

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS AMENDED, BY AMENDING ARTICLE I, "GENERAL PROVISIONS" TO ADD SECTION 1.11, "LOTS LOCATED IN MORE THAN ONE ZONING DISTRICT;" AMENDING SECTION 4.06, "CHANGES AND AMENDMENTS" REGARDING THE DENIAL OF APPLICATIONS FOR ZONING AMENDMENTS WITH AND WITHOUT PREJUDICE; AMENDING SECTION 4.20.2, "SCHEDULE OF PRINCIPAL USES" BY REMOVING THE USES "BEER & WINE PACKAGE SALES" AND "BEER & WINE PACKAGE SALES WITH GREATER THAN 50% REVENUE FROM BEER & WINE"; REPEALING SECTION 6.03.8, "BEER AND WINE PACKAGE SALES—REGULATIONS"; REPEALING SECTION 6.03.9, "BEER AND WINE PACKAGE SALES PERMIT PROCESS"; AMENDING SECTION 6.04.1.4. "TYPES OF TEMPORARY USE PERMITS" BY AMENDING REGULATIONS RELATING TO TEMPORARY USE PERMITS FOR TEMPORARY FOOD VENDORS AND FOOD TRUCK SITES; AMENDING SECTION 6.05.3, "SITE PLAN DETAILS" TO CORRECT FORMATTING ERRORS IN SUBSECTION 2 "SITE PLAN" AND REQUIRE INCLUSION OF A LEGEND; AMENDING SECTION 6.06.11, "SOLAR PANELS" BY AMENDING REGULATIONS RELATING TO LOCATION AND COLOR OF SOLAR PANELS; AMENDING SUBSECTION C.i. OF SECTION 6.06.15 "MOBILE FOOD ESTABLISHMENTS" RELATING TO OPERATION OF A MOBILE KITCHEN AT A FOOD TRUCK SITE; AMENDING SECTION 7.03.3.3, "REFUSE AND RECYCLING COLLECTION ENCLOSURES" RELATING TO LOCATION AND SCREENING OF REFUSE AND RECYCLING COLLECTION AREAS; AMENDING SECTION 7.03.4.3.A, "LIGHT TRESPASS" BY AMENDING THE REGULATIONS TO PERMIT LIGHT TRESPASS BETWEEN ADJACENT NONRESIDENTIAL USES; AMENDING SECTION 7.04.1, "VEHICLE PARKING" TO ADD REGULATIONS RELATING TO DEAD-END PARKING; AMENDING SUBSECTION 1.C. OF SECTION 8.02.4 "ADMINISTRATIVE APPROVAL OF CERTAIN AMENDING PLATS, MINOR PLATS AND REPLATS" TO CORRECT A SCRIVENER'S ERROR; AMENDING SECTION 8.03.3, "PRELIMINARY PLAT" TO REQUIRE A PLAT NOTE RELATING TO PERPETUAL MAINTENANCE OF OPEN SPACE AND COMMON AREAS; AMENDING SECTION 8.03.4, "FINAL PLAT" TO REQUIRE A PLAT NOTE RELATING TO PERPETUAL MAINTENANCE OF OPEN SPACE AND COMMON AREAS; AMENDING IN ITS ENTIRETY AND RETITLING SECTION 8.05.7, "MEDIAN CUTS" RELATING TO MEDIAN CUTS AND REQUIREMENTS FOR ESTABLISHMENT OF CROSS ACCESS BETWEEN PROPERTIES; AMENDING APPENDIX A, "DEFINITIONS" BY DELETING THE DEFINITION FOR "BEER AND WINE PACKAGE SALES;" AND AMENDING THE DEFINITION OF "OUTDOOR STORAGE"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO

EXCEED THE SUM OF TWO THOUSAND (\$2,000) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

A. Article I “General Provisions” is amended by adding Section 1.11 titled “Lots Located in More than One Zoning District” to read as follows:

Sec. 1.11. – Lots Located in More than One Zoning District.

1. If a lot is located in two (2) zoning districts, the development and use regulations applicable to the zoning district in which the majority of the area of the lot is located shall apply to the entire lot
2. If a lot is located in more than two (2) zoning districts, no permit for the development of such lot shall be granted until the owner of such lot has elected which zoning district regulations will apply to the use and development of the entire lot by delivering written notification of such election to the Director of Community Development. Upon delivery of such notice to the Director of Community Development, the use and development of the lot shall continue to be subject to the regulations of the zoning district elected by the lot owner until such time as an amendment to the zoning regulations relating to the use and development of said lot is enacted.
3. This Section 1.11 shall not apply to a lot for which an application to amend the zoning regulations applicable to such lot was or is made by the owner or developer of the lot when it was known at the time of submission of such application that the lot would be located in different zoning districts or subject to different zoning regulations if such zoning amendment was enacted.

B. Article IV “Zoning Regulations” Section 4.06 “Changes and Amendments” is amending by reordering Subsection 8 “Resubmission of Application” and Subsection 9 “Council Consideration” and amending said subsections to read as follows:

8. *Council consideration.*
 - a. At least one public hearing shall be held by the city council before adopting any amendment, supplement, or change to the zoning regulations or zoning map. Not less than 15 days prior to the date of the hearing, notice of such hearing shall be given by publication in a newspaper of general circulation in the city, stating the time and place of such hearing.
 - b. In considering a motion to deny an application to amend the zoning regulations, or upon voting to deny an application for an amendment to these zoning regulations, the City Council may further consider

whether the application shall be denied with or without prejudice against refiling. If the City Council denies the petition and fails to clearly state the same as being denied with prejudice, then the petition shall be deemed to be denied without prejudice against refiling.

9. *Resubmission of application.* If an application to amend the zoning regulations has been denied by the city council:

- a. If denied without prejudice, the same application may be resubmitted at any time after the date of the action by the city council accompanied by payment of a filing fee in the amount required of a new application; and
- b. If denied with prejudice, an application relating to the development and/or use of all or a portion of the same property that was the subject of the denied application may not be submitted on or before the date that is one year from the date of the city council's denial of the prior application if the requested to amendments are substantially the same or similar to the amendments previously denied with prejudice.

C. Article IV "Zoning Regulations" Section 4.20.2 "Schedule or Principal Uses" is amended by deleting the uses "Beer & Wine Package Sales" and "Beer & Wine Package Sales with Greater Than 50% Revenue From Beer & Wine."

D. Article VI "Special Zoning Provisions" Section 6.03 "Private Clubs and Businesses with Alcoholic Beverage Sales" is amended by repealing and deleting Section 6.03.8 "Beer and Wine Package Sales" and Section 6.03.9 "Beer and Wine Package Sales Permit Process."

E. Article VI "Special Zoning Provisions" Section 6.04.1 "Temporary Use Permit Applications" Subsection 4 "Types of Temporary Use Permits" is amended by amending paragraph e., adding a new paragraph f. and redesignating the existing paragraph f as paragraph g. to read as follows:

e. *Temporary food vendor.* A mobile food establishment, as defined in section 6.06.15, may operate as a temporary food vendor in association with temporary use permits issued for seasonal sales, Christmas tree sales, or temporary events. A separate temporary use permit for the mobile food establishment shall not be required if the temporary food vendor information is submitted with the temporary use permit application for seasonal sales, Christmas tree sales, or temporary event. Such temporary use permit must be obtained prior to the mobile food establishment commencing the preparation or sale of any food on the property for which the temporary use permit is issued. This permit is required in addition to any permits that may be required by the Chapter 6, Article VIII, Division 2 of the Code of Ordinances, as amended.

f. *Food Truck Site.* Property owners or business owners may be issued a temporary use permit to operate at a food truck site complying with Section 6.06.15, subject to the following:

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

F. Article VI “Special Zoning Provisions” Section 6.05 “Site Plan Approval” is amended by amending Section 6.05.3 “Site Plan Details” to read as follows:

Sec. 6.05.3. - Site plan details.

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

- 1. Boundary description.
 - a. Letter size (8½ × 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.”
 - b. Digital copy of the boundary description in Microsoft Word for editing and copying the description digitally.
 - c. 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.
- 2. Site plan.
 - a. A title block with:
 - i. “Site Plan or Revised Site Plan.”

- ii. Project name.
 - iii. Acreage.
 - iv. Subdivision name, lot, block or survey name and abstract.
 - v. City of Allen, Collin County.
 - vi. Submission date.
- b. North arrow, scale ratio, and scale bar.
- c. Location/vicinity map showing the location of the subject property. Indicate scale or not to scale (NTS) and provide north arrow.
- d. The name or names, address, and phone number of the owner, developer, engineer, and/or architect.
- e. Legend including all symbols and abbreviations used on the plan.
- f. Site data summary table, including:
 - i. Proposed use(s).
 - ii. Existing zoning district.
 - iii. Gross site area (acres and square feet).
 - iv. Required landscape area (acres and percentage).
 - v. Provided landscape area (acres and percentage).
 - vi. Lot coverage.
 - vii. Parking ratio per use.
 - viii. Parking required.
 - ix. Parking provided.
 - x. Maximum height (in feet and stories).
 - xi. FAR.
 - xii. Setbacks (front, side interior, side street, and rear).
- g. 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).
- h. All shown streets to be labeled and include an abbreviated suffix and no directional prefix.
- i. Setbacks as required by zoning.
- j. Location of proposed building(s) and structures.
- k. Concrete sidewalks; label as existing or proposed and dimension the width(s).
- l. 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.

- m. Location of off-site improvements including adjacent drives, existing and proposed median cuts, parking, buildings or other structures within 200 feet of subject property.
- n. 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.
- o. Dumpster and trash compactor locations and screening.
- p. Existing overhead utility lines.
- q. Turning exhibit for all trucks (dumpster, fire truck—50 feet long, etc.).
- r. Location and size of the grease trap(s).
- s. Screening (including heights and materials).
- t. Location of all fire hydrants, fire department connections (FDC), and location of the fire riser room.
- u. Landscape buffers.
- v. Hike and bike trails.

G. Article VI “Special Zoning Provisions” Section 6.06 “Supplemental Use Regulations” is amended by amending Section 6.06.11 “Solar Panels” to read as follows:

Sec. 6.06.11. - Solar panels.

An applicant's submittal for a building permit, and electrical permit, for locating a solar panel within the city must demonstrate compliance with the following standards.

- a. *Location and design requirements.*
 - i. Solar panel systems shall be allowed as an accessory use in all zoning districts.
 - ii. Rooftop installations of solar panels shall be subject to the following:
 - (a) Solar panels may be installed on the roof of any primary structure or permitted accessory structure (such as a patio cover or storage building), subject to verification of structural load requirements;

- (b) Solar panel systems shall not be located on a front-facing roof that directly faces a public street regardless of screening;
 - (c) Solar panels shall be permitted on a side-facing roof that faces a public street;
 - (d) Roof mounted solar panel systems shall not extend past the roofline and shall be mounted parallel with the existing slope of the roof system;
 - (e) On a flat roof, solar panels shall not exceed the height requirement for the zoning district in which the property is located and shall be screened from the public right way in the same manner required by this Code for screening rooftop mechanical equipment; and
 - (f) Solar panels shall be forest green, black, brown, gray, or other neutral color designed to be complementary to the structure on which the solar panels are installed.
- iii. Ground-mounted installations shall be subject to the following:
- (a) Solar panel systems shall be located behind the front building line and comply with all applicable building setback provisions for accessory structures.; and
 - (b) Panels and equipment shall be separated from public view on all sides by a solid fence or wall.
- b. *Additional requirements.*
- i. *Permit requirements.* All solar panel systems shall comply with the current adopted International Building Code and International Fire Code, as amended.
 - ii. *Glare.* A solar panel shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. A solar panel system, or any component thereof, that creates glare or reflection onto adjacent properties or roadways is determined to constitute a nuisance. If a solar panel system or any component thereof is deemed to constitute a nuisance or a safety hazard, the city has the authority to require the owner to remove, redesign or screen the solar panels to the extent necessary to eliminate the glare onto the adjacent property or roadway.
 - iii. *Maintenance.* The owner of the property with a solar panel system shall maintain the system so that it does not create a safety issue for surrounding property owners. Solar panels that are not in use shall be disengaged so as to prevent accidental electrical charges to property or persons.

H. Article VI “Special Zoning Provisions” Section 6.06 “Supplemental Use Regulations” Section 6.06.15 “Mobile Food Establishments” is amended by amending paragraph c. “Food Truck Sites” to read as follows:

- c. Food truck sites.
 - i. The operator of a mobile kitchen may operate at a food truck site that has received a temporary use permit in accordance with section 6.04.1., and in accordance with the requirements of this Code.
 - ii. Food truck sites may be established within:
 - (a) The limits of any city park or city property pursuant to a written agreement with the city; and
 - (b) In the following zoning districts or, unless otherwise expressly prohibited by the ordinance establishing the planned development, any planned development with the following base zoning:
 - (1) “CC” Corridor Commercial
 - (2) “SC” Shopping Center
 - (3) “LI” Light Industrial
 - (4) “O” Office
 - iii. A Food truck site must be located on private property on which is located a permanent structure in which a business is operating in accordance with a certificate of occupancy. The operator of the food truck site must obtain and maintain written consent from the property owner or property manager and provide written proof thereof upon demand of the city.
 - iv. Except for a mobile kitchen for which written consent has been granted by the owner or authorized representative of the restaurant or food establishment, no mobile food establishment shall sell or serve food to the public within 300 feet of any door, window or outdoor dining area of any existing restaurant or food service establishment.
 - v. Mobile kitchens and their customers shall not sell or consume food within any public street, public alley, driveway, or fire lane unless closed to through traffic pursuant to permit issued by the city authorizing such use.
 - vi. Mobile kitchens may operate only during the business hours of the primary business on the property where the food truck site is located.

- vii. Access to restrooms available for use by operators, employees, and customers of a food truck site shall be provided no farther than 1,000 feet from the location of the mobile food establishment.
- viii. A mobile kitchen shall not be left unattended. Mobile kitchens shall not be stored at any location visible to the public when not in operation.
- ix. A mobile food establishment must be operated in compliance with the site plan and other conditions set forth in the approved temporary food vendor permit issued to the owner or operator of the mobile kitchen.

I. Article VII “Zoning Development Standards” Section 7.03 “Non-Residential Design Standards” Section 7.03.3 “Screening Mechanical Equipment and Refuse Enclosures” is amended by amending Paragraph b. of Subsection 3 “Refuse and Recycling Collection Measures” to read as follows:

- b. *Location.* Refuse and recycling collection areas, whether permanent or designated as staging areas for temporary storage prior to pick up, shall not be located in the front yard of the main building and shall be screened from public view.

J. Article VII “Zoning Development Standards” Section 7.03 “Non-Residential Design Standards” Section 7.03.4 “Outdoor Lighting” is amended by amending Subsection 3 “General Standards” to read as follows:

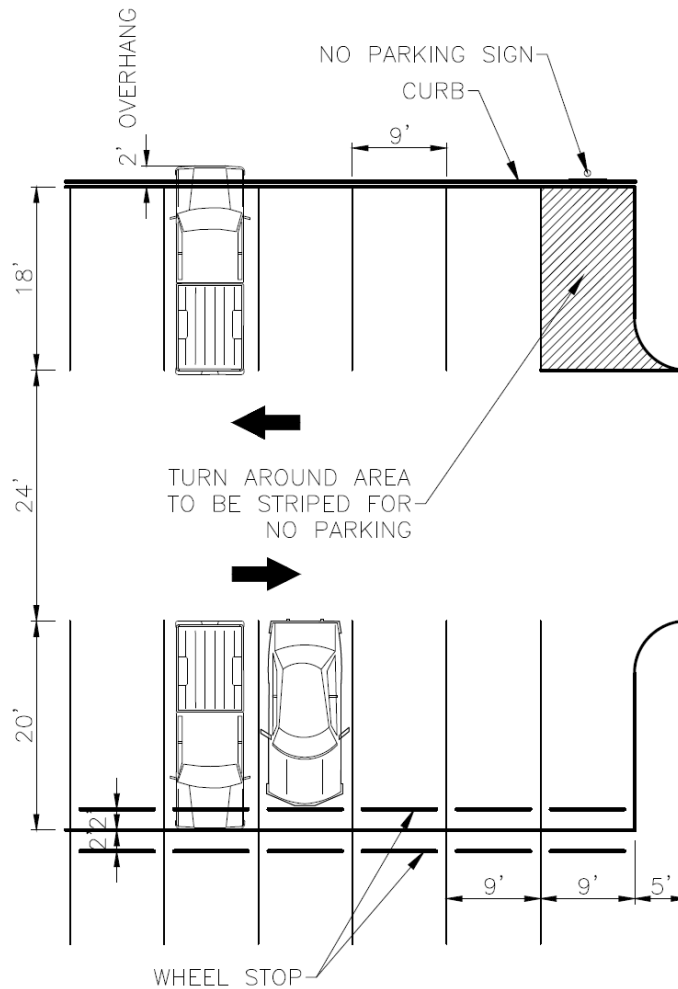
3. General standards.

- a. *Lighting trespass.* Light from exterior lighting fixtures shall not directly cross the bounding property line; provided, however, the Director may authorize light from exterior lighting fixtures to cross common interior lot lines on contiguous lots in a nonresidential development when necessary to provide constant lighting levels of adjoining parking areas, fire lanes and interior access roadways.
- b. *Photometric Plan.* The Director may require submission of a photometric survey to determine the potential for light trespass with respect to the location, height, type, and number of outdoor lighting fixtures proposed to be installed on a property.
- c. *Outdoor signs, etc.* Outdoor advertising displays, billboards, and signs not exclusively illuminated internally may only use illuminating devices mounted on the top of the advertising display structure that comply with all other provisions of this section. Outdoor advertising signs constructed of translucent materials and wholly illuminated from within do not require shielding.
- d. *Glare.* Exterior lights shall be constructed in a manner consistent with the Property Maintenance Code Section 6-85(e), Glare.

- e. *Under canopy lighting.* Light fixtures mounted on canopies or service islands (e.g., at fueling stations) shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy.
- f. *Shielding.* Shielding shall be required in all installations except as specified in this section. The allowable light sources and the requirements for shielding light emissions for outdoor light fixtures shall be as set forth in the following table:

K. Article VII “Zoning Development Standards” Section 7.04 “Off-Street Parking and Loading” Section 7.04.1 “Vehicle Parking” is amended by adding Subsection 6 titled “Dead-end Parking” to read as follows:

- 6. *Dead-end parking.*
 - a. Dead-end parking aisles exceeding 150 feet in length are prohibited.
 - b. A dead-end parking aisle shall include a stall designated and marked “no parking” located at the closed end of the drive aisle that may be used for maneuvering a three-point turnaround.



- L. Article VIII “Subdivision Regulations” Section 8.02 “General Provisions” Section 8.02.4. “Administrative Approval of Certain Amending Plats, Minor Plats and Replats” is amended to read as follows:

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

1. The director of community development is authorized to approve the following:
 - a. Minor plats described in Section 8.03.6;
 - b. Replats described in Section 8.03.7; and
 - c. Amending plats described Section 8.03.8.
2. The director of community development may for any reason elect to present the minor plat, replat or amending plat to the commission for action.
3. 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.

- M. Article VIII “Subdivision Regulations” Section 8.03 “Plat Regulations” Section 8.03.3 “Preliminary Plat” Subsection 2 “Contents” is amended by adding paragraph xxii to read as follows:

- xxii. A note on the plat stating, “All open space and common properties shall be owned and maintained by a property/homeowner’s association established in accordance with Allen Land Development Code Sections 8.20.2 and 8.20.4.”

- N. Article VIII “Subdivision Regulations” Section 8.03 “Plat Regulations” Section 8.03.4 “Final Plat” Subsection 2 “Contents” is amended by adding paragraph y to read as follows:

- y. A note on the plat stating, “All open space and common properties shall be owned and maintained by a property/homeowners’ association established in accordance with Allen Land Development Code Sections 8.20.2 and 8.20.4.”

- O. Article VIII “Subdivision Regulations” Section 8.05 “Subdivision Standards” Section 8.05.7 “Median Cuts” is retitled and amended to read as follows:

Sec. 8.05.7. – Cross Access and Median cuts.

1. *General.* This section shall establish requirements for parking areas open to the public, such that these areas are designed to be interconnected to allow for the safe efficient flow of traffic.
2. *Comprehensive Plan.* The requirement for cross connectivity is consistent with the Mobility policies set forth in the Comprehensive Master Plan.

3. *Design.* Unless it is determined by the director of engineering that safety issues may result or that topographical constraints exist, all non-residential development shall be designed to allow for cross-access to adjacent properties to provide shared ingress and egress to public or private streets. Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Parking areas directly adjacent to other parking areas in the same project shall also have cross access.
4. *Easement Dedication.* Shared driveways, cross-access drives, and service drives shall be located within a public access easement that permits traffic circulation between lots, that is dedicated by plat or separate instrument and recorded in the Real Property Records of Collin County.
5. *Median Cuts.* Non-residential lots adjacent to a median divided street should have access to a median opening. Direct access should be provided where possible. If direct access is not available, a public access easement between the lot that does not have direct access to the median cut and the lot that has such access shall be required as set forth in subsection 4 of this section.
6. *Multiple Points of Access.* Where cross access between parcels is not a practical alternative for the purpose of providing multiple access points to a development, including, but limited to, when the developer of a property is unable to obtain an easement providing cross-access over an adjacent property owned by others, the director of engineering may approve a single, median-divided entrance from the public right-of-way to a tract upon a finding that such means of access will not compromise public safety or impede emergency access, and that the stacking distance will comply with Section 7.04.1.3.d.
7. *Alternatives.* When cross-access is deemed impractical by the director of engineering on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for establishment of cross-access between properties may be waived provided that appropriate bicycle and/or pedestrian connections are provided between adjacent developments or land uses.
8. *Appeal.* If the director of engineering does not grant an exception as provided in Subsection 6 of this section or a waiver pursuant to Subsection 7 of this section as requested by the owner or developer of property, such applicant may, not later than ten (10) days after receipt of written notification from the director of engineering that such exception or waiver has been denied, request in writing that the request for exception or waiver, as applicable, be considered by the Commission. The owner or developer of the property shall be required to present evidence relating to the inability to obtain the access easement that would otherwise be required by this section, including evidence of efforts made to obtain such access easement from adjacent property owners, and present the alternatives to the required access to which the owner or developer is willing to agree. The Commission may grant, deny, or modify the alternative access requirement requested or grant or deny the requested waiver. If the Commission modifies or denies the alternative access requested or denies the requested waiver, such applicant may, not later than ten (10) days after the date of the action by the Commission, request in writing that the

request for exception or waiver, as applicable, be considered by the City Council. The City Council may uphold the original decision of the director of engineering, grant as requested or modify the alternative access requested, or grant or deny the requested waiver, as applicable.

P. Appendix A “Definitions” is amended by:

- (1) Repealing and deleting the definition “Beer and Wine Package Sales”; and
- (2) Amending the definition of the phrase “Outdoor Storage” to read as follows:

Outdoor storage means the storage on the exterior of a building of commodities, materials, goods, equipment, vehicles for repair as part of an automotive repair use, storage pods, merchandise, or other personal property for a primary use on the same property for a purpose other than displaying same to the public for purpose of enticing the immediate sale or lease of said items.

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 9TH DAY OF JUNE 2020.

APPROVED:

Debbie Stout, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:5/27/2020:115839)

Shelley B. George, TRMC, CITY SECRETARY