

Allen Land Development Code - Proposed Amendments

Proposed changes are illustrated in RED.

Townhome Standards

The following amendments are intended to improve the standards for future townhome developments.

Sec. 4.08.5. “TH” townhome residential district.

- ~~2. Supplemental district regulations. In addition to other applicable use and development regulations set forth in this Code, the following regulations shall apply to property located within a "TH" district:~~
- ~~a. No more than six dwelling units shall be attached in one continuous row or group.~~
  - ~~b. No dwelling unit shall be constructed above another dwelling unit.~~
  - ~~c. There shall be a side yard of not less than six feet in width on each side of a contiguous row or group of dwellings.~~

Sec. 4.15.2. Schedule of residential height and area regulations.

		TH <sup>(8)</sup>
Minimum	Lot Area (sq. feet)	2160
	Lot Area/Dwelling Unit	n/a
	Front Yard <sup>(4)</sup> (in feet)	<del>20</del> <sup>(5)</sup> 15 <sup>(8)</sup>
	Rear Yard (in feet)	<del>15</del> 10 <sup>(8)</sup>
	Side Yard <sup>(3)</sup> (in feet)	6 <sup>(8)</sup>
	Side Yard <sup>(3)</sup> (% of lot width)	n/a
	Corner Lot Side Yard (in ft.)	<del>10</del> 15 <sup>(8)</sup>
	Lot Width (in feet)	24
	Lot Depth (in feet)	90
	Buildable Area (sq. feet)	n/a
	Dwelling unit Size (sq. ft.)	1,200
	Average du size/project	n/a
	Park Land/du (sq. feet)	436
	Open Space/du (sq. ft.)	667
	Building Materials	100% Masonry
Maximum	Percent Lot Coverage	<del>65</del> 2 story <del>75</del> 1 story
	Dwelling units/acre(sq. ft.)	10.8
	Building Height (feet)	35
	Building Height (stories)	2.5

~~(8) One visitor parking space required for every two townhomes (no unit shall be further than 100 feet from a visitor space), in addition to a minimum of two garage spaces (only a minimum of two car garages allowed), with two spaces in driveway; right of way can be 40 feet, paving 28 feet back to back, roll down curbs allowed with a ten-foot utility easement required in front yards if there is no alley access; if right of way is 40 feet and there is alley access, a five-foot utility easement is required in front yard. Property developed for Townhome use shall also comply with Sec. 6.06.14.~~

#### **Sec. 6.06.14. Townhomes**

Townhome developments shall be subject to the following additional development and use regulations:

- a. *Base zoning.* Townhome uses shall comply with the use and development regulations applicable to the development of a Townhome Residential District (“TH”) except as provided in this section or the development and use regulations of a planned development zoning district.
- b. *Units.*
  - (1) No more than six (6) dwelling units shall be attached in one continuous row or group.
  - (2) No dwelling unit shall be constructed above another dwelling unit.
- c. *Lot Design.* Townhome developments shall be developed with units that face a public street or an open space in accordance with the following:
  - (1) Dwelling units that front a public street shall be developed subject to the following:
    - i. On-street parallel parking spaces are required. On-street spaces complying with the minimum dimensional requirements of this code may be counted in satisfying the minimum number of visitor parking spaces required for the development.
    - ii. Trees are required to be planted in tree planting areas not less than nine feet (9’) wide located between the curb and sidewalk. Trees may be planted in landscaping bump-outs located between parallel parking spaces and having a minimum size of nine feet by ten feet (9’x10’). No utilities shall be located in the tree planting area.
    - iii. A utility and pedestrian access easement not less than ten feet (10.0’) wide must be located between the tree planting area and townhome but no closer than five feet (5.0’) from any structure, including any porches, steps or stoops, extending from the front of the dwelling unit. The width of this easement may need to be increased to accommodate utility depth requirements.
    - iv. All franchise utilities and telecommunication facilities shall be located in easements located within the rear (alley side) of the dwelling units.
    - v. Front-loading garages are prohibited.

- vi. Rear access driveways shall be either twenty feet (20') in length or longer or six feet (6') in length.
- vii. No fence shall be located closer to an alley than the face of the garage or within a utility easement.

(2) Dwelling units that front an open space shall be developed subject to the following:

- i. The open space shall be not less than thirty feet (30') wide. The depth of any required front yard shall not be counted in determining the required width of an open space.
- ii. Required trees shall be planted in the open space in lieu of a tree planting area.
- iii. Pedestrian access easements in which sidewalks must be constructed, must be dedicated across the open space and/or front yards.
- iv. Driveways shall be not less than twenty feet (20') in length.
- v. Paved alleys not less than twenty-four foot (24') wide are required.
- vi. City-owned utilities must be located in easements dedicated outside the alley pavement.
- vii. Franchise utilities and telecommunication facilities shall be located in the front of each dwelling unit in an easement the width and location of with does not reduce the required usable open space width.
- viii. Franchise utilities and telecommunication facilities may not be located in the rear of the dwelling units unless located in a separate easement that does not conflict with City-owned utilities.
- ix. No fence shall be located closer to an alley than the face of the garage or within a utility easement.

d. *Parking.*

(1) An attached garage containing two parallel (not tandem) spaces must be constructed with each dwelling unit.

(2) Visitor parking spaces shall be constructed subject to the following:

- i. One (1) visitor parking space must be constructed for every two dwelling units constructed within the development with a driveway twenty feet (20') in length;
- ii. One and One-Half (1.5) visitor parking spaces must be constructed for every two dwelling units constructed within the development with a driveway six foot (6.0') in length;
- iii. No dwelling unit shall be located more than 100 feet from a visitor space; and

iv. On-street or off-street spaces, excluding driveways, may be counted toward required visitor parking spaces.

(3) One visitor parking space must be constructed for every two dwelling units constructed within the development. Where townhome units are constructed with 6 foot driveways, 1.5 visitor parking spaces must be constructed for every two dwelling units constructed within the development. No dwelling unit shall be located more than 100 feet from a visitor space. On-street or off-street spaces, excluding driveways, may be counted toward required visitor parking spaces.

e. *Setbacks.*

(1) Front yards. Where a dwelling unit fronts an open space, for the purpose of determining the required front yard setback, the distance shall be measured from the common line between the lot and the open space and the main building line as provided in this section.

- i. Minimum fifteen feet (15').
- ii. No above ground utility and telecommunications equipment, including but not limited to meters, transformers, utility boxes and heating/air conditioning units, shall be placed in the front yard, except electric and gas meters that are attached to the building.

(2) Rear yards.

- i. Minimum ten feet (10'); except where garages are accessed with six foot (6') long driveways, in which case the setback shall be six feet (6').
- ii. All above ground utility and telecommunications equipment, including but not limited to meters, transformers, utility boxes and heating/air conditioning units, shall be placed adjacent to, or attached to, the building.

(3) Side yards.

- i. Minimum twelve feet (12') between buildings.
- ii. Minimum fifteen feet (15') if adjacent to a street or alley.

f. *Trees.* For all streets within the development, shade trees shall be planted in the tree planting area required by Subsection c. Lot Design at a ratio of one (1) tree for every 30 linear feet of street frontage. Trees shall be planted a minimum of thirty feet (30') apart on center. Root barriers and similar planting standards shall be required, unless the proximity of tree root systems to existing or proposed utilities and other improvements is in the opinion of the Director of Engineering or designee not likely to interfere with or cause damages to such utilities or improvements without such protection.

- g. *Open Space.* Open space areas must be evenly distributed, centrally located and easily accessible. All lots must be located within 1,320 feet of usable open space as measured along a street or trail. Open space shall have no dimension of less than fifteen feet (15’). Lots shall not back to open space.
- h. *Architecture.* Townhouse buildings shall be designed to comply with the following:
  1. Building and roof lines must have horizontal and vertical articulation on all walls facing or adjacent to a street or public open space. Building facades shall be designed to reduce the uniform monolithic scale and appearance of large unadorned walls, while providing a more pedestrian-oriented design and visual interest through the use of detail and scale and fenestration (i.e. character and interrelationships of facade design components including windows, doors, and roof design).
  2. All living units must have an individual identity which is to be achieved by a combination of some of the following:
    - (a) Varying building unit height.
    - (b) Varying building unit forms.
    - (c) Varying roof pitch and pitch directions.
    - (d) Addition or deletion of patio and patio walls.
    - (e) Staggering of exterior walls.

**The following will require all single-family homes to be 100% masonry. Currently all other construction, including townhomes, multi-family, and commercial buildings, are required to be 100% masonry.**

**Sec. 4.15.2. Schedule of residential height and area regulations.**

	R-1	R-1.5	R-2	R-3	R-4	R-5	R-6	R-7	2-F	TH <sup>(10)</sup>	MF-12 <sup>(8)</sup>	MF-18 <sup>(8)</sup>	M-H
Building Materials	<del>75</del> 100% Masonry Exterior <sup>(9)</sup>										<del>100% Masonry Exterior (does not include cement fiber products)</del>		

<sup>(9)</sup> The exterior walls of all buildings, exclusive of doors and windows, shall be constructed of 100 percent brick, stone masonry, or stucco materials per elevation. For the purposes of this section, cementitious fiber board shall not be considered a masonry material.

### Highway 121 Standards

The following amendments will modify the required setbacks along Hwy 121 and allow for larger multi-tenant signage, appropriate to the larger developments that will occur along the corridor.

#### Section 4.15.3 Schedule of non-residential height and area regulations

		CC
Min.	Front Yard Setback R-O-W >100 ft.	100 <sup>(2)(3)(8)</sup>
	Front Yard Setback R-O-W <100 ft.	50 <sup>(2)(8)</sup>

<sup>(8)</sup> Properties adjacent to Highway 121 shall have a front yard setback of fifty feet (50'). No parking shall be allowed within thirty feet (30') of the front property line.

#### Section 7.09.11.2 - Table 7.23, Permanent Signs

SIGN TYPE Zoning District	Maximum Height	Maximum Copy Area (Square Feet)	Maximum Structure (includes copy area)	Maximum Number	Minimum Spacing	Front Yard Setback (minimum in ft)	Permit Required	Additional Provisions
<b>On-premises - Free-standing (Detached) - Monument</b>								
Retail/Comm Multi-Tenant >10 acres within 100 ft. of Highway 121	35**	300	n/a	1*	60	15	Y	Signs to be wrapped in masonry or similar product with no poles visible. **Measured from the nearest adjacent grade of the travel lanes of Highway 121 *Additional sign allowed for tracts > 15 acres on same premises

#### Sec. 7.05.3. Nonresidential and multifamily landscaping requirements.

4. *Landscape buffers adjacent to streets.* A landscape buffer of the following depths measured from the right-of-way line 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 State Highway 121: 30 feet; provided, however, utilities may be located within the 15 feet portion of the landscape buffer closest to the right of way line.
  - c. Adjacent to public streets with a right-of-way of 100 feet or more: 15 feet.
  - d. Adjacent to public streets with a right-of-way less than 100 feet: 10 feet.

- e. Where public improvements, including acceleration or deceleration lanes are to be constructed within a required landscape buffer area, the Director of Community Development may authorize reduction of the area of the required landscape buffer up to 50 percent; provided, however, the square footage of required landscape area(s) to be constructed within the boundary of the same property must be increased by an amount equal to the square footage of the area by which the required landscape buffer is reduced and such reduction have not already been taken into consideration in previously adopted site plan and/or landscape plan.
  
- f. *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:

## Sight Visibility Standards

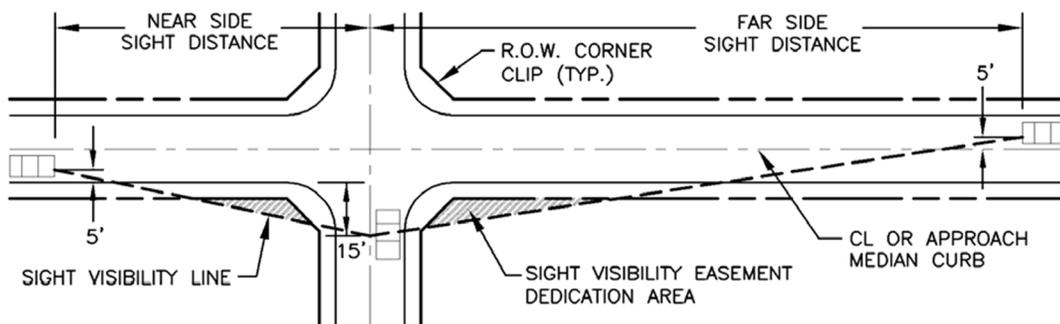
This amendment provides better sight visibility for drivers at intersections and adopts national AASHTO standards.

### Section 8.05.1 Street Design Standards

#### 15. Sight Visibility Triangles.

- a. Sight Visibility Triangles shall be established on all corners of an intersection between a street and another street, alley or driveway.
- b. No fence, wall, screen, sign, structure, foliage, hedge, tree, bush, shrub, berm, or any other item, either man-made or natural shall be erected, planted, or maintained in a position that will obstruct or interfere with sight lines. However, a single tree, traffic control devices, street lights, and other utility elements that cannot reasonably be placed elsewhere, may be placed within a given visibility triangle. The Director of Engineering shall have the authority to make a final determination on the presence of any obstruction and the allowance of any items within the visibility triangle.
- c. Lines of sight at all intersections shall be clear at elevations between thirty inches (30") and nine feet (9') above the average gutter elevation within the corner visibility triangle.
- d. The City has the right to prune or remove any vegetation within City right-of-way, including within sight line triangles.
- e. The Director of Engineering shall have the authority to interpret the application of sight visibility requirements where unique circumstances exist.
- f. The values presented in the following table are minimum sight distances for views in both directions such that an exiting vehicle can accelerate to the operating speed of the street in turning left (far side applies) or right (near side applies) from any driveway, alley or street intersecting a public street. Where a driveway intersects a street with a median barrier that prevents left turns, only the Near Side sight distance requirement is applicable.

Posted Speed (mph)	Intersection Sight Distance	
	Near Side (feet)	Far Side (feet)
30	290	335
35	335	390
40	385	445
45	430	500
50	480	555



## Section 7.07 Fences and walls

### 1. Height of fence or wall

- c. No fence, screen, wall or other visual barrier shall be placed in such a manner as to obstruct the vision of motor vehicle drivers approaching any street **or alley** intersection. At all intersections, clear vision shall be maintained **in accordance with Section 8.05.1 of this code. across the corner for a distance of 45 feet back from a projected curbline corner along both intersecting streets. (See Figure 1.)**
- ~~d. No fence, screen, wall or other visual barrier shall be placed in such a manner as to obstruct the vision of motor vehicle drivers approaching any alley intersection. At all intersections of an alley with a street, clear vision shall be maintained across the corner for a distance of 20 feet back from a projected curbline corner along the intersection of the alley and street.~~
- ~~e. A sight distance of 200 feet shall be maintained at all street intersections.~~

**The following is a new section being added to the code to provide clear authority and guidelines when the code is being interpreted.**

### **Sec. 1.10. Rules of Interpretation**

- 1. *Restrictiveness.* Where the regulations imposed herein are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind other than a use or development regulation set forth in an ordinance governing a planned development district, the regulations which are more restrictive and impose higher standards are the requirements that shall govern.
- 2. *Abrogation.* The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement. Except where the City is a party to the easement, covenant or agreement, where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.
- 3. *Director Authority to Interpret.* Unless otherwise specified within this ordinance, the Director shall have the authority to determine the meaning, applicability, and interpretation of any provision of this Code. Any person aggrieved, or any officer, department, board or commission of the city affected by an interpretation of the Director may appeal the interpretation to Board of Adjustment in accordance with Section 2.02.

**Changes the allowable duration of a carnival from three to five days:**

**Section 6.04.1 Temporary use permit applications**

3. Types of temporary use permits

- c. *Carnival, circus, fairgrounds, parking lot sales, sporting events, philanthropic or religious event, and political rallies.* Carnival, circus, fairgrounds, parking lot sales, sporting events, political rallies, philanthropic or religious events and similar activities may be allowed provided the use conforms to all other provisions of this Code and the Code of Ordinances. The term of a temporary use permit for a carnival, circus, or fairgrounds shall not exceed a maximum of ~~three~~ **five (5) days, including set-up and tear-down.**

**Appendix A. Definitions**

**Clarifies that poker clubs and similar businesses do not fall under the definition of Amusement commercial (indoor):**

~~*Amusement commercial (indoor)* means a private facility offering indoor entertainment such as bowling alley, video arcade, indoor entertainment, or billiard parlor.~~

*Amusement commercial (indoor)* means a private facility offering indoor entertainment such as bowling alley, billiard parlor, skating rink, video arcade, coin-operated amusement machines in compliance with Sec. 47.01(4)(B) of the Texas Penal Code, or similar indoor entertainment, but does not include, social gaming, gaming clubs or parlors, cardrooms, or similar gaming activities.

**Clarifies that licenses massage therapy businesses are included as a medical office:**

~~*Massage therapy* means the service of physical therapy performed by a licensed physical therapist.~~

*Medical or dental office* means an office where outpatient medical and dental services are provided by physicians, dentists, chiropractors, optometrists, **licensed massage therapists**, and similar medical professionals. This classification also includes physical therapy and counseling services related to medical conditions. See also "Medical clinic."

**Clarifies what activities are included as Personal Service Businesses, and separates them from the definition of retail uses:**

*Personal service business* means an establishment **providing individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer that have been treated or processed at that location or another location.** Specific use types include, but are not

limited to: barbershop, beauty shop, tanning salons, permanent cosmetics, nail salons and unlicensed / non-medical massage therapy.

**Section 4.20.2 Schedule of principal uses**

RESIDENTIAL USES											TYPE OF USE	NON-RESIDENTIAL DISTRICTS													
R1	R1.5	R-2	R-3	R-4	R-5	R-6	R-7	2F	TH	MF12		MF18	MH	AO	GO	O	LR	SC	LC	GB	CC	IT	LI	HI	CF
																	X	X	X	X	X				

**Platting Approvals**

The following amendments provide clarification on the types of plats regulated by the code and insure that the code mirrors State law. These amendments do not change the actual regulations for platting.

**Sec. 8.02.4. Administrative approval of certain amending plats, minor plats and replats.**

1. The director of community development is authorized to approve the following:
  - a. Minor plats described in Section 8.03.6;
  - b. Replats described in Section 8.03.7; and
  - c. Amending plants described Section 8.03.8.
2. The director of community development may for any reason elect to present the minor plat, replat or amending plat to the commission for action.
3. Any minor plat, replat, or amending plat which the director of community development fails or refuses to approve shall be submitted to the commission for action.
- ~~4. a. The following certificate shall be placed on...  
b. The title block shall say...~~

**Sec. 8.03.4. Final plat.**

2. Required information.
  - n. Notarized certifications and certificates shall be placed on the plat as required by the City.
  - ~~o. A notarized certification by the owner(s)...~~
  - ~~p. The following certificates shall be placed...~~
  - ~~q. o. Final plat review....~~

**Sec. 8.03.6. Minor plats.**

1. The purpose of a Minor Plat is to simplify divisions of land under certain circumstances outlined in State Law. An application for approval of a Minor Plat may be filed only in accordance with State law, when all of the following circumstances apply:
  - a. The proposed division results in four (4) or fewer lots;
  - b. All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this code; and
  - c. Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
2. Unless otherwise specified, application and all related procedures, including recordation, shall be the same as specified for a Final Plat. Review and approval shall be in accordance with Section 8.02.4 and other applicable provisions of this code.

#### **Sec. 8.03.7. Replatting without vacating preceding plat.**

1. The purpose of a replat is to re-subdivide part or all of any previously platted subdivision, addition, lot or tract, which does not require the vacation of the entire preceding plat. Replats shall apply only if a property owner seeks to change any portion of a plat that has been previously recorded in the map or plat records of Collin County.
2. A Replat of all or a portion of a recorded plat may be approved in accordance with State law without vacation of the recorded plat, if the Replat:
  - a. Is signed and acknowledged by only the owners of the property being replatted;
  - b. Is approved after a public hearing; and
  - c. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.
3. ~~2~~ A replat without vacation of the preceding plat must conform to the requirements of ~~this~~ section 4. below if:
  - a. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
  - b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
4. ~~3~~ If the conditions described in subsection ~~23~~.a. or ~~23~~.b. of this section exist, then the following is required...

#### **Sec. 8.03.8. Amending plats.**

- d. The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of Tex. Loc. Govt. Code § 212.016. Procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following:
- a. Correct an error in a course or distance shown on the preceding plat;
  - b. Add a course or distance that was omitted on the preceding plat;
  - c. Correct an error in a real property description shown on the preceding plat;
  - d. Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;
  - e. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
  - f. To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
  - g. To correct an error in courses and distances of lot lines between two adjacent lots if:
    - i. both lot owners join in the application for amending the plat;
    - ii. neither lot is abolished;
    - iii. the amendment does not attempt to remove recorded covenants or restrictions;  
and
    - iv. the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
  - h. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
  - i. To relocate one or more lot lines between one or more adjacent lots if:
    - i. the owners of all those lots join in the application for amending the plat;
    - ii. the amendment does not attempt to remove recorded covenants or restrictions;  
and
    - iii. the amendment does not increase the number of lots;
  - j. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
    - i. the changes do not affect applicable zoning and other regulations of the municipality;

- ii. the changes do not attempt to amend or remove any covenants or restrictions; and
  - iii. the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
- k. To replat one or more lots fronting on an existing street if:
  - i. the owners of all those lots join in the application for amending the plat;
  - ii. the amendment does not attempt to remove recorded covenants or restrictions;
  - iii. the amendment does not increase the number of lots; and
  - iv. the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- e. Unless otherwise specified, application and all related procedures, including recordation, shall be the same as specified for a Final Plat. Review and approval shall be in accordance with Section 8.02.4 and other applicable provisions of this code.