

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 CHANGING THE ZONING REGULATIONS RELATING TO THE DEVELOPMENT AND USE OF 12.28± ACRES IN THE A. B. PERRIN SURVEY, ABSTRACT NO. 713 AND WILLIAM PERRIN SURVEY, ABSTRACT NO. 708 DESCRIBED IN EXHIBIT “A” HERETO FROM CENTRAL BUSINESS DISTRICT “CBD” TO PLANNED DEVELOPMENT NO ____ (“PD-____”) FOR CENTRAL BUSINESS DISTRICT USES; ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, OPEN SPACE PLAN, AND BUILDING CONCEPTS ; 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 Zoning Map, of the City of Allen, Texas, as amended, is hereby further amended by changing the zoning regulations relating to the development and use of 12.28± acres in the A. B. Perrin Survey, Abstract No. 713 and William Perrin Survey, Abstract No. 708, City of Allen, Collin County, Texas, described in Exhibit “A” attached hereto and incorporated herein by reference (“The Property”) from Central Business District “CBD” to Planned Development No. ____ (“PD-____”) in accordance with and subject to Section 2 of this ordinance.

SECTION 2. The Property shall be developed and used in accordance with applicable provisions of the Allen Land Development Code, as amended (“ALDC”) and the zoning regulations applicable to the Central Business District “CBD” except to the extent modified by the Development Regulations set forth below:

A. 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”). Provide that such modifications do not alter the general circulation of streets and alleys or general location of buildings as shown on the Concept Plan, minor modification of streetscapes to meet future City requirements and building configuration within each Block may be made at the time of Site Plan approval for each Block. For purpose of this ordinance, unless the context indicates otherwise, the reference to “Block” followed by a number shall refer to the corresponding area of the Property so designated on the Concept Plan.

B. ADDITIONAL PERMITTED USES:

- (1) The Property may be developed and used for the following purposes in addition to those uses permitted in the CBD zoning district:
 - (a) Dance/martial arts studio;

- (b) Fitness and health center;
 - (c) Microbrewery;
 - (d) Retail store, provided such store is located only at street level and integrated into the building as shown on the Concept Plan;
 - (e) Town homes;
 - (f) Convenience store;
 - (g) Day care facility;
 - (h) Museum/art gallery;
 - (i) Park (private); and
 - (j) Radio or TV broadcast studio.
- (2) Retail, restaurant, and microbrewery uses may provide outside dining and seating. Outside dining is permitted provided a minimum clear path of six feet in width is maintained in accordance with the Concept Plan.
- C. OPEN SPACE:** The Property shall be developed with open space as shown on the Concept Plan.
- D. SETBACKS:** The required minimum yard setbacks shall conform with the approved Street Cross Sections and as set forth on the Concept Plan.
- E. BUILDING CONCEPTS:** Buildings to be constructed on the Property shall be developed in general conformance with the materials and architectural intent set forth on the Building Concepts attached hereto as Exhibit "C," and incorporated herein by reference.
- F. MAXIMUM FAR:** The calculation of the maximum floor/area ratio relating to development of the Property shall exclude the floor area of structured parking constructed on the Property.
- G. MAXIMUM HEIGHT:**
- (a) The maximum height of any building constructed in Blocks 1 and 2 shall be four (4) stories (except the parking structure which may be 4-1/2 stories in height) but in no case exceeding sixty (60) feet.
 - (b) The maximum height of any building constructed in Blocks 3 and 4 shall be eighty-five (85) feet.
- H. MINIMUM AREA PER DWELLING UNIT:** The floor area of any Urban Residential dwelling unit shall not be less than 600 square feet.
- I. OFF-STREET PARKING:** Off-Street parking shall be provided in accordance with ALDC Section 7.04.1 except as follows:
- (1) For each dwelling unit within an Urban Residential Use, 1.1 space/bedroom, with 0.1 space/bedroom unreserved and available for use as visitor parking.

- (2) On-street parking spaces located within 200 feet of a building may be included in the count of required off-street parking spaces for uses within that building; provided, however, such on-street parking spaces may only be counted once and not counted toward the off-street for multiple uses within a building or more than one building.
- (3) Off-street parking requirements may be satisfied through the use of shared parking agreements, satisfying the requirements of ALDC Section 7.04.1.2.c.; provided, however, all off-street parking spaces that are the subject of a shared parking agreement must be located within 800-feet of the building/use which is including such space in its required off-street parking space count, said distance being measured at the shortest possible distance in a straight line from the building/use to the parking space.
- (4) Temporary parking for special events, and as approved with a Special Event Permit, may be approved by the Director of Community Development.
- (5) Parallel, perpendicular, or angled parking is allowed, in general conformance with the Concept Plan

J. TREE MITIGATION AND LANDSCAPING: Development of the Property shall comply with ALDC Section 7.06 except as follows:

- (1) Negative tree credits assessed for the removal of Hackberry trees shall be reduced by 25%;
- (2) Negative tree credits will not be assessed for a tree that is removed following the City arborist's determination the tree is at the end of its life, diseased, dead or dying;
- (3) Negative tree credits will not be assessed for removal of fence row trees located internal to the Property and existing prior to consolidation of ownership of the various tracts constituting the Property;
- (4) Tree preservation or replacement credits may be granted on the determination by the Director of Parks and Recreation based upon development details and level of landscaping provided during phase planning, with consideration being given to:
 - (a). Perimeter roadway, parkway and median landscaping;
 - (b) Interior landscape development such as high impact plantings throughout the Property exceeding the minimum landscaping requirements of the ALDC; and
 - (c) Landscaping within common areas.
- (5) Street tree spacing shall no less than forty foot (40') on center; trunk caliper shall be not less than three inches (3") at time of planting; and tree gate shall be not less than five feet (5') by six feet (6') at time of planting minimum.
- (6) Screening on any Block as required by ALDC Section 7.07.4 may be accomplished solely with landscaping or a combination of masonry and landscaping as approved by the Director of Parks and Recreation and Director of Community Development. Screening to be provided along the northern boundary of the Property adjacent to Blocks 1 and 2 shall consist at a minimum of an eight-foot (8') masonry wall located not less than one and one-half feet (1.5') from the existing northern property line. Vehicular access from these northern adjacent properties may be provided utilizing periodic breaks in the masonry wall, provided that visibility triangles are maintained in accordance with existing ALDC regulations.

K. INFRASTRUCTURE IMPROVEMENTS:

- (1) The Concept Plan illustrates typical streetscape sections for Public Right-of-Way along or within the Property.
- (2) Improvements to public streets are to have elements that reflect streetscape design standards that exists along Allen Drive and St. Mary Drive to provide a homogeneous environment with the surrounding area. The final design of the street and streetscape improvements will be determined with the respective Boyd Drive, Bonham Drive, Main Street, and Anna Drive construction plans.
- (3) Utility meters and other utility apparatus, including, but not limited to, transformers and switch boxes, shall:
 - (a) Be located to the rear of the structure unless screened from view from public streets and adjoining properties. Utility meters and apparatus located along public streets shall be screened from public view using evergreen shrubs planted at a height and spaced in such a manner that an opaque screen is achievable within one growing season; and
 - (b) Accessible for the purpose of allowing required for service and maintenance.

L. HIKE AND BIKE TRAIL CONNECTION:

- (1) A twelve feet wide connection to the off-site Hike and Bike Trail, inclusive of a publicly accessible trail head, shall be constructed adjacent to the Property as shown on the Concept Plan in accordance with plans and specifications approved by the Director of Parks and Recreation and Director of Community Development. Completion of construction of such trail and trailhead must be completed and accepted by the City prior to issuance of a certificate of occupancy for any building developed with Urban Residential dwellings.
- (2) Other required trails or sidewalks shall be constructed as illustrated on the Concept Plan.

M. TEMPORARY USES AND SPECIAL EVENTS: Temporary uses and special events conducted on the Property shall be conducted in accordance with ALDC Section 6.04 “Temporary Uses and Special Events” subject to the following:

- (1) Temporary Uses and Special Events shall not be limited by number or duration in a calendar year;
- (2) Temporary Uses and Special Events must be held only in non-residential Blocks;
- (3) Temporary Use and Special Event locations may not obstruct fire lanes/emergency access points; and
- (4) Special Events and Temporary Uses shall be conducted only upon approval of a permit.

N. FAÇADE MATERIALS – PARKING STRUCTURES: The construction of the exterior façades of parking structure constructed on the Property shall be subject to the following:

- (1) Street front openings in parking structures shall not exceed 75 percent of the façade area;
- (2) The shorter width façade of a parking structure may be oriented towards any street to facilitate garage access;

- (3) Cast in place and precast concrete are a permitted material. Such material fronting a public street shall be, at minimum, painted to be compatible with the adjacent building. Architectural barrier walls and screens shall be used to articulate the façade and hide parked vehicles.

O. BUILDINGS – USES AND FACADES:

- (1) For purposes of this ordinance only, ALDC Sec. 4.08.19.2.b.ii shall be read as follows:
 - i. The Design Review Committee shall approve the design plan if it determines that the construction, alteration or addition is of such appearance and design that the building or structure, when constructed or remodeled, or the alteration or addition as the case may be, satisfies the Central Business District standards, will be of good architectural design, and will be suitable to its location.
- (2) For purposes of this ordinance only, ALDC Sec. 4.08.19.2.c. shall be read as follows:
 - c. *Purpose.* The review and approval set forth herein is intended to go beyond the regulations of this Code to address issues specifically related to the relationship of adjacent properties and neighborhood patterns. The Design Review Committee is concerned with not only the design of the specific project but also the effect it will have on the surrounding properties. The purpose of Design Review Committee review and approval is to: encourage adaptive reuse of existing buildings, creative construction and major modifications that will enhance the architectural character of the Central Business District; stabilize and reinforce property values; protect private and public investment; reverse urban decline and blight; reverse neighborhood decline and improve housing quality; preserve the natural, historic and architectural qualities of the Central Business District; establish and enhance aesthetic and architectural compatibility within the Central Business District; attract residential and business development and redevelopment that provide aesthetic and safe and healthy living and working conditions in the Central Business District; and that building rehabilitation has the architecture and design elements of the principal structure.
- (3) A maximum of fifteen percent (15%) of the permitted secondary exterior building materials may include flat non-corrugated metal panels or exterior grade high pressure laminate panels.
- (4) Building exterior wall construction materials for facades not fronting a public street or property line (e.g., interior courtyards) may include the following secondary exterior building materials: cementitious panels/siding, flat non-corrugated metal panels or exterior grade high pressure laminate panels. These materials shall not exceed fifty percent (50%) of the overall surface area of these facades.
- (5) Commercial uses (Retail-Ready) will not be required at the first floor of a building unless indicated on the Architectural Plan attached hereto as Exhibit D and incorporated herein by reference. A Commercial space shall have a minimum floor-to-floor height of fourteen feet (14.0') unless indicated otherwise on the Architectural Plan.

P. STREETS, ALLEYS, AND CROSS-PARKING AND ACCESS EASEMENTS:

- (1) A perpetual cross-access easement established by plat or separate instrument for parking and vehicle and pedestrian ingress and egress shall be granted between and among all Blocks within the Property.
- (2) New alleys may be located and constructed in accordance with the Concept Plan.
- (3) The pavement and subgrade of all such private alleys developed within the Property shall be constructed at minimum in accordance with the City standard construction specifications for fire lanes.

Q. SIGN REGULATIONS: Signs installed, located, or constructed on the Property shall comply with applicable provisions of the ALDC except to the extent modified as follows:

- (1) *A-Frame/Sandwich Sign.* A Sandwich/A-frame sidewalk sign displaying the name of the restaurant, offerings and hours of operation may be located in association with a restaurant use subject to the following:
 - (a) The sign height shall not exceed four (4) feet;
 - (b) Each sign face shall not exceed an area of eight (8) square feet;
 - (c) The sign may be placed in the pedestrian amenity zone created by street trees and pedestrian lighting, provided that:
 - i. The sign shall not be located no closer than one foot to the fact of the curb; and
 - ii. A minimum unobstructed sidewalk width of six (6) feet is maintained;
 - (d) A sign permit must be obtained from the City prior to placement of the sign on the Property;
 - (e) Only one (1) A-frame signs is permitted per occupancy; and
 - (f) A-frame signs may be placed on the sidewalk adjacent to the restaurant associated with the sign only during the restaurant's business hours.
- (2) *Hanging/Projecting Signs.* Hanging signs may be installed on the Property subject to the following:
 - (a) No more than one (1) hanging sign will be allowed for each first floor occupancy; provided, however, a first floor building occupant with public entrances on more than one street frontage may have one (1) hanging sign on each street frontage;
 - (b) Each sign face shall not exceed an area of twelve (12) square feet;
 - (c) Each sign face shall not exceed a width of five (5) feet;

- (d) The lowest edge of the sign shall not be less than eight (8) feet above the ground below the sign; and
- (e) No hanging signs shall be closer than fifteen (15) feet from another hanging sign.



Sample Hanging/Projecting Signage

- (3) *Blade Signs.*
 - (a) No more than one (1) blade sign will be allowed for each building face. The use of a blade sign on a building face will preempt the use of any permitted wall sign on the same building face and a monument sign on the same street frontage adjacent to that building face.
 - (b) Each blade sign shall not exceed an area of fifty (50) square feet per building face.
 - (c) Each blade sign shall not exceed a width of five (5) feet.
 - (d) The lowest edge of a blade signs shall not be less than twelve (12) feet above the ground.
 - (e) Blade signs shall be install so that the highest edge of the sign is not higher than the point that is two-thirds (2/3) of the building face height in linear feet.



Sample Blade Signage

- (4) *Illuminated Signs:* Illuminated signs will otherwise be allowed to face all streets, including US 75; provided, however, illuminated signs are not allowed to be installed on a street frontage facing a single-family residential development or within 150 feet of any single-family residential district.
- (5) *Banners:* Banners may be installed in association with the grand opening of a business in accordance with applicable provisions of the ALDC.
- (6) *Permanent signs:*
 - (a) Wall signs not exceeding a total area of forty (40) square feet may be placed on each street-facing façade of a building used for Urban Residential purposes. In lieu of, but not in addition to, the above-described wall signs, one (1) freestanding monument sign designed, constructed, and located in accordance with applicable provisions of the ALDC may be installed adjacent to the street-facing façade of an Urban Residential building.
 - (b) Retail and Commercial wall signs shall be limited to the maximum allowed for each retail tenant.
- (7) *Awning Signs.* Awning signs are permitted subject to the following:
 - (a) Awning signs may only be installed on the ground floor;
 - (b) One (1) awning sign will be allowed for each first floor occupancy; provided, however, a first floor building occupant with public entrances on more than one street frontage may have one (1) awning sign on each street frontage;
 - (c) Awning Signs must be installed with the lowest edge not less than nine (9) feet above sidewalk level;

- (d) Awning Signs shall not exceed ten (10) square feet in sign area, and will only be located on the face or surface of the awning;
- (e) If being used as the main business sign, an awning sign shall not be installed in addition to a wall-mounted sign; and
- (f) If being used as an auxiliary business sign, the awning sign must be located on the valance only, and the height of the lettering shall not exceed eight (8) inches.

SECTION 3. To the extent of any irreconcilable conflict with the provisions of the 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 _____ DAY OF _____ 2019.

APPROVED:

Stephen Terrell, Mayor

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney
(kbl:3//19:106904)

Shelley B. George, City Secretary

**EXHIBIT “A”
PROPERTY DESCRIPTION**

**EXHIBIT “B”
CONCEPT PLAN**

**EXHIBIT “C”
BUILDING CONCEPTS**

**EXHIBIT “C”
BUILDING CONCEPTS cont.**

**EXHIBIT “D”
ARCHITECTURAL PLAN**