

**CITY OF CELINA, TEXAS
ORDINANCE 2017-132
Greenway 63 PD #87**

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 AN APPROXIMATELY 63.15 ACRE TRACT OF LAND LOCATED IN THE I.C. WILLIAMS SURVEY, ABSTRACT 943, CITY OF CELINA, COLLIN COUNTY, TEXAS; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT #87; 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 development regulations 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.

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, #87 on a certain tract of land described in 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, depicted in Exhibit "A" attached hereto and incorporated herein, as "PD" Planned Development District #87.

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 development 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 depicted on Exhibit "A" 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 of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

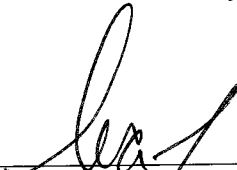
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

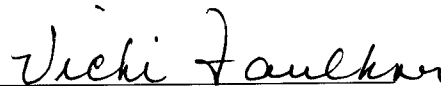
This Ordinance shall become effective from and after its date of passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 12th day of December, 2017.


Sean Terry, Mayor
City of Celina, Texas

ATTEST:


Vicki Faulkner, City Secretary
City of Celina, Texas



[SEAL]

APPROVED AS TO FORM:

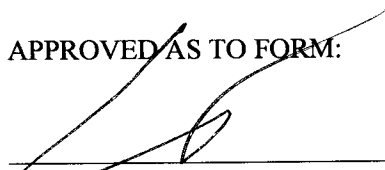

City Attorney
City of Celina, Texas

EXHIBIT "A"
Description of a
63.15 Acre Tract for Zoning

Being that certain tract of land situated in the I. C. Williams Survey, Abstract Number 943, Collin County, Texas and being that tract of land described in deed to Lewis and Jerry Dickerson recorded in Instrument Number 97-0014408 of and being that tract of land described in deed to Jennifer Hunt recorded in Instrument Number 2001-0017035 of County Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at the southeast corner of said Dickerson tract;

THENCE N 89°18'33" W, 1,619.74 feet;

THENCE N 00°45'25" E, 1,445.90 feet in County Road 52;

THENCE N 00°44'34" E, 270.03 feet;

THENCE S 89°18'42" E, 1,614.03 feet;

THENCE S 01°06'19" W, 282.31 feet;

THENCE S 00°30'06" W, 202.62 feet;

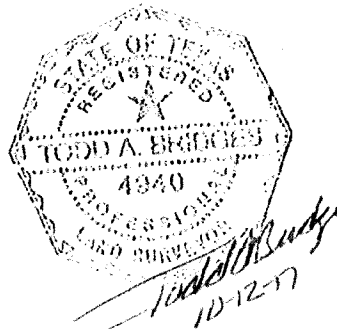
THENCE S 13°16'08" W, 108.03 feet;

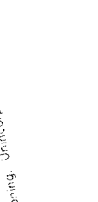
THENCE S 00°02'29" W, 952.13 feet;

THENCE S 32°39'37" E, 31.73 feet;

THENCE S 00°30'41" W, 147.07 feet to the Point of Beginning and containing 2,751,006 square feet or 63.15 acres of land.

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."





CR 428
DALLAS PARKWAY

SITE
CR 52

VICINITY MAP
N.T.S.

CR 52
(Future Collina Parkway)

CR 52
Lewis D. Dickerson
Inst. # 2009022600220600
C.R.C.C.T.
Current Zoning: Unincorporated

CR 52
Blake Dickerson
Inst. # 2009022600220600
C.R.C.C.T.
Current Zoning: Unincorporated

CR 52
Eckstein Estates, LP
Inst. # 20170623000820190
C.R.C.C.T.
Current Zoning: Unincorporated

CR 52
Jennifer Hunt
Inst. # 2001-0017035
C.R.C.C.T.
Current Zoning: Unincorporated
Proposed Zoning: Planned Development District

CR 52
United Realtors, L.L.C.
Inst. # 20151714091553360
C.R.C.C.T.
Current Zoning: Unincorporated

CR 52
Chris Hollingsworth
Inst. # 2013041800490946
C.R.C.C.T.
Current Zoning: Unincorporated

CR 52
Jack Semores
Inst. # 93-0052600
C.R.C.C.T.

CR 52
Celina Investments, L.P.
Inst. # 2007-020100150330
C.R.C.C.T.

CR 52
00-17
N00°44'34"E 270.03'

CR 52
Lewis and Jerry Dickerson
Inst. # 97-0014408
C.R.C.C.T.

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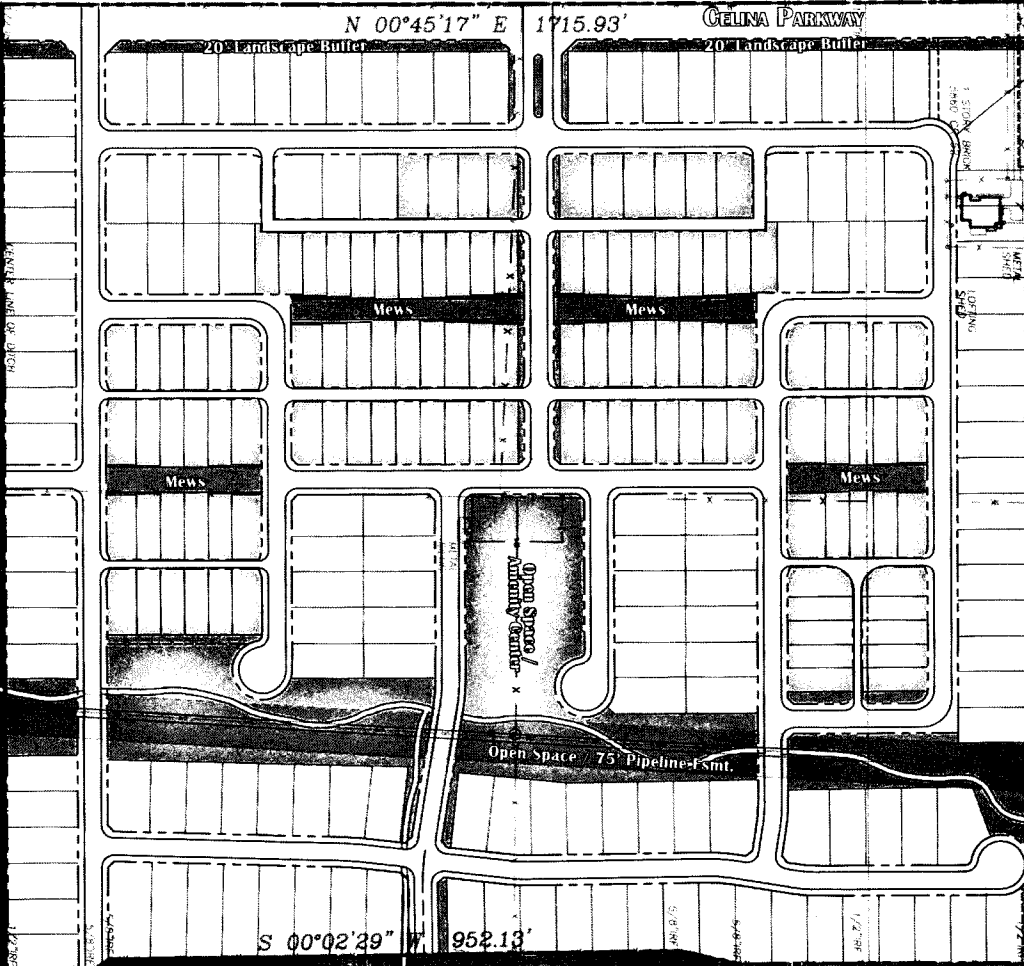
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12' Hike & Bike Trail System (north-south in easement)

NOTES:

- This concept plan meets the one acre of open space for every 75 dwelling units requirement.
- A 20 foot landscape buffer will be provided along Celina Parkway.

LEGEND:

Lot Type 3 (60')

**GREENWAY 63
CELINA, TX
CONCEPTUAL MASTER PLAN**



EXHIBIT D

Development Standards

PROJECT LOCATION

The property is located just southeast of the intersection of two major arterial roads. The proposed Planned Development (the "PD") offers greater flexibility in Single Family detached development. Therefore, to achieve this flexibility and to provide greater housing choices, creating the PD under Section 14.03.031 of the City's Zoning ordinance is required. Submitted under Section 14.03.031 as a Concept Plan, this PD will provide:

- Increased amount of single family development with an expanded range of housing choices through a diversity of lot sizes ranging from 40-60 feet in width.
- Open space and mews (a row or group of houses built adjacent or around an open space or yard maintained by the HOA) to promote neighborhood community interaction and other physical assets as amenities. Mews shall be minimum twenty-five feet (25') in width and maximum four hundred feet (400') in length and include a five foot (5') wide sidewalk.
- Internal sidewalks will be five feet (5') wide to allow two people to walk side by side.
- A twelve foot (12') wide walking trail with at least six (6) benches near streets and trail.
- Mailboxes faced away from the road, but have twelve foot (12') sidewalk or flagstone from road to cluster boxes.

PROPOSED CONDITIONS

PROPOSED LAND USES

The proposed development is in accordance with the City of Celina Comprehensive Plan dated April, 2013 by increasing Suburban Moderate-High Residential (Suburban Mix) land use category. The following land uses are proposed:

- Base zoning district SF-R
- Suburban Moderate-High Residential (Suburban Mix)
 - Single family detached dwellings with varying lot sizes with a minimum of 4,000 SF.
- Open Space/Park Space
- Amusement and Recreation Services

PROPOSED THOROUGHFARES/ACCESS

The proposed development will utilize the existing Master Thoroughfare Plan Amended October 2017. In addition to the designating Rights of Way according to the Master Thoroughfare Plan, a divided subdivision entrance will be utilized for internal traffic circulation, and street stubs to adjacent property for future connectivity.

CONCEPT PLAN

The Concept Plan locates the proposed land uses outlined within the Property. All land uses shall conform to the SF-R Regulations as they exist at the time of development. The proposed development

should have unified and consistent design elements and provide an integrated development that follows the Comprehensive Plan dated April 2013 and compliments the City of Celina.

DEVELOPMENT REGULATIONS

Tract

Single Family Residential District the intent is to allow a mixture of single family lot sizes provided that the overall density within such SF area shall not exceed five (5) units to the gross acre or 315 lots. For single family lots, the permitted and conditional uses, as well as the regulations, under Section 14.03.008 of the City of Celina’s zoning ordinance shall apply, except as set forth herein, and further defined as Lot Types 1, 2, and 3 below.

SINGLE-FAMILY

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.
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.

RESIDENTIAL DESIGN GUIDELINES

I. Lot Type Regulations

The PD 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 four thousand (4,000) square feet, together with the allowed incidental and accessory uses.
2. Height Regulations: No building shall exceed forty-five feet (45’) or two and one-half (2-1/2) stories in height to the highest point of its roof.
3. Lot Mix Regulations: There shall be maximum of 169 lots in the district that are Lot Type 1.
4. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size:	Four thousand (4,000) square feet.
Lot Coverage:	The maximum Lot Coverage shall not exceed sixty-five percent (65%) excluding flatwork, i.e. sidewalks and driveways.
Minimum Floor Area:	The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be fifteen hundred (1,500) square feet.
Front Yard:	Fifteen feet (15') setback line when garage doors face the alley. Covered Front Porches may extend over the front building setback line up to five feet (5'). Key lots shall have two (2) front yards. The minimum front setback line for lots in this Lot Type that front on a “mews” open space may be reduced to twelve feet (12') at the discretion of, and upon written approval by, the City Manager.
Rear Yard:	Twelve feet (12') minimum main building for rear alley lots and ten feet (10') on front entry lots. Twenty feet (20') minimum garage setback measured from the Right of Way (ROW). This setback, coupled with the alley parkway, shall insure that the alleys are passable at all times.
Side Yard:	Five feet (5') minimum. Fifteen feet (15') minimum when adjacent to street.
Lot Width:	Forty feet typical (40') at building line; thirty-five feet (35') minimum (@ right-of-way) on cul-de-sac and knuckle lots. Lot frontage along alleys shall be fifteen feet (15') minimum.
Lot Depth:	One hundred feet (100') minimum. Eighty-five feet (85') minimum on cul-de-sac and knuckle lots.
Garage Orientation:	Shall face the alley with twenty feet (20') minimum setback.

B. Lot Type 2:

1. Purpose: This lot type is designed to allow single family detached dwellings on lots of not less than five thousand (5,000) square feet, together with the allowed incidental and accessory uses.
2. Height Regulations: No building shall exceed forty-five feet (45') or two and one-half (2-1/2) stories in height to the highest point of its roof.
3. Lot Mix Regulations: There is no maximum or minimum number of lots that are Lot Type 2 in the district.
4. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size:	Five thousand (5,000) square feet.
Lot Coverage:	The maximum Lot Coverage shall not exceed sixty-five percent (65%) excluding flatwork, ie sidewalks and driveways.
Minimum Floor Area:	The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be fifteen hundred (1,500) square feet.

Front Yard:	Fifteen feet (15') setback line when garage doors face the alley. Covered Front Porches may extend over the front building setback line up to five feet (5'). Key lots shall have two (2) front yards. The minimum front setback line for lots in this Lot Type that front on a “mews” open space may be reduced to twelve feet (12') at the discretion of, and upon written approval by, the City Manager.
Rear Yard:	Twelve feet (12') minimum main building for rear alley lots and ten feet (10') on front entry lots. Twenty feet (20') minimum garage setback measured from the Right of Way (ROW). This setback, coupled with the alley parkway, shall insure that the alleys are passable at all times.
Side Yard:	Five feet (5') minimum. Fifteen feet (15') minimum when adjacent to street.
Lot Width:	Fifty feet typical (50') at building line; forty feet (40') minimum (@ right-of-way) on cul-de-sac and knuckle lots. Lot frontage along alleys shall be fifteen feet (15') minimum.
Lot Depth:	One hundred feet (100') minimum. Eighty-five feet (85') minimum on cul-de-sac and knuckle lots.
Garage Orientation:	Shall face the alley with twenty feet (20') minimum setback.

C. Lot Type 3:

1. Purpose: This lot type is designed to allow single family detached dwellings on lots of not less than six thousand six hundred (6,600) square feet, together with the allowed incidental and accessory uses.
2. Height Regulations: No building shall exceed forty-five feet (45') or two and one-half (2-1/2) stories in height to the highest point of its roof.
3. Lot Mix Regulations: There must be at least 110 lots that are Lot Type 3.
4. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size:	Six thousand six hundred (6,600) square feet.
Lot Coverage:	The maximum Lot Coverage shall not exceed sixty-five percent (65%) excluding flatwork, i.e. sidewalks and driveways.
Minimum Floor Area:	The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be eighteen hundred (1,800) square feet.
Front Yard:	Twenty feet (20') setback line in all instances, however, 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 main structure. Key lots have two (2) front yards.
Rear Yard:	Ten feet (10') minimum.
Side Yard:	Five feet (5') minimum. Fifteen feet (15') minimum when adjacent to street.
Lot Width:	Sixty feet typical (60') at building line; twenty feet (20') minimum (@ right-of-way) on cul-de-sac lots and knuckle lots, flag lots are allowed.
Lot Depth:	One hundred ten feet (110') minimum.

Garage Orientation: Eighty-five feet (85') minimum on cul-de-sac lots.
May face the street. Front facing garages must be flush or setback to align with the front façade of the house. J-Swing garages are allowed. J-Swing garages can encroach the front setback up to five feet (5').

CONDITIONAL USES

Uses allowed as conditional uses in the SF-R District (Section 14.03.008) as outlined in the City of Celina Zoning Ordinance No 2017-30, as amended.

DISTRICT REGULATIONS

It is the intent of this Ordinance that all uses permitted by the PD conform to the applicable City of Celina development guidelines as they exist at the time of development.

OTHER DEVELOPMENT REGULATIONS

HOMEOWNERS/PROPERTY OWNERS ASSOCIATION

Homeowner Association(s) will be established as each residential or nonresidential parcel of land is developed. The PD shall contain one or multiple Homeowner/Property Owner Association(s).

OPEN SPACE

The PD will dedicate one acre of open space for every 75 dwelling units. A minimum of 2.0 acres shall be non-floodplain open space. The remaining open space acreage may consist of any pervious areas including publicly accessible detention/drainage facilities (wet ponds included), natural open space areas including floodplain, open spaces with easements passing through, open spaces with walking, hiking, and/or bike trails, and public or private parks. Any detention/drainage areas counted toward the open

space requirement shall be landscaped and amenitized with benches and sidewalks on a minimum of three (3) sides. The Open Space and mews shall be owned and maintained by the Homeowner Association. Trees shall be allowed in side yards on mews lots. The amenities shall include, but are not limited to: community pool, restrooms, playground/children’s playscape, hike and bike trail, and landscaped open areas.

CONCEPT PLAN

The Concept Plan demonstrates locations and relationships of the uses permitted under this PD. Because of anticipated development dynamics, it is anticipated that the overall Concept Plan will change from time to time.

An amendment to a concept plan approved as a part of the ordinance establishing the planned development district is a change in zoning district classification and must follow the same procedures set forth in Section 14.02.152, except the director of planning and development may approve minor revisions which do not alter the basic relationship of the proposed development to adjacent property, the uses permitted, increase the density, building height, coverage of site, off street parking ratio, or area regulations as indicated on the approved concept plan.

SCREENING & LANDSCAPE BUFFERS

Screening (6’ masonry) shall be required for lots adjacent to County Road 52 (Celina Parkway). Screening (8’ board on board fence) shall be required for lots adjacent to the entrance as well as for lots backing to the cemetery property. Black metal tubular fence shall be required on lots adjacent to or backing on open spaces. Landscape buffers shall be required for all lots adjacent to the entrance road and County Road 52 (CR 52). The landscape buffer shall be ten feet (10’) in width along the entrance road. The landscape buffer shall be a minimum of twenty feet (20’) along CR 52 with a meandering ten foot (10’) sidewalk in width along CR 52.