

**ORDINANCE NO. 19-12-05-43**

**GLOBAL SPHERES PLANNED DEVELOPMENT DISTRICT #32**

**AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN, SPECIFICALLY THE COMPREHENSIVE ZONING ORDINANCE AND THE "OFFICIAL ZONING DISTRICT MAP OF THE CITY OF CORINTH, TEXAS," EACH BEING A PART OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CORINTH, BY AMENDING THE ZONING CLASSIFICATION FOR THE PROPERTY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATION HEREIN, FROM I, INDUSTRIAL AND PD-PLANNED DEVELOPMENT TO PD-PLANNED DEVELOPMENT ZONING DISTRICT WITH A BASE ZONING DESIGNATION OF C-2, COMMERCIAL ON AN APPROXIMATE 38.01 ACRE TRACT OF LAND LEGALLY DESCRIBED AS COSERV FLEX ADDITION, LOT 1 (EXEMPT PORTION) (PARTIAL), AND TRACTS 12A (PARTIAL) AND OLD DCAD TRACT #3D OF THE H.H. SWISHER SURVEY, ABSTRACT 1220A WITHIN THE CITY OF CORINTH, DENTON COUNTY, TEXAS AND IDENTIFIED AS GLOBAL SPHERES PLANNED DEVELOPMENT DISTRICT NO. 32 ("PD-32"); PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A LEGAL PROPERTY DESCRIPTION; APPROVING A PLANNED DEVELOPMENT CONCEPT PLAN (EXHIBIT "B"); APPROVING PLANNED DEVELOPMENT LAND USE REGULATIONS (EXHIBIT "C"); PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 A DAY FOR EACH VIOLATION OF THE ORDINANCE AND A SEPARATE OFFENSE SHALL OCCUR ON EACH DAY THAT A VIOLATION OCCURS OR CONTINUES; 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, adopted Ordinance No. 13-05-02-08, which established a Unified Development Code of the City, including the Comprehensive Zoning Ordinance and the "Official Zoning District Map of the City of Corinth, Texas," (the "Zoning Map"), in accordance with the City's Comprehensive Plan; and

**WHEREAS**, the Property, described in Exhibit "A", is zoned as I, Industrial and PD-Planned Development zoning district, more specifically identified as Global Spheres Planned Development District No. 32 ("PD-32") with a base zoning designation of C-2, Commercial under the City's Unified Development Code and as designated on the City's Zoning Map,

**WHEREAS**, an authorized person having a proprietary interest in the Property has requested an Amendment to the Comprehensive Zoning Ordinance and the Zoning Map to change the zoning classification of the 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 has determined that the Property has unique characteristics and zoning through a planned development district is the most appropriate mechanism for zoning the Property, thus an amendment to the Comprehensive Zoning Ordinance and the Zoning Map of the City's Unified Development Code in accordance with the Land Use Regulations set forth in Exhibit "C" should be approved; 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 requested Amendment to the Comprehensive Zoning Ordinance and Zoning Map to effect 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 No. 13-05-02-08, adopting the Unified Development Code of the City of Corinth ("UDC"), including the Comprehensive Zoning Ordinance that establishes zoning districts in accordance with the City's Comprehensive Plan and the Zoning Map of the City of Corinth, is hereby amended to change the zoning classification on an approximate 38.01 acre tract of land described in "Exhibit A" attached hereto and incorporated herein (the "Property"), from I, Industrial and PD-Planned Development, to PD-Planned Development zoning district with a base zoning designation of C-2, Commercial and identified as Global Spheres Planned Development District No. 32 ("PD-32"), 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 are hereby adopted and shall be adhered to in their entirety for the purposes of this PD-Planned Development zoning district with a base zoning designation 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 the 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, 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 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 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**

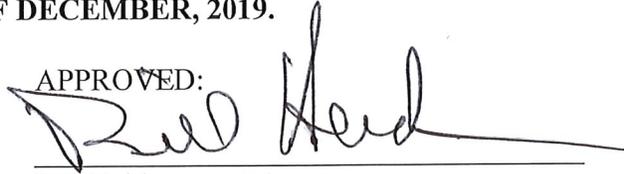
All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning for the Property which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending 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 5<sup>th</sup> DAY OF DECEMBER, 2019.**

APPROVED:

A handwritten signature in black ink, appearing to read "Bill Heidemann", written over a horizontal line.

Bill Heidemann, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Kimberly Pence", written over a horizontal line.

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Patricia Adams", written over a horizontal line.

Patricia Adams, City Attorney

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

STATE OF TEXAS §

COUNTY OF DENTON §

WHEREAS, all that certain lot, tract or parcel of land lying and being a part of the Thomas White Survey, Abstract number 1375 and a part of the H.H. Swisher Survey Abstract number 1220 and being situated in the City of Corinth, Denton County, Texas and being all of Lot 1, Coserv Flex Addition, as shown on Replat recorded in Cabinet X, Page 901, Plat Records, Denton County, Texas, and being all of a tract of land described in deed to Global Spheres Center, recorded in Instrument No. 2013-46889, Deed Records, Denton County, Texas and being more fully described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for the Northerly Northeast corner of said Lot 1;

THENCE South 11 degrees 49 minutes 22 seconds East, along a wood fence, a distance of 744.69 feet to a found iron rod;

THENCE South 14 degrees 18 minutes 38 seconds East, along said fence, a distance of 212.49 feet to a 5/8 Inch Iron rod found for the Southeast corner of said Lot 1;

THENCE South 14 degrees 33 minutes 00 seconds East, a distance of 160.17 feet to capped iron rod set stamped "KAZ";

THENCE South 17 degrees 05 minutes 35 seconds East, a distance of 242.48 feet to a capped iron rod set stamped "KAZ";

THENCE South 32 degrees 06 minutes 09 seconds West, a distance of 51.91 feet to a capped iron rod set stamped "KAZ";

THENCE South 54 degrees 10 minutes 46 seconds West, a distance of 34.49 feet to a capped iron rod set stamped "KAZ";

THENCE South 28 degrees 40 minutes 24 seconds East, a distance of 18.50 feet to a capped iron rod set stamped "KAZ";

THENCE South 61 degrees 37 minutes 16 seconds West, a distance of 109.33 feet to a 1/2 inch iron rod found;

THENCE South 47 degrees 54 minutes 23 seconds West, a distance of 152.80 feet to a 1/2 inch iron rod found;

THENCE South 21 degrees 40 minutes 31 seconds West, a distance of 91.95 feet to a metal fence corner post;

THENCE South 23 degrees 03 minutes 01 second West, a distance of 61.36 feet to a metal fence corner post;

THENCE South 56 degrees 14 minutes 40 seconds West, a distance of 115.39 feet to a 1/2 inch iron rod found for the Northeast corner of a tract of land described in a deed to Shan-Wen Chang and Shu-Kin Chang recorded in Document number 2003-53024, Real Property Records, Denton County, Texas;

THENCE South 80 degrees 45 minutes 15 seconds West, a distance of 459.15 feet to a capped iron rod set stamped "KAZ" from which a 1/2 inch capped iron rod found bears South 40 degrees 39 minutes 39 seconds East, at a distance of 672.20 feet;

THENCE North 40 degrees 39 minutes 39 seconds West, a distance of 191.02 feet to a 1/2 inch capped iron rod found for the Southeast corner of said Lot 1;

THENCE North 40 degrees 48 minutes 38 seconds West, a distance of 984.94 feet to a 5/8 inch iron rod found for the Southwest corner of said Lot 1 from which a 1/2 Inch Iron rod found bears North 40 degrees 47 minutes 38 seconds West, at a distance of 474.54 feet;

THENCE North 49 degrees 11 minutes 15 seconds East, a distance of 677.93 feet to a "X" cut found at the beginning of a curve to the right whose radius is 45.79 feet and a long chord that bears South 86 degrees 22 minutes 40 seconds East, 61.31 feet;

THENCE along said curve whose arc length is 67.17 feet to a "X" cut found;

THENCE South 48 degrees 14 minutes 41 seconds East, a distance of 101.16 feet to a "X" cut found;

THENCE North 49 degrees 12 minutes 42 seconds East, a distance of 878.59 feet to the POINT OF BEGINNING and containing 38.01 acres of land, more or less, and designated herein as the COSERV FLEX ADDITION, an Addition to the City of Corinth, Texas, and whose names are subscribed hereto, hereby dedicate to the public use forever by fee simple title, free and clear of all liens and encumbrances, all streets, thoroughfares, alleys, parks, and trails, and to the public use forever easements for sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of the platting ordinances, rules, and regulations thereon shown for the purpose and consideration therein expressed.

**EXHIBIT "B"**  
**CONCEPT PLAN**



**EXHIBIT "C"**

**LAND USE REGULATIONS**

**GLOBAL SPHERES CENTER  
PLANNED DEVELOPMENT REGULATIONS**

PURPOSE: The Global Spheres Center Planned Development will be a multi-use facility designed to blend the space and use needs of a Business Park, Special Events Center, Education Center and Daycare Center; all of which will serve to enhance the economy and culture of the surrounding areas.

**A. MAIN USES AND ACCESSORY USES** – In the Global Spheres Center Planned Development District, no building or land shall be used and no building shall be hereafter erected, reconstructed, enlarged, except when in relation to the uses permitted within the C-2, Commercial zoning district or one or more of the following uses:

1. Main uses.

- a. Church
- b. Special Events Center / Conference Center
- c. Broadcasting and telecommunications
- d. Hotel
- e. Charter School / Private School
- f. Child Day Care Center
- g. Parking Garage
- h. Amusement / Recreation Center
- i. Outdoor Café
- j. Coffee House
- k. Gymnasium
- l. Office
- m. Farmer's Market/Community Trade Days
- n. Parsonage
- o. Wedding chapel, Reception Facility

2. Accessory uses

- a. One Cell Tower for Telecommunications
- b. Keeping 50 hens (roosters prohibited)
- c. Cleaning Service (not laundry/dry cleaning, car wash)

3. Uses Permitted with Issuance of Specific Use Permit

- a. Cisterns in excess of forty feet (40') in height
- b. Wind Energy Turbines

4. Uses Prohibited

- a. Laundry, Commercial
- b. Car Wash, Full Service
- c. Car Wash, Self Service

**B. AREA REGULATIONS:**

1. Front Yard: There shall be a front yard having a depth of not less than forty feet (40').
2. Side Yard: No side yard shall be required for a retail use except:
  - a. On a corner lot, a side yard of ten feet (10') shall be required on the side street.
  - b. On the side of a lot in this district adjoining any Residential District, there shall be a side yard. The minimum width of the side yard shall be fifteen feet (15').
3. Rear Yard: There shall be a rear yard having a depth of not less than eight feet (8').
4. Width of Lot: The minimum width of the lot shall be two hundred feet (200') measured at the building setback line.
5. Depth of Lot: The minimum lot depth shall not be less than two hundred feet (200').
6. Area of Lot: Every lot shall have an area of not less than one acre (1 ac.).
7. Maximum Building Area: The building area of the main building and any accessory buildings shall not exceed fifty percent (50%) of the total lot area.
8. Building Height: No structure shall exceed two and one-half (2-1/2) standard stories in height, but in no case more than forty feet (40').
9. General: If the building adjoins a second (2<sup>nd</sup>) public street, it must conform to the front yard building line requirements on both public streets.
10. Development Standards: If a change to the Concept Plan 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.

**C: MECHANICAL EQUIPMENT AND WASTE STORAGE:**

1. Mechanical equipment, refuse containers and waste storage areas shall be constructed, located and screened so as to in no way interfere with the peace, comfort, and repose of the occupants of any adjoining building or residence.
2. No trash receptacle or recycling receptacle shall be located within twenty-five feet (25') of any property line.
3. Trash and recycling receptacles shall be four (4) sided with a solid metal gate and be located to the side or rear of the principal building. They shall be screened by a solid masonry screen at least eight feet (8') in height and shall utilize similar masonry materials to the building's facades.

**D. OUTSIDE STORAGE AND DISPLAY OF GOODS, WARES AND MERCHANDISE:**

1. The permanent outside display and storage of goods, wares and merchandise is prohibited.

**E. LANDSCAPING**

1. All existing landscaping shall remain per approved site plan. All new construction shall meet current standards pertaining to that area.

**F. TELECOMMUNICATION TOWER**

1. The telecommunication tower approved on December 15, 2012 shall remain in accordance with the approved site plan. Any changes to the layout or equipment depicted on the site plan must be approved through a site plan amendment.

**G: ARCHITECTURAL STANDARDS**

1. Main Structure: Materials approved for the exterior facades of the main structures are brick, stone and stucco.
2. Accessory Structures: Materials approved for the exterior facades of accessory structures are wood, metal, stucco, brick and stone.

**H: FENCING**

1. Chain-link or stone fencing materials may be used along the southern and eastern boundaries and around the shipping and receiving areas.
2. Wood or stone fencing materials may be used on interior site projects erected behind the front building line).
3. Vinyl or stone fencing materials may be used behind the front building line.

**I: ACCESSORY STRUCTURES**

1. No additional accessory structures are approved or permitted. The accessory structures in existence are permitted as listed below:
  - a. Israel Prayer Garden
  - b. Beulah Acres Biblical Agriculture Community Garden and Development
  - c. Storage Sheds
  - d. Vineyard Trellis
  - e. Arbors
  - f. Greenhouse
  - g. Chicken Coop(s)
  - h. Portable Composition Tumblers / Bins
  - i. Rainwater harvesting Cisterns
  - j. Solar Panels (allowed on all buildings on property)
2. Area regulations for Accessory Structures:
  - a. Side Yard: A side yard setback shall not be less than 100 feet for Chicken Coops.

- b. Side Yard: A side yard setback shall not be less than five feet (5') for all other allowed Accessory Structures.
- c. Rear Yard: A rear yard setback shall not be less than 100 feet for Chicken Coops.
- d. Maximum Area: Chicken Coop not to exceed 200 square feet.
- e. Rear Yard: A rear yard setback shall not be less than five feet (5') for all other Accessory Structures allowed by this ordinance.
- f. No Accessory Structure shall be erected within any easement.
- g. Height: No Accessory Structure shall exceed fifteen feet (15') unless shown on an approved site plan.
- h. Cell Tower Height: No cell tower shall exceed ninety-nine feet (99') in height.

**J: PARKING**

1. Parking for the uses described, depicted and approved on the Concept Plan shall be provided in accordance with the Concept Plan.
2. For allowed uses permitted in the future, off-street driveways and parking areas shall be constructed, curbed, paved, dimensioned, and maintained as required by the standards in effect at the time of the requested change in use.
3. Parking standards for uses not in effect at the time of the adoption of this ordinance must follow the parking standards in effect at the time of approval of the use.
4. Required parking shall be available for parking of operable passenger vehicles of visitors, members, and employees only, and shall not be used for the storage or display of vehicles or materials. The parking of passenger vehicles owned or used by a church or religious institution shall be allowed as their ownership and/or use is shared by the membership at large, provided that such vehicles are parked behind the main building.