

CITY OF CELINA, TEXAS

ORDINANCE 2015-47

WESTGATE PD#55

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 3.516 ACRE TRACT OF LAND LOCATED IN THE M.E.P. & P. RY SURVEY, ABSTRACT NUMBER 644, COLLIN COUNTY, TEXAS; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT #55; 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 establishment of a zoning classification has been requested for the property more specifically described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the tract comprising the property has been depicted in detail in Exhibit "B" attached hereto; and incorporated herein; and

WHEREAS, the concept plan and development regulations set forth in 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 the zoning classification is hereby established as "PD" Planned Development District, #55 on a certain tract of land described in in Exhibit "A" and depicted in Exhibit "B".

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, depicted in Exhibit "A" attached hereto and incorporated herein, as "PD" Planned Development District #55.

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 "C"; the development standards set forth in Exhibit "D" 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 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 regulations 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.

Exhibit "C" Concept Plan

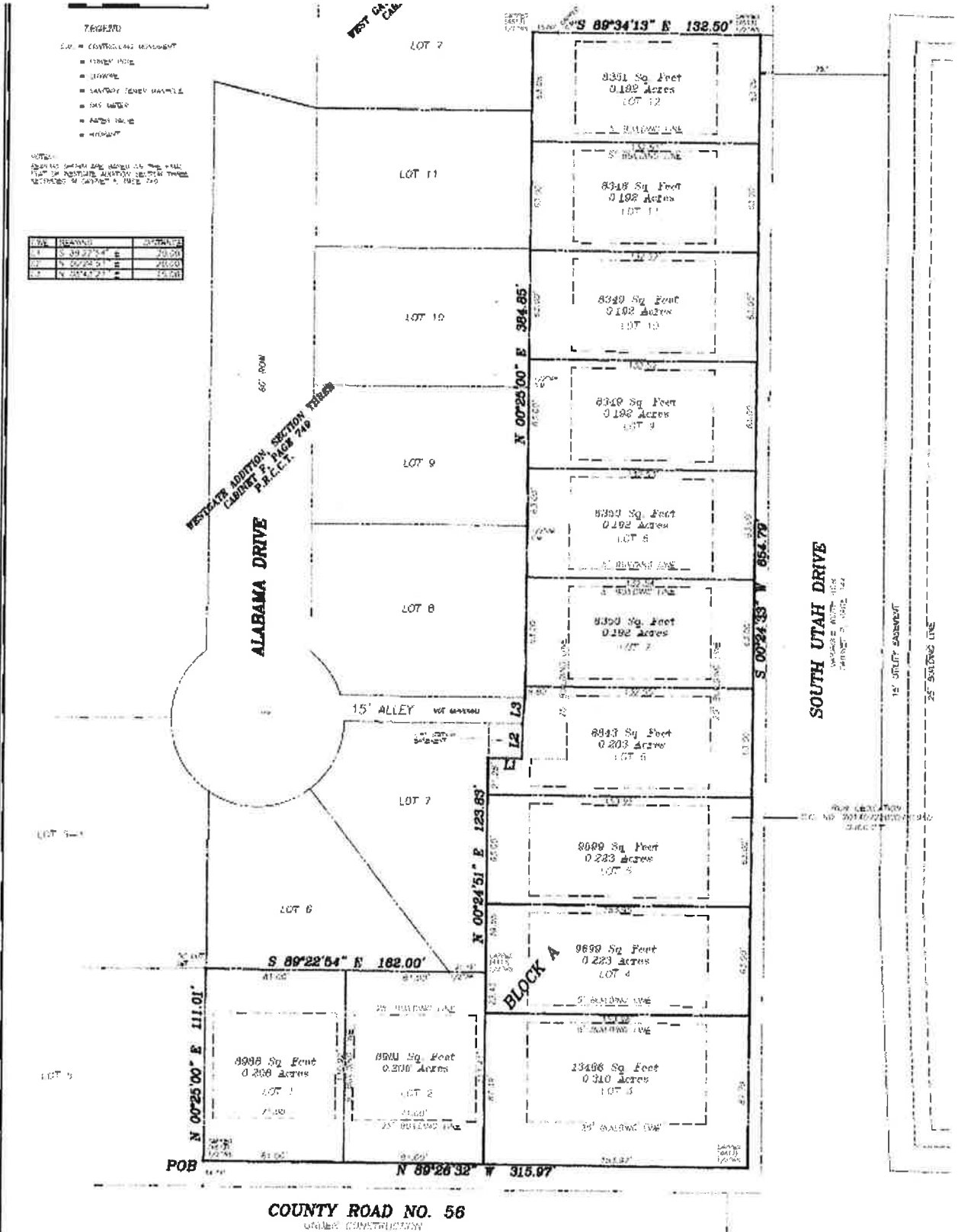


Exhibit "D"
Development Regulations
Westgate Section 4

The base zoning for the proposed PD shall be "SF-R" (Single-Family Residential) district as it currently exists or may be amended. The following regulations shall also apply.

A. Open Space

1. No open space shall be required.

B. Amenities

1. No amenities shall be required.

C. Density

1. Maximum five (5) units per gross acre.

D. Setbacks

a. Primary Structure

1. Front – Minimum twenty five (25) feet, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.
2. Side - Minimum five (5) feet.
3. Side adjacent to street - Minimum fifteen (15) feet.
4. Rear - Minimum twenty (20) feet.
5. Key Lots- Key lots shall have two front yards.

b. Garage

1. Front yard (front entry driveway) - Minimum twenty-five (25) feet, the garage must remain in line with or be setback from the front façade.
2. Front yard (front entry "J-swing" driveway) – Minimum twenty (20) feet.
3. All houses fronting onto Sunset Blvd "CR56" must contain a "J-Swing" front entry or have garage set back 30 feet.

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, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

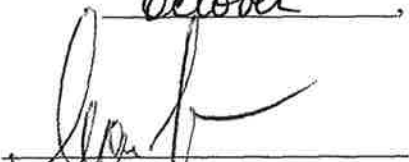
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage and publication as required by law.

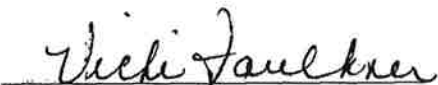
AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 13 day of October, 2015.



Sean Terry, Mayor
City of Celina, Texas


ATTEST:



Vicki Faulkner, City Secretary
City of Celina, Texas



APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

Exhibit "A"

LEGAL DESCRIPTION

BEING a tract of land situated in the M.E.P. & P. RY. Survey, Abstract No. 644, City of Celina, Collin County, Texas, and being part of a 12.625 acre tract as recorded in Volume 1331, Page 890, Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set at the southwest corner of 15' Alley, Westgate Addition Section One;

THENCE South 89 degrees 34 minutes 13 seconds East following the south line of said Westgate Addition Section One a distance of 170.01 feet to a point in the center line of South Utah Drive;

THENCE South 00 degrees 24 minutes 33 seconds West following the center line of said South Utah Drive a distance of 708.03 feet to center line intersection of South Utah Drive and County Road No. 56;

THENCE North 89 degrees 26 minutes 32 seconds West following the center line of County Road No. 56 a distance of 353.49 feet to a point;

THENCE North 00 degrees 25 minutes 00 seconds East a distance of 164.17' to a 1/2 inch iron rod found for corner at the southwest corner of Lot 6 of said addition;

THENCE South 89 degrees 22 minutes 54 seconds East following the south line of said Lot 6 and Lot 7 of said addition a distance of 162.00 feet to a 1/2 inch iron rod found for corner;

THENCE North 00 degrees 24 minutes 51 seconds East following the east line of said Lot 7 a distance of 123.83 feet to a 1/2 inch iron rod found for corner;

THENCE South 89 degrees 22 minutes 54 seconds East a distance of 20.00 feet to a 1/2 inch iron rod found for corner;

THENCE North 00 degrees 24 minutes 51 seconds East a distance of 20.00 feet to a 1/2 inch iron rod found at the se corner of a 15' alley;

THENCE North 5 degrees 43 minutes 21 seconds East following the east end of said alley a distance of 15.06 feet to a 1/2 inch iron rod found at the northeast corner of said alley;

THENCE North 00 degrees 25 minutes 00 seconds East following the east line of said Westgate Addition No. Three passing at 339.59 feet the northeast corner of said Westgate Addition Section No. Three and the southeast corner of Westgate Addition Section No. Two in all a distance of 384.85 feet to the POINT OF BEGINNING and containing 153,157 square feet or 3.516 acres of land.