

ORDINANCE NO. 3697-8-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS PREVIOUSLY AMENDED, BY AMENDING IN ITS ENTIRETY SECTION 2.02 “BOARD OF ADJUSTMENT” AND RELATED SUBSECTIONS; AMENDING SECTION 4.20.2 “SCHEDULE OF PRINCIPAL USES” BY DELETING THE USE “FIREARMS SALES & SERVICES”; AMENDING IN ITS ENTIRETY SECTION 6.05 “SITE PLAN APPROVAL” AND RELATED SUBSECTIONS; AMENDING SECTION 6.06.1 “FIREARMS AND EXPLOSIVES SALE AND SERVICE”; AMENDING SECTION 6.06.11 “SOLAR PANELS” BY AMENDING PARAGRAPH b.i. RELATING TO PERMIT REQUIREMENTS; AMENDING SUBSECTIONS 1, 4 AND 5 OF SECTION 7.04.1 “VEHICLE PARKING”; AMENDING SUBSECTION 4 OF SECTION 7.07 “FENCES AND WALLS”; AMENDING IN THEIR ENTIRETY SECTION 8.01 “PURPOSE,” SECTION 8.02 “GENERAL PROVISIONS,” SECTION 8.03 “PLAT REGULATIONS,” AND SECTION 8.04 “PERMITS REQUIRED” AND RELATED SUBSECTIONS; AMENDING SUBSECTION 1 “CONSTRUCTION PLANS” OF SECTION 8.05 “SUBDIVISION STANDARDS”; AND AMENDING APPENDIX “A” “DEFINITIONS” BY ADDING A DEFINITION FOR “CERTIFICATE OF COMPLIANCE”; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING 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:

SECTION 1. The Allen Land Development Code, as previously amended, is further amended as follows:

- A.** Article II “Administration” Section 2.02 “Board of Adjustment” is amended to read in its entirety as follows:

Sec. 2.02. - Board of Adjustment.

Sec. 2.02.1. – Establishment of the Board of Adjustment.

The Board of Adjustment is established in accordance with the provisions of V.T.C.A., Local Government Code § 211.008 et seq., regarding the zoning of cities and with the powers and duties as provided in said statutes.

- *Organization.*

- a. *Membership.* The Board shall consist of five members and at least two alternates, to be appointed by the City Council. Regular members and alternate members of the Board shall serve for a period of two years and until their successors are appointed and qualified.
- b. *Alternates.* Alternate members of the Board shall serve in the absence of one or more regular members when requested. An alternate Board Member serves upon the same terms and conditions as a regular Board Member.
- c. *Vacancies.* Members of the Board may be removed for just cause by the City Council upon a written charge and after public hearing. Vacancies shall be filled by appointment of the City Council by a majority vote for the unexpired term.
- d. *Officers.* The Board shall elect its own chairperson, a first vice-chairperson, and a second vice-chairperson, who shall serve for a period of one year or until a successor is elected. The chairperson or the acting chairperson may administer oaths and compel attendance of witnesses. The chairperson shall preside over meetings and shall be entitled to vote upon each issue. In the absence of the chairperson, the first vice-chairperson or the second vice-chairperson, respectively, shall serve as the acting chairperson and preside over the meeting of the Board.

2. *Administration and Procedures.*

- a. *Application.* An application requesting an appeal, variance or special exception shall be on a form provided by the City and shall be accompanied by the required fee.
- b. *Notice and hearing.* The Board shall fix a reasonable time for the hearing of requests (for appeals, see Sec. 2.02.2), and shall give notice thereof by depositing such notice in the mail addressed to the applicant, by publishing notice of such hearing in a newspaper of general circulation in the City, and, in the case of an application requesting a variance or special exception relating to specific property, to the owners of real property lying within 200 feet of the property, according to the current tax rolls of the City. Both the mailed and published notice shall be given not less than ten days prior to the date of the hearing.
- c. *Meetings.* Meetings of the Board shall be open to the public in accordance with the Texas Open Meetings Act and held at the call of the chairperson and at such times as the Board may determine. Any person may appear in person or by agent.
- d. *Quorum.* Each case before the Board must be heard by at least four (4) members.
- e. *Voting.* The concurring vote four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, to grant a variance, or to decide in favor of the applicant on any matter upon which the Board is required to act under this Code.
- f. *Rules.*

- i. All rules and regulations adopted by the Board shall be reviewed and approved by the City Council.
- ii. The Director of Community Development or designee shall keep minutes of Board proceedings, showing the vote of each member or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Department of Community Development and shall be a public record.
- iii. No member of the Board shall hold a meeting or communicate with an applicant or member of the public regarding a pending application or appeal outside of a public hearing.

Sec. 2.02.2. - Powers and duties of Board of Adjustment.

The Board shall have the following powers and shall have the power to impose reasonable conditions to ensure compliance and protect adjacent property, and to hear and decide the following.

- *Appeal of an Administrative Decision.*

- a. *Authority.* The Board may hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Code.
- b. *Appeal submittal.* The appeal must be filed not later than the 20th day after the date the decision is made. The appellant must file with the Board, and the official from whom the appeal is taken, a notice of appeal specifying the grounds for the appeal. The officer from whom the appeal is taken shall immediately transmit to the Board all papers constituting the record from which the appeal is taken.
- c. *Who May Appeal - Non-Specific Matter.* Any of the following people may appeal to the Board a decision made by an administrative official that is not related to a specific application, address, or project:
 - i. A person aggrieved by the decision; or
 - ii. Any officer, department, board, or bureau of the City affected by the decision.
- d. *Who May Appeal – Specific Matter.* Any of the following people may appeal to the Board a decision made by an administrative official that is related to a specific application, address, or project:
 - i. A person who:
 - (a) filed the application that is the subject of the decision;
 - (b) is the owner or representative of the owner of the property that is the subject of the decision; or
 - (c) is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or

- ii. Any officer, department, board, or bureau of the City affected by the decision.
 - e. *Decision by Board.* The Board shall decide the appeal at the next meeting for which notice can be provided, and, in any case, not later than the 60th day after the date the appeal is filed. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the administrative official.
 - f. *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action to which the appeal is related unless the official certifies in writing to the Board that facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings shall not be stayed except by a restraining order, which may be granted by the Board or by a court after notice to the official if due cause is shown.
2. *Variances.* The Board may authorize in specific cases a variance from the terms of a zoning ordinance if:
- a. The variance is not contrary to the public interest; and
 - b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
 - c. The unnecessary hardship, if any, is neither self-created nor personal to the owner of the parcel of land; and
 - d. The requested variance is not needed merely to promote economic gain or to prevent economic loss; and
 - e. The spirit of the ordinance is observed and substantial justice is done.
3. *Special Exception.* The Board may hear and decide the following special exceptions:
- a. To permit a public utility or public service or structure in any zoning district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the zoning district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 - b. To permit the reconstruction of a nonconforming building or a building containing a nonconforming use damaged by explosion, fire, act of God, or other casualty when the cost to reconstruct such building exceeds 50 percent, but less than the total, of its fair market value, where the board finds a compelling necessity requiring a continuance of the nonconforming use or structure.
4. *Limitations.* The Board shall have no authority to grant a zoning amendment or to grant or modify specific use permits or planned development districts or to change any provisions of this Code. In the event a request for a zoning amendment is pending before the Commission or City Council,

the Board shall neither hear nor grant any variances with respect to the property until final disposition of the application for zoning amendment. The Board shall not grant a variance for any parcel of property or portion thereof upon which a site plan, preliminary plat or final plat (where required) is pending before the Commission or the City Council. All administrative remedies shall have been exhausted prior to hearing by the Board.

5. *Appeal of a Board Decision.* The Board's decision is final unless appealed to district court not later than ten (10) days after the Board's decision is filed in the Office of the Director of Community Development. Such appeal must be made in accordance with Chapter 211 of the Texas Local Government Code. The Board's decision is deemed to be filed in the Office of the Director of Community Development when the Board votes and makes its final decision in open session and the chairperson has signed the form acknowledging the decision of the Board.
- B. Article IV "Zoning Regulations," Section 4.20.2 "Schedule of Principal Uses" by deleting the use "Firearms Sales & Services".
- C. Article VI "Special Zoning Provisions," Section 6.05 "Site Plan Approval" is amended to read in its entirety as follows:

Sec. 6.05. - Site plan approval.

Sec. 6.05.1. - Purpose of site plan approval.

The approval of a site plan pursuant to this Section 6.05 and its subsections is intended to ensure the proposed development of a specific tract of land complies with the zoning regulations applicable to the use and development of the property and that such development provides for efficient and safe land development, compatible use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage, and other utilities. A site plan reviewed and approved pursuant to this Section 6.05 and its subsections is not related to the subdivision of property pursuant to Article VIII of this Code or Chapter 212, Texas Local Government Code.

Sec. 6.05.2. - Applicability of site plan approval.

No building permit shall be issued for the following unless a site plan is first approved by the City:

1. Any nonresidential development.
2. Any multifamily development or mobile home park.
3. Any development with two or more buildings per platted lot.
4. Any planned development, specific use or temporary use permit.

No building permit shall be issued except in conformance with the approved site plan. No certificate of occupancy shall be issued unless all construction and development conform to the approved site plan as approved by the City.

Sec. 6.05.3. - Site plan details.

The site plan shall be drawn to scale and shall include the following information:

- Boundary Description.
 - Letter size (8½ x 11) copy of the boundary description (metes and bounds) of the property to be included in the site plan signed and sealed by a surveyor with labeling at top of the document indicating “Boundary Description”.
 - Digital copy of the boundary description in Microsoft Word for editing and copying the description digitally.
 - The Director of Community Development may waive the requirement for a surveyed boundary description of the property if the property to be encompassed in the Site Plan is platted, the proposed Site Plan does extend beyond the boundaries of the platted lots, and the property can be described in reference to the lot, block, subdivision name, and recording information for the plat on which such lot appears.
- Site Plan.
 - A title block with:
 - “Site Plan or Revised Site Plan”
 - Project name
 - Acreage
 - Subdivision name, lot, block or survey name and abstract
 - City of Allen, Collin County
 - Submission date
 - North arrow, scale ratio, and scale bar
 - Location/vicinity map showing the location of the subject property. Indicate scale or not to scale (NTS) and provide north arrow.
 - The name or names, address, and phone number of the owner, developer, engineer, and/or architect.
 - Site Data Summary Table, including:
 - Proposed Use(s)
 - Existing Zoning District
 - Gross Site Area (ac. & sq. ft.)
 - Required Landscape Area (ac. & %)

- Provided Landscape Area (ac. & %)
- Lot Coverage
- Parking Ratio per Use
- Parking Required
- Parking Provided
- Maximum Height (in ft. and stories)
- FAR
- Setbacks (front, side interior, side street, and rear)
- Adjacent property subdivision name/owner, property lines, zoning, and ownership with recording information (e.g. Volume/Page; Book/Page; Cabinet/Slide; Instrument No.); identified as being filed in the Deed Records, Collin County, Texas (DRCCT), Plat Records, Collin County, Texas (PRCCT), Map Records, Collin County, Texas (MRCCT), or Official Public Records, Collin County, Texas (OPRCCT).
- All shown streets to be labeled and include an abbreviated suffix and no directional prefix.
- Setbacks as required by zoning.
- Location of proposed building(s) and structures.
- Concrete sidewalks; label as existing or proposed and dimension the width(s).
- On-site and off-site circulation (including truck loading and pickup areas). Public streets, private drives and fire lanes with pavement widths, right-of-way, median openings, turn lanes (including storage and transition space), and driveways (including those on adjacent property) with dimensions, radii, surface type, and distances between driveways.
- Location of off-site improvements including adjacent drives, existing and proposed median cuts, parking, buildings or other structures within 200 feet of subject property.
- Parking areas and structures, including the number of parking spaces provided and required, and layout of standard spaces, handicap spaces, the location of ramps, crosswalks and loading areas with typical dimensions and surface type.
- Dumpster and trash compactor locations and screening.
- Existing overhead utility lines.
- Turning exhibit for all trucks (dumpster, fire truck-50' long., etc.).

- Location and size of the grease trap(s).
- Screening (including heights and materials).
- Location of all fire hydrants, Fire Department Connections (FDC), and location of the fire riser room.
- Landscape Buffers
- Hike and Bike Trails
- Landscape Plan.

A landscape plan shall be sealed, signed, and dated by a Registered Landscape Architect, and include the following components:

- Site Landscape Area
 - Clearly reflect the required percentage of area devoted to landscaping, based on the property zoning.
 - The proper landscape buffer provided adjacent to public street right-of-way.
 - All easements located on this site shown on the landscape plan.
 - Shade and ornamental trees provided in the landscape buffer (based on the length of the property's street frontage including drive aisles).
- Parking Lot Landscaping
 - Retail development: 1 shade tree plus 1 ornamental tree for every 40 parking spaces.
 - Non-retail development: 1 shade tree plus 1 ornamental tree for every 30 parking spaces.
 - If the parking lot has over 200 spaces, subdivided into areas of no more than 200 spaces by a 10 foot landscaped island.
 - All landscape areas are protected by a raised 6-inch concrete curb.
 - Root barriers required per Article 7.05..3.6.j.
 - All parking spaces within 50 feet of the center of an approved parking lot tree.
 - All parking rows must end in a parking lot island.
 - All islands must be a minimum of eight feet (8') by seventeen feet (17') from back-of curb to back-of-curb.

- An island is required every ten spaces around the perimeter of the site.
- All parking must be screened from the adjacent public right-of-way.
- A two foot (2') wide strip of non-vegetative permeable material around all parking.
- All landscape areas to be irrigated with a fully automatic irrigation system and this requirement is noted on the landscape plan.
- Trees listed in the approved plant lists follow in Appendix C of the Allen Land Development Code.
- For multi-family, a minimum of eight (8) square feet of landscape area provided for each parking space and one shade tree within the parking lot for every 10 spaces.
- Corner Lot Landscaping
 - A 20-foot landscape buffer provided at the corner street frontage for 175 feet or to nearest driveway
 - A 900 square foot or larger landscape area provided at the intersection corner of the lot
- Tree Survey Plan and Tree Mitigation Plan.
 - A tree survey plan shall be prepared by a certified arborist or landscape architect and shall include the following information:
 - Property Boundary Description.
 - Date of Preparation.
 - North Arrow.
 - Name, address, and phone number of owner.
 - Name, address, and phone number of preparer.
 - Zoning of Property.
 - Documentation of agricultural/open space tax status if exemption is requested.
 - Caliper of all trees with a trunk diameter of six-inches (6") in caliper or larger.
 - Location and common name of tree species.
 - Identification of all trees.

- Identification of caliper, common name of species, and location of trees that are to be used as replacement trees.
- The Tree Survey should be set up in a tabular format with the following as column headers:
 - Tree #
 - Common Name
 - Caliper (DBH)
 - Protected (Y/N)
 - Positive Credits
 - Negative Credits
- Identification of caliper, common name of species, and location of existing trees that are to be used for credits.
- A tree mitigation plan, if applicable, shall include the following:
 - Species of replacement trees.
 - The proposed location of replacement trees.
 - The proposed schedule for replacement of trees.
 - Proposals for payment in lieu of planting replacement trees.
- Building Elevations.
 - Elevations, from each direction, of the existing and/or proposed building(s).
 - Label the maximum building height per elevation.
 - Include the cardinal direction (north, south, east, or west) in the label for each elevation.
 - Label each building material.
 - A building material table, per elevation, that includes the square foot and percent of each building material. Glazing, doors, roofs, or awnings should not be included.
- Photometric Plan.
 - Foot-candles as generated by lighting across the property.

- Bolded property line.
- North arrow.
- Location/vicinity map showing the location of the subject property.
- Preliminary Grading and Utility Plan.
- Dumpster Enclosure Detail and Trash Service Detail.

The following two items will be required as part of the site plan submittal:

- A dumpster enclosure detail in conformance with Figure 6.05.3.8.a.1. Single Dumpster Enclosure with No Access Door; Figure 6.05.3.8.a.2. Single Dumpster Enclosure with Access Door; Figure 6.05.3.8.a.3 Single Dumpster Enclosure with Access Door and Storage; Figure 6.05.3.8.a.4. Double Dumpster Enclosure with No Access Door; or Figure 6.05.3.8.a.5. Compactor Enclosure.

Figure 6.05.3.8.a.1. *Single Dumpster Enclosure with No Access Door*

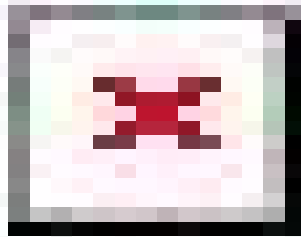


Figure 6.05.3.8.a.2. *Single Dumpster Enclosure with Access Door*

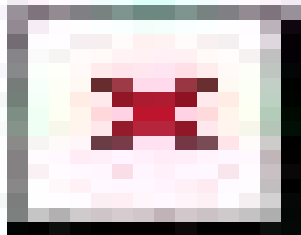


Figure 6.05.3.8.a.3 *Single Dumpster Enclosure with Access Door and Storage*

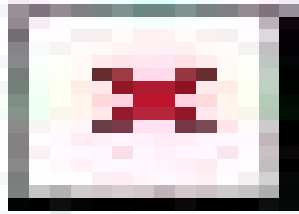
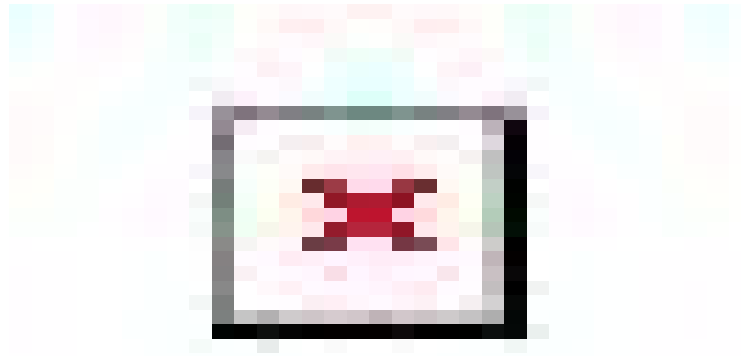


Figure 6.05.3.8.a.4. *Double Dumpster Enclosure with No Access Door*



Figure 6.05.3.8.a.5. *Compactor Enclosure*



- A service detail in conformance with Figure 6.05.3.8.b.1. Dumpster Service Detail if a dumpster service is used or Figure 6.05.3.8.b.2. Compactor Service Detail if a compactor service is used.



Figure 6.05.3.8.b.1. *Dumpster Service Detail*

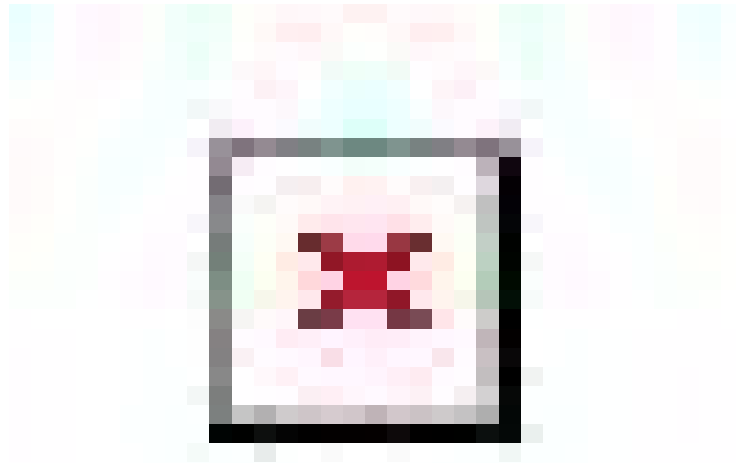


Figure 6.05.3.8.b.2. *Compactor Service Detail*

Sec. 6.05.4. - Site plan review standards.

The Director of Community Development shall review the site plan for the following:

- Compliance with all provisions of the Code, the objectives of the comprehensive plan, the major thoroughfare plan and other ordinances of the City.
- The Director of Community Development or designee shall review and approve, approve with conditions, or deny all site plans.
- Appeals. The applicant may appeal any decision of the Director of Community Development to the Commission within 30 days after the written request for appeal is made. The decision of the Commission may be appealed to the City Council, whose decision shall be final within 30 days.
- Site plan approval shall expire if construction has not commenced within one year of the date of final approval.
- The Director may revoke an approved site plan:
 - For failure to comply with or complete all conditions of approval or improvements indicated on the approved development plans.
 - If the construction of a building or creation of a use is found to be in nonconformance with the approved site plan.
 - For failure to comply with any of the applicable requirements of this Code or any other applicable City ordinance.

- Upon discovery that any required site plan element has been misrepresented or is otherwise substantially different than actual physical conditions (e.g. distances between two points, locations of property lines or other significant landmarks, area calculations, etc.).

D. Article VI “Special Zoning Provisions,” Section 6.06.1 “Firearms and Explosives Sale and Service” is amended to read as follows:

Sec. 6.06.1. - Firearms and explosives sales and service.

Uses constituting firearms sales and service shall be classified as a Retail Use and permitted in accordance with Section 4.20.2 and as a home occupation in accordance with Section 4.10 and shall be subject to the following additional development and use regulations:

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

E. Article VI “Special Zoning Provisions,” Section 6.06.11 “Solar Panels” is amended by amending Paragraph b.i. to read as follows:

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

F. Article VII “Zoning Development Standards,” Section 7.04.1 “Vehicle Parking” is amended by amending the first paragraph of Subsection 1 and amending in their entirety Subsections 4 and 5 to read as follows:

Sec. 7.04.1. - Vehicle parking.

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

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

...
4. *Minimum dimensions for off-street parking.*

- *Ninety-degree angle parking.* Each parking space shall be not less than nine feet wide nor less than 18 feet in length. Maneuvering space shall be in addition to parking space and shall be not less than 24 feet wide.
- *Sixty-degree angle parking.* Each parking space shall be not less than nine feet wide perpendicular to the parking angle nor less than 20 feet in length when measured perpendicular to the edge of the maneuvering aisle. Maneuvering space shall be in addition to parking space and shall be not less than 20 feet wide.
- *Forty-five-degree angle parking.* Each parking space shall be not less than nine feet wide perpendicular to the parking angle nor less than 19 feet in length when measured perpendicular to the edge of the maneuvering aisle. Maneuvering space shall be in addition to parking space and shall be not less than 18 feet wide.
- *Head in Parking adjacent to sidewalks.* All parking spaces that are oriented perpendicular to an adjacent sidewalk must meet one of the two following options:
 - The sidewalk adjacent to a parking space measuring eighteen (18) feet in depth must maintain a minimum width and clear path of five (5) feet, measured from the back of curb; or
 - In cases where a minimum width and clear path of five (5) feet cannot be achieved for the adjacent sidewalk, then wheel stops shall be required to be installed two (2) feet from the face of the adjacent curb with the minimum length of the parking space being twenty (20) feet.
- 5. *Parking lot construction standards.* All parking lots shall be constructed of five-inch reinforced Portland cement concrete over compacted soil subgrade. All required fire lanes shall be constructed of concrete in accordance with the City design standards. Alternative materials such as brick, pavestone, or similar materials may be allowed upon approval by the Director of Community Development.

G. Article VII “Zoning Development Standards,” Section 7.07 “Fences and Walls” Subsection 4 “Screening Walls or Visual Barriers Required” is amended by amending Subparagraphs i. and ii. of Paragraph e. as follows:

- Along any property line or district boundary between any single-family detached or attached or any two-family use or zoning district and any multifamily, mobile home park, or nonresidential use or zoning district, but not across a dividing street between such uses.
- ii. Along any property line or district boundary between any multifamily or urban residential use or zoning district and any nonresidential use or zoning district, but not across a dividing street between such uses.

- H.** Article VIII “Subdivision Regulations” is amended by amending in their entirety Section 8.01 “Purpose,” Section 8.02 “General Provisions,” Section 8.03 “Plat Regulations,” Section 8.04 “Permits Required” and all subsections within said sections to read as follows:

Article VIII – SUBDIVISION REGULATIONS

Sec. 8.01. - Purpose.

The purpose of this article is:

- To protect and provide for the public health, safety, and general welfare of the community.
- To guide the future growth and development of the City, in accordance with the comprehensive plan.
- To guide public and private development in order to provide adequate and efficient transportation, water, sewage, and other public and private requirements and facilities.
- To establish reasonable standards of design and procedures for subdivision and resubdivision and to further the orderly layout and use of land.
- To ensure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population.
- To provide for the circulation of traffic and pedestrians required for the beneficial use of land and buildings and to avoid congestion throughout the City.
- To ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or addition and that the community will be required to bear no more than its fair share of the cost of providing facilities and services.
- To prevent the pollution of streams and ponds; to ensure the adequacy of drainage facilities; to safeguard the water table and to encourage the wise use and management of natural resources and enhance the stability and beauty of the community and the value of the land.
- To provide for open spaces through the most efficient design and layout of the land.
- To remedy the problems associated with inappropriately platted lands, including the premature subdivision, incomplete subdivision and scattered subdivision.

Sec. 8.02. - General provisions.

Sec. 8.02.1. - Jurisdiction.

These subdivision regulations, design standards, and improvement requirements for land development are adopted under the authority of the provisions of the constitution and laws of the State of

Texas and Charter of the City. The rules and regulations shall apply to all subdivisions of land within the corporate boundaries and extraterritorial jurisdiction of the City and to all land that the City may annex.

- Pursuant to the authority granted in V.T.C.A., Local Government Code ch. 212, the Planning and Zoning Commission shall exercise the power and authority to administer standards established by this Code and to review, approve, or disapprove plats and development plans for subdivision of land and for any development within the corporate limits of the City and the unincorporated areas lying within the extraterritorial jurisdiction which show lots, blocks, or sites with or without new streets or highways or any lot improvement activities as defined by the ordinance.
- Any person wishing to divide land inside the City or within the City's extraterritorial jurisdiction shall submit to the Commission a plan of the subdivision which shall conform to the requirements set forth in these regulations. A division of land under this section does not include a division of land into parts greater than five acres where each part has access and no public improvement is being dedicated.
- No subdivision plat shall be filed or recorded and no lot in a subdivision inside of the City or within the City's extraterritorial jurisdiction shall be improved or sold until the final plat shall have been approved by the Commission.
- The City shall not accept streets or public rights-of-way, nor provide City services, including but not limited to the furnishing of sewage facilities and water service, and solid waste collection, unless or until a final plat conforming to the requirements of this article has been approved and filed for record in the map records of Collin County, Texas.
- Prior to the issuance of any building permit, the property for which the permit is being issued shall have been platted and all required public improvements accepted by the City, or shall exist as an official lot or tract of record.
- Except as provided above, no land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the Commission in accordance with these regulations.
- Except as provided above and lots of record established prior to the effective date of this Code, no land shall be sold, leased or transferred until the property owner has obtained approval of a final plat from the Director of Community Development or the Commission as required under these regulations.
- The City shall withhold all public improvements and utilities, including the maintenance of streets and the provision of sewage facilities and water service, from all tracts, lots and additions, the platting of which has not been officially approved by the Director of Community Development or the Commission and for which a certificate of compliance has not been issued.
- The Commission will consider special exceptions from the subdivision regulations in this article upon written request from the owner stating the grounds for such variance. Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, the Commission may

approve a special exception to these subdivision regulations, provided that such special exception does not have the effect of nullifying the intent and purpose of these regulations; and further provided that the Commission shall not approve a special exception unless it shall make findings based upon the evidence presented to it in each specific case that:

- The conditions upon which the request for a special exception is based are unique to the property and are not applicable generally to other properties; or
- A tract has peculiar physical surroundings, severe topographical conditions, or unique environmental qualities worthy of protection; or
- Where a literal application of the regulations of this article will result in a hardship to the owner because of the shape, size or topography of the applicable lot or tract of land; and the hardship is not self-imposed, financial or the result of frustrated development plans; and
- The special exception will not have an adverse effect on the intent of these provisions or the comprehensive plan.

Sec. 8.02.2. - Applicable law.

All applications for plat approval, including final plats, pending on the effective date of these regulations and which have not lapsed shall be reviewed under the regulations in effect immediately preceding the date of adoption of this Code.

Sec. 8.02.3. - Superseding regulations.

Upon adoption of this Code according to law, all subdivision regulations of the City previously in effect are hereby superseded, except as provided in section 8.02.2.

Sec. 8.02.4. - Administrative approval of certain amending plats, minor plats and replats.

- The Director of Community Development is authorized to approve the following:
 - Minor plats described in section 8.03.6;
 - Replats described in section 8.03.7; and
 - Amending plants described section 8.03.8.
- The Director of Community Development may for any reason elect to present the minor plat, replat or amending plat to the Commission for action.
- Any minor plat, replat, or amending plat which the Director of Community Development fails or refuses to approve shall be submitted to the Commission for action.

Sec. 8.03. - Plat regulations.

Sec. 8.03.1. - General plat regulations.

- *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 two steps:
 - Preliminary Plat
 - Final Plat
- *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. Applications for plats shall be accepted only on submittal dates as published by the City.
- *Approval criteria.* Applications for plat approval shall be evaluated for compliance with these regulations and the requirements contained in the City's adopted design standards, and with any other criteria, policies, rules and plans which are referenced elsewhere in these regulations.
- *Statutory compliance procedure.* The Director of Community Development shall place any plat application on a scheduled meeting of the Commission prior to the expiration of 30 days following the official submission date. At the meeting, the Commission shall approve, approve with conditions or disapprove the application. If the Commission fails to approve or disapproves (disapproval to include the identification of requirements to be satisfied prior to approval) an application within 30 days of the official submission date, the application shall be deemed approved. However, if any requirements remain to be satisfied prior to plat approval, the application for plat approval shall be disapproved for purposes of statutory compliance only. Unless the Commission unconditionally disapproves the plat application within such period, the City will continue to process the application. The Commission may not table the consideration of any plat. The applicant may elect to withdraw the application at any time prior to the action of the Commission and may resubmit the project with no additional fees if the project is resubmitted within 60 days. Any resubmission will be treated as an original application.

Sec. 8.03.2. - General development plan.

- *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.
- *Applicability.* Approval of a general development plan is required as a condition precedent to the filing and acceptance of any application for a plat, except where the Director of Community Development determines that:
 - The subdivision will result in no more than one new street and sufficient information exists to begin preparation of the preliminary plat; or
 - A concept plan or final site plan for the property provides sufficient information for the preparation of a preliminary plat. A concept plan submitted for the

purpose of securing zoning approvals may be accepted as a general development plan if it meets the requirements of this section.

- *Contents.* An application for a general development plan shall not be deemed complete, and shall not be deemed to be filed, unless and until the applicable application fee has been paid and the application, inclusive of the proposed general development plan drawing and required supporting documents includes all of the following:
 - Boundary Description.
 - Letter size (8½ x 11) copy of the boundary description (metes and bounds) of the property to be considered in the request signed and sealed by a surveyor with labeling at top of the document indicating “Boundary Description”.
 - Digital copy of the boundary description in the Microsoft Word suitable for editing and copying the description digitally.
 - General Development Plan.
 - A title block with:
 - “General Development Plan”
 - Project name
 - Acreage
 - Proposed Subdivision name, lot and block, or survey name, abstract number
 - City of Allen, Collin County
 - Submission date
 - A proposed layout drawn to a scale of 1” = 200’ or larger.
 - North arrow, scale bar, and scale ratio.
 - Site Data Summary Table, including:
 - Proposed Use(s) (with type, number, and acreage)
 - Existing Zoning District
 - Proposed Base Zoning District
 - Gross Site Area (ac. & sq. ft.)
 - Lot Coverage

- FAR
- Maximum Height (in ft. & stories)
- Required Landscape Area (ac. & %)
- Provided Landscape Area (ac. & %)
- Parking Ratio by Use
- Parking Required
- Parking Provided
- Location/vicinity map showing the location of the proposed zoning. Indicate scale or not to scale (NTS) and provide north arrow.
- The names of adjacent additions or subdivisions or the name of record of owners adjoining parcels of unplatted land.
- For all recorded instruments referenced on the General Development Plan, the recording information (e.g. Volume/Page; Book/Page; Cabinet/Slide; Instrument No.); identified as being filed in the Deed Records, Collin County, Texas (DRCCT), Plat Records, Collin County, Texas (PRCCT), Map Records, Collin County, Texas (MRCCT), or Official Public Records, Collin County, Texas (OPRCCT).
- General location and size of school sites, park and recreation areas, and other public areas.
- Arrangement and connection of streets with adjacent properties.
- All shown streets to be labeled and include an abbreviated suffix and no directional prefix.
- Existing driveways within 200 feet of the property.
- Existing and proposed median openings within 500 feet of the property.
- Location of proposed shopping centers, multifamily residential, and other land uses.
- Proposals for water, sewer, and drainage systems in relation to master plans where they exist for these facilities.
- Identification of any flood prone areas and general proposals for such areas.
- Identification of any tree cover containing 6 or more trees with a caliper of 6 inches or more that is outside the floodplain that may be disturbed by proposed streets or alleys in order to reduce the destruction of trees.

- Hike and bike trails with widths dimensioned and labeled as existing or proposed.
- Landscape Buffers
- Tree Survey. A tree survey must be presented as an overlay to the general development plan in order to demonstrate the impact of the street and alley system on the existing tree cover. Any credit policies established by agreement or contract prior to the adoption of this Code shall remain in force and effect. If there are no trees located on the site or in a fence row adjacent to the site, the property owner or his authorized agent shall submit a sworn affidavit attesting to the fact. A tree survey will not be required for property within open space or floodplain areas to be dedicated to the City or within any conservation easement. The submitted Tree Survey/Mitigation Plan shall include the following:
 - Property Boundary Description.
 - Date of Preparation.
 - North Arrow.
 - Name, address, and phone number of owner.
 - Name, address, and phone number of preparer.
 - Caliper of all trees with a trunk diameter of six inches (6”) in caliper or larger, and any tree for which tree preservation credits will be requested.
 - Location and common name of tree species.
 - Identification of all trees to be removed.
 - Identification of caliper, common name of species, and location of trees that are to be used as replacement trees.
 - Identification of caliper, common name of species, and location of existing trees that are to be used for credits.
 - Zoning of Property.
 - Documentation of agricultural/open space tax status if exemption is requested.
 - Tree loss mitigation plan which identifies species, location, and schedule for planting replacement trees.
- *Standards for approval.* No general development plan shall be approved by the Commission unless it conforms to the comprehensive plan and development regulations of the City.

- *Acceptance of general development plan.*
 - The Commission shall review the general development plan for consistency with the comprehensive plan, the major thoroughfare plan, zoning regulations and other requirements of this Code. The Commission may permit the development to be platted in phases, provided each phase satisfies the requirements of this Code. The Commission may also impose conditions such as temporary street and alley connections or temporary culs-de-sac to assure orderly development.
 - The Commission shall approve, conditionally approve or disapprove a general development plan. The approval of a general development plan constitutes authorization by the City for the property owner to submit application for a preliminary plat (or final plat, if a preliminary plat is not required), subject to compliance with any conditions attached to the approval of the general development plan.
- *Lapse of approval.* The approval of any phase or phases of a general development plan shall automatically expire unless such phase or phases have been submitted and approved by the Commission as a preliminary plat within 18 months.
- *Extension or reinstatement of approval.* Applicant may request one extension of approval provided such application is filed not less than 60 days prior to the expiration of the general development plan. Any extension shall not extend beyond six months from the time that the general development plan would otherwise have expired. The request for extension shall be filed with the department of planning and development and presented to the Commission at its next regular meeting. The application for extension shall include an explanation for the reasons for the delay. In determining whether to approve the extension, the Commission shall consider reasons for the delay, the effect of any new regulations on the proposed general development plan, and the ability of the property owner to comply with the original conditions. The Commission's disapproval of an extension for a general development plan shall be final.

Sec. 8.03.3. - Preliminary plat.

- *Zoning.* The subdivision shall be designed to conform to the requirements of the specific zoning district within which it is located. Any change in zoning required in relation to the preliminary plat shall have been enacted by the City Council prior to consideration of an application for the preliminary plat by the Commission.
- *Preliminary plat submission.*
 - *Contents.* An application for preliminary plat shall not be deemed complete, and shall not be deemed to be filed, unless and until the applicable application fee has been paid and the application, inclusive of the proposed preliminary plat drawing and required supporting documents, includes all of the following information:
 - A title block with the following:
 - “Preliminary Plat”
 - Proposed subdivision name, lot, block

- Acreage
 - Number of lots (if residential project, residential and HOA lots)
 - Survey name and abstract
 - City of Allen, Collin County
 - Submission date
-
- North arrow, scale ratio, and scale bar, drawn to a scale of one-inch equals one hundred feet or larger.
 - Drawn to a scale of one-inch equals one hundred feet or larger.
 - Four or more control points tied to the State Plane Coordinate System, North Central Texas, Zone 5351, Datum NAD83.
 - Location/vicinity map indicating scale or not to scale (NTS) and provide north arrow.
 - The name or names, address, and phone number of the owner, developer, and surveyor.
 - The outline of the tract that is proposed to be subdivided, with boundary dimensions.
 - Land contours at not more than two-foot (2'-0") intervals.
 - The names of subdivisions; lot patterns; location, widths, and names of existing or planned streets and intersections, driveways, median openings (within five hundred feet), and any blocks, lots, alleys, easements, building lines, water courses, floodplain, or other natural features, with principal dimensions; and any other significant information on all sides for a distance of not less than two hundred feet.
 - The proposed plan of subdivision, showing streets, blocks, lots, alleys, easements (including landscape buffers), building lines, parks, existing and proposed sewers, water mains, culverts, or other underground structures with pipe sizes, grades, and locations indicated.
 - For all recorded instruments referenced on the General Development Plan, the recording information (e.g. Volume/Page; Book/Page; Cabinet/Slide; Instrument No.); identified as being filed in the Deed Records, Collin County, Texas (DRCCT), Plat Records, Collin County, Texas (PRCCT), Map Records, Collin County, Texas (MRCCT), or Official Public Records, Collin County, Texas (OPRCCT).
 - All shown streets to be labeled and include an abbreviated suffix and no directional prefix.

- Trails and trail crossings of creeks, tributaries and ravines.
- The location of the nearest existing sewers, water and gas mains, and other public utilities, if any.
- The location of any existing or proposed school site or other public facility.
- The names of proposed streets. The use of the words North, South, East, and West shall be consistent with the City's block numbering system.
 - All through streets shall have a suffix such as "Street", "Drive", "Lane", or "Way." All suffixes shall have abbreviations limited to not more than four (4) letters.
 - New streets shall be named so as to provide continuity of name with existing or stubbed out streets and to prevent conflict with identical or similar names in other parts of the City or within the same zip code.
 - Street names are subject to the approval of the City. The City may require the name of a street to change in some locations to avoid confusion in addressing.
 - Street names, not including directional information or suffix, shall not be longer than thirteen (13) characters, including spaces.
- A table of lot sizes for all single-family residential plats (on the plat or on a separate document).
- The proposed plan of subdivision, showing streets, blocks, lots, alleys, easements (including landscape easements), building lines, parks, existing and proposed sewers, water mains, culverts, or other underground structures with pipe sizes, grades, and locations indicated.
- The proposed plan of improvements and utilities to be constructed in the subdivision, prepared by a registered professional engineer, shall be shown with indication of street widths and utility line sizes. The accurate location of any existing utilities within the subdivision will be shown on the Preliminary Plat.
- A proposed plan for drainage, to include approximate delineation of the ultimate 100-year storm event. The proposed drainage plan shall include a topographical map in sufficient detail showing all abutting drainage areas either contributing to the storm water flows within the proposed subdivisions or receiving storm water flows from the proposed subdivision.

- Copies of all deed restrictions, restrictive covenants, homeowner's association requirements, or any other limitation or requirement governing the use of the property.
- *Filing fees.* No application shall be accepted without payment of all fees.
- *Preliminary plat review.* Upon receipt of an application requesting approval of a preliminary plat, the City staff shall review the application to determine its completeness and for compliance with public objectives, giving special attention to design principles and standards; to streets and thoroughfares identified in the thoroughfare plan, and the comprehensive plan, the consolidated alternative transportation and recreational trail plan, and for the adequacy of neighborhood circulation; to existing and proposed zoning and land use of the tract and adjacent tracts; and to sites required for schools, parks, and other public facilities.
- *Standards for approval.* No completed application for preliminary plat shall be approved unless it complies with the following standards:
 - The preliminary plat conforms with the approved general development plan, if required;
 - Provision has been made for the installation and dedication of public improvements;
 - The preliminary plat conforms to applicable zoning and other regulations; and
 - The preliminary plat meets all other requirements of this Code.
- *Preliminary plat approval.* The Commission shall approve, approve with conditions, or disapprove the preliminary plat within 30 days after the application for preliminary plat is complete and filed. The approval with conditions of a preliminary plat by the Commission does not constitute approval until the conditions have been satisfied. Failure to comply with the conditions required by the preliminary plat shall constitute disapproval of the preliminary plat.
- *Expiration of approval.* Commission approval of a preliminary plat expires one year after the date of Commission action on the application unless a final plat is submitted and approved for the property or any phase identified in the general development plan approved for the property, within such period. If no application for final plat is filed for the property described in the preliminary plat (or a phase of said property, as applicable), the preliminary plat shall become void and a new application for preliminary plat for the same property must be submitted and approved prior to making an application for final plat for all or part of said property. The new preliminary plat shall be subject to the development regulations in existence at the time of the new submittal. The developer may request, and Commission, at its discretion, may grant an extension of time not to exceed 60 days, provided that an application for extension is filed not less than 15 days prior to the expiration of the preliminary plat.

Sec. 8.03.4. - Final plat.

- *Final plat application.* An application for final plat shall be filed with the community development department in accordance with the published schedule of submittal dates. The final plat submittal shall include:
 - Application form signed by the existing owner or his authorized representative.
 - Documents establishing the mandatory homeowners' association, and any proposed declarations, covenants, conditions or restrictions.
 - Final plat copies that shall be clearly legible.
 - The original plat shall be drawn to a scale of one inch equals 100 feet or larger in ink on bluelines or other acceptable permanent material, with all figures and letters legible with four or more control points tied to the State Plane Coordinate System, North Central Texas, Zone 5351, Datum NAD83.
 - Payment of fees.
- *Required information.* An application for final plat shall not be deemed complete, and shall not be deemed to be filed, unless and until the applicable application fee has been paid and the application, inclusive of the proposed final plat drawing and required supporting documents, includes all of the following information in addition to the information required on the related preliminary plat:
 - A title block with the following:
 - “Final Plat/Replat”
 - Subdivision name, lot, block
 - Acreage
 - Number of lots (if residential project, residential and HOA lots)
 - Right-of-Dedication (square feet and acreage)
 - Survey name and abstract
 - City of Allen, Collin County
 - Submission Date
 - North arrow, written and bar graph scale, less than or equal to 1” = 100’ are shown.
 - North arrow shall be oriented to the top or right side of the sheet.
 - Submittal Log including dates of submittals/revisions.
 - Four or more control points tied to the State Plane Coordinate System, North Central Texas, Zone 5351, Datum NAD83.

- The name or names, address, and phone number of the owner, developer, and surveyor.
- Location/vicinity map indicating scale or not to scale (NTS) and provide north arrow.
- Property boundary is indicated by a heavy solid line, intermittent with two dashed lines; dimensioned with bearing and distance.
- The length and bearing of all straight lines, radii, arc lengths, tangent length and central angles of all curves are indicated along the lines of each lot. The curve data pertaining to block or lot boundary may be placed in a curve table at the base of the plat and prepared in a tabular form with the following information:
 - Curve number
 - Delta
 - Radius
 - Tangent length
 - Tangent offset
 - Arc length
 - Chord
 - Chord direction
- An accurate outline description, and area to the nearest hundredth of an acre, of all parcels of land which is offered for dedication or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, or reservations for other uses, together with the purpose and conditions or limitations of such reservations and/or dedications, if any.
- All survey monuments.
- Standard Plat Language, including Owner's Certificate, Surveyor's Certificate and signature blocks for appropriate approval authority.
- Location of property lines, owner or subdivision name(s) and recording information of abutting properties within 200-feet.
- For all recorded instruments referenced on the General Development Plan, the recording information (e.g. Volume/Page; Book/Page; Cabinet/Slide; Instrument No.); identified as being filed in the Deed Records, Collin County, Texas (DRCCT), Plat Records, Collin County, Texas (PRCCT), Map Records, Collin County, Texas (MRCCT), or Official Public Records, Collin County, Texas (OPRCCT).

- All shown streets to be labeled and include an abbreviated suffix and no directional prefix.
- Existing right-of-way, dimensioned from property line to property line and property line to centerline of adjacent right-of-way.
- A table of lot sizes for all single-family residential plats on a separate document.
- The systematic assignment of numbers to lots and letters to blocks. All open space and common area lots should be identified as Block "X".
- The location of floodplain boundaries and state or federally protected areas, such as wetlands are indicated.
- Any reservation for future public school sites or rights-of-way dedication shall be platted in accordance with the approved preliminary plat.
- Copy of documents approved by the City Attorney that establish the Mandatory Homeowner's Association, and any proposed declarations, covenants, conditions or restrictions.
- Original tax certificates from each taxing entity, signed by the City tax assessor, stating that all taxes and assessments then due and payable on the land described in the final plat application have been paid.
- The following information shall be required only for application for replats:
 - All requirements for the Final Plat, above.
 - A statement of the proposed revisions in numerical format on 8 ½" x 11" sheet of letterhead. Statement shall include verification that proposed revisions are limited to those identified and that no other modifications to the plat are taking place.
 - A separate redline drawing of the proposed changes on an 11" x 17" page(s).
 - A purpose statement, on the plat, that summarizes the proposed revisions.
 - Proposed revisions shall be shown on the replat with the final plat configuration ghosted in.
- Final engineering drawings for all public improvements and all utility and access easements and all fire lanes have been approved by the City Engineer;
- *Standards for approval.* No completed application for final plat shall be approved unless the application complies with the following:
 - The final plat substantially conforms with the approved preliminary plat;

- All fire lanes have been approved by the fire marshal;
 - Adequate provision has been made for adequate public improvements;
 - The plat conforms to applicable zoning and other regulations; and
 - The plat meets all other requirements of this Code.
- *Final plat approval.* The Commission shall approve, approve with conditions, or disapprove the final plat within 30 days of submittal of a complete application.
 - *Expiration of approval.* Not later than 90 days after Commission approval of an application for final plat, the planning department shall record the final plat with Collin County map records. Should the developer fail to pay all applicable development and/or construction fees within said 90-day period, then the final plat shall be rendered void. The Commission may approve an extension of time, not to exceed 60 days, for the recording of a final plat, provided a request for extension of time is made not less than 15 days prior to the expiration of the final plat.

Sec. 8.03.5. - Combination plat approval.

The owner may submit an application for a combination plat if:

- The tract is to be subdivided into no more than three lots;
- No change of street locations would be required; and
- The application satisfies the same standards for completeness required for a final plat application and all the requirements for the preliminary and final plat are satisfied.

Sec. 8.03.6. - Minor plats.

- The purpose of a minor plat is to simplify divisions of land under certain circumstances outlined in state law. An application for approval of a minor plat may be filed only in accordance with state law, when all of the following circumstances apply:
 - The proposed division results in four or fewer lots;
 - All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Code; and
 - Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
- Unless otherwise specified, application and all related procedures, including recordation, shall be the same as specified for a final plat. Review and approval shall be in accordance with section 8.02.4 and other applicable provisions of this Code.

Sec. 8.03.7. - Replatting without vacating preceding plat.

- The purpose of a replat is to re-subdivide part or all of any property for which a final plat has been previously approved and recorded and which does not require the vacation of the entire preceding plat. Replats shall apply only if a property owner seeks to change any portion of a final plat that has been previously recorded in the map or plat records of Collin County.
- A Replat of all or a portion of a recorded plat may be approved in accordance with state law without vacation of the recorded plat if the replat:
 - Is signed and acknowledged by only the owners of the property being replatted;
 - Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.
- In addition to compliance with Section 2. above, a replat without vacation of the preceding plat must conform to the requirements of this section if:
 - During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
- If a proposed replat described by Section 3, above, requires a variance or exception, a public hearing must be held by the Commission or City Council prior to approval of the replat application.
- If the conditions described in subsection 4. of this section exist, then the following is required:
 - Notice of the hearing shall be given 15 days before the day of the hearing by:
 - Publication in the City's officially designated newspaper; and
 - By written notice, with a copy of the specific language contained in the following subsection (b) attached thereto, forwarded by the Commission to the owners of property in the original subdivision located within 200 feet of the property upon which the replat is requested, as such owners are indicated on the most recently approved City tax roll or, in the case of a subdivision within the extraterritorial jurisdiction of the City, the most recently approved county tax roll. The written notice may be delivered by depositing the notice, properly addressed with the postage prepaid, in a post office or postal depository within the municipal boundaries of the City.
 - If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members of the Commission present and voting. For a legal protest, written instruments signed by the owners

of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Commission prior to the close of the public hearing.

- In computing the percentage of land area under subsection 4.b. of this section, the area of streets and alleys shall be included.
- Compliance with subsections 5.b. and 5.c. of this section is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- If a proposed replat described by Subsection 2. above does not require a variance or exception, not later than the 15th day after the date the replat is approved, written notice by mail of the approval of the replat will be provided to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent City or county tax roll. This subsection does not apply to a proposed replat if the Commission or City Council holds a public hearing and gives notice of the hearing in the manner provided by Subsection 5.
- The notice of replat approval required by Subsection 6. above must include:
 - The zoning designation of the property after the replat; and
 - A telephone number and e-mail address that an owner of a lot may use to contact the City about the replat.

Sec. 8.03.8. - Amending plats.

- The purpose of an amending plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of Tex. Loc. Govt. Code § 212.016. Procedures for an amending plat shall apply only if the sole purpose of the amending plat is to achieve one or more of the following:
 - Correct an error in a course or distance shown on the preceding plat;
 - Add a course or distance that was omitted on the preceding plat;
 - Correct an error in a real property description shown on the preceding plat;
 - Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

- To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- To correct an error in courses and distances of lot lines between two adjacent lots if:
 - Both lot owners join in the application for amending the plat;
 - Neither lot is abolished;
 - The amendment does not attempt to remove recorded covenants or restrictions; and
 - The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- To relocate one or more lot lines between one or more adjacent lots if:
 - The owners of all those lots join in the application for amending the plat;
 - The amendment does not attempt to remove recorded covenants or restrictions; and
 - The amendment does not increase the number of lots;
- To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - The changes do not affect applicable zoning and other regulations of the municipality;
 - The changes do not attempt to amend or remove any covenants or restrictions; and
 - The area covered by the changes is located in an area that the municipal planning Commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
- To replat one or more lots fronting on an existing street if:
 - The owners of all those lots join in the application for amending the plat;
 - The amendment does not attempt to remove recorded covenants or restrictions;
 - The amendment does not increase the number of lots; and

- The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- Unless otherwise specified, application and all related procedures, including recordation of an amending plat shall be the same as specified for a final plat. Review and approval shall be in accordance with section 8.02.4 and other applicable provisions of this Code.

Sec. 8.04. - Permits required.

- *Clearing and grading permit.* A clearing and grading permit shall be required prior to the clearing, grading, filling, or dredging of property within the City or its extraterritorial jurisdiction only after approval of the preliminary plat and tree removal permit, subject to the following conditions:
 - All grading completed prior to the final plat is at the risk of the developer/applicant and is subject to change based on the approval of the final plat by the City Planning and Zoning Commission.
 - No utility work can take place under a grading permit.
 - All work must be in conformance with the approved tree removal permit, tree protection plan and tree mitigation plan.
 - All erosion control and tree protection devices must be in place and properly maintained.
 - The placement of fill shall be in strict conformance to the plans and specifications approved for the project.
 - The City Engineer has reviewed the construction plans and released them for grading only.
 - No construction activity shall take place in the 100-year floodplain.
- *Development permit.* A development permit will allow for the construction of public streets, utilities, drainage, or other improvements. All plans accompanying permits for any work within a floodplain shall be certified by a registered professional engineer and signed by the City Engineer. The development permit may be issued by the City Engineer only after approval of the final plat.
- *Tree removal permit.* Trees shall not be removed prior to the issuance of a tree removal permit approved in accordance with the provisions of this Code.
- *Permit fees.* No clearing and grading, development or tree removal permit shall be issued until all allocable fees specified in the fee schedule adopted by resolution of the City Council have been paid.

- I.** Article VIII “Subdivision Regulations” is amended by amending Subsection 1 “Construction Plans” of Section 8.05 “Subdivision Standards” to read as follows:

Sec. 8.05. – Subdivision standards.

- *Construction plans.*
 - Construction plan and profile sheets for all public improvements shall be reviewed prior to construction and prior to submittal of the final plat. Construction plans and profiles shall be drawn on sheets measuring 24 inches by 36 inches and shall include:
 - North arrow.
 - Scale.
 - Date.
 - A minimum of two benchmark descriptions to sea level datum shall be included with the plans. Each sheet shall show the seal and signature of the registered professional engineer licensed by the State of Texas who prepared the plans and shall include the following:
 - A plan and profile of each street with top of curb grades shown. Scale shall be one inch equals 50 feet horizontally, and appropriate vertical scale.
 - The cross section of proposed streets, alleys, and sidewalks, showing the width and type of pavement, base and subgrade, and location within the right-of-way. City standards shall not be shown on the construction plans.
 - A layout plan for hike and bike trails, showing trail alignment, grading and creek crossings, bridges and/or culverts.
 - A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated and showing locations of manholes, cleanouts, and other appurtenances, and a cross section of embedment.
 - Erosion control plan to be provided to include federal, state and City requirements for best management practices.
 - A plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings, and other appurtenances, with a section showing embedment.
 - A plan to scale of all areas contributing stormwater runoff or drainage within and surrounding the proposed subdivision. Such plan shall indicate size of areas, storm frequency and duration data, amounts of runoff, points of concentration, and other data necessary to adequately design drainage facilities for the area.

- A plan and profile of proposed storm sewers, showing hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, culverts, outlet structures, bridges, and other structures.
- Profile views of individual improvements shall have no more than two improvements on one sheet unless specifically approved by the City Engineer. The engineer of record is responsible for the accuracy, completeness, and conformance to City standards.
- The purpose of the City review is to assure conformance to City policies and standards. However, the City review is limited to facts as presented on submitted plans. The City takes no project engineering responsibility. The engineer of record certifying the plans is responsible for the accuracy and completeness of the documents submitted for review and actual construction.
- The City reserves the right to require plan corrections when actual conditions in the field are found to be contrary to or omitted from the previously submitted plan.
- The cover sheet of the construction plans will include a statement that states "All construction shall conform to the North Central Texas Council of Governments Standard Specifications as amended by the City."
- Given the variety of subject matter involved in any given engineering design and construction plan submitted for review and given the varying character and complexity of each project, there is no listing of plan requirements that can possibly be all-encompassing (in substitution of engineering judgement). As a result, construction plans, submitted to the Engineering Department shall not be considered approved for construction until the Director of Engineering (or his/her designee) has determined that the quality and detail of such plans is sufficient or comprehensive to satisfy all requirements illustrated in City of Allen Details, design manuals, or established, reasonable and prudent engineering practice. All construction plans shall be signed by the Director of Engineering (or his/her designee by way of official stamp) if they have been approved for construction.
- The developer or a general contractor shall provide a maintenance bond (no segregated bond will be accepted) in the amount of ten percent of the total amount of the contract guaranteeing the work in accordance with the plans and specifications for a period of two years after acceptance by the City of Allen. This bond shall provide for repair and/or replacement of all defects due to faulty material and workmanship that appear within a period of two years from the date of completion and acceptance of each work order by the City of Allen. The two-year maintenance bond shall be singular in ownership and the bond shall be uniform and encompassing of all aspects of the project (rather than have a separate bond for each trade). Said bond may either be initiated by the developer/owner or the general contractor, as long as the bond is for the entire project.

- J.** Appendix A is amended by adding a definition for the phrase “Certificate of Compliance” to read as follows:

Certificate of compliance means a written certificate issued by the Commission denoting that a subdivision plat or replat has been reviewed and approved pursuant to V.T.C.A., Local Government Code § 212.0115.

SECTION 2. 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 3. 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 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, 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 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 6. 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 27TH DAY OF AUGUST 2019.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
SECRETARY
(kbl:8/14/19:110105)

Shelley B. George, TRMC, CITY