

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, BY AMENDING THE DEVELOPMENT REGULATIONS OF PLANNED DEVELOPMENT “PD” NO. 134A MIXED USE MIX ADOPTED BY ORDINANCE NO. 3761-7-20; 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 Zoning Map, of the City of Allen, Texas, as previously amended, be further amended by amending the development and use regulations of Planned Development “PD” No. 134A Mixed Use “MIX” as adopted and set forth in Exhibit “A” to Ordinance No. 3761-7-20 (the “PD 134A Regulations”) as follows:

- A.** Section 3 “Property Development Standards” of the PD 134A Regulations is amended as follows:
- (1)** Subparagraph b.ii. of Subsection E “Building Frontage Requirements,” Paragraph 1 “Minimum Building Frontage” is amended to read as follows:
 - ii. Lots that have open space along a Primary or Secondary Street; and
 - (2)** Paragraph 1.a. of Subsection F “Block Length” is amended to read as follows:
 - a. 700 feet in the Tollway Character Districts;
- B.** Section 4 “Street Types and Transportation Network” of the PD 134A Regulations is amended by adding Subsection F titled “Vehicular Access Points” to read as follows:
- F. VEHICULAR ACCESS POINTS.**
1. No on-street parking shall be permitted within 10 feet of the end of the radius of the pavement of a driveway, service drive, loading zone, or other vehicular access point connecting to a Primary or Secondary Street.

2. Trees may be planted within 10 feet of the end of the radius of the driveway, service or loading zone pavement only if the canopy does not create a visual obstruction to vehicles entering and exiting the intersecting street at a height of less than seven feet.

C. Section 6 “Building Design Standards” of the PD 134A Regulations is amended as follows:

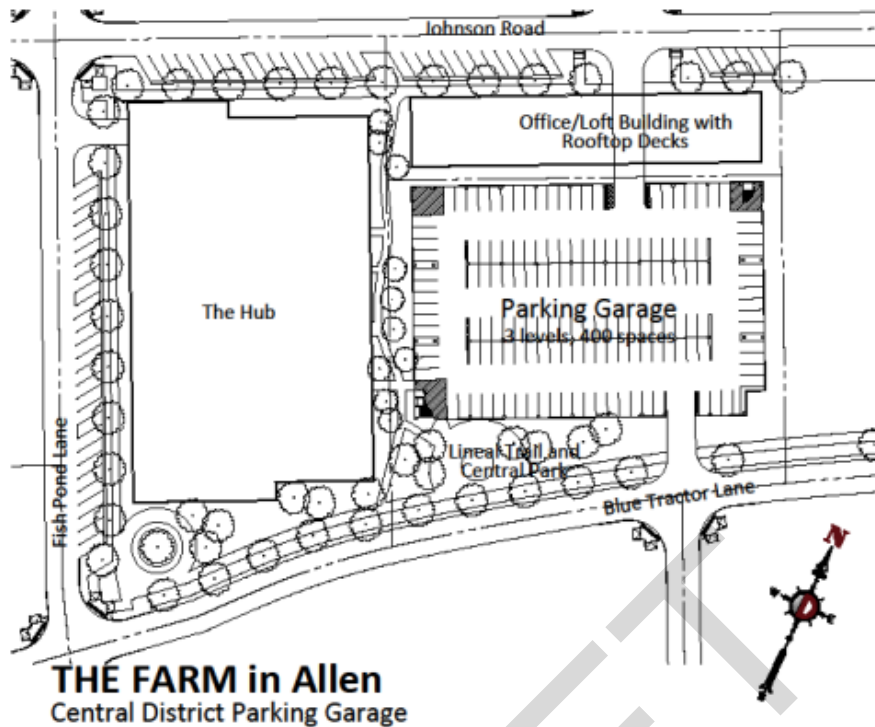
(1) Paragraph 4 of Subsection A “Building Orientation” is amended to read as follows:

4. Secondary and service entrances may be located from Secondary Streets, internal parking areas or alleys, or, if no Secondary Streets adjoins the lot, from Primary Streets, provided such entrances are screened from view from the adjacent street or alley.

(2) Paragraph 3 of Subsection B “Design of Parking Structures” is amended to read as follows:

3. Except for ramps at the entrances of parking garages or as otherwise provided herein, a long dimension of parking garages (length) shall not face any Primary Street; provided, however, the shorter dimension (width) and entrances to parking structures and ramps may be located on Primary Streets if designed to comply with requirements listed in this Section 6.B.3 and such width and entrances shall satisfy the frontage requirements. Notwithstanding the prior sentence, a parking garage located in the Central District may be developed with the long dimension of the parking garage facing a Primary Street if:
 - a. if the lot on which the parking garage has frontage on only one Primary Street, one or more habitable structures are constructed and located between the parking garage and the Primary Street; provided, however, the design of such habitable building may allow for a drive entry to provide ingress and egress to the parking garage through or between such building(s) so long as the width of such entry does not exceed the width of the sides of the parking garage perpendicular to the Primary Street; and
 - b. if the lot on which the parking garage is located has frontage on two Primary Streets, development of one long side of the parking garage is developed in compliance with Paragraph 3.a., above, and the opposite side is developed with a landscaped open space along the entire façade length of the Parking Garage (not including areas occupied by public sidewalks and driveways and walkways leading from the adjacent Primary Street to the Parking Garage), which open space area shall be not less than 35 feet deep measured from the back of the curb of the adjacent Primary Street.

For purposes of clarification, the figure below depicts an example of the required development of a parking garage located between two Primary Streets within the Central District where the long sides run approximately parallel to and face the Primary Streets



(3) Subsection F “Windows and Doors” is amended to read as follows:

F. WINDOWS AND DOORS

1. The “Primary Façade” for purposes of this Section 6.F. shall be the façade that faces a Primary Street or is considered to be the main entrance or the front of the building.
2. The required first floor windows along a primary storefront façade of a building on any street or along any façade facing a Primary or Secondary Street shall not be opaque, heavily tinted or mirrored glass.
3. Except as noted in Paragraph 4, below, the ground floor Primary Façade of multi-story nonresidential buildings and residential buildings in which the ground floor is a nonresidential use shall have windows (not opaque, heavily tinted or mirrored) covering no less than 60% of such Primary Façade. Each upper floor of the Primary Façade shall contain windows covering at least 30% of the façade area. All other street facing facades (not including façades facing alleys which have no minimum percentage of doors and windows) shall have doors and windows covering not less than 15% of the façade area for all floors.
4. For all single story buildings in the Central District, the height of the exterior wall for calculation purposes shall be limited to no more than 12 feet in height. Primary Façades shall have doors and windows (not opaque, heavily tinted or mirrored) covering not less than 50% of the first floor wall area. All wall areas for the remaining street facing façades (not including facades facing alleys which have no minimum percentage of windows) shall have doors and windows (not opaque, heavily tinted or mirrored) covering not less than 15% of the facade.

For purposes of this Paragraph 4, open passageways that open into the courtyard or exterior open space from the building exterior shall also count as window and door areas.

(4) Paragraph 3 “Internal Access” of Subsection H “Urban Residential Building Standards: is amended to read as follows:

3. **Internal Access.** All interior corridors shall be climate-controlled with all dwelling units being accessible through an interior climate-controlled corridor, except for the following conditions:
 - a. Individual units designed along a street with access to a sidewalk such as a “stoop” design; or
 - b. Individual units that are vertically integrated in a mixed-use building with a maximum of 30 units in the mixed-use building.

D. Section 7 “Streetscape Standards” of the PD 134A Regulations is amended as follows:

(1) Paragraph 2 of Subsection C “Street Trees” is amended to read as follows:

2. Except for street trees planted within curb extensions, no fewer than one shade tree for every 40 feet of street frontage, or portion thereof, shall be planted within the Pedestrian Amenity Zone. Flexibility on the spacing and location of street trees within the Pedestrian Amenity Zone will be permitted provided the number of trees is not less than the number of trees that would otherwise be required with the typical spacing herein.

(2) Paragraph 6 of Subsection C “Street Trees” is amended to read as follows:

6. Tree wells shall be irrigated in accordance with the City of Allen Water Conservation Code and include a subsurface drainage system. Root barrier shall be installed on street and sidewalk sides of tree wells.

(3) Subsection F “Lighting” is amended to read as follows:

F. LIGHTING

1. Streetlight fixtures shall be installed along both sides of all streets at a spacing of approximately 80 feet on center.
2. Light fixture mounting heights shall be no more than 20 feet above grade with the overall pole height no more than 26 feet above grade. Pole color shall be black, brown, forest green, gray, or other neutral color designed to be complementary to the overall design aesthetic of the development.
3. Light fixtures shall be fully shielded.
4. Light fixtures shall be in general conformance with the photo below, which indicates the style and appearance of the light fixtures and poles. Alternate fixtures will be permitted provided the overall appearance of the fixture and poles remains the same.



5. Light distribution is allowed to extend across internal lot lines on the Property.

SECTION 2. 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 3. 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 4. 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 5. 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 6. 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 24TH DAY OF AUGUST 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney
(kbl:729/2021:123744)

Shelley B. George, TRMC, City Secretary