

**ORDINANCE NO. 08-08-756**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY AMENDING AN EXISTING PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON APPROXIMATELY 3.433 ACRES OUT OF THE ISAAC HERRING SURVEY, ABSTRACT NO. 403, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, APPROVING PLANNED DEVELOPMENT STANDARDS HERETO AS EXHIBIT "B"; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Planning and Zoning Commission of the City of Murphy 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 a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of Murphy is of the opinion and finds that said changes should be granted and that the Comprehensive Zoning Ordinance should be amended;

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

**Section 1.** That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to amend a Planned Development District for Retail Uses for the property described as 3.433 acres, more or less, in the Isaac Herring Survey, Abstract No. 403, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

**Section 2.** That the development standards for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Section 86-603, of the City of Murphy, Texas Code of Ordinances.

**Section 3.** That Chapter 86 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.

**Section 4.** 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 the Comprehensive Zoning Ordinance, Chapter 86 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

**Section 5.** 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.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

**PASSED, APPROVED AND ADOPTED** this the 18th day of August 2008.



Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:



Aimee Nemer, City Secretary  
City of Murphy

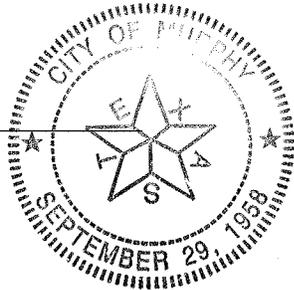


EXHIBIT "A"

GF#: PK08324221

Legal Description

SITUATED in the State of Texas, County of Collin and City of Murphy, being part of the Isaac Herring Survey, Abstract No. 403, being part of a 33.453 acre tract as recorded in Volume 3180, Page 727 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a 1/2" Roome capped iron rod found in the west right-of-way line of Murphy Road (F.M. Road 2551) marking the most southerly southeast corner of the herein described premises and the most easterly northeast corner of Stratford Crossing, an addition to the City of Murphy as recorded in Volume L, Page 201 of the Collin County Map Records;

THENCE with the south line of said premises and a north line of said addition, North 89 50' 24" West, 774.99 feet to a 5/8" iron rod found marking an interior corner of said premises and said addition;

THENCE with a southwest line of said premises and a northeast line of said addition, North 44 37' 04" West, 46.39 feet to a 1/2" Roome capped iron rod set marking an interior corner of said premises and said addition;

THENCE with the west line of said premises and an east line of said addition, North 00 36' 16" East, 197.07 feet to a 1/2" Roome capped iron rod set marking the northwest corner of the herein described premises;

THENCE with a north line of said premises, South 89 50' 24" East, 597.41 feet to an "X" set in concrete marking the most notherly northeast corner of said premises;

THENCE with an east line of said premises, South 00 24' 04" West, 170.00 feet to a 1/2" Roome capped iron rod set marking an interior corner of said premises;

THENCE with a north line of said premises, South 89 50' 24" East, 210.00 feet to a 1/2" Roome capped iron rod set marking the most easterly northeast corner of said premises and being in the west right-of-way line of the aforementioned Murphy Road (F.M. Road 2551);

THENCE with the west right-of-way line of Murphy Road (F.M. 2551) and the most easterly east line of said premises, South 00 41' 26" West, 60.00 feet to the point of beginning and containing 149,542 square feet or 3.433 acres of land.

## EXHIBIT B

### ZONING FILE NO. 2008-01

FM 2551 (North Murphy Road), south of West Betsy Lane

#### PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose and intent of this Planned Development District is to permit the development of retail uses and to amend certain development conditions.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the R (Retail) District set forth in Article III, Division 14 of the City of Murphy Code of Ordinances (Ordinance No. 06-12-708) in effect on the effective date of this ordinance are included by reference, except as otherwise specified by this ordinance.
- IV. **Development Plans:**
  - A. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
  - B. Landscape Plan: Development shall be in general conformance with the approved landscape plan set forth in Exhibit D; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
  - C. Exterior Elevation Plan: Development shall be in general conformance with the approved exterior elevations as set forth in Exhibit E; however, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.
  - D. Facade Plan: Development shall be in general conformance with the approved facade plan as set forth in Exhibit F; however, in the event of conflict between the facade plan and the conditions, the conditions shall prevail.
- V. **Specific Regulations:**
  - A. Permitted Uses: All uses of the R (Retail) District shall be permitted. In addition, the following uses shall be permitted.
    1. Automotive Gasoline or Motor Fuel Service Station.
    2. Bank
    3. Offices (Health Services)
    4. Offices (Legal Services)
    5. Offices (Professional)
    6. Real Estate Offices
    7. Mini-Warehouse/Self Storage
  - B. Area Regulations: The minimum side or rear yard setback adjacent to a residential zoning district shall be 10 feet.

- C. Height Regulations: The maximum height shall be two (2) stories or thirty-five (35') for the office/apartment building and 15 feet for the remaining buildings.
- D. Exterior Elevations: All exterior elevations shall have a horizontal stone accent feature.
- E. Screening: Screening between the south property line and the single family subdivision to the south shall be accomplished via a eight (8) foot high masonry screening wall that matches the building elevations.
- F. Residence: A residence shall be permitted in the office building to allow for twenty-four (24) hour on-site management.
- G. Lighting: No exterior lighting shall be allowed to be placed on the outside perimeter on storage buildings facing adjacent residential properties to the south or west that is higher than four (4) feet.
- H. Rooftop Mechanical Equipment: Rooftop mechanical equipment shall not be permitted.
- I. Outside Storage: Open, outside, recreational vehicle (RV) or boat storage shall be permitted.
- J. Rental Services: Commercial truck or trailer rental shall not be permitted.
- K. Hours of Operation: Hours of Operation shall be from 6:00 a.m. to 10:00 p.m.