

ORDINANCE NO. 2012-06-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2004-12-123 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1.08 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 121 (SAM RAYBURN TOLLWAY) AND APPROXIMATELY 1,960 FEET EAST OF ALMA ROAD, IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR A CANINE BOARDING FACILITY WITH OUTSIDE RUNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the City of McKinney has considered the rezoning of an approximately 1.08 acre property, located on the north side of State Highway 121 (Sam Rayburn Tollway) and approximately 1,960 feet east of Alma Road, which is more fully depicted on Exhibit A, attached hereto, is rezoned from “PD” – Planned Development District to “PD” – Planned Development District, generally to allow for a canine boarding facility with outside runs; and,

WHEREAS, after due notice of the requested rezoning as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, the City Council is of the opinion that the change in zoning district should be made.

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS:

Section 1. Ordinance No. 2004-12-123 is hereby amended in order to rezone an approximately 1.08 acre property, located on the north side of State Highway 121 (Sam Rayburn Tollway) and approximately 1,960 feet east of Alma Road, is rezoned from “PD” – Planned Development District to “PD” – Planned Development District.

Section 2. Use and development of the subject property shall conform to the regulations of “PD” – Planned Development District Ordinance No. 2004-12-123, except as follows:

- a. An animal boarding facility with outside animal runs shall be an allowed use.
- b. The design of the proposed building(s) on the subject property shall generally conform to architectural character reflected in the attached building elevations (Exhibit B) and shall satisfy the overarching architectural requirements of the REC Overlay District as well as Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended.
- c. A minimum of 75% stone masonry shall be required on each building elevation.
- d. A 6’ tall pre-cast concrete screening wall designed to match the architecture of the building shall be required along the southern limits of any outside animal runs.

Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which

shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

- Section 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.
- Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.
- Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 5TH DAY OF JUNE, 2012.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

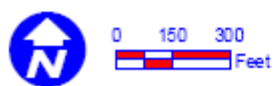
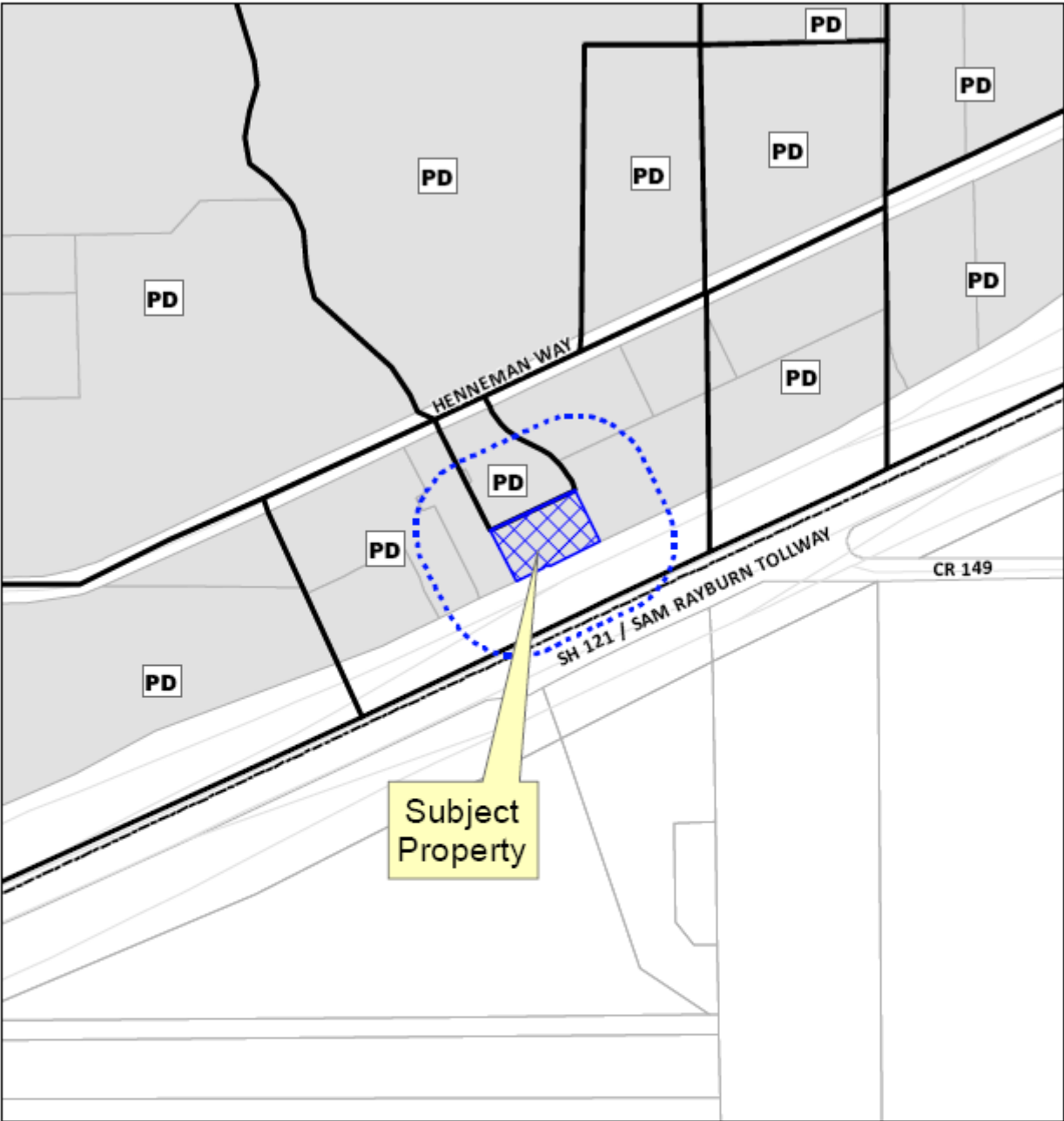
CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



Notification Case

Case: 12-088Z

.... 200' Notification Buffer

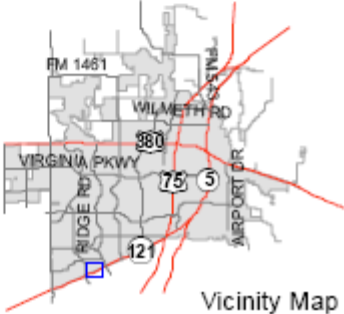


EXHIBIT A



1 EAST ELEVATION
SCALE 1/16" = 1'-0"



2 SOUTH ELEVATION
SAM RAYBURN TOLLWAY
SCALE 1/16" = 1'-0"



3 WEST ELEVATION
SCALE 1/16" = 1'-0"



4 NORTH ELEVATION
SCALE 1/16" = 1'-0"

exterior elevations

PROJECT NUMBER	1211
DATE	04.30.12
SHEET NUMBER	A0.0



2nd Family Dogs

State Highway 121, McKinney, Texas 75069

david**baca**
STUDIO

SCHEMATIC
DESIGN
REVIEW
NOT FOR CONSTRUCTION
ARCHITECTURAL
DRAWING

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