

**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 BY GRANTING SPECIFIC USE PERMIT NO. 173 FOR A FITNESS AND HEALTH CENTER USE RELATING TO THE USE AND DEVELOPMENT OF LOT 1A, BLOCK A, COTTONWOOD CREEK VILLAGE PHASE 2, PRESENTLY LOCATED WITHIN A SHOPPING CENTER “SC” ZONING DISTRICT; PROVIDING 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, the City Council has concluded that the Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be further amended as follows:

**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, be amended by granting Specific Use Permit No. 173 for a Fitness and Health Center use relating to the use and development of Lot 1A, Block A, Cottonwood Creek Village Phase 2, an addition to the City of Allen, Collin County, Texas, according to the plat thereof recorded in Book C, Slide 82, Plat Records, Collin County, Texas (the “Property”), and located within a Shopping Center “SC” Zoning District.

**SECTION 2.** The Property shall be used only in the manner and for the purposes provided for in the Allen Land Development Code Zoning Regulations, as heretofore amended, and as amended herein, and, if developed and used for Fitness and Health Center purposes in accordance with this Specific Use Permit No. 173, shall be subject to the following special conditions:

- A. The Specific Use Permit granted hereby is expressly limited to the area of the Property shown as shaded on the SUP Site Plan attached hereto as Exhibit “A” and incorporated herein by reference.
- B. Only United PF Partners, LLC dba Planet Fitness, or a legal entity owned or controlled by United PF Partners, LLC, or which owns or controls United PF Partners, LLC is authorized by this Ordinance to use the Property for a Fitness and Health Center use.
- C. Except for parking by customers and employees, no activity related to the business shall occur on the exterior of 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 10<sup>TH</sup> DAY OF MARCH 2020.**

**APPROVED:**

\_\_\_\_\_  
**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**  
(kbl:2/25/2020:114073)

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

# EXHIBIT "A" SUP SITE PLAN

