CITY OF ALLEN

AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING
JULY 20, 2021 - 7:00 PM
CITY COUNCIL CHAMBER
ALLEN CITY HALL
305 CENTURY PARKWAY
ALLEN, TEXAS 75013

Call to Order and Announce a Quorum is Present

Pledge of Allegiance

Director's Report

1. Receive the Director's Report on Action Taken on the Planning and Zoning Commission Items by City Council at July 13, 2021, Regular Meeting.

Consent Agenda

(Routine P&Z business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Commission member or member of staff.)

2. Receive Capital Improvement Plan (CIP) Status Report.

3. Approve Minutes from the July 6, 2021, Planning and Zoning Commission Regular Meeting.

Regular Agenda

4. Public Hearing - Conduct a Public Hearing and Consider a Request to Establish a Planned Development Zoning District with a Base Zoning of Community Facilities and to Adopt Development Regulations, Concept Plan, and Sign Elevations on Lot 1R, Block A, Ridgeview Memorial Park; Generally Located at the Southwestern Corner of the Intersection of Ridgeview Drive and U.S. Highway 75. (ZN-061821-0007) [Turrentine Jackson Morrow]

5. Public Hearing - Conduct a Public Hearing and Consider a Request to Amend the Development Regulations of Planned Development No. 55 with a Base Zoning of Commercial/Office for Lot 3R-2, Block A, Millennium Office Park By Amending the Regulations Pertaining to Temporary Events; Generally Located at the Northeastern Corner of the Intersection of Watters Creek Boulevard and Bethany Drive. (ZN-070221-0011) [Marriott - Temporary Events]

6. Public Hearing - Conduct a Public Hearing and Consider the Proposed Amendments to the Allen Land Development Code relating to (1) Amending Section 4.06., "Changes and Amendments," by providing an expiration date for zoning applications and adding a paragraph relating to city council initiated zoning amendments; (2) Amending Sections 4.08.19, 4.15.1.1, 6.04.1.4, 6.06.9, 6.06.10, and 7.04.1.2 by changing the word "church" to "religious facility" wherever such word appears is said sections; (3) Amending Section 4.10., "Residential accessory use regulations," by amending regulations to remove building permit requirements for accessory structures less than 120 square feet and providing additional setback requirements for structures greater than 400 square feet or greater than 15 feet in height; (4) Amending Article IV, "Zoning Regulations," to add Section 4.11., "Commercial accessory use regulations;" (5) Amending Section 4.15.1, "General height and area provisions,' by amending regulations clarifying certain setbacks; (6) Amending Section 4.15.2., "Schedule of residential height and area regulations," to correct a scrivener's error; (7) Amending Section 4.20.2, "Schedule of Principal Uses," by removing the uses "Beer & Wine Package Sales" "Beer & Wine Package Sales With Greater Than 50% Revenue From Beer & Wine" and "Dance/Martial Arts Studios" and changing "Church, Temple or Rectory" to read "Religious Facility" where it appears; (8) Amending Section 4.20.3., "Schedule of accessory uses," by removing "Gymnastics/Dance Studio" use and adding "Personal Service Business" use; (9) Amending Section 4.20.4, "Schedule of principal uses—Central business district," by changing the word "Church" to read "Religious Facility" , adding "Fitness and Health Center" as a use, adding "Personal Service Business" as a use, and changing the phrase "Restaurant/Private Club" to read "Private Club"; (10) Amending Section 4.20.5, "Schedule of accessory uses - central business district," by amending the use "Fitness and Health Center" to provide additional regulations, and by adding "Personal Service Business" as a use; (11) Amending Section 6.01.1., "Purpose of specific use permits," by to provide that a specific use permit constitutes a zoning amendment; (12) Amending Section 6.03.6., "Restaurants with food and beverage certificates—Permit process," by changing "planning and development department" to read "community development department"; (13) Repealing Section 6.03.8., "Beer and Wine Package Sales—Regulations"; (14) Repealing Section 6.03.9., "Beer and Wine Package Sales Permit Process"; (15) Amending Section 6.04.1.4, "Types of temporary use permits," by amending paragraph a. "Seasonal sales" removing regulations pertaining medical screening to a new paragraph h., and by amending paragraph d. "Temporary event" to provide clarifications regarding its application to parking lot sales; (16) Amending Section 6.06.8., "Outdoor storage and display," by amending regulations pertaining to donation boxes; (17) Amending Section 7.03.4., "Outdoor lighting," to prohibit high pressure sodium lamp types and permit additional types of parking lot lighting elements; (18) Amending Table 7.04.1 in Section 7.04.1. "Vehicle parking," by changing "Church, Temple or Rectory" to read "Religious Facility"; (19) Amending Section 7.04.2., "Off-street loading," by changing "SH 5" to read "Greenville Avenue"; (20) Amending Section 7.07. "Fences and walls," by deleting the reference to "Appendix F" in subsection 2.a, and changing "wrought iron" to read "metal" in subsection 4.f.; (21) Amending Section 7.08., "Performance standards," by adding subparagraph 4.a.v.d) to exclude certain residential devices from the requirements of Section7.08.4.a.; (22) Amending Section 8.03.3 "Preliminary plat," by amending the text of certain required plat notes relating to open space; (23) Amending Section 8.03.4., "Final plat," by amending on the text of certain required plat notes relating to open space; (24) Amending Section 8.11.,

"Street lights," by amending regulations relating to the types permitted and prohibited streetlight fixtures and related design and installation regulations; (25) Amending Appendix A, "Definitions," by deleting the definitions for the phrases "Beer and Wine Package Sales," "Church, temple or rectory," "Dance/martial arts studio," "Gymnastics training center," and "Personal service," amending the definition of "Personal service business," and adding a definition for "Religious facility"; (26) Renumbering and/or reformatting Sections 6.06.2,, 6.06.3, 6.06.8, 6.06.10. 6.06.11, 6.06.13, 6.06.14, 6.06.15, without changing any text except as otherwise stated in this caption.

Executive Session (As needed)

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

Adjournment

This notice was posted at Allen City Hall, 305 Century Parkway, Allen, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, July 16, 2021 at 5:00 p.m.

_____

Shelley B. George, City Secretary

Allen City Hall is wheelchair accessible. Access to the building and special parking are available at the entrance facing Century Parkway. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 214-509-4105.

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:	July 20, 2021
SUBJECT:	Receive the Director's Report on Action Taken on the Planning and Zoning Commission Items by City Council at the July 13, 2021, Regular Meeting.
STAFF RESOURCE:	Marc Kurbansade, AICP Director of Community Development

BACKGROUND

- There were no items taken to the July 13, 2021, City Council meeting.

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: July 20, 2021

SUBJECT: Receive Capital Improvement Plan (CIP) Status Report.

STAFF RESOURCE: Chris Flanigan, PE
Director of Engineering

BACKGROUND

Every month the Engineering Department will provide a status update of the City's Capital Improvement projects.

ATTACHMENTS:

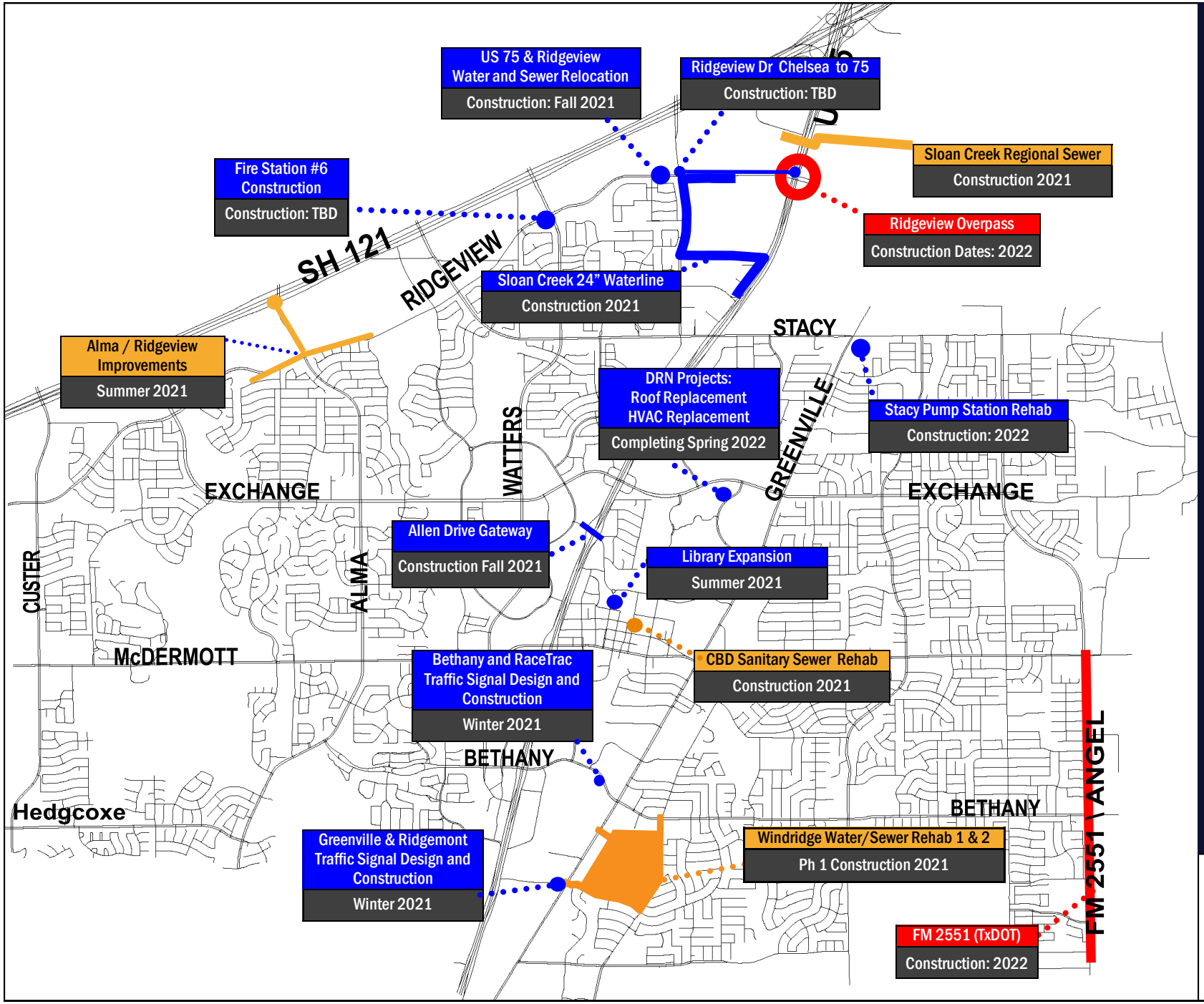
CIP Report through July 2021

ENGINEERING CIP REPORT - JULY 2021

			PROJECT		STATUS / COMMENTS	CONST. DATES
ROADWAY	CITY	1	Allen Drive Gateway Project (US 75 Interchange)	ST1903	The consultant, Huitt Zollars submitted Bid plans to TxDOT and the City. Staff is working with TxDOT to get the project ready to bid for construction advertisement.	Fall 2021
ROADWAY	CITY	2	Traffic Signal Detection Equipment	ST1908	Detection equipment installation work is complete. The TXDOT funded project includes 10 locations.	Complete July 2021
ROADWAY	CITY	3	Ridgeview Drive Chelsea to US75	ST2000	The consultant, BW2 submitted plans for review by City Staff and comments returned. BW2 working on addressing comments for the next submittal.	TBD
ROADWAY	CITY	4	Greenville & Ridgemont Traffic Signal Design and Construction	ST2107	Contract executed with Kimley Horn to design the traffic signal.	Construction Winter 2021
ROADWAY	CITY	5	Bethany & RaceTrac Traffic Signal Design and Construction	ST2108	Contract executed with Kimley Horn to design the traffic signal and eastbound Bethany right turn bay.	Construction Winter 2021
ROADWAY	CITY	6	Alma/Ridgeview	ST2004	Contract with Ed Bell approved by City Council June 8th. A Notice to Proceed will be issued July 12, 2021.	Construction Summer 2021
ROADWAY	CITY	7	2021 Street and Alley Rehabilitation (Various Locations)	ST2106	Construction began June 14. The first two rehab locations are under construction.	Construction Summer 2021
ROADWAY	OTHERS	8	FM 2551 (Main - Parker Rd)	ST0316 TXDOT	Design of widening to 6-lanes. Utility relocation meetings ongoing with all franchise utilities. NTMWD is committed to relocating by Summer of 2022.	Construction TBD
ROADWAY	OTHERS	9	Ridgeview / US 75 Overpass	TXDOT	TxDOT has submitted 100% utility plans to franchise for relocation. TxDOT plans to have all ROW acquired by April 2021 and Ready to Let moved to September 2022 due to land acquisition.	Construction 2022
UTILITIES & DRAINAGE		10	Windridge Water & Sanitary Sewer Rehabilitation, PH 1 & 2	WA1901	Phase 1: Sanitary sewer crews are working on Old bridge. Water crews are working on Northridge. Phase 2: Advertised June 24. Bids open July 22.	Construction 2021
UTILITIES & DRAINAGE		11	Sloan Creek Regional Sewer	WA1904	The Trunk Sewer project is under construction. The bore underneath 75 has been completed. The contractor is working to install the remaining sewer and placing the bridge for the access road.	Complete Dec 2021
UTILITIES & DRAINAGE		12	Stacy Pump Station Rehab	WA1906	Project will be advertised for Construction in Sept of 2021. This delay was caused by a long material lead time and The Pump Station being offline between Nov-Feb and NTMWD project starting up at the same site.	Construction 2022
UTILITIES & DRAINAGE		13	CBD - RR Sanitary Sewer Improvements	WA1908	Punchlist items are complete. Grass is to be established and closeout documents are needed to close the contract.	Construction Jan. 2021
UTILITIES & DRAINAGE		14	Sloan Creek 24" Water	WA2001	The consultant, Teague Nall and Perkins is working on 90% plans based on comments from the 60% plans. Staff is working with TNP to design Streetlights on Chelsea to prevent potential impacts to the 24" waterline in the future.	Construction 2021
UTILITIES & DRAINAGE		15	Advanced Meter Infrastructure (AMI) Planning and Implementation	WA2002	Advanced Meter Infrastructure (AMI) final interviews have been conducted. Final selection will occur on July 1, 2021.	TBD
UTILITIES & DRAINAGE		16	US75 and Ridgeview Water and Sewer Relocation	WA2102	Consultant, Birkhoff Hendricks and Carter is working to get project ready for construction.	Construction Fall 2021
FACILITIES		17	Fire Station #6	PS1901	100% Construction Drawings Received. Shovel ready for construction.	TBD
FACILITIES		18	City Hall Waterproofing	PF2004	Notice to Proceed Issued, materials ordered, construction begins July 6th.	Construction July 2021
FACILITIES		19	Facility Metal Repair	P02010	Repaint of the exterior metal at several city facilities. Bidding initiated, Expected to go to September Council meeting for approval.	Construction Fall 2021
FACILITIES		20	Facility Duct Cleaning	P02101	Duct Cleaning Completed June 25th.	Complete June 2021
FACILITIES		21	DRN HVAC Replacement	PF2101	Replace the failing HVAC system for the pools at the Natatorium. Engineer hired to design new roof as well as mechanical, electrical, & plumbing systems.	Construction Spring 2022
FACILITIES		22	DRN Roof Replacement	PF2102	Contract with Heritage One approved at June 8th meeting. Construction to begin November 2021.	Construction Fall 2021
FACILITIES		23	Library Expansion	LB1901	Phase 1 Architecture Services approved by City Council on April 13th. Initial concept meeting underway with Architect and Library Design Committee.	Construction Summer 2021

CONSTRUCTION DESIGN DESIGN (BY OTHERS) CONSTRUCTION (BY OTHERS) FUTURE

ENGINEERING CIP MONTHLY REPORT



JULY 2021

- CONSTRUCTION
- DESIGN
- CONSTRUCTION (By Others)
- DESIGN (By Others)
- FUTURE

ENGINEERING DEPARTMENT
214.509.4576

DIRECTOR:
CHRIS FLANIGAN

CITY OF ALLEN

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:	July 20, 2021
SUBJECT:	Approve Minutes from the July 6, 2021, Planning and Zoning Commission Regular Meeting.
STAFF RESOURCE:	Rolandrea Russell Planner

ATTACHMENTS:

Minutes from the July 6, 2021 Planning and Zoning Commission Meeting

PLANNING AND ZONING COMMISSION
REGULAR MEETING
JULY 6, 2021

ATTENDANCE:

Commissioners Present:
Stephen Platt, Jr., 1st Vice-Chair
Elias Shaikh
Michael Smiddy
Jeff Burkhardt

Commissioners Absent:
Ben Trahan, Chair
Dan Metevier, 2nd Vice-Chair
John Ogrizovich

City Staff Present:
Marc Kurbansade, AICP, Director of Community Development
Hayley Angel, AICP, Planning Manager

Call to Order and Announce a Quorum is Present:
With a quorum of the Commissioners present, 1st Vice-Chair Platt called the meeting to order at 7:00 p.m. in the City Hall Council Chambers Room at Allen City Hall, 305 Century Parkway, Allen, Texas, 75013.

Directors Report

1. The Director of Community Development discussed the action taken on the Planning & Zoning Commission items by City Council at the June 22, 2021, Regular Meeting.

Consent Agenda (*Routine P&Z business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Commission member or member of staff.)*

2. Approve Minutes from the June 15, 2021, Planning and Zoning Commission Regular Meeting.

3. Consider a Request for a Replat of Lot 2, Block C, Starcreek Commercial, Being 4.575± Acres, Generally Located at the Southeastern Corner of the Intersection of Ridgeview Drive and Watters Road. (PL-061121-0010) [Watters Ridge]

Motion: **Upon a motion by Commissioner Smiddy, and a second by Commissioner Burkhardt, the Commission voted 4 IN FAVOR, and 0 OPPOSED to approve the Consent Agenda, as presented.**

The motion carried.

Executive Session ***(As Needed)***

The Executive Session was not held.

Adjournment

The meeting adjourned at 7:02 p.m.

These minutes approved this _____day of _____2021.

_____ _____

Ben Trahan, Chair Rolandrea Russell, Planner

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:	July 20, 2021
SUBJECT:	Conduct a Public Hearing and Consider a Request to Establish a Planned Development Zoning District with a Base Zoning of Community Facilities and to Adopt Development Regulations, Concept Plan, and Sign Elevations on Lot 1R, Block A, Ridgeview Memorial Park; Generally Located at the Southwestern Corner of the Intersection of Ridgeview Drive and U.S. Highway 75. (ZN-061821-0007) [Turrentine Jackson Morrow]
STAFF RESOURCE:	Rolandrea Russell Planner
PREVIOUS COMMISSION/COUNCIL ACTION:	Final Plat - Approved December, 1985 Replat - Approved April, 2000
LEGAL NOTICES:	Public Hearing Sign - Installed July 9, 2021 Property Owner Notices - Mailed July 9, 2021
ANTICIPATED COUNCIL DATE:	August 10, 2021

BACKGROUND

The subject property is located on the southwestern corner of the intersection of Ridgeview Drive and U.S. Highway 75. The property to the north (across Ridgeview Drive) is zoned Planned Development No. 139 with a base zoning of Mixed Use. The properties to the east (across U.S. Highway 75) are in the Town of Fairview. The property to the south and west is zoned Community Facilities (CF).

The applicant is requesting to establish a Planned Development District and adopt a concept plan and sign elevations to allow for three monument signs along the property's U.S. Highway 75 frontage. The subject property is currently zoned CF. The Allen Land Development Code (ALDC) allows a maximum of two monument signs per street frontage either attached to a screening wall or freestanding for institutional districts, which includes the CF base zoning.

The property currently has three existing monument signs that were constructed along its U.S. Highway 75 frontage--two at the northern entrance and one at the southern entrance. The applicant is proposing to relocate one of the existing monument signs along with a portion of the property's screen wall at the northern entrance of the site. The relocation of the existing monument sign and screen wall has been prompted by the widening of Ridgeview Drive overpass by Texas Department of Transportation. If the monument sign and screen wall are not relocated, the site will be in general conformance with the requested Planned Development District. There are no proposed additional changes to the site or the exterior of the building.

Staff has reviewed the Planned Development request.

STAFF RECOMMENDATION

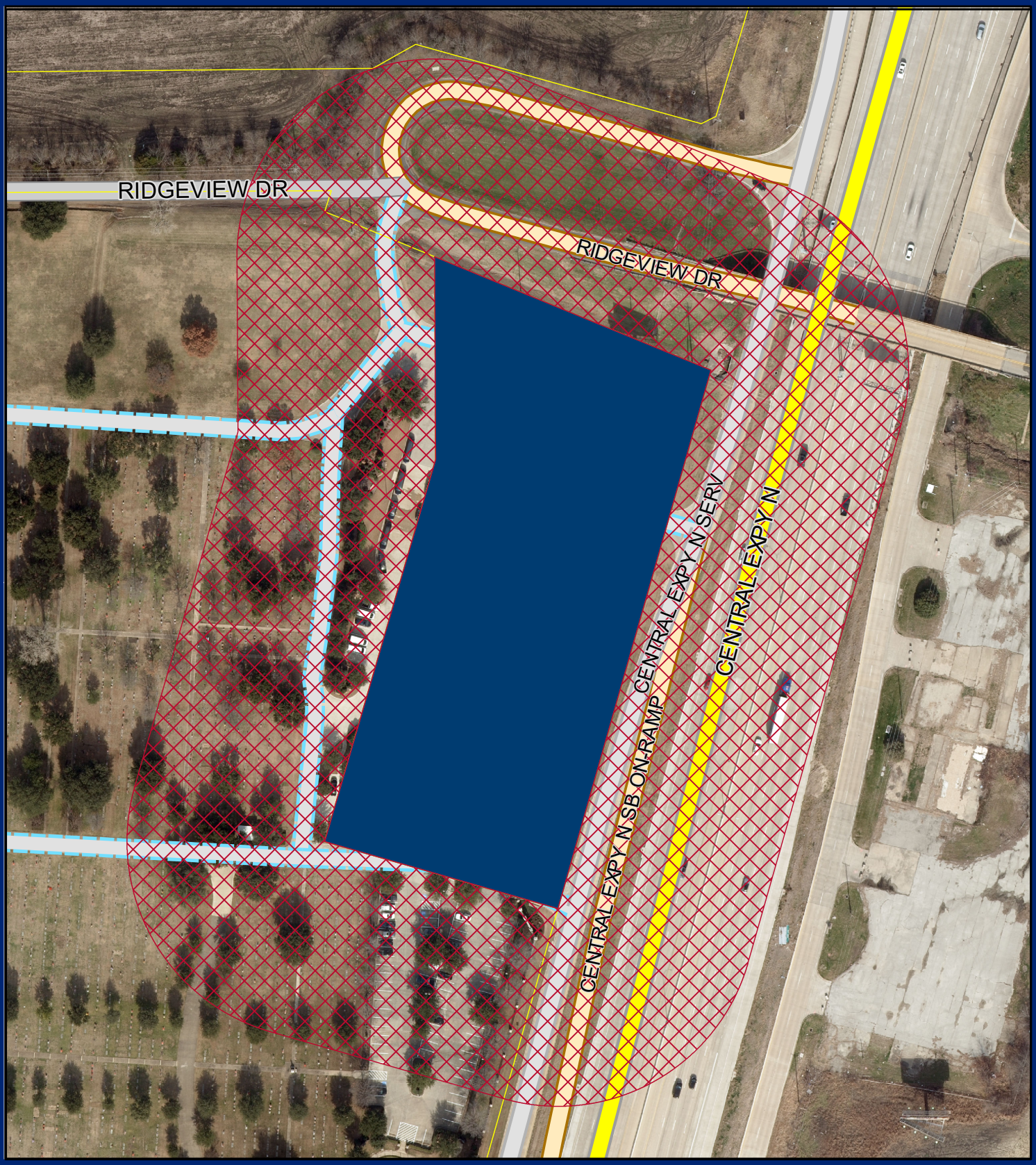
Staff recommends approval.

MOTION

I move to recommend approval of the request to change the zoning from Community Facilities (CF) to a Planned Development zoning district with a base zoning of CF and to adopt a Concept Plan and Sign Elevations for Lot 1R, Block A, Ridgeview Memorial Park, as presented.

ATTACHMENTS:

Property Notification Map
Draft Ordinance
Concept Plan
Sign Elevations



CITY OF ALLEN

Location Map

Turentine Jackson Morrow Funeral Home
2525 Central Expy. N.

Map Legend

- 200 FT Buffer
- Property
- CollinCAD Parcels

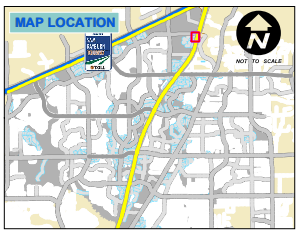
N
W E
S

0 40 80 120
Feet

Community Development - Planning

Date Saved: 6/2/2021

NOTE: This map is only for illustration purpose only, please contact the City of Allen Planning & Development Department for specific rules and regulations.



RDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY CHANGING THE ZONING REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF LOT 1R, BLOCK A, RIDGEVIEW MEMORIAL PARK, FROM COMMUNITY FACILITIES (CF) TO PLANNED DEVELOPMENT NO. 144 (PD-144) FOR COMMUNITY FACILITIES USES; ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, AND SIGN ELEVATIONS; 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 amended, is hereby further amended by changing the zoning regulations relating to the development and use of Lot 1R, Block A, Ridgeview Memorial Park, City of Allen, Collin County, Texas, herein by reference (the "Property") from Community Facilities (CF) to Planned Development No. 144 (PD-144) for Community Facilities (CF) uses in accordance with and subject to Section 2 of this ordinance.

SECTION 2. The Property shall be developed and used in accordance with the provisions of the Allen Land Development Code, as amended, (the "ALDC") applicable to the use and development of property within a Community Facilities (CF) Zoning District; provided, however, notwithstanding Section 7.09 et. seq. of the ALDC, the signs installed or constructed on the Property may be installed and/or constructed in compliance with the design, locations, and maximum dimensions set forth in Exhibits "A" and "B," respectively, attached hereto and incorporated herein by reference (the "Concept Plan" and "Sign Elevations," respectively).

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 10TH DAY OF AUGUST 2021.

APPROVED:

_____

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

_____

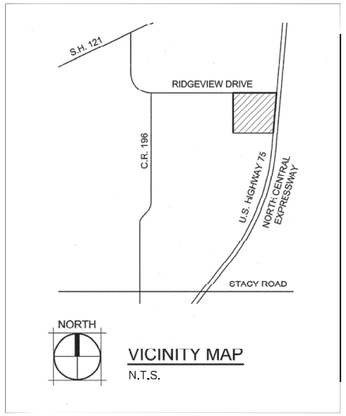
Peter G. Smith, City Attorney

(kbl:7/6/21:123394

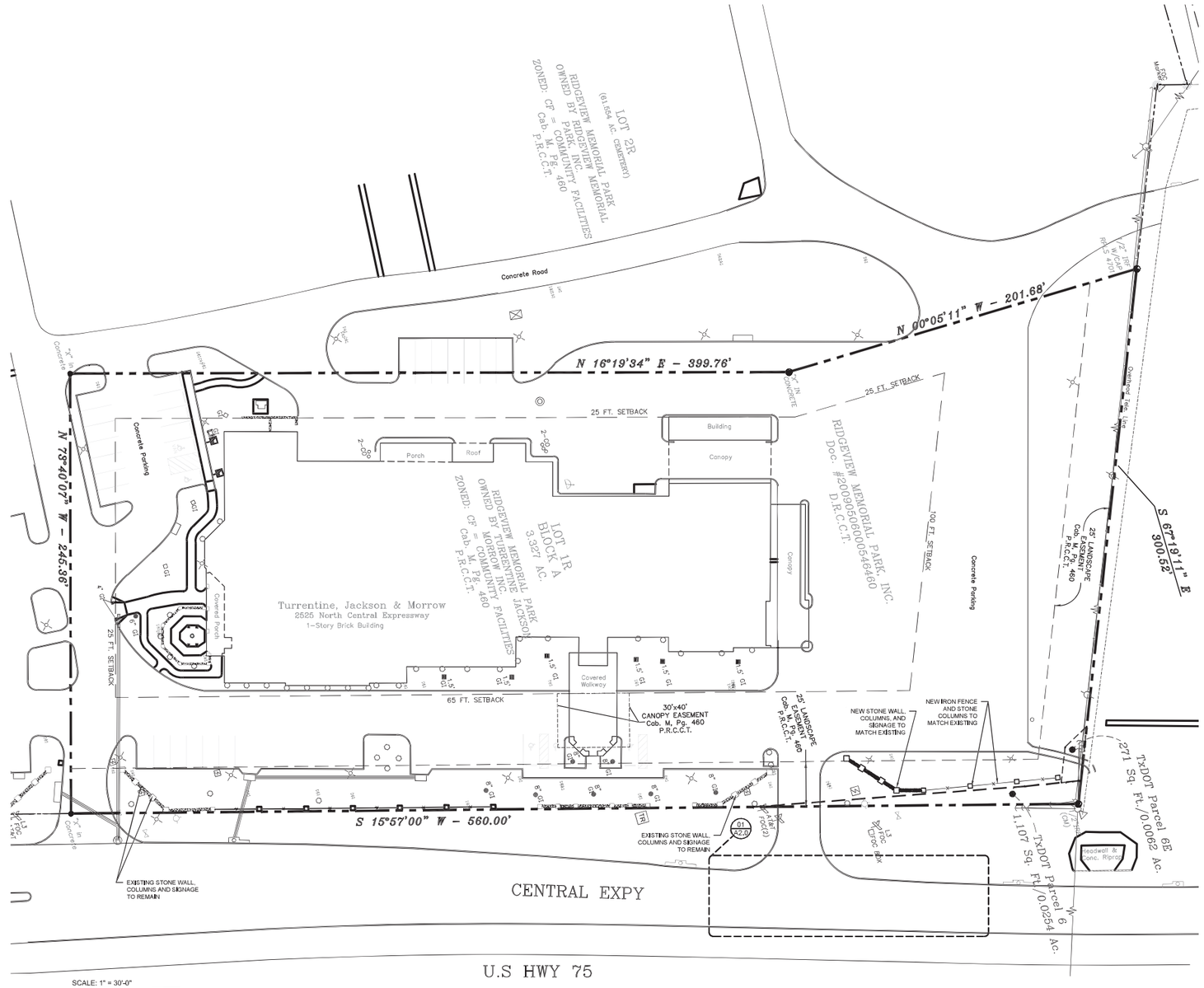
ATTEST:

_____

Shelley B. George, TRMC, City Secretary



VICINITY MAP
N.T.S.



SCALE: 1" = 30'-0"
0 15' 30' 60'

NORTH

01 FENCE & SIGNAGE RELOCATION SITE PLAN
SCALE: 1" = 30'-0"

LEGEND

- WATER VALVE
- IRRIGATION CONTROL VALVE
- WATER FEATURE
- STORM SEWER MANHOLE
- CLEAN OUT
- LIGHT STANDARD
- SPOT LIGHT
- ELECTRIC BOX
- FOC UTILITY MARKER
- HANDICAP PARKING SIGN
- GI DRAINAGE
- GI GRATE INLETS
- GI
- BOUNDARY LINE
- FENCE LINE

OWNER'S CONTACT INFORMATION
TURRENTINE JACKSON MORROW FUNERAL HOME RIDGEVIEW MEMORIAL PARK 2525 N CENTRAL EXPY, ALLEN, TX, 75013 TURRENTINE JACKSON MORROW INC. CONTACT: SCOTT TURRENTINE 972-562-2601

PD AMENDMENT CONCEPT PLAN
FENCE & SIGNAGE RELOCATION TURRENTINE JACKSON MORROW FUNERAL HOME RIDGEVIEW MEMORIAL PARK 3.327 ACRES RIDGEVIEW MEMORIAL PARK LOT 1R BLOCK A CITY OF ALLEN, COLLIN COUNTY, TEXAS ZONED: CF - COMMUNITY FACILITIES SUBMITTED 6/18/2021

ISSUE DATE:
JUNE 18, 2021
PD AMENDMENT

REVISION:
JUNE 30, 2021
PER CITY COMMENTS
JULY 2, 2021
PER CITY COMMENTS

NOT FOR CONSTRUCTION

THIS SET OF DOCUMENTS ARE FOR REVIEW AND COST ESTIMATION ONLY

JST ARCHITECTS
ARCHITECTURE | PLANNING | MAUSOLEUM | CEMETERY | INTERIORS
WWW.JSTARCHITECTS.COM
4144 N. CENTRAL EXPY, SUITE 860
DALLAS, TEXAS 75204
214.522.8033

©JSTUART TODD, INC.

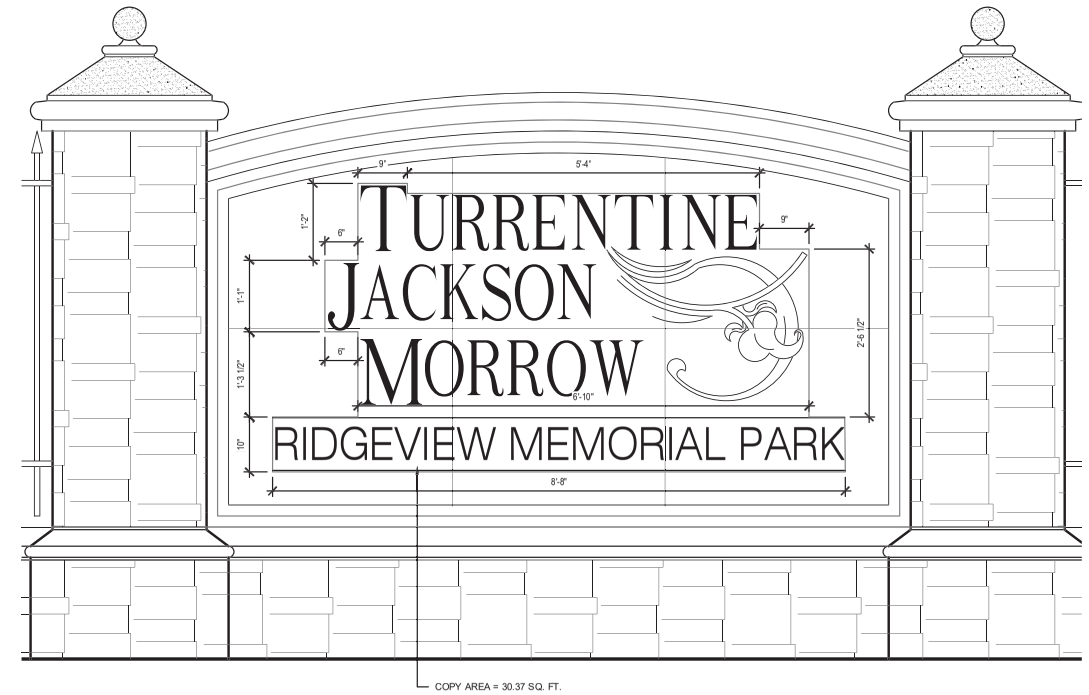
FENCE & SIGNAGE RELOCATION

TURRENTINE JACKSON MORROW FUNERAL HOME
RIDGEVIEW MEMORIAL PARK
ALLEN, TEXAS

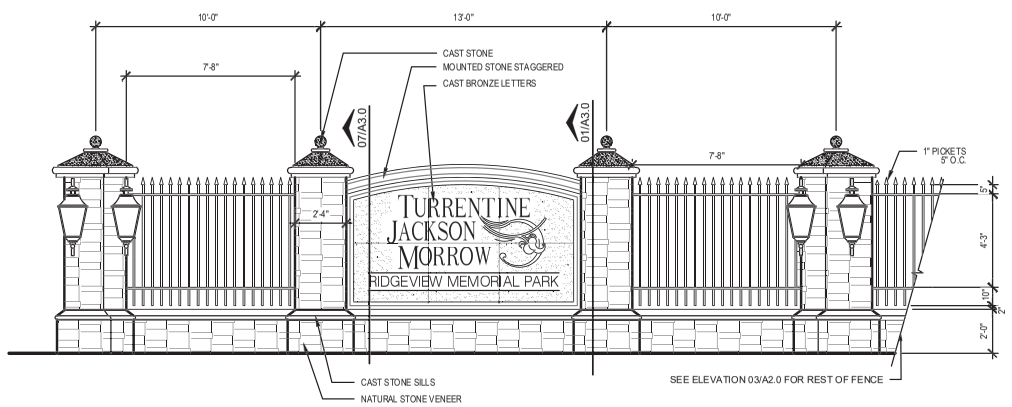
SHEET NO.
A1.0

JOB NUMBER: 13161

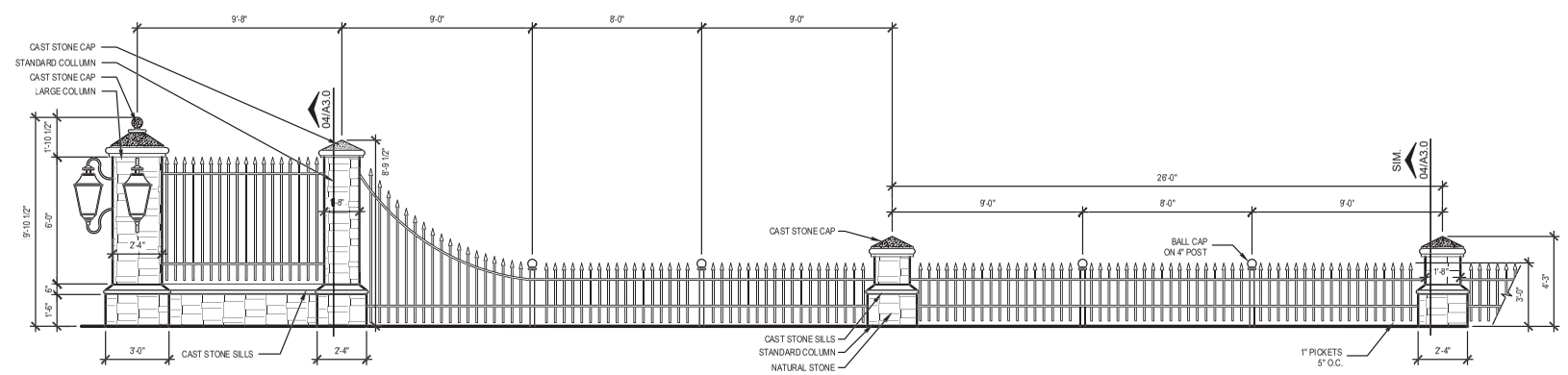
P:\2013 PROJECTS\13161 Ridgeview Memorial Park\Architecture\Fence Moving Project - ROW\Site Plan - 2021-07-02.dwg\24x36\ Plotted by Annette Doubleday at 7/2/2021 8:18:28 AM with _JST Full Pen Weights.ctb



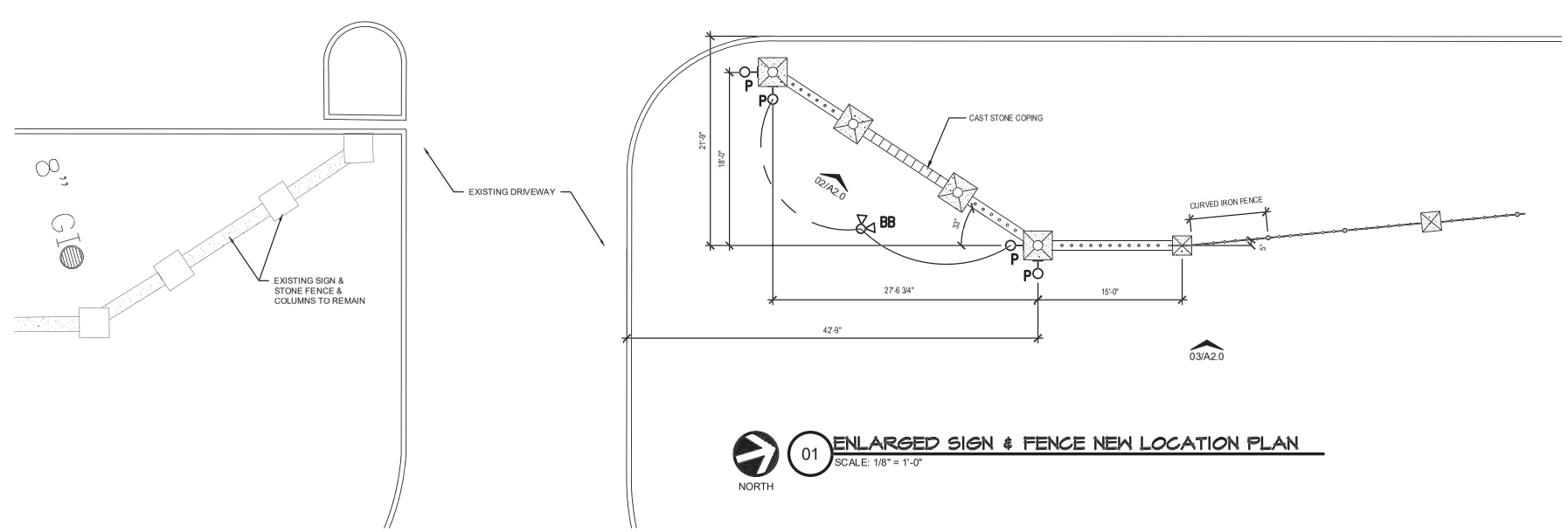
04 COPY AREA ELEVATION
SCALE: 3/4" = 1'-0"



02 SIGN ELEVATION
SCALE:1/4"=1'-0"



03 FENCE ELEVATION
SCALE:1/4"=1'-0"



01 ENLARGED SIGN & FENCE NEW LOCATION PLAN
SCALE: 1/8" = 1'-0"

ISSUE DATE:
JUNE 18, 2021
PD AMENDMENT

REVISION:
JUNE 30, 2021
PER CITY COMMENTS
JULY 2, 2021
PER CITY COMMENTS

NOT FOR CONSTRUCTION

THIS SET OF DOCUMENTS ARE FOR REVIEW AND COST ESTIMATION ONLY

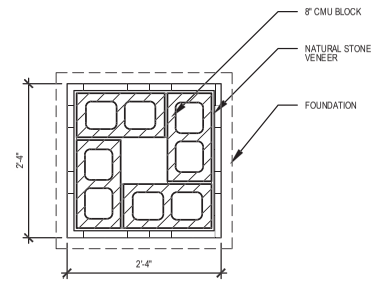
JST ARCHITECTS
ARCHITECTURE | PLANNING | MAUSOLEUM | CEMETERY | INTERIORS
WWW.JSTARCHITECTS.COM
4144 N. CENTRAL EXPY. SUITE 860
DALLAS, TEXAS, 75204
214.522.4033
©J.STUART TODD, INC.

FENCE & SIGNAGE RELOCATION
TURRENTINE JACKSON MORROW FUNERAL HOME
RIDGEVIEW MEMORIAL PARK
ALLEN, TEXAS

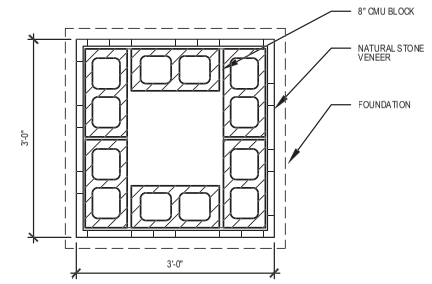
SHEET NO.
A2.0

JOB NUMBER: 13161

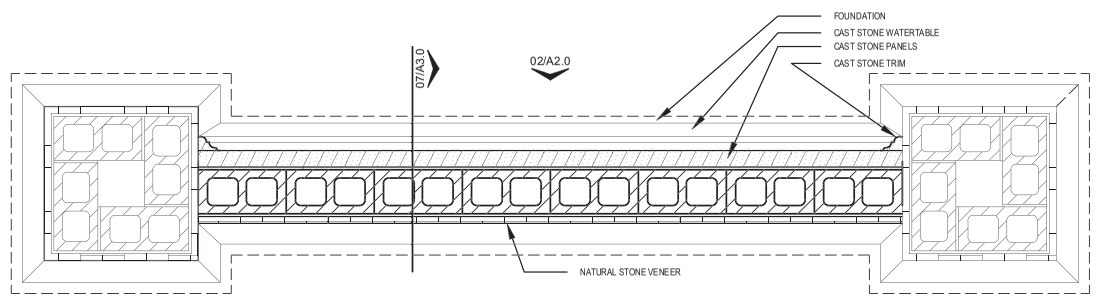
P:\2013 PROJECTS\13161 Ridgeview Memorial Park\Architecture\Fence Moving Project - ROW\A2.0 Enlarged Plan & Elevations.dwg\24x36 Plotted by Annette Doubledee at 7/2/2021 8:21:27 AM with: JST Full Pen Weight.ctb pkt style



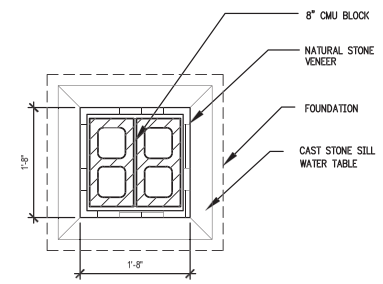
06 SMALL COLUMN DETAIL
SCALE: 3/4" = 1'-0"



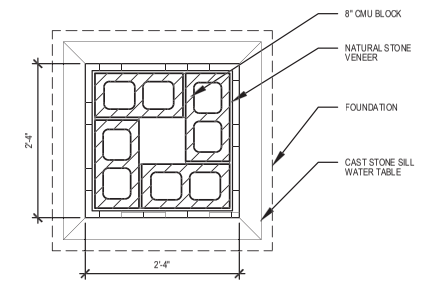
03 LARGE COLUMN DETAIL
SCALE: 3/4" = 1'-0"



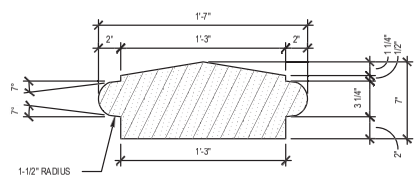
08 SIGN PLAN
SCALE: 3/4" = 1'-0"



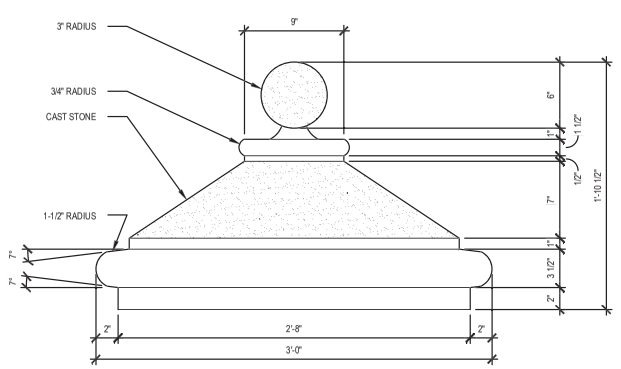
05 SMALL COLUMN DETAIL
SCALE: 3/4" = 1'-0"



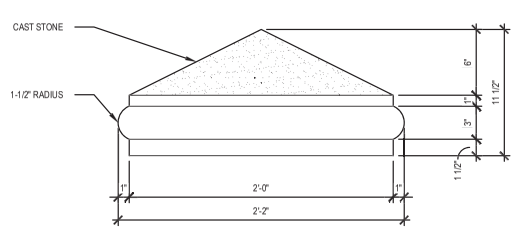
02 LARGE COLUMN DETAIL
SCALE: 3/4" = 1'-0"



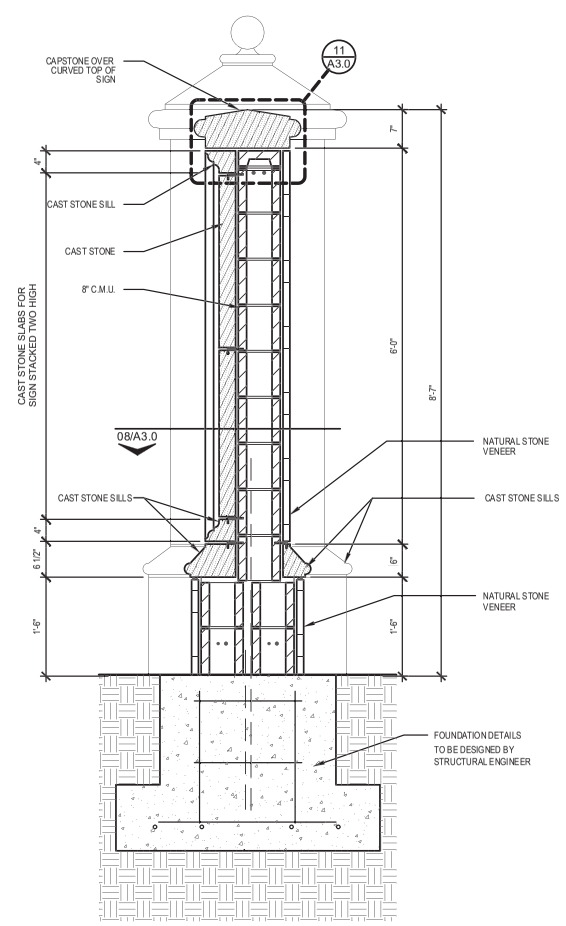
11 SIGN CAP STONE
SCALE: 1 1/2" = 1'-0"



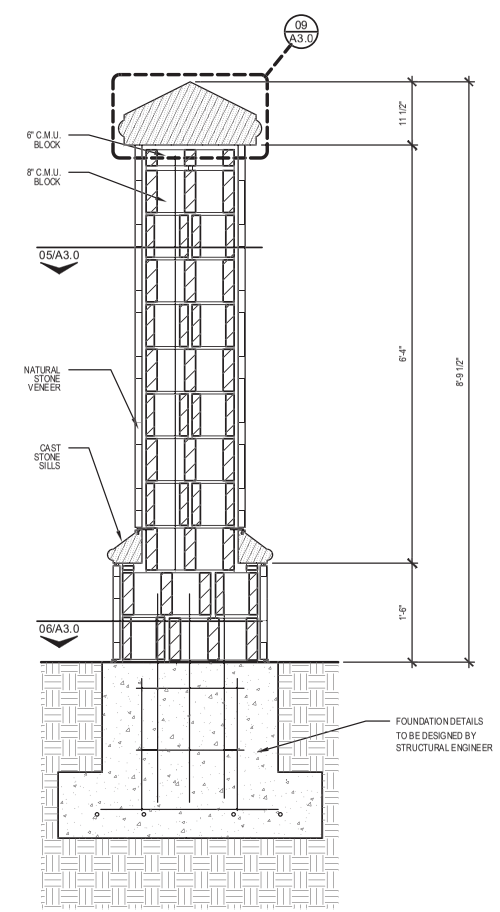
10 LARGE COLUMN CAP STONE
SCALE: 1 1/2" = 1'-0"



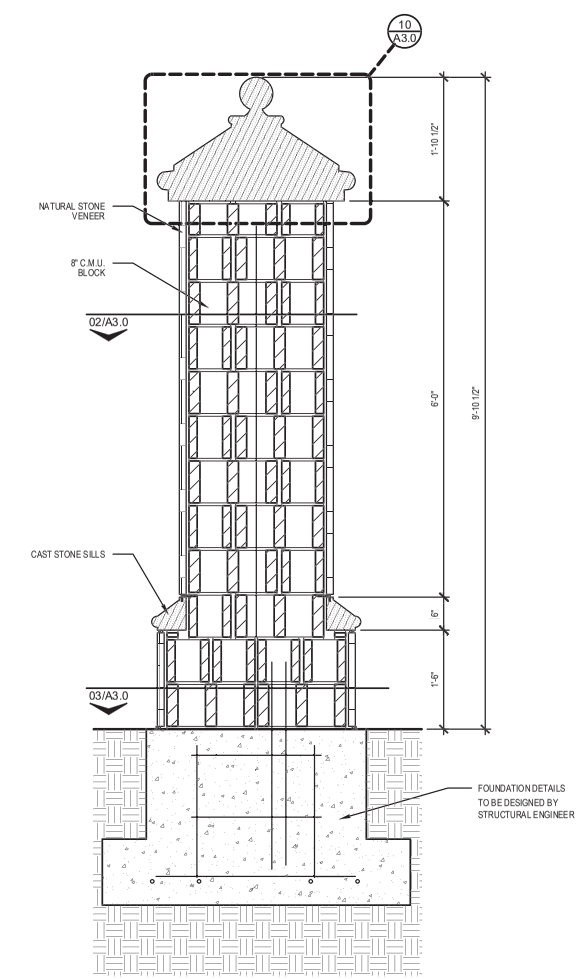
09 SMALL COLUMN CAP STONE
SCALE: 1 1/2" = 1'-0"



07 SIGN SECTION
SCALE: 3/4" = 1'-0"



04 SMALL COLUMN SECTION
SCALE: 3/4" = 1'-0"



01 LARGE COLUMN SECTION
SCALE: 3/4" = 1'-0"

ISSUE DATE:
JUNE 18, 2021
PD AMENDMENT

REVISION:
JUNE 30, 2021
PER CITY COMMENTS
JULY 2, 2021
PER CITY COMMENTS

NOT FOR CONSTRUCTION

THIS SET OF DOCUMENTS ARE FOR REVIEW AND COST ESTIMATION ONLY

JST ARCHITECTS
ARCHITECTURE | PLANNING | MAUSOLEUM | CEMETERY | INTERIORS
WWW.JSTARCHITECTS.COM
4144 N. CENTRAL EXPY. SUITE 860
DALLAS, TEXAS, 75204
214.522.4033

©JSTUARTTODD, INC.

FENCE & SIGNAGE RELOCATION
TURRENTINE JACKSON MORROW FUNERAL HOME
RIDGEVIEW MEMORIAL PARK
ALLEN, TEXAS

SHEET NO.
A3.0

JOB NUMBER: 13161

P:\2013 PROJECTS\13161 Ridgeview Memorial Park\Architecture\Fence Moving Project - ROW\Fence Details.dwg\24x36 Plotted by Annette Doubledee at 7/2/2021 8:22:32 AM with __JST Full Pen Weight ctb plot style

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:	July 20, 2021
SUBJECT:	Conduct a Public Hearing and Consider a Request to Amend the Development Regulations of Planned Development No. 55 with a Base Zoning of Commercial/Office for Lot 3R-2, Block A, Millennium Office Park By Amending the Regulations Pertaining to Temporary Events; Generally Located at the Northeastern Corner of the Intersection of Watters Creek Boulevard and Bethany Drive. (ZN-070221-0011) [Marriott - Temporary Events]
STAFF RESOURCE:	Hayley Angel, AICP Planning Manager
PREVIOUS COMMISSION/COUNCIL ACTION:	Planned Development No. 55 - Approved March, 1994 Final Plat - Approved July, 1998 Planned Development No. 55 - Approved October, 1998 Replat - Approved April, 1999 Replat - Approved June, 2006 Planned Development No. 55 - Approved December, 2015
LEGAL NOTICES:	Public Hearing Sign - Installed July 9, 2021 Property Owner Notices - Mailed July 9, 2021
ANTICIPATED COUNCIL DATE:	August 10, 2021

BACKGROUND

The property is located directly east of Watters Creek Boulevard and north of Bethany Drive. The properties to the north and west (across Watters Creek Boulevard) are zoned Planned Development PD No. 55 (PD-55) with a base zoning of Commercial/Office (C/O). The properties to the south (across Bethany Drive) are zoned Planned Development No. 99 with a base zoning of Mixed Use. The properties to the east (across U.S. Highway 75) are zoned Planned Development No. 68 with a base zoning of Corridor Commercial.

The property is currently zoned PD-55 with a base zoning of C/O. The most recent Planned Development Amendment was adopted in December 2015 for a convention center and hotel. Since that time, the property has been developed and is in operation. The applicant is requesting to amend the Planned Development Amendment to remove restrictions relating to the number and duration of temporary events on the property.

Section 6.04.1 of the Allen Land Development Code permits any non-residential property a maximum of two temporary events a year for a duration of 15 days each. In the course of operating as a convention center, the

applicant has found that individual conventions have a desire to host temporary food vendors and other items permitted in association with temporary events. The proposed amendment would remove the maximum number of temporary event permits a year and the maximum duration on the property. Similar zoning amendments exist for larger commercial properties in the City of Allen, including the Allen Event Center.

The applicant would still be required to submit a Temporary Event Permit for each temporary event held on the property. These events and their respective components would be held to the requirements in the Allen Land Development Code and reviewed during the permitting process.

Staff has determined that the request is consistent with the zoning requirements associated with similar land uses and is compatible with the surrounding uses.

STAFF RECOMMENDATION

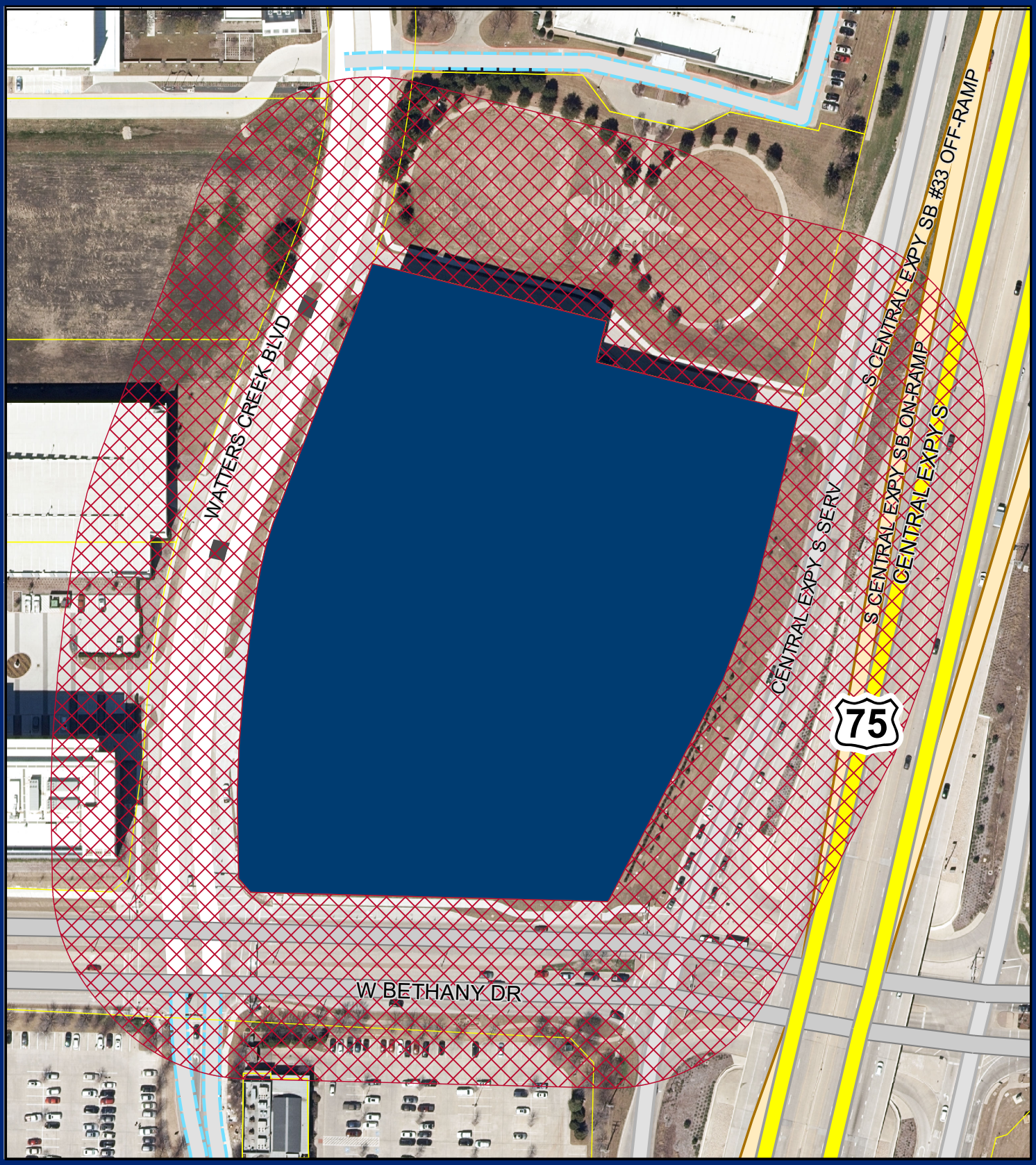
Staff recommends approval.

MOTION

I make a motion to recommend approval of the request to amend the development regulations of PD-55 with a base zoning of C/O for Lot 3R-2, Block A, Millennium Office Park, as presented.

ATTACHMENTS:

Property Notification Map
Draft Ordinance



CITY OF ALLEN

Location Map

Delta by Marriot
777 Watters Creek Blvd

Map Legend

- DeltaHotelsBuffer
- DeltaHotels
- ColllinCAD Parcels

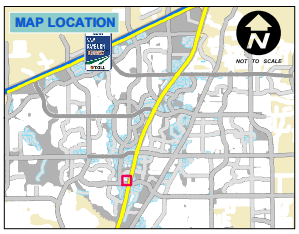
N
W E
S

0 40 80 120
Feet

Community Development - Planning

Date Saved: 6/2/2021

NOTE: This map is only for illustration purpose only, please contact the City of Allen Planning & Development Department for specific rules and regulations.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING THE USE AND DEVELOPMENT REGULATIONS OF LOT 3R-2, BLOCK A, MILLENNIUM OFFICE PARK, LOCATED IN AND SUBJECT TO THE REGULATIONS OF TRACT 10A-1 OF PLANNED DEVELOPMENT "PD" NO. 55 TO ALLOW SAID PROPERTY TO CHANGE REGULATIONS PERTAINING TO TEMPORARY USES; 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, be amended by amending the Development Regulations relating to the use and development of Lot 3R-2, Block A, Millennium Office Park, an addition to the City of Allen, according to the plat thereof recorded in Book 2017, Page 418, Plat Records, Collin County, Texas ("the Property") which is located in and subject to the development and use of the regulations applicable to Tract 10A-1 of Planned Development "PD" No. 55 Commercial/Office C/O.

SECTION 2. The Property shall be developed and used in accordance with applicable provisions of the Allen Land Development Code, as amended, ("ALDC") and Tract 10A-1 of Planned Development "PD" No. 55 except as modified below:

A. Temporary Events, as identified in Section 6.04.1.4.d, shall not be limited by number in a calendar year or duration but all shall require an application for and issuance of a permit in accordance with the ALDC.

B. Temporary structures or vehicles located on the Property during Temporary Events may not obstruct fire lanes and/or emergency access.

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 10TH DAY OF AUGUST 2021.

APPROVED:

_____

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

_____

Peter G. Smith, City Attorney

(kbl:7/15/2021:123363)

ATTEST:

_____

Shelley B. George, TRMC, City Secretary

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: July 20, 2021

SUBJECT: Conduct a Public Hearing and Consider the Proposed Amendments to the Allen Land Development Code relating to (1) Amending Section 4.06., "Changes and Amendments," by providing an expiration date for zoning applications and adding a paragraph relating to city council initiated zoning amendments; (2) Amending Sections 4.08.19, 4.15.1.1, 6.04.1.4, 6.06.9, 6.06.10, and 7.04.1.2 by changing the word "church" to "religious facility" wherever such word appears is said sections; (3) Amending Section 4.10., "Residential accessory use regulations," by amending regulations to remove building permit requirements for accessory structures less than 120 square feet and providing additional setback requirements for structures greater than 400 square feet or greater than 15 feet in height; (4) Amending Article IV, "Zoning Regulations," to add Section 4.11., "Commercial accessory use regulations;" (5) Amending Section 4.15.1, "General height and area provisions,' by amending regulations clarifying certain setbacks; (6) Amending Section 4.15.2., "Schedule of residential height and area regulations," to correct a scrivener's error; (7) Amending Section 4.20.2, "Schedule of Principal Uses," by removing the uses "Beer & Wine Package Sales" "Beer & Wine Package Sales With Greater Than 50% Revenue From Beer & Wine" and "Dance/Martial Arts Studios" and changing "Church, Temple or Rectory" to read "Religious Facility" where it appears; (8) Amending Section 4.20.3., "Schedule of accessory uses," by removing "Gymnastics/Dance Studio" use and adding "Personal Service Business" use; (9) Amending Section 4.20.4, "Schedule of principal uses—Central business district," by changing the word "Church" to read "Religious Facility" , adding "Fitness and Health Center" as a use, adding "Personal Service Business" as a use, and changing the phrase "Restaurant/Private Club" to read "Private Club"; (10) Amending Section 4.20.5, "Schedule of accessory uses - central business district," by amending the use "Fitness and Health Center" to provide additional regulations, and by adding "Personal Service Business" as a use; (11) Amending Section 6.01.1., "Purpose of specific use permits," by to provide that a specific use permit constitutes a zoning amendment; (12) Amending Section 6.03.6., "Restaurants with food and beverage certificates—

Permit process," by changing "planning and development department" to read "community development department"; (13) Repealing Section 6.03.8., "Beer and Wine Package Sales—Regulations"; (14) Repealing Section 6.03.9., "Beer and Wine Package Sales Permit Process"; (15) Amending Section 6.04.1.4, "Types of temporary use permits," by amending paragraph a. "Seasonal sales" removing regulations pertaining medical screening to a new paragraph h., and by amending paragraph d. "Temporary event" to provide clarifications regarding its application to parking lot sales; (16) Amending Section 6.06.8., "Outdoor storage and display," by amending regulations pertaining to donation boxes; (17) Amending Section 7.03.4., "Outdoor lighting," to prohibit high pressure sodium lamp types and permit additional types of parking lot lighting elements; (18) Amending Table 7.04.1 in Section 7.04.1. "Vehicle parking," by changing "Church, Temple or Rectory" to read "Religious Facility"; (19) Amending Section 7.04.2., "Off-street loading," by changing "SH 5" to read "Greenville Avenue"; (20) Amending Section 7.07. "Fences and walls," by deleting the reference to "Appendix F" in subsection 2.a, and changing "wrought iron" to read "metal" in subsection 4.f.; (21) Amending Section 7.08., "Performance standards," by adding subparagraph 4.a.v.d) to exclude certain residential devices from the requirements of Section7.08.4.a.; (22) Amending Section 8.03.3 "Preliminary plat," by amending the text of certain required plat notes relating to open space; (23) Amending Section 8.03.4., "Final plat," by amending on the text of certain required plat notes relating to open space; (24) Amending Section 8.11., "Street lights," by amending regulations relating to the types permitted and prohibited streetlight fixtures and related design and installation regulations; (25) Amending Appendix A, "Definitions," by deleting the definitions for the phrases "Beer and Wine Package Sales," "Church, temple or rectory," "Dance/martial arts studio," "Gymnastics training center," and "Personal service," amending the definition of "Personal service business," and adding a definition for "Religious facility"; (26) Renumbering and/or reformatting Sections 6.06.2,, 6.06.3, 6.06.8, 6.06.10. 6.06.11, 6.06.13, 6.06.14, 6.06.15, without changing any text except as otherwise stated in this caption.

STAFF RESOURCE: Marc Kurbansade, AICP
Director of Community Development

LEGAL NOTICES: Newspaper Notice - Published June 24, 2021

ANTICIPATED COUNCIL DATE: August 10, 2021

BACKGROUND

The Allen Land Development Code (ALDC) is periodically amended to improve the effectiveness and efficiency of the Code, to address changing development trends and new technologies, and to make changes necessary for compliance with state and federal laws.

Proposed amendments include the following:

Section 4.06, "Changes and Amendments"

Summary of Changes: The current section is being amended to include an expiration date of two years for zoning applications to be consistent with Texas Local Government Code Section 245.005.

Sections 4.08.19, 4.15.1.1, 6.04.1.4, 6.06.9, 6.06.10, and 7.04.1.2

Summary of Changes: The aforementioned sections are being amended to change the word "church" to "religious facility" wherever such word appears.

Section 4.10, "Residential accessory use regulations"

Summary of Changes: The current section is being amended to remove building permit requirements for accessory structures less than 120 square feet and providing additional setback requirements for structures greater than 400 square feet or greater than 15 feet in height.

Article IV, "Zoning Regulations"

Summary of Changes: This Article of the Allen Land Development Code is being amended to add a new Section 4.11., "Commercial accessory use regulations." This new section will provide regulations for modular storage units, portable on demand storage containers, donation bins, and drop-off bins/trailers.

Section 4.15.1, "General height and area provisions"

Summary of Changes: This section is being amended to clarify setback requirements, particularly as they pertain to side yards that abut collector or other thoroughfares.

Section 4.15.2, "Schedule of residential height and area regulations"

Summary of Changes: This section is being amended to correct a minor scrivener's error.

Section 4.20.2, "Schedule of Principal Uses"

Summary of Changes: This section is being amended to remove the uses "Beer & Wine Package Sales," "Beer & Wine Package Sales With Greater Than 50% Revenue From Beer & Wine" because these uses are categorized as Retail Uses. The use, "Dance/Martial Arts Studios" is also being removed since it is redundant in the ALDC. Finally this section is being amended to change the use, "Church, Temple or Rectory" to read "Religious Facility."

Section 4.20.3., "Schedule of accessory uses,"

Summary of Changes: This section is being amended to remove the "Gymnastics/Dance Studio" use because it is redundant elsewhere in the ALDC. Also, the section is being amended to add a "Personal Service Business" use.

Section 4.20.4, "Schedule of principal uses—Central business district"

Summary of Changes: This section is being amended to change the word "Church" to read "Religious Facility." Additionally, a "Fitness and Health Center" use and "Personal Service Business" use are being added. Finally, the nomenclature for the "Restaurant/Private Club" use is being changed to read "Private Club."

Section 4.20.5, "Schedule of accessory uses - central business district"

Summary of Changes: This section is being amended by amending the use "Fitness and Health Center" to provide an additional regulation that the accessory use must be less than 5,000 square feet. Additionally, this section is being amended to add a "Personal Service Business" use.

Section 6.01.1, "Purpose of specific use permits"

Summary of Changes: This section is being amended to provide clarifying language whereby a specific use permit would constitute a zoning amendment / entitlement that runs with the land as opposed to a single user.

Section 6.03.6., "Restaurants with food and beverage certificates—Permit process"

Summary of Changes: There is a minor change proposed in this section to modify the "planning and development department" to read "community development department."

Section 6.03.8, "Beer and Wine Package Sales—Regulations"

Summary of Changes: This section is being repealed from the ALDC as it is regulated elsewhere in the ALDC and Code of Ordinances.

Section 6.03.9., "Beer and Wine Package Sales Permit Process"

Summary of Changes: This section is being repealed from the ALDC as it is regulated elsewhere in the ALDC and Code of Ordinances.

Section 6.04.1.4, "Types of temporary use permits"

Summary of Changes: This section is being amended to relocate language pertaining to medical uses from the "Seasonal sales" section to a separate new section. Additionally, this section is being amended to provide clarification regarding the parking lot sales as a "Temporary event."

Section 6.06.8, "Outdoor storage and display"

Summary of Changes: This section is being amended to provide clarification regarding the location of donation boxes, and to add a requirement that the location of a donation box must receive site plan approval.

Section 7.03.4., "Outdoor lighting"

Summary of Changes: This section is being amended to prohibit high pressure sodium lamp types and permit additional types of parking lot lighting elements.

Table 7.04.1 in Section 7.04.1. "Vehicle parking"

Summary of Changes: This section is being amended to change the nomenclature for "Church, Temple or Rectory" to read "Religious Facility."

Section 7.04.2., "Off-street loading"

Summary of Changes: This section is being amended by changing "SH 5" to read "Greenville Avenue" to correctly reflect this thoroughfare's removal from the State Highway system.

Section 7.07. "Fences and walls"

Summary of Changes: This section is being amended by deleting the reference to "Appendix F" since

the appropriate language is in this section. Also, a minor change is proposed by modifying "wrought iron" to read "metal" to appropriately reflect the materials typically used in this application.

Section 7.08, "Performance standards"

Summary of Changes: This section is being amended to exclude typical equipment (e.g., HVAC equipment, pool equipment) from the noise standards, provided it is properly maintained and operating in accordance with manufacturer guidelines.

Section 8.03.3, "Preliminary plat"

Summary of Changes: This section is being amended to provide clarification regarding the labeling of Open Space lots on preliminary plats.

Section 8.03.4, "Final plat"

Summary of Changes: This section is being amended to provide clarification regarding the labeling of Open Space lots on final plats.

Section 8.11, "Street lights"

Summary of Changes: This section is being amended to modify regulations related to the types of lighting fixtures permitted and prohibit certain streetlight fixtures. Additionally, the amendments in this section include clarification related to design and installation regulations.

Appendix A, "Definitions"

Summary of Changes: This section is being amended by to remove the definitions for "Beer and Wine Package Sales," "Church, temple or rectory," "Dance/martial arts studio," "Gymnastics training center," and "Personal service," as they are either no longer applicable or redundant with other definitions elsewhere in the ALDC. Additionally, this section is amended to modify the definition of "Personal service business," and adding a ew definition for "Religious facility."

Sections 6.06.2, 6.06.3, 6.06.8, 6.06.10. 6.06.11, 6.06.13, 6.06.14, 6.06.15,

Summary of Changes: This section was amended by renumbering and/or reformatting the aforementioned sections without changing any text except as other stated in other summary sections of this communication.

Attached is a draft ordinance of the proposed amendments. The proposed amendments have gone through a review process with participation from the City Attorney as well as other City staff.

STAFF RECOMMENDATION

Staff recommends approval.

MOTION

I make a motion to recommend approval of the proposed amendments to the Allen Land Development Code.

ATTACHMENTS:

ALDC Amendments Strikeout Underline

Sec. 4.06. - Changes and amendments.

~~Under the provision of V.T.C.A., Local Government Code § 211.001 et seq., the city council by their own initiative may from time to time amend, supplement or change the boundaries of the districts or the regulations herein established.~~

1. *Application.* Each application for zoning or for an amendment or change to the existing provisions of this Code shall be made in writing on an application form available from the city and shall be accompanied by payment of the fees required in the fee schedule adopted by resolution of the city council. If no progress is made toward completion the application within two years following acceptance of the application, then the application shall be deemed expired and subsequently withdrawn from consideration. Progress toward completion shall be defined in Section 245.005 of the Texas Local Government Code, as amended.

. . .

12. The city council may from time to time on its own initiative amend or change the boundaries of the districts or amend the regulations set forth in this Code or otherwise established by City ordinance.

. . .

Sec. 4.08.19. - "CBD" central business district.

1. *Purpose*. The central business district is the oldest urban area within the city~~. The central business district~~ and has played an important role in serving the city as a unique neighborhood containing local businesses, ~~churches~~ religious facilities, and housing. Existing development in the central business district has aged, experienced some deterioration, and, as a result, needs revitalization and redevelopment. The central business zoning district has been designed to aid in revitalization and redevelopment that is compatible with and which will serve to preserve the character of the central business district and enhance the city. The purpose of the central business district is to:

   a. Provide for a diversity of pedestrian-oriented retail office, residential and mixed uses indicative of an urban center. Housing should be considered a desirable activity in the district.

   b. Provide a venue for artists, musicians and other entertainment businesses and serve as a community center and gathering place.

   c. Create a lively day and night urban environment for residents, workers and visitors through the integration of a range of uses, building types and open space.

   d. Produce a quality environment by combining inviting streetscapes and excellence in building design.

   e. Increase property values and stimulate development with strategically placed civic features such as parks, medians, street trees, and public art.

. . .

Sec. 4.10. - Residential accessory use regulations.

1. *General.* The standards in this Section 4.10 shall apply to all single-family residential zoning districts.

2. *Accessory structures.*

   a. *Building permits.* No person shall install or construct an accessory structure~~s~~ with a floor area of greater than 120 square feet -without first obtaining a building permit issued by the City.

   b. -*Engineered Floors.* Notwithstanding paragraph 2.a., above, a building permit shall be required prior to construction of an accessory structure that is required pursuant to one or more of the codes adopted pursuant to Article III to be constructed with a permanent and/or engineered foundation.

   c. *Compliance with Lot Coverage Limits.* The cumulative area of all accessory structures located on a single-family residential lot and the area of the main structure located on the same lot shall not exceed the maximum lot coverage permitted in the zoning district.

   d. *Setbacks.*

      i. *Front yard.* ~~An attached accessory structure shall have a front yard not less than the main building.~~ A detached accessory structure must be located in the rear yard or in the area of a side yard 20 feet behind the front building ~~setback line~~facade.

      ii. *Side and rear yards*. The required side and rear yard for any detached accessory structure is three feet from any side or rear lot line, except as follows:

         a) If no alley exists, the rear yard shall not be less than five feet from the rear lot line.

         b) No accessory structure shall be located within any ~~dedicated~~ easement affecting the lot as recorded in the Official Public Records of Collin County, Texas.

         c) A garage entered from an alley or side street shall be set back from the side street or alley ~~a minimum distance~~not less than ~~of~~ 20 feet.

         d) An accessory structure with an area greater than 400 square feet shall comply with the side and rear setback requirements applicable to the primary structure in the underlying zoning district.

      iii. *Accessory structure height greater than 15 feet.* An accessory structure with a height greater than 15 feet shall comply with the setback

requirements applicable to the primary structure or the setbacks set forth in paragraphs d.i. and d.ii, above, whichever is more restrictive.

~~i.~~iv. *Maximum height of accessory structures.* At no point shall the height of the accessory structure exceed the height of the primary structure or the maximum height ~~of~~ allowed for buildings constructed in the underlying zoning district, whichever is less.

. . .

Sec. 4.11. - Commercial accessory use regulations.

1. Accessory buildings and structures located on property developed for one or more non-residential uses are considered commercial buildings and shall obtain all necessary permits and inspections and abide by all applicable codes. Modular storage units, portable on demand storage containers, donation bins, and drop off bins/trailers are considered accessory structures and shall not be installed or constructed prior to the issuance of a building permit by the city.

2. An accessory structure located on property developed for one or more non-residential uses shall not be placed such that it conflicts with site features such as fire lanes, landscape buffers, required parking, or other identified features deemed pertinent during the permit review process.

. . .

Sec. 4.15.1. - General height and area provisions.

1. *Height.*

a. Cooling towers, roof gables, chimneys, ~~and~~ vent stacks, and citizens band (CB) antennae may extend ~~for an additional height not to exceed~~ up to an additional ten feet above the maximum allowable roof height.

b. Water standpipes and tank, ~~church~~ religious facility steeples, domes and spires, ~~and~~ school buildings, and institutional buildings may be erected to exceed three stories or 45 feet in height, provided that one additional foot shall be added to the width and depth of front, side and rear yards for each foot that such structures exceed the maximum height.

. . .

3. *Side yards abutting collectors or thoroughfares.*~~.~~

a. Any residential side yard abutting a collector or thoroughfare street, including corner lots and lots located on cul~~s~~-de-sacs, shall have a side yard setback of not less than 25 feet. ~~This applies to corner lots and lots located on culs-de-sac abutting collectors or thoroughfares.~~

~~b. No accessory building or structure may be erected within three feet of any rear or side property line, or be located within any public or private easement.~~

4. *Rear yards*.

Any residential rear yard abutting a major thoroughfare requires a 15-foot rear yard setback, in addition to the rear yard ~~set back~~setback required by section 4.15.2 of this Code.

. . .

{This space intentionally left blank.}

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

Section 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 (8)	MF-12 (6)	MF-18 (6)	M-H
Minimum	Lot Area (sq. feet)	40,000	30,000	18,000	12,000	9,000	7,500	6,000	5,000	8,000	2,160	12,000	14,000	4,000
	Lot Area/Dwelling Unit	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3,000	2,400	n/a
Maximum	Percent Lot Coverage	30	30	35	35	55	55	55	55	40	75	45	50	n/a

. . .

Sec. 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
													ACID MANUFACTURE											X	
. . .																									
													~~BEER & WINE PACKAGE SALES~~				~~X~~	~~X~~			~~X~~				
													~~BEER & WINE PACKAGE SALES WITH GREATER THAN 50% OF REVENUE FROM BEER & WINE~~				~~S~~	~~S~~			~~S~~				
. . .																									
X	X	X	X	X	X	X	X	X	X	X	X	X	~~CHURCH~~RELIGIOUS FACILITY~~, TEMPLE OR RECTORY~~	X	X	X	X		X	X	S	S	X	X	X
. . .																									
													~~DANCE/MARTIAL ARTS STUDIOS~~				~~X~~	~~X~~	~~X~~	~~X~~	~~S~~				
. . .																									

. . .

Sec. 4.20.3. - Schedule of accessory 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		ADULT DAY CARE			S	X		X	X					X
. . .																									
													AUTOMOTIVE REPAIRS, MAJOR										X	X	~~X~~
. . .																									
													~~GYMNASTICS / DANCE STUDIO~~		~~X~~	~~X~~								~~X~~	~~X~~
. . .																									
													PERSONAL SERVICE BUSINESS				X	X	X	X	X				
. . .																									

. . .

Sec. 4.20.4. - Schedule of principal uses—Central business district.

	Central Business District	COMMENTS
ADULT DAY CARE	S	
AMUSEMENT, COMMERCIAL (INDOOR)	X	
AMUSEMENT, COMMERCIAL (OUTDOOR)	S	
ANTIQUE SHOP	X	
ARTISANS AND ARTIST STUDIO	X	
ASSISTED LIVING	S	
BAKERY OR CONFECTIONERY	X	
BANKS AND FINANCIAL INSTITUTIONS	S	
BED & BREAKFAST	X	
BICYCLE SHOP/REPAIR SER.	S	
BOOK, CARD OR NOVELTY SHOPS	X	
BUS STATIONS/TERMINALS	S	
CARPENTRY, PAINTING SHOP	S	
CATERING	X	
~~CHURCH~~ RELIGIOUS FACILITY	X	
COLLEGE OR UNIVERSITY	X	
COMMUNITY CENTER	S	
CONVALESCENT CENTER OR NURSING HOME	S	
DAY CARE FACILITY	S	
DRUG STORE OR PHARMACY	X	
DWELLING, SINGLE-FAMILY (ATTACHED)*	S	*Townhomes
DWELLING, URBAN RESIDENTIAL	X	
FABRICS OR NEEDLEWORK SHOP	X	
FARMERS MARKET	S	
FITNESS AND HEALTH CENTER*	X	*Less than 5,000 sq. ft.
FLORIST/PLANT STORE	X	
FOOD SERVICE	S	
FOOD TRUCK PARK	S	
FRATERNAL ORG., LODGE, CIVIC CLUBS	S	
GARAGE, PUBLIC PARKING	X	
GROCERY*	X	*Less than 10,000 sq. ft.

HARDWARE STORE	S	
LAUNDRY/DRY CLEANING, PICK-UP ONLY	X	
MASS TRANSIT COMMUTER PICK-UP	S	
MASSAGE ESTABLISHMENT	X	
MEDICAL CLINIC	S	
MEDICAL OR DENTAL OFFICE	X	
MICRO BREWERY	X	
MUSEUM, LIBRARY, ART GALLERY (PUBLIC)	X	
OFFICE USE	X	
PARK OR PLAYGROUND (PUBLIC)	X	
PERSONAL SERVICE BUSINESS	X	
PRINTING OR NEWSPAPER ESTABLISHMENT	S	
PUBLIC SERVICE FACILITY	X	
RADIO OR TV BROADCAST STUDIO	X	
REAL ESTATE SALES OFFICE (TEMP.)	T	
RECREATION CENTER (PUBLIC)	X	
RESTAURANT (NO DRIVE-IN OR THROUGH)*	X	*Includes sidewalk cafes
~~RESTAURANT/~~PRIVATE CLUB*	X	*Less than ~~50~~40% food sales
RETAIL STORE	X	
SIGN SHOP	S	
SPECIALTY/HEALTH FOODS	X	
STUDIOS*	X	*Art & Music studios and galleries, may include teaching
THEATER*	X	*Live theater only
VETERINARY HOSPITAL, ANIMAL CLINIC OR ANIMAL BOARDING FACILITY	S	

Sec. 4.20.5. - Schedule of accessory uses central business district.

Section 4.20.5 Schedule of Accessory Uses Central Business District	Central Business District	**COMMENTS**
DAY CARE FACILITY	X	
FITNESS AND HEALTH CENTER	X	*Less than 5,000 sq-ft
FLORIST	X	
LAUNDRY, SELF-SERVICE	X	
LAUNDRY/DRY CLEANING, PICK-UP ONLY	X	
MASS TRANSIT COMMUTER PICK-UP	X	
PERSONAL SERVICE BUSINESS	X	
SWIM OR TENNIS CLUB	X	

. . .

Sec. 6.01. – Specific use permits.

Sec. 6.01.1. - Purpose of specific use permits.

A specific use permit allows uses compatible with other permitted uses, provided the uses ~~meet~~ comply with the specific criteria established by the city under this section.

The city council may, by an affirmative vote, after public hearing and proper notice to all parties affected, in accordance with state law, and after recommendation from the planning and zoning commission, that the use is in general conformance with the comprehensive plan of the city, and containing such requirements and safeguards as are necessary to protect adjoining property, authorize the granting of a specific use permit.

Every specific use permit granted pursuant to this Code constitutes an amendment to the zoning regulations applicable to the property for which the specific use permit is granted and shall remain applicable to such property so long as all conditions imposed at the time of granting said permit continue to be satisfied, the use for which such specific use permit is granted continues, and no substantive change in the use of the property occurs.

. . .

Sec. 6.03. - Private clubs and businesses with alcoholic beverage sales.

. . .

Sec. 6.03.6. - Restaurants with food and beverage certificates—Permit process.

The permit process is as follows:

1. The applicant will have to request an alcoholic beverage permit and a food and beverage permit from the Texas Alcoholic Beverages Commission.

2. The Texas Alcoholic Beverages Commission will direct the applicant to obtain verification of zoning wet/dry location, and distance separations, from the city.

~~1.~~3. This request will be accepted by the department of ~~planning and development~~community development, which will verify wet/dry location, zoning, and distance separation, and forward to the city secretary for certification.

. . .

~~**Sec. 6.03.8. - Beer and wine package sales—Regulations.**~~

~~Establishments conducting beer and wine package sales shall be subject to the following:~~

~~1. Permitted by right as indicated in the section 4.20.2 if the property was within the city limits as of May 15, 2004 or annexed before November 15, 2006.~~

~~2. A specific use permit (conditional) is required for any establishment that derives more than 50 percent of its revenues from the sale of beer and/or wine and is permitted as indicated section 4.20.2.~~

~~3. Beer and wine package sales may provide inside service only with no drive-in, curb service, drive-through service, or outdoor service, of any kind.~~

~~4. The following distance separation criteria are effective for beer and wine package sales establishments:~~

~~a. Cannot locate closer than 300 feet to a church religious facility or hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and the church religious facility or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.~~

~~b. Cannot locate closer than 300 feet to a school (public or private). The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:~~

~~i. in a direct line from the property line of the public or private school to the property line of the place of business and in a direct line across intersections; or~~

~~ii. if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.~~

~~5. Upon written request, the city shall be provided with copies of appropriate reports submitted to state agencies not later than 30 days after the end of each quarter for which the report relates as well as, any other information that may be required by the city to determine compliance with any required alcoholic beverage/food ratio.~~

~~6. The city may audit the average of combined sales as reflected on the reports submitted pursuant to paragraph 5., above, for the most recent two quarters to determine if the sale of alcoholic beverages exceeds the maximum allowed percentage specified in the specific use permit (conditional) or this section for the review period. If the ratio of alcoholic beverage sales to food sales exceeds the maximum allowed, the business shall have the next two consecutive quarters following the review period to bring the average ratio into compliance with city ordinances. If at the end of two next quarters, the ratio is still not in compliance with city ordinances, the council, after notification and hearing, may revoke the specific use permit (conditional).~~

~~**Sec. 6.03.9. - Beer and wine package sales permit process.**~~

~~The permit process is as follows:~~

~~1. The applicant will have to request a beer and wine permit from the Texas Alcoholic Beverages Commission.~~

~~2. The Texas Alcoholic Beverages Commission will direct the applicant to obtain verification of zoning, wet/dry location, and distance separation from the city.~~

~~3. This request will be accepted by the department of planning and development, which will verify wet/dry location, zoning, and distance separation, and forward to the city secretary for certification.~~

~~4. A zoning application must be completed to initiate the special use permit process for an establishment that derives more than 50 percent of its revenues from the sale of beer and/or wine.~~

. . .

Sec. 6.04.1. - Temporary use permit applications.

. . .

4. *Types of temporary use permits.*

a. *Seasonal sales*. Temporary sales of seasonal products such as firewood, plants, fruits, vegetables, and similar items or products may be allowed during their normal and generally accepted season, and subject to the following provisions:

i. Issuance of permits for temporary outdoor sales of seasonal products shall be limited to areas zoned for retail or commercial uses.

ii. Where an existing business is operating in accordance with a certificate of occupancy, the area for display shall be no more than 200 square feet, being generally square or rectangular in shape, with a maximum length of 25 feet and a minimum width of eight feet. Examples would be ten feet by 20 feet, or eight feet by 25 feet.

~~iii. This section does not apply to temporary outdoor services such as mobile blood banks, mammography screening, eye screening, or similar medical services for humans.~~

iii. An application for a temporary use shall also include a true copy of the sales tax permit which designates the city as point of sale.

iv. Temporary sales of fruits and vegetables for off-premises consumption shall be allowed; however, the products must remain whole, and not be cut or opened in any manner.

b. *Christmas tree sales*-. Temporary sales of Christmas trees during the normal and generally accepted season subject to the following provisions:

i. Issuance of permits for temporary outdoor sales of Christmas trees shall be limited to areas zoned for retail or commercial uses, or any ~~church~~ religious facility property.

ii. Sales may not begin prior to November 15.

iii. Sale site must be cleaned and vacated by January 1.

iv. The application for a temporary use permit shall also include a true copy of the sales tax permit which designates the city as point of sale.

v. A temporary use permit for Christmas tree sales shall be excluded from the maximum number of temporary use permits allowed under section 6.04.1.1.

c. *Carnival, circus, or fairgrounds* may be allowed provided the use conforms to all other provisions of this Code and the Code of Ordinances.

i. The term of a temporary use permit for a carnival, circus, or fairgrounds shall not exceed a maximum of five days.

ii. Issuance of permits for a carnival, circus or fairgrounds shall be limited to areas zoned for retail or commercial uses, or any ~~church~~ religious facility property.

d. *Temporary event*. Sporting events, philanthropic or religious events, community garage sales for charities, political rallies and similar activities may be allowed provided the use conforms to all other provisions of this Code and the Code of Ordinances. Parking lot sales may be allowed for the existing businesses holding a certificate of occupancy for the site. An event is not considered a parking lot sale if no point of sale occurs onsite and the event is not for the express purpose of generating sales.

i. Issuance of a permit for a temporary event pursuant to this paragraph d. shall be limited to areas zoned for non-residential uses.

ii. The term of a temporary use permit issued pursuant to this paragraph d. for a temporary event shall not exceed 15 days.

. . .

h. *Uses Excluded.* This section does not apply to temporary outdoor services such as mobile blood banks, mammography screening, eye screening, or similar medical services for humans.

. . .

Sec. 6.04.2. - Temporary buildings.

. . .

~~2.~~4. ~~*Church Religious or school t*~~*Temporary accessory buildings for school use*. Temporary accessory buildings for ~~church~~ religious, public or private school use are subject to the following conditions:

a. Temporary accessory buildings for ~~church~~ religious, private or public school use constructed of alternate exterior building materials are allowed by permit by the director for a maximum of 24 months. Thereafter, the permit may be renewed by the city council on an annual basis for additional periods of 12 months each if active preparation and/or efforts have or are being taken in completion of the development which necessitated the temporary accessory buildings.

b. The director may approve an alternate exterior building material ~~if~~ of noncombustible construction and in accordance with the city's building code and fire prevention code. Metal exterior walls shall be compatible in color with the principal building and existing surrounding structures. If the walls are metal, the use of corrugated panels is prohibited; profile panels, deep ribbed panels and concealed facing systems are permitted. Exterior finish for metal walls fronting or siding a public street shall be of a permanent material such as baked or enamel finish or painted to the wall manufacture standards. The use of galvanized, corrugated aluminum coated, zinc-aluminum coated, or unpainted exterior metal finish is prohibited.

c. The temporary accessory building shall be removed prior to the end of the period when such building is allowed under this section.

d. Not more than three temporary accessory buildings shall be allowed on the same site, lot or tract of land for ~~church~~ religious or private school use.

. . .

Sec. 6.06.2. - Fueling stations.

Fueling stations, whether developed as a principal or accessory use, shall be subject to the following additional development and use regulations:

1. Gasoline pump islands may not be located nearer than 18 feet to the street right-of-way or to any adjacent property line.

2. Underground fuel tanks may not be located under designated fire lanes.

3. A fuel truck maneuvering schematic must be submitted and approved prior to issuance of a building permit.

4. All fueling station canopies shall be designed and built with a sloped, mansard roof or similar style. Fueling station canopies with flat roofs are not permitted. The columns supporting the fueling station canopy shall be encased with brick, stone, or other similar material that matches the primary building.

5. Vent stacks and pipes shall be placed so they are not visible from any adjacent street.

~~1.~~6. When developed on a corner at the intersection of two streets, the buildings, structures, and site improvements shall be oriented to face the intersection (radially/ 45 degrees facing the point of intersection); provided, however, the director of community development and director of engineering may grant an exception to the foregoing requirement when one of the intersecting streets is a residential street or similar minor street.

. . .

Sec. 6.06.3. - Hotels.

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

1. *Building design.*

a. *Accessibility*. A guest room shall be accessible only from an internal hallway while is accessible primarily from a central lobby area contained within the hotel.

~~a.~~b. *Exterior walls.* Exterior walls, regardless of the number of stories (excluding doors, windows and window units) shall be composed of:

i. At least 75 percent primary masonry materials such as brick, stone, hand-laid tile (laid unit-by-unit), or veneer of such materials having the appearance of hand-laid units;

ii. Not more than 25 percent secondary masonry, materials that is exterior insulation and finish systems composed of natural aggregates and synthetic binders having a minimum applied thickness of 0.75 inches, exposed aggregate, glass block or decorative concrete masonry units other than flat-gray block; and

iii. Not more than ten percent non-masonry materials.

2. *Site facilities.*

a. *Number of rooms.* A full-service hotels and suite hotels shall have at least 100 guest rooms.

b. *Meeting rooms.* A full-service hotel shall have at least 4,000 square feet of meeting room space. A limited-service hotel shall have meeting rooms of at least 700 square feet in area. Meeting rooms shall be equipped with a sink and a coffee bar.

c. *Swimming pools.* All hotels shall have a swimming pool of at least 800 square feet of surface area.

d. *Restaurants and food service.* A full-service hotel shall have full food and beverage service. Suite and limited-service hotels shall have either full or limited food and beverage service.

i. For purposes of this section, the phrase "full food and beverage service": shall mean providing three meals per day in an on-site restaurant with table service provided primarily by waitpersons, seating for at least 30 customers, and full menu service offering multiple entrees with on-site food and beverage preparation.

ii. For purposes of this section, the phrase "limited food and beverage service: shall mean providing food and beverage service for fewer than three meals per day.

3. *Parking and circulation*. The following requirements apply to all hotels:

a. In addition to required parking for any additional component of the hotel such as meeting rooms and restaurants, parking shall be provided at the ratio of 1.25 parking spaces per guest room for full service hotels and 1.0 space per guest room for limited service and suite hotels.

b. An attached, covered, drive-through area adjacent to the hotel lobby or main desk shall be provided for the temporary parking of vehicles during guest registration or check-out.

c. All parking areas shall be illuminated by lighting standards having a minimum illumination intensity of 2.0 foot-candles measured at ground level.

4. *Screening*. In addition to any other screening and landscaping requirements imposed by the Code of Ordinances and/or this Code, all hotels shall provide screening of ground-mounted dish antennas, satellite earth stations, parabolic or spherical antennas, and any other device or assemblage of devices designed to transmit and/or receive signals to or from orbiting satellites, HVAC (other than HVAC equipment serving an individual unit), mechanical equipment and auxiliary power equipment by means of a masonry screening wall or a wrought-iron (tubular steel) fence with a living screen, either of which shall be of sufficient height to block visibility of the equipment from view from the street.

~~2.~~5. *Site access.* Primary access to the site shall be from freeway access roads, major arterials, or internal service roads serving commercial development. Secondary access shall be from streets classified as major collectors, arterials, freeway access roads, or internal service roads serving commercial development.

. . .

Sec. 6.06.8. - Outdoor storage and display.

Outdoor display and outdoor storage, where allowed in association with a principal or accessory use in accordance with section 4.20.2 or section 4.20.3, respectively, shall be subject to the following additional use and development regulations:

1. *Outdoor display.* Outdoor display shall only be permitted as follows:

a. Outdoor display shall not be located within any required front or side yard and must be located a minimum of 20 feet from any street or alley right-of-way line.

b. Outdoor display may not cover more than 30 percent of a front yard (not including required yards) and may not be located on the roof of any structure.

c. Outdoor display and any associated display structures (e.g. tables, display cases, trailers, etc.) shall not be located within any required parking space, loading area, fire lane, vehicle maneuvering aisle, or customer pick-up lane.

d. Displayed items and their associated display structures shall not obstruct visibility or interfere with pedestrian or vehicle circulation.

e. Detailed drawings of proposed outdoor display areas must be submitted to the director or designee for review and approval prior to setting items out for display.

f. Outdoor vending machines and unattended vending machines/facilities are prohibited.

g. Attended and unattended donation boxes, structures, and sites shall be allowed only as an accessory use to a permitted use on the property, shall not be subject to the standards set forth in subsections 1.a – 1.f of this section, and shall ~~meet~~ comply with the following requirements:

i. ~~A permit~~Approval of a Site Plan must be obtained from the city prior to placing the donation box on the property;

~~i. Donation boxes must be operated by a nonprofit charitable organization that has obtained a determination letter pursuant to 26 U.S.C. § 501(c)(3);~~

ii. Donation boxes shall not be allowed in any residential zoning district;

iii. No more than one donation box is allowed per lot;

iv. A "no dumping" sign and the name, mailing address, and phone number of the party responsible for collection from the box must be posted in a conspicuous location on the box;

v. Donation boxes must be maintained in good condition and appearance with no structural damage and shall be kept free of graffiti;

~~ii. Donation boxes may not be used as either an on-premise or off-premise sign; provided, however, the box may contain on its exterior the name, trademark or other logo, and contact information for the organization receiving the donation of items being placed in the box; and~~

vi. The operator and property owner shall maintain or cause to be maintained the area surrounding the unattended donation box(es) free of any junk, debris or other material and shall be responsible to the extent provided by law for the cost to abate any violation. Any junk, debris or material must be removed not later than 24 hours after delivery of notice by the city.

2. *Outdoor storage.* Outdoor storage shall only be permitted as follows:

a. Outdoor storage shall not be located within any required front yard.

b. Outdoor storage shall be screened from all streets, alleys, rights-of-way~~s~~ and adjacent properties in accordance with section 7.07.4.

~~a.~~c. Detailed drawings of proposed screening for outdoor storage areas must be submitted to the director or designee for review and approved prior to setting items out for storage.

Sec. 6.06.9. - Tattoo studio.

Tattoo studio shall not be located within 1,000 feet of any ~~church~~ religious facility, residentially-zoned district, or public or private school. In order to determine compliance with this section, the distance between the tattoo studio and the ~~church~~ religious facility, residential district, or school shall be measured from the front door of the premises to be permitted to the closest property line and then in a straight line to the nearest property line of the ~~church~~ religious facility, school or residential property.

Sec. 6.06.10. - Wind energy systems.

An applicant's submittal for a building permit, electrical permit, and specific use permit for location and installation of a wind energy system within the city must demonstrate compliance with the following use and development regulations, in addition to the specific use permit review standards under section 6.01:

1. *Location requirements*.

a. *Minimum lot size.* Minimum lot size for all districts is 1.5 acres.

b. *Lot to system ratio.* Maximum of one system per 1.5 acres.

c. *Maximum height*. Maximum height for all freestanding systems is 90 feet. The height of a freestanding wind energy system must be measured as the distance from the existing grade, prior to any modifications to the grade, to the highest point on the system, including the vertical length of any extensions such as the rotor blade. Attached systems shall not extend more than 15 feet above the roofline and shall not exceed 90 feet in total height, dependent upon the results of the structural engineering plans, performed by a Texas registered professional engineer, for the building or structure on which the system will be mounted. The height of any wind energy system may not exceed the manufacturer's recommendations for the system.

d. *Yards*. No wind energy system may be located in any required front yard, between a principle building and a required front yard, in front of the front building line of the principal building, or between the principal building and any public street.

e. *Fall radius*. Each wind energy system must be set back a minimum distance of 110 percent of the total system height from any property line, right-of-way, or public

or private easement where above ground structures or utility lines exist, or are likely to exist, without proof of the lawful consent of the easement owners.

f. *Vertical ground clearance*. The blade tip of any wind energy system must, at its lowest point, have a ground clearance of no less than 25 feet, as measured at the lowest point of the arc of the blades.

2. *Requirements*.

a. *Certification*. All wind energy systems must be approved under an Emerging Technology program, such as the California Energy Commission, IEC, or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy.

b. *Survival wind speed*. All wind energy systems and associated components, including, but not limited to, generator, rotor blades, or other components and covers, must be constructed of materials and be installed to meet or exceed the minimum wind resistant construction standards of the Texas Department of Insurance Wind Load Factors for the North Texas area and Article III of this code.

c. *Controls and brakes*. All wind energy systems must have automatic and manual braking systems which engage at the maximum wind speeds allowable as designated for the type of wind energy system installed to prevent uncontrolled rotation and excessive pressure on the tower structure, rotor blades, and turbine components.

d. *Maintenance*. The owner and operator of a wind energy system must maintain the system to manufacturer standards. All required periodic maintenance must be performed as recommended by the manufacturer.

e. *Appearance*. All wind energy systems must maintain a non-reflective, white or off-white finish.

f. *Signs*.

i. *Advertising*. Advertising or identification of any kind on wind energy conversion systems is prohibited.

ii. *Informational sign*. Each wind energy system must have a sign, not to exceed two square feet in area, posted at the base of the tower providing the following information:

(a) Electrical shock hazard or high voltage warning;

(b) Manufacturer's name;

(c) Emergency phone number; and

(d) Emergency shutdown procedures.

g. *Wiring*.

i. *Storage*. All electrical wires and cables associated with a freestanding wind energy conversion system must be located on or within the tower in a manner that minimizes their visibility, and must be installed in compliance with Article III of this Code.

ii. *Installation*. All transmission wires and cables must be installed underground and comply with Article III of this Code.

h. *Lighting*. Wind energy systems may not be artificially lighted, unless requested or required by the Federal Aviation Administration.

3. *Prohibition, nuisance abatement and decommissioning*

a. *Prohibited models*. The following wind energy systems are prohibited in all zoning districts;

i. Guyed or latticed towers for small, medium, or large wind energy systems;

ii. Experimental, homebuilt, and prototype models.

b. *Shadow flicker*. Plans submitted for review with the building permit application must disclose how the property owner and operator shall minimize shadow flicker to any occupied building on or offsite, by limiting flicker effect to a maximum of two five-minute periods in one day.

c. *Signal interference*. The manufacturer or wind energy system representative must take into consideration the proposed location of the wind energy system and certify that the siting of the wind energy system will not interfere with any existing microwave communications links or existing fixed broadcast, retransmission, or reception antenna for radio, television, wireless phone, or other personal communication systems. Operation of wind energy systems must be discontinued if such interference occurs after the construction, until such time as the interference is mitigated for or eliminated.

d. *Sound emissions*.

i. *Residential sound limits*. The sound levels emitted from any wind energy system operation within, or adjacent to, any zoning district that authorizes residential use, may not exceed the noise standards in section 7.08.4.a;

ii. *Nonresidential sound limits*. The sound levels emitted from any wind energy system operation that is not located within, or adjacent to, any zoning district that authorizes residential use may not exceed the noise standards in section 7.08.4.a by more than ten dbA;

iii. *Sound level complaints*. It shall be unlawful for the owner of a wind energy system to cause or permit the system to produce sounds that:

(a) exceed the limits set above in subsections c.iv.(a), or(b);

(b) are considered tonal, vibrational, mechanical, aerodynamic, frequent, or continuous and exceed the limits set above in subsections c.iv.(a) or (b);

~~(a)~~(c) interfere with the peaceful enjoyment of an adjacent property owner;

e. *Security*.

i. *Ground clearance*. The bottom of the tower, measured from ground level to 15 feet above ground level, must be designed in a manner to discourage unauthorized climbing.

ii. *Access*. All access doors to wind turbine towers and electrical equipment must be lockable and remain locked at all times except while people are on the site of the tower performing maintenance or repair of the system.

iii. *Fencing*. Fencing of turbine areas may be required, at the discretion of the director, based upon site-specific safety concerns.

f. *Public safety*. The proposed wind energy system must be designed and operated to protect public safety by measures that may include, but are not limited to, the following:

i. The proposed wind energy system must be designed, constructed, and operated so the public cannot come within close proximity to turbine blades and electrical equipment; and

ii. The proposed wind energy system must be designed, sited, constructed, operated, and maintained to prevent the structural failure of the system or blades that could endanger the public's safety.

g. *Other properties*. The wind energy system or facility may not adversely affect the uses of adjoining and adjacent properties.

h. *Wildlife resources*. The proposed wind energy system must be designed to reduce the likelihood of significant adverse effects on wildlife and wildlife habitat, particularly with regard to migratory birds and protected species.

i. *Enforcement*.

i. *Safety*. Any wind energy system found to be unsafe by the city building official must be repaired by the owner not later than 60 days of receipt of the building official's notice to meet federal, state, local and manufacturer safety standards, and the standards of this section.

ii. *Notice*. If any wind energy system is not operated for at least a continuous period of six months because of operational difficulties or abandonment, the landowner shall provide the city the reasons for the operational difficulty or abandonment and provide a reasonable timetable for corrective action, or removal of the wind energy system as outlined under subsection c.x, below, regarding decommissioning.~~.~~

iii. *Resolution*. If the director or designee deems the timetable for corrective action as unreasonable, the director or designee, may notify the landowner or operator, who shall remove the wind energy system not later than six months of receipt of notice from the director.

j. *Decommissioning*.

i. *Useful life*. The wind energy system is presumed to be at the end of its useful life if no electricity is generated for a continuous period of six months.

ii. *Responsibility*. The property owner or operator shall, at their sole expense, complete decommissioning of the wind energy system not later than six months from the time it is determined that the wind energy system has met the end of its useful life as outlined in this subsection c.x.

iii. *Required action*. Decommissioning must include removal of the entire wind energy system, including buildings, cabling, electrical components, and any other associated facilities.

iv. *Remediation*. Disturbed earth must be graded and re-seeded.

v. *Bonds*. At the city's request, the applicant shall post a bond for the costs of decommissioning the wind energy system at the end of its useful life.

4. *Application requirements.*

a. *Applications*. An application for approval of a wind energy system must include text and maps sufficient to show that the proposed wind energy system complies with the standards under this section. A site plan meeting the requirements of section 6.05 must be submitted in addition to the following:

i. The approximate generating capacity of the wind energy system.

ii. An estimate of the total on-site electrical demands.

iii. The name of the manufacturer and model being used.

iv. The height of the wind turbine to be constructed.

v. The phone number and name of a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

vi. The exact location and orientation of each wind energy system within the site and the direction of the prevailing winds.

vii. The location and distance to neighboring residences, buildings, schools, churches, hospitals, or libraries to a distance of 500 feet.

viii. The location and distance to neighboring residences, buildings, schools, ~~churches~~ religious facilities, hospitals, or libraries to a distance of 500 feet.

(a) Design specifications of the wind energy system, including the tower, base, footings, and system components;

(b) An engineering analysis and certification of each tower, showing compliance with Article III of this Code;

(c) Drawings that indicate the total finished wind energy system heights from the grade level prior to any modifications, including any engineered break points along the tower;

(d) The wind survival speed of the entire system, including turbine, rotor blades, covers, and other components;

(e) Data pertaining to the tower's safety and stability, including any safety results from test facilities; and

(f) A copy of the manufacturer's installation instructions.

(g) For building or structurally-mounted systems:

(i) The certified and sealed engineering plans prepared by a professional engineer registered in the State of Texas must show how the wind energy system will be installed for the portions of the structure proposed for use in the mounting the system.

(ii) The engineering plans must state and show that the proposed wind energy system is compatible with the portions of the mounting structure proposed for use.

(iii) The engineering plans must state that the wind energy system does not impose a safety hazard to the main structure, adjacent property, or their occupants.

b. *Written statements and additional documentation*. In addition to the site plan, applications for all wind energy systems must include proof of the following in the form of written statements:

i. A statement verifying that the small, medium, or large wind energy conversion system will be used solely for on-site consumption of electricity, and any additional energy produced above the total onsite demand can only be sold to an electrical utility that normally provides electrical power to the property;

ii. A statement from any architectural review board, property owners', or homeowners' association that the proposed system complies with association requirements and restrictions if applicable;

iii. A statement that the project site is, or is not, where air traffic may be a consideration affecting the installation of the system. (The applicant shall provide evidence of compliance with any applicable aviation regulatory requirements);

iv. Copies of all required applications for city, state, and federal permits and licenses;

v. Copies of all biological/environmental assessments performed for the project site, which may have been required by a federal or state government agency having jurisdiction of the property or the system;

vi. Copies of any city, state, and federal permits, licenses, biological opinions, records of decision, memoranda of understanding, exemption, variance, or other authorization or approval related to the proposed wind energy project; and

vii. Copy of the manufacturer's scheduled maintenance requirements for the proposed system.

c. *Permit issuance*. Prior to receiving a building permit, electrical permit, or specific use permit for the wind energy system from the city, the applicant must show consideration of, and provide proof of compliance with the following:

i. Federal Aviation Administration (F.A.A.) Order JO 7400.2, "Procedures for Handling Airspace Matters Advisory Circular AC 70/7460-1K", and Title 14 Code of Federal Regulations (14 CFR) part 77, "Obstruction Marking and Lighting, Obstruction Standards," including, if required, filing Form 7460-1 with the F.A.A..

~~i.~~ii. All state laws regarding connection of the wind energy system to the state electrical grid, which proof shall include providing a copy of the " Application for Interconnection and Parallel Operation of Distributed Generation" , as may be amended or replaced in the future, that has been fully executed and approved by the electric utility company that owns the electrical system to which the wind energy system will be connected.

Sec. 6.06.11. - Solar panels.

An applicant's submittal for a building permit, and electrical permit, for locating a solar panel within the city must demonstrate compliance with the following standards.

1. Location and design requirements.

a. Solar panel systems shall be allowed as an accessory use in all zoning districts.

b. Rooftop installations.

i. Solar panels may be installed on the roof of any primary structure, or permitted accessory structure (such as a patio cover or storage building), subject to verification of structural load requirements.

ii. Solar panel systems shall not directly face any public street regardless of screening.

iii. Roof mounted solar panel systems shall not extend past the roofline and shall be mounted parallel with the existing slope of the roof system.

iv. On a flat roof, solar panels shall not exceed the height requirement for the zoning district for which it is located in, and shall be screened as rooftop mechanical from the public right way as required by this Code.

c. Ground-mounted installations.

i. Solar panel systems shall be located behind the front building line and shall meet all applicable building setback provisions for accessory structures.

ii. Panels and equipment shall be separated from public view on all sides by a solid fence or wall.

2. *Additional requirements*.

a. *Permit requirements*. All solar panel systems shall be in compliance with the current adopted International Building Code and International Fire Code, as amended.

b. *Glare*. A solar panel shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. A solar panel system, or any component thereof, that creates glare or reflection onto adjacent properties or roadways is determined to constitute a nuisance. If a solar panel system or any component thereof is deemed to constitute a nuisance or a safety hazard, the city has the authority to require the owner to remove, redesign or screen the solar panels to the extent necessary to eliminate the glare onto the adjacent property or roadway.

~~a.~~c. *Maintenance*. The owner of the property with a solar panel system shall maintain the system so that it does not create a safety issue for surrounding property owners. Solar panels that are not in use shall be disengaged so as to prevent accidental electrical charges to property or persons.

. . .

Sec. 6.06.13. - Urban residential.

Urban residential dwelling uses shall be subject to the following additional development and use regulations:

1. *Base zoning*. Urban residential uses shall comply with the use and development regulations applicable to the development of a multi-family residential district except as provided in this section or the development and use regulations of a planned development zoning district.

2. *Mixed-use integration*. Urban residential projects shall be integrated at the time of construction within mixed-use developments. Residential units may be located in separate freestanding buildings or may be combined in multi-use buildings of multi-story design.

3. *One-bedroom minimums*. No less than 65 percent of the dwelling units shall be one-bedroom units.

4. *Access*. All dwelling units shall be accessed through an interior climate controlled corridor.

5. *Parking*. Not less than 70 percent of all parking spaces must be located in a parking structure or enclosed garage.

6. *Connectivity*. Pedestrian walkways shall connect all on-site common areas, parking areas, open space, recreational facilities and to adjacent uses within the mixed-use development.

7. *Retail component*. Where buildings face a public or private street or an active pedestrian area, the first floor shall be retail ready, and shall be constructed with minimum 14-foot-high ceilings and mechanical chases necessary for conversion to commercial uses.

~~1.~~8. *Architecture*. All buildings containing dwelling units shall be a minimum of three stories. Street-facing facades shall incorporate articulation and mix of color and materials consistent with the architectural style of the building to create diversity in the streetscape. All buildings are required to have consistent "four-sided" architectural treatments. Sloped roofs shall provide articulation, variations, parapets, gables, dormers or similar architectural elements to screen the roof and to break up the massiveness of the roof.

Sec. 6.06.14. - Townhomes.

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

1. *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.

2. *Units*.

   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.

3. *Lot design*. Townhome developments shall be developed with units that face a public street or an open space in accordance with the following:

   a. 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 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. No utilities shall be located in the tree planting area.

iii. A utility and pedestrian access easement not less than ten feet wide must be located between the tree planting area and townhome but no closer than five feet 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 20 feet in length or longer or six feet in length.

vii. No fence shall be located closer to an alley than the face of the garage or within a utility easement.

b. Dwelling units that front an open space shall be developed subject to the following:

i. The open space shall be not less than 30 feet 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 20 feet in length.

v. Paved alleys not less than 24 feet 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.

~~i.~~ix. No fence shall be located closer to an alley than the face of the garage or within a utility easement.

4. *Parking.*

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

b. Visitor parking spaces shall be constructed subject to the following:

i. One visitor parking space must be constructed for every two dwelling units constructed within the development with a driveway 20 feet in length;

ii. One and one-half visitor parking spaces must be constructed for every two dwelling units constructed within the development with a driveway six foot 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.

5. *Setbacks* .

a. *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 15 feet.

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.

b. *Rear yards*.

i. Minimum ten feet; except where garages are accessed with six-foot-long driveways, in which case the setback shall be six feet.

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.

c. *Side yards*.

i. Minimum 12 feet between buildings.

ii. Minimum 15 feet if adjacent to a street or alley.

6. *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 tree for every 30 linear feet of street frontage. Trees shall be planted a minimum of 30 feet 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.

7. *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 15 feet. Lots shall not back to open space.

8. *Architecture*. Townhome buildings shall be designed to comply with the following:

a. 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).

b. 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.

~~i.~~v. Staggering of exterior walls.

Sec. 6.06.15. - Mobile food establishments.

This section establishes regulations for operating various mobile food establishments within the city. Mobile food establishments may only operate in accordance with the following:

1. *Definitions*. As used in this section 6.06.15, the following words and phrases shall have the following meanings unless the context clearly indicates as different meaning:

. . .

~~1.~~2. *Authorized locations*.

a. No person may serve food to the public from a mobile kitchen except at the following locations:

. . .

~~2.~~3. *Food truck sites*.

. . .

~~3.~~4. *Food truck parks*-. Food truck parks may be located in the various zoning districts within the city in accordance with section 4.20.2, schedule of principal uses and section 4.20.4, schedule of principal uses—central business district, all applicable development requirements of this Code for the respective zoning districts, and the following:

. . .

~~4.~~5. *Additional requirements*-. Any person operating a mobile food establishment shall comply with the following:

. . .

Sec. 7.03.4. - Outdoor lighting.

. . .

1. *General standards*-.

. . .

e. *Shielding*-. Shielding shall be required in all installations except as specified in this section. The allowable light sources and the requirements for shielding light emissions for outdoor light fixtures shall be as set forth in the following table:

Lamp Type	**Requirements**
High pressure sodium	~~Fully shielded~~Prohibited
Metal halide	Fully shielded
Mercury vapor (color corrected only)	Fully shielded
Fluorescent	Fully shielded
Incandescent (over 150 watts per fixture)	Prohibited
Incandescent (under 150 watts per fixture)	Partially or fully shielded
Any light source 50 watts and under	Unshielded permitted
Low intensity neon, or krypton, or argon discharge tubes	Unshielded permitted
Light emitting diode (LED)	Fully shielded

. . .

8. *Parking lot and loading area lighting*-.

a. The mounting height of luminary fixtures shall not exceed the following:

Parking Area	**Maximum Mounting Height**
0 to 50 parking spaces	14 feet
51 to 200 parking spaces	20 feet
201 or greater parking spaces	25 feet

b. All parking lot and loading area lighting shall comply with the following requirements:

i. Base cover and base, pole, light arm, and luminaire housing shall all be ~~dark bronze in color~~black, brown, forest green, gray, or other neutral color designed to be complementary to the overall design aesthetic of the development;

ii. Light pole must be square straight steel, or other standard geometric shape with an anchor base;

iii. Luminaire shall be generally rectangular or square in shape and have ~~either high pressure sodium or LED~~ an approved fixture type as described in this Section 7.03.4; and

iv. All lighting fixtures shall be fully shielded.

c. All electric utility service facilities shall be underground.

. . .

Sec. 7.04.1. - Vehicle parking.

In all districts there shall be provided, at the time any building or structure is erected or structurally altered, off-street parking spaces in accordance with the following requirements:

1. Rules for computing number of parking spaces, shown in Table 7.04.1. In computing the number of parking spaces required for each of the above uses the following rules shall govern:

. . .

TABLE 7.04.1. PARKING REQUIREMENTS

USE	PARKING SPACE PER								PLUS/FOR SQUARE FOOTAGE GREATER THAN
	DWELLING UNIT	Fixed number	Sq. Ft. of Gross Area	Fixed Seats	Bedroom/Suite	Bowling lanes	Beds	Hole of Golf	
ACID MANUFACTURE									Plus 1/300 sq. ft.>2,000*
. . .									

~~CHURCH, TEMPLE OR RECTORY~~RELIGIOUS FACILITY				3					Plus 1/300 sq. ft. indoor space designated for education
. . .									

. . .

2. Location of parking spaces. All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

a. Stacking spaces provide the ability for vehicles to queue on-site prior to receiving a service. In all districts, at the time any building or structure is erected or altered, stacking spaces shall be provided for uses that include, but are not limited to, service stations, drive-through restaurants, drive-in or drive-through banks, and similar uses that allow customers or clients to receive services and/or conduct activities on the property without leaving their vehicle. City staff may require a traffic study to determine the stacking and queuing requirements to properly identify the number of stacking spaces required.

b. A maximum of 50 percent of the parking spaces required for theaters, bowling alleys, dancehalls, nightclubs, cafes, or similar uses, and a maximum of 80 percent of the parking spaces required for a ~~church~~ religious facility or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours; provided, however, that written agreement thereto is properly executed and filed as specified below.

. . .

Sec. 7.04.2 - Off-street loading.

. . .

2. *Screening of loading areas*.

. . .

c. No loading dock or service bay doors shall be constructed on any portion of a front wall or on a side or rear wall within 100 feet of U.S. 75, SH 121, and ~~SH 5~~Greenville Avenue right-of-way, or within 60 feet of any front property line.

. . .

Sec. 7.07. - Fences and walls.

. . .

2. *Construction of screening walls or visual barriers.*

a. When screening walls are required by this Code, an approved eight-foot masonry wall, or alternative design approved by the commission, shall be required. Masonry screening walls shall meet the design details described in ~~Appendix F as well as~~ the following:

i. Masonry screening walls may be constructed of clay-fired brick or stone masonry units;

ii. Where screening walls are used to separate land uses or developments and do not front on a public street, pre-cast concrete panels may be used in lieu of clay-fired brick or stone masonry provided they are textured and colored to have the appearance of stone or clay-fired bricks;

iii. Garbage, trash or refuse container screening shall compliment the primary building materials and may utilize split faced concrete masonry units.

. . .

4. *Screening walls or visual barriers required.* A screening wall shall be erected or placed in all locations and in accordance with the following provisions:

. . .

f. The rear and side lot lines of residential lots adjacent to greenbelts, open space or parks shall be required to have an ornamental ~~wrought iron~~ metal fence with a minimum height of six feet, unless an alternative is approved by the planning commission.

. . .

Sec. 7.08. - Performance standards.

. . .

4. In all zoning districts, any permitted principal or accessory use shall conform in operation, location and construction to the performance standards administered by county, state or federal agencies. All uses, including those which may be allowed by PD planned development district or specific use permit, shall conform to the appropriate standard for noise, smoke and particulate matter, odorous matter, fire, explosive hazard, toxic and noxious matter, vibration and glare.

a. *Noise*.

i. A person shall not conduct any use that creates a noise level that exceeds the standards established in this section.

ii. Noise will be measured with a sound level meter or octave band analyzer meeting the standards prescribed by the American Standards Association.

iii. Traffic, aircraft and other background noises are not considered in measuring noise levels except when such noises are generated on and as a result of the uses subject to investigation for possible noise violations.

iv. For purposes of this section, the base zoning district within a planned development district shall establish the land use classification for purposes of this section.

v. The requirements of this section do not apply to:

a) Noises not directly under control of the property user.

b) Noises emanating from construction and maintenance activities during daytime hours.

c) Noises of safety signals, warning devices and emergency pressure relief valves.

d) Noises of properly maintained residential-type air conditioning, ventilating, heating devices, or pool equipment (if within sound levels specified by the manufacturer or similar to sound levels produced by equivalent, adjacent devices).

vi. Construction activity shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. within 500 feet of existing residential structures, unless otherwise approved by the chief building official.

vii. At no point at the bounding property line of any use shall the sound pressure level of any operation or activity exceed 65 dB(A) for daytime (between 7:00 a.m. and 8:00 p.m.) and 58 dB(A) at nighttime.

. . .

Sec. 8.03.3. – Preliminary Plat

1. *Zoning.* The subdivision shall be designed to conform to the requirements of the specific zoning district within which it is located. Any change in zoning required in relation to the preliminary plat shall have been enacted by the city council prior to consideration of an application for the preliminary plat by the commission.

2. *Preliminary Plat submission.*

a. Contents

. . .

xxii. A note on the plat stating, "Only lots classified as Block X are considered open space. All open space and common properties shall be owned and maintained by

a property/homeowners' association established in accordance with Allen Land Development Code Sections 8.20.2 and 8.20.4."

. . .

Sec. 8.03.4. - Final plat.

. . .

2. *Required information.* An application for final plat shall not be deemed complete, and shall not deemed to be filed, unless and until the applicable application fee has been paid and the application, inclusive of the proposed final plat drawing and required supporting documents, includes all of the following information in addition to the information required on the related preliminary plat:

. . .

y. A note on the plat stating, "Only lots classified as Block X are considered open space. All open space and common properties shall be owned and maintained by a property/homeowners' association established in accordance with Allen Land Development Code Sections 8.20.2 and 8.20.4."

. . .

Sec. 8.11. - Street lights.

The city requires street lighting to improve the safety and usability of all roadways. The following requirements are to establish the minimum standards regarding the design and installation of street lighting, but should be considered flexible. Modifications to the standards will be considered by the ~~d~~Director of ~~e~~Engineering if the modifications incorporate new safety designs, achieve desired aesthetic treatment, or are shown to be more energy efficient. All new street light installations shall meet the approval of the director of engineering and may be reviewed by the Allen Police Department.

1. *Thoroughfare street lights*. This section applies to all streets identified on the City of Allen Thoroughfare Plan as arterials or divided collectors. Thoroughfare street light elements shall become the property of the City of Allen upon final acceptance of the subdivision or project. The elements (from the light sources to the meter) include all items necessary to provide such illumination. Thoroughfare street lighting shall conform to the following requirements:

a. All thoroughfare lighting poles shall have the following attributes:

i. Thirty-foot height.

ii. Installation location shall be in the median.

iii. Dual fixtures installed, if located in the median. Single fixtures are acceptable in situations that require parkway installation or the median width makes the installation of dual fixtures impractical.

iv. Capable of withstanding a 100 mph wind, with 30 percent gust factor.

v. Mounted on a cast-in-place pole-base, as illustrated in the Engineering Standard Details, using a 14-inch bolt pattern for the anchor bolts. Mounting bolts shall be a breakaway type bolt.

vi. Powder-coated medium bronze, seven-inch × seven-inch, and straight (for shoebox fixtures). Galvanized finish, round, and tapered (for cobra-head fixtures).

vii. Square, steel base cover, powder-coated or galvanized to match the finish of the pole.

b. All thoroughfare fixtures shall have the following attributes:

i. ~~High pressure sodium~~Light Emitting Diode (~~HPS~~LED) lamps, 250 watt equivalent. LED's shall be a color of 3000K.

ii. The use of cut-off optics is required to achieve a fully shielded (as defined in articles of this Code) light source. This requirement shall not be modified.

iii. Photometrics that minimize light pollution onto private property (at the ROW line) and provide an average intensity of one footcandle within the right-of-way. In the case of parkway installed lighting, forward-throw photometrics will be required. A photometric plan, signed and sealed by a licensed professional engineer, is required and shall be submitted to the engineering department for review.

iv. For shoebox installation, the fixture shall be powder-coated medium bronze and shall be ~~GE Decashield 400~~Trastar Duralight JXM-ST Shoebox or approved equivalent.

v. In the case of cobra-head installation, finish shall be ~~white or~~ grey and shall be GE ~~M-250A2~~Evolve Series or equivalent.

vi. Light spacing shall be determined by Texas Licensed Professional Engineer.

c. Service and circuitry:

. . .

vii. The control panel and all secondary service connections shall be fully enclosed in a vandal-proof controller cabinet (i.e. no Kindorff racks, where the components are exposed to the elements, will be permitted, in consideration of aesthetics and security). The controller cabinet shall have the following attributes:

(1) Illustrated on the construction drawings by a line diagram, signed and sealed by a licensed professional electrical engineer.

(2) Utilize a master photocell controller and relay-switch override.

(3) NEMA 3R enclosure, with drip edge and hinged door with lock. Lock shall match City of Allen standard key pattern.

(4) Mounted on an appropriate reinforced, concrete pad.

(5) If TXU or Oncor is the provider, the enclosure must include a Oncor or TXU -provided trans-socket. The trans-socket must remain intact when installed/integrated into the enclosure.

(6) The controller cabinet must be powder-coated green unless otherwise approved by the Director of Engineering.

2. *Residential street lights*. This section applies to all streets identified on the City of Allen Thoroughfare Plan as undivided collectors or local streets. Residential streetlight elements shall become the property of the City of Allen upon final acceptance of the subdivision or project. The elements (from the light sources to the disconnect device) include all items necessary to provide such illumination. Residential street lighting shall conform to the following requirements:

a. Street lights are required at all intersections, in cul-de-sacs, major street curves, and in other locations determined by the director of engineering. Developers shall furnish satisfactory easements for the installation of services to street lights, normally ten feet in width.

b. Residential lighting shall utilize the "shoebox" style fixture. Homeowners' associations may enter into agreements with the City of Allen to install, maintain, and replace residential street lights that differ aesthetically from what is required in the section.

c. All residential lighting poles shall have the following attributes (unless approved in writing by the director of engineering):

i. Height and spacing are based on pavement widths and are prescribed below.

ii. Single-fixture mounting.

iii. Capable of withstanding a 100 mph wind, with 30 percent gust factor.

iv. Mounted on a cast-in-place pole-base, as illustrated in Engineering Standard Detail, SD-P59, using a 14-inch bolt pattern for the anchor bolts. Mounting bolts shall be a breakaway type bolt.

v. Powder-coated medium bronze, five-inch × five-inch, and straight (i.e. not tapered).

vi. Square, steel base cover, powder-coated to match the finish of the pole.

d. All residential fixtures shall have the following attributes (unless approved in writing by the director of engineering):

i. ~~High pressure sodium~~Light Emitting Diode (~~HPS~~LED) lamp intensity is based off pavement width as prescribed below. LED's shall have a color of 3000K.

ii. The use of cut-off optics is required to achieve a fully shielded (as defined in articles of this Code) light source. This requirement shall not be modified.

iii. Forward-throw photometrics should be considered to reduce light pollution onto private lots or property. A photometric plan, signed and sealed by a licensed professional engineer, is required when the street lighting plan is submitted for engineering department review.

iv. For shoebox installation, the fixture shall be powder-coated medium bronze and shall be ~~GE Decashield or~~ Trastar Duralight –JXM-ST Shoebox or approved equivalent.

e. Service and circuitry:

i. Power to the street lighting system will come from the electric utility provider for the subdivision. Regardless of utility provider, the service line should come from the nearest electric transformer and be isolated by a disconnect switch or in-line barrel fuse located at the base of the pole (in the hand-hole). Secondary service lines shall be contained within a ten-foot utility easement (UE) illustrated on the plat. All service lines shall be underground. The director of engineering may require that residential street lights be on metered circuit similar to the thoroughfare street lighting.

ii. Circuit voltage shall be 120/240V. Designer shall confirm with local utility provider for availability.

iii. A photocell is required at the top of the pole unless powered by a controller and will have a master photocell at the controller.

f. Developer cost:

i. All residential street lighting shall be installed at the sole expense of the developer. Developers shall pay a fee to the City of Allen Engineering Department, which is estimated to be equal to the first two years (24 months) power consumption cost. The amount of the fee to be paid shall be determined by the following formula:

$$FA = 24 \times M \times F$$

Where:

FA = Fee amount.

M = Monthly charge per fixture (as determined by the Director of Engineering).

F = Number of light fixtures.

Residential Street Lighting Requirement Table					
Street Type, Paving Width (feet)	Light Source	Nominal Lamp Size (LED)(Watts)	Mounting Height (feet)	~~Typical~~Max Spacing (feet)	Minimum Spacing (feet)
<32	~~HPS~~ LED	100 Equivalent	20	250	~~200~~ 125
32 to 43	~~HPS~~ LED	150 Equivalent	20	250	~~200~~ 150
44 Undivided ≤	~~HPS~~ LED	150 Equivalent	30	350	~~300~~ 150

. . .

APPENDIX A - DEFINITIONS

. . .

~~*Beer and wine package sales* means an establishment engaged in the selling of beer and/or wine to the general public for off-site personal or household consumption and rendering services incidental to the sale of such goods.~~

. . .

~~*Church, temple or rectory* means a place of worship and religious training of recognized religions, including the on-site housing of ministers, rabbis, priests, nuns and similar staff personnel.~~

. . .

~~*Dance/martial arts studio* means a private commercial facility used as a place for instructional classes in dance, martial arts or similar uses.~~

. . .

~~*Gymnastics training center* means a gymnastics training center which provides training and exercise in the proper conditioning and preparation for the sport of gymnastics.~~

. . .

~~*Personal service* means service involving the care of a person, including barbershop, beauty shop, tailor, dressmaker, shoe shop, or similar shop offering custom service.~~

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, ~~and~~ nail salons, educational instructional activities (e.g., tutoring), and dance and martial arts studios.

. . .

Religious facility means a building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for religious personnel on the premises.