

ORDINANCE NO. 12-07-917

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 APPROVING A SPECIFIC USE PERMIT FOR A HOSPITAL FACILITY ON PROPERTY ZONED NEIGHBORHOOD SERVICES DISTRICT ON APPROXIMATELY APPROXIMATE 3.699 ACRE TRACT OF LAND SITUATED IN THE MARY SCOTT SURVEY, ABSTRACT NO. 859, ALL OF LOT 2, BLOCK A, OF HERITAGE ADDITION TO THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, FRONTING APPROXIMATELY 273.70 FEET ALONG HERITAGE PARKWAY AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, APPROVING SPECIFIC USE PERMIT 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 approve a Specific Use Permit for a hospital facility applicable only to Emerus, on property zoned NS (Neighborhood Services) District, located at the northeast corner of FM544 and Heritage, being an approximate 3.699 acre tract of land situated in the Mary Scott Survey, Abstract No. 859, all of Lot 2, Block A, of Heritage Addition to the City of Murphy, Collin County, Texas, fronting approximately 273.70 feet along Heritage Parkway, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

Section 2. That the development standards for this Specific Use Permit are attached hereto as Exhibit "B", and the same are hereby approved for said Specific Use Permit as required by Section 86-635(b), 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 17th day of July, 2012.

ATTEST:




Bret M. Baldwin, Mayor
City of Murphy

Aimee Nemer

Aimee Nemer, City Secretary
City of Murphy



LEGAL DESCRIPTION
3.699 ACRES

BEING of a tract of land situated in the Mary Scott Survey, Abstract No. 859 and the George H. Pegues Survey, Abstract number 699, City of Murphy, Collin County, Texas, and being all of Lot 2, Block A, Heritage Addition, an addition to the City of Murphy, Texas recorded in Cabinet 2006, Page 553, Map Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with cap found at the southwest corner of said Lot 2, Block A, Heritage Addition at the intersection of the north Right-of-Way line of F.M. 544 (variable width Right-of-Way) and the east Right-of-Way line of Heritage Parkway (84' wide Right-of-Way);

THENCE with the east Right-of-Way line of said Heritage Parkway the following calls:

North 00°27'16" East a distance of 273.70 feet to a 5/8" iron rod with red cap marked KHA set for corner at the beginning of a tangent curve to the right whose chord bears North 00°51'55" East a distance of 34.65 feet;

In a northerly direction with said tangent curve to the right having a radius of 2416.00 feet, a central angle of 0°49'18", and an arc distance of 34.65 feet to a 1/2" iron rod with cap found at the northwest corner of said Lot 2, Block A, Heritage Addition, said point being the southeast corner of Lot 1, Block A of said Heritage Addition;

THENCE South 89°32'44" East with the south line of said Lot 1, Block A, Heritage Addition a distance of 467.75 feet to an X-cut in concrete set for corner in the west line of Lot 17, Block E, Windy Hill Farms Phase 3, an addition to the City of Murphy recorded in Cabinet L, Page 40, Map Records, Collin County, Texas;

THENCE South 00°37'35" West a distance of 103.98 feet to a 1/2" iron rod found at the most southerly southwest corner of Lot 1, Block I of said Windy Hill Farms Phase 3;

THENCE South 35°14'11" East a distance of 249.36 feet to a 1/2" iron rod with cap found at the southwest corner of Lot 15, Block I, Windy Hill Farms Phase 4, an addition to the City of Murphy recorded in Cabinet L, Page 541, Map Records, Collin County, Texas, said point being in the north Right-of-Way line of said F.M. 544;

THENCE with the north Right-of-Way line of said F.M. 544 the following calls:

North 88°52'46" West a distance of 164.68 feet to a 5/8" iron rod with red cap marked KHA set for corner from which a 1/2" iron rod found bears South 11°29'01" east a distance of 0.57 feet;

South 84°46'48" West a distance of 201.00 feet to a 1/2" iron rod found for corner;

North 83°47'56" West a distance of 201.00 feet to a 1/2" iron rod found for corner;

South 85°43'37" West a distance of 48.66 feet to the **POINT OF BEGINNING** and containing 3.699 acres of land.

Bearing system of this survey is based on monuments along the south line of Heritage Addition, an addition to the City of Murphy, Texas recorded in Cabinet 2006, Page 553, Map Records, Collin County, Texas.



EXHIBIT B

ZONING FILE NO. 2012-05

**Northeast Corner
FM 544 and Heritage Parkway**

SPECIFIC USE PERMIT FOR A HOSPITAL FACILITY

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Hospital Facility compatible with the surrounding area.
- II. **Statement of Effect:** This permit 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 NS (Neighborhood Service) District as set forth in Chapter 86, Article III, Division 13, Ordinance No. 06-12-708 shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
 - A. Concept Plan: Development shall be in general conformance with the approved Concept Plan (Labeled Exhibit C).