

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS AMENDED, BY AMENDING SECTION 4.06 “CHANGES AND AMENDMENTS” REGARDING THE PLACEMENT OF PUBLIC HEARING NOTICE SIGNS; SECTION 4.20.2 “SCHEDULE OF PRINCIPAL USES” REGARDING USES CONSTITUTING MEDICAL CLINICS, FAT RENDERING AND ANIMAL REDUCTION, HATCHER, POULTRY AND EGG FARM, LIVESTOCK AUCTION, AND STOCKYARD OR SLAUGHTERHOUSE; SECTION 4.20.3 “SCHEDULE OF ACCESSORY USES” REGARDING USES CONSTITUTING MEDICAL CLINIC OR MEDICAL OR DENTAL OFFICE; SECTION 4.20.4 “SCHEDULE OF PRINCIPAL USES CENTRAL BUSINESS DISTRICT” REGARDING USES CONSTITUTING MEDICAL CLINIC, CONDOMINIUM DWELLING, MULTI-FAMILY DWELLING, AND URBAN RESIDENTIAL DWELLING; SECTION 6.06 “SUPPLEMENTAL USE REGULATIONS” BY ADDING ADDITIONAL DEVELOPMENT REGULATIONS TO SECTION 6.06.2 “FUELING STATIONS” AND ADDING A NEW SECTION 6.06.13 REGARDING URBAN RESIDENTIAL DWELLING DEVELOPMENTS; SECTION 7.03.2 “EXTERIOR FAÇADE MATERIALS” RELATING TO SECURITY AND BURGLAR BARS; SECTION 7.03.4 “OUTDOOR LIGHTING” RELATING TO THE REGULATION OF OUTDOOR LIGHTING; SECTION 7.05 LANDSCAPING REQUIREMENTS RELATING TO THE REGULATION OF LANDSCAPING IN ASSOCIATION WITH DEVELOPMENT; SECTION 8.05.1 “STREET DESIGN STANDARDS” RELATING TO DESIGN STANDARDS FOR CUL-DE-SACS; APPENDIX A “DEFINITIONS” ADDING A DEFINITION FOR “URBAN RESIDENTIAL DWELLING”; AMENDING THE MEDIAN IMPROVEMENT FEE SET FORTH IN APPENDIX B “FILING FEES & CHARGES”; AND AMENDING VARIOUS DESIGN STANDARDS SET FORTH IN APPENDIX F “STANDARD CONSTRUCTION STANDARDS: PAVING,” APPENDIX G “STANDARD CONSTRUCTION STANDARDS: STORM DRAINAGE AND TXDOT DETAILS,” AND APPENDIX H “STANDARD CONSTRUCTION STANDARDS: WATER LINES AND SANITARY SEWER”; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR 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 persons interested and in the exercise of its legislative discretion, the City Council has concluded that the Allen Land Development Code Zoning Regulations of the City of Allen, Texas, as previously amended, should be further amended as follows:

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

SECTION 1. Allen Land Development Code, Article IV “Zoning Regulations” is amended as follows:

A. Section. 4.06 “Changes and Amendments” is amended by amending Subsection 5 to read as follows:

5. *Sign.* Not less than ten days prior to the public hearing held by the Commission relating to a proposed amendment to the zoning regulations applicable to a specific property, a sign shall be erected by the city on the property which is the subject of the proposed amendment. The sign shall be visible to the public and state in bold letters that a change in zoning has been requested and the telephone number for additional information. The sign placed on the property pursuant to this paragraph shall remain on the property until the day following the close of the public hearing conducted by the City Council on the proposed zoning amendment or the date the application is otherwise terminated, whichever is earlier. Failure to erect the sign on the property that is the subject of the zoning amendment does not invalidate the public hearing nor require a delay of action by the Commission or the City Council. The submission of an application by the owner or person authorized by the owner of the property that is the subject of rezoning constitutes consent by the owner of said property for city employees to enter the property to place and remove the sign as well as consent to place the sign on the property. If the change of zoning is initiated by the City, the sign required by this paragraph shall be placed on the closest public right of way to the boundary of the property that is the subject of the zoning amendment if the owner of the property does not otherwise consent to the placement of the sign on the property.

B. Amending the use tables in Section 4.20.2 “Schedule of Principal Uses” as follows:

- (1) Deleting the uses “Medical, Clinic,” “Fat Rendering, Animal Reduction,” “Hatchery, Poultry, Egg Farm,” “Livestock, Auction,” and “Stockyards or Slaughterhouse”; and
- (2) Changing from “permitted” to “prohibited” in the “A-O” Agriculture-Open Space District the following uses:
 - (a) Bed & Breakfast;
 - (b) Nursery, Retail Plant; and
 - (c) Veterinary Hospital or Clinic.

C. Amending the use tables in Section 4.20.3 “Schedule of accessory uses” as follows:

- (1) Delete the use “Clinic, Medical”; and
- (2) Add the use “Medical or Dental Office,” which use shall be permitted in the “CC” Corridor Commercial, “IT” Industrial Technology, “LI” Light Industrial, and “HI” Heavy Industrial

districts, and permitted following approval of a specific use permit in the “CF” Community Facilities district.

- D. Amending the use tables in Sec. 4.20.4 “Schedule of Principal Uses Central Business District” by deleting the use “Clinic, Medical,” “Dwelling, Condominium,” and “Dwelling, Multi-Family” and adding the uses “Dwelling, Urban Residential,” “Medical Clinic,” and “Medical or Dental Office” as follows:

	Central Business District	Comments
Dwelling, Urban Residential	X	
Medical Clinic	S	
Medical or Dental Office	X	

SECTION 2. Allen Land Development Code, Article VI “Special Zoning Provisions” is amended as follows:

- A. Section 6.06.2 “Fueling Stations is amended by adding paragraphs d., e., and f. to read as follows:

- d. All fueling station canopies shall be designed and built with a sloped , mansard roof or similar style. Fueling station canopies with flat roofs are not permitted. The columns supporting the fueling station canopy shall be encased with brick, stone, or other similar material that matches the primary building.
- e. Vent stacks and pipes shall be placed so they are not visible from any adjacent street.
- f. When developed on a corner at the intersection of two streets, the buildings, structures, and site improvements shall be oriented to face the intersection (radially / 45 degrees facing the point of intersection); provided, however, the Director of Community Development and Director of Engineering may grant an exception to the foregoing requirement when one of the intersecting streets is a residential street or similar minor street.

- B. Section 6.06 “Supplemental Use Regulations” is amended by adding Section 6.06.13 “Urban Residential” to read as follows:

Section 6.06.13. Urban Residential.

Urban Residential Dwelling uses shall be subject to the following additional development and use regulations:

- a. *Base Zoning.* Urban Residential uses shall comply with the use and development regulations applicable to the development of a multi-family residential district except as provided in this section or the development and use regulations of a Planned Development zoning district.
- b. *Mixed-Use Integration.* Urban Residential projects shall be integrated at the time of construction within mixed-use developments. Residential units may be located in separate freestanding buildings or may be combined in multi-use buildings of multi-story design.

- c. *One-Bedroom Minimums.* No less than 65% of the dwelling units shall be one-bedroom units.
- d. *Access.* All dwelling units shall be accessed through an interior climate controlled corridor.
- e. *Parking.* Not less than 70% of all parking spaces must be located in a parking structure or enclosed garage.
- f. *Connectivity.* Pedestrian walkways shall connect all on-site common areas, parking areas, open space, recreational facilities and to adjacent uses within the mixed-use development.
- g. *Retail Component.* Where buildings face a public or private street or an active pedestrian area, the first floor shall be retail ready, and shall be constructed with minimum 14-foot-high ceilings and mechanical chases necessary for conversion to commercial uses.
- h. *Architecture.* All buildings containing dwelling units shall be a minimum of three stories. Street-facing facades shall incorporate articulation and mix of color and materials consistent with the architectural style of the building to create diversity in the streetscape. All buildings are required to have consistent “four-sided” architectural treatments. Sloped roofs shall provide articulation, variations, parapets, gables, dormers or similar architectural elements to screen the roof and to break up the massiveness of the roof.

SECTION 3. Allen Land Development Code, Article VII “Zoning Development Standards” is amended as follows:

A. Section 7.03.2 “Exterior facade materials” is amended by adding paragraph 5, to read as follows:

- 5. The installation of security bars, panels, metal grates, or other similar security devices both on the exterior of the structure and any portion of the interior visible from the outside is prohibited. Interior, retractable security screens and grilles may be utilized during non-business hours only.

B. Section 7.03.4 “Outdoor Lighting” is amended in its entirety to read as follows:

Sec. 7.03.4. Outdoor lighting.

- 1. *Approval authority.* The chief building official shall approve lighting of all private facilities, to include, but not limited to, private parking lots, and buildings.
- 2. *Definitions.*
 - a. *Outdoor or exterior lighting* means lighting equipment installed:
 - (1) within the property line and outside of a building located on a subject property, whether attached to poles, building structures, the ground, or any other location, and any associated lighting control equipment, including façade and landscape lighting; and

(2) on the interior of a building but which is oriented in a direction with the intent and effect of illuminating one or more areas exterior to the building, or with the intent of being viewed from outside.

b. *Fully shielded* means outdoor lighting fixtures shielded or constructed so that all light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, nearly 100 percent cut-off type, as evidenced by the manufacturer's photometric data.

c. *Partially shielded* means shielding so that the lower edge of the shield is at or below the centerline of the light source or lamp so as to minimize the light transmission above the horizontal plane, or at least 90 percent of the emitted light projects below the horizontal plane as evidenced by the manufacturer's photometric data.

d. Unshielded shall mean fixtures lacking any means to restrict the emitted light to below the horizontal plane.

3. *General standards.*

a. *Lighting trespass.* All exterior lighting shall be located so as to not produce direct illumination across the bounding property line. 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.

b. *Outdoor signs, etc.* Outdoor advertising displays, billboards, and signs not exclusively illuminated internally may only utilize illuminating devices mounted on the top of the advertising display structure. All such fixtures shall comply with all other provisions of this section. Outdoor advertising signs constructed of translucent materials and wholly illuminated from within do not require shielding.

c. *Glare.* Exterior lights shall be constructed in a manner consistent with the Property Maintenance Code Section 6-85(e), Glare.

d. *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.

e. *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:

Lamp Type	Requirements
High pressure sodium	Fully shielded
Metal halide	Fully shielded
Mercury vapor (color corrected only)	Fully shielded
Fluorescent	Fully shielded
Incandescent (over 150 watts per fixture)	Prohibited
Incandescent (under 150 watts per fixture)	Partially or fully shielded

Lamp Type	Requirements
Any light source 50 watts and under	Unshielded permitted
Low intensity neon, or krypton, or argon discharge tubes	Unshielded permitted
Light emitting diode (LED)	Fully shielded

4. *Hours of operation.*

- a. Outdoor sales and eating areas, on-site advertising, assembly areas, repair areas, and businesses may be operated during the hours that the facilities are open to the public.
- b. Off-site advertising displays and billboards or signs may be operated from dusk to 11:00 p.m. only; unless fully shielded and pointed downward.
- c. Recreational and sporting areas may operate from dusk to 11:00 p.m., except to conclude a specific recreational or sporting event or similar activity which was in progress prior to 11:00 p.m.

5. *Nonresidential walkway lighting.*

- a. The mounting height of luminary fixtures shall not exceed 12 feet.
- b. Pole and wall-mounted fixtures mounted above eight feet shall be fully shielded.

6. *Nonresidential accent lighting.*

- a. Lighting may be used to highlight landscape elements, building entries or other important architectural elements, and site elements such as opaque signage, fountains and sculptures.
- b. Lighting shall be concealed or otherwise positioned in such a manner that the light source cannot be seen from any property line of the site on which the light is located.

7. *Nonresidential security lighting.*

- a. Pole and wall-mounted fixtures mounted six feet or more above surrounding grade shall be fully shielded.
- b. If a rear yard security light is mounted higher than ten feet, it shall be placed at the property line and directed away from adjacent properties.

8. *Parking lot and loading area lighting.*

- a. The mounting height of luminary fixtures shall not exceed the following:

Parking Area	Maximum Mounting Height
0 to 50 parking spaces	14 feet
51 to 200 parking spaces	20 feet
201 or greater parking spaces	25 feet

- b. All parking lot and loading area lighting shall comply with the following requirements:
 - i. Base cover and base, pole, light arm, and luminaire housing shall all be dark bronze in color;
 - ii. Light pole must be square straight steel with an anchor base;
 - iii. Luminaire shall be generally rectangular or square in shape and have either high pressure sodium or LED fixture; and
 - iv. All lighting fixtures shall be fully shielded.
- c. All electric utility service facilities shall be underground.

9. *Prohibitions.*

- a. Laser source light and strobe lights and similar high intensity light sources for advertising or entertainment shall not be projected above the horizontal plane, unless a permit is obtained for specific events and time frames.
- b. Searchlights are not permitted (see Section 7.09, Sign Control).
- c. Inoperative and obsolete lighting fixtures may not be modified, replaced, or upgraded without complying with this section.
- d. Low-pressure sodium lamps are prohibited.
- e. LED or other continuous or connected series of lights are prohibited, except as accent lighting for outdoor patios and seating areas.
- f. No lighting shall be permitted to outline individual windows (whether installed inside or outside of the building), buildings, accessory structures, signs, light poles or other appurtenances on site, except that neon lighting may be used on primary buildings.

10. *Exemptions and alternative designs.*

- a. *Section Not Applicable.* This section shall not apply to the following types of outdoor lighting:
 - i. Navigation and airport lighting required for the safe operation of boats and airplanes;
 - ii. Emergency lighting by police, fire, and rescue authorities;
 - iii. Gas lighting.
- b. *Temporary exemptions:*
 - i. The chief building official or his designee may approve temporary exemptions from the requirements of this section provided that the duration of the approval shall be for not more than 30 days from the date of approval. No outdoor light fixtures shall be exempt from the

requirements of this section for more than 90 days during any 12-month period.

- ii. Requests for renewal of exemptions shall be processed in the same way as the original request.

c. *Alternative designs.*

- i. Alternative designs to parking lot and loading area lighting may be approved by the Commission and must be compatible with the architecture of the building.
- ii. Architecturally decorative light fixtures used for buildings and walkways, may have the shielding requirements modified in consideration for aesthetics and theme style lighting. Such modifications may be approved by the Director when determined that the lighting will not create a nuisance to adjacent properties or the public. The Director may require the modifications be approved by the Planning Commission
- iii. Notwithstanding paragraphs i. and ii, above, to the contrary, no alternative design shall be approved that increased light trespass on adjacent property.

C. Section 7.5 “Landscaping Requirements” is amended in its entirety to read as follows:

Sec. 7.05. Landscaping requirements.

The provisions of this section:

1. Establish standards for landscaping of nonresidential and multifamily development and surface parking lots.
2. Establish tree-planting requirements for new single-family residential development.
3. Provide for reduction hydrocarbons to improve air quality.
4. Provide for reforestation of the urban area.
5. Establish standards and requirements for the installation of irrigation systems.

Sec. 7.05.1. Landscape plan approval.

1. A proposed landscape plan must be submitted with all applications for non-single family residential site plans, and engineering construction plans all for single-family residential developments with. No certificate of occupancy shall be issued until the planting of all landscaping required by the approval landscape plan has been verified by the Planning Department unless a delay in planting has been granted as the result of operation of the City’s water conservation and drought contingency plan adopted in accordance with Section 14-14.1 of the Code of Ordinances.
2. All landscape plans shall be sealed by a Texas registered landscape architect and be generated in a neat and legible manner. The City shall provide the applicant with a

landscape review checklist and shall evaluate the appropriateness of the landscape plan and may approve it, or approve it subject to stipulations.

3. Landscape plans shall be submitted, and landscaping shall be updated, to meet the requirements of this Code when:
 - a. A site is being redeveloped; or
 - b. Where an existing parking area is altered or expanded to increase the total number of spaces by 1/3 or more of the total existing spaces, then the entire parking lot shall be updated to meet the current landscape standards. This shall include interior parking lot landscaping, parking screening, and required landscaping for street frontages; or
 - c. The existing building area square footage increases more than 25%.
 - d. A modification to the existing landscaping or landscape plan is proposed.

Sec. 7.05.2. Standard planting materials.

1. Minimum caliper for trees required under this section is three inches.
2. Minimum height required:
 - a. Shade trees: Ten feet.
 - b. Ornamental trees: Eight feet.
3. Materials and planting standards must meet the American Association of Nurserymen, Inc., American Standard for Nursery Stock (latest edition).

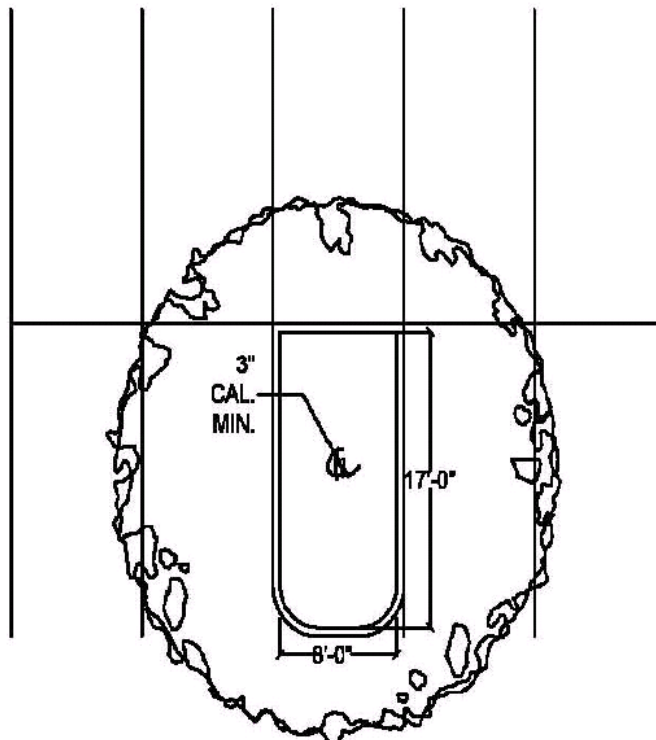
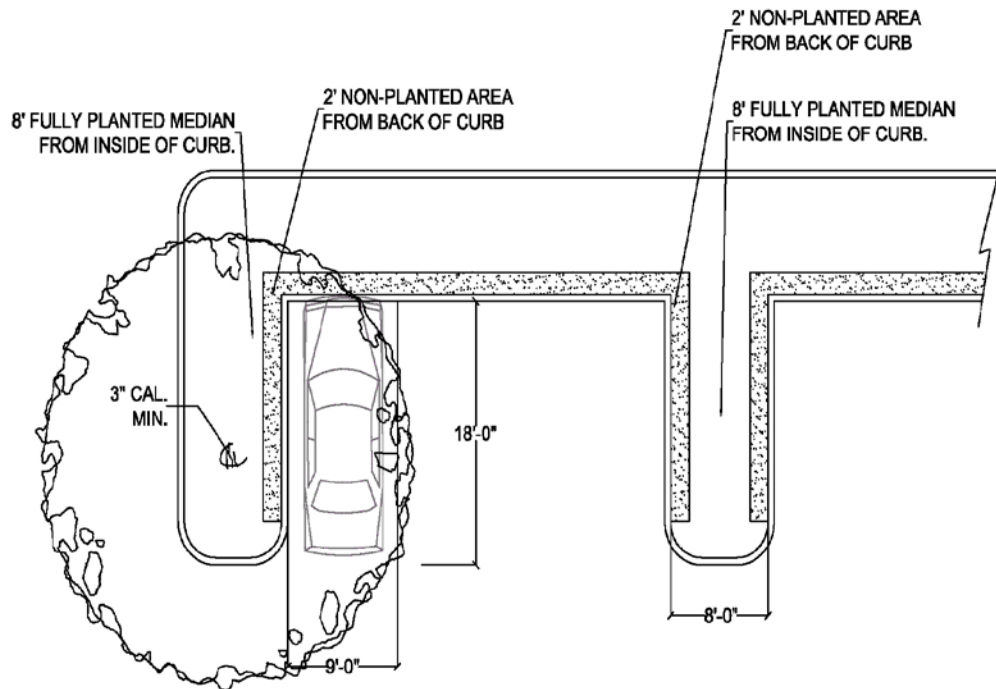
Sec. 7.05.3. Nonresidential and Multifamily landscaping requirements.

These standards shall apply to all multifamily and nonresidential districts and to any area within a planned development district containing multifamily and nonresidential uses.

1. Except as otherwise provided elsewhere in this section, the minimum landscaping area for multifamily and nonresidential uses shall be not less than 10% of the area of the site.
2. The minimum landscaping area for the following nonresidential districts shall be not less than 15% of the area of the site:
 - a. "GO" Garden Office
 - b. "O" Office
3. *Landscape in rights-of-way.* All rights-of-way (area located between the property line and the edge of pavement of any adjacent street or alley) shall be planted with turf.
4. *Landscape buffers adjacent to streets.* A landscape buffer in which no building, structure or parking shall be located, shall be required adjacent to the right-of-way line of all dedicated public streets as follows:

- a. Adjacent to United States Highway 75 and State Highway 121: 25 feet
 - b. Adjacent to public streets with a right-of-way of 100 feet or more: 15 feet
 - c. Adjacent to public streets with a right-of-way less than 100 feet: 10 feet
 - d. Where public improvements, including deceleration lanes, are necessary, the City may consider, on a case by case basis, reducing the landscape buffer up to 50 percent. The total amount of landscape buffer reduced (in square feet) must be relocated within the site.
 - e. *Certain Corner Lots.* Corner lots at the intersection of two major or larger thoroughfares classified as P8D, P6D, M6D, M4D, M4U, C4U shall comply with the following landscaping requirements in addition to the required plantings for the landscaped buffer and parking lot landscaping:
 - i. A minimum 20-foot wide landscaped buffer shall be located along all street rights-of-way beginning at the corner and extending 175 feet or to the closest driveway. Beyond this point, the landscaped edge may be gradually reduced over a distance of 25 feet to the required width (10 or 15 feet);
 - ii. Where the city traffic engineer has determined the need for a right-turn lane, and design constraints exist, the City may consider reducing the landscape buffer. The landscape buffer shall not be reduced to a width of less than ten feet (see section 8.05.2., thoroughfare design standards); and the total amount of landscape buffer reduced (in square feet) must be relocated within the site;
 - iii. A minimum landscaped area of 900 square feet shall be located at the intersection corner of the lot and shall be designed to comply with visibility triangle requirements set forth in Section 13-1 of the Code of Ordinances.
5. *Landscape buffer planting requirements.* Landscape buffers required by subsection 4 above shall comply with the following:
- a. For all lots, one shade tree for every 40 feet of street frontage, or portion thereof, and one ornamental tree for every two shade trees shall be planted.
 - b. No more than 50 percent of the landscape buffer area shall be planted with turf. The following shall not be considered “turf”: shrubs, trees and groundcover in combination with mulch, crushed granite, river rock, decorative pavers or similar material.
 - c. Non-vegetative materials shall not exceed 50 percent of the landscape buffer area, with the design, and installation methods, approved by the Parks Department.
 - d. The requirements for a landscape buffer and tree planting may be modified in the central business district in a manner set forth in a landscaping plan approved by the Commission, provided such landscaping plan allows for adequate pedestrian circulation and handicap access.

6. *Surface parking lot landscaping.* Landscaping in surface parking lots for non-residential uses shall comply with the following.
- a. *Retail uses.* One shade tree and one ornamental tree for every 40 parking spaces shall be planted from the outside edge of the parking lot and dispersed within the parking lot area.
 - b. *Non-retail uses.* One shade tree and one ornamental tree for every 30 parking spaces shall be planted, starting from the outside edge of the parking lot, distributed such that one tree per 20 spaces is distributed in the parking lot and the remainder dispersed within the building site.
 - c. No parking space shall be more than 50 feet from the center point of any city approved parking lot tree, other than trees required for street right-of-way landscape buffer plantings or other landscape requirements.
 - d. When the parking lot contains more than 200 parking spaces, the parking lot shall be subdivided into separate parking areas of not more than 200 spaces. These parking areas shall be separated by a landscaped area with a minimum width of ten feet.
 - e. A two-foot-wide non-planted pervious surface area adjacent to the back of the curb shall be installed adjacent to all parking spaces. This area may include mulch, crushed granite, river rock, or similar material. (See figure below for an example.)
 - f. A parking lot island shall be located at both ends of every interior and peripheral parking row, regardless of the length of the row.
 - g. All peripheral parking rows shall not contain more than ten continuous parking spaces without a landscape island.
 - h. Each parking lot islands shall be no less than eight feet wide and no less than 17 feet in length or the length of the adjacent parking stall, whichever is longer, with an area of not less than 136 square feet. All dimensions shall be measured from back-of-curb to back-of-curb. "Diamond" islands are not allowed. All islands must be fully landscaped. (See figure below for an example.)



**MINIMUM TREE ISLAND
(ALL MEASUREMENTS TAKEN FROM BACK-OF-CURB TO
BACK-OF-CURB)**

- i. Parking lots must be screened from any street right-of-way using evergreen shrubs, berms or a combination of both extending and wrapping around the

entire side of all end parking spaces. Both berms and shrubs must be a minimum of 42 inches above the average grade of the parking lot curbs. The slope of a berm shall not exceed a 4 to 1 gradient, and the top of the berm shall be rounded, without a "peaked" appearance. Shrubs, when used, must be three gallons and 18 inches in height at the time of planting, and be arranged so that by themselves or in combination with a berm, they create a continual, unbroken screen,

- j. All landscaped areas shall be protected by a raised six-inch concrete curb. Pavement shall not be placed within four feet of a newly planted tree unless a root barrier approved by the Director of Parks and Recreation is used.
 - k. Landscaped areas may include shrubs, trees and groundcover in combination with mulch, crushed granite, river rock, decorative pavers or similar material. Non-vegetative materials shall be limited to 50 percent of the landscaped area, with the design, and installation methods, approved by the Parks Department.
7. Landscaping/screening for parking lots adjacent to residential areas.
- a. A continuous screen of evergreen shrubs (five-gallon minimum) not less than 42 inches in height shall be planted on a maximum of three feet on center on the boundary of a parking lot facing property zoned for residential use if the parking lot is located within 50 feet of such residentially zoned property and is not otherwise screened from view.
 - b. At any location where vehicle headlights may shine directly at residential areas, a headlight screening consisting of shrubs and/or decorative fencing must be installed in a manner to block the light.
8. Landscaping for multifamily districts. In addition to the requirements above, multifamily developments shall:
- a. In addition to the landscaped buffer required in subsection 1 of this section, eight square feet of landscaping for each parking space shall be provided within the parking lot to include a minimum of one shade tree per ten parking spaces; and
 - b. One shade tree per 1,000 square feet of required open space shall be provided.
9. Fully automated underground irrigation systems shall be installed in all landscaped areas.

Sec. 7.05.4. Tree planting requirements for new single-family residential development (attached and detached).

This section shall apply to all new attached and detached single-family residential developments and to any area within a planned development district containing less restrictive landscaping standards:

- 1. Two shade trees shall be planted in the front yard for each dwelling unit. Where design constraints exist, alternatives may be approved by the City Forester.

2. All required trees shall be planted prior to request for final building inspection of the dwelling unit.
3. Where screening walls are required adjacent to a public street by section 7.07.4, there shall be a landscape buffer area with the following requirements:
 - a. One shade tree and one ornamental tree shall be planted for every 40 feet of street frontage or portion thereof.
 - b. No more than 50 percent of the landscape buffer area shall be planted with turf. The following shall not be considered “turf”: shrubs, trees and groundcover in combination with mulch, crushed granite, river rock, decorative pavers or similar material.
 - c. Non-vegetative materials shall not exceed 50 percent of the landscape buffer area, with the design, and installation methods, approved by the Parks Department.
 - d. The landscape buffer area shall be shown on the preliminary and final plats in accordance with Sec. 8.03.3.2.a.xx.

Sec. 7.05.5. Landscape maintenance requirements.

1. All plant material on property subject to an approved landscape plan shall be maintained in a healthy and growing condition, and must be replaced with plant material of similar variety and size if damaged, destroyed, removed, or dead.
2. Landscaped areas on property subject to an approved landscape plan shall be kept free of trash, litter, weeds, and other such materials and plants not a part of the landscaping. Materials including mulch, rocks and decorative pavers shall be maintained in accordance with the approved landscape plan.
3. All irrigation systems shall be maintained in proper operating condition and in accordance with the requirements of this Code.
4. Entryway or amenity features within city right-of-way shall be developed under the responsibility of a homeowners' association or commercial property owners' association.
5. Diameters of existing trees are measured at four feet above grade. If the tree is on a slope, measurement shall be from the high side of the slope. Measure above unusual swells in the trunk.

To determine the diameter of a multitrunk tree, measure all the trunks; add the total diameter of the largest trunk to one-half the diameter of each additional trunk. Diameter measurements should be accurate to the nearest one-half inch. Trees may be measured with a caliper, cruise stick, standard tape measure or diameter tape.

SECTION 4. Allen Land Development Code Article VIII “Subdivision Regulations,” Section 8.05.1. Street Design Standards,” Subsection 8 “Cul-de-sac and dead-end streets,” is amended by amending paragraph b. to read as follows:

- b. Minimum right-of-way width (diameter) and pavement width of turnarounds shall be as follows:

Type of Use	Right of Way Width	Pavement
Single-Family, Two-Family and Townhome	100 feet	80 feet
All Other Uses	120 feet	100 feet

SECTION 5. Allen Land Development Code Appendix A “Definitions” is amended by adding a definition for the phrase “Dwelling, Urban Residential” to read as follows:

Dwelling, Urban Residential – means an attached high-density residential structure that takes on a more urban site arrangement. Units may be for rent or for sale as a condominium and may be integrated with non-residential uses.

SECTION 6. Allen Land Development Code Appendix B “Filing Fees & Charges”, Schedule A “Other Charges” is amended by adding paragraph 11 “Median Improvement Fee” to read as follows:

11. *Median Improvement Fee.* The payment in lieu of Median Improvement Construction. The fee for deferral of construction of median improvements (i.e. irrigation, landscaping, and lighting of current or future medians) may be paid to the engineering department prior to recordation of the final plat. The Median Improvement Fee is \$50.00 per linear foot of frontage along a thoroughfare, or \$100.00 per linear foot if developing both sides of the thoroughfare.

SECTION 7. Appendix F “Standard Construction Details: Paving,” Appendix G “Standard Construction Details: Storm Drainage and TxDOT Details,” and “Appendix H “Standard Construction Details: Water Lines and Sanitary Sewer” of the Allen Land Development Code are amended in their entirety as set forth in Exhibits A, B, and C, respectively, attached hereto and incorporated herein by reference.

SECTION 8. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Allen and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling

SECTION 9. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, 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, as amended hereby, which shall remain in full force and effect.

SECTION 10. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 11. 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 the Allen Land Development Code, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 12. This ordinance shall take effect immediately from and after its passage and publication in accordance with its 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 27TH DAY OF JUNE 2017.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:6/15/17:87161)

Shelley B. George, TRMC, CITY SECRETARY

Exhibit “A”

APPENDIX F – STANDARD CONSTRUCTION DETAILS: PAVING

Exhibit “B”

**APPENDIX G – STANDARD CONSTRUCTION DETAILS:
STORM DRAINAGE AND TXDOT DETAILS**

Exhibit “C”

**APPENDIX H – STANDARD CONSTRUCTION DETAILS:
WATER LINES AND SANITARY SEWER**