

ORDINANCE NUMBER 17-10-1064

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP, CHAPTER 30, OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY BY AMENDING ORDINANCE NO. 12-10-923, AN EXISTING PLANNED DEVELOPMENT DISTRICT COMMONLY KNOWN AS THE MURPHY MARKETPLACE, THE CROSSING AT MURPHY MARKETPLACE AND PARK TRACT, ON APPROXIMATELY 3.116 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582, TRACT 26, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT TO ADD KENNELS (INDOOR PENS WITH OUTDOOR PLAY AREAS) AS AN ALLOWED USE WITH APPROVAL OF A SPECIFIC USE PERMIT WITHIN TRACT 26; PROVIDING A CUMULATIVE/REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE ESTABLISHING A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR A VIOLATION OF THE ORDINANCE FOR EACH DAY A VIOLATION EXISTS OR CONTINUES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of approximately 3.116 acres of land located on the east side of North Maxwell Creek Road, North of FM 544, having the legal description of Abstract A0582 James Maxwell Survey, Tract 26, in the City of Murphy, Collin County, Texas, and designated as being a part of Planned Development (PD) District Ordinance No. 12-10-923 amending the Comprehensive Zoning Ordinance and Zoning Map, Chapter 30 of the Code of Ordinances of the City of Murphy, Texas, more particularly described in Exhibit "A", a copy of which is attached hereto and incorporated herein, requested an amendment to Ordinance No 12-10-923 to allow Kennels (Indoor pens with outdoor play areas) as a permitted use with approval of a Specific Use Permit on this site only within Planned Development (PD) District; and

WHEREAS, the Planning and Zoning Commission of the City of Murphy (the "Commission"), in compliance with the laws of the State of Texas, gave the requisite notices by publication and otherwise, and held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard; and

WHEREAS, having reviewed the request for the addition of Kennels (Indoor pens with outdoor play areas) as a permitted use with approval of a Specific Use Permit within the Planned Development District, the Commission determined that the addition of the proposed use was compatible with surrounding uses and the City's Comprehensive Plan and recommended approval of this Ordinance amending Planned Development (PD) District Ordinance No. 12-10-923 to the City Council; and

WHEREAS, the City Council of the City of Murphy, in compliance with the laws of the State of Texas, having given the requisite notices by publication and otherwise, having held public hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard, and having considered the recommendation of the Planning and Zoning Commission, has determined that the proposed amendment to add Kennels (Indoor pens with

outdoor play areas) as a permitted use with approval of a Specific Use Permit within the Planned Development (PD) District on the site having the legal description Abstract A0582 James Maxwell Survey, Tract 26 as created by Ordinance No. 12-10-923 is appropriate and is compatible with surrounding uses and the Comprehensive Plan of the City;

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. Amendments. That Planned Development District (PD) Ordinance No.12-10-923 of the City of Murphy, Texas, is hereby amended as follows:

Section VI, "Specific Regulations", Subsection "A", "Permitted Uses" of Exhibit "B", "Planned Development District Conditions" is hereby amended to add "Kennels (Indoor pens with outdoor play areas)" as a permitted use with approval of a Specific Use Permit on approximate 3.116 acres of land located on the east side of North Maxwell Creek Road, North of FM 544, having the legal description of Abstract A0582 James Maxwell Survey, Tract 26, in the City of Murphy, Collin County, Texas, as more particularly described in Exhibit "A" hereto (Legal Description), and all other terms and provisions of Section VI(A) of Exhibit "B" to Ordinance No. 12-10-923 shall hereby remain the same and continue in full force and effect.

Section 3. Applicable Regulations/Zoning Ordinance and Zoning Map Amended. Development and use of the property described in Exhibit "A" shall be in compliance with this ordinance amending Ordinance No. 12-10-923, the same amending the Comprehensive Zoning Ordinance of the City of Murphy and the Zoning Map of the City, Ordinance No. 12-10-923, including all Exhibits thereto as amended hereby, the Code of Ordinances of the City of Murphy, Texas, and all applicable state and federal law.

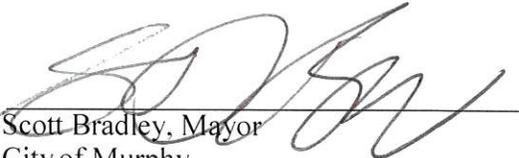
Section 4. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of state or federal law and all ordinances of the City of Murphy, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 5. 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 6. 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 7. 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 17th day of October 2017.



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

BEING a 3.116 acre tract of land situated in the James W. Maxwell Survey, Abstract Number 582, City of Murphy, Collin County, Texas, said tract being a portion of the tract described in the deed to Murphy Four Venture, LP, a Texas limited partnership recorded under Instrument Number 20080815000996690 of the Official Public Records of Collin County, Texas; the subject tract being more particularly described as follows:

Commencing at a 5/8 inch capped rebar with an illegible cap found at the northwest corner of the tract described in the deed to The City of Murphy recorded under Instrument Number 20080811000974800 of the Official Public Records of Collin County, Texas;

THENCE SOUTH 02 degrees 17 minutes 42 seconds WEST, with the east line of the said City of Murphy tract (east right of way of North Maxwell Creek Road), a distance of 42.97 feet to a 1/2 inch capped rebar stamped "JPH LAND SURVEYING" set at the **POINT OF BEGINNING**;

THENCE through the interior of the tract described in the deed to Murphy Four Venture, LP, a Texas limited partnership recorded under Instrument Number 20080815000996690 of the Official Public Records of Collin County, Texas, the following calls:

1. NORTH 89 degrees 18 minutes 14 seconds EAST, a distance of 129.66 feet to a set 1/2 inch capped rebar stamped "JPH LAND SURVEYING";
2. SOUTH 21 degrees 56 minutes 42 seconds EAST, a distance of 89.71 feet to a 1/2 inch capped rebar stamped "JPH LAND SURVEYING" set at the beginning of a tangent curve concave to the northeast, having a radius of 160.00 feet;
3. in a southeasterly direction, along the arc of the said curve, an arc length of 191.71 feet to a 1/2 inch capped rebar stamped "JPH LAND SURVEYING" set at the end of the curve;
4. NORTH 89 degrees 24 minutes 14 seconds EAST, a distance of 143.41 feet to a 1/2 inch capped rebar stamped "JPH LAND SURVEYING" set at the beginning of a tangent curve concave to the southwest having a radius of 75.00 feet;
5. in a southeasterly direction, along the arc of the said curve, an arc length of 117.81 feet to a 1/2 inch capped rebar stamped "JPH LAND SURVEYING" set at the end of the curve;
6. SOUTH 00 degrees 35 minutes 46 seconds EAST, a distance of 114.42 feet to a set 1/2 inch capped rebar stamped "JPH LAND SURVEYING";
7. SOUTH 89 degrees 24 minutes 14 seconds WEST, passing a found 1/2 inch capped rebar stamped "TXHS" at a distance of 15.0 feet, in all, a total distance of 232.07 feet to a found 1/2 inch capped rebar stamped "TXHS";
8. SOUTH 03 degrees 36 minutes 32 seconds EAST, a distance of 10.63 feet to an "+" cut in concrete found at the northeast corner of Lot 1, Block A, RaceTrac Addition recorded under Instrument Number 20090821010002150 of the Official Public Records of Collin County, Texas;
9. SOUTH 85 degrees 35 minutes 54 seconds WEST, with the north line of said Lot 1, a distance of 287.07 feet to a 1/2 inch capped rebar stamped "JPH LAND SURVEYING" set at the northwest corner of Lot 1;

THENCE NORTH 02 degrees 16 minutes 07 seconds WEST, with the said east line of the City of Murphy tract, a distance of 404.34 feet returning to the Point of Beginning and enclosing 3.116 acres (±135,735 square feet).