

Article I - GENERAL PROVISIONS

Sec. 1.11. –Lots Located in More than One Zoning District.

1. If a lot is located in two (2) zoning districts, the development and use regulations applicable to the zoning district in which the majority of the area of the lot is located shall apply to the entire lot.
2. If a lot is located in more than two (2) zoning districts, no permit for the development of such lot shall be granted until the owner of such lot has elected which zoning district regulations will apply to the use and development of the entire lot by delivering written notification of such election to the Director of Community Development. Upon delivery of such notice to the Director of Community Development, the use and development of the lot shall continue to be subject to the regulations of the zoning district elected by the lot owner until such time as an amendment to the zoning regulations relating to the use and development of said lot is enacted.
3. This Section 1.11 shall not apply to a lot for which an application to amend the zoning regulations applicable to such lot was or is made by the owner or developer of the lot when it was known at the time of submission of such application that the lot would be located in different zoning districts or subject to different zoning regulations if such zoning amendment was enacted.

Sec. 4.06. – Changes and amendments.

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- ~~8. *Resubmission of application.* A request that has been denied by the city council without prejudice may be resubmitted at any time with a new filing fee. If the request has been denied with prejudice, the same or similar request may not be resubmitted to the city for one year from the original date of denial.~~
8. *Council consideration.*
 - a. At least one public hearing shall be held by the city council before adopting any amendment, supplement, or change to the zoning regulations or zoning map. Not less than 15 days prior to the date of the hearing, Noticenotice of such hearing shall be given by publication in a newspaper of general circulation in the city, stating the time and place of such hearing, ~~which shall be at least 15 days prior to the date of the hearing.~~
 - b. In considering a motion to deny an application to amend the zoning regulations, or upon voting to deny an application for an amendment to these zoning regulations, the City Council may further consider whether the application shall be denied with or without prejudice against refiling. If the City Council shall deny the petition and fail to clearly state the same as being denied with prejudice, then it shall be deemed that the petition is denied without prejudice against refiling.
9. *Resubmission of application.* If an application to amend the zoning regulations has been denied by the city council:

- a. If denied without prejudice, the same application may be resubmitted at any time after the date of the action by the city council accompanied by payment of a filing fee in the amount required of a new application; and
- b. If denied with prejudice, an application relating to the development and/or use of all or a portion of the same property that was the subject of the denied application may not be submitted on or before the date that is one year from the date of the city council's denial of the prior application if the requested amendments are substantially the same or similar to the amendments previously denied with prejudice.

Sec. 4.20.2. – Schedule of principal uses.

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RESIDENTIAL USES												TYPE OF USE	NON-RESIDENTIAL DISTRICTS												
R1	R1.5	R-2	R-3	R-4	R-5	R-6	R-7	2F	TH	MF1	MF1		MH	AO	GO	O	LR	SC	LC	GB	CC	IT	LI	HI	CF
													BEER & WINE PACKAGE SALES				X	X			X				
													BEER & WINE PACKAGE SALES WITH GREATER THAN 50% REVENUE FROM BEER & WINE				S	S			S				

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Sec. 6.03.8. – Beer and wine package sales – Regulations.

Establishments conducting beer and wine package sales shall be subject to the following:

1. Permitted by right as indicated in the section 4.20.2 if the property was within the city limits as of May 15, 2004 or annexed before November 15, 2006.
2. A specific use permit (conditional) is required for any establishment that derives more than 50 percent of its revenues from the sale of beer and/or wine and is permitted as indicated section 4.20.2.
3. Beer and wine package sales may provide inside service only with no drive in, curbside service, drive through service, or outdoor service, of any kind.
4. The following distance separation criteria are effective for beer and wine package sales establishments:
 - a. Cannot locate closer than 300 feet to a church or hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
 - b. Cannot locate closer than 300 feet to a school (public or private). The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
 - i. in a direct line from the property line of the public or private school to the property line of the place of business and in a direct line across intersections; or

- ii. ~~if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.~~
- 5. ~~Upon written request, the city shall be provided with copies of appropriate reports submitted to state agencies not later than 30 days after the end of each quarter for which the report relates as well as, any other information that may be required by the city to determine compliance with any required alcoholic beverage/food ratio.~~
- 6. ~~The city may audit the average of combined sales as reflected on the reports submitted pursuant to paragraph 5., above, for the most recent two quarters to determine if the sale of alcoholic beverages exceeds the maximum allowed percentage specified in the specific use permit (conditional) or this section for the review period. If the ratio of alcoholic beverage sales to food sales exceeds the maximum allowed, the business shall have the next two consecutive quarters following the review period to bring the average ratio into compliance with city ordinances. If at the end of two next quarters, the ratio is still not in compliance with city ordinances, the council, after notification and hearing, may revoke the specific use permit (conditional).~~

Sec. 6.03.9. — Beer and wine package sales permit process.

The permit process is as follows:

- 1. ~~The applicant will have to request a beer and wine permit from the Texas Alcoholic Beverages Commission.~~
- 2. ~~The Texas Alcoholic Beverages Commission will direct the applicant to obtain verification of zoning, wet/dry location, and distance separation from the city.~~
- 3. ~~This request will be accepted by the department of planning and development, which will verify wet/dry location, zoning, and distance separation, and forward to the city secretary for certification.~~
- 4. ~~A zoning application must be completed to initiate the special use permit process for an establishment that derives more than 50 percent of its revenues from the sale of beer and/or wine.~~

Sec. 6.04.1. - Temporary use permit applications.

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- 4. *Types of temporary use permits.*

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- e. *Temporary food vendor.* A mobile food establishment, as defined in section 6.06.15, may operate as a temporary food vendor in association with temporary use permits issued for seasonal sales, Christmas tree sales, or temporary events. A separate temporary use permit for the mobile food establishment shall not be required if the temporary food vendor information shall be submitted with the temporary use permit application for seasonal sales, Christmas tree sales, or temporary event, and a separate temporary use permit for the mobile food establishment is not required. The Such temporary use permit must be obtained prior to the mobile food establishment commencing the preparation or sale of any food on the property for which the temporary use permit is issued. This permit is

required in addition to any permits that may be required by the Chapter 6, Article VIII, Division 2 of the Code of Ordinances, as amended.:

- f. Food Truck Site. Property owners or business owners ~~Mobile food establishments~~ may be issued a temporary use permit to operate at a food truck site complying with Section 6.06.15-, subject to the following:
- i. The ~~mobile food establishment~~ property owner shall submit an application and site plan as required in this section;
 - ii. The site plan shall demonstrate compliance with all requirements of this section and Section 6.06.15;
 - iii. Only one permit per site, valid for no more than six months, may be issued per calendar year; ~~and. The permit shall be valid for a maximum of six months.~~
 - iv. A mobile kitchen, as defined in Section 6.06.15, may operate at a food truck site for which a temporary use permit is issued pursuant to this Section 6.04.1.4.f with an approved Health Permit as required by Chapter 6, Article VIII, Division 2 of the Code of Ordinances, as amended, without obtaining a separate temporary use permit for the mobile food establishment.
- g. *Other temporary uses.* A temporary use permit may be granted for those uses indicated by a "T" in the schedule of permitted principal uses, section 4.20.1, and are not subject to the maximum permit term described in section 6.04.1.1.

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Sec. 6.05.3. - Site plan details.

The site plan shall be drawn to scale and shall include the following information:

- 1. Boundary description.
 - a. Letter size (8½ × 11) copy of the boundary description (metes and bounds) of the property to be included in the site plan signed and sealed by a surveyor with labeling at top of the document indicating "Boundary Description".
 - b. Digital copy of the boundary description in Microsoft Word for editing and copying the description digitally.
 - c. The director of community development may waive the requirement for a surveyed boundary description of the property if the property to be encompassed in the site plan is platted, the proposed site plan does extend beyond the boundaries of the platted lots, and the property can be described in reference to the lot, block, subdivision name, and recording information for the plat on which such lot appears.
- 2. Site plan.

- a. A title block with:
 - i. "Site Plan or Revised Site Plan."
 - ii. Project name.
 - iii. Acreage.
 - iv. Subdivision name, lot, block or survey name and abstract.
 - v. City of Allen, Collin County.
 - vi. Submission date.
- b. North arrow, scale ratio, and scale bar.
- c. Location/vicinity map showing the location of the subject property. Indicate scale or not to scale (NTS) and provide north arrow.
- d. The name or names, address, and phone number of the owner, developer, engineer, and/or architect.
- e. Legend including all symbols and abbreviations used on the plan.
- f. Site data summary table, including:
 - i. Proposed use(s).
 - ii. Existing zoning district.
 - iii. Gross site area (acres and square feet).
 - iv. Required landscape area (acres and percentage).
 - v. Provided landscape area (acres and percentage).
 - vi. Lot coverage.
 - vii. Parking ratio per use.
 - viii. Parking required.
 - ix. Parking provided.
 - x. Maximum height (in feet and stories).
 - xi. FAR.
 - xii. Setbacks (front, side interior, side street, and rear).
- g. Adjacent property subdivision name/owner, property lines, zoning, and ownership with recording information (e.g., volume/page; book/page; cabinet/slide; instrument no.); identified as being filed in the deed records, Collin County, Texas (DRCCT), plat records, Collin County, Texas (PRCCT), map records, Collin County, Texas (MRCCT), or official public records, Collin County, Texas (OPRCCT).
- h. All shown streets to be labeled and include an abbreviated suffix and no directional prefix.
- i. Setbacks as required by zoning.
- j. Location of proposed building(s) and structures.
- k. Concrete sidewalks; label as existing or proposed and dimension the width(s).

- l. On-site and off-site circulation (including truck loading and pickup areas). Public streets, private drives and fire lanes with pavement widths, right-of-way, median openings, turn lanes (including storage and transition space), and driveways (including those on adjacent property) with dimensions, radii, surface type, and distances between driveways.
- m. Location of off-site improvements including adjacent drives, existing and proposed median cuts, parking, buildings or other structures within 200 feet of subject property.
- n. Parking areas and structures, including the number of parking spaces provided and required, and layout of standard spaces, handicap spaces, the location of ramps, crosswalks and loading areas with typical dimensions and surface type.
- o. Dumpster and trash compactor locations and screening.
- p. Existing overhead utility lines.
- q. Turning exhibit for all trucks (dumpster, fire truck—50 feet long, etc.).
- r. Location and size of the grease trap(s).
- s. Screening (including heights and materials).
- t. Location of all fire hydrants, fire department connections (FDC), and location of the fire riser room.
- u. Landscape buffers.
- v. Hike and bike trails.

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Sec. 6.06.11. - Solar panels.

An applicant's submittal for a building permit, and electrical permit, for locating a solar panel within the city must demonstrate compliance with the following standards.

- a. *Location and design requirements.*
 - i. Solar panel systems shall be allowed as an accessory use in all zoning districts.
 - ii. Rooftop installations of solar panels shall be subject to the following:
 - (a) Solar panels may be installed on the roof of any primary structure or permitted accessory structure (such as a patio cover or storage building), subject to verification of structural load requirements;
 - (b) Solar panel systems shall not ~~face any public street~~ be located on a front-facing roof that directly faces a public street regardless of screening;

- (c) Solar panels shall be permitted on a side-facing roof that faces a public street;
- (d) Roof mounted solar panel systems shall not extend past the roofline and shall be mounted parallel with the existing slope of the roof system;
- (e) On a flat roof, solar panels shall not exceed the height requirement for the zoning district ~~for-in~~ which ~~it-the~~ property is located ~~in~~, and shall be screened ~~as rooftop mechanical~~ from the public right-of-way in the same as-manner required by this Code for screening rooftop mechanical equipment; and
- (f) Solar panels shall be forest green, black, brown, gray, or other neutral color designed to be complementary to the structure on which the solar panels are installed.

iii. Ground-mounted installations shall be subject to the following:

- (a) Solar panel systems shall be located behind the front building line and ~~shall meet~~ comply with all applicable building setback provisions for accessory structures.; and
- (b) Panels and equipment shall be separated from public view on all sides by a solid fence or wall.

b. *Additional requirements.*

- i. *Permit requirements.* All solar panel systems shall ~~be in compliance~~ comply with the current adopted International Building Code and International Fire Code, as amended.
- ii. *Glare.* A solar panel shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. A solar panel system, or any component thereof, that creates glare or reflection onto adjacent properties or roadways is determined to constitute a nuisance. If a solar panel system or any component thereof is deemed to constitute a nuisance or a safety hazard, the city has the authority to require the owner to remove, redesign or screen the solar panels to the extent necessary to eliminate the glare onto the adjacent property or roadway.
- iii. *Maintenance.* The owner of the property with a solar panel system shall maintain the system so that it does not create a safety issue for surrounding property owners. Solar panels that are not in use shall be disengaged so as to prevent accidental electrical charges to property or persons.

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Sec. 6.06.15. - Mobile food establishments.

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- c. Food truck sites.

- i. The operator of a mobile kitchen may operate at a food truck site ~~upon receipt of a temporary food vendor~~ that has received a temporary use permit in accordance with section 6.04.1., and in accordance with the requirements of this Code.
- ii. Food truck sites may be established within:
 - (a) The limits of any city park or city property pursuant to a written agreement with the city; and
 - (b) In the following zoning districts or, unless otherwise expressly prohibited by the ordinance establishing the planned development, any planned development with the following base zoning:
 - (1) "CC" Corridor Commercial
 - (2) "SC" Shopping Center
 - (3) "LI" Light Industrial
 - (4) "O" Office
- iii. A Food truck site must be located on private property on which is located a permanent structure in which a business is operating in accordance with a certificate of occupancy. The operator of the food truck site must obtain and maintain written consent from the property owner or property manager and provide written proof thereof upon demand of the city.
- iv. Except for a mobile kitchen for which written consent has been granted by the owner or authorized representative of the restaurant or food establishment, no mobile food establishment shall sell or serve food to the public within 300 feet of any door, window or outdoor dining area of any existing restaurant or food service establishment.
- v. Mobile kitchens and their customers shall not sell or consume food within any public street, public alley, driveway, or fire lane unless closed to through traffic pursuant to permit issued by the city authorizing such use.
- vi. Mobile kitchens may operate only during the business hours of the primary business on the property where the food truck site is located.
- vii. Access to restrooms available for use by operators, employees, and customers of a food truck site shall be provided no farther than 1,000 feet from the location of the mobile food establishment.
- viii. A mobile kitchen shall not be left unattended. Mobile kitchens shall not be stored at any location visible to the public when not in operation.
- ix. A mobile food establishment must be operated in compliance with the site plan and other conditions set forth in the approved temporary food vendor permit issued to the owner or operator of the mobile kitchen.

Sec. 7.03.3. - Screening mechanical equipment and refuse enclosures.

3. *Refuse and recycling collection enclosures.*
 - a. *Approval process.* The location of refuse and recycling collection areas shall be approved on a site plan submitted in accordance with Section 6.05. Any modifications to refuse and recycling collection areas or additions of refuse and recycling containers or compactors shall require approval of an amended site plan and/or building permit. No business may receive a certificate of occupancy until the construction of the required enclosure is complete.
 - b. *Location.* Refuse and recycling collection areas, whether permanent or designated as staging areas for temporary storage prior to pick up, shall not be located in the front yard of the main building and shall be screened from public view.

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Sec. 7.03.4. - Outdoor lighting.

3. General standards.
 - a. *Lighting trespass.* ~~All exterior lighting shall be located so as to not produce direct illumination across the bounding property line.~~ Light from exterior lighting fixtures shall not directly cross the bounding property line; provided, however, the Director may authorize light from exterior lighting fixtures to cross common interior lot lines on contiguous lots in a nonresidential development when necessary to provide constant lighting levels of adjoining parking areas, fire lanes and interior access roadways.
 - b. *Photometric Plan.* The Director may require submission of a photometric survey to determine the potential for light trespass with respect to the location, height, type, and number of outdoor lighting fixtures proposed to be installed on a property.
 - c. *Outdoor signs, etc.* Outdoor advertising displays, billboards, and signs not exclusively illuminated internally may only ~~utilize~~ use illuminating devices mounted on the top of the advertising display structure. ~~All such fixtures shall that~~ comply with all other provisions of this section. Outdoor advertising signs constructed of translucent materials and wholly illuminated from within do not require shielding.
 - d. *Glare.* Exterior lights shall be constructed in a manner consistent with the Property Maintenance Code Section 6-85(e), Glare.

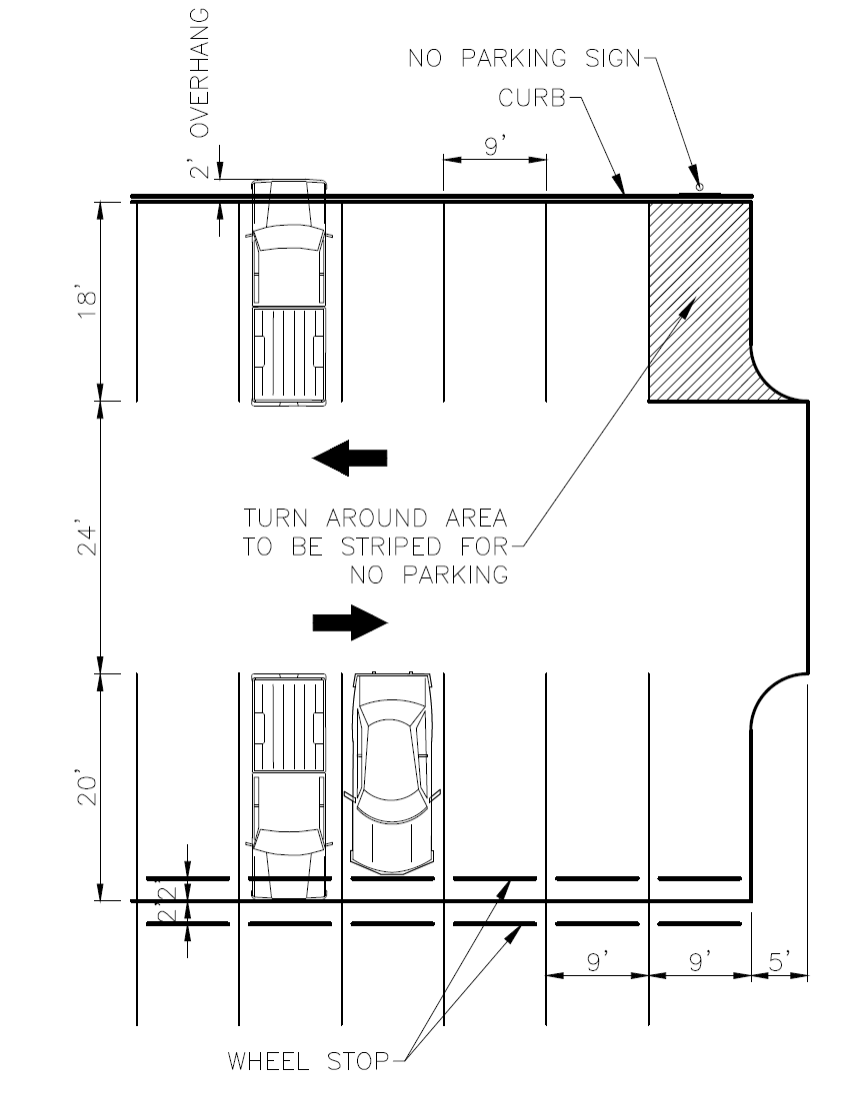
- e. *Under canopy lighting.* Light fixtures mounted on canopies or service islands (e.g., at fueling stations) shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy.
- f. *Shielding.* Shielding shall be required in all installations except as specified in this section. The allowable light sources and the requirements for shielding light emissions for outdoor light fixtures shall be as set forth in the following table:

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Sec. 7.04.1. – Vehicle parking.

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- 6. *Dead-end parking.*
 - a. Dead-end parking aisles exceeding 150 feet in length are prohibited.
 - b. A dead-end parking aisle shall include a stall designated and marked “no parking” located at the closed end of the drive aisle that may be used for maneuvering a three-point turnaround..



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Sec. 8.02.4. - Administrative approval of certain amending plats, minor plats and replats.

1. The director of community development is authorized to approve the following:
 - a. Minor plats described in Section 8.03.6;
 - b. Replats described in Section 8.03.7; and
 - c. Amending ~~plats~~ plats described Section 8.03.8.
2. The Director of Community Development may for any reason elect to present the minor plat, replat or amending plat to the commission for action.
3. Any minor plat, replat, or amending plat which the director of community development fails or refuses to approve shall be submitted to the commission for action.

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Sec. 8.03.3. – Preliminary Plat.

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- 2. *Contents.* An application for preliminary plat shall not be deemed complete, and shall not be deemed to be filed, unless and until the applicable application fee has been paid and the application, inclusive of the proposed preliminary plat drawing and required supporting documents, includes all of the following information:

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- xx. A proposed plan for drainage, to include approximate delineation of the ultimate 100-year storm event. The proposed drainage plan shall include a topographical map in sufficient detail showing all abutting drainage areas either contributing to the storm water flows within the proposed subdivisions or receiving storm water flows from the proposed subdivision.
- xxi. A note on the plat stating, “All open space and common properties shall be owned and maintained by a property/homeowner’s association established in accordance with Allen Land Development Code Sections 8.20.2 and 8.20.4.”
- xxii. Copies of all deed restrictions, restrictive covenants, homeowner's association requirements, or any other limitation or requirement governing the use of the property.

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Sec. 8.03.4. – Final Plat.

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- 2. *Required Information.* An application for final plat shall not be deemed complete, and shall not be deemed to be filed, unless and until the applicable application fee has been paid and the application, inclusive of the proposed final plat drawing and required supporting documents, includes all of the following information in addition to the information required on the related preliminary plat:

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- t. Any reservation for future public school sites or rights-of-way dedication shall be platted in accordance with the approved preliminary plat.
- u. A note on the plat stating, “All open space and common properties shall be owned and maintained by a property/homeowners’ association established in accordance with Allen Land Development Code Sections 8.20.2 and 8.20.4.”
- v. Copy of documents approved by the city attorney that establish the mandatory homeowner's association, and any proposed declarations, covenants, conditions or restrictions.

- w. Original tax certificates from each taxing entity, signed by the city tax assessor, stating that all taxes and assessments then due and payable on the land described in the final plat application have been paid.
- x. The following information shall be required only for application for replats:
 - i. All requirements for the final plat, above.
 - ii. A statement of the proposed revisions in numerical format on 8½-inch × 11-inch sheet of letterhead. Statement shall include verification that proposed revisions are limited to those identified and that no other modifications to the plat are taking place.
 - iii. A separate redline drawing of the proposed changes on an 11-inch × 17-inch page(s).
 - iv. A purpose statement, on the plat, that summarizes the proposed revisions.
 - v. Proposed revisions shall be shown on the replat with the final plat configuration ghosted in.
- y. Final engineering drawings for all public improvements and all utility and access easements and all fire lanes have been approved by the city Engineer;

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Sec. 8.05.7. – Cross Access and Median cuts.

1. General. This section shall establish requirements for parking areas open to the public, such that these areas are designed to be interconnected to allow for the safe efficient flow of traffic.
2. Comprehensive Plan. The requirement for cross connectivity is consistent with the Mobility policies set forth in the Comprehensive Master Plan.
3. Design. Unless it is determined by the Director of Engineering that safety issues may result or that topographical constraints exist, all non-residential development shall be designed to allow for cross-access to adjacent properties to provide shared ingress and egress to public or private streets. Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Parking areas directly adjacent to other parking areas in the same project shall also have cross access.
4. Easement Dedication. Shared driveways, cross-access drives, and service drives shall be located within a public access easement that permits traffic circulation between lots, that is dedicated by plat or separate instrument and recorded in the Real Property Records of Collin County.

5. Median Cuts. Non-residential lots adjacent to a median divided street should have access to a median opening. Direct access should be provided where possible. If direct access is not available, ~~then a common~~ public access easement between the lot that does not have direct access to the median cut and the lot that has such access shall be required as set forth in subsection 4 of this section.
6. Multiple Points of Access. Where cross access between parcels is not a practical alternative for the purpose of providing multiple access points to a development, including, but limited to, when the developer of a property is unable to obtain an easement providing cross-access over an adjacent property owned by others, the Director of Engineering may approve a single, median-divided entrance from the public right-of-way to a tract upon a finding that such means of access will not compromise public safety or impede emergency access, and that the stacking distance will comply with Section 7.04.1.3.d.
7. Alternatives. When cross-access is deemed impractical by the Director of Engineering on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for establishment of cross-access between properties may be waived provided that appropriate bicycle and/or pedestrian connections are provided between adjacent developments or land uses.
8. Appeal. If the Director of Engineering does not grant an exception as provided in Subsection 6 of this section or a waiver pursuant to Subsection 7 of this section as requested by the owner or developer of property, such applicant may, not later than ten (10) days after receipt of written notification from the Director of Engineering that such exception or waiver has been denied, request in writing that the request for exception or waiver, as applicable, be considered by the Commission. The owner or developer of the property shall be required to present evidence relating to the inability to obtain the access easement that would otherwise be required by this section, including evidence of efforts made to obtain such access easement from adjacent property owners, and present the alternatives to the required access to which the owner or developer is willing to agree. The Commission may grant, deny, or modify the alternative access requirement requested or grant or deny the requested waiver. If the Commission modifies or denies the alternative access requested or denies the requested waiver, such applicant may, not later than ten (10) days after the date of the action by the Commission, request in writing that the request for exception or waiver, as applicable, be considered by the City Council. The City Council may uphold the original decision of the Director of Engineering, grant as requested or modify the alternative access requested, or grant or deny the requested waiver, as applicable.

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APPENDIX A - DEFINITIONS

~~*Beer and wine package sales* means an establishment engaged in the selling of beer and/or wine to the general public for off-site personal or household consumption and rendering services incidental to the sale of such goods.~~

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Outdoor storage means the storage on the exterior of a building of commodities, materials, goods, equipment, vehicles for repair as part of an automotive repair use, storage pods, merchandise, or other

personal property for a primary use on the same property for a purpose other than displaying same to the public for purpose of enticing the immediate sale or lease of said items.