	6,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.
Minimum Dwelling Size	1,600	1,400 sq. ft.	1,400
Minimum Lot Width <ul style="list-style-type: none"> • The lot widths shall be measured along the arc of the front building line. • For Cul-de-sacs and eye-brows/elbows the minimum lot width measured at the building line may be reduced by a maximum of 5'; the minimum lot width measured at the right-of-way line shall be 35'. 	60'	50'	40'
Minimum Lot Depth	100'	100'	90'
Minimum Front Setback	20'	20'	10'
Front Porch	Covered Front Porches may extend over the front building setback line up to eight feet (8') but the garage must remain at or behind the front setback line in all instances. Front Porches are not required.		
Minimum Rear Setback	10'	10'	10'; Driveways for Garages at

			Alleys: Either 3'-5' or 20'+
Minimum Side Setback	5'	5'	0' and 5' (with minimum 5' separation)
Minimum Side (Corner) Setback <ul style="list-style-type: none"> • Except for key lots which side yard shall match the front yard of the adjacent lot. 	15'	15'	15'
Maximum Impervious Surface Per Lot	65%	70%	80%
Front Entry Garages	Permitted, no alleys required	Permitted, no alleys required	Not permitted, alleys required
Garage Orientation and Setback	Garages may face the street or be J-swing. For garage doors facing the street, garages shall be flush with or set back from the front building line. J-swing garages may protrude the front building line up to 5' into the front setback for additional variation of homes	Garages may face the street or be J-swing. For garage doors facing the street, garages shall be flush with or set back from the front building line. J-swing garages may protrude the front building line up to 5' into the front setback for additional variation of homes	N/A
Maximum Building Height (Primary Structure)	40' or 2.5 stories		

3. Landscape Requirements

Landscaping shall conform to the provisions set forth in the Subdivision Regulations and the Zoning Ordinance, as may be amended, except as follows:

- Screening:
 - 6' high masonry screening walls are required where residential lots are adjacent to CR 9 and FM 455.
 - Decorative, open fencing may be used when open space, cul-de-sac, or single-loaded rights-of-way (not alleys) are adjacent to the ROW. The developer may also choose in these instances to provide not fencing;

however, berms (4' @ 6:1 slope) and additional landscaping (additional shrubbery and ornamentals) will apply.

- Larger, park-like expanses do not require any perimeter screening.
- Decorative metal fencing is required for any interior lots backing to a park or open space, including the gas easement.
- Landscaping:
 - 40' landscape buffer on both Legacy Drive and CR 9
 - The ROW dedication, landscape buffer, and sidewalk adjacent to FM 455 will be dependent upon its ultimate ROW width, as known as time of plan review
 - Right turn lanes are permitted within the 40' buffer

4. Tree Mitigation

- Any deviations to the City's Tree Preservation regulations are found within the associated Development Agreement.
- The subject property shall abide by the City's tree preservation regulations, except that the definition of a Protected Tree shall be any Type 1 or Type 2 tree that is 18" DBH or larger.

5. Subdivision Regulations

Subdivision design shall conform to the provisions set forth in the subdivision regulations, as they exist or as amended from time to time, except as set forth herein:

- Final street pattern to be determined at time of permitting. Staff may make minor modifications to the street regulations, subject to discretionary review and approval by the Director of Engineering.
- Alley Design: No dead end alleys longer than 1 home are permitted.
- Residential streets shall be minimum 50' right of way and 29' paving from back-to-back of curb. Roll-over curbs are not permitted.

6. General Provisions

- The building permit for the associated Amenity Center is required to be issued before the issuance of the 300th single family home building permit.
- The amenity center shall include a pool, lawn area for children, bathrooms, and looped trail around the site that is a minimum 8' wide concrete (can be enlarged sidewalk when along ROW).
- A 12' wide concrete trail is required along Legacy Drive (per the Master Trails Plan), and an 8' wide concrete trail is also required through the open space area on the Concept Plan.
- The tract to the northeast shall have at least 1 stub-out for future cross access.