

**ORDINANCE NO. \_\_\_\_\_**

**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 DEVELOPMENT REGULATIONS OF PLANNED DEVELOPMENT “PD” NO. 112 SINGLE-FAMILY RESIDENTIAL R-5 RELATING TO THE PERMITTED GARAGE ORIENTATION AND LOT DETAIL ON LOT 28 BLOCK G, CYPRESS MEADOWS PH. 1 AND LOTS 33, 37, 38, 41 BLOCK A, LOTS 3, 4, 12, 13, 14, 18, 19, 20, 22, 24, BLOCK C, LOTS 17, 24, 25, 26, BLOCK I, LOT 7, BLOCK J, LOT 1, BLOCK K, LOTS 1, 12, 15, BLOCK L, LOTS 4, 6, 14, 15, 18, BLOCK M, AND LOT 1, BLOCK O, CYPRESS MEADOWS PH. 2 AS ADOPTED IN PARAGRAPH J OF SECTION 2 OF ORDINANCE NO. 3145-3-13 AND AS AMENDED BY SECTION 1 OF ORDINANCE NO. 3263-10-14, AND AMENDING EXHIBIT “E” “LOT DETAIL”; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Allen, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Allen, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be amended.

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

**SECTION 1.** The Allen Land Development Code Zoning Regulations and the Zoning Map of the City of Allen, Collin County, Texas, as previously amended, by amending the development regulations of Planned Development “PD” No. 112, adopted by Ordinance No. 3145-3-13, as amended by Ordinance No. 3263-10-14, as follows:

- A. Paragraph J of Section 2 of Ordinance No. 3145-3-13, as amended by Section 1 of Ordinance No. 3263-10-14, is further amended to read as follows:

**J. Garage Orientation:**

- (1) No more than forty-five percent (45%) of the dwellings constructed on lots within the Property shall be constructed with a 2 Car J-Swing/1 Car Front Load product as shown in Option 1 of the Lot Detail attached hereto as Exhibit “E,” and incorporated herein by reference. The front facing one car garage, as shown in said Option 1, is optional.
- (2) No fewer than twenty-four percent (24%) of the dwellings constructed on lots within the Property shall be constructed with a 1 Car J-Swing/2 Car Front Load product as shown in Option 2 of the Lot Detail attached hereto as Exhibit “E.” The front facing two car garage, as shown in said Option 2, shall be constructed with a masonry divider separating the garage doors.

- (3) No fewer than thirty percent (30%) of the dwellings constructed on lots within the Property shall be constructed with a 2-Car or 3-Car Tandem Front Load product as shown in Option 3 of the Lot Detail attached hereto as Exhibit "E." The front facing two car garage, as shown in said Option 3, shall be constructed with a masonry divider separating the garage doors.
- (4) The garage orientation of a dwelling unit constructed or to be constructed on a lot within the Property for which a building permit was issued before January 9, 2018, shall not be altered from the orientation in which such garage was constructed at the time of original construction of the dwelling unit.

B. Exhibit "E" "Lot Detail", as set forth in Ordinance No. 3263-10-14 is amended in its entirety as set forth in Attachment 1, attached to this Ordinance and incorporated herein by reference.

**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 within PD-112 as described in Ordinance No. 3145-3-13, as amended by Ordinance No. 3263-10-14, 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 9<sup>TH</sup> DAY OF JANUARY 2018.**

**APPROVED:**

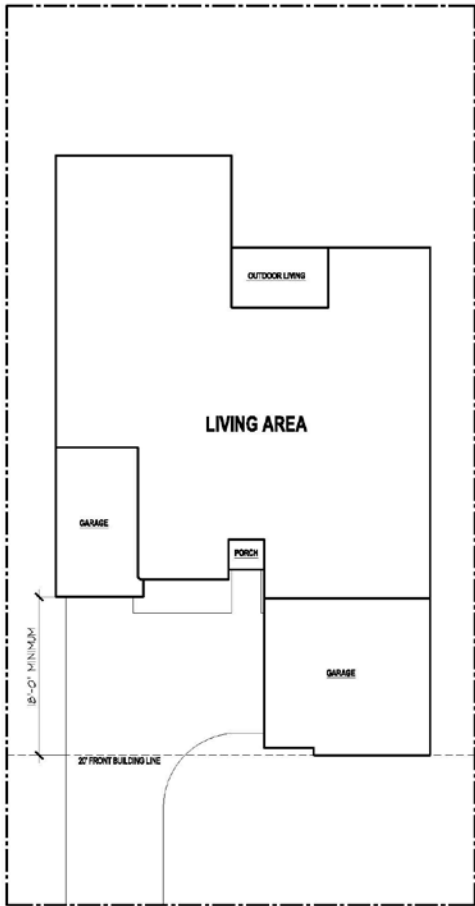
\_\_\_\_\_  
**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

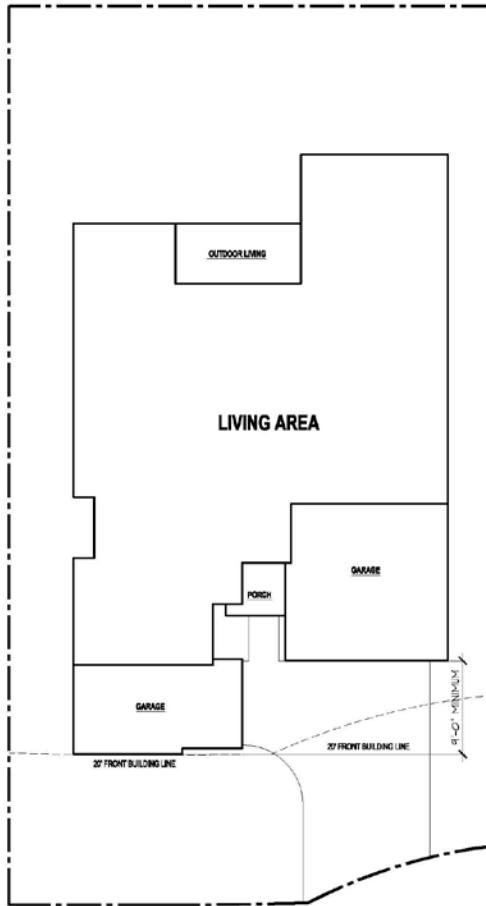
**ATTEST:**

\_\_\_\_\_  
**Peter G. Smith, CITY ATTORNEY**  
(kbl:12/19/17:94225)

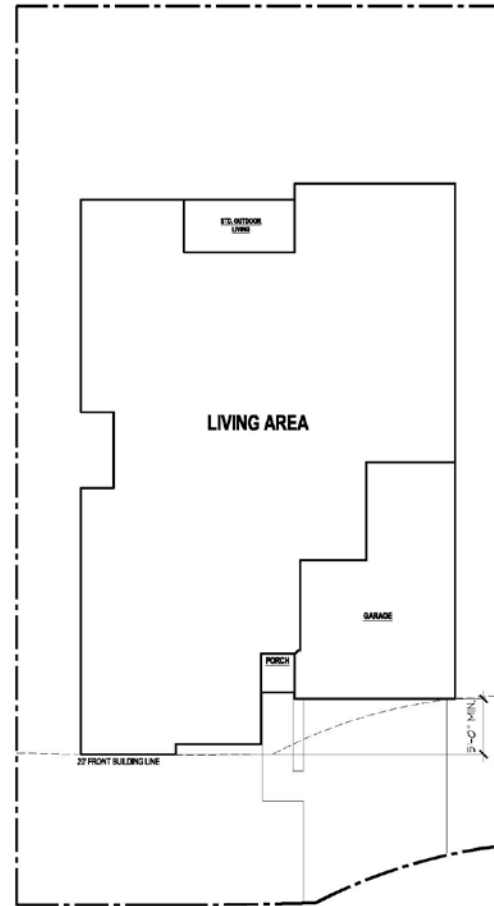
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**Shelley B. George, TRMC, CITY SECRETARY**



OPTION 1 - 2 CAR J-SWING / 1 CAR FRONT LOAD  
SCALE: NO SCALE 45% (MAXIMUM)



OPTION 2 - 1 CAR J-SWING / 2 CAR FRONT LOAD  
SCALE: NO SCALE 24% (MINIMUM)



OPTION 3 - 2 CAR OR 3 CAR TANDEM FRONT LOAD  
SCALE: NO SCALE 30% (MINIMUM)

ATTACHMENT "1"  
EXHIBIT "E" (AMENDED)  
LOT DETAIL