CITY OF CELINA, TEXAS

ORDINANCE 2010-25

AN ORDINANCE 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 261.186 ACRES OF LAND SITUATED IN COLLIN COUNTY, TEXAS, IN THE B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NO. 128, BEING A SURVEY OF PART OF THE 223.16 ACRE TRACT DESCRIBED IN A DEED FROM BARBARA WALLACE MOSES TO JENCHIN PARTNERS, LTD., DATED DECEMBER 22, 2000, RECORDED IN VOLUME 4823, PAGE 2898 OF THE COLLIN COUNTY DEED RECORDS AND THE THOMAS KENDALL SURVEY, ABSTRACT NO. 503, BEING A SURVEY OF THE 52.433 ACRE TRACT DESCRIBED IN A DEED FROM VERNON T. WINCHESTER AND DOROTHY M. WINCHESTER (TRUSTMAKERS) TO VERNON T. WINCHESTER AND DOROTHY M. WINCHESTER, TRUSTEES OF THE WINCHESTER FAMILY LIVING TRUST, DATED OCTOBER 29, 2002, RECORDED IN VOLUME 5290, PAGE 7 OF THE COLLIN COUNTY DEED RECORDS, AND MORE FULLY DESCRIBED IN EXHIBIT "A" AND SHOWN GRAPHICALLY IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN, TO BE ZONED "MU-2/PD42" MIXED USE REGIONAL DISTRICT; 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 County, 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 district classification has been requested for the property more specifically described in Exhibit "A" attached hereto; and incorporated herein; and

WHEREAS, the tracts comprising the property have been depicted in detail in Exhibit "B" attached hereto; and incorporated herein; and

WHEREAS, the development regulations set forth in Exhibit "C" 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 does hereby find that the requested zoning accomplishes such objectives and is consistent with the provisions of Celina by Choice, 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

That 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 "MU-2/PD42" Mixed Use Regional District on the certain tract of land more particularly described in Exhibit "A" and shown on 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, more particularly described in Exhibit "A", and depicted on Exhibit "B", attached hereto and incorporated herein, as "MU-2/PD42" Mixed Use Regional District.

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 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 on 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 CLAUSE

7.01 Any person violating any of the provisions of this Ordinance shall be deemed guilty of a Class C misdemeanor upon conviction and shall be fined, except as otherwise provided herein, in a sum not to exceed two thousand dollars ($2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

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 the 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 the Comprehensive Zoning Ordinance or the zoning and development of land within the City of Celina, 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 this 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 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 decision 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, Penalty and Effective Date Clause of this Ordinance as required by the Texas Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Publication Clause, Penalty 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 be in full force and effect 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 12 day of April, 2010.

ATTEST:

Jim Lewis, Mayor
City of Celina, Texas

Vicki Faulkner, City Secretary
City of Celina, Texas

APPROVED AS TO FORM:

City Attorney
City of Celina, Texas

[SEAL]

EXHIBIT "A"

TRACT 1
208.80 ACRES

SITUATED in Collin County, Texas, in the B.B.B. & C.R.R. Co. Survey, Abstract No. 128, being a survey of part of the 223.16 acre tract described in a deed from Barbara Wallace Moses to Jenchin Partners, LTD., dated December 22, 2000, recorded in volume 4823, page 2898 of the Collin County deed records, being described by metes and bounds as follows:

BEGINNING at an 1/2 -inch iron pin set near a pipe corner post at the northeast corner of said 223.16 acre tract;

THENCE South 00° 00' 18" East, with the east line of said 223.16 acre tract and generally near a fence, 3308.28 feet to an 1/2 -inch iron pin set;

THENCE South 89° 59' 18" West, with the north line of the 3.000 acre tract recorded in volume 1202, page 358 and generally near a fence, 362.45 feet to an 1/2 -inch iron pin set at the northwest corner of said 3.000 acre tract;

THENCE South 00° 01 ' 29" West, with the west line of said 3.000 acre tract and generally near a fence, passing an 1/2 -inch iron pin set at 316.94 feet and continuing in all, 360.62 feet to a point in a south line of said 223.16 acre tract and in near the center of County Road no. 106 (east-west paved road);

THENCE North 89° 42' 48" West, generally near the center of said County Road no. 106 and with the south line of said 223.16 acre tract, 2186.08 feet to an 1/2 -inch iron pin set in the east right-of-way line of State Highway No. 289 (Preston Road) (north-south asphalt highway);

THENCE northerly with the east right-of-way line of said Preston Road as follows:
North 00° 47' 50" East, 15.00 feet to an 1/2 -inch iron pin set;
North 44° 25' 10" West, 42.27 feet to an 1/2 -inch iron pin set;
North 00° 47' 50" East, 271.50 feet to an 1/2 -inch iron pin set;
North 03° 39' 50" East, 100.13 feet to an 1/2 -inch iron pin set;
North 00° 47' 50" East, 300.00 feet to an 1/2 -inch iron pin set;
North 03° 39' 50" East, 100.13 feet to an 1/2 -inch iron pin set;
North 00° 47' 50" East, 1200.00 feet to an 1/2-inch iron pin set;
North 89° 12' 10" West, 10.00 feet to an 1/2 -inch iron pin set;
North 00° 47' 28" East, 12.77 feet to a concrete marker found at the P.C. of a curve to the right; Around said curve, through a central angle of 12° 35' 00", an arc distance of 1245.16 feet, a chord bearing of North 07° 04' 58" East, 1242.66 feet to a concrete marker found at the P.T. of said curve; North 13° 22' 28" East, 418.50 feet to an 1/2-inch iron pin set in the north line of said 223.16 acre tract; an 1/2 -inch iron pin found bears North 89° 42 ' 43" West, .069 foot;

THENCE South 89° 42' 43" East, with the north line of said 223.16 acre tract and generally near an old fence, 2300.12 feet to the PLACE OF BEGINNING and containing 208.80 acres.

TRACT 2
52.386 ACRES

SITUATED in Collin County, Texas, in the Thomas Kendall Survey, Abstract No. 503, being a survey of the 52.433 acre tract described in a deed from Vernon T. Winchester and Dorothy M. Winchester (Trustmakers) to Vernon T. Winchester and Dorothy M. Winchester, Trustees of the Winchester Family Living Trust, dated October 29, 2002, recorded in volume 5290, page 7 of the Collin County deed records, being described by metes and bounds as follows:

BEGINNING at an 1/2 -inch iron pin found at the northeast corner of said 52.433 acre tract, at the extension of the center of County Road No. 106 from the west;
THENCE southerly and generally near an old fence and hedge row as follows:

South 00° 53 ' 39" West, 284.71 feet to a 60D nail set;
South 00° 29 ' 44" West, 625 .76 feet to an 1/2 -inch iron pin found at the southeast corner of said 52.433 acre tract; same being the northeast corner of the 52.38 acre tract recorded in volume 4887, page 47;

THENCE North 88° 46' 26" West, with the south line of said 52.433 acre tract, the north line of said 52.38 acre tract and generally near a fence, 2568.87 feet to an 1/2 -inch iron pin set at the southwest corner of said 52.433 acre tract; same being in the east right-of-way line of State Highway No. 289 (Preston Road); same being the northwest corner of said 52.38 acre tract; a 3/8 - inch iron pin found bears South 12° 30' East, 0.56 foot;

THENCE northerly with the west line of said 52.433 acre tract and with the east right-of-way line of said Preston Road as follows:

North 00° 47' 50" East, 823.41 feet to an 1/2 -inch iron pin set;
North 45° 34' 50" East, 42.59 feet to an 1/2 -inch iron pin set;
North 00° 47' 50" East, 15.00 feet to an 1/2 -inch iron pin set at the northwest corner of said 52.433 acre tract, near the center of said County Road No. 106;

THENCE South 89° 42' 48" East, generally with the center of said County Road No. 106 and with the north line of said 52.433 acre tract, leaving said county road at approximately 2400 feet and continuing in all, 2536.08 feet to the PLACE OF BEGINNING and containing 52.386 acres.

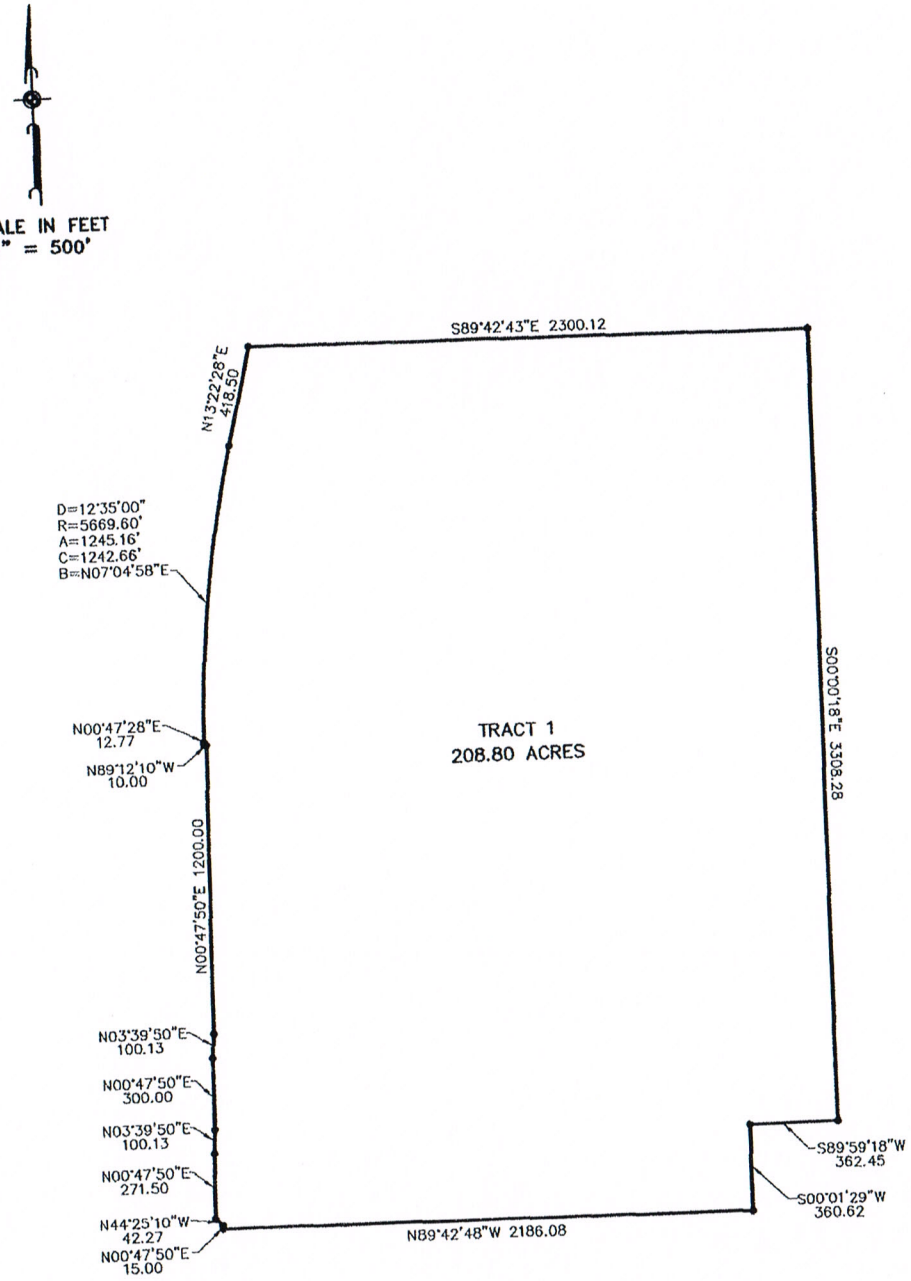


EXHIBIT "B"

THE SURVEY SHOWN HEREON IS A GRAPHICAL REPRESENTATION ONLY, IT WAS NOT THE RESULT OF AN ON THE GROUND SURVEY. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR SUBSEQUENT RESEARCH.

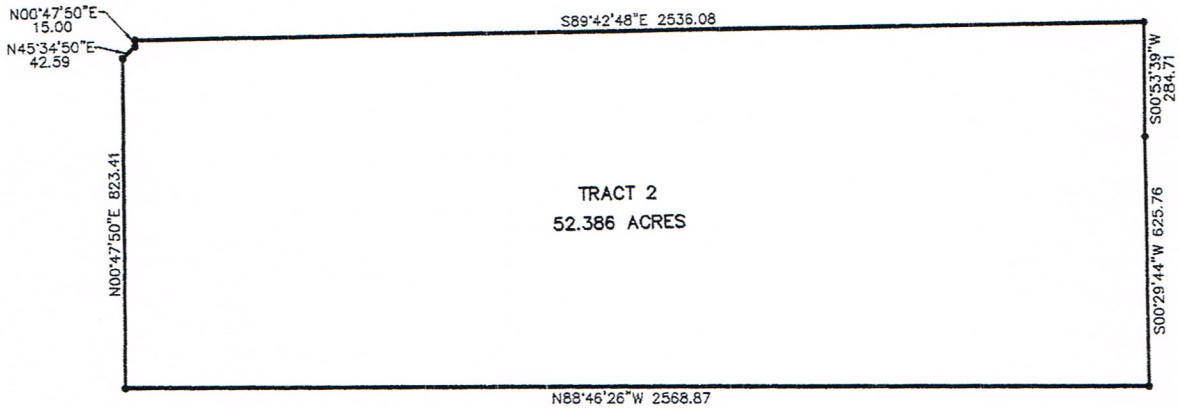
DATE: 02/19/10

JOHNNY RAY LEWIS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6026
2/19/10

STATE OF TEXAS
REGISTERED
JOHNNY R. LEWIS
6026
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "B"

SCALE IN FEET
1" = 300'



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DATE: 02/19/10

JOHNNY RAY LEWIS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6026

2/19/10

STATE OF TEXAS
REGISTERED
JOHNNY R. LEWIS
6026
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "C"

PLANNED DEVELOPMENT DISTRICT

STATEMENT OF INTENT AND PURPOSE

Being located along S.H. 289 (Preston Road), this Planned Development Ordinance (PD) provides the ability to encourage and accommodate the development of a variety of uses, including commercial, retail, office, mixed use and residential uses within the City of Celina.

It is the intent of this PD to adopt the base zoning district MU-2 from Zoning Ordinance No. 2006-57 (Zoning Ordinance), together with the uses and development regulations as designated therein, subject to modifications as set forth herein. Any conflict between this PD and the Zoning Ordinance shall be resolved in favor of those regulations set forth in this PD, or as may be ascertained through the intent of this PD. Uses and development regulations specifically modified in this PD shall not be subject to amendment after the adoption of this PD (whether through the amendment of the Zoning Ordinance or otherwise), except through an amendment of this PD. Uses and development regulations which otherwise are not specifically modified in this PD shall be controlled by the Zoning Ordinance, as it may be amended from time to time.

This PD and all attachments supercede any existing zoning, use and development regulations for the tracts of land identified in EXHIBIT "A".

Authorized Uses

The permitted uses described in APPENDIX "A" shall be allowed within this PD. A majority of these permitted uses are generally shown on the concept plan attached hereto as EXHIBIT "D" and incorporated herein by reference. Commercial areas are primarily intended to supply the community with service related establishments, retail, office and light manufacturing. Neighborhood services areas are intended to provide retail, office/professional uses and neighborhood services. The Residential areas will accommodate residential uses, as well as provide commercial/retail service centers for the residents of the community.

EXHIBIT "C"

PLANNED DEVELOPMENT DISTRICT

1.0 PLANNED DEVELOPMENT STANDARDS

1.1 General Description: This PD shall allow uses which conform to the Chart of Allowable Uses attached hereto as APPENDIX "A" and shall conform to the standards set forth in the MU-2, Mixed Use Regional District set forth in Section 160.068 of the Zoning Ordinance, as amended from time to time except as otherwise set forth herein.

1.2 Mixed Use Regional District (MU-2):

Development standards for MU-2 uses are outlined within this text and shall be developed in accordance with the following criteria:

1.2.1 MU-Commercial: The following requirements shall pertain to all non-residential uses, as outlined in APPENDIX "A". Deviations from these requirements may occur if approved pursuant to a Conditional Use Permit (CUP) or zoning amendment, utilizing procedures set forth in Sections 160.066 and 160.023 of the Zoning Ordinance.

a. Building and Area Requirements:

i. Height Regulations:

1. Main building(s) including parking garages - The maximum height of the building within the PD shall be two (2) stories, not to exceed forty-five (45) feet. Antennae and other architectural projections not used for occupancy may extend above this height limit.

2. Accessory building(s) other than parking garages – these buildings shall not exceed a maximum of one (1) story or twenty-five (25) feet in height.

ii. Density: The permitted floor to area ratio of all non-residential uses within the PD shall be unlimited, provided that all applicable sections of the PD are fulfilled.

iii. Building Size: There shall be no limitation for non-residential uses and/or buildings, except for a standalone single retail user. The maximum permitted building footprint for a standalone single retail user shall be one hundred fifty thousand (150,000) feet, provided that all sections of the PD are fulfilled.

iv. Front Yard: The minimum depth of the front yard shall be twenty (20) feet. When a lot has double frontage, the front yard requirement shall be applied to both streets.

v. Exterior Side Yard: The side yard shall have a depth of not less than ten (10) feet.

A thirty-four (34) foot side yard shall be provided where fire lane access is required and where a vehicular access/fire lane easement is not available on the adjoining property.

A twenty-five (25) foot side yard is required when the property is located adjacent to property that is being used for single family residential uses.

vi. Interior Side Yard: No interior side yard is required.

vii. Exterior Rear Yard: The rear yard shall have a depth of not less than ten (10) feet.

A thirty-four (34) foot rear yard shall be provided where fire lane access is required and where a vehicular access/fire lane easement is not available on the adjoining property.

A twenty-five (25) foot rear yard is required when the property is located adjacent to property that is being used for single family residential uses.

viii. Interior Rear Yard: No interior rear yard is required.

ix. Minimum Lot Area: Ten thousand (10,000) square feet.

x. Minimum Lot Width: None.

xi. Minimum Lot Depth: None.

xii. Building Coverage: In no case shall more than eighty (80) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Parking structures and surface parking facilities shall be excluded from the coverage computation.

xiii. Minimum Open Space Requirement: A minimum of twenty (20) percent of the total lot area, excluding rights-of-way for collector and larger sized streets, shall be devoted to open space. Open space may include areas used for facilities such as walks, plazas, courts, recreational amenities, water features and other similar uses not specifically used for vehicle access and parking.

1.2.2 Residential Type "A" (RTA): RTA are single family detached units. These units may be located anywhere within this PD.

If RTA units are developed within the PD, they shall be developed in accordance with the following criteria:

a. Building and Area Requirements:

i. Minimum Floor Area – The minimum floor area per dwelling unit shall be one thousand two hundred (1,200) square feet.

ii. Lot Area – The minimum area of any lot shall be forty-five hundred (4,500) square feet.

iii. Lot Coverage – In no case shall more than sixty-five (65) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.

iv. Lot Width – The minimum width of any lot shall be forty-five (45) feet measured at the front building line, except for lots at the terminus of a cul-de-sac, on a corner or along a curve may have a width of forty (40) feet at the front building line; provided all other requirements of this section are fulfilled.

v. Lot Depth – The minimum depth of any lot shall be one hundred (100) feet, except for lots at the terminus of a cul-de-sac, on a corner or along a curve may have a minimum lot depth, measured at mid-points on front and rear lot lines, of ninety (90) feet; provided all other requirements of this section are fulfilled.

vi. Front Yard – The minimum depth of the front yard shall be twenty (20) feet. Covered drives and porte-cocheres that are architecturally designed as an integral element of the main structure may extend up to five (5) feet from the established front building line into the front yard area.

vii. Side Yard – The minimum side yard for a "zero" lot option shall be one (1) foot on one side and nine (9) feet on the other side of the lot. The minimum side yard for a "center" lot option shall be five (5) feet on one side and five (5) feet on the other side of the lot. In no case shall any building separation be less than ten (10) feet. The side yard adjacent to a street shall be ten (10) feet.

viii. Rear Yard – The minimum depth of the rear yard shall be ten (10) feet.

ix. Front Entry Setback – The minimum garage setback for front entry driveways shall be twenty (20) feet.

x. Maximum Building Height – Buildings shall be a maximum of two and one-half (2.5) stories, not to exceed thirty-six (36) feet in height. Chimneys, antennae and other architectural projections not used for human occupancy may extend above this height limit.

xi. Minimum Open Space Requirement – none.

1.2.3 Residential Type "B" (RTB): RTB are attached residential duplex and/or townhome units. These units may be located anywhere within this PD.

If RTB units are developed within the PD, they shall be developed in accordance with the following criteria:

a. Building and Area Requirements:

i. Minimum Floor Area – The minimum floor area per dwelling unit shall be eight hundred fifty (850) square feet.

ii. Lot Area: The minimum area of any lot shall be two thousand (2,000) square feet.

iii. Lot Coverage: In no case shall more than eighty (80) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.

iv. Lot Width: The minimum width of any lot shall be twenty (20) feet.

v. Lot Depth: The minimum depth of any lot shall be ninety (90) feet.

vi. Front Yard: The minimum depth of the front yard shall be twenty (20) feet. Covered drives and porte-cocheres that are architecturally designed as an integral element of the main structure may extend up to five (5) feet from the established front building line into the front yard area.

vii. Side Yard: There will be no requirement for separation between units. All buildings shall have a minimum side yard of six (6) feet and shall maintain a minimum building separation of twelve (12) feet. A side yard adjacent to a public street shall be a minimum of fifteen (15) feet.

viii. Rear Yard: All buildings shall have a minimum rear yard of five (5) feet.

ix. Parking Regulations and Garage Setbacks – There shall be a minimum of two (2) covered and enclosed parking spaces for each dwelling unit, located either in front or behind the dwelling unit and

accessed from either a street or alley. The minimum garage setback for front entry driveways shall be twenty (20) feet. The minimum setback for rear entry driveways shall be five (5) feet.

x. Maximum Building Height: Buildings shall be a maximum of three (3) stories, not to exceed forty-five (45) feet in height. Chimneys, antennae and other architectural projections not used for human occupancy may extend above this height limit.

xi. Minimum Open Space Requirement: A minimum of twenty (20) percent of the total lot area, excluding rights-of-way for collector and larger sized streets, shall be devoted to open space. Open space may include areas used for facilities such as walks, plazas, courts, recreational amenities, water features and other similar uses not specifically used for vehicle access and parking.

b. Maximum Gross Area: The total platted areas for RTB units shall not exceed fifteen (15) percent of the total gross area of the PD as defined on the EXHIBIT "A".

1.2.4 Residential Type "C" (RTC): RTC are multi-family units. These units shall be located within one-half mile of Preston Road. A maximum of twenty-four (24) units per gross acre of land shall be permitted.

If RTC units are developed within the PD, they shall be developed in accordance with the following criteria:

a. Building and Area Requirements:

i. Minimum Floor Area – The minimum floor area per dwelling unit shall be five hundred fifty (550) square feet for an efficiency unit, six hundred fifty (650) square feet for a one-bedroom or studio unit and seven hundred fifty (750) square feet for a unit with two bedrooms. Any unit greater than two bedrooms shall have an additional one hundred and fifty (150) square feet per each additional bedroom.

ii. Lot Area: The minimum area of any lot shall be seventy-five hundred (7,500) square feet.

iii. Lot Coverage: In no case shall more than fifty (50) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.

iv. Lot Width: The minimum width of any lot shall not be less than one hundred (100) feet.

v. Lot Depth: The minimum depth of any lot shall not be less than one hundred twenty (120) feet.

vi. Front Yard: The minimum depth of the front yard shall be twenty-five (25) feet.

vii. Side Yard: The minimum side yard on each side of the lot shall be eight (8) feet and shall maintain a minimum building separation of sixteen (16) feet. A side yard adjacent to a public street shall be a minimum of fifteen (15) feet, including corner lots.

viii. Rear Yard: The minimum depth of the rear yard shall be fifteen (15) feet.

ix. Building Height: Buildings shall be a maximum of three (3) stories, not to exceed forty-five (45) feet in height. Chimneys, antennae and other architectural projections not used for occupancy may extend above this height limit. Accessory buildings shall be a maximum of twenty-five (25) feet, including a detached garage.

x. Required Parking: Parking requirements for RTC development areas shall be one and one-half (1.5) spaces per efficiency, one bedroom and studios units, two (2) spaces per two bedroom unit, two and one-half (2.5) spaces per three bedroom unit and one-half (0.5) space per each additional bedroom per unit. The required number of total spaces shall be no less than 1.8 spaces per dwelling unit overall.

xi. Optional Covered Parking and Density Bonus:

- An increase in density up to 26 units per gross acre of land is permitted when at least 50% of the required parking spaces are constructed as covered or enclosed spaces.
- An increase in density up to 29 units per gross acre of land is permitted when 100% of the required parking spaces are constructed as covered or enclosed spaces.

xii. Vertically Integrated RTC: RTC developments where a portion of the units are located over commercial, office or retail uses may vary from the above density, building and area requirements. These variances shall be allowed subject to review by the Planning and Zoning Commission and approval, not to be unreasonable withheld, by the City Manager, or his designee, with full rights of appeal to the City Council. These developments shall not count toward overall maximum gross area cap within the PD.

xiii. Minimum Open Space Requirement: A minimum of twenty (20) percent of the total lot area, excluding rights-of-way for collector and larger sized streets, shall be devoted to open space. Open space may include areas used for facilities such as walks, plazas, courts,

recreational amenities, water features and other similar uses not specifically used for vehicle access and parking.

b. Maximum Gross Area: The total platted areas for RTC units shall not exceed fifteen (15) percent of the total gross area of the PD as defined on the EXHIBIT "A".

2.0 GENERAL CONDITIONS FOR PD:

2.1 Amendment to the PD:

A. At such time a request to amend the PD is submitted, only the person initiating the request shall be named as the "Applicant". All owners of property within the boundaries of the PD are not required to be applicants for amendments to the PD, unless the requested amendment(s) directly affect their property.

B. The notification area shall be all properties within the PD described in EXHIBIT "A" and within two hundred (200) feet of said PD. The City, at its discretion, may reduce the notification area to properties within two hundred (200) feet of the property, as listed on the amending application and as defined by a separate boundary survey or exhibit, that will be specifically affected by the amendment request.

2.2 Conformance to All Applicable Articles of the Celina Zoning Ordinance: Except as amended herein, this PD shall conform to any and all applicable articles and sections of the Zoning Ordinance as it presently exist or may be amended.

2.3 Concept Plan: The Concept Plan attached hereto as EXHIBIT "D", and incorporated herein by reference, demonstrates potential locations and relationships of the uses permitted under this PD. For the purpose of this Concept Plan, any residential use would be compatible with those areas shown as Commercial. Because of the anticipated development dynamics created by Preston Road and surrounding properties, it is anticipated that the overall Concept Plan will change from time to time. Notwithstanding the provisions of Section 160.065(F)(2) of the Zoning Ordinance, amendments to the Concept Plan, which conform to the following criteria, shall be considered minor deviations and subject to approval by the City Manager or his/her designee, not to be unreasonably withheld with full rights of appeal to the City Council:

a. Commercial uses predominantly abut and extend a distance no greater than one thousand feet from the Preston Road right-of-way (although residential uses shall not be entirely prohibited).

b. RTC areas predominantly abut and extend a distance no greater than one-half mile from the Preston Road right-of-way (although other residential uses shall not be entirely prohibited).

Revisions to the Concept Plan shall not be considered to be an amendment to the PD zoning requirements, provided that all other sections of the PD are met when the Concept Plan is revised.

2.4 Site Plans and Plats: Site plans shall be required for all non-residential and RTC developments within this PD and subject to review by the Planning and Zoning Commission and approval, not to be unreasonable withheld, by the City Manager, or his designee, with full rights of appeal to the City Council.

2.5 Off-Street Parking and Loading Requirements: Off-Street Parking and Loading Requirements shall conform to the provisions of Section 160.095 of the Zoning Ordinance, as they exist or as amended from time to time, except as set forth herein, unless modified by a CUP or zoning amendment.

A. Parking: On-street or off-street parking may be shared among residential and non-residential users and among users of different properties so long as a shared parking agreement is executed among the owners of the properties and is filed with the City. For mixed use or Vertically Integrated RTC structures, parking for each structure shall be computed separately for each type of use within that structure. No minimum distance requirement shall be imposed on off-street parking for RTC and non-residential uses; however, all current federal accessibility standards shall be met.

2.6 Landscape Requirements: Landscaping shall conform to the provisions set forth in Section 160.096 of the Zoning Ordinance, as they exist or as amended from time to time, except as set forth herein, unless modified by a CUP or zoning amendment.

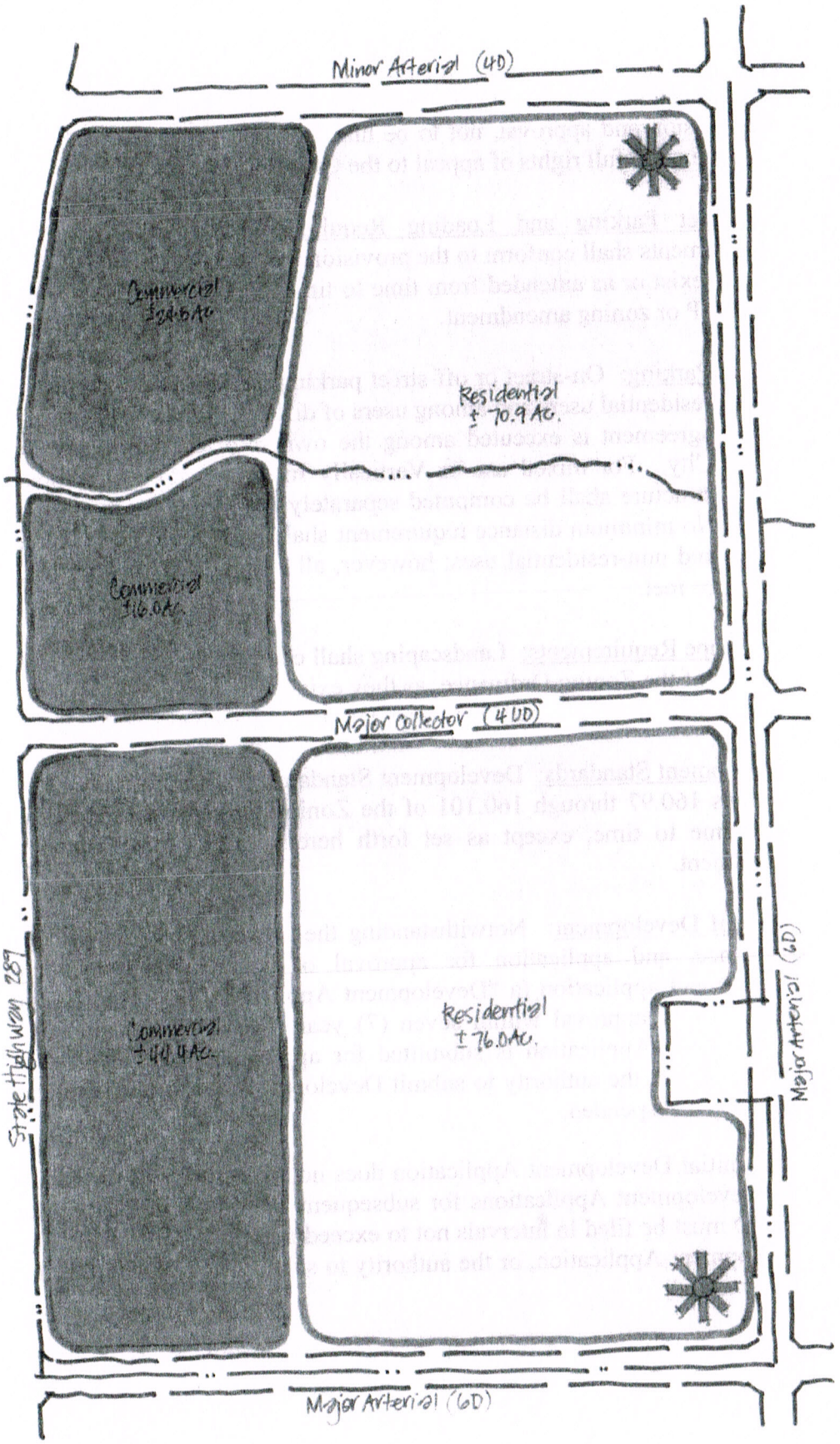
2.7 Development Standards: Development Standards shall conform to the provisions set for in Sections 160.97 through 160.101 of the Zoning Ordinance, as they exist or as amended from time to time, except as set forth herein, unless modified by a CUP or zoning amendment.

2.8 Lapse of Development: Notwithstanding the provision of Section 160.065(J) of Zoning Ordinance, and application for approval of a site plan, subdivision plat or other development application (a "Development Application") on a portion of the PD shall be submitted for approval within seven (7) years of the effective date of this PD. If no Development Application is submitted for approval within such seven (7) year period defined above, the authority to submit Development Applications for property within this PD shall be suspended.

If the initial Development Application does not encompass all of the Property within this PD, Development Applications for subsequent projects or phases of development within this PD must be filed in intervals not to exceed two (2) years from the date of the last filed Development Application, or the authority to submit such Development Applications shall be suspended.

Suspension of the authority to submit a Development Application shall not void this PD, but shall subject it to review by the Planning and Zoning Commission and action by the City Council in accordance with the provisions of Section 160.065(J) of the Zoning Ordinance.

Exhibit "D"



Denotes Possible Neighborhood Services Locations

CONCEPT PLAN
±248.0 Ac.

Celina, TX.

APPENDIX "A"

Chart of Allowable Uses

Uses	Mixed Use
AGRICULTURE	
Barn	P
Bulk Grain and/or Feed Storage	
Farms, General (Crops or Livestock/Ranch)	P
Hay, Grain, and/or Feed Sales	P
Orchard/Crop Propagation	P
Plant Nursery (Grown for Commercial Purposes)	
Stables (As a Business)	
Stables (Private, Accessory Use)	
Stables (Private, Principa Use)	
RESIDENTIAL	
Accessory Building/Structure (Non-residential)	P
Accessory Building/Structure (Residential)	P
Accessory Dwelling	
Caretaker's/Guard's Residence	
Community Home	C
Duplex/Two-Family	P
Dwelling Unit Above Ground Floor Business	P
Family Home Adult Care	
Family Home Child Care	
Four Family (Quadraplex)	
Home Occupation	
Living Quarters On-Site With a Business	P
Multi-Family (Apartments)	P
Private Street Subdivision	P
Rooming/Boarding House	C
Single-Family Detached	P
Single-Family Industrialized Home	P
Single-Family Townhouse (Attached)	P
Single-Family Zero Lot Line/Patio Homes	P
Three-Family (Triplex)	P
OFFICE	
Armed Services Recruiting Center	P
Bank/Credit Unions	P
Credit Agency	P
Insurance Agency Offices	P
Offices (Brokerage Services)	P
Offices (Health Services)	P
Offices (Legal Services)	P
Offices (Medical Office)	P
Offices (Professional and General Business)	P
Real Estate Offices	P
Savings and Loan	P
Security Monitoring Company (No Outside Storage)	P
Telemarketing Agency	P

P - Designates that the use is permitted in the zoning district indicated.

C - Designates that the use may be permitted in the zoning district indicated by a conditional use permit.

__ - Designates that the use is prohibited in the zoning district indicated.

PERSONAL & BUSINESS SERVICES	
Ambulance Service (Private)	C
Appliance Repair	P
Artist Studio	P
Automatic Teller Machines (ATM's)	P
Automobile Driving School	P
Barber Shop (Non-College)	P
Beauty Shop (Non-College)	P
Bed & Breakfast Inn	P
Communication Equipment (No outdoor sales or storage)	
Computer Sales	P
Dance/Drama/Music Schools (Performing Arts)	P
Extended Stay Hotels/Motels (Residence hotels)	P
Exterminator Service (No outdoor sales or storage)	C
Financial Services (Advice/Invest)	P
Funeral Home	C
Hotel/Motel	P
Kiosk (Providing A Service)	P
Laundry/Dry Cleaning (Drop Off/Pick Up)	P
Locksmith	P
Martial Arts School	P
Media Production Studio	P
Mini-Warehouse/Self Storage	P
Photocopying/Duplicating	P
Photography Studio	P
Plant Nursery (Grown for Commercial Purposes)	P
Security Quarters as Associated with a Business (Live-In)	C
Sexually Oriented Business	
Shoe Repair	P
Studio for Radio or Television (without tower)	P
Tailor Shop	P
Telephone/Cable Exchange	P
Tool Rental (Indoor Storage)	P
Tool Rental (Outdoor Storage)	
Travel Agency	P
RETAIL	
All Terrain Vehicle Dealer/Sales or Service	P
Antique Sale	P
Art Dealer/Gallery	P
Auto Supply Store for New & Rebuilt Parts (No Auto Repair)	P
Bakery (Retail)	P
Bike Sales and/or Repair	P
Book Store	P
Building Material Sales/Lumber	P
Cabinet Shop (Manufacturing)	P
Cafeteria	P
Check Cashing Service	C
Clothing & Accessories (New)	P
Confectionery Store (Retail)	P
Consignment Shop	P
Convenience Store (With beer and wine sales)	P
Convenience Store (With Gas Sales)	P
Convenience Store (Without Gas Sales)	P
Department Store	P
Drapery Shop/Blind Shop	P
Florist	P
Food or Grocery Store (With beer and wine sales)	P
Food or Grocery Store	P

Furniture Sales (Indoor)	P
Garden Shop (Inside Storage)	P
Gift/Toy Shop	P
Gravestone/Tombstone Sales	C
Handicraft/Artisans Shop	P
Hardware Store	P
Home Improvement Center	P
Jewelry Store	P
Lawnmower Sales and/or Repair	P
Major Appliance Sales (Indoor)	P
Market (Public)	C
Motorcycle Dealer (New and/or Repair)	P
Needlework Shop	P
Personal Services	P
Personal Watercraft Sales (New and/or Repair)	P
Pet Shop/Supplies	P
Pharmacy	P
Plant Nursery (Retail Sales Outdoors)	P
Recycling Kiosk	P
Restaurant (Drive-In Service)	P
Restaurant (With Drive-Through Service)	P
Restaurant (With No Drive-Through Service)	P
Restaurant with a private club designation	P
Restaurant with alcoholic beverage service	P
Security Systems Installation Company	P
Silk Screen Printing/Tee Shirt Shop	C
Sporting Goods	P
Stamps, Coin, & Other Collectables	P
Temporary Outdoor Retail Sales/Commercial Promotion	C
Upholstery Shop (Non-Auto)	P
Used Merchandise; Furniture, Antique Shop Store	C
Vacuum Cleaner Sales and Repair	P
Veterinarian (Indoor Kennels)	P
Woodworking Shop (Ornamental)	P
TRANSPORTATION & AUTO SERVICES	
Auto Body Repair	P
Auto Dealer (Primarily New)	P
Auto Financing & Leasing (Indoor)	P
Auto Glass Repair/Tinting	P
Auto Interior Shop/Upholstery	P
Auto Laundry or CarWash (Attended)	P
Auto Laundry or CarWash (Unattended)	P
Auto Muffler Shop	P
Auto Paint Shop	P
Auto Repair (Major)	P
Auto Repair (Minor)	P
Auto Repair as an Associated Use to Retail Sales	P
Auto Tire Repair/Sales (Indoor)	P
Auto Wrecker Service	
Automobile Accessory Installation (Minor)	P
Full Service Car Wash (Detail Shop)	P
Limousine/Taxi Service	C
Parking Lot Structure, Commercial (Auto)	C
Quick Lube/Oil Change/Minor Inspection	P
Rental Car/Sales	C
Tire Dealer, With or Without Open Storage	P

AMUSEMENT & RECREATION SERVICES	
Amusement Devices/Arcade (4 or More Devices)	P
Amusement Services (Indoors)	P
Amusement Services (Outdoors)	C
Billiard/Pool Facility (Three or More Tables)	P
Bingo Facility	P
Bowling Center	P
Broadcast Station (with Tower)	C
Country Club (Private)	P
Dance Hall/Dancing Facility	P
Day Camp for Children	P
Dinner Theatre	P
Exhibition Hall	P
Fair Ground/Exhibition Area	C
Golf Course (Miniature)	P
Golf Course (Public/Private)	P
Health Club (Physical Fitness)	P
Motion Picture Studio, Commercia Film	P
Motion Picture Theater (Indoors)	P
Museum	P
Park and/or Playground	P
Rodeo grounds	
Skating Rink	P
Tennis Court (Lighted)	P
Theater (Non-Motion Picture)	P
Travel Trailers/R.V.'s (Short Term Stays)	
Video Rental/Sales	P
INSTITUTIONAL & GOVERNMENTAL	
Antenna (Commercial)	C
Antenna (Non-Commercial)	P
Assisted Living Facility	P
Broadcast Towers (Commercial)	
Cellular/Wireless Communications Tower	C
Cemetery and/or Mausoleum	C
Child Day Care (Business)	P
Church/Place of Worship	P
Civic Club	P
Clinic or Office (Medical)	P
Community Center (Municipal)	P
Electrical Generating Plant	
Electrical Substation	
Electrical Transmission Line	
Emergency Care Clinic	P
Fire Station	P
Franchised Private Utility	P
Fraternal Organization	P
Governmental Building (Municipal, State or Federal)	P
Group Day Care Home	P
Heliport	
Helistop	P
Hospice	P
Hospital (Acute Care/Chronic Care)	P
Landfill	
Library (Public)	P
Mailing Service (Private)	P
Non-Profit Activities by Church	P
Nursing/Convalescent Home	P
Orphanage	P

Philanthropic Organization	P
Post Office (Governmental)	P
Rectory/Parsonage	P
Rehabilitation Care Institutions	C
Retirement Home/Home for the Aged	P
School, Business/Commercial Trade	P
School, Driving/Defensive Driving	P
School, K through 12 (Private)	P
School, K through 12 (Public)	P
Senior Center	P
Telephone and Exchange, Switching or Rely Station	P
Wastewater Treatment Plant (Public)	C
Water Treatment Plant (Public)	P
COMMERCIAL & WHOLESALE TRADE	
Book Binding	
Dry Cleaning Plant	
Feed & Grain Store	P
Food Processing	
Furniture Manufacture	
Heating & Air-Conditioning Sales/Services	P
Manufactured Home Sales	
Pawn Shop	P
Propane Sales (Retail)	P
Taxidermist	P
Transfer Station (Refuse/Pick-up)	
Veterinarian (Outdoor Kennels or Pens)	P
Warehouse/Office Warehouse	P
Welding Shop	
LIGHT MANUFACTURING	
Concrete or Asphalt Batching Plant (Temporary)	P
Concrete or Asphalt Batching Plant (Permanent)	
Contractor's Office/Sales (No Outside Storage)	P
Contractor's Temporary On-Site Construction Office	P
Electronic Assembly	C
Engine Motor Manufacturing/Re-Manufacturing	
Heavy Manufacturing	
Laboratory Equipment Manufacturing	
Light Manufacturing	C
Machine Shop	
Maintenance & Repair service for Buildings	C
Micro Brewery/Sales and Consumption (on site mfg.)	P
Open Storage/Outside Storage	
Plumbing Shop	
Research Lab (Non-Hazardous)	P
Sand/Gravel Sales (Storage)	C
Sign Manufacturing	C
Stone/Clay/Glass Manufacturing	