

**ORDINANCE NO. 08-08-759**

**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 RESTAURANT (DRIVE-IN) ON PROPERTY ZONED PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON APPROXIMATELY 2.10 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS 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 Restaurant (Drive-In) on property zoned PD (Planned Development) District for Retail Uses for the property described as 2.10 acres, more or less, in the James Maxwell Survey, Abstract No. 582, in the City of Murphy, Collin County, Texas, 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 18th day of August 2008.



Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:



Aimee Nemer, City Secretary  
City of Murphy

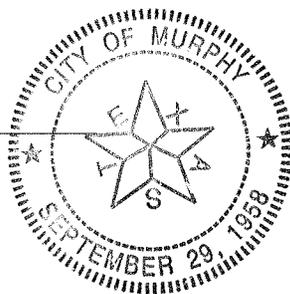


EXHIBIT A

BEING all of Lot 2, Block C of The Crossing at Murphy Marketplace Addition, City of Murphy, Collin County, Texas and containing 2.10 acres of land, more or less.

EXHIBIT B

ZONING FILE NO. 2008-03

Northwest Corner  
FM 544 and North Maxwell Creek Road

**SPECIFIC USE PERMIT FOR A RESTAURANT (DRIVE-IN)**

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Restaurant (Drive-In) compatible with the surrounding area.
- II. **Statement of Effect:** This Specific Use 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 R (Retail) District as set forth in Chapter 86, Article III, Division 14, Ordinance No. 06-12-708 shall apply, except as otherwise specified in this ordinance.
- IV. **Development Plans:**
  - A. Applicability: This Specific Use Permit shall only apply to **Dunkin Donuts, L.L.C.**
  - B. Site Plan: Development shall be in general conformance with the approved site plan set forth in Exhibit C. However, in the event of conflict between the site plan and the conditions, the conditions shall prevail.
  - C. Parking Space Removal: Ten (10) parking spaces located to the west of the drive-thru lanes shall be removed along with the four (4) parking spaces immediately south of the drive-thru lanes.
  - D. Landscaping: Enhanced landscaping shall be provided for the areas where parking is removed. For the area west of the drive-thru lanes, outdoor seating shall also be provided.

