

ORDINANCE NO. 17-05-1038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 30, OF THE CITY OF MURPHY CODE OF ORDINANCES, BY CHANGING THE ZONING CLASSIFICATION ON THE LAND LEGALLY DESCRIBED AS LOTS 1, 2, 3, 4 AND 5 OF MURPHY CROSSING ADDITION, AND LOT 1R, BLOCK 1, MCCRAW CORNER, LOCATED ON THE SOUTHEAST CORNER OF FM 544 AND SOUTH MURPHY ROAD IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, ALSO REFERRED TO AS MURPHY CROSSING ADDITION, AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, FROM ITS PRESENT CLASSIFICATION OF RETAIL (R) DISTRICT TO PLANNED DEVELOPMENT PD OVERLAY DISTRICT FOR RETAIL USES (PD-R MURPHY CROSSING ADDITION); PROVIDING FOR AMENDMENTS; PROVIDING PD-R PLANNED DEVELOPMENT DISTRICT STANDARDS APPLICABLE TO THE PROPERTY, ATTACHED AND INCORPORATED AS EXHIBIT "B"; PROVIDING A CUMULATIVE REPEALER CLAUSE REPEALING ALL CONFLICTING ORDINANCES, INCLUDING BUT NOT LIMITED TO ORDINANCE NO. 17-03-1034; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY UPON CONVICTION FOR A VIOLATION OF THIS ORDINANCE BY A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE AND EACH DAY SUCH VIOLATION CONTINUES BEING DEEMED TO CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Murphy ("City") has developed a Comprehensive Plan and Comprehensive Zoning Ordinance regulating the development and use of land within the City and desires to protect its ability to regulate development within its jurisdiction; and

WHEREAS, the City Council seeks to promote a positive image of the City reflecting order, harmony and compatible land uses, thereby strengthening the City's commercial area; and

WHEREAS, the City desires to provide for an equitable system of regulations relating to development of property in order to protect the interests of existing residential property and commercial property along significant corridors; and

WHEREAS, the City wants to ensure that development of property has an acceptable impact on the distinctive character of the community, which is different from that of adjoining areas and municipalities; and

WHEREAS, after finding that the application of the City's existing ordinances and regulations to the property legally described as Lots 1, 2, 3, 4 and 5 of Murphy Crossing Addition, and Lot 1R, Block 1, McCraw Corner, located on the southeast corner of FM 544 and South Murphy Road, Collin County, Murphy, Texas, as further depicted in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property"), is inadequate to prevent new development and redevelopment of the property in a manner detrimental to the public health, safety, or welfare of the residents of the City, such area being a significant retail location for the City, the City Council adopted Ordinance No. 17-03-1034 imposing a temporary moratorium on the submission and acceptance of permits, authorizations, applications and approvals necessary for the subdivision and development of the Property; and

WHEREAS, the Property is currently zoned as a Retail (R) District with authorized uses being those uses allowed under the City's Comprehensive Zoning Ordinance in all Retail (R) Districts within the City: and

WHEREAS, after reviewing the land uses authorized by the Retail District zoning designation for the Property, considering the objectives of the Comprehensive Plan and Comprehensive Zoning Ordinance of the City, and considering the appropriateness of permitted use for the Property, the City determined that a Planned Development PD Overlay District for Retail Uses (PD-R) should be adopted for the Property thereby changing the zoning designation of the Property from R to PD-R Murphy Crossing Addition; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Murphy, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Murphy, in considering a change in zoning of the Property from Retail (R) District to Planned Development PD Overlay District for Retail Uses (PD-R Murphy Crossing Addition), have determined that the permitted uses for the Planned Development PD Overlay District for Retail Uses for the Murphy Crossing Addition as set forth below are uses consistent and compatible with the goals and objectives of the City of Murphy and are in the best interest of the health, safety, morals and general welfare of the City of Murphy, and, accordingly, the City Council of the City of Murphy is of the opinion and finds that such zoning change of the Property from R to PD-R Murphy Crossing Addition is in the public interest and should be granted and that the Comprehensive Zoning Ordinance and Zoning Map should be amended accordingly as set forth herein.

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

Section 1. Amendments. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby amended in order to change the zoning designation on the Property, **Exhibit “A”**, from Retail District (R) to Planned Development PD Overlay District for Retail Uses for the Murphy Crossing Addition (PD-R Murphy Crossing Addition). Chapter 30 of the City of Murphy Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this ordinance, and that the Property shall in all other respects be subject to all applicable regulations of the City of Murphy.

Section 2. Planned Development District Standards. That the District Standards for the PD-R Zoning District adopted hereby and applicable to the Property are attached hereto as **Exhibit “B”** and incorporated herein, and the same are hereby approved by the City Council for such planned development district as required by Section 30.04.033, of the City of Murphy, Texas, Code of Ordinances. The Property shall be regulated by the standards set forth in **Exhibit “B”** and all other applicable City ordinances.

Section 3. Cumulative/Repealer Clause. That this ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances are hereby repealed to the extent of such conflict. Upon the effective date of this Ordinance in accordance with Section 7 below, Ordinance number 17-03-1034 shall be repealed, and the Property shall no longer be subject to the moratorium adopted thereby.

Section 4. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining portions of this ordinance or the Comprehensive Zoning Ordinance, Chapter 30 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 5. Penalty Clause. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Murphy, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 6. Savings Clause. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

Section 7. Effective Date. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 2nd day of May, 2017.





Scott Bradley, Mayor Pro Tem
City of Murphy

ATTEST:



Susie Quinn
City Secretary

APPROVED AS TO FORM:



for Wm. Andrew Messer, City Attorney
City of Murphy

EXHIBIT "A"
PROPERTY DESCRIPTION

MAP DEPICTING AREA
(next page)

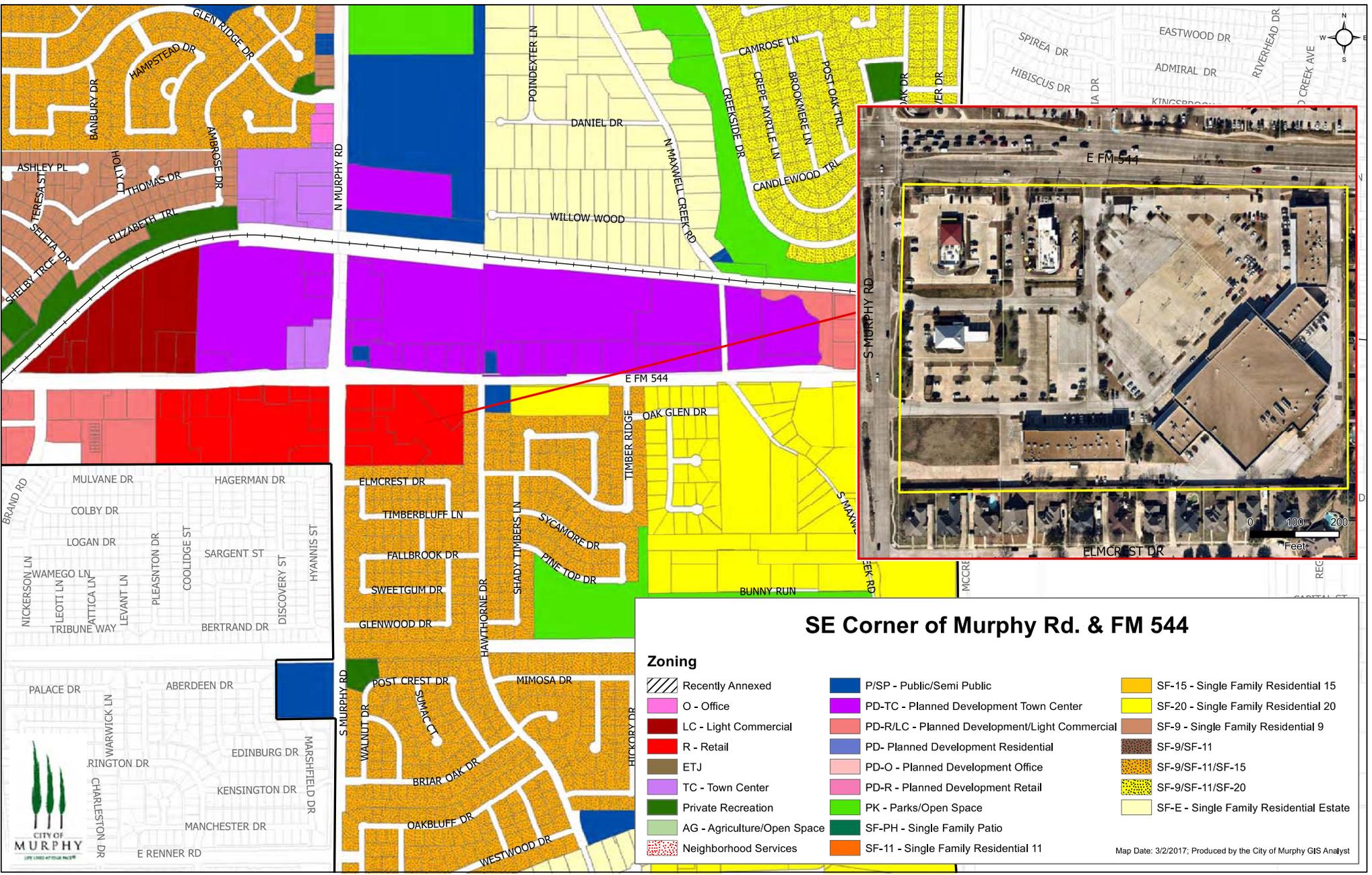


Exhibit "B"

PLANNED DEVELOPMENT DISTRICT STANDARDS FOR PLANNED DEVELOPMENT OVERLAY DISTRICT FOR RETAIL USES (PD-R) FOR MURPHY CROSSING

- I. **Statement of Purpose:** The purpose and intent of this Planned Development District for Retail Uses (PD-R) is to provide high quality mixed use, primarily retail facilities, development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City of Murphy in terms of visual identity.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 15-09-002, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Retail (R) District set forth in Article 30.03, Division 14 of the Code of Ordinances are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Development Plans:**
 - A. Site Plan: A site plan shall be submitted in accordance with the requirements set forth in the City of Murphy Code of Ordinances. The site plan may be for all or a part of the land within this Planned Development District.
- V. **Specific Regulations:**
 - A. Permitted Uses. The following uses shall be permitted:
 - Office Uses*
 1. Insurance Agency Offices
 2. Offices (Brokerage Services)
 3. Offices (Medical Office)
 4. Telemarketing Agency (SUP)
 5. Security Monitoring Company (No Outside Storage)
 - Personal and Business Services Uses*
 6. Artist Studio
 7. Automobile Driving School (including Defensive Driving)
 8. Automatic Teller Machines (ATMs)
 9. Barber/Beauty Shop/College (SUP)
 10. Barber/Beauty Shop (Nail Salon - SUP)
 11. Bed and Breakfast Inn
 12. Computer Sales
 13. Credit Unions
 14. Financial Services (Advice/Invest)
 15. Hotel/Motel, full service (SUP)
 16. Hotel/Motel, limited service (SUP)
 17. Martial Arts School (SUP)
 18. Kiosk (providing a service) (SUP)
 19. Laundry/Dry Cleaning (Drop Off/Pick up) (no on-site chemical processing)
 20. Locksmith

21. Photo Studio
22. Photocopying/Duplicating
23. Shoe Repair
24. Studio for Radio or Television (without tower) (SUP)
25. Tailor Shop
26. Tool Rental (Indoor Storage only) (SUP)
27. Travel Agency

Retail Uses

28. All-Terrain Vehicle (go-carts) Dealer/Sales (SUP)
29. Antique Shop (household items, no outside storage) (SUP)
30. Art Dealer/ Gallery
31. Bakery (Retail)
32. Bike Sales and/or Repair
33. Book Store
34. Cafeteria
35. Confectionery Store (Retail)
36. Convenience Store without gas sales
37. Department Store
38. Drapery Shop/ Blind Shop
39. Florist
40. Food or Grocery Store
41. Furniture Sales (Indoor)
42. Garden Shop(Inside Only; no outside storage)
43. Handicraft Shop (SUP)
44. Hardware Store
45. Home Improvement Center
46. Lawnmower Sales and/or Repair
47. Major Appliance Sales (Indoor)
48. Needlework Shop
49. Pet Shop/ Supplies (sale of cats and dogs prohibited)
50. Pharmacy (Stand Alone) (SUP)
51. Plant Nursery (Retail Sales/Outdoor Storage) (SUP)
52. Restaurant
53. Restaurant (with drive-through service) (SUP)
54. Retail Store (Misc.)
55. Security Systems Installation Company
56. Temporary Outdoor Retail Sales/ Commercial Promotion (30 day time limit; permit required)
57. Upholstery Shop (Non-Auto) (SUP)
58. Vacuum Cleaner Sales and Repair
59. Veterinarian (indoor kennels)
60. Woodworking Shop (Ornamental)
61. Permanent Cosmetics (SUP)

Amusement and Recreational Uses

62. Amusement Devices/ Arcade (four or more devices) (SUP)
63. Amusement Services (Indoor)
64. Billiard/ Pool Facility (three or more tables) (SUP)
65. Bowling Center
66. Dance Hall/ Dancing Facility (SUP)

- 67. Dinner Theatre
- 68. Exhibition Hall (SUP)
- 69. Golf Course (Miniature)
- 70. Health Club (Physical Fitness, Indoors Only)
- 71. Motion Picture Theater (Indoors)
- 72. Motion Picture Studio, Commercial Film
- 73. Museum (Indoors Only)
- 74. Skating Rink (Ice)
- 75. Theatre (Non-motion picture, Live Drama)
- 76. Video Rental/ Sales

Institutional / Government Uses

- 77. Child Day Care (Business) (SUP)
- 78. Church/ Place of Worship
- 79. Civic Club
- 80. Clinic (Medical)
- 81. Franchised Private Utility (not listed) (SUP)
- 82. Fraternal Organization
- 83. Governmental Building (Municipal, State or Federal)
- 84. Group Day Care Home (SUP)
- 85. Hospice (SUP)
- 86. Hospital (Acute Care/ Chronic Care)
- 87. Library (Public)
- 88. Mailing Services (Private)
- 89. Non-Profit Activities by Church
- 90. Philanthropic Organization (SUP)
- 91. Post Office (Governmental)

Commercial and Wholesale Trade Uses

- 92. Book Binding (SUP)

Light Industrial/ Manufacturing Uses

- 93. Contractor's Temporary On-site Construction Office (only with permit)
- 94. Electronic Assembly (SUP)
- 95. Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair (SUP)
- 96. Machine Shop (SUP)
- 97. Maintenance & Repair Service for Buildings (SUP)
- 98. Outside Storage (SUP)
- 99. Plumbing Shop (no outside storage) (SUP)
- 100. Research Lab (non-hazardous) (SUP)
- 101. Sand/Gravel Sales (Storage) (SUP)
- 102. Sign Manufacturing (SUP)
- 103. Stone/Clay/Glass Manufacturing (SUP)

B. Minimum Exterior Construction Standards, Building Materials and Design

Exterior Construction and Design shall be compatible and comply with the standards set for in the Murphy Code of Ordinances.

C. Landscape Standards

Landscaping shall be compatible and comply with the standards set forth in the Murphy Code of Ordinances.