ORDIN	NANCE	NO.	
VIVI		110.	

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, BY AMENDING THE USE AND DEVELOPMENT REGULATIONS OF TRACT 1 OF PLANNED DEVELOPMENT PD NO. 58 WITH A BASE ZONING OF SHOPPING CENTER "SC" RELATING TO THE DEVELOPMENT OF LOTS 6A AND 6B, BLOCK A, CLA ALLEN ADDITION, BY ADOPTING A ZONING EXHIBIT, CONCEPT PLAN, AND BUILDING ELEVATIONS; 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 as set forth in Section 2, below, the regulations of Planned Development "PD" No. 58 Shopping Center "SC" relating to the development and use of property described as Lots 6A and 6B, Block A, CLA Allen Addition, an addition to the City of Allen, Collin County, Texas, according to the plat thereof recorded in Volume 2015, Page 435, Plat Records, Collin County, Texas, and depicted in Exhibit "A," attached hereto and incorporated herein by reference ("the Property").

SECTION 2. The Property shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code, as amended, ("ALDC") and the development and use regulations of Tract 1 of Planned Development "PD" No. 58 as set forth in Ordinance No. 3262-10-14 and Ordinance No. 1409-3-96, as such regulations have been amended, except to the extent modified by the Development Regulations set forth below:

- **A. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit "B" and incorporated herein by reference (the "Concept Plan"). Minor modifications to streets/driveways that do not alter the general alignment shown on the Concept Plan may be made at the time of Site Plan approval.
- **B. BUILDING ELEVATIONS:** The buildings shall be designed and constructed in generally conformance with the Building Elevations attached hereto as Exhibit "C" and incorporated herein by reference ("Building Elevations").
- **C. PERMITTED USES:** In addition to uses currently permitted, the Property may be used and developed as an "Office-Showroom/Warehouse" use. For the purposes of this ordinance, "Office-

Showroom/Warehouse" shall be defined as "an establishment with a minimum of 50 percent of its total floor area devoted to storage and warehousing but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas."

D. TRAFFIC IMPROVEMENTS: The deceleration lane on Exchange Parkway as shown on the Concept Plan shall be constructed and completed prior to issuance of a Certificate of Occupancy for any building constructed on the Property.

SECTION 3. To the extent of any irreconcilable conflict with the provisions of this 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 4. 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 5. 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 6. 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 7. 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 24TH DAY OF AUGUST 2021.

	APPROVED:
	Kenneth M. Fulk, MAYOR
APPROVED AS TO FORM:	ATTEST:
Peter G. Smith, CITY ATTORNEY	Shelley B. George, TRMC, CITY SECRETARY









