

**ORDINANCE NO. 3930-7-22**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE ZONING REGULATIONS AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING AND RESTATING THE DEVELOPMENT AND USE REGULATIONS FOR PLANNED DEVELOPMENT “PD” NO. 127 WITH A BASE ZONING OF CORRIDOR COMMERCIAL (CC) AND MULTI-FAMILY RESIDENTIAL (MF-18) ORIGINALLY ADOPTED PURSUANT TO ORDINANCE NO. 3466-4-17; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Allen, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Allen, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be amended.

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

**SECTION 1.** The Allen Land Development Code Zoning Regulations and Zoning Map, of the City of Allen, Texas, as amended, is hereby further amended by amending and restating as set forth in Exhibit “A,” attached hereto and incorporated herein by reference, the development regulations of Planned Development “PD” No. 127 for Mixed Use as originally adopted pursuant to Ordinance No. 3466-4-17 relating to the development and use of the 59.629± acres in the S. Jackson Survey, Abstract No. 489, City of Allen, Collin County, Texas, described in Appendix 1 of said Exhibit “A” (“the Property”). The Property shall hereafter be developed and used in accordance with applicable provisions of the Allen Land Development Code, as amended (“ALDC”) except to the extent modified by the Amended and Restated Development Regulations set forth in Exhibit “A” attached hereto and incorporated herein by reference.

**SECTION 2.** To the extent of any irreconcilable conflict with the provisions of the Ordinance and other ordinances of the City of Allen governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance, or of the Allen Land Development Code Zoning Regulations, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Allen Land Development Code Zoning Regulations, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code Zoning Regulations, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 5.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Allen Land Development Code Zoning Regulations of the

City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

**SECTION 6.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 12<sup>TH</sup> DAY OF JULY 2022.**

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**

(kbl:6/28/2022:130216)

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**Shelley B. George, CITY SECRETARY**

**Exhibit “A”**

**Amended and Restated  
DEVELOPMENT REGULATIONS FOR  
PLANNED DEVELOPMENT  
PD 127  
TCC Custer  
Planned Development District**

**I. GENERAL**

**A. DEVELOPMENT REGULATIONS:** The Property shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code, as amended, (“ALDC”) except to the extent modified by the Development Regulations set forth herein. In the event of conflict between the ALDC and the Development Regulations, the Development Regulations herein shall apply.

**B. APPENDICES:** The following Appendices are incorporated in these Development Regulations by reference:

1. Appendix A –Description of the Property
2. Appendix B - Zoning Exhibit
3. Appendix C - Regulating Plan
4. Appendix D - Parks and Open Space Plan
5. Appendix E - Street Cross Sections Exhibit
6. Appendix F - Tract Exhibit
7. Appendix G - Tree Mitigation Plan
8. Appendix H - Outdoor Sales/Display Exhibit
9. Appendix I - Building Elevations

**C. BASE ZONING DISTRICTS:**

1. The portion of the Property shown as “Tract 1” on the Regulating Plan attached hereto as Appendix C and incorporated herein by reference (“Regulating Plan”) shall be referred to herein as the “West Retail” Character Area and shall be developed and used in accordance with the regulations applicable to property located within a “CC” Corridor Commercial zoning district except as provided herein.
2. The portion of the Property shown as “Tract 2” on the Regulating Plan shall be referred to herein as the “Urban Residential” Character Area and shall be developed and used in accordance with the regulations applicable to property located within a “MF-18” Multifamily Residential zoning district except as provided herein.
3. The portion of the Property shown as “Tract 3” on the Regulating Plan shall be referred to herein as the “Townhome” Character Area and shall be developed and used in accordance with the regulations applicable to property located within a “TH” Townhome Residential zoning district except as provided herein.

4. The portion of the Property shown as “Tract 4” on the Regulating Plan shall be referred to herein as the “East Mixed-Use” Character Area and shall be developed and used in accordance with the regulations applicable to property located within a “CC” Corridor Commercial zoning district except as provided herein.
5. The portion of the Property shown as “Tract 5” on the Regulating Plan shall be referred to herein as the “Central Green” Character Area and shall be developed and used in accordance with the regulations applicable to property located within a “CC” Corridor Commercial district except as provided herein and with the Parks and Open Space Plan.

**D. REGULATING PLAN:** The Property shall be developed in general conformance with the Regulating Plan.

**E. LANDSCAPING:**

1. Landscaping shall be installed on the Property in accordance with the minimum standards set forth in ALDC Section 7.05 except as otherwise required by these Development Regulations.
2. A landscape buffer not less than 35 foot in width shall be constructed adjacent to Custer Road.
3. A landscape buffer not less than 30 foot in width shall be constructed adjacent to State Highway 121, in which shall be constructed a 10-foot wide public trail.
4. Not less than a 15-foot wide portion of the above-required landscape buffers must be unencumbered by easements.
5. Required trees and landscaping may be relocated to avoid conflict with existing utilities and easements.
6. Required trees may be planted in groupings to provide a more dramatic impact of the landscaping upon approval of the Director of Parks and Recreation or the Director’s designee.
7. Notwithstanding ALDC Section 7.05.3.6, no trees shall be required to be planted within 150 feet of the front doors of a grocery store.

**F. BUILDING ELEVATIONS:** Building façades shall be designed and constructed to appear generally as shown on the Building Elevations attached hereto as Appendix I and incorporated herein by reference.

**G. UTILITIES:** Prior to issuance of a Certificate of Occupancy for the first building constructed on the Property:

1. All new utilities constructed on the Property shall be placed underground; and

2. The overhead power lines along the south side of the Property boundary existing on the effective date of these Development Regulations shall be placed underground in the proposed Fire-Access-Utility Easement.

**H. SCREENING:** Construction of a screening wall with a minimum height of eight feet (8') and a maximum height of fourteen feet (14') between the grocery store building located on Tract 1 and the boundary line with Tract 5 must be completed prior to issuance of a certificate of occupancy for any building located on Tract 1.

**I. PARKING AND ACCESS EASEMENTS:**

1. Unless otherwise stated in these Development Regulations, the number, location, and dimensions of all required off-street parking shall comply with the ALDC.
2. Prior to approval of any final plat subdividing any portion of the Property, mutual cross-access and parking easements for vehicular and pedestrian movement and parking over and across all Tracts as depicted on the Regulating Plan shall be granted between and among the respective owner(s) of each Tract or portion thereof and recorded in the Official Public Records of Collin County, Texas; however, the owner of Tract 1 shall not be required by this Paragraph 2 to encumber Tract 1 with cross-parking easements.
3. All non-residential driveways from private roadways within the Property shall have a minimum throat depth of 20 feet.
4. Parking lots with more than 200 spaces shall be divided into separate areas of no more than 200 spaces and divided by a minimum 10-foot landscape buffer or separated and sectioned by enlarged landscape islands. The enlarged landscape islands will be 12' wide (back of curb to back of curb) and 17' in length per space (back of curb to back of curb) and must be fully landscaped including trees, shrubs, and/or groundcover. Turf grass shall not be an acceptable landscape material for this application.
5. Minimum number of required off-street parking spaces for a retail grocery store located on Tract 1 shall be one (1) space per 250 square feet of floor area.
6. Minimum number of required off-street parking spaces for Urban Living uses shall be 1.3 spaces per dwelling unit.

**J. STREETS:**

1. Required streets shall be constructed and developed as shown on the Street Cross Sections Exhibit, attached hereto as Appendix E and incorporated by reference.
2. The streets constructed on the Property shall be located in general conformance with the Regulating Plan. Minor modifications to streets that do not alter the general alignment shown on the Regulating Plan may be made at the time of Site Plan approval.

3. The location of driveways shown on the Regulating Plan providing ingress and egress to and from the Property to and from SH 121 may be adjusted without requiring an amendment to the Regulating Plan based on driveway permits issued by the Texas Department of Transportation (TxDOT).
4. The location of driveways shown on the Regulating Plan providing ingress and egress to and from the Property to and from Custer Road must be approved jointly by the City and the City of Plano and may be adjusted based on such approval without requiring an amendment to the Regulating Plan.
5. All driveways providing access to and from SH 121 and Custer Road shall be constructed with throat-depths in accordance with applicable standards set forth in the ALDC or other design criteria approved by the Director of Engineering.
6. Deceleration lanes shall be constructed as shown on the Regulating Plan contemporaneously with the construction of each driveway providing access to Custer Road or SH 121, the construction of which deceleration lanes shall be completed prior to the issuance of a Certificate of Occupancy for any building constructed on Tract 1.
7. Prior to issuance of the first Certificate of Occupancy for any building constructed on the Property, and subject to adjustment based on final design approved by the Director of Engineering or designee and the City of Plano, improvements to the medians within Custer Road, including construction of new left turn bays and adjustment to existing left-turn bays serving others, shall be constructed in accordance with the Regulating Plan. The left turn lane from southbound Custer Road into the central driveway marked as a "Major Access Point" on the Regulating Plan shall be designed and constructed to avoid conflict with the proposed extension of the northbound left turn lane on approach to SH 121 to be designed by others.
8. All streets within the Property shall be developed as private streets subject to and in accordance with ALDC Section 8.05.1.10. No final plat of the Property shall be recorded unless and until a property owner's association has been created as required by ALDC Section 8.05.1.10 and restrictive covenants that comply with ALDC Section 8.05.1.10 have been reviewed and approved by the City Attorney, signed by the owner(s) of the Property, and recorded in the Real Property Records of Collin County, Texas.

**K. DETENTION/RETENTION:** The final design for the wet retention and detention pond for the Property must be based upon approved detailed drainage analysis at time of permitting.

## **II. TRACT 1 - WEST RETAIL CHARACTER AREA**

**A. USES:** In addition to the uses otherwise allowed in a Corridor Commercial zoning district as set forth in the ALDC, the following uses are allowed by right within the West Retail Character Area:

1. Drive-in or drive-through restaurant (with or without indoor seating) provided sufficient stacking space is provided as required by ALDC Section 7.04.1.3, as amended.
2. Convenience Store, but only as an Accessory use to a Retail/Grocery use with a minimum gross floor area of 100,000 square feet.
3. Fueling Station, but only as an Accessory use to a Retail/Grocery use with a minimum gross floor area of 100,000 square feet.
4. Car Wash, but only as an Accessory use to a Retail/Grocery use with a minimum gross floor area of 100,000 square feet.
5. Outdoor Storage, provided, however, that such use shall be limited to the locations shown on Appendix H attached hereto and incorporated herein by reference (the “Outdoor Sales/Display Exhibit”).
6. Hotel.
7. Outdoor display of lawn and garden items; provided, however, such use shall be limited to the locations identified on the Outdoor Sales/Display Exhibit.
8. Outdoor food vendors when operating in associate with and during tent sales events, provided, however, such use shall be limited to the locations identified on the Outdoor Sales/Display Exhibit.
9. Outdoor sales, including vendors, subject to the following additional limitations:
  - a. Such use shall be limited to the location identified on the Outdoor Sales/Display Exhibit;
  - b. Tent sales events are limited to six (6) events each year, with a maximum of seven (7) days in length for each event;
  - c. Tent sales events will be located in the area designated as “Tent Sales Area” on the Outdoor Sales/Display exhibit and will be required to obtain a Temporary Use Permit; and
  - d. Sidewalk sales may occur throughout the year provided:
    - i. there shall be no more than 12 sidewalk sales events during a calendar year;
    - ii. each sidewalk sale event shall be limited to a duration of 14 consecutive days; and
    - iii. all sidewalk sales shall be limited to the locations identified on the Outdoor Sales/Display Exhibit at the front of the store.

10. Outdoor display of lawn and garden items; provided, however, such use shall be limited to the locations identified on the Outdoor Sales/Display Exhibit.

**B. DELIVERIES**

1. Delivery vehicles on Property within the West Retail Character Area shall be operated in accordance with the regulations set forth in the ALDC, provided, however, with respect to vehicles providing transportation and delivery services in association with the operation of a grocery store on Tract 1:
  - a. Bulk deliveries of groceries, produce, meats and poultry, and merchandise shall not be limited or restricted;
  - b. The times and days of deliveries to the grocery store are not restricted;
  - c. The number and type of vehicles used for making deliveries to the grocery store shall not be restricted; and
  - d. The idling of refrigeration vehicles while located on the grocery store property is not restricted.
2. Temporary storage facilities on Property within the West Retail Character Area may be placed at the rear of the building where such storage facilities will be used, provided:
  - a. The temporary storage facilities are not located within a fire lane and shall be placed in a manner that otherwise complies with applicable provisions of the Fire Code;
  - b. The temporary storage facilities shall not block existing access lanes or otherwise inhibit the traffic circulation around the rear of the building;
  - c. The temporary storage facilities may be located within marked parking spaces provided the number of remaining off-street parking spaces for the portion of the Property where the building is located is not reduced below the number required by these Development Regulations;
  - d. The temporary storage facilities do not remain in place for more than 60 consecutive days;
  - e. Temporary storage facilities must be painted with a non-reflective color, maintained in good condition and repair, and be free of graffiti and other extraneous markings other than the name of the owner of the container and such other identifying information as may be required by law when such containers are in transit;
  - f. The vertical stacking of temporary storage facilities will be prohibited; and
  - g. The placement of temporary storage facilities pursuant to this Section II.B.2 shall be limited to the following time periods:

- i. 21 days prior to Thanksgiving holiday through January 8
- ii. February 1 through February 14
- iii. 14 days prior to Easter holiday through Easter holiday
- iv. 14 days prior to Mother's Day holiday through Mother's Day holiday
- v. June 24 through July 4

**C. HEIGHT AND AREA REGULATIONS.** The portions of the Property within the West Retail Character Area shall be developed in accordance with the following standards:

- 1. Setbacks:
  - a. Minimum Front Yard Setback (facing SH 121): 50 feet;
  - b. Minimum Front Yard Setback (facing Custer Road): 50 feet;
  - c. Minimum Side Yard Setback: 10 feet;
  - d. Minimum Rear Yard Setback: 10 feet; and
  - e. Trash enclosures are allowed within building setbacks but shall not be allowed within landscape buffers.
- 2. Maximum Building Height: 160 feet.
- 3. Maximum Number of stories: 12.
- 4. Maximum Floor Area Ratio: 1:1.

**III. TRACT 2 - URBAN RESIDENTIAL CHARACTER AREA**

**A. USES:** The uses that are permitted by right, permitted following approval of a specific use permit, and permitted on a temporary basis within the Urban Residential Character Area shall be the same as set forth in the Schedule of Principal Uses set forth in ALDC Section 4.20.2 and the Schedule of Accessory Uses set forth in ALDC Section 4.20.3 to the extent applicable to the property located with an “MF-18” Multi-Family zoning district. In addition, the portion of the Property within the Urban Residential Character Area may be developed with Urban Residential Dwelling uses.

**B. URBAN RESIDENTIAL:** Urban Residential dwelling units developed within the Urban Residential Character Area shall be developed in accordance with the following standards:

- 1. **Maximum Units; Limits:** The maximum number of Urban Residential dwelling units is 1,200.
  - a. After building permits are granted for 450 Urban Residential dwelling units, no additional building permits for Urban Residential dwelling units shall be granted until:

- i. The Open Space and Wet Retention and Detention Pond Area and Plaza Improvements as shown on the Parks and Open Space Plan attached hereto as Appendix D and incorporated herein by reference are completed (the “Parks and Open Space Plan”); and
  - ii. Building permit(s) have been issued for construction on any portion of the Property of a retail grocery store or an office building, either of which must be constructed with a floor area of not less than 100,000 square feet. Building permits for uses other than a grocery store or office shall not satisfy the requirements of this paragraph.
- b. Building permits for no more than 850 Urban Residential dwelling units (i.e., being the initial 450 units authorized in Section III.B.1.a. above plus an additional 400 units), shall not be granted until:
- i. A Certificate of Occupancy has been granted for an office building shell (but not finish out) with a floor area of not less than 100,000 square feet; or
  - ii. A Certificate of Occupancy has been granted for a retail grocery store shell (but not finish out) with a minimum floor area of not less than 100,000 square feet and a building permit has been issued for construction of an office building on Tract 4 with a minimum floor area of 100,000 square feet.

2. **Building Setbacks:**

- a. *Build-to line:* Minimum front yard building setback is 15 feet, maximum front yard building setback is 25 feet; however, door yards, open space, landscape areas, outdoor amenity area, and forecourts that are adjacent to Urban Residential dwelling units are excluded in the maximum front yard building setback calculation;
  - b. Side yard: 0 feet; and
  - c. Rear yard: 0 feet.
3. Maximum building height is 65 feet with the number of above-grade stories not exceeding four (4).
4. The first story of buildings shown by a dashed line depicted on the Regulating Plan shall have a minimum first floor ceiling height of 14 feet.
5. No minimum lot area per dwelling unit.
6. Minimum dwelling unit size is 500 square feet.
7. Unit mix.

- a. In each phase of Urban Residential dwelling units constructed; no fewer than 65% of the units shall be one-bedroom and no more than 5% of the units shall be three-bedroom; and
  - b. No fewer than 65% of the Urban Residential dwelling units constructed within the Urban Residential Character Area shall be one-bedroom units.
8. Not less than seventy percent (70%) of all parking spaces shall be located in enclosed parking structures or garage.
  9. No open balconies or decks may be constructed above the ground floor on a wall facing a single-family residential zoning district located outside the boundaries of the Property.
  10. All Urban Residential dwelling units must be accessed by climate controlled enclosed interior.

#### **IV. TRACT 3 - TOWNHOME CHARACTER AREA**

- A. USES.** The uses that are permitted by right, permitted following approval of a specific use permit, and permitted on a temporary basis within the Townhome Character Area shall be the same as set forth in the Schedule of Principal Uses set forth in ALDC Section 4.20.2 and the Schedule of Accessory Uses set forth in ALDC Section 4.20.3 to the extent applicable to the property located with a “TH” Townhome Residential District.
- B. DEVELOPMENT STANDARDS.** The portion of the Property within the Townhome Character Area shall be developed in accordance with the following standards:
  1. Minimum lot area is 1,000 square feet.
  2. Minimum lot width is 20 feet.
  3. Minimum lot depth is 50 feet (determined from back of street curb to street curb. For lots that have no street frontage, use the centerline of the lawn space between buildings).
  4. Building Setbacks.
    - a. Front yard: Minimum five (5) feet;
    - b. Side yard: none; and
    - c. Rear yard: minimum three (3) feet.
  5. Maximum lot coverage is 85%.
  6. Maximum number of attached dwelling units per row or group is six (6).

7. Maximum number of townhome dwelling units is 110.
8. The maximum building height shall be not exceed the greater of (i) three (3) stories and (ii) 44 feet; provided, however, no building located within 100 feet of the existing fences located on the residential lots on the northern boundary of the adjacent single family residential district shall exceed the lesser of (i) two (2) stories and (ii) thirty (30) feet in height.

**C. TOWNHOME DESIGN STANDARDS.** Townhomes located within the Townhome Character Area shall be designed and constructed as follows:

1. Townhomes shall be oriented with the front façades of the units facing a private street, shared private drive, mews lot, or open space.
2. Rear access driveways shall be no less than three (3) feet in length, as measured from the alley street section.
3. Dwelling units that front a private street or shared private drive shall be developed subject to the following:
  - a. Trees are required to be planted in tree planting areas between the sidewalk and face of the townhomes;
  - b. Trees in number equal to not less than one (1) tree per 30 linear feet of street frontage shall be planted a minimum of 50 linear feet apart on center to accommodate two (2) parallel spaces before a bump-out; and
  - c. Dwelling units that front an open space shall be developed subject to the following:
    - i. Franchise utilities and telecommunication facilities may be located in the front of each dwelling unit in an easement the width and location of which does not reduce the required usable open space width, or in easements located within the rear (alley side) of the dwelling units; and
    - ii. If located in the rear of the dwelling units, franchise utilities and telecommunication facilities must be located in a separate easement that does not conflict with city-owned utilities.

**D. VISITOR PARKING.** Visitor Parking within the Townhome Character Area shall be constructed subject to the following:

1. One visitor parking space must be constructed for every two dwelling units; and
2. A maximum of forty (40) townhomes constructed fronting on a mews may have visitor parking located more than 100 feet from such dwelling unit provided said

parking is located within Tract 3 and has an accessible pedestrian path between the dwelling unit and visitor parking space.

**V. TRACT 4 - EAST MIXED-USE CHARACTER AREA**

**A. USES.** The uses that are permitted by right, permitted following approval of a specific use permit, and permitted on a temporary basis within the East Mixed-Use Character Area shall be the same as set forth in the Schedule of Principal Uses set forth in ALDC Section 4.20.2 and the Schedule of Accessory Uses set forth in ALDC Section 4.20.3 to the extent applicable to the property located with a “CC” Corridor Commercial District. In addition, the portion of the Property within the East Mixed-Use Character Area may be developed and used for the following purposes by right:

1. Drive-in or drive-through restaurant (with or without indoor seating) provided sufficient stacking space is provided as required by ALDC Section 7.04.1.3, as amended.
2. Hotel.

**B. BUILDING SETBACKS.** The portion of the Property within the East Mixed-Use Character Area shall be developed in accordance with the following standard:

1. *Front Yard:*
  - a. Minimum 50-foot building setback from SH 121 Frontage Road; and
  - b. Build-to Line: Minimum front yard building setback from back of curb along Street A is 10 feet, but not exceeding 30 feet.
2. *Side yard:* minimum 10 feet.
3. *Rear yard:* minimum 10 feet.
4. *Trash Enclosures:* Trash enclosures are allowed within building setbacks but shall not be allowed within landscape buffers.
5. *Building height:* maximum 160 feet.
6. *Number of stories:* maximum 12.
7. *Floor Area Ratio:* maximum 1:1.

**VI. TRACT 5 - OPEN SPACE & DETENTION CHARACTER AREA**

**A.** The Open Space & Detention Character Area shall consist of the Plaza and the Urban Residential Lawn with an area of not less than 4.5 acres as shown on the Regulating Plan.

**B.** The Open Space & Detention Character Area shall be developed in conformance with the Parks and Open Space Plan.

- C. The wet retention and detention pond are required to be designed and constructed in a manner consistent with the nature and character of the development of the Property as shown on the Regulating Plan as determined by the Director of Community Development.

**VII. PARK LAND AND OPEN SPACE**

**A. GENERAL.**

- 1. The Property shall be developed substantially in compliance with the Parks and Open Space Plan. Parks, Open Space, and Trails shall be generally provided as set forth in the Parks and Open Space Plan attached hereto as Appendix D-1 and in accordance with these Development Regulations.
  - a. The following parks and open space shall be constructed within the Property:
    - i. Construction of the Plaza in general compliance with the conceptual illustration shown on Appendix “D-5” attached hereto shall be completed prior to issuance of a certificate of occupancy for the first Urban Residential dwelling unit;
    - ii. Construction of the Urban Residential Lawn in general compliance with the conceptual illustration shown on Appendix “D-2” attached hereto shall be completed prior to occupancy of the first Urban Residential dwelling unit;
    - iii. Construction of the Townhome Lawn in general compliance with the conceptual illustration shown on Appendix “D-3” attached hereto shall be completed prior to issuance of a certificate of occupancy for the first townhome unit; and
    - iv. Construction of the Central Lawn in general compliance with the conceptual illustration shown on Appendix “D-4” attached hereto shall be completed prior to issuance of a certificate of occupancy for the first townhome unit.

**B. OPEN SPACE STANDARDS.**

- 1. **Urban Residential Lawn Requirements.** The Urban Residential Lawn is a publicly accessible open space that will be used for passive and/or active recreational use:
  - a. The Urban Residential Lawn shall be constructed to include all of the following amenities and landscaping:
    - i. benches, various types of outdoor seating;
    - ii. trash receptacles;

- iii. irrigated turf grass;
  - iv. artificial turf for dog parks (irrigation is not required);
  - v. pedestrian paving;
  - vi. At least one (1) shade tree with a trunk diameter of not less than four (4) caliper inches shall be planted per each 4,000 square feet of park area;
  - vii. No more than 25% of the shade trees required to be planted in accordance with paragraph vi., above, may be substituted with ornamental trees at a ratio of two (2) ornamental trees for each shade tree, which ornamental trees may be planted in groups or separately with no minimum spacing requirement;
  - viii. Ornamental trees with a trunk diameter of not less than four (4) caliper inches (if a single trunk tree ) or not less than five (5) caliper inches (if a multi-trunk tree) may be planted as a substitute for canopy trees at a ratio of one (1) ornamental tree for one (1) shade tree; and
  - ix. bicycle racks.
- b. In addition to the amenities and landscaping described in Section VII.B.1.a., above, the Urban Residential Lawn shall be constructed to include at least five (5) of the following amenities:
- i. dog waste receptacles;
  - ii. drinking fountains;
  - iii. bottle fillers;
  - iv. chilled bottle fillers;
  - v. electrical receptacles at tables;
  - vi. grill;
  - vii. interpretive signage or markers;
  - viii. pedestrian lighting;
  - ix. wayfinding signage;
  - x. one (1) additional shade tree with a trunk diameter of not less than four (4) caliper inches, one (1) ornamental tree with a trunk

diameter of not less than four (4) caliper inches (if a single trunk tree), one (1) ornamental tree with a trunk diameter of not less than five (5) caliper inches (if a multi-trunk tree), or a combination thereof, planted for each 4,000 square feet of Urban Residential Lawn area in addition to the trees planted pursuant to Section VII.B.1.a.vii; of which not less than 75% shall be native trees if more than four (4) trees pursuant to this paragraph x. are planted;

- xi. native drought-tolerant ornamental plantings;
- xii. native turf/lawn or artificial grass;
- xiii. certified pollinator habitat;
- xiv. rainwater cisterns;
- xv. “smart” irrigation controllers; or
- xvi. one (1) green storm water infrastructure improvement such as bioswales, bioretention, permeable pavements, and stormwater curb extensions.

2. **Townhome Lawn and Central Lawn Requirements.** The Townhome Lawn and Central Lawn are publicly accessible open spaces that will be used for passive and/or active recreational use.

- a. The Townhome Lawn and Central Lawn shall be constructed to include all of the following amenities and landscaping:
  - i. benches, various types of outdoor seating;
  - ii. trash receptacles;
  - iii. irrigated turf grass;
  - iv. artificial turf for dog parks (irrigation is not required);
  - v. pedestrian paving;
  - vi. At least one (1) shade tree with a trunk diameter of not less than four (4) caliper inches planted for each 4,000 square feet of park area;
  - vii. No more than 25% of the shade trees required to be planted in accordance with paragraph vi., above, may be substituted with ornamental trees at a ratio of two (2) ornamental trees for each shade tree, which ornamental trees may be planted in groups or separately with no minimum spacing requirement;

- viii. Ornamental trees with a trunk diameter of not less than four (4) caliper inches (if a single trunk tree) or a trunk diameter of not less than five (5) caliper inches (if a multi-trunk tree) may be planted as a substitute for canopy trees at a ratio of one (1) ornamental tree for one (1) shade tree; and
  - ix. bicycle racks.
- b. In addition to the amenities and landscaping described in Section VII.B.2.a., above, the Townhome Lawn and Central Lawn shall be constructed to include at least five of the following amenities:
- i. dog waste receptacles;
  - ii. drinking fountains;
  - iii. bottle fillers;
  - iv. chilled bottle fillers;
  - v. electrical receptacles at tables;
  - vi. grill;
  - vii. interpretive signage or markers;
  - viii. pedestrian lighting;
  - ix. wayfinding signage;
  - x. one (1) additional shade tree with a trunk diameter of not less than four (4) caliper inches, one (1) additional ornamental tree with a trunk diameter of not less than four (4) caliper inches (if a single trunk tree), or one (1) ornamental tree with a trunk diameter of not less than five (5) caliper inches (if a multi-trunk tree), or a combination thereof planted for each 4,000 square feet of Townhome Lawn area and Central Lawn area, respectively, in addition to the trees planted pursuant to Section VII.B.2.a.vii; of which not less than 75% shall be native trees if more than four (4) trees pursuant to this paragraph x. are planted;
  - xi. native drought-tolerant ornamental plantings;
  - xii. native turf/lawn or artificial grass;
  - xiii. certified pollinator habitat;
  - xiv. rainwater cisterns;

- xv. “smart” irrigation controllers; or
- xvi. one (1) green storm water infrastructure improvement such as bioswales, bioretention, permeable pavements, and stormwater curb extensions.

3. **Plaza Requirements.** Plazas are small, publicly accessible urban open spaces that are used for passive or active recreation or a combination of the two.

- a. Plazas are typically connected to a building and can be located between buildings, next to a building and a street, or on a corner;
- b. Plazas may include softscape. Softscape may include raised planters, at-grade plantings in the hardscape, or potted plant material; and
- c. Plazas shall be constructed to include at least five (5) of the following amenities:
  - i. fabric shade structures;
  - ii. stage for small performances;
  - iii. splash pad;
  - iv. water feature;
  - v. hardscape gathering space;
  - vi. interactive public art;
  - vii. benches;
  - viii. outdoor seating;
  - ix. movable tables and chairs;
  - x. trash receptacles;
  - xi. bike racks;
  - xii. electrical receptacles;
  - xiii. pedestrian lighting;
  - xiv. wayfinding signage;
  - xv. native shade tree;
  - xvi. native drought-tolerant ornamental plantings;

- xvii. certified pollinator habitat with a minimum area of 100 square feet;
- xviii. “smart” irrigation controllers; or
- xix. one (1) green stormwater infrastructure improvement such as a rainwater cistern, permeable pavement, and stormwater curb extension.

**4. Individual Lot Open Space.**

- a. Open space located on each individual lot shall count toward the minimum open space requirement for the Property and shall be calculated at the time of submittal of each Site Plan relating to the development of each portion of the Property;
- b. Each Urban Residential dwelling building shall include one (1) or more courtyards and/or central greens as open spaces that in the aggregate contain an area of not less than 0.20 acres within the building; and
- c. Areas consisting of water features, swimming pools, pedestrian hardscape, and softscape with ornamental shade trees or shade structures, bench seating, or handicap accessible walkways may be counted toward the minimum open space requirement.

**5. Calculation of Required Open Space.**

- a. Parking areas located in or adjacent to an open space area that is subject to use for non-park uses, service drives, and cross-access easements shall not be included in the calculation of required open space;
- b. Landscape Buffer Open Space may be counted toward the required open space areas if developed with a continuous hike and bike trail not less than ten feet (10’) wide along SH 121 and 10 feet (10’) along Custer;
- c. *Detention and retention ponds:*
  - i. Detention and retention ponds will be graded with side slopes from top of bank to the bottom of pond gently sloped with a gradient not steeper than 4:1 unless approved by the Director of Engineering. Retaining walls may be incorporated when slope requirements of a 4:1 gradient have been approved.
  - ii. A detention or retention pond with embankment or with slopes of flatter than 4:1, inclusive of hard-edged walls and natural areas, shall be counted as open space provided a 30-foot buffer (the “Pond Amenity Buffer”) extending from the 100-year water surface elevation is constructed. The following amenities are required within the Pond Amenity Buffer as generally shown on

the Parks and Open Space Plan, Retention Concept Plan: boardwalks, seating, lighting, vegetation, decorative terracing, enhanced landscape treatment, and other treatments approved by the Director of Parks and Recreation. Amenities within the Pond Amenity Buffer will not count towards PIV.

- d. A credit may be applied to the amount of Park Dedication Fees owed for development of the Property if the cost of the publicly-accessible open space and related amenities in the parks of the Project constructed for and accessible by the public will exceed that remaining amount of Park Dedication Fee due after the credit is applied. Prior to the construction of such amenities exceeding the Park Dedication Fees, the owner of the Property shall provide written notification to the Director of Parks and Recreation for approval or denial, establishing the proposed exceed paid for amenities.

### **C. PARK LAND AND OPEN SPACE DEDICATION FEES**

1. The park land dedication required in relation to development of the Property shall be satisfied by payment of a fee-in-lieu of dedication of park land in accordance with this Section VII.C. Park land dedication fees shall be paid prior to issuance of a building permit in accordance with the rate established by City Council ordinance or resolution.
2. The requirement to dedicate Open Space shall be satisfied by a combination of one (1) or more of the following:
  - a. Not less than 16 acres of the Property shall be reserved or platted for open space in relation to development of 1,200 total Urban Residential dwelling units on the Property;
  - b. Payment to the City of a fee in lieu of open space dedication shall be at the rate of \$48,375 per required acre; or
  - c. *Dedication Alternative (Park Investment Value)*. For every acre or partial acre of open space required but not restricted or platted, compliance with open space restriction and platting requirements may be satisfied by receiving a credit on a dollar-for-dollar basis against the amount of open space fee that would otherwise be due. Such credit will be the amount of the cost of installing and/or constructing recreational enhancements or amenities on existing or newly dedicated park sites on this Property in addition to the amenities otherwise required to be installed or constructed in the park areas (hereafter referred to as “Park Investment Value” or “PIV”), which additional enhancements or amenities shall be limited to the following, or as approved by the Director of Parks and Recreation:
    - i. shade pavilion;
    - ii. picnic tables in open areas;

- iii. outdoor movable tables and chairs;
- iv. stage for outdoor movies or small performances;
- v. splash pad;
- vi. active playground;
- vii. musical play trail;
- viii. nature play area;
- ix. hardscape gathering space;
- x. bocce ball;
- xi. interactive public art;
- xii. public art;
- xiii. water feature;
- xiv. fabric shade structures;
- xv. benches; and
- xvi. outdoor trail/fitness/stretch equipment.

Amenities located within the Pond Amenity Buffer shall not count toward the PIV.

- d. City shall not be liable for payment to the owner or developer of the Property for any amounts of PIV exceeding the amount of park land dedication fees due to the City, nor shall PIV generated from the installation and/or construction of the additional amenities and enhancements on parks developed within one (1) phase of the Property be credited to park land dedication fees due for other phases developed within the Property.

EXAMPLE: Solely for purposes of illustrating how a PIV credit would be calculated, assume 400 dwelling units are to be constructed in Phase 1, and that one (1) acre of open space is required to be restricted or platted for each 75 dwelling units, resulting in a requirement to dedicate 5.33 acres of open space or pay the City the amount of \$257,839 in fees based on the rate of \$48,375 per acre (5.33 acres x \$48,375/acre). Assume further that only 2.0 acres of open space is restricted or platted in Phase 1, which could include a 1.5-acre Urban Residential Lawn and one (1) 0.5-acre Plaza, resulting in a remaining requirement to restrict or plat 3.33 acres of open space (5.33 acres - 1.5 acres - 0.5 acres = 3.33 acres).

The owner or developer of the Property will have the option to either pay \$162,288 in park land dedication fees (3.33 acres not dedicated x \$48,375/acre), restrict or plat an additional 3.33 acres of land for open space, or use a combination of restricting or platting additional land for open space, paying for park land dedication at a rate of \$48,375 per acre of land otherwise required, or providing PIV in excess of what is otherwise required. To further illustrate this example, if amenities from the approved list in this Section 5.C, above and beyond what are otherwise required in Subsections B.1 through B.4 of this Section 7.B. and 7.C, are installed on the 2.0 acres of dedicated park land at a cost of \$150,000, the amount of park land fee due and payable to the City will be reduced to \$12,288. If the amount of PIV exceeds \$162,288, the amount of park land dedication fee due to the City for said phase would be reduced to \$0.00. The above methods may be combined.

**D. TREE MITIGATION.** Development of the Property shall comply with ALDC Section 7.06 except as follows:

1. Fence row trees, defined as a row of trees located within ten feet (10.0') on either side of a property line, shall not be considered protected tree.
2. Tree Fund payments required due to the removal of Hackberries or Sugarberries will be reduced by 25% of the amount otherwise due.
3. Negative tree credits will not be assessed for removal of Siberian Elm (*Ulmus pumila*), hybridized elms of Siberian Elm, or Chinaberry (*Melia azedarach*).
4. Tree credits will be provided for street trees, parkway, median trees, perimeter open space trees.
5. Removal of protected trees and historic trees not mitigated through replacement shall be offset by payment to the City Forestry Fund at the rate of \$200 per caliper inch of tree removed.
6. Tree mitigation and preservation shall be evaluated on the entire Property and not for individual lots within the Property. Owner will maintain records of the tree mitigation and preservation for the entire Property and on an annual basis provide a written report to the Director of Parks and Recreation on the status of the overall tree mitigation and preservation for the Property:
  - a. Written reports shall be provided to the City Forester showing a calculation of total credits and debits on tree mitigation fees as follows:
    - i. Upon application for the development of the Property at which 1/3 of the Property acreage is developed; provided, no Tree Fund payment will be required with or in relation to the submission of the initial report;

- ii. Upon application for development of the Property at which 2/3 of the Property acreage is developed; provided if there is an outstanding negative tree credit shown on this report, a Tree Mitigation Liability Account will be established by the City to receive a deposit of funds equal to the outstanding negative tree credit; such funds shall be dedicated to and restricted to be used towards tree mitigation through on-site tree replacement under these Tree Mitigation guidelines; and
- iii. Upon application for the development of the remaining acres of the Property; provided if there is an outstanding negative tree credit at the time of this report, a plan shall be identified to use the remaining Tree Funds for on-site tree replacement in accordance with these Tree Mitigation guidelines. Such plan will require the approval of the City Manager who may alternatively require the payment of funds into the Tree Fund or delivery of trees to the City tree farm.

**VIII. SIGN STANDARDS**

- A. GENERAL.** Signs in the District shall conform to applicable ALDC provisions except as provided in this Section VIII.
- B. ALLOWED SIGNS.** The following signs shall be allowed subject to the size restrictions set forth in the ALDC unless otherwise indicated below:
  - 1. **Sandwich/A-Frame Sign.** Sandwich/A-frame sidewalk signs are allowed in Tract 4 only, subject to the following:
    - a. The sign height shall not exceed four (4) feet;
    - b. Each sign face shall not exceed an area of eight (8) square feet;
    - c. The sign may be placed in the pedestrian amenity zone created by street trees and pedestrian lighting, provided that:
      - i. The sign is located no closer than one foot to the face of the curb;
      - ii. A minimum unobstructed sidewalk width of six feet is maintained;
    - d. A sign permit must be obtained from the City prior to placement of the sign on the Property;
    - e. Only one (1) A-frame sign is permitted per occupancy;
    - f. A-frame signs may be placed on the sidewalk adjacent to a restaurant associated with the sign only during the restaurant’s business hours; and

- g. A maximum of one of each type of the following signs are allowed per retail, restaurant or service business: A-frame (sandwich board) signs and menu signs.

2. **Multi-Tenant Signs.**

- a. Maximum copy area: 300 square feet per side. “Maximum effective area” is defined as the sign area and does not include the structure, development name, address numbers and cladding such as masonry, stucco, etc;
- b. Maximum structure area: 700 square feet per side;
- c. Maximum number: nine (9) on SH 121 frontage, two (2) on Custer Road frontage;
- d. Maximum Overall Height: 35 feet; and
- e. Maximum number of message centers/digital pricers on freestanding structure: two (2) LED digital price cabinets, back-to-back faces, UNL/DSL configuration per property.

3. **District Signs.**

- a. Maximum copy area: 180 square feet per side;
- b. Maximum structure area: 500 square feet per side; and
- c. Maximum number: three (3) on SH 121 frontage, one (1) on Custer Road frontage.

4. **Outdoor Patio Umbrellas.** Outdoor patio umbrellas may contain advertising and be allowed for special events, retail, service, or restaurant uses.

5. **Vehicular Signs.** Vehicular Signs on food trucks and trailers. These signs must be attached to an operating vehicle and be temporary in nature.

6. **Wall/Parapet signs.**

- a. *Maximum effective area:*
  - i. Tract 1 and Tract 4: Sign area is calculated as 1.5 x façade length; and
  - ii. Tract 2: 250 square feet per façade.
- b. Maximum sign height: 10 feet;

- c. Any sign securely attached to a wall, screen structurally apart of wall of main building and approved in building permits, or AM surface of fuel canopy for fuel centers with max depth of 12 inches from surface is considered a wall sign; and
- d. Any sign securely attached to top of drive under canopy that is structurally apart of building and has been approved with the building permit with a maximum depth of 12 inches is considered a wall sign.

**7. Blade Signs.**

- a. No more than one (1) blade sign will be allowed for each building face. Wall signs on the same building face may be approved by the Sign Control Board pursuant to the criteria set forth in Section 2.03 of the ALDC.
- b. Each sign face of a blade sign shall not exceed an area of 60 square feet per building face and shall not exceed six (6) feet in width.
- c. The lowest edge of the blade sign shall be not less than nine (9) feet above the ground beneath the sign.
- d. The top edge of the blade sign shall not exceed a height that is two-thirds (in linear feet) of the height of the building face at the location of the building face where the sign is attached.

Below are a few examples of Blade signs:



**8. Hanging/Projecting Signs.**

- a. No more than one hanging sign will be allowed for each first-floor occupancy; provided, however, a first floor building occupant with public entrances on more than one street frontage may have one hanging sign on each street frontage;
- b. Each sign face shall not exceed an area of 12 square feet;
- c. Each sign face shall not exceed a width of six (6) feet;
- d. The lowest edge of the sign shall not be less than eight (8) feet above the ground below the sign; and

- e. No hanging sign shall be closer than fifteen feet from another hanging sign.

Below are a few examples of Hanging/Projecting signs:



- 10. **Canopy Signs.** Signs securely attached to structural canopy or eyebrow of a building. Not to exceed 75% of the linear width of the canopy/eyebrow or 50 square feet, whichever is less. Maximum height of letter or logo not to exceed 24 inches.
- 11. **Painted Signs.** Signs painted directly on the surface of a building or structure are allowed if approved by the Sign Control Board.
- 12. **Utility Poles.** Signs may be attached to public utility poles or light poles if approved in advance by the Sign Control Board, the owner of the pole, and any other party that has prior rights to use of the pole. This paragraph 11 does not constitute approval to place signs on public utility poles or light poles owned by the City, which approval must be obtained from the City department with jurisdiction over the pole and the Director of Community Development prior to placement of the sign on the City pole.

Below are a few examples of utility pole signs.



- 13. **Banners.** Banners for special events shall not be restricted by number of permits per year or restrictions on running consecutively; provided, however, banner signs may be installed no earlier than three weeks prior to the special event to which the

sign relates and must be removed no later than one week after the conclusion of the special event.

14. **Leasing Banner Signs.** Banner signs associated with leasing of Urban Residential dwelling units in Tract 3 shall be permitted for a maximum period of 120 days or until 75% of dwelling units are leased, whichever is earlier.
15. **Digital Signs.**
  - a. Digital signs may be façade-integrated or monument signs;
  - b. Façade-integrated signs may be digital signs or static signs with a light source that is not directly visible;
  - c. The maximum copy area for any individual sign of this type is 900 square feet per side. The total copy area for all signs of this type is 8,000 square feet;
  - d. Digital signs may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance;
  - e. No flashing, dimming, or brightening of message is permitted except to accommodate changes of message; and
  - f. Nothing in this Section shall be construed as authorizing installation of a digital sign at a location that requires approval by TxDOT prior to installation.
16. **Multistory Office Wall Signs.**
  - a. Multistory office wall signs shall not be required to be placed above a tenant's lease space;
  - b. Signs may be located on the face of a building in either a horizontal or vertical direction or near the top of the building façade;
  - c. Multistory office wall signs may be illuminated;
  - d. A multistory office wall sign may project no more than four feet from the building surface at the location to which it is attached;
  - e. Ground floor tenants in a multistory office shall be treated separately and may have signs regulated in accordance with the standards in these Development Regulations and the ALDC;
  - f. The allowable number and size of cumulative signs for multistory office wall signs, per façade, is as follows:

- i. Multistory office buildings may have three (3) signs per elevation not including ground floor signage;
    - ii. Single-story building signs shall conform to the standards in these Development Regulations and the ALDC for attached (wall) signs;
    - iii. Buildings between 20 feet and 60 feet in height shall have signs no larger than 25 square feet plus an additional three (3) square feet for every one (1) foot in building height over 20 feet; and
    - iv. Buildings greater than 60 feet in height shall have signs no larger than 25 square feet plus an additional five (5) square feet for everyone foot in building height over 60 feet. This signage shall be restricted to placement anywhere in the top 20% of the building façade.
17. **Rooftop Signs.** One rooftop-mounted premise sign is permitted per lot, subject to the following conditions:
- a. A rooftop-mounted premise sign may be illuminated internally or externally, or both;
  - b. A rooftop-mounted premise sign may not exceed 1,200 square feet of total effective area; and
  - c. A rooftop-mounted premise sign must comply with Fire Code regulations.
18. **Character Structure Signs.** Signs are permitted to be erected on character structures (e.g. water towers, windmills, etc.), subject to the following conditions:
- a. Character Structure Signs may be illuminated internally or externally, or both; and
  - b. Character Structure Signs may not exceed 1,200 square feet of total effective area.
19. **Undefined Signs.** Sign types not clearly defined in the ALDC may be allowed if approved by the Sign Control Board after a recommendation by the Director of Community Development.
20. **Directional Signs.**
- a. Maximum effective area: Ten (10) square feet;
  - b. Maximum overall height: six (6) feet;
  - c. Maximum business logo size: 5 square feet; and

- d. Permit required.
- 21. **Menu Boards.**
  - a. Maximum display area: 32 square feet; and
  - b. Maximum overall height: 6 feet.
- 22. **Anchor Tenant Signs.** Notwithstanding anything to the contrary herein, Anchor Tenants (as defined below) may install building signs of comparable size denoting their name and different aspects of their business such as Pharmacy, BBQ, or other items similar to signs in use in other facilities within the City of Allen. “Anchor Tenants” are defined as tenants leasing buildings in excess of 50,000 square feet.
- 23. **Anchor Tenant Parking Lot Signs and Directional Signs.** Notwithstanding anything to the contrary herein, Anchor Tenants may install signs in the parking lot of comparable size and directional signs similar to signs in use in other tenant facilities within the City of Allen.
- 24. **Anchor Tenant Accessory Use Signs.** Notwithstanding anything to the contrary herein, Anchor Tenants may install monument signs on a fuel pad and/or car wash pad displaying the cost of fuel.

**IX. SITE PLAN ADMINISTRATION**

- A. INTENT.** This Section sets forth the exclusive procedures for reviewing and approving Site Plan applications for the Property. The intent is to ensure that all development is consistent with the provisions of these Development Regulations and the Regulating Plan. All sections of these Development Regulations shall be applied during the review process.
- B. SITE PLAN REVIEW PROCESS.**
  - 1. **Site Plan Details.** Site plan details to be provided on a site plan shall comply with Section 6.05.3 of the ALDC.
  - 2. **Site Plan Review Standards.** The Director of Community Development shall be authorized to approve a Site Plan if such Site Plan complies with the Regulating Plan and conforms to the standards set forth in these Development Regulations and the ALDC.
  - 3. **Amendments to Approved Site Plans.** The Director of Community Development shall be authorized to approve changes to approved Site Plans that comply with the Regulating Plan and the provisions in these Development Regulations.
- C. AMENDMENTS.** Amendments to the Regulating Plan, Development Tracts, Parks and Open Space Plan, and Streets Diagram.
  - 1. **Minor Changes.** Except as otherwise provided in these Development Regulations, the Director of Community Development shall have the authority to administratively approve minor changes to the Regulating Plan, Development

Tracts, Parks and Open Space Plan, and Streets Diagram. “Minor changes” include changes that:

- a. Do not materially change the circulation on the Property;
  - b. Do not change the relationship between buildings and streets;
  - c. Do not amend the overall area allocation between different Character Areas by more than 15%;
  - d. Relocate mandatory parks up to a linear distance of 100 feet provided the amount of park area satisfies the amount of park area required as shown on the Parks and Open Space Plan or as required by these Development Regulations;
  - e. Add amenities to the parks and open space requirements which may be used in addition to or in lieu of the amenities identified, as approved by the Director of Parks and Recreation or designee; or
  - f. Relocate trails required by these Development Regulations provided that pedestrian and bike connectivity is maintained as intended by the Parks and Open Space Plan, as approved by the Director of Parks and Recreation or designee.
2. Other Site Plan Changes. A change to the Regulating Plan, Development Tracts, Parks and Open Space Plan, and Streets Diagram that does not qualify as a minor change shall be processed in the same manner as an amendment to a zoning ordinance pursuant to the ALDC.
  3. Changes Mandated by Law. Any modification to a street location shown on the Regulating Plan that is necessitated by a Federal, State, or Local action may be administratively approved by the Director of Engineering.