



MURPHY PLANNING AND ZONING COMMISSION AGENDA  
REGULAR PLANNING AND ZONING COMMISSION MEETING  
MAY 18, 2015 AT 6:00 PM, CITY HALL, COUNCIL CHAMBERS  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094

NOTICE is hereby given of a meeting of the Planning and Zoning Commission of the City of Murphy, Collin County, State of Texas, to be held on May 18, 2015 at Murphy City Hall for the purpose of considering the following items. The Planning and Zoning Commission of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

ROLL CALL & CERTIFICATION OF A QUORUM

Jon King  
Chair

SEAT ALTERNATES AS NEEDED

Steve Levy  
Vice Chair

PUBLIC COMMENTS

Camille Hooper  
Secretary

INDIVIDUAL CONSIDERATION

John Johnson  
Commissioner

1. Consider and/or act on the application of property owner Deborah R. Tafelski and applicant Ricky Jenkins requesting approval of a construction plat for a Jenkins Self Storage at 305 W. FM 544.
2. Hold a public hearing and consider and/or act upon approval of recommendations regarding amendments to Chapter 28 - Development Standards, Chapter 70 – Subdivisions and Chapter 86 – Zoning.

Lloyd Jones  
Commissioner

Greg Mersch  
Commissioner

Don Reilly  
Commissioner

ADJOURNMENT

Gary Maxon  
Alternate

Mahendra Parikh  
Alternate

I certify that this is a true and correct copy of the Murphy Planning and Zoning Commission Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted May 15, 2015 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Kristen Roberts  
Director of Community Development

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In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at (972) 468-4011 or [squinn@murphytx.org](mailto:squinn@murphytx.org).

**Issue**

Consider and/or act on the application of property owner Deborah R. Tafelski and applicant Ricky Jenkins requesting approval of a construction plat for a Jenkins Self Storage at 305 W. FM 544.

**Summary**

The applicant submitted a construction plat for approval that would allow for development of Jenkins Self Storage at 305 W. FM 544.

**Considerations**

Engineering and Public Works comments are being addressed specific to the Engineering Plans for this development and must be completed prior to the scheduling of a pre-construction meeting.

**Staff Recommendation**

Staff recommends approval of the construction plat as presented with the above consideration.

**Attachments**

Construction Plat

**Building Details:**

- A = 20.2'x40.6' (820 sq. ft.) metal bldg.
- B = 10.3'x16.2' (167 sq. ft.) bldg.
- C = 8.3'x12.3' (102 sq. ft.) bldg.
- D = 40'x52' (2,080 sq. ft.) brick bldg.

NOTES:  
 1. Surveyor has not abstracted subject property.  
 2. The basis of bearing for this description is the Geodetic North, WGS84 Coordinate System, Texas North Central Zone, as derived by survey-grade Global Positioning System. Vertical datum: WGS84.  
 3. Bench Mark: "□" cut on top of inlet on north side of FM 544. Elev=571.29  
 4. Current zoning classification as per City of Murphy Zoning Map is Light Commercial. A height restriction of two stories or 35' is in effect. The building setbacks are as follows:  
 Front Yard: 40'  
 Side Yard: 20'  
 Rear Yard: 20'  
 5. The property described herein does not lie within a 100 year flood hazard area based on the document entitled "Flood Insurance Rate Map", Panel No. 48181C0415L, Dated June 2, 2009 and published by the Federal Emergency Management Agency (FEMA).

WHEREAS, The Jenkins Organization, Inc. is the owner of a 4.846 acre tract of land being located in the City of Murphy, Texas, and being more particularly described by Debarah R. Tafelski Document Number 2007-0523000697410 Deed Records Collin County Texas (D.R.C.C.T.) and being more particularly described by metes and bounds as follows:  
 BEGINNING at a point in the north right of way line of Farm to Market Road 544 for the southeast corner of said Debarah R. Tafelski tract; said point also being the southwest corner of Lot 1R Block A of the Rio Dinero/ Fm 544 Addition recorded in Plat No. 54631 Plat Records, Collin County, Texas.(P.R.C.C.T.);  
 THENCE North 89 degrees 10 minutes 25 seconds West, along the north right of way line of Farm to Market Road 544 and the south line of said Debarah R. Tafelski tract, a distance of 255.85 feet to x cut set for corner; said point also being the south east corner of the Murphree Investments 2 LTD. tract Vol. 5286 Page 4970 D.R.C.C.T.;  
 THENCE North 2 degrees 50 minutes 19 seconds East, along the common line of said Murphree Investments 2 LTD. tract, at a distance of 735.19 feet to a found 1/2 inch iron rod for the northwest corner of the subject tract described in deed to Debarah R. Tafelski; said point also being the northeast corner of the Murphree Investments 2 LTD. tract Vol. 5286 Page 4970 D.R.C.C.T. and being the north right of way line of Dallas Area Rapid Transit (DART) Rail Road, being in 100 foot right of way and also being at the beginning of a curve to the right with a radius of 1850 feet which center bears South 36 degrees 37 minutes 52 seconds East;  
 THENCE in a northeasterly direction along said DART right of way line and the north line of said Debarah R. Tafelski tract, along said curve through a central angle of 9 degrees 37 minutes 53 seconds and with a chord bearing North 36 degrees 11 minutes 4 seconds East and a chord distance of 308.10 feet and an arc distance of 308.46 feet to a found 3/16 inch iron rod for the northeast corner of said Debarah R. Tafelski tract; said point also being the northwest corner of said Lot 1R Block A of the Rio Dinero/ Fm 544 Addition;  
 THENCE South 02 degrees 30 minutes 18 seconds West, along the common line of said Debarah R. Tafelski tract and said Lot 1R Block A, a distance of 901.31 feet to a found 1/2 inch capped iron rod for the southeast corner of said Debarah R. Tafelski tract and the southwest corner of said Lot 1R Block A, said iron being in the Right of way line of Farm to Market Road 544 said point being the Point of Beginning and containing 211,092 Square Feet or 4.846 Acres of land.

OWNER'S DEDICATION  
 NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:  
 That I, The Jenkins Organization Inc. adopts the plat of the Jenkins Addition as shown and dedicate, in fee simple, to the public use forever the streets, alleys and easements shown on the plat. The property owner(s) further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth or other appurtenance for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.  
 WITNESS MY HAND at Dallas, Texas this \_\_\_\_\_ day of \_\_\_\_\_, 2014  
 \_\_\_\_\_  
 The Jenkins Organization Inc.  
 OWNER

BEFORE me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared W.W. Rowland known to me to be the person whose name is subscribed to the above Owner's Certificate, and that he executed the same as the act of such ownership for the purposes and considerations therein expressed and in the capacity therein stated.  
 Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2014.  
 \_\_\_\_\_  
 Notary Public in and for said state.  
 My commission expires \_\_\_\_\_

**LEGEND**

- BOUNDARY LINE
- PLAT OR DEED LINES
- IRON ROD FOUND
- 1/2 INCH IRON ROD WITH YELLOW CAP MARKED RPLS 3989 SET
- ELECTRIC LINE
- POWER POLE
- GAS METER
- STREET OR FLOOD LIGHT
- PIPE BOLLARD
- UNDERGROUND TELEPHONE
- SANITARY SEWER MANHOLE
- ASPHALT PAVING
- CONCRETE PAVING
- FIRE HYDRANT
- WATER METER
- WATER VALVE

**ISSUED FOR REVIEW & COMMENT ONLY**

David A. Vilbig  
 Registered Professional Land Surveyor, No. 3989



**SURVEYOR'S CERTIFICATE**

The survey shown herein is a true representation of the property as determined by a survey made on the ground and under my personal supervision. All visible improvements are as shown. There are no visible encroachments, conflicts, or protrusions, and the same are shown as such. The survey is in accordance with the Professional Land Surveyors' Minimum Standards of Practice as adopted by the Board effective September 1, 1992. The easements shown on this survey are based upon a Title Commitment issued by Fidelity Nation Title Insurance Co., No. 4411801406 dated September 4, 2014.

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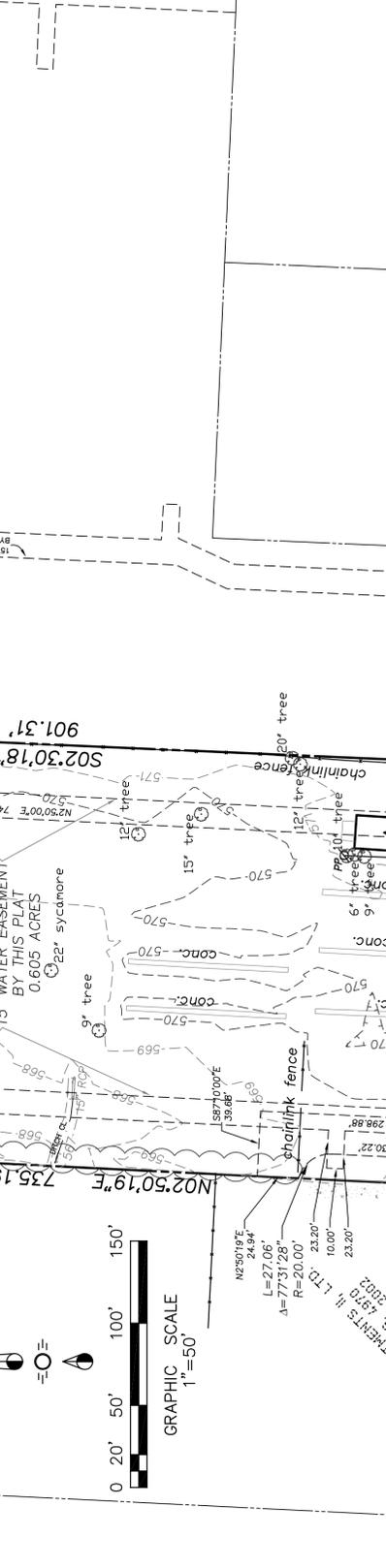
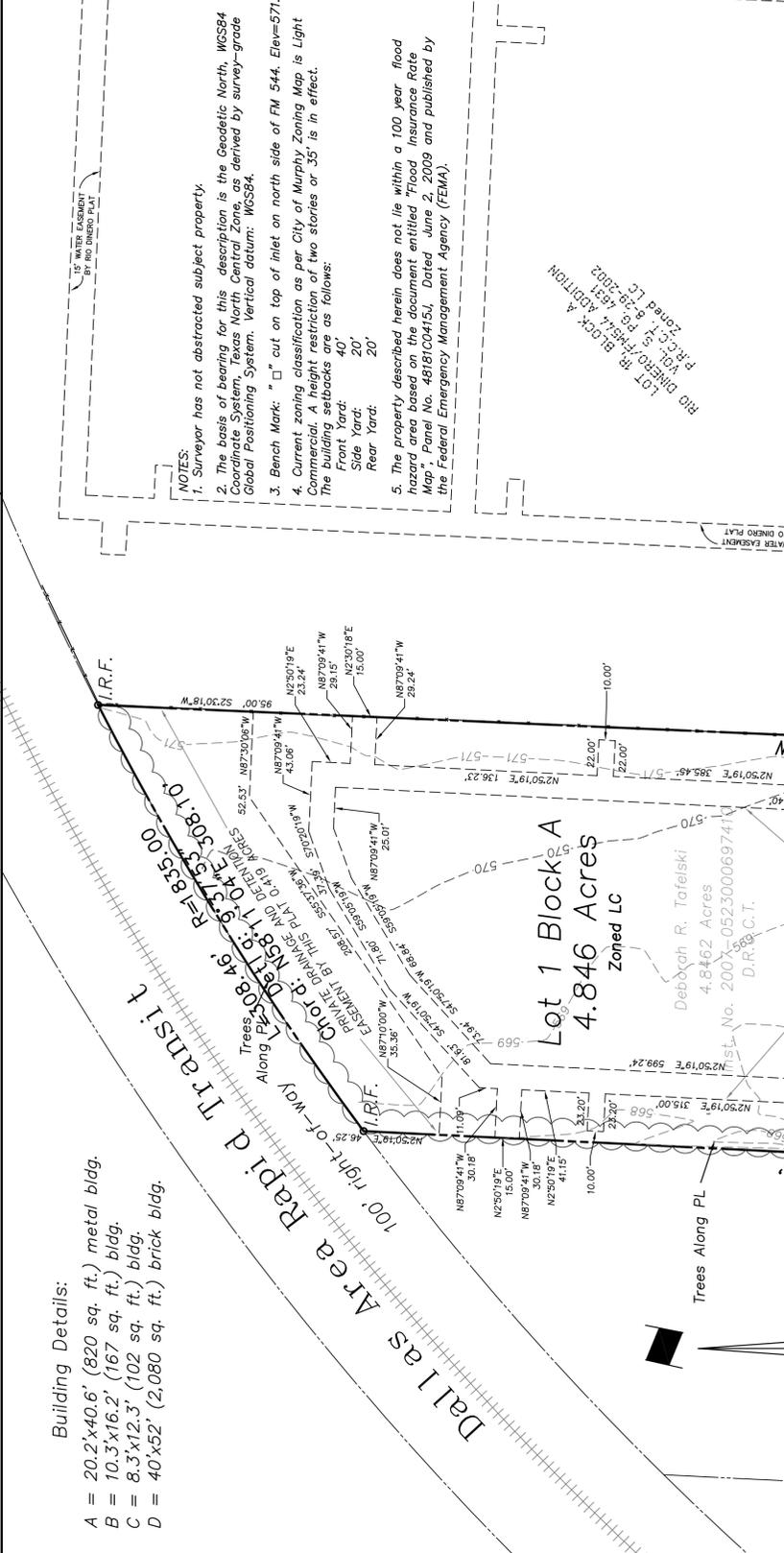
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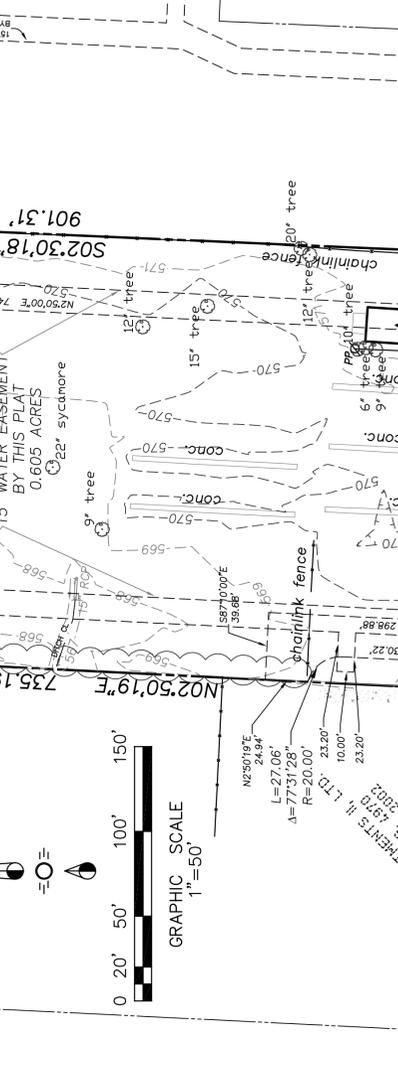
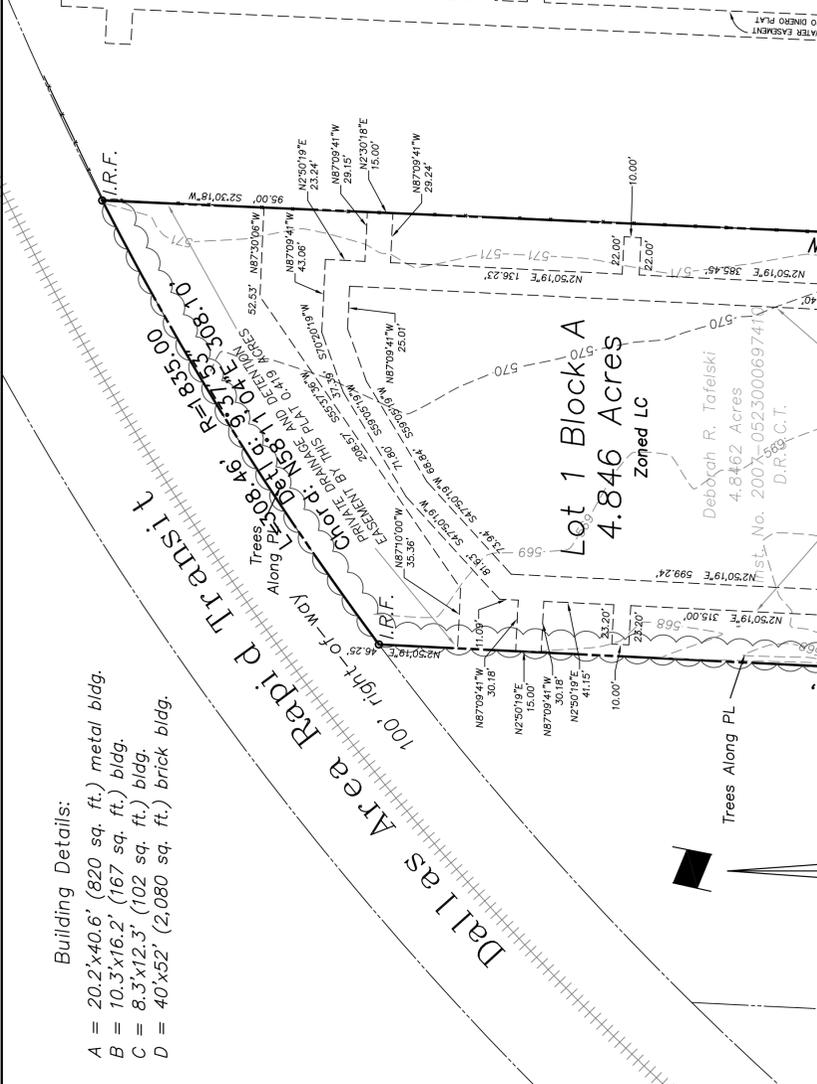
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OWNER'S DEDICATION  
 NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:  
 That I, The Jenkins Organization Inc. adopts the plat of the Jenkins Addition as shown and dedicate, in fee simple, to the public use forever the streets, alleys and easements shown on the plat. The property owner(s) further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth or other appurtenance for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.  
 WITNESS MY HAND at Dallas, Texas this \_\_\_\_\_ day of \_\_\_\_\_, 2014  
 \_\_\_\_\_  
 The Jenkins Organization Inc.  
 OWNER

**BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED W.W. ROWLAND KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE OWNER'S CERTIFICATE, AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH OWNERSHIP FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.**

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2014.  
 \_\_\_\_\_  
 Notary Public in and for said state.  
 My commission expires \_\_\_\_\_

**LEGEND**

- BOUNDARY LINE
- PLAT OR DEED LINES
- IRON ROD FOUND
- 1/2 INCH IRON ROD WITH YELLOW CAP MARKED RPLS 3989 SET
- ELECTRIC LINE
- POWER POLE
- GAS METER
- STREET OR FLOOD LIGHT
- PIPE BOLLARD
- UNDERGROUND TELEPHONE
- SANITARY SEWER MANHOLE

**Issue**

Hold a public hearing and consider and/or act upon approval of recommendations regarding amendments to Chapter 28 - Development Standards, Chapter 70 – Subdivisions and Chapter 86 – Zoning.

**Summary**

In early 2014, the city began the project of re-codifying the full City of Murphy Code of Ordinances. This project includes incorporating all the previously approved supplements throughout the past years and evaluates all sections of the Code for consistency with City Charter and state law.

**Considerations**

The component of the process for consideration by the Planning & Zoning Commission and City Council (amendments to Chapter 28 - Development Standards, Chapter 70 – Subdivisions and Chapter 86 – Zoning) resolves conflicts, clarifies and consolidates information within the various chapters as identified. The Code of Ordinances in its entirety will be considered by City Council on July 7, 2015.

**Background**

On May 18, 2009, City Council adopted an ordinance revising existing development standards that were previously located in the Comprehensive Zoning Ordinance and creating a new chapter (Chapter 28 Development Standards) in the Code of Ordinances.

On October 18, 2010, the City Council initially directed staff to review Chapter 28 with the main emphasis of potential change to sign regulations, fencing, walls and screening regulations and exterior construction standards.

On June 21, 2011, City Council reviewed new recommendations to Chapter 28 and offered feedback for staff and Planning & Zoning Commission consideration.

At the July 25, 2011 Planning & Zoning meeting, the Commission made suggested changes to the Development Standards. These changes were incorporated and included for approval at the August 22, 2011, Planning & Zoning meeting. At that meeting, following discussion and receiving no comments from the public, the Commission approved the recommendations with slight edits to the verbiage in the fence permitting section and vehicular sign definition.

At the September 6, 2011 City Council meeting, Council discussed the recommendations and additional considerations for staff review.

On June 5, 2012, City Council considered and approved amendments to Section 28-10. Political Signs.

On February 13, 2013, City Council considered and approved amendments to Chapter 28, Development Standards, of the Code of Ordinances.

On May 7, 2013, City Council considered and approved amendments and clarifications to Chapter 28 Development Standards, Article 1 Signs, Section 28-21 ; Article 1 Signs Section 28-26 to amend general sign provisions and Chapter 70 Subdivisions, Article II Procedures, Section 70-35 to amend final plat procedures.

On November 19, 2013, City Council considered and approved amendments Chapter 28 Development Standards, Article II Fencing, Walls and Screening; and Chapter 70 Subdivisions, Article II Procedures, Section 70-35 to amend the requirements for final plat approval.

On January 7, 2014, City Council considered and approved additional amendments to Chapter 28, Development Standards, Article 1. Signs.

**Details for Consideration**

The Sections referenced below correlate directly with the sections and respective amendments in the attached Ordinance.

**Section 2.** Chapter 28, Article 1, Section 28-14 “Sale Or Lease Signs” of Ordinance No. 09-05-797, as amended, the Development Standards Ordinance of the City of Murphy, Texas:

- *This amendment will create consistency with the other temporary advertising signs. Currently this particular type of sign is reflected in the code as not to exceed 16 square feet in area. This amendment increases the size area to 32 square feet. During a previous sign ordinance amendment, this edit was unintentionally left out.*

**Section 3.** Chapter 28, Article 1, Section 28-33 “Variance Procedure” of Ordinance No. 09-05-797, the Development Standards Ordinance of the City of Murphy, Texas:

- *This amendment includes verbiage that disallows applications for repeat variance requests for the same item.*

**Section 4.** Chapter 28, Article 1, Section 28-233 “Bed and Breakfast Accommodations” of Ordinance No. 09-05-797, the Development Standards Ordinance of the City of Murphy, Texas:

- *This amendment resolves a conflict with the Zoning Chapter 86*

**Section 5.** Chapter 28, Article 10, Section 28-251 “Site Design” of Ordinance No. 09-05-797, the Development Standards Ordinance of the City of Murphy, Texas ((a) and (b):

- *This amendment resolves conflicts with the Zoning Chapter 86*

**Section 6.** Chapter 70, Section 70-73 “Easements” of Ordinance No. 02-09-549, the Subdivision Ordinance of the City of Murphy, Texas:

- *This amendment resolves a conflict with the Zoning Chapter 86*

**Section 7.** Chapter 86, Section 86-6 “Definitions” of Ordinance No. 04-05-610, the Comprehensive Zoning Ordinance of the City of Murphy, Texas:

- *(a) resolves a conflict with the Subdivision Chapter 70*
- *(b) through (h) consolidates Use Definitions and resolves conflicts with the Subdivision Chapter 70.*

- (i) clarifies what type of recycling kiosks are prohibited
- (j)(k) and (l) consolidate Use Definitions and resolves conflicts with the Subdivision Chapter 70.

**Section 8. through Section 15.**

*Resolve conflicts within the Zoning Chapter 86*

**Section 16.** Chapter 86, Section 86-706 “Parking Requirements Based Upon Use” of Ordinance No. 04-05-610, the Comprehensive Zoning Ordinance of the City of Murphy, Texas:

- *Resolves conflicts within Development Standards Chapter 28*

**Section 17.** Chapter 86, Article 3, Division 10 “MF-12, Multifamily Residential-12 District (Apartments)” of Ordinance No. 04-05-610, as amended, the Comprehensive Zoning Ordinance of the City of Murphy, Texas:

- *Resolves conflicts with the Development Standards Chapter 28*

**Section 18.** Chapter 86, Appendix A-3, Section 86-662 “Use Regulations” of Ordinance No. 04-05-610, app. 3, as amended, the Comprehensive Zoning Ordinance of the City of Murphy, Texas:

- (a) by adding the following types of land uses under the “Institutional/Governmental Uses” category to hereafter read as follows:

	Residential Zoning Districts										Nonresidential Zoning Districts				
Types of Land Uses	AG	SF-E	SF-20	SF-15	SF-11	SF-9 (PD only)	SF-PH (PD only)	2F (PD only)	SFA (PD only)	MF-12	MHO	NS	R	LC	BP
Rehabilitation Care Facility														S	S
Rehabilitation Care Institution															S

- *These two Uses were defined but were not shown in the Use Chart. The amendment now includes the Uses in the Use Chart allowed by SUP in high intensity zoning districts.*

**Section 19.** Chapter 86, Appendix A-3, Section 86-662 “Use Regulations” of Ordinance No. 04-05-610, app. 3, as amended, the Comprehensive Zoning Ordinance of the City of Murphy, Texas:

- (a) by amending the description of “Senior Living Facilities: Assisted Living Facility”, “Senior Living Facility: Independent Living Facility”, and “Senior Living Facility: Nursing/Convalescent Center” types of land uses under the “Institutional/Governmental Uses” category to hereafter read as follows:

	Residential Zoning Districts	Nonresidential Zoning Districts

**Planning & Zoning Commission**  
**May 18, 2015**

Types of Land Uses	AG	SF-E	SF-20	SF-15	SF-11	SF-9 (PD only)	SF-PH (PD only)	2F (PD only)	SFA (PD only)	MF-12	MHO	NS	R	LC	BP
Assisted Living Facility (≤6 residents)		P	P	P	P	P	P	P	P	P	P	S	S		
Assisted Living Facility (≥7 residents)		S	S	S	S	S	S	S	S	P	S	S	S		
Independent Living Facility									S	P	S	S	S		
Nursing Home/Convalescent Center									S	P	S	S	S		

- *This amendment separates Assisted Living Facility by number of residents, within the Use Chart, based on State Law.*

**Note:** As mentioned in this item, this component of the process for consideration by the Planning & Zoning Commission and City Council (amendments to Chapter 28 - Development Standards, Chapter 70 – Subdivisions and Chapter 86 – Zoning) resolves conflicts, clarifies and consolidates information within the various chapters as identified. The Code of Ordinances in its entirety will be considered by City Council on July 7, 2015.

**Additional Considerations**

1. The required public notice was published on April 30, 2015. No comments have been received to date.
2. The recommended Ordinance inclusive of the above mentioned amendments is attached for consideration.

**Staff Recommendation**

Staff recommends approval of the ordinance amending the sections as described in this item for amendments to Chapter 28 - Development Standards, Chapter 70 – Subdivisions and Chapter 86 – Zoning.

**Attachments**

Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING THE DEVELOPMENT STANDARDS ORDINANCE, ORDINANCE NO. 09-05-097, AS AMENDED, AMENDING SECTION 28-14 SALE OR LEASE SIGNS, SECTION 28-33 VARIANCE PROCEDURE; SECTION 28-233 BED AND BREAKFAST ACCOMODATIONS, AND ARTICLE 10 MULTIFAMILY DEVELOPMENT STANDARDS RELATED TO HEIGHT OF ACCESSORY STRUCTURES AND FLOOR AREA; AMENDING THE SUBDIVISION ORDINANCE, ORDINANCE NO. 02-09-549, AS AMENDED, DELETING A PORTION OF SECTION 70-73 RELATING TO VISIBILITY TRIANGLES; AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 04-05-610, AS AMENDED, AMENDING CHAPTER 86, SECTION 86-6 BY AMENDING THE DEFINITIONS “ASSISTED LIVING FACILITY”, “NURSING, CONVALESCENT OR REST HOME”, “RECYCLING KIOSK”, DELETING THE DEFINITIONS “CONTINUING CARE RETIREMENT COMMUNITY”, “HOME FOR AGED, RESIDENCE”, “MOTEL OR HOTEL”, “RESIDENCE HOTEL”, “RETIREMENT HOUSING FOR THE ELDERLY”, “SKILLED NURSING FACILITY”, AND ADDING DEFINITIONS “HOTEL/MOTEL, FULL SERVICE”, “HOTEL/MOTEL, LIMITED SERVICE”, AND “INDEPENDENT SENIOR LIVING FACILITY”; AMENDMENT OF ELECTRIC FENCING PROVISIONS IN SECTION 86-255, 86-275, 86-295, 86-315, 86-335, 86-355, 86-375, 86-395; SECTION 86-706 PARKING REQUIREMENTS BASED UPON USE; ARTICLE 3, DIVISION 10 MF-12 MULTIFAMILY RESIDENTIAL-12 DISTRICT (APARTMENTS); APPENDIX 3, SECTION 86-662 USE REGULATIONS FOR REHABILITATION CARE AND SENIOR LIVING FACILITIES; 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 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, Development Standards Ordinance, and Subdivision Ordinance should be amended.

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

**Section 1.** FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of the Ordinance as if fully set forth herein.

**Section 2.** That Chapter 28, Article 1, Section 28-14 “Sale Or Lease Signs” of Ordinance No. 09-05-797, as amended, the Development Standards Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by amending Section 28-14 by the amendment of Subsection 28-14(b) to hereafter read as follows:

“Signs advertising the sale or lease of a business property shall not exceed 32 square feet in area or eight feet in height.”

**Section 3.** That Chapter 28, Article 1, Section 28-33 “Variance Procedure” of Ordinance No. 09-05-797, the Development Standards Ordinance of the City of Murphy, Texas is hereby amended as follows:

(a) by amending Section 28-33 by the addition of Subsection 28-33(h) to hereafter read as follows:

“To promote the stability and well-being of the community and offer certainty to the city’s citizens regarding variance decisions, the filing of an application for a variance for a particular parcel of property shall not be allowed if a similar variance request on the same parcel was denied by the City Council or the variance request was withdrawn after the giving of public notice. An applicant may file an application for a variance after denial or withdrawal if the city manager or his designee determines that circumstances related to the prior denial or withdrawal have substantially changed such that a new variance request is materially different from the prior request.”

**Section 4.** That Chapter 28, Article 1, Section 28-233 “Bed and Breakfast Accommodations” of Ordinance No. 09-05-797, the Development Standards Ordinance of the City of Murphy, Texas is hereby amended as follows:

(a) by amending Section 28-233 to hereafter read as follows:

“Guests at a bed and breakfast accommodation may stay up to 14 consecutive days provided that the bed and breakfast accommodation may only offer a daily rate and shall not offer weekly or bi-weekly rates. A bed and breakfast accommodation may include kitchen and dining facilities to furnish meals for guests only. Food preparation within a guest bedroom is prohibited. A bed and breakfast accommodation may not include a restaurant, banquet facilities or similar services. A bed and breakfast accommodation shall provide parking at the ratio of one parking space for each room. Parking spaces shall be separated by at least one foot.”

**Section 5.** That Chapter 28, Article 10, Section 28-251 “Site Design” of Ordinance No. 09-05-797, the Development Standards Ordinance of the City of Murphy, Texas is hereby amended as follows:

(a) by amending Subsection 28-251(a)(1) to hereafter read as follows:

“Maximum height: The maximum height of a multifamily development shall be 31 feet from the first finished floor elevation to the top plate on the third floor, including attached garages, excluding third floor vaulted ceilings. Accessory buildings, including detached garages, garden sheds, gazebos, etc. shall not exceed 16 feet in height.”

(b) by amending Subsection 28-251(b)(1) to hereafter read as follows:

“*Unit size and mix:* The average minimum dwelling unit size shall be 1,000 square feet. Not less than 50 percent of the total dwelling units in the multifamily development shall be one bedroom units, and the maximum number of three-bedroom units shall not exceed five percent of the total number of dwelling units. No efficiency units shall be permitted.”

**Section 6.** That Chapter 70, Section 70-73 “Easements” of Ordinance No. 02-09-549, the Subdivision Ordinance of the City of Murphy, Texas is hereby amended as follows:

(a) by the deletion of Subsection 70-73(f).

**Section 7.** That Chapter 86, Section 86-6 “Definitions” of Ordinance No. 04-05-610, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

(a) by amending the definition of “Assisted Living Facility” to hereafter read as follows:

“*Assisted living facility* is defined by that definition as stated in Section 28-201 “Definitions” of the Development Standards Ordinance of the City of Murphy, Texas.”

(b) by deleting the definition of “Continuing Care Retirement Community”

(c) by deleting the definition of “Home for Aged, Residence”

(d) by deleting the definition of “Motel or Hotel”

(e) by adding the definition of “Hotel/Motel, Full Service” to hereafter read as follows:

“*Hotel/Motel, full service* is defined by that definition as stated in Section 28-231 “Definitions” of the Development Standards Ordinance of the City of Murphy, Texas.”

(f) by adding the definition of “Hotel/Motel, Limited Service” to hereafter read as follows:

“*Hotel/Motel, limited service* is defined by that definition as stated in Section 28-231 “Definitions” of the Development Standards Ordinance of the City of Murphy, Texas.”

(g) by adding the definition of “Independent Senior Living Facility” to hereafter read as follows:

“*Independent Senior Living Facility* is defined by that definition as stated in Section 28-201 “Definitions” of the Development Standards Ordinance of the City of Murphy, Texas.”

(h) by amending the definition of “Nursing, Convalescent or Rest Home” to hereafter read as follows:

“*Nursing, convalescent or rest home* is defined by that definition as stated in Section 28-201 “Definitions” of the Development Standards Ordinance of the City of Murphy, Texas.”

(i) by amending the definition of “Recycling Kiosk” to hereafter read as follows:

“*Recycling kiosk* means a small uninhabited structure, not to exceed 120 square feet, or temporary container which provides a self-service location for the depositing of recyclable materials such as aluminum cans, glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers. This definition does not include donation boxes for clothing, toys, household goods, and similar items, which items are not permitted, nor have they ever been an allowed use in the City.”

(j) by deleting the definition of “Residence Hotel”

(k) by deleting the definition of “Retirement housing for the elderly (also independent living center or congregate housing)”

(l) by deleting the definition of “Skilled Nursing Facility (also termed nursing home, convalescent home or long-term care facility)”

**Section 8.** That Chapter 86, Section 86-255 “Special Requirements” of Ordinance No. 04-05-610, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by the deletion of Subsection 86-255(b) (Fencing) and renumbering the remaining Subsections of Section 86-255.

**Section 9.** That Chapter 86, Section 86-275 “Special Requirements” of Ordinance No. 04-05-610, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by the deletion of Subsection 86-275(b) (Fencing) and renumbering the remaining Subsections of Section 86-275.

**Section 10.** That Chapter 86, Section 86-295 “Special Requirements” of Ordinance No. 04-05-610, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by the deletion of Subsection 86-295(b) (Fencing) and renumbering the remaining Subsections of Section 86-295.

**Section 11.** That Chapter 86, Section 86-315 “Special Requirements” of Ordinance No. 04-05-610, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by the deletion of Subsection 86-315(b) (Fencing) and renumbering the remaining Subsections of Section 86-315.

**Section 12.** That Chapter 86, Section 86-335 “Special Requirements” of Ordinance No. 04-05-610, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by the deletion of Subsection 86-335(b) (Fencing) and renumbering the remaining Subsections of Section 86-335.

**Section 13.** That Chapter 86, Section 86-355 “Special Requirements” of Ordinance No. 04-05-610, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by the deletion of Subsection 86-355(b) (Fencing) and renumbering the remaining Subsections of Section 86-355.

**Section 14.** That Chapter 86, Section 86-375 “Special Requirements” of Ordinance No. 04-05-610, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by the deletion of Subsection 86-375(j) (Fencing) and renumbering the remaining Subsections of Section 86-375.

**Section 15.** That Chapter 86, Section 86-395 “Special Requirements” of Ordinance No. 04-05-610, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by the deletion of Subsection 86-395(k) (Fencing) and renumbering the remaining Subsections of Section 86-395.

**Section 16.** That Chapter 86, Section 86-706 “Parking Requirements Based Upon Use” of Ordinance No. 04-05-610, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by deleting the following Subsections of Section 86-706
  1. 86-706 (4) (Bed and Breakfast Facility);
  2. 86-706 (24) (Hotel or motel);
  3. 86-706 (34) (Nursing home, convalescent home, or home for the aged); and

4. 86-706 (42) (Retirement housing for the elderly (independent living))

and renumbering the remaining Subsections of Section 86-706.

**Section 17.** That Chapter 86, Article 3, Division 10 “MF-12, Multifamily Residential-12 District (Apartments)” of Ordinance No. 04-05-610, as amended, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by deleting Section 86-413 and renumbering the remaining Sections of Division 10.
- (b) by deleting Subsection 86-414(b) and renumbering the remaining Subsection 86-414.
- (c) by deleting Subsection 86-414(c)(1) and renumbering the remaining Subsection 86-414(c)
- (d) by deleting Subsection 86-414(e)(5) and renumbering the remaining Subsection 86-414(e)
- (e) by amending Subsection 86-415(a) to hereafter read as follows:

*“Usable open space requirements. Except as provided below and by other regulations of the City, usable open space areas in the MF-12 district shall be in conformance with section 86-375(d) and (e)”*

- (f) by deleting Subsection 86-415(b) and renumbering the remaining Subsection 86-415
- (g) by deleting Subsection 86-415(e) and renumbering the remaining Subsection 86-415
- (h) by deleting Subsection 86-415(f) and renumbering the remaining Subsection 86-415

**Section 18.** That Chapter 86, Appendix A-3, Section 86-662 “Use Regulations” of Ordinance No. 04-05-610, app. 3, as amended, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by adding the following types of land uses under the “Institutional/Governmental Uses” category to hereafter read as follows:

	Residential Zoning Districts										Nonresidential Zoning Districts				
Types of Land Uses	AG	SF-E	SF-20	SF-15	SF-11	SF-9 (PD only)	SF-PH (PD only)	2F (PD only)	SFA (PD only)	MF-12	MHO	NS	R	LC	BP
Rehabilitation Care Facility														S	S
Rehabilitation Care Institution															S

**Section 19.** That Chapter 86, Appendix A-3, Section 86-662 “Use Regulations” of Ordinance No. 04-05-610, app. 3, as amended, the Comprehensive Zoning Ordinance of the City of Murphy, Texas is hereby amended as follows:

- (a) by amending the description of “Senior Living Facilities: Assisted Living Facility”, “Senior Living Facility: Independent Living Facility”, and “Senior Living Facility: Nursing/Convalescent Center” types of land uses under the “Institutional/Governmental Uses” category to hereafter read as follows:

Types of Land Uses	Residential Zoning Districts										Nonresidential Zoning Districts					
	AG	SF-E	SF-20	SF-15	SF-11	SF-9 (PD only)	SF-PH (PD only)	2F (PD only)	SFA (PD only)	MF-12	MHO	O	NS	R	LC	BP
Assisted Living Facility (≤6 residents)		P	P	P	P	P	P	P	P	P	P	S	S			
Assisted Living Facility (≥7 residents)		S	S	S	S	S	S	S	S	P	S	S	S			
Independent Living Facility									S	P	S	S	S			
Nursing Home/Convalescent Center									S	P	S	S	S			

**Section 20.** That all ordinances shall be and remain in full force and effect save and except as amended by this Ordinance.

**Section 21.** 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 City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

**Section 22.** 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 23.** 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 2<sup>nd</sup> day of June 2015.

\_\_\_\_\_  
Eric Barna, Mayor

ATTEST:

\_\_\_\_\_  
Susie Quinn, City Secretary