

ORDINANCE NUMBER 21-05-1209

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING CHAPTER 30, ZONING OF THE CODE OF ORDINANCES OF THE CITY AND THE CITY'S ZONING MAP TO GRANT A SPECIFIC USE PERMIT FOR A RESTAURANT (WITH DRIVE-THROUGH/DRIVE-IN SERVICE) ON AN APPROXIMATE 1.921 ACRES OF PROPERTY ZONED PD (PLANNED DEVELOPMENT) DISTRICT NUMBER 20-11-1183, LOCATED AT 103 W. FM 544, HAVING THE LEGAL DESCRIPTION OF WALGREENS FM 544 ADDITION, BLOCK A, LOT 2, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH VIOLATION AND THAT A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY OF VIOLATION; PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Planned Development District Number 20-11-1183 (also "PD 20-11-1183") has listed as an authorized use a Restaurant however, PD 20-11-1183 authorizes a Restaurant (with drive-through service) upon approval of a Specific Use Permit; and

WHEREAS, the landowners of an approximate 1.921 acre tract of land located on the west side of N. Murphy Road, having the legal description of Walgreens FM 544 Addition, Block A, Lot 2 in the City of Murphy, Collin County, Texas as more specifically described in **Exhibit "A"** hereto, (the "Parcel"), such Parcel being located within the boundaries and zoned as a part of PD 20-11-1183, have requested a Specific Use Permit to allow a Restaurant with drive-through service; and

WHEREAS, the approval of the requested SUP – Restaurant (with drive-through service) for the Parcel to allow a bakery-café fast casual restaurant serving deli style meals, sandwiches, and baked goods with a drive through within Planned Development (PD) district Ordinance Number 20-11-1183 would amend the Comprehensive Zoning Ordinance and Map, Chapter 30 of the City of Murphy Code of Ordinances; 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 City Council having considered the recommendation of the Planning and Zoning Commission for approval of the requested SUP for Restaurant (with drive-through service) and having considered public input, has determined that the approval of the SUP for the Parcel to allow a bakery-café fast casual restaurant serving deli style meals, sandwiches, and baked goods with drive-through is compatible with the approved uses within the PD and with surrounding the property, and the governing body in the exercise of its legislative discretion has concluded that

Chapter 30 Zoning of the City of Murphy Code of Ordinances and the Zoning Map of the City be amended as follows:

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. Specific Use Permit. That the 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 Restaurant (with drive-through service) as defined in the City's Zoning Ordinance, to allow for a restaurant with drive-through, and located only on that 1.921 acre portion of Planned Development (PD) district Ordinance Number 20-11-1183 in the City of Murphy, Collin County, Texas, more particularly described in Exhibit B (Concept Plan) attached hereto and incorporated herein by reference.

Section 3. Applicable Regulations. Development and use of the Parcel shall be in compliance with the City of Murphy Code of Ordinances, the conditions stated in the Development Conditions and Standards for Planned Development (PD) district Ordinance Number 20-11-1183, except as same may be amended by approval of this ordinance and all such ordinances and conditions are incorporated herein by reference, and the Site Plan attached hereto is incorporated herein as Exhibit B.

Section 4. Zoning Ordinance and Map Amended. That 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 said Parcel shall in all other respects be subject to all applicable regulations of the City of Murphy.

Section 5. 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 6. 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 7. 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 8. 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 4th day of May, 2021.





Scott Bradley, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary

APPROVED AS TO FORM:



Wm. Andrew Messer, City Attorney

EXHIBIT "A"

Legal Description

103 W. FM 544, Murphy, Texas 75094:

Walgreens FM 544 Addition, Block A, Lot 2, as more particularly described in Volume 5368, Page 6384, in the deed records of Collin County, Texas.

EXHIBIT “B”

Concept Plan

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