ORDINANCE NO. 19-10-17-39
TWISTED CYCLES PLANNED DEVELOPMENT DISTRICT #52

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CORINTH, EACH BEING A PART OF THE UNIFIED DEVELOPMENT CODE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION FROM C-2, COMMERCIAL TO PD-PLANNED DEVELOPMENT ZONING DISTRICT WITH A BASE ZONING DESIGNATION OF C-2, COMMERCIAL ON AN APPROXIMATE 1.13 ACRE TRACT OF LAND LEGALLY DESCRIBED AS LOT 3, BLOCK A OF THE KENSINGTON PARK ADDITION SITUATED IN THE H.H. SWISHER SURVEY, ABSTRACT NUMBER 1220, CITY OF CORINTH, DENTON COUNTY, TEXAS; PROVING FOR THE INCORPORATION OF PREMISES; PROVIDING A LEGAL PROPERTY DESCRIPTION; APPROVING A PLANNED DEVELOPMENT CONCEPT PLAN; APPROVING PLANNED DEVELOPMENT LAND USE REGULATIONS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 A DAY FOR EACH VIOLATION OF THE ORDINANCE; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas has adopted Ordinance 13-05-02-08, which adopts a Unified Development Code of the City, which includes the Comprehensive Zoning Ordinance and which, in accordance with the City's Comprehensive Plan, establishes zoning districts and adopts a Zoning Map; and

WHEREAS, the Property (described below in Exhibit "A") is zoned as PD-Planned Development zoning district more specifically identified as Twisted Cycles Planned Development District No. 52 ("PD-52") with a base zoning designation of C-2, Commercial under the City's Unified Development Code and designated on the City's Zoning Map, and an authorized person having a proprietary interest in the Property has requested a change in the zoning classification of said Property; and

WHEREAS, the Planning and Zoning Commission of the City of Corinth and the City Council of the City of Corinth, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Corinth City Council is of the opinion that said change in zoning should be made; and

WHEREAS, the City Council considered the following factors in making a determination as to whether the requested change should be granted or denied: safety of the motoring public and pedestrians using the facilities in the area immediately surrounding the sites; safety from fire hazards and damages; noise producing elements and glare of the vehicular and stationary lights and effect of such lights on established character of neighborhoods; location, and types of signs and relation of signs to traffic control and adjacent property; street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking as determined by requirements of this ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; effect on the over-crowding of the land; effect on the

concentration of population, and effect on transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, the City Council further considered among other things the character of the proposed district and its peculiar suitability for particular use requested and the view to conserve the value of the buildings, and encourage the most appropriate use of the land throughout this City; and

WHEREAS, the City Council finds that the change in zoning for the Property promotes the health and the general welfare, provides adequate light and air, prevents the over-crowding of land, avoids undue concentration of population, and facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and the general health, safety and welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION 1.
INCORPORATION OF PREMISES

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

SECTION 2
LEGAL PROPERTY DESCRIPTION; AMENDMENT

That Ordinance 13-05-02-08, adopting the Unified Development Code of the City of Corinth ("UDC"), which UDC includes the Comprehensive Zoning Ordinance that establishes zoning districts in accordance with the City's Comprehensive Plan, and adopts the Zoning Map of the City of Corinth, is hereby amended to change the zoning classification on an approximate 1.13 acre tract of land described in "Exhibit A" attached hereto and incorporated herein (the "Property"), from C-2, Commercial to a PD-Planned Development zoning district with a base zoning designation of C-2, Commercial and identified as Twisted Cycles Planned Development District No. 52 ("PD-52"), and the Zoning Map of the City is also hereby amended to reflect the new zoning classification for the Property.

SECTION 3.
PLANNED DEVELOPMENT CONCEPT PLAN

The Planned Development Concept Plan for the Property as set forth in "Exhibit B", a copy of which is attached hereto and incorporated herein, is hereby approved.

SECTION 4.
LAND USE REGULATIONS

A. The Zoning and Land Use Regulations set forth in "Exhibit C" attached hereto and made a part hereof for all purposes shall be adhered to in their entirety for the purposes of this PD-Planned Development zoning district with a base zoning designation of C-2, Commercial. In the event of conflict between the provisions of "Exhibit C" and provisions of any other City zoning regulations, including without limitation the regulations governing C-2, Commercial zoning district, the provisions of "Exhibit C" shall control.

B. That the zoning regulations and district herein established have been adopted in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community

C. The Planned Development Concept Plan (Exhibit "B") and the Land Use Regulations (Exhibit "C") shall control the use and development of the Property, and all building permits and development requests shall be in accordance with applicable City ordinances, the PD Concept Plan and Land Use Regulations. The PD Concept Plan and Land Use Regulations shall remain in effect as set forth herein unless amended by the City Council.

D. If a change to the Concept Plan, if any, is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development and shall be subject to City Council approval.

SECTION 5.
PENALTY FOR VIOLATIONS

Any person, firm, or corporation who intentionally, knowingly or recklessly violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars ($500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this Ordinance or Code of Ordinances, as amended hereby, governing the fire safety, zoning, or public health and sanitation shall be subject to a fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense.

SECTION 6.
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 while 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 7.
CUMULATIVE REPEALER

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 8.
SAVINGS

All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning for the Property 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 9.
EFFECTIVE DATE

This ordinance shall become effective after approval and publication as provided by law. The City Secretary is directed to publish the caption and penalty of this ordinance two times.

PASSED AND APPROVED THIS 17th DAY OF OCTOBER, 2019.

APPROVED:

Bill Heidemann, Mayor

CITY OF CORINTH TEXAS

ATTEST:

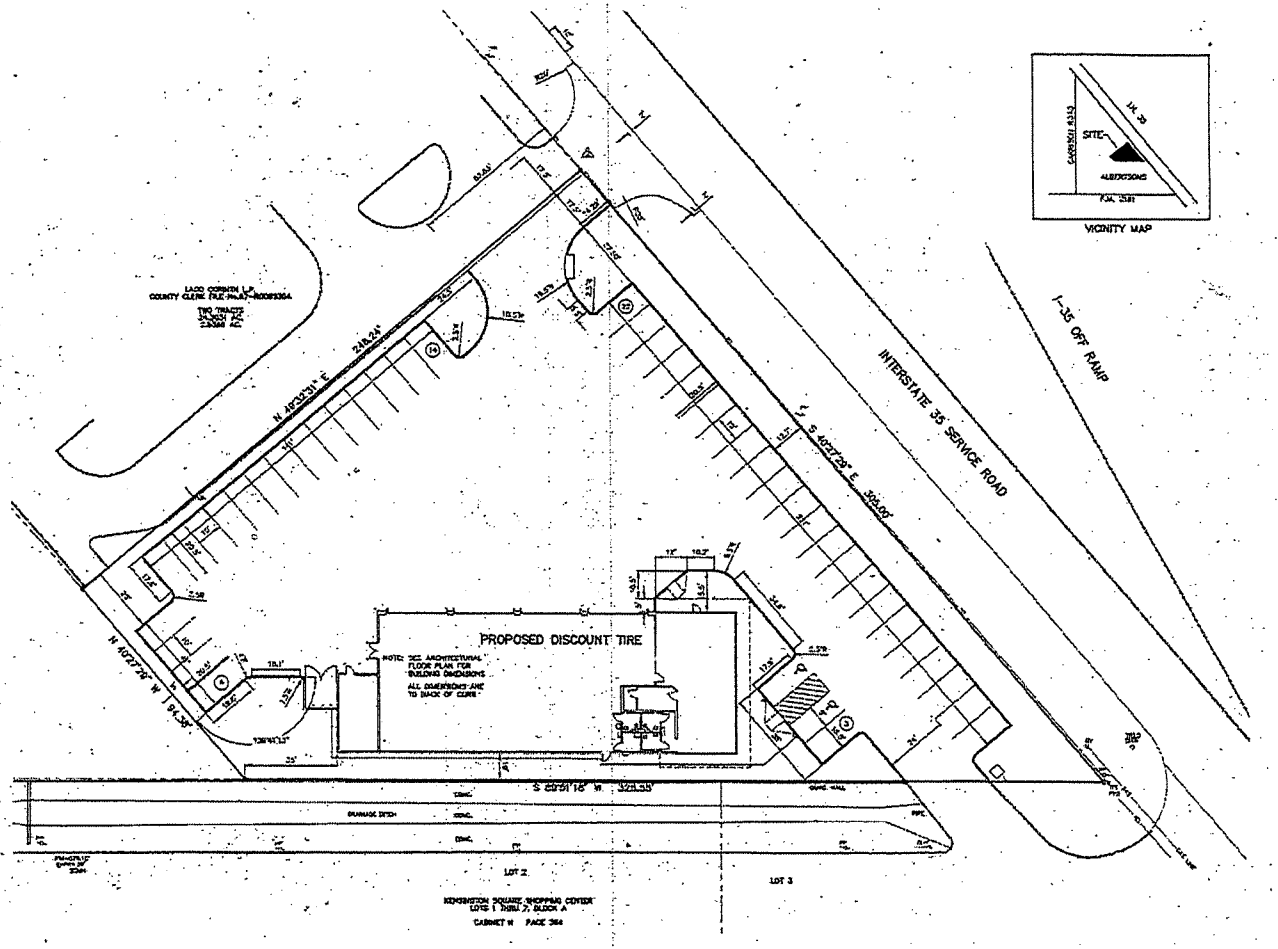
Kimberly Pence, City Secretary

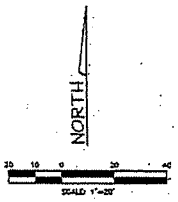
APPROVED AS TO FORM:

Patricia Adams, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

A 1.13 acre tract of and known as Lot 3, Block A within the Kensington Park Addition, situated in the H.H. Swisher Survey, Abstract No. 1220. Recorded in Cabinet R, Page 63 of the Plat Records of Denton, County, Texas.





RECORD DRAWING

IMPROVEMENTS INDICATED ON THIS PLAN WHERE MADE IN ACCORDANCE WITH THE PROJECT PLANS & SPECIFICATIONS, THE DESIGN ENGINEER IS NOT AWARE OF ANY CHANGES TO THESE PLANS OTHER THAN THOSE PROVIDED ON A CONTRACTORS SET OF MARKUPS.

DATE: OCTOBER 7, 2002

BENTLEY ENGINEERING, INC.

CIVIL ENGINEERING • PLANNING • CONSTRUCTION MANAGEMENT

1st SIGN	7/14/99	BLDG. PERMIT SUBMITTAL
2nd SIGN	9/27/99	TAB & CITY COMMENTS
3rd SIGN	10/11/99	REVISED DRIVEWAY
4th SIGN		
5th SIGN		

DISCOUNT TIRE CO.

NEW CONSTRUCTION OF RETAIL STORE

I-35E AND SWISHER ROAD, CORINTH, TEXAS

DISCOUNT TIRE STORE #4728

7/2/99

JOB #99128

C1

DIMENSION CONTROL

REALWORLD PROJECTS • 8118 North Central Expressway • Suite 200 • Dallas, Texas 75208 • (214) 750-1585 • (214) 750-7550 Fax

EXHIBIT "C"

Development Standards

- Base Zoning District
  C-2, Commercial District

- Allowed Land Uses
  (a) Sales and the major or minor repair of motorcycles
  (b) Shade structures within the parking areas.
  (c) The outdoor display of motorcycles and items specifically related to motorcycle sales shall be permitted during business hours.
  (d) All uses allowed within the C-2 zoning district as it currently exists or may be amended in the future.

- Restrictions
  (a) No required parking spaces may be used for the outdoor display of items
  (b) Parking and outdoor display shall not be permitted within the fire lane.