

CITY OF CELINA, TEXAS

ORDINANCE 2014-55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING ORDINANCE NO 2006-57, AS HERETOFORE AMENDED, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY DESIGNATING THE ZONING OF LAND THAT IS APPROXIMATELY 78.9779 ACRES SITUATED IN THE COLLIN COUNTY SCHOOL LAND #14 SURVEY, SHEET 2, TRACT 42, CITY OF CELINA, TEXAS; AS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN TO BE ZONED "PD" PLANNED DEVELOPMENT DISTRICT #49; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF ZONING CLASSIFICATION; PROVIDING FOR ZONING DESIGNATION AND DEVELOPMENT STANDARDS; PROVIDING FOR REVISION OF ZONING MAP; PROVIDING FOR COMPLIANCE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO PUBLIC HEALTH AND SAFETY; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a home rule municipality located in Collin, and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, the Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, Title 7 Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, the establishment of a zoning classification has been requested for the property more specifically described in Exhibit "A-1" attached hereto and incorporated herein; and

WHEREAS, the tract comprising the property has been depicted in detail in Exhibit "A-2" attached hereto; and incorporated herein; and

WHEREAS, the development regulations and concept plan set forth in Exhibit "B" and Exhibit "D" attached hereto and incorporated herein define the base zoning districts and provide for certain modifications to such district regulations.

WHEREAS, the City Council has considered, among other things, the character of the property and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and is in the interest of public health, safety, and welfare, and does hereby find that the requested zoning accomplishes such objectives and is consistent with the provisions of the 2030 Comprehensive Plan of the City of Celina; and

WHEREAS, the Planning and Zoning Commission of the City of Celina and the City Council of the City of Celina, in compliance with the laws of the State of Texas and the ordinances of the City of Celina, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that the zoning classification on the tract of land described herein should be changed and the zoning map so amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

SECTION 3
AMENDMENT OF ZONING CLASSIFICATION

3.01 That the zoning classification is hereby established as "PD" Planned Development District, #49 on a certain tract of land described in in Exhibit "A-1" and depicted in Exhibit "A-2".

SECTION 4
ZONING DESIGNATION AND DEVELOPMENT STANDARDS

4.01 That Ordinance No. 2006-57 of the City of Celina, Texas, as heretofore amended, the same being the City's Comprehensive Zoning Ordinance, is hereby amended by designating the zoning on the land, depicted in Exhibit "A-1" attached hereto and incorporated herein, as "PD" Planned Development District, #49.

4.02 This ordinance only regulates the uses allowed for the property identified above. All development and construction shall occur in accordance with the requirements of this ordinance; the development standards set forth in Exhibit "B"; the concept plan set forth in Exhibit "D" and all other applicable ordinances, rules, and regulations of the City.

SECTION 5
REVISION OF ZONING MAP

That the City Manager for the City of Celina is hereby directed to mark and indicate on the official Zoning District Map of the City the zoning change herein made.

SECTION 6
COMPLIANCE REQUIRED

That the property depicted on Exhibit "A" hereto shall be used only in the manner and for the purposes provided for in this ordinance and the Comprehensive Zoning Ordinance, of the City of Celina as amended.

SECTION 7
PENALTY

7.01 Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

7.02 If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8
CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 9
SAVINGS CLAUSE

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning regulation which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 10
SEVERABILITY

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

SECTION 11
PUBLICATION CLAUSE

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

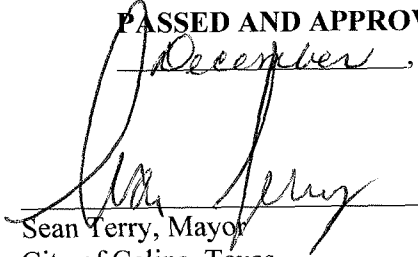
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

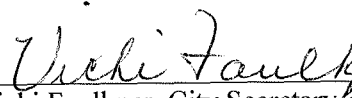
This Ordinance shall become effective from and after its date of passage and publication as required by law.

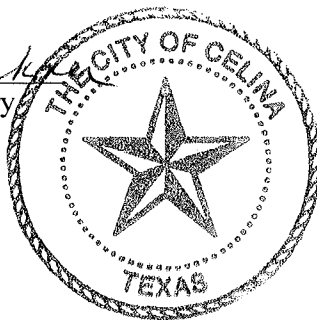
AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 9 day of December, 2014.


Sean Terry, Mayor
City of Celina, Texas

ATTEST:


Vicki Faulkner, City Secretary
City of Celina, Texas



[SEAL]

APPROVED AS TO FORM:


City Attorney
City of Celina, Texas

EXHIBIT A-1
Legal Description

EXHIBIT "A"

Being a 78.618 acre tract of land situated in the George Wiley Survey, Abstract No. 988, Collin County, Texas, being all that certain tract of land described in deed as Tracts 1 and 2 to King 428 Farms, LTD., as recorded in Instrument No. 20060801001083780, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8-inch iron rod at the common south corner of said Tract 2 and that certain tract of land described in deed to Godwin Family Investments, LTD., as recorded in Instrument No. 2004-0041174, said Deed Records, said iron rod being on the north line of Farm to Market Road No. 428 (90' R.W.W.);

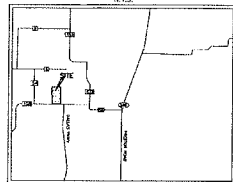
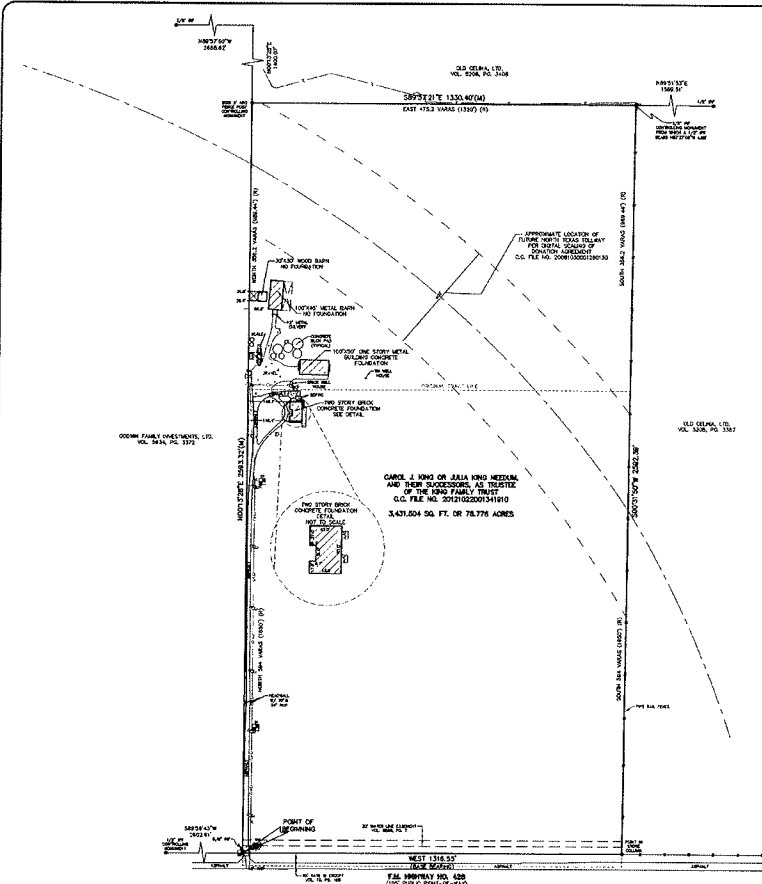
THENCE North 00° 27' 27" East along the common line of said Tract 1 and said Godwin tract, passing the common west corner of said Tract 2 and aforesaid Tract 1 at a distance of 1,605.01 feet and continuing along the common line of said Tract 1 and said Godwin tract a total distance of 2,594.46 feet to the common west corner of said Tract 1 and that certain tract of land described in deed to Old Celina, LTD., as recorded in Instrument No. 2002-0098688, said Deed Records;

THENCE East, a distance of 1,320.01 feet along the common line of said Tract 1 and said Old Celina tract to a point from which a found 1/2-inch iron rod bears South 00° 27' 27" West, a distance of 2.38 feet, said point being the common north corner of said Tract 1 and that certain tract of land described in deed to Old Celina, LTD., as recorded in Instrument No. 2002-0098684, said Deed Records;

THENCE South 00° 27' 27" West along the common line of said Tract 1 and said Old Celina tract (2002-0098684), passing the common east corner of said Tract 1 and aforesaid Tract 2 at a distance of 989.45 feet and continuing along the common line of said Tract 2 and said Old Celina tract (2002-0098684) a total distance of 2,594.46 feet to a found t-post at the southeast corner of said Tract 2, said t-post being on the aforementioned north line of FM 428;

THENCE west, a distance of 1,320.01 feet along said north line to the POINT OF BEGINNING and containing 3,424,604 square feet or 78.618 acres of land.

EXHIBIT A-2
Survey



- NOTES**
1. 1/4" = 100' Rod Found
 2. Block of Station is shown on the South line (West) of that certain tract of land described in Reference Deed to Carol J. King or Julia King, Heirship, and their Successors, as Trustees of the King Family Trust, recorded in Cook County Clerk's File No. 20120200341810, Official Public Records, Cook County, Texas.
 3. There are no observable evidence of easements on site.
 4. There are no observable evidence of earth moving work, building construction or building additions within this tract.
 5. There are no visible changes to street right-of-way lines outside from the existing conditions. No observable evidence of gravel, street or sidewalk construction or repairs.
 6. Property has direct access to and from designated Public Right-of-Way known as F.M. Highway No. 428, as shown, maintained by the State of Texas.
 7. This boundary forms a mathematical closed figure, with no gaps, gaps, or overlaps.

This is to certify that I have the data made on the ground survey of the property located on F.M. Highway No. 428 in the City of Celina, Texas, described as follows:

Block of that certain tract of land situated in the Elanco Way Survey, Abstract No. 288, City of Celina, Dallas County, Texas, and being of those certain tracts of land described in Reference Deed to Carol J. King or Julia King, Heirship, and their Successors, as Trustees of the King Family Trust, recorded under County Clerk's File No. 20120200341810, Official Public Records, Cook County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8 inch iron rod found for the Southwest corner of said King tract, some being in the North right-of-way line of F.M. Highway No. 428 (a 105-foot public right-of-way), some being the Southeast corner of that certain tract of land in deed to Dolores Family Investments, LLC, recorded in Volume 5634, Page 3372, said Official Public Records;

THENCE South 03 deg. 13 min. 28 sec. East, along the common line of said King tract and said Dolores tract, a distance of 2833.32 feet to a 3/8 inch iron rod found for the Northeast corner of that certain tract of land in deed to Dolores Family Investments, LLC, recorded in Volume 5634, Page 3372, said Official Public Records;

THENCE South 03 deg. 13 min. 28 sec. East, along the common line of said King tract and said Dolores tract, a distance of 1330.40 feet to a 3/8 inch iron rod found from which a 1/2 inch iron pipe found bears North 82 deg. 37 min. 26 sec. West, 4.88 feet for the Northeast corner of said King tract, some being in the South line of a 2.04-acre tract recorded in Volume 5208, Page 3468, some being the Northeast corner of that certain tract of land in deed to Dolores Family Investments, LLC, recorded in Volume 5208, Page 3381, said Official Public Records;

THENCE South 03 deg. 13 min. 28 sec. West, along the common line of said King tract and said Dolores tract, a distance of 2529.28 feet to a point in a stone corner for the Southwest corner of said King tract, some being in the Southwest corner of said Dolores tract recorded in Volume 5208, Page 3381, some being in the North right-of-way line of a 2.04-acre tract, recorded in Volume 418, Page 418, said Official Public Records;

THENCE West, along the common line of said King tract and said North right-of-way line of F.M. Highway 428, a distance of 1318.55 feet to the POINT OF BEGINNING and containing 3,431,204.94 square feet or 78.778 acres of approximately land, more or less.

A calculated 16.5 acres is within the area depicted and depicted in the digital mapping of the Deed Agreement between the Board of Trustees of the King Family Trust and the King Family Trust, as recorded in Instrument No. 200803000150030, Official Public Records, Cook County, Texas, having a net area of 422.76 acres, approximately.

NOTES CONCERNING TO SCHEDULE 2:

10a. Easement(s) or rights incidental thereto, as granted in a document, does affect as shown hereon.

Granted to: City of Celina, Texas.

Received by: City of Celina, Texas.

Recorded in: Volume 5568, Page 7 of the Real Property Records, Cook County, Texas.

10b. Lease for use, right to use, or other interest, together with rights incident thereto, dated June 11, 1997, by and between Robert J. King and Julia King, as Lessor, and James H. Scheraga, as Lessee, recorded June 6, 1988, at Volume 2852, Page 613 of the Official Records of Cook County, Texas, does affect and is stated in whole.

10c. Matters outlined in that certain document, does affect, is shown in nature, approximate location shown hereon.

Enacted: Deed Agreement.

Instrument No. 2008.

Recorded by: North Texas Forestry Authority and Robert G. Foster, as Trustee, and Carol King, as Trustee, in Instrument No. 200803000150030.

Recording Date: October 20, 2008.

Recording Date: October 20, 2008.

Recording No.: under Clerk's File No. 200803000150030 of the Real Property Records, Cook County, Texas.

This survey was performed in connection with the transaction described in CF No. L110125-01267824 of Fidelity National Life Insurance Company, effective date of September 2, 2013, and issued on September 20, 2013, and all subsequent communications for information regarding encumbrances on subject property and surveyor did not obstruct property for easements and/or other encumbrances. The legal description used for this survey does not have the same and on the legal description in the title report.

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDISBURSED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

The term "survey" or "surveyor" as shown and used herein denotes an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, either expressed or implied, and is exclusively to the parties involved in, and limited to the transaction (CF No. L110125-01267824) stating of the time company adopted hereon.

FLOOD CERTIFICATE

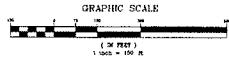
As determined by the FLOOD INSURANCE RATE MAPS for Cook County, the subject property does not appear to be in a Special Flood Hazard Area (100 Year Flood). The date 06/02/2009 Community Flood Map No. 48000C0707 and 48000C0708 subject to a revision if any.

If this is a lot within an identified flood hazard area, the Flood Statement does not imply that the property owner/structures thereon will be free from flooding or flood damage, or any subsequent greater floods and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement does not create liability on the part of the Surveyor.

To: Fidelity National Life Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2010 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and ACSP, and includes items 1-4, 10a, 10b, 8, 9, 11(a), 12, 14 and 16, 17, 18 of Table A thereto. The total field work was completed on 11/20/2013.

Date of Plot or Map: 11/23/2013



LEGEND

0	WAS VALVE	0	PIPE THROUGH	0	WATER MANHOLE	0	SOIL
1	W/ COUPLER VALVE	1	WATER METER	1	UNIFORM MANHOLE	1	LIGHT POLE
2	TELEPHONE PREDESTAL	2	TELEPHONE	2	TELEPHONE MANHOLE	2	TRIPLE FENCE
3	POWER POLE	3	TELEPHONE	3	TELEPHONE MANHOLE	3	CONCRETE
4	CONCRETE	4	TELEPHONE PAD	4	TELEPHONE MANHOLE	4	CONCRETE
5	TELEPHONE PAD	5	TELEPHONE MANHOLE	5	TELEPHONE MANHOLE	5	CONCRETE
6	TELEPHONE MANHOLE	6	TELEPHONE MANHOLE	6	TELEPHONE MANHOLE	6	CONCRETE
7	TELEPHONE MANHOLE	7	TELEPHONE MANHOLE	7	TELEPHONE MANHOLE	7	CONCRETE
8	TELEPHONE MANHOLE	8	TELEPHONE MANHOLE	8	TELEPHONE MANHOLE	8	CONCRETE
9	TELEPHONE MANHOLE	9	TELEPHONE MANHOLE	9	TELEPHONE MANHOLE	9	CONCRETE
10	TELEPHONE MANHOLE	10	TELEPHONE MANHOLE	10	TELEPHONE MANHOLE	10	CONCRETE

ALTA/ACSM LAND TITLE SURVEY

DATE: 11/23/2013

REVISION: 1

7.M HIGHWAY 428

CELINA, TEXAS 75009

NO.	DATE	REVISION
1	11/23/2013	1
2		
3		

PEISER & MANKIN SURVEYING, LLC

www.peisersurveying.com

11113 W. Highway 60
Celina, Texas 75009
817-421-4100
817-421-4100
www.peisersurveying.com

EXHIBIT B Development Regulations

Any significant changes to the land uses as depicted on the on the Concept Plan (Exhibit D) shall require approval by the City of Celina Planning and Zoning Commission, as well as, the City of Celina City Council. Following are the changes to the Conceptual Site Plan that are allowed within the PD without an amendment to this PD.

- Street pattern, building location and individual uses are proposed and may be adjusted so long as the general character within each base zoning district in the PD is adhered to and the general location of mixed use/multi-family residential, commercial and retail uses remains as shown in Exhibit D.

Tract 1

All Commercial and Retail Development within Tract 1 (see Exhibit C and D) shall meet the standards of the Retail and Office (RO) zoning district as established in the City of Celina Zoning Ordinance as they exist or may be amended. The following regulations shall also be applicable:

A. Permitted Uses

Permitted by Right

- (1) Armed Services Recruiting
- (2) Artist Studio
- (3) Auto Laundry or carwash (CUP required if adjacent to Single Family detached development)
- (4) Auto Supply Store for new & rebuilt parts
- (5) Bakery or confectionary (retail)
- (6) Bank/Credit Unions
- (7) Child Day Care (business)
- (8) Church/Place of Worship
- (9) Convenience store (with beer and wine sales)
- (10) Convenience store (with or without gas sales)
- (11) Extended stay hotels/motels (residence hotels)
- (12) Farmers market (public)
- (13) Feed and grain store
- (14) Food or Grocery Store
- (15) Food or Grocery Store (with beer and wine sales)
- (16) Garden shop (inside storage)
- (17) Gas Station
- (18) General Retail Store
- (19) Laundry/Dry Cleaning (drop off/ pick up)
- (20) Offices (Professional and general business)
- (21) Parking lot structure, commercial (auto)
- (22) Personal services shop
- (23) Pet and animal grooming shop
- (24) Restaurant (Drive-In service)
- (25) Restaurant (with drive-through service)
- (26) Restaurant (with no drive-through service)
- (27) Retirement Home/home for the aged
- (28) Theatre or playhouse (indoor)
- (29) Veterinarian (indoor kennels)

Permitted with Conditional Use Permit

- (1) Funeral Home with or without crematorium
- (2) Kiosk (providing a service)
- (3) Tire Dealer with Open Storage
- (4) Outdoor Display/sales (shall be screened and may not exceed 15% percent of the total gross floor area of the entire structure)
- (5) Nursery (retail sales outdoor)
- (6) Auto repair (Major/minor)
- (7) Auto Laundry or carwash (CUP required if adjacent to Single Family detached development)
- (8) Club, private (class I &II)

Prohibited Uses

- (1) Check Cashing Services
- (2) Recycling Kiosk
- (3) Sexually Oriented Business

B. Area Regulations

a. Maximum lot size

- i. No Maximum lot size.

b. Minimum Lot size

- i. No lot shall be less than 32,670 square feet.

c. Size of yards

i. Front yard –

A minimum building setback of twenty-five (25) feet shall be provided on the front of the lot. A corner lot shall have 2 front yards.

ii. Side Yard -

A minimum building setback of eight (8) shall be provided on the side of the lot.

A minimum building setback of fifteen (15) shall be provided on the side of the lot when adjacent to a residential lot.

iii. Rear Yard –

A minimum building setback of fifteen (15) shall be provided on the rear of the lot.

d. Maximum impervious surface

- i. No more than eighty five (85) percent of the total lot area, including main buildings, accessory buildings, parking lots, drive, fire lanes and loading areas shall be impervious surface.

e. Building size for nonresidential structures

- i. No building footprint shall exceed 190,000 square feet in size.

f. Connectivity

- i. A minimum of two (2) vehicular points of connection to adjacent roadways shall be provided. The connection can be through either a direct driveway to the adjacent roadway or through a shared access driveway to the adjacent roadway. In addition, a minimum of two (2) pedestrian points of connection to adjoining sidewalks, trails or developments shall be provided.

g. Parking/Loading Requirements

- i. A minimum stacking length of eighty (80) feet measured from the street right-of-way to the first intersection aisle or paving stall shall be required for access from FM 428 and the Dallas North Tollway. Deceleration lanes are required for all ingress/egress from the Dallas North Tollway and FM428.

h. Temporary/Seasonal Sales

- i. Temporary structures and kiosks for temporary and/or seasonal sales are permitted for a period not to exceed forty five (45) consecutive days. Such sales may include, but are not limited to, Valentine's Day sales, Christmas tree sales, pumpkin sales, etc. Structures shall be located on a concrete paved surface. Structures may only occupy parking spaces if the spaces are in excess of the minimum required parking based on the City of Celina Parking ratios.
- ii. Large shipping containers may be placed in the rear of anchor retail uses if they are entirely screened from view. The screening must be provided by a masonry wall (brick or CMU) a minimum of eight (8) in height or the height of the container, whichever is greater. The Wall must be composed of materials that match those used on the main structure.

i. Outdoor Sales

- i. Large retail centers may include departments on the exterior of the air-conditioned portion of the building that allows for sales of additional goods and services including but not limited to, plants and garden materials, equipment, tools, appliance, etc. When this option is utilized, the following standards must be met:
 - o The structure must be built of permanent materials and connected to the main building.
 - o The area must be enclosed and screened from view by a material with a minimum of eighty (80) percent opacity. Screening height shall be adequate to screen all materials.
 - o No more than fifteen (15) percent of the total gross floor area of the entire structure shall be used for Outdoor sales.

Tracts 1 and 2

All Mixed Use development within Tract 1 or Tract 2 (see Exhibit C and D) shall meet the standards in the Mixed Use Regional (MU-2) zoning district as established in the City of Celina Zoning Ordinance as they exist or may be amended. The following regulations shall also be applicable:

A. Permitted Uses

Permitted by Right

- (1) Armed Service recruiting Center
- (2) Artist studio
- (3) Assisted Living Facility
- (4) Auto laundry or car wash (CUP required if adjacent to Single Family detached development)
- (5) Auto supply store for new or rebuilt parts
- (6) Bakery or confectionery (retail)
- (7) Bank/credit unions
- (8) Child day care (business)
- (9) Church/Place of worship
- (10) Convenience store (with beer and wine sales)
- (11) Convenience store (with or without gas sales)
- (12) Day camp for children
- (13) Drapery, blind or furniture upholstery shop
- (14) Dwelling, multiple-family (garden style or urban)
- (15) Dwelling, Single Family
- (16) Extended stay hotels/motels (residence hotels)
- (17) Farmers Market
- (18) Food or grocery store
- (19) Food or grocery store (with beer and wine sales)
- (20) Franchised private utility
- (21) Gas Station
- (22) General Retail Store
- (23) Group day care
- (24) Hotel/Motel
- (25) Laundry/dry cleaning (drop off/pick up)
- (26) Medical facilities
- (27) Micro brewery
- (28) Motor cycle sales and repair
- (29) Municipal facility
- (30) Nursing Convalescent home
- (31) Office Center
- (32) Offices (professional and general business)
- (33) Pawn shop
- (34) Personal services shop
- (35) Pet and animal grooming shop
- (36) Propane sales (retail)
- (37) Residential loft
- (38) Restaurant (Drive-In service)
- (39) Restaurant (with drive-through service)
- (40) Restaurant (with drive-through service)
- (41) Restaurant (with no drive-through service)
- (42) Retirement home/home for the aged
- (43) Studio for radio or television (without tower)
- (44) Theatre or playhouse (indoor)

Permitted with Conditional Use Permit

- (1) Funeral Home and crematorium
- (2) Tire Dealer with Open Storage
- (9) Outdoor Display/sales (shall be screened and may not exceed 15% percent of the total gross floor area of the entire structure)
- (3) Nursery (retail sales outdoor)
- (4) Auto repair (Major/minor)
- (5) Living quarters on-site with a business
- (6) Auto Laundry or carwash (CUP required if adjacent to Single Family detached development)
- (7) Club, private (class I &II)

Prohibited Uses

- (1) Check Cashing Services
- (2) Recycling Kiosk
- (3) Sexually Oriented Business

B. Definitions

- a. Garden Style Apartments-
Multi-family dwellings that do not exceed three (3) stories in height.
No Garden Style apartments are permitted within 300 feet of the Dallas North Tollway Right of Way.
- b. Urban Style Apartments
Multi-family dwellings greater than three (3) stories in height. Urban style apartments are required to have structured parking.

C. Density

- a. Single family detached units shall not exceed a maximum density of ten (10) dwelling units per gross acre (du/ga). No single family units will be permitted within 300 feet of the Dallas North Tollway right-of-way.
- b. Multiple-family units shall not exceed a maximum density of eighteen (18) dwelling units per acre for garden style apartments.
- c. Multiple-family units shall not exceed a maximum density of thirty (30) dwelling units per acre for urban style apartments.
- d. Maximum floor area ratio (FAR) buildings over three (3) stories in height is 7.0
 - i. FAR calculations include parking structures
- e. Maximum floor area ratio (FAR) for buildings three (3) stories or less is 2.75
 - i. FAR calculations include parking structures

- D. Land Use Mix limits; All MU-2 zoning districts will have a mix of residential and nonresidential uses at the following rates:
- a. Single Family Residential uses (Stand-alone): between 20% and 40% of the net developable acreage (per Exhibit C) ; and /or
 - b. Residential uses (integrated): between 20% and 50% of the net developable acreage (per Exhibit C); and/or
 - c. Nonresidential uses (Stand-alone): between 20% and 80% of the net developable acreage (per Exhibit C); and/or
 - d. Nonresidential uses (integrated): between 20% and 50% of the net developable acreage (per Exhibit C); and/or
 - e. Multiple-family uses (stand-alone): Shall not exceed thirty five (35) percent of the net developable acreage of the zoning district (per Exhibit C).

Land Use Limits*		
MU-2 (Tract 2)= 43.4 Net Acres	Percent of Net Acreage Allowed	Allowed Acreages**
Single Family Residential (Stand Alone)	20%-40%	8.7 Ac-17.4 Ac
Residential (Integrated)	20%-50%	8.7 Ac-21.7 Ac
Non-Residential (Stand Alone)	20%-80%	8.7 Ac-34.7 Ac
Non-Residential (Integrated)	20%-50%	8.7 Ac-21.7 Ac
Multi-Family (Stand Alone)	35%	15.2 Ac

* If Tract 1 is developed as MU-2, allowed acreages would be determined based on Net Acreage of entire tract (See Exhibit C)

***Allowed Acreages* may be adjusted to reflect any changes in the net acreage as a result of changes to the right of way for the Dallas North Tollway and/or FM 428.

E. Open Space/Landscaping Requirements

- a. No less than fifteen (15) percent of the net acres of the entire development must be used for open space. Open Space may consist of any pervious areas including landscape reserves, publically accessible detention/ drainage facilities, natural open space areas including floodplain, and public or private parks and plazas. Any detention areas counted towards the open space requirement will be landscaped and amenitized with benches and sidewalks on a minimum of three (3) sides. Open space must be maintained through a property ownership association. Residential open space requirements, as listed below, are required in addition to the overall open space requirements.

- i. Multi-Family Open Space Requirements

- o Urban Style Multi-Family and/or Mixed Use (Integrated) Multi-Family
 - a. Must provide open space at a rate of one (1) acre per 150 dwelling units.
- o Garden Styles Apartments
 - a. Must provide open space at a rate of one (1) acre per 100 dwelling units.
- o Multi-Family open space calculations may include all pervious areas and/or landscaped areas in addition to all recreation areas within the Multi-Family parcel. A dedicated recreation area with a pool must make up a portion of the open space area.

- ii. Single Family Open Space Requirements
 - o A minimum of one (1) acre per 75 dwelling units must be provided for all single family developments.
- F. Maximum impervious surface
 - a. No more than eighty five (85) percent of the total lot area, including main buildings, accessory buildings, parking lots, drive, fire lanes and loading areas shall be impervious surface.
- G. Connectivity
 - a. A minimum of two (2) vehicular points of connection to adjacent roadways shall be provided. The connection can be through either a direct driveway to the adjacent roadway or through a shared access driveway to the adjacent roadway. In addition, a minimum of two (2) pedestrian points of connection to adjoining sidewalks, trails or developments shall be provided.
- H. Parking/Loading Requirements
 - i. A minimum stacking length of eighty (80) feet measured from the street right-of-way to the first intersection aisle or paving stall shall be required for access from FM 428 and the Dallas North Tollway. Deceleration lanes are required for all ingress/egress from the Dallas North Tollway and FM428.
- I. Lot regulations
 - a. Single Family Detached
 - i. Lot Size

Minimum twenty five hundred (2,500) square feet and twenty (20) feet in width when measured at the front of the yard setback line
 - ii. Height

The primary structure shall not exceed forty five (45) feet in height as measured to the peak
 - iii. Setbacks
 - o Front yard –

A minimum building setback of fifteen (15) foot, integral architectural elements of the main structure may extend up to five (5) feet into the front yard. A garage door must be set back a minimum of twenty (20) feet. A corner lot shall have two front yards.
 - o Side Yard -

A minimum building setback of five (5) feet shall be provided on each side of the lot. A garage door must be set back a minimum of twenty (20) feet.

An interior side yard setback of zero (0) feet shall be permitted provided that all dwelling units maintain a minimum wall to wall separation of ten (10) feet. No portion of a building may cross a property line.
 - o Rear Yard –

A minimum building setback of fifteen (15) shall be provided on the rear of the lot. A garage door must be set back a minimum of eighteen (18) feet if alley access is provided.

b. Multiple-Family

i. Height

o Stand Alone or Integrated Development

Number of Stories	Maximum Height
One (1) Story	30 feet
Two (2) Story	40 feet
Three (3) Story	50 feet
Four (4) story or greater	100 feet

ii. Setbacks

o Stand Alone Multi-Family

	Adjacent to Single Family Residential*	Adjacent to Non-Residential
Front Yard	50 feet	25 feet
Side Yard	50 feet	20 feet
Rear Yard	50 feet	20 feet

*If a public road or open space a minimum of sixty (60) feet in width separates the multi-family development from the Single Family Development, the standards for property adjacent to non-residential developments shall apply.

o Integrated Multi-Family (Mixed Use)

	Adjacent to Single Family Residential*	Adjacent to Non-Residential
Front Yard		
1 story	50 feet	25 feet
2 story	75 feet	25 feet
3+ story	150 feet	25 feet
Side Yard		
1 story	50 feet	15 feet
2 story	75 feet	15 feet
3+ story	150 feet	15 feet
Rear Yard		
1 story	50 feet	15 feet
2 story	75 feet	15 feet
3+ story	150 feet	50 feet**

*If a public road or open space a minimum of sixty (60) feet in width separates the multi-family development from the single family development, the standards for property adjacent to non-residential developments shall apply.

**When adjacent to open space greater than 100 feet in width, a minimum rear setback of ten (10) feet is required

***Corner Lots - The side yard of corner lots shall follow the same regulations as a typical side yard when adjacent to an internal access street. When adjacent to a public right of way, a lot must have two (2) front yards.

iii. Minimum Dwelling Area

Number of Bedrooms	Minimum Floor Area (Square Feet)
Efficiency/Studio	500 sf
1 Bedroom	650 sf
2 Bedroom	900 sf
Over 2 bedrooms	900 sf + 150 sf per additional room)

c. Nonresidential development

i. Lot Size

Minimum five thousand (5,000) square feet and one hundred (100) feet in width when measured at the front of the yard setback line

ii. Height

The primary structure shall not exceed one hundred and seventy five (175) feet in height as measured to the peak.

iii. Setbacks

o Primary Structure

a. Front yard –

A minimum building setback of twenty five (25) feet, integral architectural elements of the main structure may extend up to five (5) feet into the front yard. A corner lot shall have two front yards.

b. Side yard –

Minimum of ten (10) feet; or when nonresidential uses are platted adjacent to other nonresidential uses and integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the city's building code.

c. Rear yard –

A minimum building setback of fifteen (15) foot is required.

iv. Off Street Parking Regulations

o In addition to the parking and loading requirements listed in Article 14, Division 2 of the City of Celina Zoning Ordinance., the following standards apply.

a. For all Mixed Use Developments, on street or off street parking may be shared among residential and non-residential users as well as among users of different properties so long as a shared parking agreement is executed among property owners. Parking shall be computed separately for each use within the structure.

v. Open Space/Landscaping Requirements

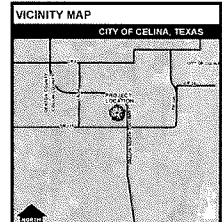
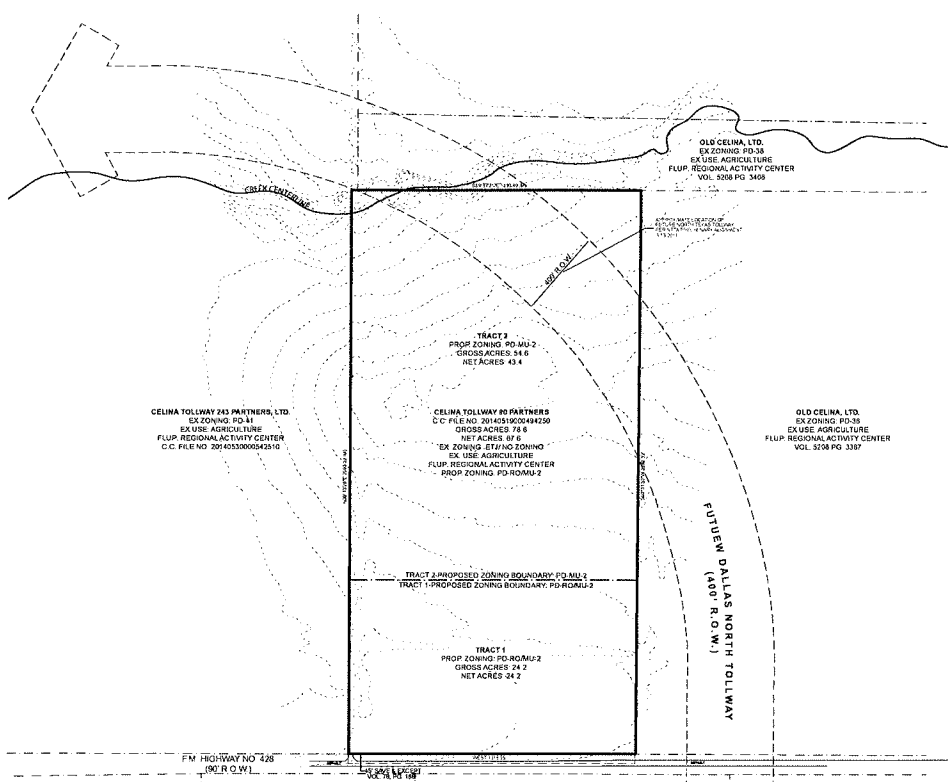
o See Open Space/Landscape requirements on Page 6 of this document.

vi. Temporary/Seasonal Sales

1. Temporary structures and kiosks for temporary and/or seasonal sales are permitted for a period not to exceed forty five (45) consecutive days. Such sales may include, but are not limited to, Valentine's Day sales, Christmas tree sales, pumpkin sales, etc. Structures shall be located on a concrete paved surface. Structures may only occupy parking spaces if the spaces are in excess of the minimum required parking based on the City of Celina Parking ratios.
2. Large shipping containers may be placed in the rear of anchor retail uses if they are entirely screened from view. The screening must be provided by a masonry wall (brick or CMU) a minimum of eight (8) in height or the height of the container, whichever is greater. The Wall must be composed of materials that match those used on the main structure.

vii. Outdoor Sales

- o Large retail centers may include departments on the exterior of the air-conditioned portion of the building that allows for sales of additional goods and services including but not limited to, plants and garden materials, equipment, tools, appliance, etc. When this option is utilized, the following standards must be met:
- o The structure must be built of permanent materials and connected to the main building.
- o The area must be enclosed and screened from view by a material with a minimum of eighty (80) percent opacity. Screening height shall be adequate to screen all materials.
- o No more than fifteen (15) percent of the total gross floor area of the entire structure shall be used for Outdoor sales.



RETES AND BOUNDARY DESCRIPTION
CELINA TOLLWAY 80 PARTNERS

Being a 78.8 acre tract of land situated on the George Wiley Survey, Abstract No. 988, Collin County, Texas, being all and entire tract of land described in deed in Tracts 1 and 2 of Range 128 North, E12, as recorded in Instrument No. 2006010108790, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a found 59th inch iron rod at the common south corner of said Tract 2 and that certain tract of land described in deed to Golden Family Investments, L.L.C., as recorded in Instrument No. 20040041174, said Deed Records, and also not being on the north line of said Tract 2, 420.00' E.W.V.

THENCE North 07° 27' 27" East along the common line of said Tract 1 and said Golden tract, passing the common west corner of said Tract 2 and a point of said Tract 1 a distance of 1500.00 feet and continuing along the common line of said Tract 1 and said Golden tract a total distance of 2334.00 feet to the common west corner of said Tract 1 and the eastern end of land described in deed to CELINA, L.L.C., a corporation in Instrument No. 20050050005, said Deed Records.

THENCE East, a distance of 320.00 feet along the common line of said Tract 1 and said Old Celina tract to a point from which a found 112 inch iron rod was South 07° 27' 27" West, a distance of 238 feet, and passing the common south corner of said Tract 1 and that certain tract of land described in deed to CELINA, L.L.C., as recorded in Instrument No. 20050050004, said Deed Records.

THENCE South 07° 27' 27" West along the common line of said Tract 1 and said Old Celina tract (DEED 20050050004), passing the common west corner of said Tract 1 and a found Tract 2 at a distance of 999.45 feet and continuing along the common line of said Tract 2 and said Old Celina tract (DEED 20050050004) a total distance of 1,504.00 feet to a found post at the southeast corner of said Tract 2, said post being on the aforementioned north line of FM 426.

THENCE West, a distance of 320.00 feet along said north line to the POINT OF BEGINNING and containing 3.426 acre more or less as shown on said map.

- GENERAL NOTES:**
- 1) THE THROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAN.
 - 2) CONTOURS ARE SHOWN AT TWO (2) FOOT INTERVALS.
 - 3) ALL THROUGHFARES AND ROADWAYS SHALL COMPLY WITH THE CITY'S DESIGN STANDARDS AND MANUAL WHICH WILL BE PROVIDED AT THE TIME OF FINAL PLAN APPROVAL.
 - 4) NO 100-YEAR FLOODPLAIN EXISTS ON THE PROPERTY.

ZONING EXHIBIT C

± 78.8 ACRES OF LAND

OUT OF FILE GEORGE WILEY SURVEY ABSTRACT NO. 988

OWNER:
 CELINA TOLLWAY 80 PARTNERS
 5951 DALLAS PARKWAY, SUITE 200-A PH: (417) 316-1100
 PLANO, TX 75093

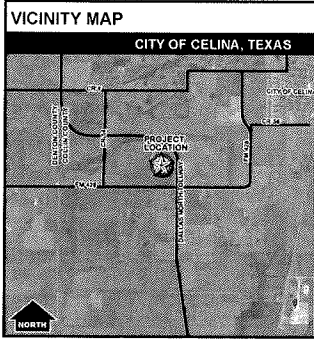
SURVEYOR:
 PEISER & MANKIN SURVEYING, LLC
 924 E. DALLAS ROAD PH: (417) 316-1100
 GRAPESVILLE, TX 75041

PLANNER/APPLICANT:
 BOE | KERRY R. GILBERT & ASSOCIATES
 2590 Cindy Ranch Blvd
 Suite A-230
 Katy, Texas 77454
 (281) 579-0140
 Fax: (281) 579-0112

SCALE: 1" = 100'

DATE: SEPTEMBER 30, 2014
 KGA #100253

THIS DRAWING IS A TECHNICAL REPRESENTATION OF AN ENGINEERING SURVEY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BOE | KERRY R. GILBERT & ASSOCIATES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

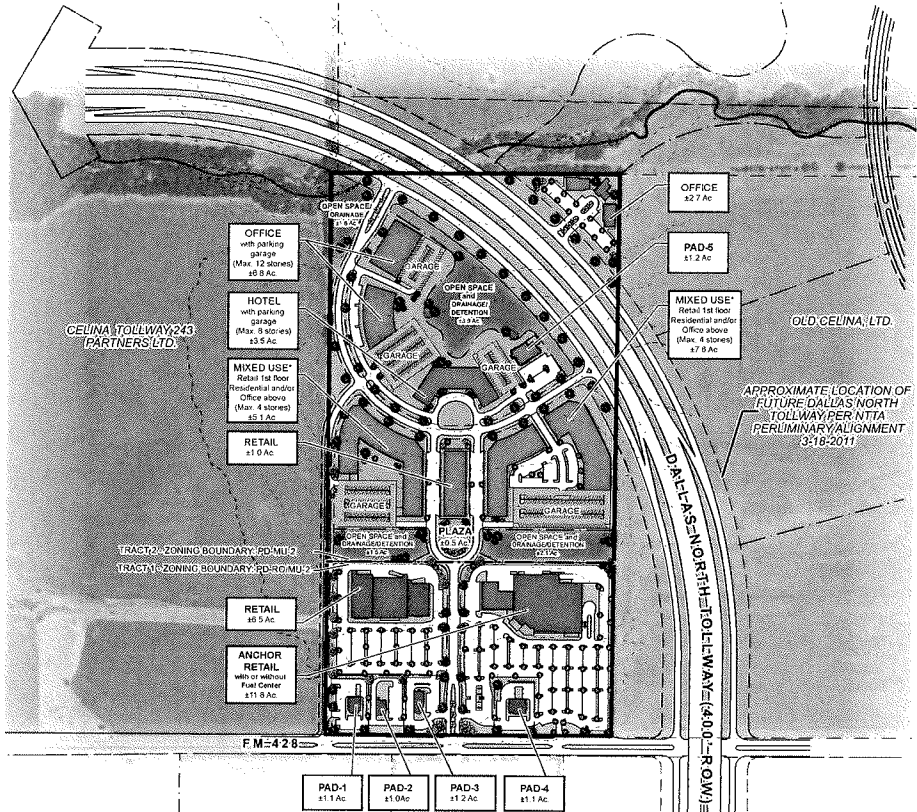


LANDUSE SUMMARY

LAND USE	ACREAGE
RIGHT OF WAY	
Dallas North Tollway	± 11.2 Ac.
Collector/Minor Roads	± 7.3 Ac.
MIXED USE-2	± 27.7 Ac.
RETAIL/OFFICE/MU-2	± 22.7 Ac.
OPEN SPACE/DETENTION	± 9.9 Ac.
TOTALS	± 78.8 Ac.

GENERAL NOTES

- All throughdrives and roadways shall comply with the City's Design Standards and Final Design will be addressed at the time of final plat approval
- No 100-Year Floodplain exists on the Property
- All parking will meet the requirements set by the City of Celina Zoning Ordinance
- Deceleration lanes are required for all street or driveway openings along FM 428 and/or the Dallas North Tollway
- All building setbacks and building heights will be in conformance with the standards described in Exhibit B-Development Regulations
- Structured parking is required for urban style apartments adjacent to the DNT. Minimal surface parking for visitor and service vehicles is permitted but must not exceed five (5) percent of the total parking requirement



APPROXIMATE LOCATION OF FUTURE DALLAS NORTH TOLLWAY PER NITA PERUMIARVAI ALIGNMENT 3/18/2011

EXHIBIT D

a concept plan for
**CELINA TOLLWAY
 80 PARTNERS, LTD.**
 ± 78.8 ACRES OF LAND

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR CONSTRUCTION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO BGE | KERRY R. GILBERT & ASSOCIATES BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLANS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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 Katy, Texas 77494
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 Fax (281) 579-8272



OCTOBER 21, 2014
 KGA #10529