

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS PREVIOUSLY AMENDED, BY AMENDING ARTICLE I “GENERAL PROVISIONS” TO ADD SECTION 1.10 “RULES OF INTERPRETATION”; AMENDING SECTION 4.08.5 “TH” TOWNHOME RESIDENTIAL DISTRICT; AMENDING SECTION 4.15.2 “SCHEDULE OF RESIDENTIAL HEIGHT AND AREA REGULATIONS;” BY AMENDNG THE DEVELOPMENT STANDARDS FOR TOWNHOMES AND MASONRY REQUIREMENTS FOR RESIDENTIAL STRUCTURES; AMENDING SECTION 4.15.3 “SCHEDULE OF NON-RESIDENTIAL HEIGHT AND AREA REGULATIONS” BY AMENDING FRONT YARD SETBACKS IN THE CORRIDOR COMMERCIAL “CC” ZONING DISTRICTS; AMENDING SECTION 4.20.2 “SCHEDULE OF PRINCIPAL USES” BY ADDING “PERSONAL SERVICE BUSINESS” AS A TYPE OF USE; AMENDING SECTION 6.04.1 “TEMPORARY USE APPLICATIONS” BY AMENDING THE REGULATIONS RELATING TO CARNIVALS, CIRCUSES, AND FAIRGROUNDS; AMENDING SECTION 6.06 “SUPPLEMENTAL REGULATIONS” BY ADDING SECTION 6.06.14 RELATING TO THE DEVELOPMENT STANDARDS FOR TOWNHOMES; AMENDING SECTION 7.05.3 “NONRESIDENTIAL AND MULTIFAMILY LANDSCAPING REQUIREMENTS” BY AMENDING REGULATION OF LANDSCAPE BUFFERS ADJACENT TO STREETS; AMENDING SECTION 7.07 “FENCES AND WALLS” BY AMENDING REGULATIONS OF HEIGHT OF FENCES OR WALLS; AMENDING SECTION 7.09.11.2 – TABLE 7.23 “PERMANENT SIGNS” BY AMENDING REGULATIONS ON CERTAIN SIGNS ADJACENT TO STATE HIGHWAY 121; AMENDING ARTICLE VIII “SUBDIVISION REGULATIONS” BY AMENDING REGULATIONS RELATING TO THE APPROVAL OF AMENDING PLATS, MINOR PLATS, AND REPLATS AND ADDING REGULATIONS RELATING TO SIGHT VISIBILITY TRIANGLES; AND AMENDING APPENDIX “A” “DEFINITIONS” BY AMENDING THE DEFINITIONS OF “AMUSEMENT COMMERCIAL (INDOOR)” AND “MEDICAL OR DENTAL OFFICE” AND ADDING A DEFINITION FOR “PERSONAL SERVICE BUSINESS”; 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 I “General Provisions” is amended by adding Section 1.10 to read as follows:

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.

SECTION 2. Allen Land Development Code, Article IV “Zoning Regulations” is amended as follows:

- A.** Section 4.08.5 “TH” Townhome Residential District is amended to read as follows:

Sec. 4.08.5. “TH” townhome residential district.

The "TH" townhome residential district provides a medium-density dwelling classification in the form of attached single-family dwelling units on separate lots or as condominium units where individual units are under separate ownership with common areas under the control of a condominium association and is appropriate for permitted principal and accessory uses identified in Section 4.20.2 and Section 4.20.3, respectively.

- B.** Section 4.15.2 “Schedule of Residential Height and Area Regulations” is amended by amending the row titled “Building Materials” to read as follows:

	R-1	R-1.5	R-2	R-3	R-4	R-5	R-6	R-7	2-F	TH ⁽⁸⁾	MF-12 ⁽⁶⁾	MF-18 ⁽⁶⁾	M-H
Building Materials	100% Masonry Exterior ⁽⁹⁾												

- C.** Section 4.15.2 “Schedule of Residential Height and Area Regulations” is amended by amending the column titled “TH” to read as follows:

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

		TH ⁽⁸⁾
Minimum	Lot Area (sq. feet)	2160
	Lot Area/Dwelling Unit	n/a
	Front Yard ⁽⁴⁾ (in feet)	15 ⁽⁸⁾
	Rear Yard (in feet)	10 ⁽⁸⁾
	Side Yard ⁽³⁾ (in feet)	6 ⁽⁸⁾
	Side Yard ⁽³⁾ (% of lot width)	n/a
	Corner Lot Side Yard (in ft.)	15 ⁽⁸⁾
	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	75
	Dwelling units/acre (sq. ft.)	10.8
	Building Height (feet)	35
	Building Height (stories)	2.5

- D.** Section 4.15.2 “Schedule of Residential Height and Area Regulations” is amended by amending Footnotes (8) and (9) to read as follows:

⁽⁸⁾ Property developed for Townhome use shall also comply with Sec. 6.06.14.

⁽⁹⁾ 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.

- E.** Section 4.15.3 “Schedule of Non-Residential Height and Area Regulations” is amended by adding Footnote (8) with respect to (i) “Front Yard Setback for Right-of-Way > 100 ft.” and (ii) “Front Yard Setback for Right-of-Way < 100 ft.” relating to Corridor Commercial “CC” Zoning Districts, to read as follows:

⁽⁸⁾ 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.

- F.** Section 4.20.2 “Schedule of Principal Uses” is amended by adding the use “Personal Service Business” and establishing the zoning districts in which such use is permitted, permitted with a specific use permit, and prohibited, as follows:

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	
													PERSONAL SERVICE BUSINESS				X	X	X	X	X					

SECTION 3. Allen Land Development Code, Article VI “Special Zoning Provisions” is amended as follows:

- A.** Section 6.04.1 “Temporary Use Permit Applications,” Subsection 3 “Types of temporary use permits,” paragraph c. “Carnival, circus, fairgrounds, parking lot sales, sporting events, philanthropic or religious event, and political rallies” is amended to read as follows:
 - 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 five (5) days.
- B.** Section 6.06 “Supplemental Use Regulations” is amended by adding Section 6.06.14 “Townhomes” to read as follows:

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.

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.* Townhome 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:

- i. Varying building unit height.
- ii. Varying building unit forms.

- iii. Varying roof pitch and pitch directions.
- iv. Addition or deletion of patio and patio walls.
- v. Staggering of exterior walls.

SECTION 4. Allen Land Development Code, Article VII “Zoning Development Standards” is amended as follows:

A. Section 7.05.3 “Nonresidential and Multifamily Landscaping Requirements,” Subsection 4 “Landscape Buffers Adjacent to Streets” is amended to read as follows:

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: 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:
 - 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.

- B.** Section 7.07 “Fences and Walls,” Subsection 1 “Height of Fence or Wall” is amended to read in its entirety as follows:

1. *Height of fence or wall*

- a. Any living plant screen erected or placed in the front yard shall not exceed four feet in height above the adjacent grade. No fences, walls, structures or buildings shall be allowed in the front yard except fences or walls less than 36 inches in height as part of an unenclosed front porch or uncovered patio and in accordance with Section 4.15.1.
- b. Any fence, wall, or living plant screen erected or placed behind the minimum required front yard line may be erected or maintained to a maximum height of eight feet above the adjacent grade.
- 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.

- C.** Section 7.09.11.2 - Table 7.23 “Permanent Signs” is amended by adding under the section regarding “On-Premises – Free Standing (Detached) – Monument” a new Sign Type titled “Retail/Comm Multi-Tenant >10 acres within 100 ft. of Highway 121” to read as follows:

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)	Maximum Number	Minimum Spacing	Front Yard Setback (minimum in ft)	Permit Required	Additional Provisions
On-premises - Free-standing (Detached) - Monument								
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

SECTION 5. Allen Land Development Code, Article VIII “Subdivision Regulations” is amended as follows:

- A.** Section 8.02.4 “Administrative Approval of Certain Amending Plats, Minor Plats and Replats” is amended to read as follows:

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.
- B.** Section 8.03.4 “Final Plat” is amended by deleting Paragraphs 2.o. and 2.p. and renumbering Paragraph 2.q. to be Paragraph 2.o.
- C.** Section 8.03.6 “Minor Plats” is added to read as follows:

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.
- D.** Section 8.03.6 “Replatting Without Vacating Preceding Plat” is renumbered as Section 8.03.7 and amended to read as follows:

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. A replat without vacation of the preceding plat must conform to the requirements of 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. If the conditions described in subsection 3.a. or 3.b. of this section exist, then the following is required:
 - a. Notice of the hearing shall be given 15 days before the day of the hearing by:
 - i. Publication in the city's officially designated newspaper; and
 - ii. By written notice, with a copy of the specific language contained in the following subsection (b) attached thereto, forwarded by the commission to the owners of property in the original subdivision located within 200 feet of the property upon which the replat is requested, as such owners are indicated on the most recently approved municipal tax roll or, in the case of a subdivision within the extraterritorial jurisdiction of the city, the most recently approved county tax roll. The written notice may be delivered by depositing the notice, properly addressed with the postage prepaid, in a post office or postal depository within the municipal boundaries of the city.
 - b. If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members of the commission present and voting. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the commission prior to the close of the public hearing.
 - c. In computing the percentage of land area under subsection 4.b. of this section, the area of streets and alleys shall be included.
 - d. Compliance with subsections 4.b. and 4.c. of this section is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

E. Section 8.03.8 “Amending Plats” is added to read as follows:

Sec. 8.03.8. Amending plats.

1. 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.

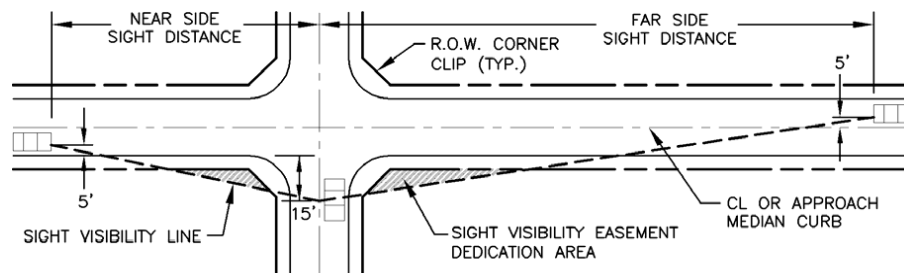
2. Unless otherwise specified, application and all related procedures, including recordation of an Amending Plat shall be the same as specified for a Final Plat. Review and approval shall be in accordance with Section 8.02.4 and other applicable provisions of this code.

F. Section 8.05.1 “Street Design Standards” is amended by adding Paragraph 15 “Sight Visibility Triangles” to read as follows:

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 6. Allen Land Development Code, Appendix A “Definitions” is amended as follows:

A. Amend the definition of the phrase “Amusement Commercial (Indoor)” to read as follows:

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.

B. Amend the definition of the phrase “Medical or Dental Office” to read as follows:

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."

C. Add a definition for the phrase “Personal Service Business” to read as follows:

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 7. 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 8. 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 9. 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 10. 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 11. 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 MARCH 2018.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:3/21Im/18:97211)

Shelley B. George, TRMC, CITY SECRETARY