

**ORDINANCE NUMBER 22-04-1257**

**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 AN ASSISTED LIVING FACILITY (≤8 RESIDENTS) AT 612 MAIZE ROAD, HAVING THE LEGAL DESCRIPTION OF MAXWELL CREEK NORTH, PHASE 8-B BLOCK G, LOT 4, 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**, the Murphy Code of Ordinances Chapter 30 permits listed as an authorized use an Assisted Living Facility (≤6 Residents) in all residential zoning districts; however, the Code of Ordinances authorizes an Assisted Living Facility (≤8 Residents) upon approval of a Specific Use Permit in all residential zoning districts; and

**WHEREAS**, the owners of 612 Maize Road, having the legal description of Maxwell Creek North, Phase 8-B, Block G, Lot 4 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 of a residential zoning district known as PD 04-10-623, have requested a Specific Use Permit to allow an Assisted Living Facility (≤8 Residents); and

**WHEREAS**, the approval of the requested SUP – Assisted Living Facility (≤8 Residents) for the Parcel to allow an Assisted Living Facility (≤8 Residents), as requested by the Owner, 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 Assisted Living Facility (≤8 Residents) with the condition that no more than eight (8) residents be permitted to reside in the Assisted Living Facility, and having considered public input, has determined that the approval of the SUP for the Parcel to Assisted Living Facility (≤8 Residents), with the condition that no more than eight (8) residents be permitted to reside in the Assisted Living Facility, 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 Assisted Living Facility ( $\leq 8$  Residents), as defined in the City's Zoning Ordinance, to allow for an Assisted Living Facility ( $\leq 8$  Residents), with the condition that no more than eight (8) residents be permitted to reside in the Assisted Living Facility, and located only at 612 Maize Road 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 04-10-623, 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.

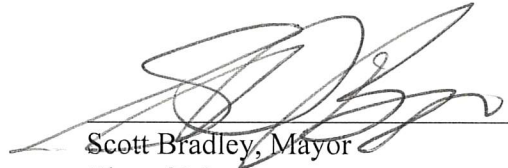
**Section 5. Cumulative/Repealer Clause.** This ordinance shall be cumulative of all provisions of state or federal law and all ordinances of the City of Murphy, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the 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.

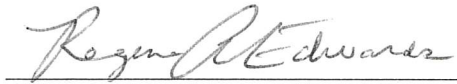
**Section 8. Effective Date.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas, on this 19<sup>th</sup> day of April, 2022.

  
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Scott Bradley, Mayor  
City of Murphy

ATTEST:  
  
\_\_\_\_\_  
Susie Quinn, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
for Wm. Andrew Messer, City Attorney

**EXHIBIT "A"**

**Legal Description**

**612 Maize Drive, Murphy, Texas 75094:**

Maxwell Creek North, Phase 8-B, Block G, Lot 4 in the City of Murphy, Collin County, Texas, as reflected in a Final Plat, filed with Collin County April 20, 2007, Instrument Number 20070420010001450.

EXHIBIT "B"

Concept Plan

