

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, RELATING TO THE USE AND DEVELOPMENT OF LOT 1, BLOCK 1, BETHANY WORSHIP ADDITION, CITY OF ALLEN, COLLIN COUNTY, TEXAS, PRESENTLY ZONED AS PLANNED DEVELOPMENT PD NO. 104 FOR COMMUNITY FACILITIES (CF) BY CHANGING THE BASE ZONING ON SAID PROPERTY TO SINGLE-FAMILY RESIDENTIAL (R-7) AND ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, LANDSCAPE PLAN, AND BUILDING ELEVATIONS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Allen, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Allen, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Allen Land Development Code Zoning Regulations and the Zoning Map of the City of Allen, Collin County, Texas, as previously amended, be further amended by amending the development regulations of Planned Development No. 104 and adopting a Concept Plan, Landscape Plan, and Building Elevations relating to the development and use of Lot 1, Block 1, Bethany Worship Addition, City of Allen, Collin County, Texas, (“the Property”), by changing the base zoning from Community Facilities (CF) to Single Family Residential (R-7) and to be used and developed in accordance with the use and development regulations set forth in Section 2 of this Ordinance.

SECTION 2. The Property shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code (“ALDC”), as amended, except to the extent modified by the Development Regulations set forth below:

- A. BASE ZONING DISTRICT:** The Property shall be developed and used only in accordance with the Single Family Residential R-7 standards of the ALDC, except as otherwise provided herein.
- B. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit “A,” and incorporated herein by reference. Minor modifications to streets that do not alter the general alignment shown on the Concept Plan may be made at the time of plat approval. Furthermore,
- C. SCREENING:** Screening shall be constructed and/or installed along the boundaries of the Property in general conformance with the Concept Plan attached hereto as Exhibit “A,” and incorporated herein by reference. No building permit shall be issued until the fence permit has been issued and construction

of the screening wall has commenced. No final inspection will be conducted until the Director of Community Development or designee has determined that construction and installation of all required screening has been completed.

D. LANDSCAPING: The Property shall be landscaped in general conformance with the Landscape Plan attached hereto as Exhibit "B," and incorporated herein by reference. No final inspections for any building constructed on the Property shall be granted until the Director of Community Development or designee has determined that installation of all landscaping materials and associated irrigation is complete.

E. TREE MITIGATION: Development of the Property in accordance with the Concept Plan is going to result in the removal of approximately 1,202 caliper inches of protected trees from the Property. Mitigation for the removal of the protected trees from the Property shall be as follows:

- (1) No fewer than three hundred ninety-one (391) trees ("the Replacement Trees") shall be purchased and delivered to the City of Allen tree farm at no cost to the City as follows:
 - (a) The first delivery of no fewer than 50% of the Replacement Trees shall occur not later than six (6) months following the date on which the City issues the first construction permit for a building to be constructed on the Property, and
 - (b) The second delivery, consisting of the balance of the Replacement Trees, shall occur not later than six (6) months following the date of the first delivery of Replacement Trees to the City.
- (2) Unless a different specimen of trees is otherwise approved by the Director of Parks and Recreation or designee, the Replacement Trees shall be of the following specimens and in the following quantities:

Specimen	Quantity
Ginkgo Biloba	50
Common Persimmon	80*
Pecan	80
Princeton Elm	120
Pond Cypress	61
Total	391
*If 80 Common Persimmon are not available, the balance may be substituted with Princeton Elm or Pecan	

- (3) All Replacement Trees delivered to the City shall be growing and healthy at the time of delivery with no disease or insect infestation, balled and burlapped (not less than 35 gallons), and with a trunk of not less than three (3) caliper inches measured three (3) feet from the base of the tree trunk. No tree shall be deemed to be a Replacement Tree for purposes of this Paragraph E until they have been inspected and accepted on behalf of the City by the City Forester.
- (4) Notwithstanding Paragraph E(1)(b), above, no more than 75% of the building permits for construction of residential structures on the Property shall be granted until all Replacements Trees have been delivered to the City.

F. TREE PLANTING: Two shade trees, each with a trunk diameter of not less than four (4) caliper inches measured three (3) feet above the base of the trunk at time of planting, shall be planted on the lot of each dwelling unit. Not less than one (1) tree shall be planted within the front yard of each

dwelling unit with the second tree to also be planted in the front yard if there is sufficient lot width to properly space the trees in order to prevent overcrowding and provide proper growth of the trees to full maturity. If the remaining shade tree cannot be planted within the front yard, it shall be planted within the rear yard of the same lot.

G. BUILDING ELEVATIONS:

- (1) The residential units constructed on the Property shall be developed in general conformance with the materials (both in style and mix) and architectural style as the Building Elevations attached hereto as Exhibit "C," and incorporated herein by reference.
- (2) Residential units with the same building elevation shall not be constructed more frequently than every fourth (4th) lot on the same side of the street (i.e. same elevations must be constructed on lots separated by at least three lots with different elevations).
- (3) Garage doors shall be of carriage hardware design.
- (4) Driveways shall be washed aggregate or salt finish concrete.
- (5) Any windows on a second floor of the rear elevation of Lots 1-14, Block B, must be one or both of the following (to be developed in general conformance with the floorplan and elevations shown in Exhibit "D"):
 - (a) Transom windows; or
 - (b) Opaque Glass

H. LOT DESIGN CRITERIA: The lot design criteria for the Property shall be as follows:

- (1) Minimum Lot Width: Fifty (50) feet
- (2) Minimum Lot Depth: Ninety (90) feet, with exceptions to Lots 16 and 17, Block C, and Lots 2 and 3, Block B, which minimum lot depths shall be as shown on the Concept Plan; provided, however, the Planning and Zoning Commission, on the recommendation of the Director of Community Development, may approve a final plat of the Property where the depth of one of more of Lots 1 through 14, Block B, as shown on the Concept Plan, is less than ninety (90) feet if the reduction of such lot depth is necessary to provide for the dedication of a public alley easement along part or all of the eastern portion of the Property in order to ensure proper backing and turning space between the screening wall constructed along the eastern boundary of the Property and the rear entry lots developed on the land east of the Property.
- (4) Minimum Dwelling Unit Size: 2,200 square feet (including floor area of garage)
- (5) Maximum Lot Coverage: 66%

I. BUILDING SETBACKS: The minimum building setbacks for buildings constructed on the Property shall be as follows:

- (1) Front Yard Setback: 10 feet
- (2) Corner Lot Side Yard Setback: 5 feet
- (3) Garage Setback: 20 feet (to face of the structure)

- J. RIVERCREST BOULEVARD:** Having reviewed the Proportionality Study and Cost Estimate for the reconstruction of Rivercrest Drive, notwithstanding anything to the contrary set forth in Section 8.05 of the ALDC, no reconstruction of Rivercrest Boulevard shall be required with initial development of the Property.
- K. SIDEWALKS:** In accordance with ALDC Section 8.05.5.1, sidewalks shall be constructed or reconstructed along Greenville Avenue and Rivercrest Boulevard, the completion of which shall occur prior to the issuance of the first building permit for any residential dwelling unit to be constructed on the Property.

SECTION 3. To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Allen governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Allen Land Development Code Zoning Regulations, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Allen Land Development Code Zoning Regulations, as amended hereby, which shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code Zoning Regulations, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Allen Land Development Code Zoning Regulations of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 7. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 12TH DAY OF JULY 2016.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:6/29/16:77619)

Shelley B. George, TRMC, CITY SECRETARY

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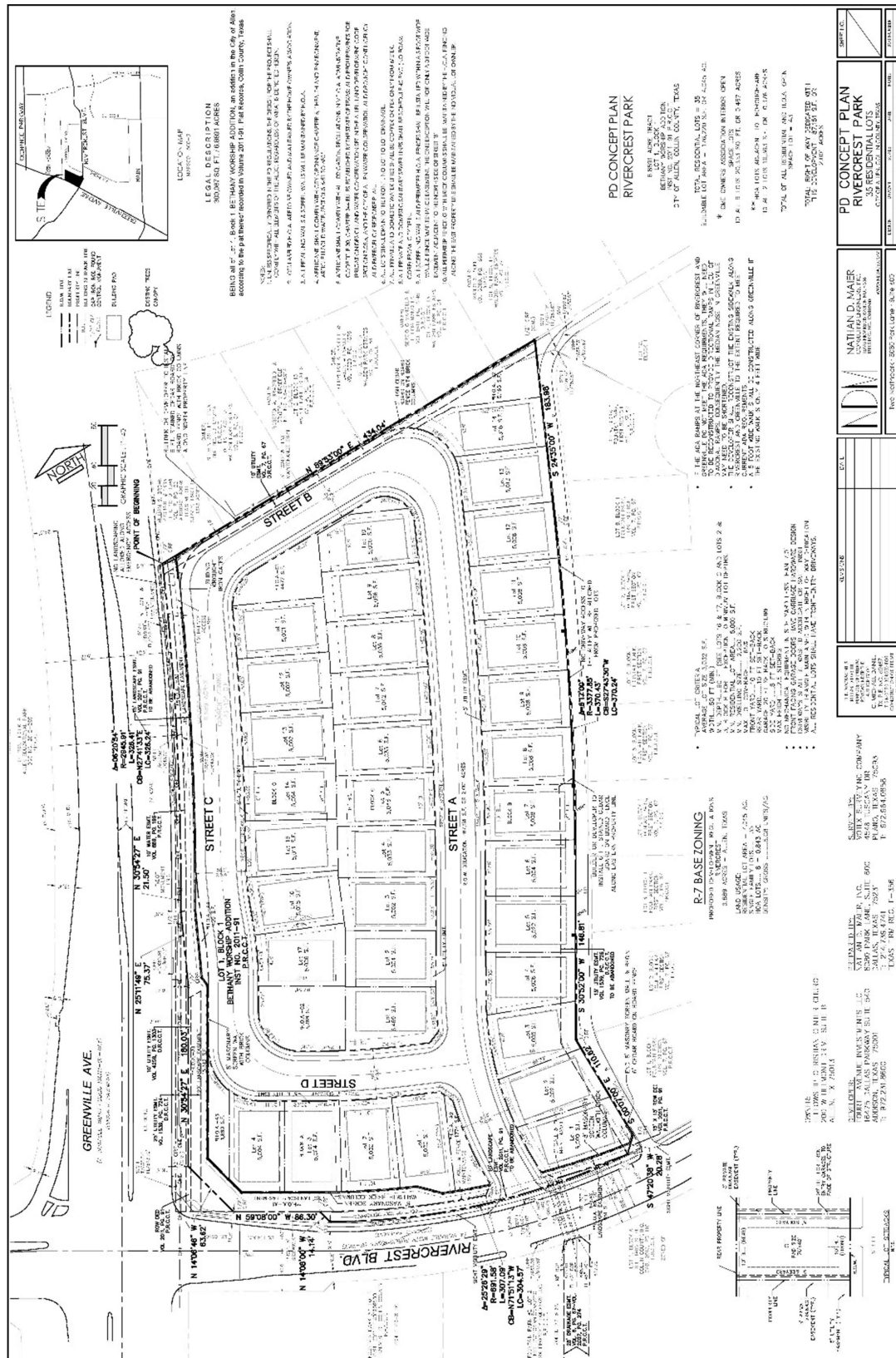


EXHIBIT "B" LANDSCAPE PLAN

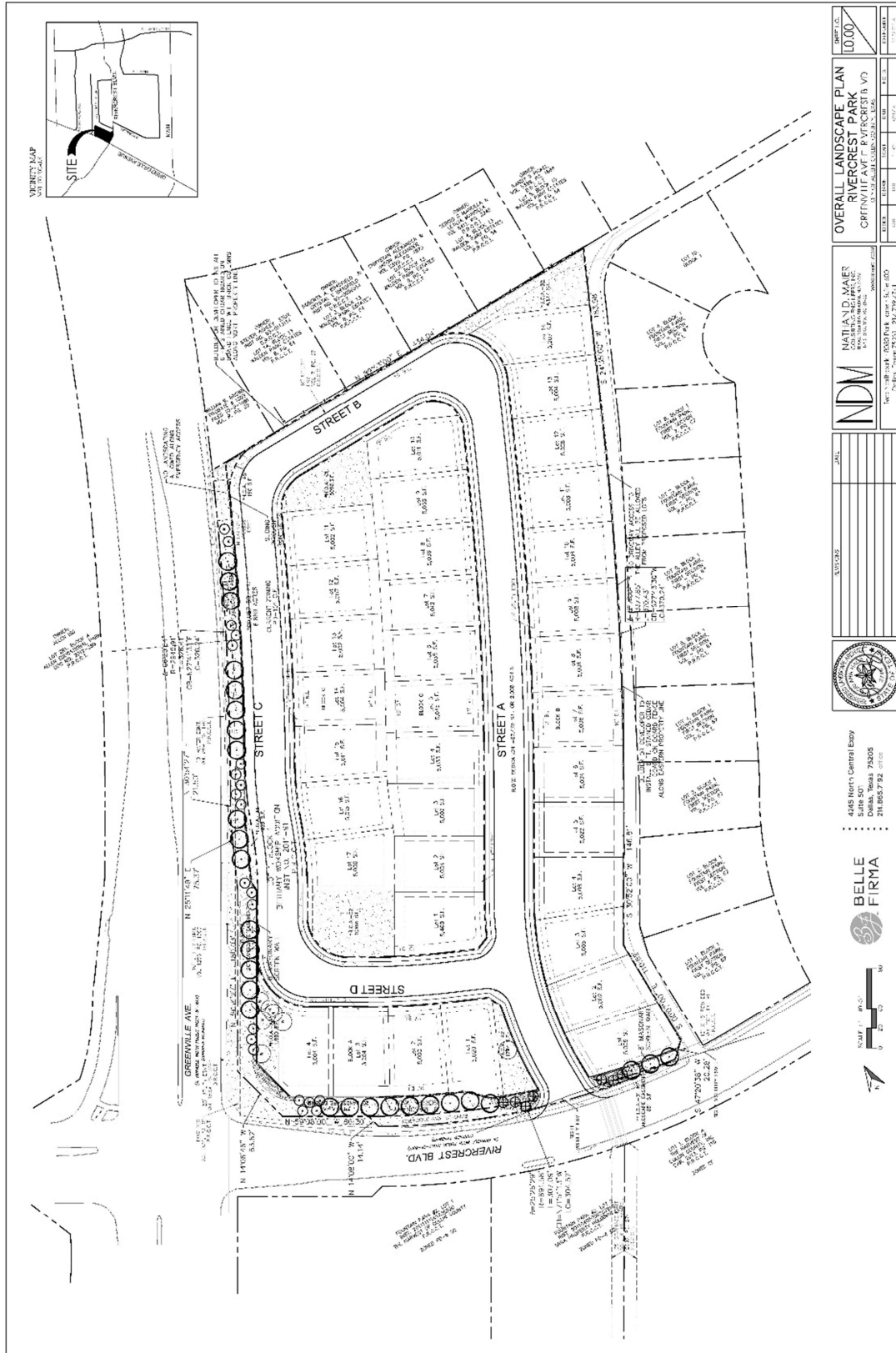


EXHIBIT “C”
BUILDING ELEVATIONS



Alexandria II A



Balmoral II A

EXHIBIT “C”
BUILDING ELEVATIONS cont.



Balmoral II E



Sterling II A

EXHIBIT "C"
BUILDING ELEVATIONS cont.



Sterling II R

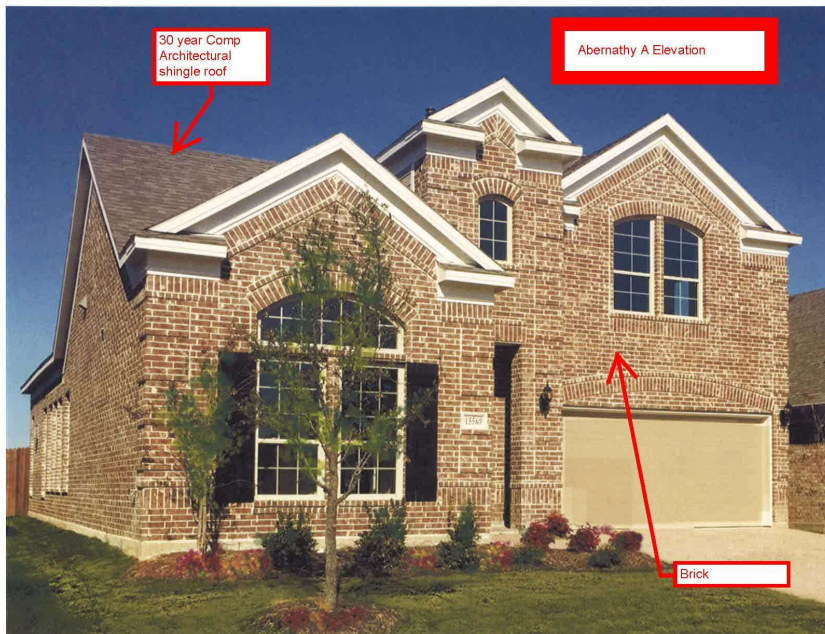
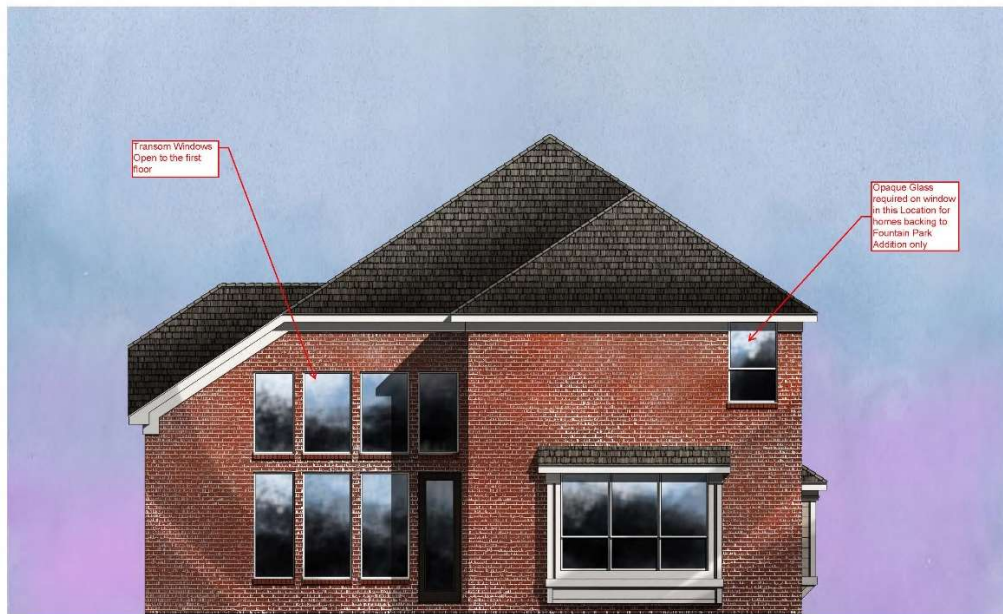


EXHIBIT “C”
BUILDING ELEVATIONS cont.



Alexandria II E

EXHIBIT "C"
BUILDING ELEVATIONS cont.

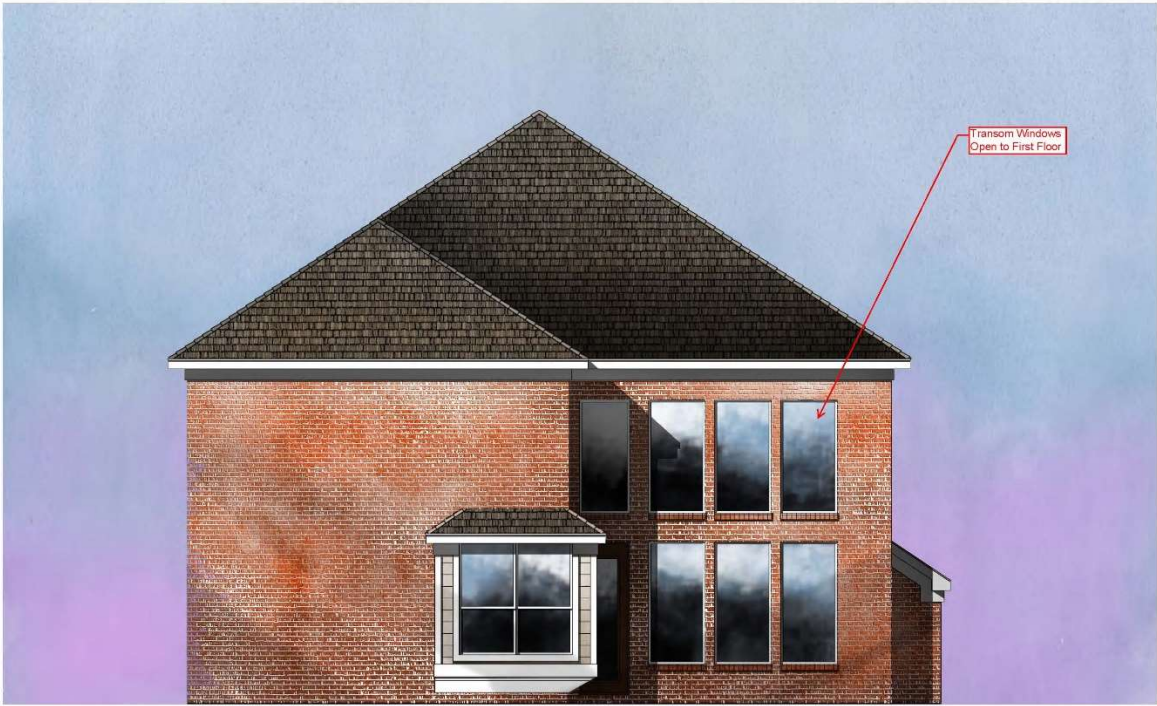


Sterling II A Rear



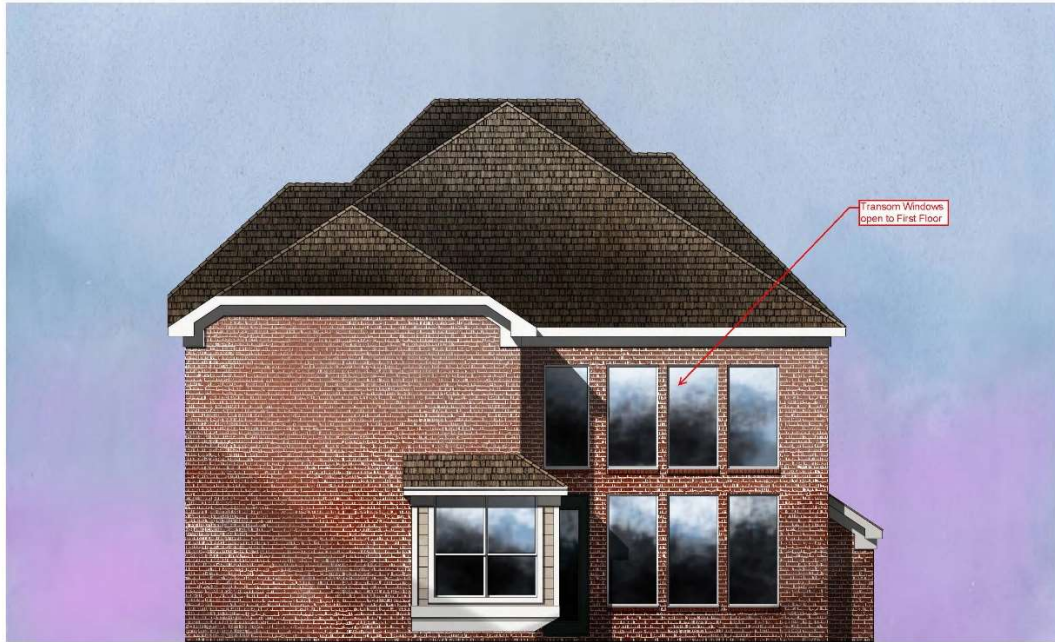
Sterling II R Rear

EXHIBIT "C" **BUILDING ELEVATIONS cont.**



Balmoral II A Rear

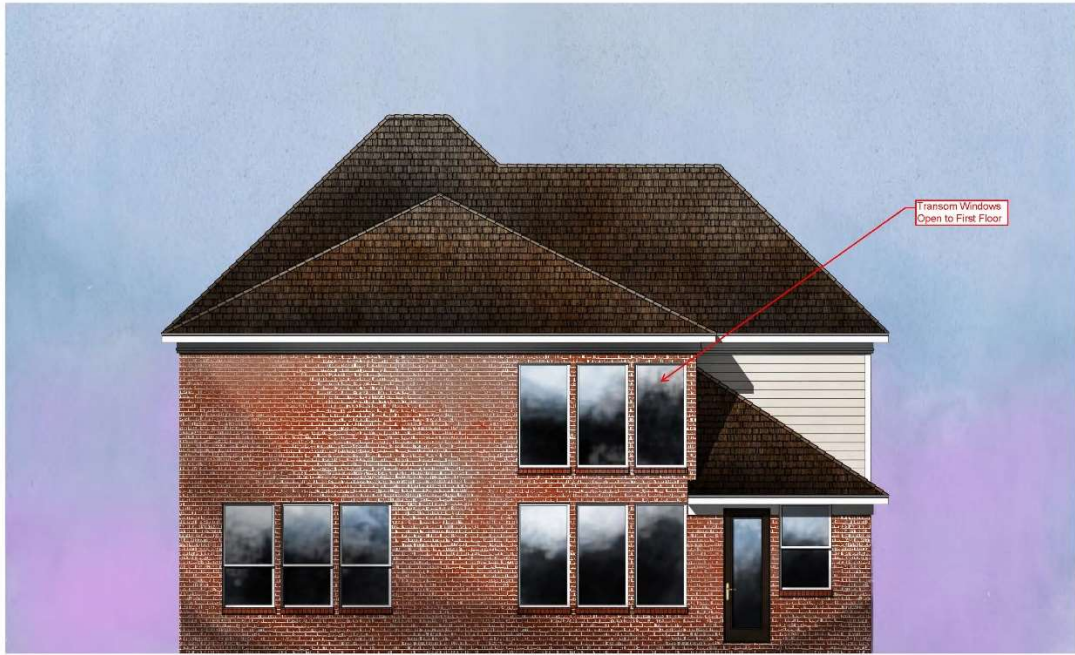
EXHIBIT "C"
BUILDING ELEVATIONS cont.



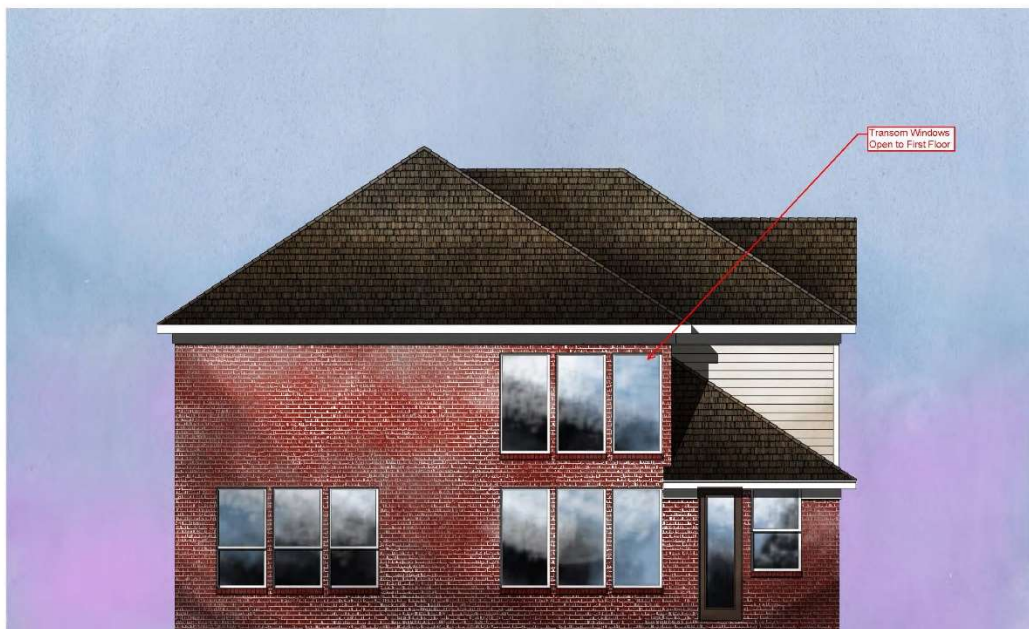
Balmoral II E Rear



EXHIBIT "C"
BUILDING ELEVATIONS cont.



Alexandria II E Rear



Alexandria II A Rear

EXHIBIT "C" **BUILDING ELEVATIONS cont.**

