

**ORDINANCE NO. 3899-3-22**

**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 DEVELOPMENT REGULATIONS OF DISTRICT G OF PLANNED DEVELOPMENT “PD” NO. 108 WITH A BASE ZONING OF MIXED USE “MIX” RELATING TO THE USE AND DEVELOPMENT OF APPROXIMATELY 35.740 ACRES IN THE JOHN FYKE SURVEY, ABSTRACT NO. 325 AS SET FORTH IN ORDINANCE NO. 3868-10-21; 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 (“ALDC”) and the Zoning Map of the City of Allen, Collin County, Texas, as previously amended, be further amended by amending in part the development regulations of District G of Planned Development “PD” No. 108 with a base zoning of Mixed Use “MIX” by amending Section 2, Subsection H “Lot Design Criteria and Building Setbacks (Single-Family and Townhome Areas)” of Ordinance No. 3868-10-21 to read in its entirety as follows:

**H. LOT DESIGN CRITERIA AND BUILDING SETBACKS (SINGLE-FAMILY AND TOWNHOME AREAS):**

- (1) Except as provided in paragraph (2), below, the design criteria for the lots shown on the Concept Plan within the Single-Family Area and Townhome Area shall be modified as follows:

<b>Product Type</b>	<b>Min. Lot Width</b>	<b>Min. Lot Depth</b>	<b>Min. Front Setback (4,5)</b>	<b>Min. Rear Setback (5)</b>	<b>Min. Side Setback (1,2,5)</b>	<b>Min. Lot Area</b>	<b>Max. Lot Coverage</b>	<b>Max. Building Height</b>
Single Family (Detached)	31 feet	110 feet	10 feet	20 feet	3' & 3' 5' & 1' 6' & 0'	3,410 sf	65%	36 feet
Townhome A (Attached)	30 feet	95 feet	10 feet	20 feet	0' <sup>(3)</sup>	2,850 sf	80%	36 feet
Townhome B (Attached)	22 feet	95 feet	10 feet	20 feet	0' <sup>(3)</sup>	2,090 sf	80%	36 feet

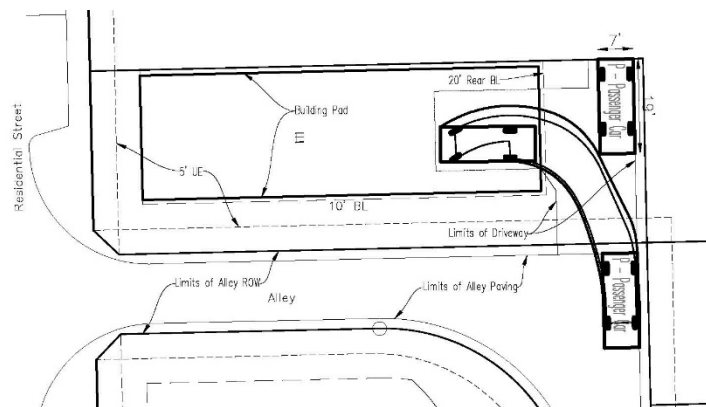
*Notes:*

1. *Side setbacks for Single Family lots shall be either 3 feet and 3 feet (center loaded), 5 feet and 1 foot (offset), or 6 feet and 0 feet (zero lot line), with a minimum of 6 feet of separation between dwelling units. If not center loaded, the shorter side setback for each lot shall be designated with platting. All Single Family lots shall have a 3' private maintenance, drainage, access, wall maintenance, and aerial overhang easement on the lot adjacent to the zero-setback property line.*
  2. *Side yards adjacent to street right-of-way shall have 10' side setback.*
  3. *For attached product, there shall be a 10' minimum separation between buildings.*
  4. *Front Porches and Stoops shall be allowed to encroach minimum front setback up to 4'.*
  5. *Roof eaves extending beyond the setback line on any lot shall not constitute an encroachment of the required setback.*
- (2) Notwithstanding paragraph (1) of this Section 2.H., the following lots as shown on the Concept Plan shall be subject to the following:

- (a) The following lots as identified on the Concept Plan shall have the following minimum depths:

Block	Lots	Minimum Lot Depth
A	20, 21, 38	105'
F	2, 11	105'
C	1, 18, 26	88'
D	10, 18, 28	88'
E	2	90'

- (b) The driveways for Lot 39, Block A, Lot 1, Block E; and Lot 1, Block F shall have no minimum length and shall be configured generally as shown below:



- (c) The front setback of Lots 35 & 36, Block B shall be twenty-five feet (25'); the minimum lot width shall be met at this increased setback.
- (d) The rear setback of Lot 26, Block C shall be eighteen feet (18').
- (e) Fencing on Lots 20, 21, and 38, Block A and Lots 2 and 11, Block F shall be ornamental metal fencing.

**SECTION 2.** 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 3.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance, or 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 the said ordinance or the Allen Land Development Code Zoning Regulations, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** 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 5.** 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 6.** 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 8<sup>TH</sup> DAY OF MARCH 2022.**

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**  
(kbl:2/3/2022:127545)

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**Shelley B. George, TRMC, CITY SECRETARY**