

ORDINANCE NUMBER 17-03-1035

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING PLANNED DEVELOPMENT (PD) DISTRICT ORDINANCE 09-07-803, ESTABLISHING A PLANNED DEVELOPMENT DISTRICT ON AN APPROXIMATE 1.19 ACRES OF LAND ON THE SOUTHWEST CORNER OF NORTH MURPHY ROAD AND BETSY LANE HAVING THE LEGAL DESCRIPTION OF ABSTRACT A0403 ISAAC HERRING SURVEY, TRACT 30, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP, CHAPTER 30, OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT TO ADD GYMNASTICS AS AN ALLOWED USE WITHIN THE DISTRICT; PROVIDING A CUMULATIVE/REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE ESTABLISHING A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR A VIOLATION OF THE ORDINANCE FOR EACH DAY A VIOLATION EXISTS OR CONTINUES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of approximately 1.19 acres of land located on the southwest corner of North Murphy Road and Betsy Lane, having the legal description of Abstract A0403 Isaac Herring Survey, Tract 30, in the City of Murphy, Collin County, Texas, and designated as Planned Development (PD) District Ordinance No. 09-07-803 amending the Comprehensive Zoning Ordinance and Zoning Map, Chapter 30 of the Code of Ordinances of the City of Murphy, Texas, more particularly described in **Exhibit “A”**, a copy of which is attached hereto and incorporated herein, requested an amendment to Ordinance No 09-07-803 to allow gymnastics as a permitted use within Planned Development (PD) District; and

WHEREAS, the Planning and Zoning Commission of the City of Murphy (the “Commission”), in compliance with the laws of the State of Texas, gave the requisite notices by publication and otherwise, and held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard; and

WHEREAS, having reviewed the request for the addition of gymnastics as a retail use within the Planned Development District, the Commission determined that the addition of the proposed use was compatible with surrounding uses and the City’s Comprehensive Plan and recommended approval of this Ordinance amending Planned Development (PD) District Ordinance No. 09-07-803 to the City Council; and

WHEREAS, the City Council of the City of Murphy, in compliance with the laws of the State of Texas, having given the requisite notices by publication and otherwise, having held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard, and having considered the recommendation of the Planning and Zoning Commission, has determined that the proposed amendment to add gymnastics as an allowed retail use within the Planned Development (PD) District created by Ordinance No. 09-07-803 is appropriate and is compatible with surrounding uses and the Comprehensive Plan of the City;

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

Section 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. Amendments. That Planned Development District (PD) Ordinance number 09-07-803, amending the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, and regulating an approximate 1.19 acres of land located on the southwest corner of North Murphy Road and Betsy Lane, having the legal description of Abstract A0403 Isaac Herring Survey, Tract 30, in the City of Murphy, Collin County, Texas, as more particularly described in **Exhibit “A” hereto (Legal Description)**, is hereby amended as follows:

Section IV, “Specific Regulations”, Subsection “A”, “Permitted Uses” of Exhibit “B”, “Planned Development Conditions” is hereby amended to add “Gymnastics” as an allowed use, and Section IV(A) of Exhibit “B” to Ordinance No. 09-07-803 shall be and read in its entirety as follows with all other terms and provisions of Section IV(A) not specifically amended hereby remaining the same and continuing in full force and effect:

IV. 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. School, K through 12 (Private) (SUP)
8. Swim School
9. Gymnastics

Section 3. Applicable Regulations/Zoning Ordinance and Zoning Map Amended. Development and use of the property described in **Exhibit “A”** shall be in compliance with this ordinance amending Ordinance No. 09-07-803, the same amending the Comprehensive Zoning Ordinance of the City of Murphy and the Zoning Map of the City, Ordinance No. 09-07-803, including all Exhibits thereto as amended hereby, the Code of Ordinances of the City of Murphy, Texas, and all applicable state and federal law.

Section 4. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of state or federal law and all ordinances of the City of Murphy, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 5. 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 6. 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.

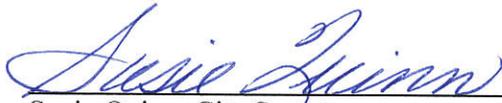
Section 7. Effective Date. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 21st day of March 2017.



Eric Barna, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary

APPROVED AS TO FORM:



Wm. Andrew Messer, City Attorney

EXHIBIT A

Legal Description

WHEREAS, Clyde P. Hanawalt and Gladys Hanawalt, Trustees, under the Hanawalt Living Trust are the owners of a tract of land situated in the Isaac Herring Survey, Abstract No. 403, in the City of Murphy, Collin County, Texas, being a part of an 8.18 acre tract of land described to them in County Clerk's File No. 20081023001256490, Deed Records, Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a one-half inch iron rod with cap marked "Roome" found for corner, said point being in the Southerly line of Betsy Lane (115' Right-of-way) and from which the intersection of the Southerly line of Betsy Lane and the Westerly line of Murphy Road (FM 2551) bears South 89 degrees, 42 minutes, 29 seconds, East, a distance of 443.27 feet;

THENCE South 00 degrees, 05 minutes, 15 seconds, East, departing the Southerly line of said Betsy Lane, a distance of 195.51 feet to a one-half inch iron rod with cap marked "Roome" found for corner;

THENCE South 89 degrees, 28 minutes, 05 seconds, West, a distance of 330.19 feet to a one-half inch iron rod with marked "Roome" found for corner in the Easterly line of Wellington Lane (50 feet of right-of-way) said point also being in the Easterly line of Stratford Crossing, an addition to the City of Murphy according to the plat thereof recorded in Cabinet L, Slide 201, Map Records, Collin County, Texas;

THENCE North 00 degrees, 05 minutes, 15 seconds, West, following the Easterly line of said Wellington Lane and said Stratford Crossing, a distance of 200.26 feet to a one-half inch iron rod with cap marked "Roome" found for corner in the Southerly line of said Betsy Lane;

THENCE South 89 degrees 42 minutes, 29 seconds, East, departing the Easterly line of said Stratford Crossing following the Southerly line of said Betsy Lane, a distance of 330.19 feet to the POINT OF BEGINNING and containing 1.500 acres of land, more or less.

EXHIBIT B

West Betsy Lane, west of North Murphy Road

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 found in Planned Development District Ordinance 09-07-803.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No.15-09-1002, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the R (Retail) District set forth in Chapter 30, Article 30.03, Division 14 of the City of Murphy Code of Ordinances (Ordinance No. 15-09-1002), as amended, are included by reference, except as otherwise specified by this ordinance.
- IV. **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. School, K through 12 (Private) (SUP)
 8. Swim School
 9. Gymnastics
 - B. Minimum Exterior Construction Standards, Building Materials and Design
 1. There shall be a compatible architectural framework in which individual building sites and/or tenant character may be expressed. All buildings shall be finished on all sides in a compatible architectural concept and shall not detract from adjacent property.
 2. Building materials shall be of permanent, lasting quality and shall be of masonry construction. Masonry construction shall be construed to mean that form of construction composed of brick or stone (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include the following materials:
 - a. Hard fired brick (kiln fired clay or slate material; severe weather grade; minimum thickness of three inches when applied as a veneer; shall not include unfired or underfired clay, sand or shale brick; may include concrete brick if it conforms to the same ASTM

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standards, and to the above stated additional standards, as hard fired clay brick).

- b. Stone (includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior building construction; may also include cast- or manufactured-stone product, provided that such product yields a highly textured, stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance-free; natural or man-made stone shall have a minimum thickness of three and five-eighths inches when applied as a veneer).
3. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure. This shall not be intended to prevent or exclude a national or regional retailer from using their prototypes.
 4. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from public view.
 5. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Built-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance. Minimum roof pitch of a gabled or otherwise pitched roof shall be at least 4:12, except for flat-roofed structures that shall have a highly articulated parapet that conceals the roof and any roof-mounted equipment.
 6. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.
- E. Height Regulations: The maximum height shall be three (3) stories or forty-five feet (45') for the main building(s).
- F. Area Regulations
1. The minimum lot/tract area shall be ten thousand (10,000) square feet, except fifteen thousand (15,000) square feet for any site fronting Murphy Road.
 2. The minimum front yard shall be forty (40) feet. All yards adjacent to a street shall be considered a front yard for setback purposes.

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3. The minimum side or rear yard adjacent to a residential zoning district shall be twenty (20) feet.
- G. Special Requirements: Driveways along Betsy Lane shall be located as shown on the "7-11" site plan and at the existing curb cuts on the property. One curb cut on Murphy Road shall be allowed in addition to the one shown on the "7-11" site plan.