



**PLANNING & ZONING COMMISSION  
CELINA ISD ADMIN BLDG., BOARD ROOM  
205 S. COLORADO STREET  
TUESDAY, AUGUST 20, 2019  
5:30 PM**

**AGENDA**

**I. CALL TO ORDER:**

The Chairman will call the meeting to order, establish a quorum, and lead those present in a salute to the American and Texas Flags.

**II. WORKSESSION:**

The Planning and Zoning Commission will convene in a Worksession to receive the Director's report, discuss future agenda items, update on Council actions, training topics, and request for new business consideration. The meeting is open to the public.

1. Discussion Regarding Zoning Ordinance Revision.

**III. CONSENT AGENDA:**

Items are considered self-explanatory and will be enacted with one motion. No separate discussion of these items will occur unless so requested by at least one member of the Planning & Zoning Commission

- A. Minutes from the July 16, 2019, Planning & Zoning Commission meeting.
- B. Consider and act on a Conveyance Plat for Caliber Collision, being an approximately 1.953 acre tract of land; generally located north of Frontier Parkway and west of Preston Road. (Caliber Celina 289 Addition Conveyance Plat)

**IV. PUBLIC HEARINGS/ACTION ITEMS:**

- A. Conduct a Public Hearing to consider testimony and act upon an ordinance amending the Zoning Ordinance and Building Codes to cause said ordinance to be in compliance with House Bill 2439 and House Bill 2497, which bills take effect on September 1, 2019.
- B. Conduct a Public Hearing to consider testimony and act upon an ordinance amending the Subdivision Regulation Ordinance to cause said ordinance to be in compliance with House Bill 3167, which bill takes effect on September 1, 2019.

**V. ADJOURNMENT:**

*The Board reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code, Chapter 551.*

*"I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall of the City of Celina, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: \_\_\_\_\_ at \_\_\_\_ p.m. and remained so posted continuously for at least 72 hours prior to the scheduled time of said meeting."*

\_\_\_\_\_  
City Staff  
City of Celina, Texas

\_\_\_\_\_  
Date Notice Removed

|                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Celina Council Chambers is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf, or hearing impaired, or readers of large print, are requested to contact the City Secretary's Office at 972-382-2682, or fax 972-382-3736 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



**Development Services**  
City of Celina, Texas

## Memorandum

To: **Planning and Zoning Commission**  
From: Raha Pouladi, Planner  
CC: Dusty McAfee AICP, Director of Development Services  
Date: August 20, 2019  
Re: Zoning Ordinance Revisions

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**Action Requested:**

Discussion Regarding Zoning Ordinance Revision.

**Supporting Documents:**

- Proposed Draft Zoning Ordinance

**Staff Recommendation:**

N/A

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**ARTICLE I – ADMINISTRATION**  
**PART ONE - GENERAL PROVISIONS**

**Section 14.01.101 .....Title & Purpose**

- (a) **Title.** This Chapter shall be known and may be cited as the City of Celina’s “Zoning Ordinance.”
- (b) **Purpose.** The zoning regulations and districts as herein established have been made in accordance with an adopted Comprehensive Plan for the purpose of promoting the public health, safety, morals, and general welfare, and protecting and preserving places and areas of historical, cultural, or architectural importance and significance within the City. Given that the City of Celina is an area that has been designated with historical, cultural, and architectural importance and significance, the provisions herein apply.

The regulations herein are intended to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks, and other public requirements. The regulations have been made with reasonable consideration, among other things, for the character of each zoning district and its particular suitability for the uses specified; and with a view to conserving the value of buildings and natural attributes, and to encourage the most appropriate use of land throughout the City.

**Section 14.01.102 .....Authority**

This zoning Chapter is adopted under the authority of TEXAS LOCAL GOVERNMENT CODE Ch. 211, which is hereby made a part of this Chapter.

**Section 14.01.103 .....Jurisdiction & Application**

- (a) The provisions of this Chapter apply to the use and development of all land within the incorporated limits of the City.
- (b) No buildings or structures, including signs and temporary structures, are allowed to be constructed within the City of Celina unless all applicable permits have been approved by the appropriate department and/or the governing body responsible for approving such permit.
- (c) No non-residential buildings or structures are allowed to be constructed within the extraterritorial jurisdiction (ETJ) of the City of Celina unless sufficient water pressure is available to support fire suppression systems, as required by the County Fire Code.
- (d) No person or entity shall erect, construct, alter, rehab, enlarge, or cause to happen, or proceed or continue with the erection or construction of any building or structure within the City in a manner that does not comply with this Chapter.

**Section 14.01.104 .....Compliance Required**

- (a) **Compliance Hereafter.** All land, buildings, structures, or appurtenances thereon located within the City which are occupied, used, constructed, erected, removed, placed, demolished, or converted after the effective date of this Chapter shall be occupied, used, erected, altered, removed, placed, demolished, or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties provided in Section 14.01.111, *Penalties & Enforcement* of this Chapter. All of the standards and regulations prescribed herein shall be considered as the base requirement unless explicitly stated otherwise.
- (b) **Conflicts with Other Regulations.** No uses shall be allowed that are prohibited by State or Federal law or that operate in excess of State or Federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board (TACB), Texas State Department of Health (TSDH), Texas Commission on Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal

Communications Commission (FCC), or any other applicable State or Federal agency, as the case may be.

- (c) **Restrictiveness.** Where the regulations imposed herein are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations that are more restrictive and impose higher standards are the requirements that shall govern, unless otherwise determined by the Director.
- (d) **Abrogation.** The provisions of these regulations are not intended to abrogate any easement, covenant, or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these regulations shall govern.
- (e) **Cumulative Effect.** The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.
- (f) **Error Correction.** In the event that any property or Zoning District set forth on the Zoning District Map as provided in Section 14.01.107, *Official Zoning District Map* of this ordinance is misnamed, designated incorrectly, the boundaries are incorrect or the property is omitted, in part or in whole, the Zoning District Map may be amended administratively by the Director.
- (g) **Director Authority to Interpret the Zoning Ordinance.**  
The provisions of this Chapter shall be administered by the Director of Development Services or his designee, who shall have the authority to make judgements regarding the interpretation of the regulations of the Zoning Ordinance that are deemed to meet the intent of the Chapter (See Section 14.01.204, *Development Services Director*, for more information regarding interpretation and decision-making).
- (h) **Setbacks, Yards, and Open Spaces.** No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards, and/or open spaces shall be smaller than those required by this Chapter, nor shall a part of a yard or other open space required by this Chapter for any building or lot be included as a part of a yard or other open space similarly required for another building or lot.
- (i) **Applications in Relation to Zoning.** No plat applicable to land that is located within the City limits must be submitted for approval until the area contained within the plat has been zoned for the proposed use of the property.
- (j) **Existing Uses.** All existing uses that may be nonconforming after the effective date of this Chapter must comply with Section 14.03.602, *Nonconforming Uses*.
- (k) **Establishment of Legal Nonconforming Status.** For purposes of interpretation of this section, any uses, structures and/or lots which in whole or part are not in conformance with current zoning standards shall be considered as follows:
  - (1) **Legal nonconforming.** Defined as those uses, structures, or lots that in whole or part are not in conformance with current zoning standards, but were legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures, or lots may be maintained or potentially altered subject to the provisions of Section 14.03.602, *Nonconforming Uses*.
  - (2) **Illegal status.** Those uses, structures, or lots which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception shall not be considered nonconforming, but shall be considered illegal uses, structures, or lots and shall not be approved for any alteration or expansion, and must undertake necessary remedial measures to reach conformance with current standards, or be discontinued.
  - (3) **Time of adoption.** Any use, platted lot, and/or structure is a lawful use at the time of the adoption of any amendment to this ordinance but by such amendment is placed in a district wherein such use, platted lot, and/or structure is not otherwise permitted shall be deemed legal nonconforming.
  - (4) **Annexation.** If a use, platted lot and/or structure was in existence at the time of annexation to the City and



has since been in regular and continuous use shall be deemed legal nonconforming.

- (l) **Burden of Demonstrating Nonconformance**. The burden of establishing that any nonconformity is a legal nonconformity as defined in this subsection shall be borne by the owner or proponent of such nonconformity.
- (m) **Characteristic of the Land**. Zoning is considered to be a characteristic of the land rather than a characteristic of the landowner. Zoning cannot be bought nor sold separate from the land and its improvements.

#### **Section 14.01.105 .....Document Rules of Construction**

The language set forth in these regulations shall be interpreted in accordance with the following rules of construction:

- (a) **Number**. The singular number includes the plural and the plural the singular.
- (b) **Tense**. The present tense includes the past and future tenses and the future the present.
- (c) **Mandatory & Permissive Language**. The words "shall" and "must" are mandatory while the words "may" and "should" are permissive (i.e. optional).
- (d) **Gender Terms**. The masculine gender includes the feminine and neuter.
- (e) **Parentheses**. Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as the first word.
- (f) **Conflicts**. If there is an expressed conflict:
  - (1) The text of this ordinance controls over the charts or any other graphic display in this ordinance;
  - (2) The use regulations control over the district regulations in this ordinance; and
  - (3) The Director shall make the final determination to resolve any conflict.

#### **Section 14.01.106 .....Zoning Districts Established**

The following zoning districts are established and are applied to property with the City as set forth on the Official Zoning District Map.

| <b>ARTICLE I, TABLE 1<br/>ZONING DISTRICTS</b> |                                                      |
|------------------------------------------------|------------------------------------------------------|
| SF-E                                           | Single-Family Residential Estate District            |
| SF-R                                           | Single-Family Residential Detached District          |
| SF-A                                           | Single-Family Residential Attached District          |
| SF-M                                           | Single-Family Residential Manufactured Home District |
| MF-1                                           | Multi-Family Garden Style District                   |
| MF-2                                           | Multi-Family Urban Edge District                     |
| MF-3                                           | Multi-Family Urban Living District                   |
| CF                                             | Community Facilities District                        |
| C                                              | Commercial, Office, & Retail District                |
| I                                              | Industrial District                                  |
| AG                                             | Agricultural District                                |
| MU                                             | Mixed-Use District                                   |
| PD                                             | Planned Development District                         |
| PRO                                            | Preston Road Overlay District                        |
| DNTO                                           | Dallas North Tollway Overlay District                |
| CCO                                            | Collin County Outer Loop Overlay District            |
| OT                                             | Old Town District                                    |

#### **Section 14.01.107 .....Official Zoning District Map**

- (a) **Division into Zoning Districts**. The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the zoning district map of the City, which may also be cited as the "Zoning Map," said map being adopted as a part of this Chapter as fully as if the same were set forth herein in detail. The Official Zoning District Map shall be maintained by the City and published online.



- (b) **Zoning Map Changes/Amendments.** Any changes or amendments made to the zoning district boundaries shall be made on the Zoning District Map promptly after the amendment has been approved by the City Council.
- (c) **Errors in the Zoning District Map.** Any administrative or drawing error on the Official Zoning District Map may be corrected by the Director.

#### **Section 14.01.108 .....Zoning District Boundaries**

- (a) **Boundary Delineations.** The zoning district boundary lines shown on the State or Federal are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the zoning district map, the following rules shall apply:
  - (1) **Centerlines.** Boundaries indicated as approximately following the centerlines of streets, highways, railroads, or alleys shall be construed to follow such centerlines. However, zoning exhibits shall show the zoning only to the edge of property.
  - (2) **Platted lot lines.** Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
  - (3) **City limits.** Boundaries indicated as approximately following City limits shall be construed as following City limits.
  - (4) **Riverbank lines.** Boundaries indicated as following riverbank lines shall be construed to follow such riverbank lines and in the event of change in the riverbank line shall be construed as moving with the actual riverbank line; boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines.
  - (5) **Natural features.** Boundaries indicated as parallel to or extensions of feature indicated in subsections (1) through (4) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
  - (6) **Vacated public way.** Whenever any street, alley, or other public way is vacated by an official action of the City Council, the adjacent zoning district designation shall be assigned to the centerline of the abandoned right-of-way.
  - (7) **Boundary as a condition of zoning approval.** The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
  - (8) **Interpretation.** Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by subsections (1) through (7) of this section, the Director shall interpret the district boundaries.

#### **Section 14.01.109 .....Fees**

- (a) The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this Chapter. The Master Fee Schedule shall be publicly available and may be altered or amended only by the City Council.
- (b) No permit, certificate, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.
- (c) The City incurs the costs whether or not an applicant is successful in the request for a change in zoning. Therefore, the fee is not refundable to an applicant in the event a change in zoning or other plan is not approved.
- (d) If the applicant for a permit has not paid all amounts then due and outstanding to the City (other than amounts for ad valorem taxes) directly related to any project, including, without limitation, the payment of any amounts secured by liens filed against any property by the City and fines owed by the owner, the City shall not issue any permit of any kind until the liens, fines, or fees against the applicant are paid in full, including any interest owed to the City.

**Section 14.01.110 .....Severability and Repealer**

- (a) **Severability**. Should any section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.
- (b) **Repealer**. All ordinances or parts of ordinances in conflict with any of the provisions of this Chapter are hereby repealed insofar as the same are in conflict with the provisions hereof.

**Section 14.01.111 .....Penalties and Enforcement**

- (a) Violation of the provisions of this Chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined a sum not to exceed two-thousand dollars (\$2,000). Each day such violation continues shall be considered a separate offense.
- (b) The owner or tenant of any building, structure, premises, or part thereof, and any architect, banker, attorney, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (c) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

**Section 14.01.112 .....Effective Date**

This ordinance shall become effective after its passage and publication as required by State law and the City Charter.

**Section 14.01.113 .....Definitions & Interpretation**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. If a word used within the Zoning Ordinance is not hereby defined, the normal interpretation of the Director shall suffice in determining its meaning.

**Section 14.01.114 .....Land Use Definitions**

*Agricultural Use, Commercial.* A tract of land for which the primary purpose is the growing of farm products, vegetables, fruit, trees, or grain for wholesale or retail distribution, and may include facilities to process, store, wrap, and ship such items for market for commercial gain. An office or residence may be sited on the tract, but its use is secondary to the raising, growing, production, and distribution of the product or products for which the farm or ranch is engaged.

*Agricultural Use, Private.* An area of land for which the growing of farm products, vegetables, fruit, trees, and grain and for the raising thereon of poultry or farm animals such as horses, chicken, cattle, goats, and sheep is a secondary or incidental use to the residence. This definition excludes the commercial feeding of offal or garbage to swine or other animals and excludes any type of agriculture or husbandry specifically prohibited by ordinance or law. This definition also excludes any corporate farm or production facility, professional ranch, stable, garden, or orchard, as defined above.

*Airport, Heliport, or Landing Field.* A facility designed for the landing and take-off of fixed wing or rotary aircraft usually equipped with hangars, facilities for refueling and repair, and various accommodations for pilots and passengers. (See Section 14.03.301(a), *Airport/Helipad/Heliport* for regulations)

*Alcohol Sales.* The following land uses refer to the sale and/or consumption of alcoholic beverages. All businesses and entities must adhere to the requirements of the Texas Alcoholic Beverage Code, as it exists or may be amended.

- *Bar, Primary Use.* An establishment principally for the sale and consumption of alcoholic beverages on the premises. (See Section 14.03.301(b), *Alcohol Sales* for regulations)
- *Bar, Secondary Use.* An establishment allowing the sale and consumption of alcoholic beverages on the premises but incidental to the principal use, such as a restaurant, hotel, or conference center.
- *Brewpub, Primary Use.* An establishment principally for the on-site brewing of beer occurs as well as tasting and/or retail sales. (See Section 14.03.301(b), *Alcohol Sales* for regulations)
- *Brewpub, Secondary Use.* An establishment allowing the sale and consumption of alcoholic beverages brewed

on the premises but incidental to the principal use, such as a restaurant, hotel, or conference center.

- *Liquor Store.* A facility for the sale of beer, wine, and/or liquor not for on-premises consumption.
- *Winery, Brewery & Retail Sales.* An establishment that produces, bottles, markets, or sells wine or other alcoholic products to the general public.
- *Winery, Brewery & Distillery Production.* A manufacturing or bottling plant that produces or combines alcoholic products such as wine, beer, ale, or liquor for sale.

*Alternative Energy Systems.*

- *Solar Devices & Systems.* A solar panel or device is a structure that is intended to capture the light from the sun and transfer that energy to electricity for general use. (See Section 14.03.401(a), *Alternative Energy Source - Solar* for regulations)
- *Wind Energy Conversion System (WECS).* Any mechanical device, such as a wind charger, windmill, or wind turbine, which is designed to extract kinetic energy from the wind and converts or stores it for practical use or a form of usable energy. (See Section 14.03.401(b), *Alternative Energy Source - Wind* for regulations)

*Alternative Financial Services.* A check cashing business, payday advance or loan business, money transfer business, or car title loan business. (See Section 14.03.301(c), *Alternative Financial Services* for regulations)

- *Car Title & Loan Services.* An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle. This excludes state or federally chartered banks, savings and loan associations or credit unions engaged primarily in the business of making longer term loans and which make loans that leverage the total equity value of a car or vehicle as collateral.
- *Check Cashing Business.* An establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time, the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business. This definition excludes a state or federally chartered bank, savings and loan association or credit union, grocery store or gas station, so long as the gas station does not handle more than 100 such transactions within any calendar month.
- *Payday Advance or Loan Business.* An establishment that makes small consumer loans, usually backed by postdated check or authorization to make an electronic debt against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.
- *Bank, Savings and Loan or Credit Union.* An establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is typically licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. This includes businesses' activities listed under SIC Codes 60 and 61, but excludes check cashing businesses, payday advance/loan businesses and car title loan businesses.

*Alternative Retail Services.* Any shop or store that sells items or services that may be considered to be not in the best interest of the public health, safety, morals, and general welfare. (See Section 14.03.301(d), *Alternate Retail Services* for regulations)

- *Body Art Studio.* A business establishment that provides services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Tattoo also includes permanent cosmetics, such as eye or lip liner. Body piercing shall mean the creation of an opening in an individual's body,

other than ear piercing, to insert jewelry or other decoration.

- *Cannabidiol Shop (CBD Shop)*. A business establishment for which more than fifty percent (50%) of sales are derived from the retail sale of products related to or derived from CBD oil (cannabidiol) or hemp. This includes, but is not limited to, oils, vitamins, supplements, food, personal care, and garments.
- *Cigar Shop*. A business establishment in which cigars are bought, stored, and/or consumed.
- *Head Shop*. A business establishment that sells paraphernalia that supports the ingestion, inhalation, or consumption of illegal drug products.
- *Hookah Shop*. A business establishment that sells devices designed for the on-site consumption of tobacco, cigarette, and nicotine-enriched products that may induce an altered state.
- *Smoke Shop*. A business establishment that sells tobacco or electronic cigarette/vaping products and their associated paraphernalia other than cigars.

*Amenity Center*. A recreational facility, including, but not limited to, clubhouse, swimming pool, play area, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

*Animal Shelter*. A public or private facility for the enclosure of animals, especially stray, abandoned or unlicensed pets, with the intention of animal adoption.

*Arcade*. An establishment or public area containing mechanical or electronic games of chance, such as pinball, skeeball, or video games that are appropriate to be played by a customer of any age for a fee or token. See also "Commercial Amusement, Indoor."

*Assembly Uses, Churches & Houses of Worship*. A building or structure for the gathering together of persons for purposes religious functions, including but not limited to churches, synagogues and mosques. For the purpose of this Zoning Ordinance, Bible study and other similar educational or day care activities that occur in a person's primary residence shall not be included in this definition.

*Assembly Uses, Other*. A building or structure for the gathering together of persons for purposes of civic, social, or educational functions, including but not limited to event centers, convention centers, fraternal lodges, Elks, Masons, labor unions, and other meetings of like-minded people for a particular function.

*Athletic Stadium or Field*. A field and/or structure owned and operated by the City and/or a local independent school district used for sporting events with associated spectator seating. The stadium may include other accessory buildings such as offices, food service or catering facility, and dressing rooms/showers.

*Automated Teller Machine (ATM), Off-Site*. An unmanned, freestanding structure that performs banking financial functions at a location that may be separate from the controlling financial institution.

*Automobile Uses*. For the purposes of this Ordinance, the word "automobile" shall encompass autos, pick-up or "light load" trucks, passenger vans, or any other vehicle that is self-propelled, other than boats and motorcycles.

- *Automobile Repair, Major*. A building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats and similar components that may require overnight outdoor storage of vehicles awaiting or under repair, if screened in compliance with all applicable regulations. General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles; wrecker or towing service with on-site storage of vehicles; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; insurance estimations with on-site storage; undercoating and rust proofing, and other similar uses.
- *Automobile Repair, Minor*. A daytime retail operation wherein the sale, installation, and/or inspection of tires, batteries, brakes, and other related minor parts or accessories is carried on; specifically intended to exclude major automotive repair and overnight outdoor storage of vehicles awaiting or under repair.
- *Automobile Sales, Accessories Only*. A retail shop that sells parts or accessories for vehicles that does not include installation of said parts.
- *Automobile Sales, New*. Retail sales or leasing of new automobiles, light load vehicles, or boats and may include used automobile sales, repair, and storage as a secondary use within this definition.
- *Automobile Sales, Used*. Retail sales or offering for sale of used vehicles.



- *Automobile & RV Storage.* The storage on a lot or tract of operable motor vehicles for holding such vehicles for sale, distribution, or storage.
- *Automobile Parking Garage.* A multi-level structure designed for the parking or storage of vehicles.
- *Automobile Parking Lot.* An off-street, ground level area paved in accordance with the City of Celina parking lot standards, for the short- or long-term storage of motor vehicles.
- *Automobile Wash, Full Service.* A facility where a customer may have vehicles washed in exchange for financial remuneration. This definition generally includes detailing of the vehicle and may include other services, such as leather or upholstery cleaning.
- *Automobile Wash, Secondary Use.* A facility for the washing of motor vehicles, including a self-service operation, operated in conjunction with another primary use, such as a fueling station or convenience store.
- *Automobile Wash, Self Service.* A facility, typically coin operated, used by the customer to wash automobiles and other vehicles.

*Bank, Savings & Loan, or Credit Union.* An establishment for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds and not to be considered the same as “alternate financial services.”

*Batch Plant, Permanent.* A permanent manufacturing facility for the production of concrete or asphalt and includes the storage of those elements that make up concrete and asphalt.

*Batch Plant, Temporary.* A temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and which is removed when the project is completed. Following removal, the tract shall be returned to its previous condition. (see Section 14.03.501(a), *Batch Plants, Temporary* for regulations)

*Building Material & Hardware Sales, Major.* An establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise and may include the rental of construction tools, vehicles, or heavy equipment.

*Building Material & Hardware Sales, Minor.* An establishment for the sale of materials customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

*Campground or RV Park.* Any area that is designed for occupancy by transients using tents, mobile trailers, or recreational vehicles for temporary sleeping purposes. A tract of land on which two (2) or more campsites are located, established, or maintained as temporary living quarters for recreation, education or vacation purposes.

*Caretaker's or Guard's Residence.* A residence located on premises with a main nonresidential use and occupied only by a caretaker or guard, and his/her family, employed on the premises.

*Carnival or Circus.* A traveling show or exhibition, sometimes housed in tents that has no permanent structure or installation and may include restaurants and retail shops incidental to the use.

*Catering, Commissary.* A facility that is the home-base for restaurant-equipped vehicles that serve as mobile food vendors. The commissary also is also used for the storage and partial production of food items that are delivered to customers by the mobile food vendor away from the commissary location itself.

*Catering, Sales & Service.* A business that offers food and drink for consumption elsewhere.

*Cemetery.* A cemetery is a place designed for the burial of the dead.

*Child Care.* The following land uses refer to childcare uses and are subject to the regulations of the State of Texas Department of Family and Protective Services (DFPS). For the purposes of this Zoning Ordinance, “child care” also includes adult day care.

- *Child Care Center, Primary Use.* A facility that is licensed to care for children at a location other than the permit holder's primary residence and includes pre-school educational centers, such as Montessori or other educational childcare.
- *Child Care Center, Secondary Use.* A place designed for the care of children belonging to employees and/or patrons of the primary use, whether it be commercial, religious, or not-for-profit. The center or space shall be completely contained within the primary use, such as a fitness center, office complex, or other facility that provides childcare for its employees or patrons.

- *Child Care Center, In-Home.* The provision of regular childcare within the permit holder's home.

*Church.* See "Assembly Uses."

*Clinic, Animal (no outside runs).* An animal medical facility designed for immediate and short term care (i.e. not requiring the animal to be boarded or kept within the facility overnight), for diagnosis and treatment of household pets including, but not limited to, dogs, cats, and birds.

*Clinic, Animal (with outside runs).* A facility for diagnosis, treatment, or hospitalization of household pets including, but not limited to, dogs, cats, birds, and horses.

*Clinic, Emergency Care Facility.* A public or private, profit or nonprofit facility for the reception and treatment of outpatients who are physically or mentally ill, injured, handicapped, or otherwise in need of diagnosis, treatment, and care.

*Clinic, Medical Lab.* Offices for one or more physicians, surgeons, or dentists engaged in conduct the testing of blood and other tissue samples for the purpose of diagnosis of diseases or creating medical-related devices/equipment.

*Collection Site.* A collection site is a weatherproof structure, including, but not limited to, an empty semi-trailer container, that is manned at specific hours for the collection of used items.

*College, University, or Trade School.* An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation.

*Commercial Amusement, Indoor.* A facility providing for indoor recreational activities, services, amusements, and instruction, usually for an admission fee. Uses may include, but are not limited to, bowling alleys, ice or roller-skating rinks, bingo parlors, amusement arcades, or practice areas.

*Commercial Amusement, Outdoor.* A facility providing for outdoor recreational activities, services, amusements, and instruction for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals.

*Communications Antenna.* An instrument or device designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum. (See Sections 14.03.301(e), *Communications Antenna Towers – Residential* and 14.03.401(c), *Communications Antenna Towers – Non-Residential* for regulations)

*Communications Antenna Support Structure.* Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals and used for commercial broadcasting or telecommunication purposes. This definition shall also include a satellite dish exceeding twelve (12) feet in diameter and a microwave-transmitting tower. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended. Definition includes ancillary ground equipment.

*Construction Yard, Field Office, Temporary.* A building, structure, or storage/assembly yard used in conjunction with a development project for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the development and subject to removal at completion of construction. A facility used for the temporary office and material storage in connection with a project under construction or remodel. (See Section 14.03.501(b), *Construction Yard & Field Office, Temporary* for regulations)

*Donation Bin/Collection Site.* An unmanned, free-standing structure that is designed to receive certain goods that include, but are not limited to, recycling items, clothing and household items, library books and donations, that may be located outside of or separate from the primary structure. (see Section 14.03.401(d), *Donation Bins/Collection Sites* for regulations)

*Dwelling.* Any building or portion thereof, which is designed or used as living quarters for one or more families, including single family and multi-family buildings, but not including motels, inns, or hotels.

- *Dwelling, Accessory Structure.* A second dwelling unit on certain single-family lots that is a secondary use to the primary home.
- *Dwelling, Boardinghouse or Rooming House.* A building other than a hotel where lodging and/or meals are provided for compensation.

- *Dwelling, Duplex.* A building containing two (2) single-family dwelling units on a single platted lot that are totally separated from each other by an unpierced firewall from basement to roof. A detached building arranged, intended or designed for occupancy by two families. Currently classified as “single family attached.”
- *Dwelling, Factory-Built Home.* Any manufactured single-family mobile home constructed prior to June 15, 1976. (See also Dwelling, HUD Code Manufactured Home)
- *Dwelling, HUD Code Manufactured Home.* A HUD-code compliant single-family structure constructed after June 15, 1976, designed for long-term residential use that is constructed elsewhere and is moved from the factory or sales location to its permanent site. (See also Dwelling, Factory-Built Home)
- *Dwelling, Live-Work.* A dwelling unit that contains, to a limited extent, a separate commercial component with residential quarters above or behind the commercial use.
- *Dwelling, Mobile Home.* Any manufactured single-family mobile home constructed prior to June 15, 1976. (see Section 14.03.401(h), *Manufactured Home Replacement* for replacement regulations.)
- *Dwelling, Model Home.* A single family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision. (see Section 14.03.501(c), *Model Home, Temporary* for regulations)
- *Dwelling, Multi-Family.* Any building or portion thereof, which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units. Though residential in use, it is considered a commercial development in regards to and application of development standards and regulations. A building containing three (3) or more dwelling units on a single lot or tract designed to be occupied by three (3) or more families living independent of one another.
- *Dwelling, Patio Home.* A dwelling on a separate lot with open space setbacks on at least three sides. Currently classified as “single family attached.”
- *Dwelling, Single-Family, Attached (i.e. Townhome, Patio Home).* A structure containing three (3) or more dwelling units with each unit designed for occupancy by one household and each unit attached by a common firewall.
- *Dwelling, Single Family, Detached.* A building containing one (1) dwelling unit, not attached to any other dwelling by any means and is surrounded by open space or yards. A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and have no physical connection to a building located on any other separate lot or tract.

*Dwelling, Senior Living.* The following definitions relate to those residences and businesses that are designed to provide housing for adults primarily over the age of 55.

- *Dwelling, Senior Living, Independent Living.* A single family home, either attached or detached, or a multi-family facility in which adults generally over the age of 55 live in relative independence.
- *Dwelling, Senior Living, Assisted Living Facility.* A private facility that provides care for chronically ill, aged, or disabled persons who need health supervision and related care not including hospital care. Such facility is designed for older adults who need some assistance with daily living, including but not limited to the production and serving of meals, assistance with shopping, management of medications, and personal grooming. Typically, the resident occupies a room or suite of rooms and eats the majority of meals communally.
- *Dwelling, Senior Living, Assisted Living Home.* A facility located in a private residential home designed for older adults who need or desire moderate assistance with daily living, including but not limited to the production of meals, assistance with shopping, management of medications, and personal grooming.
- *Dwelling, Senior Living, Advanced Care.* A facility that provides advanced nursing care, memory care, dementia care, hospice care, or any level of care that clearly exceeds those provided in an “assisted living” facility.

*Electrical Power Generating Plant.* All equipment, fixtures, and property operated or maintained in connection with the production of electricity and transmission of electricity produced.

*Electrical Substation.* A location for transforming electricity prior to the distribution of electricity to individual customers.

*Entertainment Venue.* A location in which concerts, rodeos, sports events, or other large-scale entertainment types can be housed (e.g. auditorium, arena, natatorium, football stadium, etc.)

*Fairgrounds/Exhibition Area.* An area that may include structures for the exhibition of, rodeos, conventions, and similar special events.

*Farmers Market.* An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale. This definition does include the sale of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items when the proper health rules and regulations are followed and/or health permit obtained.

*Funeral Home/Mortuary.* A place for the storage of human bodies prior to their burial, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial, but does not allow the cremation of human remains.

*Funeral Home/Mortuary with Crematorium.* A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial or cremation, where cremation occurs within the building, with or without space for ceremonies connected therewith before burial or cremation.

*Gas Pumps/Fuel Sales.* A retail fuel sales facility selling fuel for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated.

*Golf, Tennis, or Country Club (Private).* An area containing a golf course, polo facilities, tennis facilities, and a clubhouse and available only to private members; such a club may contain adjunct facilities such as private club, dining room, swimming pool, retail sales, and similar recreational or service facilities.

*Greenhouse or Nursery, Retail.* A facility for the outside display of plants offered for sale and may include an indoor component.

*Greenhouse or Nursery, Wholesale.* A large-scale facility or farm used for the growing of plants, trees, shrubs, flowers, or other natural products for the wholesale market and may include an indoor component.

*Group Home.* The following land uses relate to the overall category of “group home” where several unrelated individuals live together in a single-family residence or multi-family facility, is licensed by the state, and is designed to provide resident services to individuals who are physically handicapped, mentally ill, mentally retarded, or developmentally disabled. For the purposes of this section, mental illness and developmental disability shall not include illegal use of or addiction to a controlled substance or other criminal behavior.

- *Foster Family Home.* Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a foster family home is a residence whereby designated foster parents are licensed to provide long-term care for children.
- *Group Home.* An adult and/or child care facility, licensed by the state, designed to provide resident services to individuals who are physically handicapped, mentally retarded, or developmentally disabled, but does not provide services to individuals with psychiatric, addiction, substance abuse or who exhibit criminal behavior.
- *Halfway House.* A residential facility providing shelter, supervision and residential rehabilitative services for persons who have been inmates of any county, state or federal correctional institution and released and require a group setting to facilitate the transition to a functional member of society.

*Gun or Archery Range, Indoor.* Any indoor facility open to the public and occupying all or a portion of a building where firearms are discharged or arrows are shot for either testing or recreation purposes. Such business shall be constructed to limit noise by installing adequate acoustic barriers.

*Gunsmith.* A retail establishment for the sale and service of firearms and related items.

*Gymnastics/Dance Studio/Martial Arts Studio.* A building or portion of a building used as a place of work for a gymnast, dancer, or martial artist or for instructional classes in gymnastics, dance, martial arts, or similar activity.

*Health/Fitness Center.* A facility that promotes physical fitness, weight control, exercise, and personal improvement that may also include massage or swimming.

*Heavy Machinery Sales, Service, & Storage.* A retail or wholesale facility that sells, services, and stores heavy machinery



such as farm equipment, construction vehicles or equipment, dredging equipment, paving equipment, etc.

*Helipad.* A place, typically on the roof of a hospital or a small ground area, where helicopters may land and take off, but without any service or fueling capabilities. (See Section 14.03.301(a), *Airport/Helipad/Heliport Regulations* for regulations)

*Home Occupation.* An occupation, which is secondary to the primary use of a dwelling as a residence, conducted on residential premises by the occupant of the residence. Home occupations shall be subject to the conditions set forth in Section 14.03.401(e), *Home Occupation Regulations*. Any activity carried out for personal gain in a dwelling unit by a resident of the premises, which occupation is secondary to the residential purpose of the premises.

*Hospital.* An institution or place where sick or injured patients are provided medical or surgical care.

*Hotel.* The following land uses refer to a building or group of buildings designed as a temporary abiding place where customary services are provided for a fee.

- *Hotel, Bed & Breakfast.* An owner-occupied private home that offers lodging for paying guests not to exceed one week in duration, and which serves breakfast to these guests and which contains one or more guest bedrooms. (See Section 14.03.401(f), *Hotel Regulations, Bed & Breakfast/Short Term Rentals* for regulations)
- *Hotel, Extended Stay (also called "Residence Hotel").* A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone access are provided. Residence Hotel room units are designed to be suitable for long-term occupancy, with financial consideration typically being calculated on a weekly and/or monthly basis. Typical Residence Hotel attributes include, but are not limited to, kitchen facilities, and external doorways into room units. (See Section 14.03.301(f), *Hotel Regulations, Extended Stay* for regulations)
- *Hotel, Full-Service.* A full service hotel is defined as a top tier hotel in terms of amenities and service provided to its clientele. (See Section 14.03.401(g), *Hotel Regulations, Full-Service* for regulations)
- *Hotel, Limited Service.* A limited service hotel provides travelers an economical choice with fewer amenities than a full service hotel. (See Section 14.03.301(g), *Hotel Regulations, Limited Service* for regulations)
- *Hotel, Short-Term Rentals.* An owner-occupied home or unit that is listed on a web-based service for the temporary rental of the entire home/unit or certain rooms within the home/unit. (See Section 14.03.401(f), *Hotel Regulations, Bed & Breakfast/Short Term Rentals* for regulations)
- *Motel.* A facility offering short-term overnight lodging accommodations on a daily rate to the general public and defined as having direct access to individual guest rooms from the parking area or outside balconies.

*Household Appliance Service & Repair.* A retail establishment where household appliances are serviced and repaired on site. May also include sales of household appliances.

*Kennel, Indoor.* A fully air-conditioned establishment where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes that does not include outside pens or runs.

*Kennel, Outdoor.* A fully air-conditioned establishment where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes that includes outdoor pens or runs.

*Lab, Equipment Manufacturing.* A facility that produces or assembles equipment.

*Lab, Scientific or Research (non-hazardous).* A facility that conducts research in order to promote the general base of knowledge or to create new or improved products.

*Landfill.* A place where trash and garbage may be taken to be worked into the earth for recycling or decomposition.

*Laundry/Dry Cleaning.* The following definitions relate to the cleaning of garments, fabrics, rugs, uniforms, draperies or other similar items by persons other than the owner.

- *Laundry/Dry Cleaning, Commercial.* An industrial plant for cleaning garments, fabrics, rugs, uniforms, draperies or other similar items on a commercial or bulk basis.
- *Laundry/Dry Cleaning, Pickup Station.* A facility that only receives and dispenses laundry and dry cleaning that has been processed in bulk by a commercial laundry or dry cleaning facility located elsewhere.
- *Laundry/Dry Cleaning, Self-Service.* A facility for washing and/or dry cleaning garments and similar items where typically the customer supervises and handles the cleaning of his/her garments and items, such as a laundromat,

but located at a separate facility for a fee.

- *Laundry/Dry Cleaning, Small Custom Shop.* A retail establishment for the cleaning of individual garments, fabrics, rugs, draperies or other similar items on the premises, which may include minor garment repair.

*Machine/Welding Shop.* A facility in which materials are processed by machining, cutting, grinding, welding, etc.

*Manufactured/Mobile Home Display & Sales.* The offering for sale, storage, or display of trailers, HUD-Code manufactured homes, or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

*Manufacturing & Industrial Uses, Heavy.* A facility that involves assembly and fabrication activities with the use of machines, tools, and labor to make items for use or sale and typically requires access to major highways and/or other means of transporting goods such as railroad lines. May also include warehousing, research & development, wholesaling operations with relatively infrequent customer or client visits, and may include related office and shipping areas. Heavy industry involves one or more characteristics such as large and heavy products; large and heavy equipment and facilities (such as heavy equipment, large machine tools, and spacious buildings); or complex and numerous processes. The labor for heavy industry is generally highly skilled. Examples of heavy industry include, but are not limited to, steel manufacturing, automotive assembly, machine tool design and construction, boat or aircraft manufacturing, and power plants.

*Manufacturing & Industrial Uses, High Risk.* Any manufacturing or industrial use which is determined to be of special health or safety hazard due to excessive and/or toxic fumes, smoke, gas, dust, odors, noise, vibration, or danger from fire, explosion, or radiation and involves materials meeting the “degree of hazard-4” criteria of the International Fire Code in quantities deemed to be hazardous by the Fire Chief.

*Manufacturing & Industrial Uses, Light.* A facility that involves assembly and fabrication activities and the use of machines, tools, and labor to make items for use or sale. May also include warehousing, research & development, and wholesaling operations with relatively infrequent customer or client visits, and may include related office and shipping areas. Light Industry is often assembly-based and is typically consumer-oriented (i.e., most light industrial products are sold to retail stores or end users rather than as intermediate parts for use by other industries). Light industry will have fewer environmental impact than those associated with heavy industry. Light industry may employ lower skilled employees with only moderate training and often employ large numbers of people. Light industries require a relatively low amount of raw materials, space for assembly, and power. Examples of light industry include, but are not limited to, plastic items, clothing, shoes, foods, beverages, personal care products, home care products, cosmetics, drugs, furniture, consumer electronics, and home appliances.

*Mausoleum.* A mausoleum is a building with places for the entombment of the dead that may or may not be above ground.

*Media Studio.* A facility where the production, editing, storage, and/or transmittal of audio/visual media occurs, including, but not limited to, a TV studio, a radio studio, and a production or editing facility.

*Mini-Warehouse/Self Storage.* A building containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

*Mobile Food Vendor, Temporary.* Any person or person who operates and sells food from a stationary cart or trailer mounted on a chassis, for a period of fifteen (15) calendar days or more per year. Stationary mobile food vendors include, but are not limited to, sno-cone stands, hot-dog carts, and ice-cream carts. Any similar facility that operates for fourteen (14) calendar days or less shall be considered a “temporary food establishment” as defined by the City Health Ordinance, as it exists or may be amended. (See Section 14.03.501(g), *Seasonal Sale Regulations*)

*Motorcycle Sales & Service.* A facility that sells, leases, and services motorcycles, usually defined as two-wheeled, self-propelled vehicle having one or two saddles or seats, and may have a sidecar attached. For purposes of this Chapter, motorbikes, motor scooters, mopeds and similar vehicles are classified as motorcycles.

*Municipal Uses Operated by the City of Celina.* Any structure, park, open space, or roadway owned and/or operated by the City of Celina, including but not limited to city hall, police stations, fire stations, service centers, sanitation plants, libraries, recreation centers, parks, and roadways.

*Museum/Art Gallery.* A building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

*Office, Administrative, Medical, or Professional.* A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.

*Office, with Showroom.* A building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are included in this definition. Warehousing facilities shall not exceed fifty percent (50%) of the total floor area. This definition does not include contractor's shop and storage yard.

*Office, with Warehouse, Distribution Center.* A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas. Also referred to as "flex space."

*Open Storage & Display, Permanent.* A secondary land use providing outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles, recreational vehicles, boats, or other watercrafts. This definition does not include temporary outside merchandise display, such as a sidewalk sale or "under eave" storage and display. (See Section 14.03.401(h), *Open Storage Regulations, Permanent or Ongoing*)

*Park or Playground.* An open recreation facility or park owned and operated by a public agency such as the municipal park department or school board and available to the general public.

*Personal Service.* A shop, such as tailoring, shoe repair, barbershop, therapeutic massage facility, beauty shop, health studio, spa/salon, or travel consultant that provides a service, but not necessarily a product, to the customer.

*Portable Building Sales.* A retail establishment that sells portable buildings meant to be used as accessory uses only and not for habitation, but not including manufactured homes.

*Printing Service Uses.* The following definitions relate to the various businesses that reproduce, copy, or print items on paper or other materials for sale.

- *Printing, Major Industrial Plant.* An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.
- *Printing, Minor Retail Shop.* An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services, but excludes the on-site storage of heavy load fleet vehicles.

*Recycling Center.* A facility which allows only the collection and separation of materials such as aluminum, copper, brass, other metals, glass, paper, cardboard and plastics for transportation to an off-site facility for processing and remanufacturing into new products. All separation and collection containers will be self-contained, transportable and screened from public view either by a fence/wall or by being located completely within a building or other structure. No stock piling or staging of collected materials is allowed on site.

*Regional Mall.* A one or multi-storied structure containing shops either with an air-conditioned court and walkways (such as Stonebriar Mall or the Galleria Mall) or with outdoor walkable areas (such as Fire Wheel Center and Fairview Town Center) designed to serve a regional clientele.

*Research & Development Center.* A facility for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment as well as data centers and call centers. Any facility that is determined by the Health, Fire, and/or Building Official to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the

danger of fire, explosion, or radiation is excluded from this definition.

**Restaurant.** A building or portion of a building where food is served for consumption, and where provisions may be made for serving food on the premises or elsewhere.

- **Restaurant, Dine-in.** An eating establishment where food and drink are prepared, served, and consumed by the general public primarily within an indoor dining area and may provide additional outdoor seating and also may include alcoholic beverage service.
- **Restaurant, Drive-In & Drive-Thru.** An eating establishment where food or drink is primarily served to customers in temporarily parked motor vehicles or via a drive-thru lane to customers who will be consuming the food off-premises. These restaurants may also include indoor dining and outdoor seating areas.
- **Restaurant, Pick-Up or Delivery Only.** An establishment preparing food to the general public in which the food, once prepared, is either picked up for consumption off premises, or is delivered to the end user by the restaurant staff with little or no on-site dining.

**Salvage Yard, Junk Yard, or Wrecking Yard.** Any lot upon which four or more motor vehicles of any kind which are incapable of being operated due to condition or a lack of license or have been placed for the purpose of obtaining parts for recycling or resale.

**School.** The following definitions relate to educational facilities, whether publicly or privately funded, for various ages and educational levels.

- **School, Private.** A privately funded institution that provides educational services comparable to that provided by public schools, receives no funding from any governmental agency, and charges fees to its attendees. This definition also includes schools under the sponsorship of and funding by a religious agency (e.g. parochial schools or private church schools) that provide educational services generally equivalent to public schools. This definition excludes trade and commercial schools for higher education or post-high school skill training.
- **School, Public.** An educational institution regulated by the state which is operated by an independent school district and having a curriculum including kindergarten, elementary, and secondary education, but not including private, business, commercial, trade, or craft schools. This definition also includes charter schools, which are an alternative to the public school system but also funded by the state and charges reduced fees or no admission fees to its attendees.

**Sewage Pump Station.** A facility for transporting sewer including pumps, piping, valves, and controls.

**Sewage Treatment Plant.** A facility that treats sewage so that it may be returned to the natural water supply without negative effects. Water from a sewage treatment plant is considered “gray water” and is suitable for irrigation but not consumption.

**Sexually-Oriented Businesses.** Sexually oriented establishments and businesses as defined in Chapter 4, *Business Regulations*, Section 4.06, *Sexually-Oriented Businesses*, as they exist or may be amended. Sexually-oriented uses include, but are not limited to, adult bookstores, adult video stores, adult theaters, adult cabarets, sexual encounter centers, and nude modeling centers. (See also Section 14.03.301(k), *Sexually-Oriented Business Regulations* and the aforementioned City Ordinances)

**Stable, Commercial.** A stable used for the rental of stall space or for the sale or rental of horses or mules; such a stable shall meet all provisions and requirements of the zoning district in which it is constructed. (See also “Agricultural Use, Commercial”)

**Stable, Private.** An area used solely for the owner's private purposes for the keeping of horses, mules or ponies that are not kept for remuneration, hire or sale. (See also “Agricultural Use, Private”)

**Store.** The following definitions relate to the various entities that sell items to the public:

- **Store, Big Box.** A retail establishment with a primary tenant that comprises more than 50,000 square feet, such as Target or Walmart.
- **Store, Convenience.** A retail establishment providing for the sale of a limited assortment food items, nonprescription drugs, small household items, snacks, and gifts. Gasoline and diesel fuel may also be offered for sale as a secondary use.
- **Store, General Retail.** A retail establishment offering merchandise for retail sale.



- *Store, Grocery.* A retail establishment that displays and sells consumable goods and sundries and may include secondary uses such as a pharmacy, photo shop, banking service, delicatessen, bakery, and/or prepared foods.
- *Store, Pawn Shop.* A shop that lends money in exchange for personal property as security deposited with it or pledged to it. This definition includes the sale of such securities after repossession and the sale of merchandise generally found in retail stores.
- *Store, Secondary Use.* Secondary retail uses are incidental businesses located within an office, big box store, hotel, or employment center and such uses include barbershop or beauty shop, smoke shop, candy counter, restaurant, pharmacy, or other incidental activity secondary to the primary office, hotel, or employment occupancy.
- *Store, Shopping Center.* A group of retail, service, commercial, and restaurant establishments planned, constructed, and managed as a single entity and also known as a “strip center” or “in line retail.”
- *Store, Tire Dealer, with Open Display.* A retail establishment engaged in the sale or installation of tires for vehicles, with open storage.
- *Store, Tire Dealer, without Open Display.* A retail establishment engaged in the sale or installation of tires for vehicles, but without open storage.

*Telephone Exchange Facility.* A building in which telecommunications routing takes place.

*Theater, Drive-In.* An outdoor facility arranged so that patrons can view the screen and receive the sound in the privacy of their vehicles, or while seated outside.

*Theater, Indoor.* A facility for showing motion pictures to an audience inside an enclosed structure.

*Transit Center/Bus Terminal.* Passenger terminal or loading facilities for franchised private or publicly owned transit system.

*Truck Terminal.* An area where trucks used to transport goods are stored or parked between trips.

*Truck/Trailer/Heavy Equipment/RV/Bus Repair.* An establishment providing major and minor automobile repair services to heavy load vehicles defined as self-propelled vehicles having a manufacturer's recommended gross vehicle weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor trailers, buses, and other similar vehicles. Such vehicle repair may occur within a structure or outside the structure due to the size of the vehicles.

*Truck, Trailer, Heavy Equipment, RV, Boat, and Bus Sales, Leasing and Repair.* A facility which sells or leases vehicles having a manufacturer's recommended gross vehicle weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor trailers, buses, and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise. The sales and leasing facility includes outdoor storage and display of the vehicles listed. “Light load trucks” are defined as “autos” for the purpose of the Zoning Ordinance.

*Utility Distribution/Transmission Line.* Facilities, including subsidiary stations, that serve to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including, but not limited to, electrical transmission lines, gas transmission lines, and metering stations.

*Vending Kiosk, Commercial.* An unmanned, free-standing structure that dispenses goods for remuneration that may include, but are not limited to, water, ice, entertainment videos or CDs, newspapers, and drinks, that may be located outside of or separate from the primary structure (see Section 14.03.401(j), *Vending Kiosk Regulations*).

*Vending Kiosk, Not-for-Profit.* An unmanned structure that provides a product. The fee for establishing such product may be reduced or waived (see Section 14.03.401(j), *Vending Kiosk Regulations*).

*Warehouse.* A large facility used primarily for the storage of goods and may include an office incidental to the primary use.

*Water Treatment Plant.* A facility for the purifying, storage, and distribution of City water including a system of reservoirs, channels, and mains.

*Wholesale & Distribution Center.* An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials to retailers, wholesalers, agents, brokers, or to industrial, commercial, institutional, or professional business users and may include an office incidental to the primary use.

### Section 14.01.115 .....Zoning Ordinance Definitions

**Access Lane, Major.** Any privately owned on-site drive or lane intended to access the primary entrance to land parcels and parking areas, and which accommodates autos or pedestrians. Such Major Access Lanes may serve as fire lanes and are the primary means of access to a shopping center. Such lanes will likely intersect a major roadway at a median break, subject to the Director's approval.

**Access Lane, Minor.** Any privately owned on-site drive or lane intended for internal access to land parcels and parking areas, and which accommodates autos or pedestrians.

**Accessory Structure.** Any structure, either attached or detached from the main building, the use of which is incidental to that of the main structure and located on the same lot. Accessory structures include, but are not limited to, patio covers, arbors, gazebos, cabanas, outdoor kitchens, recreational fire enclosures, trellis, and structures/sheds or the like. A permit is required for many accessory structures. (See Section 14.03.201 *Accessory Uses, General Information & Regulations* and Section 14.03.202 *Accessory Uses, Specific Accessory Structures*, respectively, for regulations)

**Accessory Structure, Agricultural Use.** A structure located on an active farm, ranch, or orchard in which livestock, feed, equipment, vehicles, or accessories necessary for the running of the business are kept, including but not limited to, barns, silos, sheds, and exercise pavilions.

**Accessory Use.** Defined as any land use or building that by its nature is not the primary use of the tract of land upon which it is located. For example, a garage is secondary to the residence. In commercial districts, an accessory use is that which occupies less than fifty percent (50%) of the square footage of the main building. (see Sections 14.03.201 and 14.03.202 for regulations)

**Acts of Nature.** An extraordinary interruption by a natural cause (such as a flood or earthquake) of the usual course of events that experience, prescience, or care cannot reasonably foresee or prevent.

**Administrative Official.** An officer or other designated authority charged with the administration and enforcement of this chapter, and a duly authorized representative.

**Advertising Sign or Structure.** Any cloth, card, paper, metal, glass, wooden, plastic, plaster, or stone sign or other sign, device, or structure of any character whatsoever, including a statuary or place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building, or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever that is visible. Neither directional, warning nor other signs posted by public officials in the course of their public duties shall be construed as an "advertising sign" for the purpose of this Ordinance. See Sign Ordinance for further details.

**Alley.** A minor drive that is used primarily for vehicular access to the rear or side of properties otherwise facing on a street.

**Applicant.** Any person or entity that submits to the City an application for a permit required by the City for a project. To be qualified as an applicant under this Ordinance, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this Ordinance. The term shall be restricted to include only the property owner(s), or a duly authorized agent or representative of the property owner.

**Application for a Permit.** Any document filed with the City that clearly indicates that the applicant is seeking consideration for a permit, the type of permit sought, and which provides the City with fair notice of the project, and when used in this Zoning Ordinance, shall include a plan for development of real property or a plan for development; but excluding applications to establish or amend a zoning district, including but not limited to a request to establish or amend a Planned Development District or to receive or amend a Specific Use Permit.

**Automobile.** For the purposes of this Ordinance, an "automobile" is defined as a self-propelled mechanical or electrical vehicle designed for legal use on streets, highways, or waterways for the conveyance of goods and people, including, but not limited to, passenger cars, trucks, buses, and boats, but excludes motorcycles and motor scooters.

**Barn.** A structure intended for storage of products, equipment and supplies related to the production of livestock and farming. (See Section 14.03.202(b), *Barns & Farm Accessory Structure Regulations*)

**Basement.** A story or portion of a building located primarily below the natural grade line of the property.



**Bay.** A large opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access. Also referred to as docks or internal loading spaces.

**Bay Door.** An oversized door, typically with roll-up or swing-type doors, commonly used in conjunction with docks, bays, and loading spaces.

**Block.** An area enclosed by streets and occupied by or intended for buildings.

**Block Face.** The portion of a block adjacent to the street.

**Block Length.** The length of the block face between two street intersections.

**Buildable Area.** The allowable area available to construct a building or structure after complying with the City's applicable set back and maximum lot coverage requirements.

**Building.** For the purpose of this Ordinance, a "building" is a structure built for the support, shelter, and enclosure of persons, animals, chattels or movable property of any kind.

- **Building Ends.** Those sides of a rectilinear building having the lesser dimensions. As used herein for the building spacing regulations for multi-family dwelling, a "building end" shall be interpreted as being the more narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot, or is adjacent to the side lot line or another building.
- **Building Height.** The vertical distance between the average of the highest and lowest points of grade of that portion of the lot covered by the building to the highest point of a structure.
- **Building Line.** A line parallel or approximately parallel to the street line at a specific distance there from, marking the minimum distance from the street line that a building may be erected.
- **Building Site.** A single tract of land located within a single block, which (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. A building site may be subsequently subdivided into two or more building sites, and a number of building sites may be combined into one building site, subject to the provisions of this Chapter and Subdivision Ordinance.
- **Building, Main.** A building in which the principal use of the lot on which it is situated is conducted. In a residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.

**Building Official.** The building inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and building code.

**Build-To Line.** A line parallel or approximately parallel to the street line at a specific distance there from, marking the maximum distance from the street line that a building may be erected – generally used in form-based zoning districts.

**Candlepower.** The quantity of light required to illuminate a surface one (1) foot distance from a light source to the intensity of one (1) foot-candle.

**Carport.** A structure open on a minimum of three sides designed or used to shelter vehicles. Also called "covered parking area."

**Cellar.** See "Basement."

**Certificate of Occupancy or Compliance.** An official certificate issued by the City through the enforcing official which indicated conformance with or approved conditional waiver from the zoning regulations and authorized legal use of the premises for which it is issued.

**Commercial Antenna, Stealth.** A stealth antenna is a commercial antenna that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth antennas include, but are not limited to:

- Antennas located within a building's attic space or upper story;
- Antennas on the roof of a minimum three-story building and not visible from the property line of the lot on which the antenna is located;
- Antennas that are painted to match the structure;
- Antennas with no visible racks or wires;
- Antennas located within a structure such as a flagpole, church steeple, subdivision monument, clock tower; or similar architectural feature, and antennas located on an athletic field light poles.

*Comprehensive Plan.* The long-range policy adopted by the City Council which govern the future development of the City and which consist of various components governing specific geographic areas as well as functions and services provided by the City.

*Court.* An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is an open space entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent open space.

*Decibel.* A unit of measurement of sound pressure.

*Development.* Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

*Disability or Handicap.* With respect to an individual:

- A physical or mental impairment which substantially limits one or more of such person's major life activities,
- A record of having such an impairment, or
- Being regarded as having such an impairment, but such term does not include the illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act -21 U.S.C. 802).

*Director.* The Director of Development Services for the City of Celina or his designee.

*District.* A geographical area of the City for which the regulations governing the area, height, or use of buildings are uniform for each type and class of structure.

*Drive-Thru.* A vehicle drive aisle that is designed for the customer to order food at a window or screen and pick up the order at an exterior window of the retail/restaurant establishment. No through traffic is permitted to use the drive-thru aisle.

*Drive-Thru, Escape Lane.* A vehicle drive aisle adjacent to the drive-thru lane that allows the driver of the vehicle to exit the drive-thru lane.

*Easement.* A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

*Enclosed Building.* A structure that has a floor and roof and is surrounded by outside walls.

*Fence.* For the purpose of this Ordinance, a fence is any physical structure or series of trees/bushes meant to separate one property from another.

- *Fence, Ornamental.* Ornamental fencing is generally constructed of wrought iron, tubular steel, or similar materials and designed to allow for partial visibility from one side of the fence to the other. Ornamental fences may have solid masonry foundations, columns, or similar features. Chain link fences are not included in this definition.
- *Fence, Residential.* A physical barrier separating residential properties. (See Section 14.04.302, *Residential Fences*)
- *Fence, Screening Wall.* Screening walls are defined as being constructed of solid masonry with masonry columns. (See Section 14.04.301, *Screening* for regulations)

*Fire Lane.* A Fire Apparatus Access Road according to the International Fire Code.

*Floodplain.* Any property within the limits as delineated by Federal Emergency Management Agency (FEMA) of the 100-year floodplain or as amended by an engineering flood study of the ultimate developed conditions prior to any reclamation.

*Floor Area.* The total square feet of floor space within the interior dimensions of a building including each floor level, generally considered "air conditioned space," but excluding cellars, carports, or garages.

*Floor Area Ratio (FAR).* An indicated ratio between the number of square feet of total floor area in the main building on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building floor area by the lot area.

*Foot-Candle.* A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle. When metric units are used, lux is the unit of light quantity. One (1) lux equals one (1) lumen

per square meter of area. One (1) foot-candle equals 10.76 lux.

*Frequency.* The number of times per second a vibration or sound wave oscillates.

*Glare.* Direct light emitted from a light source, which is sufficient to cause annoyance, discomfort, or temporary loss of visual performance and visibility (see Section 14.04.608, *Glare* for more information).

*Grade.*

- For buildings having walls adjoining only one street, “grade” is defined as the elevation of the sidewalk at the center of the wall adjoining the street.
- For buildings having walls adjoining more than one street, “grade” is defined as the average of the elevations of the sidewalks at the center of all walls adjoining the street.
- For buildings having no wall adjoining the street, “grade” is defined as the average level of the finished surface of the ground adjacent to the exterior wall of the building.
- Where no sidewalk has been constructed, the building inspector shall establish such sidewalk grade or its equivalent for the purpose of these regulations.

*Gross Floor Area.* The gross floor space of an apartment house shall be measured by taking the outside dimension of the apartment building at each floor level, excluding, however, the floor area of basements or attics not used for residential purposes.

*Height of Yard or Court.* The vertical distance from the lowest level of such yard or court to the highest of any boundary wall.

*Infill Development.* The development of structures on vacant lots within developed areas which can utilize existing infrastructure.

*Junk.* The term “junk” shall mean all worn out, worthless, or discarded material, including but not limited to any of the following materials, or parts of said materials or any combination thereof: new or used iron, steel or nonferrous metallic scrap, brass or waste materials; used and/or inoperative household appliances, household electrical or plumbing fixtures, floor coverings and/or window coverings not currently in use; used lumber, brick, cement block, wire, tubing, and pipe, tubs, drums, barrels, and/or roofing material not currently in use; air conditioning and heating equipment not currently in use; used vehicle components and parts not currently in use; used furniture other than that designed for outdoor use or that which would normally be considered as antique furniture; used and/or inoperative residential lawn care equipment and machinery not currently in use; used pallets, windows or doors not currently in use; new or used sheet metal, structural steel and/or chain not currently in use; used and/or inoperable vending machines, radios and/or televisions, or other electronic devices not currently in use; and any other type of used and/or inoperable machinery or equipment not currently in use.

*Landfill.* A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.

*Landscape Architect.* A person who holds a license to practice landscape architecture in the State of Texas.

*Landscaping.* Natural materials such as, but not limited to, grass, groundcovers, shrubs, vines, hedges, trees, and non-living durable material commonly used in landscaping, such as rocks, pebbles, sand, walls, or fences.

*Loading Space.* An off-street space or berth used for the delivery and loading or unloading of vehicles.

*Lot.* A parcel of land occupied or to be occupied by one building or group of buildings or uses customarily incident thereto, including such open spaces as are required under this Chapter, and having its principal frontage upon a public street or an access drive. The following definitions relate to lots dimensions and setbacks.

- *Lot of Record.* A lot that has been recorded in the office of the county clerk on a plat or through deed records.
- *Lot Coverage.* The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot. Structures shall include main structures and accessory structures with or without a permeable roof. The lot coverage percentage does not include uncovered patios, drives, walkways, swimming pools, or swimming pool decks.
- *Lot Depth.* The mean horizontal distance from the front street line to the rear line. If a lot is an irregular shape, it shall be the horizontal distance between the center of the front and the center of the rear lot lines.

- *Lot Width.* The horizontal distance between side lines, measured at the front building line, as established by the zoning district.
- *Lot Line.* The lines bounding a lot as defined herein.
  - *Lot Line, Front.* The line, defined by zoning district, behind which any structure must be placed from the front property line.
  - *Lot Line, Rear.* The line, defined by zoning district, behind which any structure must be placed from the rear property line.
  - *Lot Line, Side.* The line, defined by zoning district, behind which any structure must be placed from the side property line.
- *Lot, Area.* The square footage or acreage of a lot shall be the net area of the lot and shall not include portions of public street or alley rights-of-ways.
- *Lot, Corner.* A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the building inspector.
- *Lot, Flag or Panhandle.* A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than twenty-five (25) feet. The maximum distance of the area less than the required width from the front property line shall be 110 feet.
- *Lot, Interior.* A lot whose side lines do not abut upon any street.
- *Lot, Key.* A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley shall be considered a key lot.
- *Lot, Reverse Corner.* A corner lot abutting upon two intersecting streets where the rear lot line of one lot is also the side lot line of an adjoining lot.
- *Lot, Through.* An interior lot having frontage on two streets.

*Mews Street.* A grassy, landscaped area on which houses or housing units may face in lieu of facing a paved street. (See the Subdivision Ordinance for more information.)

*Mobile Food Vendor, Food Truck.* Any person who operates and sells food from a motorized vehicle capable of moving from place to place during the course of the day and may include some preparation of food or drink for sale.

*Nonconforming Use.* A building, structure, or use of land lawfully occupied as of the effective date of this chapter or amendments thereto, but which does not conform to the use regulations of the district in which it is situated. (see Article II, Part Five, *New & Nonconforming Uses* for regulations)

*Nonresidential.* Property zoned or used for other than residential purposes. For the purposes of this Ordinance, multi-family developments are considered to be “non-residential” land uses.

*Occupancy.* The use or intended use of the land or buildings by proprietors or tenants.

*Octave Band.* A portion of the audible sound spectrum. An octave band analyzer divides the audible sound spectrum into eight octave bands.

*Odor Threshold.* The concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person. Determination of the odor threshold is prescribed by A.S.T.M.D. 1391-57, Standard Method for Measuring Odor in Atmosphere.

*Open Space.* Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves, or porches, but generally excludes paved areas such as drives, sidewalks, and parking lots.

*Open Space, Usable.* The portion of the designated open space that is designed and intended to be used for outdoor living and/or recreation. Usable open space would exclude land within a floodplain designation, land that is too steep for normal recreation, landscape buffers along roadways, detention and retention ponds, and other open areas that are unsuitable for active enjoyment.

*Outside Merchandise Display, Temporary.* A temporary display of merchandise for sale outside of a building. (See Section 14.03.501(d), *Open Storage Regulations, Temporary*)

*Outside Storage & Display, Temporary, Under Eave Display.* The temporary display of merchandise for sale located

immediately outside the main entrance to the building and generally in the area that is adjacent to the building and between the building and the walkway/entrance. Items include, but are not limited to, firewood, plants, pumpkins, shopping carts, and other items. (See Section 14.03.501(e), *Open Storage Regulations, Under Eave Display*)

**Parking Space.** An area of not less than 180 square feet (measuring approximately nine feet by twenty (9 X 20) feet, surfaced with concrete, enclosed or unenclosed, together with a driveway connecting the parking space with a street or alley permitting free ingress and egress.

**Parking Structure.** A multi-storied building whose primary purpose is the parking of vehicles.

**Particulate Matter.** Finely divided solid or liquid matter, other than water, which may be released into the atmosphere.

**Permit.** A license, certificate, approval, registration, consent, permit, contract, or other agreement for the construction or provision of service from a utility owned, operated, or controlled by the City, or other form of authorization required by law, rule, regulation, order, or ordinance, which has been approved by the City, that a person or entity must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought, and for which the application for the permit or information required to be submitted for consideration provides fair notice of the project to the City. Notwithstanding, an ordinance establishing or changing a zoning district, including but not limited to an ordinance establishing or amending a Planned Development District or Specific Use Permit, is not considered a permit under this definition.

**Photometric Plan.** A point-by-point plan depicting the intensity, type, height of support structure, and location of lighting on the property.

**Planned Development District.** A Planned Development District generally integrates several land uses such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single family dwellings, or any appropriate combination of uses which may be planned, developed, or operated or integral land use units either by a single owner or a combination of owners under one set of development standards or guidelines that have been approved by the City Council.

**Planning & Zoning Commission.** The agency whose members are appointed by the City Council as an advisory body to Council and which is authorized to recommend changes in the Zoning Ordinance and is authorized to decide matters relating to platting.

**Plat.** A plan for land subdivision creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City and subject to approval by the Planning & Zoning Commission or staff, as required by State Law.

**Premises.** Land together with any buildings or structures occupying it.

**Primary Use.** The principal or predominant use of any lot or building.

**Private Franchised Utility, other than Listed.** A nonpublic utility requiring special facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or the normal franchised utilities. Railroad track and right-of-way, but not including railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.

**Private Street Development.** A development of two (2) or more lots sharing private gated vehicular access ways that are not dedicated to the public and are not publicly maintained. Private streets and alleys may be established only under the terms of both the Subdivision Ordinance and the Zoning Ordinance, Sections 14.03.301(i), *Private Street Development Regulations - Existing Subdivisions* and (j), *Private Street Development Regulations - New Subdivisions*. The term "Private Street" shall include alleys within the designated subdivision.

**Riparian Buffer.** An area of permanent vegetation adjacent to a water course and actively managed to maintain the integrity of stream channels to reduce the impact of upland sources by trapping, filtering, and converting pollutants and supplying food, cover, and thermal protection to fish and other wildlife.

**Riparian Corridor.** An ecosystem that includes three (3) major components: stream channel, floodplain, and transitional upland fringe.

**Room.** A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.



**Seasonal Sales.** Temporary display and sale of cut holiday trees with incidental sales of holiday decorations and firewood; or the temporary display and sale of pumpkins with the incidental sale of fall decorations; or the temporary display and sale of firewood with incidental sale of firewood accessories.

**Screening.** Screening is defined as a solid barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the lot line when viewed from ground level.

**Secondary Use.** A use included in a building or on a lot that is incidental to the primary use and occupies less than fifty percent (50%) of the primary use.

**Shopping Cart.** A shopping cart is a metal or plastic conveyance meant to move goods from the store to a vehicle. The carts are owned by the store and not to be taken off premises. (See Section 14.03.501(d), *Open Storage Regulations*, *Temporary* and (e), *Open Storage Regulations*, *Under Eave Display* for regulations)

**Sign.** Any device, including its structure and component parts, which conveys commercial messages for visual communication or advertising that is used for the purpose of attracting attention of the public, but not including any lawful display of merchandise. Signs are governed by Article 3.07 of the Code of Ordinances.

**Site Plan.** A detailed set of plans including such things as building footprints, parking, landscaping, photometrics, and building elevations.

**Smoke.** The visible discharge of particulate matter from chimney, vent, exhaust, or combustion process. (See Section 14.04.603, *Smoke & Particulate Matter* for regulations)

**Sno-Cone Establishment.** A structure for the temporary sale of sno-cones and similar pre-packaged food items. (See Section 14.03.501(g), *Seasonal Sales Regulations*)

**Special Exception.** A special exception may be made to the regulations of the Zoning Ordinance if the Board of Adjustment finds that the use or exception, if controlled as to number, area, or location would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. (See Section 14.01.202(e), *Authority to Grant Special Exceptions*, for regulations)

**Story.** That part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half-story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level established or mean street grade or average ground level, as mentioned in "height of buildings" of this section. The standard height for a story is eleven (11) feet, six (6) inches.

**Story, Half.** A single room within a dwelling unit above the second floor. A half-story will occupy no less than two-thirds (2/3) of the area under the roof, and shall have non-operating opaque windows for façades that face adjacent properties. Transparent windows may face the front yard. A half-story containing independent apartment, living quarters, or bedroom shall be counted as a full story.

**Street Line.** The dividing line between the street and the abutting property.

**Street.** A roadway that affords principal means of access to property abutting thereon.

- **Street, Private.** A thoroughfare which affords access to property abutting thereon for residents of that property and service vehicles only via controlled gate access. The land on which the street is constructed is owned by a Homeowners Association and the street is maintained by that entity.
- **Street, Public.** A thoroughfare which affords principal means of access to property abutting thereon. The land on which the street is constructed is owned by a governmental entity and the street is maintained by that entity.

**Streetscape.** The urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

**Structure.** Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, including but not limited to advertising, signs, billboards, and poster panels but exclusive of customary fences or boundary or retaining walls.



**Structural Alterations.** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

**Temporary Building.** An industrialized or modular building or structure without a permanent foundation shall be considered a temporary building. Membrane structures shall not be considered a temporary building.

**Thoroughfare.** See "Street."

**City Council.** The governing body of the City of Celina, Texas.

**City.** References to the "City" shall mean the City of Celina, Texas.

**Toxic & Noxious Matter.** Any solid, liquid, or gaseous matter which is present in sufficient quantities to endanger health, safety or comfort of persons in the vicinity or which may cause injury or damage to property. (See Section 14.04.606, *Toxic & Noxious Matter* for regulations)

**Tri-Partite Design.** The technique of dividing the architectural elements of a building into three (3) horizontal planes, with a distinctive base, middle, and top. The top plane is typically smaller in size and considered an architectural accent feature.

**Unipole.** A wireless transmission facility that has one freestanding vertical structure, fixed into the ground and/or attached to a foundation with no guy wires, containing one or more antennas and associated equipment no larger than seventy-two (72) inches in diameter at any given point, with no externally mounted or visible racks antennas, that tapers from the ground to the sky.

**Unsustainable Structure.** Any building that does not meet the City of Celina Architectural Design Standards, as they exist or may be amended.

**Urban Mixed Use.** A development or portion of a development that includes a mixture of residential and nonresidential uses in a configuration where a majority of the buildings are two or more stories tall and pedestrian oriented.

**Variance.** An adjustment in the application of the specific regulations of the Zoning Ordinance or Subdivision Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment may grant a variance. (See Section 14.01.202(e), *Authority to Grant Variances* for regulations)

**Vehicle.** Any motorized car, truck, or van designed to transport people and/or goods.

**Vehicle, Heavy Load.** Any motorized car, truck, or van that exceeds 11,000 pounds in weight.

**Vested Rights.** The specific land use rights that are granted upon receipt of certain applications (see Section 14.01.310, *Vested Rights* for regulations)

**Vibration.** A periodic displacement of the earth measured in inches (related to sound). (See Section 14.04.607, *Vibration* for regulations)

**Water Reservoir or Well.** An artesian well or artificial underground reservoir where water is collected and kept in quantity for use by a water system.

**Wing Wall.** A solid, constructed extension of a building, without a roof, that may be used to screen outdoor placed equipment.

**Yard.** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the smallest horizontal distance between the lot line and the main building shall be used.

- **Yard, Front.** The space across the full width of the lot contained between the front property line of the lot and any portion of the main building.
- **Yard, Rear.** The space between the rear lot line and the rear line of the main building and the side lot lines.
- **Yard, Side.** The space between the building and the side line of the lot and extending from the front yard to the required minimum rear yard.
- **Yard, Size.** The space between the main building and the adjacent side line of the lot, and extending entirely from

the front yard to the rear yard thereof.

**14.01.116 to 14.01.200.....RESERVED**

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**ARTICLE I – ADMINISTRATION**  
**PART TWO – APPROVAL AUTHORITY**

**Section 14.01.201 .....Planning & Zoning Commission.**

- (a) **Authority, Duties, & Responsibilities.** In addition to any authority granted to the Planning & Zoning Commission (Commission) by the TEXAS LOCAL GOVERNMENT CODE, Ch. 212 and ordinances of the City, the Commission shall have the following powers and duties under the provisions of these regulations:
- (1) To make recommendations to the City Council concerning adoption, modification, and implementation of the following:
    - i. Comprehensive Plan and supporting studies;
    - ii. Zoning Ordinance Amendments, including Specific Use Permits (SUPs);
    - iii. Subdivision Ordinance Amendments;
    - iv. Land use portions of any Pre-Annexation Development Agreements;
    - v. Master Thoroughfare Plan;
    - vi. Matters relating to civic improvements, including but not limited to, public utilities and traffic regulations;
    - vii. Sign Ordinance Appeals & Meritorious Exceptions; and
    - viii. Any other long-range planning activities of the City.
  - (2) To approve or disapprove all plats pursuant to the terms of TEXAS LOCAL GOVERNMENT CODE, Ch. 212 and the Subdivision Ordinance, except those that may be administratively approved.
  - (3) The Commission shall act as the City's designated Capital Improvements Program (CIP) Advisory Committee. Ad hoc voting members may be added, as necessary, to meet state requirements when acting as this Committee, per State Law. The duties of the CIP Advisory Committee are listed in SECTION 395.058 of the TEXAS LOCAL GOVERNMENT CODE, as it exists or may be amended.
  - (4) To keep informed regarding city planning "best practices" and formulate studies for the improvement of any plans of or for the City with a view to the present and future movement of traffic, the convenience, health, recreation, safety, general welfare, and any other future needs of the City.
  - (5) Staff should provide Commission members with periodic workshops regarding the subject of planning, zoning, comprehensive plans, open meetings, or other subjects of benefit to the members and the functioning of the Commission.
- (b) **Composition of Commission & Terms of Service.** The Planning & Zoning Commission shall be composed of seven (7) regular members. Each member shall be appointed by the City Council, shall be a resident citizen of the City, and must forfeit his office should he cease to reside within the City limits during his term of office. The City Council will consider for appointment to the Commission only citizens who have demonstrated civic interest, general knowledge of the community, independent judgment, interest in planning and zoning matters, and availability to prepare for and attend meetings. It is the intent of the City Council that members shall be broadly representative of the community.
- (1) Terms shall be staggered to expire September 30<sup>th</sup> of every year, with two to three Commissioners' terms to either be extended or terminated at that date.
  - (2) Members shall serve at the will and pleasure of the City Council. The terms of office for members of the Commission shall be three (3) years. Vacancies shall be filled for unexpired terms. Newly appointed members shall be installed at the first regular Commission following their appointment.
  - (3) No person shall serve as a regular member of the Commission for more than three (3) consecutive, full terms of office. For purposes of this section, the phrase "terms of office" shall not include the unexpired portion of any three (3) year term.
  - (4) Members of the Commission shall serve without compensation and may not hold any elective office of the State of Texas or any other political subdivision thereof during their terms.
- (c) **Meetings & Procedures.** Meetings of the Planning & Zoning Commission may be held as often as necessary to conduct the business of the Commission and are generally held on the third Tuesday of each month or at the call

of the Director. The Commission shall adopt its own rules of procedure and keep records of its proceedings consistent with the provisions of this section and the requirements of law. All meetings and hearings of the Commission shall be open to the public in accordance with applicable law and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the Commission. Any action calling for a formal vote shall take place only at a public meeting. Executive sessions shall not be open to the public and shall be conducted in accordance with the procedures consistent with the laws of the State of Texas.

- (1) Quorum. Four (4) members of the Commission shall constitute a quorum for the transaction of business.
- (2) Chairman's duties. The Chairman shall preside over meetings. If a question regarding procedures arises, Robert's Rules of Order, most recently revised, shall apply.
- (3) Vice-Chair's duties. The Vice-Chair shall assist the Chairman in directing the affairs of the Planning & Zoning Commission. In the absence of the Chairman, the Vice-Chair shall assume the duties of the Chairman. Should the Chairman and the Vice-Chair both be absent, the remaining Commissioners shall elect a Chairman Pro Tem to serve at the meeting.
- (4) Motions. A motion may be made by any member other than the presiding officer (i.e. the Chairman or the member acting as Chairman).
- (5) Voting. Approval of all matters and motions before the Commission shall require the affirmative vote of a majority of all members of the Commission present and voting, unless otherwise provided by law or the adopted by rules of procedure.
- (6) Minutes. The Director shall maintain minutes of its proceedings.
- (7) Voluntary disqualification for conflict of interest. A member shall recuse himself from voting whenever he finds that he has a personal or monetary interest in the property under review, or that he will be directly affected by the decision of the Commission or the subsequent decision by the City Council on that case, in compliance with State law.

#### **Section 14.01.202 .....Board of Adjustment.**

- (a) **Authority, Duties, & Responsibilities**. In addition to any authority granted to the Board of Adjustment by the TEXAS LOCAL GOVERNMENT CODE, Ch. 212, and ordinances of the City, the Board of Adjustment shall have the following powers and duties under the provisions of these regulations:

- (1) To make decisions on the following:
  - i. To hear and decide upon an appeal where it is alleged there is error in an order, requirement, decision, or determination made by the Director in the enforcement of this Chapter.
  - ii. To hear and decide upon special exceptions to the terms of the adopted regulations when the Board is authorized to make such decisions; and to grant special exceptions with such conditions and safeguards as are appropriate under this Chapter, or to deny special exceptions when not in harmony with the purpose and intent of this Chapter (See Section 14.01.202(e), below).
  - iii. To hear and decide upon a variances or modifications of the height, yard, area, coverage and parking regulations as the Board of Adjustment is specifically authorized to pass on pursuant to the terms of this Chapter and the Subdivision Ordinance (See Section 14.01.202(f), below).
  - iv. To act as the Building Standards Board and decide any issue that may come before that board.
  - v. To act as the Tree Board and decide any issue that may come before that board.

- (b) **Composition of the Board of Adjustment & Terms of Service**.

- (1) The Board of Adjustment shall consist of five (5) members and two (2) alternates who shall be appointed by the City Council. Two (2) of the members shall be appointed in one (1) year and the remaining three (3) members shall be appointed in the following year, with terms expiring or being extended on September 30<sup>th</sup> of the year the term ends.
- (2) Each member of the Board of Adjustment shall be a resident citizen and qualified voter of the City, at the time of his appointment. A member or alternate member who ceases to reside within the City limits during his term of office must immediately forfeit his office.
- (3) The term of office for all members shall be two (2) years. All vacancies on the Board of Adjustment shall be

filled by the City Council.

- (4) A member may not serve more than two (2) consecutive, full terms.
- (5) Members of the Board of Adjustment may be removed by the City Council in accordance with CHAPTER 211 of the TEXAS LOCAL GOVERNMENT CODE.
- (6) Members shall serve without compensation.

(c) **Meetings & Procedures.** All meetings and hearings of the Board of Adjustment shall be open to the public in accordance with applicable law and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the Board of Adjustment. Any action calling for a formal vote shall take place only at a public meeting. Executive sessions shall not be open to the public and shall be conducted in accordance with the procedures consistent with the laws of the State of Texas.

- (1) **Quorum.** Four (4) members of the Board of Adjustment shall constitute a quorum for the transaction of business.
- (2) **Chairman's duties.** The Chairman shall preside over meetings. If a question regarding procedures arises, Robert's Rules of Order, most recently revised, shall apply.
- (3) **Vice-Chair's duties.** The Vice-Chair shall assist the Chairman in directing the affairs of the Board. In the absence of the Chairman, the Vice-Chair shall assume the duties of the Chairman. Should the Chairman and the Vice-Chair both be absent, the remaining Board of Adjustment members shall elect a Chairman Pro Tem to serve at the meeting.
- (4) **Motions.** A motion may be made by any member other than the presiding officer (i.e. the Chairman or the member acting as Chairman).
- (5) **Voting.** Approval of all matters and motions before the Board of Adjustment shall require the affirmative vote of no less than four (4) members of the Board.
- (6) **Minutes.** The Director shall maintain minutes of its proceedings.
- (7) **Voluntary disqualification for conflict of interest.** A member shall recuse himself from voting whenever he finds that he has a personal or monetary interest in the property under review, or that he will be directly affected by the decision of the Board of Adjustment on that case, in compliance with State law.

(d) **Appeal of Director's Decision.** In exercising its powers, the Board of Adjustment may, in conformance with State law, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and make such order, requirement, decision, or determination, in the Board of Adjustment's opinion, as ought to be made and shall have all the powers of the officer from whom the appeal is sought.

- (1) Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer, department, or board of the City affected by any decision of the Director. Such appeals shall be taken within a reasonable time, not to exceed ten (10) days after the decision has been rendered by the Director by filing with the said official a notice of appeal, specifying the grounds thereof. The Director shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action to be appealed was taken.
- (2) The Director shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest. At the hearing, any party for or against the appeal may appear in person or by agent or attorney.
- (3) An appeal stays all proceedings in furtherance of the action appealed from, unless the Director from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record, on notice to the Director from whom the appeal is taken and on due cause shown.

(e) **Authority to Grant Special Exceptions.**

- (1) A special exception shall not be granted by the Board of Adjustment unless and until:
  - i. Written application for a special exception is submitted indicating the section of the Code of



Ordinances under which the special exception is sought and stating the grounds on which it is requested;

- ii. Notice must be given at least fifteen (15) days in advance of the public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings must be posted on the property for which the special exception is sought, at City Hall, and notice must be provided in one other public place, such as a newspaper, at least fifteen (15) days prior to the public hearing;
  - iii. A public hearing shall be held. Any party may appear in person or by agent or attorney;
  - iv. The Board of Adjustment is empowered under the section to grant, deny, or modify the special exception request, so long as the granting of the special exception will not adversely affect the public interest.
- (2) In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Chapter and the penalties set forth in Section 14.01.111, *Penalties and Enforcement* shall apply. The Board shall prescribe a time limit within which the action for which the special exception is required shall begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception, without necessity of further action by the Board of Adjustment.

(f) **Authority to Grant Variances.**

- (1) The Board of Adjustment is authorized to grant variances from the terms of this Chapter and the Subdivision Ordinance so long as the variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Chapters would result in unnecessary hardship so that the spirit of these Chapters are observed and substantial justice is achieved. A variance from the terms of this Chapter or the Subdivision Ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating that all of the following conditions have been met:
  - i. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district or area;
  - ii. That a literal interpretation of the provisions of this Chapter or the Subdivision Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district or area under the terms of this Chapter or the Subdivision Ordinance;
  - iii. That the special conditions and circumstances did not result from the actions of the applicant; and
  - iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter or the Subdivision Ordinance to other lands, structures, or buildings in the same district or area.
- (2) Nonconforming use of neighboring lands, structures, or buildings in the same district, and permitted use of lands, structures, or buildings in other districts shall not be considered grounds for the issuance of a variance.
- (3) Notice of public hearing shall be published and/or sent a minimum of ten (10) days prior to the public hearing;
- (4) A public hearing shall be held. Any party may appear in person, or by agent or attorney;
- (5) The Board of Adjustment shall make findings that all of the requirements of this section have been met by the applicant for a variance;
- (6) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (7) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Chapter or the Subdivision Ordinance and will not be injurious

- to the neighborhood or otherwise detrimental to the public welfare.
- (8) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Chapter or the Subdivision Ordinance and the penalties set forth in Section 14.01.111, *Penalties and Enforcement* shall apply.
  - (9) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Chapter in the district involved or any use expressly or by implication prohibited by the terms of this Chapter in said district.
  - (10) Each decision by the Board of Adjustment in granting a variance is considered on a case-by-case basis and does not establish precedence.
- (g) **Appeals Resulting from Board of Adjustment Action.** Any persons, jointly or severally, aggrieved by a decision of the Board of Adjustment under this section, or any taxpayer or any officer, department, or board of the municipality may file in a District Court or court of competent jurisdiction a petition, setting forth that such decision is in error, in whole or in part, and specifying the grounds of the error, in compliance with State law.

#### **Section 14.01.203 .....Historic Preservation Commission.**

- (a) **Authority, Duties, & Responsibilities.** Hereby is created a Historic Preservation Commission (HPC). The powers of the HPC shall include the authority to do the following:
- (1) Adopt rules and procedures;
  - (2) Conduct and administer history resource surveys;
  - (3) Develop public outreach/education/awareness programs;
  - (4) Approve/disapprove Certificates of Appropriateness for the OT district;
  - (5) Provide design and other reasonable forms of advice to owners and tenants of historic properties in the certificates of appropriateness review process, coordinated with such efforts;
  - (6) Recommend acquisition of endangered historic resources to the city council when necessary;
  - (7) Recommend acceptance of donation of preservation easements;
  - (8) Recommend tax or other financial incentive[s] to encourage preservation of historic resources;
  - (9) Promote design guidelines for the OT district;
- (b) **Composition of HPC & Terms of Service.**
- (1) The HPC is composed of seven (7) members and two (2) alternate members to be appointed by the City Council. All HPC members shall have a demonstrated outstanding interest in the historic traditions of the City and experience in the preservation of the historic character of Celina. The City Council shall endeavor, to the extent reasonably available, to appoint members from the following categories:
    - i. Architect, planner, or design professional;
    - ii. Historian;
    - iii. Licensed real estate broker/appraiser;
    - iv. Attorney at law;
    - v. Owner of, or resident or tenant in the OT district;
    - vi. Member of the Celina Area Heritage Association;
    - vii. Archaeologist or person from a related discipline; or
    - viii. Other specific background as desired.
  - (2) Each member of the HPC shall be a resident citizen and qualified voter of the City, at the time of his appointment. A member or alternate member who ceases to reside within the City limits during his term of office must immediately forfeit his office.
  - (3) A member of the Planning & Zoning Commission shall be appointed by the Mayor to serve as a nonvoting liaison to the HPC.
  - (4) HPC members shall serve for a period of two years, their terms to be staggered (four members appointed one year and three members appointed the next year). Alternate commission members shall also serve for a period of two years.

(c) **Meetings & Procedures.**

- (1) The Chair and Vice-Chair of HPC shall be elected or re-elected by and from members of HPC annually.
- (2) The City Manager, the Downtown Development Manager for the Celina Main Street Program, and the City Attorney also serve as ex-officio members of the HPC.
- (3) The HPC shall meet as needed as determined by the Director. The City Manager may, when necessary and with adequate notice, call special meetings of the HPC. All meetings will be held in conformance with State law.
- (4) Notice of public hearing shall be published in the newspaper of record and sent to the adjacent property owners of the subject property a minimum of five (5) days prior to the public hearing.
- (5) A quorum shall consist of four (4) HPC members. A positive vote of a majority of the quorum shall be required to take any official action.

(d) **Support Staff & Historic Preservation Officer.**

- (1) The City Manager or his designee shall administer the ordinance and the permitting and zoning functions thereof contained in this and other applicable ordinances.
- (2) The Celina Downtown Development Manager shall serve as Historic Preservation Officer, coordinating the HPC's and City's preservation activities with the County, State, and Federal agencies as appropriate and advising the HPC on relevant issues.

(e) **Authority to Approve Certificates of Appropriateness (CA).** The HPC shall follow the United States Secretary of the Interior's formal written Standards for the Rehabilitation of Historic Buildings in its consideration of all applications for Certificates of Appropriateness. These standards shall be made available to owners and tenants of property within the OT district.

- (1) A person, entity, agent, attorney, or corporation shall not alter a property or cause to have a property altered within the OT district or any portion of the exterior of a structure on the site, or a person shall not alter a property within a OT district or any portion of the exterior of a structure on the site, or designated adjacent right-of-way or place, construct, maintain, expand or remove any structure on the site without first obtaining a Certificate of Appropriateness (CA) in accordance with this chapter. A Certificates of Appropriateness shall be obtained prior to the issuance of any building permit, although the Certificates of Appropriateness review and building permit and other required permit review processes may be conducted simultaneously. A Certificates of Appropriateness may also be required for work not otherwise requiring a building permit. The Certificates of Appropriateness shall be required in addition to, and not in lieu of, any required building permit.
- (2) The City Council shall exempt, except as otherwise provided herein, noncontributing properties from the Certificates of Appropriateness review process and from complying with the OT district design guidelines. Allowing noncontributing properties to be exempt from a Certificates of Appropriateness does not exempt the requirement for a Certificates of Appropriateness for new construction that is to replace a noncontributing property (building, or structure) or new construction on a vacant lot.
- (3) Prior to commencement of any work, the owner shall file an application for a Certificates of Appropriateness with the City Manager or his designee. The application shall contain pertinent information necessary for the HPC to make an informed decision.
- (4) The HPC shall deny, approve, or approve with conditions any Certificates of Appropriateness application within thirty (30) calendar days of receipt of a completed application, determining whether the proposed work is consistent with the regulations contained in this Section 14.01.203, in all applicable ordinances, and in the Zoning Ordinance and design guidelines. Upon posted notice, and notification by regular mail at least five (5) days in advance to the immediately adjacent property owners as that ownership appears on the last approved tax roll, the HPC shall conduct a public hearing on the application, at which time an opportunity is provided for proponents and opponents of the application to present their views.
- (5) All decisions of the HPC shall be in writing, stating its approval or the specific reasons for denying or modifying any applications. A copy of the Certificates of Appropriateness shall be sent to the applicant (by registered mail) and a copy filed with the Director.

(f) **Appeal of Historic Preservation Commission Actions.**

- (1) An applicant for Certificates of Appropriateness dissatisfied with the action of the HPC on the application may appeal the decision to the City Council within fifteen (15) days after receipt of notification of such action. The applicant shall be advised by the Director of the time and place of the hearing at which the appeal will be considered and the applicant shall have the right to attend and be heard as to the reasons for filing the same.
- (2) In determining the appeal, the City Council shall consider the same factors as the HPC, the HPC report, and other matters presented at the hearing on the appeal.
- (3) The City Council shall affirm, modify or reverse the decision by the HPC on the application for the Certificates of Appropriateness, and may impose such conditions as are necessary to assure that the proposed action meets the criteria for approval. If the application is disapproved, the City Council may indicate what changes in the plans and specifications would meet the condition for protecting the distinctive historical character of the district. The Director shall notify the applicant and the HPC of the Council's decision.

(g) **Issuance of Permits.**

- (1) Upon approval of an application for a Certificates of Appropriateness, Director shall be authorized to issue a building permit or other permits required to undertake the action proposed in the application consistent with all applicable City standards.
- (2) No change shall be made in the scope of work or any building permit after issuance of Certificates of Appropriateness without submittal of an application to amend the Certificate, which shall be considered by the HPC in the same manner as provided above. If a property owner wishes to change the scope of work under a Certificates of Appropriateness, the property owner shall consult the Director who shall have the authority to approve non-substantive changes. If the Director deems the requested changes to be substantive, such changes shall be referred to the HPC for action.

(h) **Minor Exterior Alterations.**

- (1) If the HPC determines that the applicant is seeking a Certificates of Appropriateness to authorize only minor exterior alterations, as defined in this section, the HPC shall review the application to determine whether the proposed work complies with the regulations contained in this section and all applicable OT district regulations, including the design guidelines, and approve or deny the application within thirty (30) calendar days of receipt.
- (2) Any interested person may appeal the City staff's decision by submitting to the City staff a written request for appeal within thirty (30) days of the City staff's decision. The written request for appeal starts the standard certificate of appropriateness review procedure by the Historic Preservation Commission.
- (3) Minor exterior alteration. Minor exterior alteration is the installation of or to awnings, fences, gutters and downspouts; signs; incandescent lighting fixtures; landscaping and hardscaping comprising less than twenty-five percent (25%) of the front or side yard; restoration of original architectural features that constitute a change from existing conditions; painting of wood or other appropriate elements that constitutes a change in color from existing color; and additions and changes not visible from any street to the rear of the main structure or to an accessory structure.

(i) **Demolition Permits and Economic Hardship.**

- (1) The Director shall not issue a demolition permit for a structure within the OT district until review and issuance of a completed Certificates of Appropriateness application by the HPC. The Director shall not forward the application to the HPC until the application is complete. The following information shall be supplied by the applicant before the application is considered complete:
  - i. Information describing the condition of the structure;
  - ii. Estimated cost of restoration or repair;
  - iii. Demonstration that the adaptive use or restoration of the structure has been seriously considered;
  - iv. Any available historic records of the building (drawings, photographs);
  - v. Architectural drawings for any proposed new construction which is intended to replace the historic

- structure;
  - vi. Any conditions proposed to be voluntarily placed on new development that would mitigate the loss of the historic landmark structure;
  - vii. Any other information that the staff finds appropriate for the Commission to render a decision on the application.
- (2) The HPC shall hold a public meeting on the application within thirty (30) calendar days of receipt of the completed application. A copy of the decision shall be forwarded to the Director and to the applicant within ten (10) days following the public meeting.
  - (3) An applicant whose demolition permit has been denied may apply for hardship relief. In order to prove the existence of hardship, the applicant shall have the burden to establish that:
    - i. The property is incapable of earning a reasonable return on the owner's investment;
    - ii. The property cannot be adapted for another use that can result in the reasonable return; or
    - iii. No potential purchaser of the property with a reasonable offer who intends to preserve it can be identified.
  - (4) The HPC shall hold a public meeting on the hardship application within sixty (60) calendar days following the original date of application for the demolition permit, at which time proponents and opponents of the application may present their views. The HPC may seek expert assistance in the fields of real estate development, appraisal, financing, and other related disciplines to review the hardship application.
  - (5) The applicant shall consult in good faith with the HPC, interested local groups, and individuals in a diligent effort to investigate alternatives that will result in preservation of the property.
  - (6) All decisions of the HPC shall be in writing. Copies shall be sent to the applicant and a copy filed with the City Secretary.
  - (7) If disapproved, the applicant may appeal to the City Council in the same manner as for a Certificate of Appropriateness. If demolition is approved, the HPC shall notify the Building Official or Director so the appropriate permits may be issued for demolition.
- (j) **Enforcement.** All work performed pursuant to a Certificates of Appropriateness issued under this Section shall conform to all its requirements. It shall be the duty of the Director to inspect periodically to ensure such compliance.

#### **Section 14.01.204 .....Director of Development Services.**

- (a) **Administration and Enforcement.** The Director of Development Services ("Director") shall administer and enforce this Chapter. If the Director shall find that any of the provisions of this Chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions.
- (b) **Director or Designee.** The Director may designate appropriate staff members to assist and guide decision making for those items that require staff approval.
- (c) **Director Authority to Interpret the Zoning Ordinance.**  
The Director of Development Services shall have the authority to make judgments regarding the interpretation of the regulations of the Zoning Ordinance that are deemed to meet the intent of the Chapter, including any minor modifications or waivers, and to make necessary interpretations or decisions that are not contrary to the stated goals and intent of the Chapter. Any deviations or waivers that are deemed by the Director to have major importance or that may be contrary to the stated goals and intent of the Chapter shall be processed as described in Article I, Part Three, *Procedures*.
- (d) **Approval of Plans.** Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Director authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, construction, or variance



with that authorized shall be deemed violation of this Chapter, and punishable as provided by Section 14.01.111, *Penalties and Enforcement*, hereof.

**Sections 14.01.205 to 14.01.300 .....Reserved.**

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Attachment: Proposed Ordinance (Zoning Ordinance Revisions)

**Article I, ADMINISTRATION**  
**PART THREE - PROCEDURES**

**Section 14.01.301 .....Zoning upon Annexation.**

- (a) **Home Rule Authority.** The City may, from time to time, alter its boundaries by annexing or disannexing territory in any size or shape desired in any manner provided by State law.
- (b) **Concurrent Annexation & Permanent Zoning.** All property in the process of annexation into the City shall be concurrently considered for a permanent zoning classification. The Planning & Zoning Commission shall be advised by City staff regarding a proposed annexation, and it shall hold a public hearing regarding the requested zoning classification prior to the City Council's final annexation and zoning consideration. The Planning & Zoning Commission shall make a recommendation to the City Council so that the City Council may act on the matter of annexation and permanent zoning at the same meeting. Should the City Council fail to act on the permanent zoning immediately following the annexation of the property into the City, the temporary zoning classification of AG, Agricultural shall automatically be assigned.

**Section 14.01.302 .....Creation of a Building Site.**

- (a) **Legal, Buildable Site.** No permit for construction of a building or buildings upon any property within the City shall be issued until a building site, building tract, or building lot has been created in compliance with one of the following conditions:
  - (1) The property is within the boundaries of an approved plat, is located within the City limits of the City of Celina, and has been permanently zoned by the City Council.
  - (2) The property is outside the City limits of the City of Celina but within its Extraterritorial Jurisdiction (ETJ) and platted according to the City of Celina Subdivision Regulations, unless stated otherwise in an approved facilities or development agreement.
  - (3) No non-residential buildings or structures are allowed to be constructed within the extraterritorial jurisdiction (ETJ) of the City of Celina unless sufficient water pressure is available to support fire suppression systems, as required by the applicable County Fire Code.
  - (4) The property is all or part of a concept plan adopted as part of the regulations of an approved Planned Development District and the associated plat that shows all utility and drainage easements, necessary streets and other public improvements, and has been approved by the Planning & Zoning Commission. The final plat shall be filed subsequent to the construction and dedication of the required easements, alleys, and streets by the developer, and inspection and acceptance of same by the City.

**Section 14.01.303 .....Zoning Change Process (i.e. Changes to the Official Zoning Map).**

- (a) **Purpose.** From time-to-time, property owners may propose changes in zoning for a tract of land. The process by which such change is accomplished is outlined below. If approved, said zoning change will cause the Zoning Map of the City to be amended accordingly.
- (b) **Authority.**
  - (1) **Property owners.** Any person, entity, or corporation having a legal or equitable ownership interest in any real property may apply to the City Council for an amendment to the Official Zoning Map or the regulations relating to a specific tract of land located within the City.
  - (2) **City of Celina.** The City may, from time to time, amend or change by ordinance the boundaries of the various zoning districts or the use and development regulations relating to a specific property in accordance with the manner provided by State law.
- (c) **Procedure & Approval.**
  - (1) **Compliance with Comprehensive Plan & Future Land Use Map (FLUP).** Before taking action on any proposed amendment or change, Staff shall determine if the proposed amendment is consistent with the goals of the Comprehensive Plan and include that finding in the staff report.

- (2) Comprehensive Plan & Zoning Amendment considered concurrently. A Comprehensive Plan or future land use plan (FLUP) amendment and a zoning change may be requested together, noticed together, and be considered at the same Planning & Zoning Commission meeting and subsequent City Council meeting. If processed together there will not be an additional application fee. However, if a Comprehensive Plan amendment is requested separately from a zoning request, an application fee is required to be paid. The amount shall be equal to the zoning application fee schedule, as shown in the Master Fee Schedule.
- (3) Notification prior to the Planning & Zoning Commission public hearing. The Commission must hold a public hearing on any application for any zoning change prior to making its recommendations to the City Council. The following State-mandated regulations must be met before the public hearing may be convened:
- i. Written notice of all public hearings on a proposed zoning change coming before the Commission, including an amendment or change to the use and development regulations governing a specific tract of land, must be sent to all owners of real property lying within the corporate city limits that are located within 200 feet of the subject property. Notice must be given a minimum of ten (10) days prior to the date set for the public hearing by mailing such notice, properly addressed and postage-paid, to each taxpayer as the ownership appears on the last approved county tax roll.
  - ii. Public notification signs posted, stating that a zoning change is requested, shall be erected on the subject property a minimum of ten (10) days prior to the Planning & Zoning Commission public hearing and shall remain in place until after the City Council public hearing.
  - iii. Notice of the public hearing must be posted in a publicly accessible place at City Hall a minimum of seventy-two (72) hours prior to the Commission hearing.
  - iv. For any residential or multi-family zoning change, a written notice of the proposed change must be mailed to the affected school district at least ten (10) days prior to the Planning & Zoning Commission hearing.
- (4) Commission recommendation. The City Council shall not take action on a proposed zoning amendment without a recommendation from the Planning & Zoning Commission.
- (5) Notification prior to the City Council public hearing & decision. A public hearing must be held by the City Council before adopting any proposed zoning change or development regulation change relating to a specific tract of land. The following State-mandated regulations must be met before the public hearing may be convened:
- i. Notice of the City Council public hearing must be given by publication in the official newspaper of the City of Celina stating the time and place of such hearing, a minimum of fifteen (15) days prior to the hearing.
  - ii. Public notification signs posted, stating that a zoning change is requested, shall be erected on the subject property a minimum of fifteen (15) days prior to the City Council hearing.
  - iii. Notice of the City Council public hearing must be posted in a publicly accessible place at City Hall a minimum of seventy-two (72) hours prior to the hearing.
- (6) Written protest procedures. If a written protest against said zoning change is submitted in accordance with State Law, staff will present the protest petition and its validity to the Planning & Zoning Commission and the City Council as part of the staff report. The written protest shall be considered "valid" only if signed by the owners of twenty percent (20%) or more of either the area of the lots or land covered by the proposed change within the corporate city limits OR the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area within the corporate city limits.
- (7) Valid written protest vote. If a valid written protest is submitted to the Director, the requested zoning change shall not become effective except by the favorable vote of three-fourths (¾) of all the members of the City Council.

(d) **Public Notification Signage.**

- (1) Any person, firm, or corporation requesting a change in zoning from one zoning classification to another zoning classification on a specific site or other amendments to the use and development regulations governing such property shall erect and maintain a sign or signs upon said property.

- (2) Such signs shall be placed on the subject property by the Development Services staff, in compliance with Section (c)(3)(ii) and Section (c)(5)(ii), above and a fee for this service shall be charged to the applicant, per the Master Fee Schedule.
- (3) It shall be unlawful for anyone to remove, destroy, deface, or obstruct the view of a required sign that gives notice that a zoning hearing has been requested.

#### **Section 14.01.304 .....Text Amendments to the Zoning Ordinance.**

- (a) **Purpose.** The text of the Zoning Ordinance may be changed from time-to-time due to changes in market forces, new materials, or new best practices for issues relating to zoning. This section describes the process by which the Zoning Ordinance text may be changed.
- (b) **Authority.** Text amendments to the provisions of this zoning ordinance may only be initiated by the City.
- (c) **Procedure & Approval.**
  - (1) **Planning & Zoning Commission public hearing.** The Commission shall hold a public hearing on any text amendment prior to making its recommendation to the City Council. In compliance with State law, the City shall provide notification of the proposed change in in the official newspaper of the City of Celina stating the time and place of such hearing, a minimum of fifteen (15) days prior to the hearing.
  - (2) **Planning & Zoning Commission recommendation.** The City Council shall not take action on a proposed zoning text amendment without a recommendation from the Planning & Zoning Commission.
  - (3) **City Council public hearing.** A public hearing shall be held by the City Council shall follow the same procedure detailed in Section 14.01.303(c)(5), *City Council notification & approval* before adopting any proposed text amendment.
  - (4) **City Council approval.** The City Council may, from time to time, amend, supplement, or change by Ordinance this Zoning Ordinance as provided by State law.

#### **Section 14.01.305 .....Concept Plan Approval.**

- (a) **Purpose.** The purpose of a concept plan is to promote safe, efficient, and harmonious use of land through application of City-adopted design standards and guidelines; protect and enhance the City's environmental and aesthetic quality; ensure adequate public facilities to serve development; prevent or mitigate adverse development impacts on the natural environment; aid the evaluation and coordination of land subdivision; and promote the public health, safety, and welfare.
- (b) **Applicability.** A concept plan shall be included in all Planned Development districts and Specific Use Permits.
- (c) **Concept Plan Format & Submission Requirements.** The concept plan submission shall be comprised of the items set forth in the concept plan checklist (available online) and any additional information/materials, such as plans, maps, or exhibits as deemed necessary by the Director in order to ensure that the Planned Development or SUP request is legible, able to be understood, and that the applicable regulations have been met.

#### **Section 14.01.306 .....Site Plan Approval.**

- (a) **Purpose.** The purpose of a site plan is to promote safe, efficient, and harmonious use of land through application of City-adopted design standards and guidelines; protect and enhance the City's environmental and aesthetic quality; ensure adequate public facilities to serve development; prevent or mitigate adverse development impacts on the natural environment; aid the evaluation and coordination of land subdivision; and promote the public health, safety, and welfare.
- (b) **Applicability.** Site plan review is required for non-residential development, multi-family development having four (4) or more dwelling units, mobile home parks, parking lot development (reconstruction and reconfiguration), non-public agricultural buildings, and residential accessory structures, and as otherwise required by the Director. Site plan approval is required prior to issuance of a building permit in order to ensure compliance with all provisions of the Zoning Ordinance, the Comprehensive Plan, the Thoroughfare Plan, and other applicable ordinances of the City of Celina.

- (c) **Approval.** Site plans are administratively approved by the Director.
  - (1) Site plan approval is revocable if it is determined that the conditions of the approval have not been met or if the plan contains or is based upon incorrect, fraudulent, or misrepresented information.
  - (2) Site plans expire one year after approval if an associated building permit application has not been submitted, reviewed, and approved. The Director may extend the approval up to two (2) additional years for cause.
  - (3) Staff shall consider the approval, disapproval, or conditional approval of a site plan application solely on the basis of any regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time.

#### **Section 14.01.307 .....Conditional Approvals.**

- (a) **Purpose of Conditional Approvals.** The purpose of a conditional approval is to allow certain land uses so long as the application meets specific stated requirements (or conditions). If the applicant cannot or will not meet the requirements listed, then the Director may choose to bring the requested item before the Planning & Zoning Commission and the City Council through the Specific Use Permit (SUP) process.
- (b) **Applicability.** Land uses subject to specific conditions for approval are marked in the Schedule of Uses with a "C." Explanatory notes are set forth in Section 14.03.401, *Permanent Land Uses That Require Conditional Approval* and Section 14.03.501, *Temporary Land Uses That Require Conditional Approval*.
- (c) **Criteria for Approval.** Building permits shall be processed once the applicant has shown that the stated conditions for approval has been met.
- (d) **Director Approval.** Conditional Approvals are administratively approved by the Director of Development Services.

#### **Section 14.01.308 .....Specific Use Permit (SUP) Approval.**

- (a) **Purpose.** A Specific Use Permit is a permanent zoning change and as such, the City Council has considerable discretion on approving, denying, or modifying such a request. The purpose of an SUP is to add or modify specific land use rights to those already granted within a zoning district. Approvals shall consider the intensity of the proposed use within the context of the proposed location for compatibility, traffic generated, noise, and other issues determined by the Director to be pertinent to the case. Since zoning "runs with the land" and not the proposed use, thoughtful consideration should be exercised in approving an SUP since it will remain as part of the Official Zoning Map even should the use for which the SUP was sought has ceased operation.
- (b) **Applicability.** Land uses subject to approval of a Specific Use Permit are marked in the Schedule of Uses with a "S." Explanatory notes are set forth in Section 14.03.301, *Permanent Land Uses That Require SUP Approval*.
- (c) **Procedure & Approval.**
  - (1) **Planning & Zoning Commission public hearing.** The Commission must hold a public hearing on any SUP application prior to making its recommendations and report to the City Council. The public noticing must follow the same procedure detailed in Section 14.01.303(c)(3), *Zoning Change Process, Procedure & Approval*.
  - (2) **Commission recommendation.** The City Council shall not take action on a proposed Specific Use Permit request without a recommendation from the Planning & Zoning Commission.
  - (3) **City Council public hearing.** A public hearing must be held by the City Council shall follow the same procedure detailed in Section 14.01.303(c)(5), *Zoning Change Process, Procedure & Approval* before approving any SUP.
  - (4) **City Council approval.** The City Council is authorized to approve, deny, or modify Specific Use Permit requests.
  - (5) **City Council discretion.** The City Council may impose such additional development standards and safeguards important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, odor, gas, explosion, glare, offensive view, or other undesirable or hazardous conditions.
- (d) **Official Zoning Map.** All SUPs approved in accordance with the provisions of this Chapter in its original form or as



hereafter amended shall be referenced on the Zoning Map as such.

(e) **Expiration or Reversal of Specific Use Permits.**

- (1) A Specific Use Permit shall expire if required City permits for development are not obtained and construction, if applicable, has not commenced within twenty-four (24) months from date of approval.
- (2) A Specific Use Permit may be revoked or modified, after notice to the property owner and a hearing before the City Council, for either of the following reasons:
  - i. The SUP was obtained by fraud or deception; or
  - ii. That one or more of the conditions imposed by the SUP has not been met or has been violated.
- (3) Should a Specific Use Permit expire or be reversed, the Zoning Map shall be amended to reflect this change.

**Section 14.01.309 .....Platting.**

- (a) **Property within the City Limits.** The City shall not approve any plat of any subdivision within the City limits of the City until the area covered by the proposed plat shall have been permanently zoned by the City Council.
- (b) **Plat Delay Pending Annexation.** The City shall not approve any plat of any subdivision within any area where a petition for annexation or a recommendation for annexation to the City is pending before the City Council unless and until such annexation shall have been approved by the City Council.
- (c) **Regulations for Property within City Limit & ETJ.** All plats in the City limits or the City's extraterritorial jurisdiction (ETJ) must comply with the City of Celina Subdivision regulations, unless stated otherwise in an approved facilities or development agreement.

**Section 14.01.310 .....Vested Rights.**

(a) **Purpose, Applicability, & Effect.**

- (1) **Purpose.** The purpose of a vested rights petition is to determine whether one or more standards of this Chapter should not be applied to a development application by operation of State law, or whether certain permits are subject to expiration.
- (2) **Applicability.** A vested rights petition may be filed for an application, permit, plan or plat, or any development application authorized under this Chapter, filed in accordance with Texas statutes. A vested rights petition may not be filed with a petition for a text amendment, a zoning map amendment, or any other request for a legislative decision by the City Council. A vested rights petition also may be filed prior to expiration of certain permits pursuant to subsection (b) below of this section.
- (3) **Effect.** Upon granting of a vested rights petition in whole or in part, the responsible official (subsection (d) below) shall process the development application and the Director of Development Services shall decide the application in accordance with the standards specified in the relief order based on prior ordinance requirements or development standards, or extend the permit otherwise subject to application pursuant to subsection (b), below.

(b) **Expiration for Projects Began on or after [date of ordinance].**

- (1) **Two-year permit expiration.** Notwithstanding any other provision of this Chapter, for any development permit authorized by this Chapter for which an expiration date is established and which is submitted for filing on or after [date of ordinance], the expiration date shall be two years following the date of approval of the permit. Exception: The holder of the permit files a petition before [date of ordinance] for a vested rights determination pursuant to this subsection, alleging that progress has been made toward completion of the project for which the application subject to expiration was filed. If a vested rights petition is filed according to the timeframes of this Section, the City Manager shall determine the expiration date of the permit in deciding the petition.
- (2) **Five-year application/project expiration.** Notwithstanding any other provision of this Chapter, for any development permit authorized by this Chapter which is submitted for filing on or after [date of ordinance], and which has expired under subsection (b)(1) above of this section, all previously approved development applications for the same land also shall expire no later than five years from the date of filing of the first

application for the project for which the expired application was filed, if the filing of an application for or approval of the expired permit was required to avoid expiration for the previously approved permit or permits, unless the holder of such permits files a petition before such date for a vested rights determination pursuant to this Section alleging that progress has been made toward completion of the project for which the applications subject to expiration were filed. If a vested rights petition is filed according to the timeframes of this Section, the City Manager shall determine the expiration date of the previously approved permits in deciding the petition.

(c) **Petition Requirements.**

- (1) **Who may petition.** A vested rights petition may be filed by a property owner or the owner's authorized agent with any development application or by the holder of a permit subject to expiration pursuant to subsection (b) above.
- (2) **Form of petition.** The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the development application under any applicable Texas law that requires the City to review and decide the application under standards in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:
  - i. A narrative description of the grounds for the petition;
  - ii. A copy of each approved or pending development application that is the basis for the contention that the City may not apply current standards to the development application that is the subject of the petition;
  - iii. The date of submittal of the application for the permit, or of a development plan pursuant to which the permit was subsequently filed, if different from the official filing date;
  - iv. The actual start date the project for which the application for the permit was submitted;
  - v. Identification of all standards otherwise applicable to the development application from which relief is sought;
  - vi. Identification of any current standards which petitioner agrees can be applied to the development application at issue;
  - vii. A narrative description of how the application of current standards affects proposed use of the land, landscaping or tree preservation, open space, or park dedication, lot size, lot dimensions, lot coverage or building size shown on the development application for which the petition is filed;
  - viii. A copy of any prior vested rights determination involving the same land; and
  - ix. Where the petitioner alleges that a permit subject to expiration under subsection (b), above, of this section should not be terminated, a description of the events constituting progress toward completion of the project for which the permit subject to expiration was approved.

- (d) **Timing for Filing Petition.** A vested rights petition must be filed with a development application for which a vested right is claimed, except that the petition may be filed before the date of expiration of any permit when filed pursuant to subsection (b), above. Where more than one application is authorized to be filed by this Chapter, the petition may be filed simultaneously for each application.

(e) **Procedure & Approval.**

- (1) **Responsible official.** The responsible official for processing the development application in conjunction with a vested rights petition is the Director of Development Services. The Director shall promptly forward a copy of the vested rights petition, along with his recommendation, to the City Manager and City Attorney for their review.
- (2) **Decision by City Manager.** The City Manager is the final decision-maker on all vested rights petitions. A request must be accompanied by a waiver of the time for decision-making on the application imposed under this Section pending decision by the City Manager on the vested rights petition, which shall stay further proceedings on the application. Upon receipt of the request, the Director of Development Services or his designee shall prepare a recommendation and forward the matter to the City Manager for decision, who shall decide the petition within thirty (30) calendar days following the petitioner's request.

- (3) Appeals. Appeals to the City Manager's decision shall be brought to the Board of Adjustment. Appeals to the decision made by the Board of Adjustment may be brought to the District or County Court, as stipulated by State law.

(f) **Criteria for Approval.**

- (1) Factors. The City Manager shall decide the vested rights petition based upon the following factors:
- i. The nature and extent of prior development applications filed for the land subject to the petition;
  - ii. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
  - iii. Whether any prior approved applications for the property have expired or have been terminated in accordance with law;
  - iv. Whether current standards adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space, or park dedication, lot size, lot dimensions, lot coverage or building size based upon the proposed development application;
  - v. Whether any statutory exception applies to the standards in the current Zoning Ordinance from which the applicant seeks relief;
  - vi. Whether any prior approved applications relied upon by the petitioner have expired;
  - vii. Any other provisions that are applicable under State law.
- (2) Conditions. If the claim of vested rights under a petition is based upon a pending application subject to standards that have been superseded by current standards under this Chapter, the decision-maker may condition any relief granted on the petition on the approval of the application under such prior standards.

- (g) **Application for Permits Following Final Decision on the Vested Rights Petition.** Following the City Manager's decision on the vested rights petition, the property owner shall revise the development application or permit to conform to the final decision. The decision-maker on the development application shall consider any application revised under this Article in accordance with the procedures for deciding the initial application under this Chapter and in conformity with the relief granted on the petition. If the relief granted on the vested rights petition is consistent with the development application on file, no revisions are necessary. If proceedings have been stayed on the development application pending referral of the vested rights petition, proceedings on the application shall resume after the City Manager's decision on the vested rights petition.

(h) **Action on Petition & Order.**

- (1) Action on the petition. The City Manager's decision on the vested rights petition may take any of the following actions:
- i. Deny the relief requested in the petition, and direct that the development application shall be reviewed and decided under currently applicable standards;
  - ii. Grant the relief requested in the petition, and direct that the development application shall be reviewed and decided in accordance with the standards contained in identified prior regulations; or
  - iii. Grant the relief requested in part, and direct that certain identified current standards shall be applied to the development application, while standards contained in identified prior regulations also shall be applied; or
  - iv. For petitions filed pursuant to subsection (b) above of this section, specify the expiration date or the conditions of expiration for the permit(s).
- (2) Order on the petition. The City Manager's report and each decision on the vested rights petition shall be memorialized in an order identifying the following:
- i. The nature of the relief granted, if any;
  - ii. The approved or filed development applications upon which relief is premised under the petition;
  - iii. Development standards which shall apply to the development application for which relief is sought;
  - iv. Prior standards which shall apply to the development application for which relief is sought, including any procedural standards;
  - v. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition;

- vi. To the extent feasible, subordinate development applications that are subject to the same relief granted on the petition; and
- vii. For petitions filed pursuant to subsection (b) of this section, the date of expiration of the permit or permits.

(i) **Expiration & Extension.**

- (1) **Expiration.** Relief granted on a vested rights petition shall expire on occurrence of one of the following events:
  - i. The petitioner or property owner fails to submit a required revised development application consistent with the relief granted through the vested rights decision within forty-five (45) days of the final decision on the petition;
  - ii. The development application for which relief was granted on the vested rights petition is denied under the criteria made applicable through the relief granted on the petition; or
  - iii. The development application for which relief was granted on the vested rights petition expires.
- (2) **Extension.** Extension of the date of expiration for the development application for which relief was granted on a vested rights petition shall result in extension of the relief granted on petition for a like period.

**Section 14.01.311 .....Building Permits & Certificates of Occupancy.**

(a) **Building Permits.**

- (1) **Applicability.** No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the City's Building Official authorized to issue the same. No building permit shall be issued except in conformity with the provisions of this Chapter and all applicable building codes of the City.
- (2) **City & ETJ.** Building permits are required within the City limits and on all property within the City's extraterritorial jurisdiction (ETJ) that was platted through the City.
- (3) **Site plan required.** No building permit shall be issued for the construction of a building or buildings upon any tract or plot unless the tract is a platted lot of record and the structure has been reviewed and approved through the site plan process, unless otherwise declared eligible by the Director or the City's Building Official.
- (4) **Approval.** Building permits are approved by the City's Building Official following review and approval of applicable department staff.

(b) **Certificate of Occupancy.**

- (1) **Applicability.** It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificates of Occupancy shall have been issued by the Building Official stating that the proposed use of the building or land conforms to the requirements of this Chapter.
- (2) **Non-conforming structures.** No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificates of Occupancy shall have been issued by the Building Official.
- (3) **Conformance with Zoning Ordinance.** No permit for the erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificates of Occupancy and the CO shall be issued in conformity with the provisions of this Chapter upon completion of the work.
- (4) **Approval.** Certificates of Occupancy and Temporary Certificates of Occupancy are approved by the City's Building Official following review and approval of applicable department staff.
- (5) **Temporary approval.** A temporary certificate of occupancy may be issued by the Director for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

**Sections 14.01.312 to 14.01.400 .....Reserved.**

DRAFT



**ARTICLE II – ZONING DISTRICTS**  
**PART ONE – DISTRICTS ESTABLISHED**

**14.02.101.....Established Districts.** The established zoning districts in the City of Celina are as follows:

| <b>ARTICLE II, PART ONE, TABLE 1 - FORMER &amp; CURRENT ZONING DISTRICTS</b> |                                      |                                                      |                                         |                        |
|------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------------|-----------------------------------------|------------------------|
| <i>Former &amp; Obsolete<br/>Zoning Classifications</i>                      | <i>New Zoning<br/>Classification</i> | <i>Zoning Description</i>                            | <i>Zoning<br/>Ordinance<br/>Section</i> | <i>Page<br/>Number</i> |
| <b>SINGLE-FAMILY ZONING DISTRICTS</b>                                        |                                      |                                                      |                                         |                        |
| SF-E                                                                         | SF-E                                 | Single-Family Residential Estate District            | 14.02.202                               | 43                     |
| SF-15, SF-10, SF-9,<br>SF-7.5, and SF-R                                      | SF-R                                 | Single-Family Residential Detached District          | 14.02.203                               | 44                     |
| PH, 2F, and TH                                                               | SF-A                                 | Single-Family Residential Attached District          | 14.02.204                               | 45                     |
| MH                                                                           | SF-M                                 | Single-Family Residential Manufactured Home District | 14.02.205                               | 45                     |
| <del>OT-R</del>                                                              | <del>OT-R</del>                      | <del>Old Town Residential District</del>             | <del>14.02.206</del>                    | <del>46</del>          |
| <b>MULTI-FAMILY ZONING DISTRICTS</b>                                         |                                      |                                                      |                                         |                        |
| MF1                                                                          | MF-1                                 | Multi-Family Garden Style District                   | 14.02.302                               | 52                     |
| MF2                                                                          | MF-2                                 | Multi-Family Urban Edge District                     | 14.02.303                               | 53                     |
| MF2                                                                          | MF-3                                 | Multi-Family Urban Living District                   | 14.02.304                               | 54                     |
| <b>NON-RESIDENTIAL ZONING DISTRICTS</b>                                      |                                      |                                                      |                                         |                        |
| CF                                                                           | CF                                   | Community Facilities District                        | 14.02.402                               | 57                     |
| C-1, C-2, B-1, B-2, B-3,<br>B-4, ONS, and RO                                 | C                                    | Commercial, Office, & Retail District                | 14.02.403                               | 57                     |
| I-1, I-2, and HI                                                             | I                                    | Industrial District                                  | 14.02.404                               | 57                     |
| AG                                                                           | AG                                   | Agricultural District                                | 14.02.405                               | 58                     |
| MU-1, MU-2                                                                   | MU                                   | Mixed Use District                                   | 14.02.406                               | 58                     |
| <del>HD</del>                                                                | <del>OT</del>                        | <del>Old Town District (current)</del>               | <del>14.02.407</del>                    | <del>60</del>          |
| <b>SPECIAL DISTRICTS</b>                                                     |                                      |                                                      |                                         |                        |
| PD                                                                           | PD                                   | Planned Development District                         | 14.02.501                               | 63                     |
| PRO                                                                          | PRO                                  | Preston Road Overlay District                        | 14.02.502                               | 65                     |
| DNTO                                                                         | DNTO                                 | Dallas North Tollway Overlay District                | 14.02.503                               | 71                     |
| -                                                                            | CCO                                  | Collin County Outer Loop Overlay District            | 14.02.504                               | 77                     |
| HD                                                                           | OT                                   | Old Town District (future)                           | 14.02.505                               | 80                     |

Attachment: Proposed Ordinance (Zoning Ordinance Revisions)

**ARTICLE II – ZONING DISTRICTS**  
**PART TWO – RESIDENTIAL DISTRICTS**

**14.02.201.....Residential Districts, General Requirements.**

- (a) **Purpose.** The overall purpose of the single-family residential districts is to create a mix of home ownership opportunities within the City.
- (b) **Permitted Uses.** No building, structure, land, or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in Section 14.03.101, *Schedule of Uses – Residential*.
- (c) **General Regulations.** Given that the City of Celina is an area designated with historical, cultural, and architectural importance and significance, the following provisions apply to all residential districts unless otherwise specified within their respective descriptions in Sections 14.02.202 through 14.02.206.
  - (1) **Open space.** All residential districts are subject to twenty percent (20%) open space with a minimum of fifty percent (50%) of that open space being “usable open space,” as defined in Section 14.01.115, *Other Zoning Ordinance Definitions*. Areas of “non-usable open space” may be allowed to be counted as a portion of the “usable open space” if the area is sufficiently amenitized, per Director approval.
  - (2) **Ownership & maintenance.** Any open space area shall be platted as a common area lot, be owned and maintained by the homeowners’ association or HOA, and be designated with an “X” on the plat. Open space should be located to preserve existing trees and other desirable physical features.
  - (3) **Minimum lot width for front entry garages.** Any lot width less than sixty (60) feet shall have a rear entry, alley-loaded garage. Front-loading garages are allowed only on lots that are sixty (60) feet or greater in width.
  - (4) **Garage placement.**
    - i. Front facades & front-facing garage placement – one-story homes. The face of garage doors shall not extend beyond the front façade of any residential structure unless one or both of the following conditions apply; and in that case, the face of the garage door may extend up to a maximum of eight (8) feet beyond the front façade:
      - a. A front porch extending a minimum of fifty percent (50%) of the front façade is provided; or
      - b. A bay window is provided on the longest wall face of the front façade.
    - ii. Front facades & front-facing garage placement – two story homes. The face of garage doors may extend beyond the front façade of any residential structure up to a maximum of eight (8) feet beyond the front façade. Any additional garages to be provided must be placed with side (J-swing) or rear access.
    - iii. Front facades & J-swing garage placement. When the doors of garages are designed to be perpendicular to the street access (as in J-swing garages), the garage facade may extend in front of the main front façade of the residential structure.
    - iv. Side facades & J-swing garages. J-swing garages shall have a minimum of twenty (20) feet from the door face of the garage to the side property line for maneuvering and tandem parking.
  - (5) **Pedestrian connectivity.** All residential developments shall provide pedestrian connections within the subdivision and stub out these trails or sidewalks to the edge of the property for future connections.
  - (6) **Foundations required.** All residential units shall be constructed on a permanent foundation that complies with the currently adopted International Building Codes, with the exception of single-family manufactured homes.
  - (7) **Plat requirements.** All single family homes shall be platted on an individual lot. This lotting requirement applies to single family attached and detached dwelling units with the exception of duplexes, which allows both units to be platted on a single lot.
  - (8) **RV use.** Recreational vehicles, manufactured homes, travel trailers, or motor homes may not be used for on-site dwelling purposes.
  - (9) **Additional on-site dwellings.** Accessory dwelling units shall adhere to the regulations listed in Section

14.03.202(a), *Accessory Dwelling Units*.

- (10) Open storage. Open storage is prohibited except for materials for the resident's personal use or consumption such as firewood, garden materials, etc. Open storage on one's property must be maintained in a proper manner and is subject to Code Enforcement for any nuisance violation.
- (11) Nonresidential uses. Site plan approval (see [Section 14.01.307](#)) shall be required for any nonresidential use (such as an amenity center, school, church or house of worship, child-care center, etc.). Any nonresidential land use that may be permitted in residential districts shall conform to the C, Commercial, Office, & Retail district standards for setbacks and exterior materials as shown in [Article 14.04, Part One, Architectural Design Standards](#), of the Zoning Ordinance, as exists or may be amended.
- (12) Gated Communities. Private, gated communities are discouraged since this concept limits connectivity to other residential communities as well as to goods and services provided nearby, including access to public schools.

(d) **Other Applicable Regulations.**

- (1) Article III, Use Regulations, Part Two, *Accessory Uses*.
- (2) Article IV, Site Development Standards, Part One, *Architectural Design Standards*.
- (3) Article IV, Site Development Standards, Part Two, *Landscaping & Tree Preservation*.
- (4) Article IV, Site Development Standards, Part Three, *Screening Walls & Fencing*.
- (5) *Neighborhood Vision Book*.

**14.02.202.....SF-E, Single-Family Residential Estate District.**

- (a) **Purpose**. The purpose of the SF-E Single-Family Estate District is to allow single-family detached dwellings on large lots of not less than one (1) acre in size, together with allowed incidental and accessory uses. This district is intended to provide for residential living within a more rural setting.
- (b) **Height & Area Regulations**. The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot shall be as follows:

| ARTICLE II, PART TWO, TABLE 1                    |               |
|--------------------------------------------------|---------------|
| SF-E, SINGLE-FAMILY ESTATE DEVELOPMENT STANDARDS |               |
| Maximum Height                                   | 50'           |
| Minimum Front Yard Setback                       | 40'           |
| Minimum Side Yard Setback                        | 20'           |
| Minimum Side Yard Setback on corner              | 30'           |
| Minimum Rear Yard Setback                        | 25'           |
| Minimum Lot Width (at building line)             | 100'          |
| Minimum Lot Depth (average)                      | 200'          |
| Minimum Lot Area                                 | 1 acre        |
| Minimum Floor Area (air conditioned space)       | 3,000 sq. ft. |
| Minimum Number of Garage Spaces                  | 2             |
| Minimum Number of Additional Spaces              | 2             |

(c) **Other Applicable Regulations.**

- (1) Open space. Because of the large lots associated with SF-E zoning, there is no specific requirement for open space in this district.
- (2) Additional dwelling unit allowed. A separate "mother-in-law" unit is allowed as an accessory structure and may be built in conjunction with a garage or other allowed accessory building. Exterior standards for the additional dwelling unit shall be the same as the primary residence (see also [Section 14.03.202\(a\), Accessory Dwelling Unit Regulations](#)).
- (3) Gated drives. Gates for gated entry driveways shall be set back from the edge of pavement by a minimum of twenty-five (25) feet to avoid interfering with traffic flow on the adjacent street.

- (4) **Fencing.** Livestock enclosures may deviate from the fencing standards of Article IV, *Site Development Standards*, Part Three, *Screening Walls & Fencing* and may be constructed of materials suitable for containment of livestock (but not barbed wire or razor wire).

#### 14.02.203 .....SF-R, Single-Family Residential Detached District.

- (a) **Purpose.** The Single-Family Residential Detached District applies to any single-family detached dwelling unit that does not meet the acreage requirement of the SF-E, Single-Family Estate District, the geographic location requirement of the OT, Old Town District, or the exterior material standards of the SF-M, Single-Family Manufactured Home District. The SF-R district is established to create neighborhoods in which there is a blend of home sizes and styles. The neighborhoods will include amenities that support and augment the overall development and individual property investments. The SF-R district is considered a generic district and may have a wide variety of lot sizes and dwelling unit types. Standards listed below are minimums that are required for safety and/or maneuverability. However, when applied within a Planned Development, the actual standards may exceed or differ from the minimum standards listed below.
- (b) **Height & Area Regulations.** The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per residential unit permitted on any lot, shall be as follows:

| ARTICLE II, PART TWO, TABLE 2A<br>SF-R, SINGLE-FAMILY RESIDENTIAL DETACHED DEVELOPMENT STANDARDS               |                |
|----------------------------------------------------------------------------------------------------------------|----------------|
| Maximum Height                                                                                                 | 40'            |
| Minimum Front & Rear Sliding Setbacks (excluding garage) with either setback a minimum of 10 feet <sup>1</sup> | 40' total      |
| Minimum Garage Setback (to allow for additional tandem parking)                                                | 20'            |
| Minimum Side Yard Setback <sup>2</sup>                                                                         | 5'             |
| Minimum Side Yard Setback on Corner (measured from curb) <sup>3</sup>                                          | 15'            |
| Minimum Lot Width (at building line)                                                                           | 35'            |
| Maximum Overall Density <sup>4</sup>                                                                           | 3.5 units/acre |
| Minimum Lot Area                                                                                               | -              |
| Minimum Floor Area                                                                                             | 1,200 sq. ft.  |
| Minimum Number of Garage Spaces per Unit                                                                       | 2              |
| Minimum Number of Additional Parking Spaces per Unit                                                           | 2              |

Note 1. Total front and rear setback is a minimum of 40' with the minimum of either being 10'.

Note 2. If a zero or reduced lot line product is planned, the total distance between dwelling units shall be per the adopted Building Codes and Fire Codes of the City.

Note 3. If no curb is present, the minimum side yard on a corner shall be 10' from the pavement edge.

Note 4. Smaller lots may be clustered to allow for a greater open space area to be owned and managed by the HOA.

(c) **Other Applicable Regulations.**

- (1) **Minimum percentages of lot sizes.** In developments ten (10) acres or greater in size and where the developer intends to provide house lots of different sizes, the following minimums and maximums percentages apply:

| ARTICLE II, PART TWO, TABLE 2B<br>SF-R, SINGLE-FAMILY RESIDENTIAL MAXIMUM/MINIMUM LOT PERCENTAGES |                    |                    |
|---------------------------------------------------------------------------------------------------|--------------------|--------------------|
|                                                                                                   | Minimum Percentage | Maximum Percentage |
| Smallest lot size                                                                                 | -                  | 50%                |
| Medium lot size(s)                                                                                | flexible           | flexible           |
| Largest lot size                                                                                  | 15%                | -                  |

- (2) **Amenities.** A minimum of three (3) of the following shall be included within the overall residential development: private amenity center, swimming pool, sports court, passive recreation field, community meeting room, amenitized pond or lake, and/or dog park. Hike and bike trails that are in addition to those

shown on the Master Trail Plan may also be included in the amenity count. See the adopted *Neighborhood Design Guidelines* for more information regarding amenities.

#### 14.02.204.....SF-A, Single-Family Residential Attached District.

- (a) **Purpose.** The SF-A, Single-Family Residential Attached District is established to provide a more dense housing type that still affords home ownership. Each dwelling unit shall be sited on an individually platted lot (with the exception of duplexes), although there may be no separation between dwelling units other than fire walls as may be required by the Fire Code. In general, these homes are more vertical in nature, are clustered within the development, and have shared open space.
- (b) **Site Plan Review Required.** All townhome, patio homes, and duplex developments are subject to site plan review and approval by Director of Development Services. The site plan shall show the typical layout of the attached home lots, the overall layout of the development, and shall be reviewed as an exhibit as part of the civil review process.
- (c) **Height & Area Regulations.** The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per residential unit permitted on any lot shall be as follows:

| ARTICLE II, PART TWO, TABLE 3                                                                                  |           |
|----------------------------------------------------------------------------------------------------------------|-----------|
| SF-A, SINGLE-FAMILY RESIDENTIAL ATTACHED DEVELOPMENT STANDARDS                                                 |           |
| Maximum Height                                                                                                 | 60'       |
| Minimum Front & Rear Sliding Setbacks (excluding garage) with either setback a minimum of 10 feet <sup>1</sup> | 30' total |
| Minimum Garage Setback (to allow for additional tandem parking)                                                | 20'       |
| Minimum Side Yard Setback (3 to 6 units)                                                                       | 5'        |
| Minimum Side Yard Setback (7 to 10 units)                                                                      | 10'       |
| Minimum Side Yard Setback on Corner                                                                            | 15'       |
| Minimum Lot Width (at building line)                                                                           | 25'       |
| Maximum Block Length                                                                                           | 600'      |
| Maximum Number of Units per Building                                                                           | 10        |
| Maximum Impervious Surface                                                                                     | 80%       |
| Minimum Number of Garage Spaces per Unit                                                                       | 2         |

Note 1. Total front & rear setback is a minimum of 30' with the minimum of either being 10'.

- (d) **Landscaping & Setbacks.** In addition to the general requirements listed in Article IV, Part Two, *Landscaping & Tree Preservation*, the following regulations apply to any single family attached development:
- (1) **Landscape buffer.** A ten (10) foot wide landscape buffer shall be provided and shall contain one (1) urban tree in a tree well, large canopy, or evergreen tree every thirty (30) linear feet. For every three (3) urban trees, a bike rack, trash receptacle, bench, lighted bollard, or other approved street furniture is required.
  - (2) **Mews lots.** Any single-family attached development that faces a mews rather than a street or fire lane shall be required to adhere to the regulations in Section 10.03.073(f) of the Subdivision Ordinance.
- (e) **Parking Regulations.** In addition to the general requirements listed in Article IV, Part Four, *Parking & Loading Standards*, the following regulations apply to any single family attached development:
- (1) **Minimum parking & garage access.** All single-family attached developments shall provide rear entry, off-street parking within a minimum two (2) car garage.
  - (2) **On-street parking.** Parallel or angled parking shall be provided along the curb in the right-of-way adjacent to single family attached units. These spaces shall not count toward the minimum number of parking spaces required per unit but may apply to required visitor parking ratio.

#### 14.02.205.....SF-M, Single-Family Manufactured Home District.

- (a) **Purpose.** The purpose of this zoning district is to provide the opportunity for certain manufactured and modular dwellings with specific reference to the seal of approval granted by appropriate State agencies and meeting



federal standards. All regulations listed below apply to both the SF-M District or SF-M Park.

- (b) **Definitions.**
- i. SF-M Park. An area zoned as a place on which manufactured homes may be sited on a temporary or semi-permanent basis on lots that are leased by a manufactured home park owner or manager.
  - ii. SF-M District. An area zoned as a permanent subdivision of manufactured homes that are permanently sited on individually platted lots.
- (c) **Area Minimums & Maximums.** The location of an SF-M zoning district shall be sited on a tract of land that is at least five (5) acres and not more than twenty-five (25) acres.
- (d) **Height & Area Regulations.** The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

| ARTICLE II, PART TWO, TABLE 4                               |               |
|-------------------------------------------------------------|---------------|
| SF-M, SINGLE-FAMILY MANUFACTURED HOME DEVELOPMENT STANDARDS |               |
| Maximum Height                                              | 20'           |
| Minimum Front Yard Setback                                  | 25'           |
| Minimum Side Yard Setback                                   | 5'            |
| Minimum Side Yard Setback on corner                         | 15'           |
| Minimum Rear Yard Setback                                   | 10'           |
| Minimum Lot Width (at building line)                        | 60'           |
| Minimum Lot Depth                                           | -             |
| Minimum Lot Area                                            | 6,000 sq. ft. |
| Minimum Floor Area                                          | 650 sq. ft.   |

#### 14.02.206.....OT-R, Old Town Residential District.

- (a) **Purpose.** The old town residential district (OT-R) is intended to provide for the development of primarily detached, single-family residences on existing lots of not less than 7,000 square feet in size, churches, schools, and public parks in logical neighborhood units around the central business area.
- (b) **Site Plan Approval.** Site plan approval shall be required for any nonresidential use (such as a school, church, child care center, private recreation facility, etc.) in the OT-R district. Any nonresidential land use that may be permitted in this district shall conform to the C, Commercial, Office, & Retail district standards and shall be reviewed as an exhibit as part of the civil review process.
- (c) **Height & Area Regulations.** In said OT-R, Old Town Residential District the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows:

| ARTICLE II, PART TWO, TABLE 5A                            |               |
|-----------------------------------------------------------|---------------|
| OT-R, OLD TOWN RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS |               |
| Maximum Height (main building or house)                   | 40'           |
| Minimum Front Yard Setback <sup>1</sup>                   | 25'           |
| Minimum Side Yard Setback                                 | 5'            |
| Minimum Side Yard Setback on corner <sup>1</sup>          | 15'           |
| Minimum Rear Yard Setback                                 | 25'           |
| Minimum Lot Width (at building line)                      | 50'           |
| Minimum Lot Depth                                         | 110'          |
| Maximum impervious surface                                | 50%           |
| Minimum Lot Area                                          | 7,000 sq. ft. |
| Minimum floor area (new buildings)                        | 1,200 sq. ft. |

Note 1. Porches, eaves and awnings may encroach up to 6' into the front yard. Front entry garages shall be flush or set back from the front facade of the house. Projections from the

front facade of the house such as porches, eaves and awnings shall not count as the front facade.

(d) **Architectural Standards.**

- (1) To achieve the architectural style and characteristics of homes constructed from the 1890's to the 1930's, a minimum of four (4) of the following elements must be incorporated into the design of the primary structure:

- i. Multiple pane (divided light) windows:



- ii. Decorative columns and railings within the front porch area:



- iii. Gables with decorative vents and windows:



- iv. Dormer windows:



v. Cupolas:



vi. Bay windows with a maximum projection of 24 inches:



vii. Window shutters:



- (2) Exterior materials. The exterior of the primary structure shall be clad in masonry, smooth stucco, stone, horizontal wood, cementitious material (such as Hardiplank® or Hardiboard®) or other high-quality wood substitute.

- i. Decking required. For homes with exteriors clad in HardiBoard®/ Hardiplank®, wood or other allowed high-quality wood substitute, such cladding shall be installed over plywood or OSB sheathing with a minimum thickness of 1/2 inch.
- ii. Joins for all HardiBoard® or Hardiplank® or other high-quality wood substitute shall be centered and face nailed on a stud with a maximum gap of 1/8 inches or as otherwise specified by the manufacturer. Joins shall be staggered at random lengths and in accordance with manufacturers' specifications and "zipper joins" shall be prohibited (as shown, right).



- (3) Minimum roof pitch. All single-family structures within the OT-R shall have a minimum roof pitch of 6:12.
- (4) Window percentage. Walls facing a public street must contain a minimum of ten percent (10%) of the wall area in windows or doors.
- (5) Window enhancements. Windows shall be encased with appropriate architectural trim. Windows shall not be flush with the exterior building facade and shall be provided with an architectural surround at the jamb.

(e) **Site Development Standards.**

- (1) Side-entry garages. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty (20) feet from the door face of the garage or carport to the side property line for maneuvering.
- (2) Garages. Garages shall not be required, however if they are provided they must meet the following regulations:
  - i. Garages shall be recessed from the front of the primary structure by a minimum of ten feet.
  - ii. Garages shall not comprise more than thirty percent (30%) of the front building elevation.
  - iii. A minimum setback of 20 feet shall be maintained between the garage door and a public right-of-way.
  - iv. Garages shall be limited to two (2) bays, not to exceed a total of 400 square feet.
- (3) Vehicle parking.
  - i. A minimum of two (2) off-street parking spaces shall be provided for each primary residential structure.
  - ii. All off-street parking spaces and related driveways shall be permanently surfaced and paved of concrete in accordance with the City's standards for paving of off-street parking and driveways.
  - iii. A minimum of one (1) off-street parking space shall be covered by a permanent structure, carport, or garage.
  - iv. All parking structures and carports, exclusive of garages, shall incorporate a fully enclosed storage area containing a minimum of seventy (70) square feet within the parking structure or carport.
  - v. All parking structures or carports shall be constructed of like or similar materials to those of the primary structure.
- (4) Covered porches required. Front covered porches shall be required for each structure. These covered porches must meet the following minimum criteria:
  - i. A front covered porch that is permanently attached to and is an integral part of the primary structure shall be constructed of like and similar materials to those of the primary structure.
  - ii. Each front covered porch must include a minimum depth of five feet from the primary structure as measured perpendicular to the front door.
- (5) Minimum roof pitch. A minimum roof pitch of 5:12 is required for all front covered porches that are constructed as extensions to the front building elevation.

(f) **Other Applicable Regulations.**

- (1) On-site dwellings. Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (2) Open storage. Open storage is prohibited except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.

- (3) Temporary facilities. There shall be no permanent use of temporary facilities or buildings.
- (4) Article 14.03, Use Regulations, Part Two, *Accessory Uses*.
- (5) Article 14.04, Site Development Standards, Part Two, *Landscaping & Tree Preservation*.
- (6) Article 14.04, Site Development Standards, Part Three, *Screening Walls & Fencing*.

(g) **Affordable Housing Regulations.**

- (1) Nonprofit organization criteria. These regulations are applicable only to new construction on existing lots by certain nonprofit organizations meeting the following criteria:
  - i. The organization is a nonprofit organization that develops housing for low-income individuals and families as a primary activity to promote community-based revitalization of the City of Celina; or
  - ii. Be a nonprofit corporation described by 26 U.S.C. section 501(c)(3) that:
    - Has been incorporated in the State for at least one (1) year;
    - Has a corporate purpose to develop affordable housing that is stated in its articles of incorporation, bylaws or charter;
    - Has at least one member of its board of directors residing in the City of Celina; and
    - Engages primarily in the building, repair, rental, or sale of housing for low-income individuals and families; or
  - iii. Be a religious organization that:
    - Owns other property located in the City of Celina that is exempt from taxation under section 11.20, Tax Code; and
    - Has entered into a written agreement with the City regarding the revitalization of the land.
- (2) Existing subdivisions. These regulations are applicable only to new construction on existing lots within the following subdivisions: Old Donation, Malone Addition, Ousley Addition, Perkins Addition, Bateman Addition, J.K. Rice Addition, and Massey Addition.
- (3) Height & Area Regulations. In said OT-R, Old Town Residential District the height of buildings, the minimum dimensions of Affordable Housing lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows:

| <b>ARTICLE II, PART TWO, TABLE 5B</b><br><b>OLD TOWN RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS</b><br><b>AFFORDABLE HOUSING CRITERIA</b> |               |
|-------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Maximum Height (main building or house)                                                                                                   | 35'           |
| Minimum Front Yard Setback <sup>1</sup>                                                                                                   | 25'           |
| Minimum Side Yard Setback                                                                                                                 | 5'            |
| Minimum Side Yard Setback on corner <sup>1</sup>                                                                                          | 15'           |
| Minimum Rear Yard Setback                                                                                                                 | 25'           |
| Minimum Lot Width (at building line)                                                                                                      | 50'           |
| Minimum Lot Depth                                                                                                                         | 100'          |
| Maximum impervious surface                                                                                                                | 50%           |
| Minimum Lot Area                                                                                                                          | 5,000 sq. ft. |
| Minimum floor area (new buildings)                                                                                                        | -             |

- 1. Note 1. Porches, eaves and awnings may encroach up to 6' into the front yard. Front entry garages shall be flush or set back from the front facade of the house. Projections from the front facade of the house such as porches, eaves and awnings shall not count as the front facade.

- (4) Minimum design standards.
  - i. The outside shape of a dwelling unit shall contain a minimum of five (5) outside corners with a minimum wall length of two (2) feet.
  - ii. No single building elevation shall be duplicated within six (6) lots.
- (5) Minimum roof pitch required. A minimum 5:12 roof pitch is required for each primary structure.
- (6) Minimum overhang required. Each primary structure must be constructed with a roof overhang of not less than eight (8) inches as measured from the finished exterior building facade to the soffit.



- (7) Roofing system required. Installed roofing shingles must consist of three-tab or dimensional shingles with a minimum manufacturer's rating of twenty (20) years.

**Sections 14.02.207 to 14.02.300 .....Reserved.**

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## ARTICLE II – ZONING DISTRICTS

### PART THREE – MULTI-FAMILY ZONING DISTRICTS

#### 14.02.301.....Multi-Family Development, General Requirements.

- (a) **Purpose.** The overall purpose of the three multi-family zoning districts is to create a mix of rental housing opportunities within the City of Celina.
- (b) **Permitted Uses.** No building, structure, land, or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in Section 14.03.102, *Schedule of Uses – Non-Residential*.
- (c) **Regulations.** Given that the City of Celina is an area designated with historical, cultural, and architectural importance and significance, the following provisions apply to all multi-family districts unless otherwise specified within their respective descriptions in Sections 14.02.302 through 14.02.304.
- (1) **Site Plan Approval.** Façade and siting approval shall be part of the overall site plan approval process. This will include, but not be limited to, the materials used on each façade, the orientation of buildings to the street, adjacency to single-family residential developments and commercial buildings, and location of open space. Site plans may be approved by the Director of Development Services through the civil plan review process or as part of a Planned Development.
- (2) **Setbacks Adjacent to Single-Family Residential.** When any multi-family development is sited adjacent to a single-family zoning district or vacant land designated as single-family on the Comprehensive Plan, the following regulations apply:
- Any multi-family building that is one (1) or two (2) stories in height shall be setback from the single-family district property line a minimum of forty (40) feet.
  - Any multi-family building that is three (3) stories in height shall be setback from the single-family district property line a minimum of sixty (60) feet.
  - Any multi-family building that is four (4) stories in height or greater shall be setback from the single-family district property line a minimum of eighty (80) feet.
- (4) **Parking Regulations for multi-family developments.** The minimum off-street parking and loading regulations shall comply with the following:
- No garage doors shall face a public street.
  - No covered parking spaces and/or detached garages may be placed between an MF-1 building and a public street.
  - Stacking spaces (tandem spaces between the garage door and fire lane) shall not be counted towards required parking spaces.
  - The ratio of required parking spaces per bedroom shall be as follows:

| ARTICLE II, PART THREE, TABLE 1A<br>MULTI-FAMILY PARKING SPACES PER UNIT SIZE |                                                   |
|-------------------------------------------------------------------------------|---------------------------------------------------|
| Type of Unit                                                                  | Number of Spaces                                  |
| Studio                                                                        | 1.5                                               |
| 1 bedroom                                                                     | 1.5                                               |
| 2 bedrooms                                                                    | 2.0                                               |
| 3+ bedrooms                                                                   | 2.5                                               |
| Total required spaces                                                         | No less than 1.8 spaces per dwelling unit overall |

- Percentage of parking that shall be enclosed or structured shall be as follows:

| ARTICLE II, PART THREE, TABLE 1B<br>MULTI-FAMILY PERCENT OF ENCLOSED OR STRUCTURED PARKING |                                                   |
|--------------------------------------------------------------------------------------------|---------------------------------------------------|
| Type of Multi-Family                                                                       | Minimum Percent of Enclosed or Structured Parking |
| MF-1, Garden Style                                                                         | 10%                                               |

|                    |               |
|--------------------|---------------|
| MF-2, Urban Edge   | none required |
| MF-3, Urban Living | 75%           |

- (5) Maximum number of 3+ bedroom units. No more than ten percent (10%) of the total units of any multi-family development shall have three (3) or more bedrooms.
- (6) Roof materials. All roofs that are visible to the street shall be constructed of metal product approved for roofing.
- (7) Trash & recycling receptacles. Trash and recycling receptacles shall be screened with a six (6) foot solid masonry enclosure on three (3) sides with a solid metal gate and located to the side or rear of the principal building(s) and out of view from the right-of-way.
- (8) Mail kiosks. Mail kiosk shall have a minimum of three (3) required parking spaces for the development within fifty (50) feet of the kiosk, unless a drive-thru facility is provided. The mail kiosk must be constructed of the same materials as the main structure.

(d) **Other Applicable Regulations.**

- (1) Article IV, Site Development Standards, Part One, *Architectural Design Standards*.
- (2) Article IV, Site Development Standards, Part Two, *Landscaping & Tree Preservation*.
- (3) Article IV, Site Development Standards, Part Three, *Screening Walls & Fencing*.
- (4) Article IV, Site Development Standards, Part Five, *Lighting Standards*.
- (5) *Neighborhood Vision Book*.

**14.02.302.....MF-1 – Multi-Family District, Garden Style.**

- (a) **Purpose.** The MF-1 District is intended as a relatively low density multi-family development that is designed with commonly used open space, some garage or covered parking options for residents, amenities such as a fitness centers, community rooms, tennis courts, dog parks, or other amenities typically provided in a suburban, garden-style multi-family development.
- (b) **General Locations.** Locations of MF-1 zoning districts should be sited adjacent to areas that have generally low to medium density residential development and are not anticipated to develop with an urban character.
- (c) **Open Space.** The MF-1 district requires twenty percent (20%) open space with a minimum of fifty percent (50%) of that open space being “usable open space,” as defined in Section 14.01.115, *Other Zoning Ordinance Definitions*. Open space should be located to preserve existing trees and other desirable physical features.
- (d) **Specific MF-1, Garden-Style Design Regulations.**
  - (1) Maximum height. Maximum height of MF-1 developments shall be three (3) stories.
  - (2) Enclosed parking. A minimum of ten percent (10%) of all parking provided on the MF-1 site shall be in enclosed garages or parking structures.
  - (3) Courts. Where MF-1 buildings are designed to create inner courts, the façade materials of all exterior walls shall extend into such court area for a distance greater than five (5) feet.
  - (4) Exterior stairs. Stairs between floors shall be screened with architectural features to avoid a direct view of a stairwell from any public street or open space.
  - (5) Balconies & patios. Where MF-1 residential buildings are designed with balconies or patios facing a public street, such balconies shall not extend beyond the building line.
  - (6) Building orientation & spacing.
    - i. MF-1 buildings, when located adjacent to any single-family residential district or use shall be sited perpendicular to the single-family lots.
    - ii. MF-1 buildings on a single parcel of land shall have the following minimum distance between structures:

| ARTICLE II, PART THREE, TABLE 2  |                             |
|----------------------------------|-----------------------------|
| MF-1 DISTANCE BETWEEN STRUCTURES |                             |
| Orientation                      | Distance Between Structures |

|                       |         |
|-----------------------|---------|
| Face to Face          | 50 feet |
| Face to End           | 30 feet |
| Corner to Face or End | 30 feet |
| End to End            | 30 feet |

- (e) **Required Amenities.** A minimum of four (4) of the following must be incorporated into each MF-1 development. A minimum of two (2) major amenities must be provided. The scale of the amenities as well as other comparable amenities shall be approved through the site plan approval process.

- (1) Major amenities:
  - i. Dog park.
  - ii. Indoor exercise facility.
  - iii. Jogging trail.
  - iv. Sport courts or fields (volleyball, baseball, tennis etc.).
  - v. Swimming pool.
- (2) Minor amenities:
  - i. Gazebo.
  - ii. Improved picnic areas (with tables, grills, shading).
  - iii. Playground or tot lot.
  - iv. Splash pad.
  - v. Putting green.

#### 14.02.303.....MF-2 – Multi-Family District, Urban Edge.

- (a) **Purpose.** The MF-2 District is more urban in nature than garden style multi-family developments, may provide a portion of the parking in enclosed garages or covered spaces, and provides a mid-range of density for apartment complexes. This type of district places the buildings close to the street and makes use of wide sidewalks and more narrow streets, often with limited open space and interior sited parking garages or surface lots. The MF-2 development is typically provided at the edges of urban centers, often combined with commercial, office, and entertainment uses in close proximity.
- (b) **General Locations.** Locations of MF-2 zoning districts should be sited in areas that will develop with an urban character, such as at major intersections of the Dallas North Tollway and crossing arterials or other dense urban-type hubs throughout Celina. MF-2 zoning should not be located adjacent to any single-family residential district or use, unless appropriate spatial buffering is provided.
- (c) **Open Space.** All multi-family districts are subject to twenty percent (20%) open space with a minimum of fifty percent (50%) of that open space being “usable open space,” as defined in Section 14.01.115, *Zoning Ordinance Definitions*. Any open space area shall be platted as a common area lot, be owned and maintained by the owner or management firm, and be designated with an “X” on the plat. Open space should be located to preserve existing trees and other desirable physical features.
- (d) **Specific MF-2, Urban-Edge Design Regulations.**
- (1) **Height minimums.** All buildings within an MF-2, Urban-Edge development shall be a minimum of four (4) stories in height.
  - (2) **Courts.** Where MF-2 residential buildings are designed to create inner courts, the faces of all opposite walls of such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court area for a distance greater than five (5) feet.
  - (3) **Balconies/patios.** Where MF-2 residential buildings are designed with balconies or patios facing a public street, such balconies shall not extend beyond the building line.
- (e) **Required Amenities.** A minimum of four (4) of the following must be incorporated into each MF-2 development. A minimum of two (2) major amenities must be provided. The scale of the amenities as well as other comparable amenities shall be approved through the site plan approval process.
- (1) Major amenities:

- i. Indoor exercise facility.
  - ii. Jogging trail.
  - iii. Sport courts or fields (volleyball, baseball, tennis etc.).
  - iv. Swimming pool.
- (2) Minor amenities:
- i. Gazebo.
  - ii. Improved picnic areas (with tables, grills, shading).
  - iii. Playground or tot lot.
  - iv. Splash pad.

#### 14.02.304.....MF-3 – Multi-Family District, Urban Living.

- (a) **Purpose.** The MF-3 District is strictly urban in nature and is typically part of a mixed-use development. This type of district places the buildings close to the street and makes use of wide sidewalks and more narrow streets, often with limited open space and interior sited garages making up the majority of the parking. The MF-3 development is provided in an urban setting, often combined with commercial, office, and entertainment uses as part of the same development or in close proximity.
- (b) **General Locations.** Locations of MF-3 zoning districts should be sited in areas that will develop with an urban character, such as at major intersections of the Dallas North Tollway and crossing arterials or other dense urban-type hubs throughout Celina. MF-3 zoning should not be located adjacent to any single-family residential district or use, unless significant spatial buffering is provided.
- (c) **Open Space.**
- (1) All MF-3 districts are subject to twenty percent (20%) open space with a minimum of fifty percent (50%) of that open space being “usable open space,” as defined in Section 14.01.115, *Zoning Ordinance Definitions*. The open space is based on the footprint of the structure. Any open space area shall be platted as a common area lot, be owned and maintained by the owner or management firm, and be designated with an “X” on the plat. Open space should be located to preserve existing trees and other desirable physical features.
  - (2) It is expected that some or all of the shared amenities for MF-3 developments will be provided within interior spaces. Therefore, the open space requirement for this type of multi-family development may be reduced by the amount of shared interior open space provided, such as interior or rooftop swimming pools, sports courts, community rooms, etc.
- (d) **Specific MF-3, Urban Living Design Regulations.**
- (1) **Minimum & Maximum Density.** MF-3 developments shall have a minimum twenty-eight (28) units per acre and a maximum sixty (60) units per acre. These density figures may be amended by the City Council.
  - (2) **Mixed-use integration.** Urban-character projects shall be integrated at the time of construction within mixed-use developments. Residential units may be located in separate, freestanding buildings or may be combined vertically in multi-use buildings of multi-story design.
  - (3) **First floor retail.** Where buildings face a public street or an active pedestrian area, the first floor shall be “retail-ready” and shall be constructed with a minimum fourteen (14) foot high ceilings and mechanical chases necessary for conversion to commercial uses.
  - (4) **Height minimums.** All buildings within an MF-3, Urban-Living development shall be a minimum of four (4) stories in height.
  - (5) **Balconies/patios.** Where MF-3 buildings are designed with balconies or patios facing a public street, such balconies shall not extend beyond the building line.
  - (6) **Enclosed Parking.** A minimum of seventy-five percent (75%) of all parking provided on the MF-2 site shall be in enclosed garages or parking structures.
- (e) **Required Amenities.** A minimum of three (3) of the following must be incorporated into each MF-3 development. A minimum of two (2) major amenities must be provided. The scale of the amenities as well as other comparable amenities shall be approved through the site plan approval process.



- (1) Major amenities:
  - i. Indoor exercise facility.
  - ii. Indoor jogging trail.
  - iii. Sport courts or fields (volleyball, baseball, tennis etc.).
  - iv. Swimming pool.
  - v. Meeting room.
- (2) Minor amenities:
  - i. Playground or tot lot.
  - ii. Splash pad.

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## ARTICLE II – ZONING DISTRICTS

### PART FOUR – NON-RESIDENTIAL ZONING DISTRICTS

#### 14.02.401.....Non-Residential Districts, General Regulations.

- (a) **Purpose.** The overall purpose of non-residential zoning districts, excluding the multi-family zoning districts discussed in Article II, Part Three, is to afford opportunities to conduct business within the City of Celina in an orderly manner.
- (b) **Permitted Uses.** No building, structure, land, or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in Section 14.03.102, *Schedule of Uses – Non-Residential*.
- (c) **Regulations.** Given that the City of Celina is an area designated with historical, cultural, and architectural importance and significance, the following provisions apply to all non-residential districts and uses unless otherwise specified within their respective descriptions in Sections 14.02.402 through 14.02.407, and apply to the Overlay Districts unless the specific Overlay District includes a higher or more stringent standard.
  - (1) **Site Plan Approval.** Façade and siting approval shall be part of the overall site plan approval process. This will include, but is not limited to, the materials used on each façade, the orientation of buildings to the street, adjacency to single-family and multi-family developments, and location of open space. Site plans may be approved by the Director of Development Services through the civil plan review process or as part of a Planned Development.
  - (2) **Setbacks.** The following setbacks apply based on zoning district adjacency:
    - i. Adjacent to single-family district.
      - a. Any non-residential building that is one (1) or two (2) stories in height shall be setback from the single-family district property line a minimum of forty (40) feet.
      - b. Any non-residential building that is three (3) stories in height shall be setback from the single-family district property line a minimum of sixty (60) feet.
      - c. Any non-residential building that is four (4) stories in height or greater shall be setback from the single-family district property line a minimum of eighty (80) feet.
      - d. Parking and/or drive aisles may be located within these setbacks.
    - ii. Adjacent to any district other than single-family district. When a non-residential building is adjacent to a similar land use, the setbacks shall be the minimum allowed by the adopted Building Codes and Fire Codes.
  - (3) **Access.** Access and off-street parking shall be provided in conformance with the City standards.
    - i. Developments shall incorporate a shared access drive (minimum of twenty-four (24) foot in width via platted or properly recorded easements) through neighboring properties of similar land uses, such that each lot or development site has at least two points of access to public roads.
    - ii. The required shared access drive shall be located adjacent to the required landscape buffer, and/or adjacent to the first bay of parking.
  - (7) **Loading & Service Areas.** Loading and service areas shall be located at the side or rear of buildings. Horizontal articulation described in Section 14.04.109(d), *Building Articulation Standards for All Non-residential Structures*, is not required on the facade of buildings containing a loading dock and/or service area, provided that such area is not readily visible from the right-of-way.
  - (8) **Sidewalk Standards.** Per the *Engineering Design Standards*.
  - (9) **RV-Use.** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for commercial purposes.
  - (10) **Open Storage.** Open storage is prohibited in all non-residential districts, unless specifically allowed within the Schedule of Uses (see Section 14.03.102).
- (d) **Other Applicable Regulations for all Non-Residential Districts.**

- (1) Access. A minimum of two (2) vehicular points of connection to adjacent roadways and a minimum of two (2) pedestrian points of connection to adjoining sidewalks, trails or developments shall be provided.
- (2) Article IV, Site Development Standards, Part One, *Architectural Design Standards*.
- (3) Article IV, Site Development Standards, Part Two, *Landscaping & Tree Preservation*.
- (4) Article IV, Site Development Standards, Part Three, *Screening Walls & Fencing*.
- (5) Article IV, Site Development Standards, Part Four, *Parking, Stacking, & Loading Standards*.
- (6) Article IV, Site Development Standards, Part Five, *Lighting Standards*.
- (7) Article IV, Site Development Standards, Part Six, *Performance Standards*.
- (8) *Neighborhood Vision Book*.

#### 14.02.402.....CF, Community Facilities Zoning District.

- (a) Purpose. The Community Facilities district is established to apply to those lands where Federal, State, or local government activities are conducted, where governments hold title to such lands, for public and private educational facilities, and hospitals. In addition, certain non-governmental and non-institutional uses may be permitted in this district to provide necessary services to governmental and institutional uses.
- (b) Height & Area Regulations. The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot in CF district shall be as follows:
  - (1) Maximum height. Sixty (60) feet. This height limitation may be waived by action of the City Council.
  - (2) Minimum front yard setback. Twenty (20) feet.
  - (3) Other setbacks. Refer to Section 14.02.401(c)(2), *Setbacks* for minimum setbacks based on zoning district adjacency.

#### 14.02.403.....C, Commercial, Office, & Retail Zoning District.

- (a) Purpose. The Commercial, Office, & Retail district is established to be a generic district that provides areas for retail sales that are not part of an overall larger mixed-use development. Buildings in this zoning district may be freestanding, fully contained on a single lot or tract of land, or a shopping center that consists of various retail shops, along with restaurant and/or office uses.
- (b) Height & Area Regulations. The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot in CF district shall be as follows:
  - (1) Maximum height. Eighty (80) feet. This height limitation may be waived by action of the City Council.
  - (2) Minimum front yard setback. Twenty (20) feet.
  - (3) Minimum lot area. One (1) acre, unless otherwise approved through the site plan process.
  - (4) Other setbacks. Refer to Section 14.02.401(c)(2), *Setbacks* for minimum setbacks based on zoning district adjacency.

#### 14.02.404.....I, Industrial Zoning District.

- (a) Purpose. The Industrial district is established to provide areas intended primarily for manufacturing, assembling, and fabrication activities, and for warehousing, research & development, wholesaling, and service operations that do not depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares and/or other means of transportation, such as railroads or large-scale transport vehicles. Industrial uses that are permitted "by right" are not listed within the "Heavy" or "High Risk" manufacturing or industrial uses, but are those types of manufacturing and industrial uses that have low or no impact on the environment and are considered "employment generators." Those "Heavy" or "High Risk" manufacturing or industrial uses require a Specific Use Permit (SUP) for approval, which affords greater scrutiny by the City Council as to the location and proximity to other non-compatible uses.

- (b) **General Locations.** Locations of Industrial zoning districts should be sited away from areas that have residential development. These could be located behind retail zoning districts or on land that is less accessible or desirable for residential development. The ideal location for industrial districts is adjacent to railroad rights-of-way, along or set back from major thoroughfares, and areas that include other uses with higher traffic flow, noise, and commercial interactions.
- (c) **Height & Area Regulations.**
  - (1) Maximum height. Eighty (80) feet. This height limitation may be waived by action of the City Council.
  - (2) Minimum front yard setback. Twenty (20) feet.
  - (3) Minimum lot area. One (1) acre.
  - (4) Other setbacks. Refer to Section 14.02.401(c)(2), *Setbacks* for minimum setbacks based on zoning district adjacency.
- (d) **Performance Standards.** Such uses shall not propagate excessive dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located and which produces no noise exceeding the average intensity of noise due to street traffic at that point and provided that such use does not create fire hazards to surrounding property. Any application for a Specific Use Permit (SUP) in this district must include an emission and dust mitigation plan. See Article IV, Part Six, *Performance Standards*, for detailed information.

#### 14.02.405.....AG, Agricultural Zoning District.

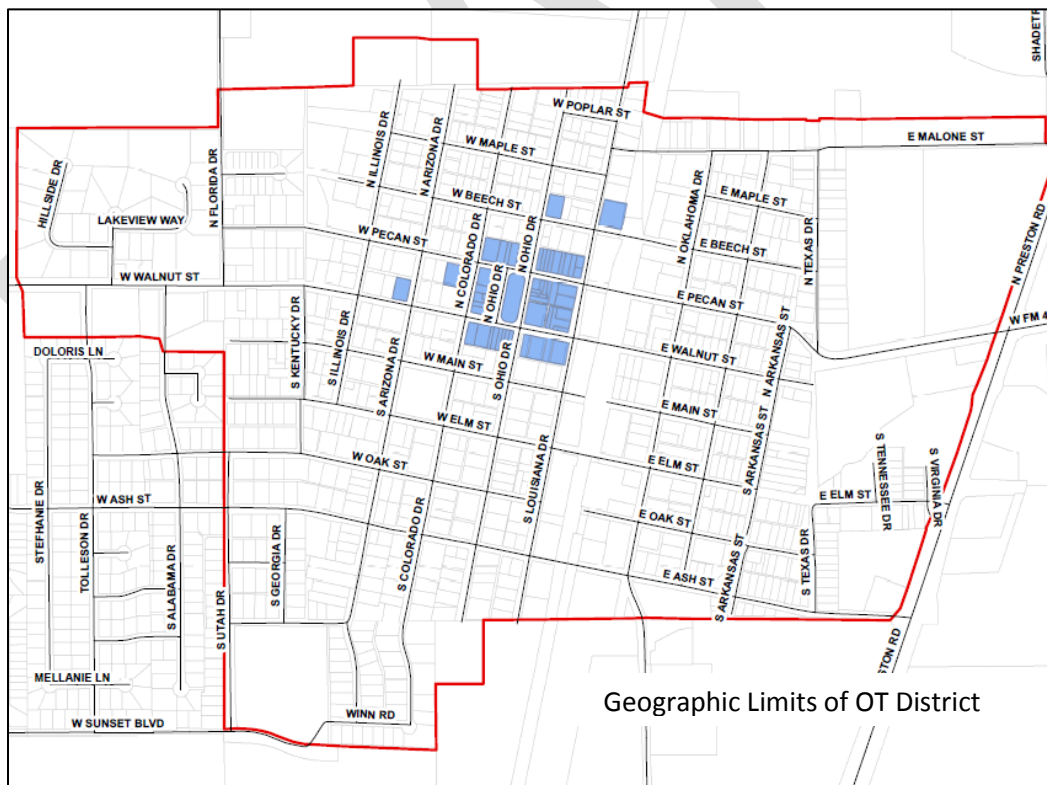
- (a) **Purpose.** The Agricultural district is established to permit the use of land for the ranching, propagation, and cultivation of crops and similar uses of raw land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed and not immediately zoned into the appropriate district for development is automatically zoned AG, Agricultural District. It is anticipated that Agricultural zoned land will eventually be rezoned to another zoning classification in the future, as appropriate, unless said land is preserved for rural purposes. However, the AG, Agricultural Zoning District also encompasses both private agricultural land uses and commercial agricultural land uses, the latter of which requires the approval of a Specific Use Permit (SUP).
- (b) **General Locations.** Locations of Agricultural zoning districts shall be any location with sufficient acreage to sustain farming and/or ranching.
- (c) **Height & Area Regulations.** The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot in Agricultural district shall be as follows:
  - (1) Maximum height. Fifty (50) feet. This height limitation may be waived by action of the City Council.
  - (2) Minimum front yard setback. Fifty (50) feet.
  - (3) Minimum lot area. Ten (10) acres.
  - (4) Setback for agricultural buildings. Agricultural accessory structures that contain livestock shall be set back from any single-family district a minimum of 100 feet.
  - (5) Other setbacks. Refer to Section 14.02.401(c)(2), *Setbacks* for minimum setbacks based on zoning district adjacency.
- (d) **Other Applicable Regulations.**
  - (1) Agricultural open storage. Open storage is prohibited except for materials for the resident's personal use or consumption such as firewood, garden materials, etc. Agricultural, ranching, and crop production storage is allowed, including agricultural vehicles necessary for the agricultural use.
  - (2) Agricultural fencing. If livestock (animals typically kept in pastures and/or stables and not in the home), then the restriction for fencing within the front yard setback shall not apply. Fences suitable for containment of livestock (but not barbed wire or razor wire) shall be allowed along the property boundary (see Article 14.04, Part Three, *Screening Walls & Fencing*).

**14.02.406.....MU, Mixed-Use Zoning District.**

- (a) **Purpose.** The Mixed-Use district is established to encourage and promote well-planned, compact, and viable development consisting of an integrated blend of residential, retail, commercial, and office uses. The proposed uses may be located in a single building (integrated) or in separate buildings (stand-alone). Through the mixing of uses, a more diverse selection of residential, retail, and office space will be provided within the City, and at the same time, allowing developers the flexibility to respond to a changing economic conditions. It is expected that Mixed-Use districts will be developed as Planned Developments and therefore the development standards may be amended to better suit the specific site, development attributes, and economic platform at the time of development.
- (b) **General Locations.** Mixed-Use developments should encourage efficient land use by facilitating blended vertical and/or horizontal development, with a strong relationship to the surrounding environment. This type of development shall promote full utilization of public services, whether existing or new, such as water lines, sewers, streets, and emergency services, by centralizing the demands on these services. It is expected that these districts will have an urban character.
- (c) **Height & Area Regulations.** The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot in Mixed-Use district shall not be spelled out, but shall be in keeping with the urban character sought in the development.
- (d) **Land Use Mix.** All MU zoning districts will have a mix of residential and nonresidential uses. The development may choose to eliminate all single-family uses, but must have a multi-family component to be considered "Mixed Use."
- (1) Commercial, Office, & Retail: Minimum of thirty percent (30%).
  - (2) SF-R, Single-Family detached residential uses: Maximum twenty-five percent (25%).
  - (3) SF-A, Single-Family attached residential uses: Maximum fifty percent (50%).
  - (4) MF-1, Multi-Family Garden Style: Maximum fifteen percent (15%) but no fewer than fifteen (15) acres.
  - (5) MF-2, Multi-Family Urban Edge: Maximum thirty percent (40%).
  - (6) MF-3, Multi-Family Urban Living: Maximum fifty percent (60%).

**14.02.407.....OT, Old Town Zoning District.**

- (a) **Purpose.** The Old Town Commercial district is established to maintain and encourage development and redevelopment within the central business section of the City. Standards for the district are generally intended to regulate development such that new structures can be developed similar to existing historic structures within this section of the City. They are also intended to preserve and enhance the image, character and unique qualities of the City's historic original business district. Pedestrian activity and access is also of extreme importance within this district. Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. The City hereby declares that as a matter of public policy, the protection, preservation and enhancement of landmarks of architectural, archaeological, cultural and historic importance is necessary to promote the economic, cultural, educational and general welfare of the citizens of Celina. The unique identity of the City of Celina and the history of the area prior to its founding, which produced significant historic, architectural, archaeological and cultural resources, requires this zoning district to:
- (1) Protect and enhance the landmarks, which represent distinctive elements of Celina's historic, architectural and cultural heritage;
  - (2) Foster civic pride in accomplishments of the past;
  - (3) Protect and enhance Celina's attractiveness to visitors and the support and stimulus to the economy thereby provided;
  - (4) Ensure the orderly, efficient and appropriate growth and development of Celina;
  - (5) Promote economic stability and prosperity of the community by encouraging the most appropriate use of such significant property in Celina; and
  - (6) Stabilize and improve property values.
- (b) **Boundaries of OT District.** Boundaries of the OT district shall be as shown on the map, below. Any area currently zoned OT-R, Old-Town Residential, may be rezoned to OT upon Council approval.



- (c) **Permitted Uses.** No building, structure, land, or premises will be used, and no building or structure shall hereafter be erected, constructed, reconstructed, or altered, except for one or more of the uses specified in Section 14.03.102, *Schedule of Uses – Non-Residential*.



- (d) **Height & Area Regulations.** The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot in OT shall be as follows:

| ARTICLE II, PART FOUR, TABLE 1<br>OT, OLD TOWN DEVELOPMENT STANDARDS |     |
|----------------------------------------------------------------------|-----|
| Maximum Height                                                       | 40' |
| Minimum Front Yard Setback                                           | -   |
| Minimum Side Yard Setback                                            | -   |
| Minimum Rear Yard Setback (if adjacent to alley)                     | 15' |
| Minimum Rear Yard Setback (if adjacent to SF)                        | 25' |
| Minimum Lot Width (at building line)                                 | 25' |
| Minimum Lot Depth                                                    | -   |
| Maximum impervious surface                                           | -   |
| Parking spaces                                                       | -   |
| Landscaping Requirements                                             | -   |

- (e) **Definitions.**

**Alteration.** Alteration is the introduction of different forms, colors, textures, materials and shapes to property within the Historic District.

**Appropriate alterations.** Appropriate alterations shall mean the introduction of compatible forms, colors, textures, materials, and shapes which harmonize with existing historical property characteristics yet relate through the sensitive use of proportion, color, scale, and landscaping.

**Certificate of appropriateness within the Historic District.** Certificate of appropriateness is a certificate approved by the Downtown Development Manager for minor exterior alterations or by the Celina Historic Preservation Commission authorizing an alteration, new construction, demolition, or relocation.

**Compatible.** Compatible shall mean a pleasing visual relationship between elements of a property, building, structure, and site to the same elements of another property. Aspects of compatibility may include, but are not limited to, open space, setbacks, scale of buildings, height, proportion of facade, proportion of openings, rhythm, architectural detail, materials and texture, and architectural style.

**Contributing (property, building, or structure).** Contributing (property, building, or structure) shall mean a building or structure, within the boundaries of the Historic District, that adds to the historic significance of the district.

**Design guidelines.** Design guidelines shall mean guidelines that are recommended by the historic preservation commission for property within the Historic District to protect and enhance the historical, cultural, architectural, or archeological character of the district.

**Economic hardship.** Economic hardship shall mean an owner's inability to earn a reasonable return on their investment (property) or the property cannot be adapted for another use that can result in a reasonable return.

**Historic District.** The specified geographical area within the OT District that is considered to have significant historical significance and is subject to the Historic Preservation Commission's oversight.

**Historic landmark.** Landmark shall mean any building, land areas, or districts of architectural, archeological, or cultural importance or value, which the City Council determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the people.

**Historic Preservation Officer.** Historic Preservation Officer shall mean the Celina Downtown Development Manager or if non-existent, a City staff member appointed by the City Manager to serve as staff to the HPC.

**Historic significance.** Historic significance shall mean the importance for which a property or landmark has been evaluated to meet designation criteria. Any property, with a principal structure, classified as "noncontributing," is not considered to possess historical significance.

**Integrity (historic).** Integrity (historic) shall mean the unimpaired ability of a property to convey its historical significance. The elements of integrity include location, design, setting, workmanship, feeling, and association.

**Landscape.** Landscape shall mean the general arrangement of grounds, including, but not limited to, the topographic grade, types and sites of plant material, types and sites of surface materials, and types and sites of construction such as fences, retaining walls, fountains, arbors, and gazebos.

**New construction.** New construction shall mean the erection of a new principal or accessory structure on a lot or property, or an addition to an existing structure.

**Noncontributing.** Noncontributing shall mean a building or structure, within the boundaries of the Historic District that does not contribute to the historic significance of the district.

**Ordinary maintenance.** Ordinary maintenance shall mean any work that does not constitute a change in design, material, color, or outward appearance, and includes in-kind replacement or repair of existing materials. This includes any work, the purpose and effect of which is to correct any deterioration or decay or damage to a structure or property, or any part thereof, to its condition prior to such deterioration, decay, or damage.

**Period of significance.** Period of significance shall mean the span of time in which a property attained the significance for which it meets the designation criteria for historic landmark designation.

**Preservation.** Preservation shall mean the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

**Reconstruction.** Reconstruction shall mean the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time in its historic location.

**Rehabilitation.** Rehabilitation shall mean the act or process of making possible a compatible use for a property through repair, alterations and additions while preserving those portions or that convey its historical, cultural, or architectural values.

**Relocation.** Relocation shall mean the disassembly, relocation to a different site and reassembly of a building.

**Restoration.** Restoration shall mean the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

**Significance.** Significance shall mean having aesthetic, architectural, cultural, or historical qualities of importance to the consideration of property, building, or structure for classification as a designated property that has been evaluated to meet designation criteria.

(f) **Designations within the Historic District.**

(1) **Designations.** The City Council may use the following designation for individual buildings and structures which are within the Historic District:

- i. Contributing; or
- ii. Noncontributing.

(2) **Noncontributing exemption.** The City Council may also allow noncontributing properties to be exempt from the Certificate of Appropriateness review process and from complying with Historic District design guidelines.

- i. **New construction/replacement.** Allowing noncontributing properties to be exempt from a Certificate of Appropriateness does not exempt the requirement for a Certificate of Appropriateness for new construction that is to replace a noncontributing property (building or structure) or new construction on a vacant lot.
- ii. **Noncontributing exterior facade remodeling.** The City Council may require noncontributing properties undergoing exterior facade remodeling to be visually and architecturally similar to contributing Historic District buildings.

(g) **Ordinary Maintenance.** Nothing in this section should be construed to prevent ordinary maintenance or repair of any exterior architectural feature of a property in the Historic District. Ordinary maintenance shall be defined as any work that does not constitute a change in design, material, color, or outward appearance, and includes in-kind replacement or repair of existing materials. The City Manager or his designee shall be the designated official in charge of making the decisions as to what is "ordinary maintenance."

**Sections 14.02.408 to 14.04.500 .....Reserved.**

**ARTICLE II, ZONING DISTRICTS**  
**PART FIVE - SPECIAL DISTRICTS**

**14.02.501.....PD, Planned Development District.**

- (a) **Purpose.** The Planned Development district is established to permit flexibility and encourage a more creative, efficient, and aesthetically desirable design and placement of buildings, open spaces, and circulation patterns by allowing a mixture or combination of uses, and utilizing special site features such as topography, size, and shape. A planned development district may be used to permit new or innovative concepts in land utilization not permitted by a single zoning district within this Zoning Ordinance. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow certain development to occur, the requirements established herein ensure against misuse of increased flexibility.
- (b) **Permitted Uses.** A planned development district may contain any use or combination of uses permitted in the zoning districts, Article 14.02, and use regulations, Article 14.03. Uses shall conform to the standards and regulations to the base zoning district stated in the ordinance establishing the planned development district unless otherwise spelled out in detail within adopted Development Standards and illustrated with a Concept Plan.
- (c) **Modified Development Standards.** Development standards for each planned development shall be set forth in the granting ordinance adopting the planned development zoning and shall include standards listed in the following documents as well as related standards which the City may determine are in the public interest:
  - (1) Zoning Ordinance;
  - (2) Subdivision Ordinance;
  - (3) Engineering Design Standards (and construction details);
  - (4) Sign Ordinance; and
  - (5) Other requirements as the Planning & Zoning Commission and City Council may deem appropriate.
- (d) **Procedure & Approval.** The procedure for establishing a planned development district shall follow the procedure in Section 14.01.303, *Zoning Change Process*, as set forth in this code. An applicant for a planned development district shall refer to the application requirements outlined in Section 14.02.501(f), below. Once established, a planned development may further amend the zoning within each PD tract individually and not require the entire acreage of the planned development to be reconsidered or noticed per State law.
- (e) **Neighborhood Meeting.** The applicant is encouraged to conduct a neighborhood meeting with the area homeowners in the vicinity of the rezoning/planned development request prior to appearing before the Planning & Zoning Commission. The applicant shall notify the Director of Development Services of any scheduled neighborhood meetings at least seven (7) calendar days prior to the meeting and the Director or his designee may attend the neighborhood meeting to offer guidance in the process and timing of rezoning.
- (f) **Application Requirements.**
  - (1) **Base zoning district.** The ordinance establishing a planned development district shall specify the base zoning district or districts and identify same on the Concept Plan. The land uses permitted by right in the base zoning district shall be allowed by right in the planned development district. Any additional land uses not allowed in the designated base zoning must be specified in writing in the adopting ordinance. In selecting a base zoning district, the uses allowed in the base zoning district must be similar or compatible with those allowed in the planned development district. The planned development district shall conform to all other sections of the ordinance unless expressly provided otherwise in the granting ordinance. If the standards of the base zoning district are amended (through a Zoning Ordinance text amendment), the most recently amended standards shall apply to the PD at the time of development.
  - (2) **Letter of intent.** All applications shall include a written statement of purpose that addresses the following:
    - i. Explanation of proposal and the justification for the planned development including the impact on public health, safety, and welfare.
    - ii. Explanation of how the proposed planned development will be a benefit to the City.
    - iii. Details of how the proposed planned development is consistent with the Comprehensive Plan.

iv. Anticipated schedule of development and phasing.

(3) Legal description. A legal description (i.e. metes and bounds) for the property.

(4) Concept plan. The Concept Plan shall show the boundaries of the subject property, roadways, adjacent zoning districts, and the applicant's intent for the use of the land within the proposed planned development district. (See Section 14.01.305, *Concept Plan Requirements & Approval* for more information regarding Concept Plans). Receipt of the Concept Plan (during review and prior to approval) does not vest rights for any property.

(5) Development standards. The applicant shall provide a bullet point list of all development regulations that are proposed to vary from those listed in the Zoning Ordinance. These shall include, but are not limited to, land uses, density, lot area, lot width, lot depth, setbacks, building height, building materials, lot coverage, off-street parking & loading, open space, access, screening, landscaping, project phasing or scheduling, property or homeowner management associations, and other conditions or requirements the staff, the Planning & Zoning Commission, and/or the City Council may deem appropriate. Any development standards not listed shall be assumed to conform to the Zoning Ordinance, as it exists or may be amended. The Development Services staff shall transpose the bulleted list into written development standards, so that the development standards of all planned developments follow a prescribed format.

(g) Home Owners Association. A home owners' association (HOA) shall be established for the purpose of ownership, maintenance, and management of open spaces within any Planned Development district for residential uses. A similar property owners association shall be established for the purpose of ownership, maintenance, and management of open spaces within any Planned Development district for non-residential uses.

(h) Facilities Agreements & Development Agreements. The Development Services Director may require that the owner submit a Facilities Agreement in compliance with the Subdivision Ordinance or a Development Agreement prior to or in conjunction with plat approval. This agreement shall reflect conditions of the City and the developer as to the cost sharing for the installation or oversizing of utility systems, perimeter streets, mandatory construction, dedication of park or open space area, landscaping or greenbelt development or other comparable items, phasing of the development, timing of required improvements by phase, maximum density or intensity of use during the construction process, and the maintenance of open space (See Section 10.03.044 of the Subdivision Ordinance for more information regarding Development Agreements).

(i) Reference on Zoning Map. All planned development districts approved in accordance with the provisions of the Zoning Ordinance, by the original ordinance or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such planned development districts, together with the category of uses and development standards permitted therein, shall be maintained as part of this Code.

#### 14.02.502.....PRO, Preston Road Overlay District

- (a) **Purpose.** The Preston Road overlay (PRO) district is intended to substantially advance a legitimate governmental interest that includes enhancing the quality of life in the City, to regulate the character of growth along the Preston Road, and to ensure the careful and orderly growth of a historical trail and entryway into the City. Higher development standards in this significant corridor can effectively enhance the City's image as a desirable place to live, work, and shop. The Preston Road overlay district is limited to specified areas and supplements the standards of the underlying conventional zoning districts.
- (b) **Permitted & Prohibited Uses.**
- (1) Permitted land uses and all development standards in the City's zoning ordinance, subdivision ordinance, building codes, and other applicable development-related codes and ordinances that apply to the base zoning district in which any property is located shall apply unless otherwise provided specifically herein. In the event of a conflict between the standards of the PRO and the regulations of the underlying zoning district, the more stringent requirements shall apply. Regulations of the underlying zoning district not augmented or otherwise supplemented by the PRO will continue to prevail.
  - (2) In cases where another corridor overlay district's requirements conflict with base zoning requirements or with the requirements of this overlay district, the more stringent requirements shall apply. Unless specifically provided otherwise herein, the base zoning of a property (including permitted uses and development standards) shall not be affected by the applicable PRO district.
  - (3) The following list of uses are prohibited within the Preston Road Overlay.
    - i. Limited vehicle-related uses: Specifically new and used car sales, salvage yards, commercial parking lots, and towing yards.
    - ii. Heavy industrial uses: Specifically uses that are hazardous, environmentally severe in character, or generate high volumes of truck traffic.
    - iii. Self-storage or mini storage uses.
    - iv. Single-Family Attached and detached) and duplex residential uses.
    - v. Single-Family Detached residential uses.
  - (4) Notwithstanding the prohibited uses of single-family listed in subsection (3) above, a planned development that incorporates a significant amount of retail, office, and commercial development with vertically integrated residential development may be considered by the City Council and become an approved use within the PRO.
- (c) **District Boundaries.** The PRO's boundaries shall be measured 750 feet from the right-of-way boundary line along both sides of State Highway 289. The corridor and its subsequent regulations apply to all land within the corridor and properties beyond 750 feet of the right-of-way with ingress and egress (access) to State Highway 289. The district boundaries excludes all single-family subdivisions platted prior to the date of this ordinance amendment [3/13/18].
- (d) **Lot & Setback Standards.**
- (1) Landscape buffers/easements along Preston Road and between land uses shall conform to Article 14.04.208, *Roadway Landscape Easements & Buffers*.
  - (2) Buildings, parking, and drive aisles shall be set back a minimum of forty (40) feet from Preston Road.
- (e) **Architectural Standards.** The area adjacent to Preston Road is nationally recognized as a significant historical corridor where a significant number of cattle was moved from ranch to market in the 1800s. This corridor is considered to be and is hereby established as an area of historical, cultural, and architectural importance. All structures within the Preston Road Overlay shall comply with Article IV, Part One, *Architectural Design Standards*. The regulations are not meant to hinder or restrict innovative design. If, at the discretion of the Director, an applicant proposed alternate materials that are deemed to be equal to or better than the required exterior products in terms of quality and durability of those required in this Section, the Director may allow such materials to be used.
- (f) **Landscaping Standards.** See Article IV, Part Two, *Landscaping & Tree Preservation*.

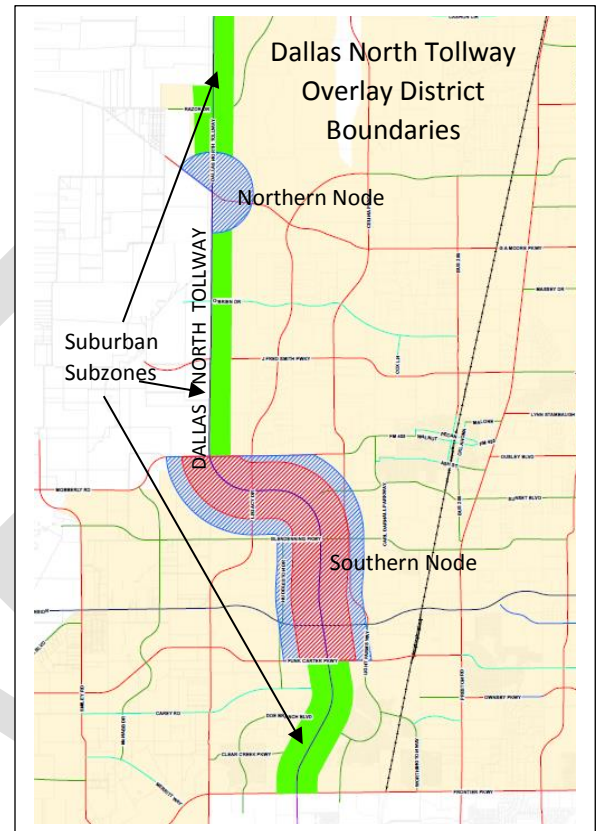
- (g) **Trash & Recycling Receptacles**. See Article IV, Part Three, *Screening Walls & Fences*.
- (h) **Sidewalk Standards**. Per the *Engineering Design Standards*.
- (i) **Neighborhood Vision Book**.

DRAFT



#### 14.02.503.....DNT0, Dallas North Tollway Overlay District

- (a) **Purpose.** The Dallas North Tollway Overlay District (DNT0) is intended to substantially advance a legitimate governmental interest that includes enhancing the quality of life in Celina, to regulate the character of growth, determine the highest and best use for valuable land situated adjacent to the future Dallas North Tollway, and to ensure the careful and orderly growth of a major regional thoroughfare that spans the City of Celina. Higher development standards in this significant corridor can effectively enhance the City's image as a desirable place to live, work, and shop. The DNT0 provides development standards within an anticipated high traffic zone and allows greater height for buildings than would otherwise be allowed by the established base zoning districts. The DNT0 district standards recognize that major regional highways act as an economic development engine that will be utilized to leverage a diverse and sustainable non-residential tax base for the City.
- (b) **Intent.** It is not the intent of the DNT0 district to replace the zoning regulations governing the use on any individual parcel of property. Instead, these regulations are intended to supplement the existing zoning district regulations on individual parcels of property within the overlay district and to encourage high value development with an urban character.
- (c) **District Boundaries.**
- (1) Linear measurement. The DNT0's boundaries shall be measured 1,000 feet from the right-of-way boundary line of the service roads along the Dallas North Tollway (also known as "Dallas Parkway") that are not designated as a high-rise or mid-rise subzone. These areas shall be designated as "suburban subzones."
  - (2) Northern node. From the intersection box of the Dallas North Tollway and G.A. Moore Parkway (FM 455), a circle shall be drawn with a 2,500 foot radius in all directions within the city limits. This shall be designated as the "northern mid-rise subzone."
  - (3) Southern node (high-rise subzone). From the northern limit of Mobberly Road (CR 8) to the southern limit of Punk Carter Parkway (CR 7), a 1,500 foot width shall be drawn from the Dallas North Tollway right-of-way line outward within the city limits. This shall be designated as the "high-rise subzone."
  - (4) Southern node (mid-rise subzone). From the northern limit of Mobberly Road (CR 8) to the southern limit of Punk Carter Parkway (CR 7), beyond the high-rise subzone described above, a 2,500 foot width shall be drawn from the Dallas North Tollway right-of-way line outward within the city limits (or an additional 1,000 feet beyond the high-rise subzone). However, this subzone will follow the rights-of-way of future Huddleston Parkway as the western boundary and the Light Farms Way extension as the eastern boundary. This shall be designated as the "southern mid-rise subzone."



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

However, the district boundaries exclude all single family subdivisions platted prior to the date of the adoption of Ordinance 2018-63 (11-13-18) establishing the DNT Overlay. The official boundaries of the DNT overlay district and its three subzones shall be as delineated on the City of Celina Official Zoning Map.

- (d) **Permitted Uses.** The following uses are allowed by right, by the approval of a Specific Use Permit (SUP), or as part of the development regulations of a Planned Development (PD). Other uses may be allowed, as allowed within the specific zoning district or the base zoning designation of the Planned Development, as applicable (see the

Schedule of Use Chart). If a conflict exists between the Schedule of Uses and Table 1A, below, the uses allowed by the chart below prevail.

| ARTICLE II, PART FIVE, TABLE 1A<br>Schedule of Permitted Uses for Dallas North Tollway Overlay District |                   |   |                   |   |                   |   |
|---------------------------------------------------------------------------------------------------------|-------------------|---|-------------------|---|-------------------|---|
| Land Use                                                                                                | High-Rise Subzone |   | Mid-Rise Subzones |   | Suburban Subzones |   |
| Alcohol Sales, all types                                                                                |                   |   |                   | S |                   | S |
| Amusement Venue                                                                                         | P                 |   | P                 |   | P                 |   |
| Auto Repair, Minor                                                                                      |                   |   |                   |   |                   | S |
| Auto Sales, Accessories Only                                                                            |                   |   |                   |   | P                 |   |
| Auto Wash, Secondary Use                                                                                |                   |   |                   |   |                   | S |
| Bank, Savings & Loan, or Credit Union                                                                   |                   |   | P                 |   | P                 |   |
| Batch Plant, Temporary                                                                                  |                   |   |                   | C |                   | C |
| Church/Place of Worship                                                                                 |                   |   | P                 |   | P                 |   |
| Commercial Amusement, all types                                                                         |                   |   |                   | S |                   | S |
| Dwelling, Senior Living, all types                                                                      |                   |   |                   | S |                   | S |
| Entertainment Venues                                                                                    | P                 |   | P                 |   | P                 |   |
| Funeral Home/Mortuary                                                                                   |                   |   |                   | S |                   | S |
| Gas Pumps/Fuel Sales                                                                                    |                   |   |                   |   |                   |   |
| Greenhouse or Nursery, Retail                                                                           |                   |   |                   | S | P                 |   |
| Hospital                                                                                                |                   |   | P                 |   | P                 |   |
| Hotels, Full Service                                                                                    | P                 |   | P                 |   | P                 |   |
| Laundry/Dry Cleaning, Pickup Station                                                                    |                   |   |                   | S | P                 |   |
| Manufacturing and Industrial Uses, Light                                                                |                   |   |                   |   |                   | S |
| Median Studio (without tower)                                                                           |                   |   | P                 |   | P                 |   |
| MF-1, Multi-Family Garden Style                                                                         |                   |   |                   | S |                   | S |
| MF-2, Multi-Family Urban Edge                                                                           |                   |   | P                 |   | P                 |   |
| MF-3, Multi-Family Urban Living                                                                         | P                 |   | P                 |   |                   | S |
| Mini Warehouse & Self-Storage                                                                           |                   |   |                   |   |                   | S |
| Mixed Use <sup>1</sup>                                                                                  | P                 |   | P                 |   | P                 |   |
| Municipal Uses Operated by the City of Celina                                                           | P                 |   | P                 |   | P                 |   |
| Office, all types                                                                                       | P                 |   | P                 |   | P                 |   |
| Parking Structure                                                                                       | P                 |   | P                 |   | P                 |   |
| Restaurant, Dine-In                                                                                     | P                 |   | P                 |   | P                 |   |
| Restaurant, Drive-In or Drive-Thru                                                                      |                   |   |                   | S |                   | S |
| Restaurant, Pick-Up or Delivery Only                                                                    |                   |   | P                 |   | P                 |   |
| Seasonal Sales                                                                                          |                   |   |                   | S |                   | S |
| Store, Big Box <sup>2</sup>                                                                             |                   | S | P                 |   | P                 |   |
| Store, General Retail                                                                                   |                   | S | P                 |   | P                 |   |
| Store, Grocery                                                                                          |                   | S | P                 |   | P                 |   |
| Store, Shopping Centers <sup>3</sup>                                                                    |                   |   | P                 |   | P                 |   |
| Stores, Regional Mall <sup>4</sup>                                                                      | P                 |   | P                 |   | P                 |   |
| Theater, Indoor                                                                                         | P                 |   | P                 |   | P                 |   |

1. Mixed use with retail (at a minimum on the ground floor) and multi-family on subsequent floors permitted.
2. A "Big Box" is defined as a major department store, a full-service grocery store, or similarly sized business.
3. "Shopping Centers" are defined as generally one-to-two story and linear in form, with parking at the front and associated pad sites nearer the roadway.
4. "Regional Malls" are defined as a one or more story building containing shops either with an air-conditioned court/walkways (examples are Stonebriar Mall or The Galleria Mall) or with outdoor walkable areas (such as Fire Wheel Center or Fairview Town Center).

- (e) **Prohibited Uses.** The following uses are strictly prohibited. Other uses may be prohibited, as prohibited within the specific zoning district or the base zoning designation of the Planned Development, as applicable (see the

Schedule of Use Chart). If a conflict exists between the Schedule of Uses and Table 1B, below, the uses prohibited by the chart below prevail.

| ARTICLE II, PART FIVE, TABLE 1B<br>Prohibited Uses for Dallas North Tollway Overlay District |                   |   |                  |   |                  |   |
|----------------------------------------------------------------------------------------------|-------------------|---|------------------|---|------------------|---|
| Land Use                                                                                     | High-Rise Subzone |   | Mid-Rise Subzone |   | Suburban Subzone |   |
| Alternative Financial Services                                                               | X                 | X | X                | X | X                | X |
| Alternative Retail Services                                                                  | X                 | X | X                | X | X                | X |
| Auto Repair, Major                                                                           | X                 | X | X                | X | X                | X |
| Auto Sales, New & Used                                                                       | X                 | X | X                | X | X                | X |
| Auto Wash, Full Service & Self-Service                                                       | X                 | X | X                | X | X                | X |
| Batch Plant, Permanent                                                                       | X                 | X | X                | X | X                | X |
| Cemetery or Mausoleum                                                                        | X                 | X | X                | X | X                | X |
| Dwelling, Group Home, all types                                                              | X                 | X | X                | X | X                | X |
| Dwelling, Manufactured Home Subdivision                                                      | X                 | X | X                | X | X                | X |
| Dwelling, Single-Family Attached                                                             | X                 | X | X                | X | X                | X |
| Dwelling, Single-Family Detached                                                             | X                 | X | X                | X | X                | X |
| Dwelling, Two-Family                                                                         | X                 | X | X                | X | X                | X |
| Landfill                                                                                     | X                 | X | X                | X | X                | X |
| Manufacturing & Industrial Uses, Heavy                                                       | X                 | X | X                | X | X                | X |
| Manufacturing & Industrial Uses, High Risk                                                   | X                 | X | X                | X | X                | X |
| Salvage Yard, Junk Yard, or Wrecking Yard                                                    | X                 | X | X                | X | X                | X |
| Sexually Oriented Business                                                                   | X                 | X | X                | X | X                | X |
| Store, Pawn Shop                                                                             | X                 | X | X                | X | X                | X |
| Store, Tire dealer, all types                                                                | X                 | X | X                | X | X                | X |
| Vending Kiosk, all types                                                                     | X                 | X | X                | X | X                | X |
| Wastewater Treatment Plant                                                                   | X                 | X | X                | X | X                | X |
| Water Treatment Plant                                                                        | X                 | X | X                | X | X                | X |

(f) **Conflicts.**

- (1) The Director shall have the authority to approve minor modifications to development plans. Any major modification must be approved by the City Council.
- (2) Notwithstanding the prohibition of single family uses within the DNTD, a Planned Development that incorporates the majority of the overall tract in retail, office, and commercial development with vertically integrated residential development along with a minor component of detached single family uses, may be considered by the City Council and become an approved Planned Development use within the DNTD Suburban Subzone.

(g) **Development Standards.**

- (1) **Character and intent:**
  - i. *High-rise subzone:* The intent of the high-rise subzone is to create an urban character within the subzone, with minimal front yard setbacks that are primarily comprised of walkable sidewalks or plazas, especially on interior streets with more narrow travel lanes and on-street parking. Parking lots at the front of buildings is discouraged; although a drop-off zone with a porte cochere may be allowed. Parking should be structured or placed at the rear of buildings to provide minimum intrusion into the public pedestrian realm. Designs and site plans will be considered during the zoning process and approved as a function of the Concept Plan submitted with the zoning application.
  - ii. *Mid-rise subzone:* The intent of the mid-rise subzone is to act as a transition from the more urban character of the high-rise subzone and the more typical suburban development found throughout north Texas. The mid-rise zone allows limited parking in front of the building with the majority of parking being located at the side or rear of the building. Site design should consider the pedestrian

connections to both the high-rise subzone and the suburban subzones in addition to providing vehicle access.

- iii. *Suburban subzone*: The intent of the suburban subzone is to allow most commercial, office, and light industrial uses and to allow greater latitude with design of individual sites than in the high-rise or mid-rise subzones. The suburban subzone prohibits single-family residential development, but may be located adjacent to such developments.

(2) Height of non-residential buildings:

| ARTICLE II, PART FIVE, TABLE 2<br>Building Height in Dallas North Tollway Overlay District |                       |                       |
|--------------------------------------------------------------------------------------------|-----------------------|-----------------------|
| <i>Subzone:</i>                                                                            | <i>Maximum height</i> | <i>Minimum height</i> |
| High-rise subzone                                                                          | 12 stories*           | 4 stories             |
| Mid-rise subzone                                                                           | 6 stories             | 3 stories             |
| Suburban subzone                                                                           | **                    | 1 story               |

\*Additional height may be allowed by City Council.

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

- (h) **Building Facade Standards**. Requirements are applicable to all structures. Color elevations as part of a facade concept plan of the entire proposed project shall be submitted with any zoning request, whether the zoning requested is straight zoning or a planned development.

- (1) **Minimum exterior material standards**. Every elevation of each building shall be finished with masonry as specified below. Acceptable masonry finishing materials include brick, stone, synthetic stone, slate, flagstone, granite, limestone, glass, and marble. Three-step stucco may be used as a masonry product on all floors excluding one through three, unless used as an accent material on those floors and not to exceed twenty-five percent (25%).
  - i. Floors one through three (1-3) shall be finished with a minimum of seventy-five percent (75%) masonry, as listed above;
  - ii. Floors four through six (4-6) shall be finished with a minimum of twenty-five percent (25%) percent masonry, as listed above;
  - iii. Masonry materials are not required but may be used on floors seven and above (7+).
  - iv. Tilt wall construction is permitted for manufacturing and industrial uses.
  - v. Synthetic stucco, such as exterior finish and insulation system (EIFS), may be utilized as an architectural accent material, not to exceed ten percent (10%) of the exterior surface of any building facade.
  - vi. Metal or wood exterior construction is allowed as an accent material to enhance the overall architectural design, not to exceed ten percent (10%) of the exterior surface of any building facade.
  - vii. No single building material shall cover more than eighty-five percent (85%) of any facade.
  - viii. The balance of any exterior finishing materials shall be masonry, three-step stucco, EIFS, architectural concrete masonry units (CMU), concrete tilt wall construction, architectural metal panels (not including corrugated metal), treated engineered wood, and/or glass curtain wall systems.
- (2) **Exterior materials exceptions**. These regulations are not meant to hinder or restrict innovative design. If an architectural design or percentage of materials differs from the requirements for minimum masonry percentages listed above, the Director may consider reducing or waiving the masonry requirement to accommodate specific "signature design aesthetic" or for specific branding requirements if the elevations/materials proposed are equal to or better than the required exterior products in terms of quality and durability.
- (3) **Ground floor façade details**. Ground floor facades facing the Dallas North Tollway and any intersecting thoroughfare must incorporate articulated entry areas, arcades, display windows, awnings, or other

architectural variety features along no less than sixty percent (60%) of the façade. The entrance or entrances on all buildings shall be defined with strong architectural features.

- (4) Architectural articulation. In addition to the above architectural requirements, all buildings shall incorporate horizontal and vertical articulation as described in Section 14.04.109(d), *Building Articulation Standards Required for Non-Residential Structures*.
- (5) Windows. Windows shall not be glazed or reglazed with mirrored or reflective glass.
- (6) Roof pitch. Minimum roof pitch shall be at least 4:12, except for flat-roofed structures that shall have a highly articulated parapet that conceals the roof and any roof-mounted equipment.

(i) **Sidewalk & Parking Location Standards.**

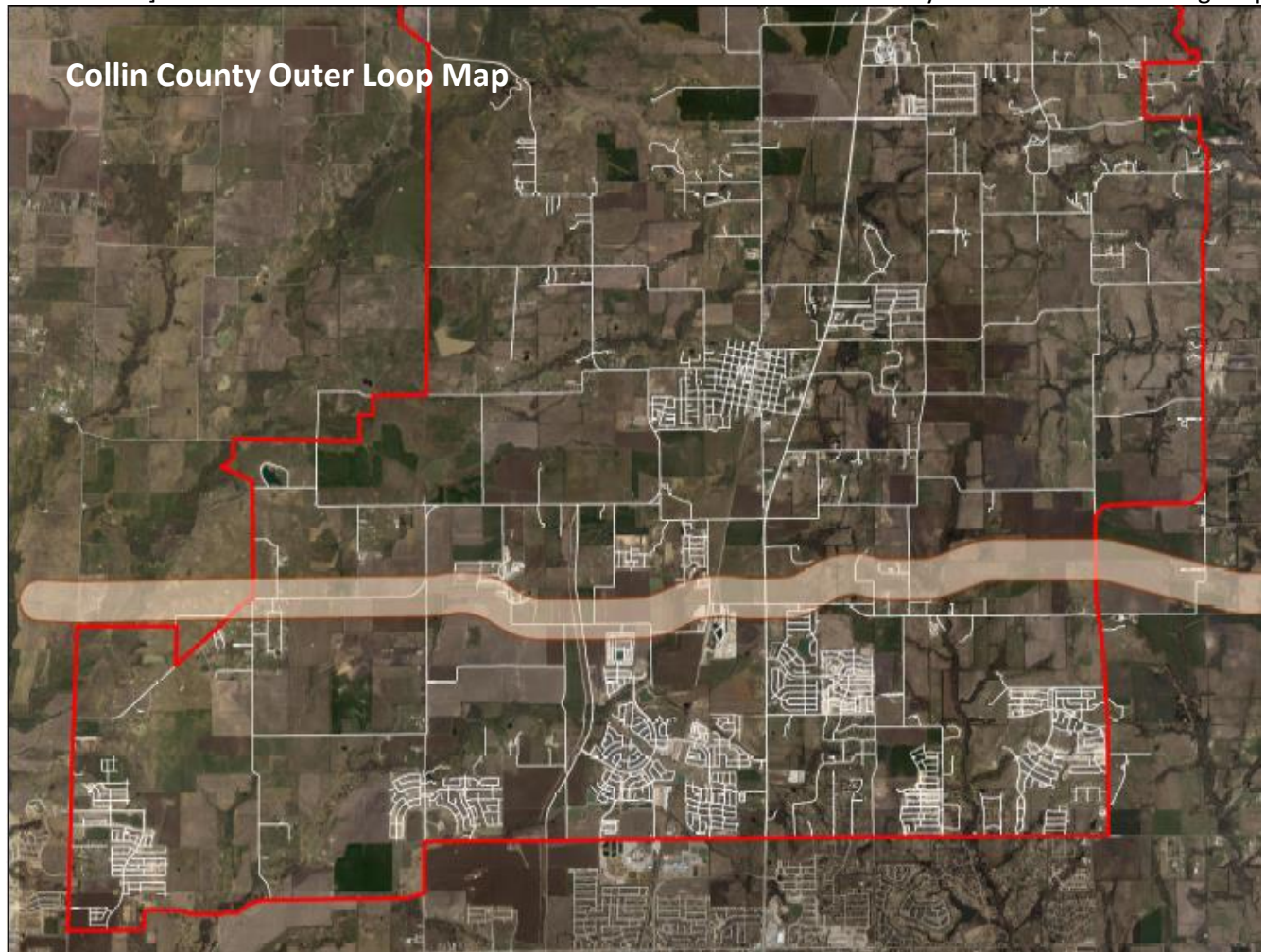
- (1) *Location*. The required sidewalk in the DNTD district may be located within the front yard building and parking setbacks as well as the right-of-way parkway area from the back of curb to the property line.
- (2) *Easement required*. A public use or pedestrian access easement shall be provided for the required sidewalk when placed outside of street right-of-way and on private property.
- (3) *Construction and location of sidewalks and parking*. Sidewalks in the DNTD must adhere to the following standards:
  - i. High-rise Subzone - Minimum ten (10) foot wide sidewalks adjacent to buildings facing or siding streets, with buildings built to the sidewalk edge. Parking shall be structured with limited surface parking at the sides of buildings that do not face a street or at the rear of the building.
  - ii. Mid-rise Subzone – Minimum ten (10) foot wide sidewalks adjacent to buildings, with buildings either built to the sidewalk edge or separated from the sidewalk by a minimum six (6) foot wide landscaped buffer. One parking row and/or an access drive may also be placed between the sidewalk and the façade of a building that faces a street, provided that the landscape buffer is provided to screen the parking row. Additional parking shall be structured or provided as surface parking at the sides of buildings that do not face a street or at the rear of the building.
  - iii. Suburban Subzone - Minimum six (6) feet wide (unless adjacent to a four-lane or six-lane roadway), with buildings set back from the sidewalk by a landscape buffer of at least six (6) feet in width. Parking rows and/or an access drive may also be placed between the sidewalk and the façade of a building that faces a street or at the rear of the building.
  - iv. Sidewalks must be a minimum width of ten (10) feet wide adjacent to any four-lane or six-lane roadway. All other roadway adjacencies may allow a six (6) foot wide sidewalk.
  - v. In all subzones, regardless of width of sidewalk, a minimum of six (6) feet of clear walkable space shall be provided, free of street furniture, other seating, trees within tree wells, shrubbery, or landscaped containers.
  - vi. Sidewalk approaches to street and driveway intersections shall be straight and parallel to the adjacent street for a minimum of ten (10) feet, constructed with appropriate handicapped access ramps.
  - vii. Detailed construction plans shall be submitted to the Director or his designee for approval prior to construction of the sidewalk.
  - viii. Deviations from these criteria may be approved by the Director for good cause such as cases of unusual or unique topography or to preserve desirable natural features.
  - ix. A minimum six (6) foot wide, paved pedestrian sidewalk shall connect the perimeter sidewalk to the building entry, if the building is set back from the perimeter sidewalk. This connecting sidewalk shall be handicapped accessible.
  - x. Notwithstanding the above regulations, all sidewalks shall conform to the requirements of the Subdivision Ordinance and the *Engineering Design Standards* of the City of Celina, as they exist or may be amended.

(j) **Trash & Recycling Receptacles**. See Article IV, PART THREE, *Screening Walls & Fences*.



#### 14.02.504.....CCO, Collin County Outer Loop Overlay District.

- (a) **Purpose.** The Collin County Outer Loop Overlay District (CCO) is hereby created to substantially advance legitimate governmental purposes that include enhancing the quality of life in Celina, regulating the character of growth, determining the highest and best use for land adjacent to the Collin County Outer Loop, and ensuring that careful and orderly growth occurs along this major regional thoroughfare. The area adjacent to the Collin County Outer Loop is considered to be and is hereby established as an area of historical, cultural, and architectural importance and significance, as it is and will continue to be a significant corridor within the City, linking Celina with eastern Collin County cities and Denton County. Higher development standards in this corridor will enhance the City's image as a desirable place to invest, live, work, and shop. The CCO allows greater height for buildings than would otherwise be allowed by the established base zoning districts. The CCO standards recognize that major regional highways act as economic development engines that can be leveraged to create and maintain a diverse non-residential tax base for the City.
- (b) **Intent.** It is not the intent of the CCO District to replace the zoning regulations governing the use on any individual parcel or property. Instead, these regulations are intended to supplement the existing zoning district regulations on land within the overlay district and to encourage high value development with a more urban character.
- (c) **District Boundaries.** The CCO District boundaries shall be measured 750 feet from the right-of-way boundary line of the service roads along the Collin County Outer Loop, as established by Collin County. The corridor and its subsequent regulations apply to all land within the corridor, as defined above, and to properties beyond the official boundary lines that have direct access to the Collin County Outer Loop. However, the district boundaries exclude all single-family subdivisions approved and/or platted prior to the date of the adoption of Ordinance [date of ordinance]. The official boundaries of the CCO shall be as delineated on the City of Celina Official Zoning Map.





- (d) **Permitted Uses.** See the Schedule of Use Chart to determine the land uses that are allowed by right, by the approval of a Specific Use Permit (SUP), or as part of the development regulations of a Planned Development (PD).
- (e) **Prohibited Uses.** The following uses are strictly prohibited. Other uses may be prohibited, as prohibited within the specific zoning district or the base zoning designation of a Planned Development, as applicable (see the Schedule of Use Chart). If a conflict exists between the Schedule of Uses and Table 3, below, the uses prohibited by the table below prevail.

| <b>ARTICLE II, PART FIVE, TABLE 3</b>                                |                                         |
|----------------------------------------------------------------------|-----------------------------------------|
| <b>Prohibited Uses for Collin County Outer Loop Overlay District</b> |                                         |
| <i>Land Use</i>                                                      | <i>Collin County Outer Loop Overlay</i> |
| Alternative Financial Services                                       | X                                       |
| Alternative Retail Services                                          | X                                       |
| Auto Repair, Major                                                   | X                                       |
| Auto Sales, all types                                                | X                                       |
| Auto Wash, Full Service and Self-Service types                       | X                                       |
| Batch Plants (permanent)                                             | X                                       |
| Cemetery and/or mausoleum                                            | X                                       |
| Dwelling, Group Home, all types                                      | X                                       |
| Dwelling, Manufactured Home                                          | X                                       |
| Dwelling, Single-Family Attached                                     | X                                       |
| Dwelling, Single-Family Detached                                     | X                                       |
| Family Home (Adult or Child Care)                                    | X                                       |
| Funeral Home/Crematorium                                             | X                                       |
| Landfill                                                             | X                                       |
| Manufacturing or Industrial Uses, Heavy                              | X                                       |
| Manufacturing or Industrial Uses, High Risk                          | X                                       |
| <b>MF-1 Garden Style Multi-Family</b>                                | <b>X</b>                                |
| Salvage Yard, Junk Yard, or Wrecking Yard                            | X                                       |
| Sexually Oriented Business                                           | X                                       |
| Store, Pawn Shop                                                     | X                                       |
| Store, Tire Dealer, all types                                        | X                                       |
| Vending Kiosk, Commercial                                            | X                                       |
| Wastewater Treatment Plant                                           | X                                       |
| Water Treatment Plant                                                | X                                       |

- (f) **Conflict Resolution.**
- (1) The Director of Development Services shall have the authority to approve minor modifications to development plans. Any major modification must be approved by the City Council.
  - (2) Notwithstanding the prohibition of single family uses within the CCO District, a Planned Development that incorporates the majority of the overall tract in retail, office, and commercial development with integrated residential development along with a minor component of detached single family uses, may be considered by the City Council and become an approved Planned Development use within the Collin County Outer Loop Overlay District.
- (g) **Development Standards.**
- (1) **Character and intent.** The intent of the CCO is to create an urban character with minimal front yard setbacks that are primarily comprised of walkable sidewalks or plazas, especially on interior streets with more narrow travel lanes and on-street parking. Parking lots sited at the front of buildings is discouraged; although a drop-off zone with a porte cochere may be allowed. Parking should be structured or placed at the rear of buildings to provide minimum intrusion into the public pedestrian realm. Site design will be considered during the zoning process or as part of the civil plans review.

- (2) Height of non-residential buildings. The maximum height allowed within the CCO is twelve (12) stories unless specifically approved by City Council.

(h) **Architectural Standards.**

- (1) Corridor significance. The area adjacent to the Collin County Outer Loop is recognized as a significant transportation corridor linking the cities of McKinney, Anna, and Melissa in Collin County with Aubrey, Pilot Point, and Denton in Denton County. This corridor is considered to be and is hereby established as an area of historical, cultural, and architectural importance. All structures within the Collin County Outer Loop Overlay shall comply with Article IV, Part One, *Architectural Design Standards*.
- (2) Exterior materials exceptions. These regulations are not meant to hinder or restrict innovative design. If an architectural design or percentage of materials differs from the requirements for minimum masonry percentages listed above, the City Council may consider reducing or waiving the masonry requirement to accommodate specific “signature design aesthetic” or for specific branding requirements if the elevations/materials proposed are equal to or better than the required exterior products in quality and durability.

(i) **Landscaping Standards.** In addition to the requirements in the Subdivision and Zoning Ordinances, the following standards apply:

- (1) When a build-to line is used. Most mixed-use, retail, and office buildings in the high-rise subzone will be built adjacent to the sidewalk and not provide a separate landscape buffer at the front façade of the building. In these cases, the following regulations apply:
- i. Trees located within sidewalks. When buildings are built to the sidewalk without a landscape buffer at the front façade, street trees shall be required to produce shaded areas along the sidewalk. One large canopy tree, appropriate for urban conditions, shall be planted in tree-wells for each thirty (30) linear feet of street frontage.
  - ii. Street furniture. Outdoor seating is encouraged. All restaurants that face the street shall provide outdoor seating.
- (2) When a build-to line is not used. Typical development allows for a wide landscaped buffer between a major roadway and the building facades/entrances. When the site is designed in this manner, the following regulations apply:
- i. Landscape buffers/easements. Landscape buffers/easements shall adhere to the requirements of the Landscape Ordinance, Section 14.04.20, *Roadway Landscape Easements & Buffers*.
  - ii. Landscaping adjacent to a single-family use or zoning district. When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a fifty (50) foot wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, detention areas, driveways, or other active use of the buffer area), and shall be planted with ground cover. Large canopy trees (evergreen) shall be required in this landscaped buffer at a rate of one tree for every thirty (30) linear feet of residential adjacency.
- (3) Parking lots.
- i. Divided entrance drives. Parking lots containing more than 200 parking spaces shall construct a divided driveway with medians for landscaping at the main entrance.
  - ii. Earthen berms. Landscaped earthen berms in height of three (3) feet are encouraged as parking lot screening, along with shrubs or tall native grasses planted along the peak of the berm.

(j) **Trash & Recycling Receptacles.** See Article IV, PART THREE, *Screening Walls & Fences*.

**14.02.505.....Old Town District. (Reserved)**

**14.02.506 to 14.02.600 - Reserved.**

**ARTICLE III – USE REGULATIONS**  
**PART ONE – SCHEDULE OF USES**

**14.03.100.....Schedule of Uses Purpose and Description.** Land and buildings in each of the following classified districts may be used for any of the following listed uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered or converted which is arranged or designed or used for other than uses specified for the district in which it is located as set forth by the use schedule located in Sections 14.03.101 and 14.03.102, *Schedule of Uses - Residential* and *Schedule of Uses - Non-residential*, respectively.

**14.03.101.....Residential Zoning Districts Schedule of Uses.**

P=permitted by right; S=Specific Use Permit required, S\*=specific criteria are required as well as approval through the SUP process; C= conditions required prior to issuance of a Building Permit; Blank=not permitted.

Land Uses that require a Planned Development in any district are so noted.

| <b>ARTICLE III, TABLE 1</b><br><br><b>Residential Zoning Districts</b> | SF-E                                            | SF-R                   | SF-A                   | SF-M                            | OT-R                 |
|------------------------------------------------------------------------|-------------------------------------------------|------------------------|------------------------|---------------------------------|----------------------|
|                                                                        | Single-Family Estate                            | Single-Family Detached | Single-Family Attached | Single-Family Manufactured Home | Old Town Residential |
| Alternate Energy Sources                                               | C                                               | C                      | C                      | C                               | C                    |
| Amenity Center                                                         | P                                               | P                      | P                      | P                               | P                    |
| Assembly Use, Churches & Places of Worship                             | P                                               | P                      | P                      |                                 | P                    |
| Assembly Use, Other                                                    | S                                               | S                      | S                      |                                 | S                    |
| Batch Plant, Temporary                                                 | C                                               | C                      | C                      |                                 | C                    |
| Caretaker's or Guard's Residence                                       | Approved as part of the Site Plan Process       |                        |                        |                                 |                      |
| Child Care Center, Primary Use                                         | S                                               | S                      | S                      |                                 |                      |
| Child Care Center, Secondary Use                                       | S                                               | S                      | S                      |                                 |                      |
| Child Care Center, In-Home                                             | P                                               | P                      | P                      |                                 |                      |
| Communication Antenna Tower                                            | S*                                              | S*                     | S*                     | S*                              |                      |
| Construction Yard, Field Office, Temporary                             | C                                               | C                      | C                      |                                 | C                    |
| Dwelling, Accessory Structure                                          | See Article III, Part Two, Accessory Structures |                        |                        |                                 |                      |
| Dwelling, Factory Built Home                                           |                                                 |                        |                        | P                               |                      |
| Dwelling, HUD Code Manufactured Home                                   |                                                 |                        |                        | P                               |                      |
| Dwelling, Manufactured Home Replacement                                |                                                 |                        |                        | C                               |                      |
| Dwelling, Model Home                                                   | C                                               | C                      | C                      | C                               | C                    |
| Dwelling, Single Family Attached (i.e. Duplex, Townhome, Patio Home)   |                                                 |                        | P                      |                                 |                      |
| Dwelling, Single Family Detached                                       | P                                               | P                      |                        |                                 | P                    |
| Dwelling, Senior Living, Assisted Living Home                          | P                                               | P                      | P                      |                                 |                      |
| Dwelling, Group Home                                                   | S                                               | S                      | S                      |                                 | S                    |
| Electric Substation                                                    | P                                               | P                      | P                      | P                               | P                    |
| Home Occupation                                                        | P                                               | P                      | P                      | P                               | P                    |
| Hotel, Bed & Breakfast/Short Term Lodging                              | C                                               | C                      | C                      |                                 | C                    |
| Park or Playground                                                     | P                                               | P                      | P                      | P                               | P                    |
| School, Private                                                        | S                                               | S                      | S                      | S                               | S                    |
| School, Public                                                         | P                                               | P                      | P                      | P                               | P                    |
| Telephone Exchange Facility                                            | P                                               | P                      | P                      | P                               | P                    |
| Vending Kiosk                                                          | C                                               | C                      | C                      | C                               | C                    |

**14.03.102.....Non-Residential Zoning Districts Schedule of Uses.**

P=permitted by right; S=Specific Use Permit required, S\*=specific criteria are required as well as approval through the SUP process; C= conditions required prior to issuance of a Building Permit; Blank=not permitted.

Land Uses that require a Planned Development in any district are so noted.

| ARTICLE III, TABLE 2<br><br>Multi-Family and<br>Non-Residential<br>Zoning<br>Districts | AG                                        | MF                        | CF                   | C                               | MU        | O                                | I          |
|----------------------------------------------------------------------------------------|-------------------------------------------|---------------------------|----------------------|---------------------------------|-----------|----------------------------------|------------|
|                                                                                        | Agricultural                              | Multi-Family<br>All Types | Community Facilities | Commercial,<br>Office, & Retail | Mixed Use | PRO and CCO<br>Overlay Districts | Industrial |
| Agricultural Use, Commercial                                                           |                                           |                           |                      |                                 |           |                                  | S          |
| Agricultural Use, Private                                                              | P                                         |                           |                      |                                 |           |                                  |            |
| Airport, Heliport, or Landing Field                                                    |                                           |                           | P                    | S*                              | S*        |                                  | S*         |
| Alcohol Production, Winery, Brewery & Distillery                                       |                                           |                           |                      | S*                              | S*        |                                  | S*         |
| Alcohol Sales, Retail Consumption                                                      |                                           |                           | P                    | P                               | P         | P                                | P          |
| Alcohol Sales, Winery, Brewery & Retail Sales                                          |                                           |                           |                      | P                               | P         | S                                | P          |
| Solar Panels & Devices                                                                 | C                                         | C                         | C                    | C                               | C         | C                                | C          |
| Wind Energy Conversion System (WECS)                                                   | C                                         | C                         | C                    | C                               | C         | C                                | C          |
| Alternative Financial Services                                                         |                                           |                           |                      |                                 |           |                                  | S*         |
| Alternative Retail Services                                                            |                                           |                           |                      |                                 |           |                                  | S*         |
| Animal Shelter                                                                         |                                           |                           | P                    |                                 |           |                                  | S          |
| Assembly Uses, Churches & Places of Worship                                            | P                                         |                           | P                    | P                               | P         | P                                | P          |
| Assembly Uses, Other                                                                   |                                           |                           | S                    | S                               | S         | S                                | S          |
| Athletic Stadium or Field                                                              |                                           |                           |                      | S                               | S         | S                                | S          |
| Accessory Uses, Commercial                                                             | See Article III, Part Two, Accessory Uses |                           |                      |                                 |           |                                  |            |
| Auto, Gas Pumps/Fuel Sales                                                             |                                           |                           |                      | S                               | S         | S                                | S          |
| Auto Repair, Major                                                                     |                                           |                           |                      |                                 | S         | S                                | S          |
| Auto Repair, Minor                                                                     |                                           |                           |                      | P                               | P         | P                                | P          |
| Auto Sales, Accessories Only                                                           |                                           |                           |                      | P                               | P         | P                                | P          |
| Auto Sales, New                                                                        |                                           |                           |                      | S                               | S         | S                                | P          |
| Auto Sales, Used                                                                       |                                           |                           |                      |                                 |           |                                  | S          |
| Auto & RV Storage                                                                      |                                           |                           |                      |                                 |           |                                  | S          |
| Auto Parking Garage                                                                    |                                           |                           |                      | P                               | P         | P                                | P          |
| Auto Parking Lot                                                                       |                                           |                           |                      | P                               | P         | P                                | P          |
| Auto Wash, Full-Service                                                                |                                           |                           |                      | S                               | S         | S                                | S          |
| Auto Wash, Secondary Use                                                               |                                           | P                         |                      | P                               | P         | P                                | P          |
| Auto Wash, Self-Service                                                                |                                           |                           |                      | S                               | S         | S                                | P          |
| Bank, Savings & Loan, or Credit Union                                                  |                                           |                           |                      | P                               | P         | P                                |            |
| Batch Plant, Permanent                                                                 |                                           |                           |                      |                                 |           |                                  | S          |
| Batch Plant, Temporary                                                                 | C                                         | C                         | C                    | C                               | C         | C                                | C          |
| Building Material & Hardware Sales, Major                                              |                                           |                           |                      | C                               | C         | C                                | C          |
| Building Material & Hardware Sales, Minor                                              |                                           |                           |                      | P                               | P         | P                                | P          |
| Campground or RV Park                                                                  | Considered only as a PD                   |                           |                      |                                 |           |                                  |            |

| ARTICLE III, TABLE 2<br><br>Multi-Family and<br>Non-Residential<br>Zoning<br>Districts | AG           | MF                        | CF                   | C                               | MU        | O                                | I          |
|----------------------------------------------------------------------------------------|--------------|---------------------------|----------------------|---------------------------------|-----------|----------------------------------|------------|
|                                                                                        | Agricultural | Multi-Family<br>All Types | Community Facilities | Commercial,<br>Office, & Retail | Mixed Use | PRO and CCO<br>Overlay Districts | Industrial |
| Catering, Commissary                                                                   |              |                           |                      |                                 |           |                                  | P          |
| Catering, Service & Sales                                                              |              |                           |                      | P                               | P         | P                                | P          |
| Cemetery or Mausoleum                                                                  | S            |                           | P                    |                                 |           |                                  |            |
| Child Care Center, Primary Use                                                         |              |                           |                      | S                               | S         | S                                | S          |
| Child Care Center, Secondary Use                                                       |              |                           |                      | P                               | P         | P                                | P          |
| Clinic, Animal (no outside runs)                                                       |              |                           |                      | P                               | P         | P                                |            |
| Clinic, Animal (with outside runs)                                                     |              |                           |                      | C                               | C         | C                                | C          |
| Clinic, Emergency Care or Medical Lab                                                  |              |                           |                      | P                               | P         | P                                | P          |
| Collection Site                                                                        |              |                           |                      | C                               | C         | C                                | C          |
| College, University, or Trade School                                                   |              |                           | P                    | S                               | S         | S                                |            |
| Commercial Amusement, Indoor                                                           |              |                           |                      | P                               | P         | P                                | P          |
| Commercial Amusement, Outdoor                                                          |              |                           |                      | S                               | S         | S                                | S          |
| Communication Antenna Tower                                                            | C            | C                         | C                    | C                               | C         | C                                | C          |
| Construction Yard, Field Office, Temporary                                             | C            | C                         | C                    | C                               | C         | C                                | C          |
| Donation Bin                                                                           |              |                           | C                    | C                               | C         | C                                | C          |
| Dwelling, Live-Work Unit                                                               |              |                           |                      | P                               | P         | P                                |            |
| Dwelling, Mixed Use Building                                                           |              |                           |                      |                                 | P         |                                  |            |
| Dwelling, Multi-Family                                                                 | P            | P                         |                      |                                 | P         |                                  |            |
| Dwelling, Senior Living, Independent Living                                            |              | P                         |                      | S                               | S         | S                                |            |
| Dwelling, Senior Living, Assisted & Advanced Care                                      |              |                           |                      | S                               | S         | S                                |            |
| Electric Power Generating Plant                                                        |              |                           |                      |                                 |           |                                  | S          |
| Electric Substation                                                                    | S            | S                         | S                    | S                               | S         | S                                | S          |
| Entertainment Venue                                                                    |              |                           | P                    | S                               | S         | S                                | S          |
| Farmers Market                                                                         |              |                           | C                    | C                               | C         | C                                |            |
| Funeral Home/Mortuary                                                                  |              |                           | P                    | P                               | P         | P                                | P          |
| Funeral Home/Mortuary with Crematorium                                                 |              |                           | S                    | S                               | S         | S                                | S          |
| Golf, Tennis, or Country Club (private)                                                |              |                           |                      | S                               | S         | S                                | S          |
| Greenhouse or Nursery, Retail                                                          |              |                           |                      | P                               | P         | P                                |            |
| Greenhouse or Nursery, Wholesale                                                       |              |                           |                      | S                               | S         | S                                | S          |
| Gun or Archery Range, Indoor                                                           |              |                           |                      | S                               | S         | S                                | P          |
| Gymnastics/Dance Studio/Martial Arts Studio                                            |              |                           |                      | P                               | P         | P                                | P          |
| Health/Fitness Center                                                                  |              |                           |                      | P                               | P         | P                                | P          |
| Heavy Machinery Sales, Service, & Storage                                              |              |                           |                      |                                 |           | S                                | S          |
| Hospital                                                                               |              |                           | P                    | S                               | S         | P                                |            |
| Hotel, Bed & Breakfast/Short Term Lodging                                              |              | C                         |                      |                                 |           |                                  |            |
| Hotel, Extended Stay                                                                   |              |                           |                      | S*                              | S*        | S*                               | S*         |
| Hotel, Full Service                                                                    |              |                           |                      | P                               | P         | P                                | P          |



| ARTICLE III, TABLE 2<br><br>Multi-Family and<br>Non-Residential<br>Zoning<br>Districts | AG                                                    | MF                        | CF                   | C                               | MU        | O                                | I          |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------|----------------------|---------------------------------|-----------|----------------------------------|------------|
|                                                                                        | Agricultural                                          | Multi-Family<br>All Types | Community Facilities | Commercial,<br>Office, & Retail | Mixed Use | PRO and CCO<br>Overlay Districts | Industrial |
| Hotel, Limited Service                                                                 |                                                       |                           |                      | S*                              | S*        | S*                               | S*         |
| Kennel, Indoor (no outside runs)                                                       |                                                       |                           |                      | P                               | P         | P                                | P          |
| Kennel, Outdoor (with outside runs)                                                    |                                                       |                           |                      | S                               | S         | S                                | P          |
| Landfill                                                                               |                                                       |                           |                      |                                 |           |                                  | S          |
| Laundry/Dry Cleaning, Commercial Plant                                                 |                                                       |                           |                      |                                 |           |                                  | S          |
| Laundry/Dry Cleaning, other than commercial plant                                      |                                                       |                           |                      | P                               | P         | P                                |            |
| Machine/Welding Shop                                                                   |                                                       |                           |                      |                                 |           |                                  | P          |
| Manufactured/Mobile Home Display & Sales                                               |                                                       |                           |                      |                                 |           |                                  | S          |
| Manufacturing or Industrial Uses, Heavy                                                |                                                       |                           |                      |                                 |           |                                  | S          |
| Manufacturing or Industrial Uses, High Risk                                            |                                                       |                           |                      |                                 |           |                                  | S          |
| Manufacturing or Industrial Uses, Light                                                |                                                       |                           |                      | S                               | S         | S                                | P          |
| Media Studio (Radio/Television/Cable)                                                  |                                                       |                           | P                    | P                               | P         | P                                |            |
| Mini-Warehouse/Self-Storage                                                            |                                                       |                           |                      | S                               | S         | S                                | S          |
| Mixed Use Building                                                                     |                                                       |                           |                      | P                               | P         | P                                | P          |
| Motorcycle Sales & Service                                                             |                                                       |                           |                      | S                               | S         | S                                | P          |
| Municipal Uses Operated by the City of Celina                                          | P                                                     | P                         | P                    | P                               | P         | P                                | P          |
| Museum/Art Gallery                                                                     |                                                       |                           | P                    | P                               | P         | P                                |            |
| Office, Administrative, Medical, or Professional                                       |                                                       |                           | P                    | P                               | P         | P                                |            |
| Office, with Showroom/Warehouse/Distribution                                           |                                                       |                           |                      | S                               | S         | S                                | P          |
| Open Storage & Display, Permanent                                                      |                                                       |                           |                      | S*                              | S*        | S*                               | P          |
| Park or Playground                                                                     | P                                                     | P                         | P                    | P                               | P         | P                                | P          |
| Parking Structure                                                                      |                                                       | P                         | P                    | P                               | P         | P                                | P          |
| Personal Service                                                                       |                                                       |                           |                      | P                               | P         | P                                |            |
| Portable Building Sales                                                                |                                                       |                           |                      | S                               | S         | S                                | P          |
| Printing, Major Industrial Plant                                                       |                                                       |                           |                      |                                 |           |                                  | P          |
| Printing, Minor Retail Shop                                                            |                                                       |                           |                      | P                               | P         | P                                | P          |
| Recycling Center                                                                       |                                                       |                           |                      |                                 |           |                                  | S          |
| Research & Development Center                                                          |                                                       |                           |                      | S                               | S         | S                                | P          |
| Restaurants                                                                            |                                                       |                           | P                    | P                               | P         | P                                | P          |
| Salvage Yard, Junk Yard, or Wrecking Yard                                              |                                                       |                           |                      |                                 |           |                                  | S          |
| School, Private (K-12)                                                                 |                                                       | S                         | S                    | S                               | S         | S                                | S          |
| School, Public (K-12)                                                                  | P                                                     | P                         | P                    | P                               | P         | P                                | P          |
| Seasonal Sales                                                                         | C                                                     | C                         | C                    | C                               | C         | C                                | C          |
| Sexually-Oriented Businesses                                                           | See Chapter 4, Section 4.06 of the Code of Ordinances |                           |                      |                                 |           |                                  | S*         |
| Stable, Commercial                                                                     | S                                                     |                           |                      |                                 |           |                                  | S          |
| Stable, Private                                                                        | P                                                     |                           |                      |                                 |           |                                  |            |
| Store, Alternative Retail Services                                                     |                                                       |                           |                      | C                               | C         | C                                | P          |

| ARTICLE III, TABLE 2<br><br>Multi-Family and<br>Non-Residential<br>Zoning<br>Districts   | AG                                 | MF                        | CF                   | C                               | MU        | O                                | I          |
|------------------------------------------------------------------------------------------|------------------------------------|---------------------------|----------------------|---------------------------------|-----------|----------------------------------|------------|
|                                                                                          | Agricultural                       | Multi-Family<br>All Types | Community Facilities | Commercial,<br>Office, & Retail | Mixed Use | PRO and CCO Overlay<br>Districts | Industrial |
| Store, Big Box and/or Grocery                                                            |                                    |                           |                      | P                               | P         | P                                | S          |
| Store, Convenience                                                                       |                                    |                           | P                    | P                               | P         | P                                | P          |
| Store, General Retail                                                                    |                                    |                           |                      | P                               | P         | P                                | P          |
| Store, Liquor Sales                                                                      | Currently not allowed by State Law |                           |                      |                                 |           |                                  |            |
| Store, Pawn Shop                                                                         |                                    |                           |                      | C                               | C         | C                                | C          |
| Store, Regional Mall                                                                     |                                    |                           |                      | S                               | S         | P                                | P          |
| Store, Secondary Use                                                                     |                                    | P                         | P                    | P                               | P         | P                                | P          |
| Store, Secondary Use                                                                     |                                    | P                         | P                    | P                               | P         | P                                | P          |
| Store, Tire Dealer, with Outside Display                                                 |                                    |                           |                      | S                               | S         | S                                | P          |
| Store, Tire Dealer, without Outside Display                                              |                                    |                           |                      | P                               | P         | P                                | P          |
| Telephone Exchange Facility                                                              | P                                  | P                         | P                    | P                               | P         | P                                | P          |
| Theatre, Drive-in                                                                        |                                    |                           |                      | S                               | S         | S                                | P          |
| Theatre, Indoor                                                                          |                                    |                           |                      | P                               | P         | P                                | P          |
| Transit Center/Bus Terminal                                                              |                                    |                           |                      | S                               | S         | S                                | P          |
| Truck Terminal                                                                           |                                    |                           |                      |                                 | S         | S                                | P          |
| Truck, Boat, Trailer, Motorcycle, Heavy Equipment,<br>RV, & Bus Sales, Leasing, & Repair |                                    |                           |                      | S                               | S         | S                                | P          |
| Vending Kiosk                                                                            |                                    |                           |                      | C                               | C         | C                                | C          |
| Warehouse                                                                                |                                    |                           |                      | S                               | S         | S                                | P          |
| Wholesale & Distribution Center                                                          |                                    |                           |                      |                                 |           | S                                | P          |

Sections 14.03.103 to 14.05.200 .....Reserved.

**ARTICLE III – USE REGULATIONS**  
**PART TWO .....ACCESSORY STRUCTURES.**

**14.03.201.....General Information and Regulations for Accessory Structures.**

- (a) **Definition.** An accessory building is defined as any structure, either attached or detached from the main dwelling or commercial building, the use of which is incidental to that of the main structure and located on the same lot. Accessory structures include, but are not limited to, detached garages and carports, patio covers, arbors, gazebos, cabanas, outdoor kitchens, recreational fire-pits, sheds, and other enclosures. Agricultural accessory buildings include barns, stables, coops, or any enclosure designed to accommodate farming or ranching supplies, livestock or fowl. Fences are not included in this definition of “accessory structure.”
- (b) **Permit Required.** An accessory structure that is less than or equal to 120 square feet (approximately 10’ X 12’) in size shall not be required to obtain a building permit, but shall meet all height and setback requirements of this article. An accessory structure that is greater than 120 square feet in size OR any size structure that is attached to the main building shall be required to have a building permit, be inspected by the City, and meet the requirements of this article.
- (c) **Allowed Accessory Buildings.** Allowed accessory uses are listed in the requirements for each zoning district provided for by this Chapter. However, in general, no commercial uses are allowed in an accessory building. In addition, an accessory structure may only be used for dwelling purposes in the AG, Agricultural, SF-E, Single Family Estate, or OT, Old Town zoning districts and in no case may be rented to a person other than a family member or permanent member of the household staff.
- (d) **General Provisions.**
- (1) **Attached structures.** Any structure that is attached to the principal building shall be considered a part thereof and shall comply with all the requirements for the principal structure, unless otherwise provided herein. Unenclosed structures, such as patio covers and gazebos, may encroach into the rear and side yard setback so long as a five (5) foot setback is maintained from all property lines.
  - (2) **Detached structures.** Detached structures shall comply with the requirements set out in this article and may not be located in the front yard or between the primary structure and any street.
  - (3) **Easements.** Accessory buildings shall not be located within or over an easement or right-of-way, unless approved in writing by the holder of the easement.
  - (4) **Prohibited storage.** Containerized storage, cargo storage, and/or trailer storage shall not be permitted. Notwithstanding the above, temporary storage pods may be placed within a private driveway (but not blocking any portion of the right-of-way or sidewalk) for a period not to exceed seven (7) days for the purposes of loading or unloading furnishings or other goods.
  - (5) **Not allowed in front yard.** Accessory structures shall not be located in the front yard area. This excludes temporary uses such as basketball hoops, bike, or skateboard ramps, or other moveable recreational devices. However, any such device shall be located entirely within the boundaries of the private property and shall not be placed in the right-of-way, the street, the sidewalk, or the parkway (defined as the grassy area between the sidewalk and the curb).
  - (6) **Utility lines.** All associated service and utility lines shall be buried.
  - (7) **Approval.** Building permits are approved by the Building Official, following review and approval of the site plan by the Director of Development Services, as applicable.
- (e) **General Development Standards for Accessory Buildings.**

| ARTICLE III, TABLE 3<br>Standards for Accessory Buildings<br>MAXIMUM NUMBER, TYPE, AND SQUARE FOOTAGE PER LOT SIZE in RESIDENTIAL DISTRICTS |                    |                                            |                        |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------------------------|------------------------|
|                                                                                                                                             | Less than one acre | One acre or greater, but less than 3 acres | Three acres or greater |

|                                                                                      |                                                          |              |          |
|--------------------------------------------------------------------------------------|----------------------------------------------------------|--------------|----------|
| Max number of accessory structures                                                   | 2                                                        | 3, plus barn | No limit |
| Max square footage of all accessory structures                                       | 600 or 25% of house square footage, whichever is greater | 4,000        | 10,000   |
| Max height of accessory structures, measured at eave of structure (other than barns) | 10 feet                                                  | 16 feet      | 20 feet  |
| Barns allowed (includes other agricultural structures)                               | No                                                       | Yes          | Yes      |
| Max square footage of barns                                                          | N/A                                                      | 4,000        | 10,000   |
| Max height of barns (at ridge line)                                                  | N/A                                                      | 35 feet      | 35 feet  |

(f) **Architectural Standards for Accessory Buildings.** (barn structures and greenhouses excluded – see Section 14.03.202 (b) and (f), for specific regulations related to barns and greenhouses, respectively).

- (1) Permits are required for all accessory structures that are greater than 120 square feet.
- (2) Permanent and/or engineered foundations may be required per the adopted International Code.
- (3) Accessory structures less than or equal to 120 square feet are not subject to architectural standards for exterior materials, but must be properly anchored to the ground per the International Residential Code (IRC).
- (4) Accessory structures that are between 121 and 200 square feet shall be constructed of wood, treated engineered wood, metal, cementitious fiberboard, brick, stone, or stucco. Materials from the approved list may be combined.
- (5) Accessory structures that are between 201 and 600 square feet shall be constructed of treated engineered wood, cementitious fiber board, brick, stone, or stucco that blend and compliment the main structure. In addition, accessory structures between 201 and 600 square feet shall incorporate a brick or stone wainscot (36" in height for structures ≤ 12 feet in height; 48" in height for structures >12 feet in height, measured at the eave) in an exterior material that is generally similar to or blends with the masonry material of the main structure, if applicable. Materials from the approved list may be combined.
- (6) Accessory structures that are greater than 600 square feet shall generally match the exteriors of the main structure in terms of types of materials, percentages of materials, and color.
- (7) All accessory structures shall be earth tones in color.
- (8) Metal buildings require raised or standing seams, minimum 26" gauge, corner trim, pre-installed, baked-in finish that cannot be bold colors.

(g) **Setback & Siting Regulations for Most Accessory Structures.**

- (1) No accessory structures shall be located in front yards and may not be located between the primary structure and the street.
- (2) Accessory structures that are attached to a residence or non-residential building shall abide by the side and rear yard setbacks of the governing zoning district.
- (3) Detached accessory structures in residential zoning districts shall observe the following side yard setbacks:
  - i. Typical side yard setback shall be three (3) feet.
  - ii. Side yard setback when also facing a street shall be fifteen (15) feet.
- (4) Detached accessory structures in residential zoning districts shall observe the following rear yard setbacks:
  - i. Rear yard setback shall be three (3) feet for structures that are <250 square feet in size, no greater than eight (8) feet at the eave line, and screened from the alley or adjacent property by a solid fence.
  - ii. Rear yard setback shall be five (5) feet for structures that are ≥250 square feet in size OR that do not meet the height or fence requirement cited above.
  - iii. setback as the main structure in the governing zoning district.

#### 14.03.202.....Regulations for Specific Accessory Structures.

These regulations supersede any general regulations listed in Section 14.03.201. However, if a standard is not specifically mentioned in the regulations, below, then the regulations stated in Section 14.03.201 apply. Building permits for the accessory structures listed below are approved by the Building Official, following review of the regulations specified for each type of accessory structure and approval of the site plan by the Director of Development Services, if applicable.

(a) **Accessory Dwelling Unit (ADU) Regulations.**

- (1) An "ADU" is defined as a subordinate building/structure intended for habitation. ADUs shall not be permitted without a main building or primary use in existence and are subject to zoning district regulations.
- (2) ADUs are prohibited in all zoning districts other than the AG, Agricultural zoning district, SF-E, Single-Family Estate zoning district, or OT, Old Town zoning district. In these districts, ADUs shall be allowed as an incidental residential use of a primary residential structure, located on the same lot as the primary residential structure, may be occupied only by the residents or guests of the primary residential structure, and shall meet the standards listed herein.
- (3) An ADU may not be sold separately from sale of the entire property, including the primary residential structure, and shall not be rented or sublet;
- (4) An ADU is not permitted without the primary residential structure;
- (5) Utility services shall be metered by the same meter as that which serves the main structure on the premises, unless otherwise allowed by the Building Official;
- (6) ADUs shall abide by the same setback, height, and architectural regulations as detached garages, except that the rear yard setback shall be twenty (20) feet;
- (7) The total conditioned square footage of an ADU is limited to 800 square feet for lots that are less than one-half ( $\frac{1}{2}$ ) acre in size. Lots that are one-half ( $\frac{1}{2}$ ) acre or greater in area may construct an ADU up to 1,200 square feet if all other regulations are met. An ADU must be constructed to the rear of the primary residential structure, and may be attached to or separate from the main dwelling (note that ADUs that are attached to the main structure that cause the overall structure to be greater than the threshold set by the Fire Codes may require the entire structure to be sprinklered);
- (8) No ADU or living quarters shall be used or occupied as a place of abode or residence by anyone other than a family member or guest of the owner/occupant of the primary residential structure or a bona fide caretaker, servant or farm worker actually and regularly employed by the landowner or occupant of the main building; and
- (9) Only one ADU, including a garage ADU, or servant's/caretaker's quarters, shall be allowed on any lot, and the ADU shall be clearly incidental to the primary residential structure.
- (10) The exterior facades of a ADU shall be constructed of a masonry material (brick, stone, stucco) or materials that are generally similar to the materials, percentages, and colors used on the main building or structure.

(b) **Barns & Farm Accessory Structure Regulations.**

- (1) Barns are not allowed on lots that are less than one (1) acre in size.
- (2) All farm accessory structures greater than 120 square feet in area require a building permit.
- (3) The site on which a barn is proposed must be currently classified and in operation as an agricultural enterprise.
- (4) Barns may be constructed of any suitable all-weather material as listed in the adopted International Building Code.
- (5) The height of barns or other farm accessory structures shall not exceed thirty-five (35) feet, measured from the ground to the ridge line.
- (6) The siting of such facilities shall be selected to minimize visibility from the public right-of-way.
- (7) Commercial operations, or operations open to the general public, are considered commercial enterprises and shall abide by all commercial building regulations and permits.

(c) **Carport Regulations.**

- (1) Metal support poles required;
- (2) Carports shall have a pitched roof or be sufficiently slanted to drain and shall be attached to the primary



residence;

- (3) Carports are prohibited in any front yard;
- (4) Setbacks for carports shall be the same as for the primary structure in the governing zoning district; and
- (5) Manufactured homes may install a carport, which shall be designed to shelter a maximum of two (2) vehicles, shall not exceed ten (10) feet in height, and shall not be located closer than three (3) feet to any side or rear lot line.

(d) **Commercial Accessory Structure Regulations.**

- (1) All structures located in non-residential, commercial, office, retail, industrial, and multi-family zoning districts, and structures associated with such land uses, are considered permanent, commercial buildings and shall obtain all necessary permits and inspections and abide by all applicable codes and masonry regulations.
- (2) Accessory structures with pervious roofs, such as decorative pergolas or arbors, may be constructed with fire-treated and rot-resistant wooden or comparable material with Director approval. An open-air pavilion shall encase its columns in masonry that matches the primary building. Modular storage units, portable on demand storage containers, donation bins, kiosks or stands, cargo containers, and drop-off bins/trailers are considered accessory structures.

(e) **Detached Garage Regulations.**

- (1) Front yard setback shall be twenty (20) feet for front-loading garages;
- (2) Rear yard setback shall be twenty (20) feet for alley access garages;
- (3) Side yard setback shall be twenty (20) feet for garages with access to a side street.
- (4) Typical side yard setback shall be five (5) feet;
- (5) The size, height, and architectural restrictions are the same as for accessory structures listed in Table A of this Article, except that a minor height waiver for associated pitched roofs may be granted at the discretion of the Director of Development Services; and
- (6) An exception to the sixteen (16) foot maximum height for a detached garage may be granted at the discretion of the Director of Development Services for garages that are designed for oversized vehicles, such as RVs, boats, etc. as long as the overall height remains lower than the overall height of the main structure.
- (7) The exterior facades of detached garages shall be constructed of a masonry material (brick, stone, stucco) or materials that are generally similar to the materials, percentages, and colors used on the main building or structure.

(f) **Greenhouse Structure Regulations.**

- (1) Greenhouse structures require a building permit if  $\geq 120$  square feet.
- (2) Greenhouses may be constructed of glass, opaque plastic, and other all-weather material as listed in the adopted International Building Code;
- (3) Typical side yard setback shall be three (3) feet;
- (4) Side yard setback shall be fifteen (15) feet when facing a street;
- (5) Rear yard setback shall be three (3) feet for structures that are  $< 250$  square feet in size, no greater than eight (8) feet at the eave line, and screened from the alley or adjacent property by a solid fence; and
- (6) Rear yard setback shall be five (5) feet for structures that are  $\geq 250$  square feet in size OR that do not meet the height and fence requirement cited above.

(g) **Patio Cover & Outdoor Room Regulations.**

- (1) Patio covers or outside rooms that are attached to the primary structure and are  $\leq 250$  square feet shall be setback a minimum of three (3) feet of any property line;
- (2) Patio covers or outside rooms that are attached to the primary structure and are  $> 250$  square feet shall be setback a minimum of five (5) feet of any property line or the same setback for the primary structure, whichever is greater;
- (3) Metal or wood may be used as support structures, but the wood must be treated or otherwise impervious to rotting;

- (4) Open roofing on patio covers and/or outdoor rooms may be constructed of wood beams that have been treated or otherwise impervious to rotting; and
- (5) Covered or partially enclosed patios may be connected to the primary structure. However, should the applicant wish to convert the partially enclosed patio into a fully functioning room, the setbacks for the zoning district in which the residence is located shall apply.

(h) **Patios & Flatwork Regulations (Concrete or Pavers).**

- (1) All new parking, drives, and approaches must be constructed with concrete to the City's engineering design criteria;
- (2) Any flatwork, foundation, or slab greater than 200 square feet must be drawn to City standards and may require an engineer's seal;
- (3) Flatwork shall be set back a minimum of three (3) feet from any property line;
- (4) Flatwork is not allowed in the front yard area, unless the flatwork is for a driveway for a front-loading garage. This shall not be interpreted to allow for enlarged driveways, whose width should match the width of the enclosed garage and not be expanded into the side yard setback;
- (5) Nothing within this section allows the creation of a drainage hazard or issue, and all flatwork must be sloped or graded to drain;
- (6) Paving is limited to twenty percent (20%) of total lot coverage, including the driveway but not including any patio, walkway, pool deck, sports courts or other paved feature; and
- (7) A residential property shall continue to maintain the majority of each of its yard in living landscape, as required by the Landscape ordinance and administered by the Director of Development Services. Mulch, gravel, rock gardens, decorative stone, and similar material may be used for decorative patterns, beds, erosion control, and in other limited application with associated landscaping; however, their use shall not be the predominant groundcover.

(h) **Swimming Pools, Spas, & Hot Tub Regulations.**

- (1) Shall not be located in the front yard area;
- (2) Shall comply with the minimum side yard and corner lot requirements for accessory structures;
- (3) The setback shall be a minimum five (5) feet from any building line to the water's edge; and
- (4) The setback shall be a minimum three (3) feet from any building line to decking or flatwork.

(i) **Temporary Building Regulations.**

- (1) Land uses other than churches and public schools shall abide by the rules below. However, the number of temporary buildings, size of the buildings, and duration of time allowed for for these uses shall be determined by the City Council on a case-by-case basis.
- (2) Churches and public schools, regardless of the zoning district, may have a maximum of three (3) accessory buildings at any given time. The total floor area of all accessory buildings shall not exceed thirty (30%) of the square footage of the first floor of the main building or 3,000 square feet, whichever is less.
- (3) Accessory buildings utilized by churches and public schools are exempt from the Architectural Standards listed in this Article.
- (4) The siting of temporary buildings shall be selected to minimize visibility from the public right-of-way.
- (5) Skirting for the temporary building is required, as is concrete pedestrian access, in addition to any required ramps.
- (6) A stabilizing foundation in compliance with the approved building code must be provided or appropriate tie-down systems, as approved by the Fire Department.
- (7) All buildings shall be perpetually maintained and repaired in a safe, reasonably attractive condition by the property owner in a manner that protects against the elements, is structurally safe, and corrects any visual ills or other problems.

**Sections 14.03.203 to 14.03.300 .....Reserved.**

DRAFT

## ARTICLE III – USE REGULATIONS

### PART THREE.....PERMANENT LAND USES THAT REQUIRE SUP APPROVAL.

**14.03.301.....**The following land uses require specific criteria to be met in addition to City Council approval through a Specific Use Permit (SUP) or a Planned Development (PD) in order to be approved. The City Council may waive any or all of the regulations listed below as part of the SUP or PD approval process.

(a) **Airport/Helipad/Heliport Regulations.**

- (1) “Airport” is defined as a place where aircraft land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for pilots and passengers.
- (2) “Helipad” is defined as a place, typically on the roof of a hospital or a small ground area where helicopters may land and take off, but without any service or fueling capabilities.
- (3) “Heliport” is defined as a place where helicopters land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for pilots and passengers.
- (4) None of the above defined uses shall be located within 400 feet of any residential structure or any area zoned residential, and no residential structure shall be located within 400 feet of any such use.
- (5) Such distances shall be measured as the shortest possible distance in a straight line from the closest point of the proposed use to the closest point of the residential structure or area, as the case may be
- (6) Notwithstanding the foregoing, the City Council may elect to locate such uses in closer proximity.

(b) **Alcohol Sales Regulations.** (this classification includes Bars, Brewpubs, Wine Tastings, Growlers, and other similar uses where alcoholic beverages are served on-premises by the glass)

- (1) Retail alcohol sales is defined as an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives seventy-five percent (75%) or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, or as defined in the Texas Alcoholic Beverage Code (TABC), for on-premises consumption.
- (2) Prior to issuance of a Certificate of Occupancy, the business owner shall provide the City with a copy of its State permit to operate as a bar, brewpub, or similar use.
- (3) All retail alcohol sales must also meet the standards found in Chapter 10, Alcoholic Beverages, of the Celina Code of Ordinances.

(c) **Alternative Financial Services Regulations.**

- (1) Alternate financial services are defined as check cashing business, payday advance or loan business, money transfer business, and car title loan business (see Section 14.01.114, *Land Use Definitions* under “Alternate Financial Services” for more detailed definitions).
- (2) A lot containing an alternative financial service shall be located at least 1,000 feet from any lot containing another alternative financial service, as measured in a straight line between the nearest points of one lot to the other lot.
- (3) A lot containing an alternative financial service shall be located at least 200 feet from any lot zoned or used for residential purposes, as measured in a straight line between the nearest points of one lot to the other lot.
- (4) No lot containing an alternative financial service shall be located in the Preston Road Overlay, the Dallas North Tollway Overlay, or the Collin County Outer Loop Overlay Districts.
- (5) Alternative financial services shall be situated only within a freestanding building and shall not be co-located in the same structure as other uses.

(d) **Alternative Retail Services Regulations.**

- (1) Alternative retail services are hereby defined as businesses or services that require additional scrutiny by the City Council as to the appropriate location (see Section 14.01.114, *Land Use Definitions* under “Alternate Retail Services” for more detailed definitions).
- (2) A lot containing an alternative retail service shall be located at least 1,000 feet from any lot containing another alternative retail service, as measured in a straight line between the nearest points of one lot to

the other lot.

- (3) A lot containing an alternative retail service shall be located at least 200 feet from any lot zoned or used for residential purposes, as measured in a straight line between the nearest points of one lot to the other lot.
- (4) No lot containing an alternative retail service shall be located in the Preston Road Overlay, the Dallas North Tollway Overlay, or the Collin County Outer Loop Overlay Districts.
- (5) Alternative retail services shall be situated only within a freestanding building and shall not be co-located in the same structure as other uses.

(e) **Communication Antenna Towers Regulations – Residential Districts.** When proposed to be located within a residentially zoned district, approval of a SUP is required. Application shall meet the requirements listed in Section 14.03.401(c), *Communication Antenna Towers Regulations – Non-Residential Districts*.

(f) **Hotel Regulations, Extended Stay.**

- (1) An extended stay hotel is defined as a building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Also called “residence hotels,” the room units are designed to be suitable for long-term occupancy with financial consideration typically being calculated on a weekly or monthly basis. Typical extended stay hotels include kitchen facilities, on-site laundry equipment, external doorways into room units, and are generally rated two (2) or fewer stars (on a 4-star industry basis).
- (2) Residence or extended stay hotels shall include all of the following amenities:
  - i. A minimum of eighty (80) guest rooms and/or suites;
  - ii. Guest room access from an interior hallway;
  - iii. Laundry facilities adequate to serve the residents at full capacity;
  - iv. Playground equipment and open space as determined by the Director; and
  - v. Swimming pool with a minimum of 800 square feet of pool surface area.

(g) **Hotel Regulations, Limited Service.**

- (1) A limited service hotel is defined as a temporary dwelling place for individuals or families in exchange for financial consideration that provides an economical choice with fewer amenities than a full service hotel and is generally rated two (2) or fewer stars (on a 4-star industry basis).
- (2) Limited service hotels shall include all of the following amenities:
  - i. A minimum of 700 square feet of meeting room space;
  - ii. Limited food and beverage service, but including breakfast buffet service;
  - iii. Guest room access from an interior hallway;
  - iv. Swimming pool with a minimum of 400 square feet of pool surface area; and
  - v. Attached port cochere adjacent to the hotel lobby or reception area.

(h) **Open Storage Regulations (Permanent or Ongoing).**

- (1) For the purposes of this subsection, the definition of open storage is the keeping of any goods, material, merchandise, vehicles, trailers, modular storage units, or equipment outside a building on a lot. Examples of permanent and ongoing open storage are home and garden supplies, bagged mulch and seed, and automobiles and other vehicles.
- (2) There shall be no outside storage of tires or readily flammable merchandise of any kind, either for display or storage purposes. Tires and readily flammable merchandise shall be housed indoors at all times, on Fire Department approved storage racks to minimize the fire hazard.
- (3) The area utilized as open storage in C, Commercial, Office, & Retail zoning district or related PD-Planned Development zoning district shall not exceed fifteen percent (15%) of the total gross square foot of the building located on the same lot as the open storage. Permanent open storage shall not be permitted in any portion of the lot between a public street and a line projected from the faces of the building lot lines, except as described in (6) and (10), below.

- (4) The square footage of the area designated for open storage in I, Industrial zoning district or related PD-Planned Development zoning districts is not restricted as long as it is located on the same lot and not in the front setback.
- (5) The open storage area must be attached to a wall of the principal building.
- (6) An exception to the location of open storage shall be the location of shopping carts, which may utilize designated areas within the parking lot, so long as the shopping carts are gathered within steel carrels suitable for retaining carts and the locations do not interfere with traffic flow or customer parking.
- (7) Open storage may not be permanently located in any fire lane, maneuvering aisle, or customer pick-up lane.
- (8) Open storage may not be located in any required front, side, or rear setback.
- (9) Open storage may not be located in any parking space (except as described in (10) below).
- (10) Open storage may not obstruct visibility or interfere with pedestrian or vehicular circulation. If items are placed on a sidewalk or other pedestrian area, a six (6) foot wide pedestrian path shall be maintained through or adjacent to the outside display area. The pedestrian path must be concrete or asphalt and may not be located within off-street parking areas, including parking spaces, fire lanes, maneuvering aisles, and customer pick-up lanes.
- (11) Nothing in this article shall prohibit temporary open storage of merchandise for display and sale during a seasonal or sidewalk sale (See Section 14.03.501(e), *Open Storage Regulations – Under Eave Display*).
- (14) Screening of open storage.
  - i. All open storage and outside display shall be screened from the view of adjacent streets and adjacent properties unless located in an I, Industrial zoning district, where open storage is required to be screened only from the street right-of-way.
  - ii. Screening shall be a minimum of eight (8) feet in height may exceed eight feet, six inches (8½ feet) in height. When additional height is necessary, the area above the screening wall may use mesh screening material to fully enclose the stored or displayed items.
  - iii. Approved screening materials:
    - a. Masonry (brick, stone, or combination, but not fabricated stone panels)
    - b. Enhanced wooden fence (board on board with decorative cap)
    - c. Industrial metal fencing
    - d. Metal ornamental fencing in combination with a landscape screen
    - e. Opaque living evergreen screen without a fence or wall. Evergreen shrubs used for a landscape screen shall be placed so as to create at least a six (6) foot tall solid screen within two (2) years of planting.
  - iv. Prohibited screening materials:
    - a. Chain link fencing, with or without slats.
    - b. Plain wood fencing.
  - v. Vehicles kept overnight which are under or awaiting repair shall be screened from public view using one of the approved screening materials listed in (14)(iii), above, or stored inside the building.
  - vi. Utilities or accessory facilities, such as storage tank towers that cannot feasibly be completely screened by a masonry wall shall be located and designed so as to "blend in" and to minimize visual impact from public rights-of-way and adjacent properties. Architectural design and landscaping materials shall be used in order to lessen any negative visual impact.
  - vii. If the standards required for screening of open storage cannot be met due to site-specific issues, the property owner or developer may petition the Planning & Zoning Commission to approve alternative screening methods that meet the purpose and intent of the ordinance.
- (15) Exceptions to screening requirements.
  - i. No screening is required for open storage and outside display of goods, materials, merchandise, or equipment as an accessory use if generally placed "under eaves." (See Section 14.03.501(e), *Open Storage, Under Eave Display* for regulations)
  - ii. Screening is not required for items placed adjacent to a gasoline pump island that do not exceed three (3) feet in height, except for those items otherwise prohibited in this section.



- iii. The Director may waive these requirements if no public purpose would be served by the construction of a required screen, or if the site characteristics do not necessitate screening since natural features exist that sufficiently screen the open storage.

(i) **Private Street Development/Gated Community Regulations – Existing Subdivisions.**

- (1) A private street is defined as a paved thoroughfare within a gated community with no access to the general public and is entirely owned, maintained, and subsequently replaced by the Homeowners Association (HOA). Application for the conversion of public streets to private streets require the following regulations to be observed as part of the consideration process by the City Council.
- (2) Private street developments are subject to provisions of the Master Thoroughfare Plan and the Subdivision Ordinance, as it exists or may be amended. Private street developments may not cross an existing or proposed thoroughfare as shown on the City's adopted Master Thoroughfare Plan nor shall a private street development disrupt an existing or proposed Hike & Bike route.
- (3) Private street developments shall be located in an area that is surrounded on at least three (3) sides, and in any event no less than approximately seventy-five percent (75%) of the perimeter, by natural barriers or similar physical barriers constructed by man. Examples of natural barriers would be creeks and floodplains. Examples of similar man-made barriers would be golf courses, school locations, parks, railroad tracks, or a limited access roadway. Non-qualifying man-made barriers include screening walls, local roadways, drainage ditches, detention ponds, landscape buffers, earthen berms, utility easements, and at grade rights-of-way.
- (4) Any proposed private street development adjacent to an existing subdivision with public streets that can be reasonably connected, including by constructing a bridge or culvert, for example, should not be approved as a private street development. The two adjacent subdivisions should allow cross-connectivity using public streets. This is especially critical when one of the two subdivisions has a school site.
- (5) Any private street development proposed for an existing subdivision must demonstrate that the Homeowners Association (HOA) has established an escrow account to be kept for the purposes of street repair and replacement.
- (6) The petition to convert public streets to private streets must be signed by one hundred percent (100%) of the property owners in the existing subdivision.
- (7) Agents representing the HOA must agree to enter into an agreement with the City for the purchase of the installed infrastructure and rights-of-way from the City at fair market appraised value for cash in full payment, and agree to maintain and subsequently replace the infrastructure at City standards thereafter.
- (8) All documents are subject to the review and approval of the City Attorney.
- (9) Subsequent to the approval of the private street designation, the entire subdivision affected shall be replatted to reflect the ownership changes and remove the City's ownership and maintenance obligation from the streets and rights-of-way.

(j) **Private Street Development/Gated Community Regulations – New Subdivisions.**

- (1) In addition to the regulations listed in (j), above, the following regulations apply to new subdivisions that wish to incorporate private streets in the residential development.
- (2) No disruption of planned public roadways or facilities/projects (thoroughfares, parks, park trails, public pedestrian pathways, etc.).
- (3) No disruption to and from properties of future developments either on site or off site to the proposed subdivision.
- (4) No negative effect on traffic circulation on nearby public streets.
- (5) Not less than 100 feet of street frontage on which to locate the main entrance gate.
- (6) No more than two (2) gated street entrances, subject to approval by the Director of Engineering, may face a designated thoroughfare within a one (1) mile segment of that thoroughfare.
- (7) No impairment of access to and from public facilities including schools or public parks.
- (8) No impairment of the adequate and timely provision of essential municipal services (emergency services, water/sewer improvements or maintenance, etc.).

- (9) The main entrance to the private street development shall have adequate throat depth to provide for residents, their guests and any accidental access and have an escape aisle for those vehicles not admitted into the subdivision.
  - (10) Absence of a concentration of private street developments in the vicinity of the requested private street development.
  - (11) Developers who wish to develop as a private street/gated community shall agree to maintain the infrastructure and rights-of-way at City standards and sign an agreement with the City to that effect.
- (k) **Sexually-Oriented Business Regulations.**  
Sexually oriented businesses are governed by Chapter 4, *Business Regulations*, Section 4.06, *Sexually-Oriented Businesses* of the Celina Code of Ordinances.

Sections 14.03.302 to 14.03.400 .....Reserved.

**ARTICLE III – USE REGULATIONS****PART FOUR.....PERMANENT LAND USES THAT REQUIRE CERTAIN CONDITIONS FOR APPROVAL.**

**14.03.401 .....**The following land uses require specific conditions to be met prior to the issuance of a building permit. These land uses are listed as C, Conditions Required, in the Schedule of Uses, since they must meet the specific regulations listed below for each use prior to being issued a building permit. If, at the Director's discretion, one or more of the conditions have not been met, the request may be brought to the City Council as a Specific Use Permit (SUP).

**(a) Alternative Energy Sources Regulations – Solar Panel/Device.****(1) Single-family residential uses:**

- i. Is in compliance with State law and poses no threat to public health or safety;
- ii. Is located solely on private property;
- iii. Include approval letter from the HOA with submittal for the CUP, if applicable.
- iv. Installation and maintenance in compliance with manufacturer's recommendations and warranties;
- v. Roof mounted:
  - a. Panels may not extend beyond the roofline or eave line;
  - b. Panels must conform to the slope of the roof, unless mounted on a roof slope that is not visible from the right-of-way; and
  - c. Roof mounted panels should be designed to reduce excessive glare.
- vi. Ground mounted:
  - a. Prohibited in front yards.
  - b. Ground mounted devices shall follow the setbacks required for accessory structures within the specific zoning district.
  - c. Device shall not be visible from either the public right-of-way or the adjacent properties;
  - d. Device shall be screened by a wooden or masonry fence and no device shall extend above the fence line.
  - e. Where fences are not allowed within the residential subdivision, a solid evergreen hedge which shall be maintained at a minimum of six (6) feet in height within eighteen (18) months of planting.

**(2) Non-residential uses:**

- i. Is in compliance with State law and poses no threat to public health or safety.
- ii. Is located solely on private property.
- iii. Installation and maintenance in compliance with manufacturer's recommendation and warranties.
- iv. Is located on the roof.
- v. Panels located on a sloped roof may not extend beyond the roofline and must conform to the slope of the roof, unless mounted on a roof slope that is not visible from the public right-of-way or from adjacent single family districts.
- vi. Panels located on a flat roof must be screened from view from the adjacent rights-of-way or from adjacent single family districts.

**(b) Alternative Energy Source Regulations - Wind Energy Conversion Systems (WECS).****(1) Single-family residential uses:**

- i. Freestanding WECS are prohibited on residential lots less than one acre in size.
- ii. Shall not be allowed in the front yard.
- iii. The highest point of a roof-mounted WECS shall not project more than five feet above the roof line, excluding the highest point of the blade arc.
- iv. Freestanding WECS shall be of unipole design and shall not be located in any required setback.
- v. Freestanding WECS shall abide by the height and setback regulations of the specific zoning district and be located at least a distance equal to the height of the pole away from any structure or property line.

**(2) Non-residential use:**

- i. WECS may exceed the height limits of the zoning district, up to a maximum of eighty (80) feet, if located at least a distance from any residential district boundary line or residential dwelling equal to

the height of the support structure. Height shall not include the highest point of the blade arc and shall refer to the highest point of the pole structure.

- ii. The minimum lot size required for a WECS is one acre. Only one low impact WECS shall be allowed per platted lot.
- iii. The WECS shall not be located within any required setback area for the front, side, or rear yards.
- iv. The WECS freestanding blade arc spheres shall have a minimum thirty (30) foot clearance from any structure, tree or any other impediment.
- v. All associated wiring shall be buried underground by means of a conduit system, or if ground-mounted equipment is required, then a minimum eight (8) foot high masonry wall shall be constructed.
- vi. The WECS shall be constructed in a unipole design of tubular steel and shall be self-supporting without the use of guy wires or other similar features. In addition, no exposed racks or antennas are allowed.
- vii. The WECS shall be a neutral or earth tone color. The proposed paint type shall be a dull or matte finish so as to reduce the possibility of any glare or reflection and to minimize the visual obtrusiveness of the WECS.
- viii. All commercial signs, flags, lights, and attachments shall be prohibited on the WECS, unless required for structural stability, or as required for flight visibility by the FAA.
- ix. The WECS shall be equipped with both a manual and an automatic braking device capable of stopping the WECS' operation in high winds.
- x. The WECS shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA) and any other agency of the state or federal government with the authority to regulate such systems.
- xi. The WECS shall not be grid-interconnected until and unless evidence has been provided to the City that the appropriate electric power provider has approved the customer's intent to install a grid-connected customer-owned WECS and that the customer's system meets the utility's approved specifications for interconnection.
- xii. The WECS shall be grounded and shielded to protect against natural lightning strikes and stray voltage, including the blades.
- xiii. The WECS shall be adequately designed structurally, electrically, and in all other respects to accommodate the safety and general well-being of the public.
- xiv. The WECS shall be maintained at all times according to the manufacturer's specifications.
- xv. The WECS shall be filtered, shielded, or otherwise designed and constructed so as not to cause electrical, radio frequency, television and other communication signal interference.
- xvi. The WECS shall be prohibited from including a tower climbing apparatus within twelve (12) feet of the ground.
- xvii. The WECS shall adhere to the performance standards of the zoning ordinance, in regards to maximum sound pressure levels. The noise levels measured at the property line of the property on which the conversion system has been installed shall not exceed sixty (60) decibels and in no event shall the conversion system create a nuisance.
- xviii. If the WECS is not in operation for a period of six (6) months, it shall be deemed abandoned and shall be removed at the owner's expense.
- xix. With the approval of a specific use permit, in any district, any one or more of the above development standards may be excused, subject to review and approval by the Director.

(c) **Communication Antenna Towers Regulations – Non-Residential Districts.**

- (1) Commercial towers may exceed the height limits of the zoning district, up to a maximum height of 150 feet, if located a distance from any residential district boundary line or residential dwelling at least equal to the height of the support structure.
- (2) Towers shall be of stealth, unipole design with no exterior antennas, wires, racks, or transmitters.
- (3) Tower sites shall be screened with a minimum eight (8) foot high solid masonry wall with a solid metal gate.
- (4) Commercial towers shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and additional co-located users and carriers.

- (5) Commercial towers shall be a muted and dull shade of grey or blue to match the sky, or if applicable, shall match the background color of the landscape and terrain.
- (6) Commercial towers shall be accessible by a twenty-four (24) foot wide concrete fire lane, subject to review and approval by the fire marshal.
- (7) There shall be a minimum of one (1) concrete parking space that is not located in a fire lane.
- (8) A commercial antenna may be attached to a utility structure or building (elevated water tank, electric transmission pole, etc.) regardless of the height of said structure, provided that the antenna does not extend more than ten (10) feet above the height of the host structure.
- (9) A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.
- (10) All commercial signs, flags, lights and attachments shall be prohibited on any antenna or antenna support structure, unless required for communications operations, structural stability, or as required for flight visibility by the FCC and the FAA.
- (11) No communication tower, antenna, antenna support structure, microwave reflector/antenna, or associated foundations, support wires, or appurtenances shall be located within any required setback area for the front, side, rear yards, or required landscape buffers.
- (12) The Director may require a map of the vicinity showing current coverage and coverage after construction. Commercial communication towers require site plan approval, prior to or concurrent with the application for a building permit.
- (13) Collocation of antennas and antenna support structures shall be required. No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing antenna support structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
  - i. No existing towers or structures are located within the geographic area, which meet the applicant's engineering requirements;
  - ii. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
  - iii. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment; or
  - iv. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (14) A lot containing a commercial communication tower shall be located at least 2,000 feet away from any lot containing another communication tower greater than fifty (50) feet in height, as measured in a straight line between the nearest points of one lot to the other lot.
- (15) If one or more of the above standards are requested to be waived or amended, the request may be heard by the City Council as part of a SUP request.

(d) **Donation Bin/Collection Site Regulations.**

- (1) A maximum of one donation bin may be located per lot or contiguous lots under common ownership or occupancy.
- (2) A donation bin shall not be located within the designated fire lane or hinder the movement of emergency public safety vehicles and/or equipment or within required parking spaces or within or immediately adjacent to designated handicap parking areas.
- (3) A collection site shall provide safe vehicular access, off-street parking, and accommodate the delivery of materials on an all-weather surface.
- (4) The scope of the activity of either a donation bin or collection site may not encumber required parking spaces of any business and must be located in a non-residential zoning district.

- (5) Screening by a solid masonry wall or other compatible screening materials is required to screen any storage located outside the collection structure.
  - (6) Restroom facilities for employees at manned collection sites must be provided either on-site (e.g. with a portable toilet), or off-site if within 300 feet of the subject property and accompanied with a letter of permission from the property owner granting access.
  - (7) The name and contact information of the organization/manager who is responsible for the donation bin and/or collection site is required to be clearly placed, either affixed to the bin or with appropriate signage.
  - (8) Merchandise shall be neatly organized and not haphazardly piled.
- (e) **Home Occupation Regulations.** No City approval is required for home occupations. However, home occupations are subject to the following conditions and requirements:
- (1) No signage associated with the home occupation and visible from outside of the dwelling shall be allowed on the premises, except as may be authorized or permitted by other applicable ordinances of the City.
  - (2) No more than two (2) non-relatives may be employed on-site in addition to those residing in the home.
  - (3) Outdoor activities are not allowed, unless the activities are screened from neighboring properties and public rights-of-way and limited to the hours between 8:00 a.m. to 8:00 p.m.
  - (4) There shall be no exterior storage of materials, equipment, vehicles, and/or supplies used in conjunction with the home occupation.
  - (5) A home occupation shall not serve as an office or storage facility for a vehicle fleet operation in which fleet vehicles visit the site. A “fleet” is defined as three (3) or more business vehicles.
  - (6) The home occupation shall not produce offensive noises, vibrations, smoke, dust, odors, heat, or glare beyond the property lines.
  - (7) No major alterations to the property or exterior of the dwelling unit or accessory buildings shall be allowed that changes the residential character of the buildings. The home occupation use must be clearly incidental and secondary to the residential use of the dwelling.
  - (8) No repair or servicing of vehicles, internal combustion engines, large equipment, or large appliances is allowed.
  - (9) No storing of hazardous materials for business purposes is allowed on the premises.
  - (10) Merchandise, commodities, goods, wares, materials, or products shall not be offered or displayed for sale on the premises, excluding fruits and vegetables grown on-premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises.
  - (11) No traffic shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood or create unreasonable parking or traffic congestion in the immediate neighborhood, and any need for parking must be accommodated within the off-street parking provided for the residence (i.e. the driveway or garage) and along the street frontage of the lot.
- (f) **Hotel Regulations, Bed & Breakfast/Short-Term Rental.**
- (1) “Bed & Breakfast” is defined as a residential home, occupied by the owner or manager, where the owner or manager rents one or more bedrooms for remuneration and provides a breakfast meal to the guest.
  - (2) “Short-Term Rental” is defined as a residential home or unit that is occupied for a relatively brief period of time (i.e. less than 30 days duration) by paying guests, typically through a web-based service (e.g. Airbnb® or Vrbo®).
  - (3) Guest parking must be provided on the residential lot and not on the street.
  - (4) The owner or manager shall be responsible for any noise or disruption of the neighborhood caused by the guests.
  - (5) The owner or manager shall register with the State to pay any applicable taxes and shall pay the hotel tax to the City of Celina, as required by law.
- (g) **Hotel Regulations, Full Service.**
- (1) A full service hotel is considered a top tier hotel in terms of amenities and service. It includes all of the amenities listed below and often exceeds these minimum standards and is generally rated three (3) stars or higher (on a 4-star industry basis).



- (2) A full service hotel that meets all of the requirements listed below requires only administrative Site Plan approval if shown as a C, *Conditions Required* on the Schedule of Uses. Any failure to meet one or more of the listed conditions requires an application for a Specific Use Permit (SUP), which is subject to review and approval by the Planning & Zoning Commission and the City Council.
- i. A minimum of 100 guest rooms and/or suites.
  - ii. A minimum of 4,000 square feet of meeting room space.
  - iii. A minimum of one (1) restaurant that provides three (3) meals per day with on-site preparation and service provided by wait staff, hostesses, etc. and seating for a minimum of thirty (30) customers.
  - iv. Guest room access from an interior hallway.
  - v. Swimming pool with a minimum of 800 square feet of pool surface area.
  - vi. Attached port cochere adjacent to the hotel lobby or reception area.

(h) **Manufactured Home Replacement Regulations.**

- (1) The federal government allows a one-time replacement of a manufactured home under the circumstances listed below.
- (2) In the event that a HUD-Code manufactured home occupies a lot within the City, the owner of the HUD-Code manufactured home may remove the HUD-Code manufactured home from its location and place another HUD-Code manufactured home on the same property, provided that the replacement is a newer HUD-Code manufactured home, and is the same size or larger in living space as the prior HUD-Code manufactured home. Except in the case of a fire or natural disaster, the owner of the HUD-Code manufactured home is limited to a single replacement of the HUD-Code manufactured home on the same property.
- (3) Property owners who have a HUD-Code manufactured home which has been placed on a lot in violation of the terms of this ordinance shall not have the right to replace the illegal use. This subsection shall not be interpreted to legitimize an otherwise illegal use.
- (4) Except with regard to the above clause, the replacement provisions of this section shall not apply in the SF-M, Single Family Manufactured Home zoning district.

(i) **Pawn Shop Regulations.**

- (1) "Pawn shops" are hereby defined as a facility that lends money in exchange for personal property as security deposited with it or pledged to it. This definition includes the sale of such securities after repossession and the sale of merchandise generally found in retail stores, according to State law.
- (2) A lot containing a pawn shop shall be located at least 1,000 feet from any lot containing another pawn shop, as measured in a straight line between the nearest points of one lot to the other lot.
- (3) A lot containing a pawn shop shall be located at least 200 feet from any lot zoned or used for residential purposes, as measured in a straight line between the nearest points of one lot to the other lot.
- (4) No lot containing a pawn shop shall be located in the Preston Road Overlay, the Dallas North Tollway Overlay, or the Collin County Outer Loop Overlay Districts.
- (5) Pawn shops shall be situated only within a freestanding building and shall not be co-located in the same structure as other uses.

(j) **Vending Kiosk Regulations.**

- (1) Approval of a commercial vending kiosk greater than 120 square feet in size requires the following conditions to be met prior to the issuance of a building permit.
- (2) A permanent structure with a permanent foundation is required to be associated with the vending kiosk.
- (3) The structure should have a primarily brick/stone veneer that matches adjacent development.
- (4) No commercial kiosk of similar type shall be installed within two (2) miles of another such structure.
- (5) Site location should not provide a strong visual presence on a major thoroughfare, nor impede fire lanes or cause other traffic flow problems, subject to review and approval by Staff.
- (6) Lighting and signage shall be minimal, per existing regulations.
- (7) Concrete parking shall be available, and a bathroom agreement or other accommodation is required if manned.

- (8) Permits are required, as is property owner authorization, and installation shall abide by all applicable Building, Fire, Health, Subdivision, Engineering Design, and Zoning codes.
- (9) Structures shall be removed with a valid demolition permit by the property owner if inoperable or abandoned for more than six (6) months. Seasonal Sales are not allowed per this use.

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## ARTICLE III – USE REGULATIONS

### PART FIVE ..... TEMPORARY LAND USES THAT REQUIRE CERTAIN CONDITIONS FOR APPROVAL.

**14.03.501** .....The following temporary land uses require specific conditions to be met prior to the issuance of a building permit. These land uses are listed as C, Conditions Required, in the Schedule of Uses, since they must meet the specific regulations listed below for each use prior to being issued a building permit.

(a) **Batch Plant Regulations, Temporary.**

- (1) A “temporary batch plant” is defined as a manufacturing facility for the on-site production of concrete or asphalt that operates only during the construction of a project, and to be removed in its entirety upon project completion. Following removal, the tract shall be returned to its previous condition.
- (2) Applicants for a permit to operate a temporary concrete or asphalt batching plant must submit a letter from The Texas Commission on Environmental Quality (TCEQ) indicating that the proposed facility is meets the State requirements.
- (3) All stockpiles shall be sprinkled with water or dust suppressant chemicals, or both, as necessary to achieve maximum control of airborne dust emissions. The stockpile sprinkler system shall be operable at all times.
- (4) The facility shall be operated in a manner which mitigates the effect of dust, noise and odor (including covering trucks, hoppers and chutes, loading and unloading devices, mixing operation and maintaining driveways and parking areas free of dust).
- (5) The facility must produce concrete or asphalt for the specific subdivision or project site upon which it is located, and may not produce concrete or asphalt for any other unrelated subdivision or project.
- (6) Spilled cement and fly ash used in the batch shall be cleaned up immediately and contained or dampened to minimize dust emissions due to wind erosion and vehicle traffic.
- (7) All open-bodied vehicles transporting material from a dry batch plant to the paving mixer shall be loaded with a layer of sand on top, and the truck shall be covered with a tarp to minimize the emission of dust during transport.
- (8) Temporary batch plants (including associated stationary equipment and stockpiles) shall be located at least 500 feet from any recreational area, school, or residence. This distance limitation does not apply to structures within the boundaries of the project for which the facility is to pour concrete, provided that the facility is located onsite or contiguous to the project.
- (9) The temporary batch plant shall only furnish concrete, asphalt, or both, to the specific project for which the temporary permit is issued and not transport concrete or asphalt off site.
- (10) The applicant shall clear the site of all equipment, material and debris upon completion of the project, and return the area as close to its original state as reasonably possible.
- (11) The facility may operate only between the hours of 7:00 a.m. and 8:30 p.m., Monday through Friday, 8:00 a.m. and 8:30 p.m. on Saturdays; and 1:00 p.m. and 8:30 p.m. on Sundays.
- (12) The permit for temporary concrete and asphalt batching plants shall contain an expiration date not to exceed 180 days, and shall not be transferable to any other construction company or individual. Further, the permit shall be limited to a specific construction project and shall not be transferable to any other construction project. However, upon written notice that the construction project remains a working facility, the Director may, at his sole discretion, extend the permit for an additional 180 days.
- (13) The following shall be grounds for the revocation of an issued permit:
  - i. The facility fails to comply with any of the requirements as listed in this section; or
  - ii. The facility violates any of the standards as listed on the standard exemption list adopted by the Texas Natural Resources Conservation Commission as amended from time to time.
  - iii. The facility fails to comply with any of the requirements set forth in this section.

(b) **Construction Yard or Field Office Regulations, Temporary.**

- (1) A “field office” is defined as a temporary building or structure used in connection with a development or construction project.
- (2) A “construction yard” is associated with a field office and contains equipment and/or vehicles necessary for

construction.

- (3) Electrical connections must be supplied by overhead or underground access – no open wiring lying directly on the ground will be allowed.
- (4) Four (4) parking spaces must be provided.
- (5) The Director shall determine whether or not the proposed location is appropriate and setbacks have been observed.
- (6) The Director shall determine whether the requested timeframe is appropriate.
  - i. Temporary permits for "temporary buildings" shall be issued for a period of time not to exceed 18 months.
  - ii. Extensions may be granted only by the Director.

(c) **Model Home Regulations, Temporary.**

- (1) A "model home" is defined as the temporary use of a new residential home to display the construction, design, exterior and interior finishes, and provide a temporary sales office for the homebuilder and/or real estate agents to sell similar homes within the subdivision.
- (2) The temporary model home shall be located on an approved plat. The plat need not be filed, but must be filed prior to the sale of the model home to the individual owner.

(d) **Open Storage Regulations, Temporary.**

- (1) Temporary outdoor storage and display of merchandise is not permitted to exceed ninety (90) day duration, unless specifically allowed by the underlying zoning district or by the approval by the Director.
- (2) Open storage may not be located in any required front, side, or rear setback and must not impede vehicle or pedestrian movement on the site.
- (3) Open storage may not be located in any parking spaces, except "big box" stores (i.e. stores greater than 50,000 square feet in size) may display garden merchandise for sale within excess parking spaces on a temporary basis. Examples of appropriate merchandise for this type of parking lot storage includes, but is not limited to, mulch or garden soil bags, bedding plants, saplings, and storage sheds. Approval of any parking lot open storage or display shall require a revised site plan showing the location of the open storage or display, indicating the number of parking spaces required to ensure that the storage is located in spaces in excess of those required, the type of merchandise to be displayed or stored, and the duration of the sale. The Director shall approve or disapprove any parking lot storage or display.

(e) **Open Storage Regulations, Temporary, Under Eave Display.**

- (1) "Temporary, under eave storage and display" is defined as seasonal merchandise that may be placed outside or near the main entrance of a store and that is on sale or featured as a seasonal product, such as pumpkins, cords of wood, lawn mowers, barbecue grills, bedding plants, etc.
- (2) This definition also includes the outdoor, under eave storage of shopping carts.
- (3) This definition may also be used for the temporary use of food purveyors, such as hot dog or lemonade stands used as part of a sales promotion.
- (4) Such merchandise may be displayed or sold for the normal duration of the season, so long as the display is limited to the under eave area.
- (5) Limited to ten (10) feet from the front façade of the building) so long as pedestrian and/or vehicular traffic patterns are not impeded.
- (6) A four (4) foot wide clearance shall be provided for a walkway within the display, if needed, and
- (7) A six (6) foot wide opening shall be provided on the sidewalk leading to the entrance of the building.

(f) **Portable On-Site Storage Container Regulations, Temporary.**

- (1) A "portable on-site storage container" is defined as a self-contained, movable storage structure that is delivered to the residential site by a commercial provider (such as PODS®) for a limited duration. These may be used to store household goods, furniture, and similar items during construction or in anticipation of moving said household goods to another location.
- (2) The portable on-site storage container permit (which includes the permit number and expiration date) shall be affixed on the portable on-demand storage container to be clearly visible from the street or alley

the container faces.

- (3) Maximum of two (2) portable on-site storage containers per lot.
- (4) The portable on-site storage container shall not be located so as to impede natural movement along sidewalks or rights-of-way.
- (5) Portable on-site storage containers are allowed on the subject property for no longer than seven (7) consecutive days from time of delivery to time of removal.
- (6) A portable on-site storage container may be used at various times on a given site for a period not to exceed twenty-one (21) days in any 365-day period.
- (7) Portable on-site storage containers shall not be used for retail sales, any habitable use, or any other principal use.
- (8) Portable on-site storage containers placed shall not exceed eight and one-half (8½) feet in height, ten (10) feet in width, and twenty (20) feet in length.

(g) **Seasonal Sales Regulations.**

- (1) The following four (4) seasonal sales categories may operate for the durations shown below:
  - i. *Holiday items.* Temporary display and sale of cut holiday trees with incidental sales of holiday decorations and firewood for a maximum sixty (60) days;
  - ii. *Fall items.* Temporary display and sale of pumpkins with the incidental sale of fall decorations for a maximum of sixty (60) days;
  - iii. *Winter items.* Temporary display and sale of firewood with the incidental sale of firewood accessories between October 1<sup>st</sup> and March 1<sup>st</sup>; or
  - iv. *Summer items.* Temporary display and sale of snow-cones or ice-cream products between May 1<sup>st</sup> and October 1<sup>st</sup>.
- (2) A letter from the property owner, allowing the proposed use.
- (3) A tax certificate from the State showing that sales tax is being collected on site.
- (4) Only one (1) seasonal sales permit is allowed per applicant, per lot or per calendar year.
- (5) Temporary use of tents, portable buildings (maximum 200 square feet), or other existing non-conforming structures located on the subject property is allowed for temporary occupancy, but is required to meet setbacks and be reviewed and approved by the Fire Marshal prior to issuance of a seasonal sales permit.
- (6) One (1) sign is allowed and shall be reviewed and approved prior to issuance of a seasonal sales permit, per the Sign Ordinance regulations.
- (7) Any temporary fencing shall be reviewed for location and materials prior to issuance of a seasonal sales permit.
- (8) Restroom facilities for employees must be provided either on-site (e.g. portable toilet), or off-site if within 300 feet of the subject property and accompanied with a letter of permission from the property owner.
- (9) The site shall provide safe vehicular access, off-street parking, and accommodation for the delivery of materials. Vehicular use areas shall be an all-weather surface, which can include a maintained gravel surface.
- (10) The scope of the activity cannot encumber required parking spaces of an adjacent business. However, seasonal sales must utilize a paved parking area for display and sales.
- (11) Merchandise shall be neatly organized and not haphazardly piled. Firewood seasonal sales lasting more than sixty (60) days shall be orderly stacked and shall not be sold from a trailer, unless used for customer delivery purposes and parked to mitigate visibility.
- (12) Within ten (10) calendar days following the permit's expiration, the site shall be clear of all structures, fencing, signage, trailers, material, merchandise, and equipment associated with the seasonal sale operation.

**Sections 14.03.502 to 14.03.600 .....Reserved.**

## ARTICLE III – USE REGULATIONS

### PART SIX .....NEW USES AND NONCONFORMING USES.

**14.03.601.....New & Unlisted Uses.** It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- (a) The Director shall consider any new or unlisted use and make an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount, and nature of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- (b) Appeals of the Director's decision may be made to the Planning & Zoning Commission. The Commission shall approve the Director's recommendation or may make its own determination concerning the classification of such use as is determined appropriate based upon the Commission's findings.

**14.03.602.....Nonconforming Uses & Structures.**

- (a) **Intent.** Within the districts established by this Chapter or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this Chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendments.
  - (1) It is the intent of this Chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Chapter to be incompatible with permitted uses in the districts in which they are located. It is further the intent of this Chapter that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
  - (2) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Chapter by attachment on a building or premises of additional signs intended to be seen from the street or off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district.
  - (3) To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun in preparation for rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
- (b) **Nonconforming Lots of Record.**
  - (1) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width standards, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot must conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements may be obtained only through action of the Board of Adjustment (see Section 14.01.202(f), *Authority to Grant Variances* for more information).
  - (2) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this Chapter, the lands involved shall be



considered to be an undivided parcel for the purposes of this Chapter, and no portion of said parcel shall be used which does not meet lot width and are requirements established by this Chapter, nor shall any division of the parcel be made which leaves remaining any with width or area below the requirements stated in this Chapter.

- (c) **Nonconforming Use of Land.** Where lawful use of land exists that is made no longer permissible under the terms of this Chapter, as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter;
  - (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Chapter;
  - (3) If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.
- (d) **Nonconforming Use of Structures.** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Chapter that would not be allowed in the district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it located.
  - (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment for this Chapter, but no such use shall be extended to occupy any land outside such building.
  - (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
  - (4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure thereafter shall not be used except in conformance with the regulations of the district in which it is located.
  - (5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
  - (6) Where nonconforming use status applies to a conforming structure, such use shall be immediately terminated upon transfer to another ownership or lease.
- (e) **Changing Uses & Nonconforming Rights.**
- (1) Nonconforming use to conforming use. Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to any nonconforming use.
  - (2) Nonconforming use to another nonconforming use. A nonconforming use may not be changed to another nonconforming use.
  - (3) Conforming use in a nonconforming structure. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in 14.03.602(f). *Expansion of Nonconforming Uses & Structures.*
- (f) **Expansion of Nonconforming Uses & Structures.** An expansion of a nonconforming use or structure is allowed in accordance with the following.
- (1) Nonconforming use expansion in existing building. A nonconforming use located within a building may be extended throughout the existing building, provided.
    - i. No structural alteration, except as provided in Section 14.03.602(f)(5) below, may be made on or in

- the building except those required by law to preserve such building in a structurally sound condition.
- ii. The number of dwelling units or rooms in a nonconforming residential use must not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.
- (2) Nonconforming use prohibited from expansion beyond existing building. Nonconforming use within a building shall not be extended to occupy any land outside the building.
  - (3) Off-street parking. Nonconforming use of land or building shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use, except to provide additional off-street parking spaces.
  - (4) Residential lot exemption. The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts except that a lot having less area than herein required which was an official "lot of record" prior to [date of adoption of ordinance], may be used for a single family dwelling.
  - (5) Expansion of nonconforming buildings with conforming uses. Buildings or structures which do not conform to the area regulations or development standards in this ordinance but where the uses are deemed conforming shall not increase the gross floor area greater than ten percent (10%) after the date when the building became nonconforming.
  - (6) Reuse of abandoned or vacant buildings by conforming uses allowed. Buildings or structures which have been vacant or abandoned for more than six (6) months and do not meet the current area regulations or development standards shall be allowed to be re-occupied only by a conforming use or uses.
- (g) **Restoration of Nonconforming Structures.**
- (1) Total destruction. If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance.
  - (2) Partial destruction. In the case of partial destruction of a nonconforming structure not exceeding fifty-one percent (51%) of its total appraised value as determined by the applicable County Appraisal District, reconstruction will be permitted, but the existing square footage or function of the nonconforming structure cannot be expanded.
- (h) **Repairs & Maintenance.** On any building devoted in whole or in part to a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixture, wiring or plumbing, to an extent not exceeding ten percent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Chapter shall be not increased. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- (i) **Uses Under Exception Provision.** Any use for which a special exception is permitted as provided in this Chapter shall be defined as a "conforming use" in such district only for the single property granted such exception.

14.03.603 to 14.03.700.....Reserved.

## ARTICLE IV – SITE DEVELOPMENT STANDARDS

### PART ONE.....ARCHITECTURAL DESIGN STANDARDS.

**14.04.101.....Purpose.** The purpose of establishing architectural standards is to set minimum standards for the appearance and quality of buildings and corresponding site elements that are recognized as enhancing property values and are in the interest of the general welfare of the City. Given that the City of Celina is an area designated with historical, cultural, and architectural importance and significance, the following provisions apply. These standards are not intended to prohibit architectural innovation, nor are they intended to mandate specific architectural styles and concepts. Rather, they are intended to provide for developments of enduring quality that provide visual character and interest. The development community is encouraged to seek out new and innovative construction techniques and materials to implement the standards contained herein that will result in a significant contribution to the visual character of the area and the City as a whole. Any new or innovative material shall be considered on a case-by-case basis by the Director and must be equal to the current standards in terms of quality and longevity.

### **14.04.102.....Applicability & Administration.**

- (a) The regulations provided in this section shall apply to all new construction and all structures within all zoning districts, but shall only apply to single-family residential uses when indicated. Where the regulations of this section conflict with other sections or provisions of this chapter, the regulations of this section shall apply.
- (b) Single-family tracts with existing PDs (or comparable special zoning) which include specific architectural standards may continue to apply the standards as found in the governing PD. Non-residential tracts and uses within existing PDs (or comparable special zoning) shall be governed by the standards contained herein.
- (c) When an existing building, constructed prior to the adoption of this section, is proposed for an addition or expansion that will increase the square footage of the existing building by less than fifty percent (50%), either by a single expansion or by the cumulative effect of a series of expansions, similar or like exterior materials may be used on new façades that match the existing building and architectural theme to the extent possible.
- (d) Any addition that is fifty percent (50%) or greater of the originally approved floor area shall be subject to and shall be compliant with the regulations herein, potentially resulting in the reconstruction of the entire exterior veneer of an existing structure. At a minimum, the front façade must comply with the regulations stated herein.
- (e) Certain structures, such as temporary construction buildings or portable classroom buildings situated on public school or non-profit property, may be exempt from compliance with established or future policies adopted by the City Council.
- (f) The provisions of this section shall be administered by the Director of Development Services who shall have the authority to approve any façade plan that is deemed to satisfy the minimum requirements of this section, alternate façade plans deemed to meet the intent of the section, including any minor deviations or waivers, and to make necessary interpretations regarding any subjectivity or frustration of purpose contained herein.
- (g) All exterior façades shall be perpetually maintained and repaired in a safe, reasonably sound, and attractive manner by the owner in a manner that protects against the elements, is structurally safe, and corrects any visual deficiencies or other problems.
- (h) The City Council, may grant a Specific Use Permit (SUP), establish a planned development (PD) district or enter into a development agreement or other economic incentive agreement, which may amend or revise the regulations herein for a certain project or area of the City.
- (i) Due to the unique service nature of government owned and occupied facilities, in addition to the development costs being a public burden, such facilities may meet the spirit and intent of the regulations contained herein to the extent possible, and are not expected to strictly comply.
- (j) The City Council may, from time to time, amend, supplement, or change the boundaries of a district or the regulations herein established as provided by State Law or establish special zoning districts or overlay districts.

### **14.04.103.....Submittal of Façade Design.**

- (a) **Submittal information.** Sufficient information shall be submitted to evaluate the architectural standards criteria outlined herein as part of the site plan submittal.

- (b) **Elevations.** Any application that includes a site plan shall include the following:
- (1) Color renderings of all façades of each building.
  - (2) Proposed exterior materials with a percentage breakdown of each material used, exclusive of windows and doors.
  - (3) A calculation chart or graphic demonstrating compliance with the articulation standards.
  - (4) A listing of the selected auxiliary design standards, described herein, to illustrate compliance.
  - (5) If a landmark feature is required of the building, please note the feature proposed for credit.
  - (6) The Director may require sample boards.
- (c) **Streetscape Elements.** For any proposed streetscape elements (such as bike racks, trash receptacles, lampposts, tree grates, bollards, outdoor seating, and/or other street furniture) or screening devices (masonry walls screening dumpsters, mechanical equipment, residential subdivision, etc.), graphics should also be submitted showing the material, color, height, and any other pertinent details.

#### 14.04.104.....Definitions.

*Architectural concrete masonry units (CMU)* includes highly textured finish, such as split faced, indented, hammered, fluted, ribbed, burnished, or similar decorative finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of one inch when applied as a veneer; shall include light weight and featherweight decorative masonry units.

*Big box* shall mean a building, usually with a single tenant, which comprises more than 50,000 square feet.

*Brick* includes severe weather rated kiln fired clay or slate material, can include concrete brick if it is to the same ASTM C216 or C652 standard and severe weather rated as typical fired clay brick; minimum thickness of one inch when applied as a veneer, and shall not include underfired clay, sand, or shale.

*Director* shall mean the Director of Development Services, or his designee.

*EIFS* means exterior insulation and finish systems.

*Engineered wood* shall mean a wood-based product that has been treated to be stronger and more weather/wear resistant than natural wood.

*Facades:*

*Front façade* shall mean the exterior walls of any air-conditioned space that are parallel or roughly parallel to the street.

*Rear façade* shall mean the exterior walls of any air-conditioned space that are parallel or roughly parallel to the rear property line.

*Primary façade* shall mean the exterior walls of any air-conditioned space that face directly on a public street of any size, back to a public street that is designated as a collector or larger, along any storefront regardless of orientation, or may be so defined at the discretion of the Director.

*Secondary façade* shall mean the exterior walls of any air-conditioned space that do not directly face a public street or back to a public street that is designated as a collector or larger (any wall other than a primary façade).

*Masonry materials* shall mean and include that form of construction defined below and composed of brick, stone, granite, marble, stucco (three-step hard coat), decorative concrete masonry unit, tilt wall concrete panels, sealed and painted concrete block, and exterior insulation finish systems (EIFS), and rock or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar.

*Non-residential building* shall mean those buildings utilized for use other than single-family, duplex, and townhome dwelling, to specifically include commercial, retail, medical, office, and multi-family structures and associated accessory structures.

*Residential buildings* shall mean those buildings utilized for a single-family, duplex, and townhome dwellings.

*Stone* includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral

to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of one inch when applied as a veneer.

*Shake shingles* mean a non-combustible, fire-rated product that is used as a decorative element on residences.

*Stucco* means the 3-step process that is applied in three separate layers: 3/8-inch thick scratch coat, 3/8-inch thick brown coat, and approximate 1/8-inch thick finish coat. The approximately 7/8-inch three-coat system is applied over an approved weather-resistive barrier and metal lath either by hand using a trowel or by machine application.

#### **14.04.105.....Exterior Materials by Category.**

- (a) Category A materials are defined as the superior masonry products from which the City prefers buildings to be predominantly constructed. Unless otherwise provided for in this Chapter, acceptable Category A masonry finishing materials are brick, natural stone, and manufactured stone.
- (b) Category B materials are the secondary products that the City recognizes as materials acceptable for use, products that should not be the predominant material for a building and are considered as somewhat less desirable than those materials listed in Category A. Unless otherwise provided for in this Chapter, acceptable Category B masonry finishing materials include three-step stucco, architectural concrete block with integrated color (i.e. split-face CMU), concrete tilt wall (colored or stamped), treated engineered wood, and cementitious fiberboard with integrated color (in the form of lap siding or board and batten).
- (c) Category C materials are accent products acceptable in limited application for architectural accents and for walls on upper stories of multi-story buildings. Unless otherwise provided for in this Chapter, acceptable Category C materials include metal, tile, glass block, exterior insulation and finish systems (EIFS), and natural wood products.
- (d) Prohibited exterior surface materials include cinder block, vinyl, plastic, and aggregate pea-gravel finished surfaces.

#### **14.04.106.....Exterior Colors**

- (a) **Building Color.**
  - (1) The dominant color of all buildings shall be muted shades of color that are subtle, neutral, or earth tone. Black and stark white shall not be used except as accent colors or as found within brick and stone. The color of secondary facades shall match or compliment the primary facade.
  - (2) There are no restrictions on accent colors that comprise less than one percent (1%) of the building face, except that no high intensity colors, neon colors, or fluorescent colors shall be used on exterior surfaces of the building.
  - (3) Bright, reflective, pure tone primary or secondary colors are permissible only in limited application as accent colors on canopies and awnings, or other such features. Proportions should be consistent with trim or accentuation only. Such building trim and accent areas shall not exceed five percent (5%) of any single exterior wall area. Specifically excluded are door and window frames, moldings, cornices, and other such features. This provision shall not be construed as a license to employ corporate imaging or branding on the primary building facade.
  - (4) The use of high intensity or fluorescent colors shall be prohibited. The use of tube lighting, string lights, or other similar materials shall not be installed on non-residential buildings, except as allowed by the Photometric/Lighting regulations, as found within the Code of Ordinances.
  - (5) No more than one (1) color shall be used for visible roof surfaces; however, if more than one type of roofing material is used, the materials shall be varying hues of the same color or complimentary in nature. Awnings and canopies may incorporate brighter color and branding; however, the primary roof shall not be a bold color.
- (b) **Repairs & Alterations.** All repair and alterations of exterior façades, including re-painting or rebranding, of non-residential buildings are required to obtain a permit from the City and comply with all applicable color regulations contained herein.

#### **14.04.107.....Design Standards for Residential Structures.**

- (a) **Design Standards for Residential Development.** All new residences within the City of Celina shall conform to the following design standards:



- (1) Category A Materials for Single-Family Detached and Single-Family Attached Development. Residential structures shall be constructed of a minimum of eighty-five percent (85%) masonry, defined for single-family structures as brick, stone, or manufactured stone.
- (2) Category B Materials for Single-Family Detached and Single-Family Attached Development. The remainder may include one or more of the following: three-step stucco, treated engineered wood, and shake shingles. Any of these materials may be used singly or in combination, not to exceed a total of fifteen percent (15%). Other materials of equal or similar characteristics may be allowed at the discretion of the Director. On lots greater than one-half (½) acre in size, cedar or redwood planking may be allowed at the discretion of the Director.
- (3) Category C Materials for Single-Family Detached and Single-Family Attached Development. Cementitious fiberboard or natural wood may also be used for architectural features, including window box-outs, bay windows, roof dormers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director.
- (4) Minimum Masonry on Front Façade. Notwithstanding the above overall percentages required for Single-Family Detached and Single-Family Attached Development, the front façade shall be a minimum of eighty percent (80%) masonry.

| ARTICLE IV, TABLE 1                                                                    |                                                  |                                                                                                           |
|----------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| REQUIRED PERCENTAGES OF EXTERIOR MATERIALS FOR SINGLE-FAMILY, BOTH ATTACHED & DETACHED |                                                  |                                                                                                           |
| <i>Facades</i>                                                                         | <i>Percentage Breakdown</i>                      | <i>Definition</i>                                                                                         |
| All facades when considered together                                                   | Minimum 85% Category A<br>Maximum 15% Category B | All walls, when counted together, whether visible from the street or not, shall add up to the 85/15 rule. |
|                                                                                        | Category C                                       | May only used for minor architectural features (see 3, above)                                             |
| Front Facade                                                                           | Minimum 80% Category A                           |                                                                                                           |
| Decorative Features <sup>1</sup>                                                       | Up to 5%                                         |                                                                                                           |

Note 1. Treated engineered wood or EIFS may be used for trim or soffit construction – the percentage of treated engineered wood or EIFS must be subtracted from the percentage of other category materials so that the total percentage of any given façade remains as shown above.

- (5) Placement of exterior materials. Notwithstanding the minimum and maximum percentages of building materials allowed on residential homes (shown above), any break from one material to another shall follow the natural lines and design features of the architectural plan. A change from one material to another cannot be arbitrarily assigned without consideration of the specific façade for which it is designed. The Director of Development Services shall have final approval of any residential elevation submitted for construction.
- (6) Alternate stucco architecture. If a home is designed with a specific architectural style that warrants the use of stucco as the primary exterior material, including but not limited to Mediterranean, Spanish, Southwest, or Modern, then the use of stucco as the primary or exclusive material may be approved by the Director in lieu of other exterior material standards. All elements of the architectural style must be incorporated, including but not limited to clay roof tiles, typical of the style. Residences with primarily stucco finishes shall be accented with heavy wood beams, stonework or other features to enhance the style. Elevations with no discernable style that simply disregard the required masonry requirement will not be considered. Only three-step stucco (or its equivalent) is allowed.
- (7) Elevation repetition. Any house elevation shall not be repeated on the lot most directly across the street, nor shall it be repeated on two (2) lots in either direction on the same side of the street. A wide variety of elevations is desired as it strengthens the character of the subdivision and reduces monotony of design. When stucco homes are the predominant exterior material used on a particular street, variations of color and design are required to minimize visual monotony.
- (8) Elevation masonry mix & pattern. Front elevations shall use more than one type of masonry product in a variety of patterns to vary the architectural appeal of the streetscape. Regardless of the minimum Category



A masonry requirements, every front façade shall be a mixture of materials and colors.

- (9) Front facades & front-facing garage placement – one-story homes. The face of garage doors shall not extend beyond the front façade of any residential structure unless one or both of the following conditions apply; and in that case, the face of the garage door may extend up to a maximum of eight (8) feet beyond the front façade:
  - i. A front porch extending a minimum of fifty percent (50%) of the front façade is provided; or
  - ii. A bay window is provided on the longest wall face of the front façade.
- (10) Front facades & front-facing garage placement – two story homes. The face of garage doors may extend beyond the front façade of any residential structure up to a maximum of eight (8) feet beyond the front façade. Any additional garages to be provided must be placed with side (J-swing) or rear access.
- (11) Front facades & J-swing garage placement. When the doors of garages are designed to be perpendicular to the street access (i.e. J-swing garages), the garage may extend in front of the front façade of the residential structure
- (12) Front entry doors. Front entry doors shall consist of a hardwood, treated engineered wood, or other highly durable products, including products that have a wood appearance and are approved by the Director.
- (13) Garage doors. Front entry doors shall consist of lightweight but durable materials, such as painted metal, and include materials that have a wood appearance and are approved by the Director. Garage doors windows are permitted.
- (14) Roof pitch. Minimum roof pitch of residential structures is 6:12.
- (15) Roof materials. All roof materials shall meet the minimum standards as listed in the adopted International Building Code, which includes the use of solid solar shingles and panels.
- (16) Screening of utility units. HVAC units shall be screened from view from streets with shrubs or a stained wood fence.
- (17) Mailboxes on individual lots. The subdivision will determine whether individual mailboxes shall be brick or stone to match the residence or decorative metal containers on posts. Where practical, the mailboxes should be paired.
- (18) Mailboxes that are clustered. When mailboxes are clustered in single-family or two-family residential districts, the exterior of the clustered mailboxes shall be decorative metal on a matching support poles and shall be maintained by the Home Owners Association (HOA).
- (19) Driveways. All driveways shall be concrete and have a minimum width of ten (10) feet and a maximum width of twenty-four (24) feet at the property line and continue at a maximum width of twenty-four (24) feet until past the sidewalk, at which time the drive may flare out to accommodate a third garage or parking pad. Greater drive widths may be approved on a case-by-case basis by of the Director.

(b) **Architectural Features.** All residential structures must include at least four (4) of the following design features on the front façade or visible from the front or side street:

- (1) Garage doors not facing the street (J-swing garage style);
- (2) Carriage style garage doors with decorative hardware;
- (3) Decorative brick patterning;
- (4) Architectural pillars or posts;
- (5) Bay window facing street;
- (6) Brick or stone chimney on exterior wall;
- (7) Stone accents;
- (8) Covered front porches (minimum of sixty (60) square feet covered by main roof or an architectural extension);
- (9) Cupulas or turrets;
- (10) Dormers or gables;
- (11) Roof accent upgrades (e.g. metal, tile, slate, solar tiles);
- (12) Recessed entries a minimum of three (3) feet deeper than main front façade;
- (13) Greater than 8:12 primary roof pitch, or variable roof pitches;

- (14) Transom windows;
- (15) Shutters;
- (16) Masonry arches;
- (17) Mixed masonry patterns;
- (18) Coach lights at entrances;
- (19) Decorative attic or gable feature, minimum two (2) square feet in size (e.g. vent, window, brick detail);
- (20) Decorative driveway paving (e.g. salt finish, exposed aggregate, or other treatments approved by the City Building Official).

#### 14.04.108.....Design Standards for Multi-Family Structures.

##### (a) **Exterior Materials for Multi-Family Construction.**

| ARTICLE IV, TABLE 2A<br>EXTERIOR MATERIALS FOR MULTI-FAMILY |                                                                                        |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <i>Categories</i>                                           | <i>Materials</i>                                                                       |
| A                                                           | Brick, Stone, or Manufactured Stone                                                    |
| B                                                           | Split-Face CMU, Stucco, Cementitious Fiber Board, Treated Engineered Wood <sup>1</sup> |
| C                                                           | Metal, Natural Wood, Tile, Glass, EIFS                                                 |
| Prohibited                                                  | Plain Concrete Block, Aggregate, Vinyl, Plastic, Tilt Wall <sup>2</sup>                |

| ARTICLE IV, TABLE 2B<br>REQUIRED PERCENTAGES OF EXTERIOR MATERIALS FOR MULTI-FAMILY |                                                     |                                                                                                               |
|-------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <i>Facades</i>                                                                      | <i>Percentage Breakdown</i>                         | <i>Definition</i>                                                                                             |
| Primary                                                                             | 80% Category A<br>20% Category B*<br>0% Category C* | Exterior walls of buildings which face a street or parking area                                               |
| Secondary                                                                           | 50% Category A<br>50% Category B*<br>0% Category C* | Exterior walls of buildings which are NOT clearly visible from a public street, such as an interior courtyard |

Note 1. Treated engineered wood or EIFS may be used for trim or soffit construction – the percentage of treated engineered wood or EIFS must be subtracted from the percentage of other category materials so that the total percentage of any given façade remains as stated above.

Note 2. Tilt wall is prohibited as an exterior material for multi-family structures.

##### (b) **Design Standards for Multi-Family Construction.**

- (1) **Primary facades.** Exterior facades that face a public street, parking lot, or fire lane shall be constructed of eighty percent (80%) masonry Category A products\*.
- (2) **Secondary facades.** Facades that do not face a public street or parking lot (such as an interior courtyard) shall be constructed of a minimum of fifty percent (50%) masonry Category A products with the remainder being one or more Category B materials.
- (3) **Two masonry materials required.** At least two (2) masonry materials shall be used on all exterior facades.
- (4) **Uniform architectural style.** All buildings within a common development, as shown on a development plan, conceptual plan, or site plan, shall have similar architectural styles, materials, colors and detailing; however, sufficient variations should be incorporated to discourage exact duplicated buildings.
- (5) **Facades adjacent to streets.** Facades shall generally be built parallel to the street frontage.
- (6) **Facades adjacent to single-family.** Facades shall generally be built perpendicular when adjacent to single-family districts unless set back a minimum of 100 feet from single-family property lines.
- (7) **Accessory building materials.** Amenity centers, covered garages, and other accessory buildings shall meet the exterior material requirements of the primary facades. Carports shall meet the exterior material requirements of the primary facades with the exception of the support poles, which may be constructed of painted metal.

- (8) Amenities & hardscape. All streetscape elements and site amenities, such as bike racks, trash receptacles, lampposts, and tree grates shall be metal, rust and flake/chip resistant, and generally be black in color. Bollards may be concrete or cast metal and shall be of decorative design.
- (9) Roof design. Roofs shall be peaked with either hip, gable or mansard design with a minimum one-to-four (1:4) pitch, or a parapet wall or false mansard design with a minimum one-to-two (1:2) pitch is acceptable only if constructed around the entire perimeter of a building so that no flat roof shall be visible from a public street or along an active storefront.
- (10) Roof materials. Any accessory structure (such as a garage, carport or amenity center) within a multi-family development shall have a decorative metal roof or a parapet wall to shield roof-mounted equipment.

(c) **Design Features**. All multi-family primary buildings shall be designed to incorporate no less than four (4) of the architectural features from the list below.

- (1) Canopies, awnings, porticos with colonnade or arcades.
- (2) Raised pilaster cornices (end columns at corners), or quoined corners (any of various bricks of standard shape for forming corners of brick walls or a wedge-shaped piece of wood, stone, or other material, used for various ornamental purposes at corners).
- (3) Vertical elements (tower, cupola, lighthouse, turret, arches, etc.).
- (4) Accented windows and doors framed with smooth cobble, cast stone, limestone or other decorative masonry headers and sills, or dormer windows.
- (5) Outdoor patios and/or courtyards (landscaped and furnished) integrated into a site's layout that creates a sense of place for informal and experiential gathering.
- (6) Decorative and repetitive ornamentation (non-signage) integrated into the building facade, such as corbels, medallions, functioning clocks, niches, wrought iron, balconettes, gargoyles, or horizontal and rhythm patterned brickwork.
- (7) Other similar architectural features, as approved by the Director.

#### **14.04.109.....General Architectural Standards for Non-Residential Structures (includes office, retail, commercial, mixed use, etc. but not industrial uses)**

(a) **Design Standards for Non-Residential Structures**.

- (1) Two masonry materials required. At least two (2) masonry materials shall be used on all exterior facades. See Tables 3A, 3B, 3C, 4A, and 4B for masonry requirements.
- (2) Windows. Windows and glazing shall be limited to a minimum of ten percent (10%) and maximum of seventy percent (70%) of each building elevation facing a street, major access drive, or side yard greater than ten (10) feet. Faux (i.e. false) windows are allowed along secondary facades, and big boxes may utilize other rhythmic material options to achieve the window appearance.
- (3) Roof designs and materials. For buildings with a visible hip, gable, or mansard roof, allowed materials include metal (standing seam), slate or tile (clay or cement, barrel, or Roman-shaped).
- (4) Prohibited materials. Prohibited exterior surface materials include cinder block, vinyl, plastic, and aggregate pea-gravel finished surfaces.
- (5) Murals. Murals, if used, cannot display or connote a commercial message without abiding by the Sign regulations, as found within the Code of Ordinances.
- (6) Roof design. Roofs shall be peaked with either hip, gable or mansard design with a minimum one-to-four (1:4) pitch, or a parapet wall or false mansard design with a minimum one-to-two (1:2) pitch is acceptable only if constructed around the entire perimeter of a building so that no flat roof shall be visible from a public street or along an active storefront.

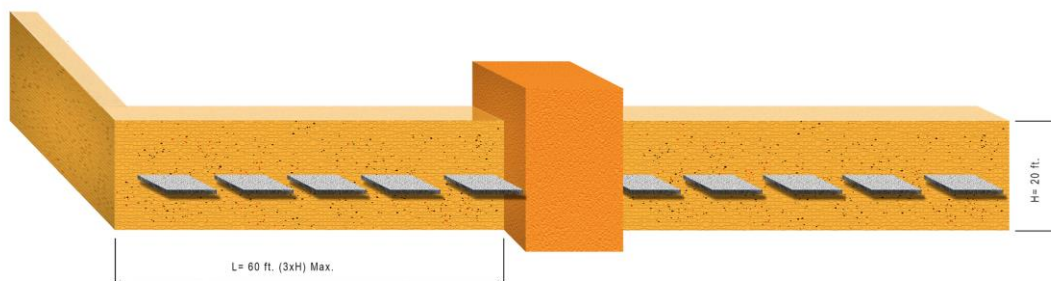
(b) **Landmark Buildings**.

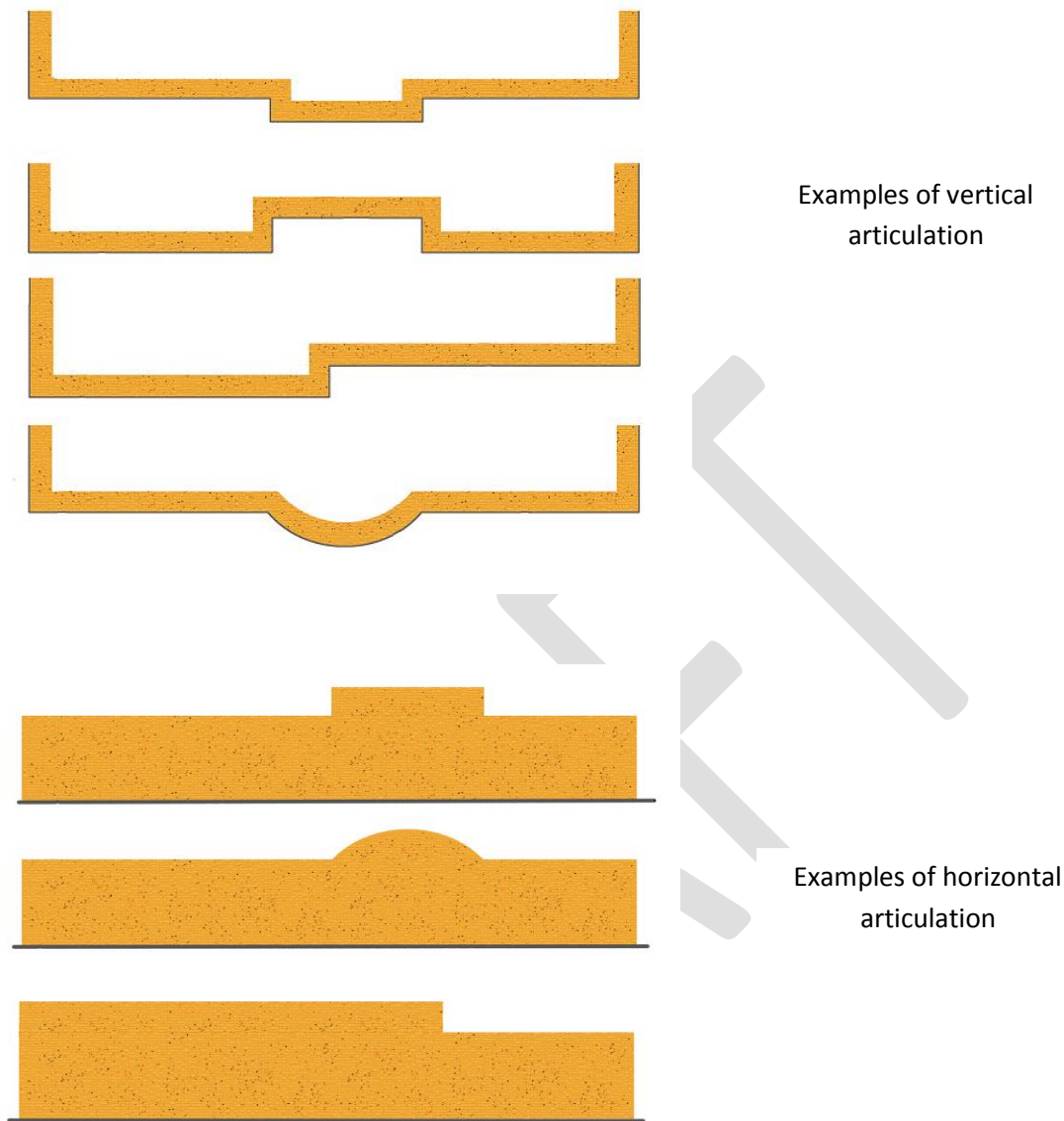
- (1) Buildings that are located at the end of a terminating street or major access lane or at the intersection of streets and/or major access lane shall be considered a landmark building.
- (2) Such buildings shall be designed with landmark features that take advantage of that location, such as an accentuated entry and a unique building articulation that is offset from the front wall planes and goes above the

main building eave or parapet line.

- (3) Landmark features shall be in proportion to the building, subject to review and approval by the Director.

- (c) **Architectural Features for Non-Residential Structures.** All non-residential structures shall be designed to incorporate no less than four (4) of the architectural features from the list below. Buildings over 50,000 square feet must include a minimum of five (5) of the referenced architectural elements.
- (1) Canopies, awnings, porticos with colonnade or arcades.
  - (2) Raised pilaster cornices (end columns at corners), or quoined corners (any of various bricks of standard shape for forming corners of brick walls or a wedge-shaped piece of wood, stone, or other material, used for various ornamental purposes at corners).
  - (3) Vertical elements (tower, cupola, lighthouse, turret, arches, etc.).
  - (4) Accented windows and doors framed with smooth cobble, cast stone, limestone or other decorative masonry headers and sills, or dormer windows.
  - (5) Outdoor patios and/or courtyards (landscaped and furnished) integrated into a site's layout that creates a sense of place for informal and experiential gathering.
  - (6) Decorative and repetitive ornamentation (non-signage) integrated into the building facade, such as corbels, medallions, functioning clocks, niches, wrought iron, balconettes, gargoyles, or horizontal and rhythm patterned brickwork.
  - (7) Other similar architectural features, as approved by the Director.
- (d) **Building Articulation Standards for Non-Residential Structures.** Primary facades clearly visible from a public street or along an active storefront shall meet the following minimum standards for articulation:
- (1) **Horizontal articulation.** No building wall shall extend for a distance equal to three times the wall's height without providing an offset equal to fifteen percent (15%) of the wall's height, and that new plane shall extend for a distance equal to at least twenty-five percent (25%) of the maximum length of the first plane.
  - (2) **Vertical articulation.** No wall length shall extend for a distance greater than three times the height of the wall without changing height by a minimum of fifteen percent (15%) of the wall's height, and that new plane shall extend for a distance equal to at least twenty-five percent (25%) of the maximum length of the first plane. Pitched roofs shall count toward achieving vertical articulation, provided they are 65 degrees or less from horizontal.





**14.04.110.....Specific Design Standards for Non-Residential Structures Related to Height of Buildings.**

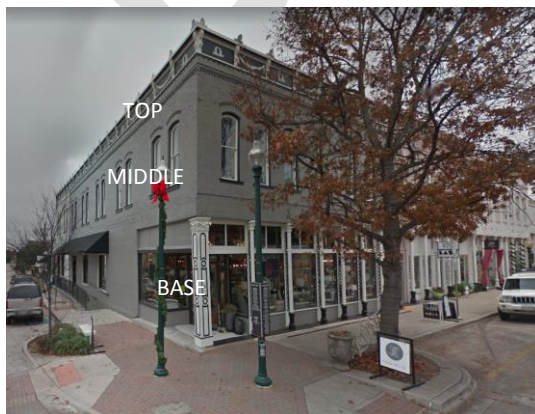
**(a) Specific Design Standards for Non-Residential Structures up to Three (3) Stories in Height.**

- (1) Walls, excluding windows, doors and other openings, shall be constructed of a minimum seventy percent (70%) Category A materials and a maximum of thirty percent (30%) Category B materials. However, accent materials from Category C may be allowed in limited application for architectural accents or features.
- (2) A “big box” store or shopping center may use split-face CMU (architectural block) for up to twenty percent (20%) of the primary facade, in addition to the thirty percent (30%) of other Category B materials for a total of fifty percent (50%) Category B materials.
- (3) All exterior walls of buildings less than 15,000 square feet are considered primary facades, regardless of orientation.
- (4) A “primary façade” shall be as described in the definitions or as otherwise determined by the Director.



| ARTICLE IV, TABLE 3A<br>EXTERIOR MATERIALS FOR NON-RESIDENTIAL BUILDINGS                                                       |                                                                                                   |                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Categories                                                                                                                     | Materials                                                                                         |                                                                                                                                            |
| A                                                                                                                              | Brick, Stone, or Manufactured Stone                                                               |                                                                                                                                            |
| B                                                                                                                              | Split-Face CMU, Stucco, Cementitious Fiber Board, Quick Brick, Tilt Wall, Treated Engineered Wood |                                                                                                                                            |
| C                                                                                                                              | Metal, Natural Wood, Tile, Glass, EIFS                                                            |                                                                                                                                            |
| Prohibited                                                                                                                     | Plain Concrete Block, Aggregate, Vinyl, Plastic                                                   |                                                                                                                                            |
| ARTICLE IV, TABLE 3B<br>REQUIRED PERCENTAGES OF EXTERIOR MATERIALS FOR NON-RESIDENTIAL BUILDINGS<br>THREE (3) OR FEWER STORIES |                                                                                                   |                                                                                                                                            |
| Facades                                                                                                                        | Minimum Percentage                                                                                | Definition                                                                                                                                 |
| Primary                                                                                                                        | Minimum 20% stone<br>Remainder Category A for a total of 70% Category A<br>Maximum 30% Category B | Exterior walls of buildings which are clearly visible from a public street or along an active storefront, or as determined by the Director |
| Secondary                                                                                                                      | 30% Category A<br>Remainder Category B                                                            | Exterior walls of buildings 15,000 square feet or larger which are NOT clearly visible from a public street or along an active storefront  |
| ARTICLE VI, TABLE 3C<br>FACADES (BIG BOX)                                                                                      |                                                                                                   |                                                                                                                                            |
| Primary                                                                                                                        | Minimum 50% Category A<br>Remainder Split Faced CMU and other Category B                          | Exterior walls of buildings which are clearly visible from a public street or along an active storefront                                   |
| Secondary                                                                                                                      | Minimum 20% Category A<br>Remainder Category B                                                    | Exterior walls of buildings 15,000 square feet or larger which are NOT clearly visible from a public street or along an active storefront  |

- (5) Façades shall generally be built parallel to the street frontage, except at street intersections, where a façade containing a primary building entrance should be curved or angled toward an intersection.
- (6) All buildings within a common development, as shown on a development plan, concept plan, or site plan, shall have similar architectural styles, materials, colors, and detailing.
- (7) All structures shall be architecturally finished on all sides that can be seen from a public right-of-way with similar styles, materials, colors and detail.
- (8) At least two masonry materials shall be used on all exterior façades. Except for stone, no single material shall exceed seventy percent (70%) of any given facade.
- (9) All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle, and top, separated by horizontal elements, as illustrated below.



Examples of Tri-Partite Construction



- (10) For buildings with a visible hip, gable, or mansard roof, allowed materials include metal (standing seam), slate, or tile (clay or cement, barrel or Roman-shaped).
- (11) Roofs shall be peaked with either hip, gable, or mansard design with a minimum 1:4 pitch, or a parapet wall or false mansard design (minimum 1:2 pitch) is acceptable only if constructed around the entire perimeter of a building so that no flat roof shall be visible from a public street. At all times roof-mounted mechanical equipment shall be screened from view.
- (12) Windows and glazing shall be limited to a minimum of ten percent (10%) and maximum of seventy percent (70%) of each building elevation. Faux windows or elements that create a comparable visual, such as decorative brickwork, insets of varying materials/colors, or other similar features are allowed, subject to discretionary review and approval by the Director. All windows should be recessed a minimum four (4) inches from exterior wall finish and have a maximum exterior visible reflectivity of ten percent (10%).
- (13) Columns shall be encased in Category A masonry material used elsewhere on the primary building.
- (14) All streetscape elements and site amenities, such as bike racks, trash receptacles, lampposts, benches, bollards, patio furniture, and tree grates, shall be metal, rust and flake/chip resistant, and generally be black in color. Minor deviations in color and design that maintain the spirit and intent of the section are allowed with Director approval. Bollards can be concrete or cast metal and shall be of decorative design with no bold colors or sleeves.

(b) **Specific Design Standards for Commercial Structures Four (4) Stories in Height or Taller.**

- (1) Façades shall generally be built parallel to the street frontage, except at street intersections, where a façade containing a primary building entrance should be curved or angled toward the intersection.
- (2) All buildings within a common development, as shown on a development plan, concept plan, or site plan, shall have similar architectural styles, materials, colors, and detailing.
- (3) All structures shall be architecturally finished on all sides that can be seen from a public right-of-way with similar styles, materials, colors, and detailing.
- (4) Masonry requirement. Every elevation of each building shall be finished with masonry as specified below. Acceptable masonry finishing materials are brick, stone and/or synthetic stone materials including, but not necessarily limited to, slate, flagstone, granite, limestone, glass, and marble. See Table 4, below.

| <b>ARTICLE IV, TABLE 4A</b>                                                      |                                                                                                   |
|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <b>EXTERIOR MATERIALS CATEGORIES FOR HIGH RISE BUILDINGS (4 OR MORE STORIES)</b> |                                                                                                   |
| <i>Categories</i>                                                                | <i>Materials</i>                                                                                  |
| A                                                                                | Brick, Stone, Manufactured Stone, Glass Wall System                                               |
| B                                                                                | Split-Face CMU, Stucco, Cementitious Fiber Board, Treated Engineered Wood, Tilt Wall Construction |
| C                                                                                | Metal, Natural Wood, Tile, Glass Blocks, EIFS                                                     |
| Prohibited                                                                       | Plain Concrete Block, Aggregate, Vinyl, Plastic                                                   |
| <b>ARTICLE IV, TABLE 4B</b>                                                      |                                                                                                   |
| <b>MINIMUM EXTERIOR PERCENTAGES FOR HIGH RISE BUILDINGS (4 OR MORE STORIES)</b>  |                                                                                                   |
| Floors 1-3                                                                       | Minimum 70% Category A<br>Maximum 20% Category B<br>Remainder Category C                          |
| Floors 4-6                                                                       | Minimum 20% Category A<br>Minimum 70% Category B<br>Remainder Category C                          |
| Floors 7 and above                                                               | 0% Category A required (but may be used)<br>Maximum 100% Category B or C                          |

- i. Metal or wood (other than treated engineered wood) exterior construction is allowed only as an accent material to enhance the overall architectural design.
- ii. The Director may approve deviations from a strict interpretation of the exterior standards to accommodate specific "signature design aesthetic."

- iii. No single building material shall be used for more than eighty-five percent (85%) of any façade unless approved by writing by the Director.
- iv. Windows shall not be glazed or reglazed with mirrored or reflective glass.
- (5) All commercial buildings shall be architecturally finished with similar exterior materials on all four sides with a higher level of finish and articulation on the primary façade (at the primary entrance or front door).
- (6) The entrance or entrances on all buildings shall be articulated and defined with strong architectural features.
- (7) Ground floor facades facing major thoroughfares and any intersecting thoroughfare must incorporate articulated entry areas, arcades, display windows, awnings, or other architectural variety features along no less than sixty percent (60%) of the façade.
- (8) Loading and service areas. Loading and service areas shall be located at the side or rear of buildings. Horizontal articulation described above is not required on the façade of buildings containing a loading dock and/or service area, provided that such area is located in such a manner as to not be readily visible from any major thoroughfare or any intersecting roadway.

#### 14.04.111.....Specific Design Standards for Industrial Structures.

- (a) **Design Standards for Industrial Structures.** The following design standards apply to structures constructed in an industrial zoning district and proposing an industrial and/or manufacturing use, per the use chart of the zoning ordinance:
- (1) The main entry or office area of the building shall be articulated both horizontally and vertically by at least five (5) feet or ten percent (10%) of the adjacent wall height, whichever is greater. Building corners shall also be articulated, as approved by the Director.
  - (2) Primary exterior facades, which are clearly visible from a public street, shall be constructed with a minimum ten percent (10%) Category A materials and up to ninety percent (90%) Category B materials, exclusive of windows and doors. Category C materials may be used for accents. The Category A materials noted above shall be applied to corners, entries, and other areas in order to mitigate monotony and increase the aesthetic value. A minimum of two (2) different materials shall be used.
  - (3) Secondary exterior facades NOT facing a public street may be constructed with up to 100% Category B materials.

| ARTICLE IV, TABLE 5A                                                |                                                                                                   |                                                                                       |
|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| EXTERIOR MATERIALS FOR INDUSTRIAL BUILDINGS                         |                                                                                                   |                                                                                       |
| Categories                                                          | Materials                                                                                         |                                                                                       |
| A                                                                   | Brick, Stone, or Manufactured Stone                                                               |                                                                                       |
| B                                                                   | Split-Face CMU, Stucco, Cementitious Fiber Board, Quick Brick, Tilt Wall, Treated Engineered Wood |                                                                                       |
| C                                                                   | Metal, Natural Wood, Tile, Glass, EIFS                                                            |                                                                                       |
| Prohibited                                                          | Plain Concrete Block, Aggregate, Vinyl, Plastic                                                   |                                                                                       |
| ARTICLE IV, TABLE 5B                                                |                                                                                                   |                                                                                       |
| REQUIRED PERCENTAGES OF EXTERIOR MATERIALS FOR INDUSTRIAL BUILDINGS |                                                                                                   |                                                                                       |
| Facades                                                             | Minimum Percentage                                                                                | Definition                                                                            |
| Primary                                                             | Minimum 10% Category A<br>Remainder Category B<br>Category C may be used as accents up to 5%      | Exterior walls of buildings which are clearly visible from a public street            |
| Secondary                                                           | Up to 100% Category B                                                                             | Exterior walls NOT clearly visible from a public street or along an active storefront |

- (b) **Architectural Features.** All industrial buildings shall incorporate two (2) of the additional design features listed below:
- (1) Canopies (not drive-through canopies), awnings, valances or porticos;
  - (2) Overhangs (5 feet minimum);

- (3) Recesses or projections (3 feet minimum);
- (4) Architectural arcades;
- (5) Peaked roof forms;
- (6) Arches;
- (7) Outdoor patios;
- (8) Recessed or “popped-out” display windows (2 feet minimum);
- (9) Visible and noticeable architectural details, such as tile work or moldings, integrated into building facade;
- (10) Integrated planters or wing walls that incorporate landscape and sitting areas; or
- (11) Other architectural features with similar visual impact.

#### 14.04.112.....Specific Architectural Standards for Fueling Stations & Canopies.

##### (a) Gas Pumps & Fueling Stations.

- (1) Materials for the main building shall follow the regulations for Non-Residential Structures (Section 14.04.108).
- (2) Canopies shall not exceed twenty (20) feet in total height, measured from the pavement to the top of the canopy.
- (3) The roofs of convenience store buildings and fueling station canopies shall be pitched or include a parapet to shield roof-mounted equipment, or otherwise distinguished by approval of the Director.
- (4) Canopies and their supporting structures should be architecturally integrated with the primary building and all other accessory structures on the site by using the same or complementary materials, design motif, and colors.
- (5) Canopy support columns shall be fully encased with Type A masonry products and shall not include any non-structural additions to the columns;
- (6) Canopy band faces shall be a color consistent with the main structure or an accent color. The canopy band face shall be flat with no projections or stripes, shall not be of plastic materials, shall be generally a metal or masonry based material, not be greater than four (4) feet in height, and may not be backlit or used as signage; except as follows:
  - i. The canopy band face may utilize one (1) small button logo on each face that can be internally illuminated, as long as each button logo does not exceed fifteen (15) square feet for bands three (3) feet in height and twenty (20) square feet for bands four (4) feet in height, is generally as tall as it is wide, and does not protrude more than eighteen (18) inches from the canopy in any direction.
  - ii. The canopy band face may utilize an external LED halo type light, if properly shielded/recessed and oriented downward so that only the “wash” is visible.
  - iii. The canopy band face may utilize internally illuminated rings, as long as the source is LED, it is flush with the band face and only protrudes nominally (up to a maximum of six (6) inches), and the size of the ring does not exceed more than twenty-five percent (25%) for single rings and fifty (50%) for multiple rings of the thickness of the canopy band face.
- (7) Lighting fixtures (LED only) or sources of light that are a part of the underside of the canopy should be recessed into the underside of the canopy;
- (8) The materials and color used on the underside of the canopy should not be highly reflective, with the intent of minimizing the amount and intensity of light, which reaches beyond the site boundaries;
- (9) Materials and colors used on both structural and architectural surfaces shall be subdued, earth-tone colors, with the intent of promoting a harmonious appearance of the structures and the natural surroundings, as well as with appearance themes or guidelines of surrounding development. Brick, stone and other high-quality masonry type elements are required as a major component of the exterior of all structures;
- (10) Bright accent colors, intended to express corporate or business logos, may be used only on a limited basis. These accent color areas should not be internally illuminated, except as allowed by the City’s sign regulations.

- (11) Exhaust valves for underground fuel storage tanks shall be designed to be located against a building, dumpster screening wall, or other structure to mitigate their visual impact and should be an earth-tone color. If impractical, the exhaust valves may be located in an interior landscape area, if properly screened, but should not be located in the exterior landscape buffer adjacent to the public right-of-way.

**14.04.113 to 14.04.200.....Reserved.**

DRAFT

## ARTICLE IV – SITE DEVELOPMENT STANDARDS

### PART TWO - LANDSCAPING & TREE PRESERVATION

#### 14.04.201.....Landscaping General Administration.

- (a) Purpose & Intent. It is the purpose of this section to establish certain regulations pertaining to landscaping within the City of Celina. The City recognizes that landscaping can be a significant expense to businesses and residents. At the same time, landscaping improves the livability of residential neighborhoods, enhances the appearance and customer attraction of commercial areas, increases property values, improves the compatibility of adjacent uses, screens undesirable views, and can reduce air and noise pollution. Furthermore, these regulations provide standards and criteria for new landscaping which are intended to promote the value of property, enhance the welfare, and improve the physical appearance of the City.
- (b) Applicability.
- (1) The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new development and existing developments that are expanding or redeveloping thirty percent (30%) or more of the building footprint. In addition, any project authorized as a planned development (PD) must comply with the landscaping standards set forth in the PD, which should equal or exceed those listed in this Article. In unique situations, the Director shall have the ability to review and modify the applicability of these standards to proposed development if site conditions limit or prohibit the practical application of the standards.
  - (2) The official Tree Board for the City of Celina shall be the Planning & Zoning Commission.
- (c) Enforcement. The provision of this section shall be administered and enforced by the Director. If, at any time after the issuance of a CO, the approved landscaping is found to be in nonconformance to the standards of the approved landscape plan, the Director shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant, or agent shall have thirty (30) days from the date of said notice to restore the landscaping. If the landscaping is not restored within the allotted time, the owner, tenant, or agent responsible shall be in violation of the ordinance from which this article derives and is subject to fines and the loss of the CO.
- (d) Permits.
- (1) Prior to the issuance of any development permit for any use other than single-family dwellings, a landscape plan shall be submitted to the Development Service Department and approved by the Director or his designee.
  - (2) Prior to the issuance of a Certificate of Occupancy (CO) for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan required by this Article.
  - (3) In any case in which a CO is sought at a time in which the Director determines that it would not be practical to plant trees, shrubs, or grass, or to lay turf, a CO may be issued notwithstanding the fact that the landscaping required by the landscape plan has not been installed provided the applicant deposits cash in an escrow account in the amount of the estimated cost of landscaping materials and installation that complies with this article. Such escrow deposit shall be conditioned upon the installation of all required landscaping within three (3) months of the date of the application and shall give the City the right to draw upon the escrow deposit to complete the said landscaping if the applicant fails to do so.
  - (4) If a certificate of occupancy is sought during the summer months (June, July, and August, or during a Stage 3 or Stage 4 drought situation, as determined in the sole discretion of the City, and the Director determines it would be impractical to plant trees, shrubs, or grass, or to lay turf, a temporary certificate of occupancy may be issued. All landscaping required by the landscape plan shall be installed within 120 days of the latter of the date of issuance of the temporary certificate of occupancy or the lifting of the drought restrictions. Failure to timely complete the installation and obtain the final acceptance from the City of the landscaping required by the landscape plan shall be deemed to be a violation of this Article and the temporary certificate of occupancy shall be revoked.

- (e) Tree Survey Required. All grading permits, building permits, tree removal permits, and any other development and construction permits shall include a tree survey of the subject property, or a note stating that no protected trees are located on-site. Tree surveys shall include:
- (1) All individual trees which have a DBH of six (6) inches or greater or which are otherwise noteworthy because of species, age, or rarity.
  - (2) A tree location map identifying each tree by its caliper size (at DBH), common name, scientific species categorization, whether the tree is located in a floodplain or not, and whether the tree is proposed to be removed, transplanted/relocated, or preserved.
  - (3) The location of all existing and proposed buildings, structures, floodplains, pools, and other existing or proposed improvements for the site, including the limits of construction line, if applicable.
  - (4) The name and phone number of arborist, licensed surveyor, or landscape architect who prepared the survey.
  - (5) These requirements may be modified by the Director as needed to administer the ordinance from which this section derives. Upon prior approval by the Director, the map exhibit may be limited only to the applicable portion of the site. An aerial photograph may be allowed if a mass of trees exists that make individual counting impractical and it clearly meets the intent of the ordinance.
- (a) Tree Removal/Alteration. Prior to the removal or the critical alteration of any protected tree in the City, an application for a tree removal permit must be submitted and approved, unless otherwise exempt under a provision of the ordinance from which this section derives.
- (1) Tree removal permit. Any tree survey proposing the removal of a protected tree or trees shall be accompanied by a tree removal application. The burden shall be upon the applicant to show the necessity for any and all trees proposed for removal.
  - (2) Fees. Tree removal fees are specified in the Master Fee Schedule.
  - (3) Authority for review. The Director shall be responsible for the review and approval of all permit applications for tree removal.
  - (4) Denial. The Director shall deny a tree removal application if it is determined that any of the following conditions exist:
    - i. Removal of the tree is not reasonably required in order to conduct anticipated activities or to develop the property; or
    - ii. A reasonable accommodation can be made to preserve the tree; or
    - iii. The purpose and intent of this ordinance is not being met by the applicant.
  - (5) Appeals. Any decision made by the Director may be appealed to the Planning & Zoning Commission acting as the Tree Board. All decisions made by the Commission shall be final and binding.
  - (6) Permit expiration. Permits for tree removal issued in connection with a building permit shall be valid for the same period of time as that of the associated building permit's term. Permits for tree removal not issued in connection with a building permit shall become void 180 days after the issue date on the permit.
- (g) Penalties for Unauthorized Tree Removal.
- (1) No trees shall be removed from any location without prior approval by the Development Services Director. Any such person who has removed trees or caused trees to be removed shall be in violation of the ordinance.
  - (2) Any person who removes or causes trees to be removed shall be subject to penalties including, but not limited to:
    - i. Payment of double the Tree Removal Permit fee.
    - ii. Engage and pay costs for an arborist or landscape architect (of the City's choosing) to determine the value of the trees removed in violation of the Zoning Ordinance and pay double the amount determined to the City into the Tree Fund.
    - iii. All permits shall be withheld until tree mitigation has been resolved.
- (h) Exceptions. A tree removal permit and tree mitigation shall not be required under any of the following circumstances:



- (1) Residential property. An individually platted parcel zoned for residential uses and used as a homestead shall be exempt from the tree protection and replacement requirements of this Article as long as the minimum number of trees required by the Zoning Ordinance is maintained, until such time as the property is no longer used as a single-family residence.
- (2) Damaged/diseased trees. The tree is dead, diseased, damaged beyond the point of recovery, in danger of falling, or endangers the public health, welfare or safety, as determined by the Director. This would include removal of a diseased tree by the City to reduce the chance of spreading the disease to adjacent healthy trees. This exception does not apply to newly planted trees that have died that are part of landscape plan, nor native trees that have short shelf lives.
- (3) Public infrastructure. Rights-of-way, capital improvement projects, bridges, and other activity conducted by a municipal entity.
- (4) Utility service interruption. The tree has disrupted a public utility service due to a tornado, storm, flood, or other act of God. Removal shall be limited to the portion of the tree reasonably necessary to reestablish and maintain reliable utility service.
- (5) Business interests. The following business ventures shall be exempt from the requirements specified herein as follows:
  - i. *Landscape nursery*: All licensed plant or tree nurseries shall be exempt from the tree protection and replacement requirements and from the tree removal permit requirements.
  - ii. *Golf course*: Golf courses shall be exempt from the tree protection and replacement requirements and from the tree removal permit requirements for removal of protected trees within areas designated as tee boxes, fairways or greens. All other areas shall be subject to these requirements.
  - iii. *Property zoned Agricultural*: Property zoned Agricultural and being actively used for agricultural purposes shall be exempt from the requirements specified herein.

#### 14.04.202.....Landscaping Definitions.

*Berm*. An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise levels.

*Bubbler*. An irrigation type that allows water to gently soak into the ground with minimal erosion or loss of water due to evaporation.

*Buffer*. The use of landscaping (other than grass on flat terrain), either alone or in conjunction with berms, walls or decorative fences that at least partially and periodically obstruct the view from the street, in a continuous manner, of vehicular use areas, parking lots and their parked cars and detention ponds.

*Buildable Area*. That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected and including the actual structure, driveway, parking lot, pool and other construction as shown on a site plan.

*Building Pad*. The actual foundation area of a building and a fifteen (15) foot buffer around the foundation necessary for construction and grade transitions.

*Caliper*. The diameter of a tree trunk measured twelve (12) inches above ground level. The caliper of a multi-trunk tree is determined by the full caliper of the largest trunk, plus half (½) the caliper of the other trunks. This measurement is used for newly planted trees.

*Clear-Cutting*. The removal of all trees or a significant majority of the trees on a parcel of land.

*Construction Drawings*. Engineering or architectural drawings which have been prepared by an authorized individual and approved by the authorized authority, that describe in detail by measurements and specifications the method and manner in which a building, structure, utility, street or physical alteration to land or structure is to be accomplished.

*Critical Root Zone (CRZ)*. The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than one foot radius for each one inch DBH.

*Diameter at Breast Height (DBH).* The diameter in inches of a tree as measured through the main trunk at a point four and one-half (4½) feet above the natural ground level.

*Director.* The Director of Development Services of the City of Celina or his designee.

*Drip Line.* A vertical line run through the outermost portion of the crown of a tree and extending down to the ground.

*Drought Tolerant/Low Water Demand Plant.* The ability of a plant to be drought tolerant is primarily due to the plant's ability to limit water loss through the leaves and acquire more water through the roots. Plants have developed several mechanisms to reduce water loss, many of which can be recognized in native and cultivated plants. Characteristics of drought tolerant plants include: small, narrow, or pinnate leaves; fuzzy surfaces; resinous surfaces; leathery leaves; and/or succulence.

*Fencing, Protective.* Snow fencing, chain-link fencing, orange vinyl construction fencing or similar fencing with a four (4) foot approximate height. The City manager, or his/her designee, shall determine the appropriate type of fencing for any particular property or portion thereof. This fencing is intended to be of a temporary nature.

*Grass, Ornamental.* A grass type that is generally considered in the landscaping industry to have ornamental qualities, and which is typically grown in a flower garden. Ornamental grass typically grows to a height of between six (6) inches and thirty-six (36) inches and does not tolerate being cut below six (6) inches. These said grasses are usually used as an accent grass and not the main coverage of a yard. These grasses are commonly grown for the display of their leaves or flowers and may contain a variety of colors depending on the season.

*Grass, Turf.* Grass commonly used in regularly cut lawns or play areas, such as, but not limited to: Bermuda, St. Augustine, Fescue and Ryegrass blends. Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Grass areas shall be established with 100 percent (100%) coverage and seventy percent (70%) density with an approved perennial grass prior to the issuance of a certificate of occupancy.

*Green.* An open space, available for unstructured recreation. A green may be spatially defined by streets, landscaping, and/or building frontages. Its landscape shall consist of lawn and trees.

*Groundcover.* Low growing plants, deciduous or evergreen species that cover the ground and used instead of turf. Plants that generally do not exceed eighteen (18) inches in height are classified as groundcover.

*Impervious.* A substance that does not allow the passage of water through it.

*Irrigation system.* An automatic watering system designed for watering landscaping and landscaped areas for a specified amount of time at a specified time of day. Irrigation systems are typically used to conserve water and time. All irrigation systems shall be equipped with an approved backflow prevention device to protect the water supply (if connected to Celina water supply) and a freeze and rain sensor.

*Landscaped area.* The area within the boundaries of a given lot or, where applicable, the adjoining street right-of-way, which is devoted to and consists of plant material, including, but not limited to, grass, trees, shrubs, flowers, vines and other groundcover, native plant materials, planters, brick, stone, natural forms, water forms, aggregate and other landscape features.

*Landscaping.* Any live plant material such as trees, shrubs, groundcover and grass used in spaces void of any impervious material or building structure and areas left in their natural state.

*Limits of Construction.* A line of delineation on the tree preservation plan which shows the boundary of the area within which all construction activity will occur.

*Low Water Use Irrigation System.* The term low water use irrigation system is used to describe any low-pressure system that applies water in a controlled area. The most important feature of these systems is that it applies water very slowly and allows the water to be absorbed fully into the soil with minimal evaporation loss.

*Mews.* An open space at the front of a double row of residential units in lieu of a street. Vehicle access and mailing addresses via the associated alleyway.

*Overhang Zone.* The area adjacent to the edge of a parking space on which portions of a vehicle (such as the hood or the trunk) overhangs the sidewalk or landscaped area, rendering this space unusable for pedestrian use.

*Parkway.* The area of public right-of-way located between the curb or edge of pavement and the property line or between the curb or edge of pavement and the sidewalk.

*Plaza.* An open space available for civic purposes and public commercial activities. A plaza is spatially defined by adjacent building frontages. Its landscape shall consist primarily of pavement, but may include shade in the form of planters with small ornamental trees or structure. Plazas frequently utilize fountains or water features.

*Screening.* A technique used to protect and separate uses and site functions from one another for the purpose of decreasing adverse noise, wind or visual impacts and to provide privacy (e.g., walls, fences, berms, landscaping).

*Shrub.* A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten (10) feet in height at maturity.

*Sight Triangle (Visibility Triangle).* The area of unrestricted visibility required at a corner to allow for the observation of other vehicular movement, pedestrians and cyclists in the proximity of intersecting streets and sidewalks.

*Square.* An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages or streets. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares.

*Topsoil.* Topsoil is the surface layer of soil containing partly decomposed organic debris, and which is usually high in nutrients. This term may also apply to good quality soil sold at nurseries and garden centers.

*Tree.* Any self-supporting woody perennial plant which will attain a minimum trunk diameter of three inches (3") DBH and normally attains an overall height of at least fifteen (15) feet at maturity, usually with one (1) main stem or trunk and many branches. It may appear to have stems or trunks. The following further define specific tree types.

- *Tree, Large Canopy.* A tree characterized by its high crown of foliage or overhead canopy, a large woody perennial usually having one trunk and numerous branches reaching a mature height of at least thirty (30) feet and a mature crown of at least twenty-five (25) feet.
- *Tree, Small Ornamental.* A relatively low growing tree at least seven (7) feet at planting, that may grow to a mature height of up to twenty-five (25) feet and a mature crown of up to fifteen (15) feet and provide color due to its fruit, berries, flowers, or leaves.
- *Tree, Protected.* Any tree that has a trunk DBH of six (6) inches or greater at a height of four and one-half (4½) feet above the ground or which is otherwise noteworthy because of species, age, size, or rarity.
- *Tree, Replacement.* A tree species from the City's approved plant list with a minimum caliper size of three (3) inches and height of seven (7) feet. For the purpose of determining size, replacement trees should be measured at a point six (6) inches above the ground.
- *Tree, Urban.* A tree specifically selected for its ability to withstand harsh urban conditions, its relatively low maintenance, its suitability for use in the streetscape through its noninvasive root system and upright branching habit, and its associated imagery and overtones. *Tree, Valuation.* An established value set by the National Arborist Association per the tree valuation schedule, set forth herein to be used for all purposes of this article. See Section 14.04.212, *Tree Mitigation*.

*Weeds.* Vegetation that because of its height and growth pattern is objectionable, unsightly, or unsanitary; this term specifically excludes ornamental grasses, shrubs, bushes and trees, cultivated flowers and cultivated crops.

*Xeriscaping.* A method of landscaping that emphasizes water conservation, accomplished by following sound horticultural and landscaping practices, such as planning and design, soil improvement, limited turf areas, use of mulches, use of low water demand plants, efficient irrigation practices, and appropriate maintenance.

*Yard.* A yard is defined as an open space adjacent to a building that is generally kept with natural grass and/or plants and is pervious in nature. The following further define specific yard types.

- *Yard, Front.* The area extending across the front of a lot between the side property lines and the minimum horizontal distance between the street, the main building, or any projections thereof other than the projections of uncovered steps, balconies, or porches. On corner lots, the "front yard" shall face the street on which the lot has the shortest dimension.
- *Yard, Rear.* The area extending across the rear of a lot and being the required minimum horizontal distance

between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches.

- *Yard, Side.* The area between the main building and the side line of the lot, and extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof.

#### 14.04.203.....Landscape Plans.

- (a) *Landscape Plan Submittal.* Landscape plans shall be submitted to the Development Services Department as a part of the site plan submittal, building permit, and paving, grading, or construction permit. The Director shall review such plans for compliance with these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
- (b) *Landscape Plan Requirements.* All required components of the landscape plan are listed in the Landscape Plan Checklist, available on the Celina website.
- (c) *Additional Requirements.*
  - (1) No substitutions for plant materials are allowed without approval by the Director and acknowledged by an approval stamp on the landscape plan.
  - (2) The right-of-way parkway area adjacent to required landscape areas shall be maintained by the adjacent property owner in the same manner as the required landscape area. All driveways will maintain visibility sight lines as approved by the Director. All plantings intended for erosion control will be maintained. The City may require revegetation to prevent erosion or slippage.
  - (3) When power lines are present, trees shall not be planted underneath the lines and should be oriented in a manner to avoid conflict. However, substitution of plant material is not allowed without prior written authorization from the Director.
  - (4) All trees on commercial lots are to be equipped with a bubbler irrigation system.
  - (5) Required landscaped open areas and disturbed soil areas shall be completely covered with living plant material, per this Article.
  - (6) All streetscape furniture (benches, bollards, lampposts, trash receptacles, patio furniture, bike racks, etc.) shall be a chip and flake resistant metal, decorative, and generally black or dark in color.
- (d) *Landscape Plan Standard Notes.* The following standard notations shall be placed on all landscape plans:
  - (1) "The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and such activities common to the maintenance of landscaping."
  - (2) "Landscape areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping."
  - (3) "No substitutions for plant materials without approval by the Director."
  - (4) "The right-of-way adjacent to required landscape areas shall be maintained by the property owner in the same manner as the required landscape area. All driveways shall maintain site visibility. All plantings intended for erosion control will be maintained. The City may require revegetation to prevent erosion or slippage."
  - (5) "All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size."
  - (6) "When overhead or underground utilities are present, landscape plan alterations may be considered by the Director."
  - (7) "All required landscape areas shall be provided with an automatic underground irrigation system with rain and freeze sensors and/or evapotranspiration (ET) weather-based controllers and said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator."
  - (8) "All trees are to be equipped with a bubbler irrigation system."

- (9) "Required landscaped open areas and disturbed soil areas shall be completely covered with living plant material."
- (10) "All streetscape furniture (benches, bollards, lampposts, trash receptacles, patio furniture, bike racks, etc.) shall be a chip and flake resistant metal, decorative, and generally black "storm cloud" or comparable in color."
- (11) "Excessive pruning of plant materials is prohibited (e.g. topping crape myrtles, pruning "up" creating a carrot top").

#### 14.04.204.....Landscape Standards.

- (a) Quality. Plant materials used in conformance with the provisions of this article shall conform to the standards of the American Standard for Nursery Stock, or equal thereto. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- (b) Quantity. The quantity of plant material required by this article must equal or exceed the minimum number of plants required by this article. Unless otherwise noted on the approved landscape plan, required plant material can be placed in groupings or utilized in appropriate planting designs that are proposed by the landscape architect and approved by the City. All required landscaped open areas shall be completely covered with living plant material. Mulch and rock may be used in conjunction with shrub and tree plantings in limited applications.
- (c) Trees. Trees required by this article shall be from the recommended plant materials list or a species recommended by the landscape architect and approved on the landscape plan. All required trees shall be common to this area of Texas. Large canopy or evergreen trees shall be of a minimum of three (3) caliper inches when measured twelve (12) inches above ground at time of planting and required small ornamental trees shall not be smaller than two (2) caliper inches in size at the time of planting. When the type of tree required is unclear, it is assumed that a large canopy tree is required, unless otherwise approved by the Director.
  - (1) No more than twenty-five percent (25%) of the required trees shall be of the same species for any tree type (large, small, or urban) in order to discourage monocultures and the spread of disease. However, sites that require ten (10) or fewer trees are exempt from this regulation.
  - (2) Three (3) trees from the small ornamental tree list may be substituted for one (1) large canopy tree in special circumstances with the approval of the Director, not to exceed twenty-five percent (25%) of the required large trees.
  - (3) Large canopy trees must be planted four (4) feet or greater from curbs, sidewalks, utility lines, screening walls and/or other structures. Small trees may be placed closer than four (4) feet, with approval on landscape plan. Utility installations that includes common trench and conduit banks are exempt from the large canopy tree planting distance requirements.
  - (4) Trees and shrubs shall not overhang or encroach upon walkways, drives, parking areas, and traffic signs to the extent that they interfere with the intended use of these facilities.
  - (5) Tree wells shall be a minimum twenty (20) square feet in size with generally similar lengths and widths.
  - (6) Trees required in line with one another, such as perimeter trees, right-of-way, or median trees may be clustered for visual effect, upon the approval of the Director.
- (d) Shrubs & Hedges. Evergreen screening plants shall be at least twenty-four (24) inches high at time of planting, shall be a type and species on the recommended plant list that will attain a minimum height of three (3) feet within eighteen (18) months of planting, and will form a continuous hedge. Sporadic breaks in the hedgerow may be approved to achieve unique designs.
- (e) Vines. Vines shall be a minimum of two (2) feet in height immediately after planting and may be used in conjunction with fences, screens or walls to meet screening requirements as specified.
- (f) Groundcover. Groundcovers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year of planting.
- (g) Lawn Grass. Grass areas shall be sodded, except that large, expansive lawn areas may be hydromulched, plugged,



sprigged or seeded with approval from the Director, as long as the edges, adjacent to the curb and within six (6) feet of the sidewalk or curb, are sodded, to reduce water and soil runoff.

- (h) Credit for Existing Trees. Any protected trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of landscaping provisions that apply to the area where the tree is preserved. Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age or species may, at the discretion of the Director, be credited as more than one tree under the minimum landscape area requirements.
- (i) Detention/Retention Ponds. Stormwater control devices, such as detention/retention basins and ponds, shall be landscaped to enhance their visual impacts. Such landscaping shall not negatively affect the operation of such devices, but may include suitable planting materials that will control siltation and erosion, and in all cases shall be sodded. Ponds shall be designed in one of the following ways, subject to review and approval by the Director of Engineering:
- (1) Detention (dry) ponds. Shall be designed in a manner to be an amenity to the development by providing a reduced six-to-one (6:1) slope, shall provide a large canopy tree each fifty (50) linear feet of the perimeter. (which may be clustered), benches, and trash receptacles.
  - (2) Retention (wet) ponds. Shall be designed in a manner to be an amenity to the development by providing a six-to-one (6:1) slope, a large canopy tree for each fifty (50) linear feet of the perimeter (which may be clustered), benches and trash receptacles. Such ponds shall include aeration and a fountain to ensure water quality.
  - (3) Fencing. A minimum four (4) foot high black tubular metal (wrought iron) protective safety fencing around the perimeter may be required, as determined for safety by the Director.

#### 14.04.205.....Plant List

List of Approved Plant Materials. All required plant material shall be from the following list unless alternate plant materials are approved by the Director. Additional plant materials can and are encouraged to be used on the site, but the required plantings must adhere to the Approved Plant List. Plants with an asterisk (\*) are appropriate for taller evergreen screening purposes.

| ARTICLE IV, PART TWO, TABLE 1         |                          |                     |
|---------------------------------------|--------------------------|---------------------|
| APPROVED PLANT LIST                   |                          |                     |
| LARGE CANOPY TREES                    |                          |                     |
| Arizona Cypress*                      | Austrian Pine*           | Bald Cypress        |
| Bigtooth Maple                        | Burr Oak                 | Caddo Maple         |
| Cedar Elm                             | Chinquapin Oak           | Chinese Pistache    |
| Dawn Redwood                          | Eastern Red Cedar        | Ginkgo              |
| Italian Stone Pine*                   | Live Oak*                | Mexican Sycamore    |
| Pecan                                 | Red Oak                  | Shantung Maple      |
| Southern Magnolia                     | Texas Ash                | Trident Red Maple   |
| SMALL ORNAMENTAL TREES                |                          |                     |
| Crape Myrtle (tree form)              | Desert Willow            | Eve's Necklace      |
| Italian Cypress                       | Lacey Oak                | Mexican Buckeye     |
| Mexican Plum                          | Nelly R. Steven's Holly* | Oakland Holly*      |
| Possumhaw Holly                       | Redbud                   | Teddy Bear Magnolia |
| Rusty Blackhaw Viburnum               | Vitex                    | Yaupon Holly        |
| URBAN TREES (suitable for tree wells) |                          |                     |
| Allee (Lacebark) Elm                  | Chinese Pistache         | Ginkgo              |
| Golden Raintree                       | Lacey Oak                | Little Gem Magnolia |
| Homestead Elm                         | Pond Cypress             | Shantung Maple      |
| Teddy Bear Magnolia                   | Urbanite Ash             |                     |
| DESERT TREES                          |                          |                     |



|                                                        |                            |                             |
|--------------------------------------------------------|----------------------------|-----------------------------|
| Diamond Cut Date Palm                                  | Mexican Fan Palm           | Silver Hybrid Date Palm     |
| EVERGREEN SCREENING SHRUBS (low – less than 5 ft.)     |                            |                             |
| Barberry                                               | Boxwood                    | Dwarf Abelia                |
| Dwarf Burford Holly                                    | Elaeagnus (Silverberry)    | Euonymus                    |
| Holly (several varieties)                              | Indian Hawthorn            | Juniper (several varieties) |
| Nandina                                                | Texas Sage                 |                             |
| EVERGREEN SCREENING SHRUBS (high – greater than 5 ft.) |                            |                             |
| Austrian Black Pine                                    | Cleyera                    | Eastern Red Cedar           |
| Foster Holly                                           | Leyland Cypress            | Little Gem Magnolia         |
| Nelly R. Steven's Holly                                | Sweet Viburnum             | Waxleaf Ligustrum           |
| OTHER APPROVED SHRUBS                                  |                            |                             |
| American Beautyberry                                   | Apache Plume               | Aralia                      |
| Aucuba                                                 | Autumn Sage                | Azalea                      |
| Barberry                                               | Black Dahlia               | Burning Bush                |
| Chinese Fringe Flower                                  | Desert Spoon               | Dwarf Crepe Myrtle          |
| Flowering Quince                                       | Holly (multiple varieties) | Horizontal Cotoneaster      |
| Leatherleaf Mahonia                                    | Pampas Grass               | Red Yucca                   |
| Rose (shrub form)                                      | Spirea                     | Turk's Cap                  |
| VINES                                                  |                            |                             |
| Boston Ivy                                             | Carolina Jasmine           | Confederate Star Jasmine    |
| Coral Honeysuckle                                      | Crossvine                  | English Ivy                 |
| Japanese Honeysuckle                                   | Rose (climbing variety)    | Trumpet Vine                |
| Virginia Creeper                                       |                            |                             |
| GROUNDCOVER                                            |                            |                             |
| Ajuga                                                  | Asian Jasmine              | Bermuda Grass               |
| Buffalo Grass                                          | Creeping Juniper           | Fountain Grass              |
| Liriope (Monkey Grass)                                 | Mondo Grass                | Purple Wintercreeper        |
| St. Augustine                                          | Tall Fescue                | Zoysia                      |

#### 14.04.206.....Residential Landscape Requirements.

- (a) General Regulations. While specific landscape plans are not required for detached single-family homes, the following standards must be met for new homes prior to the issuance of a Certificate of Occupancy.
- (1) Irrigation required. All front yards must be irrigated with an automatic underground irrigation system with rain and freeze sensors and evapotranspiration (ET) weather-based controllers.
  - (2) Tree bubblers required. All trees are to be equipped with bubbler irrigation systems.
  - (3) Yard: All residential lawns must be covered with vegetation, including grass, living groundcover, mulch, and/or decorative stone, in order to help retain the soil and prevent erosion. Mulch, living groundcover, gravel, rock gardens, and decorative stone may be used for creating patterns, beds, erosion control, and in other limited application; however, their use shall not be the predominant groundcover.
    - i. Stone, gravel and rock. If stone, gravel, decorative rock, crushed granite, or other non-plant derived materials are used in a residential front yard, no more than thirty percent (30%) of the yard area may be made up of these materials. Non-plant derived materials should be used as an accent to the areas of the lawn made up of sod, living ground cover, low bushes or plants, or mulch and shall include vegetative plantings within the stone/rock beds. In no case shall stone, gravel, rock or other non-plant derived materials be installed so that an impermeable surface area is created.
    - ii. Artificial or synthetic turf (e.g. AstroTurf™). Artificial or synthetic turf is prohibited in any yard that can be viewed from a public street.
    - iii. Xeriscape. When a xeriscape plan is used, refer to Section 14.06.210 for detailed regulations.
  - (1) Residential development entries. The landscape island at the main or secondary entrances to the residential

development shall be within a platted common area lot to be owned and maintained by the homeowners association (HOA). Landscaped entries may include a monument entrance sign or large entry feature and are subject to a licensing agreement. Entry designs shall be subject to the approval of any HOA and the Director.

- (2) Unsustainable Structures. In addition to the requirements listed herein for residential development, any proposed structure that does not meet the Architectural Design Standards of Article 14.06 of the Zoning Ordinance, the following setbacks and landscape screening apply:

- i. A fifty (50) foot front yard landscape buffer with two rows of large evergreen trees, each row spaced twenty (20) feet on center and staggered from each other;
- ii. Twenty (20) foot side and rear yard landscape buffers with one row of large evergreen trees spaced twenty (20) feet on center.

- (b) Residential Vegetation Requirements. Trees shall be planted as referenced in the Table 6, below. Trees planted in the front yard or side yard on a corner shall be planted in the area between residence and the sidewalk, unless the subdivision is specifically designed to accommodate this tree location with sidewalks set back from the street a minimum of eight (8) feet.

| ARTICLE IV, PART TWO, TABLE 2<br>TREES REQUIRED PER RESIDENTIAL LOT |                                                |
|---------------------------------------------------------------------|------------------------------------------------|
| <i>Size of Lot</i>                                                  | <i>Number of Trees</i>                         |
| 10,000 square feet or less                                          | 2 large canopy trees; minimum 1 in front yard  |
| 10,001 to ½ acre                                                    | 4 large canopy trees; minimum 2 in front yard  |
| Greater than ½ acre                                                 | 6 large canopy trees; minimum 3 in front yard  |
| Corner lots, all sizes                                              | 1 additional canopy tree on side facing street |

Note 1. All trees must be spaced appropriately, subject to review and approval of the Director.

Note 2. Urban Living single-family units may need to modify the requirements listed above due to space restrictions, subject to review and approval of the Director.

#### 104.04.207.....Commercial Landscape Requirements (including Multi-Family).

- (a) General Requirements.

- (1) Variety. Applicants are encouraged to plant a variety of ornamental trees, shrubs, and flowers in addition to the required plantings to add color and distinction to the site. Any permeable surface not occupied by trees, shrubs, planting beds, signs, or other permitted fixtures shall be planted with turf or other living groundcover.
- (2) Stone, gravel, & rock. If stone, gravel, decorative rock, crushed granite, or other non-plant derived materials are used in any landscaped area, no more than twenty percent (20%) of the area may be made up of these materials. Non-plant derived materials should be used as an accent to the landscaped areas made up of sod, living ground cover, low bushes, plants, or mulch and may include vegetative plantings within the stone/rock beds. In no case shall stone, gravel, rock or other non-plant derived materials be installed so that an impermeable surface area is created.
- (3) Artificial or synthetic turf prohibited (e.g. AstroTurf™). Artificial turf is prohibited.
- (4) Vegetative screening.
  - i. Plants and shrubs used as hedge-row screens shall be at least twenty-four (24) inches high at time of planting and shall be a type and species from the recommended plant list that will attain a minimum height of three (3) feet within eighteen (18) months of planting and will form a continuous hedge.
  - ii. Plants and shrubs used as perimeter screens shall be at least thirty-six (36) inches high at time of planting and shall be a type and species from the recommended plant list that will attain a minimum height of six (6) feet within three (3) years of planting
- (5) Non-vegetative screening. Any landscape barrier (screening wall or earthen berm) shall be a minimum of three (3) feet high at time of installation.

- (6) Unsustainable structures. In addition to the requirements listed herein for non-residential development, any proposed structure that does not meet the Architectural Design Standards of Article 14.06 of the Zoning Ordinance, must also meet the following setback and landscape screening regulations: a minimum fifty (50) foot front, side, and rear yard landscape buffer with two rows of large evergreen trees, each row spaced twenty (20) feet on center and staggered from each other.

(b) Interior Landscape Requirements.

(1) Parking lots.

- i. *Parking lot islands and terminus row islands.* Parking lots shall contain landscaped islands located so as to best relieve the visual expanse of paving and provide shade. Such islands shall contain at least one (1) large canopy tree, and shall be located at the terminus of all parking rows. The remainder of the island space shall be landscaped with shrubs, lawn, and living groundcover not to exceed three (3) feet in height. The minimum total area of such islands shall be approximately 180 square feet (9' X 20') feet or the size of a parking space, but may be designed so that the radii helps to facilitate traffic maneuverability.
- ii. *Parking lot island spacing.* Parking lot islands shall not be spaced greater than every twelve (12) spaces unless approved on the landscape plan in order to preserve existing trees and natural features or due to unique site features. In all cases, the total area requirements for landscaped islands for the respective parking areas shall be satisfied. Materials suitable for the parking lot island other than natural plant materials may be approved by the Director, such as crushed granite, river rock, or pavers.
- iii. *Parking lot swales.* The use of landscaped swales in lieu of curbs may be allowed on a case-by-case basis, as approved by the Director. Associated drainage plans must be submitted and approved by the Director of Engineering if this option is proposed.
- iv. *Earthen berms.* Landscaped earthen berms in height of three (3) feet are encouraged as parking lot screening.

(2) Drive Aisles.

- i. *Vehicular access drives.* A small ornamental tree is required along major access lanes every thirty (30) linear feet within a development, subject to review and approval by the Director.
- ii. *Divided driveways.* Parking lots containing more than 200 parking spaces shall construct divided driveways with medians for landscaping at the main entrance.
- iii. *Curbs.* All landscaped areas will be protected by a raised four (4) inch concrete curb and/or wheel stop. Wheel stops are required for all perimeter parking spaces unless parking lot swales are used. Pavement will not be placed closer than four (4) feet from the trunk of a tree unless approved by the Director.
- iv. *Overhang zone.* Parking lot screening bushes shall not be planted in the "overhang zone" where they are likely to be damaged by vehicles' overhanging the parking space (see Section 14.04.202, *Landscaping Definitions*, for the definition of "overhang zone")

(3) Interior Sidewalks.

- i. *Big Box or shopping center parking lot walkway.* "Big Box" stores or large shopping centers, in lieu of providing a tree every twelve (12) parking spaces, may choose to provide a minimum ten (10) foot wide continuous landscape island every eight (8) single rows of parking, with a large canopy tree every thirty (30) linear feet, subject to review and approval by the Director. This does not waive the requirement for trees located at the terminus of each parking row.
- ii. *Entrances to Big Box stores or shopping centers.* In "big box" or shopping center developments of 50,000 square feet or more, an urban tree shall be placed in tree grates or tree wells every fifty (50) feet on center within a minimum twelve (12) foot wide sidewalk along the active storefronts. Trees may be clustered so not to block the entrances.
- iii. *Pedestrian crosswalks.* All commercial developments submitted after the adoption of this ordinance shall be required to include stained and stamped crosswalks from parking lots or secondary structures to the main entrances of the buildings and other areas, as determined by the Director.

- (4) Exception to interior landscape requirements. Industrial uses shall be exempt from the interior landscape requirements, subject to review and approval by the Director, but perimeter landscaping requirements, listed below, must be met.

(c) Perimeter Landscape Requirements.

(1) Landscaping adjacent to rights-of-way.

- i. All vehicular use areas shall be screened from the public right-of-way with a wall, fence, evergreen hedge, berm, or other durable landscape barrier, or a combination of the above.
- ii. Landscape buffers adjacent to the public right-of-way shall contain at least one (1) large canopy tree for every forty (40) linear feet or fraction thereof of street frontage, inclusive of driveways.
- iii. In addition, one (1) small ornamental tree shall be provided for every forty (40) linear feet or fraction thereof of street frontage, inclusive of driveways.
- iv. Trees may be grouped or clustered to facilitate design.

(2) Landscaping adjacent to property lines other than rights-of-way.

- i. A perimeter landscape buffer of at least ten (10) feet in width shall be maintained between adjacent properties, exclusive of drive aisles or shared parking rows. Accessways between lots are permitted through perimeter landscape areas, where appropriate.
- ii. Perimeter landscaping adjacent to similar land uses. When two lots share a landscape buffer within the same shopping center, zoning district, or similar land uses, the total landscape buffer shall be ten (10) feet (i.e. five feet from each lot).
- iii. Perimeter landscaping adjacent to residential. Perimeter landscape buffers shall contain at least one (1) large evergreen tree (large canopy trees marked with an asterisk within the plant list) and one (1) small ornamental tree every forty (40) linear feet or fraction thereof when adjacent to another similar land use, and at least one (1) large canopy tree and one (1) small ornamental tree every twenty-five (25) linear feet when adjacent to residential uses or zoning (See Section 14.04.208, *Roadway Landscape Easements & Buffers* for required widths of perimeter buffers).
- iv. In certain cases, trees may be clustered to facilitate design, subject to the review and approval of the Director.

(d) Enhanced Landscape Amenities.

- (1) Purpose. The purpose of the enhanced landscape amenity system is to allow developers the freedom to design interesting and unique landscaping to augment the architecture and theme of the development. Developers are encouraged to be creative in selecting the amenity type to create unique and memorable features.
- (2) Amenity list. The following is a list of landscape elements that may be added to the required landscaping for all commercial developments. Applicants shall choose three (3) of the following amenities, subject to review and approval by the Director.
  - i. Enhanced landscaping: one tree per every thirty (30) feet of perimeter landscaping.
  - ii. Enhanced landscaping: one tree per every ten (10) parking spaces.
  - iii. Enhanced streetscape elements (e.g. decorative lampposts, benches, trash receptacles, decorative bollards, etc.)
  - iv. Use of street furniture (e.g. benches, tables & chairs)
  - v. Buffer berms (providing 3-foot high berms along the street frontage)
  - vi. Shade structure for outdoor seating areas
  - vii. Use of decorative masonry planters with irrigation (minimum 4)
  - viii. Foundation plantings along seventy-five percent (75%) of the building's primary facade
  - ix. Public art (e.g. obelisks, sculptures, murals, statues, clock towers, water fountains, etc.)
  - x. Other (a developer may propose a unlisted landscape element if it meets the spirit and intent of the ordinance, subject to review and approval by the Director)
- (3) Developer discretion. These regulations are intended to encourage creativity, safety, visual diversity, and

water conservation in landscaping.

- (4) Scale, size, type. Elements, both in terms of quantity and quality, should be in scale with the development, as determined by the Director.

**14.04.208.....Roadway Landscape Easements & Buffers.** Buffers are defined as an open, landscaped areas between the roadway pavement and any built structure on a lot, and include both the “parkway” portion of the street right-of-way and the private land necessary to make up the minimum width required herein. The roadway parkway is the portion of right-of-way that is typically sodded and kept clear of trees or deep-rooted shrubs since this is often the location of underground or above-ground infrastructure, such as water and sewer lines and electrical wiring, respectively. Landscape buffers were adopted by City Council as part of Ordinance No. 2018-65 (11-13-18). The following buffer standards apply unless a more stringent standard applies due to the lot being located in an overlay district.

(a) Minimum Width of Landscape Buffers Along Roadways.

- (1) Adjacent to all six-lane divided streets and limited access roadway service roads, as shown on the Thoroughfare Plan, the landscape buffer shall be a minimum forty (40) feet wide.
- (2) Adjacent to all four-lane divided streets, as shown on the Thoroughfare Plan, the landscape buffer shall be a minimum of thirty (30) feet wide.
- (3) Adjacent to all other streets called out on the Thoroughfare Plan, the landscape buffer shall be a minimum twenty (20) feet wide.
- (4) Adjacent to residential streets and other streets not called out on the Thoroughfare Plan, the landscape buffer shall be a minimum of ten (10) feet wide.

(b) Intent & Application of the Ordinance. When circumstances exist that may restrict the ability of an applicant to comply with the letter of the minimum widths referenced above, the Director may allow some flexibility so long as the overall intent of the ordinance is met.

(c) Landscape ROW Buffer Corner Clip. For all nonresidential and multi-family parcels located at the intersection of two (2) dedicated public rights-of-way (ROW), a minimum twenty (20) foot landscape buffer shall be provided parallel to the corner clip right-of-way dedication. The twenty (20) feet shall be measured from the **property line**.

**14.04.209.....Xeriscaping.**

(a) Intent. The intent of this xeriscaping section is to encourage the use of drought-resistant native plants in all or a portion of landscaped areas in order to conserve water.

(b) Native Plant Usage. Texas has an abundance of native plants that are naturally adapted to the region. Most native or adapted plants are drought tolerant or have lower water demands, and by combining Texas natives with well-adapted exotic plants, water is conserved. The use of xeriscaping can:

- (1) Reduce landscape maintenance and water use by sixty percent (60%) or more, which helps extend limited water supplies and conserve water resources;
- (2) Provide an enhanced regional identity for Celina;
- (3) Lower pest problems and require less fertilizer than many non-adapted, exotic plants brought into Texas landscapes. By eradicating weeds, competition for available water resources is diminished;
- (4) Lower monthly water bills for users;
- (5) Reduce runoff through the plants root system, which helps water percolate into the soil, reducing erosion and runoff, improving water quality.

(c) Water Conservation. In order to promote prudent use of the City's water resources and reduce the need for additional water system infrastructure, additional water resources and water purification systems, and to help ensure viability of required plantings during periods of drought, all required landscaping shall comply with the following requirements designed to reduce water usage:

- (1) All landscaping shall be from the recommended plant material list, which is comprised of native and adapted



- vegetation, unless alternate plant materials are approved through the landscape plan.
- (2) For maximum reduction in water usage, xeriscape plants shall not be interspersed in plant massing with plants requiring higher water usage.
- (3) Irrigation systems shall be designed to provide the appropriate amount of water without over watering.
- (4) Lawn or turf is not permitted in areas with a dimension of less than eight (8) square feet.

(d) Sight Visibility. In complying with the landscaping requirements set forth herein, no landscaping shall be permitted to cause visibility obstructions and/or blind corners at intersections. All sight/visibility triangle distances herein shall be measured from the intersection edges of the curb or, where there is no curb, from the end of the pavement, unless otherwise specified.

- (1) Street intersections. Each such intersection shall have a sight triangle of forty-five (45) feet on each leg from the point of intersection, or as determined by the Director of Engineering.
- (2) Driveway to street intersections. Each driveway intersection shall have a sight triangle of forty-five (45) feet along the street and twenty (20) feet along the driveway from the point of intersection, or as determined by the Director of Engineering.
- (3) Vertical clearance. Landscaping within the triangular visibility area shall be designed to provide unobstructed vertical cross-visibility at a level between three (3) and ten (10) feet in height. Trees may be permitted in this area provided they are trimmed in a manner that prevent limbs or foliage from extending into the vertical visibility area.

(e) Distance from Street Pavement. Landscaping, except required grass and low groundcovers, shall not be located closer than three (3) feet from the edge of any access way pavement.

(f) Conflicts. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Director, the minimum landscape area requirements set forth herein may be reduced to the extent to remove the conflict.

#### **14.04.210.....Tree Preservation.**

(a) Purpose. The purpose of this section is to encourage the preservation of mature trees which, once removed, cannot be replaced by equivalent trees, to preserve the health and viability of retained trees during construction, and to control the removal of protected trees when necessary. It is the intent of this section to achieve the following:

- (1) Prohibit the indiscriminate clearing of property;
- (2) Protect and increase the value of residential and commercial properties within the City;
- (3) Maintain and enhance a positive image for the attraction of new business enterprises to the City;
- (4) Protect healthy quality trees and promote the natural ecological environmental and aesthetic qualities of the City; and
- (5) Help provide needed shaded areas in order to provide relief from the heat by reducing the ambient temperature.

(b) Construction Regulations.

- (1) Tree pruning restrictions. No protected tree shall be pruned in such a manner which significantly disfigures the tree or in a manner which would reasonably lead to the death of a tree, except where such pruning is necessary for the safety of the public or to maintain utility service. Utility companies may prune trees as necessary to re-establish disrupted utility service. The practice of "topping" trees, either ornamental or canopy, is absolutely prohibited except when necessary for utility provision, public safety or some other official nuisance.
- (2) Fill and grading. The area within the drip line of a protected tree shall not be filled or graded.
- (3) Maintenance after development. If any of the trees required to be retained or trees planted as a part of this division should die within a period of one year after completion of the activities associated with construction, the owner of the property shall replace the trees within six (6) months at a ratio of three-to-



one (3:1) with an approved large canopy tree from the recommended plant materials chart, which is the same size as the tree removed.

(c) Regulations Prior to Construction.

- (1) Tree flagging. All protected trees on the subject property within forty (40) feet of a construction area or surface improvements such as driveway, walks, etc., shall be flagged with bright fluorescent colored vinyl tape wrapped around the main trunk at a height of five (5) feet or more such that the tape is highly visible to workers operating construction equipment. This shall not include the flagging of protected trees adjacent to ROW within approved residential subdivisions during the construction of the roadway.
- (2) Protective fencing. Solid, protective fencing a minimum of three (3) feet in height will be located at the drip lines of all protected trees that border the limits of construction. In situations where a protected tree is located within the immediate area of intended construction, protective fencing will be located at or beyond the drip line.

(d) Regulations during Construction. The following activities shall be prohibited within the limits of the critical root zone of any protected tree, subject to the requirements of this division:

- (1) Material storage. No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone of any protected tree.
- (2) Equipment cleaning/liquid disposal. No equipment shall be cleaned or other liquids deposited or allowed to flow overland within the limits of the critical root zone of a protected tree. This would include paint, oil, solvents, asphalt, concrete, mortar or similar materials.
- (3) Tree attachments. No signs, wires or other attachments, other than those of a protective nature shall be attached to any protected tree.
- (4) Vehicular traffic. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the critical root zone of any protected tree other than on an existing street pavement. This restriction does not apply to single incident access within a critical root zone for purposes of clearing underbrush, emergency restoration of utility service, or routine mowing operations.
- (5) Grade changes. No grade changes (cut or fill) shall be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are approved by the Director.
- (6) Impervious paving. No paving with asphalt, concrete or other impervious materials in a manner which may reasonably be expected to kill a tree shall be placed within the limits of the critical root zone of a protected tree.
- (7) Removal of protective fencing. Protective fencing may only be removed from the construction site at the time of the installation of additional, permanent landscaping features.

(e) Permanent Construction Methods & Standards.

- (1) Boring. Boring of utilities under protected trees may be required in certain circumstances. When required, the length of the bore shall be the width of the critical root zone at a minimum and shall be a minimum depth of 48 inches.
- (2) Trenching. All trenching where possible shall be designed to avoid trenching across the critical root zone of any protected tree. This shall not inhibit the placement of necessary underground services such as electric, telephone, gas, etc.
- (3) Root pruning. It is recommended that all roots two (2) inches or larger in diameter which are exposed as a result of benching or other excavation be cut off square with a sharp medium tooth saw and covered with pruning compound within two (2) hours of initial exposure.

**14.04.211.....Tree Mitigation.**

- (a) General Rule. In the event that it is necessary to remove a protected tree, the applicant shall be required to pay into the City's tree fund according to the Master Fee Chart, or, with the approval of the Director, replace the removed trees according to the City's Tree Valuation Schedule.

- (b) Mitigation. If the tree is not replaced on-site or other City-approved location, fees must be paid to the City based on the tree valuation schedule as listed in the Master Fee Schedule. This fee shall be paid in addition to any tree removal permit fee and shall be held in a separate account (the Tree Fund) to be used exclusively for future installation of trees within public land owned by the City.
- (c) Landscape Plan. All replacement trees shall be shown with their caliper size, species name, and common name on the landscape plan.
- (d) Replacement Restriction. Any required replacement tree shall not be planted within an area such that the mature canopy of the tree will interfere with overhead utility lines, or that the mature root zone of the tree interferes with underground public utility lines.
- (e) Landscaping Limitation. Trees required to be added to the development per the landscaping requirements in the zoning ordinance or by virtue of deed restrictions shall not be considered or credited as replacement trees.
- (f) Enforcement.
  - (1) Any person, firm, corporation, agent, or employee thereof who violates any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction hereof shall be fined a penalty of a sum not to exceed the amount listed in the Master Fee Schedule and allowed by State Law. A separate offense shall be deemed to be committed on each day during or on which a violation occurs. The unlawful destruction or removal of each protected tree shall be considered a separate offense and each offense subjects the violator to the maximum penalty not to exceed the amount listed in the Master Fee Schedule per tree for each day that the tree is not replaced. Unless otherwise specifically set forth herein, or in state law as adopted, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this article.
  - (2) No acceptance of public improvements shall be authorized until all fines for violations of this ordinance have been paid to the City.
  - (3) No certificate of occupancy shall be issued until all fines for violations of the ordinance from which this article derives have been paid to the City.
  - (4) No building permit shall be issued unless the applicant signs an application or permit request which states that all construction activities shall meet the requirements of the tree preservation ordinance. The building official shall make available to the applicant a copy of the tree preservation ordinance.
- (g) Tree Valuation Schedule. Tree replacement fees are listed in the Master Fee Schedule and shall apply to all tree mitigation.

**14.04.212 – 14.06.300 .....Reserved.**

## ARTICLE IV – SITE DEVELOPMENT STANDARDS

### PART THREE - SCREENING WALLS & FENCES

#### 14.04.301.....Screening, Generally.

- (a) Purpose & Intent. The intent of this section is to ensure the screening of non-residential development and service equipment from roadways, open space corridors, and residential properties.
- (b) General Specifications.
  - (1) The requirements set forth herein shall apply to all new development and any existing building or area expansion of over thirty percent (30%).
  - (2) Engineered concrete foundations with piers are required. Spacing, depth, and dimensions of the piers shall be determined by a licensed professional engineer based on the *Engineering Design Standards*. All walls four (4) feet in height or greater must be designed and sealed by a professional engineer licensed in Texas. Record drawings (i.e. “as built”) certified by a professional engineer shall be submitted to the City of Celina upon completion of construction.
  - (3) No portion of a screening wall shall be used as a retaining wall, unless specifically approved by the Director of Engineering.
  - (4) Walls shall be equally finished on all sides and constructed in one style using consistent materials.
  - (5) Contractors shall verify the location of all existing utilities prior to excavation and construction.
  - (6) No screening wall or fence shall be erected on public right-of-way or in visibility easements.
  - (7) Constructed with any of the following materials: Surface painted or coated concrete, chain-link, concertina wire, barbed wire, corrugated metal, or fiberglass panels.
  - (8) In no case shall a screening wall be placed parallel and in the immediate vicinity of an existing residential fence causing a close back-to-back fence arrangement or creating a gap between fences. When a residential fence exists at the time of commercial development, the required masonry screening wall shall replace the residential fence, with access easements provided for maintenance for both parties.
- (c) Height of Screening Walls.
  - (1) Screening adjacent to rights-of-way = minimum six (6) feet and maximum eight (8) feet.
  - (2) Screening between disparate land uses (such as non-residential adjacent to single family) = minimum eight (8) feet.
  - (3) Screening of loading docks or doors = minimum six (6) feet.
  - (4) Screening of waste and recycling collection areas, including non-residential polycarts and all other service related equipment = minimum six (6) feet
  - (5) Screening for electric substations, sewer pump stations, or any other free-standing utility facility shall be scaled according to the height, size, scope, and area of the proposed facility, subject to discretionary review and approval by the Director, and shall be generally between eight (8) and twelve (12) feet.
  - (6) Screening using living plant materials, either with or without an accompanying metal fence, shall be six (6) feet tall at the time of planting.
- (d) Materials.
  - (1) Materials allowed by right for screening purposes.
    - i. Stone, rock, brick, or monolithic concrete panels.
  - (2) Materials allowed in certain circumstances. In unique circumstances, the following materials may be utilized for screening purposes, subject to discretionary review and approval by the Director, as long as there is no adverse impact on surrounding property, the spirit and intent of this Chapter is maintained, and a financial hardship is not the sole justification for the use of the reduced screening standard. The Director may require a combination of the following screening options to meet the intent of the Ordinance.
    - i. Decorative iron or wrought iron screening walls with masonry columns.
    - ii. Industrial grade aluminum or steel fencing (e.g. DesignMaster Fencing® or comparable product).

- iii. Living screens that may include earthen berms.
  - iv. Split-face concrete masonry units (CMU).
  - v. Cedar board-on-board wooden fence with decorative caps and masonry columns.
- (3) Materials prohibited:
- i. Modular screening walls.
  - ii. Chain link.
  - iii. Electrified fencing.
  - iv. Barbed wire.
  - v. Plain wooden fences.
- (4) Specifications for masonry screening walls are as follows:
- i. A decorative column no less than every forty (40) feet is required unless otherwise approved by the Director and supported by an approved engineering design.
  - ii. Lintels, bottom row soldier courses with concrete mow strip, and a decorative cap are to be applied to all masonry walls.
  - iii. Openings along the bottom of the screening wall shall only be wide enough to allow for proper drainage as determined by the *Engineering Design Standards*.
- (5) Specifications for monolithic concrete panel screening walls are as follows:
- i. Walls shall have a maximum column spacing of fourteen (14) feet, unless otherwise approved by the Director.
  - ii. Panels must be a minimum of four (4) inches in thickness with a decorative pattern and color on both sides and be made of a minimum of 4,000 psi concrete.
- (6) Specifications for decorative iron, wrought iron commercial fencing, or industrial grade aluminum or steel fencing.
- i. Decorative iron or wrought iron screening walls shall have masonry columns to be spaced no greater than thirty (30) feet on center.
  - ii. Industrial grade aluminum or steel fencing may be allowed in certain circumstances, as reviewed and approved by the Director.
- (7) Specifications for living screens. The property owner/developer, at his sole expense, shall furnish or cause to be furnished, all labor, materials, equipment, accessories, meters, irrigation, and services necessary to maintain or replace all plant materials if and when they become damaged or die.
- (8) Specifications for wooden fence screening. (See Section 10.04.305, *Residential Fence* standards)
- (e) Ownership & Maintenance.
- (1) Maintenance easement. A minimum three (3) foot wide wall maintenance easement (WME) shall be provided at time of platting where screening walls are forecasted or required along the property line.
  - (2) Ownership & maintenance: Required screening walls shall be owned by the property owner or HOA and shall be maintained in good condition. Any repairs or replacement shall match the existing adjacent sections.

#### **14.04.302.....Screening, Residential Subdivision Walls.**

- (1) Perimeter walls required with residential subdivisions. Subdivision perimeter screening walls must be constructed by the developer with each phase of the subdivision infrastructure adjacent to rights-of-way sixty (60) feet or greater. Perimeter landscaping and irrigation are required.
- (2) Cul-de-sac adjacency. If the bulb of the cul-de-sac abuts a collector or arterial roadway, the screening across the landscaped area adjacent to the cul-de-sac bulb may be a living screen in conjunction with an open fence (such as decorative metal or wrought iron) with solid masonry columns in keeping with the associated solid masonry screening perimeter walls required elsewhere along the perimeter.
- (3) Materials exceptions. The Director may allow the use of wrought iron or decorative metal, not in excess of fifty percent (50%) of the subdivision perimeter wall, in conjunction with berms and landscaping, if deemed

appropriate.

- (4) Perimeter wall extension required. When a perimeter fence is provided at the outer boundaries of a residential subdivision, the termination of a given side of the fence shall not occur in the middle of the adjacent property, but extend to the property line of the last platted lot that has partial adjacency with the perimeter fence. An easement may be required by separate instrument in order to construct this portion of the wall on the adjacent property.
- (5) Timing. The owner or developer of a residential property adjacent to an undeveloped property zoned non-residential or multi-family shall be responsible for and shall build the required masonry wall to provide screening between the two (2) properties at the time of infrastructure development, prior to any vertical development on the site.
- (6) Individual fences exempt. Individual single-family lots built in a subdivision without a perimeter wall are exempt from the requirement to install the masonry wall. In lieu, an eight (8) foot high cedar board-on-board wooden fence with a decorative cap (and columns where appropriate) may be utilized.

#### **14.04.303.....Screening, Multi-Family & Non-Residential**

- (1) Non-residential uses adjacent to single family zoning districts or uses. A solid masonry screening wall is required along the adjacency of disparate land uses.
- (2) Non-residential uses adjacent to other similar non-residential zoning districts or uses. No screening wall is required.
- (3) Multiple buildings within a commercial development. In the case where multiple pad sites or multiple masonry types are used for the buildings' exteriors within a single development, the screening wall shall use the predominant masonry type for the entire length of the screening wall, subject to approval by the Director during the site plan process.
- (4) Mixed use developments. With Director approval, mixed use developments may be exempt from internal screening between disparate land uses.

#### **14.04.304.....Screening Requirements for Specific Situations.**

- (a) Ground Mounted Mechanical, Plumbing, & Electrical Equipment.
  - (1) Exposed conduits, ladders, exhaust valves, utility boxes, and drain spouts shall be a color matching the building, an accent color, or earth-tone color.
  - (2) Outside equipment, coolers, and/or other mechanical items shall be screened with a Category A masonry finishing material matching the primary building.
  - (3) All new utilities, including any aerial lines, shall be underground.
- (b) Roof Mounted Mechanical, Plumbing, & Electrical Equipment. Roof mounted equipment shall be screened from view using parapet walls or as approved by the Director.
- (c) Loading Docks, Ramps, & Spaces. Loading docks, ramps, structures, and loading spaces shall be screened from view from the public right-of-way, from adjacent residential property, and from adjacent non-residential property, other than industrial.
  - (1) Screening shall be by masonry wing walls matching the color and building materials of the primary structure or freestanding walls with complimentary landscaping to be compatible with the project design.
  - (2) Screening walls shall be of adequate height to screen loading vehicles and the scope of the operation and activity.
- (d) Waste & Recycle Collection Areas (Dumpster Screening).
  - (1) Waste disposal collection areas, including non-residential polycarts and all other service related equipment, shall be screened from public view.
  - (2) Trash dumpsters, recycling containers, trash compactors, and other waste receptacles shall be screened with a masonry wall in a color that is consistent with the color of the primary building. Screening enclosures



shall be visually and aesthetically compatible with the overall project.

- (3) Dumpster enclosures shall incorporate on the open, fourth side a solid metal gate (chain-link with slats is prohibited) to visually screen the dumpster or compactor, which shall remain shut at all times other than when being actively accessed.
  - (4) Dumpster enclosures shall be located behind the front building line and the service gate shall not directly face a public street or any residentially zoned property. Where this standard is not feasible, as determined by the Director, the standards may be varied.
  - (5) Single dumpster enclosures shall be a minimum of twelve (12) feet wide and fourteen (14) feet deep. Pads to accommodate two dumpsters or recycling shall be a minimum of twenty-five (25) feet wide and fourteen (14) feet deep.
  - (6) New commercial development shall provide space for a minimum of two (2) dumpsters screened with masonry enclosures with the extra dumpster being for recycling containers.
  - (7) Dumpster enclosures shall be located to provide a minimum of forty (40) feet of clear backing. However, any area designated for backing shall not exceed eighty (80) feet.
  - (8) Engineered concrete foundations with piers are required for dumpsters, per review and approval by the Director of Engineering.
- (e) Utility Substations & Tower Facilities. For electric substations, sewer pump stations, or any other free-standing utility facility, the above ground mechanical equipment shall be screened to mitigate its negative visual impact and safely secure the site. The screening device shall be scaled accordingly to the height, size, scope, and area of the proposed facility, subject to discretionary review and approval by the Director. Generally, masonry screening walls are required with decorative metal in limited application for visibility, ventilation, and access points. Larger facilities shall also provide large evergreen screening trees every twenty (20) feet on center. Concrete vehicle access shall be provided, in addition to associated easements necessary for development. Any associated utilities shall be buried, with the exception of regional transmission lines.
- (f) Buildings that include Bay Doors.
- (1) Materials for the main building shall follow the regulations for Commercial Structures (Section 14.04.109).
  - (2) Bay doors shall not be parallel to or facing any public right-of-way.
- (g) Open Storage. All allowed open storage of materials, equipment, or commodities shall be screened in accordance with Section 14.03.301(h), *Open Storage – Permanent or Ongoing* of the zoning ordinance.

#### **14.04.305.....Residential Fences.**

- (a) General Requirements.
- (1) It shall be unlawful for any person to construct or repair a fence not in compliance with the regulations contained herein.
  - (2) A fence permit shall not be required for repairs if the work does not exceed fifty percent (50%) of the total length of the fence. If a cumulative effect of a series of repairs over a twelve-month period exceeds fifty percent (50%), a permit is required. Repairs, even those not requiring a permit, must be completed in compliance with the regulations herein.
  - (3) Permit fees shall apply as shown on the Master Fee Schedule of the City.
  - (4) All fence installers are required to be registered with the City.
  - (5) Adequate plans and specifications, which may include a plot plan showing exact materials, easements, location, height, dimensions from property lines, sidewalks, curbs, and location of gates, as determined by the Building Official, must accompany a completed application form.
  - (6) Once complete, a final inspection is required and must be scheduled by the installer within five business days of completion.
  - (7) Estate properties greater than one (1) acre in size that front onto a right-of-way of sixty (60) feet or more may install decorative driveway entrances.

- (8) Valid government related facilities, including sports facilities may build fences or screening walls to industry standard and utilize alternate materials and methods, with Director approval.

(b) Regulations.

- (1) Maximum height of residential fences. Fences shall not be greater than eight (8) feet in height, excluding an allowance for ground clearance and decorative caps.
- (2) Materials allowed. No fence material shall be used to construct a fence except for those listed and regulated in this Chapter. Generally, residential fences should only be wooden or black tubular steel (powder coated ornamental iron).
- (3) Materials prohibited. Barbed wire, electric, and other injurious fence material is prohibited in the City, unless the property is an agricultural district over one (1) acre in size, legitimately needed for agricultural purposes, or otherwise approved by the Director.
- (4) Fences that back or side to other residences. Fences that back or side to another residence may have either side of the fence face the interior of the lot.
- (5) Fences located on corner lots. On all corner lots, fences shall not be closer than fifteen (15) feet from the face of any curb, unless otherwise approved by the Director.
- (6) Fences facing rights-of-way (on back, side, or corners). All fences erected on side yards of corner lots and reverse corner lots or backing to a right-of-way of shall be cedar, board-on-board, with a decorative cap so that a finished fence side faces the street.
- (7) Fences located between houses that face the street. The portion of fence that is parallel to the street and perpendicular to the fence along the side yard must be constructed of cedar, board-on-board, with a decorative cap so that a finished fence side faces the street.
- (8) Fences in front yards. Fences and walls are only allowed in front yards up to thirty-six (36) inches in height and must be either: split-rail, wrought iron, picket fence, or decorative masonry wall. Lots over one (1) acre in size are exempt from this regulation, subject to review and approval by the Director. All front yard fences should generally be fifty percent (50%) open, except for walls when allowed.
- (9) Public rights-of way, easements. No fence shall be erected on public right-of-way or within any drainage easement, unless otherwise authorized by the Director.
- (10) Within property lines. Fences shall not encroach upon any property line (front, side, or rear).
- (11) Fences adjacent to scenic views. All fences installed adjacent to a floodplain, creek, or dedicated open space shall be black tubular steel and a minimum of fifty percent (50%) open.

(c) Wooden Fence Standards.

- (1) Vertical posts. All vertical posts shall be galvanized steel with a minimum two and three-eighths (2 $\frac{3}{8}$ ) inch diameter, a minimum CS 20 (.095) thickness, and set in a concrete footing.
- (2) Concrete footings. Concrete footings shall be a minimum of eight (8) inches in diameter.
- (3) Spacing of footings. For fences less than seven (7) feet in height, posts shall be spaced at a maximum of eight (8) feet on center, set in a concrete footing of no less than twenty-four (24) inches deep. For fences that are seven (7) feet or greater in height, posts shall be spaced at a maximum of six (6) feet on center, set in a concrete footing of no less than thirty-six (36) inches deep.
- (4) Allowed materials & colors. Residential wood material shall be cedar or white wood, stained a natural brown or earth tone color.
- (5) Construction. All materials shall be securely fastened, with vertical boards to horizontal stringers, stringers to vertical posts and top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism, and other sources of decay.
- (6) Private residential fence adjacent to a subdivision perimeter wall. A fence that is parallel to or perpendicular to such wall shall not exceed the height of the adjacent subdivision wall. A fence that is separated from the subdivision screening wall by a public alley or right-of-way is deemed to not be adjacent to the subdivision screening wall. If abutting, the height of the residential fence may transition in height from the height of the subdivision screening wall to the maximum allowable height of the residential fence, provided that the

transition is a smooth rate of increase or decrease and does not exceed a span of sixteen (16) feet in length.

(d) Required Inspections.

- (1) Footing inspection. The footing inspection must be completed prior to pouring concrete.
- (2) Final inspection. A final inspection is required and must be scheduled within one (1) week (five (5) business days) of completion.

(e) Exceptions.

- (1) Materials. The use of chain link, vinyl, split-rail, and composite materials may be allowed, if constructed to manufacturer's specifications, subject to discretionary review and approval by the Director. Otherwise, these materials are generally prohibited. Existing non-conforming chain link fences may be replaced with similar material.
- (2) Interior fences. Defined as fences within the property fence for specific uses, such as dog runs, swimming pool fences, and other similar situations within the interior of a back yard. These interior fences may be constructed of alternate materials, as long as all exterior and shared fence lines are built to compliance with this section and the alternate interior materials are shorter than the exterior fence and not visible to the public, subject to discretionary review and approval by the Director.
- (3) Gate embellishments. Decorative gate embellishments are allowed; however, they shall not exceed the height of the fence by more than two (2) feet.

(f) Maintenance.

- (1) All fences shall be perpetually maintained, repaired, or replaced by the owner. Fences not required by a City ordinance, screening regulation, or other standard shall be either maintained or removed.
- (2) It shall be unlawful and subject to citation should a fence display any of the following conditions:
  - i. Any fence that leans, falls, becomes unstable, or causes damage to other property.
  - ii. Fences that are supported by any means other than the fence post.
  - iii. Missing or loose pickets, broken or missing parts, decayed members.

**14.04.306 – 14.06.400 .....Reserved.**

## ARTICLE IV – SITE DEVELOPMENT STANDARDS

### PART FOUR – PARKING & STACKING STANDARDS

**This section has not been finalized by staff.**

## ARTICLE VI – SITE DEVELOPMENT STANDARDS

### PART FIVE - LIGHTING STANDARDS

#### 14.04.501.....Lighting Administration.

- (a) **Purpose & Intent.** The purpose of this Section is to:
- (1) Reduce the problems created by improperly designed and installed outdoor lighting.
  - (2) Eliminate problems of glare on operators of motor vehicles, pedestrians, and land uses.
  - (3) Minimize light trespass and light pollution.
  - (4) Reduce energy and financial costs of outdoor lighting by establishing regulations that limit the area onto which certain kinds of outdoor lighting fixtures may illuminate.
  - (5) Preserve the night sky as a natural resource and people's enjoyment of looking at the sky and stars.
- (b) **Enforcement.** The Director of Development Services or his designee is hereby empowered and directed to administer and enforce the provisions of this Section relating to outdoor lighting.
- (c) **Applicability.**
- (1) **New uses, buildings & additions.** All proposed new land uses or change of uses, developments, buildings, structures, or building additions of thirty percent (30%) or more in terms of additional dwelling units, gross floor area, seating capacity, or other expansion, either with a single addition or cumulative additions subsequent to the effective date of this provision, shall meet the requirements of this Code for the entire property. For all building additions of less than thirty percent (30%) cumulative, the applicant shall only have to meet the requirements of this Code for any new outdoor lighting provided.
  - (2) **Nonconforming use change.** Whenever a nonconforming use, structure, or lot is abandoned for a period of 180 consecutive days and then changed to a new use according to the requirements of Section 14.03.601, *New and Unlisted Uses* of the Zoning Ordinance, then any existing outdoor lighting shall be reviewed and brought into compliance as necessary for the entire building, structure or premises, to the maximum extent possible as determined by the Director.
  - (3) **Prior to code adoption.** Exterior lighting luminaries in existence on the effective date of this Ordinance adoption shall be considered "legally nonconforming." Such fixtures may be repaired, maintained and replaced. The nonconforming bulbs within a fixture shall be replaced in conformance with this Section. However, exterior lighting luminaries existing on the effective date of this Ordinance adoption that are located on private non-residentially used property and are found to direct light or glare to residential properties may be declared a public nuisance if the level of illumination on residential property, which is caused by the luminaries, is greater than one-quarter (¼) foot-candle. Such fixtures shall be altered or replaced to reduce the level of illumination on the residential property to a one-quarter (¼) foot-candle within two (2) months of receiving a written notice of the violation from the City.
  - (4) **Fixture abandonment or damage.** In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with all the provisions of this Code.

#### 14.04.502.....General Requirements.

The following standards shall apply to all exterior lighting except public street lighting and other lighting that is specifically exempted by this Section.

- (a) **Illumination Levels.**
- (1) Multi-family residential uses should average no more than three (3) footcandles, with a maximum of ten (10) footcandles.
  - (2) Non-residential uses, including parking lots, should average no more than six (6) footcandles, with a maximum of fifteen (15) footcandles.
  - (3) Lighting under canopies (such as service stations) and car dealerships shall not exceed forty (40) footcandles. The remainder of the property shall comply with non-residential standards, above.

- (4) Each new development shall provide adequate illumination levels for pedestrian safety.
  - (5) The illumination levels contained in the *Illuminating Engineering Society of North America Lighting Handbook*, as amended from time to time, shall be used as a guide for providing adequate and safe illumination levels and measurement methods.
- (b) **Spill-Over.** The limit of illumination on neighboring property from one establishment shall be based on the zoning and/or use of the neighboring property. Maximum computed maintained and maximum measured footcandles at the neighboring property line shall not exceed:
- (1) Zero (0) footcandle for single-family residential attached and single-family detached districts.
  - (2) Three (3) footcandles for multi-family, commercial, agricultural, and industrial districts and rights-of-way.
  - (3) *Exception:* Illumination at interior property lines on contiguous lots in a multi-tenant, non-residential development may exceed the above criteria when necessary to provide constant lighting of adjoining parking areas, fire lanes and interior access roadways as determined by the Director.
  - (4) When a dispute arises regarding the district/use of an adjoining property and the allowed spill-over, the Director's decision shall be binding.
- (c) **Pole Heights.** Lighting standards (i.e. poles) shall be sized in such a manner that the top of any luminary does not exceed thirty (30) feet above adjacent grade. Lighting standards in Industrial zoned districts may be thirty-five (35) feet in height. However, where any industrial, multi-family, or non-residential district light poles are located within 100 feet of a residential district or use, the maximum allowed height is twenty (20) feet. Within the OT, Old Town zoning district, the maximum permitted pole height is twenty (20) feet.
- (d) **Light Sources.**
- (1) Light sources or luminaries are prohibited in landscaped buffer areas and within required setback yard areas except on pedestrian walkways, hike & bike trails, and at site entrances.
  - (2) Light for outdoor advertising shall be designed to function as full cutoff-type of luminaries. Lighting intended for outdoor advertising shall be directed downward. The temporary use of lasers and spotlights that project light into the sky may be allowed, subject to the restrictions of temporary outdoor lighting in Section 14.04.503, *Temporary Outdoor Lighting*, below.
  - (3) All luminaries located on non-residential properties shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of at a point three (3) feet above grade on the lot line abutting a residential property. In all other instances, the light source must be completely shielded from direct view of at a point five (5) feet above grade at the lot line.
  - (4) All luminaries and light sources subject to this Section shall be maintained and kept in good working order.
  - (5) Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas, and yard areas within thirty (30) feet of the building. No roof lighting shall be used.
  - (6) All luminaries mounted on walls or on freestanding poles must be shielded and be directed downward.
  - (7) Externally illuminated signs, advertising displays, billboards, building identification, and monument signs shall use top mounted light fixtures that shine light downward and that are fully shielded or upward with pin-pointed light which are fully shielded.
  - (8) Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.
  - (9) Lighting within or around commercial windows meant to draw attention to the business is prohibited.
  - (10) Building facades and architectural features of buildings may be floodlighted or otherwise highlighted when the following conditions are met:
    - i. floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution to the façade or feature being illuminated;
    - ii. the configuration of the floodlight installation shall block all view to the floodlight fixture's lamp from adjacent properties; and



- iii. the maximum luminance of any floodlighted surface does not exceed the foot-candles specified in the Illuminating Engineering Society of North America Lighting Handbook for floodlighting surfaces.
- (11) All exterior lighting shall be LED.

**14.04.503.....Temporary Outdoor Lighting.** Any temporary outdoor lighting that conforms to the requirements of this Section shall be allowed. Non-conforming temporary outdoor lighting may be permitted by the Director only as part of a valid Special Events Permit.

**14.04.504.....Photometric Plan.**

- (a) **Exterior Lighting Plan.** A photometric plan illustrating the exterior lighting that is proposed or modified shall be submitted to the Development Services Department. The submission shall contain, but not be limited to the following:
  - (1) Plans indicating the location of the exterior lighting on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
  - (2) Description of the illuminating devices (including a visual depiction), fixtures, pole heights, lamps, supports, reflectors, and other devices including, but not limited to, catalog cuts by manufacturers and drawings (including sections where required).
  - (3) The photometric plan shall include a table which indicates the average foot candle measurement, the maximum foot candle measurement (at any hot spots), and the foot candle measurement at the property line.
- (b) **Preparation of the Photometric Plan.** A certified engineer, architect, landscape architect, or lighting engineer/designer shall prepare the plan. The plan shall also contain a certification by the property owner or agent and the preparer of the plan that the exterior lighting depicted on the plan will comply with the requirements of this Ordinance after installation. Once the plan is approved by the Development Services staff, the exterior lighting of the property shall be constructed and installed according to the approved plan.
- (c) **Additional Submission.** The above required plans, descriptions and data shall be sufficiently complete to enable the reviewer to readily determine whether compliance with the requirements of this Section will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration or the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

**14.04.505.....Prohibited Lighting.** The following are prohibited within the City of Celina:

- (a) **Design of Lighting.**
  - (1) "Cobra head" type lighting fixtures that are not shielded and having dished or "drop" lenses or refractors which house light sources other than incandescent light sources.
  - (2) Unshielded light sources, including bare bulbs above fifteen (15) watts.
  - (3) "Acorn" lighting.
  - (4) Decorative entrance lights mounted on a wall adjacent to doorways may be allowed by the Director in spite of not meeting the design requirements listed herein.
- (b) **Moving or Flashing Lighting.**
  - (1) Flickering or flashing lights.
  - (2) Searchlights.
- (c) **Types of Lighting.**
  - (1) Exposed neon lighting, except for open/closed signs hanging inside a buildings door or window.
  - (2) Mercury vapor luminaires.

- (3) Low-pressure sodium (LPS) and high-pressure sodium (HPS) luminaires.
- (4) Metal Halide luminaires.

**14.04.506.....Exemptions.** The following are exempt from the standards contained in this Ordinance:

- (a) **Decorative Seasonal Lighting.** The decorative seasonal lights shall be removed within a reasonable and customary time.
- (b) **Lighting for Single Family Detached or Single Family Attached.**
  - (1) the lamps have a power rating of less than or equal to seventy-five (75) watts;
  - (2) a cutoff component is incorporated in the design of the luminaries;
  - (3) the lighting level at the property line shall not exceed the maximum level specified within this Section; and
  - (4) the maximum lighting level at the property line may be exceeded in cases where the lamp is turned on and off by a motion sensor and the lamp is not on for a continuous period exceeding ten (10) minutes.
- (c) **Residential Party Lights for Social Gatherings.** Such temporary outdoor lighting includes, but are not limited to, strings of lights and lanterns.
- (d) **Translucent Signs.** Signs of the type constructed of translucent materials and wholly illuminated from within are exempt from the shielding requirement.
- (e) **Emergency Lighting.** Temporary emergency lighting used by police, fire fighters, or other emergency services, as well as all vehicular luminaries. Hazard warning luminaries, which are required by federal and state regulatory agencies.
- (f) **Outdoor Sports Fields.** Because of their unique requirement for nighttime visibility and their limited hours of operations, public and commercial ball diamonds, playing fields, and tennis courts are exempt from the general standards of this section. Private ball diamonds, playing fields, and tennis courts on a single family lot built as an accessory use to the home on that lot are subject to the requirements of this Section. Lighting for these public and commercial outdoor recreational uses shall be LED and shielded to minimize light and glare from spilling over onto residential properties.
- (g) **Exceptions.** The City may vary from these requirements for any municipal project or purpose.

**Section 14.04.507 – 14.04.600 .....Reserved.**

**ARTICLE IV – SITE DEVELOPMENT STANDARDS****PART SIX – PERFORMANCE STANDARDS**

**This section has not been finalized by staff.**



**PLANNING & ZONING COMMISSION  
CELINA ISD ADMIN BLDG., BOARD ROOM  
205 S. COLORADO STREET  
TUESDAY, JULY 16, 2019  
5:30 PM**

**MINUTES**

**I. CALL TO ORDER:**

| Attendee Name     | Organization   | Title                            | Status  | Arrived |
|-------------------|----------------|----------------------------------|---------|---------|
| Ben Hangartner    | City of Celina | Chairman                         | Present |         |
| Shelby Barley     | City of Celina | Vice Chairman                    | Present |         |
| Shawn Bain        | City of Celina | Commissioner                     | Present |         |
| Mitch Freeman     | City of Celina | Commissioner                     | Absent  |         |
| Charles Haley     | City of Celina | Commissioner                     | Present |         |
| Jace Ousley       | City of Celina | Commissioner                     | Present |         |
| Eric Becker       | City of Celina | Commissioner                     | Present |         |
| Dusty McAfee AICP | City of Celina | Director of Development Services | Present |         |
| Raha Pouladi      | City of Celina | Planner                          | Present |         |
| Jeannie Regan     | City of Celina | Planning Technician              | Present |         |

Chairman Hangartner called the meeting to order at 5:31 p.m., established a quorum, and led those present in a salute to the American and Texas Flags.

**II. WORKSESSION:**

The Planning and Zoning Commission held a Worksession to discuss future agenda items, update on Council actions, training topics and request for new business consideration.

**III. CONSENT AGENDA:**

- A. Minutes from the June 18, 2019, Planning & Zoning Commission meeting.
- B. Consider and act upon a Final Plat for Glen Crossing West, being an approximately 12.172 acre tract of land situated in the Collin County School Land Survey #14, Abstract No. 167, Collin County, Texas, and generally located 1,350 feet west side of Old Log Trail (CR-1117) and approximately 1,000 feet south of Glendenning Parkway (CR-55). (Glen Crossing West Final Plat)

|                  |                                                 |
|------------------|-------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                      |
| <b>MOVER:</b>    | Eric Becker, Commissioner                       |
| <b>SECONDER:</b> | Charles Haley, Commissioner                     |
| <b>AYES:</b>     | Hangartner, Barley, Bain, Haley, Ousley, Becker |
| <b>ABSENT:</b>   | Freeman                                         |

Minutes Acceptance: Minutes of Jul 16, 2019 5:30 PM (CONSENT AGENDA)

**IV. PUBLIC HEARINGS/ACTION ITEMS:**

- A. Conduct a Public Hearing to consider and make recommendation on a request for a Pre-Annexation Development Agreement on an approximately 5.5 acre tract of land; generally located 2,400 feet east of future Coit Road and north of Choate Parkway, within the Extraterritorial Jurisdiction (ETJ). (ETS Celina Development Agreement)

Dusty McAfee, Director of Development Services, presented the staff report.

Matt Edgemont, Applicant, 6251 FM 2478, McKinney, Texas, said he was available to answer any questions.

Chairman Hangartner opened the public hearing.

Dale Bainum, 3541 Heritage Trail, Celina, Texas, asked general questions concerning septic, timeline, and annexation.

No one else came forward to speak and the public hearing was closed.

Vice Chairman Barley moved to approve the item.

Commissioner Bain seconded the motion, and the motion was approved unanimously.

|                  |                                                 |
|------------------|-------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                     |
| <b>MOVER:</b>    | Shelby Barley, Vice Chairman                    |
| <b>SECONDER:</b> | Shawn Bain, Commissioner                        |
| <b>AYES:</b>     | Hangartner, Barley, Bain, Haley, Ousley, Becker |
| <b>ABSENT:</b>   | Freeman                                         |

- B. Conduct a Public Hearing to consider and make a recommendation on a request to rezone approximately 40 acres tract of land from Retail District (C-1), to Planned Development (PD) with Mixed-Use Regional District (MU-2) base zoning; generally located 2,000 feet south of FM 428 and feet east of future Legacy Drive. (Monschke Tract PD Zoning)

Mr. McAfee presented the staff report.

Eric Hinklin, Applicant, 10875 John W. Elliott Dr #400, Frisco, TX, spoke on the item and said he was present to answer any questions.

Chairman Hangartner opened the public hearing.

No one came forward to speak, and the public hearing was closed.

Commissioner Ousley moved to approve the item.

Commissioner Becker seconded the motion, and the motion was approved unanimously.

|                  |                                                 |
|------------------|-------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                     |
| <b>MOVER:</b>    | Jace Ousley, Commissioner                       |
| <b>SECONDER:</b> | Eric Becker, Commissioner                       |
| <b>AYES:</b>     | Hangartner, Barley, Bain, Haley, Ousley, Becker |
| <b>ABSENT:</b>   | Freeman                                         |

- C. Conduct a Public Hearing to consider and make a recommendation on a request to zone approximately 75 acres of land to Planned Development (PD) with Community Facilities District (CF) base zoning; generally located south of Choate Parkway and approximately 2,500 feet east of Preston Road. (Collin College Zoning)

Mr. McAfee presented the staff report.

David Dumas and Merrily Moss, Applicants, 1807 Ross Avenue #500 Dallas, Texas, presented the item and said they were available to answer any questions.

Chairman Hangartner opened the public hearing.

Kyle Moody, 2440 Lusitano Lane, Celina, Texas, asked about the timeline, and spoke against the item.

Jessica Norman, 2436 Lusitano Lane, Celina Texas, asked general questions regarding setbacks near her property and spoke in favor of the item.

Sean Spur, 2432 Lusitano Lane, Celina Texas, had general questions concerning trees, lighting, and the proposed road.

Kati Davie, 370 Westphalian Drive, asked general questions about the widening and the timeline of the Collin County Outer Loop.

Dale Bainum, 3541 Heritage Trail Celina, Texas, had general questions about the number of students, parking, traffic, and the height of the future buildings.

No one else came forward to speak, and the public meeting was closed.

Commissioner Haley moved to approve the item.

Vice Chairman Barley seconded the motion, and the motion was approved unanimously.

|                  |                                                 |
|------------------|-------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                     |
| <b>MOVER:</b>    | Charles Haley, Commissioner                     |
| <b>SECONDER:</b> | Shelby Barley, Vice Chairman                    |
| <b>AYES:</b>     | Hangartner, Barley, Bain, Haley, Ousley, Becker |
| <b>ABSENT:</b>   | Freeman                                         |

V. **ADJOURNMENT:**

Chairman Hangartner adjourned the meeting at 6:31 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date Minutes Approved

Minutes Acceptance: Minutes of Jul 16, 2019 5:30 PM (CONSENT AGENDA)





Development Services  
City of Celina, Texas

## Memorandum

To: **Planning and Zoning Commission**  
From: Raha Pouladi, Planner  
CC: Dusty McAfee AICP, Director of Development Services  
Date: August 20, 2019  
Re: Caliber Celina 289 Addition Conveyance Plat

---

### Action Requested:

Consider and act on a Conveyance Plat for Caliber Collision, being an approximately 1.953 acre tract of land; generally located north of Frontier Parkway and west of Preston Road. (Caliber Celina 289 Addition Conveyance Plat)

### Owner:

John Feizy  
13800 Diplomat Drive  
Dallas, Texas, 75234

### Applicant/Engineers:

Kirkman Engineering  
4821 Merlot Ave. Suite 210  
Grapevine, TX 76051

### Background Information:

The property is generally located north of Frontier Parkway and west of Preston Road, within the City limits. The Conveyance plat is for one lot, which is approximately two acres. The Conveyance plat establishes the boundary of the property and is provided for legal conveyance and land recordation functions. As the property develops (in this case, for a Caliber Collision development), a Minor Plat will be required prior to any construction.

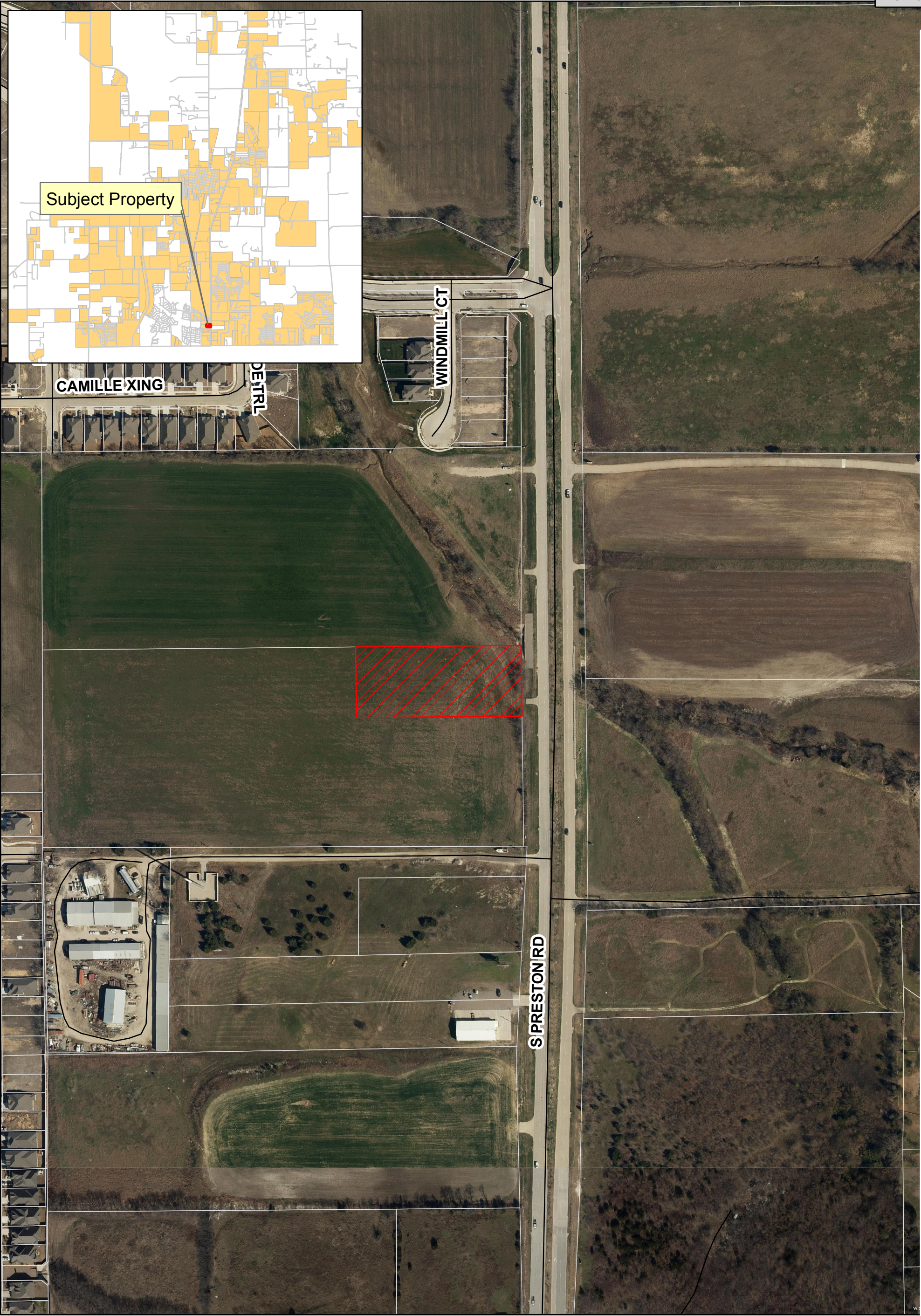
### Supporting Documents:

- Location Map
- Conveyance Plat

### Staff Recommendation:

Staff recommends approval.





Attachment: Location Map (Caliber Celina 289 Addition Conveyance Plat)

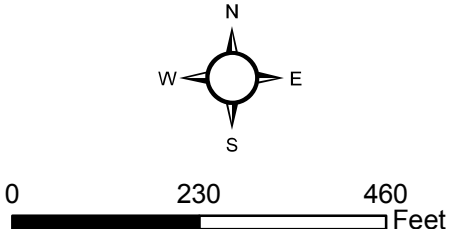


# Location Map Caliber Collision

Date: 8/15/2019

## Legend

- Roads
- Caliber Collision
- Parcels





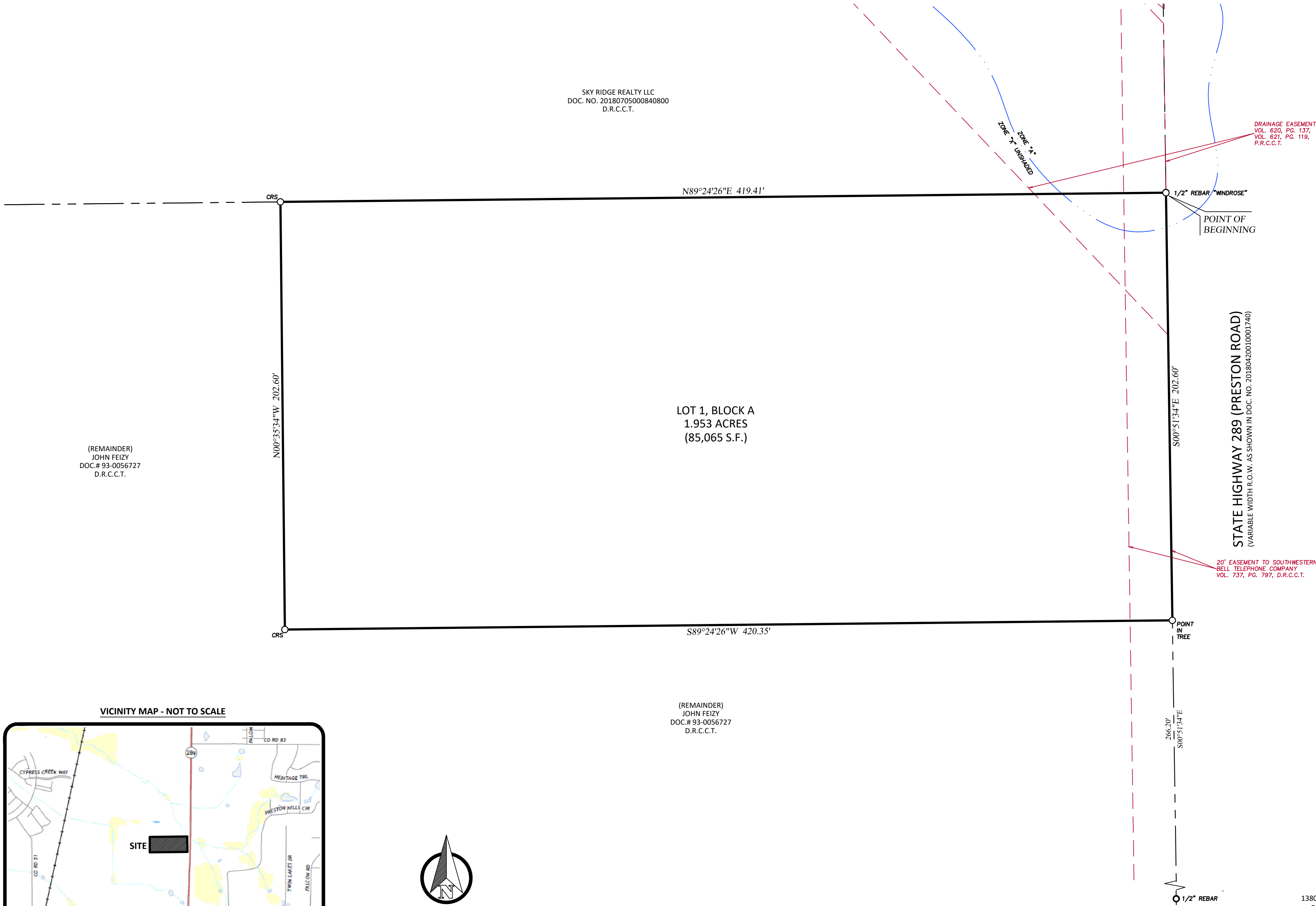
SURVEYOR'S NOTES:

- Bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83), distances are surface with a combined scale factor of 1.00015271.
- Monuments are found unless specifically designated as set.
- Selling a portion of this addition by metes and bounds is a violation of town ordinance and State law and is subject to fines and withholding of utilities and building permits.
- This property may be subject to charges related to impact fees and the applicant should contact the City regarding any applicable fees due.
- This plat does not alter or remove existing deed restrictions, if any.
- Abstract lines shown hereon are approximate and scaled from plat of Preston Branch referenced herein.
- The purpose of the Conveyance Plat is to provide for its legal conveyance without developing the subject property and for land recordation functions only. Approval and the subsequent filing of this Conveyance Plat does not constitute approval of any type of development on the subject property, as no building or development permits shall be issued, nor permanent utility services provided, for land that has only received approval as a Conveyance Plat.
- All lots comply with the minimum size requirements of the zoning district.
- This property lies partially within the 100-year floodplain (FEMA Zone "A") and partially outside the 100-year floodplain (FEMA Zone "X"), according to the Flood Insurance Rate Map 48085C0120J, Effective 06/02/2009, by graphic location and scaling only.

Certificate of Plat Approval

|                                                    |                  |
|----------------------------------------------------|------------------|
| City Development Official<br>City of Celina, Texas | Date of Approval |
| Witness by hand this _____ day of _____, _____.    |                  |
| _____<br>City Secretary<br>City of Celina, Texas   |                  |

- LEGEND OF ABBREVIATIONS
- D.R.C.C.T. DEED RECORDS, COLLIN COUNTY, TEXAS
  - P.R.C.C.T. PLAT RECORDS, COLLIN COUNTY, TEXAS
  - O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS, COLLIN, COUNTY, TEXAS
  - DOC. NO. DOCUMENT NUMBER
  - C.M. CONTROLLING MONUMENT
  - SQ. FT. SQUARE FEET
  - ROW RIGHT OF WAY
  - CRS CAPPED REBAR SET (1/2" WITH PINK CAP "BARTON CHAPA")



PROPERTY DESCRIPTION

**BEING** a tract of land situated in the City of Celina, Collin County, Texas, being part of the tract described in the deed to John Feizy, recorded under Document Number 93-0056727, Official Public Records, Collin County, Texas, the subject tract being more particularly described as follows (bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983 (NAD '83)):

**BEGINNING** at a 1/2 inch rebar with cap stamped "WINDROSE" found at the northeast corner of the subject tract, lying on the west right-of-way of State Highway 289 (a variable width right-of-way), same being the northeast corner of said Feizy tract;

**THENCE** with the west right-of-way of said State Highway 289, SOUTH 00 degrees 51 minutes 34 seconds EAST, a distance of 202.60 feet to a point in a tree, from which a 1/2 inch rebar found at a point of curve on the west right-of-way of said State Highway 289 bears SOUTH 00 degrees 51 minutes 34 seconds EAST, 266.20 feet;

**THENCE** through the interior of said Feizy tract, the following calls:

- SOUTH 89 degrees 24 minutes 26 seconds WEST, a distance of 420.35 feet to a 1/2 inch rebar with pink cap stamped "BARTON CHAPA" set (hereinafter "capped rebar set");
- NORTH 00 degrees 35 minutes 34 seconds WEST, a distance of 202.60 feet to a capped rebar set in the north line of said Feizy tract;

**THENCE** with the north line of said Feizy tract, NORTH 89 degrees 24 minutes 26 seconds EAST, a distance of 419.41 feet, returning to the **POINT OF BEGINNING** and enclosing 1.953 acres (85,065 square feet) of land, more or less.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

THAT JOHN FEIZY does hereby adopt this plat designating the hereinabove described property as LOT 1, BLOCK A, CALIBER CELINA 289 ADDITION, an addition to the City of Celina, Texas, and does hereby dedicate to the public use forever by fee simple title, free and clear of all liens and encumbrances, all streets, thoroughfares, alleys, fire lanes, drive aisles, parking spaces, parks, and trails, and to the public use forever easements for sidewalks, storm drainage facilities, floodways, water mains, wastewater mains, and other utilities and facilities, and any other property necessary to serve the plat and to implement the requirements of the subdivision regulations and other City codes and do hereby bind ourselves, our heirs, successors and assigns to warrant and to forever defend the title on the land so dedicated. Further, the undersigned covenants and agrees that he/she shall maintain all easements and facilities in a state of good repair and functional condition at all times in accordance with City codes and regulations. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be installed, if approved by the City of Celina. At no point shall any overhead utilities be installed on the subject property. The City of Celina and public utility entities shall have the right to access and maintain all respective easements without the necessity at any time of procuring permission from anyone.

BY: \_\_\_\_\_  
JOHN FEIZY, OWNER  
DATE: \_\_\_\_\_  
STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same as for the purpose and consideration therein expressed, and in the capacity therein stated.

Notary Public in and for  
the State of Texas

STATE OF TEXAS §  
COUNTY OF TARRANT §

I, John H. Barton III, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon as "set" were properly placed under my supervision in accordance with the subdivision ordinance of the City of Celina, Texas.

**PRELIMINARY**  
**THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE**  
**AND SHALL NOT BE USED, VIEWED, OR RELIED UPON AS A FINAL**  
**SURVEY DOCUMENT July 26, 2019**

John H. Barton III, RPLS No. 6737

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority in and for \_\_\_\_\_ County, Texas, on this day personally appeared \_\_\_\_\_, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she is \_\_\_\_\_, and that he/she is authorized to execute the foregoing instrument for the purposes and consideration therein expressed, and in the capacity therein stated.

Notary Public in and for  
the State of Texas

ENGINEER

**Kirkman**  
ENGINEERING

4821 Merlot Avenue, Suite 210  
Grapevine, Texas 76051  
Phone: 817-488-4960

JOB NUMBER: 2018.001.004  
DRAWN BY: BCS  
CHECKED BY: BCS

CALIBER CELINA  
289 ADDITION

CELINA,  
TEXAS

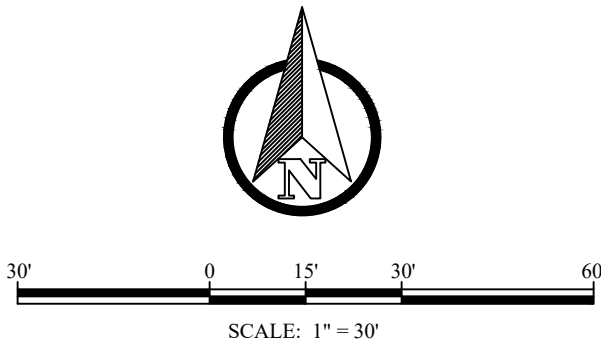
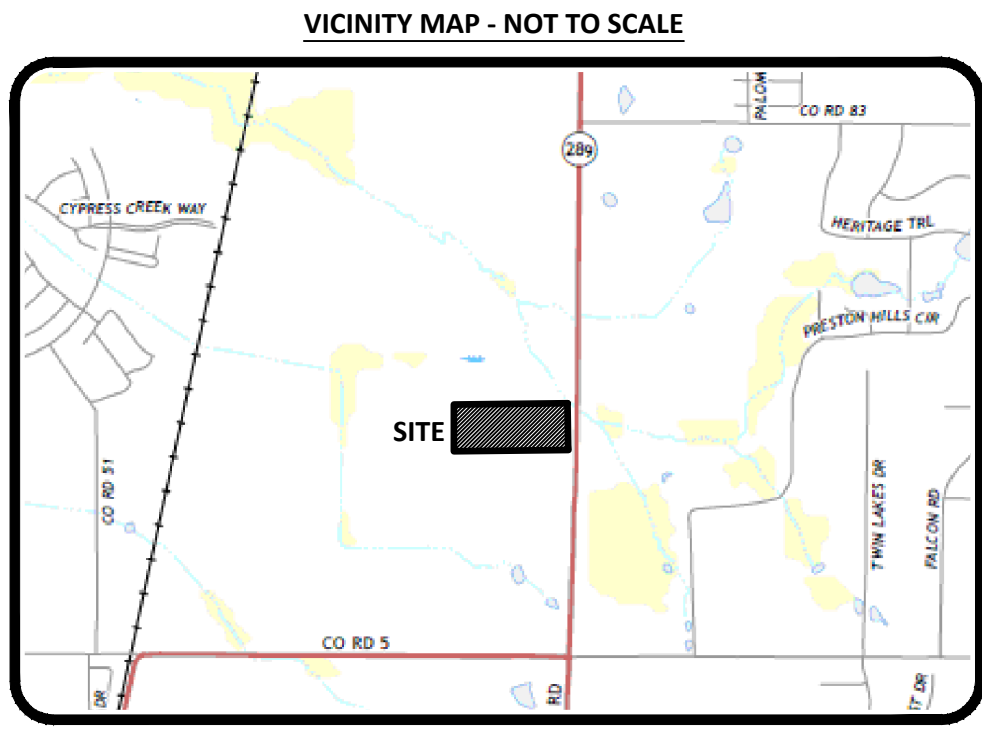
CONVEYANCE  
PLAT

SHEET:

CONVEYANCE PLAT

CALIBER CELINA 289 ADDITION  
LOT 1, BLOCK A  
1.953 ACRES  
COLLIN COUNTY SCHOOL LAND #14 SURVEY  
ABSTRACT NO. 167  
CITY OF CELINA, COLLIN COUNTY, TEXAS

DESIGN: PREPARED BY: BARTON, CHAPA, SURVEYING, L.L.C. 4201  
MERCURY AVENUE, SUITE 210 GRAPEVINE, TX 76051 PHONE: 817-488-4960



OWNER  
JOHN FEIZY  
13800 DIPLOMAT DRIVE  
DALLAS, TX 75234

SURVEYOR  
BARTON CHAPA SURVEYING, L.L.C.  
JOHN H. BARTON, III RPLS# 6737  
4821 MERLOT AVE., STE. 210  
GRAPEVINE, TX 76051  
(817) 864-1957  
JACK@BCSOFW.COM

ENGINEER  
KIRKMAN ENGINEERING  
SHEA KIRKMAN  
4821 MERLOT AVE., STE. 210  
GRAPEVINE, TX 76051  
(817) 488-4960  
SHEA.KIRKMAN@TRUSTKE.COM



Development Services  
City of Celina, Texas

## Memorandum

To: **Planning and Zoning Commission**  
From: Madhuri Mohan AICP, Planning Manager  
CC: Dusty McAfee AICP, Director of Development Services  
Date: August 20, 2019  
Re: House Bills Ordinance (HB 2439 and HB 2497)

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### Action Requested:

Conduct a Public Hearing to consider testimony and act upon an ordinance amending the Zoning Ordinance and Building Codes to cause said ordinance to be in compliance with House Bill 2439 and House Bill 2497, which bills take effect on September 1, 2019.

### Background Information:

The 2019 State of Texas Legislature enacted House Bill 2439, prohibiting municipal regulation of materials used for construction and renovation of residential and commercial buildings. HB 2439 affects both the enactment of new regulations and the enforcement of existing regulations pertaining to materials for construction or alteration of residential and commercial buildings.

The 2019 Legislature also enacted HB 2497, which requires amendments to procedures applicable to the rules of and appellate procedures before the Zoning Board of Adjustment.

Both Bills were signed by the Governor in June 2019, and have an effective date of September 1, 2019.

### Board Review/Citizen Input:

Notice of the proposed House Bill Ordinance amendments was published in *The Celina Record* on August 2, 2019, in compliance with State law.

### Supporting Documents:

- Proposed Ordinance

### Staff Recommendation:

Staff recommends approval.

## CITY OF CELINA, TEXAS

**ORDINANCE NO. 2019-\_\_**  
**IMPLEMENTATION OF HOUSE BILL 2439 AND HOUSE BILL 2497**

**AN ORDINANCE OF THE CITY OF CELINA, TEXAS, ENACTING AMENDMENTS TO THE CITY'S ZONING ORDINANCE AND BUILDING CODE REGULATIONS; PROVIDING FOR COMPLIANCE WITH NEW STATE LAWS AFFECTING MATERIALS USED IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL AND COMMERCIAL BUILDINGS, RULES AND PROCEEDINGS BEFORE THE ZONING BOARD OF ADJUSTMENT; PROVIDING FOR APPEALS; PROVIDING RELATED DIRECTIVES TO THE CITY MANAGER; PROVIDING A CONFLICT/SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.**

WHEREAS, the 2019 Legislature enacted HB 2439, prohibiting municipal regulation of materials used for construction and renovation of residential and commercial buildings in certain instances and subject to certain exceptions; and

WHEREAS, HB 2439 affects both the enactment of new regulations and the enforcement of existing regulations pertaining to materials for construction or alteration of residential and commercial buildings; and

WHEREAS, HB 2439 was signed by the Governor on June 14, 2019 and has an effective date of September 1, 2019; and

WHEREAS, the City Council finds that City regulations prescribing the types of materials, products or aesthetic methods used for the construction or alteration of residential and commercial buildings are essential for preserving the public health and safety of its citizens and substantially further the economic development and general welfare of the City; and

WHEREAS, the exemptions to the provisions of HB 2439 hereinafter provided by this Ordinance are in accordance with the purpose and content of such law; and

WHEREAS, there is insufficient time before HB 2439 takes effect to amend specific provisions of the City's zoning and building regulations that may conflict with the provisions of HB 2439; and

WHEREAS, it is the intent of this Ordinance to supersede enforcement of regulations prescribing the types of materials, products or aesthetic methods used for construction or renovation of residential and commercial buildings, in so far as they conflict with HB 2439; and

WHEREAS, it is the further intent of this Ordinance to provide procedures for appealing decisions of officials in the enforcement of regulations prescribing the types of materials, products and aesthetic methods used for construction or renovation of residential and commercial buildings; and

WHEREAS, it is the further intent of this Ordinance to provide information to citizens of Celina, Texas, that are affected by HB 2439 concerning the prohibitions and limitations on enactment and enforcement of zoning and building regulations prescribing the types of materials, products and aesthetic methods used for construction or renovation of residential and commercial buildings; and

WHEREAS, the 2019 Legislature enacted HB 2497, which requires amendments to procedures applicable to the rules of and appellate procedures before the Zoning Board of Adjustment; and

WHEREAS, HB 2497 was signed by the Governor on June 10, 2019 and has an effective date of September 1, 2019; and

WHEREAS, it is the intent of the City Council of the City of Celina, Texas ("City"), to fully comply with the provisions of HB 2439 and HB 2497, while maximizing the public health, safety and general welfare of its citizens; and

WHEREAS, it is the further intent of this Ordinance to amend provisions of the City's Zoning Ordinance in order to implement such changes; and

WHEREAS, the City has given notice of the amendments to the zoning and building regulations contained in this Ordinance in accordance with all provisions of state law and the City's ordinances; and

WHEREAS, a public hearing on the provisions of this Ordinance before the City's Planning and Zoning Commission was conducted on August 20<sup>th</sup>, 2019; and

WHEREAS, the City Council has received the report of the Commission recommending approval of this Ordinance; and

WHEREAS, a public hearing on the provisions of this Ordinance before the City Council was conducted on September 10<sup>th</sup>, 2019; and

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

### **SECTION 1**

#### **INCORPORATION OF RECITALS**

The foregoing recitals hereby are incorporated by reference and made a part hereof as if fully set forth.

### **SECTION 2**

#### **DEFINITIONS**

The following definitions apply to the provisions of this ordinance:

(a) "National model code" means a publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and



building safety officials through a legislative or consensus process and that is intended for consideration by units of government as local law. “National model code” includes the International Residential Code, the National Electrical Code and the International Building Code.

(b) “Residential building” means a building having the character of a one-family or two-family dwelling or a multiple single-family dwelling that is not more than three stories high with separate means of egress, including the accessory structures of the dwelling and that does not have the character of a facility used for the accommodation of transient guests or a structure in which medical, rehabilitative, or assisted living services are provided in connection with the occupancy of the structure.

(c) “Commercial building” means a building for the use or occupation of people for a public purpose or economic gain, or a residence if the building is a multi-family residence that is not defined as a residential building.

(d) “Building Code” means any of the following adopted by the City, as amended: the International Residential Code, the National Electrical Code; the International Building Code; the International Fire Code; the International Plumbing Code; the International Mechanical Code; the International Fuel Gas Code; and the International Energy Conservation Code.

### **SECTION 3**

#### **PROHIBITIONS ON ENFORCEMENT**

(a) Notwithstanding any other provision contained in the City’s ordinances, regulations or rules to the contrary, an official responsible for enforcement of the City’s Zoning Ordinance or Building Codes, as designated by city charter, ordinance or other authorization of the City, shall not:

(1) prohibit or limit, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or

(2) enforce a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

(b) An applicant who proposes to use a building material, product or aesthetic method in the construction or alteration of a residential or commercial building that is prohibited or limited by the City’s adopted Zoning Ordinance or building codes, as amended, or that is less stringent than the standard established by such Ordinance or building codes, as amended, shall identify each provision in a national model code published within the last three code cycles that approves the use of such building material, product or aesthetic method, as a necessary requirement of the application.

(c) An applicant may agree in writing to employ a building material, product or aesthetic method for use in the construction or alteration of a residential or commercial building that otherwise cannot be enforced under subsection (a).

#### **SECTION 4**

##### **EXEMPTIONS FOR ORDINANCES, REQUIREMENTS AND PROGRAMS**

The prohibitions in Section 3 do not apply to the following ordinances, requirements or programs of the City or State, and the officials responsible for enforcement of the City's Zoning Ordinance and Building Codes, as designated by city charter, ordinance or other authorization of the City, shall apply all regulations and standards prescribed by such enactments, requirements or programs, whether such ordinances, requirements or programs existing or hereafter adopted or established, to the fullest extent therein provided:

- (a) a local amendment of a building code to conform to local concerns if the amendment does not conflict with Sections 3(a) or (b);
- (b) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;
- (c) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter 2210, Texas Insurance Code;
- (d) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that: (1) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or (2) applies to outdoor lighting within five miles of the boundary of a military base in which an active training program is conducted;
- (e) an ordinance that regulates outdoor lighting and is adopted under Subchapter B, Chapter 229, Texas Local Government Code, or under Subchapter B, Chapter 240, Texas Local Government Code; or
- (f) installation of a fire sprinkler protection system under Tex. Occupation Code, section 1301.551(i), or under Tex. Health and Safety Code, section 775.045(a)(1).

#### **SECTION 5**

##### **EXEMPTIONS FOR BUILDINGS**

The prohibitions in Section 3 do not apply to the following buildings, and the officials responsible for enforcement of the City's Zoning Ordinance and Building Codes, as designated by city charter, ordinance or other authorization of the City, shall apply all regulations and standards prescribed by those ordinances or codes to such buildings, whether such provisions are existing or hereafter adopted or established, to the fullest extent.

- (a) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by the City which were adopted by the City Council prior to April 1, 2019:
- (b) a building located in a zoning district designated by the City Council after April 1, 2019 for its historical, cultural, or architectural importance and significance by the City, and for which the owner has voluntarily consented in writing to the application of the regulations or standards prohibited by Section

3, including the following zoning districts and any district that may hereafter be created by the City Council for its historical, cultural, or architectural importance and significance;

(c) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Texas Local Government Code, if the municipality (1) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or (2) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

(d) a building located in an area designated as a historic district on the National Register of Historic Places;

(e) a building designated as a Recorded Texas Historic Landmark;

(f) a building designated as a State Archeological Landmark or State Antiquities Landmark;

(g) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;

(h) a building located in a World Heritage Buffer Zone; and

(i) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Section 442.014, Texas Government Code.

## **SECTION 6**

### **APPEAL**

An applicant, landowner or other aggrieved person may appeal the decision of an official responsible for enforcement of the City's Zoning Ordinance or Building Codes, as designated by city charter, ordinance or other authorization of the City, applying a regulation or standard to the construction, renovation, maintenance, or other alteration of a residential or commercial building, which application is asserted to be prohibited by Section 3, in the following manner:

(a) If the decision applies a requirement of a building code, to the Building Board of Appeals, or if there is no Building Board, to the Zoning Board of Adjustment; or

(b) if the decision applies a requirement of the zoning ordinance, to the Zoning Board of Adjustment.

The appeal shall identify the provision or provisions which the appellant alleges to have been applied in violation of Section 3. The appeal shall be filed, processed and decided in the manner provided for appeals by the appellate entity herein designated.

## **SECTION 7**

### **AMENDMENTS TO ZONING BOARD OF ADJUSTMENT PROCEDURES**

Notwithstanding any other provision contained in the City's ordinances, regulations or rules to the contrary, the following provisions apply to the adoption of or amendment to rules of the Zoning Board of Adjustment and to appellate procedures before the Board.

(a) Rules of the Zoning Board of Adjustment adopted or amended on or after September 1, 2019, must be approved by the City Council.

(b) Appeals to the Board from the decision of an administrative official made on or after September 1, 2019, shall be governed by the following rules:

(1) an appeal of a decision by an administrative official that is not related to a specific application, address or project may be made by an aggrieved person or any officer, department, board, or bureau of the City affected by the decision.

(2) an appeal of a decision by an administrative official that is related to a specific application, address or project may be made by: the applicant; the owner or owner's representative of the property that is the subject of the decision; an aggrieved person who is the owner of property within 200 feet of the property that is the subject of the decision; or any officer, department, board, or bureau of the City affected by the decision.

#### **SECTION 8** **CONFLICT/SAVINGS CLAUSE**

In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by charter, another ordinance, resolution or authorization of the City, the provisions of this ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the City are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect..

#### **SECTION 9** **EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its passage [or second reading [or other requirement prescribed by charter or ordinance]. The applicability of an exemption specified by Sections 4 and 5 of this Ordinance that is hereafter adopted or established by ordinance shall take effect on the effective date of such ordinance.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Celina, Texas, on this the 10<sup>th</sup> day of September 2019.

\_\_\_\_\_  
Sean Terry, Mayor  
City of Celina, Texas

**ATTEST:**

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Vicki Faulkner, City Secretary  
City of Celina, Texas

**APPROVED AS TO FORM:**

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Lance Vanzant, City Attorney  
City of Celina, Texas

Attachment: Proposed Ordinance (House Bills Ordinance (HB 2439 and HB 2497))





Development Services  
City of Celina, Texas

## Memorandum

To: **Planning and Zoning Commission**  
From: Madhuri Mohan AICP, Planning Manager  
CC: Dusty McAfee AICP, Director of Development Services  
Date: August 20, 2019  
Re: House Bill 3167 Ordinance

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### Action Requested:

Conduct a Public Hearing to consider testimony and act upon an ordinance amending the Subdivision Regulation Ordinance to cause said ordinance to be in compliance with House Bill 3167, which bill takes effect on September 1, 2019.

### Background Information:

The 2019 State of Texas Legislature passed House Bill 3167 which was signed by Governor Abbott on June 14, 2019, with an effective date of September 1, 2019.

The Act requires extensive revisions to the Subdivision Ordinance and how plats and plans are processed by staff and the Planning & Zoning Commission.

### Board Review/Citizen Input:

Notice of the proposed House Bill Ordinance amendments was published in *The Celina Record* on August 2, 2019, in compliance with State law.

### Supporting Documents:

- Proposed Ordinance

### Staff Recommendation:

Staff recommends approval.

## CITY OF CELINA, TEXAS

ORDINANCE NO. 2019-\_\_  
IMPLEMENTATION OF HOUSE BILL 3167

**AN ORDINANCE OF THE CITY OF CELINA, TEXAS SUSPENDING APPLICATION OF ORDINANCE PROVISIONS CONTAINED IN THE CITY'S SUBDIVISION ORDINANCE, AS IT NOW EXISTS OR AS IT MAY BE AMENDED, THAT CONFLICT WITH THE PROVISIONS OF HB 3167 PASSED BY THE 86<sup>TH</sup> LEGISLATURE OF THE STATE OF TEXAS AND SIGNED BY GOVERNOR GREG ABBOTT ON JUNE 14, 2019; DIRECTING CITY STAFF TO PROCESS ALL PLANS AND PLATS AS DEFINED IN HB 3167 IN ACCORDANCE WITH THE PROVISIONS OF HB 3167; PROVIDING FOR A CONFLICT/SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the 86<sup>th</sup> Legislature of the State of Texas passed HB 3167 which was signed by Governor Abbott on June 14, 2019, with an effective date of September 1, 2019 (the "Act"); and

**WHEREAS**, the Act requires extensive revisions to the Subdivision Ordinance and to the way in which the plats and plans, as defined in the Act, are processed by the staff and the Planning & Zoning Commission; and

**WHEREAS**, the City Council of the City of Celina urges the Texas Legislature to reconsider the provisions of the Act at its earliest opportunity.

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

**SECTION 1****INCORPORATION OF RECITALS**

The recitals set forth above are incorporated as if fully set forth herein.

**SECTION 2****STATE LAW ACKNOWLEDGMENT**

The City Council hereby acknowledges the provisions of the Act and suspends the application of any ordinance or process contained in the Subdivision Ordinance, as it now exists or as it may be amended, that conflict with the provisions and requirements of the Act.

**SECTION 3****DIRECTION TO STAFF FOR COMPLIANCE**

The City Council further directs the City's Planning & Zoning Commission, staff and outside consultants to process, approve, approve with conditions or deny all plats and plans, as defined in the Act, in accordance with the provisions and requirements of the Act.

**SECTION 4**

### **CONFLICT/SAVINGS CLAUSE**

In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by charter, another ordinance, resolution or authorization of the City, the provisions of this ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the City are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

### **SECTION 5** **EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its date of passage.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Celina, Texas, on this the 10<sup>th</sup> day of September 2019.

\_\_\_\_\_  
Sean Terry, Mayor  
City of Celina, Texas

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

Attachment: Proposed Ordinance (House Bill 3167 Ordinance)