

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, RELATING TO THE USE AND DEVELOPMENT OF A 24.964± ACRE TRACT OF LAND SITUATED IN THE JOHN HUFFMAN SURVEY, ABSTRACT NO. 416, PRESENTLY ZONED AS AGRICULTURE OPEN SPACE “AO” AND PLANNED DEVELOPMENT “PD” NO. 82 SINGLE-FAMILY RESIDENTIAL R-6 BY CHANGING THE ZONING TO CREATE “PD” PLANNED DEVELOPMENT NO. 133 WITH A BASE ZONING OF SINGLE-FAMILY RESIDENTIAL R-7 AND ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, BUILDING ELEVATIONS, AND OPEN SPACE EXHIBIT; 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, be further amended relating to the use and development regulations of 24.964± acres situated in the John Huffman Survey, Abstract No. 416 described in “Exhibit A,” attached hereto and incorporated herein by reference (“the Property”), which is presently zoned as Agriculture Open Space “AO” and Planned Development “PD” No. 82 Single-Family Residential R-6 by changing the zoning to create “PD” Planned Development No. 133 with a base zoning of Single-Family Residential R-7 to be used and developed in accordance with the use and development regulations 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”) except to the extent modified by the Development Regulations set forth below:

- A. BASE ZONING DISTRICT:** The Property shall be developed and used only in accordance with use and development regulations of the Single Family Residential District (R-7) except as otherwise provided in this Ordinance.

B. 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.

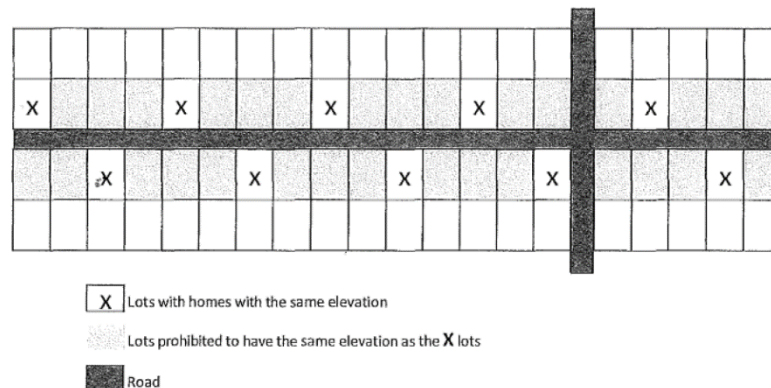
C. BUILDING ELEVATIONS: Buildings to be constructed on the Property shall be developed in general conformance with the materials and architectural style set forth on the Building Elevations attached hereto as Exhibit “C,” and incorporated herein by reference (“the Elevations”), and shall be further subject to the following.

(1) **Building Materials:** Except for window and door areas, exterior facades of all walls shall be 100% masonry.

(2) **Building Design:**

a. Elevations and brick colors shall be permitted to repeat only when there are three intervening lots of separation on the same side of the street as shown on the diagram below.

b. The same elevation and brick color shall not repeat on the lot across the street nor on the lots on either side of the lot across the street as shown on the diagram below.



D. LOT DESIGN CRITERIA AND BUILDING SETBACKS:

(1) Minimum Dwelling Unit Size: 1,800 square feet (not including garage space).

(2) Maximum Lot Coverage: 65%.

(3) Minimum Lot Depth: All lots shall comply with the standards of the R-7 Zoning District except Lots 1-6, Block A as shown on the Concept Plan, the minimum depth of which shall be 100 feet.

(4) The building setbacks for all lots developed within the Property shall be as follows:

a. Minimum Front Yard Setback: 10 feet.

b. Minimum Corner Side Yard Setback: On the side yard adjacent to the street, 10 feet.

c. Garage Setback: 20 feet from the front lot line to the face of the structure.

- d. Side Yard Adjacent to Rear Yard: On Lot 25 Block E, Lot 6 Block H, and Lot 4 Block I as shown on the Concept Plan, the minimum side yard setback for the side yard adjacent to the rear yard of the adjacent lot shall be five (5) feet.

E. SCREENING: Screening shall be constructed and/or installed along the boundaries of the Property in general conformance with the Concept Plan.

1. The 8-foot-tall masonry wall along Hedgcoxe Road and the 6-foot-tall wood fence along the western side of the development adjacent to the streets shall be constructed prior to issuance of a building permit for any dwelling unit on any lot except for a dwelling unit constructed for use as a model home.
2. Construction of the 6-foot-tall wood fence adjacent to the lots along the western side of the Property and the 6-foot-tall ornamental metal fencing adjacent to Lot 3 Block X and Lot 5 Block X as shown on the Concept Plan shall be constructed on each lot prior to issuance of a certificate of occupancy or approval of the final inspection of the dwelling unit constructed on such lot.

F. OPEN SPACE EXHIBIT:

1. The minimum landscape buffer along Hedgcoxe Road shall be 5 feet wide. Enhanced landscaping along Hedgcoxe Road shall be provided as shown in the Open Space Exhibit, attached hereto as Exhibit “D,” and incorporated herein by reference.
2. The retention pond shown on the Open Space Exhibit shall have a minimum of four 15-foot wide access points and a maintenance strip on the eastern side not less than 15 feet wide.

G. DETENTION POND: The stormwater detention pond shown on Lot 5, Block X (“the Pond”) shall be designed to incorporate a transition that includes either a maximum slope of 3:1 or terracing that achieves a maximum slope of 1:1. Any vertical walls included in the design of the Pond should be limited to a maximum of two feet (2.0’) of exposed wall face. The interior of the Pond shall be constructed with sod or similar ground cover, designed to have a natural appearance, and shall not include a fence around the perimeter; provided, however, owners of lots adjacent to Lot 5, Block X shall not be prohibited from installing fencing on their individual lots on the common lot line with Lot 5, Block X.

H. TREE PLANTING: Two overstory (shade) trees of a variety listed in Appendix C of the ALDC shall be planted no closer than 10 feet from the dwelling unit in the front yard of each lot on which a dwelling unit is constructed; provided, however, if the width and depth of the lot is not sufficient for the planting of both overstory (shade) trees in the front yard of the lot, the second tree shall be planted in the rear yard. When planted in the rear yard, the overstory (shade) tree shall be planted no closer than 5 feet from any structure or paved surface.

I. STREET DESIGN:

1. The minimum centerline offset between Camelot Drive and Street E shall be 75 feet.
2. Driveway cuts on Lot 1 Block A, Lots 4 and 8 Block B, Lots 1 and 12 Block C, Lot 24 Block D, and Lot 5 Block F shall be a minimum of 11.5 feet from an intersection, as measured from the ends of the curb radius returns.

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 9TH DAY OF JANUARY 2018.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:12/19/17:94241)

Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract of land in the JOHN HUGGMAN SURVEY, ABSTRACT NO. 416, City of Allen, Collin County, Texas, and being all of that tract of land conveyed in Deed to Fitzgerald Family Trust, according to the document filed of record in Document Number 20150420000442450, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at the northeast corner of the AMENDED FINAL PLAT PHASE C CUSTER HILL ESTATES, an Addition to the City of Allen, Collin County, Texas, according to the Amended Plat filed of record in Cabinet K, Page 393, Map Records, Collin County, Texas same being in the south line of that tract of land described as Parcel 5 as conveyed in Deed to Mary McDermott, according to the document filed of record in Volume 790, Page 796, Deed Records, Collin County, Texas, for the northwest corner of said Fitzgerald Family Trust tract;

THENCE S 88° 24' 18" E, with the north line of said Fitzgerald Family Trust tract, same being common with the south line of said Parcel 5, a distance of 335.30 feet to a 5/8 inch iron rod found for the northeast corner of said Fitzgerald Family Trust tract, same being common with the northwest corner of that tract of land described as Parcel 6 in the above mentioned Deed to Mary McDermott;

THENCE Leaving said south line and with the east line of said Fitzgerald Family Trust tract, same being common with the west line of said Parcel 6, the following courses and distances:

S 00° 40' 05" E, a distance of 2,535.44 feet;

N 88° 59' 55" E, a distance of 27.50 feet;

S 01° 09' 40" E, a distance of 656.97 feet to a point in the north line of Hedgecoxe Road, a 100 foot width right-of-way at this point, for the southeast corner of the above mentioned Fitzgerald Family Trust tract, same being common with the northeast corner of that tract of land described in Deed to City of Allen, according to the document filed of record in Volume 5148, Page 125, Deed Records, Collin County, Texas;

THENCE S 89° 14' 54" W, with said north line, same being common with the south line of said Fitzgerald Family Trust tract, a distance of 365.50 feet to a point in the east line of BEVERLY ELEMENTARY SCHOOL, an Addition to the City of Allen, Collin County, Texas, according to the Plat filed of record in Cabinet O, Page 202, Map Records, Collin County, Texas;

THENCE N 00° 42' 58" W, with the west line of said Fitzgerald Family Trust tract, same being common with the east line of said Addition, and being common with the east lines of PHASE B CUSTER HILL ESTATES, an Addition to the City of Allen, Collin County, Texas, according to the Plat filed of record in Cabinet K, Page 41, Map Records, Collin County, Texas, AMENDED FINAL PLAT PHASE C CUSTER HILL ESTATES, an Addition to the City of Allen, Collin County, Texas, according to the Amended Plat filed of record in Cabinet K, Page 392, Map Records, Collin County, Texas, and the above mentioned AMENDED FINAL PLAT PHASE C CUSTER HILL ESTATES Addition filed in Cabinet K, Page 393, distance of 3,206.00 feet to the **POINT OF BEGINNING**, and containing 24.964 acres of land, more or less.

EXHIBIT “B”
CONCEPT PLAN

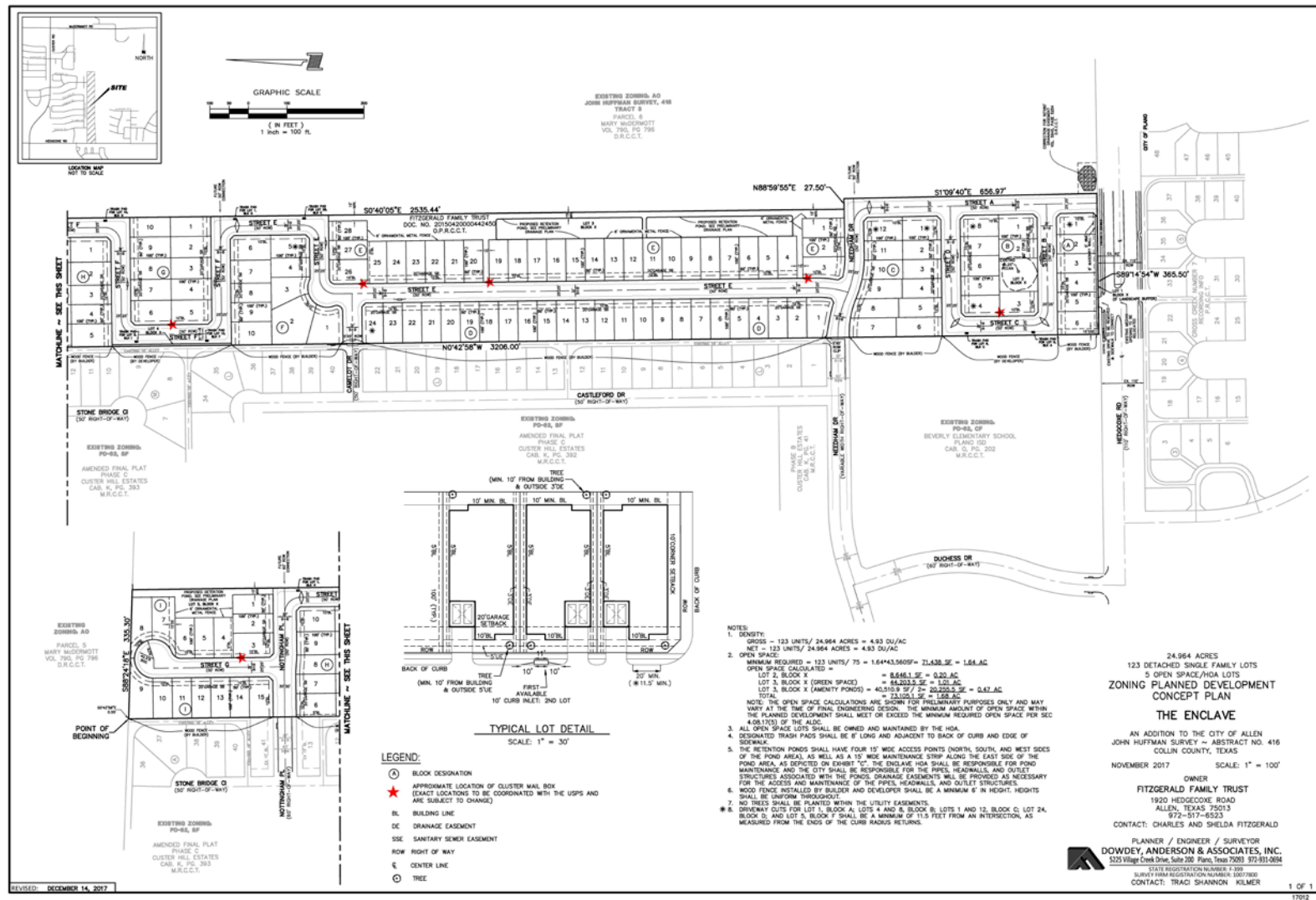


EXHIBIT “C”
BUILDING ELEVATIONS

Examples of Home Designs For The Enclave - City of Allen

Example: Roof height and materials used when constructing a Brick & Stone finished home



Roof Height: 30'2.5"

Roof Pitch: 12/12

Materials Used:

Brick and Stone

Composite Roofing

Cedar



Plan 310—Sunningdale—Elevation A

EXHIBIT “C”
BUILDING ELEVATIONS cont.

Examples of Home Designs For The Enclave - City of Allen

Example: Roof height and materials used when constructing a Brick & Stone finished home



Roof Height: 30' 2.5"

Roof Pitch: 12/12

Materials Used:

Brick and Stone

Composite Roofing

Cedar

Plan 320—Berkshire—Elevation A

EXHIBIT “C”
BUILDING ELEVATIONS cont.

Examples of Home Designs For The Enclave - City of Allen

Example: Roof height and materials used when constructing a Brick & Stone finished home



Plan 325—Westmoor—Elevation D

Roof Height: 32' 4.5"
(Elevation A is 32' 11 1/4")
Roof Pitch: 12/12
Materials Used:
Brick and Stone
Composite Roofing
Cedar



Plan 325—Westmoor—Elevation B

Roof Height: 29' 3.75"
Roof Pitch: 8/12
Materials Used:
Stucco
Tile Roofing

EXHIBIT “C”
BUILDING ELEVATIONS cont.

Examples of Home Designs For The Enclave - City of Allen

Example: Roof height and materials used when constructing a Brick & Stone finished home



Plan 330—Lundin—Elevation C

Roof Height: 30' 1 1/2"

Roof Pitch: 12/12

Materials Used:

Brick and Stone

Composite Roofing

Cedar

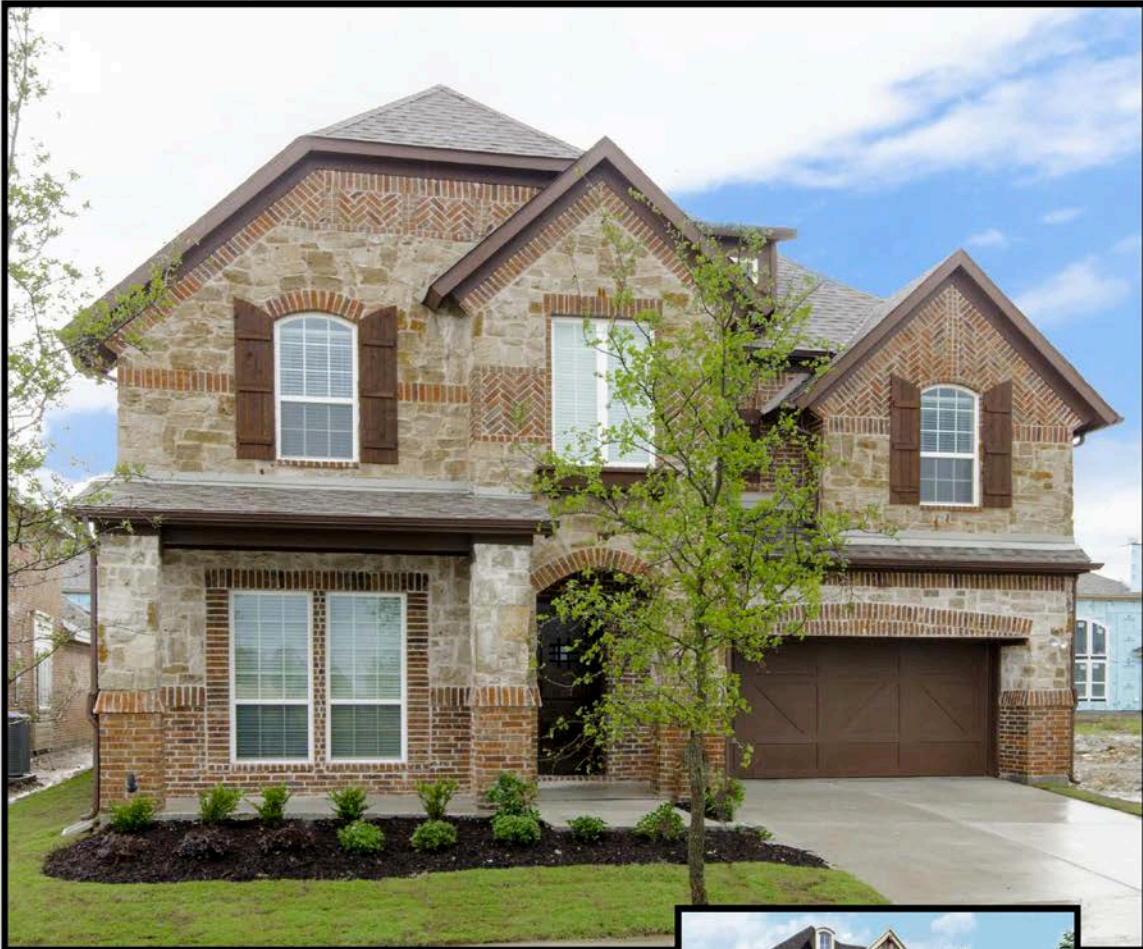


Plan 330—Lundin—Elevation A

EXHIBIT “C”
BUILDING ELEVATIONS cont.

Examples of Home Designs For The Enclave - City of Allen

Example: Roof height and materials used when constructing a Brick & Stone finished home



Plan 340—Ellerston—Elevation A

Roof Height: 33' 11.5"

Roof Pitch: 12/12

Materials Used:

Brick and Stone

Composite Roofing

Cedar

Elevation D—Small amounts of Metal Roofing



Plan 340—Ellerston—Elevation D

EXHIBIT “C”
BUILDING ELEVATIONS cont.

Examples of Home Designs For The Enclave - City of Allen

Example: Roof height and materials used when constructing a Stucco finished home



Roof Height: 30' 5"

Roof Pitch: 8/12

Materials Used:

Stucco

Composite Roofing

Cedar

Cast Stone



Please note the Belterra is a front entry floorplan. The garage in this photo had been converted to our sales office. See larger photo, above, to see driveway

Plan 355—Belterra—Elevation B

EXHIBIT “C”
BUILDING ELEVATIONS cont.

Examples of Home Designs For The Enclave - City of Allen

Example: Roof height and materials used when constructing a Brick & Stone finished home



Roof Height: 33' 4.75"

Roof Pitch: 12/12

Materials Used:

Brick and Stone

Composite Roofing

Cedar

Stucco Accents

Plan 360—Aberdeen—Elevation A

EXHIBIT "C" BUILDING ELEVATIONS cont.

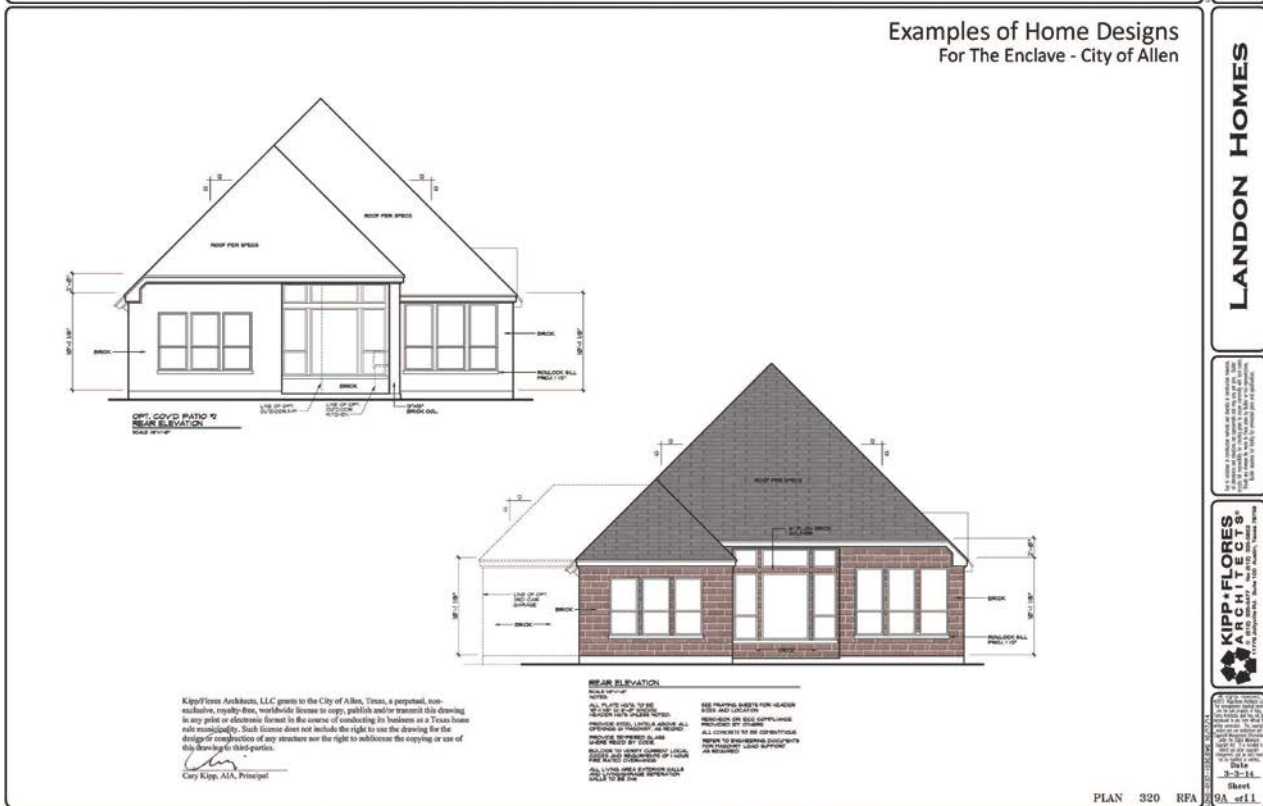
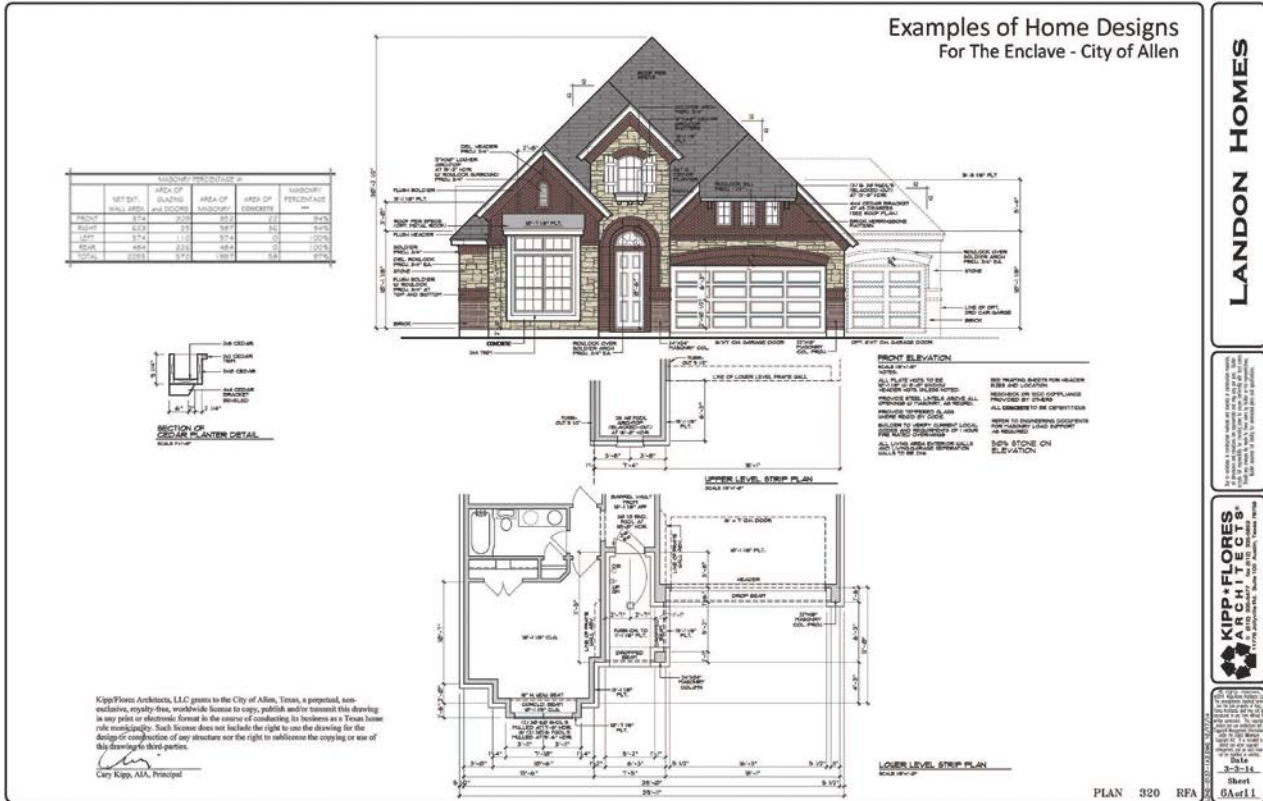


EXHIBIT "C" **BUILDING ELEVATIONS cont.**

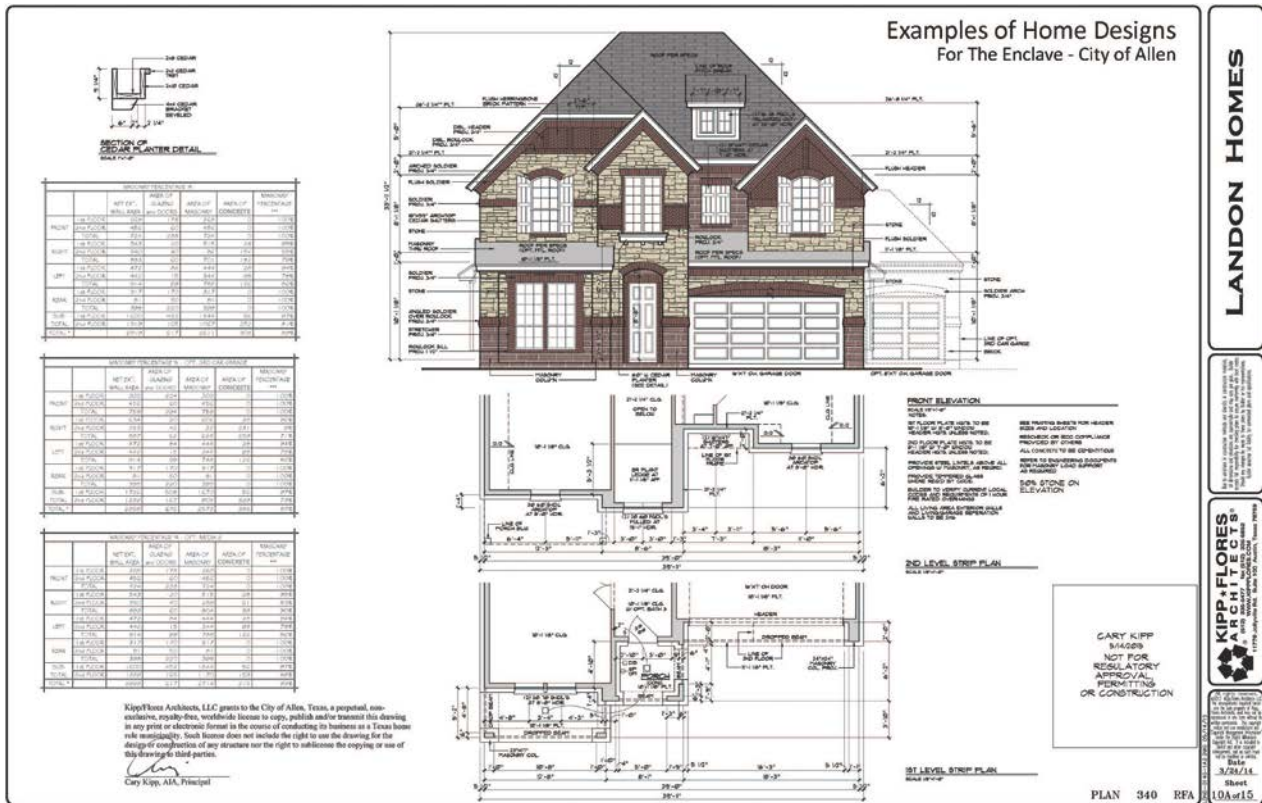
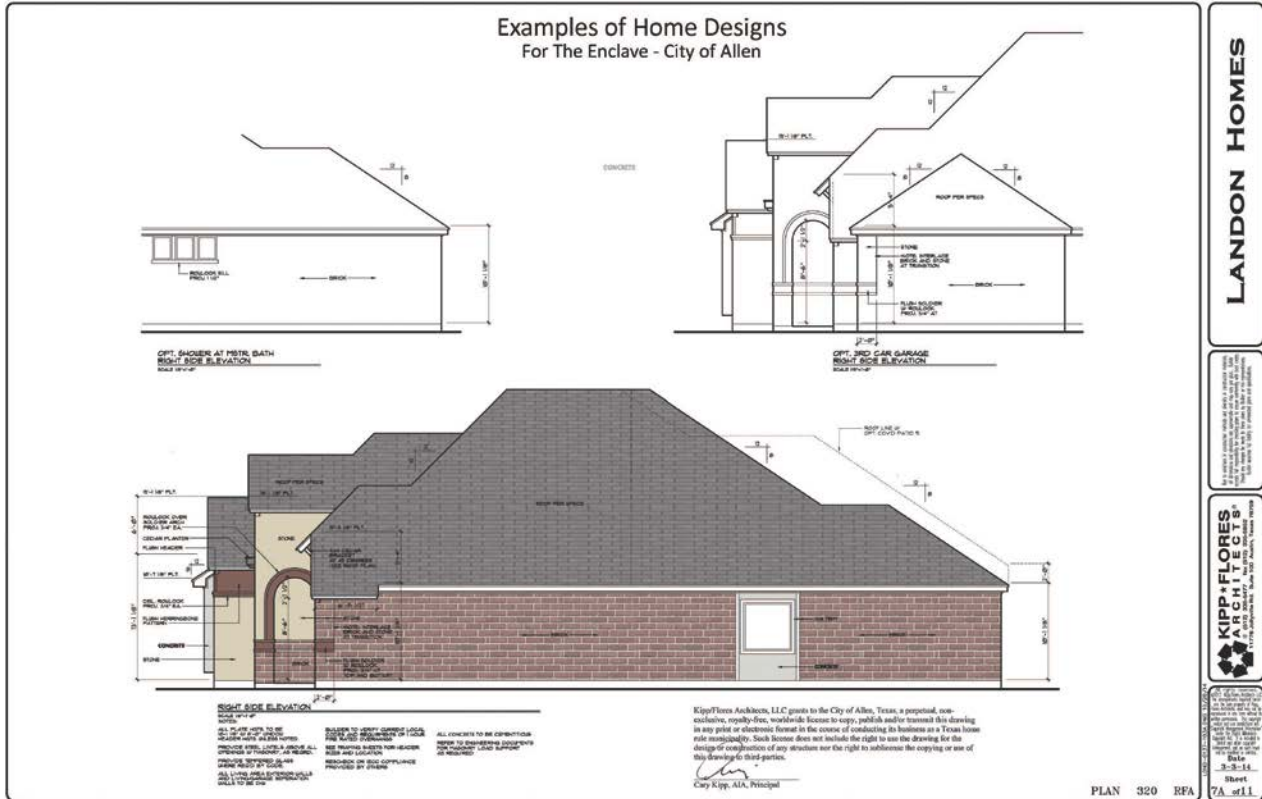


EXHIBIT "C" **BUILDING ELEVATIONS cont.**

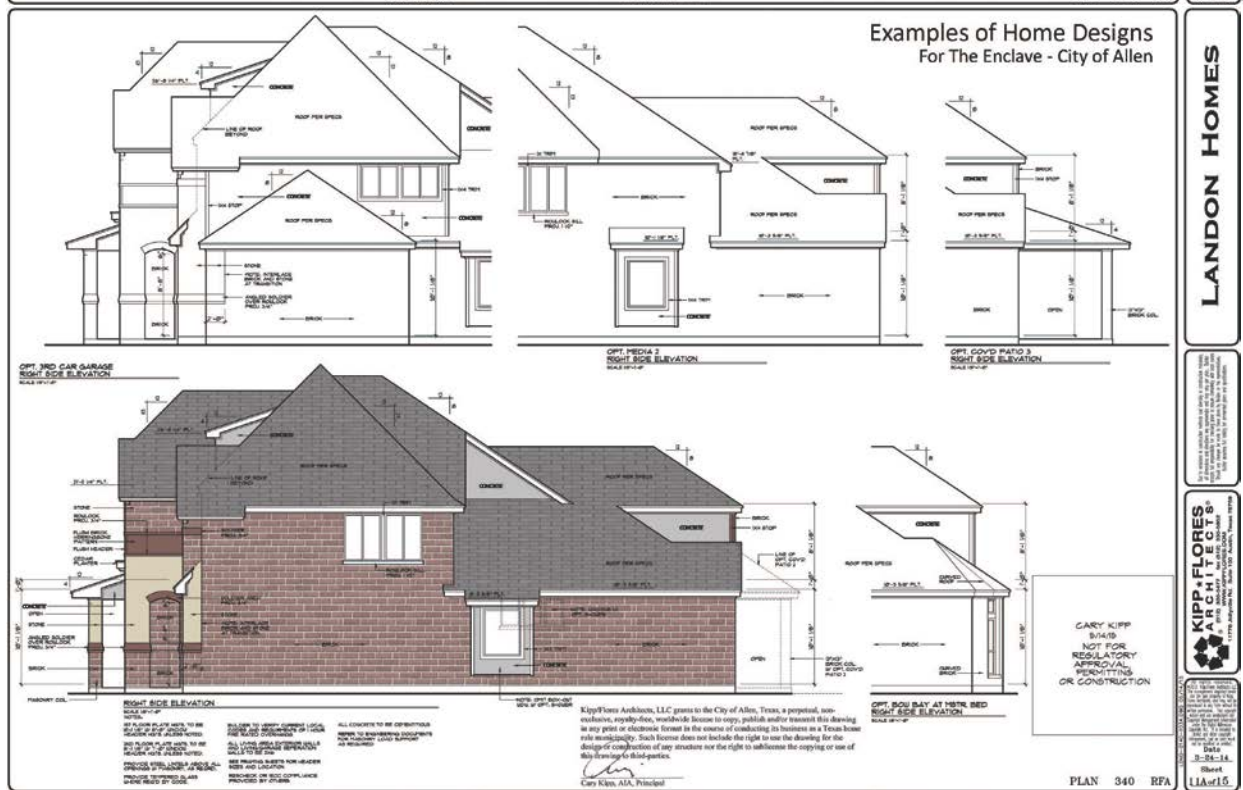
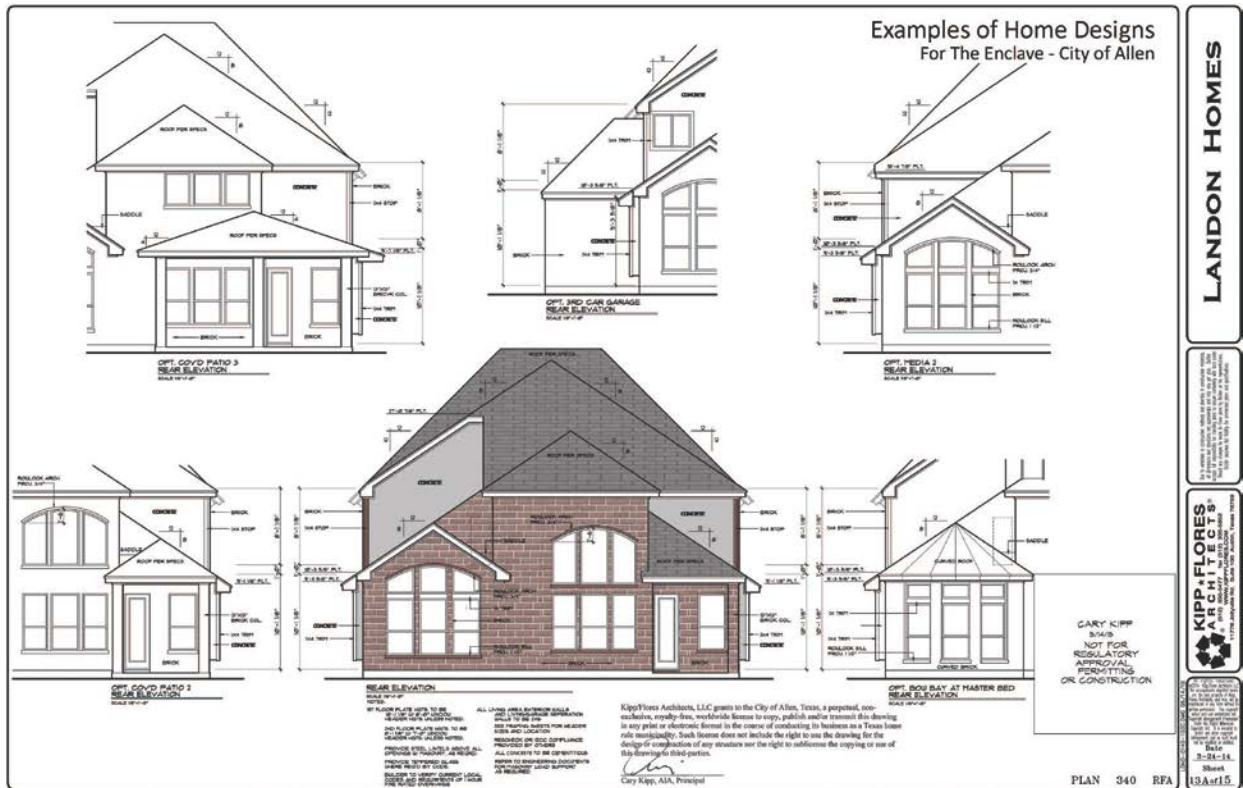


EXHIBIT "C"
BUILDING ELEVATIONS cont.

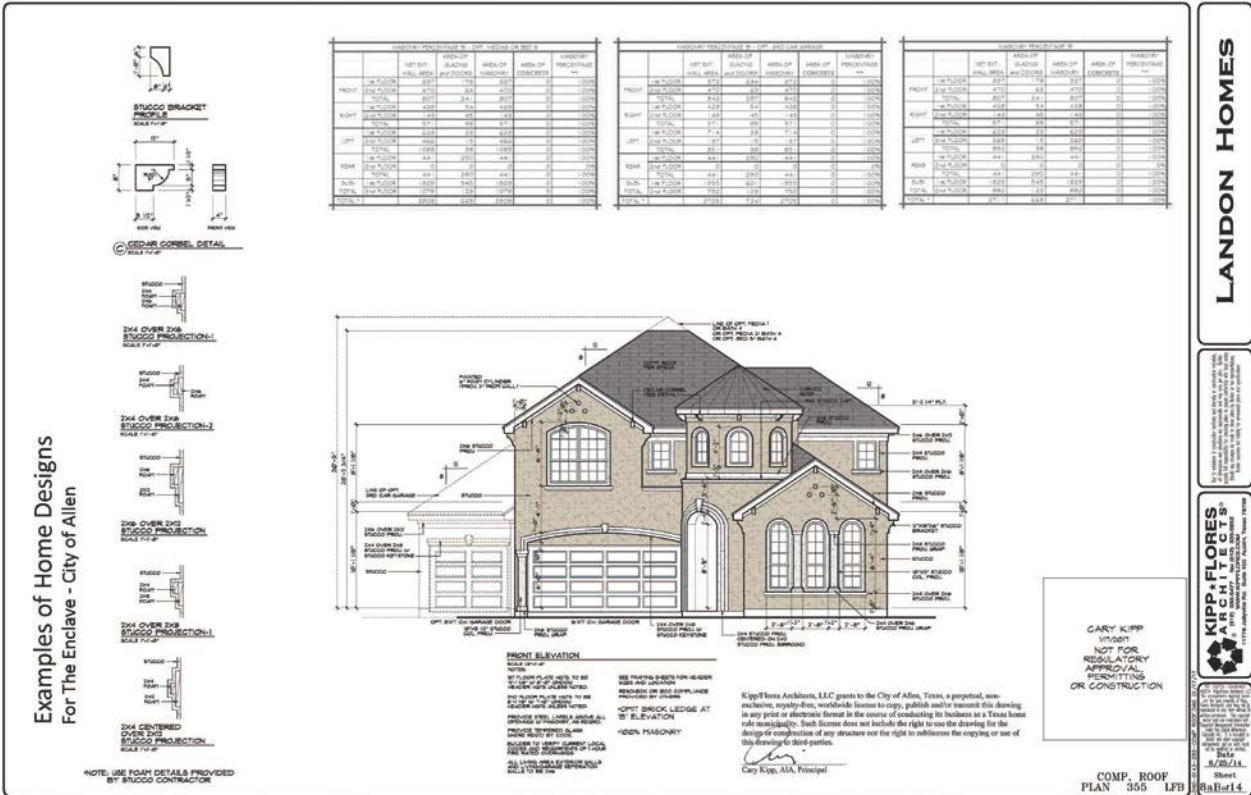
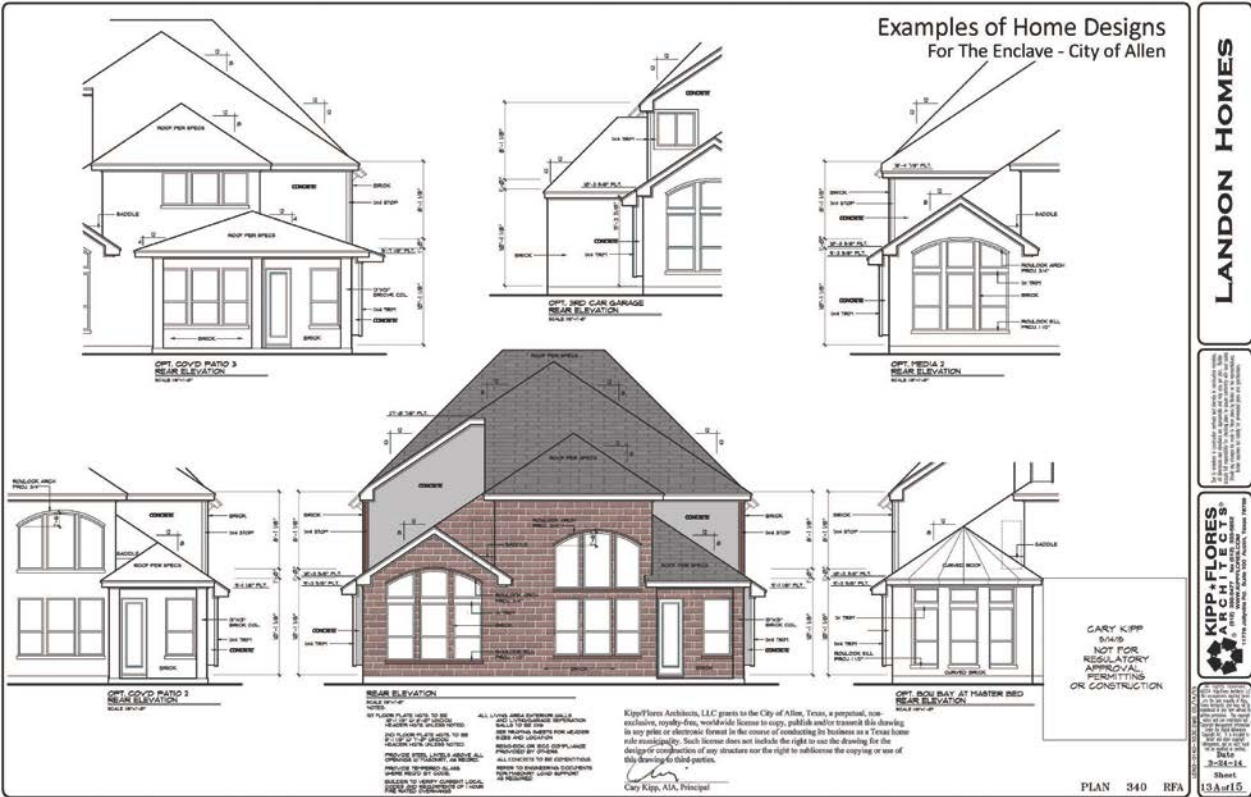
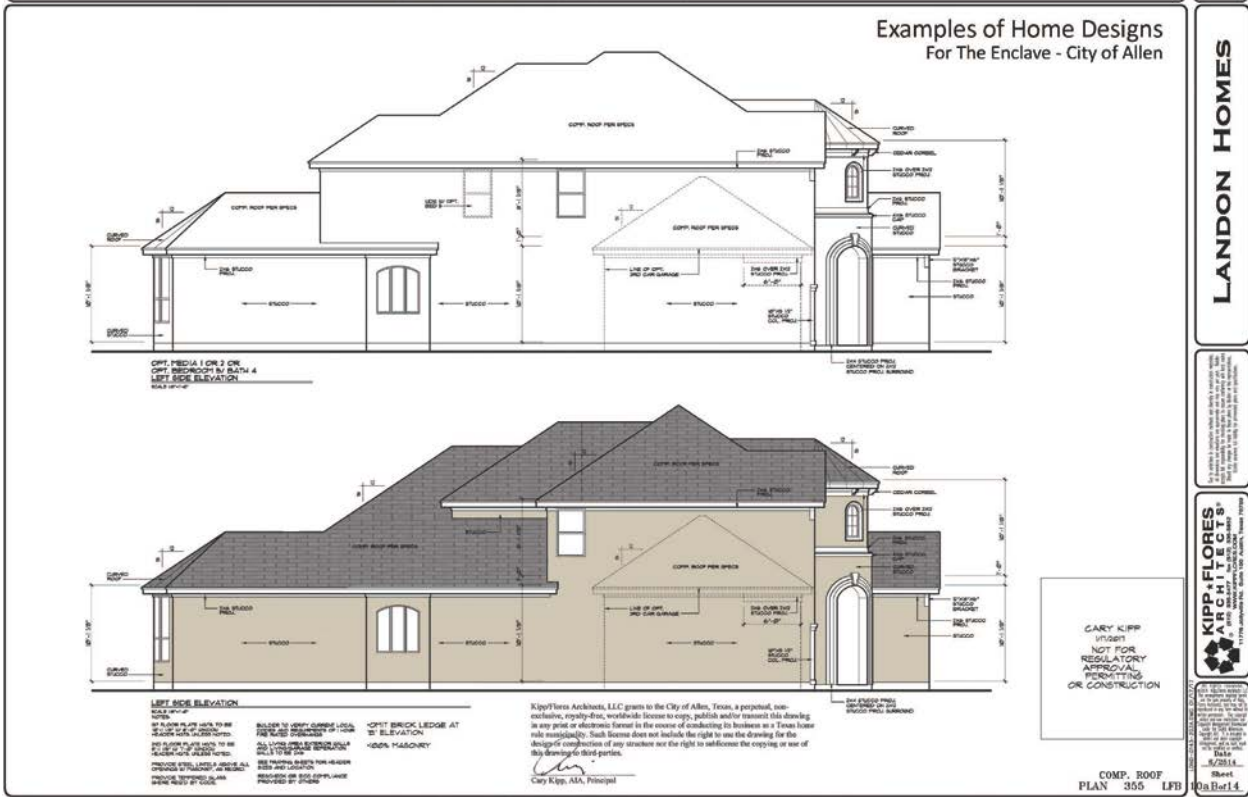
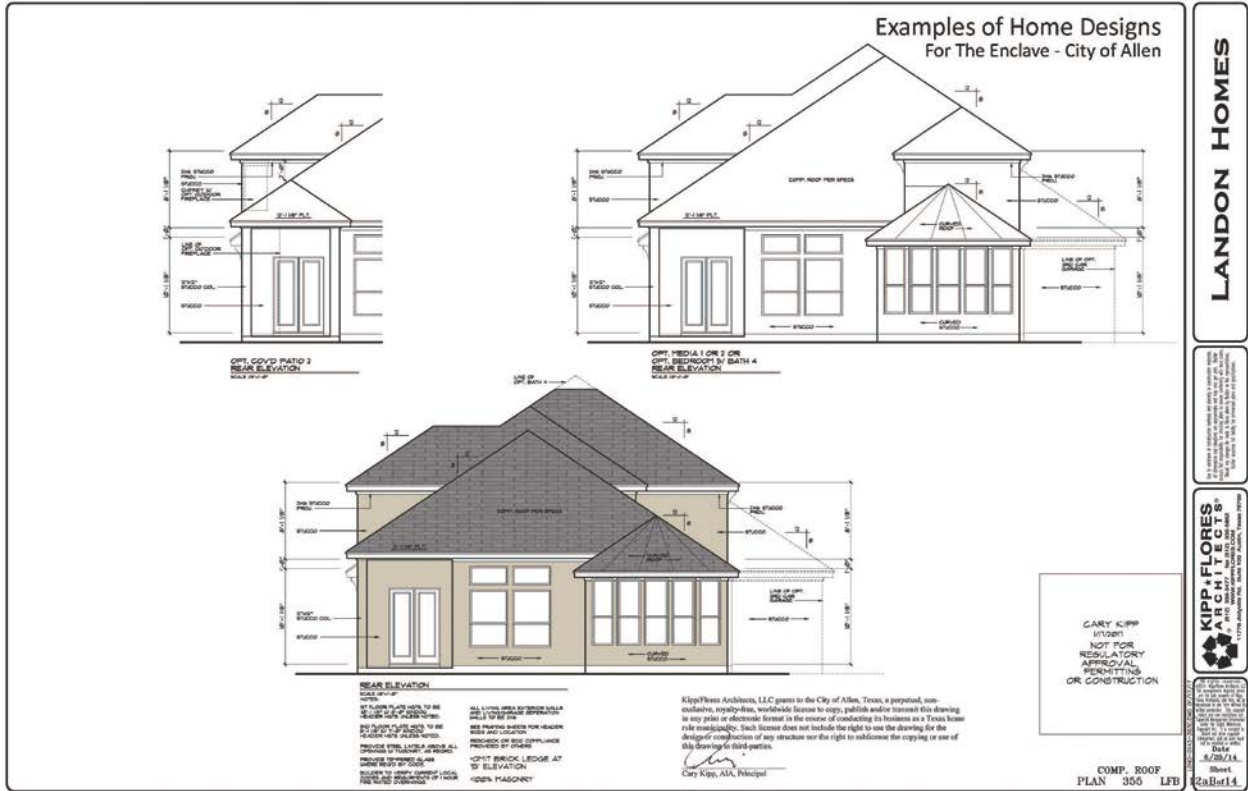


EXHIBIT "C"
BUILDING ELEVATIONS cont.



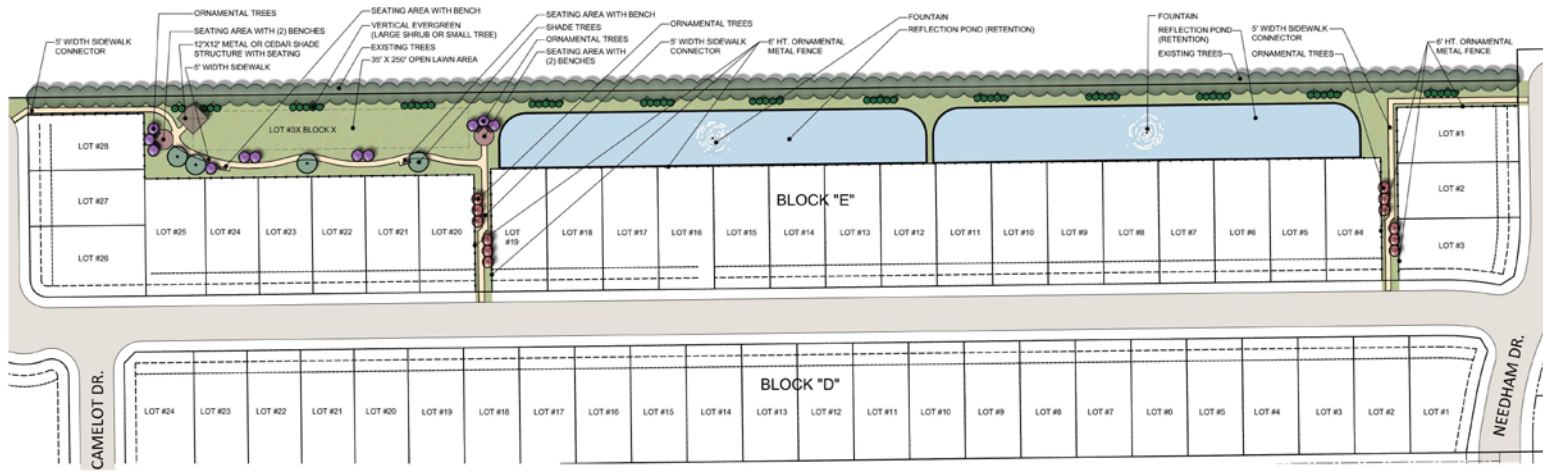
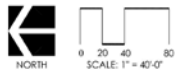


EXHIBIT "D"
OPEN SPACE EXHIBIT



Prepared by:
DCBA | LANDSCAPE ARCHITECTS
730 East Park Boulevard, Suite 100
Plano, Texas 75074

CONCEPT PLAN - LINEAR OPEN SPACE

ALLEN | TEXAS
DECEMBER 1, 2017 **THE ENCLAVE**

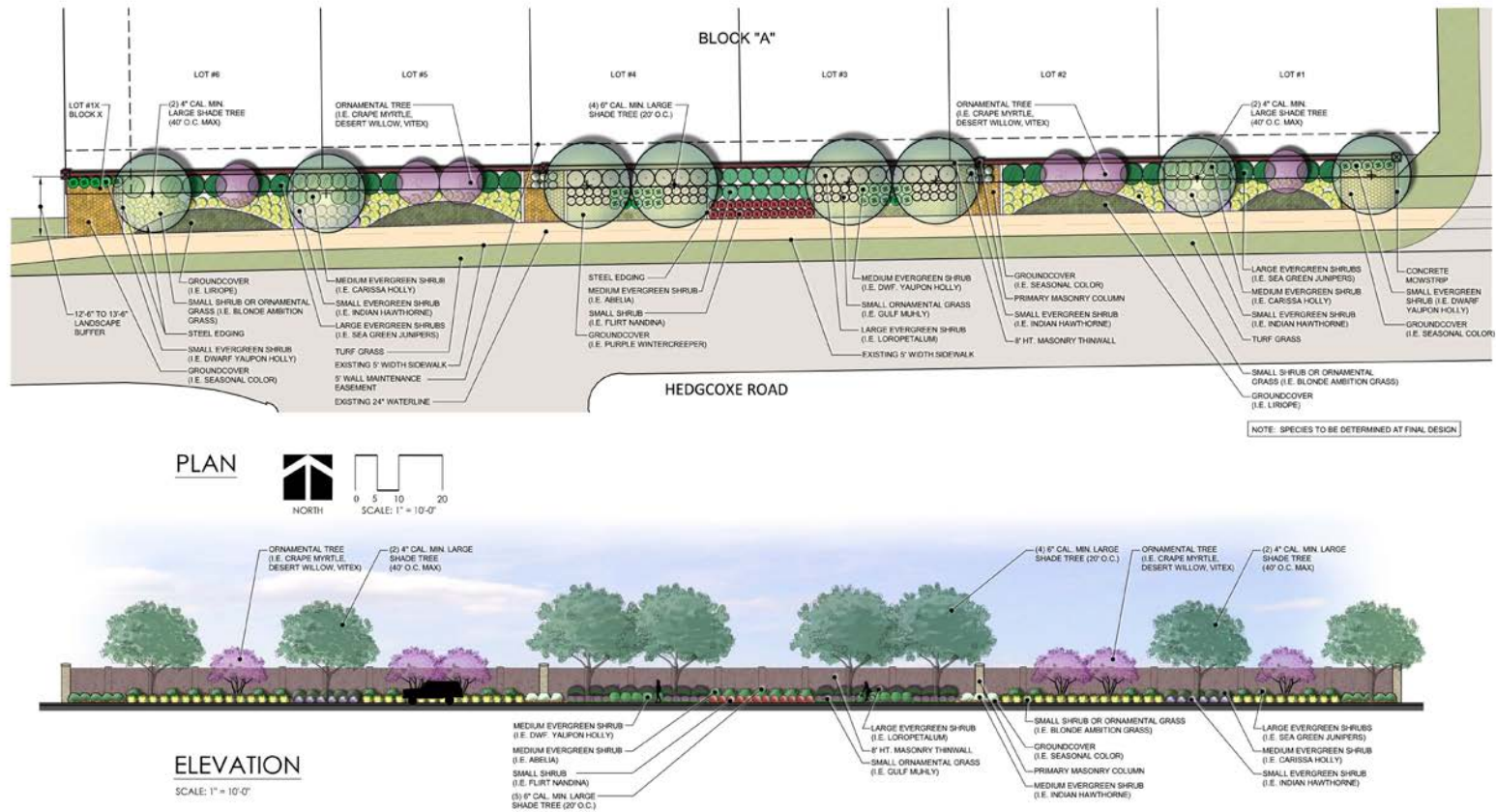


EXHIBIT "D"
OPEN SPACE EXHIBIT cont.