

CITY OF CELINA, TEXAS

ORDINANCE 2014-48

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 .333 ACRES SITUATED IN CELINA ORIGINAL DONATION, BLOCK 50, LOT 11R, CITY OF CELINA, TEXAS AND MORE COMMONLY KNOWN AS 200 N. NEW MEXICO AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD#47" PLANNED DEVELOPMENT DISTRICT #47; 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, 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 have been depicted in detail in Exhibit "B" attached hereto; and incorporated herein; and

WHEREAS, the development regulations and concept plan 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

3.01 That the zoning classification is hereby established as “PD” Planned Development District, #47 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, #47.

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 development standards set forth in Exhibit “C”; the concept plan 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 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, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

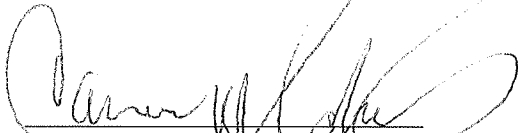
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

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 11th day of November, 2014.



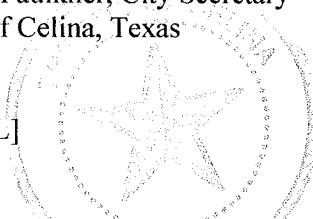
Carmen Roberts, Mayor Pro tempore
City of Celina, Texas

ATTEST:

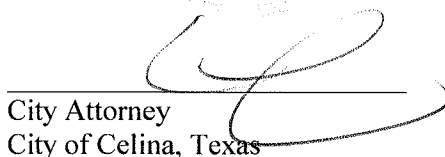


Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]



APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

Exhibit "A"

Legal Description

PROPERTY DESCRIPTION

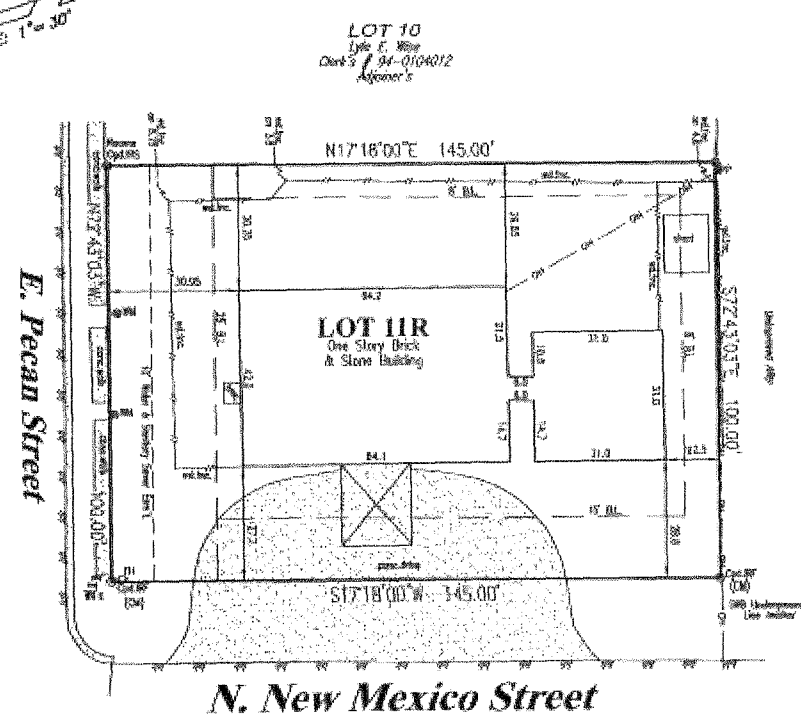
Address: 200 N. New Mexico Street, Being Lot 11R, in Block 50, a Replat of Lots 11 and 12 of Block 50 of the Amendment to the Amended Map of the Town of Celina, an Addition to the City of Celina, Collin County, Texas, according to the Map or Plat thereof recorded in/under Volume 2006, Page 813, of the Map/Plat Records, of Collin County, Texas.

Exhibit "B"

PROPERTY DESCRIPTION
 Address: 200 N. New Mexico Street, Being Lot 11R, in Block 50, a Replot of Lots 11 and 12 of Block 50 of the Amendment to the Amended Map of the Town of Celina, an Addition to the City of Celina, Collin County, Texas, according to the Map or Plat thereof recorded in/under Volume 2006, Page 813, of the Map/Plat Records, of Collin County, Texas.

Roome Land Surveying, Inc.

2000 Avenue G, Suite 810
 Plano, Texas 75074
 Phone (972) 423-4372 / Fax (972) 423-7523
 www.roome-surveying.com



RECEIVED
 SEP 02 2014
 CITY OF CELINA

NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 480250 0110J of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas & Incorporated Areas dated June 2, 2009. (Zone X). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by city & all rules, details, easements & other matters, that are shown on or as part of the recorded plat and/or as part of a title commitment/survey request.

CERTIFICATION
 On the basis of my knowledge, information & belief, I certify to Stewart Title North Texas Division that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon.

Date: 7/24/2014 Revised: _____ Job No. LB113290
 Title commitment/Survey Request File No. 00313-1115 date: 6/16/2014

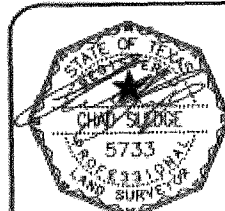


Exhibit "B"

Development Regulations

A. Off Street Parking Requirements

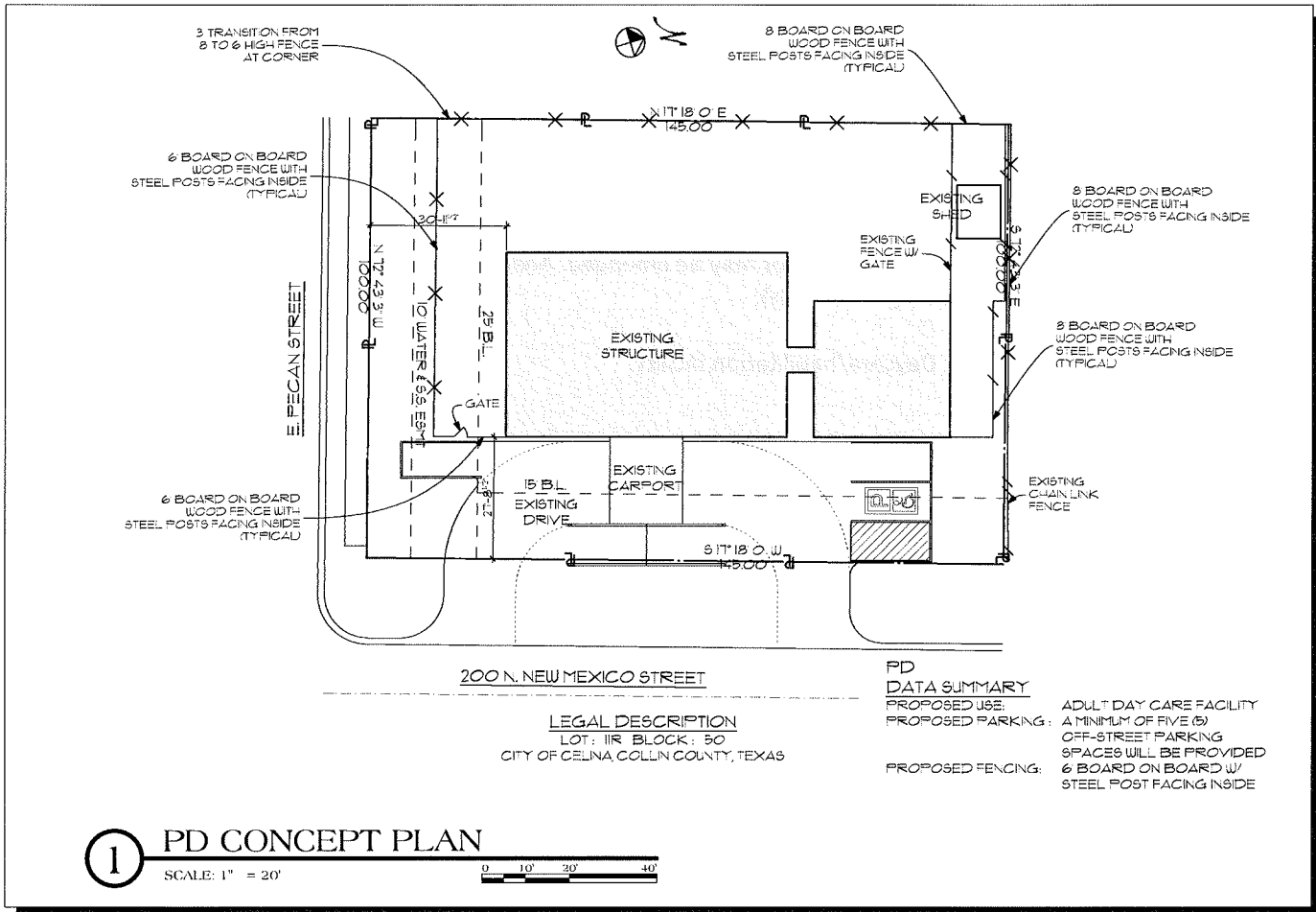
- Adult Daycare/Habilitation A minimum of five (5) off-street parking spaces shall be provided.

B. Screening

- A board on board wood fence not less than six feet nor more than eight feet in height shall be erected on the property line dividing the property from the single family district along the northern and western property boundaries and not less than 6 feet along E. Pecan Street.

C. Land use

- The development shall meet the land use standards contained within the C-1, Retail district as currently adopted or may be amended. Additionally, the development may utilize the following land use(s).
 - Adult Daycare/habilitation facility.



3 TRANSITION FROM 8 TO 6 HIGH FENCE AT CORNER

8 BOARD ON BOARD WOOD FENCE WITH STEEL POSTS FACING INSIDE (TYPICAL)

6 BOARD ON BOARD WOOD FENCE WITH STEEL POSTS FACING INSIDE (TYPICAL)

8 BOARD ON BOARD WOOD FENCE WITH STEEL POSTS FACING INSIDE (TYPICAL)

6 BOARD ON BOARD WOOD FENCE WITH STEEL POSTS FACING INSIDE (TYPICAL)

8 BOARD ON BOARD WOOD FENCE WITH STEEL POSTS FACING INSIDE (TYPICAL)

200 N. NEW MEXICO STREET

LEGAL DESCRIPTION
LOT: 11R BLOCK: 50
CITY OF CELINA COLLIN COUNTY, TEXAS

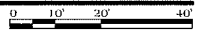
PD DATA SUMMARY

PROPOSED USE: ADULT DAY CARE FACILITY
PROPOSED PARKING: A MINIMUM OF FIVE (5) OFF-STREET PARKING SPACES WILL BE PROVIDED
PROPOSED FENCING: 6 BOARD ON BOARD W/ STEEL POST FACING INSIDE

1

PD CONCEPT PLAN

SCALE: 1" = 20'



Aspire Day Habilitation Services
RENOVATION
200 N. NEW MEXICO STREET
CELINA, TX

DATES:
Original Design Date: 8/14/18
Final Date:

SHEET INFORMATION:
File Name: 8/14/18/18/18
Designed by: JCB
This Drawing Checked By:

This file last opened on: 8/28/18 at 12:55
Sheet Number:

A1-01