

ORDINANCE NO. 19-01-1111

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AMENDING DIVISION 14 (R, RETAIL DISTRICT) OF SECTION 30.03.404 (AREA REGULATIONS) OF ARTICLE 30.03 (ZONING DISTRICTS) OF CHAPTER 30 (ZONING) OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, BY REPEALING SUBSECTION 30.03.404(B)(1) (MINIMUM FRONT YARD) OF ARTICLE 30.03 (ZONING DISTRICTS) AND ADOPTING A NEW SUBSECTION 30.03.404 (B)(1) (MINIMUM FRONT YARD) OF THE CITY OF MURPHY CODE OF ORDINANCES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING AMENDMENTS; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) PER DAY FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE/ REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Murphy is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and has established a Planning and Zoning Commission to regulate zoning and subdivisions within the City; and

WHEREAS, the Commission, at its regular meeting on December 17, 2018, held a public hearing and voted to approve a minor amendment to Subsection 30.03.404(b)(1) of Chapter 30 “Zoning” of the Code of Ordinances of the City of Murphy in order to correct an inaccurate code reference in Subsection b(1) to change the reference from Article 26.06 to Article 26.07; and

WHEREAS, due to the recommended changes from the Planning and Zoning Commission, the City Council, having held a public hearing, finds it is necessary and appropriate to amend the Code of Ordinances of the City of Murphy by repealing Section 30.03.404(b)(1) entitled “Minimum Front Yard” and by adopting a new Section 30.03.404(b)(1) entitled “Minimum Front Yard” of Chapter 30 “Zoning” of the Code of Ordinances as set forth in this Ordinance; and

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 Subsection 30.03.404(b)(1), “Minimum Front Yard” of Section 30.03.404, “Area Regulations” of Division 14, “R, Retail District”, Article 30.03, “Zoning Districts” of Chapter 30, “Zoning” of the Code of Ordinances of the City of Murphy, Texas, is hereby repealed in its entirety and a new Subsection 30.03.404(b)(1), “Minimum Front Yard” is hereby adopted and shall be and read in its entirety as follows and the remainder of Section 30.03.404 not specifically amended hereby shall remain in full force and effect without alteration:

“Sec. 30.03.404 Area Regulations

(b) Size of Yards. The size of yards in the R District shall be as follows:

(b)(1) Minimum Front Yard:

Forty (40) feet from ultimate right-of-way line of roadway; all yards adjacent to a street shall be considered a front yard (see Chapter 26, Article 26.07 for additional setback requirements).”

....

Section 3. Penalty. Any person, firm or corporation intentionally, knowingly or recklessly violating any term or provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a penalty of fine not to exceed the amount of Two Thousand Dollars (\$2,000) for each offense. Every day a violation continues shall constitute a separate offense.

Section 4. Savings. That all rights and remedies of the City of Murphy are expressly saved as to any and all violations of the provisions of any Ordinances that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 5. Cumulative/Repealer Clause. This Ordinance shall be cumulative of all other Ordinances of the City of Murphy and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

Section 6. Severability Clause. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.


Section 7. Publication/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 15th day of January, 2010.

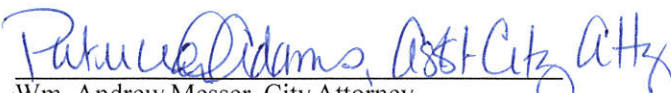
ATTEST:


Susie Quinn, City Secretary




Scott Bradley, Mayor City of Murphy, Texas

APPROVED AS TO FORM:


Wm. Andrew Messer, City Attorney