

MURPHY CITY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING  
NOVEMBER 3, 2015 AT 6:00 PM  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094



Eric Barna  
Mayor

Scott Bradley  
Mayor Pro Tem

Owais Siddiqui  
Deputy Mayor Pro Tem

Ben St. Clair  
Councilmember

Betty Spraggins  
Councilmember

Sarah Fincanon  
Councilmember

Rob Thomas  
Councilmember

James Fisher  
City Manager

Susie Quinn  
City Secretary

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on November 3, 2015 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**1. CALL TO ORDER**

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

**3. ROLL CALL & CERTIFICATION OF A QUORUM**

**4. PRESENTATIONS**

- A. Proclamation recognizing Emma Ann Guillen for her donation of gift cards to the Murphy Police Officers.

**Recess for TOWN HALL MEETING**

**Reconvene CITY COUNCIL MEETING**

**5. INDIVIDUAL CONSIDERATION**

- A. Consider, discuss and/or act on an update to the Southeast Study Project.
- B. Consider, discuss and/or act on an update to the temporary development moratorium.

**6. PUBLIC COMMENTS**

**7. ADJOURNMENT**

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on October 30, 2015 by 4:30 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Susie Quinn, TRMC  
City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 972.468.4011 or [squinn@murphytx.org](mailto:squinn@murphytx.org).

Notice of Possible Quorum: There may be a quorum of the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Ethics Review Commission, the Murphy Community Development Corporation, the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission members who may be present at the meeting, but they will not deliberate on any city or board business.

**City Council**  
**November 3, 2015**

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**Issue**

Consider, discuss and/or act on an update to the Southeast Study Project.

**Update**

On October 26, 2015 at the Planning & Zoning Commission Meeting no action was taken on this item and the public hearing was postponed as Mayor Barna had requested to allow the City Council to hold a Town Hall meeting on Tuesday, November 3 to discuss the Southeast Corridor Study and consider possible action including lifting the moratorium, leaving the area as it is now and utilizing the information gathered for the Comprehensive Plan Update.

**Project Background and history**

**Southeast Study Project Public Meetings and process to date**

- ❖ Southeast Study Project webpage created at [www.murphytx.org](http://www.murphytx.org) following temporary moratorium approval and is updated as project progresses including complete internal and external project calendar
  
- ❖ Each public meeting has had public input forum included

**June 22, 2015** – Planning & Zoning Commission held public hearing and approved adoption of a temporary moratorium on property development

**June 30, 2015** – City Council held ordinance reading and public hearing for temporary moratorium

**July 6, 2015** – City Council approved adoption of a temporary moratorium ordinance on property development

**July 27, 2015** – Planning & Zoning Commission update item and project/process overview

**August 4, 2015** – City Council meeting update item and project/process overview

**August 18, 2015** – City Council meeting update item and project/process overview

**August 19, 2015** – Southeast Study Stakeholder Meeting with over 50 stakeholders attending

**August 24, 2015** – Planning & Zoning Commission update item and project/process overview

**September 1, 2015** – City Council meeting update item and project/process overview with PowerPoint presentation (**Attachment E**) and discussion/direction of Concepts A, B and C

**September 15, 2015** – City Council meeting and discussion of Consolidated Concept Plan (**Attachment A**) based on discussion points from **September 1** meeting. No DRAFT Planned Development standards were defined at this time

**September 28, 2015 City Council and Planning & Zoning Commission held a joint meeting.**  
The development moratorium was extended to January 5, 2016 via approval of the Planning & Zoning Commission and the City Council vote at this meeting

**October 6, 2015 City Council Meeting** - City Council received a staff/consultant update at the scheduled City Council meeting

**October 20, 2015 City Council Meeting** - City Manager provided brief schedule update during his city manager report

**Action Requested**

Offer direction to staff on how to proceed.

**Attachments**

Final Draft Southeast Planned Development District and Concept Plan (10/15/15)

**DRAFT 10/15/2015**

## Draft Planned Development (PD) for Southeastern Area

1) PD PURPOSE STATEMENT:

This Planned Development (PD) is intended to provide a guide for the potential growth and development of the last remaining rural area within Murphy. The purpose of this PD is to ensure that there is a plan in place in the event that development pressures facilitate redevelopment within the area. This PD is designed to provide land use guidelines that increase the City's tax base, encourage appropriate and organized development, ensure quality architectural design, protect Maxwell Creek, provide outdoor recreational opportunities, enhance quality of life and create a sense of place. The PD's design optimizes development potential while respecting the existing characteristics. Potential uses within this PD include retail, restaurant, single-family residential and parks.

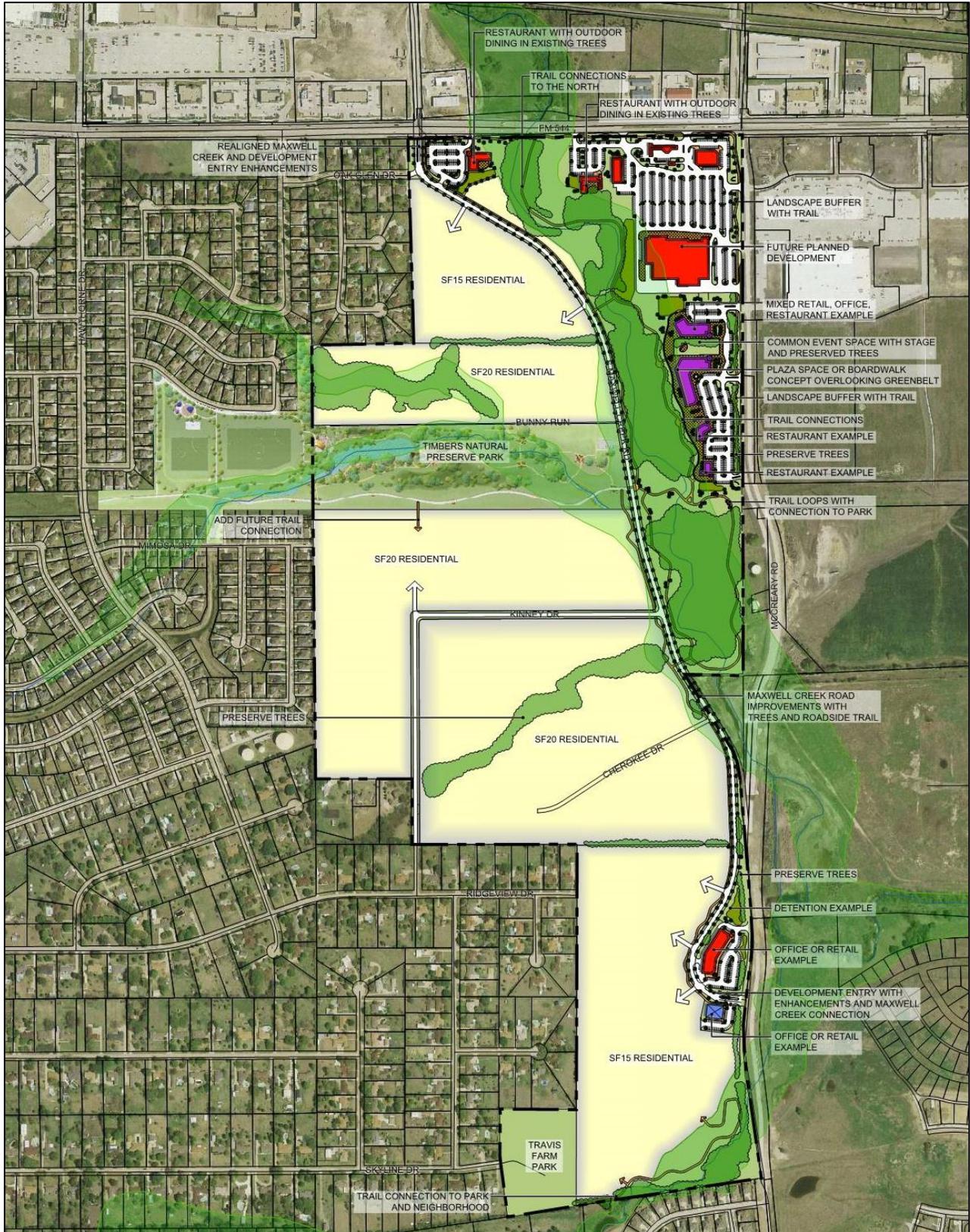
2) PD CONCEPTUAL IMAGES:

Insert perspective renderings to be prepared at conclusion of project.

DRAFT 10/15/2015

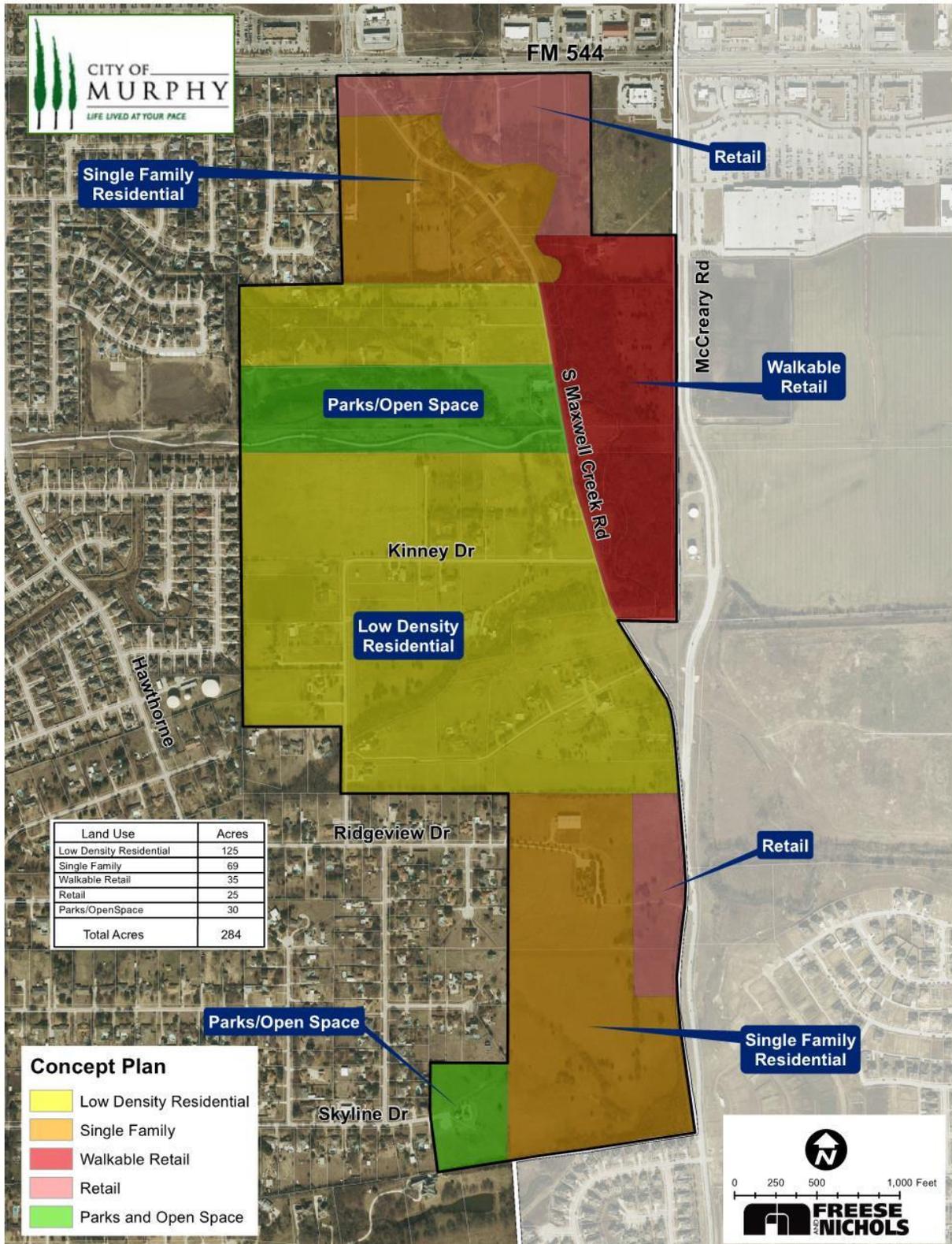
3) Vision Plan

The Vision Plan reflected below is intended to serve as a guide for the growth and development of the area. Its sole purpose is to show the orientation and integration of the various land use concepts.

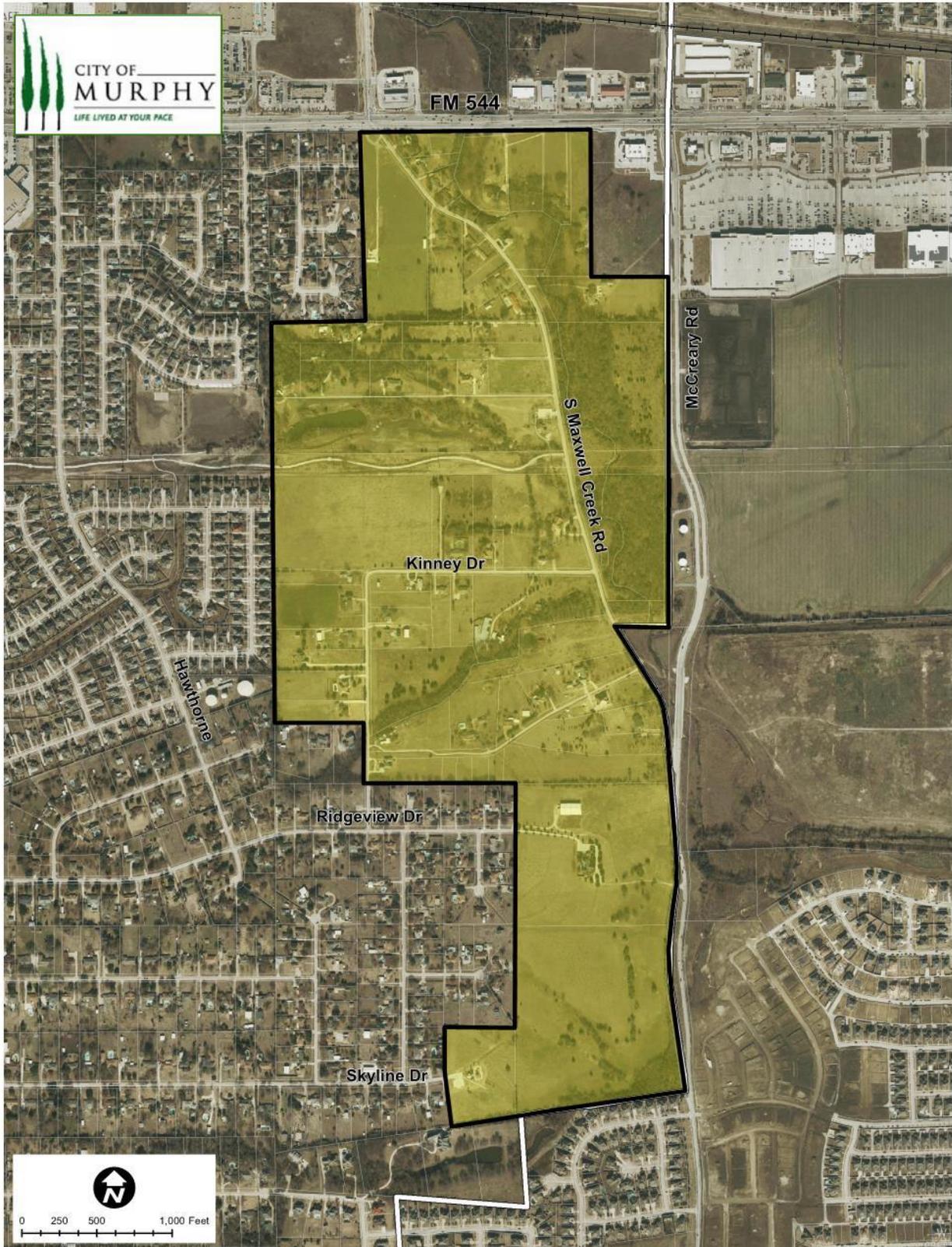


4) Concept Plan

The Concept Plan reflected below is based upon the Vision Plan above and intended to guide the application of the various development regulations contained within this Planned Development.



- 5) LEGAL DESCRIPTION:  
The boundaries are depicted in the area map below.



6) BASE ZONING STANDARDS:

- A. For areas designated as “Retail” on the Concept Plan, base development regulations from Zoning Ordinance Sec. Sec.30.03.401 to Sec 30.03.405 (R) Retail shall apply except as otherwise stated herein.
- B. For areas designated as “Walkable Retail” on the Concept Plan, base regulations from Zoning Ordinance Sec. Sec 30.03.431 (TC) Town Center shall apply except as otherwise stated herein.
- C. For areas designated as “Single Family” on the Concept Plan, base development regulations from Zoning Ordinance Sec 30.03.121 to Sec 30.03.125 (SF-15) shall apply except as otherwise stated herein.
- D. For areas designated as “Low Density” on the Concept Plan, base development regulations from Zoning Ordinance Sec 30.03.091 to Sec 30.03.095 (SF-20) shall apply except as otherwise stated herein.

7) PERMITTED USES:

- A. For areas designated as “Retail” on the Concept Plan
  - i. All uses shall be allowed per the “R” Non-Residential Zoning District in Zoning Ordinance Sec 30.06.002 Use Charts.
- B. For areas designated as “Walkable Retail” on the Concept Plan
  - ii. All uses should be allowed per the “TC” Non-Residential Zoning District in Zoning Ordinance Sec 30.06.002 Use Charts.
- C. For areas designated as “Single Family” on the Concept plan
  - iii. All uses shall be allowed per the “SF-15” Single-Family Residential Zoning District in Zoning Ordinance Sec 30.06.002 Use Charts.
- D. For areas designated as “Low Density” on the Concept Plan
  - iv. All uses shall be allowed per the “SF-20” – Single-Family Residential Zoning District in Zoning Ordinance Sec 30.06.002 Use Charts.

8) LOT, AREA, AND HEIGHT REGULATIONS:

Lot, Area and Height Regulations				
Regulations	Land Use Designation on the Concept Plan			
	Retail	Walkable Retail	Single Family	Low Density
Minimum Lot Area (Square Feet)	10,000	8,000	15,000	20,000
Average Lot Area (Square Feet)	-	-	17,500	-
Minimum Lot Width	120'	120'	100'	115'
Minimum Lot Depth	100'	100'	120'	130'
Maximum Lot Coverage (Includes All Buildings)	40%	40%	35%	35%
Minimum Living Area (Square Feet)	-	-	2,200	2,400
Front Yard Setback	40'	40'	30'	40'
Rear Yard Setback				
Minimum	20'	20'	20'	25'
Minimum If Abuts SF Residential	100'	100'	N/A	N/A
Side Yard Setback				
Minimum	20'	20'	15'	11'
Minimum If Abuts SF Residential	100'	45'	N/A	N/A
Maximum Height	45'	45'	35'	35'
Maximum Density	N/A	N/A	4DUA	2 DUA
Minimum Residential Garage Size	N/A	N/A	2	2
Minimum Additional Parking On-Site for Single-Family Only	N/A	N/A	2	2
Minimum Driveway Width	N/A	N/A	24'	24'
Shared Parking Allowed	Yes	Yes	No	No

9) DEVELOPMENT STANDARDS:

- A. For areas designated as “Retail” on the Concept Plan, the following additional development regulations shall apply in addition to base zoning requirements as specified in Section 6 of this Planned Development:
  - i. A 20’ trail easement should be dedicated in accordance with the Vision Plan, when applicable.
  - ii. A trail easement for a future connection between the south and north sides of FM 544 should be provided.
  
- B. For areas designated as “Walkable Retail” on the Concept Plan, the following additional development regulations shall apply in addition to base zoning requirements as specified in Section 6 of this Planned Development:
  - i. Maxwell Creek should be preserved in its natural state
  - ii. Areas of public open space, event space or plazas should be provided.
  - iii. Building orientation should provide dining and patio opportunities on the Maxwell Creek side of buildings.
  - ~~iii~~.iv. A 20’ public trail easement should be dedicated in accordance with the Vision Plan
  
- C. For areas designated as “Single Family” on the Concept Plan, the following additional development regulations shall apply in addition to base zoning requirements as specified in Section 6 of this Planned Development:
  - i. The lots directly abutting existing SF-20 development should be designed to be 20,000 square feet in size.
  - ii. When possible, natural buffers, such as tree stands and vegetation, should be preserved between Single Family areas and Low Density areas.
  - iii. Rear yard setbacks should be increased to 25’ on the northern boundary between Single Family and Low Density uses, as depicted on the Vision Plan and Concept Plan.
  - iv. Average lot size should be increased to 17,500 square feet to promote a diverse range of lot sizes and single-family housing.
  - v. Easements for trails, as depicted in the Vision Plan, should be provided.
  
- D. For areas designated as “Low Density” on the Concept Plan, the following additional development regulations shall apply in addition to base zoning requirements as specified in Section 6 of this Planned Development:
  - i. Preservation of natural features including creeks and tree stands as depicted on the Vision Plan
  - ii. Provision of Trail connections and easements along South Maxwell Creek Drive and to the Timbers Natural Preserve Park, as depicted on the Vision Plan.

10) SCREENING:

- A. For areas designated as “Retail” on the Concept Plan
  - i. All screening standards should comply with the “R, Retail District” regulations of Zoning Ordinance Sec. 30.03.405.
  
- B. For areas designated as “Walkable Retail” on the Concept Plan
  - i. All screening standards should comply with the “TC, Town Center District” regulations of Zoning Ordinance Sec 30.03.431.

11) LANDSCAPING:

- A. For areas designated as “Retail” on the Concept Plan
  - i. All landscaping standards should comply with the “R, Retail District” regulations of Zoning Ordinance Sec. Sec 30.03.405.
- B. For areas designated as “Walkable Retail” on the Concept Plan
  - i. All landscaping standards should comply with the “TC, Town Center District” regulations of Zoning Ordinance Sec 30.03.431.

12) STREET DESIGN:

- A. In conjunction with the development of Single Family residential, depicted on the Concept Plan, the Maxwell Creek Road intersection at SH 544 should be reconfigured, as reflected in the Vision Plan of this Planned Development.
- B. Maxwell Creek Road Design Standards
  - i. The minimum roadway design standard for Maxwell Creek Road should follow the “Type D Minor Collector” roadway design standard set within the Subdivision Ordinance and 2002 Thoroughfare Plan. The right-of-way for the Type D Minor Collector roadway is set at 60’.
  - ii. The minimum pavement requirement should be reduced from 37’ to 34’ permitting two 11’ traffic lanes and one 11’ center turn lane or landscaped median.
  - iii. An 8’ parkway should be included between the pavement and sidewalk and one tree should be placed every 40’ of right-of-way.
  - iv. A 5’ sidewalk should be included on both sides of Maxwell Creek Drive.
- C. In order to enhance and promote community connectivity, the following roadways shall provide cross-access between the Planned Development area and existing neighborhoods
  - i. Oak Glen Drive should be connected to South Maxwell Creek Road
  - ii. Kinney Drive should continue to provide a connection between South Maxwell Creek Road and Ridgeview Drive
- D. In order to minimize cut-through traffic and to protect existing neighborhood integrity and safety, the following connectivity limitations should be followed:
  - i. An open cul-de-sac should be constructed at Ridgeview Drive to prohibit a direct automobile connection to South Maxwell Creek Road. The cul-de-sac should provide a pedestrian connection between Ridgeview Drive and the Single Family Residential within the Planned Development.
  - ii. An open cul-de-sac should be constructed at Mimosa Drive to prohibit automobile access between Mimosa Drive and the Planned Development area. The cul-de-sac should provide a pedestrian connection between Mimosa Drive and the Low Density Residential within the Planned Development.

**City Council  
November 3, 2015**

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**Issue**

Consider, discuss and/or act on an update to the temporary development moratorium ordinance.

**Temporary Development Moratorium summary to date**

**June 22, 2015** – Planning & Zoning Commission held public hearing and approved adoption of a temporary moratorium on property development

**June 30, 2015** – City Council held ordinance reading and public hearing for temporary moratorium

**July 6, 2015** – City Council approved adoption of Ordinance Number 15-07-995 enacting a temporary moratorium ordinance on property development

**September 28, 2015 City Council and Planning & Zoning Commission joint meeting** - The development moratorium was extended by adoption of Ordinance Number 15-09-1003 to January 5, 2016 via approval of the Planning & Zoning Commission and the City Council vote at this meeting

**Action Requested**

Offer direction to staff on how to proceed and/or approve an ordinance to terminate the temporary moratorium and repeal Ordinance Number 15-07-995 and Ordinance Number 15-09-1003.

**Attachments**

Temporary Development Moratorium Ordinance Number 15-09-1003

Ordinance to terminate the temporary moratorium and repeal Ordinance Number 15-07-995 and Ordinance Number 15-09-1003

**ORDINANCE NUMBER 15-09-1003**

**AN ORDINANCE EXTENDING A MORATORIUM ON ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION ON PROPERTY WITHIN A DEFINED GEOGRAPHIC BOUNDARY; PROVIDING FINDINGS OF FACT; PROVIDING FOR A TERMINATION DATE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Murphy, Texas, finds that it is in the best interest of the City of Murphy (“City”) and its citizens to extend a moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, or construction on real property in the area near the South Maxwell Creek Corridor, bounded on the north by FM 544, on the east by McCreary Road, on the south by the City boundary east of Travis Farm Park and the Southern boundary of Travis Farm Park, and on the west by eastern boundary of Travis Estates, then the northern boundary of Travis Estates to the eastern boundary of 639 Kinney Drive, then the eastern boundary of 639 Kinney Drive, then the southern boundary of 605 Kinney Drive, then the eastern boundary of Skyline Acres #4, then the eastern boundary of Timbers #6-2, then directly north across Oncor property to the eastern boundary of Timbers #104, then the eastern boundary of Timbers #104, then the southern boundary of Timbers #2, then the eastern boundary of Timbers #2, as further depicted in Exhibit “A” attached hereto and incorporated herein for all purposes (the “South Maxwell Creek Zone”); and

**WHEREAS**, the City Council enacted Ordinance No. 15-07-995 on July 6, 2015 approving and adopting a 90-day temporary moratorium on property development within the South Maxwell Creek Zone in order to study and consider regulations on development within the South Maxwell Creek Zone; and

**WHEREAS**, the City has started the process of studying the land use and development in and around the South Maxwell Creek Zone; and

**WHEREAS**, the City has hosted several public forums and received significant public input on the regulation of development in the South Maxwell Creek Zone; and

**WHEREAS**, the City has hired consultants and other professionals, including planners, engineers, and attorneys to study and draft regulations to address the development of the South Maxwell Creek Zone in order to preserve the community lifestyle in the South Maxwell Creek Zone while also allowing for compatible land uses, enabling free enterprise, and protecting private property rights; and

**WHEREAS**, the City started the process of developing and adopting ordinances that will implement the objectives of the Comprehensive Plan and regulate development and land use within the South Maxwell Creek Zone; and

**WHEREAS**, the study and update of City’s development ordinances and procedures is needed in order to clarify and improve planning policies within the South Maxwell Creek Zone, strengthen the connection between the City’s ordinances and the goals and needs of the citizens, and to protect the health, safety, environment, quality of life, and general welfare; and

**WHEREAS**, an extension of the temporary moratorium is needed to address significant and compelling public input on the land use and environmental compatibility concerns associated with development activities occurring in and around the South Maxwell Creek Zone, including residences, retail, commercial, recreational, and other uses; and

**WHEREAS**, the application of the City's existing ordinances and regulations is inadequate to prevent new development from being detrimental to the public health, safety, or welfare of the residents of the South Maxwell Creek Zone; and

**WHEREAS**, the City Council seeks a better understanding of the effects of development within the South Maxwell Creek Zone and needs a reasonable additional amount of time to study land use management, water management, and planning methods for the purpose of devising a responsible land use plan for the South Maxwell Creek Zone; and

**WHEREAS**, in order for the City to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances pertinent to the South Maxwell Creek Zone, and to consider the impact of the ordinances upon future growth, public health and safety, development, and natural environment, the City wishes to implement an extension of the moratorium period of 90 days, during which no application for subdivision plats, zoning changes, site planning, development or construction on real property in the South Maxwell Creek Zone will be accepted; and

**WHEREAS**, the purposes of the extension of the temporary moratorium include preserving the *status quo* during the planning process, eliminating incentives for inadequate applications, facilitating consistent planning, avoiding exploitation of any delays inherent in the legislative process, and preventing applications from undermining the effectiveness of the revised ordinances by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development ordinances; and

**WHEREAS**, the City desires to implement this temporary moratorium for a stated and fixed time period; and

**WHEREAS**, the City Council plans to gather and disseminate vital information to the public relating to land use and development in the South Maxwell Creek Zone; and

**WHEREAS**, the City has a draft concept plan for development regulations and anticipates providing a final draft concept plan and draft planned development ordinance to the Planning and Zoning Commission in October 2015 and have public hearings on proposed regulations by City Council in November 2015; and

**WHEREAS**, all notices and hearings have been published and held in accordance with applicable statutes, laws, and regulations; and

**WHEREAS**, the City Council finds that an extension of the temporary moratorium is necessary and prudent in order to protect the status quo in the South Maxwell Creek Zone so that the City Council may adopt the appropriate administrative and regulatory rules and procedures to regulate development in the South Maxwell Creek Zone; and

**WHEREAS**, it is advisable to extend the moratorium an additional 90 days to allow the City Council time to gather input from property owners, stake holders, and other interested citizens and to evaluate and adopt regulations before the temporary moratorium expires;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AS FOLLOWS:**

**Section 1.** The recitations contained in the preamble to this ordinance are found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.** The expiration of the temporary moratorium on acceptance of applications for subdivision plats, site development plans, zoning amendments, and development and construction permits for

properties within the South Maxwell Creek Zone, an area designated on the map attached as Exhibit "A", which is included in this ordinance for all purposes, enacted pursuant to Ordinance No. 15-07-995 on July 6, 2015, is hereby extended until (a) January 5, 2016, or (b) termination of this ordinance by the City Council, whichever is sooner.

**Section 3.** All provisions of Ordinance No. 15-07-995, with the exception of the expiration date extended by Section 2 of this Ordinance, shall remain in full force and effect.

**Section 4.** In the case of any conflict between the other provisions of this ordinance and any existing ordinance of the City, the provisions of this ordinance control and all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict.

**Section 5.** This ordinance and every provision thereof shall be considered severable, and the invalidity of any section, clause, or provision or part or portion of any section, clause or provision shall not affect the validity of any other portion of this ordinance.

**Section 6.** This ordinance shall take effect upon adoption.

**PASSED, APPROVED AND ADOPTED** this the 28<sup>th</sup> day of September, 2015.



Eric Barna, Mayor

ATTEST:

  
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Susie Quinn, City Secretary

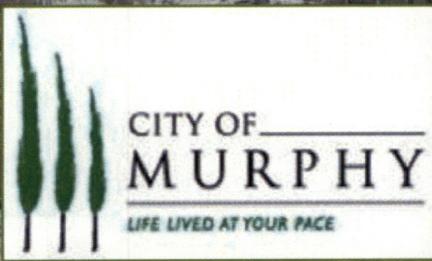
**EXHIBIT A**

Map depicting area of South Maxwell Creek Zone

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**ORDINANCE NUMBER 15-11-1005**

**AN ORDINANCE TERMINATING AND REPEALING THE TEMPORARY MORATORIUM ENACTED ON ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION ON PROPERTY WITHIN A DEFINED GEOGRAPHIC BOUNDARY IN THE SOUTHEASTERN PORTION OF THE CITY; PROVIDING FINDINGS OF FACT; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Murphy, Texas, finds that it is in the best interest of the City of Murphy (“City”) and its citizens to terminate and repeal a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, or construction on real property in the area near the South Maxwell Creek Corridor, bounded on the north by FM 544, on the east by McCreary Road, on the south by the City boundary east of Travis Farm Park and the Southern boundary of Travis Farm Park, and on the west by eastern boundary of Travis Estates, then the northern boundary of Travis Estates to the eastern boundary of 639 Kinney Drive, then the eastern boundary of 639 Kinney Drive, then the southern boundary of 605 Kinney Drive, then the eastern boundary of Skyline Acres #4, then the eastern boundary of Timbers #6-2, then directly north across Oncor property to the eastern boundary of Timbers #104, then the eastern boundary of Timbers #104, then the southern boundary of Timbers #2, then the eastern boundary of Timbers #2, as further depicted in Exhibit “A” attached hereto and incorporated herein for all purposes (the “South Maxwell Creek Zone”); and

**WHEREAS**, the City Council enacted Ordinance No. 15-07-995 on July 6, 2015 approving and adopting a 90-day temporary moratorium on property development within the South Maxwell Creek Zone in order to study and consider regulations on development within the South Maxwell Creek Zone; and

**WHEREAS**, the City Council enacted Ordinance No. 15-09-1003 on September 28, 2015, approving and extending the temporary moratorium an additional 90-days on property development within the South Maxwell Creek Zone; and

**WHEREAS**, Section 2 of Ordinance No. 15-09-1003 allows the City Council to terminate the temporary moratorium prior to January 5, 2016; and

**WHEREAS**, the City hosted multiple public forums and received significant public input on the regulation of development in the South Maxwell Creek Zone; and

**WHEREAS**, the City hired consultants and other professionals, including planners, engineers, and attorneys to study the development of the South Maxwell Creek Zone in order to preserve the community lifestyle in the South Maxwell Creek Zone while also allowing for compatible land uses, enabling free enterprise, and protecting private property rights; and

**WHEREAS**, the City Council finds that the information and input gathered during the temporary moratorium can be utilized to update the comprehensive plan in the future and provide guidance on future land use within the South Maxwell Creek Zone; and

**WHEREAS**, City Council has determined that appropriate regulations, rules, and procedures exist within the South Maxwell Creek Zone to protect the public health, safety, or welfare of the residents of the South Maxwell Creek Zone; and

**WHEREAS**, the City Council finds that the temporary moratorium is no longer necessary and prudent in order to protect the *status quo* and desires to terminate the temporary moratorium and repeal Ordinance No. 15-07-995 and Ordinance No. 15-09-1003;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AS FOLLOWS:**

**Section 1.** The recitations contained in the preamble to this ordinance are found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.** The temporary moratorium on acceptance of applications for subdivision plats, site development plans, zoning amendments, and development and construction permits for properties within the South Maxwell Creek Zone, an area designated on the map attached as Exhibit "A", which is included in this ordinance for all purposes, enacted pursuant to Ordinance No. 15-07-995 on July 6, 2015, and extended pursuant to Ordinance No. 15-09-1003 on September 28, 2015, is hereby terminated and Ordinance No. 15-07-995 and Ordinance No. 15-09-1003 are hereby repealed.

**Section 3.** In the case of any conflict between the other provisions of this ordinance and any existing ordinance of the City, the provisions of this ordinance control and all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict.

**Section 4.** This ordinance and every provision thereof shall be considered severable, and the invalidity of any section, clause, or provision or part or portion of any section, clause or provision shall not affect the validity of any other portion of this ordinance.

**Section 5.** This ordinance shall take effect upon adoption.

**PASSED, APPROVED AND ADOPTED** this the 3<sup>rd</sup> day of November, 2015.

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Eric Barna, Mayor

ATTEST:

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Susie Quinn, City Secretary

# **EXHIBIT A**

Map depicting area of South Maxwell Creek Zone

