

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 BY AMENDING THE DEVELOPMENT REGULATIONS, ADOPTING A CONCEPT PLAN, AND ADOPTING BUILDING ELEVATIONS FOR 20.592± ACRES OF LAND IN THE D. NIX SURVEY, ABSTRACT NO. 668, THE M. SEE SURVEY, ABSTRACT NO. 543, AND THE T. KENNEDY SURVEY, ABSTRACT NO. 500, CITY OF ALLEN, COLLIN COUNTY, TEXAS, WHICH PROPERTY IS LOCATED IN AND SUBJECT TO THE REGULATIONS OF PLANNED DEVELOPMENT NO. 105; 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. 105 and adopting a Concept Plan and Building Elevations relating to the development and use of the 20.592± acres of land located in the D. Nix Survey, Abstract No. 668, the M. See Survey, Abstract No. 543, and the T. Kennedy Survey, Abstract No. 500, City of Allen, Collin County, Texas (“the Property”) described in Exhibit “A”, attached hereto and incorporated herein by reference.

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 District (R-7) except as otherwise provided in this Ordinance.
- B. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit “B” 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.
- C. BUILDING ELEVATIONS:** Buildings to be constructed on the Property shall be developed in general conformance with the materials and architectural style set forth on the Building Elevations attached hereto as Exhibit “C”, and incorporated herein by reference, and shall be further subject to the following.

- (1) The maximum height shall be two and one-half (2.5) stories, but in no case exceeding thirty-five (35) feet.
- (2) All Type A lots will be front-entry.

D. LOT DESIGN CRITERIA AND BUILDING SETBACKS:

- (1) Minimum Dwelling Unit Size: 1,800 square feet
- (2) Maximum Dwelling Units/Acre: 5.0
- (3) Maximum Lot Coverage: 65%
- (4) The minimum lot dimensions and building setbacks for the lot types shown on the Concept Plan shall be as follows:

(a) Lot Type A:

Minimum Lot Width	55 feet
Minimum Lot Depth	130 feet
Minimum Front Setback	15 feet
Minimum Rear Setback	15 feet
Minimum Side Setback (Option 2)	Three (3) feet for one side yard and seven (7) feet for the other side yard on the same lot; provided, however, (i) the total setback on adjacent side yards shall be not less than ten (10) feet so there is always not less than ten (10) foot required building separation established by adjacent side yard setbacks and (ii) the side yard of the lot to be set with the three (3) foot side yard shall be determined and fixed by a note on the final plat.

(b) Type B Lots:

Minimum Lot Width	31 feet
Minimum Lot Depth	105 feet
Minimum Front Setback	15 feet
Minimum Rear Setback	5 feet
Minimum Side Setback (if side yard not adjacent to street)	3 feet
Minimum Side Setback (if side yard adjacent to street)	10 feet

- (5) The face of the exterior garage wall for all rear entry garages must be setback not less than twenty (20) feet from the rear lot line.

- (6) The face of the exterior garage wall for all front entry garages shall be setback not less than the greater of (i) twenty (20) feet from the front lot line and (ii) twenty (20) feet from the closest edge of the sidewalk constructed in the front yard.
- (7) Front Porches on thirty-one (31) foot wide lots may encroach not more than ten (10) feet beyond the front setback line; but shall in no case be constructed within any utility, access, or drainage easement, whether dedicated or conveyed by plat or separate instrument, and whether dedicated to the public or to a homeowners' association ("HOA") for use and benefit of the HOA and/or other owners of a lot constituting a portion of the Property.

E. 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." In addition to the elements of screening set forth in Section 7.07 of the ALDC, the composition of the screening required by this Paragraph E may be as follows:

- (1) An eight (8) foot high earthen berm which has been planted with groundcover in plant materials authorized pursuant to the ALDC;
- (2) An eight (8) foot high living wall system that provides a structural framework for evergreen plant material that can be trellised or espaliered within it and provides 80% opacity within three years of installation;
- (3) If the lot is located adjacent to the Neighborhood/Community Reserve Area, the required screening may include decorative metal fencing at locations shown on the Concept Plan;
- (4) An eight (8) foot high masonry screening wall.

The Director of Community Development may, in his sole discretion, authorize the installation of the screening elements described in (1), (2), or (3), above, provided the Director of Community Development finds that the extent of screening shall be at or above the same level of screening that would occur with respect to the use of any of the above described screening elements alone. No certificate of occupancy for any building constructed on the Property shall be granted until all required screening has been installed and determined by the Director of Community Development and the Chief Building Official to be complete and in compliance with this Ordinance and all other applicable City ordinances.

F. FLOODPLAIN RECLAMATION: The lot layout and developable area is contingent upon the developer proving that the floodplain reconfiguration complies with the City's policy of prohibiting adverse impact to the floodplain through a rise or increase in velocity and/or or a decrease in valley storage within the floodplain area.

G. THOROUGHFARES AND STREETS: All internal street rights-of-ways shall be a minimum width of forty-five (45) feet.

H. STREET IMPROVEMENTS: The median on Alma Drive shall be modified to add a southbound left turn lane for Street E at the location shown on the Concept Plan. Construction costs, including landscaping and lighting adjustments to meet City of Allen Standards, shall be borne solely by the developer. No building permit for any structure located on the Property shall be issued until completion of construction of such left turn lane shall and acceptable by the City through the approval of the City Engineer.

- I. STREET LIGHTING:** LED luminaries may be used as street lighting within the neighborhood sections; provided, however, such LED luminaries shall not be installed unless and until the owner, Homeowners' Association (HOA), and Master Maintenance Organization (MMO) have entered an agreement with the City relating to the maintenance, repair, and replacement of non-standard street lighting by the HOA and/or the MMO. The exact locations shall be determined at the time of civil engineering plan preparation and review.
- J. FLEXIBLE DESIGN STANDARDS:** The City's Director of Community Development, Director of Engineering, Director of Parks and Recreation, Chief Building Official, and/or Fire Chief, as the case may be, shall have the authority, but not the obligation, to approve a request to modify the development regulations identified in Exhibit "D", attached hereto, subject to the criteria and limitations set forth in Exhibit "D" to the extent such regulations apply to 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:6/29/16:77616)

Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A"
DESCRIPTION OF PROPERTY

BEING a tract of land situated in the D. Nix Survey, Abstract No. 668, the M. See Survey, Abstract No. 543, and the T. Kennedy Survey, Abstract No. 500, City of Allen, Collin County, Texas, the subject tract being a portion of a tract conveyed as Tract 2 to Emerson Farm Company, Ltd. according to the deed recorded in Volume 5105, Page 3414 of the Deed Records, Collin County, Texas (DRCCT), and a portion of a tract conveyed as the 98.266 acre tract Emerson Farm Company, Ltd. according to the deed recorded in Volume 5034, Page 158 DRCCT, to the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found on the east line of Alma Drive, a variable width public right-of-way, and created by deed to the City of Allen, recorded in Document No. 2003-0110815 of the Official Public Records, Collin County, Texas (OPRCCT), for the upper southwest corner of Watters Crossing II, an addition to the City of Allen recorded in Cabinet I, Page 277, Plat Records, Collin County, Texas (PRCCT);

THENCE along the common line thereof, the following:

N 89°35'26" E, 89.38 feet to a 1/2" iron rod found;

S 00°04'25" W, 361.68 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 00°12'25" W, 432.60 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 00°34'04" W, 347.15 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set, and from which an "X" found in concrete bears N 35°13'20" E, 293.49 feet;

S 88°47'06" E, 310.60 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 88°41'33" E, 383.76 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

And S 89°18'35" E, 207.98 feet to a 1/2" iron rod with plastic cap found for the northwest corner of The Park at Montgomery Farm, an addition to the City of Allen recorded in Cabinet R, Page 3 PRCCT;

THENCE S 44°42'41" W, 589.83 feet along the common line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set, and from which an "X" found in concrete bears N 64°02'06" E, 451.76 feet;

THENCE S 14°42'24" W, 221.24 feet continuing along the common line thereof to a 1/2" iron rod with plastic cap found on the north line of Bethany Drive, a variable width public right-of-way, and created by deed to the City of Allen, recorded in Document No. 2002-00013695 and Document No. 2002-0045796 OPRCCT;

EXHIBIT "A"
DESCRIPTION OF PROPERTY cont.

THENCE along the north line of Bethany Drive, the following:

A non-tangent curve to the right having a central angle of $31^{\circ}06'40''$, a radius of 816.50 feet, a chord of $N 60^{\circ}23'48'' W - 437.93$ feet, an arc length of 443.35 feet to a $1/2''$ iron rod with plastic cap stamped "SPIARSENG" set;

$N 44^{\circ}50'27'' W$, 128.51 feet to a $1/2''$ iron rod with plastic cap stamped "SPIARSENG" set;

A tangent curve to the left having a central angle of $14^{\circ}56'15''$, a radius of 1133.50 feet, a chord of $N 52^{\circ}18'35'' W - 294.68$ feet, an arc length of 295.51 feet to a $1/2''$ iron rod with plastic cap stamped "SPIARSENG" set;

$N 59^{\circ}46'42'' W$, 107.29 feet to a $1/2''$ iron rod with plastic cap stamped "SPIARSENG" set;

A tangent curve to the right having a central angle of $04^{\circ}24'33''$, a radius of 966.50 feet, a chord of $N 57^{\circ}34'26'' W - 74.36$ feet, an arc length of 74.38 feet to a $1/2''$ iron rod with plastic cap stamped "SPIARSENG" set;

A compound curve to the right having a central angle of $10^{\circ}49'16''$, a radius of 600.00 feet, a chord of $N 49^{\circ}57'31'' W - 113.15$ feet, an arc length of 113.32 feet to a $1/2''$ iron rod with plastic cap stamped "SPIARSENG" set;

A reverse curve having a central angle of $02^{\circ}31'32''$, a radius of 600.00 feet, a chord of $N 45^{\circ}48'39'' W - 26.45$ feet, an arc length of 26.45 feet to a $1/2''$ iron rod with plastic cap stamped "SPIARSENG" set;

A reverse curve having a central angle of $12^{\circ}59'14''$, a radius of 961.50 feet, a chord of $N 40^{\circ}34'48'' W - 217.48$ feet, an arc length of 217.94 feet to a $1/2''$ iron rod with plastic cap stamped "SPIARSENG" set;

And $N 34^{\circ}05'11'' W$, 18.10 feet to a $1/2''$ iron rod with plastic cap stamped "SPIARSENG" set for the south end of a corner clip being the intersection of the north line of Bethany Drive with the east line of Alma Drive;

THENCE $N 09^{\circ}10'15'' E$, 29.12 feet along said corner clip to a $1/2''$ iron rod with plastic cap stamped "SPIARSENG" set;

THENCE along the east line of Alma Drive, the following:

A non-tangent curve to the left having a central angle of $25^{\circ}00'23''$, a radius of 1260.00 feet, a chord of $N 39^{\circ}34'03'' E - 545.56$ feet, an arc length of 549.92 feet to a $1/2''$ iron rod with plastic cap stamped "SPIARSENG" set;

EXHIBIT "A"
DESCRIPTION OF PROPERTY cont.

And N 27°03'52" E, 549.80 feet to the POINT OF BEGINNING with the subject tract containing 897,007 square feet or 20.592 acres of land.

GENERAL NOTES:

1. Survey of the property shown on this plan was made by the undersigned on or about the 1st day of May, 1964, and the same is true and correct.
2. The property shown on this plan is subject to the easements and restrictions shown thereon.
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10. The property shown on this plan is subject to the easements and restrictions shown thereon.

PROPERTY	PROPOSED	ACRES	UNITS	SQ. FT. (GROSS)
Type A	15	11.137	117,500	117,500
Type B	15	11.137	117,500	117,500
Total	30	22.274	235,000	235,000

EXHIBIT "C"
BUILDING ELEVATIONS



EXHIBIT "C"
BUILDING ELEVATIONS cont.



EXHIBIT "C"
BUILDING ELEVATIONS cont.



**EXHIBIT “D”
FLEXIBLE DESIGN STANDARDS**

<i>Code Standard</i>	<i>Extent of Administrative Modification Permitted</i>	<i>Criteria</i>	<i>Administrator of Modification</i>
1. Concept Plan Map			
a. Location of any Required Street	Location may be shifted no more than 60 feet in any direction	i. Must maintain the connectivity intended by the Concept Plan ii. Must maintain the continuation and/or connectivity with any existing streets where possible	Director of Community Development, Director of Engineering and the Building Official.
b. Area of any Required Open Space/ Parkland	Each required Open Space or Parkland area may be reduced by no more than 10% of the area shown on the Concept Plan	i. Shall maintain the frontages required by the Concept Plan ii. Area may be adjusted to accommodate shifting of any new Required Streets only	Director of Community Development, Director of Engineering, the Building Official and the Director of Parks and Recreation.
2. Development Standards			
a. Driveways	Driveways may be allowed to be closer than the 10-foot minimum spacing in order to reduce curb cuts and expand front yard space.	Driveways may abut other driveways or the property line provided both driveways meet the minimum driveway width and drainage requirements.	Director of Community Development, Director of Engineering, and the Building Official.
b. Lot Size	Lot sizes may be reduced by up to 5% of the size originally shown on the Concept Plan and reconfigured as necessary to conform with City ordinance requirements.	Lots can be reconfigured to address compliance requirements of applicable City ordinances (i.e. setbacks, drainage needs, etc.).	Director of Community Development, Director of Engineering and the Building Official.
c. Measurement of minimum lot widths of cul-de-sac lots	Adjustments can be made to the requirements that the minimum lot width is measured at the front yard setback line for lots located on cul-de-sac's radius.	The point of measurement for determining compliance with minimum lot width requirements may be relocated as necessary to accommodate a unique configuration of cul-de-sac lots by measuring a line the ends of which shall be located at the “midpoint” of the two side lot lines which intersect the front lot line	Director of Community Development, Director of Engineering and the Building Official.
d. Elevations	Minor adjustments can be made to the elevations submitted with zoning	Elevations can be modified as long as compliance with applicable City ordinances is maintained.	Director of Community Development, Director of Engineering and the Building Official.