

ORDINANCE NO. 3846-8-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS AMENDED, BY AMENDING: SECTION 4.06 “CHANGES AND AMENDMENTS” REGARDING THE APPLICATION PROCESS FOR ZONING AMENDMENTS; 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 “CHURCH OR OTHER RELIGIOUS FACILITY”; SECTION 4.10 “RESIDENTIAL ACCESSORY USE REGULATIONS” REGARDING BUILDING PERMIT REQUIREMENTS FOR ACCESSORY STRUCTURES; ARTICLE IV “ZONING REGULATIONS” BY ADDING SECTION 4.11 “COMMERCIAL ACCESSORY USE REGULATIONS; SECTION 4.15.1 “GENERAL HEIGHT AND AREA PROVISION” TO CLARIFY CERTAIN SETBACK REGULATION; 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 “CHURCH, TEMPLE, RECTORY, OR OTHER RELIGIOUS FACILITY” WHERE IT APPEARS; SECTION 4.20.3 “SCHEDULE OF ACCESSORY USES” BY REMOVING THE USE “GYMNASTICS/DANCE STUDIO” AND ADDING THE USE “PERSONAL SERVICE BUSINESS”; SECTION 4.20.4 “SCHEDULE OF PRINCIPAL USES—CENTRAL BUSINESS DISTRICT” BY CHANGING THE WORD “CHURCH” TO READ “CHURCH OR OTHER RELIGIOUS FACILITY,” ADDING THE USES “FITNESS AND HEALTH CENTER” AND “PERSONAL SERVICE BUSINESS” AND CHANGING THE PHRASE “RESTAURANT/PRIVATE CLUB” TO READ “PRIVATE CLUB”; SECTION 4.20.5 “SCHEDULE OF ACCESSORY USES - CENTRAL BUSINESS DISTRICT” BY AMENDING THE USES “FITNESS AND HEALTH CENTER” AND “PERSONAL SERVICE BUSINESS”; SECTION 6.01.1 “PURPOSE OF SPECIFIC USE PERMITS”; SECTION 6.03.6 “RESTAURANTS WITH FOOD AND BEVERAGE CERTIFICATES—PERMIT PROCESS,” BY CHANGING “PLANNING AND DEVELOPMENT DEPARTMENT” TO READ “COMMUNITY DEVELOPMENT DEPARTMENT”; REPEALING SECTION 6.03.8. “BEER AND WINE PACKAGE SALES—REGULATIONS” AND SECTION 6.03.9 “BEER AND WINE PACKAGE SALES PERMIT PROCESS”; SECTION 6.04.1.4 “TYPES OF TEMPORARY USE PERMITS” BY AMENDING CERTAIN REGULATIONS REGARDING SEASONAL SALES AND TEMPORARY SALES; SECTION 6.06.8 “OUTDOOR STORAGE AND DISPLAY” BY AMENDING REGULATIONS PERTAINING TO DONATION BOXES; SECTION 7.03.4 “OUTDOOR LIGHTING” 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” BY CHANGING “CHURCH, TEMPLE OR RECTORY” TO READ “CHURCH, TEMPLE, RECTORY, OR OTHER RELIGIOUS FACILITY”;

SECTION 7.04.2 “OFF-STREET LOADING” BY CHANGING “SH 5” TO READ “GREENVILLE AVENUE”; 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.; SECTION 7.08 “PERFORMANCE STANDARDS” TO EXCLUDE CERTAIN RESIDENTIAL DEVICES FROM THE REQUIREMENTS OF SECTION 7.08.4.a.; SECTION 8.03.3 “PRELIMINARY PLAT” AND SECTION 8.03.4 “FINAL PLAT” BY AMENDING THE TEXT OF CERTAIN REQUIRED PLAT NOTES RELATING TO OPEN SPACE; SECTION 8.11 “STREET LIGHTS” BY AMENDING REGULATIONS RELATING TO THE TYPES OF PERMITTED AND PROHIBITED STREETLIGHT FIXTURES AND RELATED DESIGN AND INSTALLATION REGULATIONS; AND APPENDIX A “DEFINITIONS,” BY DELETING THE DEFINITIONS FOR “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 “CHURCH OR OTHER RELIGIOUS FACILITY;” 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 OTHERWISE SET FORTH IN THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Allen, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Allen, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all persons interested and in the exercise of its legislative discretion, the City Council has concluded that the Allen Land Development Code Zoning Regulations of the City of Allen, Texas, as previously amended, should be further amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. Article IV “Zoning Regulations” of the Allen Land Development Code, is amended as follows:

- A.** Section 4.06 “Changes and Amendments” is amended by deleting the sentence “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.”
- B.** Subsection 1 of Section 4.06 “Changes and Amendments” is amended to read as follows:
 - 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.

C. Section 4.06 “Changes and Amendments” is amended by adding Subsection 12 to read as follows:

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.

D. Paragraph 1 “Purpose” of Section 4.08.19 ““CBD” Central Business District” is amended to read as follows:

1. *Purpose.* The central business district is the oldest urban area within the city and has played an important role in serving the city as a unique neighborhood containing local businesses, churches or other 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.

E. Section 4.10 Residential Accessory Use Regulations” is amended to read as follows:

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 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.* 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 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 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 not less than 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.
 - 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 allowed for buildings constructed in the underlying zoning district, whichever is less.

- F. Article IV is amended by adding Section 4.11 titled “Commercial Accessory Use Structures” to read as follows:

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.

- G.** Subsections 1, 3, and 4 of Section 4.15.1 “General Height and Area Provisions” are amended to read as follows:

Sec. 4.15.1. - General height and area provisions.

1. *Height.*
 - a. Cooling towers, roof gables, chimneys, vent stacks, and citizens band (CB) antennae may extend up to an additional ten feet above the maximum allowable roof height.
 - b. Water standpipes and tank, church steeples, domes and spires, 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.

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3. *Side yards abutting collectors or thoroughfares.* Any residential side yard abutting a collector or thoroughfare street, including corner lots and lots located on cul-de-sacs, shall have a side yard setback of not less than 25 feet.
4. *Rear yards.* Any residential rear yard abutting a major thoroughfare requires a 15-foot rear yard setback, in addition to the rear yard setback required by section 4.15.2 of this Code.

- H.** Section 4.20.2 “Schedule of Principal Uses” is amended as follows:

- (1) The uses “Beer & Wine Package Sales,” “Beer & Wine Package Sales with Sales Greater Than 50% of Revenue from Beer & Wine,” and “Dance/Martial Arts Studio” are deleted from the table; and
- (2) The title of the use “Church, Temple, or Rectory” is changed to “Church, Temple, Rectory, or Other Religious Facility.”

- I.** Section 4.20.3 “Schedule of Accessory Uses” is amended as follows:

- (1) The use “Gymnastic/Dance Studio” is deleted from the table; and
- (2) The designation of zoning districts in which the use “Automotive Repairs, Major” shall be amended to be as follows:

RESIDENTIAL USES													TYPE OF USE	NON-RESIDENTIAL DISTRICTS											
R1	R1.5	R-2	R-3	R-4	R-5	R-6	R-7	2F	TH	MF1	MF1	MH		AO	GO	O	LR	SC	LC	GB	CC	IT	LI	HI	CF
..																									
													AUTOMO TIVE REPAIRS, MAJOR										X	X	

- (3) The use “Personal Service Business” is added to the table in Section 4.20.3 with the uses permitted as a matter of right and permitted following approval of a specific use permit to be as follows:

RESIDENTIAL USES												TYPE OF USE	NON-RESIDENTIAL DISTRICTS											
R1	R1.5	R-2	R-3	R-4	R-5	R-6	R-7	2F	TH	MF1	MF1	MH	AO	GO	O	LR	SC	LC	GB	CC	IT	LI	HI	CF
..																								
													PERSO NAL SERVI CE BUSIN ESS				X	X	X	X	X			
...																								

J. Section 4.20.4. “Schedule of principal uses—Central business district” is amended as follows:

- (1) The use titled “Church” is renamed to be “Church or Other Religious Facility”;
- (2) The use “Fitness and Health Center” is added to be a permitted use with the comment “*Less than 5,000 sq. ft.”;
- (3) The use “Personal Service Business” is added to be a permitted use; and
- (4) The use title “Restaurant/Private Club” is renamed “Private Club” and the note for the use “Private Club” is amended to read “*Not less than 40% food sale”;

K. Section 4.20.5 “Schedule of Accessory Uses Central Business District” is amended as follows:

- (1) The use “Fitness and Health Center” is amended by adding the comment “*Less than 5,000 sq. ft.”; and
- (2) The use “Personal Service Business” is added to be a permitted use.

SECTION 2. Article VI “Special Zoning Provisions” of the Allen Land Development Code, is amended as follows:

A. Section 6.01.1 “Purpose of Specific Use Permits” is amended to read as follows:

Sec. 6.01.1. - Purpose of specific use permits.

A specific use permit allows uses compatible with other permitted uses, provided the uses 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.

- B.** Section 6.03.6 “Restaurants with food and beverage certificates—Permit process” is amended to read as follows:

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

- C.** Section 6.03.8 “Beer and wine package sales – Regulations” is repealed in its entirety.

- D.** Section 6.03.9 “Beer and wine package sales permit process” is repealed in its entirety.

- E.** Subsection 4 “Types of Temporary Use Permits” of Section 6.04.1 “Temporary Use Permit Applications” is amended to read as follows:

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. 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 or other 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 or other 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.
- e. *Temporary food vendor.* A mobile food establishment, as defined in section 6.06.15, may operate as a temporary food vendor in association with temporary use permits issued for seasonal sales, Christmas tree sales, or temporary events. A separate temporary use permit for the mobile food establishment shall not be required if the temporary food vendor information is submitted with the temporary use permit application for seasonal sales, Christmas tree sales, or temporary event. Such temporary use permit must be obtained prior to the mobile food establishment commencing the preparation or sale of any food on the property for which the temporary use permit is issued. This permit is required in addition to any permits that may be required by the chapter 6, article VIII, division 2 of the Code of Ordinances, as amended.
- f. *Food truck site.* Property owners or business owners may be issued a temporary use permit to operate at a food truck site complying with section 6.06.15, subject to the following:
- i. The property owner shall submit an application and site plan as required in this section;

- ii. The site plan shall demonstrate compliance with all requirements of this section and section 6.06.15;
- iii. Only one permit per site, valid for no more than six months, may be issued per calendar year; and
- iv. A mobile kitchen, as defined in section 6.06.15, may operate at a food truck site for which a temporary use permit is issued pursuant to this section 6.04.1.4.f with an approved health permit as required by chapter 6, article VIII, division 2 of the Code of Ordinances, as amended, without obtaining a separate temporary use permit for the mobile food establishment.
- g. *Other temporary uses.* A temporary use permit may be granted for those uses indicated by a "T" in the schedule of permitted principal uses, section 4.20.1, and are not subject to the maximum permit term described in section 6.04.1.1.
- 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.

F. Subsection 4 of Section 6.04.2 “Temporary Buildings” is amended as follows:

- (1) The caption is changed to read “Temporary accessory buildings for school use”; and
- (2) The word “church” is changed to read “church or other religious facility” wherever it appears in Subsection 4.

G. Section 6.06.2 “Fueling Stations” is renumbered to read as follows:

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.
- 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.

H. Section 6.06.3 “Hotels” is renumbered to read as follows:

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.
 - 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.
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.

I. Section 6.06.8 “Outdoor Storage and Display” is amended to read as follows:

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 comply with the following requirements:
 - i. Approval of a Site Plan must be obtained from the city prior to placing the donation box on the property;
 - 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;
 - 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 and adjacent properties in accordance with section 7.07.4.
- 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.

J. Section 6.06.9 “Tattoo studio” is amended by changing the word “church” to read “church or other religious facility” wherever it appears in said section.

K. Section 6.06.10 “Wind Energy Systems” is amended to be renumbered as follows:

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 3.d.i or 3.d.ii;
 - (b) are considered tonal, vibrational, mechanical, aerodynamic, frequent, or continuous and exceed the limits set above in subsections 3.d.i. or 3.d.ii;
 - (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 3.j, 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 3.j.
 - 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, 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.
 - 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.

L. Section 6.06.11 "Solar Panels" is renumbered as follows:

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 in which it is located, and shall be screened as rooftop mechanical from the public right of 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.
- 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.

M. Section 6.06.13 “Urban Residential” is renumbered as follows:

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.
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.

N. Section 6.06.14 "Townhomes" is renumbered as follows:

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 which does not reduce the required usable open space width.
- viii. Franchise utilities and telecommunication facilities may not be located in the rear of the dwelling units unless located in a separate easement that does not conflict with city-owned utilities.
- ix. No fence shall be located closer to an alley than the face of the garage or within a utility easement.

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 Section 6.06.14.3., 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.
 - v. Staggering of exterior walls.

O. Section 6.06.15 “Mobile Food Establishments” is renumbered as follows:

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:
 - a. *Food truck park* means one or more lots or parcels of land where three or more mobile kitchens congregate to offer food or beverages for sale to the public as the principal use of the land.
 - b. *Food truck site* means an existing, developed site where a mobile kitchen operates as an accessory use to the primary active business located on the same site.
 - c. *Mobile construction site food vehicle* means a vehicle with no or limited kitchen facilities that carries prepackaged food or non-prepackaged foods prepared at an approved commissary that contains no potentially hazardous food, as defined by Code chapter 6, article VIII, division 2, and services only active construction sites.
 - d. *Mobile food establishment* means a vehicle-mounted food establishment designed to be readily moveable that is equipped with food preparation equipment and includes vehicles in which food is prepared on site. Mobile food establishments include mobile kitchens, mobile construction site food vehicle, mobile ice-cream/frozen dessert vehicle and non-motorized food vending carts. Mobile food establishments do not include restaurant delivery and catering vehicles.
 - e. *Mobile food trailer* means a mobile kitchen that serves food or beverages from an enclosed, self-contained, non-motorized vehicle that is normally pulled behind a motorized vehicle.

- f. *Mobile food truck* means a mobile kitchen that serves food or beverages from an enclosed, self-contained, motorized vehicle.
- g. *Mobile ice cream/frozen dessert vehicle* means a motorized vehicle that normally contains a commercial freezer in which all products for sale are prepackaged and frozen.
- h. *Mobile kitchen* means a motorized vehicle or tow-behind trailer equipped with kitchen facilities such as plumbing, hot water supply, mechanical refrigeration, cooking equipment, and dry goods storage used for the preparation and sale or service of food and beverages. Customer service is provided at a counter or window in the vehicle. Mobile kitchens may include, but are not limited to, mobile food trucks and mobile food trailers. Mobile kitchens shall not include individual non-motorized vending carts, mobile construction site food vehicles or mobile ice cream/frozen dessert Vehicles.
- i. *Non-motorized vending cart* means a non-motorized vehicle that is normally propelled by the operator, contains products for sale that are prepackaged and/or frozen, and operates independent of any fixed food establishment.

2. *Authorized locations.*

- a. No person may serve food to the public from a mobile kitchen except at the following locations:
 - i. At a food truck site approved in accordance with section 6.06.15.3.
 - ii. At a food truck park approved in accordance with section 6.06.15.4.
 - iii. At the location of a temporary event that has received a temporary use permit in accordance with section 6.04.1.4.e.
 - iv. At an event hosted or sponsored by the city pursuant to a written agreement with the city.
- b. No person may serve food to the public from a mobile construction site food vehicle except at the following locations:
 - i. A construction site for which an active building permit has been issued by the city; or
 - ii. Property owned or leased by the United States, State of Texas, or Collin County on which active construction is occurring.
- c. Any person providing food to the public from a mobile ice cream/frozen dessert vehicle must operate in compliance with chapter 6, article VIII, division 2 of the Code of Ordinances, as amended, and Code of Ordinances section 8-65(i) through (l), as amended.
- d. A non-motorized vending cart may be operated only at a temporary event in accordance with a temporary use permit issued pursuant to section 6.04.1.4.e.

3. *Food truck sites.*

- a. The operator of a mobile kitchen may operate a food truck site upon receipt of a temporary food vendor permit in accordance with section 6.04.1.4.e, and in accordance with the requirements of this Code.
 - b. Food truck sites may be established within:
 - i. The limits of any city park or city property pursuant to a written agreement with the city; and
 - ii. In the following zoning districts or, unless otherwise expressly prohibited by the ordinance establishing the planned development, any planned development with the following base zoning:
 - (a) "CC" Corridor Commercial
 - (b) "SC" Shopping Center
 - (c) "LI" Light Industrial
 - (d) "O" Office
 - c. A Food truck site must be located on private property on which is located a permanent structure in which a business is operating in accordance with a certificate of occupancy. The operator of the food truck site must obtain and maintain written consent from the property owner or property manager and provide written proof thereof upon demand of the city.
 - d. Except for a mobile kitchen for which written consent has been granted by the owner or authorized representative of the restaurant or food establishment, no mobile food establishment shall sell or serve food to the public within 300 feet of any door, window or outdoor dining area of any existing restaurant or food service establishment.
 - e. Mobile kitchens and their customers shall not sell or consume food within any public street, public alley, driveway, or fire lane unless closed to through traffic pursuant to permit issued by the city authorizing such use.
 - f. Mobile kitchens may operate only during the business hours of the primary business on the property where the food truck site is located.
 - g. Access to restrooms available for use by operators, employees, and customers of a food truck site shall be provided no farther than 1,000 feet from the location of the mobile food establishment.
 - h. A mobile kitchen shall not be left unattended. Mobile kitchens shall not be stored at any location visible to the public when not in operation.
 - i. A mobile food establishment must be operated in compliance with the site plan and other conditions set forth in the approved temporary food vendor permit issued to the owner or operator of the mobile kitchen.
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:

- a. A site plan shall be approved in accordance with section 6.05 prior to locating any mobile kitchen on the property.
 - b. Permanent restroom facilities available to owners, operators, and customers of the mobile kitchens operating in the food truck park must be located within 1,000 feet of each location where a mobile kitchen may be parked.
 - c. All vehicles, including mobile kitchens, shall be parked on an improved surface as defined in section 6-82 of the Code of Ordinances.
 - d. Electricity shall be provided with permanent outlets by way of a portable cord that complies with section 3.09 (National Electrical Code), as amended.
 - e. Any waste, liquid or solid, shall be disposed of safely and properly as per all associated local and state regulations. Trash service and receptacles shall be provided in accordance with city requirements.
 - f. A mobile kitchen cannot be left unattended or left on site overnight.
5. *Additional requirements.* Any person operating a mobile food establishment shall comply with the following:
- a. No person shall operate a mobile food establishment involving food products unless the vehicle used in the operation is constructed and operated in accordance with the chapter 6, article VIII, division 2 of the Code of Ordinances, as amended.
 - b. Any person operating any mobile food establishment shall ensure that all food preparation, cooking, service, or other food service related activities take place within the confines of the vehicle used in such operation.
 - c. Signs advertising a mobile food establishment and/or the menu of food and beverages sold from the food truck shall be limited to:
 - i. Signs permanently attached to the mobile food establishment; and
 - ii. One menu board sign with a sign face area of not greater than eight square feet, placed adjacent to the mobile food establishment on private property.
 - d. On request of the city, a mobile food establishment operator must be able to demonstrate that the mobile food establishment is moveable and operable;
 - e. A mobile food establishment operator shall not alter or modify a mobile food establishment or the premises adjacent to the mobile food establishment in a manner that would prevent the operation or mobility of the mobile food establishment.
 - f. The water supply for a mobile food establishment shall be from an internal water tank which must be filled from an external source when not in operation. Temporary connection of a mobile food establishment to a potable water source while in operation is prohibited.
 - g. Electricity for a mobile food establishment shall be from an internal or portable generator or an electrical outlet by way of connected to a portable cord in compliance with section 3.09 (National Electrical Code), as amended.

- h. Service from a mobile food establishment through a drive through window is prohibited.
- i. Mobile food establishment must be parked, situated and operated in a manner that does not restrict orderly and/or safe vehicular and/or pedestrian movements.
- j. Loudspeakers or loud noises of any kind for the purpose of attracting attention to a mobile food establishment are prohibited.
- k. No mobile food establishment operator shall operate a generator and/or vehicle motor which generates visible smoke, excessive noise, or excessive gasoline/diesel fumes.
- l. Unless provided by the operator of a food truck park, a mobile food establishment operator shall provide solid waste containers for customers to dispose of trash and food waste when the mobile food establishment is parked and food is being sold and served. All such solid waste containers and the solid waste collected therein shall be removed from the site by the mobile food establishment operator when leaving the site; provided, however:
 - i. If the operator of a food truck park is responsible for the disposal of waste generated from operation of the site and place in solid waste receptacle provided by said operator, the mobile food establishment operator shall be responsible for ensuring that all solid waste generated from the vendor's operations is placed in the provided receptacles before departing; or
 - ii. If there is a solid waste dumpster located on the food truck site or food truck park that is available for disposal of solid waste generated by the operation of a mobile food establishment, the mobile food establishment operator may dispose of the solid waste in said dumpster before departing the site.
- m. Mobile food establishments will not be allowed to touch, lean against or be affixed temporarily or permanently to any building structure, wall, tree, shrubbery or planting bed.
- n. Mobile food establishment operators shall not hang or display merchandise on trees, umbrellas, or walls, or sell from any other temporary structures located upon any public street, sidewalk, right-of-way or other public property.
- o. Where exigent circumstances exist and an Allen Police Officer, or other authorized officer of the city, gives notice to a mobile food establishment operator to temporarily move from a location, such mobile food establishment operator will not operate from or otherwise remain at such location. For the purpose of this paragraph, exigent circumstances shall include, but shall not be limited to, unusually heavy pedestrian or vehicular traffic; the existence of any obstructions at or near such location; a major event, festival, program or park activity; a fire; a parade or demonstration; construction activity, or other such event or circumstance that causes the site to become unsafe or unusable.
- p. Mobile food establishment operators shall only engage in the sale and service of food and beverages. The sale of other products or services from a mobile food establishment is prohibited, including but not limited to, tobacco products, alcoholic beverages, sexually explicit and/or drug related paraphernalia, obscene material, sales real estate and vacation packages, marketing and advertising activities, sales of tickets for events,

any non-food vending, and other services or products not approved by the city prior to issuance of the permit.

SECTION 3. Article VII “Zoning Development Standards” of the Allen Land Development Code, is amended as follows:

A. Section 7.03.4 “Outdoor Lighting” Subsection 1 “General Standards,” Paragraph e. “Shielding” is amended by changing the phrase “Fully Shielded” to “Prohibited” where it appears following the phrase “Sodium Pressure” in the table in said Paragraph e.

B. Subsection 8 “Parking Lot and Loading Areas” in Section 7.03.4 “Outdoor Lighting” is amended to read as follows:

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 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 an approved fixture type as described in this Section 7.03.4; and
- iv. All lighting fixtures shall be fully shielded.
- v. All electric utility service facilities shall be underground.

C. Section 7.04.1 “Vehicle Parking” is amended as follows:

- (1) Changing the phrase “Church, Temple, or Rectory” to “Church, Temple, Rectory or Other Religious Facility” where it appears in Table 7.04.1; and
- (2) Changing the word “church” to “church or other religious facility” where it appears in Paragraph b. of Section 7.04.1.2.

D. Section 7.04.2 “Off-Street Loading” Subsection 2. “Screening of Loading Areas” is amended by changing “SH 5” to read “Greenville Avenue” where it appears in Paragraph 2.

E. Section 7.07 “Fences and Walls” is amended as follows:

- (1) Paragraph a. of Subsection 2 “Construction of screening walls or visual barriers” is amended by deleting the phrase “Appendix F as well as”; and
 - (2) Paragraph f. of Subsection 4 “Screening walls or visual barriers required” is amended by replacing the phrase “wrought iron” with the word “metal.”
- F.** Subparagraph v. of Section 7.08 “Performance Standards” Subsection 4, Paragraph a. “Noise” is amended to read as follows:
- 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).

SECTION 4. Article VIII “Subdivision Regulations” of the Allen Land Development Code is amended as follows:

- A.** Section 8.03.3 “Preliminary Plat”, Subsection 2 “Preliminary Plat Submission” is amended by amending subparagraph xxii of Paragraph a “Contents” to read as follows:
- 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."
- B.** Section 8.04.4 “Final Plat” Subsection 2 “Required Information” is amended by amending Paragraph y to read as follows:
- 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."
- C.** Section 8.11 “Street Lights” is amended as follows:
- (1) Paragraph a, subparagraph v. of Subsection 1 “Thoroughfare street lights” is amended to read as follows:
 - 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.
 - (2) Paragraph b of Subsection 1 “Thoroughfare street lights” is amended to read as follows:

- b. All thoroughfare fixtures shall have the following attributes:
 - i. Light Emitting Diode (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 Trastar Duralight JXM-ST Shoebox or approved equivalent.
 - v. In the case of cobra-head installation, finish shall be grey and shall be GE Evolve Series or equivalent.
 - vi. Light spacing shall be determined by Texas Licensed Professional Engineer.
- (3) Paragraph c of Subsection 1 "Thoroughfare street lights" is amended by amending Subparagraph vii to read as follows:
 - 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.
- (4) Paragraph c, subparagraph iv. of Subsection 2 "Residential street lights" is amended to read as follows:

- 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.
- (5) Paragraph d of Subsection 2 “Residential street lights” is amended to read as follows:
- d. All residential fixtures shall have the following attributes (unless approved in writing by the director of engineering):
 - i. Light Emitting Diode (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 Trastar Duralight –JXM-ST Shoebox or approved equivalent.
- (6) Paragraph e of Subsection 2 “Residential street lights” is amended by amending subparagraph iii, to read as follows:
- 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
- (7) Paragraph f of Subsection 2 “Residential street lights” is amended to read as follows:
- f. *Developer cost:* 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)	Max Spacing (feet)	Minimum Spacing (feet)
<32	LED	100 Equivalent	20	250	125
32 to 43	LED	150 Equivalent	20	250	150

44 Undivided <	LED	150 Equivalent	30	350	150
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SECTION 5. Appendix A “Definitions” of the Allen Land Development Code is amended as follows:

A. The definitions for the phrases “Beer and Wine Package Sales,” “Church, Temple, or Rectory,” “Dance/Martial Arts Studio,” and “Gymnastics Training Center,” and “Personal Service” are repealed and deleted.

B. The definition of the phrase “Personal Service Business” is amended to read as follows:

Personal service business means an establishment providing individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer that have been treated or processed at that location or another location. Specific use types include, but are not limited to: barbershop, beauty shop, tanning salons, permanent cosmetics, nail salons, educational instructional activities (e.g., tutoring), and dance and martial arts studios.

C. A definition for the phrase “Church or Other Religious Facility” is added to read as follows:

or Other 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.

SECTION 6. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Allen and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling

SECTION 7. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Allen Land Development Code, as amended hereby, which shall remain in full force and effect.

SECTION 8. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 9. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Allen Land Development Code, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 10. This ordinance shall take effect immediately from and after its passage and publication in accordance with its provisions of the Charter of the City of Allen, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 10TH DAY OF AUGUST 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:726/2021:123647)

Shelley B. George, TRMC, CITY SECRETARY