

ORDINANCE NO. 3993-4-23

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 RELATING TO THE USE AND DEVELOPMENT OF A 2,205± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 4A, BLOCK A, MCCOY AND ROTH ADDITION, PRESENTLY ZONED FOR PLANNED DEVELOPMENT “PD” NO. 61 SHOPPING CENTER “SC” BY GRANTING SPECIFIC USE PERMIT NO. 187 FOR A FITNESS AND HEALTH ESTABLISHMENT; 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 of the City of Allen, Texas 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 adopted, 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 Zoning Map of the City of Allen, Collin County, Texas, be amended, and is hereby further amended relating to the use and development of a 2,205± square foot portion of a building located on Lot 4A, Block A, McCoy and Roth Addition, an Addition to the City of Allen, Collin County, Texas, according to the Plat recorded in Cabinet 210, Page 320, Collin County, Texas, (also known as 1680 Stacy Road, Suite 100, Allen, Texas,) as shown on Exhibit “A” attached hereto and incorporated herein by reference (“the Property”), which is presently zoned for and located in Planned Development “PD” No. 61 Shopping Center “SC” by granting Specific Use Permit No. 187 for a Fitness and Health Establishment subject to Section 2, below.

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 the use and development regulations of Planned Development “PD” No. 61 as amended, and, if developed and used for Fitness and Health Establishment purposes, such use shall be further subject to the following:

- A.** The use of the Property for a Fitness and Health Establishment shall be limited to the area of the Property shown in the SUP Site Plan attached hereto as Exhibit “A” and incorporated herein by reference; and
- B.** Except for parking by customers and employees, no activity related to the Fitness and Health 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 11TH DAY OF APRIL 2023.

APPROVED:

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:3/7/2023:133934)

Shelley B. George, TRMC, CITY SECRETARY