

ORDINANCE NO. 3894-2-22

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 REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF LOT 3R2, ALLEN BUSINESS CENTRE ADDITION, LOCATED WITHIN AREA “1” OF PLANNED DEVELOPMENT PD NO. 3 WITH A BASE ZONING OF LIGHT INDUSTRIAL “LI”; 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, be amended by amending the regulations relating to the development and use of property described as Lot 3R2, Allen Business Centre Addition, an addition to the City of Allen, Collin County, Texas, according to the plat thereof recorded in Volume 2016, Page 355, Plat Records, Collin County, Texas (“the Property”), which is located in and subject to the development and use of the regulations applicable to Area “1” of Planned Development “PD” No. 3 with a base zoning of Light Industrial “LI”, except as modified below.

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 Area “1” of Planned Development “PD” No. 3 as set forth in Ordinance No. 368-10-81, as such regulations have been amended, except to the extent modified by the Development Regulations set forth below.

A. NEW USE DEFINED: For the purpose of these Development Regulations, a “Winery” use means an establishment holding a “Winery Permit” issued by the Texas Alcoholic Beverage Commission in accordance with Chapter 16 of the Texas Alcoholic Beverage Code, as amended, subject to the following:

- (1) Retail sales of alcoholic beverages for on-premise and/or off-premise consumption and related items and tastings or sampling are allowed to the extent authorized by Chapter 16 of the Texas Alcoholic Beverage Code, as amended, and related regulations adopted by the Texas Alcoholic Beverage Commission; and
- (2) The component parts comprising a “Winery” use shall comply with the minimum off-street parking ratios of the ALDC as follows:
 - (a) One space per 100 square feet of floor area used for restaurant (no drive-in or through);

- (b) One space per 200 square feet of floor area used for Retail; and
- (c) One space per 2,000 square feet of floor area used for Warehouse.

B. ADDITIONAL PERMITTED USES: In addition to the uses permitted by the PD 3 Ordinance that are applicable to Area “1”, the Property may be developed and used for a “Winery” use after approval of a Specific Use Permit.

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 22ND DAY OF FEBRUARY 2022.

APPROVED:

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:1/24/2022:127300)

Shelley B. George, TRMC, CITY SECRETARY