

**ORDINANCE NO. 2900-3-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING VARIOUS SECTIONS OF THE ALLEN LAND DEVELOPMENT CODE INCLUDING SECTION 2.03.2 REGARDING POWERS AND DUTIES OF THE SIGN CONTROL BOARD; SECTION 4.02.7 REGARDING PROCEDURES FOR DETERMINING NEW AND UNLISTED USES; SECTION 4.10 REGARDING RESIDENTIAL ACCESSORY USE REGULATIONS; SECTION 4.20.2 REGARDING THE SCHEDULE OF PRINCIPAL USES; SECTION 4.20.3 REGARDING THE SCHEDULE OF ACCESSORY USES; SECTION 6.03.10 REGARDING FIREARMS AND EXPLOSIVES SALES AND SERVICE USES; PARAGRAPH 5 OF SECTION 6.04 REGARDING TEMPORARY USE PERMITS FOR TEMPORARY SALES OF CERTAIN SEASONAL PRODUCTS AND FOOD; SECTION 7.04.1 REGARDING OFF-STREET PARKING AND LOADING REGULATIONS; SECTION 7.05.6 REGARDING REQUIREMENTS FOR IRRIGATION SYSTEM PLANS; SECTION 7.07 REGARDING REGULATIONS FENCES AND WALL; SECTION 7.09.2 REGARDING CERTAIN DEFINITION RELATING TO SIG REGULATIONS; SECTION 7.09.4 REGARDING PROHIBITED SIGNS; SECTION 8.03 REGARDING GENERAL DEVELOPMENT PLANS; SECTION 8.06 REGARDING THE DESIGN OF LOTS; APPENDIX A “DEFINITIONS” BY ADDING NEW DEFINITIONS FOR “ASSISTED LIVING FACILITY,” “LONG-TERM CARE FACILITY,” “SENIOR INDEPENDENT LIVING,” AMENDING THE DEFINITIONS FOR “FIREARMS SALES AND SERVICE REPAIR” AND “STRUCTURE,” AND DELETING THE DEFINITIONS FOR “CONVALESCENT HOME” AND “NURSING HOME”; APPENDIX B “FILING FEES AND CHARGES” BY INCREASING THE FEES RELATED TO PRO-RATA COLLECTION CHARGES RELATING TO CONSTRUCTION OF WATER AND SANITARY SEWER LINES; AND APPENDIX I “TRAIL DESIGN STANDARDS” BY AMENDING CERTAIN DESIGN AND CONSTRUCTION STANDARDS RELATED TO PEDESTRIAN TRAILS; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) 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.** The Allen Land Development Code, Section 2.03.2 “Powers and Duties of Sign Control Board” shall be amended by amending Paragraph 2 to read in its entirety as follows:

2. The sign control board shall have the authority to grant variances to the sign regulations regarding height, area, or bulk pursuant to an application submitted pursuant to Section 2.03.3 based on the criteria for review set forth in paragraph 1 of this Section. The decision of the sign control board to grant or deny a requested variance shall become final unless an appeal of the decision is made to the city council by the applicant or by any officer, department director, board, or commission of the city affected by the decision not later than the tenth (10<sup>th</sup>) day following the date of the sign control board decision by delivery of a written application of appeal to the Director. Subject to applicable requirements of the Texas Open Meetings Act, an appeal to the city council shall be heard at the first possible regular meeting of the city council following the date the application for appeal is received.

**SECTION 2.** The Allen Land Development Code, Section 4.02.7 “New and Unlisted Uses” shall be amended to read in its entirety as follows:

**Sec. 4.02.7. New and unlisted uses.**

New types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

1. Uses of land or structures that are not expressly listed in Section 4.20.2 Schedule of Principal Uses are prohibited uses and shall not be permitted in established zoning districts.

The Director shall determine if a proposed use constitutes a land use classification listed in Section 4.20.2 Schedule of Permitted Uses and within what land use classification the proposed use is to be included. The Director’s decision finding (a) that a proposed use is not included among the land use classifications listed in Section 4.20.2 or (b) that a proposed use is included within a land use classification listed in Section 4.20.2 other than the land use classification which the proponent of the proposed use desires, may be appealed to the Board of Adjustment in accordance with Section 2.02.

**SECTION 3.** The Allen Land Development Code, Section 4.10 “Residential Accessory Use Regulations” shall be amended by amending Subsection 2 “Side Yard” and Subsection 4 “Carports” to read in their entirety as follows:

\* \* \*

2. *Side yard.* The required side and rear yard for any detached accessory structure is three (3) feet from any side or rear lot line, except as follows:
  - a. If no alley exists, the rear yard shall not be less than ten (10) feet from the rear lot line.
  - b. No accessory structure shall be located within any dedicated easement.

- c. A garage entered from an alley or side street shall be set back from the side street or alley a minimum distance of twenty (20) feet.

\* \* \*

4. *Carports.* Carports accessed from a rear alley or side street shall shelter no more than three (3) vehicles, shall not exceed twenty-seven (27) feet on its longest dimension, and shall be located no closer than three (3) feet to any side or rear lot line.

**SECTION 4.** The Allen Land Development Code, Section 4.20.2 “Schedule of Principal Uses” shall be amended as follows:

- A. Delete in their entirety the uses “Convalescent Center” and “Nursing Home” as a Type of Use.
- B. Add “Long-Term Care Facility” as a Type of Use and designate the zoning districts where such use may be permitted as a matter of right, permitted by specific use permit, and prohibited as follows:

RESIDENTIAL USES												TYPE OF USE	NON-RESIDENTIAL DISTRICTS													
R1	R1.5	R-2	R-3	R-4	R-5	R-6	R-7	2F	TH	MF12	MF18		AO	GO	O	LR	SC	LC	GB	CC	IT	LI	HI	CF		
										X	X															
SENIOR INDEPENDENT LIVING																										

- C. Add “Senior Independent Living” as a Type of Use and designate the zoning districts where such use may be permitted as a matter of right, permitted by specific use permit, and prohibited as follows:

RESIDENTIAL USES												TYPE OF USE	NON-RESIDENTIAL DISTRICTS															
R1	R1.5	R-2	R-3	R-4	R-5	R-6	R-7	2F	TH	MF12	MF18		MH	AO	GO	O	LR	SC	LC	GB	CC	IT	LI	HI	CF			
										S	S								S	S	S	S						
LONG-TERM CARE FACILITY																												X

- D. For the Types of Uses shown in the excerpt of the Schedule of Principal Uses, below, amend to read as follows the zoning districts where such uses may be permitted as a matter of right, permitted by specific use permit, or prohibited:

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
													CAR WASH				X	X	X	S				
													CARPENTRY, PAINTING SHOP						X	S			X	
													CONVENIENCE STORE			X	X	X	X	S				
													FOOD SERVICE				X	X	X	S	X	X	X	
													HARDWARE STORE			X	X	X	X	S				
													MANUFACTURING, LIGHT						X	S	S	X	X	
													MOTOR CYCLE SALES & SERVICE				S	X	X	S				
													NURSERY, RETAIL PLANT	X			X	X	X	S				
													PEST CONTROL SERVICE			S	X	X	X	S		X	X	
													RADIO OR TV BROADCAST STUDIO				S	X	X	S	X	X	X	
													RESTAURANT (DRIVE-IN OR THROUGH)			S	X	X		S	X	X		
													VETERINARY HOSPITAL OR CLINIC	X			X	X	X	X				

**SECTION 5.** The Allen Land Development Code, Section 4.20.3 “Schedule of Accessory Uses” shall be amended by amending as follows the zoning districts where the uses “Automotive Repairs, Minor”, “Car

Wash”, and “Nursery, Retail Plant” may be permitted as a matter of right, permitted by specific use permit, and prohibited:

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		AO	GO	O	LR	SC	LC	GB	CC	IT	LI	HI	CF
												AUTOMOTIVE REPAIRS, MINOR						X	X	S				
												CAR WASH		X	X		X	X	X	S		X		
												NURSERY, RETAIL PLANT	X							S		X		

**SECTION 6.** The Allen Land Development Code, Section 6.03.10 “Firearms and Explosives Sales and Services” shall be amended to read in its entirety as follows:

**Sec. 6.03.10. Firearms and explosives sales and service.**

1. Uses constituting Firearms Sales and Service shall be permitted in accordance with Section 4.20.2 Schedule of Principal Uses and as a home occupation in accordance with Section 4.10.

Uses constituting Firearms Sales and Service are prohibited under all circumstances within 1,000 feet of the property line of any school.

3. The storage of flammable or explosive materials is subject to the approval of the fire marshal.
4. The manufacture or assembly of ammunition or explosives for sale or commercial purposes is prohibited in all areas within the City of Allen.

**SECTION 7.** The Allen Land Development Code, Section 6.04 “Temporary Use Permits” shall be amended by amending Subsection 5 to read in its entirety as follows:

5. Temporary sales of seasonal products such as firewood, plants, fruits, vegetables, and other food items or products may be allowed during their normal and generally accepted season, and sales by Temporary food vendors (defined as a person or entity selling food products on a temporary and/or seasonal basis from a temporary or mobile facility, including but not limited to snow cones, hot dogs and similar food products) may be allowed subject to the following provisions:
  - a. Issuance of permits for temporary outdoor sales of seasonal products shall be limited to areas zoned for retail or commercial uses;
  - b. Two permits, or one permit plus one renewal, of up to 30 days each, upon application, fee and approval, during any 12-month period. The site shall be vacated completely and cleaned between the issuance of new permits.
  - c. A site plan is required with an application showing the following:
    - i. Setbacks, a minimum of 20 feet from all property lines.
    - ii. If the use is to occupy a paved area currently used for parking, then the parking that this use displaces must not be required parking for the existing commercial uses. A minimum of five parking spaces for the temporary use must be provided on site. The required parking for the existing retail or commercial use shall not be used to satisfy this parking requirement for the temporary use.

- d. 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.
- e. Charitable, religious, educational or public service, civic organizations are exempt from all fees
- f. All tents or similar temporary structures shall be approved by the fire marshal, prior to erection.
- g. This provision does not apply to temporary outdoor services such as mobile blood banks, mammography screening, eye screening, or similar medical services for humans.
- h. The application for a temporary use shall also include a true copy of the sales tax permit which designates the city as point of sale.
- i. 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.
- j. The owner of the property on which a temporary food vendor is located must apply for and obtain a Temporary Use Permit prior to the temporary food vendor commencing the preparation or sale of any food on the property. This permit is required in addition to any permits that may be required by the City of Allen Environmental Health Code, as amended.

**SECTION 8.** The Allen Land Development Code, Section 7.04.1 “Vehicle Parking” shall be amended by amending Table 7.04.1 “Parking Requirements” by deleting the use “Convalescent Home,” and by adding the uses “Assisted Living Facility,” “Senior Independent Living,” and “Long-Term Care Facility” and the following minimum parking requirements for said uses:

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	
Assisted Living Facility	1								
Senior Independent Living	1.5								
Long-Term Care Facility							6		

**SECTION 9.** The Allen Land Development Code, Section 7.04.1 “Vehicle Parking,” Subsection 3 “Stacking and Queuing Requirements” shall be amended to read in its entirety as follows:

- 3. *Stacking and queuing requirements.*
  - 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 stacking space shall be a minimum of nine feet in width and twenty feet in length and shall not be located within or interfere with a public street or any other circulation driveway, parking space, fire lane or maneuvering area. Stacking spaces shall be provided behind the vehicle bay door, middle of the service window (e.g. quick service restaurant, dry cleaner), or middle of the service island (e.g. banks), whichever is applicable.
- c. A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting drive aisle. Buildings and other structures shall be set back a minimum of 10 feet from the back of the curb of the intersecting drive aisle to provide adequate visibility and to allow vehicles to safely exit drive-thru lanes and escape lanes prior to merging into intersecting drive aisles.
- d. Driveway stacking length is the distance between the street right-of-way line and the near side of the first intersecting interior aisle or parking stall. The minimum length of driveway stacking shall be as follows:

No. of Spaces (Per Driveway)	Minimum Stacking (Length in Feet)
Less than 50	18
50 to 200	50
More than 200	78

**SECTION 10.** The Allen Land Development Code, Section 7.05.6 “Irrigation Plan Requirements” shall be amended to read in its entirety as follows:

**Sec. 7.05.6. Irrigation plan requirements.**

1. No person shall install an irrigation system in the City without first having obtained a permit authorizing such installation from the office of the City’s Department of Building and Code Compliance. In addition to the permit fee established by the City and such other information as may be required by the chief building official, an application installation of an irrigation system must be accompanied by a full set of plans setting forth the design and operation parameters of the irrigation system to be installed, which plans must comply with this Section 7.05.6.

The city shall provide the applicant with an irrigation system plan review checklist, shall evaluate the appropriateness of the irrigation system plan, and shall approve the plans or approve the plans subject to stipulations. Irrigation plans must comply with all State of Texas design and installation requirements including, but not limited to, applicable provisions of Title 30, Chapter 344 of the Texas Administrative Code. In addition, the installation and operation of all irrigation systems must comply with the requirements of

the city's water conservation ordinance, as amended, as described in Code of Ordinances sec. 14-14.1.

3. In addition to the provisions of Title 30, Chapter 344 of the Texas Administrative Code, as amended, all new irrigation systems shall meet the following requirements:
  - a. The irrigation plan shall be sealed by a licensed irrigator or Texas registered landscape architect.
  - b. The system must include an automatic controller and sensors that prevent the operation of irrigation during rainfall or in freezing weather.
  - c. All non-turf landscape areas shall be designed with drip irrigation and/or pressure compensating tubing (no above-ground spray).
  - d. All landscaped areas (including areas of turf-grass), regardless of size, located between the sidewalk and curb/pavement edge for any development shall be designed with drip irrigation and/or pressure compensating tubing (no above-ground spray).
  - e. All drip irrigation and/or pressure compensating tubing shall be designed and installed according to manufacturer's specifications. For subsurface installation, application rate shall not exceed .21 inches per hour.
  - f. Turfgrass areas utilizing irrigation rotors are to be designed and installed using low-angle nozzles.
  - g. Irrigation heads shall be installed to provide maximum distribution uniformity. The system shall be designed and installed to provide a distribution uniformity of sixty-three percent (63%)  $DU_{LQ}$  or better.
  - h. The irrigation design shall prevent overspray on impervious surfaces and excessive runoff.
  - i. Irrigation systems that vary from the standards of this Code and are designed to minimize water usage may be reviewed and approved by the City, provided, however, the design and installation requirements must at all times comply with Title 30, Chapter 344 of the Texas Administrative Code, as amended.
4. New irrigation systems for non-single family developments installed in landscaped areas (including turfgrass) that are less than ten feet in width and adjacent to impervious surfaces, or installed in landscape islands with an area of 200 square feet or less shall be designed with drip irrigation and/or pressure compensating tubing (no above-ground spray).
5. All new irrigation systems for single-family homes shall have separate zones for a drip system (drip irrigation and/or pressure compensating tubing) around the foundation.

6. A certified landscape irrigation auditor shall conduct the following required irrigation audits and inspections:
  - a. *Installation audit and inspection:* Immediately following installation, an irrigation system audit and inspection shall be required for all new irrigation systems. For new developments, documentation of the audit and inspection shall be submitted to the city prior to issuing a certificate of occupancy. The audit and inspection must include an evaluation of the system distribution uniformity and actual zone precipitation rate. The audit shall be performed according to the latest edition of the *Recommended Audit Guidelines*, published by the Irrigation Association, 6540 Arlington Boulevard, Falls Church, Virginia 22042-6638. Distribution uniformity shall be measured on the largest turfgrass area zone of the irrigation system. Forms for submission and documentation of audit and inspection information shall be made available by the City.
  - b. *Recurring inspections:* An irrigation system audit and inspection shall be required for all irrigation systems, new and existing, in non-single-family developments and shall be submitted to the city once every three (3) years and shall be conducted in the same manner as set forth in subparagraph a., above, regarding the installation audit and inspection. The city shall establish a timeline and procedures for all developments to submit irrigation system audit and inspection documentation to the city for review. Forms for submission and documentation of inspection information shall be made available by the City.
7. When existing irrigation systems are expanded by more than 25 percent (25 percent of the land area covered by the system); or more than 25 percent (25 percent of the land area covered by the system) of the irrigation system is replaced, the portion being expanded or replaced shall meet the requirements of this Code.

**SECTION 11.** The Allen Land Development Code, Section 7.07 “Fences and Walls” shall be amended as follows:

- A. Subsection 3 “Utilities” is hereby repealed.
- B. Paragraph f. of Subsection 4 “Screening Walls or Visual Barriers Required” shall be amended to read in its entirety as follows:
  - 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 fence with a minimum height of six (6) feet, unless an alternative is approved by the Planning Commission.

**SECTION 12.** The Allen Land Development Code, Section 7.09.2 “Sign Definitions” shall be amended as follows:

- A. Insert alphabetically in the list of sign type definitions contained within the definition of *Sign Type* a definition for the phrase *Changeable Electronic Variable Message Sign (CEVMS)* to read as follows:

*Changeable Electronic Variable Message Sign (CEVMS)* means a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including an illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

- B. Amend the definition of the phrase *Electronic Message Board* as it appears in the definition of *Sign Types* to read in its entirety as follows:

*Electronic message board* means any sign that uses lights or colors to form a sign message or graphic wherein the message is electronically programmed and can be modified by electronic processes without altering the face or the surface of the sign. These signs shall not be animated and messages may only be changed once an hour.

**SECTION 13.** The Allen Land Development Code, Section 7.09.4 “Prohibited Signs” shall be amended by amending Subsection 9 to read in its entirety as follows:

9. Any changeable electronic variable message sign, animated sign, or message center sign, except message center signs displaying only time and temperature and message center signs as allowed in Table 7.23.

**SECTION 14.** The Allen Land Development Code, Section 8.03.1 “In General” shall be amended by amending Subsection 1 “Review Steps” and Subsection 2 “Official Submission Date” to read in their entirety as follows.

1. *Review Steps.* The submission, review and approval of a General Development Plan in accordance with Section 8.03.2 shall be required prior to the submission and approval of any application for a plat. The preparation, submission, review, and approval of all subdivision plats shall proceed through the following steps:

Preliminary Plat  
Final Plat

2. *Official Submission Date.* For the purpose of these regulations, the date on which a completed application is first filed shall constitute the official submission date for the plat, after which the statutory period required for approval or disapproval of the plat shall commence to run

**SECTION 15.** The Allen Land Development Code, Section 8.03.2 “General Development Plan” shall be amended by amending Subsection 1 to read in its entirety as follows:

1. *Purpose.* The purpose of a General Development Plan is to review and approve a general plan for the development of property, including the layout of streets, lots, open space, sites for public facilities and utilities. The General Development Plan is not a plat.

**SECTION 16.** The Allen Land Development Code, Section 8.06 “Lot Design,” Subsection 1 “Lot Arrangement” shall be amended by amending Paragraph a. “Corner Lots” to read in its entirety as follows:

- a. *Corner lots.*

- i. The lot lines at the intersection of two local streets shall run along the hypotenuse of the triangle measured 15 feet from the intersection adjacent to the street along the front and side of the lot.
- ii. The lot lines at the intersection of a local street and a collector or thoroughfare shall run along the hypotenuse of the triangle measured 25 feet from the intersection adjacent to the street along the front and side of the lot.
- iii. Corner lots located at right angles to adjacent interior lots are discouraged. Where right angle lots are necessary, the side yard setback shall be equal to the rear yard setback of the adjacent right angle lot.
- iv. The side building setback line of any lot located across the street from any front yard shall be equal to that of the front yard.
- v. A five-foot by five-foot corner clip at all alley and street intersections shall be provided.

**SECTION 17.** The Allen Land Development Code, Appendix A, “Definitions” shall be amended as follows:

- A. The definitions of “Convalescent Home” and “Nursing Home” are hereby deleted.
- B. Definitions for the phrases “Assisted Living Facility,” “Long-Term Care Facility,” and “Senior Independent Living” are hereby added and shall read in their entirety as follows:

*Assisted Living Facility* means a residential facility for people with special needs, especially seniors with disabilities, which provides supervision or assistance with activities of daily living; coordination of services by outside health care providers; and monitoring of resident activities to help to ensure their health, safety, and well-being. Assistance may include the administration or supervision of medication, or personal care services provided by a trained staff person.

*Long-Term Care Facility* means a residential facility licensed or approved to provide services for people who require constant nursing care and have significant deficiencies with activities of daily living, including, but not limited to, facilities commonly known as nursing homes, convalescent homes, care homes or rest homes. The term “Long Term Care Facility” also includes skilled nursing facilities providing physical, occupational, and other rehabilitative therapies following an accident or illness other than solely on an out-patient basis.

*Senior Independent Living* means multi-family dwelling complex or similar living arrangement that is age restricted for senior citizens, but which is not an assisted-living center or long-term care facility.

- C. The definition of the phrase “Firearms sales and service” and the word “Structure” shall be amended to read in their entirety as follows:

*Firearms sales and service* means the sale, service, and/or repair of firearms, ammunition, and gun related equipment and accessories, but does not include the manufacture or assembly of ammunition or explosives.

*Structure* means any construction, including a building or any portion thereof, erected for the purposes of support, shelter or enclosure of persons, animals or property of

any kind, including swimming pools located adjacent to a designated collector or arterial, as designated on the Thoroughfare Plan, decks in excess of thirty (30) inches in height, and roof overhangs exceeding three (3) feet. A wooden fence eight feet (8'0") or less in height shall not be considered a structure for purposes of this Code.

**SECTION 18.** The Allen Land Development Code, Appendix B, "Filing Fees and Charges" shall be amended by amending Schedule H "Pro-Rata Collection Charges" to read in its entirety as follows:

**SCHEDULE H. PRO RATA COLLECTION CHARGES**

1. The applicant for connection to an existing water or wastewater main or line within the city will be required to pay a pro rata charge based on the number of linear feet of the lot or tract, if unplatted, that fronts or abuts the main line as set forth below:

8-Inch Water Line	10-Inch Water Line	12-Inch Water Line
\$30.00 per linear foot	\$43.50 per linear foot	\$57.00 per linear foot

8-Inch Sanitary Sewer	10-Inch Sanitary Sewer	12-Inch Sanitary Sewer
\$32.00 per linear foot	\$43.50 per linear foot	\$55.00 per linear foot

The pro-rata charges set forth above reflect the total participation (per LF) by the applicant/developer. If the subject development/property abuts only one side of an existing water or wastewater main or line and the development/property on the other side of said main or line will potentially benefit from the subject utility, then the required pro-rata payment shall be one-half the totals required to be paid herein.

2. The developer who enters into an agreement with the city for reimbursement for the extension of a water or wastewater line shall be reimbursed the actual costs of such construction from the collection of pro rata charges set forth above.

**SECTION 19.** The Allen Land Development Code, Appendix I, "Trail Design Standards" shall be amended as follows:

- A. Section A "Hard Surface Trails," Subsection 1 "Design Standards," Paragraph b. "Pavement Structure" shall be amended to read in its entirety as follows:

Pavement Structure – The standard pavement is reinforced Portland cement concrete (concrete mix: 5-sack, 3,000 pounds/square inch minimum, 3-5 inch slump, 10% fly ash content maximum) with a transverse light to medium broom finish. One inch (14 mm) redwood expansion joints shall be placed in the trail at an interval of 40 feet in 10' wide trails and 48 feet in 12' trails. Expansion joints shall be topped and sealed with a minimum thickness of ¼" elastomeric sealer compound, flush with the top surface of pavement on both sides of the joint. Contraction joints shall be placed at intervals equal to the trail width and shall be of a depth of one-fourth the pavement thickness. The joints shall be saw-cut one-fourth inch (3.175 mm) wide. For optimum user comfort, the finished surface of trails should not vary more than .02 feet (0.63 cm) from the lower edge of an 8-foot (2.4 m) long straight edge when laid on the surface in any direction. The trail concrete thickness shall be 5 inches minimum. The reinforcement shall be #3 (minimum) deformed steel bar at a

maximum of 16 inches on center, both ways, on chairs (welded wire mesh is not acceptable). Doweled expansion and construction joints, where new trail pavement is connected to existing pavement shall consist of #5 deformed steel bar, spaced at 12" o.c. along the pavement joint.

- B. Section I "Trailheads," Subsection 2 "Design Standards," Paragraph titled "Major Trailheads" shall be amended by amending the third unnumbered subparagraph to read as follows:

One drinking fountain approved by the city shall be provided within 30' 0" of benches and bike racks. Drinking fountains shall be ADA compliant and approved by the city. Drinking fountains must be plumbed to drain to the nearest storm sewer or to a below-ground sump approved by the city.

- C. Section I "Trailheads," Subsection 2 "Design Standards," Paragraph titled "Primary Trailheads" shall be amended by amending the third unnumbered subparagraph to read as follows:

One drinking fountain approved by the city shall be provided within 30'0" of benches and bike racks. Drinking fountains shall be ADA compliant and approved by the city. Drinking fountains must be plumbed to drain to the nearest storm sewer or to a below-ground sump approved by the city.

**SECTION 20.** All ordinances of the City of Allen, Collin County, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed; provided, however that all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 21.** 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 22.** 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 23.** 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 24.** 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 23<sup>RD</sup> DAY OF MARCH, 2010.**

**APPROVED:**

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**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**

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