

ORDINANCE NO. 19-12-05-45

MAGNOLIA PLANNED DEVELOPMENT DISTRICT #53

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 MX-C, MIXED USE COMMERCIAL TO PD-PLANNED DEVELOPMENT ZONING DISTRICT WITH A BASE ZONING DESIGNATION OF MX-C, MIXED USE COMMERCIAL ON AN APPROXIMATE 2.627 ACRE TRACT OF LAND 19(PT)(ROW), TRACT 19(PT), TRACT 20(PT)(ROW), TRACT 20(PT), TRACT 21(PT), AND TRACT 23(PT) SITUATED IN THE E.A. GARRISON SURVEY, ABSTRACT A0511A IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS, AND IDENTIFIED AS MAGNOLIA PLANNED DEVELOPMENT DISTRICT NO. 53 ("PD-53"); 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 ON 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 PD-Planned Development zoning district, more specifically identified as Magnolia Planned Development District No. 53 ("PD-53"), with a base zoning designation of MX-C, Mixed Use Commercial under the City's Unified Development Code and as designated on the Zoning Map; and

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 City Council and the Planning and Zoning Commission of the City of Corinth gave the requisite notices by publication and otherwise and afforded a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council has determined that the Property has unique characteristics and that 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 overcrowding 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 the Property with adequate light and air, prevents overcrowding of land, avoids undue population concentration, and facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; as well as 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 2.627 acre tract of land described in "Exhibit A" attached hereto and incorporated herein (the “Property”), from MX-C, Mixed Use Commercial to a PD-Planned Development zoning district with a base zoning designation of MX-C, Mixed Use Commercial and identified as Magnolia Planned Development District No. 53 (“PD-53”), 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 MX-C, Mixed Use 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 MX-C, Mixed Use 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 overcrowding 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.

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

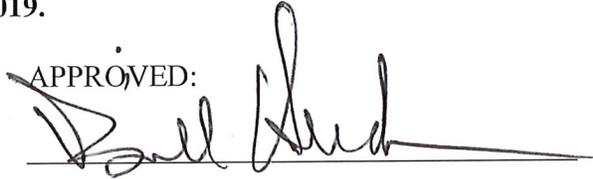
secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the 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.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
CORINTH THIS 5th 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:

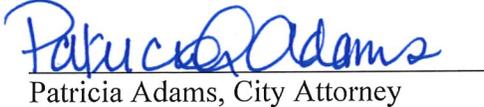
A handwritten signature in blue ink, appearing to read "Patricia Adams", written over a horizontal line.
Patricia Adams, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

WHEREAS SEL Meadows Oak, LLC are the owners of those four tracts of land situated in the E. A. Garrison Survey, Abstract Number 511, City of Corinth, Denton County, Texas, and being all of those tract of land described in deeds to SEL Meadows Oak, LLC, as recorded in Document Numbers 2008-00712, 2008-00713 and 2008-00714 of the Official Public Records of Denton County, Texas (O.P.R.D.C.T), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a cap stamped "PRECISE" found for the southwest corner of said SEL Meadows Oak tract of land recorded in Document Number 2008-00713, said corner being on the east right-of-way line of Tower Ridge Drive (a variable width public right-of-way), and being the northwest corner of that tract of land described in deed to Huffines Children's Trust, as recorded in Document Number 2017-3469, O.P.R.D.C.T.;

THENCE North 00 degrees 00 minutes 47 seconds West, along the common west line of said SEL Meadows Oak tract and said east right-of-way line, a distance of 273.00 feet to a 5/8-inch iron rod with cap stamped "BH&C" found for the south end of a corner clip at the intersection of said east right-of-way line with the south right-of-way line of Lake Sharon Drive (a/ka/ Meadows Oak Drive);

THENCE North 45 degrees 12 minutes 41 seconds East, along said corner clip, a distance of 28.35 feet to 5/8-inch iron rod with cap stamped "BH&C" found for the north end of said corner clip;

THENCE North 89 degrees 50 minutes 53 seconds East, along the common said south right-of-way line and the north line of said SEL Meadows Oak tract, a distance of 108.84 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "GEONAV" (hereinafter referred to as "with cap") set for corner on the north line of said SEL Meadows Oak tract recorded in Document Number 2008-00715;

THENCE North 89 degrees 46 minutes 15 seconds East, along the common north line of said SEL Meadows Oak tract and said south right-of-way line, a distance of 19.58 feet to a 5/8-inch iron rod found for corner;

THENCE South 84 degrees 02 minutes 49 seconds East, continuing along said common line, a distance of 65.00 feet to a 1/2-inch iron rod with cap set for corner;

THENCE North 89 degrees 46 minutes 15 seconds East, continuing along said common line, a distance of 50.00 feet to a 1/2-inch iron rod with cap set for corner;

THENCE South 64 degrees 45 minutes 06 seconds East, continuing along said common line, a distance of 55.00 feet to a 1/2-inch iron rod with cap set for corner on the westerly right-of-way line of South Interstate Highway 35 (a variable width public right-of-way);

THENCE South 39 degrees 22 minutes 50 seconds East, continuing along the common east lines of said SEL Meadows Oak tracts and said westerly right-of-way line, a distance of 120.44 feet to a 1/2-inch iron rod with cap set for corner;

THENCE South 41 degrees 43 minutes 42 seconds East, continuing along said common line, a distance of 192.63 feet to a 1/2-inch iron rod with cap set for the most southeasterly corner of the herein described tract and the most northerly northeast corner of said Huffines Children's Trust tract;

THENCE South 88 degrees 53 minutes 00 seconds West, along the common south lines of said SEL Meadows Oak tracts and the north line of said Huffines Children's Trust tract, a distance of to a 1/2-inch

iron rod with cap set for corner;

THENCE South 00 degrees 28 minutes 29 seconds West, continuing along said common line, a distance of 18.80 feet to a 1/2-inch iron rod with cap set for corner;

THENCE South 89 degrees 16 minutes 06 seconds West, continuing along said common line, a distance of 356.44 feet to the POINT OF BEGINNING AND CONTAINING 114,452 square feet or 2.627 acres of land, more or less.

EXHIBIT "B"
CONCEPT PLAN

EXHIBIT "C"
AMENDED LAND USE
REGULATIONS

SECTION 1: REGULATIONS

A. Purpose

The regulations set forth in this Exhibit "C" provide development standards for Commercial designations within this Mixed Use Commercial Planned Development District. The Planned Development (PD) District is identified by metes and bounds on Exhibit "A" and is depicted on the Concept Plan. All uses not authorized herein are expressly prohibited in this Planned Development (PD) District.

B. Base district

In this Planned Development (PD) District, the "MX-C" Mixed Use Commercial District regulations of the Corinth Unified Development Code, shall apply except as altered herein. If a change to the Concept Plan is requested, the request shall be administered in accordance with the development standards in effect at the time the modification is requested for the proposed development, following the procedures outlined within the Unified Development Code.

SECTION 2: USES AND DIMENSIONAL REGULATIONS

A. Purpose

This district shall be intended to provide for the development of a mixed-use commercial area featuring a variety of uses, including retail, office, and restaurant(s).

B. In the Planned Development (PD) District, no building or land shall be used and no building shall be hereafter established, reconstructed, enlarged, or conveyed, unless permitted by the Mixed Use Commercial (MX-C) District regulations of the Unified Development Code except as otherwise included in this PD ordinance.

In addition to the uses allowed within the Mixed Use Commercial (MX-C) zoning district the following uses in the Planned Development shall also be allowed.:

- a) Restaurant with Drive-In or Drive-through Service shall only be permitted within a multi-tenant building. No single pad restaurant use with drive through will be permitted. Combination restaurants such as KFC/Taco Bell, Schlotzsky's/Cinnabon shall not be considered multi-tenant buildings.

Other land uses requiring a Special Use Permit in the Mixed Use Commercial (MX-C) District, shall follow the standards set forth in the Mixed Use Commercial (MX-C) District, as listed in Subsection 2.07.03 of the Unified Development Code:

C. Dimensional Regulations

The Dimensional Regulations described in Section 2.08.05 of the Unified Development Code, Ordinance No. 13-05-02-08, for the Mixed Use Commercial District shall apply with the following exceptions.

1. Minimum setback adjacent to Tower Ridge Road: Twenty (20) Feet.