

ORDINANCE NO. 4032-9-23

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 BY AMENDING THE DEVELOPMENT REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF LOT 1, BLOCK A, CORNERSTONE/ALLEN ADDITION, LOCATED WITHIN TRACT 1 OF PLANNED DEVELOPMENT “PD” 58 WITH A BASE ZONING DISTRICT OF SHOPPING CENTER “SC” TO ADOPT REGULATIONS FOR OUTDOOR STORAGE; PROVIDING FOR A CONFLICTS RESOLUTIONS 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, Texas, as amended, shall be further amended by amending, as set forth in Section 2 of this Ordinance, the regulations relating to the use and development of Lot 1, Block A, Cornerstone/Allen, an addition to City of Allen, Collin County, Texas, according to the plat thereof recorded in Volume M, Page 316, Plat Records, Collin County, Texas (“the Property”) located in Tract 1 of Planned Development “PD” No. 58 Shopping Center “SC” (“PD-58”).

SECTION 2. The Property shall continue to be developed and used in accordance with applicable provisions of the Allen Land Development Code and the development and use regulations applicable to property located within Tract 1 of PD-58 except as follows:

- A.** Outdoor storage may occur on the Property using shipping/storage containers (“Outdoor Storage Containers”) placed on the area of the Property shown in the Outdoor Storage Site Plan attached hereto as Exhibit “A” and incorporated herein by reference (the “Outdoor Storage Area”) for a period not to exceed two (2) years after the effective date of this Ordinance unless such term is extended as provided in Section 2.G, below;
- B.** No screening of the Outdoor Storage Area is required;
- C.** The Outdoor Storage Containers shall not be located on, or be placed in a manner that obstructs, fire lanes/emergency access or parking aisles on the Property or on any property adjacent to the Property;
- D.** All Outdoor Storage Containers must be placed on ground level. Stacking of Outdoor Storage Containers is prohibited;
- E.** All Outdoor Storage Containers must be painted with the same, solid, non-reflective color, maintained in good condition and repair, and be free of graffiti and other extraneous markings other than the name

of the owner of the container and such other identifying information as may be required by law when such containers are in transit;

- F.** Except when in active use, all materials, supplies, equipment, or other personal property stored within the Outdoor Storage Area must be placed within the Outdoor Storage Containers;
- G.** The period for which Outdoor Storage Containers may be kept on the Property may be extended by motion or resolution of the City Council for up to two (2) periods of six (6) months each. Placement of Outdoor Storage Containers on the Property for a period of more than three (3) years after the effective date of this Ordinance shall require an amendment to this Ordinance; and
- H.** All Outdoor Storage Containers must be removed from the Property not later than the last day authorized by this Ordinance.

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 12TH DAY OF SEPTEMBER 2023.

APPROVED:

Baine L. Brooks, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:8/8/2023:4895-7806-1684v1)

Shelley B. George, TRMC, CITY SECRETARY