

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, RELATING TO THE USE AND DEVELOPMENT OF LOT 1, BLOCK 2, ALLEN PREMIUM OUTLETS, PRESENTLY ZONED AS PLANNED DEVELOPMENT “PD” NO. 78 CORRIDOR COMMERCIAL “CC” BY AMENDING THE DEVELOPMENT REGULATIONS RELATING TO CARTS AND KIOSKS AND ADOPTING AN AMENDED KIOSK SITE PLAN; 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 the Zoning Map of the City of Allen, Collin County, Texas, as previously amended, be further amended by amending the use and development regulations of Planned Development “PD” No. 78 (PD-78) for Commercial Corridor as set forth in Section 2 of Ordinance No. 3616-9-18 (“the PD 78 Ordinance”) as follows:

**A.** Section 2.N. “Carts and Kiosks” of the PD-78 Ordinance is amended to read as follows:

**N.** CARTS AND KIOSKS:

- (1) A maximum of sixteen (16) outdoor kiosks used for the sale of retail goods and food may be located on the Property in the area highlighted on the Kiosks Site Plan attached hereto as Exhibit “F-2.”
- (2) Kiosk locations may not obstruct fire lanes/emergency access or parking spaces on the site.
- (3) Kiosk locations may not exceed twelve (12) feet by twelve (12) feet in area.
- (4) Kiosk locations must be on improved surfaces and must maintain an accessible path.
- (5) Kiosk locations must be a minimum of two (2) feet from the edge of any parking space.

**B.** Exhibit “F-1” “Kiosks Site Plan” to the PD-78 Ordinance is amended in its entirety to read as set forth in Exhibit “F-2” attached hereto and incorporated herein by reference.

**SECTION 2.** 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 3.** 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 4.** 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 5.** 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 28<sup>TH</sup> DAY OF JULY 2020.**

**APPROVED:**

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**Debbie Stout, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

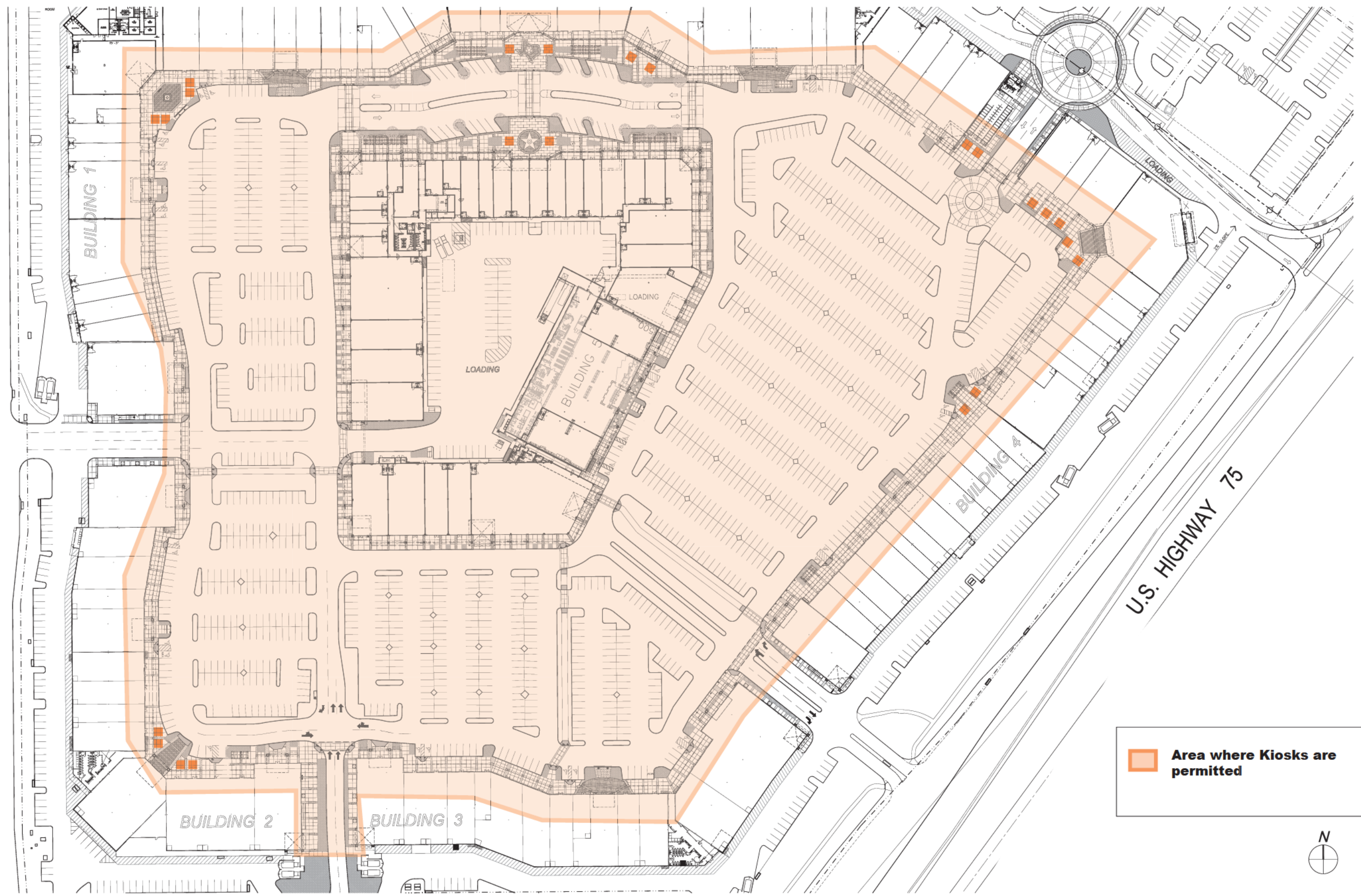
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**Peter G. Smith, CITY ATTORNEY**  
(kbl:6/30/2020:116497)

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

CHELSEA BLVD.



 **Area where Kiosks are permitted**

