

**CITY OF CELINA, TEXAS**

**ORDINANCE 2010-23**

**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 442.8186 ACRES OF LAND SITUATED IN THE THOMAS SLAYTON SURVEY, ABSTRACT NO. 806, I.C. WILLIAMSON SURVEY, ABSTRACT NO. 943 AND THE R. ANDERSON SURVEY ABSTRACT NO.7, COLLIN COUNTY, TEXAS AND ALSO BEING ALL THREE TRACTS AS CONVEYED TO THE NICHOLS FAMILY FARMS, LP. AS RECORDED IN VOLUME 5300, PAGE 3241 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS AND SITUATED IN THE RICHARD ALDERSON SURVEY, ABSTRACT NO.7 AND THE F.D. GRAY SURVEY, ABSTRACT NO. 360 IN COLLIN COUNTY, TEXAS AND BEING ALL THAT CERTAIN TRACT OF LAND CONVEYED TO EMMA L. PERRY BY DEED RECORDED IN VOLUME 04828, PAGE 00170, DEED RECORDS, COLLIN COUNTY, TEXAS, AND MORE FULLY DESCRIBED IN EXHIBIT "A" AND SHOWN GRAPHICALLY IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN, TO BE ZONED "MU-2/PD40" 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/PD40" 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/PD40" 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.

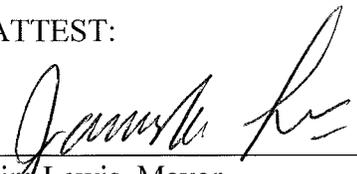
**SECTION 13**  
**EFFECTIVE DATE**

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**

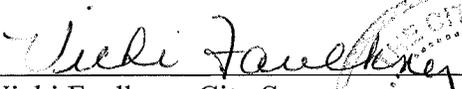
**PASSED AND APPROVED** by the City Council of the City of Celina, Texas, this 12 day of April, 2010.

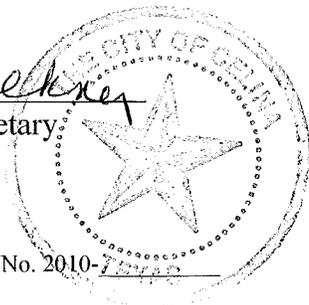
ATTEST:

  
\_\_\_\_\_  
Jim Lewis, Mayor  
City of Celina, Texas

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney  
City of Celina, Texas

  
\_\_\_\_\_  
Vicki Faulkner, City Secretary  
City of Celina, Texas



[SEAL]

# EXHIBIT "A"

## **TRACT 1 186.138 Acres**

BEING a tract of land situated in the Thomas Slayton Survey, Abstract No. 806, I.C. Williamson Survey, Abstract No. 943 and the R. Anderson Survey Abstract No.7, Collin County, Texas and also being all three tracts as conveyed to the Nichols Family Farms, LP, as recorded in Volume 5300, Page 3241 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set for corner at the southwest corner of said Slayton Survey, said iron rod being at the southwest corner of a 80 acre tract as conveyed to the Nichols Family Farms, LP., said iron rod also being in County Road No. 51;

THENCE North 00 degrees 22 minutes 12 seconds East following County Road No. 51 a distance of 1769.81 feet to a 1/2 inch iron rod set for corner in a turn to the west in said CR No. 51 ;

THENCE North 89 degrees 27 minutes 44 seconds West following said CR. No. 51 a distance of 375.34 feet to a 1/2 inch iron rod set for corner at a turn in said CR. No. 51 ;

THENCE North 00 degrees 22 minutes 32 seconds East following CR. No. 51 a distance of 2003.88 feet to a 1/2 inch iron rod set for corner;

THENCE South 89 degrees 27 minutes 44 seconds East a distance of 1026.40 feet to a 1/2 inch iron rod set for corner in the west line of a 87.5300 acre tract as recorded in County Clerks No. 97-0009838, Collin County, Texas;

THENCE South 00 degrees 40 minutes 35 seconds West following the west line of said 87.5300 acre tract a distance of 2003.88 feet to a 1/2 inch iron rod set for corner at the southwest corner of said 87.5300 acre tract;

THENCE South 89 degrees 27 minutes 44 seconds East following the south line of said 87.5300 acre tract passing at 981.29 feet a 1/2 inch iron rod and continuing in all a distance of 1338.63 feet to a 1/2 inch iron rod found for corner;

THENCE South 00 degrees 22 minutes 11 seconds West a distance of 1767.30 feet to a 1/2 inch iron rod found for corner in CR. No. 51;

THENCE North 89 degrees 32 minutes 05 seconds West following CR. No. 51 a distance of 331.26 feet to a 1/2 inch iron rod found for corner;

THENCE South 00 degrees 10 minutes 17 seconds West a distance 2013.04 feet to a 1/2 inch iron rod set for corner in County Road No.7;

THENCE North 89 degrees 05 minutes 24 seconds West following CR. No.7 a distance of 1275.78 feet to a square 3/4" iron bar found for corner;

THENCE North 00 degrees 10 minutes 08 seconds East a distance of 2003.50 feet to a 1/2 inch iron rod found lot corner in CR. No. 51;

THENCE North 89 degrees 35 minutes 24 seconds West following CR. No. 51 a distance of 372.12 feet to the POINT OF BEGINNING and containing 8,108,160 square feet or 186.138 acres of land.

## **TRACT 2 256.6806 Acres**

BEING a 256.6806 acre tract of land, situated in the Richard Alderson Survey, Abstract No.7 and the F.D. Gray Survey, Abstract No. 360 in Collin County, Texas and being all that certain tract of land conveyed to Emma L. Perry by deed recorded in Volume 04828, Page 00170, Deed Records, Collin County, Texas more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the Southwest corner of a tract of land conveyed to Jay H. Reichman, Living Trust by deed recorded in Volume 5040, Page 1550, Deed Records, Collin County, Texas, same being the Northwest corner of said Richard Alderson Survey and the Southwest corner of said F.D. Gray Survey and being on the West line of Collin County and the East line of Denton County, in County Road No.6;

THENCE North 89 degrees 49 minutes 55 seconds East, along the South line of said Reichman tract and along said F.D. Gray and Richard Alderson common survey line, a distance of 1231.06 feet to a 5/8 inch iron rod set with yellow plastic cap stamped D.C.A. INC. at the Southeast corner of said Reichman tract;

THENCE North 00 degrees 09 minutes 42 seconds West, along the East line of said Reichman tract, a distance of 1053.36 feet to a 5/8 inch iron rod set with yellow plastic cap stamped D.C.A. INC. at the Southwest corner of a tract of land conveyed to Hardy Burke, Trustee by County Clerk's File No. 94-0034942, Deed Records, Collin County, Texas;

THENCE North 89 degrees 50 minutes 00 seconds East, along the South line of said Burke tract, a distance of 2483.58 feet to a Y, inch iron rod found at the Southeast corner of said Burke tract on the East line of said F.D. Gray Survey and the West line of the I.C. Williamson Survey, Abstract No. 943 and the West line of a tract of land conveyed to the Walter Timothy Nichol as Second Tract by deed recorded in Volume 800, Page 704, Deed Records, Collin County, Texas, in County Road 51;

THENCE South 00 degrees 09 minutes 42 seconds East, along the West line of said Second Tract and along said F.D. Gray and said I.C. Williamson common survey line, at a distance of 1053.36 feet passing the Southeast corner of said F.D. Gray Survey and the most Northerly Northeast corner of said Richard Alderson Survey and continuing along said Second Tract West line and along the common survey line of said I.C. Williamson survey and said Richard Alderson Survey, a total distance of 1358.28 feet to a 5/8 inch iron rod set with yellow plastic cap stamped D.C.A. INC. at the Southwest corner of said Second Tract and the Southwest corner of said I. C. Williamson Survey;

THENCE North 89 degrees 50 minutes 00 seconds, East, along the South line of said Second Tract and the common survey line of said I.C. Williamson Survey and said Richard Alderson Survey, a distance of 379.62 feet to a 5/8 inch iron rod set with yellow plastic cap stamped D.C.A. INC. at the most Easterly Northeast corner of said Richard Alderson Survey and the Northwest corner of a tract of land conveyed to Walter Timothy Nichol as First Tract be deed recorded in Volume 800, Page 704, Deed Records, Collin County, Texas and the Northwest corner of the T. Slayton Survey, Abstract No. 806;

THENCE South 00 degrees 07 minutes 27 seconds West, along the West line of said First Tract and along the common survey line of said Richard Alderson Survey and said T. Slayton Survey, a distance of 1756.04 feet to a 60D nail set at the Southwest corner of said First Tract and the Southwest corner of said T. Slayton Survey on the North line of a tract of land conveyed to Jerry Glen Hansel and wife; Sally Haggard Hansel by County Clerk's File No. 92-0077846, Deed Records, Collin County, Texas;

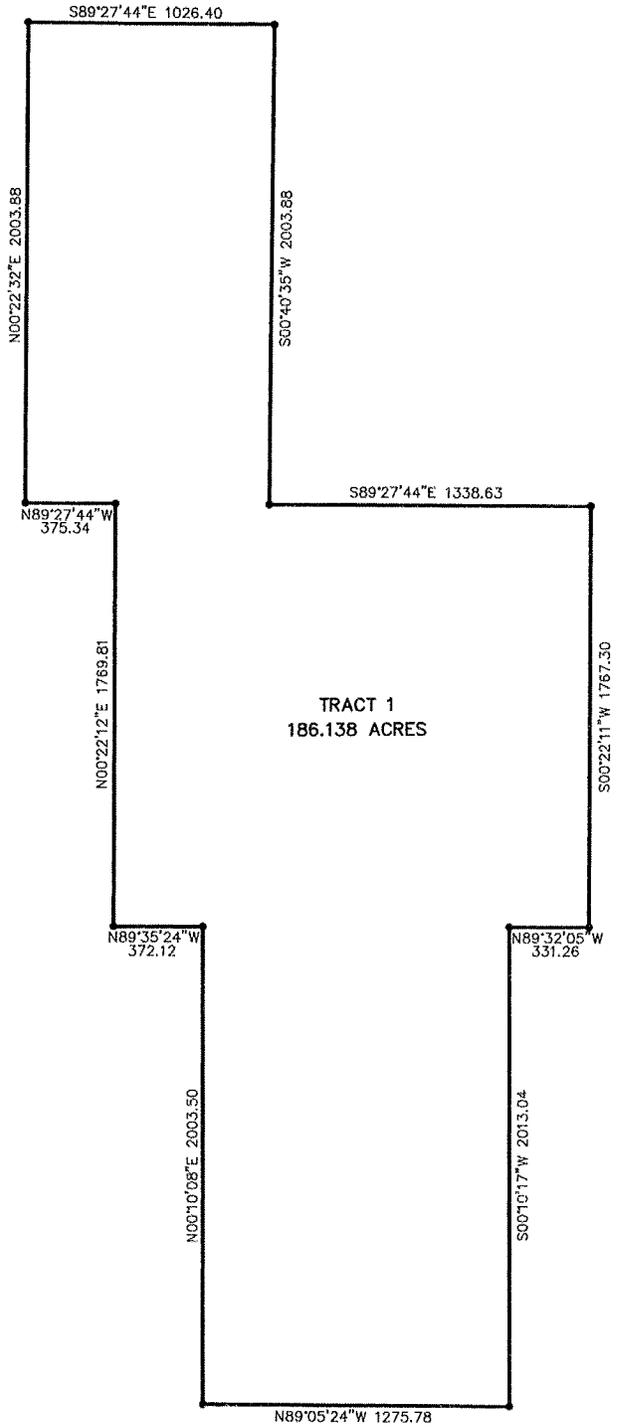
THENCE South 89 degrees 50 minutes 00 seconds West, along said Hansel North line, a distance of 2114.03 feet to a 5/8 inch iron rod set with yellow plastic cap stamped D.C.A. INC. at the Northwest corner of said Hansel Tract;

THENCE South 00 degrees 35 minutes 21 seconds East, along the West line of said Hansel Tract, a distance of 122.05 feet to a 5/8 inch iron rod set with yellow plastic cap stamped D.C.A. INC. at the Northeast corner of a Remainder tract of land conveyed to V.L. Harris, Jr. and wife, Nell Harris as First Tract by deed recorded in Volume 785, Page 252, Deed Records, Collin County, Texas;

THENCE South 89 degrees 45 minutes 04 seconds West, along said Harris Remainder Tract North line, at a distance of 1678.45 feet passing a y, inch iron rod found at the Northwest corner of said Harris Remainder Tract and the Northeast corner of a tract of land conveyed to Gary Lynn Mitchell and wife, Laura D. Mitchell by deed recorded in Volume 4747, Page 0939, Deed Records, Collin County, Texas and continuing along the North line of said Mitchell Tract, a total distance of 1978.69 feet to a 3/8 inch iron rod found at the Northwest corner of said Mitchell Tract on the West line of said Richard Alderson Survey, the West line of said Collin County and said Denton County East line, in said County Road 6;

THENCE North 00 degrees 00 minutes 14 seconds East, along said County Road 6 and along said Collin County and said Denton County common line, a distance 2185.81 feet to the POINT OF BEGINNING and containing 11,181,007.80 square feet or 256.6806 acres of land.

Exhibit "B"



SCALE IN FEET  
1" = 500'

TRACT 1  
186.138 ACRES

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 R. Lewis*  
JOHNNY R. LEWIS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6026

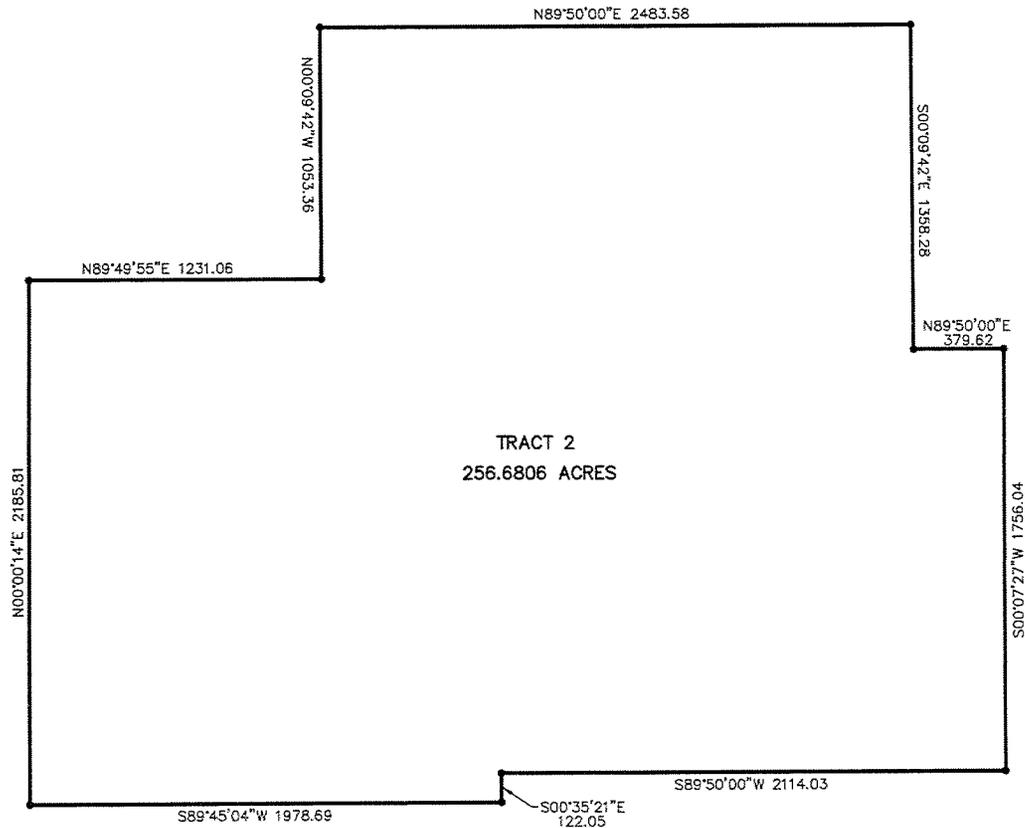


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Exhibit "B-2"

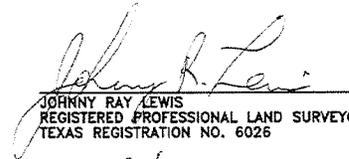


SCALE IN FEET  
1" = 500'



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

## EXHIBIT “C”

### PLANNED DEVELOPMENT DISTRICT

#### STATEMENT OF INTENT AND PURPOSE

Being located along the future Collin County Outer Loop (Outer Loop) near the Dallas North Tollway, 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 all 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 intense service related establishments, retail, office and light manufacturing. Business park areas will generally provide opportunities for corporate headquarters, educational training centers, assembly/production facilities for technological and scientific industries, office and commercial facilities. 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 - a maximum of one hundred seventy-five (175) feet is permitted by right within one thousand (1,000) feet of the Outer Loop. Areas located greater than one thousand (1,000) feet from the Outer Loop shall not exceed a maximum of four (4) stories or exceed fifty-five (55) feet in height. 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 two hundred thousand (200,000) 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, except for areas located within two hundred fifty (250) feet of the Outer Loop.

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 Requirements – none.
- b. Maximum Mean Gross Density: The maximum mean gross density for RTA within the overall PD area as defined on the EXHIBIT “A” shall not exceed two and one-half (2.5) dwelling units per gross acre. The maximum mean gross residential density for the PD will be net of any units developed as Residential Type “B” and Residential Type “C”.

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 may be located anywhere within this PD. A maximum of twenty-four (24) units per gross acre of land shall be permitted anywhere within this PD.

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 four (4) stories, not to exceed fifty-five (55) 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 twenty (20) 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 Business Park or Commercial. At the time of the adoption of this PD, the ultimate alignment of the Outer Loop has not been determined. Because of the anticipated development dynamics created by the Outer Loop on land within this PD, 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. A portion of the right-of-way for the Outer Loop continues to be located within this PD;
- B. Commercial and Business Park uses, including permitted residential uses, predominantly abut and extend a distance of one thousand (1,000) feet from either side of the Outer Loop or arterial right-of-way;
- C. Building heights within the PD located greater than one thousand (1,000) feet from the Outer Loop right-of-way are no higher than four (4) stories.

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 forth in Sections 160.97 through 160.101 of the Zoning Ordinance, as they exist or as amended

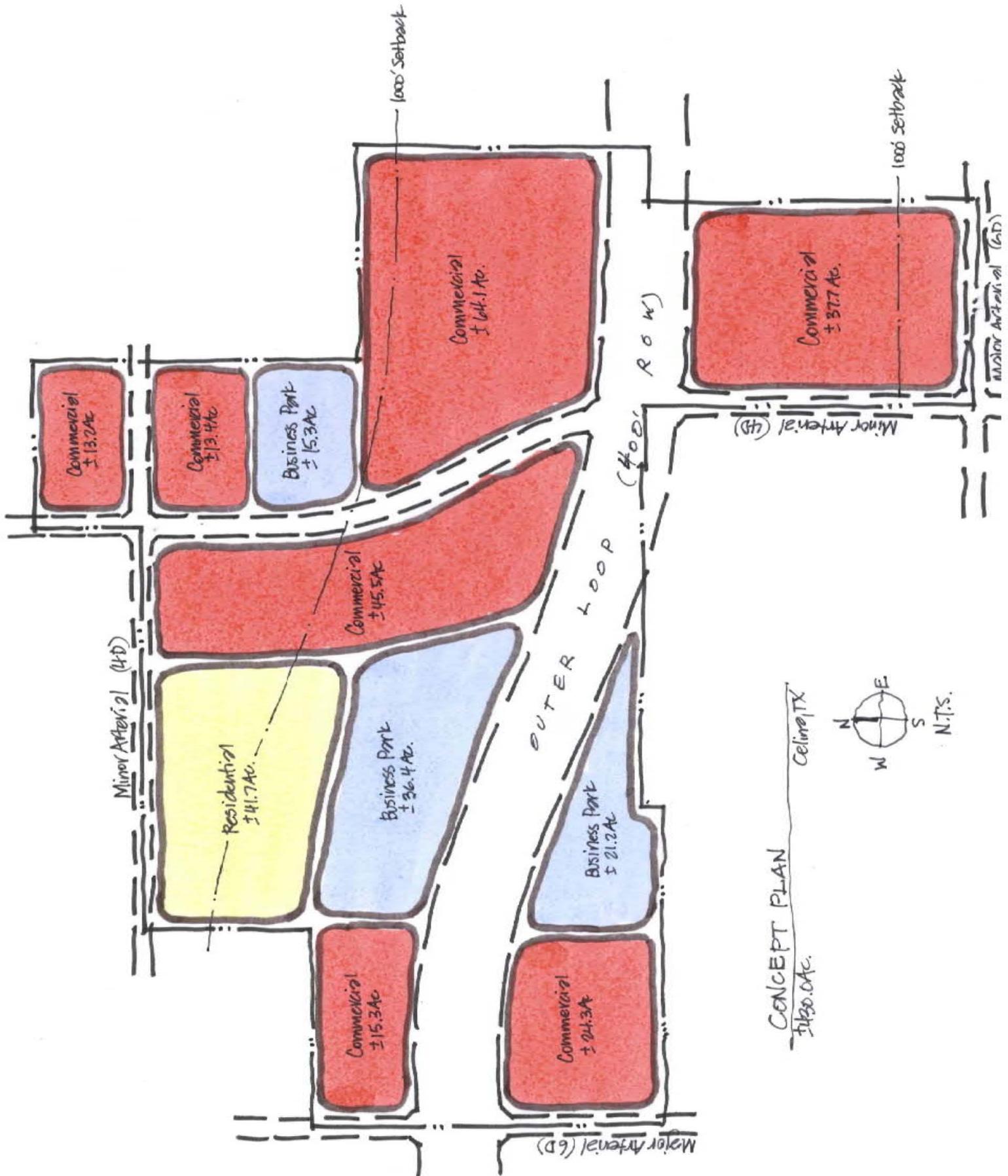
from time to time, except as set forth herein, unless modified by a CUP or zoning amendment.

- 2.8 Lapse of Development: Notwithstanding the provision of Section 160.065(J) of the Zoning Ordinance, an 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 five (5) years beginning from the date of the initial construction of an access road associated with the Outer Loop (the “Initial Construction”). For purposes of this section, the Initial Construction of the Outer Loop service road means all of the following events have occurred: (i) a contract or contracts have been awarded for the construction of the entire length of the Outer Loop through the Property; (ii) a notice to proceed under such contract has been given; and (iii) pursuant to such notice, actual construction, including, but not limited to, clearing, grubbing, staking boundaries, draining, or fencing, of the entire length of the Outer Loop service road across the Property has begun. If no Development Application is submitted for approval within such five (5) year period defined above, the authority to submit Development Applications for property within this PD shall be suspended.

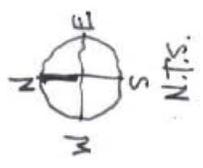
If the initial Development Application does not encompass all of the Property within this PD, Development Applications for subsequent projects or phases of development within this PD must be filed in intervals not to exceed two (2) years from the date of the last filed Development Application, or the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



CONCEPT PLAN  
 ± 1430.0 Ac.  
 Celine, TX



**APPENDIX "A"**  
Chart of Allowable Uses

Uses	Mixed Use (MU-2)
<b>AGRICULTURE</b>	
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)	
<b>RESIDENTIAL</b>	
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
<b>OFFICE</b>	
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.

<b>PERSONAL &amp; BUSINESS SERVICES</b>	
Ambulance Service (Private)	P
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)	C
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)	P
Travel Agency	P
<b>RETAIL</b>	
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
<b>TRANSPORTATION &amp; AUTO SERVICES</b>	
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)	P
Quick Lube/Oil Change/Minor Inspection	P
Rental Car/Sales	P
Tire Dealer, With or Without Open Storage	P

<b>AMUSEMENT &amp; RECREATION SERVICES</b>	
Amusement Devices/Arcade (4 or More Devices)	P
Amusement Services (Indoors)	P
Amusement Services (Outdoors)	P
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, Commercial 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)	P
Video Rental/Sales	P
<b>INSTITUTIONAL &amp; GOVERNMENTAL</b>	
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	P
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
<b>COMMERCIAL &amp; WHOLESALE TRADE</b>	
Book Binding	P
Dry Cleaning Plant	P
Feed & Grain Store	P
Food Processing	C
Furniture Manufacture	C
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	P
<b>LIGHT MANUFACTURING</b>	
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	P
Engine Motor Manufacturing/Re-Manufacturing	
Heavy Manufacturing	
Laboratory Equipment Manufacturing	P
Light Manufacturing	P
Machine Shop	
Maintenance & Repair service for Buildings	P
Micro Brewery/Sales and Consumption (on site mfg.)	P
Open Storage/Outside Storage	C
Plumbing Shop	P
Research Lab (Non-Hazardous)	P
Sand/Gravel Sales (Storage)	C
Sign Manufacturing	P
Stone/Clay/Glass Manufacturing	