	ORDINANCE	NO.
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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 THE DEVELOPMENT REGULATIONS, AND ADOPTING A CONCEPT PLAN, LANDSCAPE PLAN, AND BUILDING ELEVATIONS FOR LOT 1R, BLOCK A, KIDS R KIDS ADDITION, WHICH PROPERTY IS LOCATED IN AND SUBJECT TO THE REGULATIONS OF PLANNED DEVELOPMENT "PD" NO. 53 FOR SHOPPING CENTER "SC"; 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 development regulations and adopting a Concept Plan, Landscape Plan, and Building Elevations for Lot 1R, Block A, Kids R Kids Addition, which property is located in and subject to the regulations of Planned Development "PD" No. 53 for Shopping Center "SC."

SECTION 2. The Property shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code, as amended, and the development regulations applicable to Tract 5 as identified in Planned Development "PD" No. 53, 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 "A," and incorporated herein by reference ("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 planning.
- **B. LANDSCAPE PLAN:** The Property shall be developed in general conformance with the Landscape Plan attached hereto as Exhibit "B," and incorporated herein by reference.
- **C. BUILDING ELEVATIONS:** The Property shall be developed in general conformance with the Building Elevations attached hereto as Exhibit "C," and incorporated herein by reference.
- **D. BUILDING SETBACKS:** The building setbacks for the Property shall comply with the provisions set forth in Planned Development No. 53 except the Rear Yard Setback shall be fifteen (15) feet.

E. OFF-STREET LOADING:

- (1) The truck loading area shall be located as shown on the Concept Plan. Enhanced landscaping and berming shall be placed on the site as identified on the Landscape Plan to prevent direct line of sights from the street to the loading berths. The interior of the loading dock shall be screened in a matter to not be visible from either Exchange Parkway or Alma Drive at any time.
- (2) No Certificate of Occupancy shall be issued for the building constructed on the Property until the City's Building Official and Director of Community Development have determined the installation and planting of berming and landscaping as shown on the Landscape Plan has been completed.
- **F. STREET IMPROVEMENTS:** Prior to issuance of a Certificate of Occupancy, construction of the following improvements shown on the Concept Plan shall be completed and accepted by the City:
 - (1) A southbound right-turn lane on Alma Drive; and
 - (2) The extension of a westbound deceleration lane on Exchange Parkway.

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 12TH DAY OF SEPTEMBER 2017.

	APPROVED:
	Stephen Terrell, MAYOR
APPROVED AS TO FORM:	ATTEST:
Peter G. Smith, City Attorney (kbl:8/18/17:89268)	Shelley B. George, TRMC, City Secretary
Ordinance N	No, Page 2

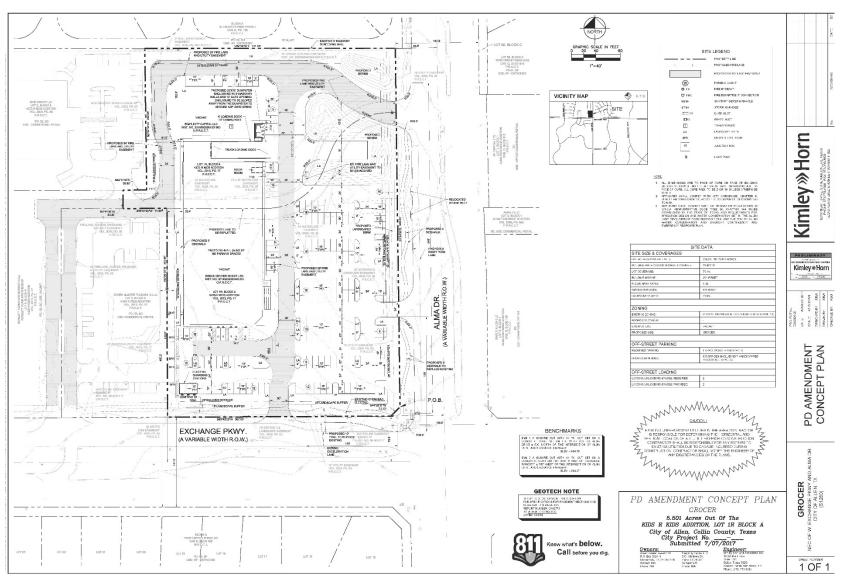
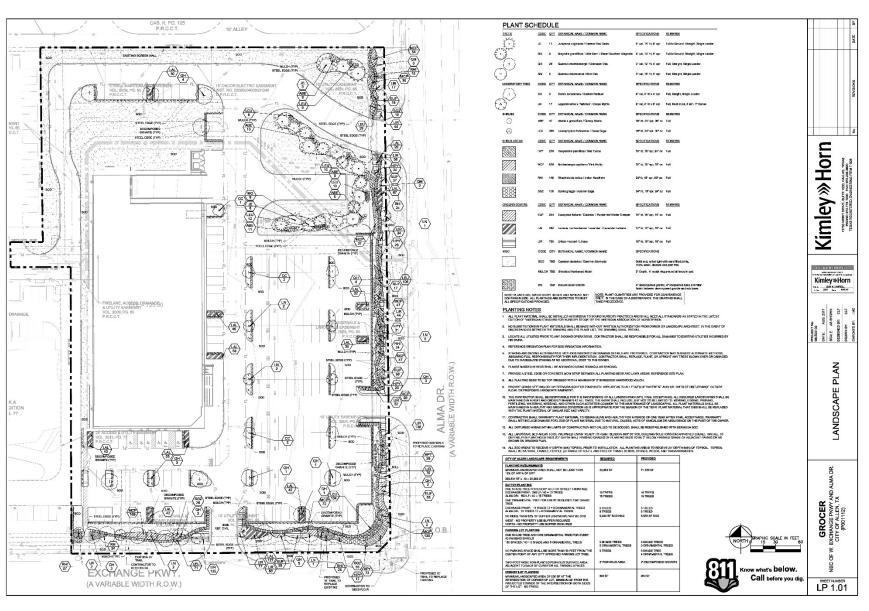


EXHIBIT "A" CONCEPT PLAN



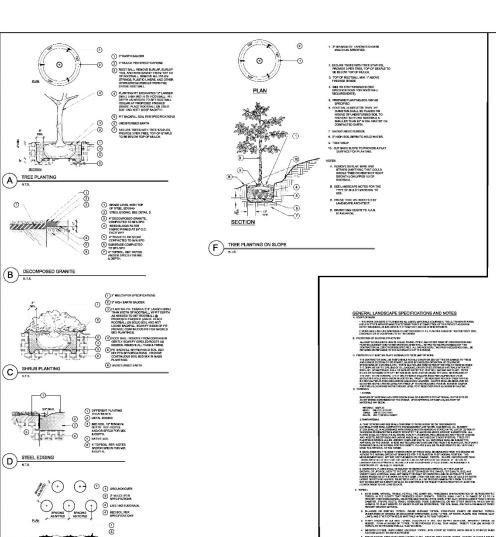


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GROUNDCOVER PLANTING

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