

ORDINANCE NO. 3808-2-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE SITE PLAN FOR THE USE AND DEVELOPMENT OF LOT 1, BLOCK A, AVH KENNELS ADDITION, AND ADOPTING A SITE PLAN FOR THE USE AND DEVELOPMENT OF LOT 2, BLOCK A, AVH KENNELS ADDITION, CITY OF ALLEN, COLLIN COUNTY, TEXAS, LOCATED IN PLANNED DEVELOPMENT NO. 5 (“PD NO. 5”) FOR SHOPPING CENTER “SC” USES; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) 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, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing and afforded a full and fair hearing to all property owners, generally, and to all persons interested and situated in the affected area, and in the vicinity thereof; and,

WHEREAS, in accordance with Section 2 of City of Allen Ordinance No. 370-10-81, which established Planned Development No. 5 (“PD No. 5”) for Shopping Center “SC” use, at its regular meeting held on February 2, 2021, the Planning and Zoning Commission approved the Site Plan attached hereto as Exhibit “A” and forwarded it to the City Council for consideration; and,

WHEREAS, the governing body of the City of Allen, in the exercise of its legislative discretion, has concluded that in accordance with Ordinance No. 370-10-81, the Site Plan for the development and use of Lots 1 and 2, Block A, AVH Kennels Addition, an addition to the City of Allen, according to the plat thereof recorded in Volume 2014, Page 191, Plat Records, Collin County, Texas (“the Property”) and located within PD No. 5 should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. In accordance with Section 2 of City of Allen Ordinance No. 370-10-81, the Site Plan attached hereto as Exhibit “A,” and incorporated herein by reference (“the Site Plan”), relating to the use and development of the Property is hereby approved.

SECTION 2. The Property shall be used and developed in accordance with the Site Plan. In addition, outdoor animal runs shall be installed and located in conformance with Section 6.06.12 of the Allen Land Development Code as shown on the Site Plan.

SECTION 3. 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 as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling. With respect to any site plan for the use and development of the Property approved prior to the effective date of this Ordinance, such prior site plan shall be deemed to be amended and replaced by the Site Plan attached hereto but only to the extent that the previously adopted site plan affects the Property, it being the intent that any site plan or portion of site plan previously approved with respect to the use and development of any property located within PD No. 5 other than the Property shall remain in full force and affect.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Allen Land Development Code, 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 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 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 of the caption 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 23RD DAY OF FEBRUARY 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:1/28/2021:120366)

Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A"
SITE PLAN