

CITY OF CELINA, TEXAS

ORDINANCE 2016- 29
HILLSIDE VILLAGE - PD-66

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 71.289 ACRE TRACT OF LAND SITED IN COLLIN COUNTY SCHOOL LAND SURVEY #14, ABSTRACT NO. 167, COLLIN COUNTY, TEXAS; AS DESCRIBED AND DEPICTED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT NUMBER 66 WITH A BASE ZONING OF SF-R, SINGLE FAMILY RESIDENTIAL DISTRICT; 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 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 and depicted in detail in Exhibit "A" attached hereto and incorporated herein; 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 the zoning classification is hereby established as "PD" Planned Development District, #66 on a certain tract of land described and depicted in in Exhibit "A".

SECTION 4
ZONING DESIGNATION AND DEVELOPMENT STANDARDS

4.01 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 and depicted in Exhibit "A" attached hereto and incorporated herein, as "PD" Planned Development District #66.

4.02 This ordinance only regulates the uses allowed for the property identified above. All development and construction shall occur in accordance with the requirements of this ordinance; the concept plan set forth in Exhibit "B"; and the development standards set forth in Exhibit "C" and all other applicable ordinances, rules, and regulations of the City.

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 described 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

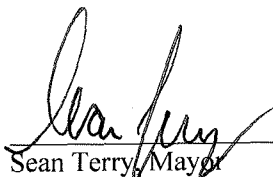
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

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 April, 2016.



Sean Terry, Mayor
City of Celina, Texas

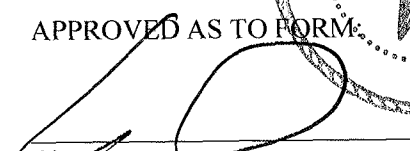
ATTEST:



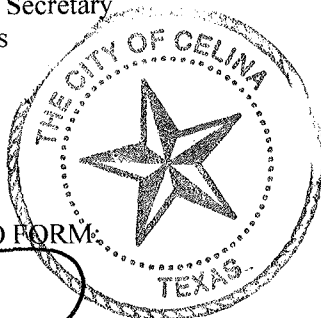
Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:



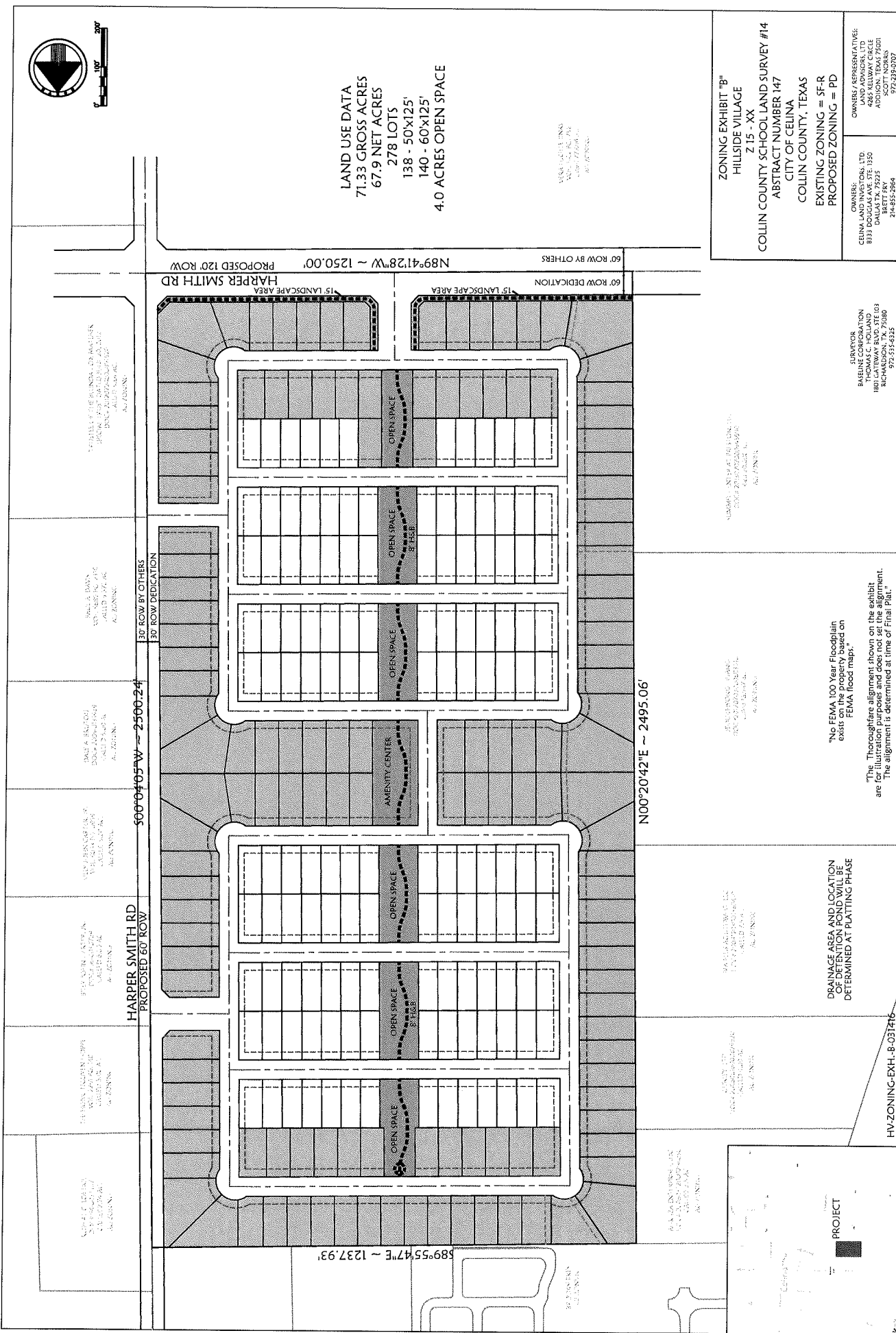
City Attorney
City of Celina, Texas





LAND USE DATA
 71.33 GROSS ACRES
 67.9 NET ACRES
 278 LOTS
 138 - 50'x125'
 140 - 60'x125'
 4.0 ACRES OPEN SPACE

USGS 1:50,000
 7/2004
 11/2004



ZONING EXHIBIT "B"
 HILLSIDE VILLAGE
 Z 15 - XX
 COLLIN COUNTY SCHOOL LAND SURVEY #14
 ABSTRACT NUMBER 147
 CITY OF CELINA
 COLLIN COUNTY, TEXAS
 EXISTING ZONING = SF-R
 PROPOSED ZONING = PD

OWNER / REPRESENTATIVE:
 LAND ADVISORS, LTD.
 4265 KELLWAY CIRCLE
 DALLAS, TEXAS 75225
 SCOTT HORN
 972-289-0707

OWNER:
 CELINA LAND INVESTORS, LTD.
 8333 DOUGLAS AVE, STE. 1350
 DALLAS, TEXAS 75225
 BRITT EN
 214-855-2964

SURVEYOR
 BARENE CORPORATION
 THOMAS C. HOLLAND
 1805 W. WILSON AVE. #3
 RICHMOND, TX 75380
 972-533-6335

"The FEMA 100 Year Floodplain exists on the property based on FEMA flood maps."
 "The Thoroughfare alignment shown on the exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of final plat."

DRAINAGE AREA AND LOCATION OF DETENTION POND WILL BE DETERMINED AT PLATTING PHASE

HV-ZONING-EXH.-B-031716

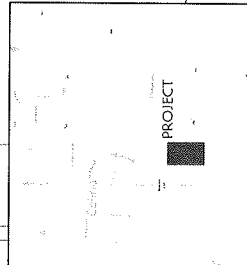


Exhibit “C”

Hillside Village

Celina Land Investors, Ltd.

PLANNED DEVELOPMENT RESIDENTIAL STANDARDS

March 2016

DESCRIPTION:

SUMMARY AND INTENT

This zoning submittal encompasses approximately 71.32 total acres of land within the City of Celina, more fully described in the legal description attached as **Exhibit A** (the “Property”) and depicted in **Exhibit B**. The proposed use of the Property follows the intent of the existing SF-R zoning. It is the intent of these proposed Planned Development Residential Standards to offer greater flexibility and clarity for residential development of the Property.

The existing zoning provides for seventy (70) foot minimum lot widths and requires a ten (10) foot side yard setback. That zoning is not consistent with the current market and current residential developments in other communities.

This PD District will provide the zoning necessary to develop the plan shown in **Exhibit B** with a maximum number of lots having fifty (50) foot minimum widths and reduced side yard setbacks to allow a wider building pad for the homes. There are significant topographic changes across the Property, limiting both the road configurations and the building design of the lots. This, in turn, will require a large number of retaining walls to develop the Property with the leveled building pads and stringent slope requirements between homes.

This zoning submittal promotes future development that will improve the balance of land use in the area by increasing the number of single-family units and increasing the potential for retail development with the additional rooftops. The proposed PD District will provide an expanded range of housing choices through varying lot sizes of single-family detached housing that is not under the existing zoning ordinance, and will provide flexibility to meet the current market trend of variable lot sizes within a single development.

PROJECT LOCATION

As shown on the Concept Plan (**Exhibit B**), the Property is located in central Celina benefiting from the Preston Road corridor. A Legal Description (**Exhibit A**) and a Concept Plan (**Exhibit B**) for the Property are additional exhibits.

The Property is located on the North and West sides of CR 89, approximately 1,500 feet (1,500') east of Preston Road.

EXISTING CONDITIONS:

The existing conditions surrounding the Property are primarily agricultural to the East and South. The western edge of the Property is adjacent to the rear side of commercially zoned property along the east side of Preston Road. The existing retail center housing Brookshires and other retail businesses is adjacent to the North side of the Property. The Property has been annexed and is currently zoned SF-R.

EXISTING THOROUGHFARES/THOROUGHFARE PLAN

The Property is accessed by CR 89 along the South and East side of the Property. The section of CR 89 along the South side of the Property provides for a future minor arterial road as shown on the Celina Master Thoroughfare Plan (MTP) to extended East to future Coit Road. The designated CR 89 is to be extended east will be a 120-foot (120') right-of-way. The section of CR 89 along the eastern side of the Property will be a 60-foot (60') collector road.

DEFINITIONS:

Any terms not defined below are per the definition as provided in the City of Celina Code of Ordinances Chapter 14 as currently adopted or may be amended. For any terms not found in Chapter 14 of the Celina Code of Ordinances, Webster's Dictionary (latest edition) shall be used.

Common Area: Any portion of the PD District that does not constitute a residential lot or street right-of-way and is owned and maintained by the Homeowners' Association.

Covered Front Porch: An area of at least fifty square feet covered by the main roof or an architectural extension of the Main House. Covered front porches that are an extension or projection off of the front façade are not considered a part of the front façade.

Homeowners' Association: An association comprised of lot owners within the PD District governed by By-Laws, Deed Restrictions, and Architectural Guidelines. All lot owners will have mandatory membership, which will require financial obligations in the form of annual membership dues.

PD District Concept Plan: The graphic plan for the PD District that establishes and delineates the location of the respective Lot Types and is attached as **Exhibit B**.

Main House: The primary residence to be constructed on any Lot.

Open Space: Publicly accessible parks, greens, sports fields, water features and tot lots shall constitute Open Space.

Conditional Use Permit: Approval under specific circumstances for a use that is to be granted only for a detailed description of a use for specific regulations as approved by the City of Celina.

Parkway: The area of right-of-way between the back of curb and the sidewalk in front of residential lots.

PD District: The planned development district comprised of the land and/or lots contained within the legal boundaries identified in **Exhibit A**.

Shall: A term requiring compliance.

Should: A term encouraging compliance.

Greenbelt: Areas of largely undeveloped, wild, or agricultural land. Greenbelt areas should be left in their natural state as much as possible.

DEVELOPMENT REQUIREMENTS:

BASE ZONING

The base zoning for the proposed PD District shall be "SF-R" (Single-Family Residential) as established in the City of Celina Zoning Ordinance as they exist or may be amended. The following regulations shall also apply:

PERMITTED USES

In addition to the uses permitted by the base zoning, the following uses shall be permitted:

1. Agricultural– Agricultural uses where products are grown primarily for home consumption, such as domestic gardening, berry or bush crops, tree crops, flower gardening, orchards, and aviaries.
2. Community Facility Uses
 - A. Public and private parks;
 - B. Open Space including but not limited to playgrounds, parkways, greenbelts, ponds and lakes, botanical gardens, pedestrian paths, bicycle paths, equestrian bridle trails, nature centers, bird and wildlife sanctuaries as approved by the City;
 - C. Amenity Center;
 - D. Landscaped entry features;
3. Construction Coordination: A temporary structure for storage of building materials and equipment used for initial residential construction or reconstruction, when on the same or adjoining lot, for a period not to exceed the duration of the construction of the permit approved by the City. This shall include temporary trailers for construction and sales activity. Building material storage will be allowed adjacent to temporary trailers or on a lot designated for storage as shown on the construction documents submitted to the City.
4. A Day Care Facility within the Amenity Center for a maximum number of twenty-five (25) children under the age of twelve (12) years. This use will require a Conditional Use Permit.

The following uses are permitted or conditionally permitted under the base zoning but shall be prohibited within this PD District:

1. Manufactured and/or modular homes
2. Accessory dwellings

DEVELOPMENT REGULATIONS

1. Density: Maximum of 278 dwelling units within the PD District. There shall not be more than 144 lots that are less than sixty (60) feet in width.
2. Open Space: a minimum of four (4) acres of the PD District will be reserved as usable open space.
3. The lot types shall generally conform to the layout shown in **Exhibit B**.

LOT REGULATIONS

1. Lot Size: Minimum six thousand (6,000) square feet. Minimum fifty (50) feet in width (40' minimum on cul-de-sac or elbow lots) and minimum one hundred twenty (120) feet in depth (85' minimum on cul-de-sac or elbow lots)
2. Main House: Shall not exceed forty (40) feet in height as measured to the peak. The minimum square footage (exclusive of garages, breezeways, and porches) shall be one thousand seven hundred (1,700) square feet.
3. Garages: May face the street or be J-Swing
4. Setbacks:
 - a. Primary Structure:
 - i. Front Yard: As permitted in the base zoning
 - ii. Side Yard: Minimum five (5) feet. Side yard adjacent to a street shall be minimum fifteen (15) feet.
 - iii. Rear Yard: Minimum ten (10) feet
 - b. Garage Structure:
 - i. J-Swing Garages may extend up to five (5) feet into the front yard.
 - ii. Front facing garages must be flush with or set back from the front façade of the house.
5. Impervious Cover: Maximum sixty percent (60%) of the total lot area shall be covered by the main house and accessory structures.

SCREENING REQUIREMENTS

All development within this PD District shall comply with the following minimum screening requirements:

1. Lots adjacent to thoroughfares: minimum six (6) foot masonry wall;
2. Lots adjacent to minor arterials or collector roads: minimum six (6) foot masonry wall;
3. Lots adjacent to Open Space: minimum six (6) foot masonry wall or minimum four (4) foot wrought iron fence;

LANDSCAPING REQUIREMENTS

Landscaping shall be in accordance with the City of Celina Code of Ordinances Chapter 14 as currently adopted or may be amended.

LANDSCAPE BUFFER REQUIREMENTS

All development within this PD District shall comply with the following minimum landscape buffer requirements:

1. Minimum fifteen (15) foot landscape buffer for all lots backing or siding to thoroughfares and collector roads.

MISCELLANEOUS:

AMENITIES

This PD District shall contain the following amenity features:

1. Swimming Pool;

2. Recreational Open Space;
3. Private, Off-Street Hike/Bike trail 8 feet wide constructed of concrete and shall be designed to connect to existing or future public trails as shown on **Exhibit B** or otherwise approved by the City to ensure connectivity between adjacent properties where possible;
4. Outdoor Meeting Space such as pavilions, shade structure(s), or amphitheaters. Due to the existing topography, detailed locations are to be determined with the final permit plans.
5. Amenity Center

HOMEOWNERS' ASSOCIATION

The PD District shall contain one Homeowners' Association. Common Area (including irrigation systems servicing Common Area), landscaping entry features, screening walls, Open Space and any Amenity Center features shall be owned and maintained by the Homeowners' Association. All necessary easements and other access for construction, maintenance and/or reconstruction must be shown on the plat.

DETENTION

If detention is constructed on any portion of the Property, areas shall meet the criteria of the City of Celina and include necessary amenities to count as Open Space including but not limited to benches, tables, and trails. Additionally, detention areas counted toward Open Space requirements must contain sidewalks and amenities on at least three sides.