<b>ORDINANCE</b>	NO.
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE ZONING REGULATIONS AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING THE REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF A 35.740± ACRE TRACT SITUATED IN THE J. FYKE SURVEY, ABSTRACT NO. 325, AND PRESENTLY LOCATED IN AND ZONED AS DISTRICT G OF PLANNED DEVELOPMENT "PD" NO. 108, ADOPTING A ZONING EXHIBIT, CONCEPT PLAN, BUILDING ELEVATIONS, OPEN SPACE PLAN, COMMERCIAL AREA CIVIC SPACES PLAN, COMMERCIAL AREA ENHANCED PAVING EXHIBIT, AND COMMERCIAL AREA STREET "G" CROSS SECTION; 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 heretofore amended, be amended by amending the regulations relating to the use and development of a 35.740± acre tract of land situated in the J. Fyke Survey, Abstract No. 325 ("the Property") described in "Exhibit A," attached hereto and incorporated herein by reference presently located in and zoned as District G of Planned Development No. 108 as 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, as amended, ("ALDC") and the development and use regulations for property located within District G of Planned Development "PD" No. 108 as set forth in Exhibit "B" to Ordinance No. 3044-10-11, as amended, ("the PD 108 Development Regulations") except to the extent modified by this Section 2:

A. CONCEPT PLAN: The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit "B" and incorporated herein by reference (the "Concept Plan"). 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.

### **B. BASE ZONING:**

### (1) Single-Family Area

- (a) The portion of the Property designated as "Detached Single Family" as shown on the Concept Plan (the "Single-Family Area") shall be developed in accordance with the development standards of the "R-7" single-family residential district in the ALDC except as modified by this Ordinance.
- (b) The Single-Family Area shall be developed with no more than sixty (60) single-family dwelling units.

### (2) Townhome Area

- (a) The portion of the Property designated as "Attached Townhomes A" and "Attached Townhomes B" as shown on the Concept Plan (the "Townhome Area") shall be developed in accordance with the development standards of the "TH" Townhome residential district in the ALDC except as modified by this Ordinance.
- (b) The Townhome Area shall be developed with no more than 120 townhome units.
- (3) Commercial Area. The portion of the Property designated as "Commercial" as shown on the Concept Plan (the "Commercial Area") shall be developed in accordance with the development standards of the "CC" Commercial Corridor District except as modified by the PD 108 Development Regulations and this Ordinance.

### C. BUILDING ELEVATIONS:

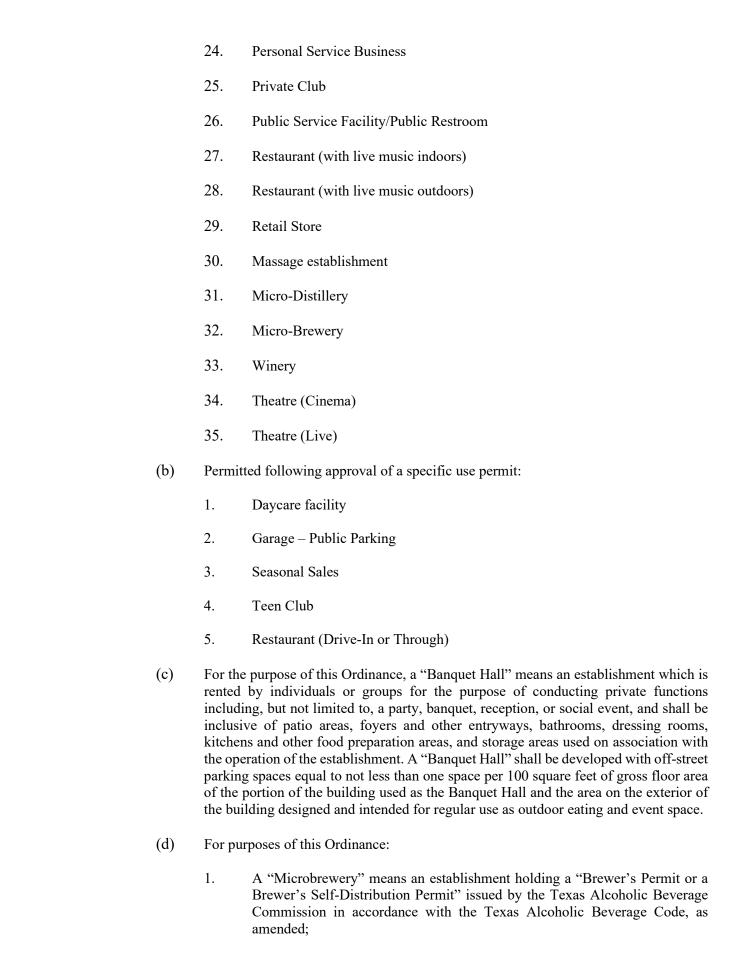
- (1) Residential buildings to be constructed on the Property shall be developed in general conformance with the architectural style set forth on the Elevations attached hereto as Exhibit "C" and incorporated herein by reference (the "Single Family and Townhome Residential Representative Elevations").
- (2) Non-Residential buildings to be constructed on the Property shall be a maximum of four stories or 60 feet.

#### D. OPEN SPACE AND CIVIC SPACE:

- (1) All open spaces within Single Family Area and Townhome Area on the Property shall be developed in general conformance with the Open Space Plan attached hereto as Exhibit "D";
- (2) Open spaces within the Townhome Area of the Property must be evenly distributed, centrally located, and easily accessible. Open space areas less than 15 feet wide shall not be included in the calculation for determining compliance with required open space area;
- (3) Lots within the Townhome Area of the Property shall not back to an open space;
- (4) All civic spaces within the Commercial Area shall be developed in general conformance with the Commercial Area Civic Spaces Plan attached hereto as Exhibit "E."

### E. USES WITHIN THE COMMERCIAL AREA:

(1)	Distri	ict G set	which the Commercial Area may be developed shall comply with the uses for forth in Table 1 of Section 2 of the PD-108 Development, subject to the following sept as follows:
	(a)	Perm	itted by right:
		1.	Amusement Commercial Indoor
		2.	Antique Shop
		3.	Artisans and Artist Studio
		4.	Banks and Financial Institutions
		5.	Banquet Hall (less than 15,000 square feet)
		6.	Bicycle Shop and Repair Service
		7.	Book, Card or Novelty Shops
		8.	Catering
		9.	Dance and Martial Arts Studio (Less than 5,000 square feet
		10.	Drug Store or Pharmacy (Less than 10,000 square feet)
		11.	Fitness and Health Center (Less than 10,000 square feet)
		12.	Florist
		13.	Food Hall or Cafeteria
		14.	Food Service
		15.	Food Truck Park in locations noted on Concept Plan
		16.	Furniture/Appliance Sales
		17.	Grocery (less than 40,000 square feet)
		18.	Gymnastics and Sports Training Facility (Less than 10,000 square feet)
		19.	Hardware Store
		20.	Laundry Cleaning Plant, Retail with Laundry/Dry Cleaning pickup only
		21.	Key shop / Locksmith
		22.	Office
		23.	Medical or Dental Office



- 2. A "Microdistillery" means an establishment holding a "Distiller's and Rectifier's Permit" issued by the Texas Alcoholic Beverage Commission in accordance with the Texas Alcoholic Beverage Code, as amended; and
- 3. A "winery" means an establishment holding a "Winery Permit" issued by the Texas Alcoholic Beverage Commission in accordance with the Texas Alcoholic Beverage Code, as amended.
- (e) Microbreweries, microdistilleries, and wineries are subject to the following development standards:
  - 1. The maximum floor area per each individual occupancy is 15,000 square feet;
  - 2. All manufacture, blending, distilling, fermentation, processing, and packaging of alcoholic beverages activities shall occur wholly inside a building;
  - 3. Required off-street parking:
    - a. One space per 2,000 square feet of floor area used for storage
    - b. One space per 200 square feet of floor area used for retail sales and seating; and
    - c. One space per 1,000 square feet of floor area used for all other purposes.
  - 4. Each microbrewery, microdistillery, and winery use shall comply with all applicable requirements in the Texas Alcoholic Beverage Code;
  - 5. Retail sales of alcoholic beverages for on premises or off premises consumption and related items and tastings or sampling are allowed in accordance with Texas Alcoholic Beverage Commission regulations;
  - 6. Brewpubs are allowed to operate in association with the operation of a microbrewery, microdistillery, and winery to the extent the establishment otherwise qualifies for issuance of a Brewpub License under the Texas Alcoholic Beverage Code.
  - 7. Drive-through facilities are prohibited except as authorized by Sections 6.03.2 and 6.06.5 of the ALDC.
- (f) A retail, restaurant, microdistillery, microbrewery or winery use may provide outside dining, provided the calculation for determining the minimum number of required off-street parking spaces includes the gross area of outside dining areas.
- (g) Temporary uses and special events conducted on the Property shall be conducted in accordance with Section 6.04 of the ALDC, "Temporary Uses and Special Events" subject to the following:
  - 1. Temporary Uses and Special Events shall not be limited by number or duration in a calendar year;

- 2. Temporary Use and Special Event locations may not obstruct fire lanes/emergency access points; and
- 3. Temporary Uses and Special Events may not occupy the public recreational trails developed on the Property without prior written permission from the Director of Parks and Recreation.
- F. USES WITHIN THE SINGLE-FAMILY AREA: The principal uses and accessory uses for which the Single-Family Area may be developed shall comply with comply with Section 4.20.2 "Schedule of Principal Uses" and Section 4.20.3 "Schedule of Accessory Uses" to the extent applicable to the "R-7" Single-Family Residential District.
- G. USES WITH THE TOWNHOME AREA: The principal uses and accessory uses for which the Townhome Area may be developed shall comply with comply with Section 4.20.2 "Schedule of Principal Uses" and Section 4.20.3 "Schedule of Accessory Uses" to the extent applicable to the "TH" Townhome Residential District.
- H. LOT DESIGN CRITERIA AND BUILDING SETBACKS (SINGLE-FAMILY AND TOWNHOME AREAS): The design criteria for the lots shown on the Concept Plan within the Single-Family Area and Townhome Area shall be modified as follows:

Product Type	Min. Lot	Min. Lot	Min. Front	Min. Rear	Min. Side Setback <sup>(1,2)</sup>	Min. Lot Area	Max. Lot Coverage	Max. Building
	Width	Depth	Setback <sup>(4)</sup>	Setback				Height
Single Family	31 feet	110 feet	10 feet	20 feet	3' & 3'	3,410 sf	65%	36 feet
(Detached)					5' & 1'			
					6' & 0'			
Townhome A	30 feet	95 feet	10 feet	20 feet	0' (3)	2,850 sf	80%	36 feet
(Attached)								
Townhome B	22 feet	95 feet	10 feet	20 feet	0' (3)	2,090 sf	80%	36 feet
(Attached)								

#### Notes

- 1. Side setbacks for Single Family lots shall be either 3 feet and 3 feet (center loaded), 5 feet and 1 foot (offset), or 6 feet and 0 feet (zero lot line), with a minimum of 6 feet of separation between dwelling units. If not center loaded, the shorter side setback for each lot shall be designated with platting. All Single Family lots shall have a 3' private maintenance, drainage, access, wall maintenance, and aerial overhang easement on the lot adjacent to the zero-setback property line.
- 2. Side yards adjacent to street right-of-way shall have 10' side setback.
- 3. For attached product, there shall be a 10' minimum separation between buildings.
- 4. Front Porches and Stoops shall be allowed to encroach minimum front setback up to 4'.
- **I. TOWNHOME AREA REGULATIONS:** Development of the Townhome Area shall be subject to the following.
  - (1) Parallel parking and tree bump-outs shall be provided along all streets according to the street section details on the Concept Plan;
  - (2) Trees shall be planted in tree planting areas not less than eight feet wide located between the curb and sidewalk (tree bump-outs) according to the detail shown on the Concept Plan;
  - (3) A utility and pedestrian access easement not less than five feet wide must be located between the tree planting area and townhome but no closer than one foot from any structure, including any porches, steps or stoops, extending from the front of the dwelling unit;

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- (4) All franchise utilities and telecommunication facilities shall be located in easements with a minimum width of five feet located in the rear (alley side) of the dwelling units. Such utility easements may bump out (i.e., widen) as needed at certain locations to accommodate electrical transformer sizing as may be required by service provider, provided such modification are approved by the Director of Engineering;
- (5) Visitor parking spaces shall be constructed subject to the following:
  - 1. One visitor parking space must be constructed for every two townhome units that are constructed on the Property with a driveway of at least 20-foot in length;
  - 2. One and one-half visitor parking spaces must be constructed for every two townhome units that are constructed on the Property with a driveway of at least six-foot by less than 20-foot in length;
  - 3. No townhome unit shall be located more than 100 feet from a visitor space; and
  - 4. On-street or off-street spaces located within the Townhome area, excluding driveways, may be in the calculation of the minimum number of required visitor parking spaces.
- (6) For lots fronting on a street right-of-way, the pavement width of alleys at the rear of such lots may be reduced to not less than 12 feet and the alley right-of-way width may be reduced to not less than 16 feet upon approval of the Fire Marshall and subject to a finding that hose laylengths from the street right-of-way to the rear of the lot as required by the Fire Code can be satisfied; and
- **J. COMMERCIAL AREA REGULATIONS:** For the portion of the Property within the Commercial Area:
  - (1) The minimum front setback shall be 70 feet along Watters Road, Exchange Parkway and Bossy Boot Drive; and
  - (2) The minimum front setback shall be 20 feet along Junction Drive.
  - (3) Enhanced Paving Areas within the Commercial Area of the Property as shown on the Concept Plan shall be improved in general conformance with the details shown on the Commercial Area Enhanced Paving Exhibit attached hereto as Exhibit "F".
  - (4) Street G, as designated on the Concept Plan shall be improved in general conformance with the Section at Street G Exhibit attached hereto as Exhibit "G".

### K. HIKE AND BIKE TRAIL ALIGNMENT:

- (1) The hike and bike trail along Bossy Boots Drive shall be allowed to be located within the Bossy Boots Drive right-of-way and meander within the 15-foot landscape buffer and the parkway of Bossy Boots Drive.
- (2) Portions of the hike and bike trail shall be permitted to be located immediately adjacent to the back of curb as depicted on the Concept Plan to allow for landscape plantings and screening wall.

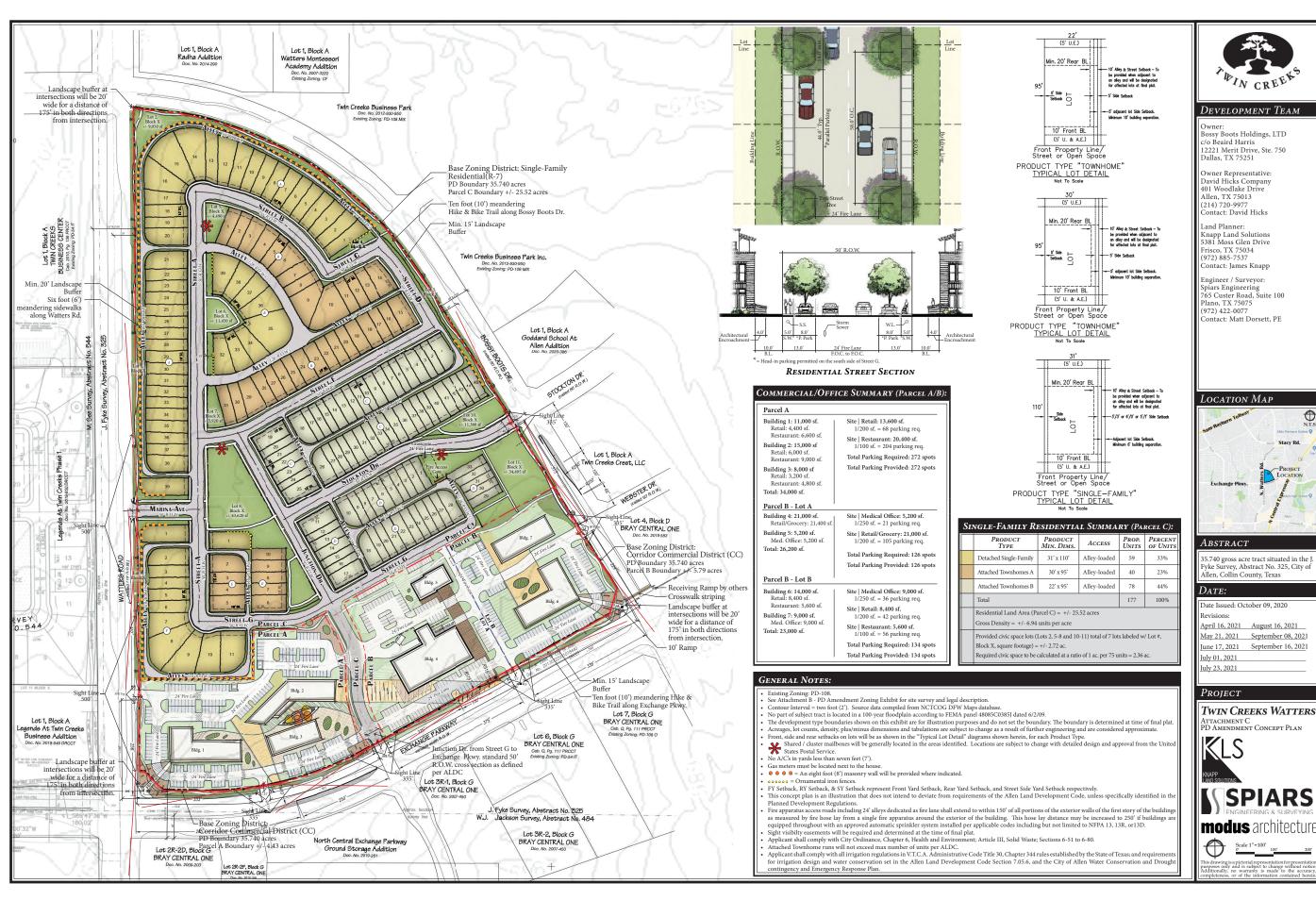
- (3) The planting of shade trees and ornamental trees in the landscape buffer behind Block A, Lots 1-14 shall not be required in order to allow for a meandering trail alignment.
- **SECTION 3.** To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of 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 12<sup>TH</sup> DAY OF OCTOBER 2021.

	APPROVED:
	Kenneth M. Fulk, MAYOR
APPROVED AS TO FORM:	ATTEST:
Peter G. Smith, CITY ATTORNEY (kbl:9/14/21:124713)	Shelley B. George, TRMC, CITY SECRETARY





Single Family Representative Elevations







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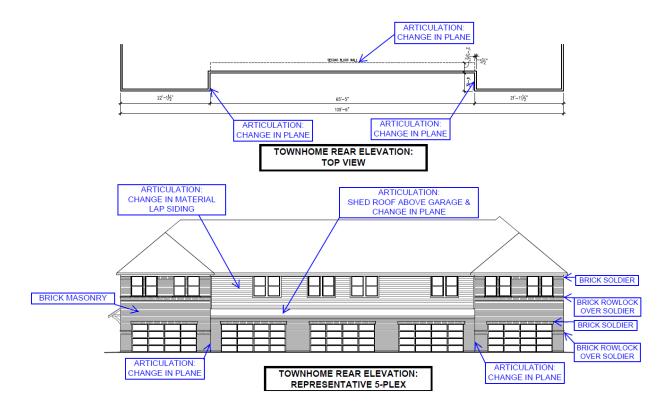
### Townhome Representative Elevations





TOWNHOME FRONT RENDERINGS

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### EXHIBIT "D" OPEN SPACE PLAN



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## EXHIBIT "D" OPEN SPACE PLAN

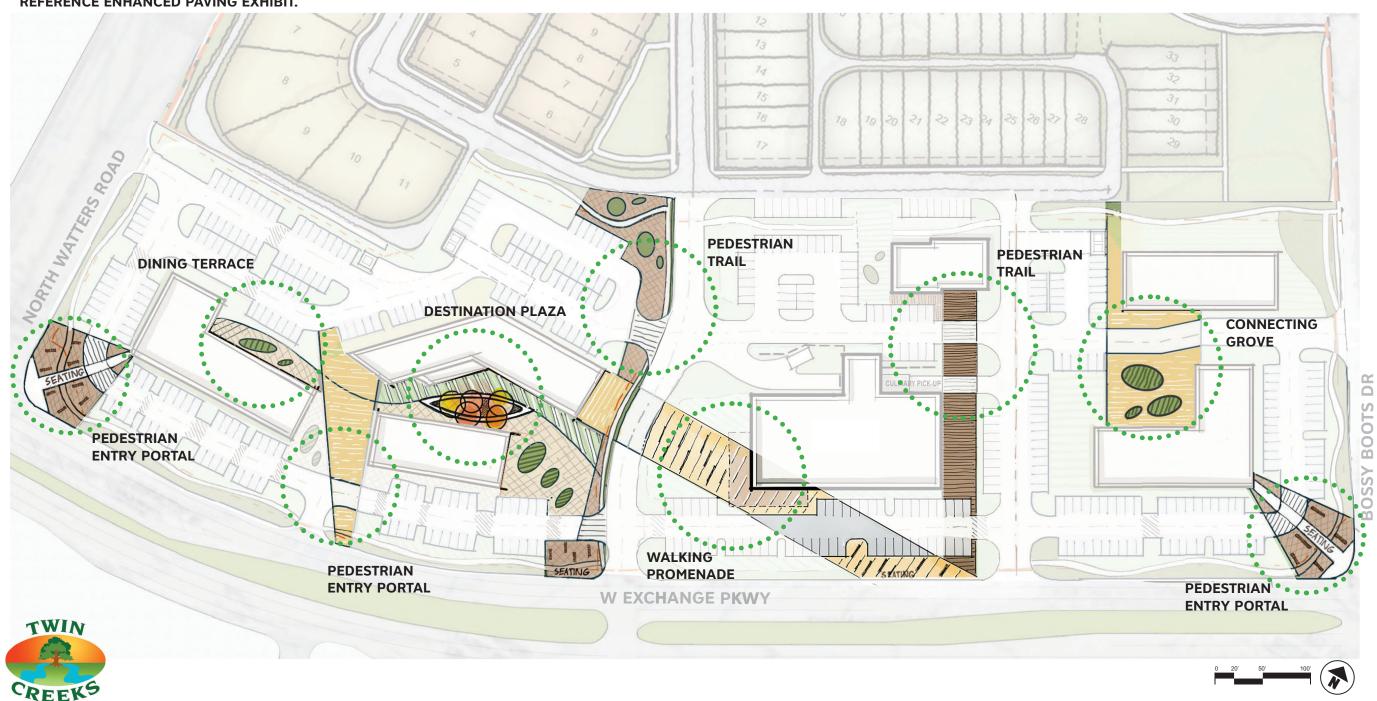


CODY JOHNSON



## CIVIC SPACES EXHIBIT

USE OF ENHANCED PAVING IN ALL CIVIC SPACES. REFERENCE ENHANCED PAVING EXHIBIT.



TWIN CREEKS WATTERS MASTER PLAN DEVELOPMENT

ALLEN, TEXAS

modus architecture

## **ENHANCED PAVING EXHIBIT**

ENHANCED PAVING THROUGHOUT CIVIC SPACES (PLAZAS, PROMENADES, TRAILS, ETC.) SHOULD PROMOTE WALKABILITY AND PEDESTRIAN FRIENDLY ACTIVITIES THROUGHOUT THE DEVELOPMENT.

## MATERIAL EXAMPLES, BUT NOT LIMITED TO:

- SCORED CONCRETE
- STAINED CONCRETE
- STAMPLED CONCRETE
- PAVERS
- COBBLESTONE
- ORNAMENTAL STONE
- CRUSHED GRAVEL

### **EXAMPLE IMAGES:**









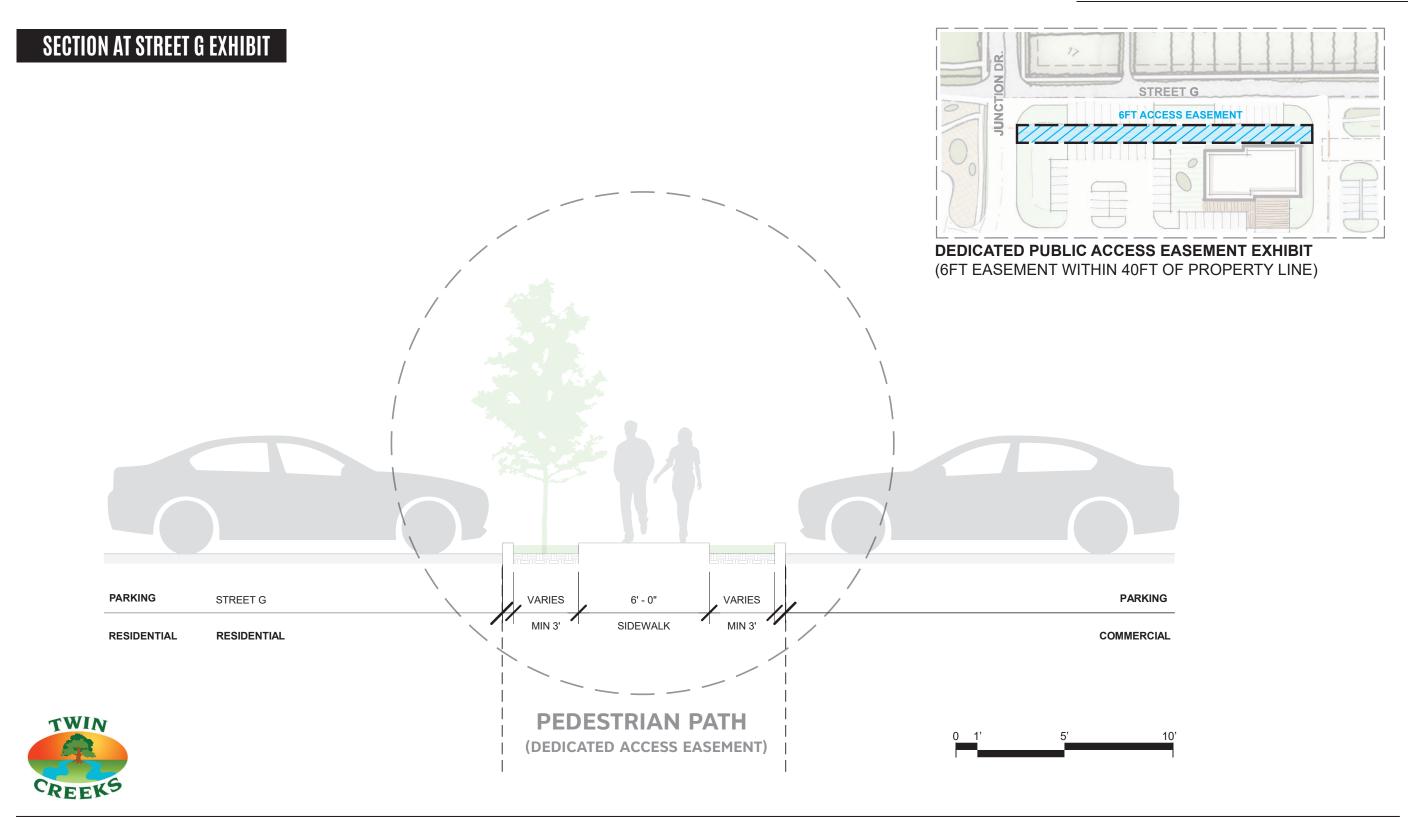












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