

ORDINANCE NUMBER 16-08-1013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, GRANTING A VARIANCE FROM THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS ALLOWING A CHANGE FROM FOUR FEET TO FOUR FEET EIGHT INCH FENCE HEIGHT PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF APPROVAL.

WHEREAS, Sec. 26.03.003, item J of the Zoning code regulates front yard fences in residential areas as follows: “No fence shall be built within the required front yard, as defined in the zoning ordinance, except for lots that have an area of one and one-half acres or greater. Front yard fencing shall be limited to four feet in height and shall not be of solid construction, providing that at least 50 percent of the fence be open.”; and,

WHEREAS, the Thorpe property is almost two acres in size and is proposed as an open fence. However, their request is to add 8 inches to the maximum allowance of four feet; and,

WHEREAS, the Planning and Zoning Commission held the required public hearing as required in Section 26.03.004 Variance Procedure, on this variance request on July 25, 2016; and,

WHEREAS, the Planning and Zoning Commission recommends approval of this request and no one in the public objected to the fence height increase request;

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

Section 1. FINDINGS INCORPORATED

The findings set forth by Planning and Zoning Commission recommending approval of this request and no one in the public objected to the fence height increase request.

Section 2. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 3. REPEALER CLAUSE

Any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 16th day of August, 2016.




Eric Barna, Mayor
City of Murphy

ATTEST:


Susie Quinn, City Secretary
City of Murphy