NOTICE OF
CITY OF CELINA
PLANNING AND ZONING COMMISSION
CELINA COUNCIL CHAMBERS
112 N. COLORADO ST.
TUESDAY, JUNE 19, 2018
5:30 PM

AGENDA

I. CALL TO ORDER, ROLL CALL AND ANNOUNCE A QUORUM PRESENT:

II. WORKSESSION 5:30 P.M.:

III. REGULAR MEETING 6:00 P.M.:

IV. PLEDGE OF ALLEGIANCE:

V. DIRECTOR'S REPORT:

VI. 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 and Zoning Commission

1. Planning and Zoning Commission - Regular Meeting - May 15, 2018 5:30 PM

VII. PUBLIC HEARING/ACTION:

1. The Planning & Zoning Commission will conduct a public hearing to consider testimony and act upon an amendment to the City's Comprehensive Plan, Ordinance 2013-06; to amend the City's Master Thoroughfare documents and exhibits. (Thoroughfare Plan Amendment)

2. The Planning and Zoning Commission will conduct a public hearing to consider and act upon a commercial replat for Mobility Credit Union being a replat of lots 1A,1B, & 1C of the Central Business Park Addition comprising of approximately 0.517 acres situated in the John Willock, Abstract No. 975, Collin County, Texas, generally located southeast corner of Walnut Street. The plat is comprised of one commercial lot. (Mobility Credit Union Downtown Replat)

3. Consider and act upon a Construction Plat for Frontier Retail Partners for an approximately 10.36 acre tract of land situated in the Johnathan Westover Survey, Abstract No. 1030, Collin County, Texas, and generally located at the northeast corner of County Road 83 (Coit Road) and FM 1461 Frontier Parkway. (Lilyana Retail Construction Plat)

4. The Planning and Zoning Commission will conduct a Public Hearing to consider testimony and act upon an amendment to the City's Code of Ordinances, Chapter 10: Subdivision Regulations, Article 10.03, Subdivision Ordinance. (Subdivision Ordinance Amendments)

5. The Planning & Zoning Commission will conduct a public hearing to consider testimony and act upon an amendment to the City's Code of Ordinances, Chapter 3: Building Regulations, Article 3.09, Driveways and Parking Lots, to modify the requirements for parking lots for non-profit organizations and to bring certain driveway and parking lot construction standards into compliance with the adopted Engineering Design Standards. (Parking lot standards)

6. The Planning & Zoning Commission will conduct a public hearing to consider testimony and act upon a rezoning request to amend PD #46, Planned Development zoning district #46; being an approximately 368 acre tract of land situated in the Wm. Davenport Survey, Abstract No. 262 and the F.D. Gray Survey, Abstract Number 361, Collin County, Texas and the J. McKinn Survey, Abstract Number 889, the Wm. Phillips Survey, Abstract Number 1029 and the A. Thomasson Survey, Abstract Number 1265, Denton County, Texas; the property is generally located on the west and east sides of North Legacy Drive, and north of Frontier Parkway (CR 5). (Creeks of Legacy PD Amendment)

7. Consider and act upon a Final Plat for Creeks of Legacy, Phase 2A, a ±15.965 acre tract of land situated in the William Davenport Survey, Abstract No. 262 in Collin County, Texas containing 66 residential lots and three (3) common area lots. The property is generally located north of Frontier Parkway, south of Clear Creek Parkway and west of Doe Branch Boulevard. (Creeks of Legacy Phase 2A Construction Plat)

8. Consider and act upon a construction plat for Sutton Fields Phase 2A, approximately 22.782 acres situated in the Freeman Wilkerson Survey, Abstract No. 1411, the Carrol Jackson Survey, Abstract No. 1546, Thomas B. Cox Survey, Abstract No. 309, and the Jacob Rue Survey, Abstract No. 1109 in Denton County, containing 103 residential lots and two (2) common area lots, and generally located north of Parvin Road and east of FM 1385. (Sutton Fields Phase 2A Construction Plat)

9. Consider and act upon a construction plat for Sutton Fields Phase 2B, approximately 50.579 acres situated in the Freeman Wilkerson Survey, Abstract No. 1411, the Carrol Jackson Survey, Abstract No. 1546, and the Jacob Rue Survey, Abstract No. 1109 in Denton County, containing 265 residential lots and five (4) common area lots, and generally located north of Parvin Road and east of FM 1385 (Sutton Fields Phase 2B Construction Plat).

VIII. ADJOURNMENT:

City 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.

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 the 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."

Vicki Faulkner _____

Vicki Faulkner, TRMC
City Secretary, City of Celina, TX

Date Notice Removed

NOTICE OF
CITY OF CELINA
PLANNING AND ZONING COMMISSION
CELINA COUNCIL CHAMBERS
112 N. COLORADO ST.
TUESDAY, MAY 15, 2018
5:30 PM

MINUTES

I. CALL TO ORDER , ROLL CALL AND ANNOUNCE A QUORUM PRESENT:

Chairman Hangartner called the meeting to order at 5:34 P.M. and called roll. All Commissioners were present with the exception of Shawn Bain.

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	Absent	
Mitch Freeman	City of Celina	Commissioner	Present	
Charles Haley	City of Celina	Commissioner	Present	
Jace Ousley	City of Celina	Commissioner	Present	
Mike Terry	City of Celina	Commissioner	Present	

II. WORKSESSION 5:30 P.M.:

The Planning and Zoning Commission will close the Regular Meeting and convene in a Worksession to discuss upcoming issues and any and/or all agenda items.The meeting is open to the public.

III. REGULAR MEETING 6:00 P.M.:

Chairman Hangartner reconvened the Regular Meeting at 6:04 P.M>

IV. PLEDGE OF ALLEGIANCE:

Chairman Hangartner led those present in the salute to the American and Texas flags.

V. DIRECTOR'S REPORT:

1. Report of City Council Meeting

Brooks Wilson, Consultant to the City, presented the items that were passed at the May 8, 2018 City Council meeting.

2. Introduction of New Planning Staff Member, Raha Pouladi

Ms. Wilson introduced the newest member of the Planning Staff, Raha Pouladi.

VI. CONSENT AGENDA:

1. Planning and Zoning Commission - Regular Meeting - Apr 17, 2018 5:30 PM

The Minutes of the April 17, 2018 Planning and Zoning Commission Meeting were approved as written.

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Shelby Barley, Vice Chairman
SECONDER:	Jace Ousley, Commissioner
AYES:	Hangartner, Barley, Freeman, Haley, Ousley, Terry
ABSENT:	Bain

VII. PUBLIC HEARING/ACTION:

1. Consider and act upon a Construction Plat for Mustang Lakes Phase 3A and an Amended Plat of Lot 3X, Block J of Mustang Lakes Phase 2B being an approximately 108.700 acre tract of land situated in the Coleman Watson Survey, Abstract No. 946, Collin County, Texas, generally located west of FM 2478 (Custer Road) and north of FM 1461 (Frontier Parkway). The plat is comprised of 251 residential lots and thirteen (13) open space lots. (Mustang Lakes Phase 3A)

Brooks Wilson presented the case and recommended approval with the condition that any outstanding comments be addressed before being heard by the City Council on June 12, 2018.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Charles Haley, Commissioner
SECONDER:	Jace Ousley, Commissioner
AYES:	Hangartner, Barley, Freeman, Haley, Ousley, Terry
ABSENT:	Bain

2. Consider and act upon a Construction Plat for Mustang Lakes Phase 3B being an approximately 25.679 acre tract of land situated in the Coleman Watson Survey, Abstract No. 946, Collin County, Texas, generally located west of FM 2478 (Custer Road), north of FM 1461 (Frontier Parkway), south of County Road 88, and east of County Road 84. The plat is comprised of 109 residential lots, and seven (7) open space lots. (Mustang Lakes Phase 3B)

Brooks Wilson presented the case and recommended approval with the condition that any outstanding comments be addressed before being heard by the City Council on June 12, 2018.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike Terry, Commissioner
SECONDER:	Mitch Freeman, Commissioner
AYES:	Hangartner, Barley, Freeman, Haley, Ousley, Terry
ABSENT:	Bain

3. Consider and act upon a Final Plat for Buffalo Ridge Phase 2 being an approximately 29.661 acre tract of land situated in the L. M. Boyd Survey, Abstract No. 48, Collin County, Texas, generally located north of County Road 100, east of Preston Road, west of County Road 99, and south of County Road 134. The plat is comprised of 98 residential lots, and four (4) open space lots. (Buffalo Ridge Phase 2)

Brooks Wilson presented the case and recommended approval with the condition that any outstanding comments be addressed before being heard by the City Council on June 12, 2018.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Shelby Barley, Vice Chairman
SECONDER:	Charles Haley, Commissioner
AYES:	Hangartner, Barley, Freeman, Haley, Ousley, Terry
ABSENT:	Bain

4. Consider and act on a Construction Plat for Phase 1 of Greenway 63, being an approximately 35.900 acre tract of land in the I. C. Williamson Survey, Abstract No. 943, Collin County, Texas. The property is generally located east of County Road 52 west of BNSF Rail Road and north of County Road 51, south of FM 428. The plat is comprised of 130 residential lots and twenty-four (24) common area/HOA lots. (Greenway 63 Phase 1 Construction Plat)

Brooks Wilson presented the case and recommended approval with the condition that any outstanding comments be addressed before being heard by the City Council on June 12, 2018.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Charles Haley, Commissioner
SECONDER:	Shelby Barley, Vice Chairman
AYES:	Hangartner, Barley, Freeman, Haley, Ousley, Terry
ABSENT:	Bain

5. Consider and act upon a Final Plat for Creeks of Legacy West Phase 1 being an approximately 54.260 acre tract of land situated in the J McKinn Survey, Abstract No. 889, the W. Phillips Survey, Abstract No. 1029 and the A. Thomasson Survey, Abstract No. 1265, Collin County, Texas, and generally located at the northwest corner of Frontier Parkway and Legacy Drive. The plat is comprised of 188 residential lots, and nine (9) open space lots. (Creeks of Legacy West Phase 1 Final Plat)

Commissioner Terry recused himself from this item due to a possible conflict of interest.
Brooks Wilson presented the case and recommended approval with the condition that any outstanding comments be addressed before being heard by the City Council on June 12, 2018.

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Charles Haley, Commissioner
SECONDER:	Jace Ousley, Commissioner
AYES:	Hangartner, Barley, Freeman, Haley, Ousley
ABSENT:	Bain
RECUSED:	Terry

6. Consider and act upon a Final Plat for Light Farms The Sweetwater Neighborhood, being an approximately 38.40 acre tract of land situated in the John Ragsdale Survey, Abstract No. 734, Collin County, Texas, generally located north of Frontier Parkway, south of County Road 51, west of the BNSF Railroad, and east of Dallas Parkway, containing 179 residential lots, and five (5) open space lots. (Sweetwater Final Plat)

Commissioner Terry returned to the Meeting.
Brooks Wilson presented the case and recommended approval with the condition that any outstanding comments be addressed before being heard by the City Council on June 12, 2018.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Mike Terry, Commissioner
SECONDER:	Shelby Barley, Vice Chairman
AYES:	Hangartner, Barley, Freeman, Haley, Ousley, Terry
ABSENT:	Bain

7. The Planning & Zoning Commission will conduct a public hearing to consider testimony and act upon a rezoning request from an AG, Agricultural zoning district to a PD #92, Planned Development zoning district #92 with a base zoning designation of RO, Retail Office; being an approximately 4.70 acre tract of land situated in the M.E.P. and P. Ry Co. Survey, Abstract No. 653, Tract 12, Collin County, Texas; the property is generally located on the west side of Preston Road (SH 289) approximately 300 feet north of Mark Alexander Court. (GG&S)

Brooks Wilson presented the case and recommended approval.
Chairman Hangartner opened the public hearing.
Mr. Dale Bainum, 3541 Heritage Trail, Celina, Texas, asked if this situation of buildings being permitted in the county and then being annexed into the corporate limits is likely to occur frequently in the future.
Ms. Wilson responded by stating that it is possible for residents of the county to initiate legal construction through the county and subsequently become annexed into the City. It would be addressed on a case-by-case basis.
Chairman Hangartner closed the public hearing and asked for a motion.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jace Ousley, Commissioner
SECONDER:	Charles Haley, Commissioner
AYES:	Hangartner, Barley, Freeman, Haley, Ousley, Terry
ABSENT:	Bain

8. The Planning & Zoning Commission will conduct a public hearing to consider testimony and act upon an amendment to the City's Code of Ordinances, Chapter 3: Building Regulations, Article 3.09, Driveways and Parking Lots, to modify the requirements for parking lots for non-profit organizations. (Non-Profit Parking Standards) (Wilson)

Brooks Wilson presented the case and recommended approval.
Chairman Hangartner opened the public hearing. No one came forward to speak and the public hearing was closed.
Chairman Hangartner then asked if the residential driveway standards could be kept at the lower level and not increased to the proposed standard of #4 rebar, 24-inch on center each way, and 4,000 psi, which would increase the price of homes.
Kimberley Brawner, Director of Engineering, stated that the #4 rebar and the 4,000 psi were included in the Engineering Design Standards adopted by City Council in February and stated that the small difference was inconsequential in terms of cost per house.
Commissioner Terry moved to table this item to allow time for staff to conduct further research.

RESULT:	**TABLED [5 TO 1]**	**Next: 6/19/2018 5:30 PM**
MOVER:	Mike Terry, Commissioner	
SECONDER:	Mitch Freeman, Commissioner	
AYES:	Hangartner, Freeman, Haley, Ousley, Terry	
NAYS:	Barley	
ABSENT:	Bain	

VIII. ADJOURNMENT:

_____
Chairman

_____
Vicki Faulkner, TRMC
City Secretary, City of Celina, Texas

_____
Date Minutes Approved

Development Services
City of Celina, Texas

Memorandum

To:	**Celina Planning and Zoning Commission**
From:	Ben Rodriguez, Planning Manager
CC:	Alexis Jackson, Director of Development Services
Date:	June 19, 2018
Re:	Thoroughfare Plan Amendment

Action Requested:
The Planning & Zoning Commission will conduct a public hearing to consider testimony and act upon an amendment to the City's Comprehensive Plan, Ordinance 2013-06; to amend the City's Master Thoroughfare documents and exhibits. (Thoroughfare Plan Amendment)

Background Information:
The City of Celina is lacking east/west connectivity north of the Outer Loop. City staff has reviewed the existing Thoroughfare Plan and has determined that modification is necessary to provide the east/west connectivity. Staff proposes the following changes:

1. Upgrade J Fred Smith Parkway to a six-lane roadway the entire length. For those sections that are already constructed, no immediate change will occur. However, future developers will be required to dedicate the necessary expanded right-of-way. This change will also require the modification of the proposed alignment of J Fred Smith Parkway east of Roseland Parkway. The proposed alignment will continue from Roseland Parkway to the east and provide a direct connection to the FM 455 alignment along the existing property lines. J Fred Smith Parkway will follow the existing alignment of FM 455 from County Road 128 to Custer Road (FM 2478). The total length of J Fred Smith Parkway will be approximately seven (7) miles long.

2. Modify Lynn Stambaugh Parkway (CR 94) from a six-lane divided roadway to a four-lane divided roadway from Preston Road to Coit Road and terminate Lynn Stambaugh Parkway at Roseland Parkway. The new alignment will swing to the south along property lines and bisect the distance between Ousley Boulevard and J. Fred Smith Parkway. In addition, the City proposes to create a new intersection at Lynn Stambaugh Parkway and Malone Road at Preston Road. The existing intersections of Lynn Stambaugh and Malone Road at Preston Road (SH 289) are approximately 500 feet apart. Due to the current spacing, signalization of these intersections in the future would be extremely difficult. Since Malone will serve as an entry point into the downtown, signalization would be beneficial for access into and out of downtown. The City will work with property owners and/or developers to determine if it is more beneficial to move Malone to the north or Stambaugh to the south. With the proposed realignment, this proposed roadway segment will be approximately 2.5 miles long.

3. Provide a connection of Glendenning Parkway to Choate Parkway between Preston Road and Coit Road. Currently, the City's Thoroughfare Plan has Glendenning Parkway terminating at Coit Road. Choate Parkway begins at the Outer Loop and continues east to Custer Road (FM 2478). The connection of these two roadways at the Outer Loop provides another continuous east/west roadway for Celina residents. This realignment would

require creating an additional roadway to connect Glendenning Parkway to Coit which would be designated as a four-lane to six-lane divided roadway to match Glendenning and Choate. The City of Celina has met with Collin County about a possible grade separation at the Outer Loop/Glendenning/Choate intersection and this modification is being studied.

4. Modify Glendenning Parkway from a four lane divided roadway with 90 to 100 feet of ROW to a four to six lane divided roadway with 100 feet of right-of-way from Preston Road to FM 1385.

5. Extend Punk Carter Parkway to Custer Road as a four-lane divided roadway east of Coit Road. Currently Punk Carter Parkway extends from FM 1385 to Preston Road as a six-lane divided roadway. Punk Carter Parkway is reduced to a two-lane collector roadway at Preston Road (SH 289) and then continues through Carter Ranch, Bluewood, and Mustang Lakes subdivisions where it terminates at Roseland Parkway. By extending Punk Carter Parkway to Custer Road (FM 2478), another continuous east/west roadway has been created. Residents who live in Parks of Wilson Creek, Bluewood, and Carter Ranch will have direct access Custer Road without needing to go south to Ownsby Parkway or north to Choate Parkway.

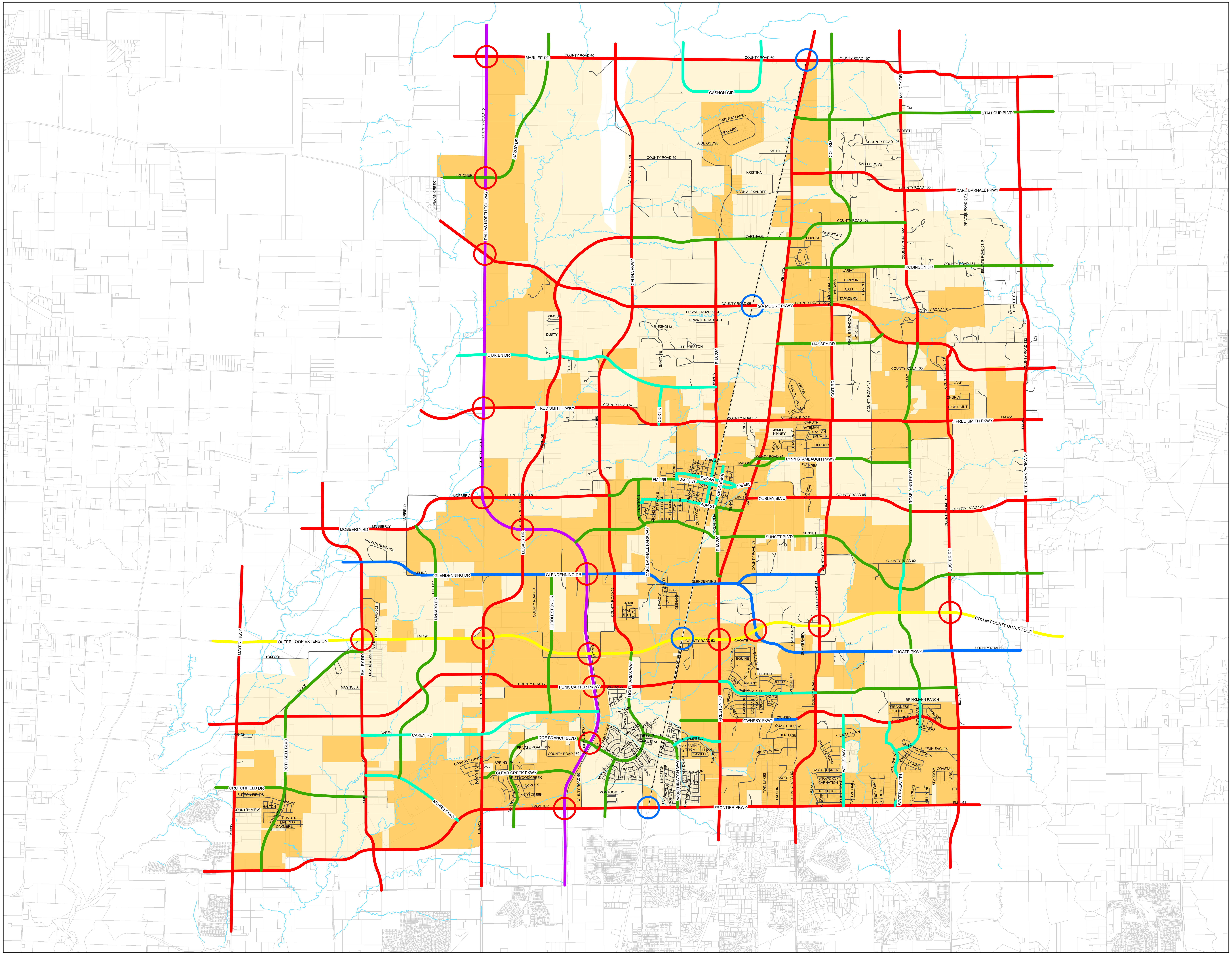
The proposed realignments serve the City for the long term growth; however, the City of Celina does not have any immediate plans to construct these roadways. Development in the areas will generate the need for the new roadways. If the existing properties chose to redevelop, the new requirements would be enforced. For those land owners who are currently utilizing their property, no change will be initiated by the City.

Legal Review:
N/A

Supporting Documents:

- Proposed Thoroughfare Plan Amendment

Staff Recommendation:
Staff recommends approval as presented.



THOROUGHFARE PLAN DRAFT

Legend

Thoroughfare Crossing

- Grade Seperated Crossings
- RR Grade Seperated Crossings

Thoroughfare Plan

- 2LC 60' - 80' ROW***
- 4/6LD 100' ROW*
- 4LD 90' - 100' ROW*
- 6LD 120' ROW*
- Freeway/Tollway 400' ROW
- Outer Loop 500' ROW
- Streams
- Roads
- Railroad
- Celina City Limits
- Celina ETJ Limits
- Parcels

NOTES:

*** MAJOR ARTERIAL: 140' OR 160' ROW AT INTERSECTIONS**

**** MINOR ARTERIAL: 110' OR 120' ROW AT INTERSECTIONS**

***** MINOR COLLECTORS: TIA REQUIRED TO DETERMINE LOCATION AND CAPACITY**

COLLECTORS NOT SHOWN FOR CLARITY. LOCATION OF COLLECTORS TO BE DETERMINED BY CITY ORDINANCES

N W E S

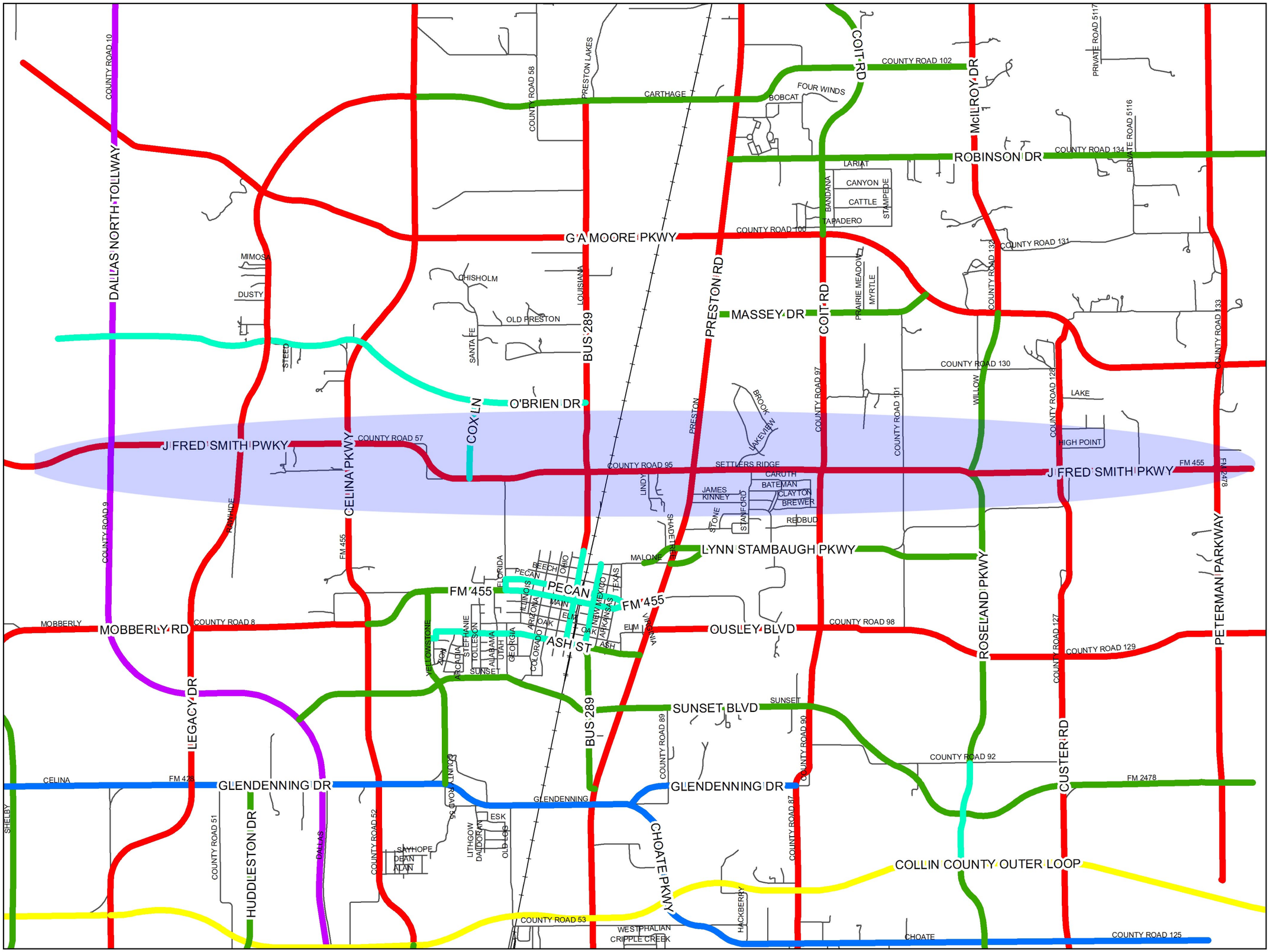
0 1 2 Miles

Date: 6/4/2018

CELINA TEXAS EST. 1876

Attachment: Final 06.12.18 (Thoroughfare Plan Amendment)

J Fred Smith Pkwy



Legend

Draft_TP

Thoroughfare Plan

- 2LC 60' - 80' ROW***
- 4/6LD 100' ROW*
- 4LD 90' - 100' ROW*
- 6LD 120' ROW*
- Freeway/Tollway 400' ROW
- Outer Loop 500' ROW
- Roads
- Railroad

N W E S

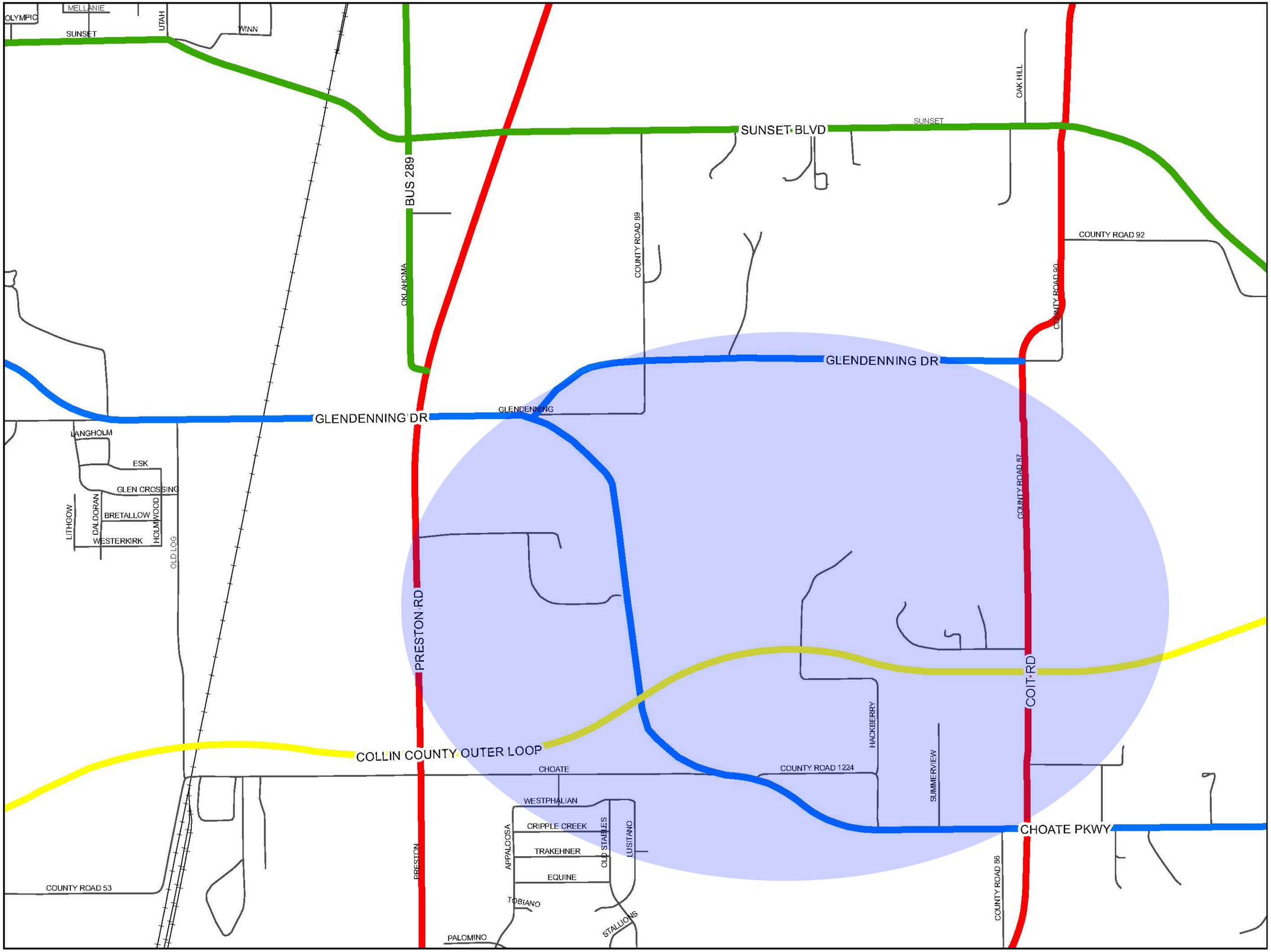
0 0.5 1 Mile

Date: 6/15/2018

CELINA TEXAS

Attachment: Proposed Changes (Thoroughfare Plan Amendment)

Glendenning Pkwy Choate Pkwy Connection



Legend

Draft_TP

Thoroughfare Plan

- 2LC 60' - 80' ROW***
- 4/6LD 100' ROW*
- 4LD 90' - 100' ROW*
- 6LD 120' ROW*
- Freeway/Tollway 400' ROW
- Outer Loop 500' ROW
- Roads
- Railroad

N W E S

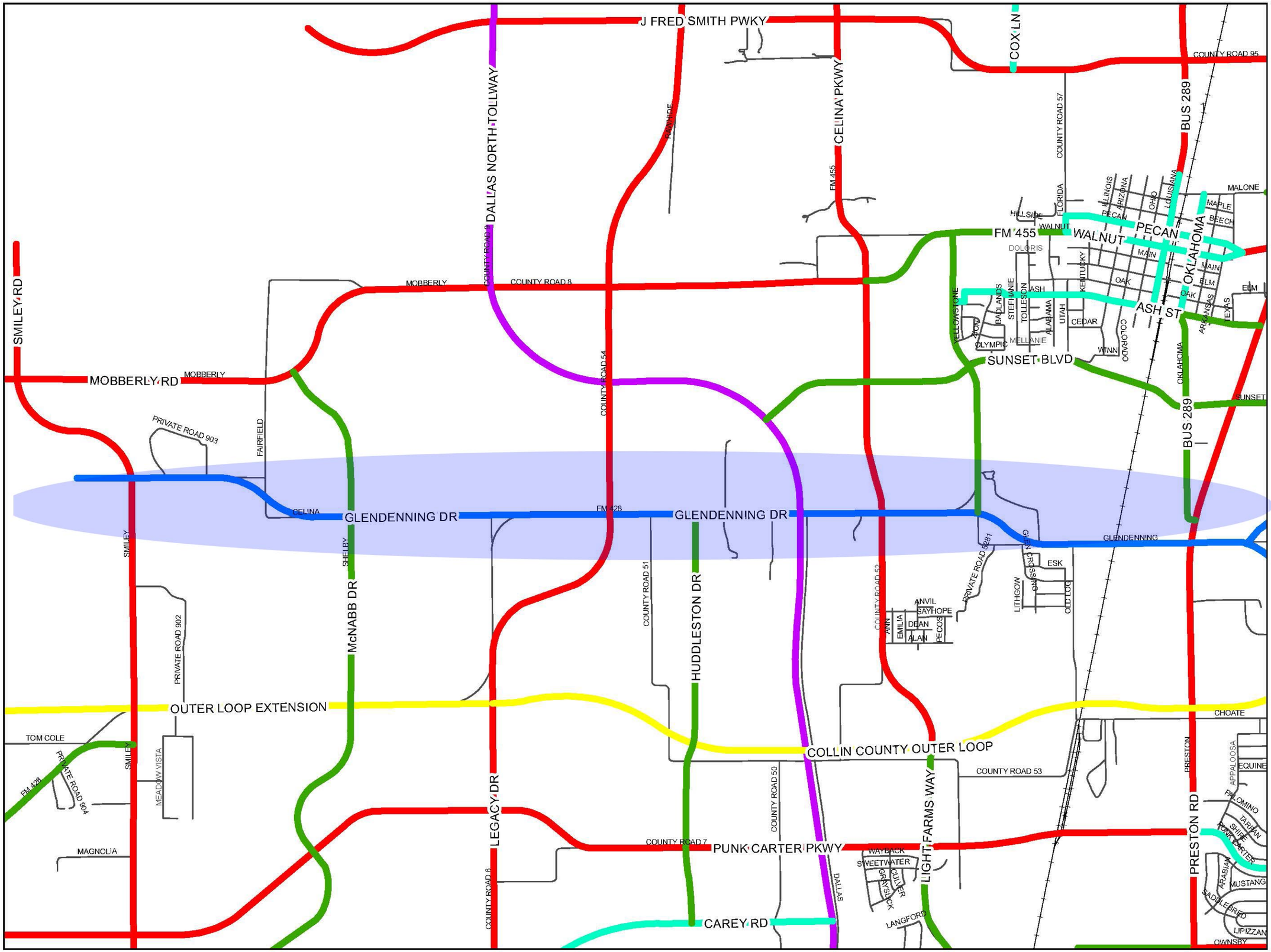
0 0.15 0.3 Miles

Date: 6/15/2018

CELINA TEXAS

Attachment: Proposed Changes (Thoroughfare Plan Amendment)

Glendenning Pkwy



Legend

Draft_TP

Thoroughfare Plan

- 2LC 60' - 80' ROW***
- 4/6LD 100' ROW*
- 4LD 90' - 100' ROW*
- 6LD 120' ROW*
- Freeway/Tollway 400' ROW
- Outer Loop 500' ROW
- Roads
- Railroad

N W E S

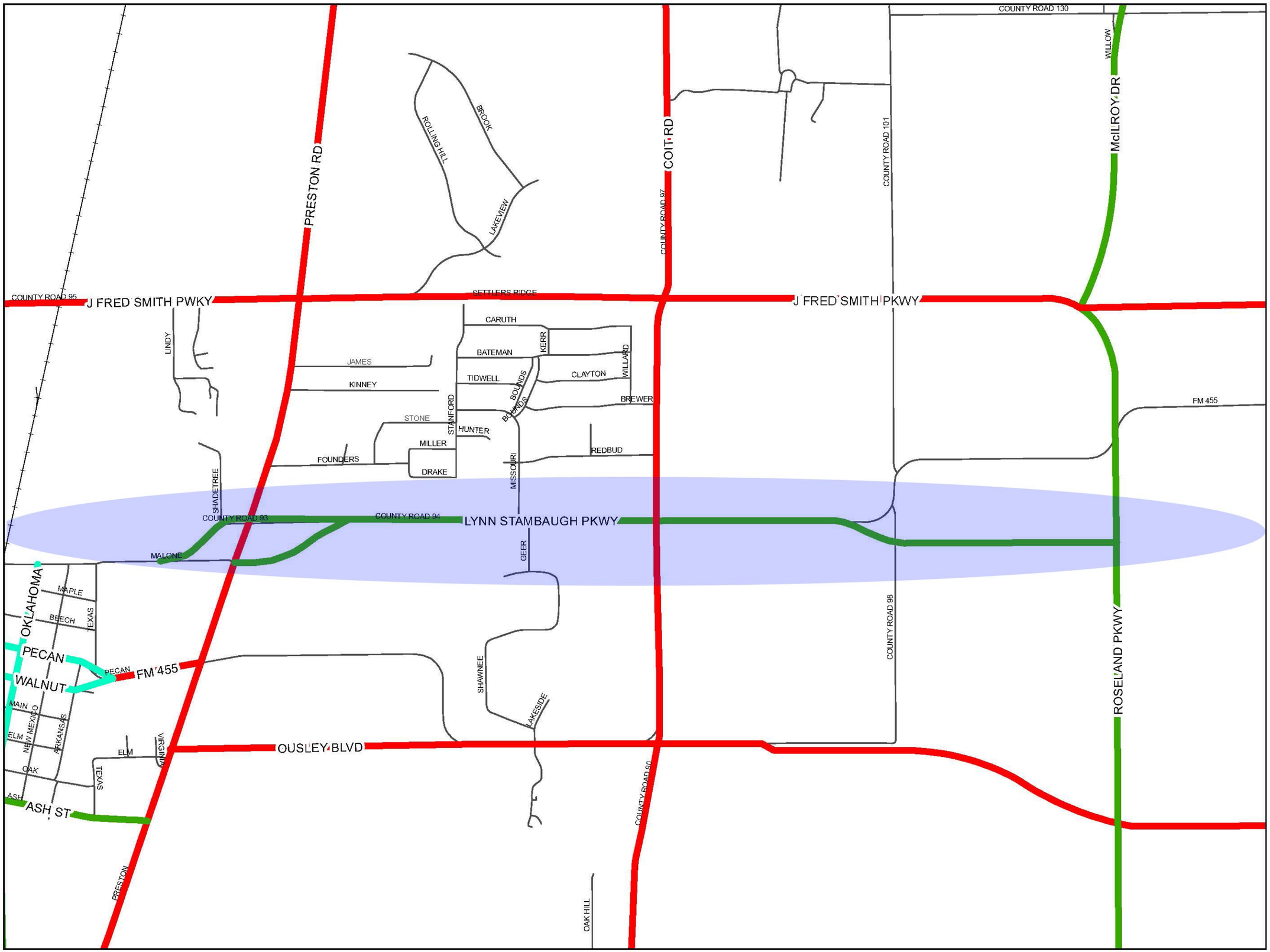
0 0.35 0.7 Mile

Date: 6/15/2018

CELINA

Attachment: Proposed Changes (Thoroughfare Plan Amendment)

Lynn Stambaugh Pkwy



Legend

Draft_TP

Thoroughfare Plan

- 2LC 60' - 80' ROW***
- 4/6LD 100' ROW*
- 4LD 90' - 100' ROW*
- 6LD 120' ROW*
- Freeway/Tollway 400' ROW
- Outer Loop 500' ROW
- Roads
- Railroad

N W E S

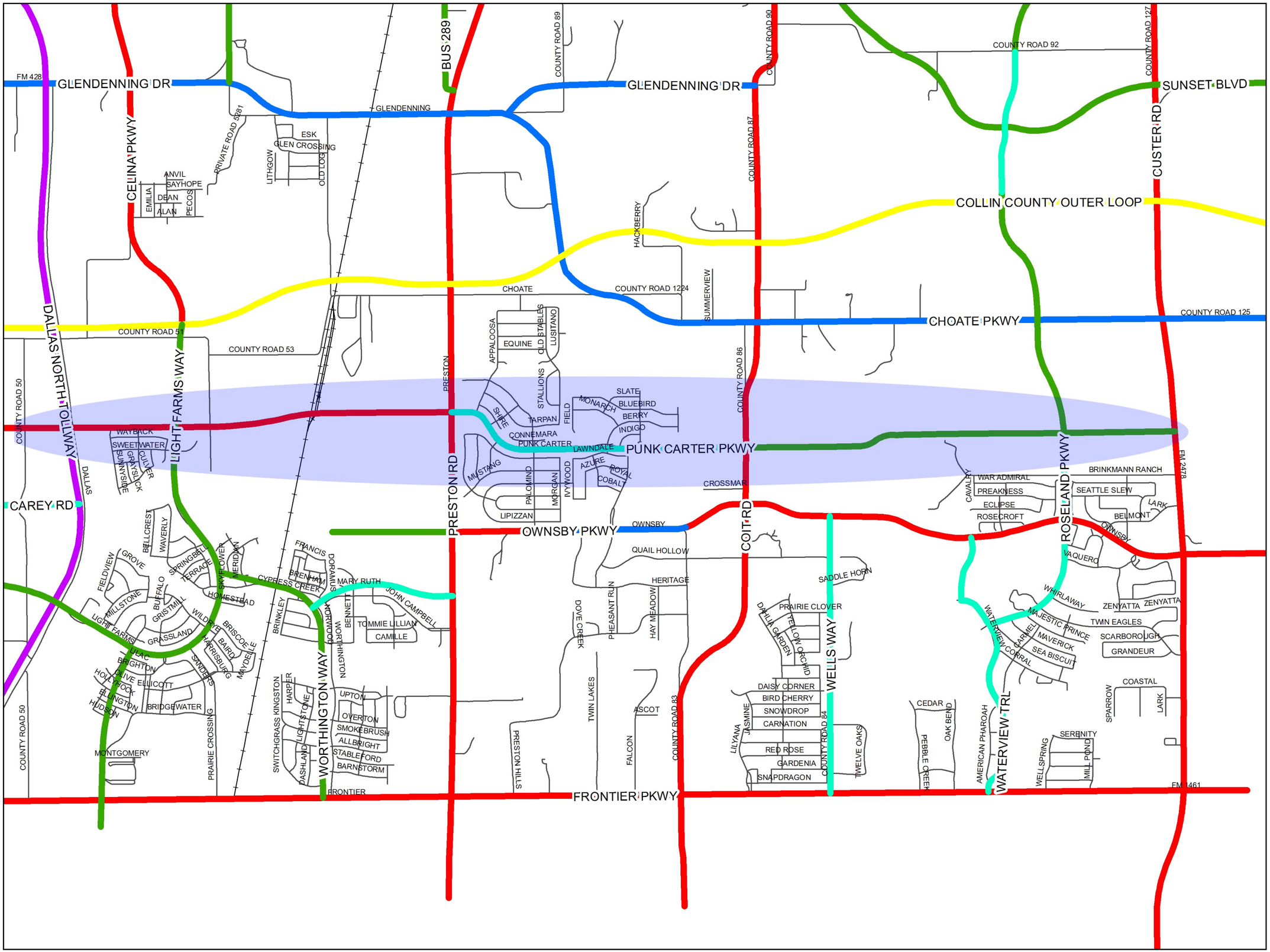
0 0.175 0.35 Mile

Date: 6/15/2018

CELINA TEXAS

Attachment: Proposed Changes (Thoroughfare Plan Amendment)

Punk Carter



Legend

Draft_TP

Thoroughfare Plan

- 2LC 60' - 80' ROW***
- 4/6LD 100' ROW*
- 4LD 90' - 100' ROW*
- 6LD 120' ROW*
- Freeway/Tollway 400' ROW
- Outer Loop 500' ROW
- Roads
- Railroad

N
W E
S

0 0.325 0.65 Miles

Date: 6/15/2018

Attachment: Proposed Changes (Thoroughfare Plan Amendment)

Development Services
City of Celina, Texas

Memorandum

To:	**Celina Planning and Zoning Commission**
From:	Raha Pouladi, Planner
CC:	Alexis Jackson, Director of Development Services
Date:	June 19, 2018
Re:	Mobility Credit Union Downtown Replat

Action Requested:
The Planning and Zoning Commission will conduct a public hearing to consider and act upon a commercial replat for Mobility Credit Union being a replat of lots 1A,1B, & 1C of the Central Business Park Addition comprising of approximately 0.517 acres situated in the John Willock, Abstract No. 975, Collin County, Texas, generally located southeast corner of Walnut Street. The plat is comprised of one commercial lot. (Mobility Credit Union Downtown Replat)

Owner:
Mobility Credit Union
8384 N. Belt Line Road
Irving, TX 75063

Background Information:
Staff has reviewed the proposed Replat for Mobility Downtown and determined that the outstanding comments are minor in nature and can be addressed prior to the City Council meeting on July 10, 2018.

Board Review/Citizen Input:
Commercial replats require a public hearing, although no public noticing is required.

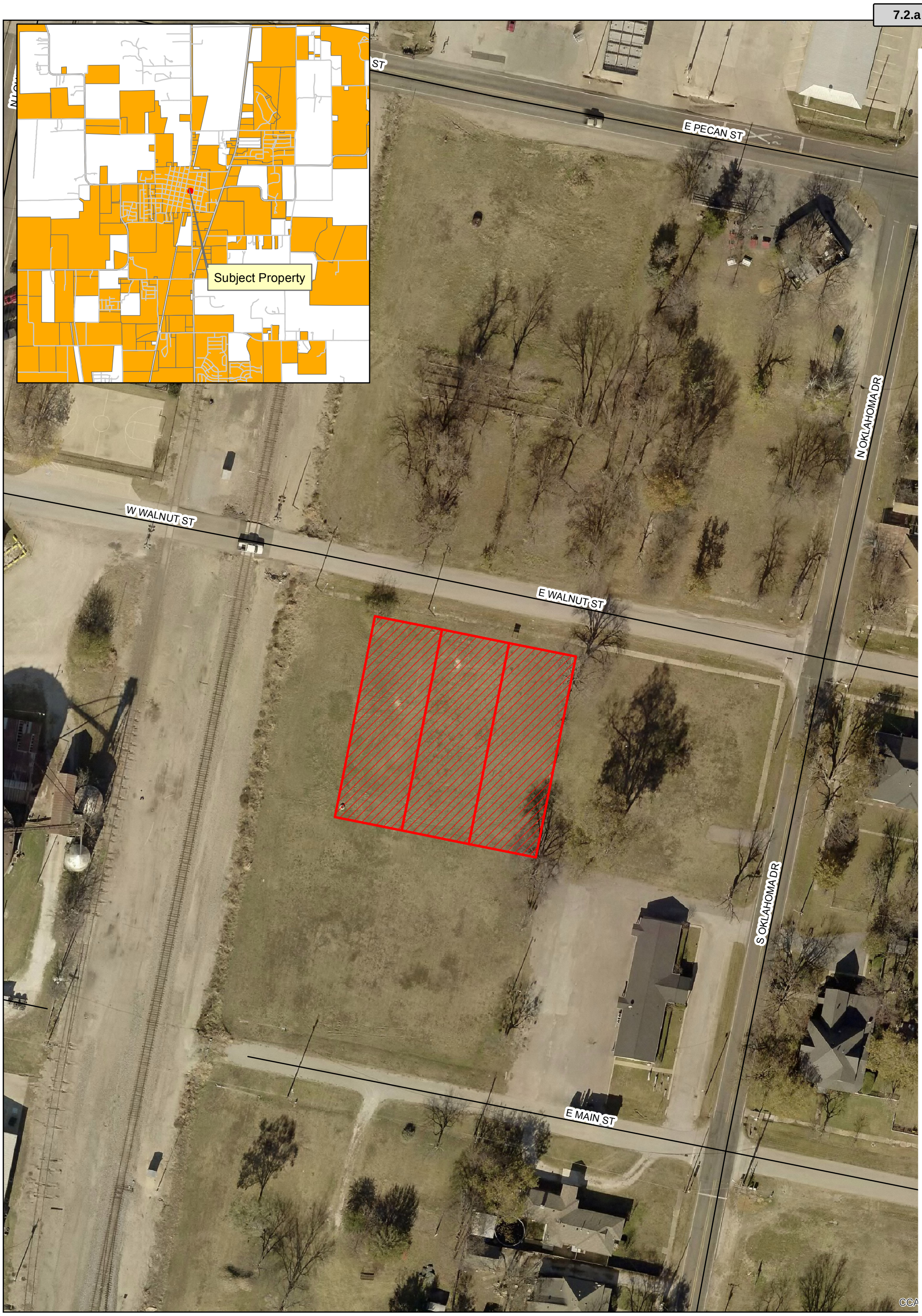
Alternatives:
N/A

Financial Considerations:
N/A

Legal Review:
N/A

Supporting Documents:
- Location Map
- Proposed Replat

Staff Recommendation:
Staff recommends approval on the condition that all remaining comments have been addressed prior to the City Council meeting on July 10, 2018.



CELINA TEXAS EST. 1876

Mobility Credit Union Replat

Date: 6/14/2018

Legend

Roads

Vilbig Walnut St

N W E S

0 45 90 Feet

Attachment: MobilityCreditUnion_Replat_LocationMap (Mobility Credit Union Downtown Replat)

NORTH

0 20 40

LEGEND

C.M. – CONTROLLING MONUMENT
IRF – IRON ROD FOUND
CIRS – 1/2" IRON ROD SET WITH CAPPED "4613"
CIRF – 1/2" IRON ROD FOUND WITH CAPPED "4613"

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS Mobility Credit Union is the Owner of a tract of land situated in the John Willock Survey, Abstract No. 975, City of Celina, Collin County, Texas and being all of a tract conveyed to Mobility Credit Union as recorded in Instrument No. 20180103000012280, Deed Records of Collin County, Texas, and also being Lots 1A, 1B, and 1C of Block 45, Wilcox Addition, an Addition to the City of Celina, Collin County, Texas according to the the Plat thereof recorded in Volume G, Page 459 of the Plat Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for corner at the intersection of the South Right–Of–Way line of Walnut Street (a 60' ROW) and the East Right–Of–Way line of the St. Louis, San Francisco, and Texas Railroad, said iron rod being the Northwest corner of said Lot 1A;

THENCE S 78°40'01" E following the South ROW line of said Walnut Street a distance of 150.00' to a 1/2" iron rod found for corner;

THENCE S 11°19'59" W a distance of 150.00' to a 1/2" iron rod found for corner;

THENCE N 78°40'01" W a distance of 150.00' to 1/2" iron rod with a yellow plastic cap stamped "4613", set for corner in the East ROW of said railroad;

THENCE N 11°19'59" E following the East ROW line of said railroad a distance of 150.00' to the POINT OF BEGINNING and containing 22,500 Square Feet or 0.517 Acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Mobility Credit Union acting herein, does hereby adopt this plat designating the herein above described property as **CENTRAL BUSINESS PARK, LOT 1A–R, BLOCK 45**, being a Replat of Lots 1, 2, and 3, Block 45 of the Central Business Park, an addition to the City of Celina, Texas, and does hereby dedicate, in fee simple to the public use forever, the streets, rights–of–way, and there public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. 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 placed on landscape easements, if approved by the City Council of the City of Celina. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Celina's use thereof. The City of Celina and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Celina and public utility entities shall at all times have the full right ingress and egress to or from their respective easements for the purpose of constructing, constructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Celina, Texas.

WITNESS, my hand this the ____ day of _____ ,2018.

BY: _____
, CEO
MOBILITY CREDIT UNION

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared _____, CEO, MOBILITY CREDIT UNION known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my and seal of office, this ____ day of _____, 2018.

Notary Public in and for the State of Texas

My Commission Expires On:

KNOW ALL MEN BY THESE PRESENTS:

That I, David J. Surdukan, do hereby certify that I prepared this plat from an actual accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Celina.

_____
DAVID J. SURDUKAN
R.P.L.S. NO. 4613

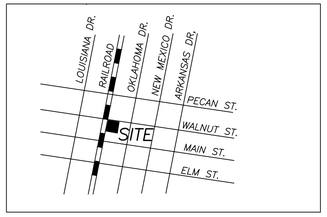
STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a notary public in and for the State of Texas, on this day personally appeared David J. Surdukan, Registered Professional Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same for the purpose and considerations therein expressed.

Given under my seal of office, this ____ day of _____, 2018.

_____
Notary Public in and for the State of Texas

_____
My Commission Expires On:



LOCATION MAP
NOT TO SCALE

PURPOSE OF THIS PLAT:

The purpose of the plat is to replat this remaining portion of Lot 10 into 1 Lot.

FLOOD NOTE:

This tract does falls within Zone X (unshaded) according to the Flood Insurance Rate Map, Panel No. 48085c0110J, revised June 2, 2009 as published by the Federal Emergency Management Agency.

STANDARD NOTES:

1) Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law, and is subject to fines and withholding of utilities and building permits.

RECOMMENDED BY: PLANNING AND ZONING COMMISSION CITY OF CELINA, TEXAS

_____ _____
SIGNATURE OF CHAIRPERSON DATE OF RECOMMENDATION

APPROVED BY: CITY COUNCIL CITY OF CELINA, TEXAS

_____ _____
SIGNATURE OF MAYOR DATE OF APPROVAL

ATTEST:

_____ _____
CITY SECRETARY DATE

REPLAT
CENTRAL BUSINESS PARK
LOT 1A–R, BLOCK 45
BEING REPLAT OF PART OF LOTS 1A, 1B, & 1C, BLOCK 45 OF THE CENTRAL BUSINESS PARK
BEING 0.517 ACRES OUT OF THE JOHN WILLOCK SURVEY
ABSTRACT NO. 975
CITY OF CELINA
COLLIN COUNTY, TEXAS

OWNER
MOBILITY CREDIT UNION
8384 N. BELT LINE ROAD
IRVING, TEXAS 75063–6006

SURVEYOR
SURDUKAN SURVEYING, INC.
P.O. BOX 126
ANNA, TEXAS 75409
(972) 924–8200

CITY OF CELINA CASE NO. _____

SCALE 1" = 20' DATE: JANUARY 6, 2018 JOB No. 2018–05

Attachment: Mobility Credit Union Replat (Mobility Credit Union Downtown Replat)

Development Services
City of Celina, Texas

Memorandum

To:	**Celina Planning and Zoning Commission**
From:	Raha Pouladi, Planner
CC:	Alexis Jackson, Director of Development Services
Date:	June 19, 2018
Re:	Frontier Retail Construction Plat (Lilyana)

Action Requested:
Consider and act upon a Construction Plat for Frontier Retail Partners for an approximately 10.36 acre tract of land situated in the Johnathan Westover Survey, Abstract No. 1030, Collin County, Texas, and generally located at the northeast corner of County Road 83 (Coit Road) and FM 1461 Frontier Parkway. (Lilyana Retail Construction Plat)

Owner:
Frontier Retail Partners
1201 N. Riverfront Boulevard
Dallas, TX 75207

Background Information:
Frontier Retail Partners is proposing to develop the northeast corner of Coit Road and Frontier Parkway into a mixed use retail/commercial center. The approximately 10.36 acre tract will be developed in phases, with a daycare center being developed in the first phase

The retail development will follow the standards set in PD-58 (Wells South/Lilyana), as adopted on December 7, 2015, and as amended. The PD standards call for an earthen berm along Frontier Parkway and masonry screening walls to be constructed between the retail development and the future residential development within the Lilyana community.

Board Review/Citizen Input:
N/A

Alternatives:
N/A

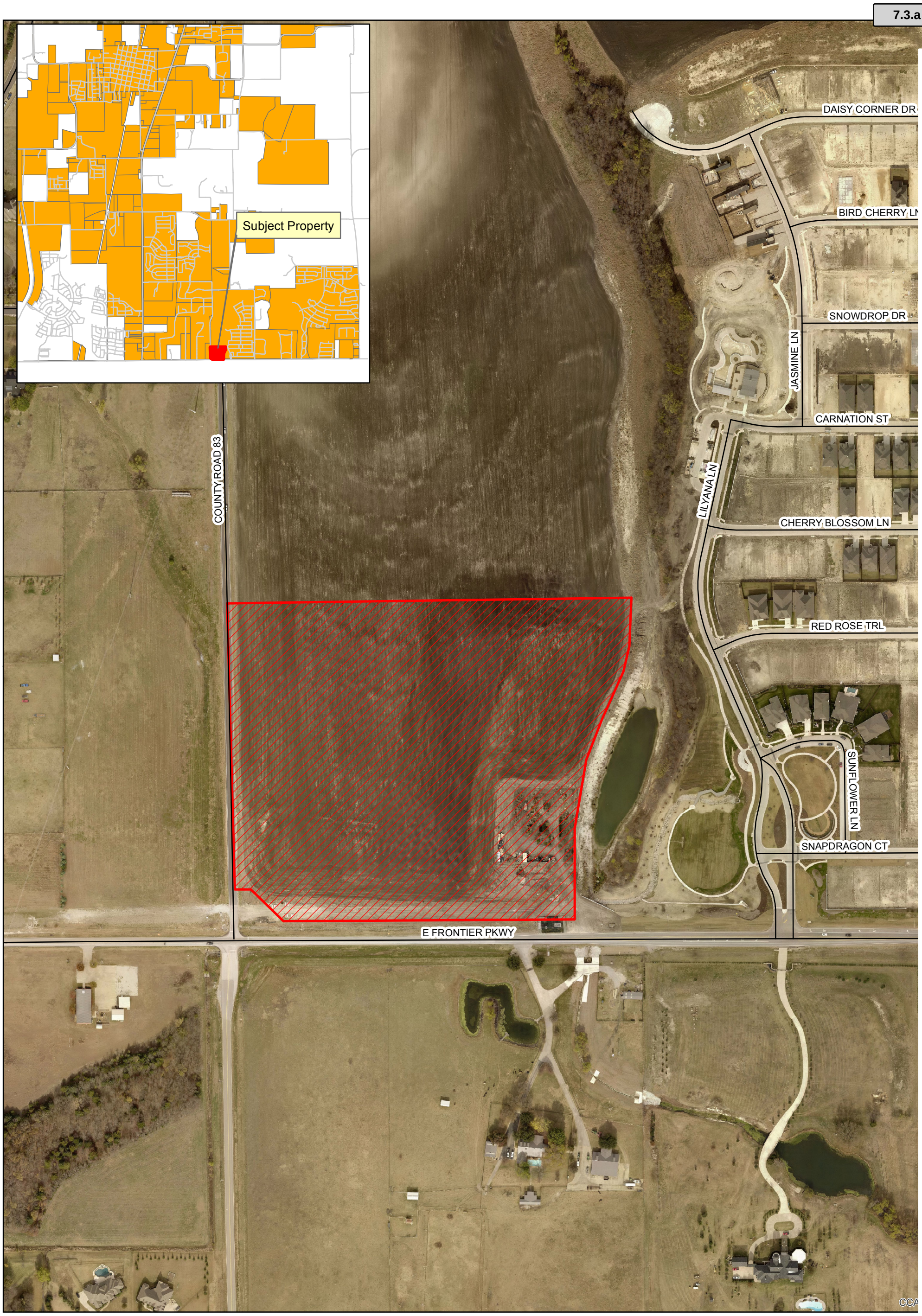
Financial Considerations:
N/A

Legal Review:
N/A

Supporting Documents:

- Location Map
- Proposed Construction Plat

Staff Recommendation:
Staff recommends approval.



CELINA TEXAS EST. 1876

Frontier Retail CP

Date: 6/14/2018

Legend

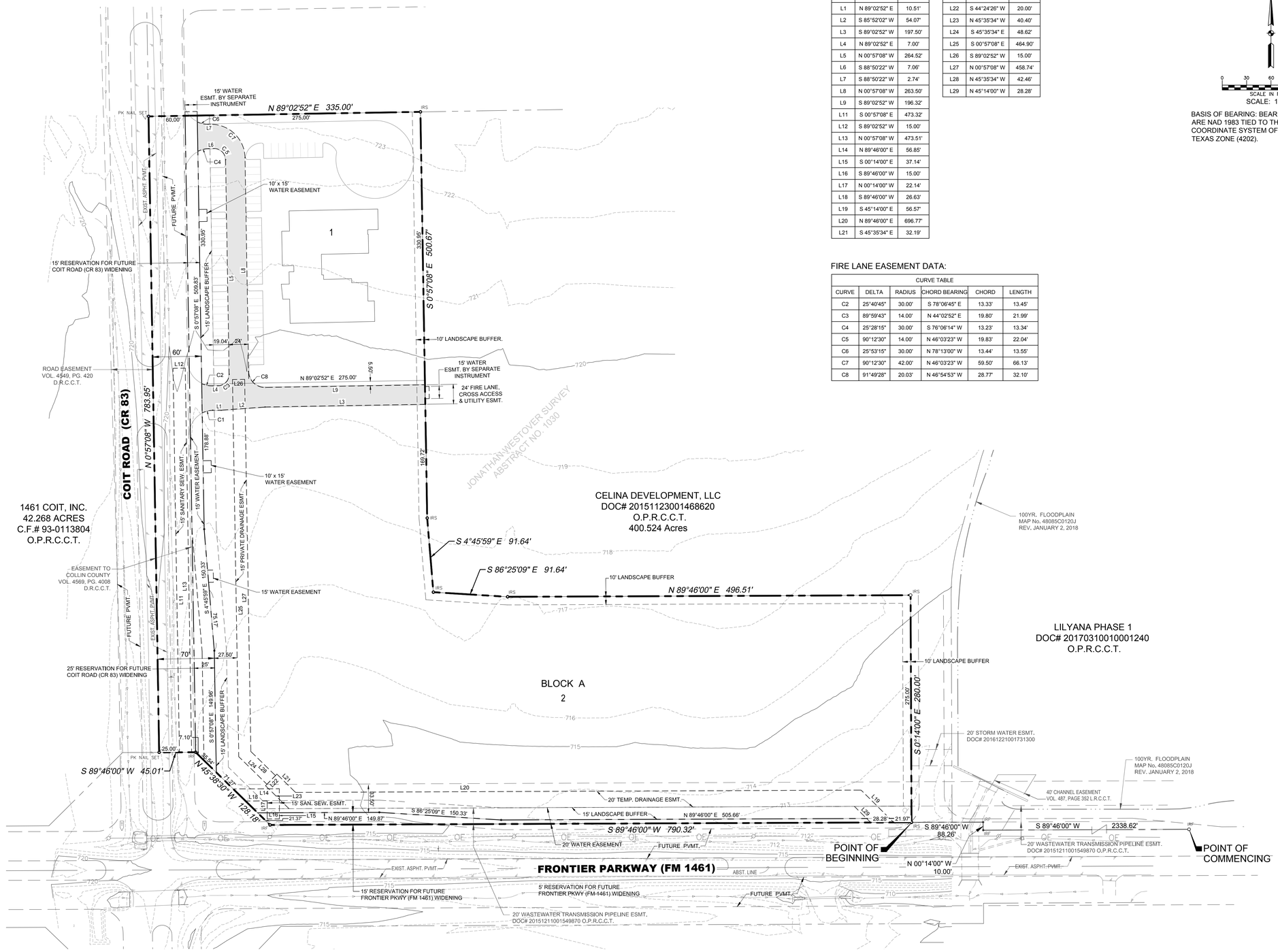
Roads

Frontier Retail

N
W E
S

0 180 360 Feet

Attachment: FrontierRetailCP_LocationMap (Frontier Retail Construction Plat (Lilyana))



FIRE LANE EASEMENT DATA:

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 89°02'52" E	10.51'
L2	S 85°52'02" W	54.07'
L3	S 89°02'52" W	197.50'
L4	N 89°02'52" E	7.00'
L5	N 00°57'08" W	264.52'
L6	S 88°50'22" W	7.06'
L7	S 88°50'22" W	2.74'
L8	N 00°57'08" W	263.50'
L9	S 89°02'52" W	196.32'
L11	S 00°57'08" E	473.32'
L12	S 89°02'52" W	15.00'
L13	N 00°57'08" W	473.51'
L14	N 89°46'00" E	56.85'
L15	S 00°14'00" E	37.14'
L16	S 89°46'00" W	15.00'
L17	N 00°14'00" W	22.14'
L18	S 89°46'00" W	26.63'
L19	S 45°14'00" E	56.57'
L20	N 89°46'00" E	696.77'
L21	S 45°35'34" E	32.19'

LINE TABLE		
LINE	BEARING	LENGTH
L22	S 44°24'26" W	20.00'
L23	N 45°35'34" W	40.40'
L24	S 45°35'34" E	48.62'
L25	S 00°57'08" E	464.90'
L26	S 89°02'52" W	15.00'
L27	N 00°57'08" W	458.74'
L28	N 45°35'34" W	42.46'
L29	N 45°14'00" W	28.28'

FIRE LANE EASEMENT DATA:

CURVE TABLE					
CURVE	DELTA	RADIUS	CHORD BEARING	CHORD	LENGTH
C2	25°40'45"	30.00'	S 78°06'45" E	13.33'	13.45'
C3	89°59'43"	14.00'	N 44°02'52" E	19.80'	21.99'
C4	25°28'15"	30.00'	S 76°06'14" W	13.23'	13.34'
C5	90°12'30"	14.00'	N 46°03'23" W	19.83'	22.04'
C6	25°53'15"	30.00'	N 78°13'00" W	13.44'	13.55'
C7	90°12'30"	42.00'	N 46°03'23" W	59.50'	66.13'
C8	91°49'28"	20.03'	N 46°54'53" W	28.77'	32.10'

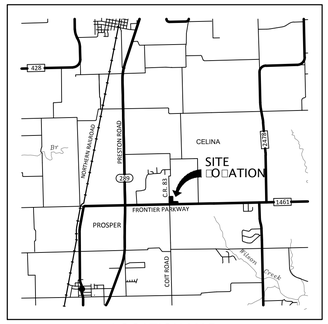
N

0 30 60 90 120

SCALE IN FEET

SCALE: 1"=60'

BASIS OF BEARING: BEARINGS SHOWN HEREON ARE NAD 1983 TIED TO THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL TEXAS ZONE (4202).



LOCATION MAP
(NOT TO SCALE)

LEGEND

- IRF — IRON ROD FOUND
- IRS — IRON ROD SET
- UE — UTILITY EASEMENT
- B.L. — BUILDING LINE
- O.P.R.C.C.T. — OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TX
- P.R.C.C.T. — PLAT RECORDS, COLLIN COUNTY, TEXAS
- FIRE LANE EASEMENT
- EXIST. OVERHEAD ELECTRIC LINE

LOT AREA

LOT 1	2.089 AC
LOT 2	7.007 AC
TOTAL:	9.096 AC

NOTE:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. THIS TRACT OF LAND LIES WITHIN ZONE "X" UNSHADED (AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN) AND ZONE "AE" (BASE FLOOD ELEVATIONS DETERMINED) ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP No. 48085C0120J OF COLLIN COUNTY, TEXAS WITH AN EFFECTIVE DATE OF JANUARY 2, 2018.

CONSTRUCTION PLAT

FRONTIER RETAIL

LOTS 1 & 2, BLOCK A
A 10.372 ACRE TRACT OF LAND
SITUATED IN THE
JONATHAN WESTOVER SURVEY, ABST No. 1030
COLLIN COUNTY, TEXAS
MAY, 2018

FRONTIER RETAIL PARTNERS, LP
1201 N. RIVERFRONT BLVD., Dallas, Texas 75207
Phone (214) 526-6564 Fax (214) 692-6655

PREPARED BY:
HUITT-ZOLLARS
Huitt-Zollars, Inc. Dallas
1717 McKinney Avenue, Suite 1400, Dallas, TX 75202
Phone (214) 871-3311 Fax (214) 871-0757

1/2

PROJECT NUMBER: R307045.01

Attachment: Revised Construction Plat (Frontier Retail Construction Plat (Lilyana))
I:\proj\R307045.01 - Lilyana Retail Tract - City of Celina\10 CADD & BIM\01_CONSTRUCTION DRAWINGS\04_PLAT\PRELIMINARY\LILYANA_CONST PLAT.dwg 6/6/2018 10:45 AM

LAND DESCRIPTION

Being a tract of land situated in the Johnathan Westover Survey, Abstract No. 1030, Collin County, Texas, and being a portion of a tract of land described in instrument to Celina Development, LLC as recorded under Document No. 20151123001468620 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a “PK” nail found at the southeast corner of said Celina Development tract, and the intersection of the north line of F.M. 1461/Frontier Parkway (a 90 foot wide right of way) as described to the State of Texas in Volume 484, Page 275 of the Land Records of Collin County Texas(L.R.C.C.T.), and the west line of a 40 foot wide right of way dedication for County Road No.84 as shown on the final plat of Twelve Oaks, an addition to the City of Celina, Texas, as recorded in Cabinet N, Slide 755 of the Plat Records of Collin County(P.R.C.C.T.), from which the southeast corner of said Jonathan Westover Survey bears South 00 degrees 07 minutes 47 seconds East, a distance of 45.00 feet;

THENCE, South 89 degrees 46 minutes 00 seconds West, along the south line of said Celina Development tract, and along the north right of way line of said F.M. 1461/Frontier Parkway, a distance of 2,338.62 feet to a 5/8 inch iron rod found with plastic cap stamped "KHA";

THENCE, North 00 degrees 14 minutes 00 seconds West, continuing along the south line of said Celina Development tract, and along the north right of way line of said F.M. 1461/Frontier Parkway, a distance of 10.00 feet to a 5/8 inch iron rod found with plastic cap stamped "KHA ";

THENCE, South 89 degrees 46 minutes 00 seconds West, continuing along the south line of said Celina Development tract, and along the north right of way line of said F.M. 1461/Frontier Parkway, a distance of 88.26 feet to a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars" at the POINT OF BEGINNING;

THENCE, along the south line of said Celina Development tract, and along the north right of way line of said F.M. 1461/Frontier Parkway the following;

South 89 degrees 46 minutes 00 seconds West a distance of 790.32 feet to a 5/8 inch iron rod found with plastic cap stamped "KHA";

North 45 degrees 38 minutes 30 seconds West a distance of 128.18 feet to a 5/8 inch iron rod found with plastic cap stamped "KHA";

South 89 degrees 46 minutes 00 seconds West a distance of 45.01 feet to a PK Nail set in the approximate centerline of CR 83, said point being on the easterly line of a variable width Road Easement as recorded in Volume 4549, Page 420 of the Deed Records, Collin County, Texas (D.R.C.C.T.);

THENCE, along the easterly line of said Road Easement and the approximate centerline of said CR 83, North 00 degrees 57 minutes 08 seconds West a distance of 783.95 feet to a PK Nail set in the approximate centerline of said CR 83;

THENCE, departing the easterly line of said Road Easement and the approximate centerline of said CR 83, North 89 degrees 02 minutes 52 seconds East a distance of 335.00 feet to a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars";

THENCE, South 00 degrees 57 minutes 08 seconds East a distance of 500.67 feet to a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars";

THENCE, South 04 degrees 45 minutes 59 seconds East a distance of 91.64 feet to a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars";

THENCE, South 86 degrees 25 minutes 09 seconds East a distance of 91.64 feet to a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars";

THENCE, North 89 degrees 46 minutes 00 seconds East a distance of 496.51 feet to a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars";

THENCE, South 00 degrees 14 minutes 00 seconds East a distance of 280.00 feet to the POINT OF BEGINNING and containing 451, 782 Square Feet or 10.372 Acres of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That FRONTIER RETAIL PARTNERS, LP, acting herein by and through its duly authorized officer, does hereby adopt this plat designating the herein above described property as **FRONTIER RETAIL** addition an addition to the City of Celina, Texas, and does hereby dedicate, in fee simple to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. 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 placed on landscape easements, if approved by the City Council of the City of Celina. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Celina's use thereof. The City of Celina and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Celina and public utility entities shall at all times have the full right ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Celina, Texas,

WITNESS, my hand, this the ..... day of ..... , 2018.

FRONTIER RETAIL PARTNERS, LP, a Texas limited liability company

By: .....

By: .....

Authorized Signature of FRONTIER RETAIL PARTNERS, LP, Owner

.....

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, 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 executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ..... day of ....., 2018.

.....
Notary Public in and for the State of Texas

My Commission Expires On: .....

PREPARER'S CERTIFICATE:
KNOW ALL MEN BY THESE PRESENTS:

THAT, I, Mitchell S. Pillar do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Celina, Texas.

.....
Mitchell S. Pillar, Registered Professional Land Surveyor
Texas Registration No. 5491
HUITT-ZOLLARS, Inc.
Firm Registration No. 10025600

STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mitchell S. Pillar, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ..... day of ..... , 2018.

.....
Notary Public in and for the State of Texas

My Commission Expires On: .....

PROPERTY LOCATION STATEMENT
This property is located in the extraterritorial jurisdiction of the City of Celina, Collin County, Texas.

....
Signature of Mayor Date of approval

ATTEST:

....
City Secretary Date

Approved for preparation of final plat following construction of all public improvements (or appropriate sureties thereof) necessary for the subdivision shown on the plat.

RECOMMENDED BY: Planning and Zoning Commission
City of Celina, Texas

....
Signature of Chairperson Date of Recommendation

APPROVED BY: City Council
City of Celina, Texas

....
Signature of Mayor Date of Approval

ATTEST:

.....
City Secretary

CONSTRUCTION PLAT

FRONTIER RETAIL

LOTS 1-7, BLOCK A
A 10.372 ACRE TRACT OF LAND
SITUATED IN THE
JONATHAN WESTOVER SURVEY, ABST No. 1030
COLLIN COUNTY, TEXAS
MARCH, 2018

FRONTIER RETAIL PARTNERS, LP
1201 N. RIVERFRONT BLVD., Dallas, Texas 75207
Phone (214) 526-6564 Fax (214) 692-6655

PREPARED BY:
HUITT-ZOLLARS
Huitt-Zollars, Inc. Dallas
1717 McKinney Avenue, Suite 1400, Dallas, TX 75202
Phone (214) 871-3311 Fax (214) 871-0757

2/2

I:\proj\R307045.01 - Lilyana Retail Tract - City of Celina\10 CADD & BIM\01_CONSTRUCTION DRAWINGS\04_PLAT\PRELIMINARY\LILYANA_CONST PLAT.dwg 3/8/2018 2:58 PM
Attachment: Revised Construction Plat (Frontier Retail Construction Plat (Lilyana))

PROJECT NUMBER: R307045.01

Development Services
City of Celina, Texas

Memorandum

To:	**Celina Planning and Zoning Commission**
From:	Brooks Wilson, Planning Consultant
CC:	Alexis Jackson, Director of Development Services
Date:	June 19, 2018
Re:	Subdivision Ordinance Revision

Action Requested:
The Planning and Zoning Commission will conduct a Public Hearing to consider testimony and act upon an amendment to the City's Code of Ordinances, Chapter 10: Subdivision Regulations, Article 10.03, Subdivision Ordinance. (Subdivision Ordinance Amendments)

Background Information:
The major changes to the current Subdivision Ordinance are as follows:

1. *Planning & Zoning Commission to Approve Plats*. The State of Texas has determined the rules and regulations by which a home-ruled city may process plats and subdivide land. One of the key regulations listed in Section 212.006 of the Texas Local Government Code states that "the municipal authority responsible for approving plats …. is the municipal planning commission." Therefore, in following the State regulations, the proposed Subdivision Ordinance places the approval authority for all plats with the Planning & Zoning Commission. This will expedite the approval process and relieve the City Council of approving plats, for which there is no discretion of approval by the governing body. (see page 9 of the proposed Subdivision Ordinance)

2. *Propose Replacing "Construction Plat" with "Preliminary Plat*." The second major revision is to replace the Construction Plat/Final Plat process with the more widely used Preliminary Plat/Final Plat process. The main difference is that the current Construction Plat requires full civil plans, even though the area to be developed in the near future includes only a small portion of the Construction Plat area. The Final Plat that follows the Construction Plat is more like an "as-built" plan. Most cities use the Preliminary Plat to lay down the concepts necessary to ensure that adequate facilities are (or will be) available without preparing costly civil plans until ready to develop the tract. The Final Plat following the Preliminary Plat may be one or more lots out of the original lot layout shown on the Preliminary Plat. Both the Construction Plat and the Preliminary Plat are used only internally. No actual development may occur until the Final Plat is approved and filed for record. The proposed system is believed to be more advantageous for developers as it reduces up-front costs and places the majority of the design costs closer to the time of actual development. In addition, in certain cases that meet the State criteria (such as a tract with four or fewer lots), a Minor Plat may substitute for both the Preliminary and Final Plats, simplifying the submittal and approval processes. (pages 19-22)

3. *Full Descriptions of Plats*. The third major revision is to describe each plat type, along with the purpose and use of each plat type, staff review, limitations, the standards for approval, approval

authority, and effects of approval. This format is designed to assist the applicant in choosing the appropriate plat type. (pages 17-31)

4. *Include Park Land Dedication and Improvements*. The proposed park land dedication begins with the current requirement (5% of total developed land) and the fees-in-lieu of land dedication and expands this article with more detail describing suitable land for dedication, credits, timing, calculation of land value, and penalties. A park improvement fee based per unit has been added to furnish existing and new park properties with facilities and equipment. The current Park Plan is undergoing a revision and the new Park Plan will be referenced in the Subdivision Ordinance. (pages 83-89)
5. *Incorporate Engineering Design Standards*. Another revision is citing the *Engineering Design Standards* as a part of the Subdivision Ordinance. The *Engineering Design Standards* may be amended from time-to-time, as new techniques for quantification are created or improved "best practices" are adopted by the Engineering Department. Celina's *Engineering Design Standards* were adopted by City Council on March 8, 2016. The Subdivision Ordinance therefore can eliminate some of the tedious calculations originally included by referring to the *Engineering Design Standards* and incorporating its content into the Subdivision Ordinance by reference.
6. *Paperless Submittals*. The City of Celina has been accepting all-electronic submittals for some time, but with the adoption of the proposed Subdivision Ordinance, only paperless submittals will be accepted. The City Staff has streamlined the review process so that each reviewer sees the plans on their computer screens and makes comments directly onto the PDF exhibit. The development coordinator then compiles all the comments and sends them to the applicant and owner of the project. This not only saves time and natural resources, but ensures accountability for comments from each department.
7. *Street Lighting*. Added a comprehensive list of required subdivision lighting for new and existing residential subdivisions, which includes design and placement. (pages 65-67)

Board Review/Citizen Input:
A notice of the Public Hearing was published in *The Celina Record* on June 1, 2018. At the time of packet preparation, staff had received no comments either for or against the proposed amendments to the Subdivision Ordinance.

Alternatives:
N/A

Financial Considerations:
N/A

Legal Review:
N/A

Supporting Documents:
- Executive Summary
- Current Subdivision Ordinance
- Proposed Subdivision Ordinance

Staff Recommendation:
Staff recommends approval as presented.

ATTACHMENT A

ARTICLE 10.03 SUBDIVISION ORDINANCE*
Division 1. Generally

Sec. 10.03.001 Short title
This article may be known as and referred to as the Subdivision Regulations of the City of Celina, Texas. (2004 Code, sec. 159.01)

Sec. 10.03.002 Purpose
It is the purpose of this article to provide for the safe, efficient, and orderly development of the city, and the provision of adequate streets, utilities, services, and facilities, all in accordance with the comprehensive master plan and zoning regulations for the city. (2004 Code, sec. 159.02)

Sec. 10.03.003 Authority
V.T.C.A., Local Government Code, chapter 212, which article is hereby made a part of these regulations. (2004 Code, sec. 159.03)

Sec. 10.03.004 Jurisdiction
(a) These regulations shall govern any and every person, firm, corporation, or organization owning any tract of land within the corporate limits of the city who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said city, or for laying out suburban lots or building lots, or any lots, and streets, alleys, or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent.
(b) By the authority of the Tex. Loc. Gov't Code, section 4201 et seq. [242.001 et seq.], Tex. Rev. Civ. Stat., which article [chapter] is hereby made a part of these regulations, these regulations shall be extended to and shall apply to all of the area outside of the corporate limits of said city but within the extraterritorial jurisdiction of said city. Such jurisdiction shall extend into and encompass all those areas not within the jurisdiction of some other municipality, as classified in Tex. Rev. Civ. Stat. article 970a, and extending in all directions from the corporate limits of the city and all of its extensions. (2004 Code, sec. 159.04)

State law references–Extraterritorial jurisdiction of municipalities in counties that regulate subdivisions, V.T.C.A., Local Government Code, sec. 242.001; extension of subdivision rules to extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 212.003.

Sec. 10.03.005 Approval required
Unless and until any plat, plan or replat shall have been first approved in the manner provided herein, it shall be unlawful for any person, firm, corporation or organization to construct or cause to be constructed any streets, utilities, buildings or other improvements to any tract of land; and it shall be unlawful for any official of said city to issue any permit for such improvements or to serve or connect said land, or any part thereof, or for the use of owners or purchasers of said land, or any part thereof, with any public utilities such as water, sewers, lights, gas and the like, which may be owned, controlled, distributed, franchised or supplied by such city. No building permits will be issued for the construction of any building on an unplatted land within the city. Minor repair permits may be issued. When additions, alterations, or repairs within any twelve-month period exceed 50% of the value of an existing building or structure on previously unplatted property, the land upon which such building or structure is located shall be platted in accordance with the provisions of this article. (2004 Code, sec. 159.05)

Sec. 10.03.006 Improvements required
(a) All of the improvements required under these regulations or improvements which, in the judgment of the city engineer, are necessary for the adequate provision of streets, utilities, drainage, services and facilities to the subdivision and to surrounding areas of the city shall be constructed at the sole expense of the developer, unless other provisions are approved by the city council. Payment for any and all improvements which are not to be made at the time of the primary construction of the subdivision or development shall be made a part of the binding contract, signed by the developer and approved by the city council.
(b) Any rebates or other payments to the developer by the city for the cost of oversized improvements or off-site improvements required as a part of the subdivision or development and necessary for the adequate and efficient development of surrounding areas of the city, shall be paid only from monies received by the city from the subdividing or development of surrounding areas, and such rebates or payments shall not be made until such monies are received by the city, unless other provisions are approved by the city council. (2004 Code, sec. 159.06)

Sec. 10.03.007 Annexation
If the property is not within the city limits of Celina and the subdivision contains two or more lots, the owner shall request the city for annexation through lawful annexation proceedings so as to qualify the subdivision to receive city services, when available, and to afford zoning protection. Annexation must be completed within 90 days after date the governing body institutes the annexation proceedings or those proceedings are void. Any period during which the city is restrained or enjoined by a court of competent

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jurisdiction from annexing the area is not included in computing the 90-day period according to Loc. Gov't Code section 43.053 [43.052]. (2004 Code, sec. 159.07)
State law reference–Municipal annexation, V.T.C.A., Local Government Code, Ch. 43.

Sec. 10.03.008 Variances and appeals

(a) These rules and regulations are the standard requirements of the city. Suspension of any of these rules and regulations may be granted by the city council upon a good and sufficient showing by the owner that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this article will deprive the applicant of a substantial property right and that such suspension, if granted, will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Each and every application for variance shall be decided solely and entirely on its own merits and the disposition of any prior or pending application for variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interests standing alone shall not be justification for the granting of a variance.

(b) The owner of any tract of land aggrieved by the decision made under these regulations by any administrator or official of the city shall first apply to the planning and zoning commission for relief from such administrative decision. Any aggrieved party having any interest in the matter may appeal the ruling by the planning and zoning commission regarding the decision to the city council. (2004 Code, sec. 159.08)

Sec. 10.03.009 Definitions

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

City. The municipal corporation of the City of Celina, Texas, together with its governing and operating bodies.

(1) *City council*. The duly elected governing body of the city.
(2) *Commission*. The planning and zoning commission, as appointed by the city council to administer these regulations.
(3) *City official or administrator*. Any person elective or appointive, or any employee, or any board or commission authorized or constituted by city chapter [ordinance] or state law to act in behalf of the municipality (such as city attorney, city clerk, city engineer, and the like).
(4) *Surveyor*. A licensed state land surveyor or a registered public surveyor as authorized by the state statutes to practice the profession of surveying in the State of Texas.
(5) *City engineer*. The engineer employed by the city or the engineers retained as consultants to the city, authorized under the provisions of the Texas Engineering Registration Act to practice engineering in the State of Texas.

Comprehensive plan. The general plan for the growth and development of the city and its environs; and including any elements of such plan, such as a land use plan, thoroughfare plan, utilities plan, schools and parks plan, and others.

Easement. An area intended for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance or operation of any of its respective utility or drainage systems within any of these easements. Any public utility shall at all times have the right of unobstructed ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, adding to or removing all or part of its respective systems without the necessity of procuring the permission of anyone.

Extraterritorial jurisdiction (ETJ). All land situated as classified by the Local Gov't Code section 42.001 et seq. in all directions from the corporate boundary of the city and its extensions and which is not in conflict with the ETJ of another municipality.

Land planner. Any person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system and space appropriate to the efficient removal of stormwater and the provision of public services and utilities all consistent with long-range goals and the objectives of the comprehensive plan. A land planner may be trained in any of several specialties, and where appropriate to his or her experience, the term includes architect, engineer, landscape architect and surveyor.

Lot. A distinct and separate undivided tract or parcel of land having frontage on a public street, which is, or in the future may be, offered for sale, conveyance, transfer or improvement as a building site.

Mobile home park. An area or development intended for the renting or leasing, but not sales, of sites for the location and/or occupancy of mobile homes. A mobile home park shall have filed with the city a certified land division approved by the commission according to the provisions of this article.

Replatting. The resubdivision of any part of a previously platted subdivision, addition, lot or tract.

Residential estate subdivision. A subdivision of lots of no less than one acre, or such greater area as may be indicated from soil percolation tests, intended for single-family use which may be determined by the city to be adequately developed and served by septic tanks, wells, and/or other facilities normally associated with rural development.

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Street. A public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property and to provide utility service.
Street width. The shortest distance between the lines which delineate the right-of-way of a street.
Subdivider or developer. Any person or agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms "subdivider" and "developer" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner of land to be subdivided.
Subdivision. The division of any lot, tract or parcel of land situated within the lots or sites for the immediate or future purpose of sale of development or for laying out residential, commercial or industrial lots or any lots and streets, alleys or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. It also includes resubdivision or replatting of land, lots or tracts. Division of land for agricultural purposes in parcels of five acres or more, shall not be included within this definition unless such division of five acres or more includes the planning or development of a new street, alley or access easement.

(1) *General development plan*. A map, drawing or chart drawn to scale on which is shown the subdivider's proposed arrangements of streets, lots, easements, other public spaces, and general land uses on all contiguous properties owner [owned] or held under single ownership from which a proposed subdivision is intended to be made. The general development plan may be the same as a preliminary plat, if such plan complies with the requirements of a preliminary plat.
(2) *Preliminary plat*. The phrase "preliminary plat" shall be any plat of any lots, tract or parcel of land that is not to be recorded, but is only a proposed division of and is presented only for review and study by the city.
(3) *Final plat*. A map, drawing or chart prepared according to the provisions of this article and containing all engineering and legal data, dedications and certificates necessary to the recording of the same in the map and plat records of the county.
(4) *Certified land division*. A map, drawing or chart delineating parcels of land offered for rent or lease for other than agricultural uses and which (i) is not required by statute of [or] state regulation to be filed in the map and plat records of the county; and (ii) does not involve or require the dedication of public street or alleys, and (iii) has been certified by the city council as having met the conditions of this article. A certified land division shall be treated as a subdivision plat under these regulations, except that it is properly certified for filing with the city secretary rather than the county clerk. In addition, a final plat of the property indicating legal boundaries and any public dedications and easements shall be prepared and filed with the county clerk. (2004 Code, sec. 159.09)

Sec. 10.03.010 Governmental agency design standards

The City of Celina, Celina Independent School District, and Prosper Independent School District, city departments, and any county governmental organization, when developing within the city limits, will be required to make best efforts to meet the city's development regulations related to city infrastructure. However, when the overall benefit to the city is reduced due to full compliance with adopted development standards, modified development standards may be administratively approved. This administrative approval shall be conditioned on meeting the overall intent of the subject ordinance as determined by the city manager, or his/her designee, whose decision may be appealed to city council. (Ordinance 2017-59 adopted 10/10/17)

Secs. 10.03.011–10.03.040 Reserved

Division 2. Special Provisions

Sec. 10.03.041 Facilities agreement

(a) The subdivider shall be required to enter into an agreement with the city which shall govern his or her subdivision if there are pro-rata payments, city participation in cost, escrow deposits or other future considerations, variances granted to this article or other nonstandard development regulations and all improvements to be dedicated to the city are not to be completed prior to filing of the final plat in the county records. This agreement shall be based upon the requirements of this article; and shall provide the city with specific authority to complete the improvements required in the agreement in the event of failure by the developer and to recover the full legal costs of such measures. The city may subordinate its facilities agreement to the prime lender if provided for in said agreement.
(b) The facilities agreement shall be a legally binding agreement between the city and the developer specifying the individual and joint responsibilities of both the city and the developer. Unusual circumstances relating to the subdivision shall be considered in the facilities agreement such that the purpose of this article is best served for each particular subdivision. Such facilities agreement may stipulate pro rata payments, city participation in unusual facilities, escrow deposits or other payments for future facilities, variances granted to this article and other particular aspects of the development. The developer shall include in such an agreement a hold harmless and indemnity clause agreeing to hold the city harmless against any claim arising out of the developer's subdivision or any actions taken therein.
(c) In the event of a disagreement between the plan administrator and the developer concerning stipulations of the facilities agreement, the planning and zoning commission shall review said stipulations and make recommendations to the city council for

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resolving the disagreement.

(d) The developer shall have a continuing responsibility under this facilities agreement after the filing of the final plat and until all facilities and improvements have proceeded to the point that certain parts of the subdivision [are completed] for use prior to the completion of all improvements. This shall not be done if the release of such improvements and the facilities agreements shall remain in force for all portions of the subdivision for which a release has not been executed [sic]. (2004 Code, sec. 159.20)

Sec. 10.03.042 Development permit

A development permit shall be required prior to the clearing, grading, filling, dredging, construction of public streets, utilities or drainage or other improvements which may affect adjacent or surrounding properties. Such permit shall describe the property and the nature of the development, and shall be accompanied by construction plans and specifications adequate to describe the improvements. All plans accompanying permits for any work within a floodplain shall be certified by a professional engineer competent to make such determination. The city administrator shall issue such development permit when all conditions of this article have been satisfied. (2004 Code, sec. 159.21)

Sec. 10.03.043 Prorated payments

(a) The developer shall be fully responsible for the construction of oversize or off-site access, utilities, drainage and other improvements necessary for his or her subdivision and the surrounding area, unless other provisions are approved by the city council. Provisions for reimbursement of costs in excess of those necessary to serve this subdivision and any other provisions, shall be made a part of the facilities agreement. For any subsequent subdivisions utilizing such facilities, any cost due prior developers shall be prorated as the use by the new subdivisions bears to the amount due. Such prorated amounts will be made a part of any subsequent facilities agreement, collected by the city and repaid to the original developer making such improvements, not to exceed his or her actual cost incurred.

(b) All such reimbursements or prorations shall be based on the actual cost of the improvements at the time of their construction subject to comparison with other current unit and/or project costs. The original developer shall therefore provide the city with acceptable documentation of actual construction costs from which calculation of reimbursable amounts will be made for inclusion in the facilities agreement.

(c) In the case that the subdivision shall utilize streets, utilities, drainage or other facilities already constructed through the use of funds of the city, the developer shall pay to the city for the use of such facilities an amount equal to that which would be required to serve the subdivision under the requirements of this article, based upon policies developed and approved by the city council. (2004 Code, sec. 159.22)

Sec. 10.03.044 City participation

(a) The city may participate with the developer on major items of construction, such as lift stations, bridges or streets adjacent to the subdivision, which benefit existing or future development in addition to that being subdivided. The amount of financial responsibility of each party and the terms of discharging such responsibility may be provided for in a facilities agreement.

(b) The construction of certain facilities required by the provisions of this article may not be possible or practical at the time the developer prepares his or her plans for public improvements. Such deletion or delay of improvements may be specified in the facilities agreement, together with provisions for escrow deposits or future payment by the city and/or developer. (2004 Code, sec. 159.23)

Sec. 10.03.045 Floodplain (zoning and easements)

(a) General. The city will strongly discourage the platting of property for construction purposes that is in a natural floodplain or other area that is subject to flooding.

(b) Liability. The city will not be financially liable for any damages due to flooding.

(c) Notice of potential damage from flooding notification shall be put on the building permit.

(d) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Base flood elevation lines. Elevation lines established on the flood hazard boundary map showing projected flood surface elevation that can be expected for a 100-year flood.

Flood. A general or temporary condition of partial and complete inundation of normally dry land areas from the overflow of streams, rivers or other inland water.

Flood hazard boundary map. An official map or plat, approved by the Federal Insurance Administration, on which the boundaries of the floodplain area having special flood hazards have been drawn for the purpose of the emergency flood insurance program.

Flooding. Same as "Flood."

Floodplain. A relatively flat or low area adjoining a river, stream, watercourse, bay or lake which has been in the past or can reasonably be expected in the future to be covered temporarily by flooding of high water.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to properties and structures, primarily for the reduction or elimination of flood damage to lands, water and sanitary facilities, structures and contents of buildings.

Floodway. The minimum areas of a riverine floodplain reasonably required for passage of floodwaters.

Floodway encroachment lines. The lines marking the limits of floodways on the official flood hazard boundary map.

Riverine. Structures located beside a river, stream or watercourse.

Start of construction. The placement of permanent construction, such as pouring of footings and any work beyond the state of excavation. Permanent construction does not include land preparation and clearing, grading or filling.

Substantial improvements. Any repair, reconstruction or improvement of a property, the cost of which equals or exceeds 50% of the fair market value of the property either (a) before the improvement is started or (b) if the property has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any wall, ceiling, floor or other structural part of the building commences.

Water surface elevation data. The elevation in relation to mean sea level expected to be reached by floods at various magnitudes and frequencies at pertinent points along a stream.

(e) Building permits shall be required of all proposed construction of other improvements located within the floodplain area.
   (1) All residential building permit applications for new construction of substantial improvements shall be accompanied by a statement of duly registered (Texas) surveyor or engineer certifying that the lowest floor (including basement) elevation will be at least two feet above the base flood elevation line.
   (2) All other building permit applications shall be reviewed by the building inspector to determine that the proposed construction or repair uses: construction materials and utility equipment that are resistant to flood damage; construction methods and practices that will minimize flood damage.
   (3) Further, all other building permit applications shall be reviewed by the building inspector to assure that the proposed construction and substantial improvements (including prefabricated and mobile homes) are: protected against flood damage; designed (modified) and anchored to prevent flotation, collapse or movement of structure.
   (4) The city engineer will review all subdivision proposals and other proposed new development to assure that: all such proposals are consistent with the need to minimize flood damage; all public utilities and facilities such as gas, electrical, sewer and water systems are constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards.
   (5) The city engineer will require new or replacement water supply systems and sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems so as to avoid impairment or contamination during flooding.

(f) After floodways are identified and designated, no new construction or major improvement will be authorized in the floodway that restricts the normal flow of floodwaters or raises the water surface elevation above the base flood elevation line. (2004 Code, sec. 159.24)

Secs. 10.03.046–10.03.080 Reserved

Division 3. Procedures*

Sec. 10.03.081 Pre-application procedures

(a) Pre-application review.
   (1) The applicant should avail himself or herself of the advice and assistance of the city's administrative officers, including its retained planning and engineering consultants (as applicable), and should consult early and informally with those officers and consultants before preparing a concept plan or any plat in order to save time and money, and to avoid potential unnecessary delays.
   (2) Prior to formal application for approval of any concept plan or plat, the applicant shall request and attend a mandatory pre-application conference with the appropriate city official(s) in order to become familiar with the city's development regulations and the subdivision process. At the pre-application conference, the applicant may be represented by his or her land planner, engineer and/or surveyor.
   (b) Notice of intent. The subdivider shall submit a letter showing his or her name and address and that of his or her land planner stating his or her intent to subdivide a particular property, briefly describing the location, amount of land and particulars as to the intended use of the property and requesting that the review of the petition for the property be placed on the agenda of a scheduled commission meeting. Such notice of intent shall be received no later than 25 days prior to the date of a scheduled commission meeting and placed on the agenda for that meeting. (2004 Code, sec. 159.35)

Sec. 10.03.082 Statutory procedures

(a) Zoning requirements.

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(1) A property within the city's corporate limits that is being proposed for platting or development must be properly zoned by the city prior to submission of an application for approval of any concept plan or plat. In addition, the proposed development layout or subdivision design shown on the proposed concept plan or plat must be in conformance with all standards and requirements prescribed in the city's zoning ordinance and this division.

(2) Noncompliance with the requirements of the zoning district in which the subject property is located, or lack of the proper zoning, shall constitute grounds for denial of the concept plan or plat. In situations where the zoning on a particular piece of property cannot be ascertained by the city, the burden of proof regarding the property's zoning shall rest with the property owner. Proof of proper zoning shall consist of appropriate documentation, such as a copy of the subchapter [ordinance] establishing the zoning, which shall be reviewed by city officials as to its validity and authenticity.

(3) Any concept plan or plat submitted for approval by the city shall be in accordance with the city's zoning ordinance, if the property is located within the city's corporate limits, and, if the property is located within the city's corporate limits or extraterritorial jurisdiction, it shall be in accordance with the city's comprehensive plan, including all adopted water, sewer, storm drainage, future land use, park, recreation, open space and thoroughfare plans. All plats shall be prepared by a licensed civil engineer or a registered professional land surveyor.

(b) Classification of subdivisions and additions. Before any land is filed for record with the county clerk, the property owner shall apply for and secure city council approval of the required subdivision plat, in accordance with the following procedures, unless otherwise provided within this division.

(1) Minor subdivisions may be approved for residential or nonresidential properties. Minor plat approval by the mayor or chief executive officer (or designee) requires the submission of a final plat drawing and other submission materials required by section 10.03.090. Lots may be conveyed or sold only when the mayor or chief executive officer has approved the plat and the plat has been filed at Collin or Denton County, whichever is applicable.

(2) Major subdivisions may be approved for residential or nonresidential properties. The procedure for approval of a major subdivision typically involves two to three steps: a concept plan (which is voluntary), construction plat and final plat. Sections 10.03.083 through 10.03.086 provide the requirements for each. Major plat approval shall be in accordance with sections 10.03.084 through 10.03.086 of this division. Upon completion of the required public improvements, or upon submission and city approval of the appropriate surety for public improvements, the property owner may submit the final plat for approval. All major subdivision plats must be reviewed by the commission and approved by the city council, pursuant to sections 10.03.084 through 10.03.087. Lots may be sold only when the final plat has been approved by the city council and the plat has been filed at Collin or Denton County, whichever is applicable. If the land is required to be platted, no conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the city council and filed at Collin or Denton County, whichever is applicable.

(c) Submission requirements for all types of plat applications. In addition to the requirements outlined herein for each type of development application, the city shall maintain separate policies and procedures for the submission and processing of applications including, but not limited to, application forms, checklists, language blocks for plats, and other similar items. The forms and paperwork are available at the office of the city administrator, or designee. These policies and procedures may be amended from time to time, and it is the applicant's responsibility to be familiar with, and to comply with, these policies and procedures.

(d) Official submission date and completeness of application for all types of plats.

(1) For the purpose of these regulations, the “official submission date” shall be the date upon which a complete application for approval of any type of plat, that contains all required elements mandated by Tex. Loc. Gov't Code, section 212.004(b) and by this division, is submitted to the city administrator (or designee), after which the statutory period required for approval or disapproval of the plat shall commence to run. No application shall be deemed officially submitted until the city administrator (or designee) determines that the application is complete and a fee receipt is issued by the city. Failure by the city administrator (or designee) to make a determination of incompleteness within ten calendar days following the date on which the application was first received by the city, shall result in the application being deemed complete, and the “official submission date” shall become the eleventh calendar day following initial receipt of the application by the city.

(2) Plat applications which do not include all required information and materials, as outlined below and per other city development review policies which may change from time to time, will be considered incomplete, shall not be accepted for official submission by the city, and shall not be scheduled on a commission agenda until the proper information is provided to city officials including the city's retained planning and engineering consultants, if applicable.

(e) Submission procedures and city review process for all types of plats.

(1) Submission timing.

(A) A complete application for approval of any plat shall be submitted to the city at least 24 calendar days, but no more than 30 calendar days unless the applicant waives the 30-day requirement for action on the plat in writing, prior to the commission meeting at which it is to be considered.

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(B) Plat applications which do not include all required information and materials, as outlined below and per other city development review policies which may change from time to time, will be considered incomplete, shall not be accepted for official submission by the city, and shall not be scheduled on a commission agenda until the proper information is provided to city officials including the city's retained planning and engineering consultants, if applicable.

(2) Submission materials.

(A) The application shall include a written application form which bears the original notarized signature(s) of the property owner(s) of the subject property, along with the appropriate submission fee, the appropriate number of full-size folded (24 inches by 36 inches) prints of the plat (per the city's folding requirements, available at city hall), as required by the city's current development review policies and requirements, one 8-1/2-inch by 11-inch and one 11-inch by 17-inch black-and-white reductions of the plat, a copy of any applicable development agreement pertaining to the subject property (if any), and any other applicable information and materials deemed appropriate by the city. One copy of all of the above materials and plans shall be simultaneously submitted to the city planner and the city engineer for review in order for the application to be deemed complete.

(B) The application shall be accompanied by a certificate or other satisfactory evidence from the Collin or Denton County Central Appraisal District, whichever is applicable, showing that all taxes have been paid on the subject property, and that no delinquent taxes exist against the property. Documentation shall also be included that shows no delinquent assessments, fees, or other debts or obligations to the city and which are directly attributable to the subject property. One copy of the tax status certificate shall be simultaneously submitted to the city planner in order for the application to be deemed complete.

(C) The application shall also be accompanied by an engineer's summary report which describes, in as much detail as necessary, the following: the overall nature and scope of the proposed development, including zoning of the property (and including the subchapter [ordinance] number that established the property's current zoning), proposed use(s) and acreage of each proposed use, minimum lot sizes, widths and depths, number of lots to be created, and special amenities or facilities that will be included in the development; how the property will be served with required utilities and services; how stormwater drainage will be handled; and an itemization and description of any waivers/suspensions from provisions of this division that will be sought. Letters shall be provided from each of the applicable utility service providers, including water, wastewater, gas, electricity, telephone, cable TV and solid waste, verifying their ability to provide an adequate level of service for the proposed development. A letter from the area independent school districts (as applicable) may also be required that acknowledges the district(s) has been informed of the size (with respect to the anticipated number of homes and/or school-age children), location and timing of the proposed development, and that expresses any desire the district may have to obtain a future school site within any portion of the subject property. One copy of all of the above materials (and any associated plans) shall be simultaneously submitted to the city planner and the city engineer for review in order for the application to be deemed complete.

(D) All plat drawings and other corresponding plans and drawings, including engineering plans and landscape and screening plans, shall be on sheets no larger than 24 inches by 36 inches in size, and shall be drawn to a known engineering scale of not smaller than 1 inch equals 100 feet or a larger scale. In cases of large developments which would exceed the dimensions of the sheet at 100-foot scale, plats may be on multiple sheets or to another known engineering scale, as approved by the city administrator (or designee), and in a format that will be acceptable for eventual filing at Collin or Denton County, whichever is applicable.

(3) City staff review.

(A) Upon official submission of a complete application for plat approval, the city shall commence technical review of the development proposal by forwarding a copy of the application and plat to development review team members which include, but shall not be limited to, the city administrator, fire chief/marshal, police chief, and building official. As noted above, it is the applicant's responsibility to submit one complete copy of any application (including all documents, application forms, plans, and the like) directly to the city planner and city engineer in order for the application to be considered complete. City development review team members shall review the plat and shall ascertain its compliance with these and other applicable city regulations. Following city staff review of the plat and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plat (and engineering plans, if applicable) to the city administrator (or designee) and to the city planner and city engineer no later than seven calendar days prior to the commission meeting for final review and inclusion in the commission packets. Failure to resubmit corrected copies of the plat back to the city in time shall be cause for the city administrator (or designee) to forward the plat application to the commission as it was originally submitted rather than the corrected version of the plat. If, upon resubmission of the corrected plat to the city, the city administrator (or designee) determines that the application is still incomplete or is not correct to a reasonable extent, the plat application shall be subject to denial.

(B) After the plat has been scheduled on an agenda (or at any time prior), the applicant may request, in writing, a waiver of the 30-day approval requirement in order to allow him or her more time to correct deficiencies, address concerns, or otherwise improve the plat pursuant to the city's regulations. After receipt of the request, the city may delay action on the final plat beyond 30 calendar days following the official submission date.

(4) Action by the commission and city council.

(A) All subdivision plat applications (except minor plats and amended plats) shall be reviewed by the commission and if in complete conformance with the provisions of this division and with all other applicable regulations of the city, then they shall be approved by the city council.

(B) The commission shall review each plat application and shall take action to either recommend approval of the plat application or approval of the application subject to certain conditions, or shall vote to deny the plat application, within 30 calendar days following the official submission date unless the applicant has submitted a written waiver of the 30-day review/approval time pursuant to subsection (e)(3) above. The city council shall take action on the plat within 30 calendar days following the commission's action to recommend approval of the application (or approval with conditions). Affirmation of, or minor modifications to, the commission's recommendation to approve the plat shall require a simple majority vote of the city council members present and voting.

(f) Simultaneous submission of plats. In the event that an applicant submits construction and final plat applications simultaneously, as provided in section 10.03.084, the city administrator (or designee) shall schedule both plat applications for action by the commission within 30 calendar days following the official submission date, unless the applicant has executed a written waiver of the 30-day review period for one or both plats. If the construction plat has not received a favorable recommendation by the commission prior to consideration of the final plat by the commission, then the commission shall have no choice but to deny the final plat application (unless withdrawn by the applicant) and such denial shall be final unless appealed to the city council (see above). The city council shall take action on either one or both plat applications, as applicable, within 30 calendar days following the commission's action. Affirmation of, or minor modifications to, the commission's recommendation to approve the plat(s) shall require a simple majority vote of the city council members present and voting.

(g) Proof of land ownership.

(1) The city requires proof of land ownership prior to approval of any development application involving real property. Along with the application submission, the applicant shall provide written verification, such as a notarized statement or a power of attorney or other evidence satisfactory to the city administrator (or designee), that he or she is the owner of record of the subject land parcel or parcels, or is the property owner's authorized agent. The city administrator (or designee) shall have the authority to determine what document(s) the city will require to prove ownership, such as one of the following:

(A) General warranty deed;

(B) Special warranty deed;

(C) Title policy; or

(D) Some other documentation that is acceptable to the city administrator (or designee).

(2) If ownership cannot be conclusively established prior to the meeting date on which the development application will be heard, the city shall have the authority to deny the application on the basis of protecting the public interest. The applicant may resubmit a new development application, including the submission fees, for the property at any time following such denial.

(3) One copy of the proof of land ownership document(s) shall be simultaneously submitted to the city planner in order for the application to be deemed complete.

(h) Lapse of plat approval. The approval of any type of plat shall be effective for a period of 183 calendar days beyond the date that the plat was approved by the city council, except as otherwise provided herein. By 12:01 a.m. on the one hundred eighty-fourth day following city council approval of the plat, the applicant must have completed a city-required "progress benchmark" as set forth below. If this is not accomplished, then the approved plat shall be deemed to have expired and shall become null and void and a new plat application (along with all other required paperwork, plans, fees, and the like) must be submitted, reviewed and approved by the city in order to proceed with development of the property. The series of "progress benchmarks" for a project, pursuant to the provisions of this section, are as follows:

Approved Plat or Plan	*Next "Progress Benchmark"*
Concept plan	Construction plat, as required by this division, and final site plan, as required by the zoning ordinance, and continued active engineering review of the engineering plans (which were submitted along with the construction plat and final site plan, if applicable).
Construction plat	City engineer's approval of engineering plans for all proposed public improvements, and payment of all applicable site development related fees that are traditionally collected prior to release for site construction, and an application for approval of the final plat shall be submitted to the city within

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	365 calendar days of actual commencement of site construction in order to avoid lapse of the approved construction plat (unless such is extended or reinstated pursuant to provisions in this division), and other associated development approvals, such as the final site plan (if applicable), landscape and irrigation plans, and the like.
Final plat	Final plat approved by the city council but not yet filed at Collin or Denton County, whichever is applicable - Submission of the plat mylars, filing fees and other materials necessary to file the plat at the county shall be submitted to the city within 30 calendar days of the date of final plat approval; an application for a certificate of occupancy shall also be submitted to the city within 183 calendar days following the date of final plat approval in order to avoid lapse of the approved final plat (provided that the final plat is not yet filed at the county), unless such approval is extended or reinstated pursuant to provisions in this division. Final plat filed at Collin or Denton County, whichever is applicable - Valid in perpetuity, unless amended or vacated.

(i) Extension and reinstatement procedure.

(1) Prior to the lapse of approval for a plat, the property owner may petition the city to extend the plat approval. Such petition shall be considered at a public meeting before the commission, which shall recommend approval or denial of the petition. The petition shall then be considered by the city council at its next regularly scheduled meeting (if possible), and an extension may be granted by city council at such meeting. If no petition for extension of plat approval is submitted by the property owner prior to the expiration date, then the plat shall be deemed to have expired and shall become null and void.

(2) In considering whether to grant a request for extension, the commission, and ultimately city council, shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which newly adopted subdivision regulations would apply to the plat at that point in time. The city council shall either extend the plat (either with or without conditions) or shall deny the request, in which instance the originally approved plat shall be deemed to be null and void. The property owner must thereafter submit a new plat application for approval, and shall conform to the subdivision regulations then in effect.

(3) The city council may extend the plat approval subject to additional conditions based upon newly enacted city regulations or state legislation, or such as are necessary to ensure compliance with the original conditions of approval or to protect the public health, safety and welfare. The city council may also specify a shorter time for extension of the plat than the original 183-day approval period.

(j) Lapse of approval of engineering plans. The approved engineering plans shall be valid for a period of 365 calendar days following approval by the city engineer. The city council may, upon written request by the applicant, grant an extension of up to an additional 365 calendar days, after which the engineering plans shall be subject to reapproval by the city engineer if no construction has occurred. (2004 Code, sec. 159.36)

Sec. 10.03.083 General development plan

(a) When a subdivision is a portion of a tract to be subdivided later in its entirety, a general development plan shall be required as a condition precedent to approval of any application for a plat, except where the director of planning determines that a concept plan or site plan for the property provides sufficient information for the preparation of a construction plat.

(b) A general development plan may be reviewed concurrently with the construction plat of the portion to be subdivided first. The general development plan shall show the schematic layout of the entire tract and its relationship to adjacent property.

(c) The general development plan shall delineate the proposed characteristics of the area in terms of major categories of land use, dwelling units, general layout of lots and streets, access and fire lanes, drainageways, utility truck lines, location of sites for parks, schools and other public uses, present and proposed zoning, and such other information as the commission finds to be necessary for making a decision on the approval of the construction plat or final plat.

(d) In certain circumstances, the director of planning shall have the authority to allow a construction plat to satisfy the requirement for a general development plan, if such plan complies with the requirements of a general development plan.

(e) A general development plan shall be considered to be a detailing of the comprehensive plan and shall become effective upon adoption by the commission; providing, however, that no general development plan shall be approved other than in substantial conformity with the comprehensive plan. Every general development plan adopted by the commission shall be so certified by the chairman of the commission and a copy thereof shall be placed on file with the city secretary as part of the public record. A general development plan is to continue in force until amended or rescinded by the commission and shall be the official guide to the owners of all property within its area of coverage. Where multiple ownerships preclude the preparation of a general development plan by a single owner, the commission is authorized to prepare or to cause such plan to be prepared. No plat within an area for which a general development plan has been adopted shall be approved except in substantial conformity with such adopted plan.

(f) Commission approval shall include approval of the sequence of development and construction of phrases of the project as can reasonably be determined. It may include such stipulations or conditions as the commission deems necessary in order to accomplish the purposes of this chapter and to protect the health, safety and welfare of the community.

(Ordinance 2012-29 adopted 12/10/12)

(g) Contents. The general development plan shall include:

(1) A proposed layout drawn to a scale of one inch equals 200 feet or larger.
(2) True north shall be clearly indicated and located to the bottom and right of the study.
(3) Arrangement, connection and dimensions to streets of adjacent properties.
(4) The names of adjacent additions or subdivisions or the name of record of owners of adjoining parcels of unplatted land.
(5) General location and size of school sites, park and recreation areas, and other public areas.
(6) Location of proposed shopping center, multifamily residential, and other land uses.
(7) Proposals for water, sewer, and drainage systems in relation to master plans where they exist for these facilities.
(8) Proposals for services furnished by private utility companies.
(9) Summary of uses by type, number, and acreage.
(10) Identification of any floodprone areas and general proposals for such areas.
(11) The plan shall include existing and approved driveways within 200 feet of the site.
(12) The plan shall include existing and/or proposed median openings with 500 feet of the site.
(13) Hike and bike trails per the open space and park master plan.
(14) A concept plan submitted for the purpose of securing zoning approvals may be accepted as a general development plan if it meets the requirements of this section.
(15) A tree preservation plan in accordance with the city's tree preservation regulations located in section 14.05.090. (Ordinance 2017-18 adopted 4/11/17)

(h) Standards for approval. No general development plan shall be approved by the commission unless it conforms to the comprehensive plan and development regulations of the city.

(i) Acceptance of general development plan.

(1) The commission shall review the general development plan for consistency with the comprehensive plan, the major thoroughfare plan, zoning regulations and other requirements of this code. The commission may permit the development to be platted in phases, provided each phase satisfies the requirements of this code. The commission may also impose conditions such as temporary street and alley connections or temporary cul-de-sacs to assure orderly development.
(2) The commission shall approve, conditionally approve or disapprove a general development plan. The approval of a general development plan constitutes authorization by the city for the property owner to submit application for a construction plat, subject to compliance with any conditions attached to the approval of the general development plan.

(j) Lapse of approval. The approval of any phase or phases of a general development plan shall automatically expire unless such phase or phases have been submitted and approved by the commission as a construction plan within 18 months.

(k) Extension or reinstatement of approval. Applicant may request one extension of approval provided such application is filed not less than 60 days prior to expiration. Any extension shall not extend beyond six months from the time that the general development plan would otherwise have expired. The request for extension shall be filed with the department of planning and development and presented to the commission at the next regular meeting. The application for extension shall include an explanation for the reasons for the delay. The commission shall consider reasons for the delay, the effect of any new regulations on the proposed development plan, and the ability of the property owner to comply with the original conditions in determining whether to approve the extension. The commission's disapproval of an extension for a general development plan shall be final.

(l) Amendments to the general development plan. The general development plan shall be updated and submitted for commission review if the proposed construction plat is not in accordance with the current general development plan. The director of planning shall determine if the application is not in accordance with the proposed construction plat. (Ordinance 2012-29 adopted 12/10/12)

Sec. 10.03.084 Procedures and submission requirements for construction plat approval

(a) Following the pre-application conference (as described in section 10.03.081) regarding the overall general development strategy for the property, the applicant shall have prepared a construction plat together with full engineering plans for the construction of the subdivision and all associated public improvements and other supplementary materials, as required by this division or by the city.

(b) The construction plat shall constitute only that portion of the approved concept plan, if there is one, which the applicant proposes to construct and record provided, however, that such portion conforms to all the requirements of this division and with any other applicable regulations and codes of the city.

(c) A construction plat, if not preceded by an approved concept plan showing phasing of the overall development, shall include all contiguous property under the ownership or control of the applicant unless otherwise approved by the city administrator (or designee) and the city planner. It may contain more than one phase that, if so, shall be clearly identified.

(d) The applicant may choose to submit a final plat for review concurrently with the construction plat. In such case, the city may schedule concurrent review of both plats, provided that all required information and other items are submitted for both plats, including full engineering plans and the appropriate assurances for the completion of all improvements, as per section 10.03.041, and provided that adequate review can be achieved by the city. If the city, due to staff resources or other factors, cannot complete its review of both plats, and other associated materials, prior to the applicable planning and zoning commission meeting, then only the construction plat shall be considered for approval and the final plat shall be denied unless the 30-day review requirement is waived in writing by the applicant.

(e) Approval of a construction plat by the city council shall be deemed general approval of the street and lot layout shown on the construction plat (approval for construction of the necessary streets, water lines, sewer lines, and other required improvements and utilities shall be authorized only through the city engineer's approval of the engineering plans), and to the preparation of the final or record plat when construction of all required public improvements is nearing completion (or when appropriate surety for completion is provided to the city). Except as provided for herein, approval of the construction plat shall constitute conditional approval of the final plat when all conditions of approval and when all procedural requirements set forth in this division have been met, and when construction of all improvements (or surety provided) are satisfactorily completed.

(f) Standards for approval. No construction plat shall be recommended for approval by the commission or approved by the city council unless the following standards have been met:

(1) The plat substantially conforms with the approved concept plan, if there is one, and with other studies and plans, as applicable;

(2) The layouts and engineering plans for required public improvements and city utilities have been submitted by the applicant for approval by the city engineer (whether specifically stated or not, construction plat approval shall always be subject to any additions or alterations to the engineering plans as deemed necessary by the city engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision); and

(3) The plat conforms to applicable zoning and other city regulations.

(g) No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the construction plat by the city council, nor prior to issuance of all appropriate construction permits by the city and other appropriate entities or agencies. The applicant shall also provide copies of letters from applicable local utility companies stating that each utility company has reviewed the construction plat and stating any requirements, including easements, they may have. This requirement may be deferred until the final plat is submitted if such deferral request is submitted to the city in writing and approved by the city administrator (or designee) prior to the commission meeting at which the construction plat will be considered. Preliminary grading or site preparation activities, such as limited excavation, filling, and removal or clearing of brush, undergrowth or man-induced debris, may be authorized by the city administrator (or designee), at his or her discretion, if such request is submitted in writing by the property owner or developer, if such activities are in conformance with all applicable city ordinances and codes, and if such activities will not be detrimental to the public health, safety or general welfare. Any such preliminary activities that conflict with the approved construction plat or construction documents must be modified to conform to said construction plat or construction documents.

(h) Information required upon or with construction plat. The proposed construction plat and associated engineering plans shall show the following information (the construction plat itself shall only include those items marked by italics – other physical and engineering data shall be included in the engineering plans or as separate documents):

(1) *A vicinity, or location, map that shows the location of the proposed construction plat within the city (or within its ETJ) and in relationship to existing roadways;*

(2) *Boundary lines, abstract/survey lines, corporate and other jurisdictional boundaries, existing or proposed highways and streets (including right-of-way widths), bearings and distances sufficient to locate the exact area proposed for the subdivision, and all survey monuments including any required concrete monuments (per the city's planner and/or engineer); the length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves shall be indicated along the lines of each lot (curve and line data may be placed in a table format); accurate reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown;*

(3) *The name, location and recording information of all adjacent subdivisions (or property owners of adjacent unplatted property), including those located on the other sides of roads or creeks, shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, building setbacks, lot and block numbering, easements, and other features that may influence the layout of development of the proposed subdivision; adjacent unplatted land shall show property lines, the names of owners of record, and the recording information;*

(4) *The location, widths and names of all streets, alleys and easements (it shall be the applicant's responsibility to coordinate with appropriate utility entities for placement of necessary utility easements and for location of all streets and median openings on highways or arterial roadways), existing or proposed, within the subdivision limits and adjacent to the subdivision; a list of*

proposed street names shall be submitted (in the form of a letter or memo along with the application form) for all new street names (street name approval is required at the time the construction plat is approved);

(5) *The location of all existing property lines, existing lot and block numbers and date recorded, easements of record (with recording information), buildings, existing sewer or water mains, gas mains or other underground structures, or other existing features within the area proposed for subdivision;*

(6) *Proposed arrangement and square footage of lots (including lot and block numbers) and proposed use of same; for nonresidential uses, the location and size of buildings (this information may be provided on a separate sheet, such as on a voluntary concept plan or the final site plan; see the zoning ordinance);*

(7) *A title block within the lower right-hand corner of the plat (and engineering plans) that shows the title or name under which the proposed subdivision is to be recorded; the name, address and phone number of the property owner(s); the name, address and phone number of the land planner, licensed engineer or registered professional land surveyor who prepared the plat/plans; the scale of the plat/plans; the date the plat/plan was prepared; and the location of the property according to the abstract or survey records of [Collin or Denton County], whichever is applicable, Texas*; the subdivision name shall not duplicate (or too closely phonetically replicate) the name of any other platted subdivision in Celina, its ETJ, or other surrounding communities in Collin or Denton County, whichever is applicable, but phasing identification is allowed to be similar to previous phases of that particular development (it is the property owner's responsibility to check the plat records of Collin or Denton County, whichever is applicable, to ensure that the proposed subdivision name will not duplicate or sound too much like a subdivision name already in existence – the city may, at its discretion, require a different subdivision name if there is potential for confusion by public safety officials or the general public);

(8) *Sites, if any, to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities or amenities;*

(9) *Scale (including a graphic scale), date, north arrow oriented to the top or left side of the sheet, and other pertinent informational data;*

(10) *Contours with intervals of two feet or less shown for the area, with all elevations on the contour map referenced to sea level datum; and the limits of any portion of the 100-year floodplain (pursuant to the flood study, if required by the city engineer) that may be within or adjacent to (such as within 100 feet of) the property (final documentation of the floodplain shall occur, and shall be shown, on the final plat prior to approval and filing at the county) – if no floodplain present, then a note stating this shall be shown on the plat;*

(11) *Areas contributing drainage to the proposed subdivision shall be shown in the engineering plans; locations proposed for drainage discharge from the site shall be shown by directional arrows;*

(12) *All physical features of the property to be subdivided shall be shown, including the location and size of all watercourses, 100-year floodplain according to Federal Emergency Management Agency (FEMA) information, U.S. Army Corps of Engineers flowage easement requirements, ravines, bridges, culverts, existing structures, drainage area in acres or area draining into subdivisions (only in the engineering plans), the outline of major wooded areas or the location of major or important individual trees, and other features pertinent to subdivision;*

(13) *Engineering plans of water and sewer lines and other infrastructure (including sizes) to be constructed in the subdivision; the proposed connections to distribution mains shall be indicated;*

(14) *Proposed phasing of the development; where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the construction plat, shall provide a schedule of development; the dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision;* the city council shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established; and a traffic impact analysis; a traffic impact analysis shall be required for development proposals that contain 100 or more lots or are projected to generate 1,000 or more vehicle trips per day as estimated by the city engineer and the city council may require that a traffic impact analysis be submitted for projects that contain fewer than 100 or more lots or are projected to generate 1,000 or fewer vehicle trips per day as estimated by the city engineer to adjudge whether the subdivision will be served by adequate streets and thoroughfares;

(15) *All construction plats shall be submitted in a legible format that complies with Collin or Denton County, whichever is applicable, requirements for the filing of plats, and shall be drawn on a good grade blue line or black line paper;*

(16) *The construction plat and related construction plans shall be submitted in a pdf file format with each sheet being contained within a single digital file in addition to an AutoCad file format that is compatible with the latest release of AutoCad and with each sheet being contained within a single digital file;*

(17) *Existing or proposed zoning of the subject property and all adjacent properties;*

(18) *Minimum finished floor elevations of building foundations shall be shown for lots adjacent to a floodplain or along waterways;*

(19) *All such information as required for a concept plan must be shown;*

(20) *Certificates and other language shall be included on the plat, pursuant to the following subsections:*

(A) *A statement that the applicant legally owns the subdivided area.*

(B) *An accurate legal, such as by metes and bounds, description by bearings and distances (including necessary curve and line data), accurate to the nearest one-hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.*

(C) *A statement signed by the property owner(s) and acknowledged before a notary public as to the authenticity of the signatures, saying that the property owner(s) adopts the plat as shown, described and named, and that he or she does dedicate, in fee simple, to the public use forever the streets, alleys and easements shown on the plat. The property owner(s) further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth or other appurtenance for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.*

(D) *The registered professional land surveyor's certificate, with a place for his or her signature and notarization of his or her signature.*

(E) *A place for plat approval signature of the mayor (or mayor pro tem, in the mayor's absence) of the city council, a place for the city secretary to attest such signature, and the approval dates by the planning and zoning commission and city council.*

(F) *Following are the certificates and languages to be used on the plat to accommodate the above requirements:*

(i) *Property owner's certificate (required).*

STATE OF TEXAS

COUNTY OF _____

WHEREAS, (_Name(s)_) is(are) the Owner(s) of a tract of land situated in the (_____) Survey, Abstract No. (_____), Collin/Denton County, Texas and being out of a (_____) acre tract conveyed to him(them) by (_____), and a (_____) acre tract conveyed to him(them) by (_____), and being more particularly described as follows:

(Enter accurate metes and bounds property description here, with total land area shown in both acreage and square footage.)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____, acting herein by and through his(its) duly authorized officer(s), does hereby adopt this plat designating the hereinabove described property as an addition to the City of Celina, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. 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 placed in landscape easements, if approved by the City Council of the City of Celina. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Celina's use thereof. The City of Celina and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Celina and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Celina, Texas.

WITNESS, my hand, this the _____ day of _____, 20___.

BY:

_____

Authorized Signature of Owner

(use additional signature lines, if necessary)

_____

Printed Name and Title

STATE OF TEXAS

COUNTY OF _____

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Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.
Given under my hand and seal of office, this _____ day of _____, 20___.

_____
Notary Public in and for the State of Texas
My Commission Expires On: _____
(use additional Notary blocks, if necessary, for additional owners)

(ii) *Surveyor's Certificate (required)*.
KNOW ALL MEN BY THESE PRESENTS:
That I, _____, 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 personal supervision in accordance with the Subdivision Ordinance of the City of Celina.

_____
(seal) Signature of Registered Public Land Surveyor

_____
Registration No.
STATE OF TEXAS
COUNTY OF _____
Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.
Given under my hand and seal of office, this _____ day of _____, 20___.

_____
Notary Public in and for the State of Texas
My Commission Expires On: _____
(iii) *Approval Block (required)*.
CITY APPROVAL OF CONSTRUCTION PLAT
Approved for preparation of final plat following construction of all public improvements (or appropriate sureties thereof) necessary for the subdivision shown on this plat.
RECOMMENDED BY: Planning and Zoning Commission
City of Celina, Texas

_____
Signature of Chairperson

_____
Date of Recommendation
APPROVED BY: City Council
City of Celina, Texas

_____
Signature of Mayor

_____
Date of Approval
ATTEST:

_____ _____
City Secretary Date
(iv) *Special Notice (required)*.
NOTICE: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law, and is subject to fines and withholding of utilities and building permits.
(v) *Visibility, access and maintenance easements (to be used if applicable)*.
The area or areas shown on the plat as "VAM" (Visibility, Access and Maintenance) Easement(s) are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access for maintenance upon and across said VAM Easement. The city shall have the right but not the obligation to maintain any and all landscaping within the VAM Easement. Should the city exercise this maintenance right, then it shall be

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permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The city may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owners. No building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over or across the VAM Easement. The city shall also have the right but not the obligation to add any landscape improvements to the VAM Easement, to erect any traffic-control devices or signs on the VAM Easement and to remove any obstruction thereon. The city, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

(vi) *Fire lanes (to be used if applicable)*.
That the undersigned does hereby covenant and agree that he or she or they shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface in accordance with the City of Celina's paving standards for fire lanes, and that he or she or they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

(vii) *Access easements (to be used if applicable)*.
The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for Fire Department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Celina, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

(viii) *Other plat language. The plat shall include any other applicable language, such as for drainage, floodway or other special types of easements, or such as for a private street subdivision, as deemed appropriate and necessary by the city for the purpose of protecting the public health, safety and welfare. Applicable plat languages are available upon request at the city.*

(i) Engineering plans.

(1) Along with the construction plat application, the applicant shall submit five sets of the complete engineering plans for all streets, alleys (if any), storm sewers and drainage structures, water and sanitary sewer facilities, screening and retaining walls, landscaping and irrigation, and any other required public improvements for the area covered by the construction plat. The engineering plans shall also contain any plans deemed necessary to show or document compliance with the city's ordinances pertaining to non-point source pollution control, and any other applicable codes and ordinances of the city that are related to development of a land parcel. Cost estimates for the completion of all public improvements shall also be submitted with the engineering plans for review (and approval, if necessary) by the city's engineer. For the purposes of this division, complete sets of engineering plans shall include the following plans or sheets (generally in this order), as well as any additional plans or sheets deemed necessary and requested by the city engineer:

(A) Cover or title sheet (with list of all plans);
(B) Construction plat;
(C) Final site plan (for nonresidential and multifamily projects only – see the zoning ordinance for specific requirements and approval procedures);
(D) Existing conditions plan (unless these items are shown on the construction plat itself), which shows existing topography, vegetation, tree inventory, existing natural and man-made physical features, and the like;
(E) Existing tree and vegetation protection plan;
(F) Grading, erosion control, and water quality control plans;
(G) Paving and storm drainage plans;
(H) Utility plans for water, sanitary sewer, and the like;
(I) Traffic-control plans (if necessary);
(J) Screening and retaining wall plans;
(K) Landscaping and irrigation plans.

(2) The applicant shall have these plans prepared by their own professional engineer(s), subject to approval of the plans by the city engineer. The city engineer (or designee) shall review, or cause to be reviewed, the plans and specifications and if approved, shall mark them "Approved" and shall return one set to the applicant, and at least two sets shall be retained in the

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city's files. If not approved, then one set shall be marked with the objections noted (on the plans themselves and/or in memo format, a copy of which shall also be sent to the city) and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and shall resubmit them back to the city engineer for re-review. Once the engineering plans are approved by the city engineer (as documented by an approval memo addressed to the applicant and copied to the city), the property owner shall provide additional sets of the approved plans to the city, as specified by the city engineer, for use during construction. A full set of the city-approved and stamped engineering plans must be available for inspection on the job site at all times.

(3) After approval of the construction plat by the city council, approval of the engineering plans and specifications by the city engineer, and following procurement of all applicable permits from other appropriate agencies (such as TxDOT, TNRCC, U.S. Army Corps of Engineers, and/or Collin or Denton County, whichever is applicable), the applicant shall cause a contractor(s) to install or construct the public improvements in accordance with the approved plans and the city's standard specifications, and at the applicant's expense (also see section 10.03.041). The applicant shall employ engineers, surveyors or other professionals as necessary to design, stake, supervise, perform and complete the construction of such improvements, and shall cause his or her contractor to construct the said improvements in accordance with this division and with the city's, and any other applicable agency's, design standards.

(4) Engineering plans shall be prepared by or under the direct supervision of a professional engineer licensed in the State of Texas, as required by state law governing such professions and in accordance with this division and the city's standard specifications as required by section 10.03.161. All engineering plans submitted for city review shall be dated and shall bear the responsible engineer's registration number, his or her designation of "professional engineer" or "P.E.", and the engineer's seal. Engineering plans shall be approved by the city engineer only when such plans meet all of the requirements of this division and the standard specifications as required by section 10.03.161.

(5) Engineering plans shall be in conformance with the standard specifications required by section 10.03.161 and with the requirements set forth herein. Engineering plans (in complete sets, as described above) showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, sidewalks, screening and retaining walls, landscape and irrigation plans (if appropriate), and other engineering details of the proposed subdivision at a scale of 1 inch equals 40 or 50 feet horizontally and one inch equals four, five, or ten feet vertically shall be submitted to the city engineer (or designee) along with a copy of the construction plat of the subdivision. The number of copies as specified by the city shall be submitted along with the construction plat submittal.

(6) As part of the engineering plans, a drainage plan showing how the drainage of each lot relates to the overall drainage plan for the plat under consideration shall be submitted. The drainage plan shall be made available to each builder within the proposed subdivision and all builders shall comply with the drainage plan.

(j) Effect of approval. Approval of a construction plat authorizes the property owner, upon fulfillment of all requirements and conditions of approval and upon construction of all required improvements (or submission of the proper assurances for construction of same, per section 10.03.041), to submit an application for final plat approval.

(k) Revisions to approved construction plat. It is generally recognized that minor revisions to the construction plat will probably be needed before the final plat can be filed at the county. Such minor revisions as slight enlargement or shifting of easements or lot lines, addition of private or franchise utility easements, correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, and the like may occur on the final plat without having to reapprove the construction plat. Determination of whether or not revisions are "minor" in nature is subject to the judgment of the city's planner and engineer. Major revisions, such as obvious reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement (including corresponding easement), shall necessitate resubmission and reapproval of the plat as a "revised construction plat" unless otherwise approved by the city planner and the city engineer, as applicable. The procedures for such reapproval shall be the same as for a construction plat, and such re-approval may constitute a new project thus necessitating submission of a new application form, payment of new fees, compliance with amendments to this division which occurred since original construction plat approval, and other requirements. (2004 Code, sec. 159.38)

Sec. 10.03.085 Procedures and submission requirements for final plat approval

(a) The final plat shall be in accordance with the construction plat, as approved, and shall incorporate all applicable conditions, changes, directions and additions imposed by the planning and zoning commission and city council upon the construction plat. The final plat shall not be recommended for approval by the planning and zoning commission, nor approved by the city council, until all utilities, infrastructure, and other required improvements have been constructed according to the engineering plans, and have passed a final inspection and been approved by the city engineer, unless provisions are made for the completion of the improvements in accordance with section 10.03.041. The final plat shall not be submitted prior to approval of the construction plat (see section 10.03.084(c) [10.03.084(d)] for exception).

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(b) Final plat applications which do not include the required data, completed application form, submission fee, number of copies of the plat, record drawings, "Letter of Satisfactory Completion" (of the public improvements) from the city, and other required information, including documentation that all required public improvements have been constructed and installed in accordance with city standards, letters from utility companies verifying their easements, and submission of the proper assurances or escrow funds for the completion of the improvements (per section 10.03.041) will be considered incomplete, shall not be accepted for submission by the city, and shall not be scheduled on a planning and zoning commission or city council agenda until the proper information is provided to city staff.

(c) Information required on a final plat.

(1) All information that is required for a construction plat, except for submission of engineering plans, provided that such plans were already submitted and approved with the construction plat; and except that physical features of or on the land (such as topography, buildings, utility structures, water bodies and tree cover) shall not be shown on the final plat. In addition to these items, the final plat shall also provide a place for the County Clerk of Collin or Denton County, whichever is applicable, to stamp the date and location where the plat will be filed ("Volume or Cabinet ____, Page or Slide ____") in the lower right-hand corner of all sheets of the plat drawing near the title block.

(2) All aspects of the final plat shall conform to the standards of Collin or Denton County, whichever is applicable, for plats with respect to clarity, sheet size, lettering size and reproducibility, and the county's formatting requirements for same shall control if different from this division. It is the applicant's responsibility to be familiar with the county's standards for filing plats and to comply with same.

(3) Minimum finished floor elevations of building foundations shall be shown for lots adjacent to a floodplain or along waterways.

(4) Approval block (required). The approval block used on the previously approved construction plat shall be modified and shown on the final plat, as follows:

FINAL PLAT
Approved by the City of Celina for filing at the office of the County Clerk of Collin or Denton County, whichever is applicable, Texas.
RECOMMENDED BY: Planning and Zoning Commission
City of Celina, Texas

_____
Signature of Chairperson

_____
Date of Recommendation
APPROVED BY: City Council
City of Celina, Texas

_____
Signature of Mayor

_____
Date of Approval
ATTEST:

_____ _____
City Secretary Date

(5) Property location statement (if required by Collin or Denton County, whichever is applicable).

This property is located in the corporate limits (or the extraterritorial jurisdiction) of the City of Celina, Collin or Denton County, whichever is applicable, Texas.

_____ _____
Mayor, City of Celina Date
ATTEST:

_____ _____
City Secretary Date

(d) Standards for approval. No final plat shall be reviewed by the commission or approved by the city council unless the following standards have been met:

(1) The plat substantially conforms to the approved construction plat and other studies and plans, as applicable;

(2) The construction and installation of required public improvements and city utilities has been completed and the improvements have been accepted by the city as conforming to the city's regulations and design standards (or the proper assurances for construction of the improvements have been submitted and approved by the city, per section 10.03.041); and

(3) The plat conforms to applicable zoning, subdivision and any other applicable codes or ordinances of the city that are related to development of a land parcel.

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(e) When all of the improvements are found to be constructed and completed in accordance with the approved plans and specifications and with the city's standards, and upon receipt by the city of a maintenance bond or certificate of deposit in accordance with section 10.03.041 from each contractor, three sealed sets of "as-built" (or "record drawing") plans, one sealed set of "as-built" or "record drawing" mylars, a digital copy of the "as-built" (or "record drawing") plans and the approved final plat in a pdf file format with each sheet being contained in a single digital file, and a digital copy of the "as-built" (or "record drawing") plans and the approved final plat in an AutoCad file with each sheet being contained in a single digital file that is compatible with the latest release of AutoCad shall be submitted with a letter stating the contractors' compliance with this division, and bearing sealed certification by the design engineer that all public improvements have been constructed in compliance with all city construction standards set forth in the city's standard specifications as required by section 10.03.161 and other applicable city design documents. After such letter and certification is received, the city administrator (or designee) shall receive and accept for the city the title, use and maintenance of the improvements according to section 10.03.163. The final plat shall not be approved or filed at the county prior to receipt of the above letter and certification and any other required items, nor prior to acceptance of the improvements by the city.

(f) Timing of public improvements.

(1)

(A) The city council may permit all or some of the public improvements to be installed, offered for dedication, or accepted by the city after approval of the final plat by the city council if there exists a compelling reason that is consistent with the public health, safety or welfare to do so (also see section 10.03.041).

(B) The city council may permit or require the deferral of the construction of public improvements if, in its judgment, deferring the construction would not result in any harm to the public or would offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. The deferred construction of any required public improvement(s) must be approved by the city council at the time of construction plat approval, and the necessary assurances for completion of the improvements, in accordance with section 10.03.041, shall be a stipulation, or condition, of approval of the preliminary or final plat, as appropriate.

(2) If the city council does not require that all public improvements be installed, offered for dedication, or accepted by the city prior to approval of the final plat, the applicant shall provide assurances or security for the completion of the improvements or escrowed funds, as provided in section 10.03.041.

(g) Effect of approval. Approval of a final plat authorizes the property owner, upon fulfillment of all requirements and conditions of approval and upon completion of construction of all required improvements (or submission of the proper assurances for construction of same, per section 10.03.041), to submit the final copies, or mylars, of the plat for filing at Collin or Denton County, whichever is applicable. Lots may be sold only when the final plat has been approved by the city council and the plat has been filed at Collin or Denton County, whichever is applicable. No conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the city council and filed at Collin or Denton County, whichever is applicable.

(h) Revisions to approved final plat prior to filing at the county. Occasionally, minor revisions are needed before the final plat can be filed at the county. Such minor revisions as correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, and the like may occur on the record plat prior to filing it without the city council having to reapprove the final plat. Determination of whether or not revisions are "minor" in nature is subject to the judgment of the city's planner and engineer. Major revisions, such as obvious corrections or reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement (including corresponding easement), shall necessitate resubmission and reapproval of the plat as a "revised final plat" unless otherwise approved by the city planner and the city engineer, as applicable. The procedures for such reapproval shall be the same as for a final plat, and such reapproval may constitute a new project thus necessitating submission of a new application form, payment of new fees, compliance with amendments to this division which occurred since original final plat approval, and other requirements.

(i) Subsequent to final plat recommendation by the planning and zoning commission and subsequent approval by the city council, the applicant shall return copies of the final plat, as approved, along with any other required documents and necessary fees, to the city administrator (or designee) within 30 calendar days following approval, in accordance with requirements established by the city. All easements shall be included on the final plat, including the recording information for those easements that are filed or recorded as separate instruments, as required by utility companies and the city prior to filing the final plat, and a copy of letters from each applicable utility company shall be submitted to the city administrator (or designee), and a copy of same shall be submitted to the city planner and the city engineer, stating that the plat contains the proper easements. All necessary filing materials as required by the county clerk of Collin or Denton County, whichever is applicable, in addition to the appropriate number of Mylar copies and a computer disk containing the digital plat file(s) required by the city administrator (or designee), shall be returned to the city secretary with the required fees. If the required copies and materials are not returned to the city within the specified 30-day time frame, the approval of the final plat shall be null and void unless an extension is granted by the

city council. The city secretary shall file the final plat at the office of the county clerk of Collin or Denton County, whichever is applicable, within 30 calendar days following receipt of all filing materials, including filing fees. (2004 Code, sec. 159.39)

Sec. 10.03.086 Reserved

Editor's note–Former section 10.03.086 pertaining to development plats and deriving from section 159.40 of the 2004 Code, was repealed and deleted in its entirety by Ordinance 2012-06, sec. 3.02, adopted 3/12/12.)

Sec. 10.03.087 Replatting

(a) Replat required. Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved and filed final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land by this division. All improvements shall be constructed in accordance with the same requirements as for a preliminary or final plat, as provided herein. The city administrator (or designee) may waive or modify requirements for a preliminary replat under certain circumstances where the proposed replat does not involve a large land parcel or an existing structure or business on the subject property, and where the proposed plat revisions are relatively simple in nature.

(b) Replatting without vacating preceding plat. A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
   (1) Is signed and acknowledged by only the owners of the property being replatted;
   (2) Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the planning and zoning commission and by the city council; and
   (3) Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

(c) Previous requirements or conditions of approval which are still valid.
   (1) In addition to compliance with subsection (b) above, a replat without vacation of the preceding plat must conform to the requirements of this section if:
      (A) During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
      (B) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
   (2) Notice of the public hearing required above shall be given before the fifteenth calendar day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in Collin or Denton County, whichever is applicable. Notice of the public hearing shall also be given by written notice before the fifteenth calendar day before the date of the hearing, with a copy or description of any requested waivers/suspensions, sent to the property owners, as documented on the most recently approved ad valorem tax roll of the city, of lots that are in the original subdivision and that are within 200 feet of the lot(s) to be replatted. In the case of a subdivision in the extraterritorial jurisdiction, the most recently approved county tax roll shall be used. The written notice may be delivered by depositing the notice, properly addressed with appropriate postage paid, in a post office or postal depository within the boundaries of the city.

(d) If the property owner(s) of 20% or more of the total land area of lots to whom notice is required to be given file with the city a written protest of the replatting before or at the public hearing, or if the replat requires a waiver/suspension as defined in section 10.03.008, then approval of the replat will require the affirmative vote of at least three-fourths of the city council members present and voting. For a legal protest, written instruments signed by the owners of at least 20% of the total land area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the city prior to the close of the public hearing. In computing the percentage of land area subject to the "20% rule" described above, the area of streets and alleys shall be included.

(e) Compliance with subsection (c) above is not required for approval of a replat for part of a preceding plat if the area to be replatted was designated or reserved for other than single- or two-family (such as duplex) residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat. For example, for a replat involving nonresidential property, a public hearing must be held, pursuant to subsection (b)(2) above, but notice of the hearing does not have to appear in the newspaper and written notices do not have to be mailed to individual property owners within 200 feet of the subject property.

(f) Any replat that adds or deletes lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots which have changed along with a detailed "Purpose for Replat" statement.

(g) If the previous plat is vacated as prescribed in of Tex. Loc. Gov't Code section 212.013, as amended, and as provided in section 10.03.089, a public hearing is not required for a replat of the area vacated. It would, instead, be submitted as a "final plat" and reviewed accordingly.

(h) The replat of the subdivision shall meet all the requirements for a final plat for a new subdivision that may be pertinent, as provided for herein.

(i) The title shall identify the document as a "Final Plat" of the "_____ Addition, Block ____, Lot(s) ____, Being a Replat of Block ____, Lot(s) ____ of the _____ Addition, an addition to the City of Celina, Texas, as recorded in Volume/Cabinet ____, Page/Slide ____ of the Plat Records of Collin or Denton County, whichever is applicable, Texas."

(j)

(1) An application submittal for a replat shall be the same as for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property. The replat shall also bear a detailed "Purpose for Replat" statement which describes exactly what has been changed on the plat since the original (or previous) plat was approved by the city and filed at the county.

(2) A copy of all application materials for a replat shall be simultaneously submitted to the city planner for review in the same manner as for a final plat, or the application shall be deemed incomplete.

(k) The replat shall be filed at the county in the same manner as prescribed for a final plat, and approval of a replat shall expire if all filing materials are not submitted to the city secretary, and if the replat is not filed at the county within the time periods specified for a final plat. (2004 Code, sec. 159.41)

State law references – Replatting without vacating preceding plat, V.T.C.A., Local Government Code, sec. 212.014; additional requirements for certain replats, V.T.C.A., Local Government Code, sec. 212.015.

Sec. 10.03.088 Amending plats

(a)

(1) An amended plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate or some other acceptable form of verification from the Collin or Denton County Central Appraisal District, whichever is applicable, showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

(2) A copy of all application materials for an amending plat shall be simultaneously submitted to the city planner for review in the same manner as for a final plat, or the application shall be deemed incomplete.

(b) Upon receipt of a favorable recommendation for approval from the city planner, the city administrator (or designee) may approve an amending plat, which may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and if the amending plat is for one or more of the purposes set forth in this section. The procedures for amending plats shall apply only if the sole purpose of the amending plat is to:

(1) Correct an error in a course or distance shown on the preceding plat;

(2) Add a course or distance that was omitted on the preceding plat;

(3) Correct an error in a real property description shown on the preceding plat;

(4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

(5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) Correct an error in courses and distances of lot lines between two adjacent lots if:

(A) Both lot owners join in the application for amending the plat;

(B) Neither lot is abolished;

(C) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and

(D) The amendment does not have a material adverse effect on the property rights of the owners in the plat;

(8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(9) Relocate one or more lot lines between one or more adjacent lots if:

(A) The owners of all those lots join in the application for amending the plat;

(B) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and

(C) The amendment does not increase the number of lots; or

(10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

(A) The changes do not affect applicable zoning and other regulations of the city;

(B) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and

(C) The area covered by the changes is located in an area that the city council has approved, after a public hearing, as a residential improvement area.

(c) The city administrator (or designee) may, at his or her discretion and for any reason, elect to present the amending plat to the planning and zoning commission and city council for consideration and approval. Any decision made on the amending plat by the city administrator (or designee) shall be approval of the plat. Should the city administrator (or designee) refuse to approve the amending plat, then the plat shall be referred to the commission for review, and the city council for approval, within the time period required by state law.

(d) Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

(e) The amended plat shall be entitled and clearly state that it is an "amended plat," and it shall include a detailed "Purpose for Amended Plat" statement which describes exactly what has been changed on the plat since the original (or previous) plat was approved by the city and filed at the county. It shall also state the specific lots affected or changed as a result of the amended plat, and shall include the original subdivision plat boundary. All references to "final plat" or "replat" shall be removed.

(f) Other than noted above, the procedure for approval of plat amendment(s) shall be the same as in section 10.03.087.

(g) The amending plat shall be filed at the county in the same manner as prescribed for a final plat, and approval of an amending plat shall expire if all filing materials are not submitted to the city secretary, and if the plat is not filed at the county within the time periods specified for a final plat. (2004 Code, sec. 159.42)

Sec. 10.03.089 Plat vacation

(a) By property owner. The property owner of the tract covered by a plat may vacate, upon review by the commission and approval by the city council, the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat (instrument language is available from the city, upon request).

(b) By all lot owners. If some or all of the lots covered by the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

(c) Criteria. The planning and zoning commission shall review, and the city council may approve, the petition for vacation on such terms and conditions as are in accordance with Tex. Loc. Gov't Code section 212.013 (as amended), and as are reasonable to protect the public health, safety and welfare. As a condition of vacation of the plat, the city council may direct the petitioners to prepare and seek approval of a revised final plat in accordance with this division such that the property does not become "unplatted."

(d) Effect of action. On the execution and recording of the vacating instrument, the vacated plat shall have no effect. Regardless of the commission's and city council's action on the petition, the property owner will have no right to a refund of any monies, fees or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to by the commission and city council.

(e) City-initiated plat vacation.

(1) General conditions. The city council, on its motion and following a public hearing on the matter, may vacate the plat of an approved subdivision or addition when:

(A) No lots within the approved plat have been sold within five years following the date that the plat was signed by the city;

(B) The property owner has breached an improvement agreement and the city is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by property owner or its successor; or

(C) The plat has been of record for more than five years and the city determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety or welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.

(2) Procedure. Upon any motion of the planning and zoning commission or city council to vacate the plat of any previously approved subdivision or addition, in whole or in part, the city shall publish notice in a newspaper of general circulation in the county before the fifteenth day prior to the date of the public hearing at which the plat vacation shall be heard by the commission. The city shall also provide written notice to all property owners within the subdivision or addition and to all members of the city council. The notice shall state the time and place for a public hearing before the commission, and subsequently before the city council, on the motion to vacate the subdivision or addition plat. The commission shall recommend approval, and the city council shall approve, the plat vacation only if the criteria and conditions cited above are satisfied.

(3) Record of notice. If the city council approves vacating a plat, the city secretary shall record a copy of the plat vacation instrument in the office of the county clerk of Collin or Denton County, whichever is applicable, along with an exhibit showing a drawing of the area or plat vacated. The county clerk shall write legibly on the vacated plat the word "vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded. If the city council vacates only a portion of a plat, it shall cause a revised final plat drawing to also be recorded that shows that portion of the original

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plat that has been vacated and that portion that has not been vacated. On the execution and recording of the vacating instrument the vacated plat (or the vacated portion of the plat) has no effect. (2004 Code, sec. 159.43)

Sec. 10.03.090 Minor plats

(a) Definitions.

Minor plat. A subdivision resulting in four or fewer lots, provided that the plat is for conveyance purposes only with no development or construction proposed, and provided that the plat does not create any new easements for public facilities nor the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be served by all required city utilities and services.

Minor subdivision. This is the same as a "minor plat."

(b)

(1) A minor plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate or some other acceptable form of verification from the Collin or Denton County Central Appraisal District, whichever is applicable, showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

(2) A copy of all application materials for a minor plat shall be simultaneously submitted to the city planner for review in the same manner as for a final plat, or the application shall be deemed incomplete.

(c) Upon receipt of a favorable recommendation for approval by the city planner, the city administrator (or designee) may approve a minor plat, or may, for any reason, elect to present the minor plat to the planning and zoning commission and city council for consideration and approval. Any decision made on the minor plat by the city administrator (or designee) shall be approval of the plat. Should the city administrator (or designee) refuse to approve the minor plat, then the plat shall be referred to the planning and zoning commission for review, and city council for approval, within the time period required by state law.

(d) Notice, a public hearing, and the approval of other lot owners are not required for the approval [of] a minor plat.

(e) The minor plat shall be entitled and clearly state that it is a "minor plat."

(f) The minor plat shall be filed at the county in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all filing materials are not submitted to the city and if the plat is not filed at the county within the time periods specified for a final plat. (2004 Code, sec. 159.44)

Secs. 10.03.091–10.03.120 Reserved

Division 4. Design Standards

Sec. 10.03.121 Conformance

(a) The specifications for materials and workmanship shall conform to the latest edition of the Standard Specifications for Public Works Construction, published by the North Central Texas Council of Governments.

(b) All engineering plans and construction within the jurisdiction of the city shall comply with the latest edition of the Standard Construction Details as prepared by engineering department of the City of Plano. (2004 Code, sec. 159.60)

Sec. 10.03.122 Streets

(a) Conformity to thoroughfare plan. The width and location of streets shall conform to such thoroughfare plan of the city as the council may have adopted, both as to horizontal and vertical alignment and right-of-way widths (see following):

(1) Freeway/tollway. Any street with controlled access and intended to move traffic through and/or around the city. Access to freeways shall only be provided at designated interchanges.

(2) Major arterial street or major thoroughfare. Any street designated in the comprehensive plan; however, they may be required in other locations based on size and density of development. This classification is designed as being a principal route more or less continuous across the city or areas adjacent thereto, or any route carrying or designated to carry fast-moving and/or large volumes of traffic.

(3) Minor arterial. Any street that is intended to serve as a major route through and between different areas of the city. Minor arterials are generally shown on the city's thoroughfare plan, however, they may be required in other locations based on the size and density of the development.

(4) Major collector. Any street that intended to serve commercial and/or industrial land uses. Direct access to single-family or two-family dwellings is not permitted.

(5) Minor collector. Any street that conducts traffic from other streets to the major collector/arterial system.

(6) Residential collector. A street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares or business districts.

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(7) Residential or local street. A street exclusively or primarily providing access to abutting properties. A local street may be located within a commercial or industrial area.
(8) Cul-de-sac. A local street having but one outlet to another street and terminated on the opposite end of a vehicular turnaround.
(9) Dead-end street. A street other than a cul-de-sac having only one outlet.
(10) Frontage street. A local street lying parallel to and adjoining a major street right-of-way which provides access to abutting properties and protection from the through traffic.
(11) Alley. A public or private way designed primarily for vehicular travel to provide access to or from the rear or side property otherwise abutting on a street.
(12) Loop street. A local street having only two outlets onto one other street except a cul-de-sac.
(13) Private street. Private streets shall be designed and constructed to the same standards as public streets. (Ordinance 2012-30 adopted 12/10/12)

(b) Relation to adjoining street system. The proposed street system shall extend all existing major streets and such collectors and local access streets as may be desirable for convenience or circulation. Where possible the width and the horizontal and vertical alignment of extended streets shall be preserved.
(c) Street jogs. Where offsets in street alignment are, in the opinion of the commission unavoidable, such offsets may be employed provided the distance between centerlines is not less than 125 feet.
(d) Large lot subdivision. If the lots in the proposed subdivision are large enough to suggest resubdivision in the future, or if a part of the tract is not subdivided, consideration must be given to possible future street openings and access to future lots which could result from such resubdivisions.
(e) Through traffic. Residential and local streets shall be designed to discourage high-speed or through traffic.
(f) Topography. The street system shall bear a logical relationship to the natural topography of the ground.
(g) Pavement and right-of-way width. All streets shall be paved with reinforced concrete paving with integral curb and gutter and shall conform in width and section to the thoroughfare plan of the city. Right-of-way width shall be measured between front lot lines and pavement width shall be measured from back of curb. Except as provided hereinafter, no street right-of-way shall be less than 50 feet and no street pavement shall be less than 31 feet.
(h) Residential estate subdivision. For estate subdivision as herein defined, the city council may allow variance to these regulations to provide for a lesser pavement and right-of-way width and for the elimination of the requirement for curb and gutter (see appendices).
(i) Street alignment. The maximum deflection on alignment permitted without use of curve shall be five degrees.
(j) Vertical alignment. Profile grades of streets and alleys shall be connected by vertical curves of a minimum length expressed as a multiple of the algebraic difference between the rates of grades, expressed in feet per hundred feet and the values shown below.

	Design Speed by City Engineer					
Multiple of algebraic difference	20	25	30	40	50	60
Crest vertical curve	10	15	28	50	80	150
Sag vertical curve	15	20	35	50	70	100

(k) Horizontal alignment. The centerline curve of streets and alleys shall have a minimum radius as follows:

Classification	**Minimum Centerline Radius (feet)**
Thoroughfare	500
Collector	300
Local (commercial or industrial)	300
Residential	150
Loop streets and alleys	75

(l) Reverse curves. Reverse curves on thoroughfares and collector streets shall be separated by a minimum tangent of 100 feet.
(m) Culs-de-sac, dead-end streets.
(1) The maximum length of a cul-de-sac or dead-end street with a permanent turnaround shall be 600 feet, except under unusual conditions with the approval of the city council.

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(2) Turnarounds are to have a minimum right-of-way width of 100 feet and a minimum pavement width of 80 feet for single-family and two-family uses and a minimum right-of-way width of 120 feet and a minimum pavement width of 100 feet for all other uses.

(3) Temporary paved turnarounds are to be provided at ends of streets more than 400 feet long that will be extended in the future. The following note should be placed on the plat: "Crosshatched area is temporary easement for turnaround until street is extended (give direction) in a recorded plat."

(4) No other dead-end streets shall be allowed except as herein provided.

(n) Street intersections.

(1) Except where existing conditions will not permit, all streets shall intersect at a ninety-degree angle. Variations of more than ten degrees on residential or local streets and more than five degrees on collectors and thoroughfares must have the approval of the city council.

(2) Acute angle intersections approved by the city council are to have 25-foot or greater radial at acute corners.

(3) Each new street intersecting with or extending to meet an existing street shall be tied to the existing street on centerline with dimensions and bearings to show relationship.

(o) Partial or half streets. Partial or half streets may be provided where the commission feels that a street should be located along a property line. Wherever a half street has already been provided adjacent to an area to be subdivided, the other remaining portion of the street shall be platted with such subdivision. Where part of a street is being dedicated along a common property line where no roadway currently exists, the first dedication of right-of-way shall be two-thirds of the required width.

(p) Driveway cuts. Driveway cuts or entrances to single-family or two-family uses shall not be allowed along thoroughfares, unless a siding street or an alley with natural screening device is provided outside the pavement of the thoroughfare. Driveway cuts shall be located so as to provide a spacing between curb radius return of at least five feet for single-family and two-family uses and at least 20 feet for all other uses. No property shall have more than two driveway cuts onto any facing street. No driveway cut shall be located closer than 20 feet from an intersection, measured from the ends of the curb radius returns.

(q) Street names. New streets shall be named so as to provide continuity of name with existing streets and to prevent conflict with identical or similar names in other parts of the city.

(r) Boundary streets.

(1) New local, collector, marginal access and thoroughfare streets that will serve as boundary streets to a proposed subdivision shall conform to the applicable sections of this article for right-of-way width.

(2) No new half streets shall be platted except where required to accommodate previously platted half streets. The developer shall make available by dedication that portion of right-of-way from his or her property that is a projection of a major or thoroughfare street.

(3) When the proposed subdivision abuts upon an existing street or half street that does not conform to the requirements of this article for right-of-way, the developer shall dedicate right-of-way sufficient to make the right-of-way on his or her side of the street conform to the general plan for this street and this article.

(4) When the proposed subdivision abuts upon an existing paved street that does not have curb and gutter, the developer shall put a cash deposit or other security satisfactory to the city in escrow with the city to cover future assessment paving programs. This deposit shall be based upon the developer paying for curb and gutter and one-half of the cost of paving a standard width street. This deposit shall be made in lieu of the actual construction in all cases.

(5) Boundary streets that are platted for the primary purpose of providing traffic routes into and through the subdivision shall be constructed as part of the subdivision development.

(s) Relation of adjoining streets and land.

(1) The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions, and where the adjacent connections are not platted, must in general, be the reasonable projection of streets in the nearest subdivided tracts and must continue to the boundaries of the tract subdivided, so that other subdividers may connect therewith.

(2) Reserve strips of land controlling access to other property or to any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision.

(t) Marginal access streets. Where a subdivision abuts or contains an existing or proposed major street, railroad or highway, the commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, [and] deep lots with rear adequate protection of residential properties and to afford separation of thorough and local traffic. The right-of-way for marginal access streets shall be 50 feet.

(u) Curb and gutter. Curb and gutter shall be installed by the developer on both sides of all interior streets. Provisions for curb and gutter shall be made on boundary streets in accordance with the paragraph entitled "Boundary streets." The only exception to curb and gutter installation will be streets in estate subdivisions where each lot is three acres or larger. In such cases, the developer may install asphalt surface streets with open ditches as delineated more specifically in appendix C.

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(v) Street signs and signal lights. The city shall install street signs and necessary signal lights as determined by the commission, at the developer's expense, at all intersections within the subdivision. This fee shall be paid prior to acceptance of the streets and utilities.

(w) Laboratory testing of street material. The city shall retain the services of a reputable commercial testing laboratory or will perform the necessary tests on subgrade soils and flexible base material to verify that specifications are being met. These laboratory tests will be made at the developer's expense any may include the following:

(1) Proctor density curves to establish the optimum density moisture relationship for the subgrade soil and the proposed flexible base material.

(2) Gradation and soil constants (Atterberg limits) tests to determine the suitability of the proposed flexible base material.

(3) Tests during the construction phase to determine if subgrade and flexible base material have been placed as specified.

(4) The proper tests to determine if the pavement surfacing meets the requirements of the specifications. (2004 Code, sec. 159.61)

Sec. 10.03.123 Alleys

(a) Commercial and industrial areas. Alleys shall be provided in commercial and industrial districts where other definite and ensured provisions are not made for service access, such as off-street loading, parking and firefighting access consistent with [and] adequate for the uses proposed.

(b) Residential areas. Alleys may be provided in residential areas.

(c) Alley width. All alleys shall be paved. The minimum width of the alley right-of-way shall be 20 feet and the minimum pavement width shall be ten feet.

(d) Turnouts. Alley turnouts shall be paved to the property line and shall be at least 12 feet wide at that point. Paving radii where alleys intersect thoroughfares shall be 20 feet, and shall be ten feet at intersections with all other streets.

(e) Intersections. Alley intersections and sudden changes in alignment shall be avoided, but where necessary, lot corners shall be cut off at least 15 feet on each tangent to permit safe vehicular movement.

(f) Fences. Where driveways connect to alleys, fences shall only be constructed along the rear line and driveway such that the fence corner is angled, providing a cut-off at least five feet from both the alley and driveway.

(g) Dead-end alleys. Dead-end alleys shall be avoided wherever possible, but if unavoidable, shall be provided with adequate outlet or turnaround, as determined by the commission.

(h) Paving.

(1)

(A) The Portland cement concrete shall be of a design mix using not less than five sacks of cement per C.Y. of concrete to provide 3,000 per square inch compressive strength at 28 days after placing.

(B) Concrete shall be six inches in thickness and reinforced with no. 3 reinforcing bars on 24-inch meters [centers]. Pre-molded impregnated expansion joint material not less than 1/2 inch thick shall be placed transversely at intervals not to exceed 30 feet in length.

(2) Alleys shall have an inverted crown surface thickness of not less than four inches.

(3) The city engineer or his or her designated representative shall accept all phases of the construction of alley pavement. (2004 Code, sec. 159.62)

Sec. 10.03.124 Easements

(a) Use. Where necessary to provide access for the purposes of maintenance, construction or other service, easements shall be provided for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drainage, floodplains, gas lines or other utilities. Such easements may be required across parts of lots, including rear and side lot lines, where alleys are not provided.

(b) Size. Where possible, easements shall be provided fully located upon one lot. Where such is not feasible, easements shall be not less than 7-1/2 feet on each side of the lot line. Where overhead utility service on poles is allowed, an additional easement of five feet on each side beginning at a plane 20 feet above the ground shall be provided. The full width of easements shall not be less than 15 feet at ground level nor less than 25 feet above ground.

(c) Fire lanes. Where adequate access for firefighting purposes may not otherwise be provided, easements for fire lanes shall be required. Fire lane easements shall be paved to a minimum of 20 feet in width, shall be maintained by the property owner, shall be marked as such on the ground and shall be kept free and clear at all times. (2004 Code, sec. 159.63)

Sec. 10.03.125 Reservations

(a) Permitted uses. No land contained in the proposed subdivision shall be reserved for any use other than a use permitted by the zoning ordinance for the district in which the land to be reserved is located.

(b) Designation on plat. The specific use for which each parcel of land is to be reserved must be shown by appropriate label or description of [on] the plat. Provision for abandonment of must be shown by appropriate label or description of the plat [sic]. Provision for abandonment of a reservation in the future as may be appropriate must likewise be shown on said plat.

(c) Parks and open space. The location and size of parks (5%) minimum or an equivalent payment per dwelling unit (see fee schedule ordinance) and open space areas shall be in conformance with the comprehensive plan. All areas retained as floodway after approved development shall be reserved for public use, unless other provisions are approved by the city council.

(d) Schools. The location and size of school sites shall be in conformance with the comprehensive plan and the recommendations of the applicable school district.

(e) Public facilities. The location and size of sites for public buildings, major utility facilities and related community facilities shall be in conformance with the comprehensive plan and the recommendations of the plan administrator. (2004 Code, sec. 159.64)

Sec. 10.03.126 Improvements

(a) Monuments and markers.

(1) Concrete monuments six inches in diameter and 24 inches long, shall be placed [on] at least two block corners, boundary corners or angle points for each plat or each phase of a multi-platted area or subdivision. A 1/2-inch iron reinforcing bar shall be embedded at least 18 inches in the concrete monument and placed at the exact intersecting point on the monument. The iron bar should extend from 1/8 to 1/4 of an inch above the concrete. The monuments shall be tied into the plant [plane] coordinates for the Lambert Conformal Conic Projection for Texas, North Central Zone. Reference may be made to Special Publication No. 252, Plant [Plane] Coordinate Projection Tables for Texas, published and printed by United Stated Department of Commerce, Coast and Geodetic Survey. The monuments shall be set at such an elevation that they will not be disturbed during construction and the top of the monument shall be not less than 12 inches below the finish ground elevation.

(2) Lot markers shall be 1/2-inch reinforcing bar, 18 inches long, or approved equal and shall be placed at all lot corners flush with the ground or below ground if necessary in order to avoid being disturbed.

(3) Where no benchmark is established or can be found within 300 feet of the boundary of the subdivision, such benchmark shall be established as a monument and shall be readily accessible and identifiable on the ground and shall be recorded on city benchmark datum.

(b) Underground utilities.

(1) All services for utilities shall be made available to each lot in such a manner so as to eliminate the necessity for disturbing the street and alley pavement, curb, gutter, sidewalks and drainage structures when connections are made. All necessary utility taps shall be furnished at the developer's expense.

(2) All electric, telephone utilities, street lighting and cable television shall be underground except where conditions do not warrant underground installations. The use of above-ground utilities may be considered on an individual case basis if the services are placed on the rear property lines.

(3) All support equipment (transformers, amplifiers, switching devices, and the like) necessary for underground installations shall be pad mounted or placed underground.

(4) The electric utility company shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of underground electric service. These policies shall permit the electric company to recover the cost differential between extending and installing overhead and underground service.

(5) The developer shall furnish all easements and right-of-way necessary for construction of electric, gas, street lighting, telephone and cable television service to the subdivision.

(6) Overhead services may not be permitted to cross public rights-of-way.

(c) Sidewalks. Sidewalks shall be installed:

(1) On the subdivision side of all arterial streets adjacent to the subdivision and not parallel[ed] by a marginal access street;

(2) On the subdivision side of all collector streets and adjacent to the subdivision if no adequate sidewalk exists on the opposite side of the street;

(3) On the residence side of all marginal access streets whether adjacent to the subdivision or internal;

(4) On both sides of all internal arterial streets not paralleled by a marginal access street;

(5) On the north or east side of all internal collector streets;

(6) At least one foot from the curb but not located over any underground utilities;

(7) As deemed necessary by the commission in commercial, industrial, public and multifamily areas;

(8) As additional to the above and as the subdivider may desire; and shall be constructed of 2,000 psi concrete having a width of not less than four feet and a minimum thickness of four inches.

(d) Street lighting and signs. Streetlights shall be installed by the subdivider at all street intersections within the subdivision and at adjacent intersections on the north and east boundaries of the subdivision.

(1) Street lighting shall conform to the latest edition of the Illuminating Engineering Society Handbook.

(2) Lighting levels shall be recommended for:

(A) Very light traffic in residential area.
(B) Medium traffic on feeder streets.
(C) Heavy traffic on thoroughfares.

(3) Streetlights shall be as manufactured by Kim Standards or approved equal.
(4) The initial cost of installation, operation and maintenance for the first year shall be paid by the developer to the city. Maintenance and operation after this period shall be provided by the city.
(5) Street signs shall be installed and paid for by the subdivider at all intersections within or abutting the subdivision. Such signs shall be of a type approved by the city and shall be installed in accordance with the standards of the city.

(e) Storm sewers. An adequate storm sewer system consisting of inlets, pipes and other underground drainage structures with approved outlets shall be constructed where runoff of stormwater and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities.

(f) Streets. Construction of streets and alleys shall be in conformance with the standard construction specifications of the city as promulgated by the city engineer. Minimum acceptable pavement for streets shall be as shown in appendices A, B, or C.
(1) Thoroughfares: Minimum of eight-inch reinforced concrete pavement (3,000 pounds per square inch) with six-inch integral concrete curbs or an acceptable design of equal quality and life.
(2) The developer shall pay the entire cost of constructing all streets and curbs.

(g) Sewage collection and treatment system.
(1) All subdivisions shall be provided with sanitary sewer service from the city with the exceptions of subsections (6) through (10) of this section. Sanitary sewer service from any other sanitary sewer systems shall be prohibited.
(2) All sewer pipe shall be vitrified clay, PVC or approved equal.
(3) All joints shall be of the pre-molded type conforming to the applicable ASTM standard.
(4) If possible, sewer lines shall be located in the alleys or easements and shall be a minimum of five feet deep to invert.
(5) Connection with the city's sanitary sewer system shall be required except where the city engineer determines that such connection will require unreasonable expenditure when compared with other methods of sewage disposal.
(6) When septic tanks are permitted (only for lots 1.0 acre or greater), the developer shall conduct percolation tests under the supervision of a registered professional engineer or registered sanitarian in accordance with requirements of the state commission on environmental quality in order to determine the adequacy of proposed lot sizes and the soil.
(7) No permit shall be issued by the Collin County health department or by the city for the installation of septic tanks upon any lot in a subdivision for which a final plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein, referred to herein, or applicable under state of [or] federal law have [not] been complied with in full.
(8) No permit shall be issued by the Collin County health department or by the city for the installation of a septic tank(s) if adequate sewer service is or will be feasibly available within 200 feet of the property line of the lot to be served.
(9) All septic tank systems must comply with “Construction Standards for Private Sewage Facilities,” published by the state commission on environmental quality.
(10) If a sanitary sewage treatment system is to be installed, the plans for such system shall be approved by and a permit secured from the state commission on environmental quality prior to approval of the final plat by the city council.
(11) The sewage collection system shall be designed to handle the anticipated flow of sewage from within the subdivision, including development to future sections of the same subdivision. Recognized engineering design criteria in accordance with the requirements of the state commission on environmental quality shall be used to design the system.
(12) All sewer lines shall be on such a grade as to provide a minimum velocity of two feet per second with using an “N” value of 0.013 in the Manning Formula.
(13) The minimum size line, excluding house service lines, shall be eight inches in diameter.
(14) Manholes shall not be spaced more than 400 [feet] apart and shall be provided at all changes in grade, direction and pipe size.
(15) The city may require larger sewer lines than are necessary to serve the subdivision and future development of the area. In the event that said larger lines are required, then the developer shall be entitled to participating aid from the city on said oversized lines, when the city funds become available.
(16) Should the subdivision or addition abut and use a sewer main of the city, the developer shall pay the city a “pro rata” charge as necessary.
(17) Should a lift station, either temporary or permanent be necessary to necessary to [sic] provide sanitary sewer service to the subdivision, the developer shall construct the station and all appurtenances at his or her own expense. If and when the lift station is no longer needed, the installation will, unless other provisions are made, remain the property of the city for reuse or disposal.
(18) Sewer service for each lot shall have a minimum internal diameter of four inches. Minimum cover at the property shall be four feet. Red tracer tape is needed to indicate location of the sewer stub-out.

(19) Off-site sewer utilities shall be constructed by developers at no expense to the city.
(20) Prior to acceptance, the sanitary sewers shall be subjected to an air test, leakage test or mandrel test.
(21) All force mains, stream crossings, railroad crossings and road bores shall be ductile iron pipe.
(22) All railroad crossings and road bores shall be encased in a steel carrier pipe.
(23) The city engineer may require the developer (contractor) to provide a TV examination of the sewer prior to acceptance if the sewer line is in question. The cost will be borne by the contractor.
(24) The engineering design shall conform to the criteria set forth in WPCF Manual of Practice No. 9, latest edition, as published by the American Society of Civil Engineers and the Water Pollution Control Federation and/or Design Criteria for Sewage Systems, published by the state commission on environmental quality. (2004 Code, sec. 159.65)

(h) Water.
(1) All subdivisions shall be provided with water service from the city. Water service from any other water system shall be prohibited.
(2) Water lines shall be laid in easement ROW and alleys.
(3) Where water lines are to be installed on private property, the developer shall secure the necessary easements in the name of the city.
(4) Water mains shall be a minimum of six-inch nominal internal diameter.
(5) In a residential development, water services for each lot shall be a minimum of one-inch type K copper or copper tube size (CTS) polyethylene (PE). Each service shall be provided with one in-line nylon ball cut-off valve. Service to each lot shall have a minimum cover of 18 inches.
(6) Valves shall be located such that the distance between valves is a maximum of 600 feet on 12-inch and smaller lines. On larger lines, spacing subject to approval of city engineer. Valves shall be furnished with extensions such that the working nut is a maximum of 48 inches below grade.
(7) Fire hydrants shall be located such that the horizontal distance to any structure in a residential area does not exceed 500 feet laying length to commercial areas. The horizontal distance shall not exceed 300 feet laying length. Fire hydrants shall be located 2-1/2 feet from back of curb.
(8) All fire hydrants shall be painted by the developer in accordance with the size of the line constructed:
(A) Six-inch line: silver;
(B) Eight-inch line: blue.
(9) Reflective fire hydrant spotters shall be installed in all streets at a point adjacent to the fire hydrants.
(10) Should the subdivision or addition abut and use a water main of the city, the developer shall pay the city's “pro-rata” charge as necessary.
(11) When PVC pipe is used, 12-gauge single strand wire or tracer tape, blue in color, shall be installed in the backfill material 24 inches above the top of the pipe in accordance with the manufacturer's recommendations.
(12) Water lines shall be installed with a minimum cover over the top of the pipe 42 inches.
(13) Water lines shall be disinfected in accordance with AWWA standards.
(14) PVC pipe shall have a six-inch sand bedding, six inches of sand on each side of and 12 inches of sand over top of pipe.
(15) The engineering design shall conform to the latest criteria set forth in the AWWA Standards, as published by the American Water Works Association. (Ordinance 2013-36 adopted 12/10/13)

(i) Fiber optic network conduit and fiber optic cable.
(1) Requirements. All subdivisions and road improvement and other capital improvements projects involving the creation of new improved streets, alleys, roadways, sidewalks or walkways by the city or any other person or entity, including private developers, or the installation of any new drainage or sewer pipes or underground infrastructure within city property, easements or public rights-of-way, or the widening of existing public streets, alleys, roadways, sidewalks or walkways, shall include as part of their projects and the costs thereof the construction and installation of fiber optic network conduit that contains at least one fiber optic cable within city property, easements, or public rights-of-way to which the city has access or ownership as well as installation and construction of proper appurtenances and attendant facilities thereto, which shall be located parallel to the nearest public street or roadway and meets or exceeds specifications of emerging industry standards for provision of ultra-speed broadband service, with the exact locations of such infrastructure and the specifications of which to be determined by the city engineer or his or her designee in reliance on such industry standards and consideration of the needs, objectives and findings of the city's gigabit city initiative. The following additional requirements shall also apply:
(A) In addition to installing fiber optic network conduit, the party constructing the street will be required to install such vaults, manholes, hand-holes and other appurtenances and facilities as are necessary or needed to accommodate installation and connection of fiber optic cable within the fiber optic network conduit.
(B) All construction and installation required in this subsection shall be accomplished according to construction standards adopted by the city engineer or the city's designee in consideration of the needs of the city's gigabit city initiative. Such standards shall be adopted with due consideration given to existing and anticipated technologies and industry standards.

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(C) All fiber optic network conduit, fiber optic cable, facilities and appurtenances installed by private parties or developers or by persons or entities other than the city pursuant to this section shall be conveyed and dedicated to the city either with or as part of the dedication and conveyance of the public street and/or right-of-way to the city or otherwise.

(D) All construction and installation costs shall be the responsibility of the party constructing the public street, roadway or improvements project that falls within the purview of this section.

(2) Definitions. For purposes of this subsection, the following terms have the meanings ascribed below:
Fiber optic cable. A minimum 288-count fiber cable bundle.
Fiber optic network conduit. A minimum four inch (4") conduit containing a minimum of four (4) inner-ducts used to enclose or carry fiber optic cable or other wires or lines and attendant parts and accessories buried alongside a roadway or surface mounted on bridges, overpasses and other facilities where below-ground placement is impossible or impractical, all in accordance with emerging industry standards and as determined by the city engineer or his or her designee.

(3) Use by broadband service providers. Whenever fiber optic network conduit and/or fiber optic cable installed or to be installed under this subsection is available or will become available within a newly constructed public street or right-of-way or other improvements project that falls with the scope or purview of this subsection upon dedication, all broadband service providers thereafter locating fiber optic cable, wire or lines within or along such street or right-of-way shall be required to use available dark fiber (currently unused fiber optic strands) within the then-existing infrastructure or to locate their cable, wire or lines within such fiber optic network conduit unless it can be demonstrated to the reasonable satisfaction of the city engineer that such use or location is not technologically feasible or reasonably practicable or unless such provider is exempt or otherwise not required by other law to comply with the provisions of this subsection. Fiber optic cable and strands as well as fiber optic network conduit capacity shall be allocated to broadband service providers on a first-come, first-served basis; provided, however, that the city may reserve capacity within such fiber and conduits for its own use; and provided further, that the city engineer may adopt additional reasonable rules for fiber optic cable or strand and fiber optic network conduit allocation in order to ensure that all broadband service providers have reasonable access to the city's rights-of-way and that no barriers to entry or competition result from the allocation of cable, strand or conduit space.

(4) Fees. Any person or entity constructing fiber optic network conduit or installing fiber as required by this subsection shall pay a nonrefundable fee in an amount as provided for in the fee schedule of the city for the city to recover its costs incurred for plan review, engineering design and approval, purchasing materials, and costs associated with issuing, processing, and verifying applications, inspecting job sites and restoration improvements, and other costs the city may incur in implementing the provisions of this subsection. The city reserves the right to charge reasonable fees for the use of fiber optic cable and fiber optic network conduit and attendant accessories, facilities and infrastructure installed pursuant to this section, to the extent consistent with and as limited by federal and state laws and regulations. Any such fee amounts shall be established in the fee schedule of the city. (Ordinance 2017-22 adopted 5/9/17)

Sec. 10.03.127 Drainage

All stormwater drainage infrastructures shall be designed and constructed in compliance with those standards set forth in the city Storm Drainage Design Manual, dated March 2006, as referenced in section 13.06.001 of the city Code of Ordinances. (2004 Code, sec. 159.66)

Sec. 10.03.128 As-built plans

After construction is completed, the developer shall provide the commission a set of as-built plans of all streets, alleys, sidewalks, drainage, underground utilities, signs, signals, street lighting and any other pertinent physical improvement of the subdivision. (2004 Code, sec. 159.67)

Sec. 10.03.129 Median landscaping

Landscaping improvements shall be installed within the medians of all proposed or planned or divided roadways within the city limits as shown on the city master thoroughfare plan. Frontage is wherever a property abuts the right-of-way of the divided thoroughfare, and separate frontages exist on each side of the thoroughfare.

(1) Applicability. Only developments or subdivisions abutting or adjacent to a divided roadway, as defined in the master thoroughfare plan, shall be subject to this section.

(2) Developer obligation. The subdivider or developer shall be fully responsible for the construction and installation of the required landscaping and maintenance of the improvements for a period of one year. During the first year following installation, the subdivider or developer shall replace any tree, shrub, sod, groundcover or hardscape in substandard condition. Following the first year, the director of engineering and public works shall inspect the installation and determine what, if any, plant materials and/or hardscape must be replaced prior to the city taking over maintenance.

(3) Installation or deferment. In the event that the director of engineering and public works, in his sole discretion, determines that the installation of improvements at any given time period is impractical due to further road construction or other factors,

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the subdivider or developer shall pay a fee-in-lieu into an escrow account for future median landscaping and/or maintenance. This fee-in-lieu of installation is collected once from each frontage and described more fully in subsection (8).

(4) City participation. At the discretion of the director of engineering and public works, the subdivider may install landscaping across the full width of the median, and be reimbursed by the city for the landscaping provided for the second frontage at the per linear foot of frontage rate or the actual cost of the improvements, whichever is less, if funds are available.

(5) Plan design burden/escrowed cost. In the case where undeveloped land exists on both sides of a divided public street, the first to develop shall carry the burden of submitting plans for landscaping, hardscape and irrigation of the median, along with escrowing the fee-in-lieu, as described in subsection (8). At the discretion of the director of engineering and public works, the city or county may contribute to this escrow account in order to facilitate the implementation of the landscape plan.

(6) Installation burden. However, if the city declines to participate in the immediate landscaping of the median in question, the second to develop will utilize the approved plans (or modify the approved plans with city approval of the modifications) and shall be responsible for the purchase and installation of the median improvements, using the escrowed account from the first developer and shall contribute an equal amount to the overall cost of the median landscaping. In the event that the original escrow amount has fallen short of current material and/or installation costs, the city will make up the difference in cost or the plans shall be modified to be installed within the cost allotted. Any surplus funds shall be placed in the city's landscape maintenance account.

(7) Minimum requirements for median landscaping.

(A) All trees and plant materials shall be chosen from the city's approved plant list;

(B) One ornamental tree per thirty (30) linear feet of median. Ornamental trees shall be a minimum two-inch (2") caliper and eight feet (8') in height at time of planting and shall be used primarily as accent trees near the median nose and dispersed within the canopy trees;

(C) One canopy tree per thirty (30) linear feet of median, with a minimum of four-inch (4") caliper trunk, and a well-formed canopy that is typical of the species. Canopy trees shall be planted no closer than thirty (30) feet from streetlights located in the median, no closer than twenty (20) feet to an intersection, and no closer than fifteen (15) feet from any overhead electrical line;

(D) Ornamental and canopy trees need not be evenly spaced and may be clustered for a more pleasing aesthetic effect;

(E) When the nose of a median is tapered to five (5) feet or less, that portion of the median shall be paved with bricks placed to align with the top of curb;

(F) A minimum of twenty percent (20%) of the landscaped area shall be planted in evergreen shrubs, ground cover and/or native grasses;

(G) Planting beds shall be separated from turf grass using 14-gauge steel edging to define ground cover beds and reduce weed incursion;

(H) Irrigation installation shall include bubblers or drip irrigation for all canopy and ornamental trees and irrigation to uniformly water the planting beds and shall be equipped with rain-freeze sensors; and

(I) Landscape and installation plans shall be subject to review and approval by the director of planning and development services and the director of engineering and public works. The location and placement of landscaping shall conform to the city street design standards and shall be placed to accommodate the ultimate number of traffic lanes, although shrubs, native grasses and ornamental trees may be placed in future traffic lanes if it is determined that these lanes will likely not be constructed in less than ten (10) years.

(8) Fee-in-lieu. Should the director of engineering and public works, at his sole discretion, determine that the immediate installation of median landscaping is impractical; a fee-in-lieu of construction shall be collected and placed in escrow at a rate of $25.00 per linear foot of median length for one-side frontage and $50.00 per linear foot of median length if the development is adjacent to both sides of the roadway. The fee-in-lieu shall be collected prior to plat filing. Said fees-in-lieu of installation shall be applied to construction, reconstruction, upgrading, and installation of median landscaping of divided roadways within the adjacent median landscape areas, as shown on attachment A to Ordinance 2015-78. Any fees not expended within ten years of collection shall be returned to the developer or subdivider who deposited the fees with the city.

(9) Notwithstanding the provisions of subsection (8), hereinabove, the city shall not be required to return fees that have not been expended if roadway medians have not been constructed on divided roadways within the adjacent roadway benefit area thus preventing the purchasing, planting, growing and/or irrigation of the required standard median landscaping. The time period for the expenditure of fees escrowed with the city for the construction of median landscaping shall not begin to run until such time as the roadway medians have been constructed on such divided roadways, the roadway medians have been accepted by the city, and the roadway medians are ready for standard median landscaping. (Ordinance 2015-78 adopted 12/7/15)

Secs. 10.03.130–10.03.160 Reserved

Division 5. Enforcement

Sec. 10.03.161 Standard specifications

The specifications for materials and workmanship shall conform to the latest edition of the Standard Specifications for Public Works Construction, published by the North Central Texas Council of Governments. (2004 Code, sec. 159.80)

Sec. 10.03.162 Observation of construction

(a) The city engineer, or his or her duly authorized representatives, shall make periodic observation of the construction of improvements for subdivision. Inspection of improvements by the city engineer or his or her representative, is not intended to and does not relieve the subdivider or his or her contractor, from ensuring that the improvements are constructed in accordance with the accepted plans and specifications. The subdivider or his or her contractor, shall maintain contact with the city engineer or his or her representative during construction of improvements.

(b) No sanitary sewer, water or storm sewer pipe shall be covered without approval of the city engineer or his or her representative. No flexible base material, subgrade material or stabilization shall be applied to the street subgrade without said approval. No concrete shall be poured nor asphaltic surface applied to the base without said approval of city engineer.

(c) The city engineer or his or her representative, may at any time cause any construction, installation, maintenance or location of improvements to cease when, in his or her judgment, the requirements of this article or the standards and specifications as hereinbefore provided have been violated. Any violation may require such reconstruction or other work as may be necessary to correct any such violation at the expense of the developer. The cost of materials testing shall be borne by the developer. (2004 Code, sec. 159.81)

Sec. 10.03.163 Maintenance bond

The subdivider shall furnish a good and sufficient maintenance bond in the amount of 100% of the contract price of all public improvements or in such amount as approved by the city engineer, with a reputable and solvent corporate surety in favor of the city, to indemnify the city against any repairs which may become necessary to any part of the construction of public improvements in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of two years from the date of final acceptance of the improvements. Final acceptance will be withheld until said maintenance bond is furnished to the city and approved by the city attorney. (2004 Code, sec. 159.82)

Sec. 10.03.164 Filing, plat and other fees

(a) The fees and charges shall be paid to the city when any preliminary plat or final plat or other filing is tendered to the planning and zoning commission or any other authorized board or agency of the city. Each of the fees and charges provided herein shall be paid in advance and no action of the commission or any other board or agency of the city shall be valid until the fees and charges shall have been paid to the city.

(b) Except as hereinbefore provided, these fees and charges shall be charged on all plats and filings, regardless of the action taken by the commission or any other board or agency of the city and whether the plat or filing is approved or denied by the city council. All fees are listed as shown in the city fee schedule ordinance, which is a bound and separate document. (2004 Code, sec. 159.83)

Sec. 10.03.165 Penalty

Any person, firm or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed $200.00, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. (2004 Code, sec. 159.99)

ATTACHMENT B
Prepared for Planning & Zoning Commission Meeting
June 19, 2018

SUBDIVISION ORDINANCE

Proposed for the
City of Celina

Attachment: ATTACHMENT B - Proposed Subdivision Ordinance for 6-19-18 P&Z Meeting (Subdivision Ordinance Revision)

Ordinance Number	Date of Adoption	Summary
2018-___	7/10/2018	New Subdivision Ordinance; repealed all previous Subdivision Ordinances and amendments

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ARTICLE 10.03.000 .....GENERAL SUBDIVISION AUTHORITY OF THE CITY

Sec. 10.03.001 .....AUTHORITY, PURPOSE & APPLICABILITY.

(a) **Authority.** The regulations of this Subdivision Ordinance are authorized under the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212 (including Subchapter B) and the City's charter. The provisions of this Subdivision Ordinance expressly extend to all areas inside the City limits and throughout the City's Extraterritorial Jurisdiction (ETJ), as either may be adjusted in the future, and as provided in the City's interlocal agreement with Denton and Collin Counties, in accordance with CHAPTER 242 of the TEXAS LOCAL GOVERNMENT CODE.

(b) **Purpose.**

(1) The development and subdivision of land, as they affect a community's quality of life, are activities for which regulation is a valid function of municipal government. The regulations contained within this Subdivision Ordinance are intended to protect the interests of the public and of private parties by granting certain rights, privileges and obligations. The requirements in this Ordinance are also intended to establish a fair and rational procedure for developing and subdividing land such that land will be developed in accordance with existing physical, social, economic, and environmental conditions.

(2) The provisions of this Ordinance are intended to implement standards and requirements provided for herein, and shall be requirements for the platting and developing of subdivisions within the City and its ETJ.

(3) The provisions of this Ordinance are intended to implement the following objectives:

i. Promote the development and the utilization of land in a manner that provides an attractive and high-quality community environment in accordance with the *Comprehensive Plan* and the *Zoning Ordinance* of the City;

ii. Assist orderly, efficient, and coordinated development within the City's limits and its ETJ;

iii. Guide and assist property owners and applicants in the correct procedures to be followed, and to inform them of the required standards;

iv. Protect the public interest by having standards for, but not limited to, the location, design, class and type of streets, sidewalks, trails, alleys, utilities and essential public services;

v. Integrate the development of various tracts of land into the community, and coordinate the future development of adjoining tracts;

vi. Promote the most efficient and beneficial provision of public facilities and services for each tract being subdivided;

vii. Provide for compatible relationships between land uses and buildings;

viii. Provide for efficient traffic circulation throughout the municipality;

ix. Provide for pedestrian and bicyclist movement that is appropriate within the context of various uses of land and buildings;

x. Minimize pollution of the air, streams, bodies of water, and aquifers; promote the adequacy of storm drainage facilities; minimize erosion; safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;

xi. Preserve the natural beauty and topography of public and private properties by encouraging where possible that natural features and land forms are incorporated into developments as amenities;

xii. Establish accurate records of land subdivision;

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xiii. Provide for necessary infrastructure that will have sufficient capacity to serve existing and future developments as well as current and future citizens within the City and its ETJ;

xiv. Provide for adequate light, air and privacy; safety from fire, flood, and other dangers; and prevent overcrowding of the land and undue congestion of population;

xv. Encourage the development of residential areas that incorporate a range of housing and lifestyle choices.

(c) **Applicability.**

(1) The provisions of this Subdivision Ordinance apply to any non-exempt (see Section 10.03.031(d), *Exemptions*) division of land, combination of separate land parcels, and/or development of land within the corporate boundaries of the City and within its ETJ.

(2) No permit shall be issued for any building or structure on a property until a plat has been approved unless specifically exempted herein.

(d) **Subdivision Rules.** The provisions of this Subdivision Ordinance, the standards governing constructed facilities applicable to plats in other portions of the Celina Code of Ordinances, and the technical standards contained in the *Engineering Design Standards*, constitute the subdivision rules of the City, which apply to applications for plat approval inside City limits and within the City's ETJ.

(e) **Engineering Design Standards**. The City of Celina has adopted *Engineering Design Standards* and these standards, as they exist or may be amended, shall remain in force of law and effect and are herein incorporated into the Subdivision Ordinance. The *Engineering Design Standards* may be drafted or revised, from time to time, at the discretion and determination of the Director of Engineering, with approval by the City Council. As revised *Engineering Design Standards* are approved and adopted by the City Council, said standards shall be included and substituted for the existing *Engineering Design Standards*, and shall thereafter have the same force of law and effect as if originally adopted hereby. Any individual may request to receive written notice of any new or amended provision to the *Engineering Design Standards* by providing said request in writing to the Director of Engineering. A copy of the current *Engineering Design Standards* shall be kept on file and available for review with the Director of Engineering's office and on the City's website.

(f) **Compliance with City Plans and Ordinances Required.** Compliance with all City ordinances pertaining to the subdivision and development of land, and the *Comprehensive Plan* (where applicable), shall be required prior to approval of any application pursuant to this Ordinance. All such ordinances and the *Comprehensive Plan* shall be construed to mean those documents as they exist or may be amended. It is the applicant's responsibility to be familiar with, and to comply with, City ordinances, the *Comprehensive Plan*, and the provisions of this Ordinance. Applicable City ordinances and plans with which all applications must comply include, but are not limited to, the following:

(1) *Comprehensive Plan* (Ordinance No. 2013-06), and as amended.
(2) *Zoning Ordinance* (Ordinance No. 2006-57), and as amended.
(3) *Engineering Design Standards*
(4) *International Building, Residential, and Fire Codes*
(5) *National Electrical Code*
(6) *International Energy Conservation Code*
(7) *Impact Fee Ordinance for Water* (Ord. No. 2003-75), and as amended.
(8) *Impact Fee Ordinance for Thoroughfares (Ord. No. 2015-06),* and as amended.
(9) *Drainage Design Manual*
(10) Federal, State and Local Environmental Regulations.
(11) Other applicable portions of the Celina Code of Ordinances.

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(g) **Governmental Agency Design Standards.**

The City of Celina, Celina Independent School District, and Prosper Independent School District, city departments, and any county governmental organization, when developing within the city limits, will be required to make best efforts to meet the city's development regulations related to city infrastructure. However, when the overall benefit to the city is reduced due to full compliance with adopted development standards, modified development standards may be administratively approved. This administrative approval shall be conditioned on meeting the overall intent of the subject ordinance as determined by the city manager, or his/her designee, whose decision may be appealed to city council. (Ordinance 2017-59, adopted 10/10/17)

(h) **Special Provisions.**

(1) The City of Celina does not issue permits for the installation of septic tanks in the ETJ but may issue permits for installation of septic tanks within the corporate city limits. Permits for septic tanks are limited to lots that are greater than one (1) acre in size exclusive of the house footprint and not located within 100 feet of a City sewer line. Citizens may elect to connect to a sewer line that is greater than 100 feet from the property, but must individually bear the cost of the installation that is in excess of 100 feet. A septic system may not be installed upon any lot in a subdivision for which a Final Plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

(2) No building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a Final Plat has not been approved, nor for any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

(3) The City Manager and the Director of Engineering may allow sectional development (i.e. phased development) of an approved Final Plat provided that the section of the Final Plat meets all the requirements of this Ordinance in full as though it were a subdivision within itself.

(4) The City shall not authorize any other person, nor shall the City itself repair, maintain, install or provide any streets or public utility services in any subdivision for which the standards contained herein or referred to herein have not been complied with in full.

(5) The City shall not authorize any other person nor shall the City itself sell or supply any water, gas, electricity or sewerage service within a subdivision for which a Final Plat has not been approved, nor in which the standards contained herein or referred to herein have not been complied with in full.

(6) On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this ordinance or the standards referred to herein with respect to any violation thereof which occurs within the City, within the extraterritorial jurisdiction (ETJ) of the City as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this ordinance.

(7) If any subdivision exists for which a Final Plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the City Council shall pass a resolution reciting the fact that such noncompliance or failure to secure Final Plat approval, and reciting the fact that the provisions of paragraphs (1), (2), (4) and (5) of this section will apply to the subdivision and the lots therein. The City Secretary shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed Records of Denton or Collin County in which such subdivision or part thereof lies. If full compliance and Final Plat approval are secured after the filing of such resolution, the City

Secretary shall forthwith file an instrument, in the Deed Records of the county stating that paragraphs (1), (2), (4) and (5) no longer apply.

(8) The provisions of this section shall not be construed to prohibit the issuance of permits to any lots upon which a residential building exists and was in existence prior to passage of this Subdivision Ordinance, or to prohibit the repair, maintenance or installation of any street or public utility services for any residential building, or abutting any sale lot, the last recorded conveyance of which prior to passage of this ordinance was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this ordinance.

Sec. 10.03.002.....ENFORCEMENT.

(a) **Observation of Construction.**

(1) The city engineer, or his or her duly authorized representatives, shall make periodic observation of the construction of improvements for subdivision. Inspection of improvements by the city engineer or his or her representative, is not intended to and does not relieve the subdivider or his or her contractor, from ensuring that the improvements are constructed in accordance with the accepted plans and specifications. The subdivider or his or her contractor, shall maintain contact with the city engineer or his or her representative during construction of improvements.

(2) No sanitary sewer, water or storm sewer pipe shall be covered without approval of the city engineer or his or her representative. No flexible base material, subgrade material or stabilization shall be applied to the street subgrade without said approval. No concrete shall be poured nor asphaltic surface applied to the base without said approval of city engineer.

(3) The city engineer or his or her representative, may at any time cause any construction, installation, maintenance or location of improvements to cease when, in his or her judgment, the requirements of this article or the standards and specifications as hereinbefore provided have been violated. Any violation may require such reconstruction or other work as may be necessary to correct any such violation at the expense of the developer. The cost of materials testing shall be borne by the developer. (2004 Code, sec. 159.81)

(b) **Maintenance bond.** The subdivider shall furnish a good and sufficient maintenance bond in the amount of ten percent (10%) of the contract price of all public improvements or in such amount as approved by the city engineer, with a reputable and solvent corporate surety in favor of the city, to indemnify the city against any repairs which may become necessary to any part of the construction of public improvements in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of two years from the date of final acceptance of the improvements. Final acceptance will be withheld until said maintenance bond is furnished to the city and approved by the city attorney. (2004 Code, sec. 159.82)

(c) **Filing, plat and other fees.**

(1) The fees and charges shall be paid to the city when any preliminary plat or final plat or other filing is tendered to the planning and zoning commission or any other authorized board or agency of the city. Each of the fees and charges provided herein shall be paid in advance and no action of the commission or any other board or agency of the city shall be valid until the fees and charges shall have been paid to the city.

(2) Except as hereinbefore provided, these fees and charges shall be charged on all plats and filings, regardless of the action taken by the commission or any other board or agency of the city and whether the plat or filing is approved or denied by the city council. All fees are listed as shown in the city fee schedule ordinance, which is a bound and separate document. (2004 Code, sec. 159.83)

(d) **Penalty.** Any person, firm or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed $200.00, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. (2004 Code, sec. 159.99)

Sec. 10.03.003 to Sec. 10.03.009. RESERVED

ARTICLE 10.03.010 .....AUTHORITY OF DECISION-MAKERS

Sec. 10.03.011.....GENERAL PROVISIONS.

(a) **Source of Authority.** Authority under this Subdivision Ordinance shall be vested in and delegated to the officials and decision-makers designated in Section 10.03.012, *Responsible Official Assigned*, and under the City's Charter, the constitution and laws of the State of Texas, and the Celina Code of Ordinances. This authority shall be deemed supplemental to any other authority lawfully conferred upon the officials and decision-makers. The omission of a citation in this Subdivision Ordinance to any authority conferred upon the officials and decision-makers under the City's charter, the constitution or laws of the State of Texas, or the Celina Code of Ordinances, or the failure to identify in this article authority conferred by other provisions of this Subdivision Ordinance, shall not be construed as limiting the actions of such officials and decision-makers taken in accordance with and in reliance upon such authority.

(b) **Implied Authority.** The officials and decision-makers shall have all implied authority necessary to carry out the duties and responsibilities expressly delegated by CHAPTER 212 of the TEXAS LOCAL GOVERNMENT CODE and this Subdivision Ordinance, to the extent that the implied authority is not in conflict with the expressly delegated authority.

(c) **Limitation on Authority.**

(1) City Policy. It is the policy of the City that the standards and procedures applicable to development of property within the City limits and within the City's Extraterritorial Jurisdiction (ETJ) are as stated in this Subdivision Ordinance, notwithstanding any representation by any City official summarizing, paraphrasing or otherwise interpreting such standards to the contrary, whether generally or as applied to development of specific property.

(2) Representations. The applicant shall not rely on any representation made by an employee of the City, a member of an appointed board or commission, or a member of the City Council concerning the likelihood of an outcome of that official's decision or the decision of an appointed board or commission or the City Council, on any application that has yet to be filed or is pending before the City. An official may, however, convey information concerning that official's position on a pending application in accordance with his role as the responsible official for such application or as the City staff contact person.

(3) Effect of Comprehensive Plan or Development Standard on Liability Claims. The City's approval of an application under the standards and procedures of this Subdivision Ordinance does not guarantee or ensure that development of the property in accordance with the standards will prevent, minimize or mitigate harm to adjoining property. A person who undertakes development activities shall not rely on the City's approval of an application as ensuring that the development activities will not result in harm to adjoining property. The regulations contained in this Subdivision Ordinance constitute an exercise of the City's governmental authority, and approval of an application shall not give rise to any liability on the part of the City or its officers, agents and employees, nor will an approval release the applicant from any liability for harm arising out of development of the property under applicable law.

(4) Variances. Except as expressly provided for in Section 10.03.086, *Variances*, this Subdivision Ordinance, no official, board or commission of the City, or the City Council, shall have authority to waive any requirement or standard for an application. Any attempted variance of a requirement or standard for an application in contravention of this section shall hereby be deemed null and void, and, upon discovery, shall be grounds for revocation of a permit or approved application.

(d) **Conflict in Authority.** If any of the provisions of this Subdivision Ordinance are in apparent conflict, the Director of Development Services shall, after due consideration as to the purpose and intent of each conflicting provision, make a determination as to which provision shall apply. The Director of

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Development Services shall make every effort to be fair and consistent in such interpretations, and his decision may be appealed to the City Manager (see Section 10.03.016, *City Manager and Other Officials*), unless otherwise noted within.

Sec. 10.03.012.....RESPONSIBLE OFFICIAL ASSIGNED.

(a) **Responsible Official.** The responsible official shall be the Director of a designated City department who is assigned responsibility under this Subdivision Ordinance for taking the following actions with regard to a particular type of application authorized under this Subdivision Ordinance (see also Table 10.03.111, *Applications – Responsible Officials, Decision Makers, and Appeals).*

(1) Accepting the application for filing, and processing an application;
(2) Reviewing and making recommendations concerning an application;
(3) Seeking advice of other City departments, and coordinating any recommendations from such departments concerning an application;
(4) Determining a request for exemption;
(5) Preparing reports to and advising any board, commission or the City Council that has responsibility for making recommendations on or approving/denying an application;
(6) Promulgating additional or modified policies, standards and administrative rules for adoption by the City Council that apply to an application;
(7) Initiating enforcement actions concerning compliance with the standards applicable to an application and the conditions imposed thereon; and
(8) Taking all other actions necessary for administration of the provisions of this Subdivision Ordinance with respect to an application, petition, approval, or appeal.

(b) **Delegation.** The responsible official may delegate the official's authority under this Subdivision Ordinance to subordinate officials, who shall thereupon be deemed the responsible official for purposes of carrying out the delegated duties.

Sec. 10.03.013.....DIRECTOR OF DEVELOPMENT SERVICES.

(a) **Responsible Official.** The Director of Development Services is the responsible official for the following types of applications, waivers, variances and petitions:

(1) Review and staff report, including a staff recommendation for approval/denial, for any type of plat;
(2) Waiver of right to 30-day action;
(3) Extension of a plat approval;
(4) Appeal of a decision on any application for which the Director of Engineering is the responsible official;
(5) Vested rights petition for any application when the Director of Development Services is the responsible official.
(6) Review recommendations by the Parks Board, and carry out the Board's decisions, on the following types of applications:
   i. Acceptance of fees in lieu of parkland dedication;
   ii. The portion of an application showing where park land, including trails, is to be dedicated, and whether such dedication is acceptable;
   iii. Any other portions of applications showing items required by Article 10.03.080, *Parks and Open Space*.

(b) **Final Decision-Maker.** The Director of Development Services is the final decision-maker for the following types of applications (subject to any appeal):

(1) Minor Plat, as outlined in Section 10.03.035, *Minor Plats*;
(2) Amending Plat, as outlined in Section 10.03.038, *Amending Plats*;

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(3) Extension for a Preliminary Plat approval, as outlined in Section 10.03.033, *Preliminary Plats*; and
(4) Certain types of Vested rights petitions, as outlined in Section 10.03.087, *Vested Rights*.

Sec. 10.03.014.....DIRECTOR OF ENGINEERING.

(a) **Responsible Official.** The Director of Engineering is the responsible official for the following types of applications:
(1) Review of construction plans, including all engineering plans and related construction tasks, and approval of contracts for public improvements, as outlined in Section 10.03.041, *Construction Plans*;
(2) Time extensions for construction plans, as outlined in Section 10.03.041(h), *Extension*;
(3) Construction Releases, as outlined in Section 10.03.041(i), *Construction Release*;
(4) Development Agreement, as outlined in Section 10.03.044, *Development Agreements*;
(5) Appeal related to an application for which the Director of Engineering is the responsible official;
(6) Certain types of Variances (related to construction requirements), as outlined in Section 10.03.086, *Variances*; and
(7) Vested rights petition for an application for which the Director of Engineering is the responsible official, as outlined in Section 10.03.087, *Vested Rights*.

(b) **Final Decision-Maker.** The Director of Engineering is the final decision-maker for the following types of applications (subject to any appeal):
(1) Approval of construction plans, including all engineering plans and related construction management tasks, and approval of contracts for public improvements;
(2) Construction Release;
(3) Extension for construction plans approval;
(4) Certain types of Vested Rights petitions for an application for which the Director of Engineering is the initial decision-maker.

Sec. 10.03.015.....DIRECTOR OF PARKS & RECREATION.

(a) **Responsible Official and Initial Decision-Maker.** The Director of Parks & Recreation is the responsible official for the review and recommendation to the Parks Board and for carrying out the Board's decisions, on the following types of applications:
(1) Acceptance of fees in lieu of parkland dedication;
(2) The portion of an application showing where park land, including trails, is to be dedicated, and whether such dedication is acceptable;
(3) Any other portions of applications showing items required by Article 10.03.080, *Parks and Open Space*.

Sec. 10.03.016.....CITY MANAGER AND OTHER CITY OFFICIALS.

(a) **City Manager.** Any decision which is made by a staff person other than the Director of Development Services shall be reviewed first by the Director of Development Services. Any decision that cannot be resolved by the Director of Development Services shall be appealed to the City Manager, who is the appellate decision-maker for any appeal for which the Director of Development Services is responsible. Any further appeal as may be provided for in any subsequent sections of this Subdivision Ordinance.

(b) **Fire Chief.** No provision contained in this Subdivision Ordinance shall be deemed or interpreted as a limitation on the Fire Chief's exclusive authority as set forth in the International Fire Code, especially as the decision relates to health and safety issues.

(c) **Other City Officials.** The City Attorney and any other official delegated responsibilities under this

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Subdivision Ordinance or other provisions of the Code of Ordinances are authorized to take all actions necessary to carry out their responsibilities in accordance with the requirements and limitations prescribed herein.

Sec. 10.03.017.....PLANNING & ZONING COMMISSION.

(a) **Organization, Powers and Duties.** The Planning & Zoning Commission (also referred to as the "Commission") shall hold meetings and have the powers and duties as provided for in the Code of Ordinances of the City (Code of Ordinances, Chapter 106, *Zoning*), and as authorized by CHAPTER 211 AND 212 OF THE TEXAS LOCAL GOVERNMENT CODE. Such powers and duties shall include exercising all the authority and control conferred by law relating to platting.

(b) **Staff Liaison.** The Director of Development Services shall act as the staff liaison to the Commission, and shall abide by the City's usual record-keeping and retention policies for boards and commissions, as amended, in maintaining records of the Commission's meetings and actions.

(c) **Authority for Deciding Applications.** The Commission shall have the authority to act on the following types of applications:
- (1) Conveyance Plats;
- (2) Preliminary Plats;
- (3) Final Plats;
- (4) Replats (at a public hearing);
- (5) All other types of plats, with the exception of Minor Plats and Amending Plats (which may be decided by the Director of Development Services unless deferred to the Commission).

(d) **Authority for Deciding Appeals.** The Commission shall hear and decide the following appeals:
- (1) Any Variance petition on an application for a Preliminary Plat, Final Plat or Replat;
- (2) Minor Plat or Amended Plat that is deferred by the Director of Development Services, as outlined in Section 10.03.035(h), *Appeal of Decision on Minor Plat Application*, or Section 10.03.038(i), *Appeal of Decision on Amending Plat Application,* as applicable;
- (3) Any other appeal so authorized by this Ordinance.

Sec. 10.03.018.....CITY COUNCIL.

(a) **Authority for Deciding Applications and Appeals.** The City Council shall hear and decide appeals from decisions made by the Commission when such appeals are authorized by this Ordinance.

Sec. 10.03.19 .....RESERVED.

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ARTICLE 10.03.020 SUBMITTAL PROCESS

Sec. 10.03.021.....PRE-SUBMITTAL MEETING (Development Review Committee Meeting).

(a) **Optional Development Review Committee Meeting.** Prior to the official submission of an application for review and consideration, applicants are strongly encouraged to contact the Development Services staff to schedule a Development Review Committee (DRC) Meeting. This meeting will alert the applicant to the ordinances that apply to the specific project.

(b) **Members of DRC**. Members of DRC are made up of representatives from the departments that have direct communication with all aspects of the development process: Planning, Engineering, Fire, Public Works, and Parks.

(c) **Date and Time of DRC Meeting**. DRC meetings are held on Wednesday morning beginning at 9:00 a.m. the first hour is for internal review of cases and from 10:00 a.m. until noon, the staff will assist applicants with questions and issues regarding their case.

(d) **Meeting Request.** To schedule a DRC Meeting, the applicant requests a DRC Meeting with the Development Services staff, and such request shall describe the type of development desired and/or the type of application intended for submittal along with an initial concept plan. The applicant shall then be notified by the Development Services staff of the time and place for the requested meeting.

(e) **Vested Rights.** There shall be no vested rights based on the DRC Meeting.

(f) **Effect.** Following the DRC Meeting, the applicant may proceed with the submittal of the appropriate application(s), including, but not limited to, the Conveyance or Preliminary Plat, Final Plat, Civil Plans, and Building Plans.

Sec. 10.03.022.....APPLICATION CONTENTS.

(a) **Application Contents Generally.** All applications shall be submitted on a form supplied by the Development Services staff with the required information and exhibits as stated on the application form. Incomplete applications shall not be accepted.

(1) Application Timing.

i. Development Services staff shall establish submittal deadlines for all applications decided by the Director of Development Services and by the Commission. Such submittal schedule will be posted on the City website.

ii. An application must be considered officially complete in accordance with Section 10.03.023(c), *Determination of Completeness*, of this Subdivision Ordinance prior to being processed for review and consideration.

(2) Fees Required. Every application shall be accompanied by the prescribed fees set forth in the City's fee schedule, as approved by City Council and as may be amended from time to time. Fees are not refundable and are not a guarantee of approval. Review of the application will not begin until the appropriate fees have been processed by the City.

(b) **Modification of Applications Prior to Approval.** The applicant may modify any submitted application prior to the expiration of the period during which the City is required to act on the application.

(1) Modifications Requested by the City. City requested revisions or modifications to any plat are required to be resubmitted to the Department Services Department a minimum of thirty (30) calendar days prior to the scheduled date for the Planning & Zoning Commission hearing to allow staff adequate time to review the revisions and modifications for completeness and accuracy. Resubmittals for residential replats that require public noticing must be submitted a minimum of twenty (20) calendar days prior to the scheduled date for the Planning & Zoning Commission hearing

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to allow staff adequate time to review the revisions and modifications for completeness and accuracy and to publicize the public hearing in the official newspaper of the City, as required by State law.

(2) Additional Revisions. Should certain requested revisions not be completed to the satisfaction of the City staff, additional revisions may be required from the applicant. The additional comments to be addressed may affect the tentatively scheduled Planning & Zoning Commission hearing date (see Sec. 107.04.04).

(3) Applicant Initiated Revisions. In all other instances (e.g., when the applicant chooses to submit a revised application on his own accord because of a change in development decisions), submittal of a modified application shall be accompanied by a properly executed waiver of right to 30-day action (see Section 10.03.023(d), *Waiver of Right to 30-Day Action*) in order to allow City staff adequate time to review the new information and modifications, and shall extend the time for deciding the application for a period equal to the time specified in this Subdivision Ordinance to decide the original application, commencing on the official filing date of the modified application.

Sec. 10.03.023.....APPLICATION SUBMITTAL PROCESS, OFFICIAL FILING DATE, 30-DAY WAIVER.

(a) **Initiation by Owner.** An application required under this Subdivision Ordinance may be initiated only by the owner of the land subject to the application, or by the owner's duly authorized representative. If the applicant is a representative of the property owner, the application shall include a written and notarized statement from the property owner, such as a duly executed Power of Attorney, authorizing the representative to file the application on the owner's behalf.

(b) **Applicability.** The procedures within this Chapter shall apply to all applications that are required by the City and submitted in accordance with this Subdivision Ordinance.

(c) **Official Filing Date.** The 30-day time period established by State law, and by this Subdivision Ordinance, for processing and deciding an application shall begin on the Official Filing Date. The Official Filing Date is defined as the scheduled intake date for each bi-monthly review period and shall be thirty (30) days prior to the Planning & Zoning Commission meeting, as shown on the *Planning Submittal Schedule*, found on the City of Celina Development Services webpage. Submittals presented to the City electronically are considered to be accepted for submittal on the first Official Filing Date following the date the plans are sent. If the Official Filing Date falls on a City holiday, then the Official Filing Date shall be the next business day following the holiday. Fees shall be processed on the Official Filing Date.

(d) **Waiver of Right to 30-Day Action.** The Director of Development Services shall be the responsible official for a waiver of right to 30-day action.

(1) Application includes Waiver Language. A waiver of right to 30-day action is included as part of plat applications. Applicants are strongly encouraged to sign the request waiving the right to 30-day action since the review and revision process for plats frequently requires more time than the number of days allowed by State Law. Signing the waiver in no way slows the processing of the plat in question and staff will make every effort to expedite the plat approval process.

(2) Effect of not Signing the 30-Day Waiver. However, if the applicant chooses to not sign the waiver of right to 30-day action, and the plat review has not been completed within the time limit imposed by State Law, the staff must take to plat to the Planning and Zoning Commission with a recommendation for denial within the 30-day time period. Subsequently, the applicant must re-submit the plat request, pay the application fee again, and begin the process as if the plat had never been submitted or reviewed.

(3) Residential Replat Notification and 30-Day Waiver. An application for a Residential Replat requiring public noticing by State law shall necessitate the inclusion of a waiver of right to 30-day action since

it is not possible to legally notice for the public hearing for a residential replat as required by State law and also schedule the residential replat for consideration before the Planning & Zoning Commission within the 30-day timeframe.

(4) Requirements Maintained. Submission of a waiver of right to 30-day action, and acceptance of such waiver by the City as part of an application, shall not be deemed in any way a waiver to any requirement within this Subdivision Ordinance. Any waiver from the subdivision requirements herein is a separate and distinct process (see Section 10.03.086, *Variances*).

(e) **Owners Dedication Language**. Refer to the Development Handbook (available online) for the appropriate owner dedication language to include on the plat.

Sec. 10.03.024.....APPLICATION PROCESS, REVISIONS, APPROVAL.

(a) **Action by Responsible Official.** The responsible official for an application shall initiate internal (i.e., by City departments) review and assessment of the application according to the City's development review procedures. The responsible official shall also, to the extent possible, work with the applicant by advising on and communicating revisions that may be necessary to bring the application into compliance with City regulations in preparation for consideration by the appropriate decision-maker.

(b) **Revisions to Exhibits**. The responsible official may enumerate to the applicant such revisions to the plat exhibits as are necessary to bring the exhibit into compliance with the Subdivision Ordinance. Such revisions shall be made by the applicant or his agent in a timely fashion.

(c) **Decision.** The decision-maker for the application shall approve, approve with conditions, or deny the application within the time period prescribed by this Subdivision Ordinance.

(d) **Conditions Attached.** The decision-maker may attach such conditions to the approval of an application as are reasonably necessary to ensure compliance with all applicable requirements of this Subdivision Ordinance. These conditions of approval shall be completed prior to the plat being filed for record in Denton or Collin County.

(e) **Notification of Decision.** The City shall send written notice of a decision on an application within fourteen (14) calendar days following the approval date. This written notice will include any future steps the applicant must take.

(f) **Notification of City Appeal.** Whenever appeal is requested from a final decision on an application following a public hearing, or whenever the City is to consider revocation of an application which was obtained following a public hearing, personal notice of the appeal or revocation proceeding shall be provided to the applicant.

Sec. 10.03.025.....PUBLIC HEARINGS REQUIRED FOR CERTAIN REPLATS.

(a) **Scheduling and Noticing the Hearing.** When the responsible official determines that an application is complete and that a public hearing is required by this Subdivision Ordinance (see Section 10.03.037, *Residential Replats*), the official shall cause notice of such hearing to be prepared and made in accordance with State law. The time set for the hearing shall conform to the time periods required by Sections 10.03.026, *Amendments and Expirations of Current Projects*, and 10.03.027, *Expiration of Projects Approved Prior to the Establishment of this Subdivision Ordinance* in this Subdivision Ordinance and by State law.

(1) Residential Replats. By State law, residential replats require that a public notice be placed in the official newspaper of the City a minimum of fifteen (15) days prior to the public hearing. In addition, written notices of the proposed residential replat shall be mailed to all property owners located within 200 feet of the subject property a minimum of fifteen (15) days prior to the public hearing.

Notice of the public hearing shall also be posted with the agenda at the City Hall and on the City's website within the prescribed time limits, as required by State law.

(2) Replats Other than Residential Replats. All replats require a public hearing. However, no public noticing is required on a non-residential replat other than the agenda being posted at the City Hall and on the City's website, as with any other platting case coming before the Planning and Zoning Commission.

(b) **Conduct of the Hearing.** The public hearing shall be conducted in accordance with State law. Any person may appear at the public hearing and submit evidence, either individually or as a representative of an organization. Each person who desires to speak at a public hearing shall state his name and address, and if appearing on behalf of an organization, state the name of the organization for the record.

(c) **Record of Proceedings.** The Planning and Zoning Commission shall record the proceedings using standard municipal record-keeping procedures (i.e. Minutes of the meeting).

Sec. 10.03.026.....AMENDMENTS & EXPIRATION OF CURRENT PROJECTS.

(a) **Amendments/Revisions to an Approved Application.** Unless another method is expressly provided by this Subdivision Ordinance, any request to amend or revise an approved application shall be considered a new application, which must be considered in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.

(b) **Expiration.**

(1) Unless otherwise expressly provided by this Subdivision Ordinance, an approved application for a plat or civil plans shall automatically expire one (1) year following the approval date of the application (see Section 10.03.041(g), *Expiration of Construction Plans*), and shall become null and void, and all activities under the application thereafter shall be deemed in violation of this Subdivision Ordinance, if:

i. The applicant fails to satisfy any condition that was imposed by this Subdivision Ordinance or as part of the approval of the application or that was made under the terms of any Development Agreement, within the time limits established for satisfaction of such condition or term; or

ii. The applicant fails to submit a subsequent complete application required by this Subdivision Ordinance within the time so required; or

iii. A Development Agreement has not been approved for the development.

(2) The Director of Engineering may extend the time of expiration for the plat or construction plans by one (1) year if the applicant has requested the extension in writing and listed the cause for the delay. Any further extension of the expiration date shall be considered by the Planning and Zoning Commission and the Commission's decision shall be final.

(3) If no time limit for satisfaction of conditions is specified in the decision on the application, the time shall be presumed to be two (2) years following the date the application was approved, except as provided through a Vested Rights petition.

(3) An expiration date may differ from the first anniversary of approval upon approval of a different date being determined pursuant to a vested rights petition (Section 10.03.087, *Vested Rights*).

(c) **Effect of Expiration.** Upon the expiration of an approved application, all previously approved applications for the same land shall also expire on the expiration date if the filing of an application was required to avoid expiration for the previously approved application(s), except as provided in Section 10.03.027, *Expiration*. Thereafter, a new application must be submitted for consideration and approval subject to regulations in effect at the time the new application is filed.

Sec. 10.03.027.....EXPIRATION (Projects Approved Prior to the Establishment of this Subdivision Ordinance).

(a) **Two-Year Expiration Established.** Notwithstanding any other provision of this Subdivision Ordinance, for any approved application for which no expiration date was in effect on the date this Subdivision Ordinance was duly adopted by City Council, an expiration date of two (2) years following the date of approval of the application shall apply, unless the applicant files a written petition before such date for a vested rights determination pursuant to Section 10.03.087, *Vested Rights*, 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 timely filed and subsequently approved, the City Council shall determine the expiration date of the application in deciding the petition.

(b) **Five-Year Expiration Established.** Notwithstanding any other provision of this Subdivision Ordinance, once an application has expired as described above, all previously approved applications for the same land also shall expire no later than five (5) years following the date of filing of the first application for the project for which the expired application was filed, unless the applicant files a written petition before such date for a vested rights determination pursuant to Section 10.03.087, *Vested Rights*. If a vested rights petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the previously approved applications in deciding the petition.

Sec. 10.03.028 to 10.03.029.....RESERVED.

ARTICLE 10.03.030 ....SUBDIVISION PROCEDURES

Sec. 10.03.031.....SUBDIVISION PROCEDURES & PLAT TYPES.

(a) **Approval Required.**

(1) Unless and until any plat, plan, or replat shall has been first approved in the manner provided by law, it shall be unlawful for any person, firm, corporation, or organization to construct or cause to be constructed any streets, utilities, buildings or other improvements to any tract of land; and any official of the City shall not issue any permit for such improvements or to serve or connect said land, or any part thereof, or for the use of the owners or purchasers of said land, or any part thereof, with any public utilities such as water, sewers, lights, gas, etc., which may be owned, controlled, distributed, franchised, or supplied by the City.

(2) No building permits will be issued for the construction of any building on any unplatted land within the City and the City's Extraterritorial Jurisdiction (ETJ). Minor repair permits may be issued for an existing structure. When additions, alterations, or repairs within any twelve (12) month period exceed fifty percent (50%) of the value of an existing building or structure on previously unplatted property, the land upon which such building or structure is located shall be platted in accordance with the provisions of this chapter.

(b) **Improvements Required.** All of the improvements required under these regulations, or improvements specified in the *Comprehensive Plan* of the City, or improvements which, in the judgment of the Director of Engineering, are necessary for the adequate provision of streets, utilities, drainage, services, and facilities to the subdivision and to surrounding areas of the City, shall be constructed at the sole expense of the developer, unless other provisions are approved by the City Council. All improvements required by this chapter shall be constructed and accepted by the Director of Engineering prior to filing the associated plat, unless otherwise specified in a binding contractual Development Agreement approved by City Council. Payment for any and all improvements that are not to be made at the time of the primary construction of the subdivision or development shall be made a part of the signed and executed Development Agreement.

(c) **Types of Plats Required.**

(1) Final Plat or a Minor Plat. A Final Plat or Minor Plat must be approved prior to any land division that is subject to these regulations and prior to commencement of any new development or construction project. A Conveyance Plat may be approved for the reasons enumerated in Section 10.03.032(a), *Purpose*, but no vertical construction may occur until an associated Final Plat or Minor Plat is approved.

(2) Replat. A Replat in accordance with State Law and the provisions of Sections 10.03.036, *Replats*, and 10.03.037, *Residential Replats*, shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property. In the case of minor revisions to recorded plats or lots, a Minor Plat or Amending Plat may also be utilized if allowed by State Law and if in accordance with Section 10.03.035, *Minor Plats*, Section 10.03.036, *Replats*, and 10.03.038, *Amending Plats*, respectively.

(d) **Exemptions.** The following land divisions are exempt from the requirements of this Subdivision Ordinance that apply to plats:

(1) Use of existing cemeteries complying with all State and local laws and regulations; and

(2) A division of land created by order of a court of competent jurisdiction, provided however, that prior to construction of improvements, a plat meeting the requirements of this Ordinance shall be approved and recorded prior to the issuance of permits.

(e) **Zoning.** A property within the City's corporate limits that is being proposed for platting or development must be properly zoned by the City prior to submission of an application for approval of any concept plan or plat. In addition, the proposed development layout or subdivision design shown on the proposed concept plan or plat must be in conformance with all standards and requirements prescribed in the City's zoning ordinance and this division.

(1) Conformance with Existing Zoning. All applications shall be in conformance with the existing zoning on the property, as applicable.

(2) Request to Rezone Prior to Platting. If an applicant seeks to change the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an application for any type of plat for recordation unless as otherwise provided below:

i. The applicant may request approval from the Director of Development Services to submit a plat application simultaneously with the zoning change request, in which case the application for the zoning amendment shall be acted upon first, provided that the application is accompanied by a properly executed Waiver of Right to 30-Day Action (due to the additional timeframe necessary to advertise and process zoning applications).

ii. In the event that the requested zoning amendment is denied, the plat application shall also be denied.

iii. It is not necessary to rezone the tract prior to the submittal and approval of a Conveyance Plat which is exclusively for the purpose of the sale of land and not as a precursor to development.

iv. It is not necessary to zone or rezone the tract prior to the submittal and approval of any plat within the City's ETJ, since the ETJ is not subject to the Zoning Ordinance.

(3) Site Plan Approval. Where Site Plan or Concept Plan approval is required by the Zoning Ordinance, a Conveyance Plat or Preliminary Plat shall be submitted prior to or concurrently with the Site Plan or Concept Plan application so the interrelated plans may be reviewed to determine if they will function together. A Final Plat may be submitted concurrently with the Site Plan application or at a later date.

(f) **Stages of Plat Approval, Staff Review, and Approval.**

(1) Preliminary and Final Plats. The platting process of land not previously platted typically involves two (2) approval stages: submission and approval of a Preliminary Plat (or Conveyance Plat under certain circumstances) and subsequent submission and approval of an associated Final Plat. However:

i. An applicant may proceed with the plat to be recorded without an approved Conveyance Plat or Preliminary Plat if one of the following conditions apply:

a. A Minor Plat is sufficient for submittal; or

b. A Concept Plan for a multi-family, single-family attached or nonresidential development is submitted and approved in accordance with the Zoning Ordinance.

c. The lot in question is less than two acres in size and will be developed in one phase.

ii. An applicant may submit construction plans and a Final Plat (or Minor Plat) simultaneously in lieu of a Preliminary Plat if a Development Agreement and appropriate surety (see Section 10.03.044, *Development Agreements*) are submitted along with the application.

(2) Staff Review. Unless otherwise specified under the regulations for a specific type of plat:

i. The Director of Development Services shall be the responsible official for processing a plat, and shall be responsible for the initial review of a plat for conformance with this Subdivision Ordinance and any other applicable ordinances of the City.

ii. The Director of Development Services shall direct other City staff to review all applications for conformance with this Subdivision Ordinance and with other applicable City regulations and

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supply to the applicant a list of revisions necessary for compliance with the Subdivision Ordinance, if warranted.

(3) Approval. Authority for the approval of plats is granted by the State to either the Planning and Zoning Commission or the Director of Development Services. See individual plat descriptions, below, for the appropriate approval authority.

(4) Signatures Required on Filed Plats. When any plat is prepared for filing with Denton or Collin County, each copy to be certified by the County must be signed by the Chairman of the Planning and Zoning Commission and a City Official of Celina, defined as being one of the following: the Mayor, the City Manager, or an Assistant City Manager. Both signatures shall be attested by the City Secretary.

(5) Director of Engineering Signature Required. When any plat is prepared for filing with Denton or Collin County, and the installation of public improvements is required prior to the recordation of the plat, the Director of Engineering shall also endorse the plat after all conditions of approval of the plat have been satisfied and all public improvements completed to the City's specifications. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the City as shown by a certificate signed by the Director of Engineering stating that the necessary dedication of public lands and installation of public improvements has been accomplished.

Sec. 10.03.032.....CONVEYANCE PLATS.

(a) **Purpose**. There are several purposes of a Conveyance Plat:

(1) To subdivide land and to provide for recordation of same, for the purpose of conveying (i.e., selling) the property without developing it in the near future. A Conveyance Plat may be used to convey the property or interests therein; however, a Conveyance Plat does not constitute approval for any type of development on the property. A Conveyance Plat is an interim step in the subdivision and development of land.

(2) To establish a general layout of lots as a preliminary step to Final Platting. In this case, the Conveyance Plat shall establish and show necessary fire lanes and other easements when a portion of the Conveyance Plat tract is being Final Platted. For example, a Conveyance Plat lays out the tract into multiple lots and only one of those lots will be Final Platted. However, no vertical construction may occur on any portion of a Conveyance Plat that has not subsequently been Final Platted. This function of a Conveyance Plat eliminates the necessity of filing legal Separate Instruments with Denton or Collin County for off-site improvements necessary for the development of the lot being Final Platted (see Diagram 10.03.113, *Median and Cross Access*).

(3) To record the remainder of a tract that is larger than five (5) acres, and that is created by the Final Platting of a portion of the property, provided that the remainder is not intended for immediate development.

(4) To record the subdivision of property into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required public improvements exist to the City's current standards prior to approval and minimum frontage requirements are met. All public rights-of-way, fire lanes, and access easements must be dedicated and all abutting streets and utilities must be installed and accepted by the City. Installation of on-site improvements may be deferred if development of other tracts is not affected.

(b) **Review and Consideration**.

(1) Unless otherwise specified within this section for specific requirements for a Conveyance Plat, a Conveyance Plat shall be processed and approved using the same timing and procedures, including recordation, as specified for a Final Plat. Procedures to appeal a decision on a Conveyance Plat shall also be processed and considered the same as a Final Plat.

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(2) Specific requirements for the plat exhibit may be found on the City of Celina Development Services webpage under *Plat Checklists*.

(3) A Conveyance Plat shall be accompanied by a Concept Plan (see Section 10.03.047) regardless if the development of the tract is to be postponed in order to ensure that accepted development practices will be applied to the parcel in the future and the Conveyance Plat will not create an undevelopable tract of land.

(c) **Subsequent Filing of a Final Plat**. No Final Plat processed and approved in association with a Conveyance Plat shall be filed without the concurrent or prior filing of the associated approved Conveyance Plat for the remainder of the subject property.

(d) **Conveyance Plat Limitations**.

(1) No building or development permit shall be issued nor permanent utility service provided for land that has only received approval as a Conveyance Plat; a Final Plat must be filed for building and development permits and for utility service.

(2) A Conveyance Plat may be superseded by a revised Conveyance Plat or a Final Plat in total or in part through compliance with the procedures and requirements of this Ordinance.

(e) **Standards for Approval**.

(1) Access. All lots created by a Conveyance Plat shall have access to an improved public street that meets the City's minimum design and paving standards. All lots created by a Conveyance Plat shall provide points of access as required by the Zoning Ordinance and/or by this Ordinance.

(2) Reservation of Rights-of-Way. Conveyance plats must provide for the reservation of future rights-of-way of planned roadways, as shown on the Master Thoroughfare Plan. Right-of-way reservation acknowledges the future obligation to dedicate right-of-way for public thoroughfares and streets specified on the City's Thoroughfare Plan or approved Concept Plan. Reservation of right-of-way does not grant any right or interest in the property to the City, State, or other government entity. The final alignment of such roadways may be adjusted upon Final Platting in order to meet the standards of the *Engineering Design Standards*.

(3) Dedication of Rights-of-Way. Dedication of right-of-way shall be required where a Conveyance Plat is used to record the remainder of a tract created by the Final Platting of a portion of the property. The required right-of-way dedication shall be limited to that which is necessary to provide access to the property proposed for the Final Plat approval and to complete turn lanes, intersections, and transitions in road pavement width resulting from development of the property proposed for the Final Plat approval. The Director of Engineering or Fire Marshal may require a temporary paved turn-around if a street is stubbed pending future construction.

(f) **Approval of Conveyance Plats**. The Planning and Zoning Commission is authorized to approve, approve with conditions, or disapprove Conveyance Plats.

(g) **Effect of Approval**.

(1) The approval of a Conveyance Plat authorizes the sale of the lot(s) created thereon, but does not authorize any type of development on the property. The applicant and future owner(s) of the property remain obligated to comply with all provisions in this Subdivision Ordinance upon future development of the property including, but not limited to, all requirements for platting, required public improvements, utility extensions, street improvements or assessments, right-of-way and easement dedications, and all other requirements in this Subdivision Ordinance.

(2) Neither reservation nor dedication of right-of-way shall relieve the property owner from obligations for street construction or assessments associated with public street improvement programs.

(3) Easements for access, utilities, and drainage may be recorded on Conveyance Plats.

(4) No building permit shall be issued nor permanent utility service provided for land which has only

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received approval as a Conveyance Plat. Notwithstanding the above, the Building Official may authorize temporary building permits, temporary occupancy permits, and temporary utility service prior to Final Plat approval and recordation, if deemed appropriate.

Sec. 10.03.033.....PRELIMINARY PLATS.

(a) **Purpose.** The purpose of a Preliminary Plat is to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance and the Zoning Ordinance regulations for each zoning district. A Preliminary Plat is not recorded in the County. If a development is to be constructed in phases, a Conveyance Plat may be substituted for a Preliminary Plat should the lots be Final Platted separately and off-site easements need to be filed for record.

(b) **Exceptions.**

(1) A Preliminary Plat is not required when a Minor Plat or Amending Plat is adequate.

(2) A Final Plat in accordance with Section 10.03.034, *Final Plats*, along with construction plans in accordance with Section 10.03.041, *Construction Plans*, may be submitted in lieu of a Preliminary Plat if a Development Agreement and appropriate surety are submitted along with the application.

(c) **Accompanying Applications.**

(1) An application for a Preliminary Plat shall be accompanied by a Preliminary Drainage Plan, a Preliminary Utility Plan, and other plans deemed necessary for thorough review by the Director of Development Services or the Director of Engineering. However, approval of each shall be separate and in accordance with this Section 10.03.033, *Preliminary Plats* and with Section 10.03.041, *Construction Plans*.

(2) The applicant shall furnish as part of the Preliminary Plat submittal a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property that is the subject of the Preliminary Plat.

(3) Specific requirements for the plat exhibit may be found on the City of Celina Development Services webpage under *Plat Checklists*.

(d) **Review by Director of Development Services.** The Director of Development Services shall:

(1) Initiate review of the plat and materials submitted (including the required Preliminary Drainage Plan and Preliminary Utility Plan).

(2) Request written comments from other City departments, such as Engineering, Fire, Parks & Recreation, or other departments, as deemed necessary, which will be submitted to the applicant for compliance and revisions.

(3) Provide and make available the plat exhibit and reports to the Commission for review.

(4) Upon determination that the application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the Planning & Zoning Commission.

(e) **Action by Planning & Zoning Commission.** The Commission shall:

(1) Review the Preliminary Plat application, the findings and recommendation of the Director of Development Services, and any other information available. From all such information, the Commission shall determine whether the Preliminary Plat conforms to the regulations of this Subdivision Ordinance.

(2) Act within thirty (30) calendar days following the official filing date of the Preliminary Plat application (unless the applicant submits a waiver of right to 30-day action as outlined in Section 10.03.023(d), *Waiver of Right to a 30-Day Action*. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed

upon by the applicant and the City officials, the Preliminary Plat, as submitted, shall be considered to be approved.

(3) Take one of the following actions:
   i. Approve the Preliminary Plat;
   ii. Approve the Preliminary Plat with conditions, which shall mean that the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled; or
   iii. Deny the Preliminary Plat.

(f) **Standards for Approval.** The following criteria shall be used by the Commission to determine whether the application for a Preliminary Plat shall be approved, approved with conditions, or denied:

(1) The Preliminary Plat is consistent with all zoning requirements for the property, including any applicable Planned Development zoning standards, and with any approved Development Agreement, if applicable;

(2) The proposed provision and configuration of public improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements and rights-of-way are adequate to serve the development, meet applicable standards of this Subdivision Ordinance, and conform to the City's adopted master plans for those facilities;

(3) The Preliminary Plat is in accordance with the City's interlocal agreement with Denton or Collin County if the proposed development is located in whole or in part in the ETJ of the City;

(4) The Preliminary Plat has been duly reviewed and accepted as meeting the requirements of the Subdivision Ordinance by City staff;

(5) The Preliminary Plat conforms to design requirements and construction standards as set forth in the *Engineering Design Standards*; and

(6) The Preliminary Plat is consistent with the *Comprehensive Plan*, except where application of the Plan may conflict with State law (e.g., land use in the ETJ).

(7) The proposed development represented on the Preliminary Plat does not endanger public health, safety or welfare.

(g) **Approval of Preliminary Plats**. The Planning and Zoning Commission is authorized to approve, approve with conditions, or disapprove Preliminary Plats.

(h) **Effect of Approval.** The approval of a Preliminary Plat shall allow the applicant to proceed with the next step in the development and platting process by submitting a Final Plat and Construction Plans, and later submit an application for a Building Permit. Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of construction plans or the associated Final Plat.

(i) **Appeal of the Decision on a Preliminary Plat Application.**

(1) Initiation of an Appeal. The applicant may appeal the decision of the Commission by submitting a written notice of appeal to the Director of Development Services within fourteen (14) calendar days following the date of the Commission's decision. A letter stating the reasons for the appeal, citing the specific applicable section(s) of the Subdivision Ordinance, shall be submitted by the applicant to the Director of Development Services.

(2) Council Decision. Once the formal appeal is made, staff will schedule the hearing to be heard by the City Council at the first scheduled public meeting that meets the published deadline of the City Secretary. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.

(j) **Expiration.**

(1) Two-Year Validity. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the applicant shall submit and receive

approval for construction plans and a Final Plat for a portion or all of the land area shown on the Preliminary Plat. If construction plans and a Final Plat application have not been approved within the two (2)-year period, the Preliminary Plat shall expire.

(2) Phased Developments. A Final Plat and construction plans must be approved within two (2) years of the approval of the Preliminary Plat. When a project is phased, the Preliminary Plat may be extended for a period of one (1) year, during which time a subsequent Final Plat and construction plans must be approved. Preliminary Plats may be extended automatically for a period of one (1) so long as substantial activity on the property continues.

(3) Relationship to Construction Plans. A Preliminary Plat shall remain valid for the period of time in which approved construction plans are valid.

(4) Action on Final Plat. Should a Final Plat application be submitted within the two (2)-year period, but not be acted upon by the Commission within the two (2)-year period, the Preliminary Plat shall expire unless an extension is granted as provided below in Section 10.03.033(k), *Extension*, and in Section 10.03.026, *Amendments and Expiration of Current Projects*.

(5) Void If Not Extended. If the Preliminary Plat is not extended as provided above, it shall expire and shall become null and void after a period of two (2) years of the date of approval.

(k) **Extension.** A Preliminary Plat may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's expiration date. A request for extension shall be submitted to the Development Services Department in writing at least sixty (60) calendar days prior to or following the expiration of the Preliminary Plat, and shall include reasons why the Preliminary Plat should be extended.

(1) Decision by the Director of Development Services.

i. The Director of Development Services will review the extension request and shall approve it, approve it with conditions, or deny the extension request within thirty (30) calendar days following the official filing date of the request.

ii. Should the Director of Development Services fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

(2) Considerations. In considering an extension, the Director of Development Services shall consider whether the following conditions exist:

i. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;

ii. Construction plans have been submitted and/or approved for any portion of the property shown on the Preliminary Plat;

iii. Construction is occurring on the subject property;

iv. The Preliminary Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or

v. If there is a need for a park, school or other public facility or improvement on the property.

(3) Additional Conditions.

i. In granting an extension, the decision-maker may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the applicant waiving any vested rights.

ii. All applicable City taxes shall be considered current prior to the consideration of any extension of the Preliminary Plat expiration date. Time extensions will not be considered for any property on which taxes are delinquent. Proof of payment shall be entered into the file.

(4) Appeal of Denial for Extension.

i. *Appeal of the Director's Decision.* The denial of an extension by the Director of Development Services may be appealed to the Commission. A written request for such appeal shall be

received by Development Services Department within fourteen (14) calendar days following the denial. The Commission shall hear and consider such an appeal at the first scheduled public meeting that meets the published deadlines of the Development Services Department.

ii. *Appeal of the Commission's Decision.* The denial of an extension by the Commission may be appealed to the City Council. A written request for such appeal shall be received by the Director of Development Services within fourteen (14) calendar days following the denial. Once the formal appeal is made, staff will schedule the hearing to be heard by the City Council at the first scheduled public meeting that meets the published deadline of the City Secretary. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.

(l) **Amendments to Preliminary Plat Following Approval.**

(1) Minor Amendments. Minor amendments to the design of the subdivision subject to an approved Preliminary Plat may be incorporated in an application for approval of the associated Final Plat without the necessity of submitting a new application for reconsideration of a Preliminary Plat. Minor amendments include, but are not limited to, minor adjustments in street or alley alignments, street lengths and paving details, and minor adjustments to lot lines that do not result in creation of additional lots or any non-conforming lots (that do not comply with Zoning standards), provided that such amendments are consistent with the intent of the previously approved application.

(2) Major Amendments. All other proposed changes to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat (including new fees, new reviews, new official filing date, etc.) before approval of construction plans and/or a Final Plat.

(3) Determination. The Director of Development Services shall make a determination of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.

Sec. 10.03.034.....FINAL PLATS.

(a) **Purpose.** The purpose of a Final Plat is to ensure that the proposed subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded. The Director of Engineering may allow the grading and flatwork on the subject property following the approval of a Final Plat by the Planning and Zoning Commission.

(b) **Exceptions.** A Final Plat is not required when a Minor Plat is sufficient (refer to Section 10.03.035, *Minor Plats*).

(c) **Ownership.**

(1) The applicant shall furnish to the City a current title document issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.

(2) The Final Plat application shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat. Such consent shall be subject to review and approval by the City Attorney, and the applicant shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in

full prior to filing of the Final Plat.

(d) **Complete Applications for Final Plats in the Extraterritorial Jurisdiction (ETJ).** Where the land to be platted lies within the ETJ of the City, pursuant to the existing or amended interlocal agreement with Denton or Collin County under TEXAS LOCAL GOVERNMENT CODE, CHAPTER 242, a complete application shall be submitted to the City.

(e) **Accompanying Applications.** An application for a Final Plat may be accompanied by construction plans if also accompanied by a Development Agreement and appropriate surety in accordance with Section 10.03.044, *Development Agreements*. However, approval of each shall be separate and in accordance with this section for Final Plats and with Section 10.03.041, *Construction Plans*.

(f) **Prior Approved Conveyance Plat or Preliminary Plat.** The Final Plat and all accompanying data shall conform to the associated Conveyance Plat or Preliminary Plat as approved by the Commission, or as the initial plats may have been amended subsequently incorporating all conditions imposed or required by the Commission.

(g) **Review by Director of Development Services.** The Director of Development Services shall:
- (1) Initiate review of the plat and materials submitted.
- (2) Determine that the Final Plat substantially conforms to the associated Conveyance Plat or Preliminary Plat.
- (3) Determine that the Final Plat conforms to the Zoning Ordinance and other applicable regulations.
- (4) Request written comments from other City departments, such as Engineering, Fire, and Parks & Recreation, as deemed necessary.
- (5) Make available plats and reports to the Commission for review.
- (6) Upon determination that the application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Commission.
- (7) A Final Plat may not be used to nullify any of the conditions, covenants and restrictions (CCRs) of any governing association, such as a HOA.

(h) **Action by Planning & Zoning Commission.** The Commission shall:
- (1) Review the Final Plat application, the findings and recommendation of the Director of Development Services, and any other information provided. From this information, the Commission shall determine whether the Final Plat conforms to the regulations of this Subdivision Ordinance.
- (2) Act within thirty (30) calendar days following the official acceptance date of Final Plat (unless the applicant submits a waiver of right to 30-day action as outlined in Section 10.03.023(d), *Waiver of Right to a 30-Day Action*). If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved.
- (3) Take one of the following actions:
  - i. Approve the Final Plat;
  - ii. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled; or
  - iii. Deny the Final Plat.

(i) **Standards for Approval.** The following criteria shall be used by the Commission to determine whether the application for a Final Plat shall be approved, approved with conditions, or denied:
- (1) <u>Prior Approved Conveyance or Preliminary Plat</u>.
  - i. The Final Plat conforms to the associated, approved Conveyance Plat or Preliminary Plat except for minor amendments that are authorized under Section 107.04.03(k), *Amendments to Preliminary Plats Following Approval*, and that may be approved without the necessity of

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revising the approved associated plat;

ii. All conditions imposed at the time of approval of the Conveyance Plat or Preliminary Plat, as applicable, have been satisfied;

iii. The construction plans conform to the requirements of Section 10.03.041, *Construction Plans*, and have been approved by the Director of Engineering;

iv. Where public improvements have been installed, the improvements conform to the approved construction plans and have been approved for acceptance by the Director of Engineering;

v. Where the Director of Engineering has authorized public improvements to be deferred, a Development Agreement has been executed and submitted by the property owner in conformity with Section 10.03.044, *Development Agreements*;

vi. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance;

vii. The Final Plat meets all applicable County standards to be applied under an interlocal agreement between the City and Denton or Collin County under TEXAS LOCAL GOVERNMENT CODE, CHAPTER 242, where the proposed development is located in whole or in part in the ETJ of the City and in the County;

viii. The plat conforms to design requirements and construction standards as set forth in the *Engineering Design Standards*; and

ix. The plat conforms to the Development Services' subdivision application checklists.

(2) Final Plat Approval with No Prior Approved Conveyance Plat or Preliminary Plat.

i. The construction plans conform to the requirements of Section 10.03.041, *Construction Plans*, and have been approved by the Director of Engineering;

ii. A Development Agreement or surety for installation of public improvements has been prepared and executed by the property owner in conformance with Section 10.03.044, *Development Agreements*;

iii. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance;

iv. The Final Plat meets all applicable County standards to be applied under an interlocal agreement between the City and Denton or Collin County under TEXAS LOCAL GOVERNMENT CODE, CHAPTER 242, where the proposed development is located in whole or in part in the ETJ of the City and in the applicable County; and

v. The Final Plat conforms to the Development Services application checklist.

(j) **Approval of Final Plats**. The Planning and Zoning Commission is authorized to approve, approve with conditions, or disapprove Final Plats. Upon approval, a certificate stating that the Final Plat has been reviewed and approved by the Planning and Zoning Commission shall be provided to the applicant, as required in the TEXAS LOCAL GOVERNMENT CODE, SECTION 212.0115(b).

(k) **Procedures for Recordation of Final Plat Documents upon Approval.** The applicant shall supply to Development Services Department the required number of signed and executed copies of the Final Plat documents (whether Mylar or paper originals, as required by both the City and Denton or Collin County) that will be needed to file the Plat, upon approval, with Denton or Collin County. No copies of the exhibits will be accepted.

(1) General.

i. *Signatures.* After approval of the Final Plat, the Director of Development Services shall procure the appropriate City signatures on the Final Plat.

ii. *County Requirements.* It is the responsibility of the applicant to comply with the platting requirements of Denton or Collin County.

iii. *Recording Upon Acceptance of Public Improvements.* The Final Plat shall be recorded after:

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a. The Final Plat is approved by the City;
b. All required public improvements have been completed and accepted by the City (or a Development Agreement has been executed and appropriate surety provided in accordance with Section 10.03.044, *Development Agreements*;
c. All Denton or Collin County filing requirements are met.

(2) Submittal of Final Plat Documents for Filing When Improvements Installed. When all required public improvements have been installed prior to recording of the Final Plat, the applicant shall meet all requirements in accordance with Section 10.03.045, *Inspection, Maintenance and Acceptance of Public Improvements*.

(3) Submittal of Final Plat Documents for Filing When Improvements Have Not Been Installed. When some of or all required public improvements are not yet completed in connection with an approved Final Plat, the applicant shall submit the Final Plat documents for filing as approved by the Commission, revised to reflect any conditions imposed by the Commission as part of approval.

(4) Update of Proof of Ownership. If there has been any change in ownership since the time of the Proof of Ownership provided under Section 10.03.044(c), *Ownership*, the applicant shall submit a new consent agreement executed by each owner consenting to the platting of the property and the dedications and covenants contained in the plat. The title commitment or title opinion letter and consent agreement shall be subject to review and approval by the City Attorney, and the applicant shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Final Plat.

(l) **Effect of Approval.** The approval and filing of a Final Plat:

(1) Supersedes any prior approved Conveyance Plat or Preliminary Plat for the lots Final Platted.

(2) Authorizes the applicant to install any improvements in public rights-of-way in conformance with approved construction plans and under a Development Agreement (refer to Section 10.03.044, *Development Agreements*), if applicable.

(3) Authorizes the applicant to seek Construction Release (refer to Section 10.03.041(i), *Construction Release*) and/or issuance of a Building Permit for vertical construction.

(m) **Appeal of Decision of Final Plat Application.** Appeal of a decision on a Final Plat application shall be brought to the City Council. Council's decision shall be final.

(n) **Revisions Following Recording/Recordation.** Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

Sec. 10.03.035.....MINOR PLATS.

(a) **Purpose.** The purpose of a Minor Plat is to simplify divisions of land under certain circumstances as outlined in State law.

(b) **Applicability.** An application for approval of a Minor Plat may be filed only in accordance with State law, when all of the following circumstances apply:

(1) The proposed division results in four (4) or fewer lots;

(2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Subdivision Ordinance; and

(3) Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

(c) **Application Requirements.** The requirements for the submittal of a Minor Plat shall be the same as the requirements for a Final Plat, as outlined in Section 10.03.034, *Final Plats*.

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(d) **Review by Director of Development Services.** The Director of Development Services shall:
(1) Initiate review of the plat and materials submitted.
(2) Request written comments from other City departments, such as Engineering, Public Works, Fire Department, and Parks & Recreation, if deemed necessary.

(e) **Action by Director of Development Services.** The Director of Development Services shall:
(1) Determine whether the Minor Plat meets the regulations of this Subdivision Ordinance.
(2) Act within thirty (30) calendar days following the official filing date of a completed application for a Minor Plat (unless the applicant submits a waiver of right to 30-day action as outlined in Section 10.03.022(d), *Waiver of Right to 30-Day Action*. If no decision is rendered by the Director of Development Services, or if the Director has not deferred the application to the Planning & Zoning Commission for decision, within the thirty (30) day period described above or such longer period as may have been agreed upon, the Minor Plat, as submitted, shall be deemed to be approved.
(3) The Director of Development Services is authorized to make one of the following actions:
i. Approve the Minor Plat;
ii. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled; or
iii. Defer the Minor Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a waiver of right to 30-day action is submitted.

(f) **Standards for Approval.** The following criteria shall be used by the Director of Development Services to determine whether the application for a Minor Plat shall be approved, approved with conditions, or denied:
(1) The Minor Plat is consistent with all zoning requirements for the property (if applicable), any approved Development Agreement (if applicable), and all other requirements of this Subdivision Ordinance that apply to the plat;
(2) All lots to be created by the plat already are adequately served by an improved public street access and by all required City utilities and services and by alleys, if applicable;
(3) The ownership, maintenance and allowed uses of all designated easements have been stated on the Minor Plat; and
(4) Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

(g) **Approval of Minor Plats**. The Director of Development Services is authorized to approve, approve with conditions, or disapprove Minor Plats. However, the Director of Development Services may defer the decision of any Minor Plat for any reason to the Planning and Zoning Commission. Upon approval, a certificate stating that the Minor Plat has been reviewed and approved by the either the Director of Development Services or the Planning and Zoning Commission shall be provided to the applicant, as required in the TEXAS LOCAL GOVERNMENT CODE, SECTION 212.0115(b).

(h) **Procedures for Recordation Following Approval.** The procedures for recordation of a Minor Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in Section 10.03.034(j), *Procedures for Recordation of Final Plat Documents upon Approval*.

(i) **Appeal of Decision on Minor Plat Application.**
(1) Commission Decision. If the Director of Development Services defers the Minor Plat application to the Planning & Zoning Commission, the Commission shall consider the application at a regular meeting no later than thirty (30) calendar days after the date on which the Director of Development Services deferred the application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:
i. Approve the Minor Plat;

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ii. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled; or

iii. Deny the Minor Plat.

(2) Appeal. The decision of the Commission may be appealed to the City Council in accordance with the procedures for an appeal on a Final Plat decision. Once the formal appeal is made, staff will schedule the hearing to be heard by the City Council at the first scheduled public meeting that meets the published deadline of the City Secretary. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.

(j) **Revisions Following Approval.** Revisions submitted by the applicant following initial approval may only be processed and approved as a Replat or Amending Plat, as applicable.

Sec. 10.03.036.....REPLATS.

(a) **Applicability and Terminology.**

(1) The procedures outlined in this section and in subsequent Sections 10.03.037, *Residential Replats*, and 10.03.038, *Amending Plats*, shall apply only if a property owner seeks to change any portion of a plat that has been filed for record with Denton County.

(2) The term "Replat" includes changes to a recorded Final Plat, whether the change is effected by replatting without vacation or replatting by vacating the recorded plat (Section 10.03.039, *Plat Vacation*) and approving a new application.

(b) **City Action Required.** Unless otherwise specified, any change to a recorded plat shall be subject to approval by the Planning and Zoning Commission.

(c) **Construction Management.** If the subdivision, as replatted, requires construction of additional improvements, the provisions of the Development Agreement between the City and the developer shall apply (see Section 10.03.044, *Development Agreements*). If the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no additional construction plans shall be required.

(d) **Application and Approval Procedures.** Unless otherwise specified, application and all related procedures and approvals, including recordation, for a Replat shall be the same as specified for a Final Plat.

(e) **Partial Replat Application.** If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.

(f) **Replats other than Residential Replats**. All replats must be considered as a public hearing item. However, those replats that are not residential in nature do not require any public notification, whether to adjacent property owners or in the newspaper of record.

(g) **Approval of Replats**. The Planning and Zoning Commission is authorized to approve, approve with conditions, or disapprove Replats. Upon approval, a certificate stating that the Replat has been reviewed and approved by the Planning and Zoning Commission shall be provided to the applicant, as required in the TEXAS LOCAL GOVERNMENT CODE, SECTION 212.0115(b).

(h) **Effect of Approval.** Upon approval and recording of the Replat, it is controlling over the previously recorded plat for the portion replatted.

Sec. 10.03.037.....RESIDENTIAL REPLATS.

(a) **Purpose & Applicability.** A Residential Replat of all or a portion of a recorded plat may be approved in accordance with State law without vacation of the Recorded Plat, if the Replat:

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(1) Is signed and acknowledged by all of the owners or their agents of the property being replatted;
(2) Is approved following a public hearing with due notification as required by State law; and
(3) Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.

(b) **General Notice and Hearing Requirements.** Public notice of the public hearing on any Residential Replat application is required, as described in Section 10.03.025, *Public Hearings*.

(c) **Partial Replat Application.** If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.

(d) **Special Replat Requirements.**
(1) Applicability. A Replat without vacation of the preceding plat, in accordance with State law, must conform to the requirements if:
i. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
ii. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
(2) Exception. The requirements shall not apply to any approval of a Residential Replat application for a portion of a recorded plat if all of the proposed area sought to be replatted was designated or reserved for usage other than for single family or duplex residential usage. Such designation must be noted on the recorded plat or in the legally recorded restriction applicable to such plat.
(3) Protest. If the Residential Replat application is accompanied by a Variance petition (per Section 10.03.086, *Variances*) and is protested in accordance with this section, approval of the Replat shall require the affirmative vote of at least three-fourths (¾) of the voting members of the Commission present at the meeting. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Residential Replat application and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission prior to the close of the public hearing. The area of streets and alleys shall be included in the area computations.

(e) **Review and Consideration.** The review and approval processes for a Residential Replat shall be the same as the review and approval processes for a Final Plat (except for the public hearing and notice requirements described in Section 10.03.025, *Public Hearings*). The Director of Development Services shall be the responsible official and the Commission shall be the initial decision-maker for a Residential Replat application. Procedures to appeal a decision on a Residential Replat shall also be processed and considered the same as a Final Plat.

(f) **Approval of Residential Replats**. The Planning and Zoning Commission is authorized to approve or disapprove Residential Replats. Upon approval, a certificate stating that the Replat has been reviewed and approved by the Planning and Zoning Commission shall be provided to the applicant, as required in the TEXAS LOCAL GOVERNMENT CODE, SECTION 212.0115(b).

(g) **Effect of Approval.** Upon approval and recording of the Residential Replat, it is controlling over the previously recorded plat for the portion replatted.

Sec. 10.03.038.....AMENDING PLATS.

(a) **Purpose.** The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent within the provisions of State law.

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(b) **Applicability.** The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following:

(1) To correct an error in a course or distance shown on the preceding plat;

(2) To add a course or distance that was omitted on the preceding plat;

(3) To correct an error in a real property description shown on the preceding plat;

(4) To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;

(5) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(6) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) To correct an error in courses and distances of lot lines between two (2) adjacent lots if:

i. Both lot owners join in the application for amending the plat;

ii. Neither lot is abolished;

iii. The amendment does not attempt to remove recorded covenants or restrictions; and

iv. The amendment does not have a material adverse effect on the property rights of any of the owners in the plat;

(8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(9) To relocate one (1) or more lot lines between one (1) or more adjacent lots if:

i. The owners of all those lots join in the application for amending the plat;

ii. The amendment does not attempt to remove recorded covenants or restrictions; and

iii. The amendment does not increase the number of lots;

(10) To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

i. The changes do not affect applicable zoning and other regulations of the municipality;

ii. The changes do not attempt to amend or remove any covenants or restrictions; and

iii. The area covered by the changes is located in an area that the Commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or

(11) To replat one (1) or more lots fronting on an existing street if:

i. The owners of all those lots join in the application for amending the plat;

ii. The amendment does not attempt to remove recorded covenants or restrictions;

iii. The amendment does not increase the number of lots; and

iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(c) **Certificates of Correction.** Certificates of Correction are prohibited.

(d) **Notice.** In accordance with State law, the approval and issuance of an Amending Plat shall not require notice, hearing or approval of adjacent lot owners.

(e) **Review by Director of Development Services.** The Director of Development Services shall:

(1) Initiate review of the plat and materials submitted.

(2) Request written comments from other City departments, such as Engineering, Public Works, Fire Department, and Parks & Recreation, if deemed necessary.

(f) **Action by Director of Development Services.** The Director of Development Services shall:

(1) Determine whether the Amending Plat meets the regulations of this Subdivision Ordinance.

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(2) Act within thirty (30) calendar days after the application is deemed complete per Section 107.03.03(c), *Determination of Completeness*.

(3) The Director of Development Services is authorized to take one of the following actions:

i. Approve the Amending Plat;

ii. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or

iii. Defer the Amending Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a waiver of right to 30-day action is submitted in accordance with Section 10.03.023(d), *Waiver of Right to 30-Day Action*.

(g) **Approval of Amending Plats**. The Director of Development Services is authorized to approve, approve with conditions, or disapprove Amending Plats. However, the Director of Development Services may defer the decision of any Amending Plat for any reason to the Planning and Zoning Commission.

(h) **Procedures for Recordation Following Approval.** The procedures for recordation of an Amending Plat shall be the same as the procedures for recordation of a Final Plat.

(i) **Effect of Approval.** Upon approval, an Amending Plat shall be recorded and is controlling over the previously recorded plat without vacation of that plat. Upon approval, a certificate stating that the Amending Plat has been reviewed and approved by either the Director of Development Services or the Planning and Zoning Commission shall be provided to the applicant, as required in the TEXAS LOCAL GOVERNMENT CODE, SECTION 212.0115(b).

(j) **Appeal of Decision on Amending Plat Application.**

(1) Commission Decision. If the Director of Development Services defers the Amending Plat application to the Planning and Zoning Commission, the Commission shall consider the application at a regular meeting no later than thirty (30) calendar days after the date on which the Director of Development Services deferred the application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:

i. Approve the Amending Plat;

ii. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or

iii. Deny the Amending Plat.

(2) Appeal. The decision of the Commission may be appealed to the City Council in accordance with the procedures for an appeal on a Final Plat decision. The City Council decision is final.

Sec. 10.03.039 .....PLAT VACATION.

(a) **Purpose.** The purpose of a Plat Vacation is to provide an expeditious means of nullifying a recorded plat in its entirety, consistent with provisions of State law.

(b) **Initiation of a Plat Vacation.**

(1) By Property Owner. The property owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold.

(2) By All Lot Owners. If lots in the plat have been sold, an application to vacate the plat must be submitted by all the owners of lots in the plat.

(3) City Initiation. If the Planning & Zoning Commission, on its own motion, determines that the plat should be vacated in the interest of and to protect the public's health, safety and welfare; and:

i. No lots within the approved plat have been sold within five (5) years following the date that the Final Plat was approved by the City; or

ii. The property owner has breached a Development Agreement, and the City is unable to obtain funds with which to complete construction of public improvements, except that the vacation

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shall apply only to lots owned by the property owner or its successor; or

iii. The plat has been recorded in Denton or Collin County for more than five (5) years, and the Planning & Zoning Commission determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.

(c) **Notice**. Published notice of the public hearing on the Plat Vacation application shall be given in accordance with Section 10.03.025, *Public Hearings*, and State law. The hearing shall be conducted by the Planning & Zoning Commission.

(d) **Review by Director of Development Services**. The Director of Development Services shall:

(1) Initiate review of the Plat Vacation application and materials submitted.

(2) Request written comments from other City departments, such as Engineering, Public Works, Fire Department, and Parks & Recreation, if deemed necessary.

(e) **Action by the Planning & Zoning Commission**. The Planning & Zoning Commission shall:

(1) Review the Plat Vacation application, the findings and recommendation of the Director of Development Services, and any other information provided. From all such information, the Planning and Zoning Commission shall conduct a public hearing and make a finding as to whether or not the plat should be vacated. The Planning & Zoning Commission decision on a Plat Vacation shall be final.

(2) Take one of the following actions:

i. Approve the Plat Vacation;

ii. Approve the Plat Vacation with conditions, which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled; or

iii. Deny the Plat Vacation.

(f) **Approval of Plat Vacations**. The Planning and Zoning Commission is authorized to approve, approve with conditions, or disapprove Plat Vacations. Upon approval, a certificate stating that the plat vacation has been reviewed and approved by the Planning and Zoning Commission shall be provided to the applicant, as required in the TEXAS LOCAL GOVERNMENT CODE, SECTION 212.0115(b).

(g) **Procedures for Recordation Following Approval.** If the Planning & Zoning Commission adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the Denton or Collin County Clerk's Office. If the Planning & Zoning Commission adopts a resolution vacating a plat in part, it shall cause a revised Final Plat to be recorded along with the resolution which shows that portion of the original plat that has been vacated and that portion that has not been vacated.

(h) **Effect of Approval.**

(1) On the execution and recording of the vacating instrument, the previously filed plat shall have no effect. Regardless of the Planning & Zoning Commission's action on the petition, the property owner(s) or developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the Planning & Zoning Commission.

(2) The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

(3) The Planning & Zoning Commission, at its discretion, shall have the right to retain all or specific portions of road rights-of-way or easements shown on the plat being considered for vacation. However, the Planning & Zoning Commission shall consider plat vacation upon satisfactory conveyance of easements and/or rights-of-way in a separate legal document using forms provided by the City Attorney's office.

ARTICLE 10.03.040 ....CONSTRUCTION PLANS & PROCEDURES

Sec. 10.03.041.....CONSTRUCTION PLANS.

(a) **Purpose.** This construction plan section which includes design criteria and standards for the City of Celina is intended primarily for use by the developer's engineer. These criteria and standards should enable the engineer to design the required community facilities in a manner acceptable to the City. There may be special circumstances which would call for requirements in excess of those outlined. In most cases, additional requirements will be apparent to the developer's engineer while preparing the plans for the subdivision or during conferences/discussions with the City staff.

(b) **Submitting Plans.** Plans shall be submitted in accordance with the policies of the Engineering Department. A checklist of necessary items and exhibits to be included in the construction plans is available online on the Development Services webpage. Incomplete plans will not be accepted and such plans shall be returned to the applicant.

(c) **Responsible Official and Decision.** The Director of Engineering shall be the responsible official for review and approval of construction plans. The Director of Engineering shall also be the initial decision-maker for construction plans. In this capacity, therefore, the Director of Engineering shall approve, approve subject to modifications, or deny the construction plans.

(d) **Approval Required & Timing of Construction.** Construction plans must be approved in accordance with this section prior to the approval and/or recordation of the Final Plat, unless otherwise stated within the Subdivision Ordinance or a Development Agreement.

(e) **Criteria for Approval.** The Director of Engineering shall approve construction plans if:

(1) Compliance Required. Prior to the Commission's approval of the Final Plat, the subdivider shall comply or provide for compliance with the policies and procedures set forth in these regulations and the *Engineering Design Standards* for construction of street improvements and utilities. No building, sewer, electrical or plumbing permit shall be issued by the City as to any property in the subdivision until:

i. The plans are consistent with the approved Preliminary Plat or the proposed Final Plat;

ii. The plans conform to the subject property's zoning and planned development standards, if applicable, and to the standards for adequate public facilities, contained in this Subdivision Ordinance, and all other applicable Code of Ordinances.

iii. The working drawings, specifications and agreements required herein have been reviewed and approved by the affected City departments and, as required, by the City Attorney.

(2) Engineering Design Standards. The *Engineering Design Standards* are hereby adopted by reference and made a part of these regulations design criteria and standards which shall be controlling in design, construction and installation of street paving, curbs and gutters, sidewalks, utilities and other public improvements required herein. All references to *Engineering Design Standards* shall mean and include those standards and specifications, together with all exhibits, charts, drawings and diagrams appertaining thereto, which have been approved by the Director of Engineering, adopted by the City Council, and placed on file in the office of the City Secretary and displayed on the Engineering webpage.

(3) Conformance to NCTCOG Standards. When the *Engineering Design Standards* lack the specificity required in certain circumstances, the specifications of the latest edition of the Standard Specifications for Public Works Construction, published by the North Central Texas Council of Governments shall apply.

(4) Installation and Financing. The subdivider shall arrange with the City and with utility companies franchised to serve the area in which the subdivision is located for the construction costs of

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streets and alleys, utility lines and other public improvements. The subdivider shall also arrange for the sequence of work so that underground utilities shall be installed in those portions of streets intended for vehicular traffic before such streets shall be surfaced. If the several improvements required herein have not been installed or constructed prior to submission of the Final Plat, then the Final Plat shall bear a restriction that no lot shall be occupied and that no municipal services shall be extended thereto until the specified utilities and improvements have been constructed as required.

(f) **Effect.** Approval of construction plans authorizes the applicant to schedule a Pre-Construction Meeting in accordance with Section 10.03.042, *Pre-Construction Meeting*, and apply for Construction Release in accordance with Section 10.03.041(i), *Construction Release*.

(g) **Expiration.** The approval of construction plans shall remain in effect for a period of one (1) year from the date of approval, or for the duration of construction of the project, provided that progress toward completion of the project continues to be demonstrated, unless the plans are extended in accordance with Section 10.03.041(h), *Extension of Expiration Date*.

(h) **Extension of Expiration Date.** Construction plans may be extended for a period of six (6) additional months beyond the expiration date. A request must be made in writing to the Director of Engineering for such extension prior to expiration of the plans, and shall include reasons why the plans should be extended.

(1) Decision by the Director of Engineering.

i. The Director of Engineering will review the extension request, and shall approve, approve with conditions, or deny the extension request within thirty (30) calendar days following the date the request for extension is received.

ii. Should the Director of Engineering fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

(2) Consideration. The Director of Engineering shall extend construction plans approval for a period of six (6) additional months beyond the plans' expiration date if all of the following conditions are met:

i. The Final Plat has been submitted, approved or filed of record for any portion of the property shown on the construction plans;

ii. The construction plans comply with new ordinances that impact the health, safety and general welfare of the community;

iii. Demonstrable forward progress has been made to proceed with construction or required improvements; and

iv. A Development Agreement (Section 10.03.044, *Development Agreements*), if applicable, is still valid and in full effect.

(3) Conditions. In granting an extension, the Director of Engineering may impose such conditions as are needed to ensure that the land will be developed in a timely manner and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the applicant waiving any vested rights.

(4) Additional Extension. A second, six (6) month extension may be requested using the same process outlined above.

(i) **Construction Release.** Upon approval of the Preliminary Plat and the construction plans, receipt of all documentation (e.g., insurance information, bonds, etc.) receipt of required fees and park land dedication, if applicable, and after the Pre-Construction Meeting with City staff, the Director of Engineering may release the plans for construction if all City requirements pertaining to construction have been met. The Construction Release shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of construction of the project, provided that progress toward completion of

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the project continues to be demonstrated. Expiration, and possible extension, of the Construction Release shall be the same as for the construction plans.

Sec. 10.03.042.....PRE-CONSTRUCTION MEETING.

(a) **Purpose.** The purpose of the Pre-Construction Meeting is to discuss administrative, communication, and operating procedures for the project prior to the onset of construction. A list of typical inspection items, procedures and acceptance criteria for items in public right-of-way and easements will also be furnished to the applicant prior to the meeting.

(b) **Notice.** The applicant shall receive written notice from the Director of Engineering that construction plans have been approved and that the project is eligible for a Pre-Construction Meeting.

(c) **Required Attendance.** The applicant, along with key construction managers, must attend a Pre-Construction Meeting with the Director of Engineering or his designee and other appropriate City officials following the approval of construction plans, the approval of the Final Plat, and prior to commencement of any construction on the property.

(d) **Effect.** Following the Pre-Construction Meeting and upon approval of the construction plans and full compliance with all pre-construction requirements, the Director of Engineering shall authorize Construction Release, allowing the applicant to commence with construction of the project. The applicant may also be issued a Building Permit, if appropriate, provided that a Building Permit application has been submitted and approved and all other Building Permit requirements have also been met.

(e) **Fees Due.** Fees for the Development application and any associated permits are due prior to the Pre-Construction Meeting. These include, but are not limited to, Roadway and Utility Impact Fees and Park Land Dedication Fees-in-lieu of Land.

Sec. 10.03.043.....TIMING OF PUBLIC IMPROVEMENTS.

(a) **Completion Prior to Final Plat Recordation.** Completion of all required public improvements, in accordance with the approved Final Plat and the approved construction plans, shall occur prior to Final Plat recordation with Denton or Collin County. Final Plat exhibits will not be accepted for filing with the County prior to completion of such improvements except as provided below.

(b) **Completion after Final Plat Recordation.** The Director of Engineering, upon written request by the applicant, may allow construction of public improvements after Final Plat recordation. Such postponement shall be conditioned on execution of a Development Agreement and provision of security. It shall be at the Director of Engineering's discretion to determine whether postponing construction of public improvements until after Final Plat recordation is appropriate, and therefore, whether financial guarantee is acceptable through a Development Agreement.

(c) **Deferral of Obligation.** The Director of Engineering may defer the developer's obligation to dedicate rights-of-way or easements for, or to construct, public improvements to serve a new development upon execution of a Development Agreement and upon provision of adequate security.

(d) **Phased Development.** If the development is being platted and constructed in phases, improvements shall be completed as platted areas are approved and phases are constructed. Also refer to Section 10.03.033(k), *Expiration*, for details regarding phased development and Preliminary Plat validity.

(e) **Easements for Utility Providers.** The applicant is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements for same prior to Final Plat approval and recordation. The applicant's engineer shall provide the Director of Engineering with written certification that all necessary easements are secured for the various utility providers, and such easements shall be

shown on the Final Plat with the recording information for each (if previously platted) or established through the recordation of the Final Plat.

(f) **Off-Site Easements.** All necessary off-site easements required for installation of required off-site public improvements to serve the development shall be acquired by the applicant prior to the Pre-Construction Meeting, or prior to approval and recordation of the Final Plat, whichever occurs first. Off-site easements shall be conveyed and recorded in Denton or Collin County by filing the off-site easement in a Conveyance Plat prior to filing the Final Plat. At the discretion of the Director of Engineering, a Separate Instrument may be used for the purposes of recording off-site easements. If the property on which the off-site easement is required has been platted prior to the granting of the easement, a replat is required to dedicate the easement.

(g) **Oversized Facilities.** When the City sees fit to request that the developer upsize any required infrastructure for the use of future development within the City, the difference in cost of the required infrastructure for the development and the cost of upsizing shall be borne by the City. (See Section 10.03.044(b)(2), *Oversizing of Infrastructure*, below).

Sec. 10.03.044.....DEVELOPMENT AGREEMENTS.

(a) **Purpose**. A subdivider shall be required to enter into a Development Agreement with the City, which shall govern his subdivision if there are pro rata payments or other financial agreements, subject to the TEXAS LOCAL GOVERNMENT CODE, SUBCHAPTER C, *DEVELOPER PARTICIPATION IN CONTRACT FOR PUBLIC IMPROVEMENTS*. City participation in cost, escrow deposits or other future considerations, other nonstandard development regulations or if all improvements required to be dedicated to the City will be not completed prior to filing the Final Plat or subsequent Replats in the Denton or Collin County records.

(b) **Applicability**.

(1) Improvements Delayed. When any of the required public improvements will be postponed and constructed after Final Plat recordation, the Final Plat shall not be accepted for filing for recordation with Denton or Collin County unless and until the applicant enters into a Development Agreement to ensure the completion of all required public improvements.

(2) Oversizing of Infrastructure. The City requires a Development Agreement pertaining to any public improvement for which the developer may request reimbursement from the City for oversize costs as for water and sewer improvements or all other required improvements not necessitated by the project itself. The City Council may authorize the approval of such agreement as meeting the City's future requirements, and the City will not withhold approval as a means of avoiding compensation due under the terms of this code.

(c) **Authority of the City to Complete Work**. This agreement shall be based upon the requirements of this chapter, and shall provide the City with specific authority to complete the improvements required in the agreement in the event of default by the subdivider, and to recover the full legal costs of such measures. The City may subordinate its Development Agreement to the prime lender if provided for in said agreement.

(d) **Joint Obligations**. The Development Agreement shall be a legally binding agreement between the City and the subdivider specifying the individual and joint responsibilities of both the City and the subdivider. Unusual circumstances relating to the subdivision shall be considered in the Development Agreements such that the purpose of this chapter is best served for each particular subdivision. The subdivider shall include in such an agreement a hold harmless and indemnity clause agreeing to hold the City harmless against any claim arising out of the subdivision of the property or any actions taken therein.

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(e) **Security for Completion of Improvements.**

(1) Type of Security. When any of the required public improvements will be constructed after approval and recordation of the Final Plat, the applicant shall guarantee proper construction of such postponed improvements, in accordance with the City's design standards and with this Subdivision Ordinance, by a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City. The performance bond shall be approved as to form by the City Attorney.

(2) Estimated Cost and Security Approval.

i. Security shall be issued in the amount of 110% of the cost to construct, complete, and maintain all required public improvements to the City's standards as estimated by the applicant's professional engineer, and as approved by the Director of Engineering.

ii. Security shall be subject to the review and approval of the City Attorney. The applicant shall reimburse the City for all related legal costs for the City's legal review prior to filing the Final Plat.

iii. Upon the dedication of and acceptance by the City of all required public improvements, the City shall authorize a reduction in the cash security to ten percent (10%) of the original amount if the property owner is not in breach of the Development Agreement. The remaining cash security shall ensure that the owner will warrant that the required public improvements are free from defect for a period of two (2) years following acceptance by the City.

(3) Letter of Credit. In certain circumstances and at the discretion of the Director of Engineering, an applicant may submit a letter of credit in lieu of cash security. In this case, the letter of credit shall:

i. Be irrevocable.

ii. Be for a term sufficient to cover the completion, maintenance and warranty periods of the improvements covered by the letter of credit, but in no event less than two (2) years.

iii. As portions of the public improvements are completed in accordance with the *Engineering Design Standards* and the approved engineering plans, the applicant may request that the Director of Engineering reduce the amount of the original letter of credit. If the Director of Engineering is satisfied that such portion of the improvements has been completed in accordance with City standards, the Director of Engineering may (but is not required to) cause the amount of the letter of credit to be reduced by such amount that the Director of Engineering deems appropriate, so that the remaining amount of the letter of credit adequately ensures the completion of the remaining public improvements.

(4) Security for Construction in Extraterritorial Jurisdiction (ETJ). Where all or some portion of the proposed development is located in the City's ETJ, the security shall be in a form and shall contain such terms as are consistent with the City's interlocal agreements with Denton or Collin County under TEXAS LOCAL GOVERNMENT CODE, CHAPTER 242. In cases where the requirements governing the form and terms of the security are defined in such an agreement, they will supersede any conflicting provisions within this Subdivision Ordinance.

(f) **Escrow Policies and Procedures.**

(1) Request for Escrow. The City may require or the developer may petition the City to defer required improvements in exchange for a deposit of escrow. An example may include a timing issue due to pending street improvements by another agency such as TxDOT. The Director of Engineering may require studies and other information to support the developer's request to escrow.

(2) Escrow Deposit with the City. When the Director of Engineering requires or agrees to accept escrow deposits, the developer shall deposit in escrow with the City an amount equal to 110% of the total costs including, but not limited to, the design, construction, any required studies performed by a third party, permitting, acceptance and inflation costs related to the improvements. The Director

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of Engineering shall review and approve the amount, which shall be approved and paid to the City prior to recordation of the Final Plat.

(3) City Usage of Escrowed Funds. The City may also use the escrowed funds in participation with another entity (such as TxDOT, Denton or Collin County, etc.) to jointly construct the public improvements.

(4) Termination of Escrow. Escrows, or portions of escrowed amounts, which remain unused after a period of ten (10) years following the date of such payment shall, upon written request, be refunded to the developer. Such refund of escrowed funds does not remove any obligations of the developer for construction of the required improvements.

(5) Refund. If all or a portion of a street or other type of public improvement for which escrow is deposited is constructed by a party other than the City, the remaining unused escrowed funds, upon written request, shall be refunded to the developer after completion and City acceptance of the street or public improvement.

(6) Interest on Escrowed Funds. When escrowed funds are returned or refunded to the escrowing developer, the City shall retain all of the interest accrued by the funds, if any.

(7) Escrow Fee Agreement. The Director of Engineering, at his discretion, may require an escrow fee agreement be executed.

(g) **Authority of City Council**. The City Council has the sole authority to approve Development Agreements.

(h) **Agreement to Run with the Land.** The Development Agreement shall provide that the covenants and other terms of agreement contained therein shall run with the land and shall bind all successors, heirs and assignees of the current applicant. All existing owners shall be required to execute the agreement or provide written consent to the covenants and other terms contained in the agreement.

(i) **Termination of Agreement**. The subdivider shall have a continuing responsibility under the Development Agreement after the filing of any Final Plat with Denton or Collin County until all facilities and improvements required under the Development Agreement have been completed, inspected and accepted by the City. When the construction of required improvements has proceeded to the point that certain parts of the subdivision are adequately served, the Director of Engineering may release specified portions of the subdivision for use prior to the completion of all improvements, unless the release of such improvements will jeopardize or hinder the continued construction of required improvements. Any Development Agreement shall remain in force for all portions of the subdivision for which a release has not been executed.

(j) **Development Agreement Fee**. The City shall impose a fee for processing Development Agreements. The amount of the fee shall be as specified in the City's Fee Schedule which may be amended from time to time by ordinance. The direct cost of the City Attorney review of the Development Agreement shall be passed through to the applicant.

Sec. 10.03.045.....CITY PARTICIPATION

(a) The city may participate with the developer on major items of construction, such as lift stations, bridges or streets adjacent to the subdivision which benefit existing or future development in addition to that being subdivided. The amount of financial responsibility of each party and the terms of discharging such responsibility may be provided for in a facilities agreement.

(b) The construction of certain facilities required by the provisions of this article may not be possible or practical at the time the developer prepares his or her plans for public improvements. Such deletion or delay of improvements may be specified in the facilities agreement, together with provisions for escrow deposits or future payment by the city and/or developer. (2004 Code, sec. 159.23)

Sec. 10.03.046.....INSPECTION, MAINTENANCE & ACCEPTANCE OF PUBLIC IMPROVEMENTS.

(a) **Inspections.**

(1) The Director of Engineering shall inspect the construction of improvements while in progress, as well as upon completion. The applicant, or his contractor, shall maintain contact with the Director of Engineering during all phases of construction.

(2) Construction shall be in accordance with the approved construction plans. Any significant change in design required during construction shall be made by the applicant's engineer, and shall be subject to approval by the Director of Engineering.

(3) Any changes in design required during construction should be made by the engineer whose signature and seal are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans and if those revisions are noted on the plans or documents. All revisions must be approved by the Director of Engineering.

(4) If the Director of Engineering finds, upon inspection, that any of the required public improvements have not been constructed properly and in accordance with the approved construction plans, the applicant shall be responsible for completing and/or correcting the public improvements to bring such into compliance.

(b) **Maintenance during Construction.** The applicant shall maintain all required public improvements during construction of the development phases or until the City approves the improvements and accepts same.

(c) **As-built Plans and Submission of Record Drawings for Filing.**

(1) After construction is completed, the developer shall provide the commission a set of as-built plans of all streets, alleys, sidewalks, drainage, underground utilities, signs, signals, street lighting and any other pertinent physical improvement of the subdivision. (2004 Code, sec. 159.67)

(2) The City shall accept required public improvements when the applicant's engineer has certified to the Director of Engineering, through submission of detailed “record” or “as built” drawings of the project and filed copies of any off-site easements, unless otherwise noted within the Subdivision Ordinance, that the public improvements have been built in accordance with the approved construction plans. The City will not submit the approved Final Plat for recordation in Denton or Collin County until all required improvements have been accepted by the Director of Engineering.

(d) **Revisions Documented on Plat**. Each record drawing sheet shall document all changes made in the plans during construction, and on each sheet, there shall be a “record” stamp bearing the signature of the engineer and date. Detailed requirements for such drawings and stamps are available on the Celina Engineering website.

(e) **Acceptance or Rejection of Improvements by Director of Engineering.**

(1) Responsible Official. Using the *Final Acceptance Checklist* (online on the Development Services webpage), the Director of Engineering shall be responsible for inspecting all required public improvements shown in the construction plans, and for accepting completed subdivision improvements intended for dedication to the City.

(2) Final Inspection. After completion of all improvements, franchise utilities, grading, and erosion control, the Director of Engineering and other designated representatives (as applicable) will perform a final inspection before recommending acceptance of the improvements.

(3) Letter of Final Acceptance. If all improvements are completed, inspected, tested (when applicable), and determined by the City to be in conformance with this Subdivision Ordinance and with the City’s *Engineering Design Standards*, then the Director of Engineering shall issue a Letter of Final Acceptance to the applicant, thereby notifying the applicant of the City’s acceptance.

(4) Effect of Acceptance. Acceptance of the improvements shall mean that the applicant has transferred all rights to all the public improvements to the City for title, use, and maintenance.

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(5) Rejection. If any portion of the construction plans fails to comply with the City's standards and specifications, the Director of Engineering shall reject the complete set until the failure is remedied.

(f) **Disclaimer.** Approval of a Preliminary Plat or Final Plat by the Commission, or construction plans by the Director of Engineering, shall not constitute acceptance of any of the public improvements required to serve the subdivision or development. No public improvements shall be accepted for dedication by the City except in accordance with this section.

(g) **Acceptance or Rejection of Improvements in Extraterritorial Jurisdiction (ETJ).** Where the improvements to be constructed under a Development Agreement are located within the City's ETJ and are to be dedicated to Denton or Collin County, the Director of Engineering shall inform the County officials that the public improvements have been constructed in accordance with approved construction plans, and are ready for acceptance by the County.

(h) **Maintenance Bond Following Acceptance.** The applicant shall furnish to the Director of Engineering a sufficient maintenance bond with a reputable and solvent corporate surety registered with the State of Texas, in favor of the City, to indemnify the City against any repairs. The bond shall be in effect for two (2) years from the date of final acceptance of the entire project. The bond, which is a part of the requirements for final acceptance, shall be a minimum of ten percent (10%) of the value of the work constructed. The applicant shall reimburse the City for all related legal costs for review (this reimbursement shall be paid in full prior to filing of the Final Plat).

Sec. 10.03.047.....BUILDING PERMITS and CERTIFICATES OF OCCUPANCY.

(a) No building permit shall be issued for a lot or building site unless the associated Final Plat has been approved by the City of Celina and all public improvements as required for the Final Plat approval have been completed, except as permitted below:

(1) Building permits may be issued for nonresidential and multiple-family development provided that a Final Plat is approved by the Planning and Zoning Commission and construction plans have been released by the Director of Engineering. Building construction will not be allowed to surpass the construction of fire protection improvements.

(2) The Director of Development Services may authorize residential building permits for a portion of a subdivision, provided that a Final Plat has been approved by the Planning and Zoning Commission and all public improvements have been completed for that portion of the development, including but not limited to those required for fire and emergency protection. Notwithstanding, no lot may be sold or title conveyed until a Final Plat approved by the Planning and Zoning Commission has been recorded.

(3) No certificate of occupancy shall be issued for a building permit or the use of a property unless all subdivision improvements have been completed and the Final Plat approved by the Planning and Zoning Commission has been recorded in the County. Notwithstanding the above, the Director of Development Services may authorize the temporary occupancy of a structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the City for the completion of all remaining public improvements. The certificate of occupancy may be revoked if the Final Plat approval and filing process is not completed.

ARTICLE 10.03.048 - 10.03.059 **Reserved for future use.**

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ARTICLE 10.03.060 ....SPECIAL EXTRATERRITORIAL JURISDICTION POLICIES & REGULATIONS

Sec. 10.03.061.....GENERAL POLICIES IN THE EXTRATERRITORIAL JURISDICTION (ETJ).

(a) **Application of Requirements.** Unless otherwise stated within this Subdivision Ordinance, all standards, specifications and regulations herein shall apply to development within the City's extra-territorial jurisdiction (ETJ).

(b) **Extension of City Services.** Given that land proposed for development in the City's ETJ must be served adequately by essential public facilities and services, including those related to adequate water distribution, wastewater collection and treatment, streets, pedestrian circulation, storm drainage conveyance, and park and recreational facilities, the following policies for the provision of infrastructure services provided by the City of Celina into the City's ETJ shall apply:

(1) It is in the City's best interest to encourage development in areas adjacent to compatible development already receiving City services, and particularly where those services have excess capacity.

(2) It is in the City's best interest to annex areas that:

i. Need to be protected in order to prevent or reduce flood damage in existing urban areas;
ii. Possess unique physical characteristics;
iii. Have requested City services; or
iv. Minimize the City's fiscal liability.

(3) It is in the City's best interest to withhold all water and sewer extensions outside the City's limits except in instances where the extension will serve a large-volume user who has agreed in writing to annexation at a predetermined date, and who has demonstrated that a significant community benefit will accrue to the City if it provides such service outside the City's limits, and where no significant fiscal liabilities will be incurred by the City.

(4) It is in the City's best interest to provide services, other than water and wastewater service, to individual users beyond the City's limits:

i. Upon request and under contracts or cost-sharing arrangements that minimize future City fiscal liability;
ii. Upon request and under contracts or cost-sharing arrangements that encourage compact development;
iii. Upon request and under contracts or cost-sharing arrangements that ensure compliance with City subdivision, building, electrical, plumbing and fire codes; and
iv. When it is not in the City's best interest to annex the areas to be served.

(5) The City shall therefore provide for extension of public facilities and services only under the following circumstances:

i. Such extension is part of an annexation agreement that provides for development consistent with established City objectives and policies, as described and illustrated in the *Comprehensive Plan*;
ii. Such extension allows the City to retain its right under State law to annex the property in the future;
iii. The quality of the development that is occurring or will be occurring is consistent with City standards;
iv. The use or development offers significant public benefits to the City; and
v. The proposed development and land uses comply with City Building and Fire Codes (as agreed to in an annexation agreement with the City).

(c) **Design and Construction Standards for Public Improvements in the City's Extraterritorial Jurisdiction (ETJ).** All public improvements constructed in conjunction with a new development in the City's ETJ shall

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be designed, engineered and constructed in accordance with the City's standards and all other applicable City master plans (e.g., *Water Reuse Master Plan*, the *Comprehensive Plan*, etc.).

Sec. 10.03.062.....DENTON AND COLLIN COUNTY REGULATIONS.

(a) The City has executed an interlocal cooperation agreement, as authorized under CHAPTER 242 of the TEXAS LOCAL GOVERNMENT CODE, with Denton or Collin County.

(b) Denton or Collin County has assigned to the City its authority to approve plats in the City's ETJ. The agreement also provides for the City to enforce its subdivision regulations, together with specified regulations of Denton or Collin County, within the City's ETJ via Interlocal Cooperation Agreements.

(c) In the event that the subdivision rules and regulations of Denton or Collin County provide a more stringent standard than those of the City, then the more stringent standards shall apply.

Sec. 10.03.063.....CITY PARTICIPATION IN IMPROVEMENTS IN THE EXTRATERRITORIAL JURISDICTION (ETJ).

(a) **Improvements.** The City shall not be required to participate in the cost of any improvements where such improvements required by this Ordinance are outside the corporate limits of the City (i.e., they are within the City's ETJ area).

(b) **Certificates of Occupancy/Utility Connections.**

(1) A Certificate of Occupancy for non-residential and multiple-family projects within the City's ETJ shall not be issued until a Letter of Final Acceptance has been issued by the City, and a copy of such Letter has been submitted to the Building Official by the developer, unless otherwise authorized by the City Manager or designee (refer to Section 10.03.046(d), *Acceptance or Rejection of Improvements by the Director of Engineering*).

(2) Utility connections for all developments in the City's ETJ shall not be issued until a Letter of Final Acceptance has been issued by the City or appropriate utility district, as applicable, and a copy of such letter has been submitted to the Building Official by the developer, unless otherwise authorized by the City Manager (refer to Section 10.03.046(f), *Acceptance or Rejection of Improvements by the Director of Engineering in ETJ*).

Sec. 10.03.064 to 10.03.069.....RESERVED.

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ARTICLE 10.03.070 ....SUBDIVISION REQUIREMENTS

Sec. 10.03.071.....GENERAL SUBDIVISION POLICIES.

(a) **Conformance to Plans.**

(1) Public Improvements. Proposed public improvements serving new development shall conform to and be properly related to the public facility elements of the *Comprehensive Plan*, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall at a minimum meet the service levels specified in such plans.

(2) Conformance with Master Thoroughfare Plan. All Plats within the City and its ETJ, and corresponding construction plans, shall provide for thoroughfares as shown in the *Master Thoroughfare Plan*. Minor adjustments to thoroughfare alignments may be allowed without amending the *Master Thoroughfare Plan* if the Director of Engineering determines the new alignment meets the spirit and intent of the *Master Thoroughfare Plan* and will not compromise public safety or traffic efficiency. The design and construction of all proposed thoroughfares shall be in conformance with the City's *Engineering Design Standards*, and is subject to approval by the Director of Engineering. Such approvals shall be required prior to any Plat approval.

(3) Master Thoroughfare Plan Amendment. If a significantly different roadway alignment or a road type from what is shown on the *Master Thoroughfare Plan* is proposed, then the *Master Thoroughfare Plan* shall be amended prior to any plat approval. Submission of a Traffic Impact Analysis (TIA) of the proposed amendment by the developer may be required if the Director of Development Services and the Director of Engineering determine that such an analysis is necessary to fully assess the impact of the proposal upon the City's overall thoroughfare network.

(4) Water and Wastewater Plans. The design and construction of the water system and wastewater system to serve the development shall be in conformance with the City's master plans for water and wastewater facilities and with the *Engineering Design Standards.* The design is subject to approval by the Director of Engineering prior to approval of the construction plans and the Final Plat.

(5) Storm Drainage Standards. The design and construction of the storm drainage system to serve the development shall be in conformance with, but not limited to, the City's master plans for storm water drainage, with the City's storm drainage policies (*Water Reuse Master Plan*), and with the *Engineering Design Standards.* The design is subject to approval by the Director of Engineering prior to approval of the construction plans and the Final Plat.

(b) **Provision of Adequate Public Facilities.**

(1) Adequate Services for Areas Proposed for Development. Land proposed for development in the City and in the City's ETJ shall be served adequately by essential public facilities and services, including, but not limited to, water distribution, wastewater collection and treatment, roadways, pedestrian circulation, storm drainage conveyance, and park and recreational facilities. Land shall not be approved for platting or development until adequate public facilities necessary to serve the development exist or provisions have been made for the facilities, whether the facilities are to be located within the property being developed or offsite.

i. *Street Access.* A plat will not be approved unless all of the proposed lots have safe and reliable street access or frontage for daily use and emergency purposes.

a. A plat will not be approved unless all of the proposed lots have access to an improved public street (or a public street that will be improved during construction of the proposed development) that meets the City's minimum design and paving standards, or to an approved public way or mutual access easement that is connected to an improved public street.

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b. Except for lots that are provided access from an approved cul-de-sac, all lots within a development shall have at least two (2) means of access or approach. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the City may accept a temporary, paved street connection provided that a second permanent access point can be reasonably anticipated with future development of adjacent properties.

c. In certain circumstances where providing two (2) means of access to a site is not feasible, the Planning and Zoning Commission may waive this requirement if staff can demonstrate that the site can be adequately served by emergency vehicles and that life and safety issues have not been compromised.

d. For properties situated adjacent to an existing or planned median-divided thoroughfare, at least one (1) of the required access points shall occur at, or through access easement connection to, a median opening. (See Diagram 10.03.113, *Median & Cross Access*)

ii. *Water.* A Plat will not be approved unless all of the proposed lots are connected to a public water system which is capable of providing adequate water for health and emergency purposes.

a. Except for lots along an approved cul-de-sac, all lots shall be provided service connections from a looped water main providing water flow from two (2) directions or sources.

b. Water service shall be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved by the Fire Chief.

c. The City may require the phasing of development and/or improvements to the water system to ensure adequate fire protection.

d. Plats for residential lots greater than one (1) acre in size may use private well water, at the discretion of the Director of Engineering.

iii. *Wastewater.* A Plat will not be approved unless all of the proposed lots are served by an approved means of wastewater collection and treatment.

a. The projected wastewater discharge of a proposed development shall not exceed the proposed capacity of the wastewater system.

b. The City may require the phasing of development and/or improvements to the sanitary sewer system so as to maintain adequate wastewater capacity.

c. Plats for residential lots greater than one (1) acre in size may use private septic systems, at the discretion of the Director of Engineering.

iv. *Storm Drainage.* Increased storm water runoff attributable to new development shall not cause impacts to adjoining, upstream or downstream properties. Impacts are defined as an increase in runoff between pre- and post-development. Where the projected runoff from a new development exceeds runoff from pre-development conditions, the City may require the phasing of development, the use of control methods such as retention or detention, obtaining off-site drainage easements, and/or the construction of off-site drainage improvements as means of mitigation. All designs shall comply with the Engineering Design Standards, as it exists or may be amended.

(2) City's Cost of Review. Should the City deem that adequate review of the roadway, water, wastewater, or drainage submittal should be outsourced to a third party, the cost of such review shall be passed through to the developer or applicant.

(3) Property Owner's Responsibilities. The property owner shall be responsible for, but not limited to, the following:

i. *Dedication and Construction of Improvements*. The property owner shall dedicate all rights-of-way and easements for, and shall construct and extend, all necessary on-site and off-site public improvements for water distribution, wastewater collection and treatment, streets,

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storm drainage conveyance, and other improvements that are necessary to adequately serve each phase of a proposed development at service levels that are consistent with the City's applicable master facilities plans and *Engineering Design Standards*.

ii. *Abutting Substandard Streets*. Where a substandard street abuts or traverses a proposed development, the City may require the property owner to dedicate additional right-of-way and to improve the street to the current City design and construction standards as set forth in the *Engineering Design Standards*. Such requirements to improve the substandard street to the City's current standards shall only be imposed following careful review of factors including, but not limited to:
   a. The impact of the new development on the street;
   b. The timing of the development in relation to need for the street; and
   c. The likelihood that adjoining property will develop in a timely manner.

iii. In the case of frontage or service roads for state or federally designated highways, the entire abutting right-of-way shall be dedicated to the City and improved to the County, State or Federal agency's applicable construction design standards if such improvement is approved by the agency.

iv. *Right-turn Lanes Mandatory*. The City reserves the right to require free right turn lanes into any development from a Collector or higher category roadway. Should the applicant request a waiver from this requirement, the applicant must provide to the City a study by an acceptable third party that justifies the elimination of the required free right turn lane.

v. *Facilities Impact Studies*. The City may require that a developer prepare a comprehensive Traffic Impact Analysis (TIA), flood or drainage study or downstream assessment, or other facilities impact studies in order to assist the City in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. The cost of such study or studies shall be borne by the applicant.

vi. *Timing and Approval of Studies*. Any outside study shall be subject to approval by the Director of Engineering prior to approval of the Preliminary Plat and the construction plans. The City also may require, at the time of approval of subsequent applications (e.g., Final Plat), an update of a facilities impact studies that were approved in conjunction with a prior application (e.g., Preliminary Plat).

vii. *Future Extension of Public Facilities*. The property owner shall make provisions for future expansion of the public facilities as needed to serve future developments, subject to the City's oversize participation policies, if applicable.

viii. *Operations and Maintenance of the Public Facilities*. The property owner shall provide for all operations and maintenance of the public facilities, or shall provide proof that a separate entity will be responsible for the operations and maintenance of the facilities.

ix. *Fiscal Security*. The property owner shall provide all fiscal security required for the construction of the public facilities.

x. *Approvals from Utility Providers*. The property owner shall obtain all necessary approvals from the applicable utility providers other than the City, and shall submit written verification of such approvals to the City with the construction plans.

xi. *Compliance with Utility Providers*. The property owner shall comply with all requirements of the utility providers, including the City and applicable utility districts.

Sec. 10.03.072.....WATER, WASTEWATER & DRAINAGE REQUIREMENTS AND ENVIRONMENTAL STANDARDS.

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(a) **Water and Wastewater Basic Policy.**

(1) Construction Requirements.

i. All public water and wastewater mains shall be located in the frontage of the property along streets, or in easements adjacent to the development in order to provide service to adjacent property.

ii. Public water and/or wastewater mains shall not be located within a private street, drive or access easement unless a public utility easement is provided.

iii. The minimum easement width for water or wastewater mains shall be fifteen (15) feet, or as determined by the Director of Engineering. Where it is necessary for water and wastewater facilities to be located within the same easement, the easement shall be a minimum of twenty (20) feet in width, or as determined by the Director of Engineering.

iv. No portion of a structure (including, but not limited to, walls, foundations, porches/patios and porch/patio covers, canopies, roof extensions/overhangs, chimneys, fire flues, etc.) shall encroach over or into any easement, except that wall-attached window awnings, "bay" style windows, and roof eaves shall be allowed to encroach into an easement a maximum of twenty-four (24) inches upon approval of the Director of Engineering.

v. A water or wastewater easement between two (2) lots must fall entirely on a single lot and shall not straddle the lot line unless specifically approved by the Director of Engineering for cause.

vi. Easements shall be dedicated for exclusive use for water and wastewater facilities and shall be shown on the Final Plat for the specific purpose intended. When it is necessary for additional utilities to be placed within such utility easement, additional width shall be provided and the easement shall be labeled for its additional intended purpose on the Final Plat.

vii. When it is necessary to relocate or replace an existing water or sewer facility to accommodate a proposed subdivision, the developer is responsible for all costs associated with the relocation, except as agreed to by City Council for oversize participation.

(2) Construction Plans. Plans for construction of all water and wastewater facilities required by these regulations shall be prepared in accordance with the requirements and specifications contained in the *Engineering Design Standards*, the regulations of the Texas Commission on Environmental Quality (TCEQ), National Sanitation Foundations (NSF), Texas Department of Insurance, Insurance Services Office, and the City's current adopted Fire Code, which are incorporated by reference and made a part hereof. Plans for the improvements must be prepared by a licensed engineer and accepted by the Director of Engineering.

(3) Acquisition of Easements. The developer shall be responsible for the acquisition of all required off-site easements. If the developer is unable to acquire the necessary off-site easement, the City shall be provided with easement or right-of way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the City may, at its option, acquire these easements either through negotiations or through condemnation in appropriate situations. The developer shall reimburse the City for the costs of acquiring the necessary easements including but not limited to attorney fees, expert fees, and title searches.

(b) **Preliminary Utility Plan.**

(1) Submittal of Plans. Concurrent with the submission of a Preliminary Plat, Final Plat, Replat or Minor Plat, the developer shall submit a plan showing the location and size of water, wastewater, and storm drainage mains that will be required to provide adequate service and fire protection to the lots specified in the proposed plat. Plans and specifications for fire hydrant systems shall be

submitted to the Fire Marshal for review prior to construction.

(2) Plan Document. The plan shall conform to the *Engineering Design Standards*.

(3) Coordination with other Utility Providers.

i. *Preliminary Plat*. When the subdivision is located in an area served by a utility provider other than the City, the developer must provide a water system analysis.

ii. *Minor Plat, Replat*. When a subdivision is located in an area served by a utility provider other than the City, the developer must provide a letter from the utility provider stating that the existing facilities provide adequate domestic service and fire protection. If the City has reason to believe that there may be water supply or pressure concerns, a water system analysis may be required.

iii. *Final Plat*. The final plat will not be filed with Denton or Collin County until a letter has been provided from the utility provider stating that they have accepted the plans for construction.

(c) **Miscellaneous Requirements.**

(1) No building or structure shall be constructed within or over an existing wastewater, lateral, water main or storm drain easement unless approved in writing by the Director of Engineering in a signed and executed Development Agreement, approved by City Council, stating that any damage to the lines within or over the easement caused by the erection of the sign or construction of any building or structure shall be repaired to City standards at the property owner's expense. Additionally, should the City, the County and/or franchise utility company require access to said easement that any repairs to the affected building, sign or structure shall be solely at the expense of the property owner.

(2) Monument signs may be constructed over an existing wastewater, lateral, water main or storm drain easement if approved by the City Manager or designee in a signed and an executed agreement stating that should any disturbance, repair, or realignment conducted by the City or a franchise utility company within the easement that may affect the sign requires that the sign owner make all necessary repairs to the sign, including the entire replacement of the sign, at the owner's sole expense.

(3) Ownership and maintenance of water and wastewater mains and service connections shall be regulated as follows:

i. The title to all wastewater lines constructed, including wastewater service connections located in a right-of-way or dedicated easement, shall be vested in the City or the applicable utility provider.

ii. The developer, or single customer, shall be responsible for all maintenance of the wastewater service connection, unless replacement of the service is required under the public roadway or pavement. When replacement is determined to be necessary by the Director of Engineering, the City shall assume the responsibility for replacement of that portion under the pavement.

iii. The title to all water mains and water meters constructed, and installed, including the title to service connections, shall be vested in the City or the applicable utility provider.

(4) The City makes no guarantee that water supply or wastewater capacity will be available at any particular time or place.

(5) The service lines shall extend across the lot in question to provide future service connections to the adjacent lot.

(6) Water and wastewater service lines shall be maintained by the property owner.

(7) Public water and wastewater mains adjacent to federal, state, or county roadways shall be constructed outside the right-of-way in a separate easement unless otherwise agreed upon by those agencies and approved by the Director of Engineering.

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(d) **Water.**

(1) Design & Construction.

i. *Installation of Water Facilities*. Where water is to be provided through the City system, the property owner shall install adequate water facilities, including fire hydrants, in accordance with the City's *Engineering Design Standards,* the adopted Fire Code, the current Rules and Regulations for Public Water Systems of the Texas Commission of Environmental Quality (TCEQ), and the firefighting standards of the Texas Board of Insurance. If any such requirements conflict, the most stringent requirement shall apply.

ii. *Facilities for Health and Safety Emergencies; Alternative Water Sources*. All water facilities connected to the City's water system shall be capable of providing water for health and emergency purposes, including fire protection and suppression. Water supply facilities shall be in accordance with the *Engineering Design Standards*. The design and construction of water system improvements and alternative water sources shall also comply with the following standards:

a. Design and construction of a water source on the site shall be in accordance with applicable regulations of the Texas Commission on Environmental Quality (TCEQ).

b. Design and construction of water service from the City shall be in accordance with the standards in the City's *Engineering Design Standards*.

c. Design and construction of a fire protection and suppression system shall be in accordance with the standards in the *Engineering Design Standards*, and in accordance with the City's Fire Department and adopted Fire Code.

(2) Location.

i. *Shown on Construction Plans*. The location and design of all fire hydrants, all water supply improvements and the boundary lines of special districts, private systems and certified water service areas, indicating all improvements proposed to be served, shall be shown on the construction plans.

ii. *Extension of Lines*. Extension of water lines shall be made along the entire frontage of the development adjacent to a street. If the subdivision is not adjacent to a street, the extension of water lines shall be accomplished in such a manner as to allow convenient future connections to said lines by new subdivisions and the developer shall provide stub out connections at the property line at the time of water infrastructure installation.

iii. *Variance from Requirement*. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the Director of Engineering may approve a Minor Variance for this requirement in accordance with Section 10.03.086, *Variances*, of this Ordinance prior to action on the construction plans or prior to action on any plat.

(3) Cost of Installation. The cost of installing all water supply improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees and Development Agreement, if applicable (refer to Section 10.03.044, *Development Agreements*).

(4) Cost of Extension for Single Customer.

i. When it is necessary to extend a water line to serve a new single customer where only one meter will be installed, the City at its own expense will extend the said water line up to 100 feet.

ii. If a distance is equal to or greater than 100 feet is required to reach the nearest property line of the new single customer, the said single customer shall pay one hundred percent (100%) of cost extension in excess of 100 feet.

iii. If more than one single customer is served by the main extension, 100 feet of main will be allowed for each single customer thus served, and any excess footage will be paid for at one hundred percent (100%).

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iv. No more than one single customer credit of 100 feet will be allowed each lot or tract of record so served regardless of the number of buildings, occupied or otherwise, which might be located on said lot or tract.

v. Payment will be made in advance of construction.

(5) Cost of Extension to Serve Developers.

i. Where the City's water distribution system is not planned to be extended in time to serve a proposed new development, all necessary water facilities to serve such development shall be provided by and at the expense of the developer. If oversizing of a water facility is deemed necessary by the Director of Engineering for future developments, then the City may participate in such oversizing costs as part of a Development Agreement.

ii. The developer will pay one hundred percent (100%) of the construction cost of the size mains required to serve his development, including the design, construction, and City inspection of the approach main.

iii. When the developer desires that water mains be extended to serve his property, he will submit a request in writing to the Director of Engineering. The property to be served shall be listed showing the lot, block and subdivision. If the area to be served is a part of a larger area that is owned or controlled by the developer and which is reasonably expected to be served by water in the future, a tentative design of a main layout will be made of the entire area. The cost estimate will be made on that portion of the subdivision to be served immediately.

(6) Individual Wells in ETJ.

i. *Well Approval*. Individual wells within the City's ETJ shall be subject to approval by the Denton or Collin County health official, and this approval shall be documented by the health official's signature on the water system statement on the Preliminary and Final Plat. The property owner must submit with the Preliminary and Final Plat applications a certificate from a professional engineer who is registered or a geoscientist who is licensed to practice in the State of Texas verifying the adequacy of the proposed well water supply and potability prior to Preliminary Plat and construction plans approvals.

ii. *Compliance with Other Regulations*. Installation, operations and maintenance of individual wells shall comply with City standards, regulations of the Texas Commission on Environmental Quality (TCEQ), and any other applicable County or State rules and regulations. In the event of conflict among these regulations, whichever is the most stringent shall apply.

(7) Alternative Water Systems. Developments may be approved with alternative water facilities according to the following criteria:

i. Water well operation and quality shall meet the minimum requirements of the Texas Commission on Environmental Quality (TCEQ), Denton or Collin County, City health ordinances, and all other regulatory agencies, as applicable.

ii. Water wells may not be used for commercial sale of water.

iii. The cost to tie onto the public water system must exceed the certified initial capital cost of a well by twenty-five percent (25%). All costs and engineering designs shall be submitted by a licensed professional engineer and are subject to review and approval by the Director of Engineering. If a residence is located within 1,000 feet of a domestic water supply, that residence must connect to that service.

(e) **Wastewater.**

(1) Extension of and Connection to the City's Wastewater Collection System. Extension of, and connection to, the City's sanitary sewer system shall be required for all new developments within the City limits. Extension of, and connection to, the municipal sewer system shall also be required

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for new developments within the City's ETJ for any proposed development, lot, tract or parcel that is less than one (1) acre in size. The City is not in any way obligated to allow extension of municipal sewers outside the City limits. The required extension of, and connection to, the municipal sewer system may be waived as a Minor Variance, in accordance with Section 10.03.086, *Variances*, by the Director of Engineering if the Director of Engineering determines that such extension would require unreasonable expenditures and that an on-site wastewater disposal system (see Section 10.03.072(e)(5), *On-Site Wastewater Disposal Systems*) will function properly and safely.

(2) Design & Construction. It is the policy of the City to require all wastewater collection lines to have gravity flow. The use of lift stations and force mains is prohibited unless a gravity design is impractical, as determined by the Director of Engineering. The location, design and sizing of all wastewater improvements shall be shown on the construction plans and are subject to approval by the Director of Engineering.

(3) Cost of Installation. The cost of installing all wastewater improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees and Development Agreement, if applicable.

(5) Community Sanitary Sewerage Collection Systems. All subdivisions developed subsequent to this ordinance must be served by community sanitary sewerage collection, treatment and disposal systems approved by the City with exceptions granted only if all of the following conditions exist:

i. The subdivision in question is less than five (5) parcels of land;
ii. The existing community type collection, treatment and disposal system is not and cannot feasibly, in the opinion of the Director of Engineering, be made available to the area of development; and,
iii. Percolation tests run by an independent testing laboratory are submitted to both the City and County health department with results showing that a septic tank and spreader field can be developed to provide adequate disposal of the sewage.

(6) Sewer Extensions, Generally. All sewer extensions shall be designed in accordance with the latest applicable rules and regulations as published by the Texas State Department of Health and Texas Commission for Environmental Quality (TCEQ). All sewers shall be designed with consideration for serving the full drainage area subject to collection by the sewer in question except as modified with the concurrence of the Director of Engineering because of the projected rate of development or the financial feasibility of the proposed extension.

(7) Sewer Extensions for Single Customers.

i. Where it is necessary to extend a sewer line to serve a new single customer, the City, at its own expense, will extend said sewer up to 100 feet.
ii. If a distance is equal to or greater than 100 feet should be required to extend the line to the nearest property line of the customer, said single customer shall pay the excess over the 100 feet allowable at the rate of one hundred percent (100%)of cost.
iii. If more than one single customer is served by the main extension, 100 lineal feet of sewer will be allowed for each single customer thus served, and any excess footage will be paid for at one hundred percent (100%)of cost.
iv. No more than one single customer credit of 100 feet will be allowed for each lot or tract of record so served regardless of the number of buildings, occupied or otherwise, which might be located on said lot or tract.
v. Payment will be made in advance of construction.
vi. All service lines shall be designed and constructed in accordance with the Wastewater Master Plan.

(8) Extensions to Serve Developers. The developer shall pay one hundred percent (100%)of the construction cost of all sewers including the design and construction of "approach mains," but

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excepting "service lines."

i. The developer will also pay one hundred percent (100%)of the cost of service lines to all lots to be served by a sewer located in the street. Said service lines will be constructed at the same time as a part of the same contract as all other sewers in the developer's addition. If the sewers are being constructed by City forces, the service lines will be constructed by City forces at the time all other sewers within the addition are constructed.

ii. The Director of Engineering shall determine the size of the approach main required to serve developer's property and the actual size to be constructed. Should the City elect to construct a main larger than the developer's required approach main, the developer will not be charged for the additional upsizing.

iii. The amount of developer's payment shall be determined using unit bid prices contained in the award contract.

iv. All service lines shall be designed and constructed in accordance with the Wastewater Master Plan.

(9) Required Stub-Out to Adjacent Properties. All lateral and sewer mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collecting system regardless of whether or not such extensions are required for service within the subdivision.

(10) Lift Stations or Separate Treatment Facilities. The provision for lift stations or separate treatment facilities will not be permitted unless the cost of constructing such lift stations or separate facilities is at least twenty percent (20%) less than the costs of constructing an adequate outfall or approach sewer from the existing system.

(11) Connections. No connection shall be made to any sanitary sewerage system within the City which will permit the entrance of surface water or waste of other than domestic sewage characteristics without the specific authorization by the City Council.

(12) On-Site Wastewater Disposal Systems.

i. In cases where the Director of Engineering determines that extension of and connection to the City's sewer system is impractical or not feasible, and where the Director of Engineering approves the use of an on-site wastewater disposal systems, such on-site systems shall provide adequate sewage disposal for all lots, tracts, parcels and structures in the development that cannot be connected to the City's sewer system.

ii. All on-site wastewater disposal systems shall be designed, permitted, constructed, operated and maintained in compliance with all applicable local, County and State regulations, and a permit for such system shall be acquired prior to Preliminary Plat and construction plans approvals.

iii. On-site wastewater disposal facilities requiring soil absorption systems may be prohibited where such systems will not function properly in conditions of high ground water, flooding, unsuitable soil characteristics, or other topographical or environmental issue.

iv. Each lot, tract, parcel and structure that utilizes an on-site wastewater disposal system shall have a minimum land area of at least one (1) acre.

v. No portion of any on-site wastewater disposal system shall be constructed within a minimum 150-foot radius around any water well either on-site or on other properties.

vi. In order to protect the public health, safety and welfare, an existing on-site wastewater disposal system shall be upgraded, or reconstructed if necessary, to comply with the City's standards by the owner, at the owner's expense, if the operation of the facility does not comply with government regulations or if it causes objectionable odors, unsanitary conditions, pollution, etc.

(f) **Storm Water.**

(1) Adoption. This ordinance is hereby adopted and shall be known as the "Official Drainage and Flood Control Ordinance" of the City of Celina.

(2) Purpose and Scope. The purpose of policies and design standards set forth herein is to ensure adequate stormwater drainage and flood control within the City of Celina. The policies and standards are included in the *Engineering Design Standards* and are intended to protect public health and safety, to prevent property damage due to flooding, to equitably distribute the cost of necessary drainage improvements, and to minimize the maintenance cost of drainage facilities constructed. Any development or improvement of property affecting storm drainage and flood control in the City of Celina is subject to the provisions of this ordinance.

i. The development of land shall consider all drainage elements normally used in the engineering standards of design.

ii. Stormwater design shall consider the maximum results from a 100-year frequency storm. The release rate of stormwater shall be such that the flows of runoff water after the land development is completed shall not exceed the flows existing before land development is started. Where existing development is in place upstream of the land area under consideration for development, provisions shall be made within the engineering design to provide capacities for the potential full flows which may be created by the upstream properties based on the result of a 100-year rainfall event.

(3) Standard Provisions for Storm Drainage. All construction for storm drainage in the development or improvement of real property within the City of Celina shall conform to the adopted *Engineering Design Standards*.

(4) Responsibility of Owner or Developer for Storm Drainage.

i. The owner or developer of property to be developed or used shall be responsible for all storm drainage flowing through or abutting such property. This responsibility includes the drainage directed to that property by prior development as well as the drainage naturally flowing through the property by reason of topography. It is the intent of this ordinance that provision be made for storm drainage in accordance with section iii above, at such time as any property effected is proposed for development use.

ii. Where the improvement or construction of a storm drainage facility is required along a property line common to two (2) or more owners, the owner hereafter proposing development or use of his property, shall be responsible for the required improvements at the time of development, including the dedication of all necessary right-of-way or easements, to accommodate the improvements.

iii. Where a property owner proposed development or use of only a portion of his property, provision for storm drainage in accordance with section iii above shall only be required in that portion of the property proposed for immediate development or use, except as construction or improvements of a drainage facility outside that designated portion of the property is deemed essential to the development or use of that designated portion.

iv. The owner or owners shall dedicate to the City the required drainage easements. Determination of minimum easement required shall be made by the Director of Engineering.

v. In the event that an owner or developer desires to impound stormwater by excavation, filling or construction of a dam within a property, thereby creating a lake, pond, or lagoon as a part of the planned development of that property, the standard provisions for storm drainage as established in section iii of this ordinance shall not be applicable, provided:

a. That an engineering plan for such construction, accompanied by complete drainage design information, prepared by a registered professional engineer, shall have been approved by the City of Celina;
b. That the owner or developer shall have agreed to retain under private ownership the lake, pond, or lagoon constructed, and to assume full responsibility for the protection of the general public from any health or safety hazards related to the lake, pond, or lagoon constructed;
c. That the owner or developer shall have agreed to assume full responsibility for the maintenance of the lake, pond, or lagoon constructed;
d. That the obligations herein shall run with the land and shall be a continuing obligation of the owner or owners of such land;
e. That the requirements of the Texas Water Code pertaining to impoundment of surface water are complied with including the design construction and safety of the impounding structure;
f. On any existing structure, the owner will furnish a study proposed by a professional engineer for the City for approval.

(5) Responsibility and Participation of the City in Storm Drainage Improvements.
i. The City may, in its sound discretion, participate in the cost of such improvements as are required by this ordinance.
ii. The City may, in its sound discretion, participate in any project of improvements by the levy of a special assessment against the lands to be enhanced in value by such improvements.
iii. The City may acquire drainage easement necessary for such improvements by acceptance of dedication, purchase, or condemnation.
iv. The City shall, upon acquisition of the drainage easement and the completion of improvements as hereinabove provided, assume full responsibility for the maintenance of such drainage facilities.

(6) Engineering Design. The design of all storm drainage facilities in the development or improvement of real property shall be in accordance with the Engineering Design Standards and the following requirements:
i. Storm sewer inlets shall be provided along paved streets at such intervals as are necessary to limit the depth of flow as follows:

SPREAD OF WATER	
Type of Street	*Allowable Speed*
Major Thoroughfare	One traffic lane in each direction to remain open
Collector Street	One moving traffic lane to remain open
Residential Street	Maximum depth for design storm as shown in the *Engineering Design Standards*

ii. A closed storm sewer system shall be required to accommodate a run-off exceeding the street capacity, as provided above, up to and including the design capacity of a seventy-two (72) inch concrete pipe.
iii. An open channel may be permitted to accommodate run-off exceeding the design capacity of a seventy-two (72) inch pipe, as provided below:
a. Channels draining an area with a "CA" factor (coefficient of run-off and drainage area, as used in the hereinafter described "rational formula") of less than 600 shall be concrete lined to the design depth, plus six (6) inch freeboard except that a closed system as provided above may be used. A twenty (20) foot wide access easement shall be provided along at least one (1) side parallel to a channel.

b. Channels draining an area with a "CA" factor between 600 and 1,000 shall be improved to a capacity of the 100-year design discharge by excavation, straightening and realignment, as required, and also the construction of a concrete lined channel having a width of not less than the bottom width with concrete lined to a depth of at least two (2) feet. Earthen side slopes shall be no steeper than four-to-one (4:1), horizontal to vertical, and shall be sodded to prevent erosion.

c. The setback for the building line shall be based on a minimum of five-to-one (5:1) setback so that as a minimum of twenty (20) foot of width access and maintenance strip is provided parallel and adjacent to each side of the top bank of all drainage channels in this section.

iv. In lieu of the improvements of a channel draining an area with a "CA" factor in excess of 1,000, the City Council may elect to accept the dedication of all land within the natural 100-year floodplain of the existing drainage channel as a permanent right-of-way.

v. That the criteria for drainage improvements as hereinabove set forth in paragraphs i. through iv. of this section shall be applicable to publicly owned lands solely at the discretion of the City of Celina.

vi. Excavation, fill and grading operations within the city limits shall be undertaken only after a proper permit has been obtained from the City.

(7) Easements. Drainage easements shall be dedicated for public drainage features in accordance with requirements of this ordinance. Drainage easements and features shall be included as a portion of buildable (habitable structure) lot(s) and not as a lot by itself unless specifically authorized by the Director of Engineering. If a large development related feature is authorized on a separate lot, a home owners' or property owners' association is required. Storm drainage easements shall be located along side property lines, and such easements shall be contained fully on one (1) lot or tract, and shall not be split across the property line between two (2) lots or tracts.

(8) Storm Water Quality. Designs for new development shall manage storm water in a manner that protects water quality by addressing the development's potential to cause erosion, pollution, siltation, and sedimentation in the Municipal Separate Storm Sewer System (MS4) and natural Major Creeks. The goal is to maintain after development, to the maximum extent practicable, the predevelopment characteristics in the Major Creek, which ultimately receives storm water runoff from the development. It is the developer's responsibility to ensure that designs for new development meet the storm water management requirements in the General Permit for Storm Water Discharges from Construction Activities issued by the TCEQ and its successor agencies. This permit includes the requirement for measures that will be installed during construction to control pollutants in storm water discharges after construction operations have been completed.

(9) Storm Water Runoff. Storm water runoff shall be calculated anticipating a fully developed watershed. The *Comprehensive Plan*, *Engineering Design Standards*, existing land use, and zoning maps shall be used to determine fully developed conditions. The Director of Engineering may require a Hydrology and Hydraulic Analysis and reserves the right to review.

(10) Minimum Finish Floor Elevations. The Director of Engineering may require minimum finish floor elevations (MFF) to provide flood protection on certain lots contained within the subdivision. The MFFs shall be shown on the plat. These elevations shall incorporate the most current floodplain management criteria or other criteria as necessary to avoid damages. The minimum finish floor elevation shall be two (2) feet above the fully developed 100-year water surface elevation where the MFF is associated with a natural Major Creek or open channel. When the MFF is necessitated by situations other than a natural Major Creek or open channel, the MFF shall be set by the developer's engineer and agreed upon by the City. The following note or an amended version appropriate to the specific plat shall be added to any plat upon which the Director of Engineering

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requires the establishment of minimum finish floor elevations:

"The City reserves the right to require minimum finish floor elevations on any lot contained within this addition. The minimum elevations shown are based on the most current information available at the time the plat is filed and are subject to change."

(11) Off-site Drainage.

When any proposed development requires off-site grading where storm water runoff has been collected or concentrated, it shall not be permitted to drain onto adjacent property except in existing Major Creeks, channels, storm sewers or streets. In such a case, a drainage easement shall be dedicated for Major Creeks, ditches, or drainage channels and shall be of a width sufficient to comply with the criteria outlined in the *Engineering Design Standards*.

(g) **Preliminary Storm Water Management Plan.**

(1) A preliminary storm water management plan (SWMP) shall be prepared for all developments in accordance with the *Engineering Design Standards*. The purpose of the SWMP is to identify permanent water quality feature opportunities for the development.

(2) The preliminary SWMP shall be prepared in coordination with the preliminary drainage plan on all projects where both are required. The preliminary SWMP and the preliminary drainage plan may be shown on the same sheet.

(3) The preliminary SWMP must comply with the standards and criteria outlined in this ordinance, the *Engineering Design Standards*, and the Flood Damage Prevention Ordinance. The plan may satisfy the storm water management portion of the SWPPP that is required for construction activities; however, the SWMP is not a substitution for the SWPPP. The City's review of the preliminary SWMP does not constitute acceptance of the final SWMP or the final development plans.

(4) The developer shall provide a preliminary SWMP for the area proposed for development. For amended plats or plats with a previously accepted preliminary SWMP, the accepted preliminary SWMP shall be enforced unless a revised preliminary SWMP is required.

(5) Electronic copies of the preliminary SWMP plan shall be submitted with the submittal of a preliminary plat, replat, or minor plat for review and acceptance. The plan shall be labeled as "Preliminary." Upon acceptance of the plan, the plan shall be signed, sealed, and dated by the engineer, or shall contain a statement showing the engineer's name and license number and affirming the plan was prepared under the direction of the engineer and that the plan is preliminary. At the discretion of the Director of Engineering, an earthwork permit may be issued prior to the plat being filed so long as a floodplain development permit, if necessary, and a SWPPP have been approved. The developer takes the financial risk of grading the tract prior to final approval of the plat and construction plans.

(h) **Preliminary Drainage Plan – Hydrologic and Hydraulic Analysis.**

(1) This plan shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development. It must comply with the standards outlined in this Ordinance and the drainage design criteria found in the *Engineering Design Standards*. The preliminary drainage plan is a guide for the detailed drainage design. The review of the preliminary drainage plan does not constitute final drainage plan approval or authorize a variance to this Subdivision Ordinance.

(2) For any property involved in the development process, a preliminary drainage plan shall be provided, at the developer's expense, for the area proposed for development. For property with a previously accepted preliminary drainage plan, the accepted preliminary drainage plan may be submitted and enforced unless a revised preliminary drainage plan is required by the City due to lot reconfiguration or other conditions created by the new plat. The Director of Engineering may waive

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the requirement for a preliminary drainage plan if the submitted plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated. If the applicant requests a variance in writing, a copy of any previous drainage plan shall be provided.

(3) Electronic copies of the preliminary drainage plan shall be submitted with the submittal of a preliminary plat, replat, or minor plat for review and acceptance. The plan shall be labeled as "Preliminary." The plan shall be stamped by and dated by the engineer and be accompanied by a floodplain development application describing the hydrologic and hydraulic impacts of the development and all associated supporting data files.

(i) **Floodplain Development Requirements.**

(1) Construction in Areas Subject to Flooding.

i. No building or structure shall hereafter be erected or relocated within the 100-year floodplains or floodways of the major drainage ways, unless the finished floor elevation of such a building or structure is a minimum of two feet above the high water elevation calculated for the runoff from a rainfall having a design frequency of 100 years. In all other areas subject to flooding, the finished floor elevation shall be a minimum of the high water elevation calculated for the runoff from a rainfall having a design frequency of fifty (50) years and shall not flood within the 100-year frequency. The owner or developer shall furnish, at their expense, to the Director of Engineering sufficient engineering design information to confirm that the minimum floor elevation proposed is as required by this paragraph.

ii. No building or structure shall be erected or relocated within a floodplain of drainage channel which will obstruct the natural flow of water within that floodplain or channel.

iii. No excavation, filling, or construction of embankment, or landscaping shall be permitted within a floodplain or channel which will obstruct the natural flow of the water within that floodplain or channel, unless sufficient engineering design information is furnished to the Director of Engineering in order that they may determine that same will not adversely affect flow characteristics within that floodplain or channel, resulting in damage to that or any other property nearby.

(2) Building or Structure Set-Back Requirement. No building or structure shall hereafter be constructed, reconstructed, or relocated within twenty (20) feet of any open drainage channel. It is the intent of this section to ensure that an unobstructed width of at least twenty (20) feet is maintained between the top side slope of any such drainage channel and any building or structure.

(3) Construction over Drainage Facilities. No building or structure shall hereafter be constructed, reconstructed, or relocated over or across any storm drainage facility, unless specifically approved by the Director of Engineering pursuant to that criteria established in paragraphs (i) and (ii) below:

i. Construction of buildings, roadways, or structures may be permitted over or across closed drainage systems, to include concrete box culverts or reinforced concrete pipe. Engineering plans and specifications shall be prepared by a professional engineer registered in the State of Texas and experienced in civil engineering work. The total cost for such engineering plans and specifications shall be borne by the owner or the developer and shall be furnished to the Director of Engineering for their review and approval.

ii. Construction of pedestrian bridges or small vehicular crossings may be permitted by the Director of Engineering. Engineering plans and specifications shall be prepared by a Professional Engineer registered in the State of Texas and experienced in civil engineering work. The total cost for such engineering plans and specifications shall be borne by the

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developer and shall be furnished to the Director of Engineering for their review and approval.

iii. Any fencing that is proposed to cross a drainage facility shall be designed in such a way that does not impede water flow or create a de facto dam. Fencing across drainage facilities is subject to review and approval by the Director of Engineering.

(4) Storage, General. Stormwater management programs aimed at controlling increased stream water runoff generated by development are a top priority in urban watershed planning. More frequent flooding, increased rates and volumes of stormwater runoff, increased stream channel erosion and degradation, increased sedimentation, and increased water pollution are all problems intensified by increased stormwater runoff resulting from development. Storage of excess urban storm runoff is one of the most promising methods available in preventing urban flood damage.

i. Storm runoff storage with reduced release rates can hold downstream flood flows to within the safe conveyance capacity of the storm sewer and stream system. In most cases it can be shown that storage is more economical than increasing downstream conveyance capacity. Storage facilities should be planned and designed to ensure an effective and efficient operation and maintenance program.

ii. Retention and detention are two generalized types of storm runoff storage used to control flooding. Retention storage refers to storm runoff collected and stored for a significant period and released or used after storm runoff has ended. Retention storage usually consists of "wet reservoirs" which often have agricultural, recreational, and/or aesthetic value. Detention storage consists of reducing the rate of runoff for a short period of time to reduce peak flows by controlling the discharge through an outlet structure and by extending the period of runoff.

iii. Skillful use of the procedures outlined in this section will provide reasonable solutions to drainage policy requirements. Individual and community experience in the use of these techniques will evolve into a methodology which will allow urban growth without the attendant drainage problems.

(5) Storage Classification. Storage can be classified by location as follows:

i. Rainfall storage. The storage of water near the point of rainfall occurrence or before storm runoff accumulates significantly. Rainfall storage is usually accomplished by roof top ponding, parking lot ponding, property line swale ponding, and small on-site ponds.

ii. Runoff storage. Water stored after storm runoff has accumulated significantly and begun to flow in a drainage system. Runoff storage is usually accomplished by off stream storage, channel storage, or on-stream storage.

(6) Rainfall storage.

i. Rooftops. The building codes require roof load design for rain and snow and its subsequent removal, drainage, or evaporation from the roof. Under no circumstances shall the design for a non-residential flat roof allow planned ponding.

ii. Parking lots. Bioswales are encouraged for use in parking lots rather than curb and gutter between the parking spaces. Water moving across the parking area shall be filtered before entering the sewer system.

iii. Recreation areas. Recreation areas, such as sports fields, generally have a substantial area of grass cover which often has a high infiltration rate. Storm runoff from such fields is minimal. A secondary use of such recreation fields can be made by providing for limited detention storage of runoff from adjacent areas.

Since these areas are not used during periods of precipitation, detention ponding should not seriously impede their primary use. To minimize after effects, the recreation area

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should be designed so that it will thoroughly drain. In addition, the vegetation used on the area should be tolerant of periodic inundation and wetness.

iv. *Property line swales.* Subdivision planning and layout requires adequate surface drainage away from buildings. This is obtained by sloping the finished grade in all directions away from the building. The layout often calls for a swale to be located along the back property line, which then drains longitudinally through the block. The use of natural swales for drainage is allowed; concrete flumes are not allowed.

v. Ponding. Temporary ponding facilities along the rear lot line may include small controlled discharges along the back property line or, if the subsoil conditions are favorable, several inches of rainfall could be expected to percolate into the ground during and after a storm. Prior to planning for property line swale ponding, the engineer should determine that saturation of the subsoil will not have an adverse effect on building foundations. In cases where significant subsoil problems exist, water should not be ponded or percolated into the ground.

vi. Combinations. In many instances, one on-site detention method cannot conveniently or economically satisfy the required or needed amount of stormwater storage. Limitations in storage capacities, site development conditions, soils limitations and other related constraints may require that more than one method be utilized. For example, roof top, parking lot, and surface pond storage might all be required to compensate for the increase in runoff due to development of a particular site. Whatever combinations are suitable may be incorporated into a site development plan.

(7) Runoff Storage.

i. Off-stream storage. The storage of water in depressed open areas, in reservoirs, and on low lying recreation fields to which storm peak flows are routed in usually termed off-stream storage. It is usually characterized by a side channel spillway or overflow from the main channel.

ii. On-stream storage. The construction of an embankment across a channel so that a storage pond is formed represents on-stream storage. Spillway considerations are important to pass large floods exceeding the storage capacity. Properly protected roadway embankments are well suited for this purpose.

iii. Channel storage. Although all channels inherently store water, channels can be made to attenuate runoff by altering their hydraulic characteristics in a way that will reduce peak flows. Side channels that run essentially parallel to the main stream channel are also a means of temporarily storing water during excessive rainfall events.

(8) Multipurpose Use.

i. Rainfall storage and runoff storage systems are most practical when designed for multi-purpose use. For maximum land use efficiency, the design engineer must consult early with the Planning Department and the Parks and Recreation Department of the City.

ii. Lower cost recreation. Using detention storage areas as parks and greenbelts, ballfields and playing fields is an efficient use of unbuildable land and reduces the City's cost of open space facilities.

iii. Multi-use criteria. The multiple use of floodway storage areas is desirable manner in meeting the recreation needs of the local community. Both detention and retention storage may provide recreation areas in addition to their primary function in the reduction of flooding.

(9) All development proposed adjacent to or within the 100-year floodplain shall be in accordance with the City's Flood Damage Prevention Ordinance, the Subdivision Ordinance, and the *Engineering Design Standards*. A floodplain development permit and earthwork permit must be submitted and

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approved by the Director of Engineering prior to any construction on the site.

(j) **Major Creeks.**

(1) 100-Year Floodplain Restrictions. For the health, safety, and welfare of the City's residents and for the conservation of water, storm drainage, and sanitary sewer facilities, the City prohibits vertical development of any portion of a property that lies within the 100-year floodplain of any major creek. Major creeks shall be protected from destruction or damage resulting from clearing, grading, and dumping of earth, waste or other foreign materials. Clearing, grading, excavation or filling of any area within the 100-year floodplain or within any major creek shall be prohibited unless authorized in writing by the City.

(2) Major Creek Restrictions. All major creeks shall be maintained in an open natural condition. All major creeks are subject to the following requirements for all types of development:

i. The 100-year floodplain and Erosion Hazard Setback shall be dedicated on the Final Plat to the City as a single lot or shall be owned and maintained by an HOA or POA, pursuant to Section 107.08.09, *HOA Requirements*, of this Ordinance.

ii. At no time shall any portion of the 100-year floodplain exist or be included within any single-family or two-family residential lot.

iii. The Commission may waive any of these dedication requirements for a Replat that was originally platted prior to the adoption of this Subdivision Ordinance.

(3) Access. Public access to parks and open space shall be dedicated for maintenance purposes as required by the Director of Engineering.

(4) Retaining Walls. Retaining walls may be allowed between a house and the major creek as approved by the Director of Engineering, subject to Building Department standards. In addition, the footings shall be wholly located within private property and may not encroach into easements, rights-of-way, floodplain, erosion hazard setbacks, or any other City-maintained property. Retaining wall maintenance is the sole responsibility of the property owner.

(5) Adjacent Streets Widths. The streets adjacent to a major creek shall have a minimum right-of-way width of sixty (60) feet.

(6) Adjacent Street Types. (see Diagram 10.03.116).

i. *Parallel Streets*. A minimum sixty percent (60%) of the linear frontage of a major creek shall be adjacent to a parallel street. If the subdivision is developed in phases, this requirement shall be applied to the linear frontage within each individual phase.

ii. *Cul-de-sac Streets*. Cul-de-sacs shall comply with the following criteria (see Diagram 10.03.117). Cul-de-sacs shall comply with the following criteria:

a. No more than one (1) cul-de-sac in a row.

b. A minimum fifty percent (50%) of an adjacent cul-de-sac bulb shall be open to the major creek and no residential lot shall encroach within the area between this line and the major creek.

c. An entry monument or feature as well as landscaping shall be provided at the end of the cul-de-sac and a pathway of a minimum twelve (12) feet in width shall be provided to the major creek as approved by the Director of Development Services.

d. Two (2) or more cul-de-sacs cannot be placed immediately next to each other along a major creek.

(7) Setbacks. Any side lot line adjacent to a major creek shall provide a twenty-five (25) foot building setback.

(8) Fences. Fences adjacent to a major creek shall comply with the following criteria:

i. Have a maximum height of eight (8) feet as measured from grade at that location;

ii. Ornamental metal fences shall be located along the rear and side of the lots; and

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iii. The property owner is responsible for the maintenance of the fence.

(9) Additional Studies. At the request of the City, the property owner shall submit additional studies, including but not limited to the following, as deemed appropriate and necessary by the City, as part of the Preliminary Plat submittal requirements. These studies shall be considered during review and approval of the Preliminary Plat. For any study required by the City that is outsourced to a third party, the cost of such study shall be passed through to the developer or applicant.

i. Environmental Assessment;
ii. Wetland Delineation Study;
iii. Habitat Study;
iv. Vegetative Study;
v. Erosion Hazard Setback Study;
vi. Storm Drainage Study;
vii. Riparian (i.e., Tributary) Study;
viii. Flood Study; and
ix. Downstream Assessment Study.

(k) **Detention Facilities**.

(1) Intent. The City of Celina encourages the use of detention basins based for the benefits of the community outlined below:

i. *Control of flood discharges.* The intent of detention basin design shall be to reduce flood discharges for the ultimate watershed development conditions without increasing peak discharges above the peak discharges for undeveloped watershed conditions. This storage method serves as a key strategy of the stormwater management plan.
ii. *Environment.* As development occurs, there is a loss of wildlife and bird life habitat. It is possible to create a natural micro-environment around ponds that can offset this loss of habitat. These "natural" environmental pockets in conjunction with natural open space areas can help maintain the rural setting of the City. Detention ponds also benefit downstream water quality by allowing the sedimentation of pollutants.
iii. *Recreation.* Detention basins offer many recreational opportunities in an urban setting; for example, a normally dry detention basin could be used for athletic fields or picnic areas, while the banks of a pond offer valuable park space.
iv. *Aesthetics.* As an integral part of the City of Celina, a detention basin needs to blend into the landscape and into the community. Measures such as gentle side slopes, planting of trees and shrubs, and other landscaping features can transform the detention facility into an attractive amenity for the neighborhood.

(2) Requirements.

i. All detention facilities shall be constructed according to the Engineering Design Standards.
ii. Detailed engineering studies of the entire basin shall be required to evaluate the timing of hydrographs from regional and on-site facilities, as well as backwater calculations to determine the effect of the detention/retention facilities on upstream water surface elevations.
iii. All detention facility designs shall be performed by a professional engineer registered in the State of Texas and shall meet the requirements of Permanent Rule 31, Texas Administration Code (TAC) Chapter 299, and other requirements, as applicable.
iv. The minimum amount of storage volume of the detention basin shall be that volume required to reduce runoff rate to the undeveloped condition rate. The volume of runoff storage for drainage areas greater than 160 acres shall be compared using unit hydrograph procedures. The current best practices for the calculation of runoff hydrograph

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computation and flood routings shall be utilized, unless another program is specifically approved by the Director of Engineering. The criteria contained in this section shall serve as the minimum requirements for detention basin design. For drainage areas less than 160 acres, the above methods are recommended; however, an approximate routing method may be used subject to approval of the Director of Engineering.

v. The maximum allowable release rate from any site shall be equal to the 100-year peak runoff rate prior to site development. The maximum design release rate may be less.

vi. Where stormwater management improvements are required in the natural floodway or a permanent greenbelt or open space area, they should be incorporated into existing lakes, or they should be designed in as small an area as feasible to create natural contours. Note, however, that detention basins or retention ponds shall be a minimum of one acre in size to allow for proper maintenance, side slopes and outlet work operation.

vii. Retention/detention ponds shall resemble natural ponds; in addition:

   a. The pond should expand gradually from the inlet towards the outlet, insuring that there are no "dead zones." That is, water entering the pond gradually spread out and uniformly displaces the water already present in the pond.
   b. The length-to-width ratio should be three to one (3:1) or greater, to provide a long flow path.
   c. The average permanent pond depth should be greater than five (5) feet, where possible.
   d. A ten (10) to twenty (20) foot wide shallow bench shall be provided along the shores of the permanent pond for safety and to encourage the development of bottom growth in these areas. This vegetation will enhance the biologic treatment characteristics of the pond and also enhance the "natural" appearance of the pond.
   e. The maximum slope of a detention pond shall be one-to-six (1:6).
   f. Fences are not allowed on detention ponds that are within view of any public right-of-way. Ponds within view of a public right-of-way must be designed in such a way that enhance the aesthetics and do not create an undue hazard to the public.

viii. If several ponds are required, they should vary in size and shape, and be separated by tree groves, vegetated berms, or similar screening that creates a natural appearance.

ix. Landscape materials should enhance wildlife habitat where feasible.

x. Rock or geotextiles are required where slope erosion protection is needed for the side slopes of a pond. Exposed concrete is not allowed.

xi. Detention facilities of less than ten (10) acre-feet of flood storage shall have outlet structures designed for the 100-year frequency storm. Facilities that are ten (10) acre-feet of flood storage or greater shall have outlet structures designed for the ten-year and 100-year frequency storms. The release rates shall be such that the flows after land development are no larger than the flows before land development.

xii. Outlets should be provided with a debris separator to prevent plugging with debris and to provide safety to the public. Due to unique design considerations, the Director of Engineering may approve alternative outlet design.

xiii. All federal, state and county laws pertaining to the impoundment of surface water shall have been compiled with, including the design, construction and safety of the impounding structure. Copies of any federal, state or county permits issued for the proposed impoundments shall be submitted to the Director of Engineering.

xiv. All detention/retention facilities shall include an additional one (1) foot of freeboard and two (2) feet of sediment in determining the design flood elevation.

xv. Provisions (such as emergency spillways or reinforcing of embankments) shall be made for the occurrence of overtopping or failure of the outlet structure. Under no circumstances

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should the emergency overflow have a direct path to any buildings or other structures used for human occupancy, commerce, or industry. Details of these provisions shall be supplied to the Director of Engineering for approval.

xvi. The flood storage volume of detention/retention facilities shall be designed to empty in a maximum of twelve (12) hours if said facilities are to be considered an erosion/pollution control facility.

xvii. Consideration should be given to the stocking of retention ponds with fish to control algae growth.

xviii. Inlet structures shall be designed to both dissipate the flow energy and drop the inflow elevation to below that of the pond's water surface or basin's flow line.

Sec. 10.03.073.....STREETS AND ALLEY STANDARDS.

(a) **Streets Basic Policy.**

(1) Street Improvements. In platting a new development, the property owner shall provide additional right-of-way needed for existing or future streets as required by the *Engineering Design Standards* and as shown on the Thoroughfare Plan (see Table A, *Thoroughfare Types & Standards*).

(2) Existing Substandard Streets.

i. When a proposed residential or nonresidential development abuts one (1) or both sides of an existing substandard street, the developer shall be required to improve the substandard street and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to bring the same to City standards, or to replace it with a standard City street, at no cost to the City other than as may be provided in the City's cost-sharing policies, including any ordinances that are in effect at the time of Final Plat approval.

ii. If the proposed development is located along only one (1) side of a substandard street, and if the City makes a determination that it is not feasible to improve the full width of said substandard street at that time the City may require the developer to pay into escrow, in accordance with Section 10.03.044, *Development Agreements*, funds for the future improvement of the street as a condition of Final Plat approval for the development.

iii. When a Traffic Impact Analysis (TIA) is required or voluntarily submitted, the findings determined shall not be imposed on the requirements, alignment, rights-of-way, and number of lanes shown on the Master Thoroughfare Plan, as it exists or may be amended. The TIA may be used to justify amendments to the Thoroughfare Plan, but in no case shall dictate such amendments.

(3) New Perimeter Streets.

i. When a proposed residential or nonresidential development is developed abutting an existing or planned major thoroughfare, minor thoroughfare or collector street as shown on the Master Thoroughfare Plan, the developer shall construct a portion of the abutting street and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to the City's standards for that type of street (per the *Engineering Design Standards*). If the Director of Engineering determines that it is not feasible to construct the abutting street and its appurtenances at the time of development, the City may require the developer to pay into escrow, in accordance with Section 10.03.044, *Development Agreements*, funds for the future construction of the street as a condition of Final Plat approval for the development. The funds placed in escrow or the value of the lanes constructed shall be roughly proportional to the amount of traffic estimated to be generated by the development itself.

ii. When a proposed residential or nonresidential development is constructed and has designed an unplanned perimeter street in order to provide access to the site and/or adjacent land, the developer shall construct a portion of the abutting street as described in Section

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10.03.073(a)(4), *New Internal Streets*, below, and under the same conditions.

(4) New Internal Streets.

i. All new streets and their appurtenances internal to a proposed residential or nonresidential development shall, at a minimum, be built to a width and design that will adequately serve the development, and shall conform to the City's standards as described in the *Engineering Design Standards*. If oversizing of an internal street is deemed necessary by the Director of Engineering for traffic safety or efficiency (such as adjacent to a school or park site), then the City and/or the applicable entity may participate in such oversizing costs as part of a Development Agreement/Facilities Agreement with the developer.

ii. Streets which temporarily dead end at power lines, railroads or similar rights-of-way shall be constructed for at least one-half (½) the distance across these rights-of-way, or provision shall be made to place the construction cost for said improvements in escrow with the City in accordance with Section 10.03.044, *Development Agreements*.

iii. When, in the judgment of the Director of Engineering, it is not feasible to construct an internal street or appurtenances at the time of development of the subdivision, the City may require the developer to pay into escrow funds for the future construction of the street or its appurtenances as a condition of Final Plat approval for the development, in accordance with Section 10.03.044, *Development Agreements*.

(5) Impact Fees. All fees due on the project shall be paid in accordance with the City's Impact Fee Ordinance and/or executed Development Agreement/Facilities Agreement.

(b) **Street Design and Appurtenances.**

(1) Application of Requirements. Street design requirements are subject to the provisions included in the *Engineering Design Standards*, Development Agreements and Planned Development Ordinance (if applicable to the subject property) as well as the regulations contained within this Subdivision Ordinance.

(2) Conformity to the Master Thoroughfare Plan. The general location of streets shall conform to the *Master Thoroughfare Plan*. For streets that are not shown on the *Master Thoroughfare Plan*, such as local residential streets, the arrangement of such streets shall:

i. Provide for the continuation or appropriate continuation of existing streets or street stubs from or into surrounding areas – refer to street stub requirements outlined in Section 10.03.073(b)(8), *Stub Streets*, and connectivity requirements in Section 10.03.073(b)(9), *Street Connectivity*;

ii. Conform to any plan for the neighborhood approved or adopted by the City to address a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical; and

iii. Not conflict with existing or proposed streets or driveway openings, including those on the opposite side of an existing or planned thoroughfare, as described within the *Engineering Design Standards*.

iv. New streets that cross divided arterials shall align to the greatest extent possible with opposite streets such that median openings can be shared.

(3) Relation to Adjoining Street System. The proposed street system shall extend all existing major and minor arterials and such existing collector and local streets as may be necessary for convenience of traffic circulation and emergency ingress and egress.

(4) Maximum Street Length. No street shall be more than 1,000 feet in length without an intersection with another street which will provide some degree of flexibility in traffic patterns and public convenience.

i. See the *Engineering Design Standards* for specific design requirements.

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ii. In certain circumstances, the City may consider minor exemptions to the maximum street lengths if sought by the applicant. These circumstances include, but are not limited to:
   a. Rerouting of streets;
   b. Increasing the lot count by five percent (5%) or more from the previously approved Preliminary Plat or Final Plat; or
   c. Approval by the Planning and Zoning Commission through a Subdivision Ordinance Variance. Any variance approved by the Planning and Zoning Commission shall include the curvilinear requirement and street calming methods, described below.

(5) Curvilinear Requirement. When a residential street length exceeds 500 feet but is less than 1,000 feet in length, the design of the street shall include a curve of between 100 to 200 feet radius for a length equal to the curve radius.

(6) Additional Street Calming Methods. When a residential street length exceeds 500 feet but is less than 1,000 feet in length, one or more of the following street calming methods shall be incorporated into the design in addition to the curvilinear requirement (above) in order to reduce traffic velocity and increase safety to pedestrians and cyclists, subject to the review and approval of the Director of Engineering:
   i. Street width narrowing with landscaped islands placed approximately every 400 feet;
   ii. Roundabouts placed approximately in the center of the street length or near a major entrance to the development; and/or
   iii. Landscaped medians that include pedestrian crossing oases included for a minimum of one-third (⅓) of the street length.

(7) Street Widths & Rights-of-Way. Street widths and related rights-of-way shall be designed in accordance with the following:
   i. *Master Thoroughfare Plan* (existing, and as amended);
   ii. Planned Development Ordinance (if applicable to the subject property); and
   iii. All streets shall be paved with a permanent type of pavement in accordance with the *Engineering Design Standards*.

TABLE A - THOROUGHFARE TYPES AND STANDARDS

Criteria	Outer Loop	NTTA Tollway	TxDOT	Primary Arterial-1	Primary Arterial-2	Minor Arterial-1	Minor Arterial-2	Collector	Urban Mix Residential
Designation	CC-OL	Tollroad	State	**P6D-1**	**P6D-2**	**M4D**	**M4U**	**C2U**	**R**
Right-of-Way	500’	400’	140’	120’	100’	90-100’	80’	60’	50’
ROW at Intersections	Per Collin County	Per TxDOT	160’	140’	110’	100-110’	80’	60’	50’
Lanes	6LD	6-8LD	6LD	6LD	6LD	4LD	4LU	2LU	2LU
Bike Lanes*	No	No	Yes	No	No	2 @ 5’	2 @ 5’	1 @ 5’	
Roadway Width, F-F**	Per Collin County	Per TxDOT		36’	36’	24’	41’	36’	31’
Median Width				20’	10’	Min. 13’	-	-	-
Parkway Width				14’	9’	Min. 12’	Min. 25’	Min. 9’	9.5’
Parking	No	No	No	No	No	No	Yes	Yes	Yes

*When bike lanes are included in the street design, they are typically in both directions and a minimum of 5’ wide.
**Face to Face (front of curb)
*** Refer to Engineering Design Standards for more detail.

(8) Street Names, Street Name Signs, and Traffic Control Signs.
   i. *Street Names*. New streets shall be named so as to provide naming continuity with existing streets, and so as to prevent conflict or “sound-alike” confusion with similar street names. All street names shall be approved by the Director of Development Services prior to any plat

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approval, and prior to approval of the construction plans and should comply with the City's approved street name policy, as it exists or may be amended.

ii. *Cost of Signs*. The cost of street name signs and traffic control signs shall be paid for and installed by the developer.

iii. *City Standards*. All street name signs and traffic control signs shall conform to the City's details for street name sign design and the latest edition of the Texas "Manual of Uniform Traffic Control Devices" (TMUTCD).

(9) Traffic Studies. The Director of Engineering may require a Traffic Impact Analysis (TIA) or other type of engineering study from the developer prior to any approval for plats or construction plans to ascertain technical data pertaining to the potential traffic impact of the proposed development on the City's street system. For any study required by the City that is outsourced to a third party, the cost of such study shall be passed through to the developer or applicant.

(10) Stub Streets.

i. See the *Engineering Design Standards* for all design requirements.

ii. Future connections are required to adjacent vacant properties at locations as approved by the Director of Development Services and the Director of Engineering.

iii. When a residential development is constructed in phases requiring a temporary stubbed street, a paved temporary turn-around shall be provided for maneuvering by emergency equipment.

iv. A note shall be clearly placed on the Final Plat indicating that the stub street will be extended with future development (see requirements for temporary turn-arounds in the *Engineering Design Standards*).

v. All stub streets shall have barricades that meet TMUTCD standards.

vi. All stub streets shall have a sign prominently posted at the terminus of the street to indicate no through traffic and that the street will be extended in the future.

a. The sign shall comply with standards established by the Director of Engineering, and

b. Installation and cost of the signs shall be the responsibility of the developer.

(11) Connectivity.

i. New residential developments shall provide street connections to adjacent developments, as determined by the Director of Development Services, allowing access between developments for neighborhood traffic and to enhance pedestrian and bicycle connectivity as recommended in the *Comprehensive Plan*.

ii. Residential developments shall not have direct vehicular access to adjacent commercial or retail developments. Pedestrian and/or bicycle access may be provided, as approved by the Director of Development Services.

(c) **Street Lighting.**

(1) Street Lighting Required.

i. Street lighting shall be provided by the developer along all streets and thoroughfares in accordance with the *Engineering Design Standards*.

ii. The developer is responsible for the installation of street lighting and they shall be installed to City standards prior to the City accepting responsibility for the future provision of electricity to the street lights.

iii. All street lighting shall be LED and shall be shielded so as to direct light downward; the light fixtures, poles, or standards and be generally black or bronze in color.

iv. The Director of Engineering shall be the responsible official for decisions related to street lighting, and may authorize a minor variance to these regulations, in accordance with Section 10.03.086, *Variances*, for a street lighting requirement if such Variance will not compromise

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public health, safety, security and convenience.

(2) New Subdivisions. New subdivisions are required to prepare and submit a street lighting plan. This plan is reviewed by Staff to ensure conformance with current street lighting policies. Financial responsibility for purchase of lighting equipment and construction is the responsibility of the developer. In the City of Celina, power is provided franchise utility companies. Upon completion of the street light system, the appropriate power server will be the owner and maintenance provider of the street light equipment and the City of Celina will become responsible for the monthly electrical and maintenance expenses.

(3) Subdivisions with Existing Street Lighting.

i. Residents or a Home Owners Association (HOA) of a subdivision with existing street lighting may request additional light or lights by completing a petition and request for additional street lighting form. The petition must be signed by adjacent property owners of each proposed light location and by at least eighty percent (80%) of the overall property owners within 300 feet in each direction of the proposed light location.

ii. Upon receipt of the petition and request form, City Staff will contact the appropriate power provider to prepare an estimate of the cost to install the requested lighting. Additionally, the provider will be requested to provide information about necessary easements for light pole and other facilities required for installation.

iii. The HOA or residents requesting the additional street light shall be responsible for obtaining all required signatures for easements and shall be financially responsible for all costs to purchase and install additional lighting.

iv. Upon receipt of executed easement documents and deposit of funds with the City based on the installation estimate, the City will issue a request to the electric provider for installation.

v. Following installation and acceptance of the lighting facilities, the City will pay for all future electrical charges, repair and maintenance.

(4) Subdivisions without Existing Street Lighting.

i. Residents of subdivisions without existing street lighting or infrastructure required to support street lighting should submit a petition for street lighting form to the Department of Development Services (form available online).

ii. Upon receipt of the petition, City Staff will contact the appropriate power provider to prepare an estimate of the cost to install the requested lighting. Additionally, the provider will be requested to provide information about necessary easements for light pole and other facilities required for installation.

iii. The petition and request form will be presented to the City Council during the budgeting process. At this time Council will determine if the City will participate in the funding to complete the lighting request or establish assessments to the property owners for the cost to construct the requested lighting system.

(5) Street Lighting Placement.

i. Street lights shall be placed at every street intersection.

ii. In addition to intersection placement, street lights shall be spaced no greater than 400 feet apart in residential areas.

iii. The maximum allowable spacing between street lights on Collector type streets or above shall be 180 feet. Notwithstanding this maximum spacing, it is the intent of this article to provide safe levels of illumination along streets. Should circumstances dictate a closer spacing, the Director of Engineering has the right to request reasonable accommodations from this distance requirement from the developer.

iv. Street lights are permissible at any cul-de-sac that is located more than 200 feet from the street intersection, or where curves, grades, or other pertinent factors may require additional lighting.
v. Street lighting shall be placed within the right-of-way – either the median or the parkways, or if not practical, within a utility easement.
vi. Street lighting shall be placed in such a manner to avoid interference of nearby trees or signs with the intended illumination field.
vii. Street lighting shall be chosen and installed according to the *Engineering Design Standards*.

(d) **Private Streets.**

(1) Private Streets. Private streets within the City and/or the ETJ may be allowed in accordance with the Zoning Ordinance. Private streets shall be designed and constructed to the same standards as for public streets, in accordance with the *Engineering Design Standards*.

(2) City Council Action Required. Dedicated streets and rights-of-way shall not be designated or used as private streets and such use is prohibited, except where specific approval is given by action of the City Council for properties within the City's extraterritorial jurisdiction and upon approval of a Specific Use Permit for properties within the City limits. The City Council may add any conditions as deemed appropriate as part of the approval of a Private Street Development.

(3) Private Street Development Generally. 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 shall only be permitted by the approval of a Specific Use Permit or through a Planned Development District. Private Street Developments shall be restricted to 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 created by man. Examples of natural barriers would be creeks and floodplains. Examples of similar barriers created by man would be a golf course, school location, park, railroad tracks or a limited access roadway. Non-qualifying man-made barriers include screening walls, local roadways, man-made drainage ditches, detention ponds, landscape buffers, earthen berms, utility easements and rights-of-way. 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 and bike route.

(4) Connectivity. The *Comprehensive Plan* calls for all plans for development in the City to include a high degree of connectivity within developments and between one development and another. Any proposed Private Street Development adjacent to an existing public street subdivision that can be reasonable 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 important when one of the two adjacent subdivisions has a school site within the development that will be accessed by both developments.

(5) Criteria for Approval for Private Streets in New Developments. Private Street Developments within the City may be considered through the Specific Use Permit (SUP) process or through a Planned Development District. The Planning and Zoning Commission and City Council shall use any of the following criteria:

i. Non-disruption of planned public roadways or facilities/projects (thoroughfares, parks, park trails, public pedestrian pathways, etc.);
ii. Non-disruption to and from properties of future developments either on-site or off-site to the proposed subdivision;
iii. No negative effect on traffic circulation on nearby public streets;
iv. Not less than one hundred (100) feet of street frontage on which to locate the main entrance

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gate;

v. No more than two (2) gated street entrances, subject to approval by the Director of Engineering, may face the same thoroughfare;

vi. No impairment of access to and from public facilities including schools or public parks;

vii. No impairment of the adequate and timely provision of essential municipal services (emergency services, water/sewer improvements or maintenance, etc.);

viii. 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, as determined by the Director of Engineering;

ix. Existence of natural and/or qualifying man-made boundaries around seventy-five percent (75%) of the development; and/or

x. Absence of a concentration of Private Street Developments in the vicinity of the requested Private Street Development.

(6) Conversion of Public Streets to Private Streets. The criteria for converting existing public streets to private streets includes all the criteria, issues and procedures involved with new developments, listed above, plus:

i. Submittal of a petition signed by one hundred percent (100%) of the owners in the existing subdivision requesting conversion to private streets;

ii. Existence of a property owners' association that would be responsible for owning and maintaining the converted streets and rights-of-way;

iii. Applicants must agree to contract with the City for the purchase of the installed infrastructure and rights-of-way from the City of Celina at fair market appraised value for cash in full payment, and agree to maintain the infrastructure and rights-of-way at City standards thereafter prior to the approval of the Specific Use Permit;

iv. All documents are subject to the review and approval of the City Attorney; and/or

v. Subsequent to the approval of the Private Street designation, the entire subdivision affected shall be re-platted to reflect the right-of-way ownership changes.

(7) Conversion of Private Streets to Public Streets. The City may, but is in no way obligated to, accept private streets for public access and maintenance. Requests to convert private streets to public streets shall be subject to all of the following provisions:

i. The homeowners' association (HOA) shall submit a petition signed by at least sixty-seven percent (67%) of its members/lot owners (or a greater number of signatures, if required by the HOA documents or declarations).

ii. All of the infrastructure shall be in a condition that is acceptable to the Director of Engineering.

iii. All security stations and other structures not consistent with a public street development shall be removed by the HOA, at its cost, prior to acceptance of the streets and appurtenances by the City.

iv. All monies in the reserve fund for private street maintenance shall be delivered to the City. Money in the reserve fund in excess of what is needed to bring the streets and appurtenances up to City standards will be refunded to the HOA. Private Street developments that exist as of the adoption of this ordinance are not required to deliver a reserve fund balance to the City.

v. The HOA shall prepare and submit a replat to Development Services for review. Upon approval, the HOA shall file the replat to dedicate the streets and appurtenances to the City.

vi. The HOA shall modify and re-file, at its cost, the HOA documents to remove requirements specific to Private Street developments. The City Attorney shall review the modified HOA

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documents prior to their filing. The HOA shall be responsible for the cost of review by the City Attorney.

(7) HOA Requirements. Private Street developments and the related HOA shall meet all requirements of Section 10.03.079, *HOA Requirements*, of this Ordinance.

(e) **Alleys.**

(1) When Alleys are Optional. Alleys are optional for all single-family residential lots that are equal to or greater than sixty (60) feet in width at the front building line.

(2) When Alleys are Required. Alleys are required for single-family residential lots that are less than sixty (60) feet in width at the front building line. When so utilized, alleys shall be constructed according to design criteria in the *Engineering Design Standards*.

(3) Alleys Required for Duplex/Two-Family Residences. Alleys are required for all duplex or two-family residences.

(4) Alley Design**.** Permanent dead end and "hammerhead" alleys are prohibited. All alleys shall have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient. Where a temporary dead end alley situation is unavoidable (such as due to project phasing), a temporary, paved turn-around bulb or turnout onto a street, either of which will require a temporary alley easement, shall be shown on the plat.

(5) Street Access when Alleys are Present**.** No driveway shall access a street when an alley is available unless specifically allowed in writing by the Director of Engineering.

Sec. 10.03.074.....SIDEWALKS AND TRAIL STANDARDS.

Sidewalks are required adjacent to all public streets and shall be provided according to the regulations in the *Engineering Design Standards*. Sidewalk widths are typically a minimum of five (5) feet in residential neighborhoods and ten (10) feet adjacent to arterial streets. No meter valves or drainage inlets may encroach into sidewalks. Bicycle and pedestrian trails shall be a minimum of ten (10) to twelve (12) feet in width (depending on criteria developed in the master plan) and be constructed of an improved surface. Any portion of a sidewalk or trail located on private property shall be shown on the filed plat. See also Section 10.03.084, *Hike and Bike Trail Requirements*.

Sec. 10.03.075.....DRIVEWAYS, FIRE LANES AND ACCESS.

(a) **Standard Requirements.** All driveway approaches, curbs, gutters, pavements and appurtenances necessary to provide access to properties shall be provided by the developer, shall be designed, constructed and maintained in accordance with standards in the City's *Engineering Design Standards*, Zoning Ordinance, and Planned Development Ordinance (if applicable to the subject property), and shall be subject to approval by the Director of Engineering.

(b) **Fire Lanes.** Fire lanes are to be designed in accordance with the City's adopted Fire Code and *Engineering Design Standards*. Fire lane easements shall be shown on the Site Plan (see the *Zoning Ordinance*) and on any Conveyance Plat, Preliminary Plat, or Final Plat, and shall be maintained to the City's standards by the property owner. For safety and emergency accessibility reasons during construction, developments other than single-family detached or two-family residential subdivisions shall not be allowed to proceed with vertical structural construction above the foundation prior to:

(1) Completion and City inspection of all fire lanes and fire hydrants on the site (unless otherwise approved by the Fire Chief); and

(2) Issuance of a Building Permit for the structure.

(c) **Access Easements.** Access easements shall be provided as directed by the Director of Engineering and Director of Development Services.

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Sec. 10.03.076.....LANDSCAPING ADJACENT TO ROADWAYS.

(a) **Median Landscaping Improvements Required**. Landscaping improvements shall be installed within the medians of all proposed or planned or divided roadways within the city limits as shown on the City Master Thoroughfare Plan. Frontage is wherever a property abuts the right-of-way of the divided thoroughfare, and separate frontages exist on each side of the thoroughfare.

(1) Developer obligation. The subdivider or developer shall be fully responsible for the construction and installation of the required landscaping and maintenance of the improvements for a period of one year. During the first year following installation, the subdivider or developer shall replace any tree, shrub, sod, groundcover or hardscape in substandard condition. Following the first year, the Director of Engineering shall inspect the installation and determine what, if any, plant materials and/or hardscape must be replaced prior to the city taking over maintenance.

(3) Installation or deferment. In the event that the Director of Engineering, in his sole discretion, determines that the installation of improvements at any given time period is impractical due to further road construction or other factors, the subdivider or developer shall pay a fee-in-lieu into an escrow account for future median landscaping and/or maintenance. This fee-in-lieu of installation is collected once from each frontage and described more fully in subsection (8).

(4) City participation. At the discretion of the Director of Engineering, the subdivider may install the median landscaping across the full width of the median, and be reimbursed by the city for the landscaping provided for the second frontage at the per linear foot of frontage rate or the actual cost of the improvements, whichever is less, if funds are available.

(5) Plan design burden/escrowed cost. In the case where undeveloped land exists on both sides of a divided public street, the first to develop shall carry the burden of submitting plans for landscaping, hardscape and irrigation of the median, along with escrowing the fee-in-lieu, as described in subsection (8). At the discretion of the Director of Engineering, the city or county may contribute to this escrow account in order to facilitate the implementation of the landscape plan.

(6) Installation burden. However, if the city declines to participate in the immediate landscaping of the median in question, the second to develop will utilize the approved plans (or modify the approved plans with city approval of the modifications) and shall be responsible for the purchase and installation of the median improvements, using the escrowed account from the first developer and shall contribute an equal amount to the overall cost of the median landscaping. In the event that the original escrow amount has fallen short of current material and/or installation costs, the city will make up the difference in cost or the plans shall be modified to be installed within the cost allotted. Any surplus funds shall be placed in the city's landscape maintenance account.

(b) **Minimum Requirements for Median Landscaping**.

(1) Only developments or subdivisions abutting or adjacent to a divided roadway, as defined in the Master Thoroughfare Plan, shall be subject to this section.

(2) All trees and plant materials shall be chosen from the City's approved plant list;

(3) One ornamental tree per thirty (30) linear feet of median. Ornamental trees shall be a minimum two-inch (2") caliper and eight feet (8') in height at time of planting and shall be used primarily as accent trees near the median nose and dispersed within the canopy trees;

(4) One canopy tree per thirty (30) linear feet of median, with a minimum of four-inch (4") caliper trunk, and a well-formed canopy that is typical of the species. Canopy trees shall be planted no closer than thirty (30) feet from streetlights located in the median, no closer than twenty (20) feet to an intersection, and no closer than fifteen (15) feet from any overhead electrical line;

(5) Ornamental and canopy trees need not be evenly spaced and may be clustered for a more pleasing aesthetic effect;

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(6) When the nose of a median is tapered to five (5) feet or less, that portion of the median shall be paved with bricks placed to align with the top of curb;
(7) A minimum of twenty percent (20%) of the landscaped area shall be planted in evergreen shrubs, ground cover and/or native grasses;
(8) Planting beds shall be separated from turf grass using 14-gauge steel edging to define ground cover beds and reduce weed incursion;
(9) Irrigation installation shall include bubblers or drip irrigation for all canopy and ornamental trees and irrigation to uniformly water the planting beds and shall be equipped with rain-freeze sensors; and
(10) Landscape and installation plans shall be subject to review and approval by the Director of Development Services and the Director of Engineering. The location and placement of landscaping shall conform to the city street design standards and shall be placed to accommodate the ultimate number of traffic lanes, although shrubs, native grasses and ornamental trees may be placed in future traffic lanes if it is determined that these lanes will likely not be constructed in less than ten (10) years.

(c) **Minimum Requirements for Landscaping within Landscape Buffers**.
(1) Residential developments shall provide a landscape buffer along all roadways that are designated as Collectors or higher (see Table A in Section10.03.073(b), *Street Designs and Appurtenances*).
(2) Landscape buffers shall be made up of an attractive mix of sod, native grasses, berms, trees and shall be a minimum of twenty (20) feet in width between the right-of-way and the screening wall. The type, number, and location of the landscaping elements shall be determined with the site plan/landscape plan process.
(3) All trees and plant materials shall be chosen from the City's approved plant list.
(4) One ornamental tree per thirty (30) linear feet of street frontage. Ornamental trees shall be a minimum two-inch (2") caliper and eight feet (8') in height at time of planting and shall be used primarily as accent trees dispersed within the canopy trees.
(5) One canopy tree per thirty (30) linear feet of street frontage, with a minimum of four-inch (4") caliper trunk, and a well-formed canopy that is typical of the species. Canopy trees shall be planted no closer than thirty (30) feet from streetlights.
(6) Ornamental and canopy trees need not be evenly spaced and may be clustered for a more pleasing aesthetic effect within the landscape buffer.
(7) A minimum of twenty percent (20%) of the landscaped area shall be planted in evergreen shrubs, ground cover and/or native grasses.
(8) Planting beds shall be separated from turf grass using 14-gauge steel edging to define ground cover beds and reduce weed incursion.
(9) Irrigation installation shall include bubblers or drip irrigation for all canopy and ornamental trees and irrigation to uniformly water the planting beds and shall be equipped with rain-freeze sensors.
(10) No detention for the property shall be placed in the landscape buffer.
(11) Landscape and installation plans shall be subject to review and approval by the Director of Development Services and the Director of Engineering. The location and placement of landscaping shall conform to the City street design standards and shall be placed to accommodate the ultimate number of traffic lanes, although shrubs, native grasses and ornamental trees may be placed in future traffic lanes if it is determined that these lanes will likely not be constructed in less than ten (10) years.

(d) **Screening Requirements.** A masonry screening wall (minimum of six-feet in height) shall be constructed to separate land uses in the following situations:
(1) When a single family, townhome community, or multi-family development abuts a Collector street

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or higher designation; or when a townhome community, or multi-family development abuts a land use that is less intense than that of the subject property.

(2) When a commercial property abuts a land use that is less intense than that of the subject property.

(3) When an industrial property abuts a land use that is less intense than that of the subject property.

(e) **Fee-in-lieu**. Should the Director of Engineering, at his sole discretion, determine that the immediate installation of median or buffer landscaping is impractical; a fee-in-lieu of construction shall be collected and placed in escrow at the rate listed in the current Fee Schedule. The fee-in-lieu shall be collected prior to plat filing. Said fees-in-lieu of installation shall be applied to construction, reconstruction, upgrading, and installation of median landscaping of divided roadways within the adjacent median landscape areas, as shown on Attachment A to Ordinance 2015-78 and to applicable landscape buffer areas.

(c) **Refund of Fees**. Any fees not expended within ten (10) years of collection shall be returned to the developer or subdivider who deposited the fees with the City. The time period for the expenditure of fees escrowed with the City for the construction of median landscaping shall not begin to run until such time as the roadway medians have been constructed on such divided roadways, the roadway medians have been accepted by the City, and the roadway medians are ready for standard median landscaping and irrigation. Notwithstanding the provisions of this subsection, the City shall not be required to return fees that have not been expended if roadway medians have not been constructed on divided roadways within the adjacent roadway benefit area thus preventing the purchasing, planting, growing and/or irrigation of the required standard median landscaping and irrigation. (Ordinance 2015-78 adopted 12/7/15)

SEC. 10.03.077 .....LOT AND BLOCK DESIGN.

(a) **Zoning Compliance.** All lots shall conform to the zoning district requirements, unless located in the ETJ in which they shall comply with any interlocal agreements between the City and Denton or Collin County.

(b) **Residential Lots Adjacent to Drainage Areas.** Lots shall be exclusive of any portion of a natural drainage area (i.e., major creek, stream, tributary, etc.), maintenance access, and/or erosion hazard setback, as defined in Section 10.03.102, *Definitions*. Retaining walls may be allowed on lots adjacent to natural drainage areas, as approved by the Director of Engineering.

(c) **Lot Shape.** The City reserves the right to disapprove any lot which, in its opinion, will not be suitable or desirable for the purpose intended, or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties and/or create an irregular building envelope. The following requirements shall also apply:

(1) Lots shall be generally rectangular in shape; sharp angles between lot lines shall be avoided.

(2) Flag lots are prohibited (See Diagram 10.03.114).

(3) Irregularly shaped lots shall have sufficient width at the building line to meet minimum lot width and frontage requirements for the appropriate zoning district (if applicable), and shall provide the minimum building pad required by zoning without encroachment into front, side or rear yard setbacks or into any type of easement.

(d) **Lot Lines and Legal Buildable Lots.**

(1) Side Lot Lines. Side lot lines shall be generally perpendicular to street right-of-way lines to the greatest extent possible (side lot lines may vary from 80° to 100° angles from the street frontage - see Diagrams 10.03.116 and 10.03.117). The Director of Development Services may grant a Minor Variance, in accordance with Section 10.03.086, *Variances*, if unusual circumstances exist on the subject property or on adjacent property that make it difficult to comply with this requirement.

(2) Lot Lines and Jurisdictional Boundaries. All lot lines, to the greatest extent possible, shall align along county, school district, and other jurisdictional boundary lines such that lots are fully within one county, school district, or other jurisdiction. The Director of Development Services may grant a

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Minor Variance, in accordance with Section 10.03.086, *Variances*, to this requirement if a county, school district or other jurisdictional boundary line will bisect a lot, provided that the entire residential dwelling or main structure is constructed entirely within one county, school district or other jurisdiction (i.e., the structure does not "straddle" school district or jurisdictional boundary line even though the lot line may straddle the jurisdictional line).

(3) Legal Buildable Lots. Any portion of a lot that is non-buildable for any reason shall be clearly shown as such on the Preliminary and Final Plats. A typical detail shall be submitted along with the Preliminary and Final Plats, and shall verify that the buildable portion of such a lot can accommodate a dwelling or main structure that complies with applicable City zoning regulations (if located within the City limits) and building codes (if located either within the City limits or the ETJ).

(e) **Lot Orientation Restrictions.** Major and Minor Arterials.

(1) No single-family, two-family, or townhome lots shall front onto or have a driveway onto Major or Minor Arterials or any street with a right-of-way of sixty (60) feet or greater, as described within the *Engineering Design Standards*, unless the house was existing prior to the roadway being designated as such on the City's *Master Thoroughfare Plan*.

(2) No residential lots shall face a Collector or higher designation street.

(f) **Lot Frontages.**

(1) Street Frontage.

i. *Adequate Frontage.* Each lot shall have adequate access to a street (or an approved public way) by having frontage on such a street that is not less than forty (40) feet at the street right-of-way line, or as otherwise specified in the *Zoning Ordinance* or a Planned Development (PD) Ordinance, if applicable. Lots fronting onto an eyebrow or bulb portion of a cul-de-sac shall also have a minimum frontage of forty (40) feet at the building setback line, unless approved by the Director of Engineering.

ii. *Frontage Exception.* For non-residential developments ten (10) acres or greater, the lots may be platted to a private street or access easement instead of a dedicated street upon approval by the Director of Engineering.

(2) Double Frontage.

i. *Single-Family, Two-Family and Townhome Lots.* Double frontage lots are prohibited, except that single-family, two-family or townhome lots may back or side onto a Collector street or larger thoroughfare, as described within the *Engineering Design Standards*, with appropriate screening. Where lots back or side onto a Collector street or larger thoroughfare, no driveway access is allowed onto the thoroughfare from the rear or side of the lot.

ii. *Establishment of Building Lines.* Where any lot has frontage on more than one (1) street, a front building line shall be established for each street, regardless of orientation of the structure.

(3) Lots Facing Other Lots. Whenever feasible, each residential lot shall face the front of a similar lot, or shall face or side onto a park or open space if one exists or is planned (see Section 10.03.081, *Applicability and General Requirements*. In general, an arrangement placing adjacent lots at right angles to each other should be avoided. The Director of Development Services may grant a Minor Variance, in accordance with Section 10.03.086, *Variances*, if unusual circumstances exist on the subject property or on adjacent property that make it difficult to comply with this requirement.

(g) **Lots in Relation to Parks/Open Space.** All lots that are located directly across a street from a park/open space shall face or side onto the park/open space, where feasible.

(h) **Large Lots and Tracts.** If the lots or tracts of land in a proposed development are large enough to suggest possible further subdivision in the future, or if portions of the property are not subdivided or developed

immediately, then the Preliminary Plat shall show how such large tracts or remainder portions of the property can be subdivided into conforming lots at a later time, and shall also show how streets can be extended and how median openings can be aligned and shared in the future.

(i) **Lot and Block Numbering.**

(1) All lots within each phase of a development are to be numbered consecutively within each block. Each block shall have an alphabetical designation (e.g., "Block A, B, C" etc.). Each lot shall have a numeric designation (e.g. Lot 1, 2, 3, etc.).

(2) Different phases shall begin with different block numbers – in other words, a single block may not straddle more than one construction phase.

(3) Subsequent replat numbering shall be indicated with an "R" suffix for the first revision (e.g. from Lot 3 to Lot 3**R**) and any additional replatting changes to the lot shall be indicated with a numeric suffix following the "R" designation (e.g. Lot 3R-**1**) and continue numerically as changes occur (Lot 3R-**2**, Lot 3R-**3**, etc.).

(j) **Building Setback Lines.** Building setback lines shall be shown on residential Preliminary and Final Plats and shall conform with the minimum setbacks for front, side and rear yards as required by the Zoning Ordinance (if within the City limits) on the basis of the respective zoning districts (e.g., single-family, two-family/duplex, multi-family, commercial, retail, office, mobile home, industrial, etc.). Building setback lines need not be shown on plats for commercial development.

(k) **Addressing.** The Director of Development Services, in conjunction with the Geographic Information Systems department, shall assign addresses that are in compliance with standards established by the *U.S. Postal Service*.

(l) **Other Block Requirements.** See the *Engineering Design Standards*.

Sec. 10.03.078..... OTHER SUBDIVISION REGULATIONS.

(a) **Easements.**

(1) The type, size, and location of easements shall be determined by the Director of Engineering. All existing and proposed easements shall be shown on the Preliminary, Final Plats, and Replats. All easements shall be labeled on the plat and dedicated for the specific purpose intended (e.g., "City Utility Easement," "City Drainage Easement," "CoServ Electric Easement," etc.).

(2) Off-site easements that are necessary to fulfill City requirements or are required by the City shall be dedicated to the City by the Conveyance Plat or Final Plat and shall be approved as to size and location by the Director of Engineering. In certain circumstances, a Separate Instrument may be accepted to dedicate required off-site easements, if approved by the Director of Engineering. If the abutting property is already platted, then a Replat of that property shall be required to establish the new off-site easement.

(b) **Reservations.**

(1) Permitted Uses. No land contained in the proposed subdivision shall be reserved for any use other than a use permitted by the Zoning Ordinance for the district in which the land to be reserved is located or for future roadways as shown on the *Master Thoroughfare Plan*.

(2) Designation on Plat. The specific use for which each parcel of land is to be reserved must be shown on the plat by an appropriate label or description. Provision for abandonment of a reservation in the future as may be appropriate must likewise be shown on said plat.

(3) Parks and Open Space. The location and size of parks and open space areas shall be in conformance with this Article 10.03.080, *Parks & Open Space*, and the *Zoning Ordinance*. All areas retained as floodway shall be reserved for public use, unless other provisions are approved by the City Council.

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(4) Schools. The location and size of school sites shall be in conformance with the *Comprehensive Plan* and the recommendations of the applicable school district.

(5) Public Facilities. The location and size of sites for public buildings, major utility facilities, and related community facilities shall be in conformance with the *Comprehensive Plan* and the recommendations of the Director of Development Services.

(c) **Monuments and Markers.**

(1) General Placement. Monuments consisting of a minimum three-eighths (3/8) inch diameter steel rods, at least twenty-four (24) inches in length shall be placed at all:

i. Lot and block corners (wherever a lot line bearing changes);

ii. Intersection points of alley and block lines; and

iii. Curve and tangent points along block, lot, and right-of-way lines within the subdivision.

(2) Subdivision Monumentation. At least two (2) property corners shall be marked with monuments of three (3) dimensional coordinates established from the City's *Engineering Design Standards*. The corners so marked should be at opposing ends of the property unless otherwise approved by the Director of Engineering.

(d) **Subdivision Names.** New subdivisions shall be named so as to prevent conflict or "sound-alike" confusion with the names of other subdivisions. Subdivisions with similar names (e.g., Eldorado Lakes and Eldorado Hills) shall be located in proximity to each other, not in different areas of the City. Subdivision names shall be reviewed and approved by the Director of Development Services to ensure that the proposed subdivision name will not cause confusion or misdirection, especially for emergency responders.

(e) **Franchise Utility Policy.**

(1) General Requirements. The Director of Engineering may require easements for poles, wires, conduits, gas, telephone, cable TV, internet, or other utility lines if necessary or advisable in the opinion of the Director of Engineering.

(2) Locations. Utility easements may be located as follows:

i. Utilities shall be located in the alley rights-of-way along the rear property lines of lots or tracts whenever an alley is provided.

ii. Utilities shall be located in easements adjacent to the street rights-of-way along the front of lots or tracts whenever an alley is not provided. Utility easements shall be a minimum width of seven and a half feet (7½') unless specifically reduced by the Director of Engineering.

(3) Ground-Mounted Equipment. Ground-mounted equipment shall not be placed in visibility, access or maintenance easements.

i. All ground-mounted equipment within view of a public street right-of-way shall be screened from the adjacent street by minimum five (5) gallon evergreen shrubs, or larger, placed three (3) feet on center on the side facing the right-of-way, as well as along both sides of the equipment such that it will be fully screened from view from the street.

ii. Planting materials selected shall be such that will grow at least to the height of the equipment height, and will provide a continuous and generally solid/opaque living screen, within two (2) growing seasons from the date planted. The planting material shall be selected from the list of approved materials set forth in the City's Zoning Ordinance.

(4) Installation and Financing. The subdivider shall arrange with the City and with utility companies franchised to serve the area in which the subdivision is located for the construction costs of streets and alleys, utility lines and other public improvements. The subdivider shall also arrange for the sequence of work so that underground utilities shall be installed in those portions of streets intended for vehicular traffic before such streets shall be surfaced. If the several improvements required herein have not been installed or constructed prior to submission of the

Final Plat, then the Final Plat shall bear a restriction that no lot shall be occupied and that no municipal services shall be extended thereto until the specified utilities and improvements have been constructed as required.

(f) **Fiber Optic Network Conduit and Fiber Optic Cable**.

(1) Requirements. All subdivisions and road improvement and other capital improvements projects involving the creation of new improved streets, alleys, roadways, sidewalks or walkways by the city or any other person or entity, including private developers, or the installation of any new drainage or sewer pipes or underground infrastructure within City property, easements or public rights-of-way, or the widening of existing public streets, alleys, roadways, sidewalks or walkways, shall include as part of their projects and the costs thereof the construction and installation of fiber optic network conduit that contains at least one fiber optic cable within City property, easements, or public rights-of-way to which the City has access or ownership as well as installation and construction of proper appurtenances and attendant facilities thereto, which shall be located parallel to the nearest public street or roadway and meets or exceeds specifications of emerging industry standards for provision of ultra-speed broadband service, with the exact locations of such infrastructure and the specifications of which to be determined by the Director of Engineering or his designee in reliance on such industry standards and consideration of the needs, objectives and findings of the City's gigabit City initiative. The following additional requirements shall also apply:

i. In addition to installing fiber optic network conduit, the party constructing the street will be required to install such vaults, manholes, hand-holes and other appurtenances and facilities as are necessary or needed to accommodate installation and connection of fiber optic cable within the fiber optic network conduit.

ii. All construction and installation required in this subsection shall be accomplished according to construction standards adopted by the Director of Engineering or the City's designee in consideration of the needs of the City's gigabit City initiative. Such standards shall be adopted with due consideration given to existing and anticipated technologies and industry standards.

iii. All fiber optic network conduit, fiber optic cable, facilities and appurtenances installed by private parties or developers or by persons or entities other than the City pursuant to this section shall be conveyed and dedicated to the City either with or as part of the dedication and conveyance of the public street and/or right-of-way to the City or otherwise.

iv. All construction and installation costs shall be the responsibility of the party constructing the public street, roadway or improvements project that falls within the purview of this section.

(2) Definitions. For purposes of this subsection, the following terms have the meanings ascribed below:

Fiber optic cable. A minimum 288-count fiber cable bundle.

Fiber optic network conduit. A minimum four inch (4") conduit containing a minimum of four (4) inner-ducts used to enclose or carry fiber optic cable or other wires or lines and attendant parts and accessories buried alongside a roadway or surface mounted on bridges, overpasses and other facilities where below-ground placement is impossible or impractical, all in accordance with emerging industry standards and as determined by the Director of Engineering or the City's designee.

(3) Use by Broadband Service Providers. Whenever fiber optic network conduit and/or fiber optic cable installed or to be installed under this subsection is available or will become available within a newly constructed public street or right-of-way or other improvements project that falls with the scope or purview of this subsection upon dedication, all broadband service providers thereafter locating fiber optic cable, wire or lines within or along such street or right-of-way shall be required to use available dark fiber (currently unused fiber optic strands) within the then-existing infrastructure or to locate their cable, wire or lines within such fiber optic network conduit unless it can be demonstrated to

the reasonable satisfaction of the Director of Engineering or the City's designee that such use or location is not technologically feasible or reasonably practicable or unless such provider is exempt or otherwise not required by other law to comply with the provisions of this subsection. Fiber optic cable and strands as well as fiber optic network conduit capacity shall be allocated to broadband service providers on a first-come, first-served basis; provided, however, that the City may reserve capacity within such fiber and conduits for its own use; and provided further, that the Director of Engineering or the City's designee may adopt additional reasonable rules for fiber optic cable or strand and fiber optic network conduit allocation in order to ensure that all broadband service providers have reasonable access to the City's rights-of-way and that no barriers to entry or competition result from the allocation of cable, strand or conduit space.

(4) Fees. Any person or entity constructing fiber optic network conduit or installing fiber as required by this subsection shall pay a nonrefundable fee in an amount as provided for in the fee schedule of the City for the City to recover its costs incurred for plan review, engineering design and approval, purchasing materials, and costs associated with issuing, processing, and verifying applications, inspecting job sites and restoration improvements, and other costs the City may incur in implementing the provisions of this subsection. The City reserves the right to charge reasonable fees for the use of fiber optic cable and fiber optic network conduit and attendant accessories, facilities and infrastructure installed pursuant to this section, to the extent consistent with and as limited by federal and state laws and regulations. Any such fee amounts shall be established in the fee schedule of the City. (Ordinance 2017-22 adopted 5/9/17)

SEC. 10.03.079 .....REQUIRED SUBDIVISION AMENITIES.

(a) **Description & Definition.** The term "amenity" is defined within Section 10.03.102, *Definitions*, of this Ordinance.

(b) **Requirements.** Where amenities are proposed in conjunction with a development, such amenities shall be reviewed and approved in accordance with the following:

(1) Plans and illustrations, along with a written statement of such concepts, shall be submitted for review and approval with the construction plans.

(2) Plans for amenities shall be incorporated into the Screening Plan and Landscape Plans, when applicable, for submittal as part of the construction plans.

(3) Structural elements shall be sealed by a licensed professional engineer and shall be approved by the City.

(4) Any screening or retaining wall shall be located in a common area lot or within a wall-maintenance easement to facilitate repair as needed.

(5) A Site Plan, reviewed and approved in accordance with the *Zoning Ordinance*, is required for private recreational facilities, amenity centers and parks.

(6) City review and approval of plans for amenities shall be required prior to issuance of a Letter of Final Acceptance for the subdivision improvements (refer to Section 10.03.046, *Inspection, Maintenance & Acceptance of Public Improvements*).

(7) All open space, landscaped areas, common areas, screening walls, subdivision signs, and other amenities proposed and/or built with a residential development shall be owned and maintained by the HOA. Should any private/public financing partnership be in place, the common areas, open space, and amenities may benefit from such lawful financing reimbursements or payments. At no time shall the ownership of any open space, landscaped areas, entry features, common areas or other amenities associated with the development pass to the City, unless specifically approved by the City Council.

(c) **Design of Amenities.** The design of amenities shall conform to the following:

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(1) Entry features shall be constructed entirely on privately owned property (i.e., not within public right-of-way), and shall not suspend over a public right-of-way, unless otherwise approved by the Director of Engineering and the Fire Chief. An entry feature with identifying sign may be placed within an entry street median upon Planning and Zoning Commission approval of the plat showing the feature, provided that such street median is platted as a common area lot and dedicated to an HOA for private ownership and maintenance. An entry feature having a water pond, fountain or other water feature shall only be allowed if approved by the Director of Engineering and the Fire Chief.

(2) No entry feature, other than screening walls or extensions of screening walls, may be constructed on any portion of a single-family, two-family, or Townhome lots. All such features shall be constructed on lots that are platted as "non-buildable" common-area lots and dedicated to an HOA for private ownership and maintenance.

(3) Entry features shall not encroach into visibility easements or otherwise impair pedestrian, cyclist or driver visibility.

(4) Private recreation facilities, if provided in a development, shall, to the greatest extent possible, be centrally located within the overall development. (See Diagram 10.03.118)

(d) **Homeowners Association (HOA) Requirements.**

(1) Purpose**.** The purpose for the establishment of an HOA (also referred to as "Association") for residential developments is to create an organization that owns and is responsible for maintaining commonly owned properties and amenities including, but not limited to, private rights-of-way, club houses, recreational facilities, open space lots, and riparian areas used for the communal good of the development's property owners and residents. The ownership and maintenance of said property and amenities shall be organized and established to exist in perpetuity.

(2) Applicability**.** An HOA shall be established for any development that contains any of the following: a private amenity (such as a clubhouse or pool), private street, a major creek or tributary, or thoroughfare screening. For purposes of this section, the terms "Homeowners Association," "HOA," and "Association" are interchangeable with the term "Property Owners' Association" for multi-family and non-residential developments.

(3) Elements Requiring an HOA**.** Any one (1) or more of the following elements created as part of a development shall require formation and continued operation of a mandatory HOA:

(4) Amenity. Where proposed in conjunction with a development, the word "amenity" shall be as defined in Section 10.03.102, *Definitions*, and shall include, but not be limited to, the following:

i. Amenity center (e.g., private swimming pool, club house, conference or assembly rooms, tennis courts, etc.);
ii. Private recreational facility;
iii. Entry features, including signage and screening walls and other perimeter fencing;
iv. Open space;
v. Ponds and detention features;
vi. Water fountains or features;
vii. Hike and bike trails; and
viii. Other commonly owned facilities.

(5) Major Creeks. As defined in Section 10.03.102, *Definitions*, and as generally regulated by Section 10.08.02(j), *Major creeks*, of this Ordinance, major creeks that run adjacent to or within a subdivision shall be maintained by the HOA.

(6) Private Streets. (Also see Section 14.05.193 of the Zoning Ordinance) As defined in Section 10.03.102, *Definitions*, and as generally regulated by Section 10.03.073(c), *Private Streets*, of this Ordinance, private streets shall be owned and maintained by the HOA. This shall include all

infrastructure including streets, alleys, sidewalks and other appurtenances within designated access easements, as well as associated structures as follows:

i. Security station structures and equipment (including gates, access card readers, perimeter security fencing, etc.);
ii. Greenbelts; and
iii. Other infrastructure necessary for vehicular circulation and neighborhood security.

(e) **Procedure for Establishing an HOA.** The establishment of a required HOA shall occur in conjunction with the recordation of the subdivision Final Plat, and shall generally be established as follows:

(1) Documents Submitted for Review. The declaration, covenants and other necessary documents establishing the HOA shall be submitted to the City for conformance with this and other applicable ordinances prior to submission of the Final Plat, and prior to issuance of a Letter of Final Acceptance for the development. HOA documents shall include descriptions of any amenities, private streets, stub streets, thoroughfare screening, major creeks or tributaries, and other areas or structures for which the Association has maintenance responsibility, and shall outline the organization and board of the Association.

(2) Approval by City Attorney. All HOA documents shall be reviewed by the City Attorney prior to recordation of the Final Plat. The applicant shall reimburse the City for all related legal costs incurred by the City for review of the HOA documents. This reimbursement shall be paid in full prior to recordation of the Final Plat.

(3) Recordation. All HOA documents shall be recorded in Denton or Collin County prior to or with the recordation of the Final Plat. All copies of the HOA documents shall be submitted to Development Services along with the appropriate County fees and current tax certificates (with raised seals) for staff to complete the Final Plat recordation process.

(4) Additional Phases. An additional phase to an existing subdivision is not required to establish a separate and distinct HOA, provided that:

i. The existing, recorded Association documents are amended to incorporate the area of the new subdivision phase and to adopt the responsibility of its amenities, private streets, major creeks and tributaries, thoroughfare screening, and other areas for which the HOA is responsible for maintenance.
ii. The applicant shall provide a draft of the amended covenants to the City Attorney for review prior to the recordation of the associated plat.

(5) Revisions to HOA Documents. As revisions are made to the HOA documents, a copy of the revised documents shall be forwarded to the Director of Development Services for the City's files.

(f) **Notice to Purchasers.** The developer shall be required to post notice in a prominent place at all model homes and sales offices stating the following:

(1) That an HOA has been established for the subdivision;
(2) That membership in the HOA is mandatory for all lot owners;
(3) That the developer and/or builder is required to provide to any potential buyer, upon their request, a complete copy of the Association documents and a five (5) year projection (at a minimum) of HOA dues, income, and expenses; and
(4) Any other assessment on the property which may have resulted from a PID, TIRZ, or other public/private financial agreement with the City, including the duration of said assessment and manner of collection.

(g) **General Requirements.** The following shall be set forth in the HOA documents:

(1) A statement that membership in the Association is mandatory for all owners of property within the subdivision;

(2) A listing of all required maintenance responsibilities, and where possible, the lot numbers, legal descriptions, street names, etc. as shown on the approved plat for areas to be the responsibility of the Association;
(3) By-laws related to the governance of the Association;
(4) Covenants for maintenance assessments, which shall run with the land;
(5) Responsibility for liability insurance and local taxes;
(6) Statement that the authority for enforcement of Association rules and regulations is solely the responsibility of the Association and is not, in any way, the responsibility of the City;
(7) Authority for the Association to secure funds from its members sufficient to meet its responsibilities. This authority shall include the ability to collect dues, to increase dues, to charge special assessments (such as fees associated with a Public Improvement District), and to place liens against property for failing to pay dues, assessments, and fines.
    i. Dues shall be calculated based on a cost projection for the maintenance of all amenities and based on eventual build-out of the subdivision;
    ii. Dues shall not be based on calculations which include monies from the developer which will not be provided following the transfer of the Association from the developer to the lot owners.
    iii. Dues shall be required to be disclosed to all lot owners at the time of property purchase by the lot owners.
(8) Provision that no amendment of the Association documents relating to maintenance of amenities, private streets, major creeks and tributaries, thoroughfare screening, any other Association-maintained area or facility, or related reserve funds (as applicable) shall occur without prior City approval;
(9) Written release of liability for maintenance to benefit the City; written indemnification of the City outlining that under no circumstances shall the City be liable to the Association or any individual property owner or their respective heirs, executors, administrators, devisees, personal representatives, successors or assigns for any damages, injuries (including death), and/or liability resulting from any amenity, on the private streets, within or adjacent to any Major Creek or tributary, associated with any thoroughfare screening or common landscaping, or from any other Association-owned and maintained area or facility;
(10) Written assurance of adequate funds based on an accredited cost projection analysis within a specific reserve account of the Association for the maintenance and removal of amenities as determined by the City; and
(11) Written consent giving the City the authority to take appropriate actions for violations as set forth in Section 10.03.079(h), *Violations, Revocations and Liens*.
(12) Other City requirements as applicable.

(h) **Supplementary Requirements.** The HOA shall also comply with the following regulations, where applicable:
(1) Compliance with the *Zoning Ordinance*. Association documents shall not overrule the landscaping or other provisions of the *Zoning Ordinance* by penalizing or restricting water conserving landscapes, or by requiring landscape materials that do not comply with *Zoning Ordinance* landscape requirements.
(2) Amenities. The following regulations shall apply to any subdivision that includes an amenity, as described in Section 10.03.078, *Required Subdivision Amenities*, and defined in Section 10.03.102, *Definitions*:
    i. Where amenities are proposed in conjunction with a development, the applicant shall comply with those regulations outlined in Section 10.03.078, *Required Subdivision Amenities*, of this

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Ordinance.

ii. All developments that require the provision of common open space shall submit covenants to maintain open space, recreational areas, and other commonly owned facilities for review with the Final Plat application.

(3) Private Streets. Whenever a public street becomes private following plat recordation, an HOA is required to be established, if not already in existence, that would be responsible for owning and maintaining the converted streets and rights-of-way. The following regulations shall apply to any subdivision that includes private streets, except those that exist prior to the effective date of this Ordinance.

i. The Association shall own and be responsible for the maintenance of private streets and appurtenances (such as alleys, storm sewers, sidewalks, barrier-free ramps, street lights and signs, etc.) and shall provide for the payment of dues and assessments required to maintain the private streets and appurtenances.

ii. The Association documents shall state that if the approval of the Specific Use Permit for the Private Street Development is revoked or the private streets are otherwise converted to public streets, the reserve fund shall become the property of the City (see the City's *Engineering Design Standards* for conversion process).

iii. In addition to any other requirements set forth in this section, the HOA's documents shall specify the following:

a. That the streets within the development are private, that they are owned and maintained by the Association, and that the City has no obligation to maintain, repair or reconstruct the private streets.

b. A statement that the City may, but is not obligated to, inspect private streets and require repairs necessary to ensure that the same are safe for travel and are being maintained to City standards.

c. A statement that the Association may not be dissolved without the prior written consent of the City Council, which consent shall not be withheld by the City if it determines that an adequate reserve fund exists, and the streets and alleys are in satisfactory condition for conversion to public streets, as determined by the Director of Engineering.

d. That failure to bring the subdivision into compliance with these regulations may cause the City to revoke the approval or the Specific Use Permit for the Private Street Development and take appropriate action.

iv. The HOA's documents shall note that certain City services may not be provided in Private Street Developments. The services that may not be provided include, but are not limited to: police enforcement of traffic and parking ordinances and preparation of accident reports. Depending on the characteristics of the proposed development, other services may not be provided.

v. The HOA's documents shall contain a provision that requires the Association to provide unrestricted access to emergency vehicles, utility personnel, the U.S. Postal Service, and governmental employees, agents or representatives in the performance of their official duties. All access gates shall be designed and constructed in accordance with emergency access design standards listed in the *Engineering Design Standards*, and shall be equipped with an emergency access controlled gate opening system (e.g. Opticom® or Knox-Box®) or with another emergency operating system that is acceptable to the Fire Chief.

(4) Major Creeks, Tributaries, Ponds and Water Features (100-Year Floodplain). For single-family and two-family residential developments, the area within the 100-year floodplain shall be owned and maintained by a Homeowners Association, subject to City approval. The Final Plat shall reflect, and the Association's documents shall provide:

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i. City access for emergency vehicles, equipment and personnel and for the improvement and maintenance of the 100-year floodplain in the event they are not being properly maintained, as determined by the Director of Engineering; and

ii. Should the Association fail to maintain the floodplain area to the standards of the City, the Association shall reimburse the City for all costs incurred by the City for adequate maintenance.

(i) **Violations, Revocations & Liens.**

(1) The City will notify the HOA of violations of any of the regulations specified within this section.

(2) Failure to bring the subdivision into compliance with these regulations may cause the City to revoke the specific approval of the Association or take other remedies outlined in this section.

(3) The City shall have all liens, assessments and enforcement rights granted therein to the Association, and the City shall have the ability to enforce the liens and assessments, and avail itself of any other enforcement actions available to the City pursuant to State law and/or City regulations.

(4) Should the Association fail to carry out its duties as specified in this Ordinance, the City shall have the right and ability, after due notice to the Association, to perform the duties required by this or any other Ordinance, regulation or agreement with the City in order to bring the Association into compliance therewith. The City shall have the right and ability, after due notice to the Association, to assess the Association for the full amount owed and/or assess the property owners on a pro rata basis for all costs incurred by the City in performing said duties if the Association fails to do so. Said assessment shall constitute a lien, in favor of the City, upon the properties for which the assessment is made.

Article 10.03.080.....PARKS & OPEN SPACE

SEC. 10.03.081 ..... PARK LAND REQUIREMENTS FOR NEW RESIDENTIAL DEVELOPMENTS

(a) **Purpose**. This Section is intended to meet the goals and objectives of the City to meet the additional needs created by new residential development.

(b) **Scope**. The provisions of this Article shall apply to all new residential development within the City for which a Final Plat or Preliminary Plat is required to be submitted to the City for approval.

(c) **Exemptions**. The provisions of this Article shall not apply to the following:

(1) Senior living facilities and senior care facilities, including assisted living facilities, senior congregate care facilities, memory care facilities and nursing homes. However, independent living and retirement communities or age-restricted housing developments shall be subject to the provisions of this Article.

(2) Residential development for property to be located on a lot of record that was approved prior to the effective date of the ordinance from which this article derives.

(3) A record plat, minor plat, or replat which was approved prior to the effective date of the ordinance from which this article derives.

(4) Residential development constructed or to be constructed in accordance with a building permit issued prior to the effective date of the ordinance from which this article derives.

(d) **Park Design Requirements**: **Neighborhood and Linear Parks and Connections to Parks.**

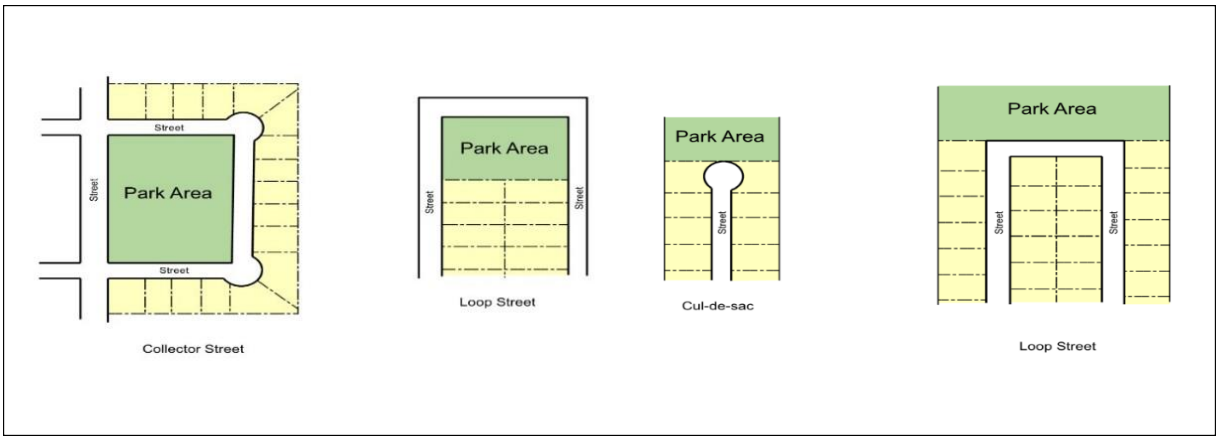
(1) Parks must be easy to access and open to public view to benefit area development, enhance the visual character of the City, protect public safety and minimize conflict with adjacent land uses.

(2) The following standards shall be used in designing parks and adjacent development:

i. Where physically feasible, parks shall be bounded by streets, or by other public uses (*e.g.* a school, library, recreation center).

ii. Where residential lots are directly adjacent to a park, lots must be oriented to side and not back to the park. In this instance, cul-de-sac and looped streets must be used to access the lots and park.

iii. Residential lots may back to a park only when the site's physical character (e.g., shape, topography,
drainage) does not reasonably permit an alternative design or the layout of the subdivision



complements the use of the park (*e.g.*, lots backing to a golf course). Lots backing to a park shall only be allowed upon a recommendation from the City Manager or designee and approval by the Planning and Zoning Commission.

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iv. A proposed subdivision adjacent to a park may not be designed to restrict reasonable access to the park from other area subdivisions.
v. Street connections to existing or future adjoining subdivisions may be required to provide reasonable access to parks.
vi. Alleys shall not abut a park.
vii. Public access to a park shall not be less than fifty (50) feet at the curb and in width to the Base Floodplain and/or Maintenance and/or Access Dedication and shall not be part of a residential lot. The Developer shall install a hike and bike trail connection from the street to the hike and bike trail/park prior to final acceptance of the subdivision. This trail must be blocked from motor vehicle traffic. However, the Developer may request to escrow funds for the contracted amount prior to final acceptance of the subdivision with City approval. The escrow amount will remain in place until the trail has been completed and accepted by the City.
viii. A twenty (20) foot level surface shall be provided for all public hike and bike trails. The twenty (20) foot wide level surface can be provided within and/or outside of the Base Floodplain and/or Access Dedication. The parkway for the public street may count towards the twenty (20) foot wide level surface.
ix. All proposed hike and bike trails shall be shown on the Preliminary Plat. The Parks and Recreation Department shall make the final determination of the placement of the public hike and bike trail at the time of the Final Plat.
x. No development shall interrupt future trail routes or otherwise hinder efficient public access to or from an existing or future planned trail. Gated and other limited access developments shall be designed such that they facilitate, and do not impede, through public access, emergency ingress and egress, usage and enjoyment of public trails.
xi. Streets abutting a park shall be built in accordance with the Thoroughfare Plan, the standards of this Ordinance and all other applicable construction standards and/or ordinances, as they exist or may be amended; however, the City may require any residential street built adjacent to a park to be constructed to collector street width to ensure access and prevent traffic congestion.
    a. When park land is acquired, the City shall reserve sufficient land to provide the additional right-of-way required for an abutting collector size street, sixty (60) feet of right-of-way, unless otherwise approved by the City.
    b. The proposed street alignment fronting on City parks is subject to City approval. Land owners shall also provide street access to all Major Creeks and/or Access Dedications.

Sec. 10.03.082..... DEDICATION REQUIREMENTS (LAND, PAYMENT, OR COMBINATION)

(a) **Land Conveyance or Payment in Lieu of Land Required**. The owner of any property to be developed for residential purposes shall convey land for park purposes or make a payment of money in lieu of land, or a combination of both, to the City at the time of subdivision to provide for the recreational needs created by such development, in accordance with the provisions of this article.

(b) **Proposed Number of Dwelling Units**. All plats, lots of record, replats, site plans or proposed improvements of land for new residential development shall indicate the number of proposed dwelling units to be constructed or placed within the development on such plat, lot of record, replat or site plan.

(c) **Determination or Requirements**. In reviewing any lot of record, plat, site plan or proposed improvements of land for a new residential development (including townhome and/or multi-family developments), the City Manager or designee shall make a determination of whether a conveyance of land, payment of money in lieu of land or a combination of both shall be made to meet the requirements of this article.

(d) **Factors Considered**. In making a determination of which type of dedication, or combination thereof, shall

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be made, the City Manager or designee shall evaluate what would be in the best interest of the City, based upon relevant factors that may include, but not be limited to, the following:

(1) Whether the proposed land to be conveyed for park purposes would be suitable as a regional, neighborhood, linear, community, or city park;
(2) Any adopted park plan or sub-area plan for the area in which the development is located;
(3) Whether the proposed land to be conveyed for park purposes is adjacent to an existing or proposed school site.
(4) Whether there is sufficient existing public or private park land in the area of the proposed development;
(5) Whether the park needs of the area where the proposed development is located would be best served by expanding or upgrading existing parks;
(6) Whether the land is located adjacent to a greenbelt park which is intended to be preserved in its natural state; and
(7) Whether the development of a park in the location proposed reflects the guidelines of the Comprehensive Plan.

(e) **Dedication: Conveyance of Land Requirements.** The Park Board shall make a recommendation to the City Council regarding whether a conveyance of land shall be required. Conveyance of land shall meet the requirements of this Section and the following provisions shall apply:

(1) Amount. The required conveyance of land shall be one (1) acre of land per fifty (50) residential units, or an amount proportionally equal to five percent (5%) of the total tract acreage, whichever is greater.
(2) Manner and Method. Plats required to be submitted to the City for approval shall show thereon a fee simple conveyance to the City of the land required for park purposes as a condition to approval of such plat by the Commission. The City may further require the conveyance of the park property by general warranty deed. As a condition to acceptance of the plat or deed by the City, the Subdivider shall provide the City with an owner's title policy of insurance in an amount equal to the value of the land conveyed, which amount shall be determined by the City.
(3) Credit for Private Recreation Facilities. Where private recreation facilities are built for the residents for the subdivision or development, a credit may be granted with a recommendation from the City Park Board and approval by the City Council. The value of these private recreation facilities shall be determined by the City Council, but shall not exceed fifty percent (50%) credit of conveyance.
(4) Credit for Prior Dedications. Where a gift of land was made prior to the effective date of the ordinance from which this article is derived by the owner of land required to convey land under the provisions of this article, the former gift of land shall be credited on a per-acre basis toward the required conveyance provided by this article when the City Council finds that:
    i. The gift was made within five (5) years of the effective date of this ordinance;
    ii. The land given was within one-half mile of the new development for which land is required to be conveyed;
    iii. The land given is not being presently used for purposes incompatible with park purposes and is suitable for park purposes; and
    iv. A credit may be given for on-site improvements that are compatible with long-range development plans for the proposed park.
    v. The credit provided for herein shall not be transferable and shall only be given to the donor of the land who is the owner of the property being developed for which a conveyance of land is required by this article, unless said prior conveyances were included as a part of an executed facilities and/or development agreement between the City and the developer.
(5) Credit for Conveyance of Floodplains. In cases where floodplain l and or property is proposed to be conveyed to satisfy the Park Land Dedication requirements, a credit will be given based upon the

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following formula or ratio: three (3) acres of floodplain shall equal one (1) acre of land outside the floodplain, if approved by the Park Board.

(6) Suitability of Land for Neighborhood Parks, Community Parks, or Linear Parks. The Park Board shall be the arbiter of what land is suitable for park land dedication, subject to final approval by the City Council. A proposed conveyance of land shall not be considered suitable for Neighborhood Parks, Community Parks, or Open Space purposes if it has one or more of the following characteristics:

i. Located within the 100-year floodplain, as shown on the latest flood insurance rate map or Floodplain Ordinance adopted by the City on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. The City may accept no more than the twenty percent (20%) floodplain land, unless a greater percentage of land within the floodplain is determined in the best interest of the City.

ii. The proposed dedication is less than seven and a half (7.5) acres for a neighborhood park or less than twenty (20) acres for a community park, unless the proposed dedication is located in such a manner in which it could be combined with other dedications to create a park of adequate size.

iii. It has unusual topography or slope or has utility easements that renders it unsuitable for organized recreational activities or passive park needs, depending on the City's intended use for the property.

iv. It does not or would not front an improved public street or would not be readily accessible, in whole or in part, to the public.

(f) **Dedication: Payment in Lieu of Land Provisions.** Where the City Manager or designee determines that a payment of money in lieu of land shall be made, the following provisions shall apply:

(1) Determining the Amount of Payment.

i. Any payment of money required to be paid shall be in an amount equal to the average per-acre value of the whole property included within the residential development, the amount set forth in the Fee Schedule as it currently exists or may be amended, whichever is greater.

ii. In determining the average per-acre value of the total land included within the proposed residential development, the City Manager or designee may base its determination on one or more of the following:

iii. The most recent appraisal of all or part of the property made by the county central appraisal district; or

iv. Confirmed sale prices of all or part of the property to be developed, or comparable property in close proximity thereof, which has occurred within two (2) years immediately preceding the date of determination; or

v. Where, in the judgment of the City Manager or designee, Section 10.03.082(f)(1)(i) or 10.03.082(f)(1)(ii) above would not, because of changed conditions, be a reliable indication of the current value of the land being developed, an independent appraisal of the whole property obtained by the City and paid for by the Developer; or

(2) Time of Payment. Any payment of money required herein shall be paid as a condition to the approval of any Final Plat or replat. Payment shall be made prior to the filing of the plat unless otherwise stated in an agreement approved by the City Council.

(3) Park Land Dedication Fund. All cash payments paid to the City in accordance with this Section 10.03.082 shall be deposited in a separate Park Land Dedication Fund. The City shall account for all such payment with reference to each development for which the payment is made.

(4) Use of Funds. Any payments made to the park development fund must be used for the acquisition and development of parks, hike and bike trails or public open space located within the City.

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(g) **Compliance, Penalties, Sanctions and Redeterminations**.

(1) Requirements to be Satisfied Prior to Development. It shall be unlawful for any person who is required to convey land, or pay money in lieu of land, as required by this article, to begin, or allow any other person or contractor to begin, any construction or improvements on any land within any development to which this article applies until the required conveyance of land or payment of money in lieu of land is made to the city in accordance with this article.

(2) Permits and Services to be Withheld. No building permits shall be issued for, and no permanent utility services shall be provided to any land within any land within any development to which this article applies until the required conveyance of land or payment of money in lieu of land is made to the City in accordance with this article.

(3) Redetermination of Requirements for Proposed Additional Dwelling Units. After the City Council has made a determination of the requirements of this article, or after the requirements of this article have been met, based upon the proposed number of residential dwelling units for any land to which this article applies, any person who desires to construct a number of dwelling units in excess of the number of dwelling units for which the requirements of this article were determined or met must submit to the City Council a revised calculation for the dwelling units to be added to the development. If the additional number of dwelling units changes the density of the development, a zoning change may be required. If the additional dwelling units are accepted by the City through a process determined by the City Manager or his designee, the developer shall either convey the additional park land through a plat or replat or shall pay a fee in lieu of park land for the additional dwelling units at the issuance of the first building permit for all the additional units, regardless of whether all of the units are being constructed at one time.

Sec. 10.03.083..... PARK IMPROVEMENT FEES

(a) **Purpose**.

(1) A park improvement fee ("park fee") is hereby imposed on residential development for the purpose of ensuring that City, community, neighborhood and linear park facilities are available and adequate to meet the needs created by such residential development.

(2) The park fee is imposed in conjunction with and in addition to requirements for the dedication of neighborhood and linear park land and the construction of neighborhood and linear park improvements for which contributions the Property Owner may be reimbursed from proceeds of park fees imposed, as provided in Section 10.03.083(f), *Use of Park Improvement Fee*.

(b) **Applicability of Park Fee**. In all cases in which parkland is dedicated or cash is paid in lieu of parkland dedication, the subdivider shall also pay to the City a sum of money, as set forth by Section 10.03.083(d), *Amount of Park Improvement Fee*. This subsection does not apply to activities involving the replacement, reconstruction, remodeling, rehabilitation or other improvements to an existing residential structure, or to the rebuilding of a damaged structure or to permits required for accessory uses, unless such activity results in a change in the type or increase in the number of dwelling units.

(c) **Imposition of Park Fee**.

(1) Payment of the park fee shall be made prior to the acceptance of public improvements by the City. If no public improvements are required, such payment shall be made prior to filing the record plat.

(2) Imposition of the park fee does not alter, negate, supersede or otherwise affect any other requirements of City, county, state or federal legislation or regulations that may be applicable to a residential development, including City zoning and/or subdivision regulations that may impose open space and park requirements and standards.

(d) **Amount of Park Improvement Fee**. The established park fee for single-family, duplex, townhome and multifamily dwelling units as listed in the Fee Schedule.

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(e) **Timing and Processing of Park Improvement Fees**.
(1) The park improvement fee shall be a paid prior to the issuance of a Building Permit.
(2) The amount of the park improvement fee for single-family, two-family, and multi-family units is set forth in the Fee Schedule, as it currently exists or may be amended.
(3) All park improvement fee payments shall be segregated in a separate fund to be spent only for the improvement of park facilities within the City.
(4) The City shall maintain and keep financial records for park improvement fees, which shall show the source and disbursement of all fees collected.

(f) **Use of Park Improvement Fees**. Park fees must be used for the following purposes:
(1) To acquire, develop, and provide equipment for Parks.
(2) To repay Developers for the reasonable costs of any park improvements constructed and accepted by the City.

(g) **Additional Voluntary Park Improvements**. A developer may request permission to construct, at his or her own expense, additional park improvements. The City may accept or reject voluntary dedications of park land and/or additional park improvements. Such voluntary dedications and/or improvements shall be considered for approval by the Park Board. All improvements in public parks and open spaces shall be consistent with the design criteria and objectives of the City and any adopted park plan, and shall, upon installation, become the property of the City. Prior to constructing such additional park improvements, the developer shall enter into a development agreement with the City that defines, among other things, the work to be performed, construction schedules, improvement costs, performance surety, the amount to be reimbursed by the City (if any), and the timing of such reimbursement (if any).

(h) **Appeals and Variances**.
(1) The Developer may appeal the following decisions of the City Manager to the City Council:
i. The applicability of the park fee;
ii. The amount of the fee due; or
iii. The amount of refund due, if any.
(2) The burden of proof is on the appellant to demonstrate that the amount of the fee, the amount of the credit or reimbursement was not calculated according to the applicable schedule of fees or the guidelines established for determining such amounts. The appellant must file a notice of appeal with the City Council within thirty (30) days following the determination by the City Manager. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the park fee due as calculated by the City Manager, the development application shall be processed. The filing of an appeal shall not stay the collection of the fee due, unless a bond or other sufficient surety has been filed.
(3) The City Council may grant variances from any requirements of this Article, upon written request by a Property Owner, following a public hearing, and only upon a finding that a strict application of such requirement would result in a substantial hardship that is not common to similarly situated property owners.

(i) **Park Fee as Additional and Supplemental Requirement**. The Park Fee is in addition and supplemental to and not in substitution of Park Land dedication or fees in lieu of land conveyance, or any other requirements imposed by the City on the residential development of the land.

Sec. 10.03.084.....HIKE AND BIKE TRAIL REQUIREMENTS.

(a) **Hike and Bicycle Trail Master Plan.** Hike-and-bike trails located within or adjacent to the development shall be constructed at the developer's expense in accordance with any adopted master plan, and as amended.

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(b) **Requirements.** Hike and Bike Trails, especially those providing access to and along a major creek and other open spaces, shall be in accordance with the following design criteria unless otherwise approved by the Director of Parks & Recreation and the Director of Development Services:

(1) A minimum twenty-five (25) foot wide level ground surface shall be provided for a twelve (12) foot wide public Hike and Bike Trail, where required. The twenty-five (25) foot wide, level ground surface may be provided within and/or outside of the 100-year floodplain.

(2) The parkway of a public street may count toward the twenty-five (25) foot wide, level ground surface, upon approval of the Director of Parks & Recreation.

(3) Low water crossings for the Hike and Bike Trail may be allowed upon approval from the Director of Engineering and the Director of Parks & Recreation.

(4) The Hike and Bike Trail shall be designed so as to minimize visibility blind spots from public streets for public safety purposes.

(5) Construction plans for the development shall include engineered drawings of trail cross-sections in accordance with the City's *Engineering Design Standards*.

(6) Hike and Bike Trails shall be shown on the Final Plat and dedicated as "trail easements."

(c) **Locations and Easements.** Locations of all trails shall be consistent with the locations designated in any adopted master plan, and are subject to approval by the Director of Parks & Recreation and the Director of Development Services.

(1) The Director of Parks & Recreation and the Director of Development Services shall have the authority to determine the placement of future Hike and Bike Trails at the time of Conveyance Plat or Preliminary Plat review and approval.

(2) No development shall interrupt future trail routes or otherwise hinder efficient public access to or from an existing or future planned Hike and Bike Trail. Gated and other limited access developments shall be designed such that they facilitate, and do not impede, through public access, emergency ingress and egress, usage, and enjoyment of public trails.

(3) Residential developments that own, by means of an HOA, open space, must provide a pedestrian access easement to allow future Hike and Bike Trails to transverse the property.

(d) **Trails Along Major Creeks, and Greenways.**

(1) The location of trails within developments adjacent to major creeks or greenway trails recognized in the adopted master plan shall be coordinated with the Parks & Recreation Department, and shall be staked in the field by the developer and approved by the Director of Parks & Recreation and the Director of Development Services prior to the submittal of a Conveyance Plat or Preliminary Plat.

(2) The location of the trail shall be specified on the Conveyance Plat or Preliminary Plat as the approved location for the Hike and Bike Trail, and an easement for such shall be shown on the Conveyance or Preliminary Plat and the associated Final Plat for any portions of the trail that traverse private property.

(e) **Trails in Relation to Golf Courses.** When a trail system is extended through a golf course, improvements shall be made to protect and provide separation between users of the trail system and the golfers, at the developer's expense. Such improvements include, but are not limited to, a series of berms and trees to help protect trail users from airborne golf balls. Upon approval of the Director of Parks & Recreation and the Director of Development Services, a golf cart path of sufficient width to accommodate both golf carts and bicycles may serve as a trail.

(f) **Future Trails and Access for New Developments.** When development is adjacent to an undeveloped property, a pedestrian access stub-out in conjunction with a street connection to the edge of the development shall be required to allow for future access between developments.

ARTICLE 10.03.085 ....RELIEF PROCEDURES

Sec. 10.03.086.....VARIANCES.

(a) **Purpose.** The purpose of a Variance is to allow an applicant to seek relief from a particular standard or requirement of this Ordinance that would substantially limit the applicant's ability to utilize the land in a manner requested.

(1) The rules and regulations of this Subdivision Ordinance are the standard requirements of the City. Suspension of any of these rules and regulations may be granted upon a good and sufficient showing by the applicant that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this article will deprive the applicant of a substantial property right and that such suspension, if granted, will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

(2) Each and every application for variance shall be decided solely and entirely on its own merits and the disposition of any prior or pending application for variance shall not be allowed to enter into or affect any decision on the application in question.

(3) Pecuniary interests standing alone shall not be justification for the granting of a variance.

(b) **Definitions of Levels of Variances.** Variances shall be classified as "minor" or "major," as defined in Section 10.03.102, *Definitions*, of this Ordinance.

(c) **Decision-Makers.**

(1) Minor Variance Decision-Maker. A Minor Variance is acted upon by the Director of Development Services or the Director of Engineering.

Minor Variance Appeal. An appeal to a decision on a Minor Variance by the Director of Development Services or the Director of Engineering (as applicable) may be considered by the Planning and Zoning Commission. The Planning and Zoning Commission will be the final decision maker (See Section 10.03.086(j), *Appeal Process*).

(2) Major Variance Decision-Maker. A Major Variance is acted upon by the Planning and Zoning Commission.

Major Variance Appeal. An appeal to a decision on a Major Variance by the Planning and Zoning Commission may be considered by the City Council.

(d) **Applicability.**

(1) An applicant may request a Variance of a particular standard or requirement applicable to a Conveyance Plat, Preliminary Plat, to construction plans, or where no Conveyance Plat or Preliminary Plat application has been submitted for approval, to a Final Plat or a Replat. A Variance petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement. An applicant may, if desired, submit more than one Variance petition if there are several standards or requirements at issue.

(2) A petition for a Variance shall not be accepted in lieu of a vested rights petition (Section 10.03.087, *Vested Rights*). If there is a question as to whether a vested rights petition is required instead of a petition for a Variance, such determination shall be made by the Director of Development Services.

(e) **Variance Submission Procedures.**

(1) A request for a Variance shall be submitted in writing by the applicant with the submittal of a Conveyance Plat, Preliminary Plat, construction plans, Final Plat, or Replat, as applicable. No Variance may be considered or granted unless the applicant has made such written request and paid the applicable fee.

(2) The applicant's request shall state the grounds for the Variance request and all of the facts relied upon by the applicant. Failure to do so will result in denial of the associated plat application unless

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the applicant submits a waiver in accordance with Section 10.03.2(d), *Waiver of Right to 30-Day Action*.

(f) **Variance Criteria.**

(1) A Variance to regulations within this Ordinance may be approved only when, in the decision-maker's opinion, undue hardship will result from strict compliance to the regulations.

(2) The decision-maker shall take into account the following factors:

i. The nature of the proposed land use involved and existing uses of the land in the vicinity;

ii. The number of persons who will reside or work in the proposed development; and

iii. The effect such Variance might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(3) No Variance shall be granted unless the decision-maker finds:

i. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land; and

ii. That the Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the Variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and

iii. That the granting of the Variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Ordinance.

(4) A Variance may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice done. Financial hardship to the applicant shall not be deemed to constitute undue hardship.

(5) No Variance shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the applicant.

(6) The decision-maker shall not authorize a Variance that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or *Comprehensive Plan* of the City.

(7) Any falsification of information by the applicant shall be cause for the Variance request to be denied. If the Variance request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Variance, and shall be grounds for reconsideration of the Variance request.

(g) **Burden of Proof.** The applicant bears the burden of proof to demonstrate that the requirement for which a Variance is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the applicant. The applicant shall submit the burden of proof with the original submittal.

(h) **Decision.** The decision-maker shall consider the Variance petition and, based upon the criteria set forth in Section 10.03.086(f), *Variance Criteria*, shall take one of the following actions:

(1) Deny the petition, and impose the standard or requirement as it is stated in this Subdivision Ordinance; or

(2) Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this Ordinance.

(i) **Notification of Decision on Petition.** The applicant shall be notified of the decision on the Variance by the applicable decision-maker (e.g., the Director of Development Services, Director of Engineering, or Commission, as applicable), within fourteen (14) calendar days following the decision.

(j) **Appeal Process.**

(1) Initiation of an Appeal. The applicant may appeal a variance decision of the Director of Development Services or Director of Engineering, as allowed within the Subdivision Ordinance. A written letter of appeal shall be submitted to the Director of Development Services within fourteen

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(14) calendar days following the denial decision.

(2) Appeal to Planning and Zoning Commission. The Commission shall schedule the appeal at the earliest regular public meeting that will accommodate required public notification. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Variance. The Commission may affirm, modify, or reverse the previous decision by simple majority vote.

(3) Appeal to City Council. The applicant, the Director of Development Services or four (4) voting members of City Council may appeal the Planning and Zoning Commission's decision by submitting a written notice of appeal to the Director of Development Services within fourteen (14) calendar days following the Commission's decision. The City Council shall consider the appeal at a public meeting at the next regular or specially called meeting following the date when the notice of appeal is submitted to the Director of Development Services. The City Council may affirm, modify, or reverse the Commission's decision by a simple majority vote. The decision of the City Council is final.

(k) **Effect of Approval.** Following the granting of a Variance, the applicant may submit or continue the processing of a plat or construction plans, as applicable. The Variance granted shall remain in effect for the period the plat, concept plan, or construction plans are in effect, and shall expire upon expiration of any of those applications. Extension of those applications shall also result in extension of the Variance. The approval of a Variance relieves the applicant of the imposition of the particular standard or requirement for which a Variance was sought following the finding of just cause for such Variance to be allowed. A Variance shall not be approved solely based on monetary interests. Variances are heard on a case-by-case basis and do not establish precedent.

Sec. 10.03.087.....VESTED RIGHTS.

(a) **Purpose.** The purpose of a vested rights petition is to determine whether an application should be processed under the terms of a previous ordinance, to provide a process for determination of possible vested status, and to determine when certain permits are subject to expiration.

(b) **Applicability.**

(1) A vested rights petition may be submitted for any application authorized under this Ordinance.

(2) A vested rights petition cannot be submitted by an applicant along with submission of a request for a text amendment to this Ordinance, a Zoning Map amendment, or any other request for a legislative decision by the City Council.

(c) **Submission.** A vested rights petition shall be submitted to and officially filed with the City's responsible official (see Section 10.03.023(g), *Official Filing Date*) in accordance with the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 245 or successor statute. Submission of a vested rights petition shall be deemed as an automatic variance of the applicant's right, and the City's obligation, to process and act upon applications as required by State law (CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE), and as provided in Section 10.03.087(e), *Form of Petition*, of this Ordinance. Submission of such petition shall stay further proceedings on the related application until a final decision is reached on the vested rights petition.

(d) **Effect.** If a properly submitted vested rights petition is approved in whole or in part, the responsible official shall then process the original application and the decision-maker shall decide the application in accordance with the standards specified in the relief order based on prior ordinance requirements or development standards existing at the date vesting is established, or shall extend the validity of the original application that would otherwise be subject to expiration pursuant to this Ordinance.

(e) **Form of Petition.** The vested rights petition shall allege in writing that the applicant has a vested right for some or all of the land subject to the application under TEXAS LOCAL GOVERNMENT CODE, CHAPTER 245 or

successor statute, or pursuant to TEXAS LOCAL GOVERNMENT CODE, SEC. 43.002 or successor statute, that requires the City to review and decide the application under standards that were in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:

(1) A written vested rights petition form, with a notarized original signature of the property owner;
(2) A narrative description of the grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific standard or to an entire project;
(3) A copy of each approved or pending application which is the basis for the contention that the City may not apply current standards to the application which is the subject of the petition;
(4) The official filing date of the application;
(5) The date the subdivision for which the application was submitted was commenced;
(6) Identification of all standards otherwise applicable to the application from which relief is sought;
(7) Identification of any current standards which applicant agrees can be applied to the application at issue;
(8) A narrative description of how the application of current standards affect proposed landscaping, open space or park dedication, shown on the application for which the petition is filed;
(9) A copy of any prior vested rights determination involving the same land; and
(10) Whenever the applicant alleges that an application subject to expiration should not be terminated, a description of the events constituting progress toward completion of the subdivision for which the application was approved. The applicant shall reimburse the City for all related legal costs for review of the vested rights petition. This reimbursement shall be paid in full prior to any decision on the petition.

(f) **Timing for Filing Petition.** A vested rights petition shall be filed with an application for which a vested right is claimed, except that the petition may be filed before the date of expiration of any already approved application when filed pursuant to Section 10.03.088, *Dormant Projects*. Where more than one (1) application is authorized to be filed simultaneously by this Ordinance, the petition may be filed simultaneously for each application.

(g) **Processing and Decision.**

(1) Responsible Official. The responsible official for a vested rights petition is the same as that for processing the application with which the petition is associated, except where a petition is submitted pursuant to Section 10.03.027, *Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance.* Where multiple applications are submitted, and there is more than one (1) responsible official, the decision of each responsible official shall be coordinated with that of any other responsible official on the vested rights petition. The City Attorney shall also be notified of the vested rights petition following its filing and acceptance for processing. The applicant shall reimburse the City for all related legal costs for review of a vested rights petition. This reimbursement shall be paid in full prior to filing of the Final Plat.

(2) Action and/or Decision by Responsible Official.

i. If the responsible official is the decision-maker on the original related application, that official shall determine whether the relief requested in the vested rights petition should be granted in whole or in part, and shall formulate a written report summarizing the official's reasoning and recommendation.
ii. The applicant shall be notified of the decision within fourteen (14) calendar days following the date the vested rights petition was filed at the City.
iii. The responsible official may defer making a decision on the vested rights petition and instead forward the petition to the Commission for a decision, in accordance with the process outlined in Section 10.03.087(g)(3), *Decision by Planning and Zoning Commission*.

(3) Decision by Planning & Zoning Commission. If the original application is to be decided by the Commission, or if the responsible official defers making a decision on a vested rights petition, the responsible official for that type of application shall submit a report in the form of a recommendation on the vested rights petition to the Planning and Zoning Commission. The Commission shall render a decision on the vested rights petition within thirty (30) calendar days following the date the petition was filed at the City. The Commission's decision on a vested rights petition shall be upon a simple majority vote of the full Commission's voting members.

(4) Decision by City Council. Where the City Council is the final decision-maker on the related application, or for any petition submitted pursuant to Section 10.03.088, *Dormant Projects*, the responsible official for that type of application shall submit a report in the form of a recommendation on the vested rights petition to the City Council. The Council shall render a decision on the vested rights petition within thirty (30) calendar days following the date the petition was filed at the City. The City Council's decision on a vested rights petition shall be upon a simple majority vote of the full Council's voting members, and shall be final.

(5) Appeal of Decision. The applicant may appeal to City Council the responsible official's or Commission's decision on the vested rights petition by submitting written notice of appeal to the applicable responsible official within fourteen (14) calendar days following the date of such decision. The City Council shall hear and decide the appeal within thirty (30) calendar days following receipt of the notice of appeal by the City. Approval of an appeal by the City Council shall only be upon a favorable vote of at least four (4) of the Council's voting members, and shall be final (see Section 10.03.087(k), *Appeal*).

(6) Effect on Related Applications. A final decision on the vested rights petition or appeal under this section must be achieved prior to further processing, and prior to any consideration of, or decision on, the related application. Upon such final resolution and decision on a vested rights petition, the responsible official shall commence processing, review and consideration for the related application as provided in this Ordinance.

(h) **Criteria for Approval.**

(1) Factors. The decision-maker shall decide the vested rights petition based upon the following factors:

i. The nature and extent of prior 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 State law or local ordinances;

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 application;

v. Whether any statutory exception applies to the standards in the current Subdivision Ordinance from which the applicant seeks relief;

vi. Whether any prior approved applications relied upon by the applicant have expired;

vii. For petitions filed pursuant to Section 10.03.027 of this Ordinance, *Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance*, whether any of the events in Section 10.03.027 have occurred;

viii. Any other applicable provisions outlined in CHAPTER 245 OR SEC. 43.002 OF THE TEXAS LOCAL GOVERNMENT CODE, or successor statutes.

(2) Conditions. If the claim of vested rights is based upon a pending application, subject to standards that have been superseded by current standards of this Ordinance, the decision-maker may condition any relief granted on the vested rights petition on the approval of the pending application.

(i) **Action and Record of Action.**

(1) Action. The decision-maker may take any of the following actions:

i. Deny the relief requested in the petition, and direct that the application shall be reviewed and decided under currently applicable standards; or

ii. Grant the relief requested in the petition, and direct that the related application 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 be applied to the related application, while standards contained in identified prior regulations also shall be applied; or

iv. For petitions filed pursuant to Section 10.03.027, *Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance*, specify the expiration date or the conditions of expiration for the related application(s).

(2) Record. The responsible official's report and the decision on the vested rights petition shall be recorded in writing in an order identifying the following:

i. The nature of the relief granted, if any;

ii. The related applications upon which relief is premised under the petition;

iii. Current standards which shall apply to the related application for which relief is sought, if applicable;

iv. Prior standards which shall apply to the related application for which relief is sought, including any procedural standards, if applicable;

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, subsequent related applications that are subject to the same relief granted on the petition; and

vii. For petitions filed pursuant to Section 10.03.027, *Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance*, the date of expiration of the related application.

(j) **Associated Applications Following Final Decision.**

(1) Following the City's final decision on the vested rights petition, the applicant shall, if necessary, revise the related application such that it conforms to the City's decision on the vested rights petition.

(2) The decision-maker on the related application shall review and consider the revised application in accordance with the procedures for deciding that type of application, as outlined in this Ordinance, and in conformity with any relief granted.

(3) If the relief granted on the vested rights petition is consistent with the related application on file, no revisions shall be necessary, and the related application shall be deemed officially filed at the time of the final decision on the vested rights petition.

(k) **Appeal.**

(1) Initiation of an Appeal. The applicant may appeal the decision of the Commission by submitting a written notice of appeal to the Director of Development Services within fourteen (14) calendar days following the date of the Commission's decision.

i. For a City Council-initiated appeal, the Council shall consider and act on whether it will appeal the Commission's decision at its first regular meeting (for which there is time to include such appeal on its posted agenda, as required by State law) that occurs after the Commission meeting at which the decision was made.

ii. Written notice of the City Council's vote to appeal shall be submitted to the Director of Development Services within seven (7) calendar days following the City Council's vote to appeal the decision.

iii. For an applicant-initiated appeal, a letter stating the reasons for the appeal, citing the specific applicable sections of the Subdivision Ordinance, shall be submitted by the applicant.

iv. The Director of Development Services may, on his/her own initiative, appeal the decision of the Commission by scheduling an appeal on the City Council's next regular meeting (for which there is time to include such appeal on its posted agenda as required by State law) that occurs after the Commission meeting at which the decision was made.

(2) Council Decision. The City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the Director of Development Services. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.

(l) **Expiration & Extension.**

(1) Expiration. Relief granted on a vested rights petition shall expire on occurrence of one of the following events:

i. The applicant fails to submit a revised application that is consistent with the relief granted, if any, within sixty (60) calendar days following the final decision on the vested rights petition;

ii. The application for which relief was granted on the vested rights petition is denied; or

iii. The application for which relief was granted on the vested rights petition expires.

(2) Extension. Extension of the date of expiration for the application for which relief was granted on a vested rights petition shall result in extension of the relief granted on the vested rights petition for the same time period.

Sec. 10.03.088.....DORMANT PROJECTS.

(a) **Definitions.** For purposes of this Chapter only:

(1) *Initial permit* means any of the following types of approvals granted under this Subdivision Ordinance, or any predecessor subdivision or development-related ordinance that was in effect prior to the adoption of this Ordinance: Preliminary Plat, construction plans, Construction Release, Variances to any requirement in this Subdivision Ordinance, or any other application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation or design of development, lots or improvements on a site intended for development.

(2) *Final permit* means a Final Plat approved under this Subdivision Ordinance, or any predecessor subdivision or development-related ordinance that was in effect prior to the adoption of this Ordinance.

(b) **Expiration of Permits.** Any application for an initial permit that was approved or filed before, but that was not subject to an expiration date, two (2) years prior to the adoption date of this Subdivision Ordinance shall expire on the effective date of this Subdivision Ordinance.

(c) **Reinstatement.** The property owner of the land subject to an initial permit that expires under Section 10.03.088, *Dormant Projects*, may petition the Commission to reinstate such permit by filing a written petition within sixty (60) calendar days following the effective date of this Subdivision Ordinance. The petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation of one of the following:

(1) As of two (2) years prior to the effective date of this Subdivision Ordinance, one of the following events had occurred:

i. A final permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the approved initial permit and was approved by the City, or was filed and was subsequently approved by the City;

ii. An application for a final permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the expired initial permit, but such application

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was rejected on grounds of incompleteness (consistent with TEXAS LOCAL GOVERNMENT CODE, CHAPTER 245.005(C)(2)).

iii. Costs for development of the land subject to the initial permit, including costs associated with roadway, utility and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent (5%) of the most recent appraised market value of the land;

iv. Fiscal security was posted with the City to guarantee performance of obligations required under this Subdivision Ordinance, including the construction of required improvements associated with the proposed development, for all or a part of the land subject to the approved initial permit; or

v. Utility connection fees or impact fees for all or part of the land subject to the approved initial permit were paid to the City.

(2) After two (2) years prior to the adoption date of this Subdivision Ordinance, but before the expiration date specified in Section 10.03.088(b), *Expiration of Permits*, one of the following events had occurred:

i. A final permit was approved for all or part of the land subject to the approved application, and remained in effect for such land on such expiration date; or

ii. A complete application for approval of a final permit for all or part of the land subject to the approved initial permit was pending for decision on such expiration date.

(d) **Commission Action on Reinstatement.** The Commission may take one of the following actions:

(1) Reinstate the expired initial permit without an expiration date, if it finds that the applicant has met any of the criteria listed in Section 10.03.088(c), *Reinstatement*;

(2) Reinstate the initial permit for all or part of the land subject thereto, if it finds that the applicant has met any of the criteria listed in Section 10.03.088(c), *Reinstatement*, subject to such expiration dates or other conditions that ensure that the remaining land that is not subject to an approved or pending final permit application will be developed in a timely fashion. In granting relief under this provision, the Commission may require that development of such remaining land is subject to standards enacted after approval of the initial permit;

(3) Deny the reinstatement petition, if it finds that the applicant has failed to meet any of the criteria in Section 10.03.088(c), *Reinstatement,* or

(4) Reinstate the permit for only that part of the land subject to a pending final permit application, if it finds that the applicant has met the criteria in Section 10.03.088(c), *Reinstatement* and the pending application subsequently was approved, and deny the reinstatement petition for the remaining land subject to the expired initial permit.

Sec. 10.03.089.....RESERVED.

ARTICLE 10.03.090 ....AMENDMENTS; FEES; VIOLATIONS; CONFLICTS

Sec. 10.03.091.....TEXT AMENDMENTS.

The Commission or City Council, by majority vote, may initiate changes to the Subdivision Ordinance through a call for public hearing. Any case which considers amending the Subdivision Ordinance is considered during a public hearing by the Commission, which will make a recommendation on the case to City Council. City Council will consider the Commission's recommendation during a public hearing, upon which the City Council will make a decision whether to direct staff to prepare an Ordinance amending the section(s) of the Subdivision Ordinance.

Sec. 10.03.092.....FILING FEES & CHARGES.

(a) **General.** Fees shall be paid to the City when any application authorized by this Ordinance is submitted to Development Services. Each of the fees, as provided in Section 10.03.092(b), *Calculations & Charges*, shall be paid in advance, and no action of the Commission, the City Council, or any other City board or commission shall be valid until all required fees have been paid. Fees paid for the review and consideration of plats and applications under this Ordinance are non-refundable.

(b) **Calculations & Charges.** Fees and charges shall be calculated in accordance with the following.

(1) All fees shall be as established by City ordinance, as amended.

(2) These fees shall be charged on all plats and applications authorized by this Ordinance, regardless of the action taken by the decision-making authority and whether the application is approved, denied, withdrawn, or otherwise closed.

ARTICLE 10.03.100 ..... DEFINITIONS, USAGE AND INTERPRETATION

Sec. 10.03.101.....USAGE & INTERPRETATION.

(a) **Usage.** The definitions within this Article 10.03.102 are intended to provide descriptions for words and terms used within this Subdivision Ordinance. Absent any conflict, words and terms used in this Subdivision Ordinance shall have the meanings ascribed thereto in this Article 10.03.101.

(b) **Conflicts.** When words and terms are defined herein, and are also defined in other ordinance(s) of the City, they shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in Article 10.03.100 shall control.

(c) **Present and Past Tenses.** Words used in the present tense include the future; words in the singular number include the plural number, and words used in the plural number include the singular number.

(d) **Usage of Shall and May.** The words shall and must are mandatory and not directory. The word may is directory and not mandatory.

(e) **Words Not Defined.** For any definition not listed in this Article 10.03.112, the definition found within the latest edition of Webster's Dictionary shall be used.

(f) **Certain Terms and Words.** Certain terms and words are to be used and interpreted as described and/or defined within the sections of this Subdivision Ordinance wherein they apply to certain regulations.

Sec. 10.03.102.....DEFINITIONS.

The following definitions shall apply to terms and words used within this Subdivision Ordinance:

100-Year Hazard Setback. An erosion hazard setback is to reduce the potential for any damage to a private lot or street right-of-way caused by the erosion of a stream bank. The erosion hazard setback shall be determined as follows: for stream banks composed of material other than rock, locate the toe of the natural stream bank and project a 4:1 line sloping away from the bank until it intersects finished grade. From this intersection add fifteen (15) feet away from the bank. This shall be the limit of the erosion hazard setback.

100-Year Floodplain. 100-Year Floodplain: The flood having a one percent (1%) chance of being equaled or exceeded in any given year, based upon a fully developed watershed and the City's criteria to accommodate a 100-year storm in a Major Creek (pdf) (http://www.celina-tx.gov/DocumentCenter/View/1416).

Abutting. Also defined as adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.

Access. A means to enter a property or the ability to traverse a property (such as in the use of a mutual access easement.

Acreage, Gross. Means the total acreage included within the boundary line of a particular subdivision, tract, parcel, lot, etc. without any exclusions.

Acreage, Net. Means the acreage included within the boundary line of a particular subdivision, tract, parcel, lot, etc., but excluding all public ways.

Alley. A minor right-of-way, generally dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for utility service purposes.

Amending Plat. See *Plat, Amending*.

Amenity. Aesthetic or other physical improvements added to a development that increase its quality, desirability, and/or marketability to the public, and that are described within Section 10.03.079(c)(1), *Elements requiring a HOA*, of this Ordinance.

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Appeal. A request for review of and relief from any decision applying a provision of this Ordinance.

Applicant. The person or entity responsible for the submission of an application. The applicant must be the actual owner of the property for which an application is submitted, or shall be a duly authorized representative of the property owner. Also see *Developer*.

Application. The package of materials, including but not limited to an Application Form, exhibits, completed checklist, Tax Certificates or other proof of ownership, construction plans, special drawings or studies, and other informational materials, that is required by the City to initiate City review and approval of a development project.

Application, Complete. See *Complete Application.*

Application Form. The written form (as provided by and as may be amended by the City) that is filled out and executed by the Applicant and submitted to the City along with other required materials as a part of an application.

Approval. Approval constitutes a determination by the official, board, commission or City Council responsible for such determination that the application is in compliance with the minimum provisions of this Ordinance. *NOTE:* Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.

Arterial. A general term for a street or thoroughfare (see Street), which has a more specific meaning when used in conjunction with a class distinction, such as Major, Minor, Type A, Type B, etc. Each class provides a certain degree of continuity, capacity and accessibility to adjacent land uses.

Arterial, Major. A thoroughfare designed to accommodate cross-city traffic movement, distributing traffic to and from minor thoroughfares and collector streets. Major Thoroughfares are divided roadways that typically have an ultimate width of six lanes. Such streets shall also be as described within the *Engineering Design Standards*, and as shown on the Thoroughfare Plan Map. Also is referred to as "Type A-1."

Arterial, Minor. A thoroughfare designed to accommodate neighborhood-to-neighborhood (intra-city) traffic movement, distributing traffic to and from collector streets. Major Thoroughfares are divided roadways that typically have an ultimate width of four (4) lanes with a median to accommodate turn lanes and landscaping. Such streets shall also be as described within the *Engineering Design Standards*, and as shown on the Thoroughfare Plan Map. Also is referred to as "Type B."

Block. A grouping of buildings that are partially or fully surrounded by one or more streets. Lots separated only by an alley are within the same block.

Buffer. An area of permanent vegetation that is adjacent to a thoroughfare, residential subdivision or watercourse.

Building. Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or property. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Building Line. A line parallel, or approximately parallel, to any front lot line at a specific distance therefrom, marking the minimum distance from the front lot line that a building may be erected.

Building Permit. An official certificate issued by the City through the Chief Building Official that indicates conformance with or approved conditional variance from City regulations and authorizes construction of buildings or other described construction on the premises for which it is issued.

Build-to Line. A parallel or approximately parallel line to any front property line at a specific distance determined by zoning district, marking the maximum distance from the front property line that a building may be erected. This distance is generally used in urban areas where wide sidewalks abut the building facades.

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Building Official. The person so designated by the City Manager to provide oversight for and have responsibility of the Building Inspections; such official issues Building Permits and Certificates of Occupancy and enforces the Zoning Ordinance, Building Code, and any applicable provisions of this Subdivision Ordinance. This term shall also include any designee of the Building Official.

Centerline, Streets or Alleys. An imaginary line erected midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the centerline is to be determined by the Director of Engineering.

Certificate of Occupancy. An official certificate issued by the City through the Chief Building Official that indicates conformance with or approved conditional variance from City regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

Certified Land Division. A map, drawing or chart delineating parcels of land offered for rent or lease for other than agricultural uses and which: is not required by state statute to be filed in the map and plat records of the county; does not involve or require the dedication of public streets or alleys; has been certified by the City Council as having met the conditions of this chapter. A certified land division shall be treated as a subdivision plat under these regulations, except that it is properly certified for filing with the City Secretary rather than the county clerk. In addition, a plat of the property indicating legal boundaries and any public dedications and easements shall be prepared, reviewed by staff, approved by the City Council, and filed with the Denton or Collin County Clerk.

City. The municipal corporation of the City of Celina, Texas.

City Attorney. The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.

City Council. The duly elected governing body of the City of Celina, Texas.

City Manager. The person so designated by the City Council, or the City Manager's designee.

City Official or Administrator. Any person, elective or appointive, or any employee, or any board or commission authorized or constituted by City ordinance or state law to act on behalf of the municipality.

Code. Shall mean the entire City of Celina's Code of Ordinances.

Commencement. The date of the official start of the development of the project – usually considered at the initial disturbance of soils.

Commission. The Planning & Zoning Commission of the City of Celina. See *Planning & Zoning Commission*.

Complete Application. An application that meets the standards of this Subdivision Ordinance, and has been deemed complete by the City in accordance with Section 10.03.023(c), *Determination of Completeness*, of this Ordinance and the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 245, or successor statute.

Comprehensive Plan. The City's officially *Comprehensive Plan* which includes policies, in written and graphic form, on (but not limited to) thoroughfares, land use, parks, open space, hike and bicycle trails, and other facets of the City's physical form; such policies govern the future development of the City and consist of various components governing specific geographic areas, functions, and services of the City.

Construction Plans. The drawings and technical specifications that conform to this Ordinance and all other applicable ordinances of the City. Construction plans, including bid documents, contract conditions, and escrow agreements, where applicable, provide a graphic and written description of the character and scope of the work to be performed in construction of a development.

Construction Release. Official authorization by the City, through the Director of Engineering, that indicates

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conformance with City regulations and authorizes construction of improvements or other described construction, in conformance with approved construction plans, on the premises for which it is given.

Crosswalk. A public right-of-way, four (4) feet or more in width between property lines, which provides pedestrian circulations.

Day, Business. Shall be defined as Monday through Friday, excluding City-recognized holidays.

Day, Calendar. Each day of a particular calendar year.

Dead End Street. A street, other than a cul-de-sac, with only one (1) outlet.

Deed Restriction. A limitation on the use of land set forth or referred to in the title deed of such land. Such limitations run with the land and are binding upon present and subsequent owners of the land. Deed restrictions are not enforced by the City.

Developer. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division or improvement of land and/or other activities covered by this Subdivision Ordinance so as to constitute a *subdivision*, including the preparation of a plat showing the layout of the land and the public improvements involved therein. The word *developer* is intended to include the terms *subdivider*, *property owner*, and, when submitting platting documents, *applicant*.

Development. Any activities related to the platting or physical subdivision of land including the construction, reconstruction, conversion, or enlargement of buildings or structures; the construction of impervious surfaces (e.g., parking lots); the installation of utilities, roadways, drainage facilities or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including grading, drainage, storage, paving, clearing, filling, and/or removal of vegetation or soil, and any mining, dredging, excavation or drilling operations.

Development Agreement. A legally binding document authorized and in accordance with 10.0212.172 of the TEXAS LOCAL GOVERNMENT CODE between the City and a property owner whenever public improvements to serve a development are deferred until after Final Plat approval and recordation. Such document outlines the developer's acknowledged responsibility to complete and warranty improvements and to provide financial security for such improvements.

Development Application. An application for any type of plat or construction plan/drawing authorized or addressed by this Subdivision Ordinance. Also may be referred to as a *permit* within the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 245.

Director of Development Services. The person so designated by the City Manager to provide oversight for and have responsibility of the Development Services Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Director of Development Services.

Director of Engineering. The person so designated by the City Manager to provide oversight for and have responsibility of the Engineering Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Director of Engineering.

Director of Parks & Recreation. The person so designated by the City Manager to provide oversight for and have responsibility of the Parks & Recreation Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Director of Parks & Recreation.

Driveway. A paved entranceway serving primarily vehicles that allows for access to a lot or facility, and is intended for vehicular movements between the roadway and any portion outside the street right-of-way.

Dwelling Unit. Any building, structure or mobile home, or part thereof, which is designed, used or intended to be used for human occupancy as the living quarters, of one housekeeping unit or family.

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Easement. A specific right in a particular area of real property that exists because of an express or implied agreement between the landowner and another party that grants the right to use or access the land area, but not ownership.

Engineer. A person who has been duly licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in the State of Texas. (Also known as *Professional Engineer*, *Registered Engineer*, *Registered Professional Engineer*, or *Licensed Engineer*.)

Engineering Design Standards. A document which is intended to establish standards for the design and construction of public facilities within the City of Celina.

Entry Turnaround. An esplanade opening or other accommodation provided at the entrance to a private street development in order to allow vehicles denied access to reenter the public street with a forward motion without unduly disturbing other vehicles at the entrance.

Erosion Hazard Setback. A defined area adjacent to a stream on which development is prohibited due to significant hazards associated with a flood situation unless major channel stabilization has occurred.

ETJ. See *Extraterritorial Jurisdiction*.

Exemption. A specified reason why a particular development is not subject to the requirements to plat or to a specific provision of this Ordinance.

Extraterritorial Jurisdiction (ETJ). The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance as stipulated in CHAPTER 42 OF THE TEXAS LOCAL GOVERNMENT CODE, according to the population of the City, and in which area the City may regulate subdivisions and enjoin violation of provisions of this Subdivision Ordinance.

Facilities. Infrastructure and other structures that support a development including, but not limited to, water distribution lines, sanitary sewer collection lines, storm sewer lines and other storm water management devices, thoroughfares, sidewalks, private utilities, etc.

File/Filed/Filing. See *Official Filing Date* and *Submission.*

Fire Chief. The person so designated by the City Manager to provide oversight for and have responsibility of the Fire Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Fire Chief.

Fire Lane. See definition in the City's adopted Fire Code.

Green Belt. An open space area consisting primarily of natural features that may be located in a floodplain or along a creek channel or be used as a buffer between land uses or be used as an open space linkage between various land uses.

Habitat Study. A completed research project that gathers and compiles information pertinent to the natural habitat for threatened or endangered species and habitats used for nesting birds listed in the Migratory Bird Treaty Act.

Hike and Bike Trail. A paved and maintained pathway for pedestrians and bikers that serves as a linkage for access to recreational and educational areas and facilities.

Homeowners Association (HOA). A community association which is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, amenities or facilities, and which operates under recorded land agreements. This term also includes Property Owners' Associations (POAs) and Property Management Corporations (PMCs) which are more typically formed for multi-family and

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nonresidential developments.

Improvement. Any man-made fixed item which becomes part of or placed upon real property.

Improvement, Public. Any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City ultimately assumes the responsibility, upon a Letter of Final Acceptance being issued, for maintenance, operation and/or ownership.

Infrastructure. Facilities and services needed to sustain industrial, residential, commercial and all other land use activities. The term infrastructure includes but is not limited to water, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire houses, civic buildings, parks, and schools.

iSWM. The acronym for integrated Storm Water Management, which is a guide for the construction and design of developments. This guide is intended to help mitigate the impact of developments on storm water runoff by considering such runoff during early site planning and design phases. This guide was created by the North Central Texas Council of Governments (NCTCOG).

Land Planner. Any person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system, and space appropriate to the efficient removal of stormwater and the provision of public services and utilities, all consistent with long range goals and the objectives of the *Comprehensive Plan*. A land planner may be trained in any of several specialties; and, where appropriate to his experience, the term may include architects, engineers, landscape architects, and surveyors.

Lot. An undivided tract or parcel of land that is or may be offered for sale, conveyance, or improvement and is occupied or intended to be occupied by a building or group of buildings. A lot has its principal frontage on a public street or on an officially approved private street, as shown on a plat of record or described by metes and bounds.

Lot Depth. The horizontal distance measured perpendicularly between two (2) points on the front lot line and two (2) points on the rear lot line which creates an area that meets (or exceeds) the zoning district's minimum width and depth requirements. Lot depth shall not include easements which are located behind the front building line that impair the use of the lot surface as a yard.

Lot Frontage. That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot Lines. The lines bounding a lot as defined herein. May also be referred to as a *Property Line*.

Lot Line, Front. The narrower side of the lot abutting a street. Where two (2) lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be designated as the *Front Lot Line*, and therefore the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (see Zoning Ordinance, Appendix A, Illustrations).

Lot Line, Rear. The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (see Zoning Ordinance, Appendix A, Illustrations).

Lot Line, Side. Any lot line not the front or rear lot line.

Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Denton or Collin County or a lot subdivided by metes and bounds description prior to February 1984.

Lot Width. The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line.

Lot, Corner. A lot which has at least two (2)adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°).

Lot, Double Frontage. A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Flag. 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. May also be referred to as a Panhandle Lot.

Lot, Interior. A lot other than a corner lot.

Lot, Key. A corner lot that is designed such that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

Major Arterial. See *Arterial, Major*.

Maximum. For the purposes of this Ordinance, "the maximum" is the amount that is the upper limit allowed by this ordinance less than the maximum may be allowed, unless otherwise specified.

Metes and Bounds. A method of describing the boundaries of land by directions and distances from a known point of reference.

Minimum. For the purposes of this Ordinance, "the minimum" is the amount that is least amount required of a developer but more than the minimum may be provided, unless otherwise specified.

Mobile Home Park. A tract of land designed, used or intended for the renting or leasing, but not sales, of sites for the location, occupancy, or accommodation of one or more mobile home dwellings.

MS4. The acronym for the City's Municipal Separate Storm Sewer System.

Official Filing Date. The date an application is deemed complete by the responsible official in the manner prescribed by Section 10.03.023(g), *Official Filing Date*, of this Subdivision Ordinance.

Off-Site (also known as "off-premises"). Any premises not located within the area of the property to be subdivided, whether or not in common ownership with the applicant submitting an application.

Open Space. Any land parcel or natural area that is set aside, dedicated, designated or reserved for public use and enjoyment, or for private use and enjoyment of owners and occupants of the land adjoining or neighboring such open space area. Open Space shall have no dimension less than fifty (50) feet in any direction, and shall not include remnant property unless it is noted for thoroughfare screening or natural areas where the topography is not impacted, in which case it may be less than fifty (50) feet in width.

Ordinance (also referred to as "this Ordinance"). Refers to this Subdivision Ordinance of the City, as may be amended in the future.

Park. An area developed for active or passive play and recreation that includes open space, sports courts or fields, play equipment, and trails.

Park, Community. A park of approximately 40 to 100 acres, serving an area two (2) to three (3) miles in diameter, serving a population of approximately 20,000 persons and encompassing the service areas of four or more neighborhood parks. Community parks may typically contain lighted athletic facilities for more active play purposes, such as ball fields for football, softball, baseball and soccer, and a recreation center or swimming pool. These parks may be located adjacent to existing or proposed greenbelt areas and proposed junior and senior high school sites.

Park, Neighborhood. A park of approximately 10 to 20 acres, serving an area one (1) to two (2) miles in diameter and serving a population of approximately 5,000 persons. Neighborhood parks should be designed to service a

specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use. Whenever possible, neighborhood parks should be located adjacent to existing or proposed greenbelt areas and proposed elementary school sites.

Parks, Recreation, and Open Space Master Plan. The City's officially adopted Plan which includes policies in graphic and text form; such policies govern the future development of the City's park system, open space, and recreation programs, including the hike-and-bike trail system.

Pavement Width. The portion of a street available for vehicular traffic. Where curbs are paved, it is the portion between the face of the curbs.

Pedestrian Access. A specifically designated place, path, means, or way by which pedestrians shall be provided safe, adequate, and usable circulation through the interior of a property or development.

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 notice of the project to the City.

Person. Any individual, association, firm, corporation, governmental agency or political subdivision.

Planning & Zoning Commission. A decision-making body appointed by the City Council which is responsible for subdivision and plat approval, as permitted by State law, and which has any other authority conferred upon it by the City Charter, this Ordinance, or other regulations of the City.

Plat. A map, drawing or exhibit which shows the exact layout and proposed construction of a proposed development into one (1) or more lots, blocks, streets, parks, school sites, easements, alleys and/or any other elements as required by this Ordinance, including any engineering or construction standards for related improvements, and which conforms to all requirements of this Ordinance and any other applicable City ordinance, and which is subject to approval by the Planning & Zoning Commission, unless otherwise specified.

Plat, Amending. A map, drawing or exhibit that modifies a recorded final plat, record plat, or minor plat in accordance with the provisions of this Chapter.

Plat, Conveyance. A map, drawing or exhibit which conforms to Section 10.03.032, *Conveyance Plats*, of this Subdivision Ordinance for the purpose of sale or conveyance. A conveyance plat may be the first step in the development of a project, especially if the project will be developed in phases and off-site easements need to be platted prior to the final platting of the entire tract.

Plat, Final. A map, drawing or exhibit which conforms to Section 10.03.034, *Final Plats*, of this Subdivision Ordinance and is submitted to the City for consideration for final approval by the Planning & Zoning Commission. The plat illustrates that the subdivision of land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities and the installation of or provision for public improvements. Once approved, such plat is submitted to the County Clerk of Denton or Collin County for recording.

Plat, Minor. A map, drawing or exhibit dividing land into no more than four (4) lots that meets the submission and approval requirements of Section 10.03.035, *Minor Plats*, of this Ordinance. Such plat may be approved by the Director of Development Services. Such plat is also considered a Final Plat.

Plat, Preliminary. A map, drawing or exhibit which conforms to Section 10.03.033, *Preliminary Plats*, of this Subdivision Ordinance and is submitted to the City for consideration for initial approval by the Planning & Zoning Commission. Such plat is not to be recorded, but illustrates the general layout of a proposed subdivision, the adequacy of public facilities needed to serve the proposed subdivision, and the overall compliance of the

applicable requirements of this Ordinance. Such plat is reviewed and decided prior to approval of a Final Plat.

Plat, Replat. The re-subdivision of all or part or all of any block or blocks of a previously platted subdivision, addition, lot or tract, that is beyond the definition of an Amending Plat and which does not require the vacation of the entire preceding plat. Such plat also conforms to Section 10.03.036, *Replats*, of this Subdivision Ordinance. A Replat may function as a Final Plat for a property.

Progress (towards completion). Shall have the same meaning set forth in Article 10.0245.005(c) of the TEXAS LOCAL GOVERNMENT CODE, as it exists or may be amended, unless another meaning is specified.

Project. An endeavor over which the City exerts its jurisdiction and for which more than one (1) permit is required to initiate, continue, or complete the endeavor.

Property Owner. The legally recognized proprietor of the land for which an application is being submitted. Also see *Developer*.

Property Owners Association. An organization established for the ownership, care, and maintenance of private streets and other private commercial facilities.

Public Improvement. See *Improvement, Public*.

Public Way. An officially approved, privately maintained street or roadway, constructed to City street standards, open to unrestricted and irrevocable public access, serving two (2) or more lots that provides the primary means of access and providing fire lane and utility easements.

Record Drawings. A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements which have been verified by the contractor as their installation or construction occurs during development. The record drawings shall reflect the construction plans (or working drawings) used, corrected, and/or clarified in the field.

Residential Development. The actual or proposed use of land for one or more buildings or structures that are designed or intended to be used, in whole or in part, as dwelling units.

Responsible Official. The City staff person who has been designated by the City Manager to perform one or more of the following tasks (this term also includes designees): accept an application for filing; review and make recommendations concerning such application; where authorized, to initially decide such applications; initiate enforcement actions; take all other actions necessary for administration of the provisions of this Subdivision Ordinance with respect to such application.

Right-of-Way. A use of land dedicated by plat or metes and bounds to and for use by the public, which is separate and distinct from the lots and parcel abutting it, and which is not included within the dimensions or areas of such lots or parcels. The term *right-of-way* generally describes an area used for the provision of streets and utilities. Unless otherwise specified, the term *right-of-way* shall refer to a public right-of-way.

Riparian Study. An ecologically-based study that addresses the three (3) major components of a stream (channel, floodplain and transitional upland fringe).

Road, or Roadway. See *Street*.

Screening. A barrier intended to separate and limit visibility between that which is on either side of the barrier, for example, a thoroughfare and adjacent land uses.

Security Station (i.e. guard house). A building and gate system to control vehicular access to private street developments, which may be a mechanical device or a manned structure.

Sketch Plan. An informal drawing of initial development ideas superimposed on a topographic map to indicate generally the plan of development and to serve as a working base for noting and incorporating suggestions of

the City manager, engineer or others who are consulted prior to the preparation of the preliminary plat.

Stacking Area. A vehicle setback measured from a point on a building designed for drive-up service and the area assigned for queuing.

Street. A roadway for vehicular traffic and other public uses, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. An alley is not considered a street.

Street, Alley. A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

Street, Centerline. An imaginary line designated midway between the bounding right-of-way lines of a street or alley.

Street, Collector (also feeder streets, secondary thoroughfares, etc.). A paved roadway that provides vehicular circulation within neighborhoods and from minor streets to major thoroughfares. Due to similarity of traffic volume and wheel loadings, streets through commercial and industrial areas are frequently constructed to same design as collector streets.

Street, Cul-de-Sac. A roadway having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.

Street, Dead-End. A roadway, other than a cul-de-sac, with only one outlet.

Street, Improved. A roadway that has been constructed or reconstructed to meet the City's minimum standards regarding right-of-way width, pavement width, and/or pavement type, as defined in the *Engineering Design Standards*.

Street, Local Residential (also Minor Thoroughfares or streets, etc.). A paved roadway that is primarily used for providing direct vehicular access to abutting residential property.

Street, Local. A roadway that is intended to provide a high level of access to adjacent developments and, generally, a low level of mobility. Such streets shall also be as described within the *Comprehensive Plan* and *Engineering Design Standards*.

Street, Major Thoroughfare (also arterial streets, primary thoroughfares, etc.). A paved roadway that provides vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways or highways leading to other communities.

Street, Minor Thoroughfare. A paved roadway that is primarily used for providing through access from neighborhood to neighborhood or commercial areas.

Street, Private. A privately owned roadway within a subdivision for which the private owners assume full responsibility for maintenance and control and which has not been dedicated to the use of the public. This term is inclusive of related alleys.

Street, Stub. A roadway that has been designed to allow for the future extension of the street through subsequent subdivisions.

Street, Substandard. An existing street that does not meet the current minimum street standards of the City.

Street, Unimproved. A roadway that does not meet the City's minimum standards regarding right-of-way width, pavement width, and/or pavement type, as defined in the *Engineering Design Standards*. Most unimproved streets are former country roads that were built before an area was annexed into the City limits and/or before the City implemented thoroughfare design standards.

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Subdivider or Developer. An individual, firm, association, syndicate, partnership, corporation, or other organization dividing or proposing to divide land, or making improvements to such land, so as to effect a subdivision of land.

Subdivision. The division of any lot, tract, or parcel of land into two or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision or replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land into tracts where each resulting lot is more than five acres in size; does not involve or require any new street, alley or easement of access; and no public improvement is being dedicated. As part of a subdivision, if any lot is proposed to be five acres in area or smaller, the entire parent tract must be platted together with such other lots or tracts. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided.

Submission. The date an applicant delivers an application or petition under this Ordinance to the Director of the applicable City Department, or the date on which an applicant deposits an application or petition with the United States Postal Service by certified mail addressed to the Director of the applicable City Department, along with all required fees and documents.

Substandard. A condition of a road or other public improvement that does not meet the City's current right-of-way, design, capacity or construction standards.

Surety. A bond, letter of credit, or letter of financial guarantee from a financial institution.

Surveyor. A person who practices the profession of surveying and is licensed by the State of Texas as a State Land Surveyor or a Registered Public Surveyor.

TCEQ. The acronym for the Texas Commission on Environmental Quality.

Thoroughfare Plan Map. A component of the *Master Thoroughfare Plan* that generally represents the proposed grid-system of major and minor thoroughfares that will support the *Future Land Use Plan*. The exact locations of future roadways cannot be determined without engineering and environmental analysis, but the Map should be used as a guide as development occurs in terms of how connections should be made and by what type of thoroughfare. The Thoroughfare Plan Map also shows existing railroads and proposed transit rail stations.

Tributary. A riparian branch that feeds (i.e., flows into) a Major Creek, as identified and defined in the City's Riparian Study, as amended.

TxDOT: The acronym for the Texas Department of Transportation.

Utility Easement. An easement dedicated to the public for access, construction, reconstruction, and maintenance to water lines, sanitary sewer lines, storm sewers, and those franchises granted permission by the City, utility district, or county to occupy the easement.

Utility, Private. Services, and any related facilities (e.g., distribution lines), not customarily provided by the City or public entities; such services generally include electricity, natural gas, and telecommunications.

Utility, Public. Services, and any related facilities (e.g., distribution lines), typically provided by the City, County, or publicly owned entity; such services include potable water distribution, wastewater collection, and storm water management.

Variance. An exception to a particular standard or requirement of the Subdivision Ordinance that would substantially limit the applicant's ability to utilize the land in a manner requested.

Variance, Major. A significant change to both the standards and intent of this Subdivision Ordinance, which involves Planning & Zoning Commission approval. A Major Variance includes any type of variance that is not specifically listed in Table 107.03.112.

Variance, Minor. A minor change to the standards, but not the intent, of this Subdivision Ordinance, which involves Director of Development Services or Director of Engineering (as applicable) approval unless otherwise noted. An exclusive list of Minor Variances is shown in Table 107.03.112.

Vegetative Study. A study in which the main purpose is identification and consideration of unique vegetative communities that are important for conserving biotic diversity and are rare due to conversion to other land uses.

Violation. Any failure to fully comply with this Subdivision Ordinance.

Wetland Delineation Study. A study in which the main purposes are to determine jurisdictional wetlands and to ensure compliance with SEC. 404 OF THE CLEAN WATER ACT and other applicable regulations of the U.S. Army Corps of Engineers.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Zoning Ordinance. The City of Celina Zoning Ordinance.

Attachment: ATTACHMENT B - Proposed Subdivision Ordinance for 6-19-18 P&Z Meeting (Subdivision Ordinance Revision)

Table 10.03.111: Applications - Responsible Officials, Initial Decision-Makers, and Appeals

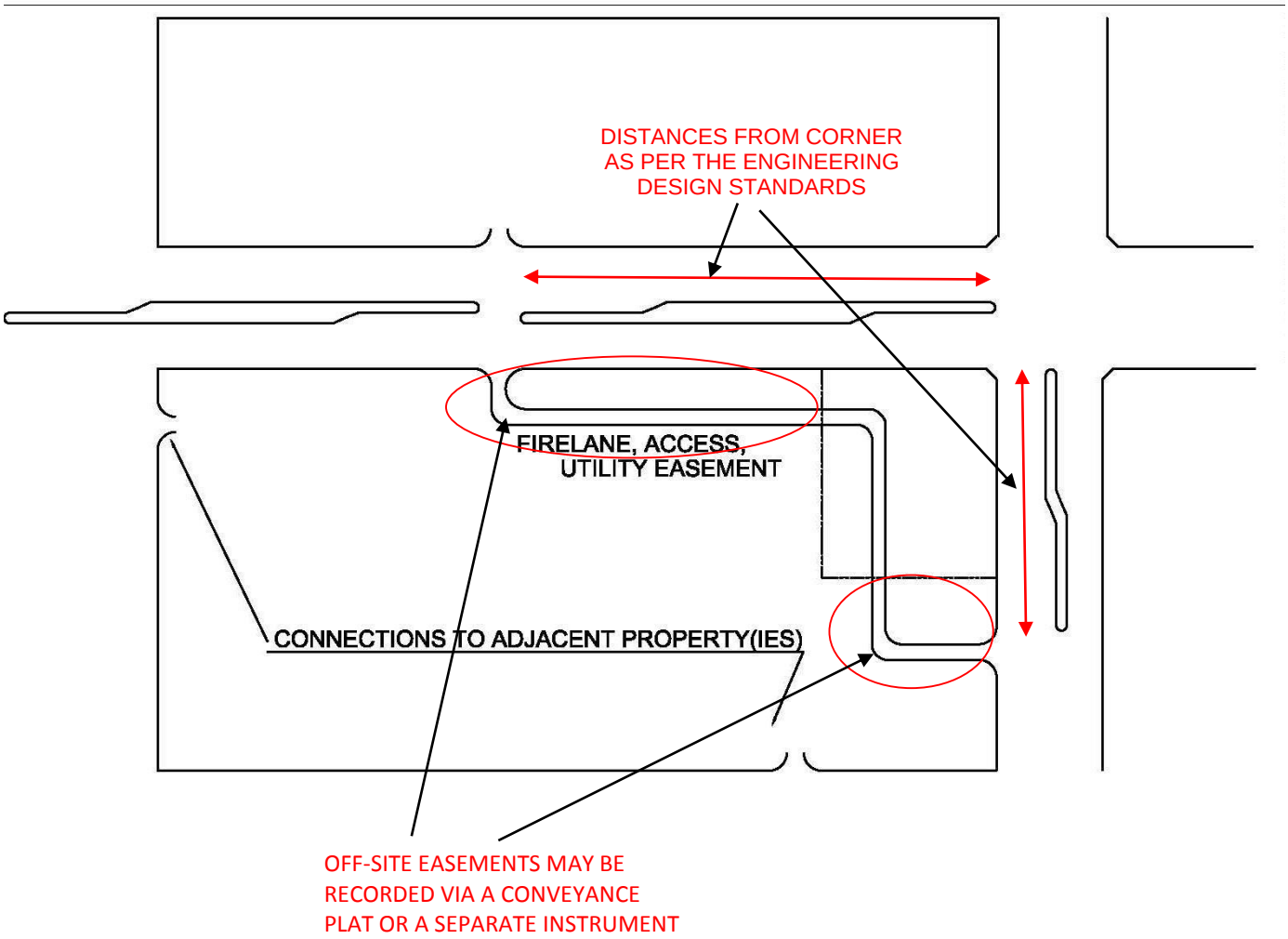
Type of Application or Petition	Responsible City Official	Appellate Decision-Maker	Appeal
Waiver of Right to 30-Day Action *Section 10.03.023(d)*	Development Services Director	n/a	n/a
Conveyance Plat *Section 10.03.032*	Development Services Director	P&Z Commission	n/a
Preliminary Plat *Section 10.03.033*	Development Services Director	P&Z Commission	n/a
Extension of Preliminary Plat Approval *Section 10.03.032(j)*	Development Services Director	Development Services Director	n/a
Final Plat *Section 10.03.034*	Development Services Director	P&Z Commission	n/a
Minor Plat *Section 10.03.035*	Development Services Director	Development Services Director	P&Z Commission
Replat (other than Residential) *Section 10.03.036*	Development Services Director	P&Z Commission	n/a
Residential Replat *Section 10.03.037*	Development Services Director	P&Z Commission	n/a
Amending Plat *Section 10.03.038*	Development Services Director	Development Services Director	P&Z Commission
Plat Vacation *Section 10.03.039*	Development Services Director	P&Z Commission	n/a
Construction Plans *Section 10.03.4*	Director of Engineering	n/a	n/a
Extension of Construction Plans *Section 10.03.041(h)*	Director of Engineering	n/a	n/a
Construction Release *Section 10.03.041(i)*	Director of Engineering	n/a	n/a
Development Agreement *Section 10.03.044*	Director of Engineering	City Council	n/a
Minor Variances to Subdivision Ordinance *Section 10.03.086*	Director of Engineering	Director of Engineering	P&Z Commission
Major Variances to Subdivision Ordinance *Section 10.03.086*	Director of Engineering	P&Z Commission	City Council
Vested Rights Petition *Section 10.03.087*	Development Services Director *--or--* Director of Engineering	P&Z Commission	City Council

Attachment: ATTACHMENT B - Proposed Subdivision Ordinance for 6-19-18 P&Z Meeting (Subdivision Ordinance Revision)

Table 10.03.112 – Variances - Decision-Makers and Appeals

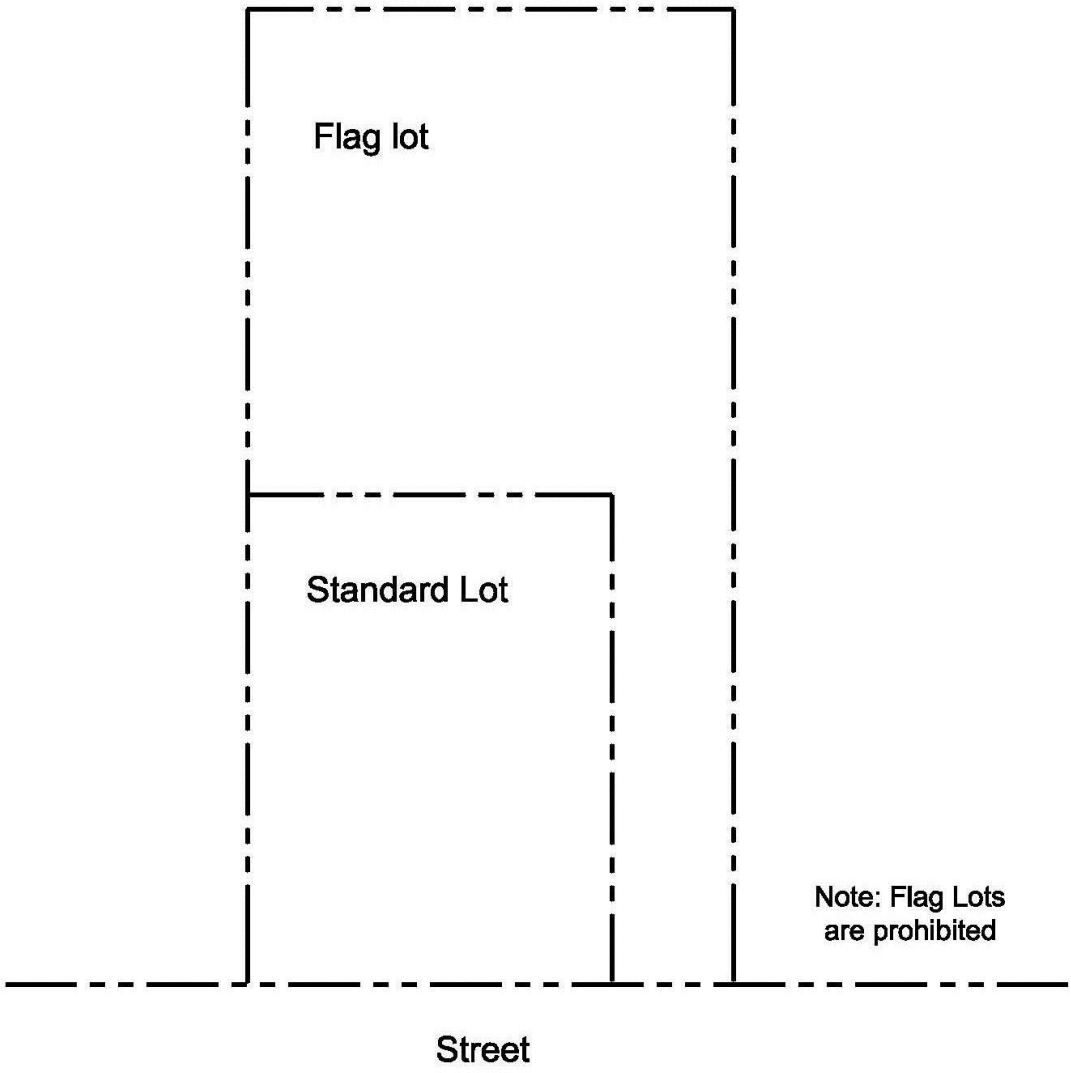
Type of Variance	Initial Decision-Maker	Appellate Decision-Maker	Appeal
Water Line Extension to Boundary of Development *Section 10.03.042(d)(2)(iii)*	Director of Engineering	P&Z Commission	City Council
Connection Onto City Sanitary Sewer System *Section 10.03.042(e)(1)*	Director of Engineering	P&Z Commission	City Council
Street Lighting *Section 10.03.073(b)(10)*	Director of Engineering	P&Z Commission	City Council
Requirement for Alleys *Section 10.03.073(d)*	Director of Engineering *--and--* Development Services Director	P&Z Commission	City Council
Side Lot Lines 90°/Radial to Street *Section 10.03.077(d)(1)*	Development Services Director	P&Z Commission	City Council
Lot Lines not Aligning with County, School District or Other Jurisdictional Boundary *Section10.03.077(d)(2)*	Development Services Director	P&Z Commission	City Council
Residential Lots Facing Similar Lots *Section 10.03.077(f)(3)*	Development Services Director	P&Z Commission	City Council
Subdivision Naming *Section 10.03.076(d)*	Development Services Director	P&Z Commission	City Council
Access to Park or Open Space *Section 10.03.081(b)(4)*	Development Services Director *--and--* Director of Parks	P&Z Commission	City Council
Relief from Development Standards *Zoning Ordinance*	Development Services Director	Board of Adjustment	City Council

Diagram 10.03.113: Median & Cross Access



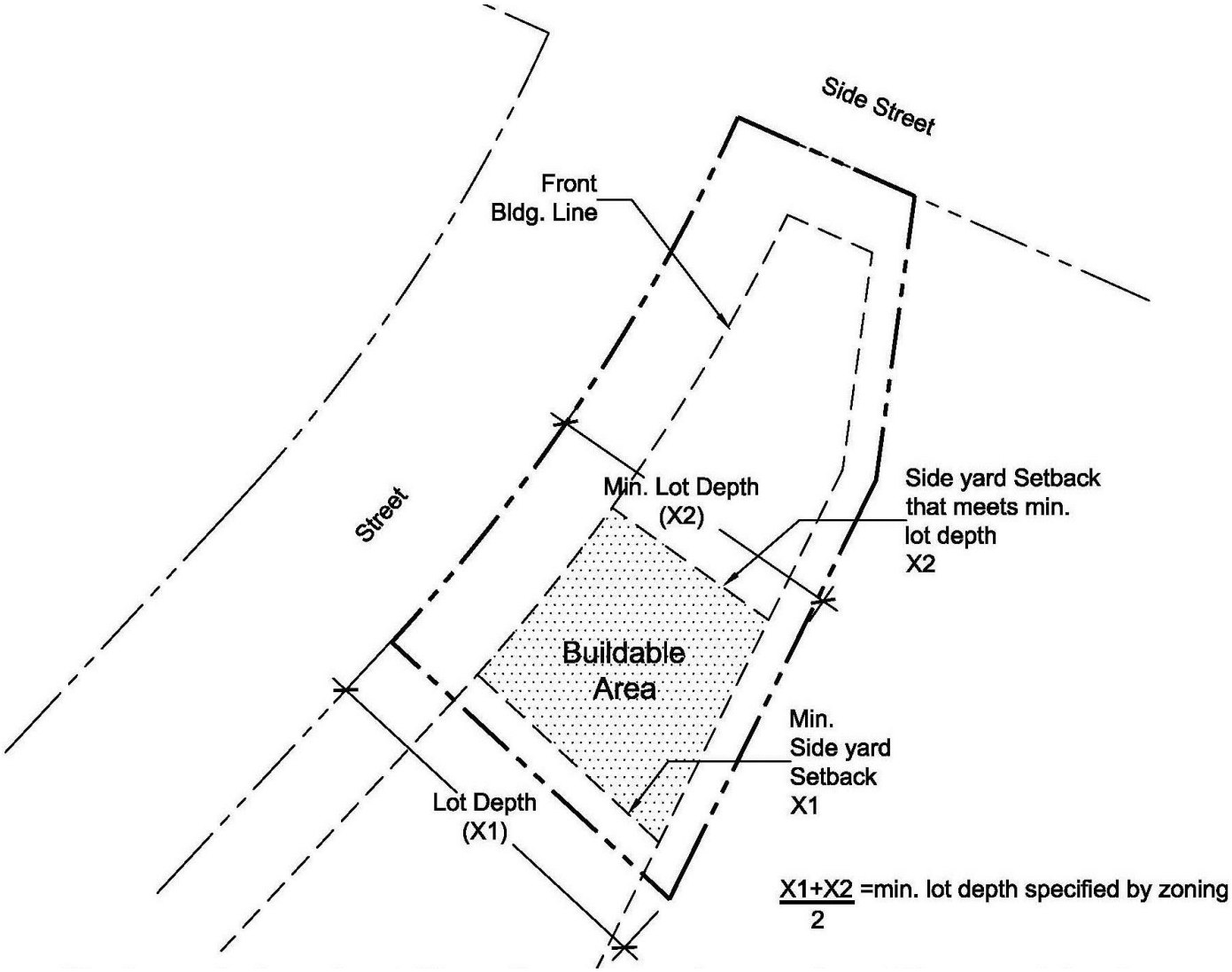
Attachment: ATTACHMENT B - Proposed Subdivision Ordinance for 6-19-18 P&Z Meeting (Subdivision Ordinance Revision)

Diagram 10.03.114 - Flag Lots



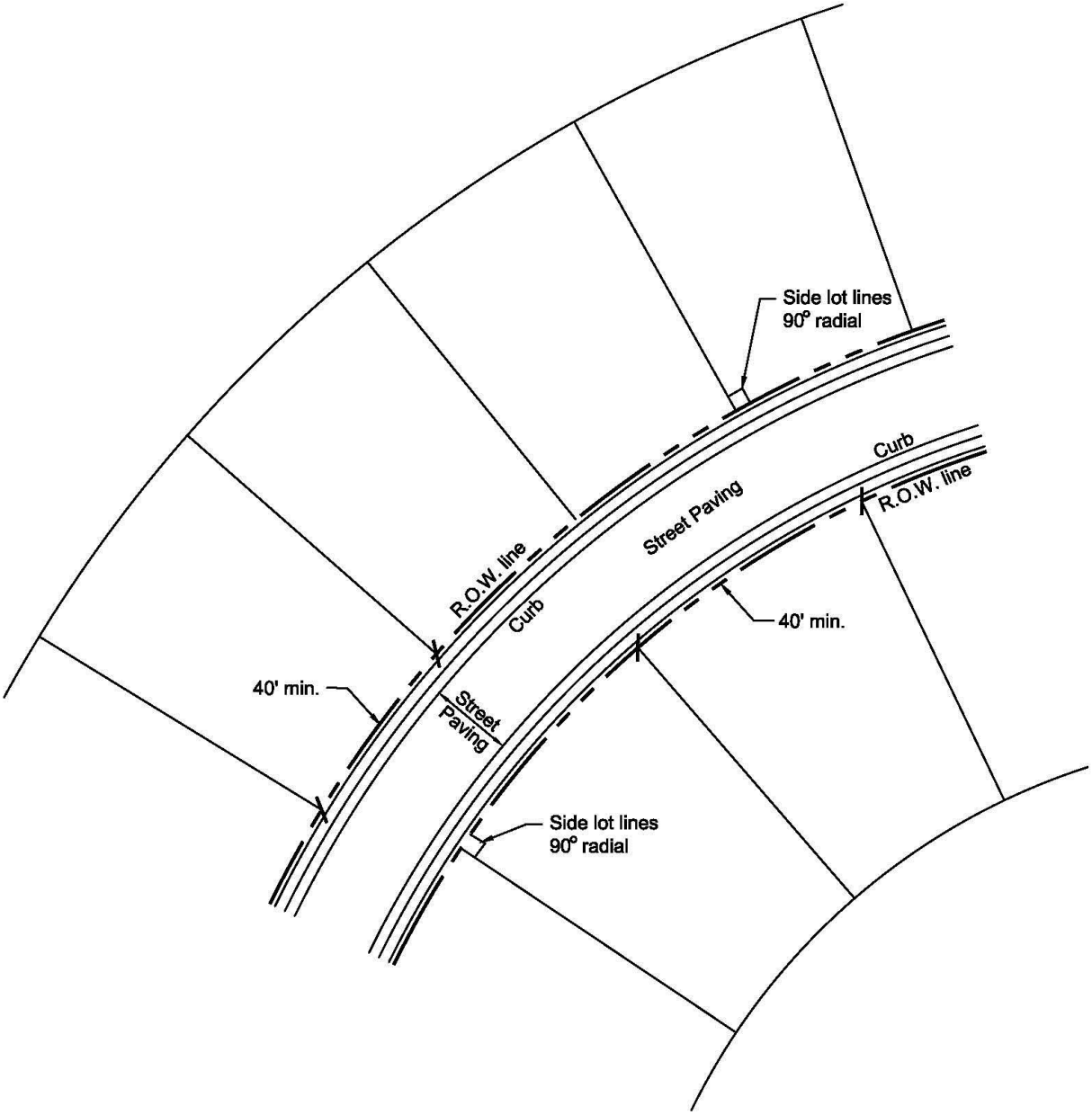
Attachment: ATTACHMENT B - Proposed Subdivision Ordinance for 6-19-18 P&Z Meeting (Subdivision Ordinance Revision)

Diagram 10.03.115 - Determining Lot Depth on an Irregular-Shaped Lots



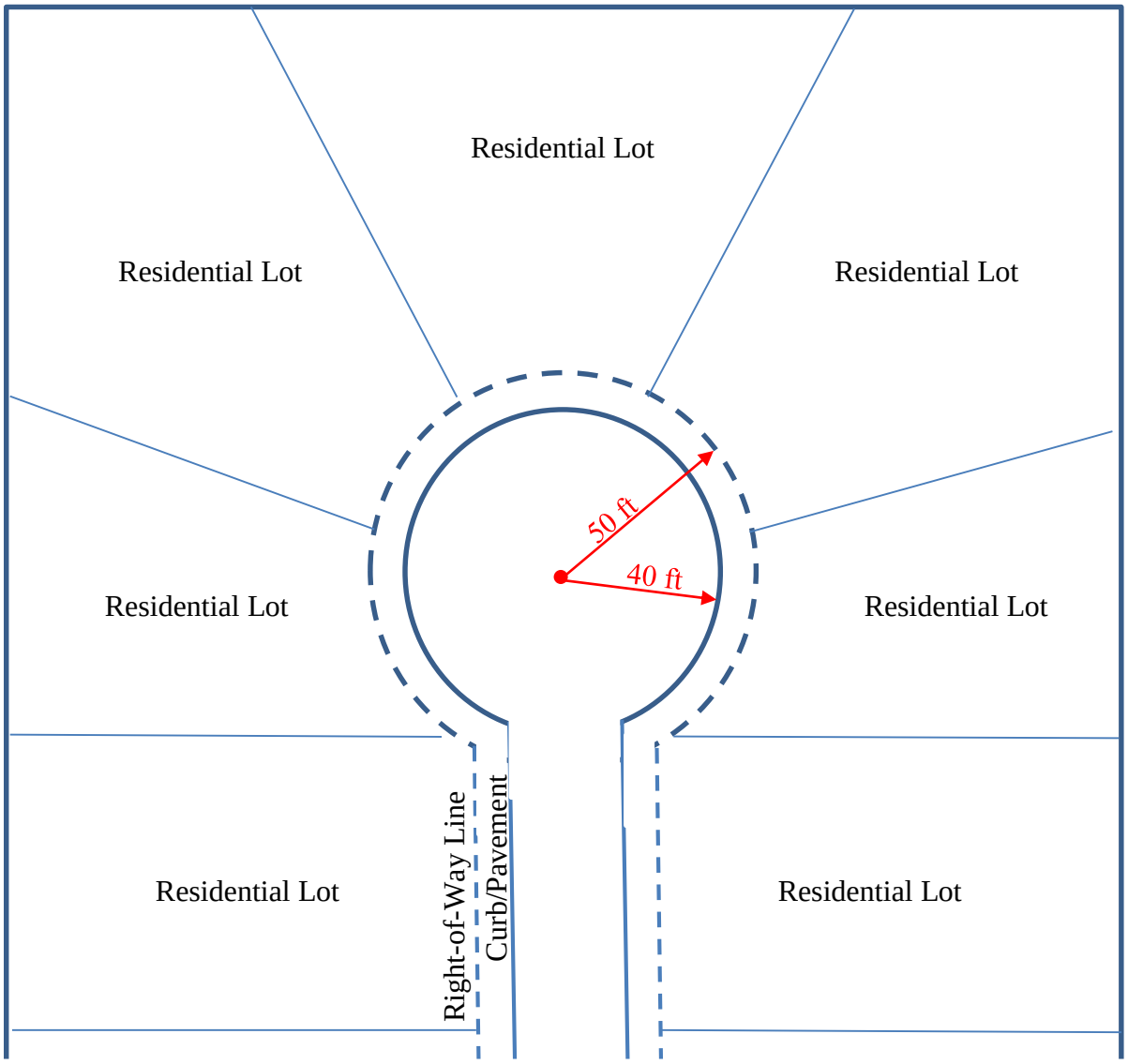
Attachment: ATTACHMENT B - Proposed Subdivision Ordinance for 6-19-18 P&Z Meeting (Subdivision Ordinance Revision)

Diagram 10.03.116 - Lot Street Frontage – Curved Streets



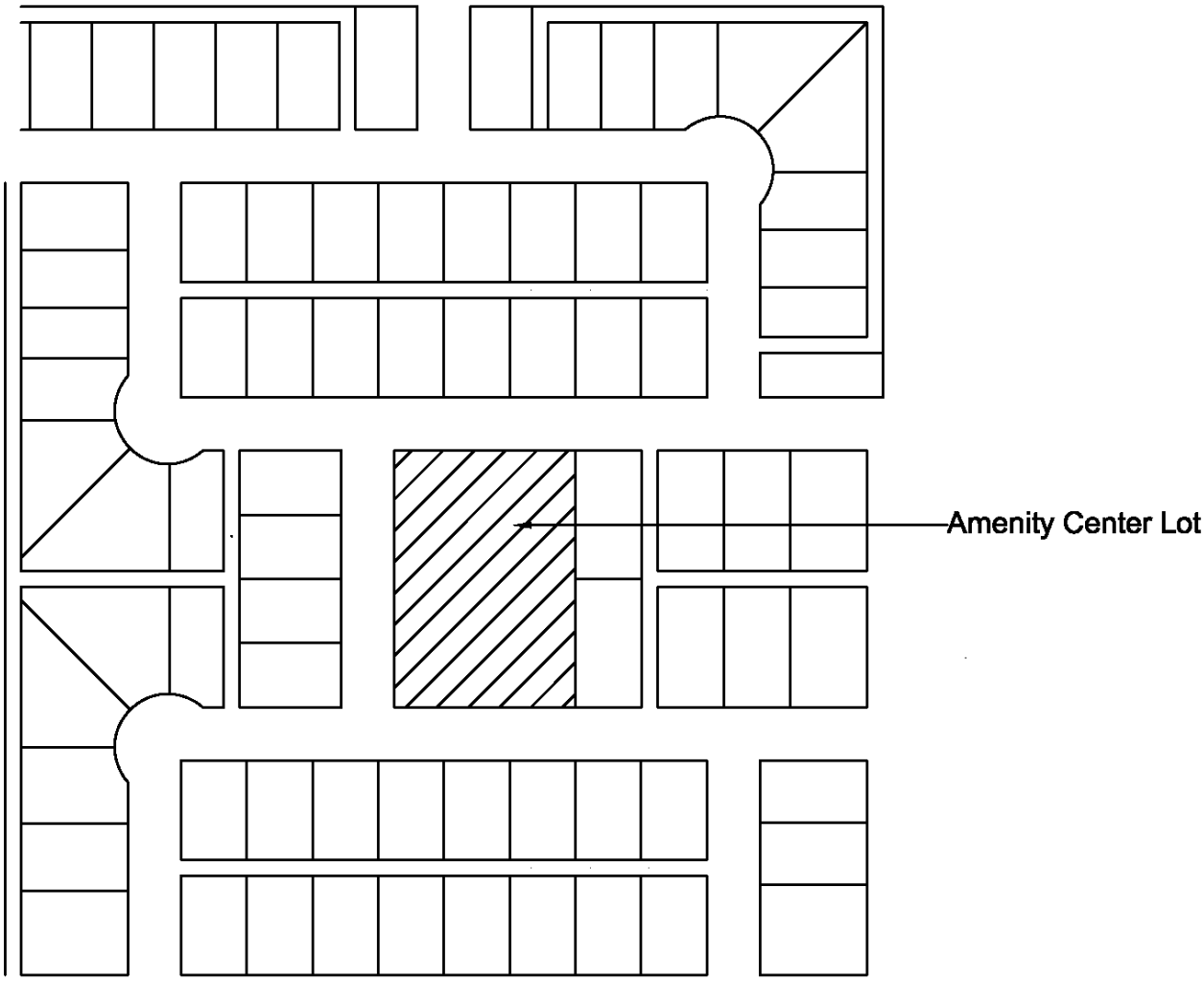
Attachment: ATTACHMENT B - Proposed Subdivision Ordinance for 6-19-18 P&Z Meeting (Subdivision Ordinance Revision)

Diagram 10.03.117 – Lot Frontage - Cul-de-Sac Lots, Minimum Dimensions



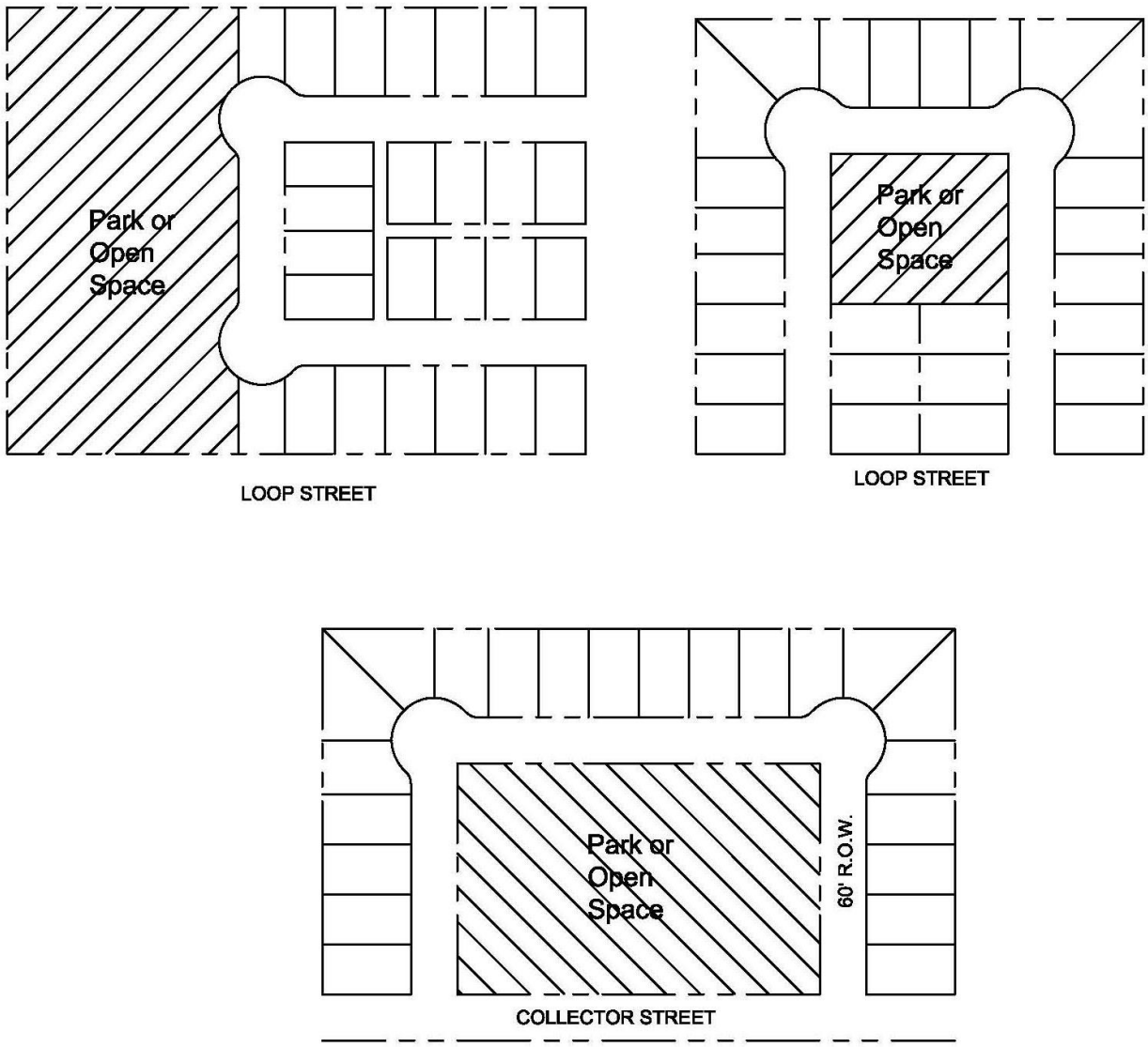
Attachment: ATTACHMENT B - Proposed Subdivision Ordinance for 6-19-18 P&Z Meeting (Subdivision Ordinance Revision)

Diagram 10.03.118 - Centrally Located Amenity Center



Attachment: ATTACHMENT B - Proposed Subdivision Ordinance for 6-19-18 P&Z Meeting (Subdivision Ordinance Revision)

Diagram 10.03.119 - Access & Lot Orientation to Parks and/or Open Space



Attachment: ATTACHMENT B - Proposed Subdivision Ordinance for 6-19-18 P&Z Meeting (Subdivision Ordinance Revision)

Development Services
City of Celina, Texas

Memorandum

To:	**Celina Planning and Zoning Commission**
From:	Raha Pouladi, Planner
CC:	Alexis Jackson, Director of Development Services
Date:	June 19, 2018
Re:	Parking Lot Regulations Amendment

Action Requested:
The Planning & Zoning Commission will conduct a public hearing to consider testimony and act upon an amendment to the City's Code of Ordinances, Chapter 3: Building Regulations, Article 3.09, Driveways and Parking Lots, to modify the requirements for parking lots for non-profit organizations and to bring certain driveway and parking lot construction standards into compliance with the adopted Engineering Design Standards. (Parking lot standards)

Background Information:
A request was made by a local church to install a temporary parking area. Staff proposes implementing a standard policy by incorporating a temporary parking section in Section 3.09, "Driveways and Parking Lots," of the Code of Ordinances. This would allow limited use of temporary, unpaved parking by non-profit organizations. A non-profit organization is defined by the Internal Revenue Service (IRS) as a "business granted tax-exempt status which are sometimes called NPOs or 501(c)(3) organizations based on the section of the tax code that permits them to operate." Use of the temporary surface material is allowed for a maximum of three (3) years before a permanent parking surface must be installed. The only parking material allowed is gravel. Materials not allowed include mulch, grass, and shredded recycled rubber tires.

In addition, the Engineering Department proposes minor changes in the same Section 3.09, "Driveways and Parking Lots," to bring the listed standards for driveways and fire lanes into compliance with those listed in the *Engineering Design Manual*. At the Planning and Zoning Commission meeting of May 15, 2018, the Commission suggested that the proposed standards for private driveways were too onerous and would add unwarranted costs to the construction of these private drives. The Commission voted to table the decision on this item until further information could be gathered.

A comparison of local communities indicates that 3,600 strength (psi) is the standard for residential driveways. The proposed ordinance text language has been changed to reflect this standard.

COMPARISON OF RESIDENTIAL DRIVEWAY STANDARDS			
City	***Residential Driveways***		
	Rebar (OC)	***Thickness***	***Strength***
Celina	#4 @18"	6" minimum	3600
McKinney	#3 @ 18"	match roadway	3000
Irving	#4 @ 18"	6" minimum	no specifics
Mansfield	#3 @ 18"	match roadway	3600
Allen	#3 @ 12"	6" minimum	3600
TxDOT	#3 @ 12"	6" minimum	3600
NCTCOG	#3 @ 24" #4 @ 30"	no specifics	no specifics

Board Review/Citizen Input:
A notice of the public hearing was published in *The Celina Record* on June 1, 2018. At the time of packet preparation, staff had received no comments either for or against the proposal.

Alternatives:
N/A

Financial Considerations:
N/A

Legal Review:
N/A

Supporting Document:
- Proposed Ordinance Wording

Staff Recommendation:
Staff recommends approval.

ATTACHMENT 1

ARTICLE 3.09 DRIVEWAYS AND PARKING LOTS

Sec. 3.09.001 Penalty

Any person violating or failing to comply with any provision of this article shall be fined, upon conviction, in a amount not more than $500.00. Separate offenses shall be deemed committed each day during or on which violation occurs or continues. (2004 Code, sec. 151.99(B))

Sec. 3.09.002 Purpose and intent; area of jurisdiction

The purpose and intent of this article is to provide minimum standards, provisions and requirements and to provi for suitable materials and methods of construction for newly constructed or reconstructed residential or commerci driveways and parking lots hereafter constructed or reconstructed within the corporate limits of the city or with any subdivision of the city located in the extraterritorial jurisdiction of the city. (2004 Code, sec. 151.20)

Sec. 3.09.003 Minimum construction standards

All new driveways and parking lots and all existing driveways and parking lots being constructed or reconstruct within the corporate limits of the city or within any subdivision located in the extraterritorial jurisdiction of the ci shall be constructed or reconstructed to provide and meet the following minimum standards, materials and metho of construction:

(1) Driveways and fire lanes.

(A) Residential: Minimum ten feet wide, five-inch (5") concrete, #3 rebar, 18-inch on center each way, a 3,600 psi.

(B) Commercial: Non fire lane parking shall be a minimum of five inch (5") concrete, #3 rebar, 18-inch center each way, 30-foot turning radius, 3,600 psi on six-inch lime stabilized subgrade. Two inch (2") extra concrete may be used in lieu of lime or cement-stabilized subgrade.

(C) Fire lanes: Fire lanes shall be a minimum of six (6) inches thick with a six inch (6") lime or ceme stabilized sub base, #3 rebar, 18-inch on center each way, 30-foot turning radius, and have a minimu strength of 4,000 psi. Two inches (2") extra concrete may be used in lieu of lime or cement-stabiliz subgrade.

(2) Parking lots.

(A) Permanent parking lots (Non fire lane). Minimum five-inch concrete, #3 rebar, 18-inch on center ea way, 3,600 psi on compacted subgrade.

(B) Not-for-profit temporary parking lots. Allowed only for not-for-profit organizations, as defined by t Internal Revenue Service (IRS), and limited to a maximum of three (3) years.

a) Permit required.
b) Proof of not-for-profit status must be provided with the application.
c) Applicants must own the property on which the temporary parking will be placed.
d) Applicants who are requesting a temporary parking lot for overflow parking for an existing la use must have met or meet all the required parking for the land use with permanent parki constructed to the standards listed in Section 3.09.003(2)(A), above.
e) Applicants who are requesting a temporary parking lot for a new structure must agree to provi the required parking for the land use with permanent parking constructed to the standards list in Section 3.09.003(2)(A), at the end of the time period allowed for the temporary unpav parking lot. Failure to install permanent parking for all required spaces may result in the loss the Certificate of Occupancy.
f) Extensions of up to twelve (12) months may be allowed at the discretion of the City Manager.
g) Material allowed: gravel.
h) Materials not allowed: mulch, grass, and shredded recycled rubber tires.

(3) Dumpster pads and related sites. Minimum six inch (6") concrete, #3 rebar, 18-inch on center each way, si inch lime or cement stabilized subgrade. Two inches (2") extra concrete can be used in lieu of lime or ceme stabilized sub-base.

Development Services
City of Celina, Texas

Memorandum

To:	**Celina Planning and Zoning Commission**
From:	Ben Rodriguez, Planning Manager
CC:	Alexis Jackson, Director of Development Services
Date:	June 19, 2018
Re:	Creeks of Legacy PD Amendment

Action Requested:
The Planning & Zoning Commission will conduct a public hearing to consider testimony and act upon a rezoning request to amend PD #46, Planned Development zoning district #46; being an approximately 368 acre tract of land situated in the Wm. Davenport Survey, Abstract No. 262 and the F.D. Gray Survey, Abstract Number 361, Collin County, Texas and the J. McKinn Survey, Abstract Number 889, the Wm. Phillips Survey, Abstract Number 1029 and the A. Thomasson Survey, Abstract Number 1265, Denton County, Texas; the property is generally located on the west and east sides of North Legacy Drive, and north of Frontier Parkway (CR 5). (Creeks of Legacy PD Amendment)

Owners:
CTMGT Frontier 80, LLC
1800 Valley View Lane, Suite 300
Farmers Branch, TX 75234

Celina Investment Partners Ltd.
5953 Dallas Pkwy Ste 200
Plano, TX 75093-8189

Background Information:
Creeks of Legacy is located at the approximate northeast and northwest corners of Frontier Parkway and Legacy Drive.

The property was originally rezoned from three individual separate properties, Planned Development District #20, Planned Development District #33, and a tract zoned C-1, Retail District to create Planned Development District #46.

The Planned Development for Creeks of Legacy allows for residential, commercial and mixed uses. The majority of the Planned Development district is comprised of the Creeks of Legacy residential subdivision with a mixed use component at the northeast corner of Frontier Parkway and Legacy Drive.

The applicant is requesting an amendment to the Planned Development District which will remove Collector "C" from the development. Currently Collector "C" serves as a divider between the Multi Family component of the mixed use district and the adjacent single family residential component. The owners of the mixed use tract

and residential subdivision have entered into an agreement which states that the future construction of the road will occur in the future if the collector road is needed for future access to the Mixed Use site.

The City's Engineer has analyzed the request and has found that there would be no adverse impact to the flow of traffic in the area if Collector "C" is removed.

Board Review/Citizen Input:
A notice of the public hearing was published in *The Celina Record* on June 1, 2018. Notices of the public hearing have been sent to all owners of property residing within the city limits, as indicated by the most recently approved Collin County tax rolls, who are located within 200 feet of the subject property. As of the time of packet preparation, staff had received one letter of opposition to the proposal.

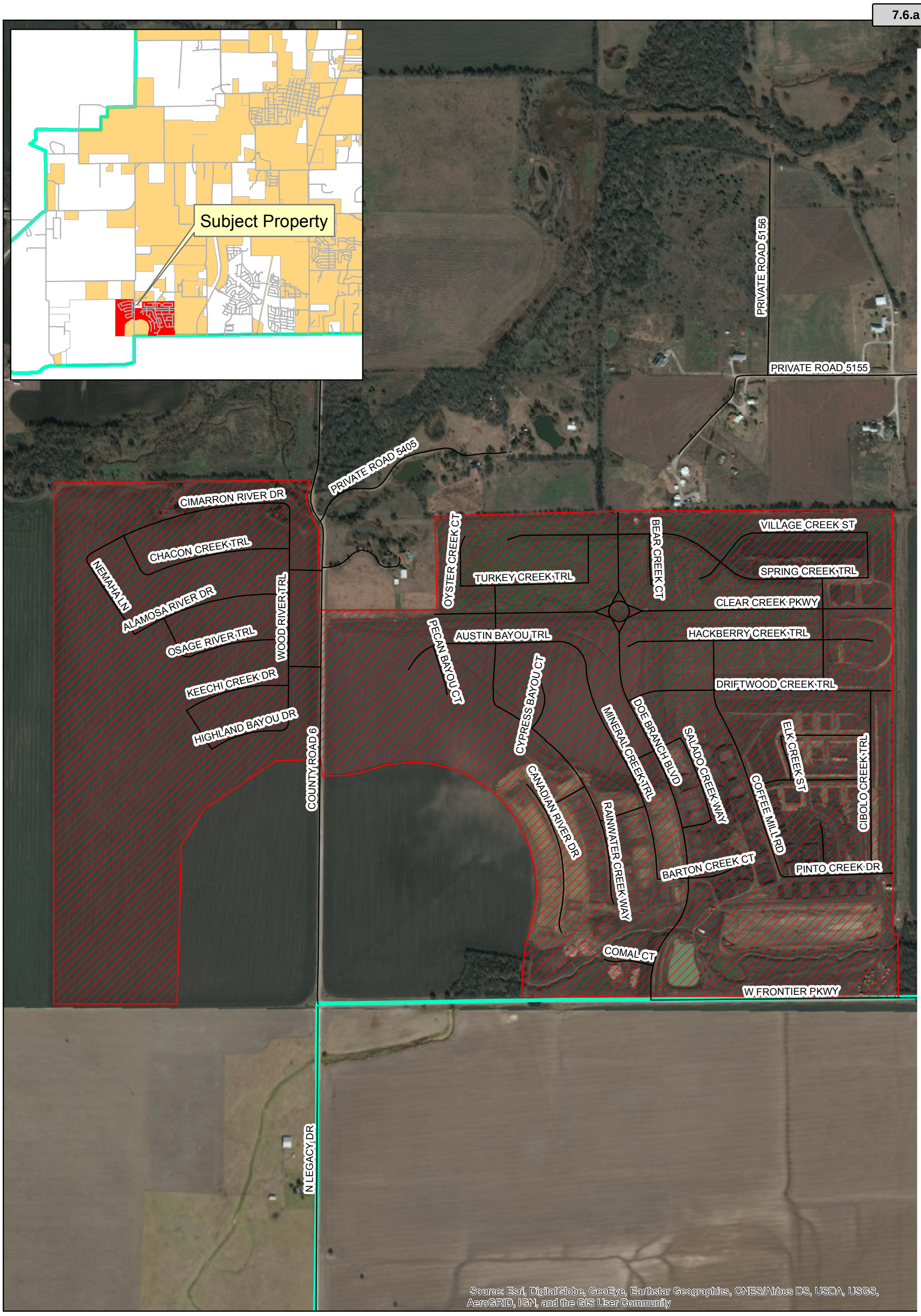
Alternatives:
N/A

Financial Considerations:
N/A

Legal Review:
N/A

Supporting Document:
- Location Map
- Existing Concept Plan
- Proposed Concept Plan
- Proposed Development Regulations
- Collector “C” Agreement
- Letter of Opposition

Staff Recommendation:
Staff recommends approval.



CELINA TEXAS EST. 1876

Location Map
Creeks of Legacy
PD Amendment

Date: 5/3/2018

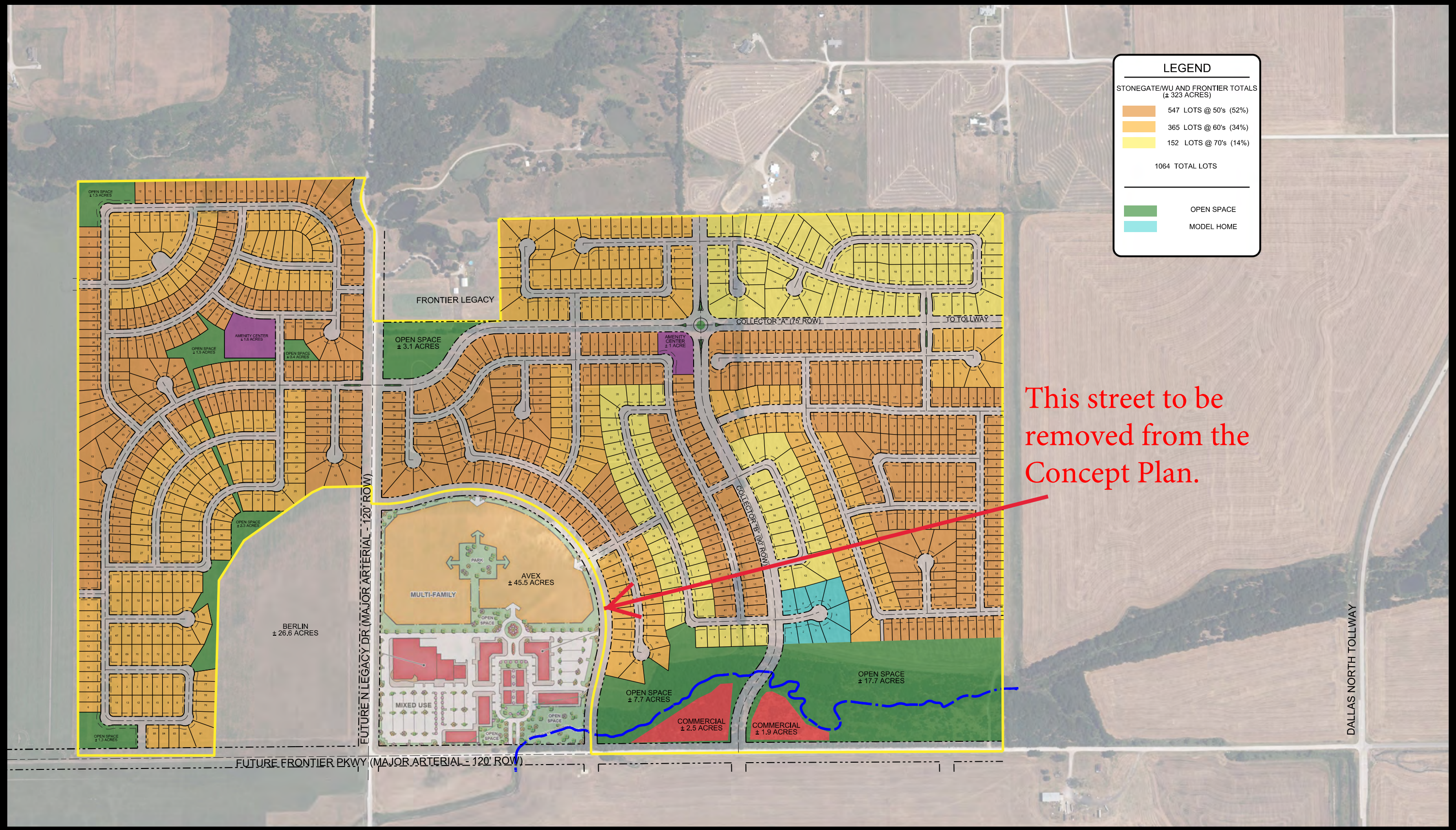
Legend

- Roads
- Creeks of Legacy
- ETJ Limits

N W E S

0 425 850 Feet

Attachment: CreeksofLegacyPDAmendment_LocationMap (Creeks of Legacy PD Amendment)

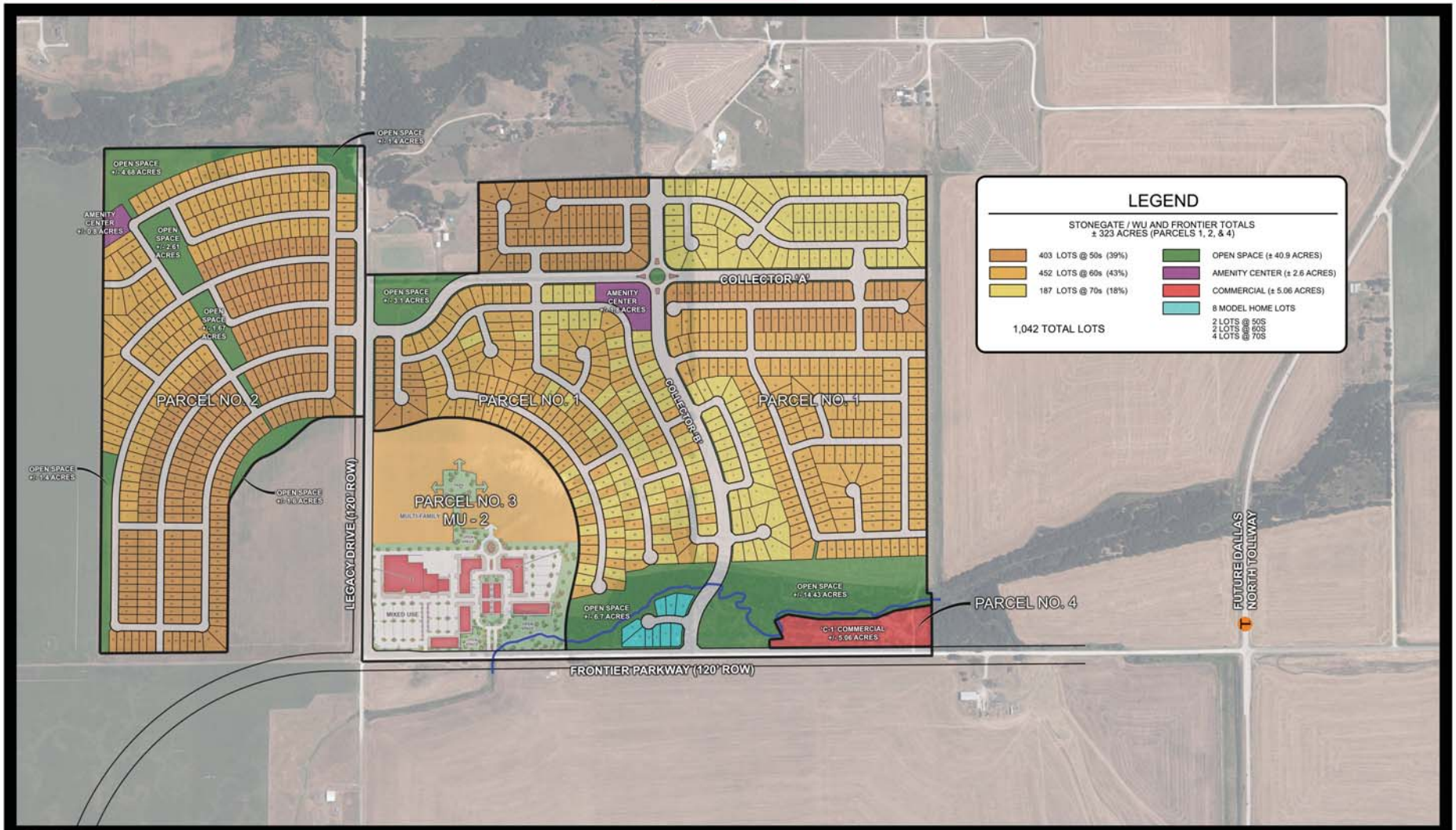


CONCEPT PLAN
FRONTIER
CELINA, TEXAS
FEBRUARY, 2014

PELOTON
LAND SOLUTIONS
5751 KROGER DR. STE. 185 | KELLER, TX 76244 | 817-562-3350

Attachment: Existing Concept Plan Map (Creeks of Legacy PD Amendment)

EXHIBIT "C"



CONCEPT PLAN

CREEKS OF LEGACY

CELINA, TEXAS

APRIL 2018

PELOTON LAND SOLUTIONS

7.6.c

AGREEMENT

THIS AGREEMENT (the "Agreement") is made and executed to be effective as of March 29, 2018, by and between **CELINA INVESTMENT PARTNERS, LTD.**, a Texas limited partnership ("Celina/Seller") and **CADG FRONTIER 192, LLC**, a Texas limited liability company ("CADG/Purchaser"). Celina/Seller and CADG/Purchaser are sometimes collectively referred to herein as the "Parties" and each of the Parties is sometimes singularly referred to herein as a "Party."

RECITALS

WHERAS, Celina/Seller and CADG/Purchaser entered into that certain Development Agreement dated September 6, 2013 and recorded in the Official County Records of Collin County, Texas under Instrument Number 2013090+001267580, which was amended by that certain First Amendment to Development Agreement dated August 11, 2014 (collectively, the "Development Agreement").

WHEREAS, Celina/Seller and CADG/Purchaser desire to modify the terms of the Development Agreement by entering into this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged and confirmed, Celina/Seller and CADG/Purchaser hereby agree as follows:

1. In consideration for amending the Development Agreement as provided in this Agreement, CADG/Purchaser agrees to do the following:

   a. Within three (3) business days of City Approval, provide Celina/Seller and the City of Celina, Texas approved construction plans for Frontier Parkway, Legacy Drive and the deceleration land and drive approaches described in paragraphs 1(d) and (e) below that impacts and borders the property owned by Celina/Seller.

   b. Within three (3) business days of the preconstruction meeting, provide Celina/Seller a construction scheduled for the construction of Frontier Parkway, Legacy Drive and the deceleration land and drive approaches described in paragraphs 1(d) and (e) below.

   c. Within three (3) business days of record drawing plan approval by City, provide record drawing plans for all utilities and detailed measurements for each stubbed utility that will service the Celina/Seller's property.

   d. Construct a deceleration lane along Frontier Parkway to allow driveway access along Frontier Parkway to serve Celina/Seller's property as shown on Exhibit "A" attached hereto and incorporated herein for all purposes by this reference.

   e. Construct four (4) drive approaches, two (2) along Frontier Parkway and two (2) along Legacy Drive. One (1) of these drive approaches shall be located at the closest location to the intersection of Frontier Parkway and Legacy Drive on Frontier Parkway (i.e., 75' east of Legacy Drive and Frontier Parkway). The second drive approach along Frontier Parkway shall be 500' east of Legacy Drive (at the proposed Frontier Parkway median opening). The third drive approach shall be located 500' north of Frontier Parkway on Legacy Drive at the proposed median opening and the fourth drive approach shall be located 1,000' north of Frontier Parkway on Legacy Drive and at the proposed median opening (see Exhibit "A" attached hereto and incorporated herein).

   f. Cause the exiting PD (PD 46) to be revised as follows by August 30, 2018:
      (i) The PD shall be redefined to include only the Celina/Seller tract.

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

(ii) Create the obligation that any future builder/developer on the Creeks of Legacy development (the property acquired and developed by CADG/Purchaser) will be solely responsible for constructing the masonry screening wall between the commercial/multifamily tract owned by Celina/Seller and the residential development of the Creeks of Legacy.

(iii) Create a provision within the PD (PD 46) which shall allow the land formerly encumbered by Collector "C" to become either retail/commercial or multifamily on the Celina/Seller tract, at Celina/Seller's sole option.

g. Execute and deliver, in recordable form, a Deed of the Collector "C" tract owned by CADG/Purchaser, approximately 2.18 acres to Celina/Seller by August 31, 2018.

h. Construct a Gabian Structure on the common property line of Celina/Seller and CADG/Purchaser located at the southeast corner of the Celina/Seller's tract as depicted on Exhibit "A" attached hereto and incorporated herein.

i. CADG/Purchaser agrees to import a minimum of 25,000 cubic yards of clean fill dirt material onto Celina/Seller's retail/commercial tract of approximately 25 acres (see Exhibit "A" attached hereto) and compact said material at the supervision of Kirkman Engineering, Shea Kirkman. Said import to occur on or before December 31, 2018. CADG/Purchaser will perform all of these services at its sole cost and expense.

2. Celina/Seller agrees to execute and deliver in recordable form the various easements (attached hereto as Exhibit "B" and incorporated herein by this reference for all purposes) needed for CADG/Purchaser to complete its obligations set forth in paragraph 1 hereof.

3. CADG/Purchaser shall use its best commercial efforts to complete the items in paragraph 1 above no later than December 31, 2018. During the period of time for which this Agreement is in effect, Celina/Seller agrees to not attempt to enforce the Development Agreement against CADG/Purchaser, including attempting to collect any penalties provided therein.

4. In the event all of the obligations set forth in this Agreement are not met by CADG/Purchaser on or before December 31, 2018 (subject to extensions resulting from force majeure and delays caused by Celina/Seller), this Agreement shall become null and void and the existing Development Agreement shall control.

5. In the event CADG/Purchaser meets all of its obligations contained herein on or before December 31, 2018 (subject to extensions resulting from force majeure and delays caused by Celina/Seller), Celina/Seller agrees to waive all penalties described in and dissolve the current Development Agreement and CADG/Purchaser shall be relieved of any and all obligations contained in the Development Agreement, including any and all penalties or damages associated therewith.

6. If this Agreement has not been fully executed, notarized and returned to Celina/Seller and Celina/Seller's attorney, Marc Hesse, by March 22, 2018 at 5:00 p.m. CST, this Agreement shall be null and void and of no further effect.

[SIGNATURE PAGES TO FOLLOW]

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the date first written above.

CELINA/SELLER:

CELINA INVESTMENT PARTNERS, LTD.,
a Texas limited partnership

By: Lanterra Interests, LLC
a Texas limited liability company
its general partner

By: Frank Babb
Name: Frank Babb, President

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared Frank Babb, the President of Lanterra Interests, LLC, the General Partner of Celina Investment Partners, Ltd., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me, that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated on behalf of the companies.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 29th day of March, 2018.

Alice D. Bueto
Notary Public in and for the State of Texas

ALICE D BUETO
NOTARY PUBLIC
State of Texas
Comm. Exp. 07/25/2018

Alice D. Bueto
Notary's Printed Name:

My Commission Expires: 7-25-18

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

CADG/PURCHASER:
CADG FRONTIER 192, LLC,
a Texas limited liability company

By: CADG Holdings, LLC,
a Texas limited liability company
Sole Member

By: MMM Ventures, LLC,
a Texas limited liability company
Manager

By: 2M Ventures, LLC,
a Delaware limited liability company
Manager

By: _____
Name: Mehrdad Moayedi, Manager

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared Mehrdad Moayedi, Manager of 2M Ventures, LLC, a Delaware limited liability company, as Manager of MMM Ventures, LLC, a Texas limited liability company, as Manager of CADG Holdings, LLC, a Texas limited liability company, as Sole Member of CADG Frontier 192, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me, that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated on behalf of the companies.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21 day of March, 2018.

TREVOR KOLLINGER
Notary Public, State of Texas
Comm. Expires 01-05-2021
Notary ID 130950327

T. Kollinger
Notary Public in and for the State of Texas

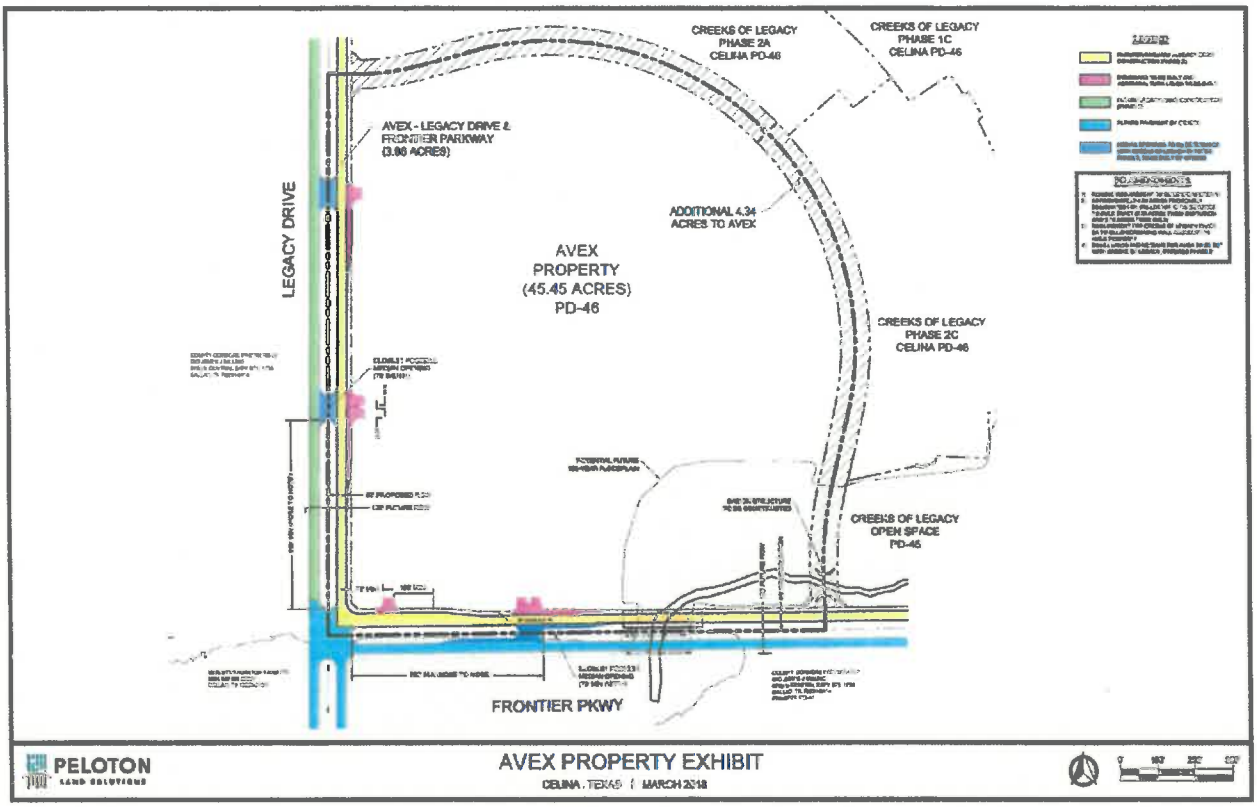
Trevor Kollinger
Notary's Printed Name:

My Commission Expires: 01-05-21

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

EXHIBIT "A"

[See attached]



Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

EXHIBIT "B"
EASEMENTS

[See attached]

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

CITY OF CELINA
DRAINAGE EASEMENT

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN §

THAT WE, Celina Investment Partners, LTD, hereinafter referred to as GRANTOR, whether one or more, for and in consideration of the sum of Ten Dollars ($10.00) cash and other good and valuable consideration to Grantor(s) in hand paid by the City of Celina, hereinafter referred to as Grantee, the receipt and sufficiency of which is hereby acknowledged, have this day Granted and Conveyed, and by these presents do Grant and Convey, unto the Grantee, a municipal corporation situated in Collin County, Texas, and Denton County, Texas, a permanent and perpetual non-exclusive easement (the "Variable Width Drainage Easement") for the purpose of installing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing, and operating drainage facilities in, into, upon, over, across, under and all through all that land in Collin County, Texas, and being more particularly described in Exhibit "A" (the "Property"), which is attached hereinto and incorporated herein for any and all purposes, together with the right of ingress and egress as necessary for Permanent Drainage Easement.

GRANTOR covenants and agrees that GRANTOR and GRANTOR'S heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under the Permanent Drainage Easement granted herein any temporary or permanent structures, and it is further agreed that GRANTEE shall have the right to excavate and fill upon said Permanent Drainage Easement and to remove from said Permanent Drainage Easement, structures, any fences, buildings or other obstructions as may now be found upon said Permanent Drainage Easement. Whenever the activities of GRANTEE or its agents, representatives, contractors, invitees, successors or assigns, shall directly and adversely affect the Property, GRANTEE shall promptly restore the Property so affected to as nearly as practicable the same condition in which they existed prior to such activity.

It is further intended that the Permanent Drainage Easement herein granted to the GRANTEE shall run with the land and forever be a right in and to the land belonging to GRANTOR, and GRANTOR'S successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in GRANTOR'S chain of title. The Permanent Drainage Easement, rights and privileges granted therein are non-exclusive. GRANTOR reserves for itself and its successors and assigns the right to use all or part of the Permanent Drainage Easement and the right to convey to others the right to use all or part of the Permanent Drainage Easement, as long as such use or conveyance does not conflict with the GRANTEE'S rights hereunder; GRANTOR covenants that it will not convey any other easement or conflicting rights within the area covered by the grant to any other person.

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

TO HAVE AND TO HOLD the above-described Permanent Drainage Easement with the right of ingress and egress thereto, together with all and singular the rights and appurtenances thereto in any wise belonging unto GRANTEE, its successors and assigns, forever, and GRANTOR does hereby bind itself, its heirs, successors and assigns to warrant and forever defend, all and singular, the said premises, subject to all matters now of record affecting said premises, unto the GRANTEE, its successors and permitted assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under GRANTOR, but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 20_____.

BY:_____

Printed Name: _____
Title: GRANTOR

BY:_____

Printed Name: _____
Title: GRANTOR

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____day of _____, 20_____.

_____

_____
Notary Public, State of Texas

My commission expires: _____

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

EXHIBIT "A"
Variable Width
Drainage Easement

BEING a portion of that tract of land situated in the Wm. Davenport Survey, Abstract Number 262, City of Celina, Collin County, Texas described by deed to Celina Investment Partners, LTD., recorded in Volume 5916, Page 862, CTMGT Frontier 80, LLC., Official Public Records, Collin County, Texas and being more particularly described as follows:

COMMENCING at the southeast corner of a tract of land of said Celina Investment Partners, LTD. tract;

THENCE N 01°02'21" W, 75.00 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set for the **Point of Beginning**;

THENCE S 89°18'16" W, 34.93 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set;

THENCE N 00°41'44" W, 90.00 feet;

THENCE N 89°18'16" E, 33.15 feet to the beginning of a curve to the left;

THENCE with said curve to the left, an arc distance of 67.51 feet, through a central angle of 04°00'31", having a radius of 965.00 feet, the long chord which bears S 02°05'22" E, 67.50 feet;

THENCE S 01°02'21" E, 22.52 feet to the **Point of Beginning** and containing 3,051 square feet of land more or less.

"Integral parts of this document"
1. Description
2. Exhibit

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM NAD83, NORTH CENTRAL ZONE 4202.

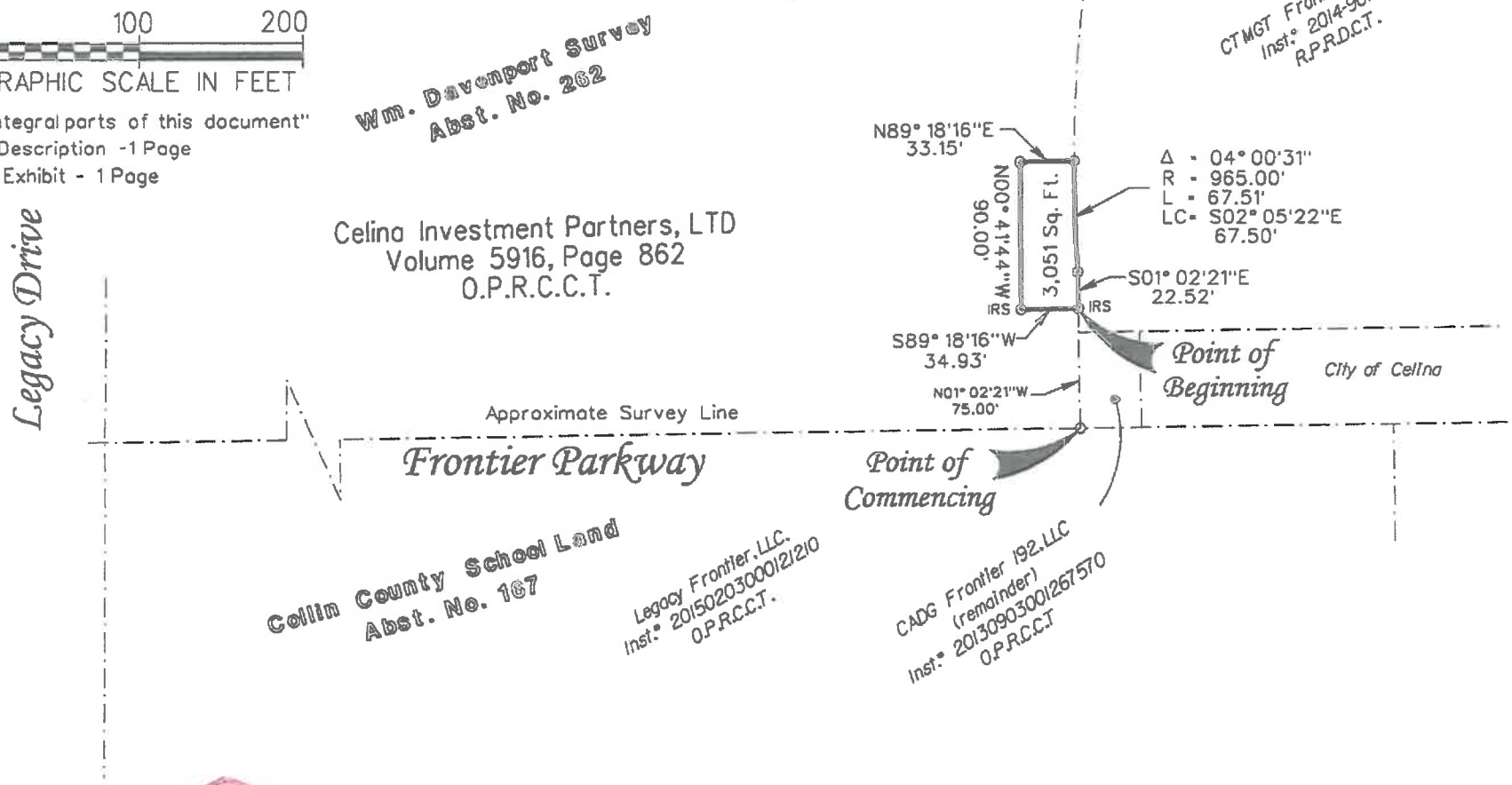
IRS - IRON ROD SET

N

0 100 200

GRAPHIC SCALE IN FEET

"Integral parts of this document"
1. Description -1 Page
2. Exhibit - 1 Page



STATE OF TEXAS
REGISTERED
TODD A. BRIDGES
4940
PROFESSIONAL
LAND SURVEYOR

11-2-17

EXHIBIT "A"

Variable Width Drainage Easement

SITUATED IN THE WM. DAVENPORT SURVEY
ABSTRACT NUMBER 262, CITY OF CELINA,
COLLIN COUNTY, TEXAS

TBPLS Firm Reg No. 10177700

Copyright © 2017 Peloton Land Solutions, Inc.

PELOTON LAND SOLUTIONS
9800 HILLWOOD PARKWAY, SUITE 250
FORT WORTH, TEXAS 76177 PH # 817-562-3350

JOB # CEN13006 | DRAWN BY: SRAMSEY | CHECKED BY: TBRIDGES | DATE: 08-28-17 | PAGE #2 of 2

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Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

CITY OF CELINA
DRAINAGE EASEMENT

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN §

THAT WE, Celina Investment Partners, LTD, hereinafter referred to as GRANTOR, whether one or more, for and in consideration of the sum of Ten Dollars ($10.00) cash and other good and valuable consideration to Grantor(s) in hand paid by the City of Celina, hereinafter referred to as Grantee, the receipt and sufficiency of which is hereby acknowledged, have this day Granted and Conveyed, and by these presents do Grant and Convey, unto the Grantee, a municipal corporation situated in Collin County, Texas, and Denton County, Texas, a permanent and perpetual non-exclusive easement (the "50 Foot Wide Drainage Easement") for the purpose of installing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing, and operating drainage facilities in, into, upon, over, across, under and all through all that land in Collin County, Texas, and being more particularly described in Exhibit "A" (the "Property"), which is attached hereinto and incorporated herein for any and all purposes, together with the right of ingress and egress as necessary for Permanent Drainage Easement.

GRANTOR covenants and agrees that GRANTOR and GRANTOR'S heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under the Permanent Drainage Easement granted herein any temporary or permanent structures, and it is further agreed that GRANTEE shall have the right to excavate and fill upon said Permanent Drainage Easement and to remove from said Permanent Drainage Easement, structures, any fences, buildings or other obstructions as may now be found upon said Permanent Drainage Easement. Whenever the activities of GRANTEE or its agents, representatives, contractors, invitees, successors or assigns, shall directly and adversely affect the Property, GRANTEE shall promptly restore the Property so affected to as nearly as practicable the same condition in which they existed prior to such activity.

It is further intended that the Permanent Drainage Easement herein granted to the GRANTEE shall run with the land and forever be a right in and to the land belonging to GRANTOR, and GRANTOR'S successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in GRANTOR'S chain of title. The Permanent Drainage Easement, rights and privileges granted therein are non-exclusive. GRANTOR reserves for itself and its successors and assigns the right to use all or part of the Permanent Drainage Easement and the right to convey to others the right to use all or part of the Permanent Drainage Easement, as long as such use or conveyance does not conflict with the GRANTEE'S rights hereunder; GRANTOR covenants that it will not convey any other easement or conflicting rights within the area covered by the grant to any other person.

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

TO HAVE AND TO HOLD the above-described Permanent Drainage Easement with the right of ingress and egress thereto, together with all and singular the rights and appurtenances thereto in any wise belonging unto GRANTEE, its successors and assigns, forever, and GRANTOR does hereby bind itself, its heirs, successors and assigns to warrant and forever defend, all and singular, the said premises, subject to all matters now of record affecting said premises, unto the GRANTEE, its successors and permitted assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under GRANTOR, but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 20_____.

BY:_____

Printed Name: _____
Title: GRANTOR

BY:_____

Printed Name: _____
Title: GRANTOR

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____day of _____, 20_____.

_____

_____
Notary Public, State of Texas

My commission expires: _____

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

EXHIBIT "A"
50 Foot Wide Drainage Easement

BEING a portion of that tract of land situated in the Wm. Davenport Survey, Abstract Number 262, City of Celina, Collin County, Texas described by deed to Celina Investment Partners, LTD., recorded in Volume 5916, Page 862, CTMGT Frontier 80, LLC., Official Public Records, Collin County, Texas and being more particularly described as follows:

COMMENCING at the southeast corner of a tract of land of said Celina Investment Partners, LTD. tract;

THENCE N 01°02'21" W, 60.00 feet;

THENCE S 89°18'16" W, 336.07 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set for the **Point of Beginning**;

THENCE S 89°18'16" W, 180.00 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set;

THENCE N 00°16'57" W, 50.00 feet;

THENCE N 89°18'16" E, 180.00 feet;

THENCE S 00°16'57" E, 50.00 feet to the **Point of Beginning** and containing 9,000 square feet of land more or less.

"Integral parts of this document"
1. Description
2. Exhibit

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM NAD83, NORTH CENTRAL ZONE 4202

IRS - IRON ROD SET

N

0 100 200

GRAPHIC SCALE IN FEET

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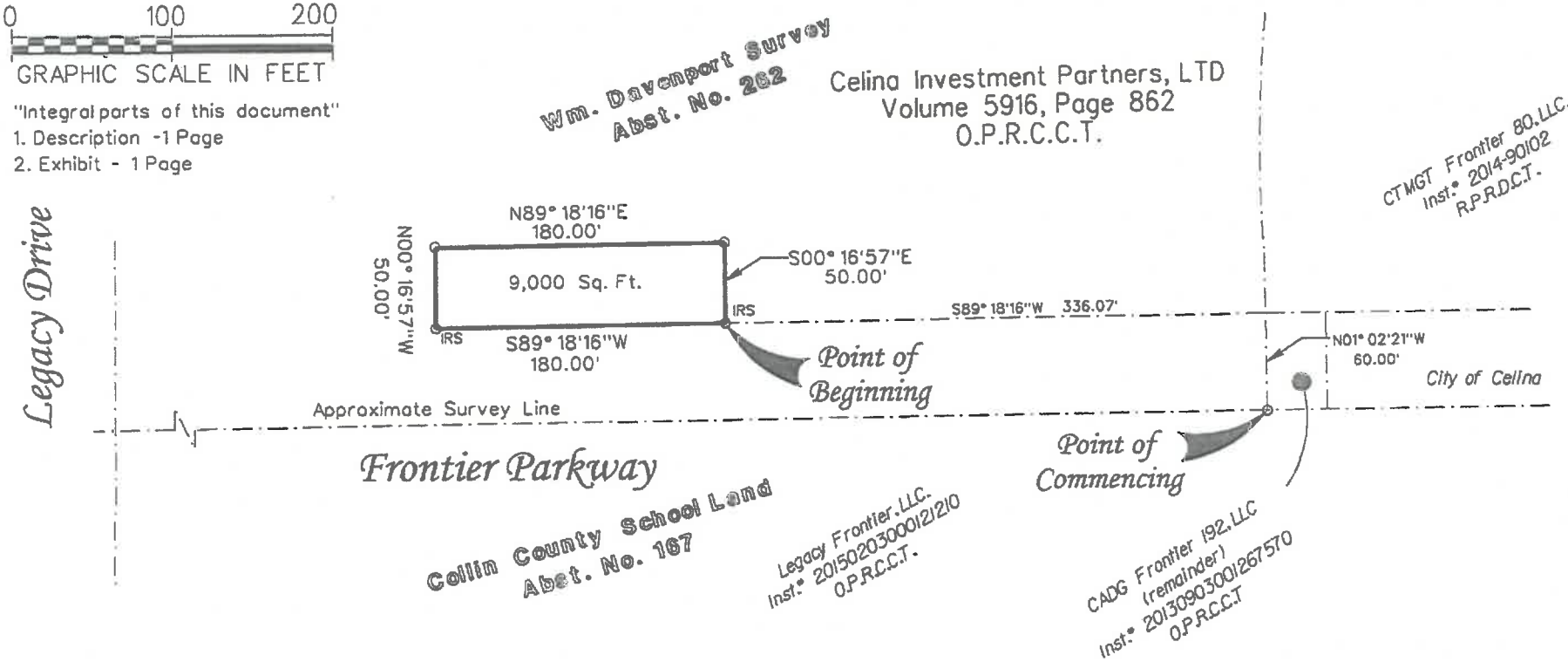
1. Description -1 Page
2. Exhibit - 1 Page



STATE OF TEXAS
REGISTERED
TODD A. BRIDGES
4940
PROFESSIONAL
LAND SURVEYOR

11-3-17

EXHIBIT "A"

50 Foot Wide Drainage Easement

SITUATED IN THE WM. DAVENPORT SURVEY
ABSTRACT NUMBER 262, CITY OF CELINA,
COLLIN COUNTY, TEXAS

TBPLS Firm Reg No. 10177700

Copyright © 2017 Peloton Land Solutions, Inc.

PELOTON LAND SOLUTIONS
9800 HILLWOOD PARKWAY, SUITE 250
FORT WORTH, TEXAS 76177 PH # 817-562-3350

JOB #	DRAWN BY:	CHECKED BY:	DATE:	PAGE #
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CITY OF CELINA
DRAINAGE EASEMENT

THE STATE OF TEXAS §

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COUNTY OF COLLIN §

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GRANTOR covenants and agrees that GRANTOR and GRANTOR'S heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under the Permanent Drainage Easement granted herein any temporary or permanent structures, and it is further agreed that GRANTEE shall have the right to excavate and fill upon said Permanent Drainage Easement and to remove from said Permanent Drainage Easement, structures, any fences, buildings or other obstructions as may now be found upon said Permanent Drainage Easement. Whenever the activities of GRANTEE or its agents, representatives, contractors, invitees, successors or assigns, shall directly and adversely affect the Property, GRANTEE shall promptly restore the Property so affected to as nearly as practicable the same condition in which they existed prior to such activity.

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IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 20_____.

BY:_____

Printed Name: _____
Title: GRANTOR

BY:_____

Printed Name: _____
Title: GRANTOR

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF COLLIN §

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GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____day of _____, 20_____.

_____

_____
Notary Public, State of Texas

My commission expires: _____

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EXHIBIT "A"
60 Foot Wide Drainage Easement

BEING a portion of that tract of land situated in the Wm. Davenport Survey, Abstract Number 262, City of Celina, Collin County, Texas described by deed to Celina Investment Partners, LTD., recorded in Volume 5916, Page 862, CTMGT Frontier 80, LLC., Official Public Records, Collin County, Texas and being more particularly described as follows:

COMMENCING at the southeast corner of a tract of land of said Celina Investment Partners, LTD. tract;

THENCE N 01°02'21" W, 60.00 feet;

THENCE S 89°18'14" W, 175.67 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set for the **Point of Beginning**;

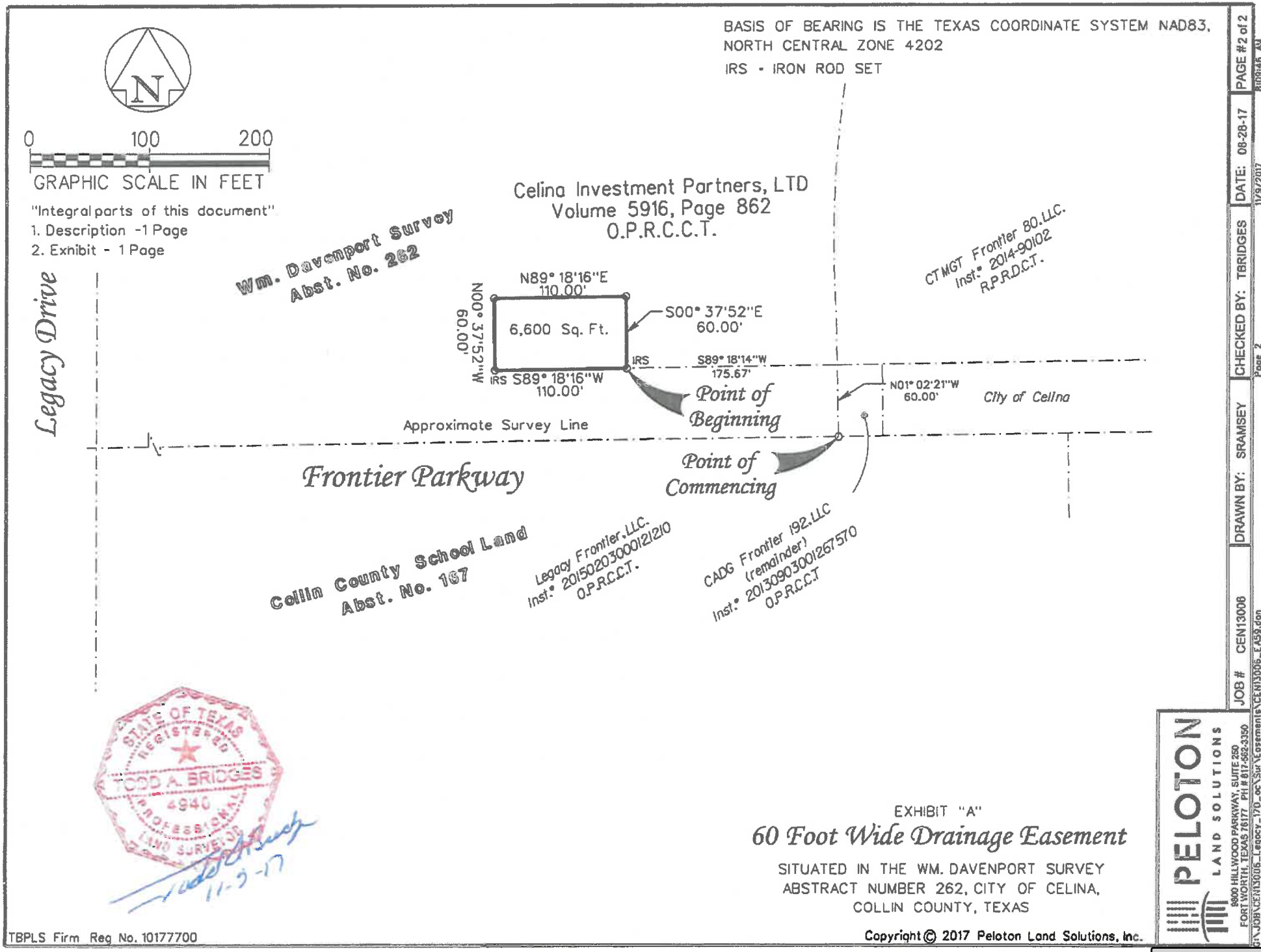
THENCE S 89°18'16" W, 110.00 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set;

THENCE N 00°37'52" W, 60.00 feet;

THENCE N 89°18'16" E, 110.00 feet;

THENCE S 00°37'52" E, 60.00 feet to the **Point of Beginning** and containing 6,600 square feet of land more or less.

"Integral parts of this document"
1. Description
2. Exhibit



Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

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CITY OF CELINA
DRAINAGE EASEMENT

THE STATE OF TEXAS §

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It is further intended that the Permanent Drainage Easement herein granted to the GRANTEE shall run with the land and forever be a right in and to the land belonging to GRANTOR, and GRANTOR'S successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in GRANTOR'S chain of title. The Permanent Drainage Easement, rights and privileges granted therein are non-exclusive. GRANTOR reserves for itself and its successors and assigns the right to use all or part of the Permanent Drainage Easement and the right to convey to others the right to use all or part of the Permanent Drainage Easement, as long as such use or conveyance does not conflict with the GRANTEE'S rights hereunder; GRANTOR covenants that it will not convey any other easement or conflicting rights within the area covered by the grant to any other person.

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

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IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 20_____.

BY:_____

Printed Name: _____
Title: GRANTOR

BY:_____

Printed Name: _____
Title: GRANTOR

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____day of _____, 20_____.

_____

_____
Notary Public, State of Texas

My commission expires: _____

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

EXHIBIT "A"
A Variable Width
Drainage Easement

BEING a portion of that tract of land situated in the Wm. Davenport Survey, Abstract Number 262, City of Celina, Collin County, Texas described by deed to Celina Investment Partners, LTD., recorded in Volume 5916, Page 862, CTMGT Frontier 80, LLC., Official Public Records, Collin County, Texas and being more particularly described as follows:

COMMENCING at the southeast corner of a tract of land of said Celina Investment Partners, LTD. tract;

THENCE N 01°02'21" W, 60.00 feet;

THENCE S 89°49'40" W, 1,204.41 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set for the **Point of Beginning;**

THENCE S 89°18'16" W, 31.10 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set;

THENCE N 45°20'57" W, 26.32 feet;

THENCE N 00°29'59" E, 21.28 feet;

THENCE N 89°18'30" E, 50.01 feet;

THENCE S 00°31'39" W, 40.01 feet to the **Point of Beginning** and containing 1,823 square feet of land more or less.

"Integral parts of this document"
1. Description
2. Exhibit

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM NAD83, NORTH CENTRAL ZONE 4202.

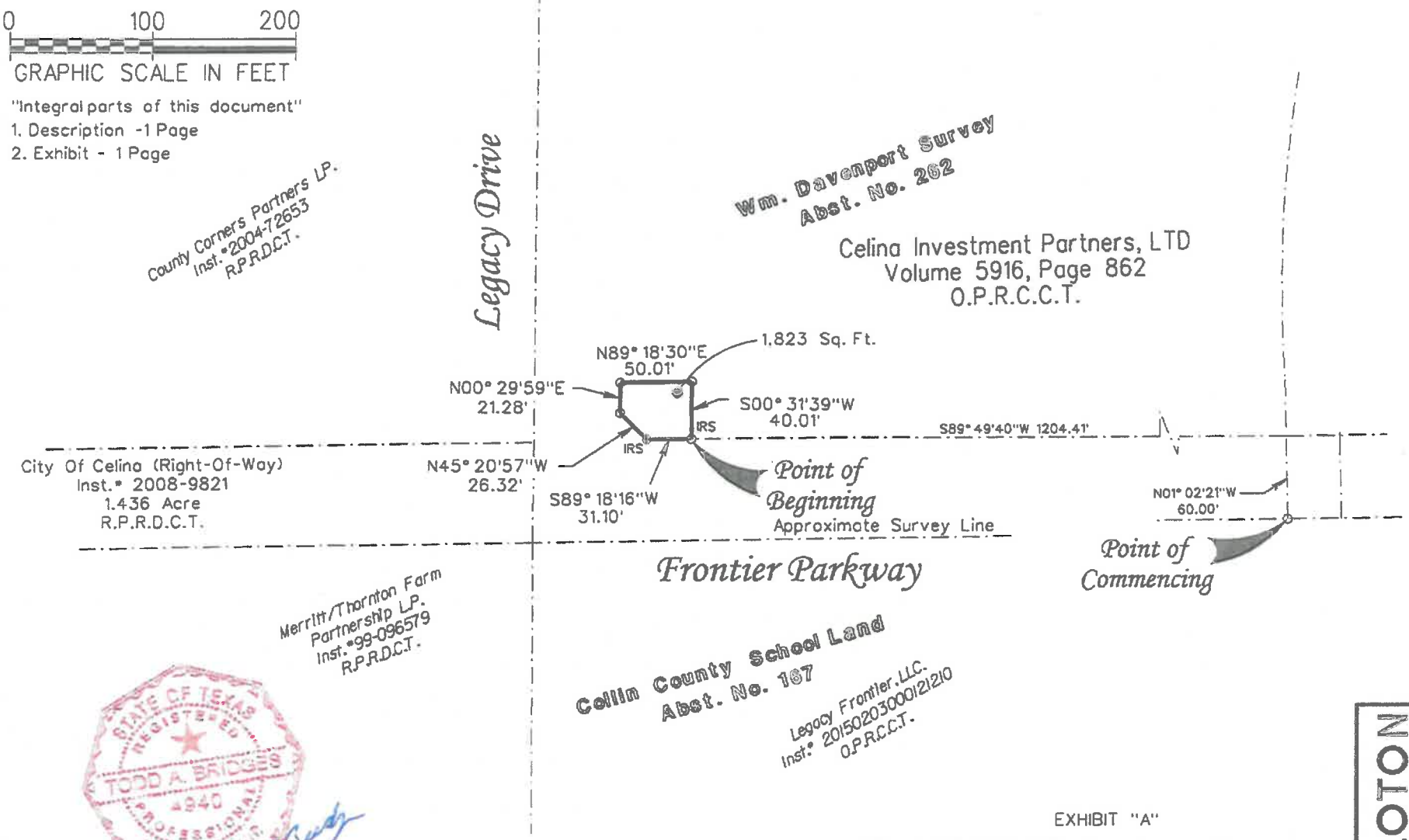
IRS - IRON ROD SET

N

0 100 200

GRAPHIC SCALE IN FEET

"Integral parts of this document"
1. Description -1 Page
2. Exhibit - 1 Page



STATE OF TEXAS REGISTERED TODD A. BRIDGES 4940 PROFESSIONAL LAND SURVEYOR

11-3-17

EXHIBIT "A"

Variable Width Drainage Easement

SITUATED IN THE WM. DAVENPORT SURVEY
ABSTRACT NUMBER 262, CITY OF CELINA,
COLLIN COUNTY, TEXAS

TBPLS Firm Reg No. 10177700

Copyright © 2017 Peloton Land Solutions, Inc.

PELOTON LAND SOLUTIONS
9800 HILLWOOD PARKWAY, SUITE 250
FORT WORTH, TEXAS 76177 PH # 817-562-3350

JOB #	DRAWN BY:	CHECKED BY:	DATE:	PAGE #2 of 2
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		Page 2	11/9/2017	

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Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

EXHIBIT "D"

Zoning Amendment for:

CREEKS OF LEGACY

CENTURION AMERICAN

PLANNED DEVELOPMENT (PD #46)
In
Celina, Texas

June 7, 2018

Prepared By:

PELOTON
LAND SOLUTIONS

10875 John W. Elliot Dr., Suite 400 • Frisco, Texas 75033

PLANNED DEVELOPMENT – CREEKS OF LEGACY

Attachment: Exhibit D - Creeks of Legacy PD 46 Amendment - 18-0607 (Creeks of Legacy PD Amendment)

DEVELOPMENT REGULATIONS

Tract 1

Single Family Residential District - 7.5, the intent is to allow a mixture of medium size single family lots, provided that the overall density within such SF area shall not exceed four and a half (4.5) units to the gross acre or 1450 lots. For medium size single family lots, the permitted and conditional uses, as well as the regulations, under Section 14.03.014 of the City of Celina's zoning ordinance shall apply, except as set forth herein, and further defined as Lot Types 1, 2 and 3 below.

Tract 2

The MU-2 requirements shall follow Chapter 14 of the City of Celina's Zoning Ordinance, as amended, which details the requirements of the MU-2 Mixed Use Regional District. All uses and development regulations allowed under the MU-2 zoning district as established in the City of Celina Zoning Ordinance, as amended, are hereby allowed under this PD ordinance except as follows:

Density:
Multiple-family units; maximum twenty-two (22) du/ga.

Land use mix limits: The MU-2 zoning district will have a mix of residential and nonresidential uses at the following rates:
Nonresidential uses (stand-alone): shall not exceed 40% of the gross area of the MU-2 zoning district.
Multiple-family uses (stand-alone): Shall not exceed forty (40) percent of the gross area of the MU-2 zoning district.

Tract 3

The requirements and types of commercial uses allowed for commercial lots within this PD shall follow Chapter 14 of the City of Celina's Zoning Ordinance, as amended, which details the requirements of the C-2 General Commercial Zoning District. All uses allowed under the C-2 zoning districts as established in the City of Celina Zoning Ordinance, as amended, are hereby allowed under this PD ordinance except as follows:

Uses not permitted:

1. dyeing facilities
2. ice cream plants
3. ice plants/cold storage plants
4. mortuaries
5. pumping stations
6. tire repair shops, except as incidental to auto repair operations
7. auto body operations
8. spray-painting operations
9. storage of rental trucks and trailers
10. taxidermists

Attachment: Exhibit D - Creeks of Legacy PD 46 Amendment - 18-0607 (Creeks of Legacy PD Amendment)

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CONCEPT PLAN

Exhibit B identifies and locates the proposed land uses outlined within the Property. All land uses shall conform to the District Regulations in place at the time of development unless modified herein. The proposed development should have unified and consistent design elements and provide an integrated development that follows the Comprehensive Plan dated April 2013 and compliments the City of Celina.

Single-Family

PERMISSIBLE USES

The following uses shall be allowed:

1. Agricultural Uses – Agricultural uses whose products are grown primarily for home consumption, such as domestic gardening, berry or bush crops, tree crops, flower gardening, orchards, and aviaries.
2. Residential Uses: Single-family detached dwellings
3. Community Facility Uses
    - A. Public and private parks;
    - B. Recreational and open space including but not limited to playgrounds, parkways, greenbelts, ponds and lakes, botanical gardens, pedestrian paths, bicycle paths, equestrian bridle trails, nature centers, bird and wildlife sanctuaries;
    - C. Amenity centers.
4. Temporary structure for storage of building materials and equipment used for initial residential construction, when on the same or adjoining lot, for a period not to exceed the duration of the construction. This shall include temporary trailers for construction and sales activity. Building material storage will be allowed adjacent to temporary trailers or in a lot designated for storage.
5. Manufactured and/or modular homes are prohibited in this PD district.

RESIDENTIAL DESIGN GUIDELINES

I. Lot Type Regulations

The PD District will include a variety of lot types in order to achieve the goals established for the district. The lot types and requirements for each shall be as follows:

A. Lot Type 1:

1. Purpose: This lot type is designed to allow single family detached dwellings on lots of not less than five thousand five hundred (5,500) square feet, with front-entry garages, together with the allowed incidental and accessory uses.

2. Height Regulations: No building shall exceed forty feet (40') or two and one-half (2-1/2) stories in height to the highest point of its roof.

3. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size: Five thousand five hundred (5,500) square feet.

Lot Coverage: The maximum Lot Coverage shall not exceed sixty percent (60%).

Minimum Floor Area: The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be seventeen hundred (1,700) square feet.

Attachment: Exhibit D - Creeks of Legacy PD 46 Amendment - 18-0607 (Creeks of Legacy PD Amendment)

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Front Yard: Front yard setbacks shall vary and shall be shown on the Final Plat for the subdivision. To create a variety of front yards on each street, a relatively equal number of lots shall be platted with twenty feet (20') and twenty-five feet (25') minimum front yards. No more than six (6) homes in a row along a block face shall have the same front yard setback. Covered Front Porches may extend over the front building setback line up to five feet (5'), but the garage door must remain at or behind the front setback line in all instances.
Rear Yard: Ten feet (10') minimum.
Side Yard: Five feet (5') minimum.
Side Yard Adjacent to Street: Fifteen feet (15') minimum.
Lot Width: Fifty feet typical (50'); forty feet (40') minimum (@ right-of-way) on cul-de-sac lots.
Lot Depth: One hundred ten feet (110') minimum.
Lot Depth (cul-de-sac lot): Eighty-five feet (85') minimum.
Garage Orientation: May face the street.
Garage Setback: Equivalent to the front yard setback shown on the final plat for the applicable lot.

B. Lot Type 2:

1. Purpose: This lot type is designed to allow single family detached dwellings on lots of not less than six thousand six hundred (6,600) square feet, with front-entry garages, together with the allowed incidental and accessory uses.
2. Height Regulations: No building shall exceed forty feet (40') or two and one-half (2-1/2) stories in height to the highest point of its roof.
3. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size: Six thousand six hundred (6,600) square feet.
Lot Coverage: The maximum Lot Coverage shall not exceed fifty-five percent (55%).
Minimum Floor Area: The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be nineteen hundred (1,900) square feet.
Front Yard: Front yard setbacks shall vary and shall be shown on the Final Plat for the subdivision. To create a variety of front yards on each street, a relatively equal number of lots shall be platted with twenty feet (20') and twenty-five feet (25') minimum front yards. No more than six (6) homes in a row along a block face shall have the same front yard setback. Covered Front Porches may extend over the front building setback line up to five feet (5'), but the garage door must remain at or behind the front setback line in all instances.
Rear Yard: Ten feet (10') minimum.
Side Yard: Five feet (5') minimum.
Side Yard Adjacent to Street: Fifteen feet (15') minimum.
Lot Width: Sixty feet (60') typical; fifty feet (50') minimum (@ right-of-way) on cul-de-sac lots.
Lot Depth: One hundred ten feet (110') minimum.
Lot Depth (cul-de-sac lot): Eighty-five feet (85') minimum.
Garage Orientation: May face the street.
Garage Setback: Equivalent to the front yard setback shown on the final plat for the applicable lot.

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Attachment: Exhibit D - Creeks of Legacy PD 46 Amendment - 18-0607 (Creeks of Legacy PD Amendment)

C. Lot Type 3:

1. Purpose: This lot type is designed to allow single family detached dwellings on lots of not less than seven thousand seven hundred (7,700) square feet, together with the allowed incidental and accessory uses.

2. Height Regulations: No building shall exceed forty feet (40') or two and one-half (2-1/2) stories in height to the highest point of its roof.

3. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size: Seven thousand seven hundred (7,700) square feet.

Lot Coverage: The maximum Lot Coverage shall not exceed sixty percent (60%).

Minimum Floor Area: The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be two thousand four hundred (2,400) square feet.

Front Yard: Front yard setbacks shall vary and shall be shown on the Final Plat for the subdivision. To create a variety of front yards on each street, a relatively equal number of lots shall be platted with twenty feet (20') and twenty-five feet (25') minimum front yards. No more than six (6) homes in a row along a block face shall have the same front yard setback. Covered Front Porches may extend over the front building setback line up to five feet (5'), but the garage door must remain at or behind the front setback line in all instances.

Rear Yard: Ten feet (10') minimum.

Side Yard: Five feet (5') minimum.

Side Yard Adjacent to Street: Fifteen feet (15') minimum.

Lot Width: Seventy feet (70') typical; sixty feet (60') minimum (@ right-of-way) on cul-de-sac lots.

Lot Depth: One hundred ten feet (110') minimum.

Lot Depth (corner or cul-de-sac lot): Eighty-five feet (85') minimum.

Garage Orientation: May face the street; garage access should be accomplished utilizing "swing-in" driveways for a minimum of 50% of this lot type.

Garage Setback: Equivalent to the front yard setback shown on the final plat for the applicable lot.

II. Neighborhood Regulations

The maximum number of lots permitted within Parcels 1 and 2 shall not exceed 1,064 lots. The maximum percentage of lots per Lot Type is as follows:

Lot Type 1: 60 %
Lot Type 2: 30% Minimum
Lot Type 3: 12% Minimum

The lot types shall generally conform to the layout shown in Exhibit C.

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Attachment: Exhibit D - Creeks of Legacy PD 46 Amendment - 18-0607 (Creeks of Legacy PD Amendment)

III. Development and Design Standards

A. Sign Program: This development shall conform to the City's current sign ordinance as it currently exists or may be amended.

B. Landscape Standards: All development within PD District shall comply with the following:

1. Tree Requirements:

i. Trees are required to be planted by the homebuilder in the front yard of all lots per the following schedule:

- Lot Type 1 – one, 4" caliper tree, measured at 12 inches above ground
- Lot Type 2 – one, 4" caliper trees, measured at 12 inches above ground
- Lot type 3 – two, 4" caliper tree, measured at 12 inches above ground

ii. Trees shall be planted adjacent to all thoroughfares and collector roads per the following schedule:

- One, 3" caliper tree, measured at 12 inches above ground, spaced every 125'
- Trees shall be planted between the rear property line of the adjacent Lot and the sidewalk
- Planted at the time the adjacent Lot(s) are developed Planted at the time a phase is constructed.

iii. Tree species shall comply with the City of Celina Zoning Ordinance Chapter 14.05 Appendix E.

OTHER DEVELOPMENT REGULATIONS

HOMEOWNERS ASSOCIATION

Homeowner Associations or Property Owner Associations will be established as each residential parcel of land is developed. The PD shall contain one or multiple Homeowner Associations/Property Owner Associations.

OPEN SPACE

The Single Family and Commercial (not including MU-2 zoning) tracts of the PD will contain a minimum of 30 acres of Open Space. Open space north of the centerline of the creek in Tract 3 shall qualify and be utilized as open space for the single-family development (Tract 1).

TRACTS 2 & 3

Tracts 2 & 3 shall be required to submit a concept plan as a PD Amendment prior to submission of any site plan, plat, general development plan, building permit, or early grading permit. The PD Amendment shall be processed as outlined in section 14.03.031 of the Celina Code of Ordinances.

LIST OF EXHIBITS

Exhibit A – Legal Description of PD Tracts
Exhibit B – Zoning Exhibit
Exhibit C – Concept Plan
Exhibit D – Development Regulations

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Attachment: Exhibit D - Creeks of Legacy PD 46 Amendment - 18-0607 (Creeks of Legacy PD Amendment)

DEFINITIONS

Any capitalized terms not defined below are per the definition as provided in the City of Celina Code of Ordinance Chapter 14.

Common Area: Any portion of the PD District that does not constitute a residential lot or street right-of-way and is owned by the Homeowners Association.

Homeowner Association: An association governed by by-laws, deed restrictions, and architectural guidelines of the community. All lot owners will have mandatory membership in the homeowner association, which, among other things, will require financial obligations in the form of annual membership dues.

PD District Concept Plan (Exhibit B): The graphic plan for PD District that establishes and delineates the location of the respective Lot Types and is attached as Exhibit B.

Main Structure: The primary residence to be constructed on any Lot.

Open Space: Publicly or privately accessible parks, greens, sports fields, plazas, landscaped areas, natural flood plain or drainage areas, and tot lots, shall constitute Open Space.

Parkway: The area between the curb and the right-of-way in front of residential lots.

PD District: The land and/or lots contained within the legal boundaries identified in Exhibit A.

Shall: A term requiring compliance.

Should: A term encouraging compliance.

DRAFT

Attachment: Exhibit D - Creeks of Legacy PD 46 Amendment - 18-0607 (Creeks of Legacy PD Amendment)

NOTICE OF PUBLIC HEARING TO PROPERTY OWNER WITHIN 200 FEET OF PROPERTY SUBJECT TO PROPOSED ZONING CHANGE ZONING CASE "CREEKS OF LEGACY"

The Celina Planning & Zoning Commission will conduct a public hearing on **June 19, 2018 at 5:30 p.m.** at 112 N. Colorado Street, Celina, Texas to consider the zoning case as described below:

The Planning and Zoning Commission will conduct a public hearing to consider testimony and act upon a rezoning request for an approximately 368.346 acre tract of land amending the development standards for PD - Planned Development No. 46, the Creeks of Legacy. The property is situated in the William Davenport Survey, Abstract No. 262 and the F. D. Gray Survey, Abstract No. 361, Collin County, Texas and the John McKinn Survey, Abstract No. 889, the William Phillips Survey, Abstract No. 1029, and the A. Thomasson Survey, Abstract No. 1265, Denton County, Texas, and is generally located north Frontier Parkway and west of Dallas Parkway.

The applicant is requesting to remove a collector road adjacent to both the commercial tract on the northeast corner of Frontier Parkway and Legacy Drive (CR-6) and the single-family residential neighborhood to the northeast of that tract.

No other development standards are proposed to be changed.

According to the most recently approved City tax roll, you are the owner of property within 200 feet of the property which is the subject of the proposed zoning change case. The meeting shown above is open to the public, and you will have the right to speak for or against the proposed zoning change during the public hearing portion of the meeting. You may also register your opinion by returning this form to the Department of Planning & Development, 142 N. Ohio Street, Celina, Texas, 75009.

The Planning & Zoning Commission forwards its recommendations for any zoning change to the City Council after conducting a public hearing.

You may contact the Development Services Department, 142 N. Ohio St., Celina Texas, 75009 for additional information, or contact Raha Pouladi by phone at 972-382-2682 Ext. 1026 or by e-mail at rpouladi@celina-tx.gov

✂ Cut here

Zoning Case (18-Z-05) "**CREEKS OF LEGACY**" **June 19, 2018**

Members of the Planning & Zoning Commission:

I, JEFF D. SMITH (NAME), with property located at 3109 AUSTIN BAYOU TRL (ADDRESS) PROSPER (CITY), Texas 75078

___ Support

X Oppose

Phone: 214-551-7068

Email: jeffdsmith@gmail.com

The proposed zoning changes for the following reasons. (Use extra sheets if more room is needed):

SIGNATURE

6-4-2018

DATE

Attachment: Letter of Opposition (Creeks of Legacy PD Amendment)

Development Services
City of Celina, Texas

Memorandum

To:	**Celina Planning and Zoning Commission**
From:	Ben Rodriguez, Planning Manager
CC:	Alexis Jackson, Director of Development Services
Date:	June 19, 2018
Re:	Creeks of Legacy Phase 2A Construction Plat

Action Requested:
Consider and act upon a Final Plat for Creeks of Legacy, Phase 2A, a ±15.965 acre tract of land situated in the William Davenport Survey, Abstract No. 262 in Collin County, Texas containing 66 residential lots and three (3) common area lots. The property is generally located north of Frontier Parkway, south of Clear Creek Parkway and west of Doe Branch Boulevard. (Creeks of Legacy Phase 2A Construction Plat)

Owner:
CTMGT Frontier 80, LLC
1800 Valley View Lane, Suite 300
Farmers Branch, TX 75234

Background Information:
At the February 2017 Planning and Zoning Commission meeting the Commission recommended approval for Creeks of Legacy Phase 2B on the condition that the adjacent "Collector C" roadway was constructed with Phase 2A. Unless the owners of the property applied for rezoning to either remove or defer that obligation.

The property owners have entered into an agreement dictating that the future development of "Collector C" will occur if the roadway is needed for the Mixed Use tract at the northeast corner of Frontier Parkway and Legacy Drive.

The City Engineer has analyzed the removal of "Collector C" and has found that there would be no adverse impact to the flow of traffic in the area if removed.

Staff has reviewed the proposed construction plat for Creeks of Legacy, Phase 2A, and has determined that the outstanding comments are minor in nature and can be addressed prior to the City Council meeting on July 10, 2018.

Board Review/Citizen Input:
N/A

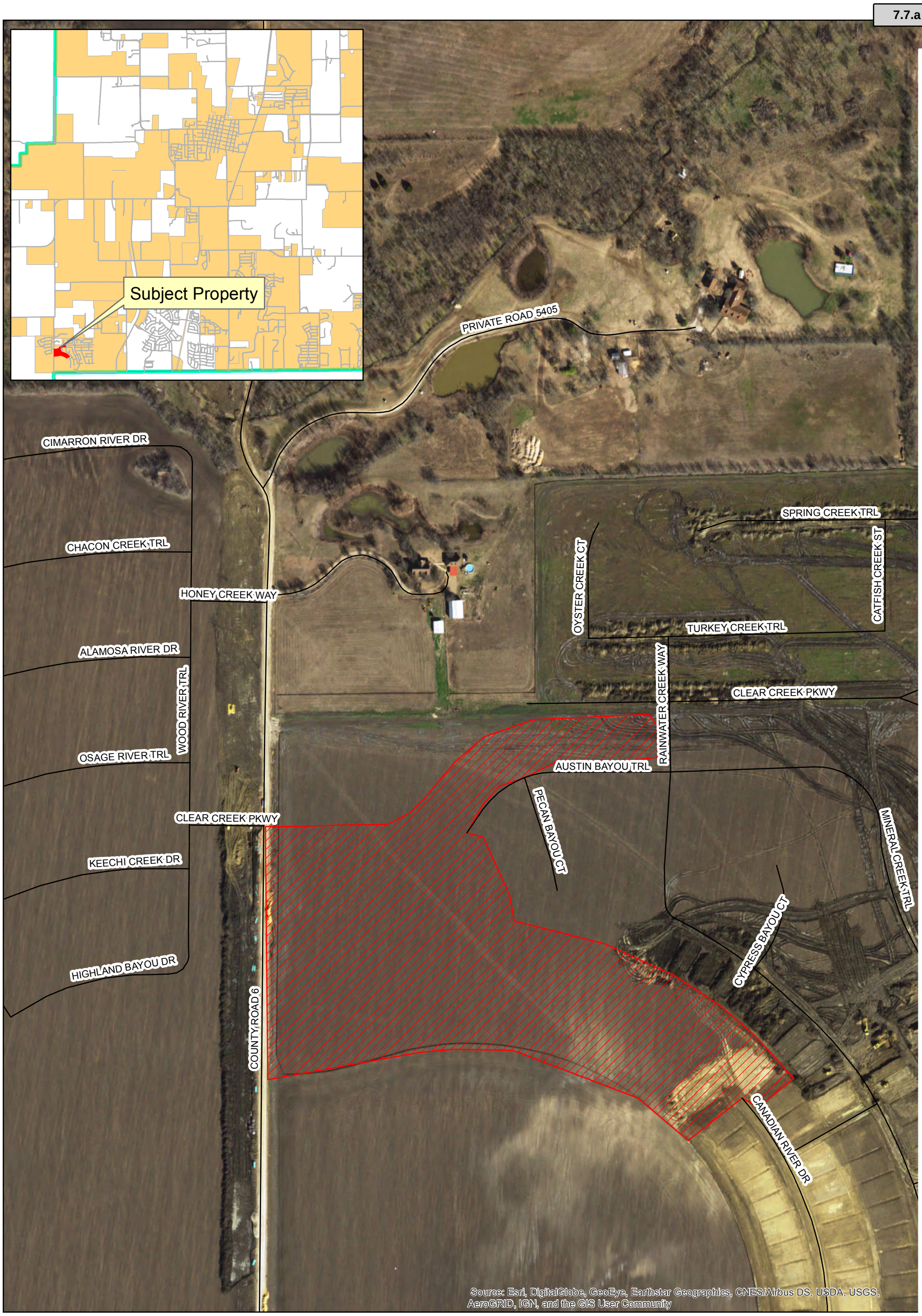
Alternatives:
N/A

Financial Considerations:
N/A

Legal Review:
N/A

Supporting Document:
- Location Map
- Proposed Construction Plat

Staff Recommendation:
Staff recommends approval on the condition that the rezoning request for Creeks of Legacy is approved by the City Council removing collector "C".



CELINA TEXAS EST. 1876

Location Map
Creeks of Legacy Phase 2A

Date: 5/3/2018

Legend

- Roads
- Creeks of Legacy 2A
- ETJ Limits

N W E S

0 185 370 Feet

Attachment: CreeksofLegacy2A_LocationMap (Creeks of Legacy Phase 2A Construction Plat)

LEGAL DESCRIPTION

BEING A TRACT OF LAND SITUATED IN THE WM. DAVENPORT SURVEY, ABSTRACT NUMBER 262, CITY OF CELINA, COLLIN COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED BY DEED TO CTMGT FRONTIER 80, LLC., RECORDED IN INSTRUMENT NUMBER 20140624000644620, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND AT THE NORTHWEST CORNER OF LOT 1, BLOCK T, CREEKS OF LEGACY PHASE 1C, AN ADDITION TO THE CITY OF CELINA RECORDED IN INSTRUMENT NUMBER 20160304010000960, SAID OFFICIAL PUBLIC RECORDS AND BEING IN THE SOUTH RIGHT-OF-WAY LINE OF AUSTIN BAYOU TRAIL (A 50 FOOT RIGHT-OF-WAY);

THENCE DEPARTING SAID RIGHT-OF-WAY LINE WITH THE WEST AND SOUTH LINES OF SAID PHASE 1C THE FOLLOWING BEARINGS AND DISTANCES:

S 24°31'53"E, 179.93 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 10°07'03"E, 72.22 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 75°39'46"E, 66.81 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 79°01'55"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 75°44'51"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 72°27'48"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 69°10'44"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 65°53'41"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 62°36'37"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 59°19'34"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 56°02'30"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 52°45'27"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 49°28'23"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 46°11'19"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 42°54'16"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 39°37'12"E, 66.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND IN THE NORTH LINE OF CREEKS OF LEGACY, PHASE 2C, AN ADDITION TO THE CITY OF CELINA, RECORDED IN INSTRUMENT NUMBER 20171016010004850 SAID OFFICIAL PUBLIC RECORDS;

THENCE DEPARTING THE SAID SOUTH LINE OF PHASE 1C WITH SAID NORTH LINE THE FOLLOWING COURSES AND DISTANCES:

S 52°01'19"W, 127.50 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

WITH SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 58.84 FEET, THROUGH A CENTRAL ANGLE OF 03°17'04", HAVING A RADIUS OF 1026.50 FEET, THE LONG CHORD WHICH BEARS N 39°37'12"W, 58.83 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 48°50'42"W, 50.00 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 48°43'56"W, 130.00 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND AT THE NORTHWEST CORNER OF PHASE 2C, BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED BY DEED TO CADG FRONTIER 192, LLC., RECORDED IN INSTRUMENT NUMBER 20130909001267570, SAID OFFICIAL PUBLIC RECORDS AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE WITH SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 901.10 FEET, THROUGH A CENTRAL ANGLE OF 60°59'30", HAVING A RADIUS OF 846.50 FEET, THE LONG CHORD WHICH BEARS N 71°45'49"W, 859.16 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" SET;

THENCE S 74°15'00"W, 179.56 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" SET FOR THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE WITH SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 131.01 FEET, THROUGH A CENTRAL ANGLE OF 10°29'28", HAVING A RADIUS OF 715.50 FEET, THE LONG CHORD WHICH BEARS S 80°48'51"W, 130.83 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" SET;

THENCE N 89°39'26"W, 37.42 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" SET IN THE EAST LINE OF THAT (1.477 ACRE) TRACT OF LAND DESCRIBED BY DEED TO THE CITY OF CELINA RECORDED IN INSTRUMENT NUMBER 20140708000701510, SAID OFFICIAL PUBLIC RECORDS;

THENCE N 00°30'48"E, 601.67 FEET, WITH SAID EAST LINE TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND AT THE SOUTHWEST CORNER OF THAT (1.437 ACRE) TRACT OF LAND DESCRIBED BY DEED TO THE CITY OF CELINA RECORDED IN INSTRUMENT NUMBER 20140708000701510, SAID OFFICIAL PUBLIC RECORDS;

THENCE N 45°11'02"E, 35.56 FEET, DEPARTING SAID EAST LINE WITH THE SOUTH LINE OF SAID 1.437 ACRE TRACT TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

THENCE N 89°51'15"E, 85.01 FEET, WITH SAID SOUTH LINE TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" SET;

THENCE S 44°48'58"E, 35.15 FEET, DEPARTING SAID SOUTH LINE TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" SET;

THENCE N 87°55'45"E, 50.05 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" SET;

THENCE N 39°30'42"E, 36.91 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" SET IN THE AFOREMENTIONED SOUTH LINE OF SAID 1.437 ACRE TRACT, THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE WITH THE SOUTH LINE OF SAID 1.437 ACRE TRACT THE FOLLOWING COURSES AND DISTANCES:

WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 267.76 FEET, THROUGH A CENTRAL ANGLE OF 45°27'24", HAVING A RADIUS OF 337.50 FEET, THE LONG CHORD WHICH BEARS N 57°09'24"E, 260.79 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

N 34°25'42"E, 100.00 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND AT THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 250.86 FEET, THROUGH A CENTRAL ANGLE OF 54°45'21", HAVING A RADIUS OF 262.50 FEET, THE LONG CHORD WHICH BEARS N 61°48'22"E, 241.42 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND AT THE SOUTH EAST CORNER OF SAID 1.437 ACRE TRACT AND AT THE SOUTHWEST TERMINUS OF CLEAR CREEK PARKWAY (A 75 FOOT RIGHT OF WAY);

THENCE N 89°11'03"E, 319.80 FEET, WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID CLEAR CREEK PARKWAY TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND AT THE MOST NORTHERLY NORTHWEST CORNER OF AFOREMENTIONED PHASE 1C;

THENCE WITH THE NORTH AND WEST LINES OF SAID PHASE 1C THE FOLLOWING COURSES AND DISTANCES:

S 45°48'57"E, 35.36 FEET, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 00°48'57"E, 95.00 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 44°11'03"W, 14.14 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 89°11'03"W, 261.00 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND AT THE BEGINNING OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 262.81 FEET, THROUGH A CENTRAL ANGLE OF 54°45'21", HAVING A RADIUS OF 275.00 FEET, THE LONG CHORD WHICH BEARS S 61°48'22"W, 252.92 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND;

S 34°25'42"W, 60.12 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND AT THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 12.73 FEET, THROUGH A CENTRAL ANGLE OF 01°49'26", HAVING A RADIUS OF 400.00 FEET, THE LONG CHORD WHICH BEARS S 35°20'25"W, 12.73 FEET, TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PELOTON" FOUND AT THE MOST WESTERLY NORTHWEST CORNER OF SAID PHASE 1C;

THENCE S 53°44'51"E, 50.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 695,447 SQUARE FEET OR 15.965 ACRES OF LAND MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT CTGMT FRONTIER 80, LLC, ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS CREEKS OF LEGACY PHASE 2A ADDITION, AN ADDITION TO THE CITY OF CELINA, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE TO THE PUBLIC USE FOREVER, THE STREETS, RIGHTS-OF-WAY, AND OTHER PUBLIC IMPROVEMENTS SHOWN THEREON. THE STREETS AND ALLEYS, IF ANY, ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. 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 PLACED ON LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY COUNCIL OF THE CITY OF CELINA. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES being SUBORDINATE TO THE PUBLIC'S AND CITY OF CELINA'S USE THEREOF. THE CITY OF CELINA AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF CELINA AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF CELINA, TEXAS

WITNESS, MY HAND THIS THE ___ DAY OF _____ ,20___.

BY: CTMGT FRONTIER 80, LLC.
A TEXAS LIMITED LIABILITY COMPANY

BY:_____
MEHRDAD MOAYEDI
ITS MANAGER

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED MEHRDAD MOAYEDI, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY AND SEAL OF OFFICE, THIS___ DAY OF _____, 20___

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

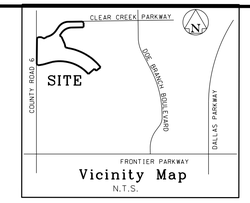
_____
MY COMMISSION EXPIRES ON:

EXISTING CREEKS OF LEGACY LOTS

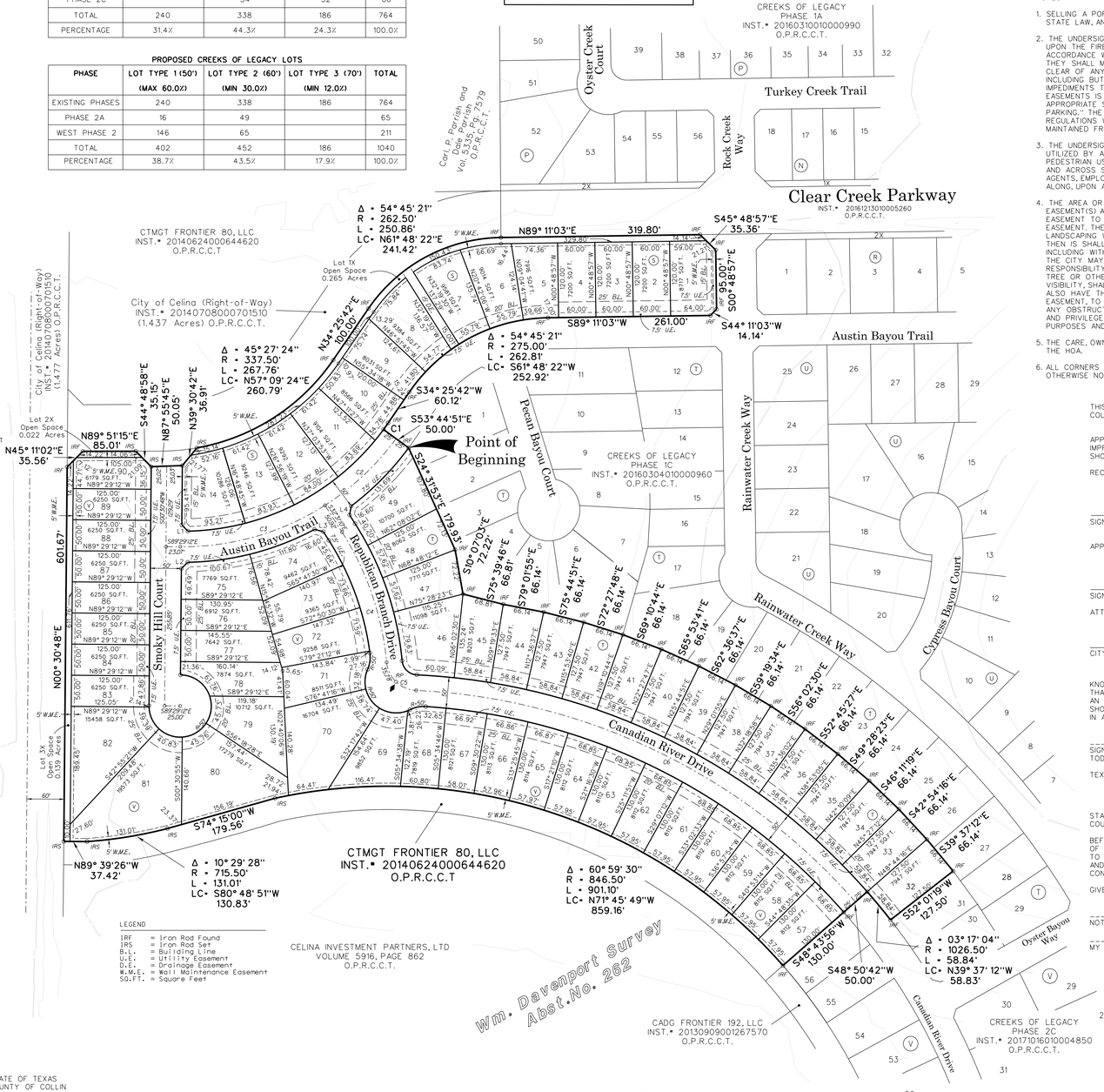
PHASE	LOT TYPE 1 (50') (MAX 60.0%)	LOT TYPE 2 (60') (MIN 30.0%)	LOT TYPE 3 (70') (MIN 12.0%)	TOTAL
PHASE 1A	124	8	80	212
PHASE 1B	84	31	115	
PHASE 1C	52	39	91	
MODEL HOME PARK	2	3	4	9
WEST PHASE 1	114	74		188
PHASE 2B		83		83
PHASE 2C		34	32	66
TOTAL	240	338	186	764
PERCENTAGE	31.4%	44.3%	24.3%	100.0%

PROPOSED CREEKS OF LEGACY LOTS

PHASE	LOT TYPE 1 (50') (MAX 60.0%)	LOT TYPE 2 (60') (MIN 30.0%)	LOT TYPE 3 (70') (MIN 12.0%)	TOTAL
EXISTING PHASES	240	338	186	764
PHASE 2A	16	49		65
WEST PHASE 2	146	65		211
TOTAL	402	452	186	1040
PERCENTAGE	38.7%	43.5%	17.9%	100.0%



Vicinity Map
N.T.S.



LEGEND

IRF	= Iron Rod Found
IRS	= Iron Rod Set
B.L.	= Building Line
U.E.	= Utility Easement
D.E.	= Drainage Easement
W.M.E.	= Wall Maintenance Easement
SQ.FT.	= Square Feet

LINE TABLE

NO.	BEARING	DISTANCE
L1	N44°59'14"W	14.02'
L2	N45°04'31"E	14.25'
L3	S75°37'38"E	14.63'
L4	N10°35'18"E	14.63'

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	BEARING	DISTANCE
C1	01°49'26"	400.00'	12.73'	S35°20'25"W	12.73'
C2	21°13'43"	425.00'	157.47'	S46°51'58"W	156.57'
C3	33°01'59"	425.00'	245.03'	S73°59'49"W	241.65'
C4	27°12'33"	470.00'	223.20'	S 18°54'54" E	221.11'
C5	82°00'08"	50.00'	71.56'	S 46°18'41" E	65.61'
C6	46°2'52"	1001.50'	804.89'	S 64°17'20" E	783.40'

NOTES

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

2. THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT HE OR SHE OR THEY SHALL CONSTRUCT UPON THE FIRE LANE EASEMENTS, AS DEDICATED AS SHOWN HEREON, A HARD SURFACE IN ACCORDANCE WITH THE CITY OF CELINA'S PAVING STANDARDS FOR FIRE LANE, AND THAT HE OR SHE OR THEY SHALL MAINTAIN THE SAME IN A STATE OF GOOD REPAIR AT ALL TIMES AND KEEP THE SAME FREE AND CLEAR OF ANY STRUCTURES, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR OBSTRUCTION, INCLUDING BUT NOT LIMITED TO THE PARKING OF MOTOR VEHICLES, TRAILERS, BOATS OR OTHER IMPEDIMENTS TO THE ACCESSIBILITY OF FIRE APPARATUS. THE MAINTENANCE OF PAVING ON THE FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE OWNER, AND THE OWNER SHALL POST AND MAINTAIN APPROPRIATE SIGNS IN CONSPICUOUS PLACES ALONG SUCH FIRE LANES, STATING "FIRE LANE, NO PARKING." THE LOCAL LAW ENFORCEMENT AGENCY(IS) IS HEREBY AUTHORIZED TO ENFORCE PARKING REGULATIONS WITHIN THE FIRE LANES, AND TO CAUSE SUCH FIRE LANES AND UTILITY EASEMENTS TO BE MAINTAINED FREE AND UNOBSTRUCTED AT ALL TIMES FOR FIRE DEPARTMENT AND EMERGENCY USE.

3. THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT THE ACCESS EASEMENT MAY BE UTILIZED BY ANY PERSON OR THE GENERAL PUBLIC FOR INGRESS AND EGRESS TO PUBLIC VEHICULAR AND PEDESTRIAN USE AND ACCESS, AND FOR FIRE DEPARTMENT AND EMERGENCY USE IN, ALONG, UPON AND ACROSS SAID PREMISES, WITH THE RIGHT AND PRIVILEGE AT ALL TIMES OF THE CITY OF CELINA, ITS AGENTS, EMPLOYEES, WORKMEN AND REPRESENTATIVES HAVING INGRESS, EGRESS, AND REGRESS IN, ALONG, UPON AND ACROSS SAID PREMISES.

4. THE AREA OR AREAS SHOWN ON THE PLAT AS "VAM" (VISIBILITY, ACCESS AND MAINTENANCE) EASEMENT(S) ARE HEREBY GIVEN AND GRANTED TO THE CITY, ITS SUCCESSORS AND ASSIGNS, AS AN EASEMENT TO PROVIDE VISIBILITY, RIGHT OF ACCESS FOR MAINTENANCE UPON AND ACROSS SAID VAM EASEMENT. THE CITY SHALL HAVE THE RIGHT BUT NOT THE OBLIGATION TO MAINTAIN ANY AND ALL LANDSCAPING WITHIN THE VAM EASEMENT. SHOULD THE CITY EXERCISE THIS MAINTENANCE RIGHT, THEN IS SHALL BE PERMITTED TO REMOVE AND DISPOSE OF ANY AND ALL LANDSCAPING IMPROVEMENTS, INCLUDING WITHOUT LIMITATION, ANY TREES, SHRUBS, FLOWERS, GROUND COVER AND FIXTURES. THE CITY MAY WITHDRAW MAINTENANCE OF THE VAM EASEMENT AT ANY TIME. THE ULTIMATE MAINTENANCE RESPONSIBILITY FOR THE VAM EASEMENT SHALL REST WITH THE OWNERS. NO BUILDING, FENCE, SHRUB, TREE OR OTHER IMPROVEMENTS OR GROWTHS, WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE VISIBILITY, SHALL BE CONSTRUCTED IN, ON, OVER, OR ACROSS THE VAM EASEMENT. THE CITY SHALL ALSO HAVE THE RIGHT BUT NOT THE OBLIGATION TO ADD ANY LANDSCAPE IMPROVEMENTS TO THE VAM EASEMENT, TO ERECT ANY TRAFFIC CONTROL DEVICES OR SIGNS ON THE VAM EASEMENT AND TO REMOVE ANY OBSTRUCTION THEREON. THE CITY, ITS SUCCESSORS, ASSIGNS, OR AGENTS SHALL HAVE THE RIGHT AND PRIVILEGE AT ALL TIMES TO ENTER UPON THE VAM EASEMENT OR ANY PART THEREOF FOR THE PURPOSES AND WITH ALL RIGHTS AND PRIVILEGES SET FORTH HEREIN.

5. THE CARE, OWNERSHIP AND MAINTENANCE OF ALL OPEN SPACE\COMMON AREA LOTS IS THE RESPONSIBILITY OF THE HOA.

6. ALL CORNERS SET ARE 5/8 INCH IRON RODS WITH PLASTIC CAPS STAMPED "PELOTON" UNLESS OTHERWISE NOTED.

THIS PROPERTY IS LOCATED IN THE CORPORATE LIMITS OF THE CITY OF CELINA, COLLIN COUNTY, TEXAS

APPROVED FOR PREPARATION OF FINAL PLAT FOLLOWING CONSTRUCTION OF ALL PUBLIC IMPROVEMENTS (OR APPROPRIATE SURETIES THEREOF) NECESSARY FOR THE SUBDIVISION SHOWN ON THIS PLAT.

RECOMMENDED BY: PLANNING AND ZONING COMMISSION CITY OF CELINA, TEXAS

SIGNATURE OF CHAIRPERSON — DATE OF RECOMMENDATION

APPROVED BY: CITY COUNCIL CITY OF CELINA, TEXAS

SIGNATURE OF MAYOR — DATE OF APPROVAL

ATTEST:

CITY SECRETARY — DATE

KNOW ALL MEN BY THESE PRESENTS:
THAT I, TODD A. BRIDGES 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 PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF CELINA.

_____
SIGNATURE OF THE REGISTERED PROFESSIONAL
TODD A BRIDGES

TEXAS REGISTRATION NO. 4940

"Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document" 22 TAC 663.18C
Todd a. Bridges, RPLS 4940
Date: 5/24/2018

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED TODD A. BRIDGES, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THERE IN EXPRESSED.

GIVEN UNDER MY AND SEAL OF OFFICE, THIS ___ DAY OF _____, 20__.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

_____
MY COMMISSION EXPIRES ON:

A Construction Plat of Creeks of Legacy Phase 2A

66 Residential Lots, 3 Open Space Lots
Totaling 15.965 acres

SITUATED IN THE WM. DAVENPORT SURVEY, ABSTRACT NUMBER 262, CITY OF CELINA, COLLIN COUNTY, TEXAS

Owner

CTMGT FRONTIER 80, LLC
1800 Valley View Lane
Suite 300
Farmers Branch, Texas 75234
469-892-7200

Revisions:	
Job #:	CEN13006
Drawn By:	D. Freemon
Checked By:	T. Bridges
Date:	05-02-16

PELOTON LAND SOLUTIONS
9800 HILLWOOD PARKWAY, SUITE 250
FORT WORTH, TEXAS 76177 PH:# 817-562-3350

SHEET 1 OF 1 SHEETS

FBPLS Firm Reg No. 10177700

Copyright © 2018 Peloton Land Solutions, Inc.

5/24/2018 12:47:13 PM

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Default

Attachment: Construction Plans_Creeks of Legacy, Phase 2A_18-0530 (Creeks of Legacy Phase 2A Construction Plat)

Development Services
City of Celina, Texas

Memorandum

To:	**Celina Planning and Zoning Commission**
From:	Raha Pouladi, Planner
CC:	Alexis Jackson, Director of Development Services
Date:	June 19, 2018
Re:	Sutton Fields Phase 2A Construction Plat

Action Requested:
Consider and act upon a construction plat for Sutton Fields Phase 2A, approximately 22.782 acres situated in the Freeman Wilkerson Survey, Abstract No. 1411, the Carrol Jackson Survey, Abstract No. 1546, Thomas B. Cox Survey, Abstract No. 309, and the Jacob Rue Survey, Abstract No. 1109 in Denton County, containing 103 residential lots and two (2) common area lots, and generally located north of Parvin Road and east of FM 1385. (Sutton Fields Phase 2A Construction Plat)

Owner:
CADG Sutton Fields, LLC
1800 Valley View Lane, Suite 300
Farmers Branch, TX 75234

Background Information:
Staff has reviewed the proposed construction plat for Sutton Fields Phase 2B, and has determined that the outstanding comments are minor in nature and can be addressed prior to the City Council meeting on July 10, 2018.

Board Review/Citizen Input:
N/A

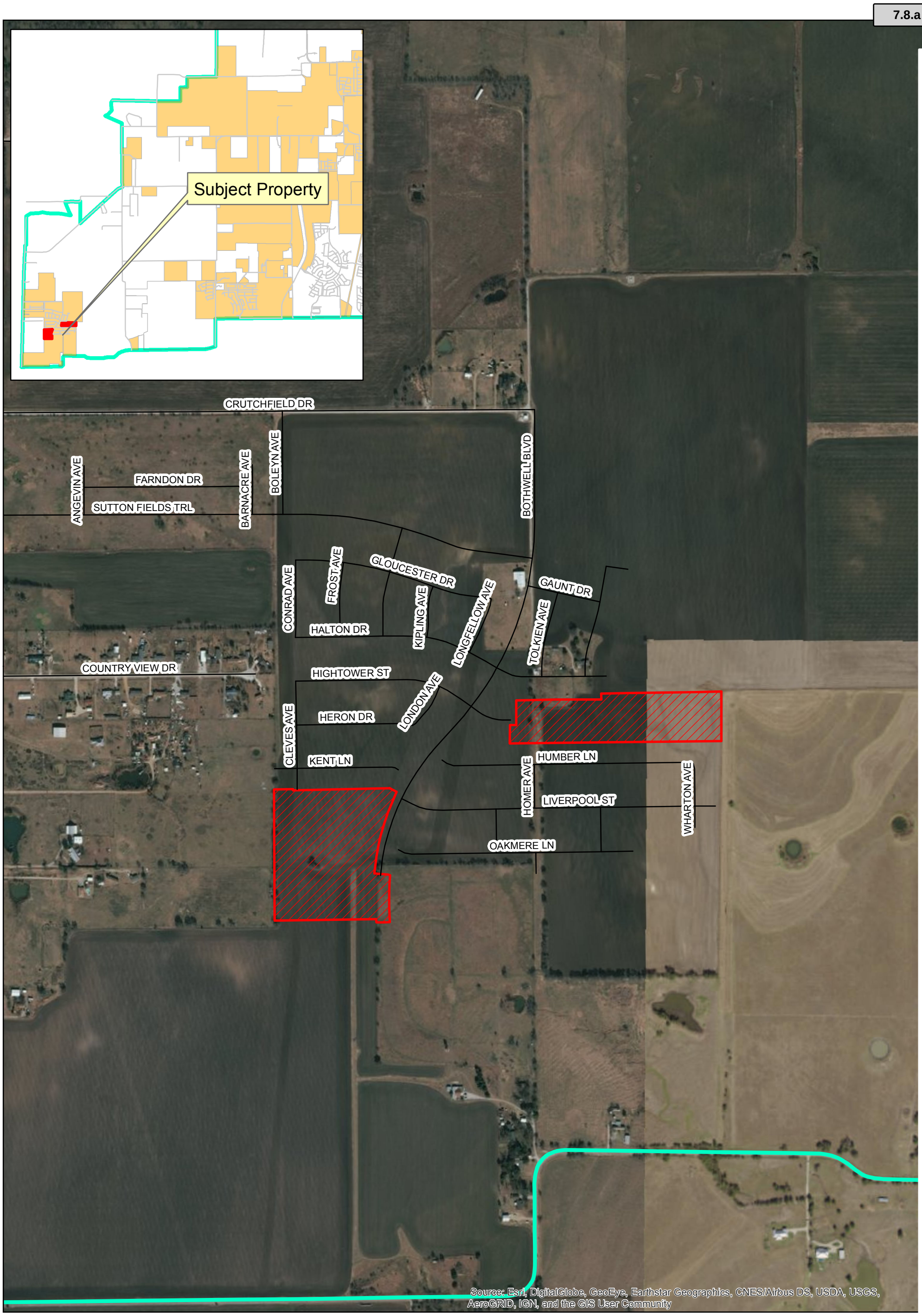
Alternatives:
N/A

Financial Considerations:
N/A

Legal Review:
N/A

Supporting Document:
- Location Map
- Proposed Construction Plat.

Staff Recommendation:
Staff recommends approval of the plat subject to any outstanding Engineering comments and approval of the landscape and hardscape plans prior to the applicant scheduling the pre-construction meeting.



Attachment: SuttoFields2A_LocationMap (Sutton Fields Phase 2A Construction Plat)

CELINA TEXAS EST. 1876

Location Map
Sutton Fields Phase 2A

Date: 5/22/2018

Legend

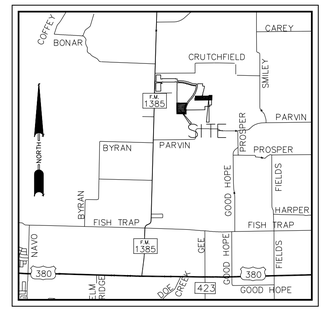
- Roads
- Sutton Fields Phase 2A
- ETJ Limits

N W E S

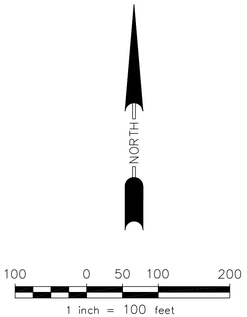
0 425 850 Feet

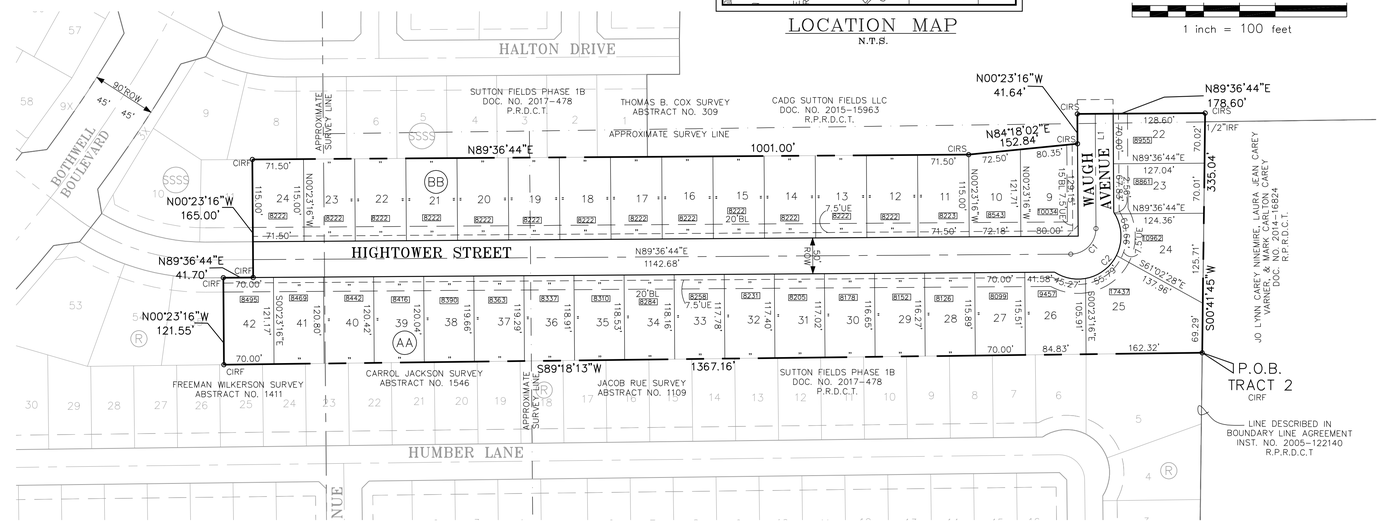
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°23'16"E	160.29
L2	S00°41'47"E	25.50
L3	N00°41'47"W	25.50
L4	S52°35'26"E	63.54
L5	S78°15'47"E	60.48
L6	S06°08'13"E	25.13

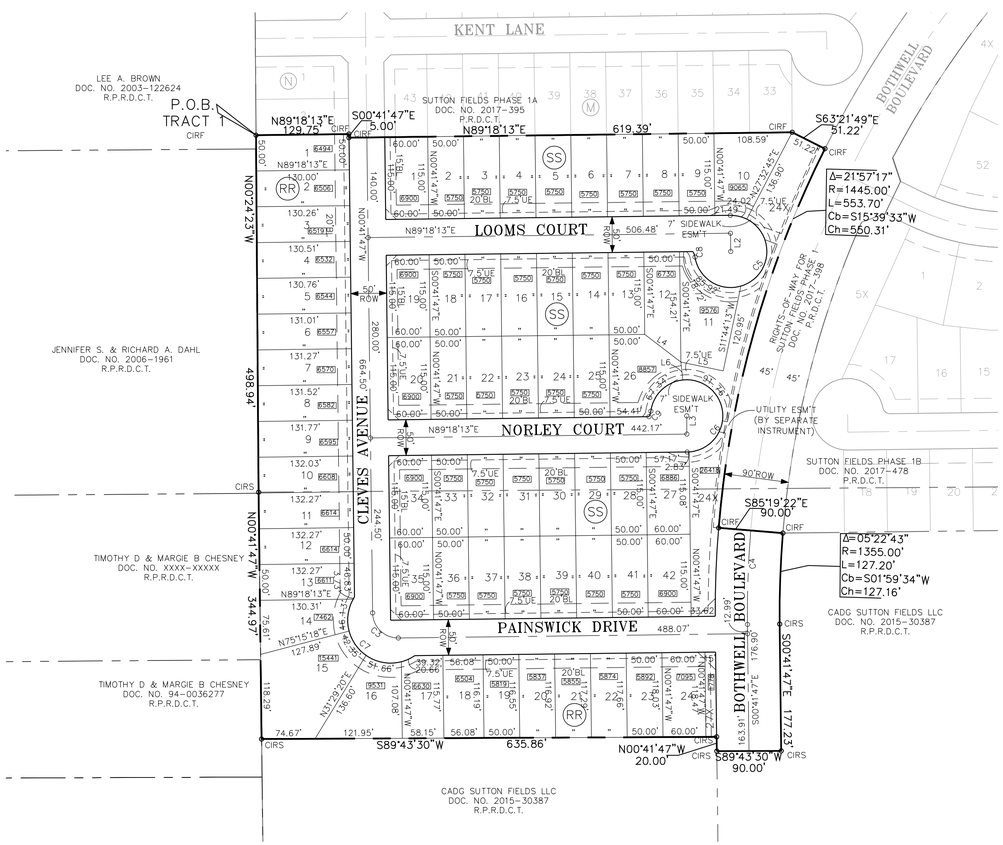
CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	90°00'00"	35.50	55.76	35.50	N44°36'44"E	50.20
C2	156°52'50"	60.00	164.28	293.34	N44°43'45"E	117.57
C3	90°00'00"	35.50	55.76	35.50	N45°41'47"W	50.20
C4	05°22'43"	1400.00	131.42	65.76	S01°59'34"W	131.37
C5	261°50'50"	50.50	230.78	58.25	N40°13'26"E	76.31
C6	261°50'43"	50.50	230.79	58.25	N41°37'09"W	76.32
C7	157°06'53"	60.00	164.53	296.43	S45°41'47"E	117.61
C8	23°30'44"	20.00	8.21	4.16	N20°36'31"W	8.15
C9	23°30'49"	20.00	8.21	4.16	N19°12'54"E	8.15



LOCATION MAP
N.T.S.







LEGEND

SWE	SIDEWALK EASEMENT
UE	UTILITY EASEMENT
DE	DRAINAGE EASEMENT
WLE	WATER LINE EASEMENT
BL	BUILDING SETBACK LINE
CIRS	5/8-INCH IRON ROD W/CAP MARKED "PETITT-RPLS 4087" SET
CIRF	CAPPED IRON ROD FOUND
IRF	IRON ROD FOUND
R.O.W.	RIGHT-OF-WAY
P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
57.5'R (RP)	57.5-FOOT RADIUS (RADIUS POINT)
RPRDCT	REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS
PRDCT	PLAT RECORDS, DENTON COUNTY, TEXAS
(A)	DESIGNATES SUBDIVISION BLOCK
◊	DENOTES STREET NAME CHANGE
9999	LOT AREA (SQUARE FEET)
▲	DENOTES KEY LOT

THIS PROPERTY IS LOCATED IN THE CORPORATE LIMITS OF THE CITY OF CELINA, DENTON COUNTY, TEXAS.

_____ _____
SIGNATURE OF MAYOR DATE OF APPROVAL

ATTEST:

_____ _____
CITY SECRETARY DATE

RECOMMENDED BY:	Planning and Zoning Commission City of Celina, Texas
_____ Signature of Chairperson	_____ Date of Recommendation
APPROVED BY:	City Council City of Celina, Texas
_____ Signature of Mayor	_____ Date of Approval
ATTEST:	
_____ City Secretary	_____ Date

CONSTRUCTION PLAT
SUTTON FIELDS PHASE 2A

TRACT 1 ~ 13.792 ACRES
TRACT 2 ~ 8.990 ACRES
22.782 ACRES TOTAL
103 RESIDENTIAL LOTS
2 NON-RESIDENTIAL LOTS
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411,
CARROL JACKSON SURVEY ~ ABSTRACT NO. 1546,
JACOB RUE SURVEY ~ ABSTRACT NO. 1109, &
THOMAS B. COX SURVEY ~ ABSTRACT NO. 309
CITY OF CELINA
DENTON COUNTY, TEXAS

RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC.
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

PETITT BARRAZA
ENGINEERING PLANNING SURVEYING
TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068

1651 N. Glenville Dr. Ste. 212
Richardson, Texas 75081
Tel. No. (214) 221-9955
Fax No. (214) 340-3550

DATE: MAY 2018
JNICHOLS@PETITTBARRAZA.COM
SCALE: 1"=100'
JOB NO. 1401302B

F:\2014\1401302B\SURVEY\1401302AFP.dwg May 04,2018 - 9:30 am cpettit

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT CADG SUTTON FIELDS, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING HEREIN BY AND THROUGH HIS/HER(ITS) DULY AUTHORIZED OFFICER(S), DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS SUTTON FIELDS PHASE 2A, AN ADDITION TO THE CITY OF CELINA, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE TO THE PUBLIC USE FOREVER, THE STREETS, RIGHTS-OF-WAY, AND OTHER PUBLIC IMPROVEMENTS SHOWN THEREON. THE STREETS AND ALLEYS, IF ANY, ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. 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 PLACED ON LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY COUNCIL OF THE CITY OF CELINA. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF CELINA'S USE THEREOF. THE CITY OF CELINA AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF CELINA AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF CELINA, TEXAS.

WITNESS, MY HAND THIS THE _____ DAY OF _____, 2018.

CADG SUTTON FIELDS, LLC,
A TEXAS LIMITED LIABILITY COMPANY

BY: CADG HOLDINGS, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS SOLE MANAGING MEMBER

BY: MMM VENTURES, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGER

BY: 2M VENTURES, LLC,
A DELAWARE LIMITED LIABILITY COMPANY,
ITS MANAGER

BY: _____
NAME: MEHRDAD MOAYEDI
ITS: MANAGER

STATE OF TEXAS §

COUNTY OF DALLAS §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2017, BY MEHRDAD MOAYEDI, MANAGER OF 2M VENTURES, LLC, AS MANAGER OF MMM VENTURES, LLC, AS MANAGER OF CADG HOLDINGS, LLC, AS SOLE MANAGING MEMBER OF CADG SUTTON FIELDS, LLC, A TEXAS LIMITED LIABILITY COMPANY ON BEHALF OF SAID COMPANY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2018.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, JIMMIE D. NICHOLS, 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 PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF CELINA.

AS SUBMITTED FOR SIGNATURES

_____
JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5184

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JIMMIE D. NICHOLS, REGISTERED PROFESSIONAL LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY AND SEAL OF OFFICE, THIS __ DAY OF _____, 2018.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

_____
MY COMMISSION EXPIRES ON:

STATE OF TEXAS §

COUNTY OF DENTON §

TRACT 1

WHEREAS CADG SUTTON FIELDS, LLC IS THE OWNER OF THAT CERTAIN TRACT OF LAND SITUATED IN THE FREEMAN WILKERSON SURVEY, ABSTRACT NUMBER 1411 IN DENTON COUNTY, TEXAS, SAID TRACT BEING PART OF A TRACT OF LAND DESCRIBED IN DEEDS TO CADG SUTTON FIELDS, LLC, RECORDED IN DOCUMENT NUMBER 2015-30387 AND DOCUMENT NUMBER 2015-15963, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS (RPRDCT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE SOUTHWEST CORNER OF LOT 2, BLOCK N OF SUTTON FIELDS PHASE 1A, AN ADDITION TO THE CITY OF CELINA, RECORDED IN DOCUMENT NUMBER 2017-395, PLAT RECORDS, DENTON COUNTY, TEXAS (PRDCT), SAID IRON ROD ALSO BEING IN THE EAST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO LEE A. BROWN, RECORDED IN DOCUMENT NUMBER 2003-122624 (RPRDCT), AND BEING THE SOUTHWEST CORNER OF SAID SUTTON FIELDS PHASE 1A, AND BEING IN THE WEST LINE OF SAID CADG SUTTON FIELDS, LLC TRACT RECORDED IN DOCUMENT NUMBER 2015-15963 (RPRDCT);

THENCE NORTH 89°18'13" EAST WITH THE SOUTH LINE OF SUTTON FIELDS PHASE 1A, A DISTANCE OF 129.75 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER, SAID IRON ROD ALSO BEING IN THE WEST RIGHT-OF-WAY LINE OF CLEVES AVENUE (CALLED 50-FOOT RIGHT-OF-WAY);

THENCE SOUTH 00°41'47" EAST, CONTINUING WITH THE SOUTH LINE OF SAID SUTTON FIELDS PHASE 1A AND WEST RIGHT-OF-WAY LINE OF CLEVES AVENUE, A DISTANCE OF 5.00 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER;

THENCE NORTH 89°18'13" EAST, CONTINUING WITH SAID SOUTH LINE AND DEPARTING SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 619.39 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER;

THENCE SOUTH 63°21'49" EAST, CONTINUING WITH SAID SOUTH LINE, A DISTANCE OF 51.22 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER, SAID IRON ROD ALSO BEING IN THE WEST RIGHT-OF-WAY LINE OF BOTHWELL BOULEVARD ACCORDING TO THE RIGHTS-OF-WAY FOR SUTTON FIELDS PHASE 1 FINAL PLAT, RECORDED IN DOCUMENT NUMBER 2017-398 (PRDCT), AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT AND WITH SAID WEST RIGHT-OF-WAY LINE, WHICH HAS A CHORD THAT BEARS SOUTH 15°39'33" WEST FOR 550.31 FEET, A CENTRAL ANGLE OF 21°57'17", AND A RADIUS OF 1445.00 FEET, FOR AN ARC DISTANCE OF 553.70 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER, SAID IRON ROD ALSO BEING A SOUTHWEST CORNER OF SAID RIGHTS-OF-WAY FOR SUTTON FIELDS PHASE 1 PLAT;

THENCE SOUTH 85°19'22" EAST DEPARTING SAID WEST RIGHT-OF-WAY LINE AND WITH A SOUTH LINE OF SAID RIGHT-OF-WAY PLAT, A DISTANCE OF 90.00 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER, SAID IRON ROD ALSO BEING A SOUTHEAST CORNER OF SAID RIGHT-OF-WAY PLAT AND BEING IN THE EAST RIGHT-OF-WAY LINE OF SAID BOTHWELL BOULEVARD, AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE SOUTHWESTERLY, DEPARTING SAID SOUTH LINE AND WITH SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS SOUTH 01°59'34" WEST FOR 127.16 FEET, A CENTRAL ANGLE OF 05°22'43", AND A RADIUS OF 1355.00 FEET, FOR AN ARC DISTANCE OF 127.20 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE SOUTH 00°41'47" EAST, A DISTANCE OF 177.23 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE SOUTH 89°43'30" WEST, A DISTANCE OF 90.00 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE NORTH 00°41'47" WEST, A DISTANCE OF 20.00 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE SOUTH 89°43'30" WEST, A DISTANCE OF 635.86 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER, SAID IRON ROD ALSO BEING IN THE WEST LINE OF SAID CADG SUTTON FIELDS TRACT AND EAST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO TIMOTHY D. AND MARGIE B. CHESNEY, RECORDED IN DOCUMENT NUMBER 94-R0036277 (RPRDCT);

THENCE NORTH 00°41'47" WEST, WITH THE COMMON LINE OF SAID CADG SUTTON FIELDS AND CHESNEY TRACTS, A DISTANCE OF 344.97 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER, SAID IRON ROD ALSO BEING THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO JENNIFER S. AND RICHARD A. DAHL, RECORDED IN DOCUMENT NUMBER 2006-1961 (RPRDCT);

THENCE NORTH 00°24'23" WEST, WITH THE COMMON LINE OF SAID CADG SUTTON FIELDS AND DAHL TRACTS, A DISTANCE OF 498.94 TO THE POINT OF BEGINNING, AND CONTAINING 13.792 ACRES OF LAND, MORE OR LESS.

TRACT 2

WHEREAS CADG SUTTON FIELDS, LLC IS THE OWNER OF THAT CERTAIN TRACT OF LAND SITUATED IN THE FREEMAN WILKERSON SURVEY, ABSTRACT NUMBER 1411, CARROL JACKSON SURVEY, ABSTRACT NUMBER 1546, JACOB RUE SURVEY, ABSTRACT NUMBER 1109, AND THOMAS B. COX SURVEY, ABSTRACT NUMBER 309 IN DENTON COUNTY, TEXAS, SAID TRACT BEING PART OF A TRACT OF LAND DESCRIBED IN A DEED TO CADG SUTTON FIELDS, LLC, RECORDED IN DOCUMENT NUMBER 2015-15963, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS (RPRDCT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087"FOUND FOR THE NORTHEAST CORNER OF LOT 5, BLOCK R OF SUTTON FIELDS PHASE 1B, AN ADDITION TO THE CITY OF CELINA, RECORDED IN DOCUMENT NUMBER 2017-478 (PRDCT), SAID IRON ROD ALSO BEING LOCATED ON A LINE DESCRIBED IN BOUNDARY LINE AGREEMENT RECORDED IN INSTRUMENT NUMBER 2005-122140 (RPRDCT);

THENCE SOUTH 89°18'13" WEST, WITH THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 1367.16 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE SOUTHEAST CORNER OF LOT 55, BLOCK R OF SAID SUTTON FIELDS PHASE 1B, AND BEING IN THE NORTH LINE OF LOT 25, BLOCK R;

THENCE NORTH 00°23'16" WEST, WITH THE EAST LINE OF SAID LOT 55, A DISTANCE OF 121.55 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE NORTHEAST CORNER OF SAID LOT 55, AND BEING IN THE SOUTH RIGHT-OF-WAY LINE OF HIGHTOWER STREET (CALLED 50-FOOT RIGHT-OF-WAY);

THENCE NORTH 89°36'44" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 41.70 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER;

THENCE NORTH 00°23'16" WEST, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 165.00 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE NORTHEAST CORNER OF LOT 11, BLOCK SSSS OF SAID SUTTON FIELDS PHASE 1B, AND BEING IN THE SOUTH LINE OF LOT 8, BLOCK SSSS;

THENCE NORTH 89°36'44" EAST, WITH THE SOUTH LINE OF SAID BLOCK SSSS, A DISTANCE OF 1001.00 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE NORTH 84°18'02" EAST, A DISTANCE OF 152.84 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE NORTH 00°23'16" WEST, A DISTANCE OF 41.64 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE NORTH 89°36'44" EAST, A DISTANCE OF 178.60 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE SOUTH 00°41'45" WEST, PASSING AT A DISTANCE OF 12.21 FEET, A 1/2-INCH IRON ROD FOUND, AND CONTINUING WITH SAID LINE DESCRIBED IN BOUNDARY LINE AGREEMENT IN ALL A DISTANCE OF 335.04 FEET TO THE POINT OF BEGINNING, AND CONTAINING 8.990 ACRES OF LAND, MORE OR LESS.

CONTAINING IN ALL A TOTAL OF 22.782 ACRES OF LAND, MORE OR LESS.

NOTES:

1. THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" (UNSHADED) ON THE FLOOD INSURANCE RATE MAP, MAP NO. 48121C0270G, REVISION DATE APRIL 18, 2011. ZONE X (UNSHADED) IS DEFINED THEREON AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

2. ALL PERIMETER PROPERTY CORNERS ARE 5/8-INCH IRON ROD WITH CAPS MARKED "PETITT-RPLS 4087" SET, UNLESS NOTED OTHERWISE.

3. LOTS ENDING WITH AN "X" ARE NON-RESIDENTIAL LOTS. MAINTENANCE OF "X" LOTS SHALL NOT BE THE RESPONSIBILITY OF DENTON COUNTY OR THE CITY OF CELINA. SAID NON-RESIDENTIAL LOTS ARE TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

4.. THE BEARINGS SHOWN AND RECITED HEREON ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM – NAD 83 (CORS TEXAS NORTH CENTRAL ZONE NO. 4202). ALL DISTANCES ARE SURFACE DISTANCES WITH A SURFACE TO GRID SCALE FACTOR OF 0.999849392677.

5. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

6. THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT HE OR SHE OR THEY SHALL CONSTRUCT UPON THE FIRE LANE EASEMENTS, AS DEDICATED AS SHOWN HEREON, A HARD SURFACE IN ACCORDANCE WITH THE CITY OF CELINA'S PAVING STANDARDS FOR FIRE LANE, AND THAT HE OR SHE OR THEY SHALL MAINTAIN THE SAME IN A STATE OF GOOD REPAIR AT ALL TIMES AND KEEP HE SAME FREE AND CLEAR OF ANY STRUCTURES, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR OBSTRUCTION, INCLUDING BUT NOT LIMITED TO THE PARKING OF MOTOR VEHICLES, TRAILERS, BOATS, OR OTHER IMPEDIMENTS TO THE ACCESSIBILITY OF FIRE APPARATUS. THE MAINTENANCE OF PAVING ON THE FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE OWNER, AND THE OWNER SHALL POST AND MAINTAIN APPROPRIATE SIGNS IN CONSPICUOUS PLACES ALONG SUCH FIRE LANES, STATING "FIRE LANE, NO PARKING." THE LOCAL LAW ENFORCEMENT AGENCY(S) IS HEREBY AUTHORIZED TO ENFORCE PARKING REGULATIONS WITHIN THE FIRE LANES, AND TO CAUSE SUCH FIRE LANES AND UTILITY EASEMENTS TO BE MAINTAINED FREE AND UNOBSTRUCTED AT ALL TIMES FOR FIRE DEPARTMENT AND EMERGENCY USE.

7. THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT THE ACCESS EASEMENT MAY BE UTILIZED BY ANY PERSON OR THE GENERAL PUBLIC FOR INGRESS AND EGRESS TO PUBLIC VEHICULAR AND PEDESTRIAN USE AND ACCESS, AND FOR FIRE DEPARTMENT AND EMERGENCY USE IN, ALONG, UPON, AND ACROSS SAID PREMISES, WITH THE RIGHT AND PRIVILEGE AT ALL TIMES OF THE CITY OF CELINA, ITS AGENTS, EMPLOYEES, WORKMEN, AND REPRESENTATIVES HAVING INGRESS, EGRESS, AND REGRESS IN, ALONG, UPON AND ACROSS SAID PREMISES.

8. THE AREA OR AREAS SHOWN ON THE PLAT AS "VAM" (VISIBILITY, ACCESS, AND MAINTENANCE) EASEMENT(S) ARE HEREBY GIVEN AND GRANTED TO THE CITY, ITS SUCCESSORS AND ASSIGNS, AS AN EASEMENT TO PROVIDE VISIBILITY, RIGHT OF ACCESS FOR MAINTENANCE UPON AND ACROSS SAID VAM EASEMENT. SHOULD THE CITY EXERCISE THIS MAINTENANCE RIGHT, THEN IT SHALL BE PERMITTED TO REMOVE AND DISPOSE OF ANY AND ALL LANDSCAPING IMPROVEMENTS, INCLUDING WITHOUT LIMITATION, ANY TREES, SHRUBS, FLOWERS, GROUND COVER AND FIXTURES. THE CITY MAY WITHDRAW MAINTENANCE OF THE VAM EASEMENT AT ANY TIME. THE ULTIMATE MAINTENANCE RESPONSIBILITY FOR THE VAM EASEMENT SHALL REST WITH THE OWNERS. NO BUILDING, FENCE, SHRUB, TREE, OR OTHER IMPROVEMENTS OR GROWTHS, WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE VISIBILITY, SHALL BE CONSTRUCTED IN, ON, OVER, OR ACROSS THE VAM EASEMENT. THE CITY SHALL ALSO HAVE THE RIGHT BUT NOT THE OBLIGATION TO ADD ANY LANDSCAPE IMPROVEMENTS TO THE VAM EASEMENT, TO ERECT ANY TRAFFIC CONTROL DEVICES, OR SIGNS ON THE VAM EASEMENT AND TO REMOVE ANY OBSTRUCTION THEREON. THE CITY, ITS SUCCESSORS, ASSIGNS, OR AGENTS SHALL HAVE THE RIGHT AND PRIVILEGE AT ALL TIMES TO ENTER UPON THE VAM EASEMENT OR ANY PART THEREOF FOR THE PURPOSES AND WITH ALL RIGHTS AND PRIVILEGES SET FORTH HEREIN.

9. DETENTION PONDS ARE TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

CONSTRUCTION PLAT

SUTTON FIELDS PHASE 2A

TRACT 1 ~ 13.792 ACRES
TRACT 2 ~ 8.990 ACRES
22.782 ACRES TOTAL
103 RESIDENTIAL LOTS
2 NON-RESIDENTIAL LOTS
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411,
CARROL JACKSON SURVEY ~ ABSTRACT NO. 1546,
JACOB RUE SURVEY ~ ABSTRACT NO. 1109, &
THOMAS B. COX SURVEY ~ ABSTRACT NO. 309
CITY OF CELINA
DENTON COUNTY, TEXAS

RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC.
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

PETITT BARRAZA LLC
ENGINEERING PLANNING SURVEYING
TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068

1651 N. Glenville Dr. Ste. 212
Richardson, Texas 75081
Tel. No. (214) 221-9955
Fax No. (214) 340-3550

DATE: MAY 2018
SCALE: 1"=100'
JNICHOLS@PETITTBARRAZA.COM
JOB NO. 1401302B

F:\2014\1401302B\SURVEY\1401302AFP.dwg May 04,2018 - 9:29 am cpetitt

Attachment: Sutton 2A Construction Plat (Sutton Fields Phase 2A Construction Plat)

Development Services
City of Celina, Texas

Memorandum

To:	**Celina Planning and Zoning Commission**
From:	Raha Pouladi, Planner
CC:	Alexis Jackson, Director of Development Services
Date:	June 19, 2018
Re:	Sutton Fields Phase 2B Construction Plat

Action Requested:
Consider and act upon a construction plat for Sutton Fields Phase 2B, approximately 50.579 acres situated in the Freeman Wilkerson Survey, Abstract No. 1411, the Carrol Jackson Survey, Abstract No. 1546, and the Jacob Rue Survey, Abstract No. 1109 in Denton County, containing 265 residential lots and five (4) common area lots, and generally located north of Parvin Road and east of FM 1385 (Sutton Fields Phase 2B Construction Plat).

Owner:
CADG Sutton Fields, LLC
1800 Valley View Lane, Suite 300
Farmers Branch, TX 75234

Background Information:
Staff has reviewed the proposed construction plat for Sutton Fields Phase 2B, and has determined that the outstanding comments are minor in nature and can be addressed prior to the City Council meeting on July 10, 2018.

Board Review/Citizen Input:
N/A

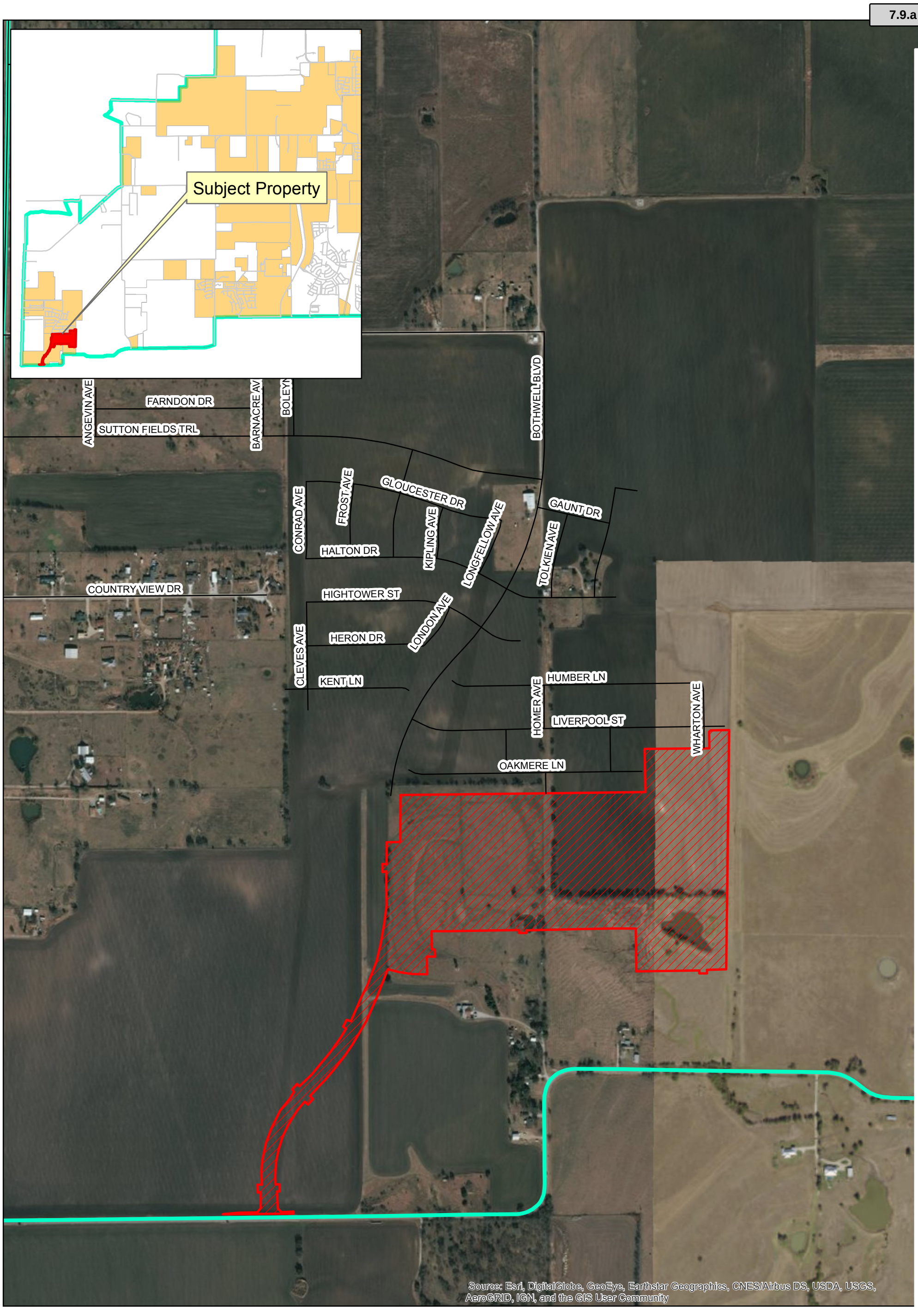
Alternatives:
N/A

Financial Considerations:
N/A

Legal Review:
N/A

Supporting Document:
- Location Map
- Proposed Construction Plat

Staff Recommendation:
Staff recommends approval of the plat subject to any outstanding Engineering comments and approval of the landscape and hardscape plans prior to the applicant scheduling the pre-construction meeting.



CELINA TEXAS EST. 1876

Location Map
Sutton Fields Phase 2B

Date: 5/22/2018

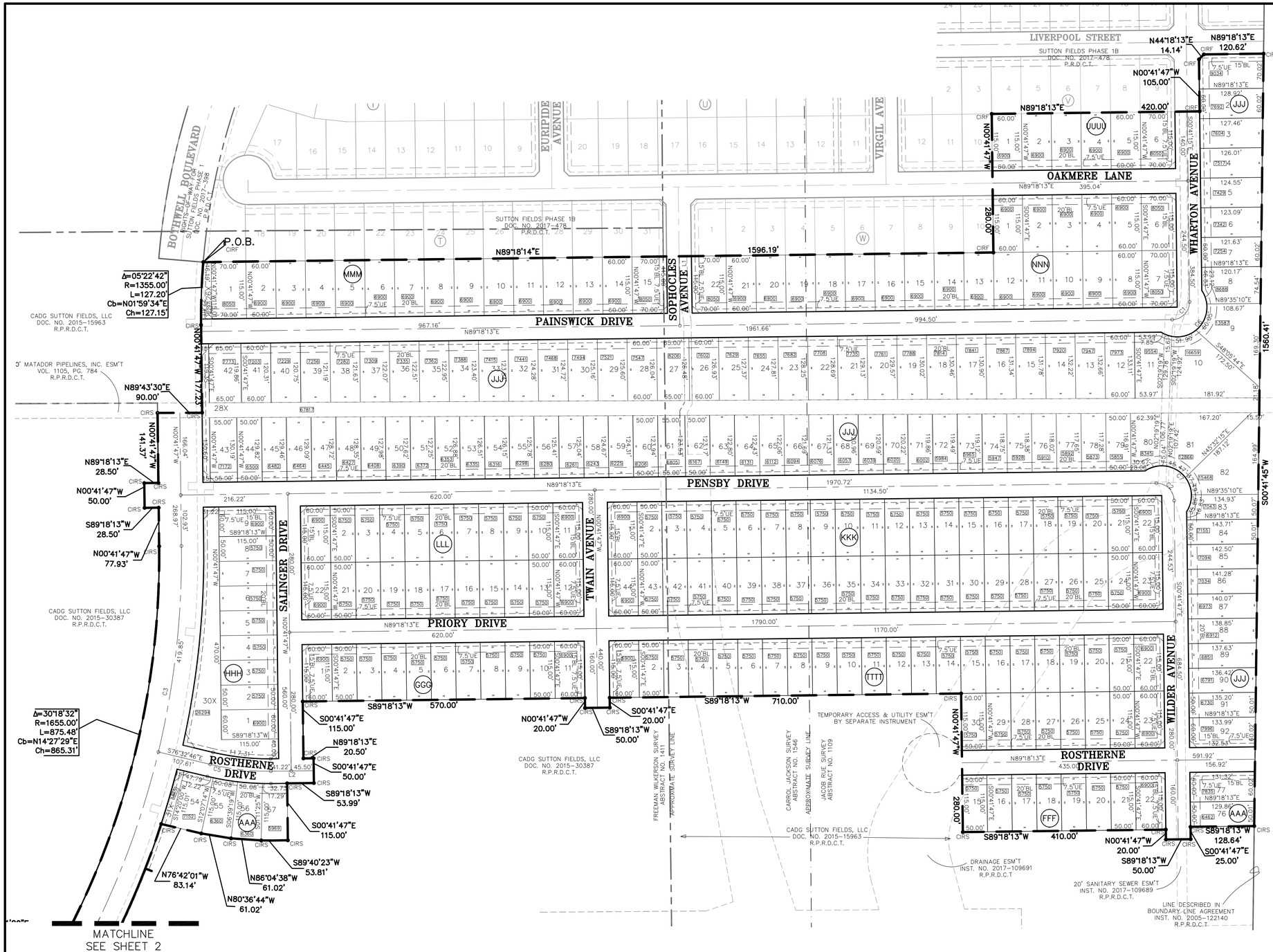
Legend

- Roads
- Sutton Fields Phase 2B
- ETJ Limits

N W E S

0 425 850 Feet

Attachment: SuttonFields2B_LocationMap (Sutton Fields Phase 2B Construction Plat)



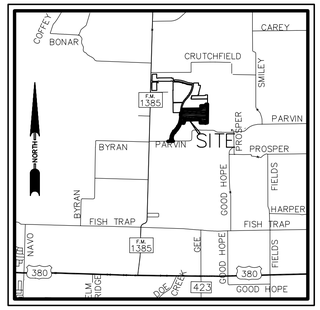
LEGEND

SWE	SIDEWALK EASEMENT
UE	UTILITY EASEMENT
DE	DRAINAGE EASEMENT
WLE	WATER LINE EASEMENT
BL	BUILDING SETBACK LINE
CIRS	5/8-INCH IRON ROD W/CAP MARKED "PETITT-RPLS 4087" SET
CIRF	CAPPED IRON ROD FOUND
IRF	IRON ROD FOUND
R.O.W.	RIGHT-OF-WAY
P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
57.5R (RP)	57.5-FOOT RADIUS (RADIUS POINT)
RPRDCT	REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS
PRDCT	PLAT RECORDS, DENTON COUNTY, TEXAS
(A)	DESIGNATES SUBDIVISION BLOCK
◇	DENOTES STREET NAME CHANGE
9999	LOT AREA (SQUARE FEET)
▲	DENOTES KEY LOT

NORTH

100 0 50 100 200

1 inch = 100 feet



LOCATION MAP

N.T.S.

JO LYNN CAREY NINEMIRE, LAURA JEAN CAREY VARNER, & MARK CARLTON CAREY
DOC. NO. 2014-16824
R.P.R.D.C.T.

RECOMMENDED BY: Planning and Zoning Commission, City of Celina, Texas

Signature of Chairperson — Date of Recommendation

APPROVED BY: City Council, City of Celina, Texas

Signature of Mayor — Date of Approval

ATTEST:

City Secretary — Date

THIS PROPERTY IS LOCATED IN THE CORPORATE LIMITS OF THE CITY OF CELINA, DENTON COUNTY, TEXAS.

SIGNATURE OF MAYOR — DATE OF APPROVAL

ATTEST:

CITY SECRETARY — DATE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°41'47"W	140.00
L2	S89°18'13"W	86.72

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	90°00'00"	35.50	55.76	35.50	N44°18'13"E	50.20
C2	90°00'00"	35.50	55.76	35.50	S45°41'47"E	50.20
C3	45°02'51"	1700.00	1336.58	704.99	N21°49'38"E	1308.42
C4	45°04'06"	800.00	629.27	331.93	S21°49'00"W	613.18
C5	14°09'01"	500.00	123.48	62.06	S83°37'17"E	123.17
C6	157°06'53"	60.00	164.53	296.43	N44°18'13"E	117.61
C7	157°06'53"	60.00	164.53	296.43	N45°41'47"W	117.61

CONSTRUCTION PLAT
SUTTON FIELDS PHASE 2B

58.579 ACRES
265 RESIDENTIAL LOTS
4 NON-RESIDENTIAL LOTS
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411,
CARROL JACKSON SURVEY ~ ABSTRACT NO. 1546, &
JACOB RUE SURVEY ~ ABSTRACT NO. 1109
CITY OF CELINA
DENTON COUNTY, TEXAS

RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC.
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

PETITT BARRAZA LLC
ENGINEERING PLANNING SURVEYING
TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068
1651 N. Glenville Dr. Ste. 212
Richardson, Texas 75081
Tel. No. (214) 221-9955
Fax No. (214) 340-3550

DATE: MAY 2018
JNICHOLS@PETITTBARRAZA.COM
SCALE: 1"=100'
JOB NO. 1401302B

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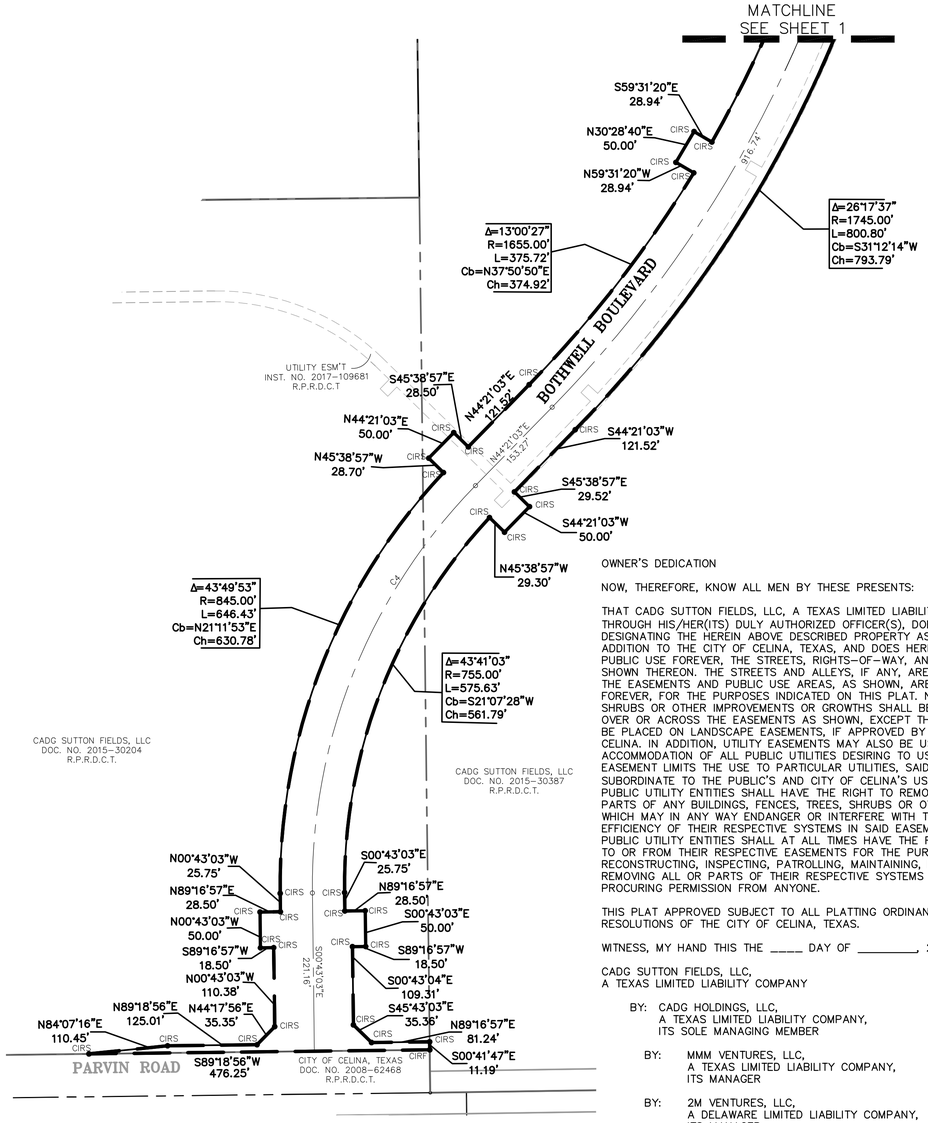
Attachment: Sutton 2B Construction Plat (Sutton Fields Phase 2B Construction Plat)



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, JIMMIE D. NICHOLS, 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 PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF CELINA.

AS SUBMITTED FOR SIGNATURES

_____
JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5184

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JIMMIE D. NICHOLS, REGISTERED PROFESSIONAL LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY AND SEAL OF OFFICE, THIS __ DAY OF _____, 2018.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

_____
MY COMMISSION EXPIRES ON:

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT CADG SUTTON FIELDS, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING HEREIN BY AND THROUGH HIS/HER(ITS) DULY AUTHORIZED OFFICER(S), DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS SUTTON FIELDS PHASE 2B, AN ADDITION TO THE CITY OF CELINA, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE TO THE PUBLIC USE FOREVER, THE STREETS, RIGHTS-OF-WAY, AND OTHER PUBLIC IMPROVEMENTS SHOWN THEREON. THE STREETS AND ALLEYS, IF ANY, ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. 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 PLACED ON LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY COUNCIL OF THE CITY OF CELINA. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF CELINA'S USE THEREOF. THE CITY OF CELINA AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF CELINA AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF CELINA, TEXAS.

WITNESS, MY HAND THIS THE _____ DAY OF _____, 2018.

CADG SUTTON FIELDS, LLC,
A TEXAS LIMITED LIABILITY COMPANY

BY: CADG HOLDINGS, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS SOLE MANAGING MEMBER

BY: MMM VENTURES, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGER

BY: 2M VENTURES, LLC,
A DELAWARE LIMITED LIABILITY COMPANY,
ITS MANAGER

BY: _____
NAME: MEHRDAD MOAYEDI
ITS: MANAGER

STATE OF TEXAS §

COUNTY OF DALLAS §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2017, BY MEHRDAD MOAYEDI, MANAGER OF 2M VENTURES, LLC, AS MANAGER OF MMM VENTURES, LLC, AS MANAGER OF CADG HOLDINGS, LLC, AS SOLE MANAGING MEMBER OF CADG SUTTON FIELDS, LLC, A TEXAS LIMITED LIABILITY COMPANY ON BEHALF OF SAID COMPANY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2018.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

STATE OF TEXAS §

COUNTY OF DENTON §

WHEREAS CADG SUTTON FIELDS, LLC IS THE OWNER OF THAT CERTAIN TRACT OF LAND SITUATED IN THE FREEMAN WILKERSON SURVEY, ABSTRACT NUMBER 1411, CARROL JACKSON SURVEY, ABSTRACT NUMBER 1546, AND JACOB RUE SURVEY, ABSTRACT NUMBER 1109 IN DENTON COUNTY, TEXAS, SAID TRACT BEING PART OF THOSE TRACTS OF LAND DESCRIBED IN DEEDS TO CADG SUTTON FIELDS, LLC, RECORDED IN DOCUMENT NUMBER 2015-30387, DOCUMENT NUMBER 2015-15963, AND DOCUMENT NUMBER 2015-30204, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS (RPRDCT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE SOUTHWEST CORNER OF SUTTON FIELDS PHASE 1B, AN ADDITION TO THE CITY OF CELINA ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NUMBER 2017-478, PLAT RECORDS, DENTON COUNTY, TEXAS (PRDCT), SAID IRON ROD ALSO BEING IN THE EASTERLY RIGHT-OF-WAY LINE OF BOTHWELL BOULEVARD ACCORDING TO THE RIGHTS-OF-WAY FOR SUTTON FIELDS PHASE 1 PLAT RECORDED IN DOCUMENT NUMBER 2017-398 (PRDCT);

THENCE ALONG THE SOUTHERLY LINE OF SAID SUTTON FIELDS PHASE 1B AND DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING BEARINGS AND DISTANCES TO 5/8-INCH IRON RODS WITH CAPS MARKED "PETITT-RPLS 4087" FOUND FOR CORNERS:

NORTH 89°18'14" EAST, A DISTANCE OF 1596.19 FEET;

NORTH 00°41'47" WEST, A DISTANCE OF 280.00 FEET;

NORTH 89°18'13" EAST, A DISTANCE OF 420.00 FEET;

NORTH 00°41'47" WEST, A DISTANCE OF 105.00 FEET

NORTH 44°18'13" EAST, A DISTANCE OF 14.14 FEET;

AND NORTH 89°18'13" EAST, A DISTANCE OF 120.62 FEET, SAID IRON ROD BEING LOCATED ON A LINE DESCRIBED IN BOUNDARY LINE AGREEMENT RECORDED IN INSTRUMENT NUMBER 2005-122140 (RPRDCT);

THENCE SOUTH 00°41'45" WEST WITH SAID BOUNDARY AGREEMENT LINE, A DISTANCE OF 1560.41 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE, DEPARTING THE WEST LINE OF SAID BOUNDARY AGREEMENT LINE, OVER AND ACROSS SAID CADG SUTTON FIELDS TRACT THE FOLLOWING COURSES AND DISTANCES TO 5/8-INCH IRON RODS WITH CAPS MARKED "PETITT-RPLS 4087" SET FOR CORNERS:

SOUTH 89°18'13" WEST, A DISTANCE OF 128.64 FEET;

SOUTH 00°41'47" EAST, A DISTANCE OF 25.00 FEET;

SOUTH 89°18'13" WEST, A DISTANCE OF 50.00 FEET;

NORTH 00°41'47" WEST, A DISTANCE OF 20.00 FEET;

SOUTH 89°18'13" WEST, A DISTANCE OF 410.00 FEET;

NORTH 00°41'47" WEST, A DISTANCE OF 280.00 FEET;

SOUTH 89°18'13" WEST, A DISTANCE OF 710.00 FEET;

SOUTH 00°41'47" EAST, A DISTANCE OF 20.00 FEET;

SOUTH 89°18'13" WEST, A DISTANCE OF 50.00 FEET;

NORTH 00°41'47" WEST, A DISTANCE OF 20.00 FEET;

SOUTH 89°18'13" WEST, A DISTANCE OF 570.00 FEET;

SOUTH 00°41'47" EAST, A DISTANCE OF 115.00 FEET;

NORTH 89°18'13" EAST, A DISTANCE OF 20.50 FEET;

SOUTH 00°41'47" EAST, A DISTANCE OF 50.00 FEET;

SOUTH 89°18'13" WEST, A DISTANCE OF 53.99 FEET;

SOUTH 00°41'47" EAST, A DISTANCE OF 115.00 FEET;

SOUTH 89°40'23" WEST, A DISTANCE OF 53.81 FEET;

NORTH 86°04'38" WEST, A DISTANCE OF 61.02 FEET;

NORTH 80°36'44" WEST, A DISTANCE OF 61.02 FEET;

NORTH 76°42'01" WEST, A DISTANCE OF 83.14 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, WHICH HAS A CHORD THAT BEARS SOUTH 31°12'14" WEST FOR 793.79 FEET, A CENTRAL ANGLE OF 26°17'37", AND A RADIUS OF 1745.00 FEET, FOR AN ARC DISTANCE OF 800.80 FEET;

SOUTH 44°21'03" WEST, A DISTANCE OF 121.52 FEET;

SOUTH 45°38'57" EAST, A DISTANCE OF 29.52 FEET;

SOUTH 44°21'03" WEST, A DISTANCE OF 50.00 FEET;

NORTH 45°38'57" WEST, A DISTANCE OF 29.30 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS SOUTH 21°07'28" WEST FOR 561.79 FEET, A CENTRAL ANGLE OF 43°41'03", AND A RADIUS OF 755.00 FEET, FOR AN ARC DISTANCE OF 575.63 FEET;

SOUTH 00°43'03" EAST, A DISTANCE OF 25.75 FEET;

NORTH 89°16'57" EAST, A DISTANCE OF 28.50 FEET;

SOUTH 00°43'03" EAST, A DISTANCE OF 50.00 FEET;

SOUTH 89°16'57" WEST, A DISTANCE OF 18.50 FEET;

SOUTH 00°43'04" EAST, A DISTANCE OF 109.31 FEET;

SOUTH 45°43'03" EAST, A DISTANCE OF 35.36 FEET;

AND NORTH 89°16'57" EAST, A DISTANCE OF 81.24 FEET;

THENCE SOUTH 00°41'47" EAST, A DISTANCE OF 11.19 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO THE CITY OF CELINA, TEXAS RECORDED IN DOCUMENT NUMBER 2008-62468 (RPRDCT);

THENCE SOUTH 89°18'56" WEST, WITH THE NORTH LINE OF SAID CITY OF CELINA TRACT (PARVIN ROAD), A DISTANCE OF 476.25 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE, DEPARTING SAID NORTH LINE, OVER AND ACROSS SAID CADG SUTTON FIELDS TRACT, THE FOLLOWING COURSES AND DISTANCE TO 5/8-INCH IRON RODS WITH CAPS MARKED "PETITT-RPLS 4087" SET FOR CORNERS:

NORTH 84°07'16" EAST, A DISTANCE OF 110.45 FEET;

NORTH 89°18'56" EAST, A DISTANCE OF 125.01 FEET;

NORTH 44°17'56" EAST, A DISTANCE OF 35.35 FEET;

NORTH 00°43'03" WEST, A DISTANCE OF 110.38 FEET;

SOUTH 89°16'57" WEST, A DISTANCE OF 18.50 FEET;

NORTH 00°43'03" WEST, A DISTANCE OF 50.00 FEET;

NORTH 89°16'57" EAST, A DISTANCE OF 28.50 FEET;

NORTH 00°43'03" WEST, A DISTANCE OF 25.75 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

NORTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, WHICH HAS A CHORD THAT BEARS NORTH 21°11'53" EAST FOR 630.78 FEET, A CENTRAL ANGLE OF 43°49'53", AND A RADIUS OF 845.00 FEET, FOR AN ARC DISTANCE OF 646.43 FEET;

(CONT'D):

NORTH 45°38'57" WEST, A DISTANCE OF 28.70 FEET;

NORTH 44°21'03" EAST, A DISTANCE OF 50.00 FEET;

SOUTH 45°38'57" EAST, A DISTANCE OF 28.50 FEET;

NORTH 44°21'03" EAST, A DISTANCE OF 121.52 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

NORTHEASTERLY, ALONG SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS NORTH 37°50'50" EAST FOR 374.92 FEET, A CENTRAL ANGLE OF 13°00'27", AND A RADIUS OF 1655.00 FEET, FOR AN ARC DISTANCE OF 375.72 FEET;

NORTH 59°31'20" WEST, A DISTANCE OF 28.94 FEET;

NORTH 30°28'40" EAST, A DISTANCE OF 50.00 FEET;

SOUTH 59°31'20" EAST, A DISTANCE OF 28.94 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

NORTHEASTERLY, ALONG SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS NORTH 14°27'29" EAST FOR 865.31 FEET, A CENTRAL ANGLE OF 30°18'32", AND A RADIUS OF 1655.00 FEET FOR AN ARC DISTANCE OF 875.48 FEET;

NORTH 00°41'47" WEST, A DISTANCE OF 77.93 FEET;

SOUTH 89°18'13" WEST, A DISTANCE OF 28.50 FEET;

NORTH 00°41'47" WEST, A DISTANCE OF 50.00 FEET;

NORTH 89°18'13" EAST, A DISTANCE OF 28.50 FEET;

NORTH 00°41'47" WEST, A DISTANCE OF 141.37 FEET;

NORTH 89°43'30" EAST, A DISTANCE OF 90.00 FEET;

AND NORTH 00°41'47" WEST, A DISTANCE OF 177.23 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE NORTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, WHICH HAS A CHORD THAT BEARS NORTH 01°59'34" EAST FOR 127.15 FEET, A CENTRAL ANGLE OF 05°22'42", AND A RADIUS OF 1355.00 FEET, FOR AN ARC DISTANCE OF 127.20 FEET TO THE POINT OF BEGINNING, AND CONTAINING 58.579 ACRES OF LAND, MORE OR LESS.

NOTES:

1. THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" (UNSHADED) ON THE FLOOD INSURANCE RATE MAP, MAP NO. 48121C0270G, REVISION DATE APRIL 18, 2011. ZONE X (UNSHADED) IS DEFINED THEREON AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

2. ALL PERIMETER PROPERTY CORNERS ARE 5/8-INCH IRON ROD WITH CAPS MARKED "PETITT-RPLS 4087" SET, UNLESS NOTED OTHERWISE.

3. LOTS ENDING WITH AN "X" ARE NON-RESIDENTIAL LOTS. MAINTENANCE OF "X" LOTS SHALL NOT BE THE RESPONSIBILITY OF DENTON COUNTY OR THE CITY OF CELINA. SAID NON-RESIDENTIAL LOTS ARE TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

4.. THE BEARINGS SHOWN AND RECITED HEREON ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM – NAD 83 (CORS TEXAS NORTH CENTRAL ZONE NO. 4202). ALL DISTANCES ARE SURFACE DISTANCES WITH A SURFACE TO GRID SCALE FACTOR OF 0.999849392677.

5. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

6. THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT HE OR SHE OR THEY SHALL CONSTRUCT UPON THE FIRE LANE EASEMENTS, AS DEDICATED AS SHOWN HEREON, A HARD SURFACE IN ACCORDANCE WITH THE CITY OF CELINA'S PAVING STANDARDS FOR FIRE LANE, AND THAT HE OR SHE OR THEY SHALL MAINTAIN THE SAME IN A STATE OF GOOD REPAIR AT ALL TIMES AND KEEP HE SAME FREE AND CLEAR OF ANY STRUCTURES, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR OBSTRUCTION, INCLUDING BUT NOT LIMITED TO THE PARKING OF MOTOR VEHICLES, TRAILERS, BOATS, OR OTHER IMPEDIMENTS TO THE ACCESSIBILITY OF FIRE APPARATUS. THE MAINTENANCE OF PAVING ON THE FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE OWNER, AND THE OWNER SHALL POST AND MAINTAIN APPROPRIATE SIGNS IN CONSPICUOUS PLACES ALONG SUCH FIRE LANES, STATING "FIRE LANE, NO PARKING." THE LOCAL LAW ENFORCEMENT AGENCY(S) IS HEREBY AUTHORIZED TO ENFORCE PARKING REGULATIONS WITHIN THE FIRE LANES, AND TO CAUSE SUCH FIRE LANES AND UTILITY EASEMENTS TO BE MAINTAINED FREE AND UNOBSTRUCTED AT ALL TIMES FOR FIRE DEPARTMENT AND EMERGENCY USE.

7. THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT THE ACCESS EASEMENT MAY BE UTILIZED BY ANY PERSON OR THE GENERAL PUBLIC FOR INGRESS AND EGRESS TO PUBLIC VEHICULAR AND PEDESTRIAN USE AND ACCESS, AND FOR FIRE DEPARTMENT AND EMERGENCY USE IN, ALONG, UPON, AND ACROSS SAID PREMISES, WITH THE RIGHT AND PRIVILEGE AT ALL TIMES OF THE CITY OF CELINA, ITS AGENTS, EMPLOYEES, WORKMEN, AND REPRESENTATIVES HAVING INGRESS, EGRESS, AND REGRESS IN, ALONG, UPON AND ACROSS SAID PREMISES.

8. THE AREA OR AREAS SHOWN ON THE PLAT AS "VAM" (VISIBILITY, ACCESS, AND MAINTENANCE) EASEMENT(S) ARE HEREBY GIVEN AND GRANTED TO THE CITY, ITS SUCCESSORS AND ASSIGNS, AS AN EASEMENT TO PROVIDE VISIBILITY, RIGHT OF ACCESS FOR MAINTENANCE UPON AND ACROSS SAID VAM EASEMENT. SHOULD THE CITY EXERCISE THIS MAINTENANCE RIGHT, THEN IT SHALL BE PERMITTED TO REMOVE AND DISPOSE OF ANY AND ALL LANDSCAPING IMPROVEMENTS, INCLUDING WITHOUT LIMITATION, ANY TREES, SHRUBS, FLOWERS, GROUND COVER AND FIXTURES. THE CITY MAY WITHDRAW MAINTENANCE OF THE VAM EASEMENT AT ANY TIME. THE ULTIMATE MAINTENANCE RESPONSIBILITY FOR THE VAM EASEMENT SHALL REST WITH THE OWNERS. NO BUILDING, FENCE, SHRUB, TREE, OR OTHER IMPROVEMENTS OR GROWTHS, WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE VISIBILITY, SHALL BE CONSTRUCTED IN, ON, OVER, OR ACROSS THE VAM EASEMENT. THE CITY SHALL ALSO HAVE THE RIGHT BUT NOT THE OBLIGATION TO ADD ANY LANDSCAPE IMPROVEMENTS TO THE VAM EASEMENT, TO ERECT ANY TRAFFIC CONTROL DEVICES, OR SIGNS ON THE VAM EASEMENT AND TO REMOVE ANY OBSTRUCTION THEREON. THE CITY, ITS SUCCESSORS, ASSIGNS, OR AGENTS SHALL HAVE THE RIGHT AND PRIVILEGE AT ALL TIMES TO ENTER UPON THE VAM EASEMENT OR ANY PART THEREOF FOR THE PURPOSES AND WITH ALL RIGHTS AND PRIVILEGES SET FORTH HEREIN.

9. DETENTION PONDS ARE TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

CONSTRUCTION PLAT

SUTTON FIELDS PHASE 2B

58.579 ACRES
265 RESIDENTIAL LOTS
4 NON-RESIDENTIAL LOTS
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411,
CARROL JACKSON SURVEY ~ ABSTRACT NO. 1546, &
JACOB RUE SURVEY ~ ABSTRACT NO. 1109
CITY OF CELINA
DENTON COUNTY, TEXAS

RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC.
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

PETITT BARRAZA LLC
ENGINEERING PLANNING SURVEYING
TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068

1651 N. Glenville Dr. Ste. 212
Richardson, Texas 75081

Tel. No. (214) 221-9955
Fax No. (214) 340-3550

DATE: MAY 2018
SCALE: 1"=100'
JNICHOLS@PETITTBARRAZA.COM
JOB NO. 1401302B

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