

ORDINANCE NO. 20-01-23-01

HARLEY DAVIDSON PLANNED DEVELOPMENT DISTRICT #26

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, AMENDING HARLEY DAVIDSON PLANNED DEVELOPMENT DISTRICT NO. 26 (“PD-26”) AS SET FORTH HEREIN AND REPEALING AND REPLACING PREVIOUSLY ADOPTED ORDINANCE NOS. 01-08-16-16, 07-02-15-03, 14-05-15-21, AND 16-08-18-25 THAT ESTABLISHED AND AMENDED PD-26; PROVIDING THAT THIS ORDINANCE AMENDS 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 INCORPORATED HEREIN, FROM C-2 COMMERCIAL, AND PD-PLANNED DEVELOPMENT TO PD-PLANNED DEVELOPMENT ZONING DISTRICT NO. 26 WITH A BASE ZONING DESIGNATION OF C-2, COMMERCIAL ON AN APPROXIMATE 8.267 ACRE TRACT OF LAND LEGALLY DESCRIBED AS HAPPILY EVER AFTER ADDITION LOT 1, BLOCK 1, HARLEY DAVIDSON CORINTH ADDITION, LOT 1, BLOCK 1 AND TRACT 5(P.T) OF THE J.B. THETFORD SURVEY, ABSTRACT 1308A WITHIN THE CITY OF CORINTH, DENTON COUNTY, TEXAS AND IDENTIFIED AS HARLEY DAVIDSON PLANNED DEVELOPMENT DISTRICT NO. 26 (“PD-26”); PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A LEGAL PROPERTY DESCRIPTION (EXHIBIT “A”); 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 C-2, Commercial and PD-Planned Development zoning districts, more specifically identified as Harley Davidson Planned Development District No. 26 (“PD-26”) 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; and

WHEREAS, the City has previously taken action to zone the Property as PD-26 through the adoption of Ordinance Nos. 01-08-16-16, 07-02-15-03, 14-05-15-21, and 16-08-18-25 (collectively "Prior PD-26 Ordinances"); 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 due to the large number of prior amendments to PD-26, it was determined appropriate to incorporate newly proposed amendments to PD-26 and previously approved amendments to PD-26 into this Ordinance, thus necessitating the repeal of the Prior PD-26 Ordinances; 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 amendments to PD-26 as set forth herein and the repeal of Prior PD-26 Ordinances should be adopted as an amendment to the Comprehensive Zoning Ordinance and Zoning Map in order to effect the change in zoning for the Property and thus such amendment 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 8.267 acre tract of land described in "Exhibit A" attached hereto and incorporated herein (the "Property"), from C-2, Commercial and PD-Planned Development, to PD-Planned Development zoning district with a base zoning designation of C-2, Commercial and identified as Harley Davidson Planned Development District No. 26 ("PD-26"), and the Zoning Map of the City is also hereby amended to reflect the new zoning classification for the Property. Ordinances 01-08-16-16, 07-02-15-03, 14-05-15-21, and 16-08-18-25 that established and amended the original Planned Development District No. 26 for the Property are hereby repealed and replaced by this Ordinance.

**SECTION 3.
PLANNED DEVELOPMENT CONCEPT PLAN**

The Planned Development Concept Plan for the Property is 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 or development 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

EXHIBIT "A"
LEGAL DESCRIPTION

FIELD NOTE DESCRIPTION
8.267 Acre Tract

BEING all that certain lot, parcel, or tract of land situated in the J.B. Thedford Survey, Abstract Number 1308, City of Corinth, Denton County, Texas, being a portion of that certain tract of land described by deed to Terry's Treehouse Learning Center LLC, as recorded under Instrument Number 2001-83544, of the Deed Records of Denton County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found for the northwest corner of the herein described tract, same being the northeast corner of Lot 1R, of Happily Ever After Addition, an addition to the City of Corinth, Denton County, Texas, according to the plat thereof, as recorded in Cabinet R, Page 351, of the Plat Records of Denton County, Texas (P.R.D.C.T.), also being the southwest corner of a tract of land described by deed to the City of Corinth, as recorded under Instrument Number 2008-118301, D.R.D.C.T, also being in the south line of Church Drive;

THENCE North 89 degrees 40 minutes 17 seconds East, with the south line of said Church Drive and the south line of said City of Corinth tract, a distance of 49.56 feet to a ½ inch iron rod with yellow cap stamped "Arthur Surveying Company" set for corner, same being the most westerly corner of a tract of land known as "Parcel 35" as described in exhibit prepared by Surveying and Mapping, Inc., dated 07/30/2012, (Job Number 0196-01-100), also being in the proposed west Right-of-Way line of Interstate 35E as described in said exhibit;

THENCE South 67 degrees 11 minutes 52 seconds East, with the most northerly west line of said Parcel 35 and the proposed west line of said Interstate 35E, a distance of 19.45 feet to a Texas Department of Transportation (TXDOT) monument found for corner, same being an angle point in the west line of said Parcel 35;

THENCE South 37 degrees 30 minutes 54 seconds East, with the west line of said Parcel 35 and the proposed west line of said Interstate 35E, a distance of 210.18 feet to a ½ inch iron rod with yellow cap stamped "Arthur Surveying Company" set for corner, said point being an angle point in the west line of said Parcel 35;

THENCE South 37 degrees 13 minutes 53 seconds East, with the west line of said Parcel 35 and the proposed west line of said Interstate 35E, a distance of 36.46 feet to a ½ inch iron rod with yellow cap stamped "Arthur Surveying Company" set for corner, same being the southwest

corner of said Parcel 35, also being in the north line of Lot 1, in Block 1, of Harley-Davidson Corinth, an addition to the City of Corinth, Denton County, Texas, according to the plat thereof, as recorded in Cabinet Y, Page 212, P.R.D.C.T.;

THENCE South 88 degrees 56 minutes 55 seconds West, with the north line of said Lot 1, a distance of 217.23 feet to a ½ inch iron rod with yellow cap stamped "Arthur Surveying Company" set for corner, same being the northwest corner of said Lot 1, also being in the east line of said Lot 1R, said point being witnessed by a ½ inch iron rod found, which bears South 00 degrees 05 minutes 41 seconds East, a distance of 0.47 feet;

THENCE North 00 degrees 05 minutes 41 seconds West, with the east line of said Lot 1R, a distance of 206.98 feet to the **POINT OF BEGINNING** and containing 0.660 acre of land, more or less, and being subject to any and all easements that may affect.

EXHIBIT "B"
CONCEPT PLAN

EXHIBIT "C"

Land Use & Development Regulations American Eagle Harley Davidson PD#26

Section 1: Use Regulations

- (A) All Uses Permitted in the C-2, Commercial District shall be permitted within this planned development district and the following uses shall also be allowed:
- 1) Outside display of motorcycles for sale and a motorcycle service and repair shop, within the building.
 - 2) Allow the use of the rear parking lot designated as "Riders Edge Training Area" as a motorcycle training area between the hours of 8:00 A.M. and 7:00 P.M, Monday- Sunday.
 - 3) Allow up to seven (7) permanent shade structures on the site to cover parking areas.
 - 4) Allow for a pavilion to be constructed and used for events, parking, and shade. Examples of potential events include concerts, farmers markets, festivals, drive-in movies, and weddings. A pavilion is in addition to the seven (7) permanent shade structures. Events shall be conducted in accordance with all City ordinance requirements, including without limitation permitting requirements, if applicable. Pavillion shall incorporate insulation on the ceiling elements to mitigate sound leaving the pavilion.
 - 5) Allow for signage on all buildings, generally as illustrated on Exhibit "B".
 - 6) Allow for a restaurant building(s).
 - 7) Allow for a classroom building(s).
 - 8) Allow for an additional storage/garage building.
 - 9) Allow for electric vehicle charging stations.
 - 10) Allow for existing wooden fence with metal support poles adjacent to the portion of the property that is bordering residential lots to the west and south. Fencing shall comply with applicable ordinance requirements, including without limitation, requirements for materials, height, and permitting. New fencing shall be of masonry construction and built to the City's screening wall standards.
 - 11) Allow for a lighted motorcycle sculpture to be placed on roof of main show room.
 - 12) Allow for fuel storage tanks (not for public use/sale).
 - 13) Allow for a water cistern with logo/signage to be used for water harvesting and/or landmark purposes (not for public use, not for cell device use, on-site logo/signage only)

Section 2: Area Regulations

- (A) Area regulations shall comply with the C-2, Commercial Zoning District as they exist at the time of development or application for a Certificate of Occupancy.

EXHIBIT B

CONCEPT PLAN

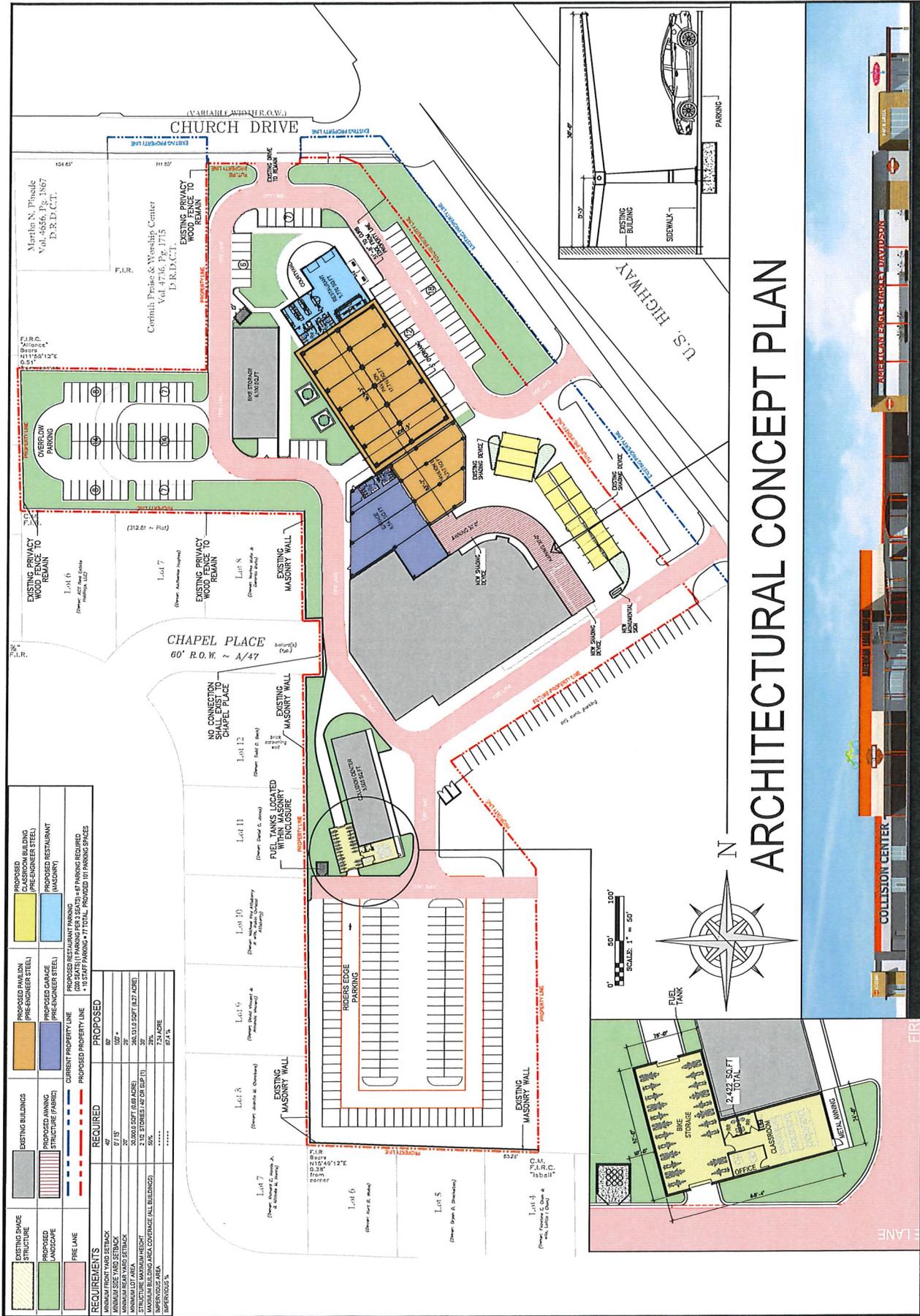
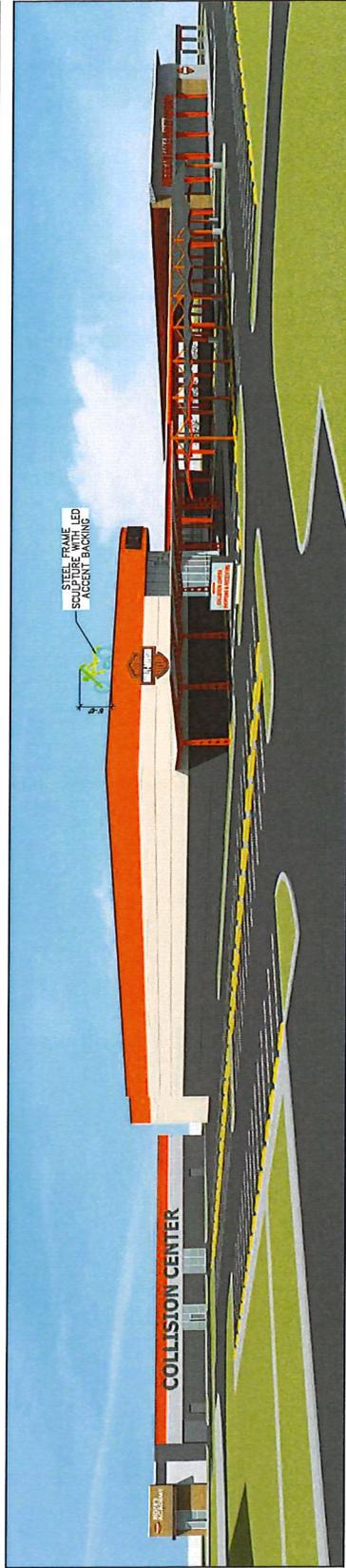


EXHIBIT D

CONCEPT ELEVATION



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 23rd DAY OF JANUARY, 2020.



APPROVED:

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney