

**CITY OF CELINA, TEXAS
ORDINANCE 2015-13**

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 119.1 ACRES IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 167, CITY OF CELINA, TEXAS; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT #23; 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, 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 has been depicted in detail in Exhibit "B" attached hereto and incorporated herein; and

WHEREAS, the concept plan and planned residential standards 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.; and

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

That the zoning classification is hereby established as "PD" Planned Development District, #23 on a certain tract of land described 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, described in Exhibit "A" and depicted in Exhibit "B", as "PD" Planned Development District #23.

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 concept plan set forth in Exhibit "C"; the planned development residential standards 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 described in Exhibit "A" and depicted in Exhibit "B" 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, and Effective Date Clause of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

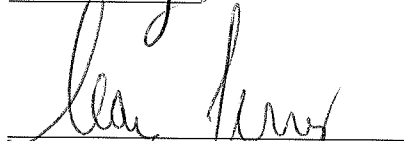
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

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 10 day of February, 2015.



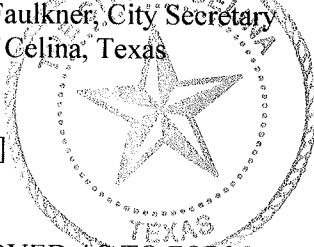
Sean Terry, Mayor
City of Celina, Texas

ATTEST:




Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]



APPROVED AS TO FORM:



City Attorney
City of Celina, Texas

EXHIBIT "A"
Legal Description
G Bar 7

BEING a tract of land situated in the Collin County School Land Survey, Abstract No. 167, City of Celina, Collin County, Texas, the subject tract being all of a tract conveyed as Tract 1, and all of a tract conveyed as Tract 2, to G Bar 7, Ltd. according to the deed recorded in Volume 5850, Page 990 of the Deed Records, Collin County, Texas (DRCCT), the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in County Road 1117, a prescriptive right-of-way, for the easterly northwest corner of a tract conveyed to Old Celina, Ltd., recorded in Volume 5398, Page 693 DRCCT;

THENCE S 00°22'51" E, along said road, passing at 2331.03 feet a 1/2" iron rod found for the lower southwest corner of said Old Celina tract, and continuing a total distance of 2973.39 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on the north line of a tract conveyed to Mitch Goldmiz, recorded in Volume 4250, Page 2347 DRCCT, and from which a 1/2" iron rod found for the northeast corner of said Goldmiz tract bears N 89°42'07" E, 53.87 feet;

THENCE S 89°42'07" W, along the north line of said Goldmiz tract, passing at 1619.88 feet the northwest corner thereof and for the northeast corner of a tract conveyed to Celina Tork, Ltd., recorded in Document No. 20070214000210230 of the Official Public Records, Collin County, Texas (OPRCCT), and continuing along the north line thereof a total distance of 2728.83 feet to a 1/2" iron rod found on the east line of a tract conveyed to Martha Ann King and Peggy Sue Earthman, recorded in Document No. 92-0091304 OPRCCT;

THENCE N 01°04'23" W, 161.49 feet along the east line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE S 89°26'34" W, 66.50 feet continuing along the east line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE N 00°33'26" W, 480.39 feet continuing along the east line thereof to a 1/2" iron rod found for the southwest corner of a tract conveyed to Jack Semones and Betty Semones, recorded in Document No. 93-0052600 OPRCCT;

THENCE along the common line thereof, the following:

N 89°42'02" E, 353.43 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 89°45'29" E, 502.33 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 89°41'42" E, 300.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 89°09'42" E, 96.60 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 89°46'18" E, 216.40 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set, from which a 1" iron pipe found (bent) bears S 68°51'06" W, 1.66 feet;

N 00°05'42" E, 142.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 00°47'18" W, 500.20 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 00°30'18" W, 73.00 feet to a 1/2" iron rod found;

And N 00°45'18" W, 427.87 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the southeast corner of a tract conveyed to the Hollingsworth Irrevocable Trust, recorded in Document No. 20130411000490940 OPRCCT;

THENCE N 00°51'41" W, 590.35 feet along the east line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the southeast corner of a tract conveyed to United Realtors, LLC, recorded in Document No. 20120314000298850 OPRCCT;

THENCE along the east line thereof, the following:

N 00°40'44" W, 318.30 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

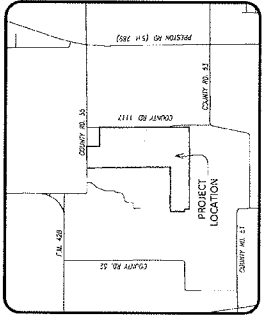
N 00°21'29" W, 90.50 feet to a 1/2" iron rod with plastic cap found;

N 00°26'29" W, 300.00 feet to a 1/2" iron rod with plastic cap found;

N 00°59'29" W, 213.00 feet to a 1/2" iron rod with plastic cap found;

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Plans of grading, horizontal and vertical alignment, and utility layout were prepared using the Texas WGS 84 NAD83 datum. The North American Datum of 1983 (NAD83) is used for all horizontal and vertical coordinates. The datum is North Central Zone (4707).



LEGEND

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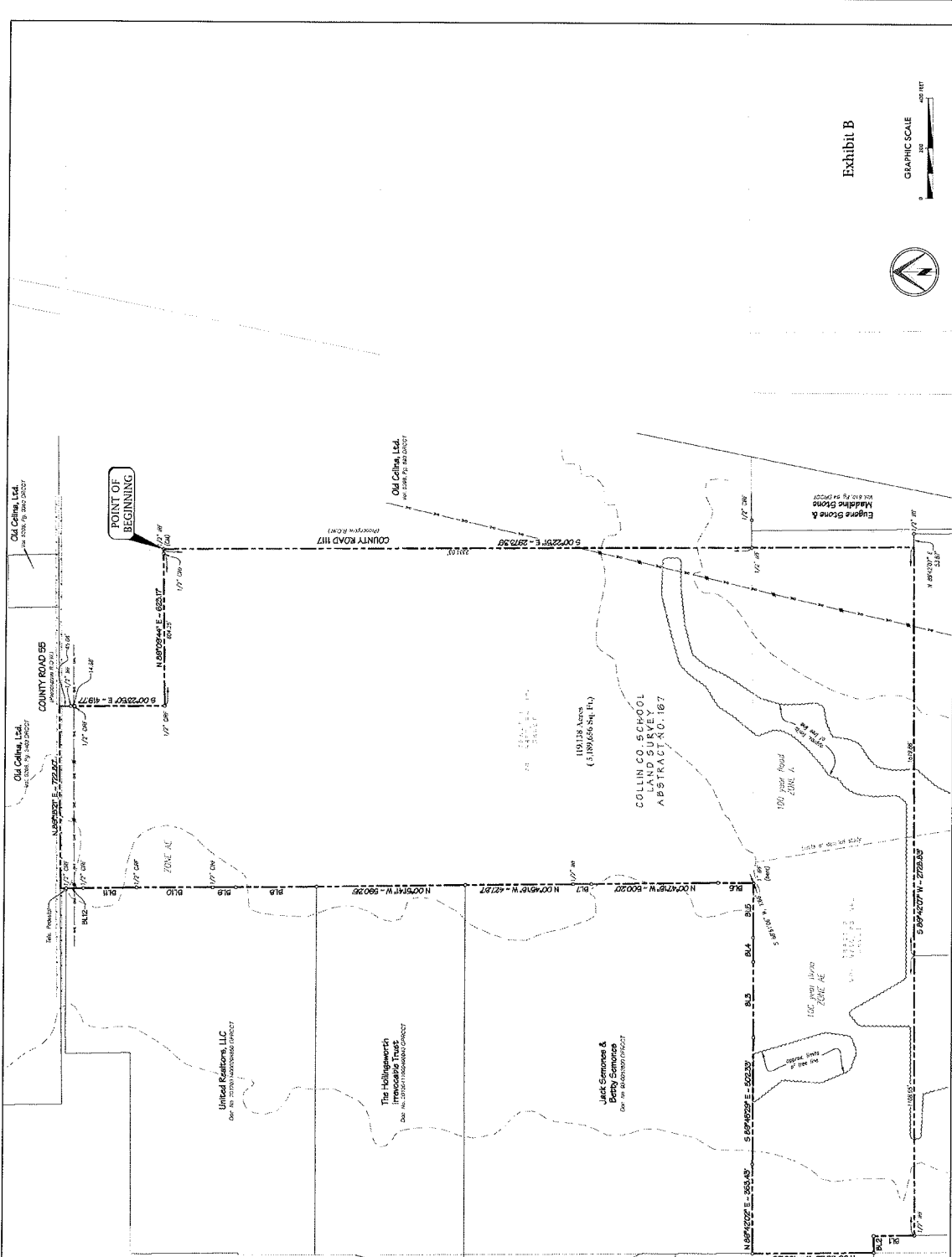


Exhibit B

G Bar 7
ZONING EXHIBIT
CELINA, TX
1-15-15



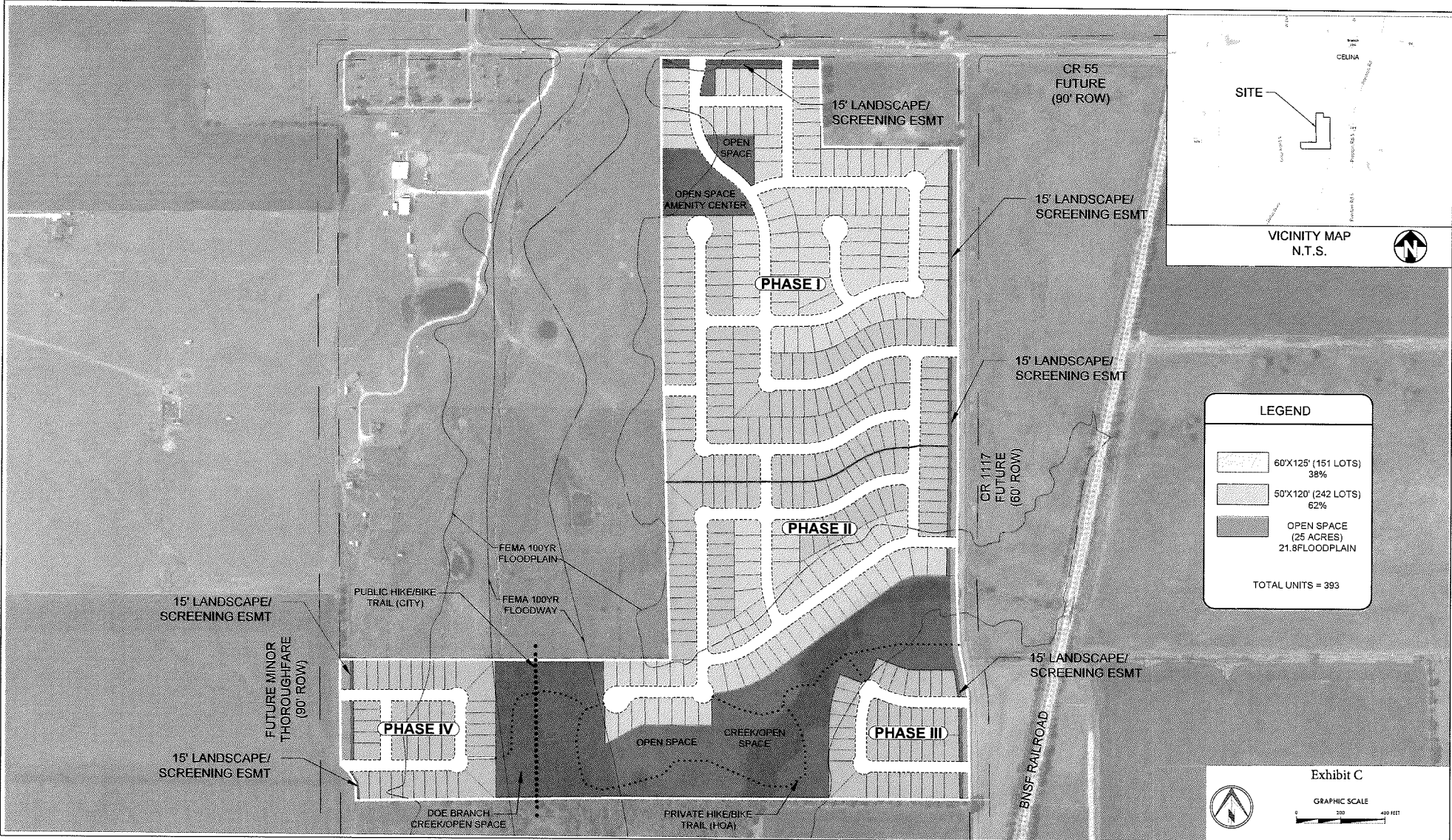


EXHIBIT "D"
Planned Development Residential Standards
G Bar 7

DEFINITIONS

Any capitalized terms not defined below are per the definition as provided in the City of Celina Code of Ordinance Chapter 14.

Common Area: Any portion of the PD District that does not constitute a residential lot or street right-of-way and is owned by the Homeowners Association.

Covered Front Porch: An area of at least 50 square feet covered by the main roof or an architectural extension of the Main Structure.

Homeowner Association: An association governed by by-laws, deed restrictions, and architectural guidelines of the community. All lot owners will have mandatory membership in the homeowner association, which, among other things, will require financial obligations in the form of annual membership dues.

PD District Concept Plan (Exhibit B): The graphic plan for PD District that establishes and delineates the location of the respective Lot Types and is attached as Exhibit B.

Main Structure: The primary residence to be constructed on any Lot.

Open Space: Publicly accessible parks, greens, sports fields, natural flood plain, and tot lots, shall constitute Open Space.

Parkway: The area of right-of-way between the curb and the sidewalk in front of residential lots.

PD District: The land and/or lots contained within the legal boundaries identified in Exhibit A.

Shall: A term requiring compliance.

Should: A term encouraging compliance.

DEVELOPMENT REQUIREMENTS

GENERAL

The purpose of the proposed PD is to provide greater flexibility for single family detached development than is available under the approved PD #23 and the City of Celina Ordinances, Chapter 14. This zoning request to a PD (Planned Development District) is in accordance with Sec. 14.03.031.

Single-Family

The base zoning for the proposed PD shall be "SF-R" (Single-Family Residential) district as it exists or may be amended. The following regulations shall also apply.

PERMISSIBLE USES

The following uses shall be allowed:

1. Agricultural Uses – Agricultural uses whose products are grown primarily for home consumption, such as domestic gardening, berry or bush crops, tree crops, flower gardening, orchards, and aviaries.
2. Residential Uses: Single-family detached dwellings
3. Community Facility Uses
 - A. Public and private parks;

- B. Recreational and open space including but not limited to playgrounds, parkways, greenbelts, ponds and lakes, botanical gardens, pedestrian paths, bicycle paths, equestrian bridle trails, nature centers, bird and wildlife sanctuaries;
 - C. Amenity centers
 - D. Landscaped Entry Features
4. Temporary structure for storage of building materials and equipment used for initial residential construction, when on the same or adjoining lot, for a period not to exceed the duration of the construction. This shall include temporary trailers for construction and sales activity. Building material storage will be allowed adjacent to temporary trailers or in a lot designated for storage.
 5. Manufactured and/or modular homes are prohibited in this PD district.
 6. Accessory dwellings are prohibited in this PD district.

RESIDENTIAL DESIGN GUIDELINES

I. Lot Type Regulations

The PD District will include a variety of lot types in order to achieve the goals established for the district. The lot types and requirements for each shall be as follows:

A. Lot Type 1:

1. Purpose: This lot type is designed to allow single family detached dwellings on lots of not less than six thousand (6,000) square feet, with front-entry garages, together with the allowed incidental and accessory uses.
2. Height Regulations: No building shall exceed forty feet (40') or two and one-half (2-1/2) stories in height to the highest point of its roof. Accessory structures shall not exceed twenty-five feet (25').
3. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size:	Six thousand (6,000) square feet.
Lot Coverage:	The maximum shall not exceed sixty percent (60%).
Minimum Floor Area:	The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be seventeen hundred (1,700) square feet.
Front Yard:	Twenty feet (20') minimum. Key lots shall have 2 front yards. Covered Front Porches may extend over the front building setback line up to five feet (5'), but the garage door must remain at or behind the front setback line in all instances
Front Yard on Collector Streets:	Twenty five feet (25') minimum
Rear Yard:	Ten feet (10') minimum.
Side Yard:	Five feet (5') minimum.
Side Yard Adjacent to Street:	Fifteen feet (15') minimum.
Lot Width:	Fifty feet typical (50'); forty feet (40') minimum (@ right-of-way) on cul-de-sac lots.
Lot Depth:	One hundred twenty feet (120') minimum.
Lot Depth (cul-de-sac lot):	Eighty-five feet (85') minimum.
Garage Orientation & Setback:	Garages may face the street or be J-swing type. For garage doors facing the front of the street, garage setback shall be flush or setback from front of building. J-swing type garages may protrude up to five feet (5') into the front setback to ensure additional variations of homes.

B. Lot Type 2:

1. Purpose: This lot type is designed to allow single family detached dwellings on lots of not less than seven thousand five hundred (7,500) square feet, with front-entry garages, together with the allowed incidental and accessory uses.
2. Height Regulations: No building shall exceed forty feet (40') or two and one-half (2-1/2) stories in height to the highest point of its roof.
3. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size:	Seven thousand five hundred (7,500) square feet.
Lot Coverage:	The maximum Lot Coverage shall not exceed fifty-five percent (55%).
Minimum Floor Area:	The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be nineteen hundred (1,900) square feet.
Front Yard:	Twenty feet (20') minimum. Key lots shall have 2 front yards. Covered Front Porches may extend over the front building setback line up to five feet (5'), but the garage door must remain at or behind the front setback line in all instances.
Front Yard on Collector Streets:	Twenty five feet (25') minimum
Rear Yard:	Ten feet (10') minimum.
Side Yard:	Five feet (5') minimum.
Side Yard Adjacent to Street:	Fifteen feet (15') minimum.
Lot Width:	Sixty feet (60') typical; fifty feet (50') minimum (@ right-of-way) on cul-de-sac lots.
Lot Depth:	One hundred twenty-five feet (125') minimum.
Lot Depth (cul-de-sac lot):	Eighty-five feet (85') minimum.
Garage Orientation & Setback:	Garages may face the street or be J-swing type. For garage doors facing the front of the street, garage setback shall be flush or setback from front of building. J-swing type garages may protrude up to five feet (5') into the front setback to ensure additional variations of homes.

II. Neighborhood Regulations

The maximum number of lots permitted within the PD District shall not exceed 460 lots. The maximum percentage of lots per Lot Type is as follows:

Lot Type 1: Approximately 62 %

Lot Type 2: Approximately 38 %

The lot types shall generally conform to the layout shown in Exhibit B.

III. Development and Design Standards

A. Landscape Standards: All development within this PD District shall comply with the following landscape standards:

1. Tree Requirements:

- i. Trees are required to be planted by the homebuilder in the front yard of all lots per the following schedule:
Lot Type 1 and 2 – two, 4” caliper tree, measured at 12 inches above ground and four shrubs, minimum of 5 gallon when planted
- ii. Tree species shall comply with the City of Celina Zoning Ordinance Chapter 14.05 Appendix E.:

B. Screening Standards: All development within this PD District shall comply with the following minimum screening requirements:

1. Lots Adjacent to thoroughfares: 6’ masonry wall
2. Lots Adjacent to minor arterials or collectors: 6’ masonry wall
3. Lots adjacent to open space or park land: 6’ masonry wall or 4’ wrought iron fence
4. 15’ landscape buffer for all lots backing or siding to thoroughfares and collectors

C. Amenities: This PD District shall contain the following amenity features:

1. Swimming Pool
2. Passive Recreation Field
3. Private, Off-Street Hike/Bike Trail to connect to future public trail
4. Outdoor Meeting Space
5. Dog Park

MISCELLANEOUS

HOMEOWNERS ASSOCIATION

A Homeowner Association will be established as each residential parcel of land is developed. The PD shall contain one or multiple Homeowner Associations.

OPEN SPACE

The PD will contain 25 acres of open space including 21.8 acres of floodplain. Private open space shall be maintained by the Homeowner Association(s).

LIST OF EXHIBITS:

- Exhibit A – Metes and Bounds
- Exhibit B – Zoning Exhibit
- Exhibit C – Concept Plan
- Exhibit D – Development Regulations