

**CITY OF CELINA, TEXAS  
ORDINANCE 2018-63  
DALLAS NORTH TOLLWAY OVERLAY**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 14: ZONING, ARTICLE 14.03, ZONING DISTRICTS, BY ADDING A NEW SECTION 14.03.032, TO BE ENTITLED DALLAS NORTH TOLLWAY OVERLAY DISTRICT; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY, 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**, Chapter 211 of the Texas Local Government Code, empowers a municipality to establish regulations pertaining to zoning within its incorporated boundaries; and

**WHEREAS**, the City Council, has determined that revising the Dallas North Tollway Overlay District rules will provide flexibility to both our residents and developers, while promoting an aesthetically pleasing environment; and

**WHEREAS**, the City Council, has determined revising the Dallas North Tollway Overlay District rules is necessary to promote responsible land and economic development, and to protect the public health and safety.

**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 AMENDMENTS

Section 3.01. That the Code of Ordinances of the City of Celina, Texas Chapter 14; Zoning, Article 14.03; Zoning Districts, Division 1: Generally, is hereby amended to add a new Section 14.03.032: DNTO, Dallas North Tollway Overlay District which shall read as follows:

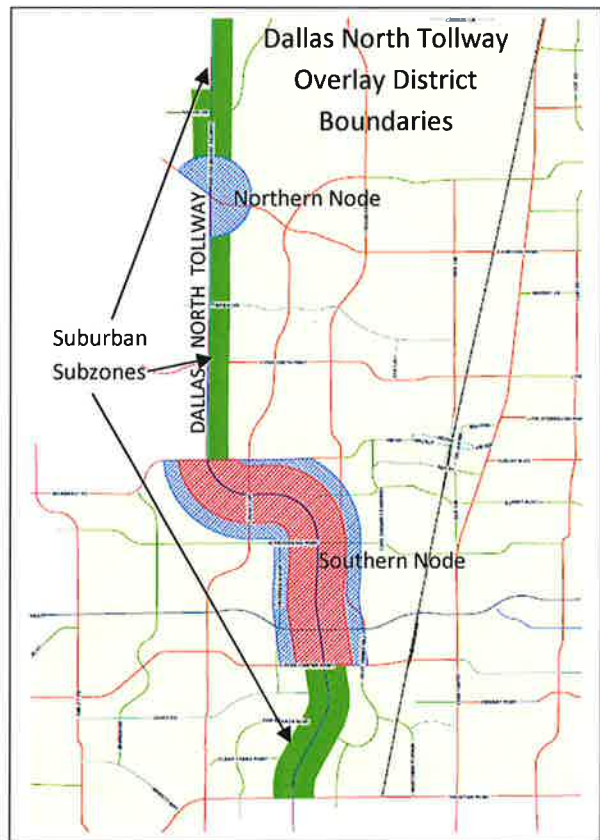
### **“Sec. 14.03.032 DNTO, North Dallas Tollway Overlay District**

(a) General Purpose and Description. The Dallas North Tollway Overlay District (DNTO) is intended to substantially advance a legitimate governmental interest that includes enhancing the quality of life in Celina, to regulate the character of growth, determine the highest and best use for valuable land situated adjacent to the future Dallas North Tollway, and to ensure the careful and orderly growth of a major regional thoroughfare that spans the City of Celina. Higher development standards in this significant corridor can effectively enhance the City’s image as a desirable place to live, work, and shop. The DNTO provides development standards within an anticipated high traffic zone and allows greater height for buildings than would otherwise be allowed by the established base zoning districts. The DNTO district standards recognize that major regional highways act as an economic development engine that will be utilized to leverage a diverse and sustainable non-residential tax base for the City.

(b) Intent. It is not the intent of the DNTO district to replace the zoning regulations governing the use on any individual parcel of property. Instead, these regulations are meant to supplement the existing zoning district regulations on individual parcels of property within the overlay district and to encourage high value development with an urban character.

(c) Official Boundaries.

(1) Linear measurement. The DNTO’s boundaries shall be measured 1,000 feet from the right-of-way boundary line of the service roads along the Dallas North Tollway (also known as “Dallas Parkway”) that are not designated as a high-rise or mid-rise subzone. These areas shall be designated as “suburban subzones.”



- (2) Northern node. From the intersection box of the Dallas North Tollway and G.A. Moore Parkway (FM 455), a circle shall be drawn with a 2,500 foot radius in all directions within the city limits. This shall be designated as the “northern mid-rise subzone.”
- (3) Southern node (high-rise subzone). From the northern limit of Moberly Road (CR 8) to the southern limit of Punk Carter Parkway (CR 7), a 1,500 foot width shall be drawn from the Dallas North Tollway right-of-way line outward within the city limits. This shall be designated as the “high-rise subzone.”
- (4) Southern node (mid-rise subzone). From the northern limit of Moberly Road (CR 8) to the southern limit of Punk Carter Parkway (CR 7), beyond the high-rise subzone described above, a 2,500 foot width shall be drawn from the Dallas North Tollway right-of-way line outward within the city limits (or an additional 1,000 feet beyond the high-rise subzone). However, this subzone will follow the rights-of-way of future Huddleston Parkway as the western boundary and the Light Farms Way extension as the eastern boundary. This shall be designated as the “southern mid-rise subzone.”

The corridor and its subsequent regulations apply to all land within the corridor, as defined above, and properties beyond the official boundary lines with ingress and egress (access) to the Dallas North Tollway.

However, the district boundaries exclude all single family subdivisions platted prior to the date of the adoption of this ordinance (11-13-18). The official boundaries of the DNT overlay district and its three subzones shall be as delineated on the City of Celina Official Zoning Map.

(d) Permitted Uses.

| Schedule of Permitted Uses for Dallas North Tollway Overlay District         |                   |   |                   |   |                   |   |
|--|-------------------|---|-------------------|---|-------------------|---|
| Land Use   | High-Rise Subzone |   | Mid-Rise Subzones |   | Suburban Subzones |   |
| Full Service Hotels  | P                 |   | P                 |   | P                 |   |
| Office High-Rise Buildings   | P                 |   | P                 |   | P                 |   |
| Mixed use high-rise buildings <sup>1</sup>                                   | P                 |   | P                 |   | P                 |   |
| Entertainment venues   | P                 |   | P                 |   | P                 |   |
| Retail malls with structured parking permitted                               | P                 |   | P                 |   | P                 |   |
| Shopping malls <sup>2</sup>  |                   | C | P                 |   | P                 |   |
| Retail strip centers   |                   | C | P                 |   | P                 |   |
| Stand-alone urban living multi-family with structured parking                |                   | C | P                 |   | P                 |   |
| Stand-alone garden style multi-family with both structured & surface parking |                   | C |                   | C |                   | C |
| Amusement park   |                   |   |                   | C |                   | C |
| Anchor store <sup>3</sup> (also known as “big box”)                          |                   |   | P                 |   | P                 |   |
| Armed services recruiting center   |                   |   |                   |   | P                 |   |
| Assisted living facility   |                   |   |                   | C |                   | C |
| Auto Repair (Minor)  |                   |   |                   |   |                   | C |
| Auto supply store for new & rebuilt parts                                    |                   |   |                   |   | P                 |   |
| Bakery or confectionery (retail)   |                   |   | P                 |   | P                 |   |
| Bank/credit unions   |                   |   | P                 |   | P                 |   |
| Church/place of worship  |                   |   | P                 |   | P                 |   |
| Community center (municipal)   | P                 |   | P                 |   | P                 |   |

|  |   |  |   |   |   |   |
|--|---|--|---|---|---|---|
| Concrete or asphalt batching plant (temporary) |   |  |   | C |   | C |
| Food or grocery store                          |   |  | P |   | P |   |
| Food or grocery store (with beer & wine sales) |   |  | P |   | P |   |
| Funeral home                                   |   |  |   | C |   | C |
| Garden shop (inside storage)                   |   |  |   | C | P |   |
| General retail store                           |   |  | P |   | P |   |
| Governmental building                          |   |  | P |   | P |   |
| Laundry/dry cleaning (drop off/pick up)        |   |  |   | C | P |   |
| Light industrial uses                          |   |  |   |   |   | C |
| Medical facilities                             |   |  | P |   | P |   |
| Micro brewery                                  |   |  |   | C |   | C |
| Mini Storage or self-storage                   |   |  |   |   |   | C |
| Municipal facility                             | P |  | P |   | P |   |
| Nursing/convalescent home                      |   |  |   | C |   | C |
| Offices  |   |  | P |   | P |   |
| Parking lot structure                          |   |  | P |   | P |   |
| Personal services shop                         |   |  | P |   | P |   |
| Pet and animal grooming shop                   |   |  |   | C | P |   |
| Restaurant (with drive-through service)        |   |  |   | C |   | C |
| Restaurant (with no drive-through service)     |   |  | P |   | P |   |
| Seasonal business                              |   |  |   | C |   | C |
| Studio for radio or television (without tower) |   |  | P |   | P |   |
| Theater or playhouse (indoor)                  |   |  | P |   | P |   |
| Veterinarian (indoor kennels)                  |   |  | P |   | P |   |

1. Mixed use with retail (at a minimum on the ground floor, but may occupy additional floors) and multi-family on subsequent floors permitted;
2. "Shopping Malls" are defined as a one or more story building containing shops either with an air-conditioned court/walkways (examples are Stonebriar Mall or The Galleria Mall) or with outdoor walkable areas (such as Fire Wheel Center or Fairview Town Center).
3. An "anchor store" is defined as a major department store, a full-service grocery store, entertainment venue, or similarly sized business

(e) *Prohibited Uses.*

| Prohibited Uses for Dallas North Tollway Overlay District |                   |                  |                  |   |   |   |
|---|-------------------|------------------|------------------|---|---|---|
| Land Use  | High-Rise Subzone | Mid-Rise Subzone | Suburban Subzone |   |   |   |
| Dwelling, single-family attached                          | X                 | X                | X                | X | X | X |
| Dwelling, single-family detached                          | X                 | X                | X                | X | X | X |
| Dwelling, two-family                                      | X                 | X                | X                | X | X | X |
| Living quarters on site with a business                   | X                 | X                | X                | X | X | X |
| Group day care home or community home                     | X                 | X                | X                | X | X | X |
| Patio home  | X                 | X                | X                | X | X | X |
| Manufactured home subdivision                             | X                 | X                | X                | X | X | X |
| Auto laundry or carwash                                   | X                 | X                | X                | X | X | X |
| Auto repair (Major)                                       | X                 | X                | X                | X | X | X |
| Auto sales and service                                    | X                 | X                | X                | X | X | X |
| Batch plants (permanent)                                  | X                 | X                | X                | X | X | X |
| Bed and breakfast inn                                     | X                 | X                | X                | X | X | X |

|   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| Caretaker/guard residence                 | X | X | X | X | X | X |
| Cemetery and/or mausoleum                 | X | X | X | X | X | X |
| Check cashing service                     | X | X | X | X | X | X |
| Commercial parking yards                  | X | X | X | X | X | X |
| Day camp for children                     | X | X | X | X | X | X |
| Family home (adult or child care)         | X | X | X | X | X | X |
| Heavy Industrial Uses                     | X | X | X | X | X | X |
| Kiosk (providing a service)               | X | X | X | X | X | X |
| Kiosk (recycling)                         | X | X | X | X | X | X |
| Landfill                                  | X | X | X | X | X | X |
| New or used boat or motorcycle sales      | X | X | X | X | X | X |
| New or used car sales                     | X | X | X | X | X | X |
| Pawn shop                                 | X | X | X | X | X | X |
| Salvage yards                             | X | X | X | X | X | X |
| Sexually oriented business                | X | X | X | X | X | X |
| Tire dealer, with or without open storage | X | X | X | X | X | X |
| Wastewater treatment plant                | X | X | X | X | X | X |
| Water treatment plant                     | X | X | X | X | X | X |

(f) Conflicts.

- (1) Permitted land uses and all development standards in the City’s Zoning Ordinance, Subdivision Ordinance, building codes, and other applicable development-related codes and ordinances that apply to the base zoning district in which any property is located shall apply unless otherwise provided specifically herein, unless the land use is specifically prohibited in the list of prohibited uses, above.
- (2) In cases where another overlay district requirements conflict with base zoning requirements or with the requirements of this overlay district, the more stringent requirements shall apply. Unless specifically provided otherwise herein, the base zoning of a property (including permitted uses and development standards) shall not be affected by the applicable DNTD district.
- (3) The City Manager shall have the authority to approve minor modifications to development plans. Any major modification must be approved by the City Council.
- (4) Notwithstanding the prohibition of single family uses within the DNTD, a Planned Development that incorporates the majority of the overall tract in retail, office, and commercial development with vertically integrated residential development along with a minor component of detached single family uses, may be considered by the City Council and become an approved Planned Development use within the DNTD Suburban Subzone.

(g) Development Standards.

- (1) Character and intent:
  - i. *High-rise subzone:* The intent of the high-rise subzone is to create an urban character within the subzone, with minimal front yard setbacks that are primarily comprised of walkable sidewalks or plazas, especially on interior streets with more narrow travel lanes and on-street parking. Parking lots at the front of buildings is discouraged; although a drop-off zone with a porte cochere may be allowed. Parking should be structured or placed at the rear of buildings to provide minimum intrusion into the public pedestrian realm. Designs and site plans will be considered during the zoning process and approved as a function of the Concept Plan submitted with the zoning application.

- ii. *Mid-rise subzone*: The intent of the mid-rise subzone is to act as a transition from the more urban character of the high-rise subzone and the more typical suburban development found throughout north Texas. The mid-rise zone allows limited parking in front of the building with the majority of parking being located at the side or rear of the building. Site design should consider the pedestrian connections to both the high-rise subzone and the suburban subzones in addition to providing vehicle access.
- iii. *Suburban subzone*: The intent of the suburban subzone is to allow most commercial, office, and light industrial uses and to allow greater latitude with design of individual sites than in the high-rise or mid-rise subzones. The suburban subzone prohibits single-family residential development, but may be located adjacent to such developments.

(2) Height of non-residential buildings:

| <i>Subzone:</i>   | <i>Maximum height</i> | <i>Minimum height</i> |
|-------------------|-----------------------|-----------------------|
| High-rise subzone | 12 stories*           | 4 stories             |
| Mid-rise subzone  | 6 stories             | 3 stories             |
| Suburban subzone  | **                    | 1 story               |

\*Additional height may be allowed by City Council.

\*\*The maximum building heights as specified by the property's governing zoning district shall be applicable. More specifically, this overlay district shall not allow any increase in building height beyond the maximum heights as prescribed by the property's governing zoning district.

(h) *Building Facade Standards*. Requirements are applicable to all structures. Color elevations as part of a facade concept plan of the entire proposed project shall be submitted with any zoning request.

- (1) Masonry requirement. Every elevation of each building shall be finished with masonry as specified below. Acceptable masonry finishing materials are brick, stone, and/or synthetic stone materials including, but not necessarily limited to, slate, flagstone, granite, limestone, glass, and marble. Three-step stucco may be used as a masonry product on all floors excluding one through three, unless used as an accent material on those floors and not to exceed twenty-five percent (25%) of the façade of the floors including stucco (each floor's percentage will be calculated independently).
  - i. Floors one through three shall be finished with a minimum of seventy-five percent (75%) masonry;
  - ii. Floors four through six shall be finished with a minimum of twenty-five percent (25%) percent masonry;
  - iii. Masonry materials are not required, but may be used, on floors seven and above.
  - iv. Tilt wall construction is allowed for industrial uses. Synthetic stucco, such as exterior finish and insulation system (EIFS), may be utilized as an architectural accent material, not to exceed ten percent (10%) of the exterior surface of any building facade. Textured paint/EIFS skim coat on masonry construction will be excluded in the EIFS maximum percentages.
  - v. Metal or wood (other than engineered wood) exterior construction is allowed as an accent material to enhance the overall architectural design.
  - vi. The Director of Development Services may approve deviations from a strict interpretation of the exterior standards to accommodate specific "signature design aesthetic."

- vii. No single building material shall cover more than eighty-five percent (85%) of any facade.
- (2) The balance of any exterior finishing materials shall be masonry, three-step stucco, EIFS, architectural concrete masonry units (CMU), concrete tilt wall construction, architectural metal panels (not including corrugated metal), treated engineered wood, and/or glass curtain wall systems.
  - (3) If an architectural design or percentage of materials differs from the requirements for minimum masonry percentages listed above, the City Council may consider reducing or waiving the masonry requirement if the elevations/materials proposed are equal to or better than the required masonry in quality and durability.
  - (4) All nonresidential buildings shall be architecturally finished with similar exterior materials on all four sides with a higher level of finish and articulation on the primary façade, especially at the primary entrance.
  - (5) The entrance or entrances on all buildings shall be articulated and defined with strong architectural features. All buildings shall be designed to incorporate no less than three (3) of the following architectural elements. Buildings over 50,000 square feet must include a minimum of five (5) of the following elements.
    - i. Decorative/functional canopies (drive-through canopies are not counted), awnings, valances or porticos;
    - ii. Overhangs (5 feet minimum);
    - iii. Recesses or projections (3 feet minimum);
    - iv. Architectural arcades;
    - v. Patterned brick designs;
    - vi. Peaked roof forms;
    - vii. Arches;
    - viii. Outdoor patios;
    - ix. Recessed or “popped-out” display windows (2 feet minimum);
    - x. Visible architectural details, such as tile work or moldings, integrated into building facade;
    - xi. Integrated planters or wing walls that incorporate landscape and sitting areas; or
    - xii. Other architectural features with similar visual impact.
  - (6) Ground floor facades facing the Dallas North Tollway and any intersecting thoroughfare must incorporate articulated entry areas, arcades, display windows, awnings, or other architectural variety features along no less than sixty percent (60%) of the facade.
  - (7) In addition to the above architectural requirements, all buildings shall incorporate a basic level of design variety as follows:
    - i. Horizontal articulation. Facades greater than 100 feet in length that are visible from the right-of-way shall incorporate wall projections or recesses of five (5) feet or greater. Projections, inserts, or recesses shall be at least fifteen percent (15%) of the length of the facade. No uninterrupted length of facade may exceed 100 feet in length.
    - ii. Vertical articulation. Facades greater than 100 feet in length shall provide variations in elevation to prevent a straight or uninterrupted building line to discourage a bulk or box-type look to a building. Offsets, reveals, or projecting ribs shall be used to express architectural or structural bays.
  - (8) Windows shall not be glazed or reglazed with mirrored or reflective glass.
  - (9) Minimum roof pitch shall be at least 4:12, except for flat-roofed structures that shall have a highly articulated parapet that conceals the roof and any roof-mounted equipment.

- (i) Loading and Service Areas.
- (1) Loading and service areas shall be located at the side or rear of buildings. Horizontal articulation described in Section 14.03.032(h)(7) is not required on the building façades containing a loading dock and/or service area, provided that such area is located to not be readily visible from the Dallas North Tollway or any intersecting thoroughfare.
  - (2) Trash and recycling receptacles shall be screened with a eight (8) foot solid masonry wall on three (3) sides with a solid metal gate (primed and painted) and located outside buffer yards, and to the side or rear of the principal building.
- (j) Convenience Stores and Gas Stations. For the purpose of encouraging the safe, healthy, attractive and convenient location and development of convenience stores and gas stations, the following supplementary standards apply:
- (1) Convenience stores and gas stations are prohibited from Mid-Rise and High-Rise subzones.
  - (2) Refer to Section 14.05.060(a) for architectural standards for gas stations and convenience stores.
- (k) Access. Access and off-street parking shall be provided in conformance with the City standards, as they exist or may be amended.
- (1) Developments shall incorporate a twenty-four (24) foot wide shared access drive (via platted or properly recorded easements) through neighboring property(s), such that each lot or development site has at least two points of access to public roads. The width of this access drive shall be increased if required for access by fire safety apparatus per the Fire Code.
  - (2) The required shared access drive shall be located adjacent to the required landscape buffer, and/or adjacent to the first row of parking.
  - (3) Rights-of-way may be considered as fire lanes for purposes of meeting fire coverage requirements in the City's adopted Fire Code.
- (l) Landscaping Standards for High-rise Subzone. In addition to the requirements in the Subdivision and Zoning Ordinances, the following standards apply:
- (1) *When a build-to line is used.* Most mixed-use, retail, and office buildings in the high-rise subzone will be built adjacent to the sidewalk and not provide a separate landscape buffer at the front façade of the building. In these cases, the following regulations apply:
    - i. Trees located within sidewalks. When buildings are built to the sidewalk without a landscape buffer at the front façade, street trees shall be required to produce shaded areas within the sidewalk. One large canopy tree, appropriate for urban conditions, shall be planted in tree-wells for each thirty (30) linear feet of street frontage.
    - ii. Other landscape requirements. When buildings are built to the sidewalk without a landscape buffer at the front façade, planters with seasonal flowers/grasses/plants shall be provided adjacent to entrances of buildings. These planters may be freestanding pots or permanent fixtures designed to also accommodate seating.
    - iii. Street furniture. Seating shall be provided and outdoor café seating is encouraged. Any restaurant that faces the street shall provide outdoor seating.
  - (2) *When a build-to line is not used.* Typical development allows for a wide landscaped buffer between a major roadway and the building facades/entrances. When the site is designed in this manner, the following regulations apply:
    - i. Landscape buffers adjacent to DNT. A minimum forty (40) foot wide front yard landscape buffer shall be required of all properties located adjacent to the Dallas North Tollway if the building is not built adjacent to the sidewalk. The landscaping within the buffer shall consist of grass and shallow-rooted shrubs when



accommodating underground infrastructure. Driveways and sidewalks may cross the buffer area to provide access to the site. The required landscape buffers shall be exclusive of detention facilities.

- ii. Landscape buffers adjacent to arterial streets. Corner lots of intersecting streets designated as an arterial street, or greater, shall provide for a forty (40) foot landscape buffer. The buffer shall extend the distance of the lot frontage and transition within fifty (50) feet to the adjacent required landscape buffer.
- iii. Landscape buffers adjacent to collector streets. Corner lots of intersecting streets designated as a collector street shall provide a twenty (20) foot landscape buffer.
- iv. Street trees. Large canopy trees shall be required in the landscaped buffer along any roadway at a rate of one large canopy tree for every thirty (30) linear feet of frontage.
- v. Required interior site landscaping. For surface parking lots, one landscape island with one large canopy tree and appropriate ground cover shall be provided for every ten (10) parking spaces.
- vi. Parking lot screening. A landscape planting of sixteen (16) evergreen shrubs, a minimum three-gallon size at the time of planting, shall be planted for each fifty (50) linear feet of street frontage, exclusive of drives, in groupings or hedgerow style on sites that have a minimum three-foot-wide bed shall be provided for the planting of such shrubs. Shallow-rooted shrubs shall be provided if located over a water or sewer easement.
- vii. Adjacent to a single-family use or zoning district. When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a fifty (50) foot wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, detention areas, driveways, or other active use of the buffer area), and shall be planted with ground cover, such as grass or ivy. Large canopy trees (evergreen) shall be required in this landscaped buffer at a rate of one tree for every thirty (30) linear feet of residential adjacency.

(3) *Parking lots.*

- i. Divided entrance drives. Parking lots containing more than 200 parking spaces shall construct a divided driveway with medians for landscaping at the main entrance. A sidewalk shall be provided within the median for protected access from parking to the commercial site.
- ii. Earthen berms. Landscaped earthen berms in height of three (3) feet are encouraged as parking lot screening, along with shrubs or tall native grasses planted along the peak of the berm.

(m) Landscaping Standards for Mid-rise and Suburban Subzones. In addition to the requirements in the Subdivision and Zoning Ordinances, the following standards apply

(1) *Landscape buffer.*

- i. A minimum forty (40) foot wide front yard landscape buffer shall be required of all properties located within this DNT0 subzone when adjacent to a major 6-lane arterial or the Dallas North Tollway.
- ii. A thirty (30) foot landscape buffer shall be required in within this DNT0 subzone when adjacent to a four-lane roadway.
- iii. A twenty (20) foot landscape buffer shall be required in within this DNT0 subzone when adjacent to a collector.

- iv. Landscape buffers may include water and sewer easements. Driveways and sidewalks may cross the buffer area to provide access to the site. The required landscape buffers may include detention facilities, if such facilities are amenitized.
- v. Corner lots shall extend the required buffer on the larger street designation for a minimum distance of fifty (50) feet and transition to the width required for the lesser required landscape buffer.

(2) Landscaping requirements.

- i. Large trees. One large tree, a minimum three-inch caliper in size, shall be planted for each forty (40) linear feet of street frontage, exclusive of drives in the required front yard.
- ii. Small trees. A minimum of five (5) small trees a minimum two-inch caliper in size, shall be planted for each forty (40) linear feet of street frontage, exclusive of drives in the required front yard. Trees may be clustered for greater visual effect.  
Trees located within sidewalks. When buildings are built to the sidewalk without a landscape buffer at the front façade, street trees shall be required to produce shaded areas within the sidewalk. One canopy tree suitable for containers shall be planted in tree-wells for each thirty (30) linear feet of street frontage.
- iii. Shrub requirements. A landscape planting of evergreen shallow-rooted shrubs, a minimum three-gallon size at the time of planting, shall be planted in groupings or hedgerow style to screen parking lots facing rights-of-way. A minimum three-foot-wide bed shall be provided for the planting of such shrubs. Shallow-rooted shrubs may be placed within the water/sewer easement.
- iv. Additional landscaping. Additional landscaping within the easement shall include grass, ground-cover, or other appropriate natural features.
- v. Required interior site landscaping. For surface parking lots, one landscape island with one large canopy tree and appropriate ground cover shall be provided for every ten (10) parking spaces.
- viii. Adjacent to a single-family use or zoning district. When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five (25) foot wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, detention areas, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located within the required yard/setback area. Large canopy trees (evergreen) shall be required in this landscaped buffer at a rate of one tree for every forty (40) linear feet of residential adjacency.

vi. (3) Parking lots.

- i. Divided driveways. Parking lots containing more than 200 parking spaces shall construct divided driveways with medians for landscaping. A sidewalk shall be provided within the median for protected access from parking to the commercial site. Monument signs for the development are encouraged to be placed with in the median of this divided drive entranceway.
- ii. Earthen berms. Landscaped earthen berms in height of three (3) feet are encouraged as parking lot screening.

(n) Screening Standards.

- (1) *Site elements required to be screened.* The following site elements shall be screened from the public view from the Dallas North Tollway:
  - i. Mechanical and utility equipment.
    - a. Screening shall consist of a solid decorative wall or architectural element of the building.
    - b. Roof-mounted equipment shall be screened with solid materials that are compatible and enhance the architecture of the building. Appropriate screening includes an extension of a wall, such as a parapet wall, on which the equipment is mounted.
  - ii. Vehicle loading/unloading and service areas.
    - a. Screens shall incorporate shrubbery having year-round foliage and/or a solid wall or architectural element of the building that is a minimum of six (6) feet in height.
    - b. Areas shall be screened from view of any public rights-of-way.
  - iii. Refuse and recycling containers. Screening shall consist of a solid masonry wall or architectural element of the building that is a minimum eight (8) feet in height with a metal gate (primed and painted) that is to remain closed at all times other than servicing.
- (2) *Manner of screening.* All screening walls visible from a public street shall be:
  - i. Constructed of a minimum of a six (6) foot masonry wall with materials that are consistent with the color and design of the primary on-site structure;
  - ii. Consistent in color and design with the building architecture;
  - iii. Uniform in style and materials along the entire length of the screen within a single development.
- (3) *Prohibited screening elements.* No screening wall shall be:
  - i. Greater than eight (8) feet in height;
  - ii. Located within any required visibility triangle;
  - iii. Constructed with any of the following materials: surface painted or coated concrete, chain link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.
- (o) Sidewalk and Parking Location Standards.
  - (1) *Location.* The required sidewalk in the DNT0 district may be located within the front yard building and parking setbacks as well as the right-of-way parkway area from the back of curb to the property line.
  - (2) *Easement required.* A public use easement shall be provided for the required sidewalk when placed outside of street right-of-way and on private property.
  - (3) *Construction and location of sidewalks and parking.* Sidewalks in the DNT0 must adhere to the following standards:
    - i. High-rise Subzone - Minimum ten (10) foot wide sidewalks adjacent to buildings facing or siding streets, with buildings built to the sidewalk edge. Parking shall be structured with limited surface parking at the sides of buildings that do not face a street or at the rear of the building.
    - ii. Mid-rise Subzone – Minimum ten (10) foot wide sidewalks adjacent to buildings, with buildings either built to the sidewalk edge or separated from the sidewalk by a minimum six (6) foot wide landscaped buffer. One parking row and/or an access drive may also be placed between the sidewalk and the façade of a building that faces a street, provided that the landscape buffer is provided to screen the parking row. Additional parking shall be structured or provided as surface parking at the sides of buildings that do not face a street or at the rear of the building.

- iii. Suburban Subzone - Minimum six (6) feet wide (unless adjacent to a four-lane or six-lane roadway), with buildings set back from the sidewalk by a landscape buffer of at least six (6) feet in width. Parking rows and/or an access drive may also be placed between the sidewalk and the façade of a building that faces a street or at the rear of the building.
- iv. Sidewalks must be a minimum width of ten (10) feet wide adjacent to any four-lane or six-lane roadway. All other roadways may allow a six (6) foot wide sidewalk.
- v. In all subzones, regardless of width of sidewalk, a minimum of six (6) feet of clear walkable space shall be provided, free of street furniture, other seating, trees within tree wells, shrubbery or landscaped containers.
- vi. Sidewalk approaches to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten (10) feet, constructed with appropriate handicapped access ramps.
- vii. Detailed construction plans shall be submitted to the City Manager or his designee for approval prior to construction of the sidewalk.
- viii. Deviations from these criteria may be approved by the City Manager or his designee for good cause such as cases of unusual or unique topography or to preserve desirable natural features.
- ix. A minimum six (6) foot wide, paved pedestrian sidewalk shall connect the perimeter sidewalk to the building entry, if the building is set back from the perimeter sidewalk. This connecting sidewalk shall be handicapped accessible.
- x. Notwithstanding the above regulations, all sidewalks shall conform to the requirements of the Subdivision Ordinance and the *Engineering Design Standards of the City of Celina*, as they exist or may be amended."

3.02 All other articles, chapters, sections, paragraphs, sentences, phases and words are not amended but are hereby ratified and affirmed.

#### **SECTION 4** **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 5** **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 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 6**

### **SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

### **SECTION 7** **PENALTY**

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) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs and continues.

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** **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 9** **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 10** **EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage in accordance with law.


**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Celina, Texas this 13th day of November, 2018.

  
\_\_\_\_\_  
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