

CITY OF CELINA, TEXAS

ORDINANCE 2020-47

DICKERSON TRACT

PLANNED DEVELOPMENT #111

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 APPROXIMATELY 58 ACRES OF LAND OF LAND LOCATED IN THE I.C. WILLIAMS SURVEY, ABSTRACT NO. 943, CITY OF CELINA, COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED EAST OF DALLAS PARKWAY AND APPROXIMATELY 2,000 FEET SOUTH OF GLENDENNING PARKWAY; AS DESCRIBED IN EXHIBIT "A" AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT NO. 111; 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 Building Elevations set forth in Exhibit "B" and the Development Regulations set forth in 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. 111 and is subject to the following PD regulations, which exhibit are incorporated as if fully set forth herein:

Exhibit B: Building Elevations
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. 111, and incorporates the Building Elevations 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

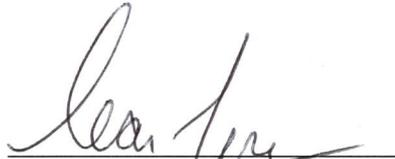
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

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 July, 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 portion of that tract of land situated in the I.C. Williams Survey, Abstract Number 943, Collin County, Texas and being all of those tracts of land described by deeds to Lewis D. Dickerson, recorded in Instrument Number 19930312000182730 (herein after referred to as Tract 1, Lewis D. Dickerson, recorded in Instrument Number 20090226000220600(herein after referred to as Tract 2) and Blake Dickerson recorded in Instrument Number 20010219000170340 (herein after referred to as Tract 3) all of County Records, Collin County, Texas, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of said Tract 3, being the northeast corner of that tract of land described by deed to Walter K. and Deborah W. Plagee recorded in Instrument Number 19940309000234050 of said county records and being in County Road 52, (a paved traveled roadway of undetermined width), no record found;

THENCE N 89° 38' 54" W, 1,841.95 feet to the southwest corner of said Tract 3 and the east right-of-way line of the North Dallas Tollway (a variable with right-of-way);

THENCE along said east right-of-way line the following bearings and distances to the beginning of a curve to the right:

With said curve to the right, having an arc distance of having an arc distance of 273.47 feet, through a central angle of 02° 49' 24", having a radius of 5,549.58 feet, the long chord which bears N 02° 16' 47" E, 273.44 feet to the beginning of a curve to the right;

N 03° 41' 37" E, 419.54 feet;

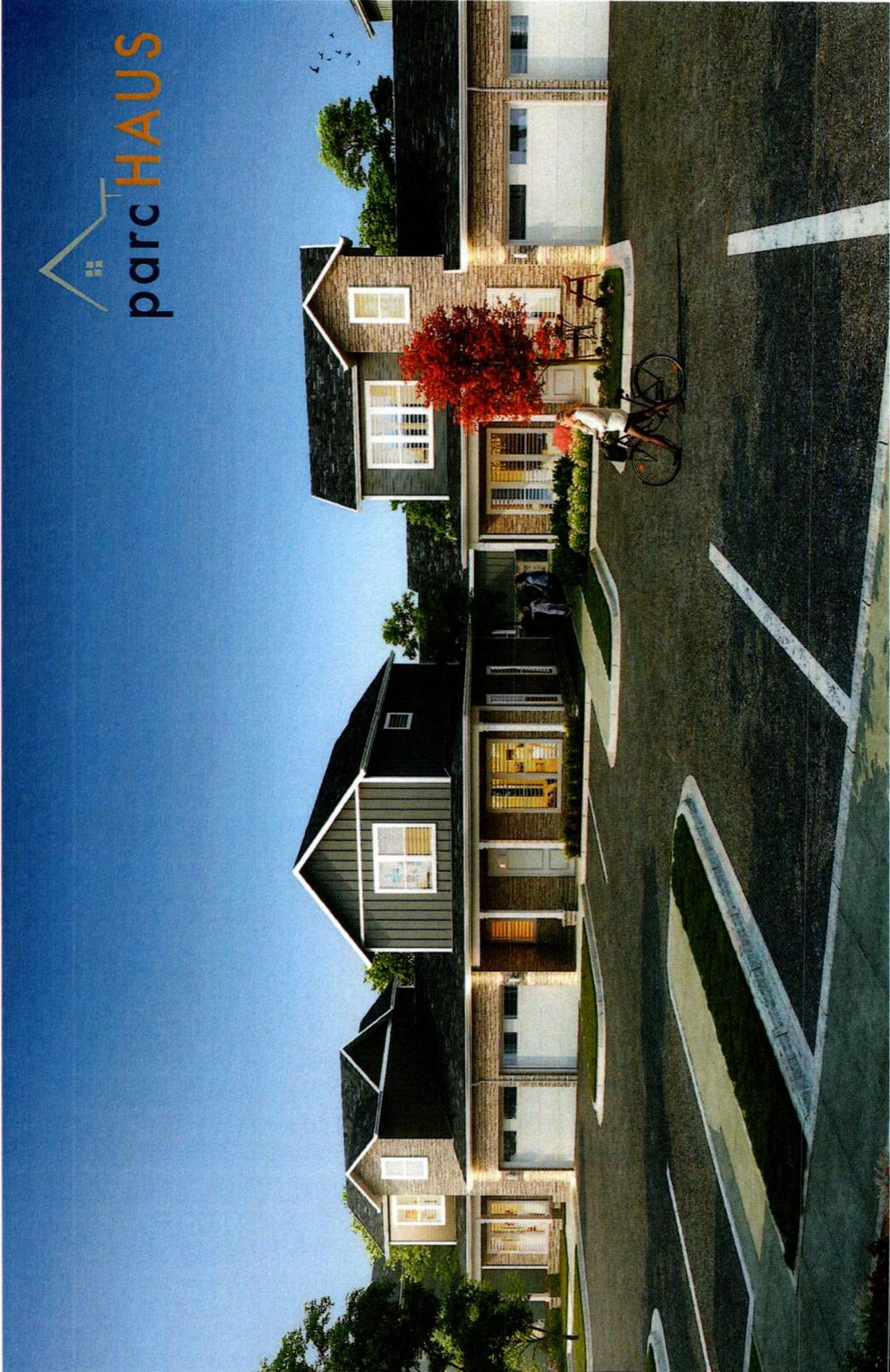
N 03° 42' 00" E, 684.59 feet to the northwest corner of said Tract 1;

N 89° 52' 13" E, 1,779.08 feet, departing said east right-of-way line to the northeast corner of said Tract 1 and being in County Road 52;

THENCE S 00° 47' 33" W, 1,390.52 feet along said County Road 52 to the point of beginning and containing 2,507,647 square feet or 57.568 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
Building Elevations**



**Exhibit B
Building Elevations (con't)**



**Building Exhibit B
Elevations (con't)**

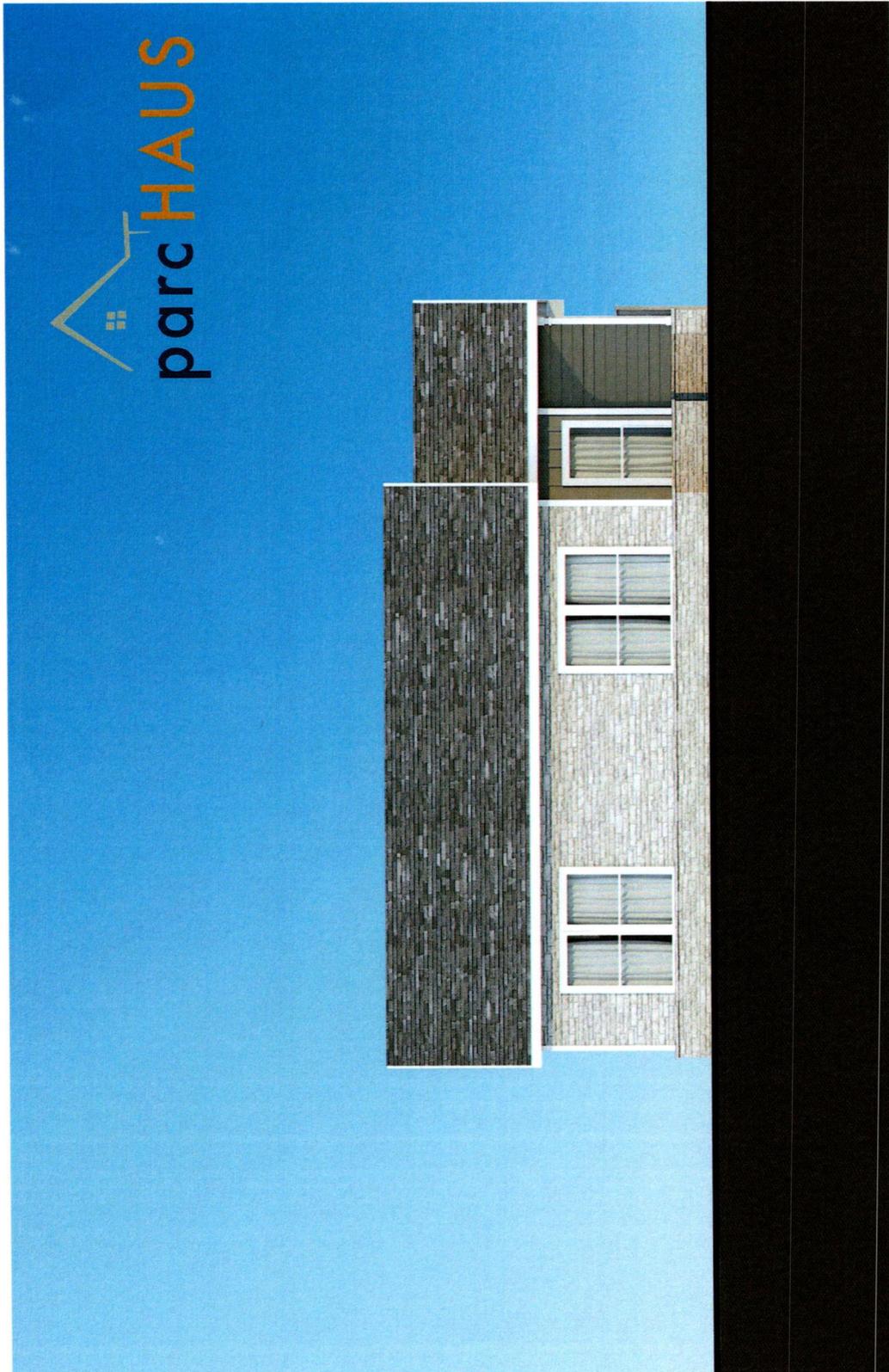


Exhibit C Development Regulations

Development within this Planned Development District must follow the regulations outlined below and meet the intent of the Land Plan attached herein as. Any significant changes to Land Plan shall require approval of the City of Celina Planning & Zoning Commission as well as the City of Celina City Council as outlined in the Code of Ordinances, as it exists or may be amended.

All development in the tracts shall meet the standards of the Dallas North Tollway (DNT) zoning district as established in the City of Celina Zoning Ordinance as it exists or may be amended, except as noted below.

The common boundary between Tract 1, 2, and 3 may be adjusted to accommodate minor changes to actual development uses, not to exceed five percent (5%) change in area of either Tract.

Tract 1

- Base zoning of Dallas North Tollway (DNT) zoning district.
- Right-of-way may be necessary to accommodate future ramping along DNT prior to issuance of development permits on this tract.

Tract 2

- Base zoning of Dallas North Tollway (DNT) zoning district, except that the “Dwelling, Single-Family Attached” use is permitted through a Specific Use Permit.

Tract 3

- Base of Dallas North Tollway (DNT) zoning district except as below:
 - Primarily 1 story cottage style multi-family with ability for 2 stories.
 - Maximum density of 15 units/acre.
 - 6’ masonry wall on all sides.
 - If the units are oriented outward, then 6’ decorative open fencing is allowed on that perimeter.
 - Amenities to follow MF-1 standards.
 - The overall architecture motif shall be cottage with a mix of stone and cementitious fiberboard.
 - Facades that are more visible (fire lanes, ROW) shall generally match the attached elevations.
 - Facades with less visibility (interior) shall incorporate a stone wainscot at the base of each elevation.
 - Siding shall incorporate a mix of no fewer than 3 shades of non-bold colors.
 - Any detached garages must include 100% stone on the front and side elevations.
 - No more than 10% of the total units of any multifamily development shall have three or more bedrooms.
 - 20’ wide landscape buffer on north, west, and south perimeters.

- 40' wide landscape buffer along the right-of-way.
- A paved walkway shall connect the front door of each ground floor unit to a parking area.
- Parking is not permitted between the building and a public street.