

ORDINANCE NO. 15-09-1001

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86, OF THE CITY OF MURPHY CODE OF ORDINANCES, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 6.5 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF BETSY ROAD AND MCCREARY ROAD IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, FROM SINGLE FAMILY RESIDENTIAL PATIO HOME (SF-PH) TO PLANNED DEVELOPMENT DISTRICT - PATIO HOME AND TOWNHOME USES WITH A CONCEPT PLAN AND ADDITIONAL DEVELOPMENT STANDARDS; PROVIDING A CUMULATIVE/ REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of approximately 6.5 acres of land located at the southwest corner of Betsy Road and McCreary Road in the City of Murphy, Collin County, Texas, have requested a change in the zoning for the property described in this ordinance from Single Family Patio Home (SF-PH) to PD (Planned Development) District for Single Family Residential-Patio Home and Townhome uses with a concept plan and additional development standards consistent with the Comprehensive Plan; 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 Planning and Zoning Commission and the City Council of the City of Murphy, in considering the application for a change in zoning of the property to a planned development district, have determined that the proposed use and development is consistent and compatible with the goals and objectives of the City of Murphy and is in the best interest of the health, safety, morals and general welfare of the City of Murphy, and, accordingly, the City Council of the City of Murphy is of the opinion and finds that said zoning change is in the public interest and should be granted and that the Comprehensive Zoning Ordinance should be amended accordingly as set forth herein.

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

Section 1. 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. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby amended so as to change the zoning (designation) from

Single Family Patio Home (SF-PH) to PD (Planned Development) District for Single Family Residential - Patio Home and Townhome uses with a concept plan and additional development standards for the property, being an approximately 6.51 acre tract of land located at the southwest corner of Betsy Road and McCreary Road in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. That the Development Conditions and Standards for this planned development district are attached hereto as Exhibit B and incorporated herein by reference, and the same are hereby approved by the City Council for said planned development district as required by Section 86-603, of the City of Murphy, Texas, Code of Ordinances.

Section 4. That the concept plan for this planned development district is attached hereto as Exhibit C and incorporated herein by reference and approved for said planned development district as required by Section 86-604, of the City of Murphy, Texas, Code of Ordinances.

Section 5. 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, and that said property shall in all other respects be subject to all applicable regulations of the City of Murphy.

Section 6. 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 7. 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 86 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 8. 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 9. 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 21st day of September, 2015.



Eric Barna, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary



APPROVED AS TO FORM:



Wm. Andrew Messer, City Attorney

Exhibit A
Legal Description

Property is located at the SWC of Betsy Road and McCreary Road, Murphy, Texas.
C.A. McMillan Survey, Abstract No. 586

Exhibit "B"
Planned Development Requirements
Murphy Meadows
Murphy, Texas

1.0 PLANNED DEVELOPMENT DISTRICT- SINGLE FAMILY RESIDENTIAL – PATIO HOME AND TOWNHOME

1.01 General Description: This Planned Development District (PD) is intended to accommodate a medium density single family residential use. Development standards for this district are outlined within this text. This district has a base zoning of SF-PH.

1.02 Statement of Purpose: The purpose of this PD is to establish a Concept Plan and specific conditions for the development of the property known as Murphy Meadows. The intent of this PD is to achieve a quality residential community while providing a variety of lot sizes, dwelling unit sizes and additional open space amenities.

1.03 Statement of Effect: This PD shall not affect any regulation found in the City of Murphy Comprehensive Zoning Ordinance, as amended, except as otherwise specified herein.

1.04 Development Plans: Development shall be in accord with the concept plan and exhibits as attached. However, in the event of conflict between the concept plan and the written conditions, the written conditions shall control. The concept plan shall also serve as the land use plan.

1.05 Development Regulations:

A. Minimum Standards for Lot Size:

1. Lot Type "A": Patio Homes - Detached

Minimum Lot Size	5,500 square Ft.
Minimum Floor Area	1800 square ft.
Minimum Lot Width	50'
Minimum Lot Depth	110'
Minimum Front Yard Setback	15' ¹
Minimum Side Yard Setback (interior)	5'
Minimum Side Yard (Adjacent to Street)	10'
Minimum Rear Yard Setback	10'
Maximum Building Height	35'
Maximum Lot Coverage	75%
Minimum Masonry Requirement	80% ²
Garage Orientation	Front Entry or J-Swing
Minimum Roof Pitch	8:12 (4:12 on Porch Roofs)
Minimum Driveway Distance (from Property Line)	20'

Notes:

¹: Front porch may encroach to within 10-feet of the front property line

²: Brick, Stone, Cultured Stone (Stucco is not an allowed masonry material)

2. Lot Type "B": Townhomes - Attached

Minimum Lot Size	2,700 square feet
Minimum Floor Area	1,400 square feet
Minimum Lot Width	25'
Minimum Lot Depth	108'
Minimum Front Yard Setback	15'
Minimum Side Yard Setback (interior)	5'
Minimum Side Yard (Adjacent to Street)	10'
Minimum Rear Yard Setback	10'
Maximum Building Height	35'
Maximum Lot Coverage	75%
Minimum Masonry Requirement	100%
Garage Orientation	Front Entry
Minimum Roof Pitch	8:12 (4:12 on Porch Roofs)
Minimum Driveway Distance (from Property Line)	20'
Maximum Connected Units	8 units or 200'

C. **Exterior Construction Standards:** Current City of Murphy standards for SF-9 residential zoning.

D. **Landscape Requirements:**

1. Minimum Tree Requirements: Current City of Murphy Standards (Sec 28-155).
2. City of Murphy minimum landscape standard, as specified in (Sec 28-155).

E. **Maximum Height:** 35' or 2.5 Stories

2.0 PLANNED DEVELOPMENT, GENERAL CONDITIONS:

2.01 Procedure to be followed throughout the development of the Planned Development District:

A. **Conceptual Plan:** A conceptual plan is hereby attached made part of the approval for this Planned Development District. This plan indicated as Exhibit "C" is drawn to scale and illustrates: (1) land use; (2) proposed street layouts; (3) general layout of the development; and (4) other features which geographically explains the standards and conditions set forth in this Exhibit "B" and the proposed development.

2.02 Development Schedule: This ordinance, at time of City Council approval, shall be accompanied by a development schedule, indicating the approximate time in which construction is to begin and the approximate time frame of completion. The development schedule, if approved by the Murphy City Council, shall be generally adhered to by the owner, developer and/or their successors in interest; unless amended by approval of the Murphy City Council.

2.03 Landscaped Open Space: Open space shall be provided as indicated on the concept plan and maintained by the Murphy Manors Homeowner's Association.

2.04 Screening: A Six Foot (6') Masonry Wall/Entry Monument shall be constructed along the northern Property Boundary Line, West of "Street A". The Perimeter to the North along Betsy Lane, East along McCreary Road, and South along McMillan will have a Six Foot (6') tubular steel fencing and masonry columns. A landscape buffer including trees, shrubbery and grass (with an operating sprinkler system maintained by the Murphy Meadows HOA) will minimize any visual impact of the Property.

2.05 Sidewalks: Sidewalks along Betsy Lane and McCreary Road shall conform to the Parks Master Plan or as approved by City Council.

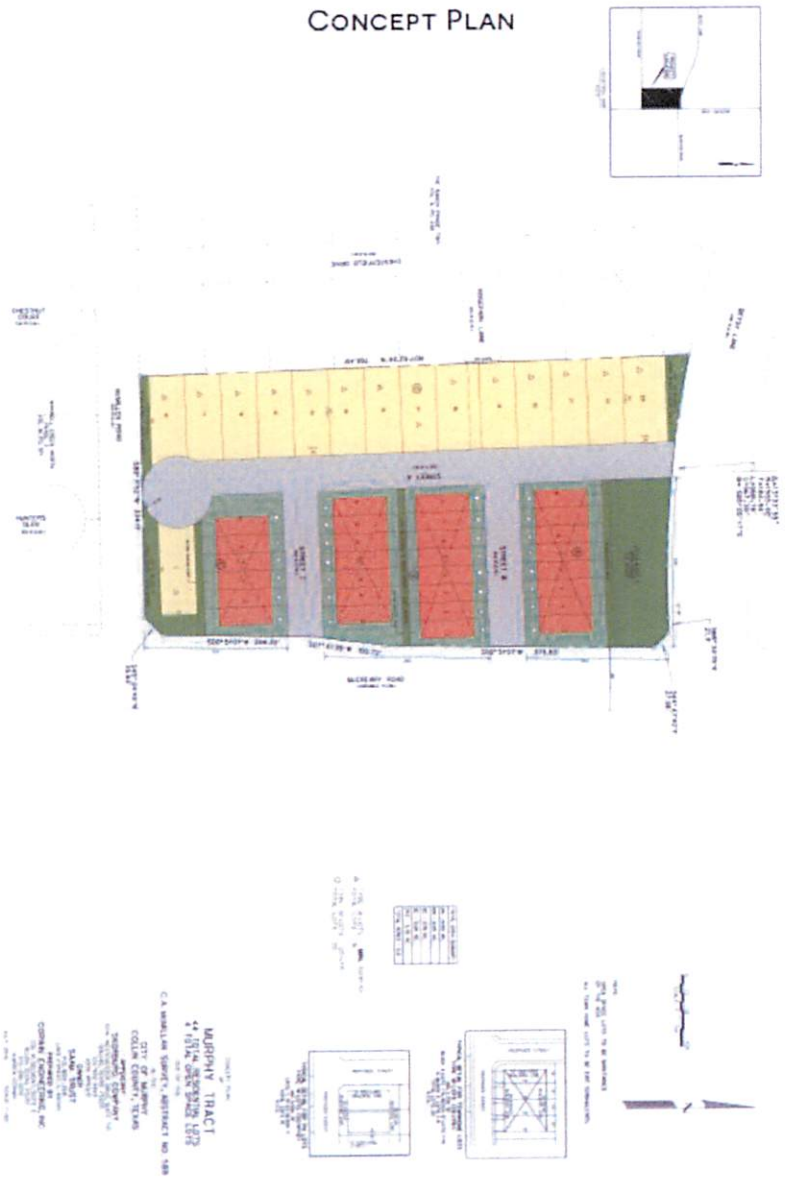
2.06 Fences:

- A. Unless otherwise approved in writing by the ACC, all wood fencing shall: (i) be constructed with galvanized steel posts; (ii) have a height that shall not exceed eight (8) feet; (iii) be constructed with spruce slats which are at a minimum 1/2" thick and measure between three and one-half (3½) inches and eight (8) inches wide which are installed vertically only; (iv) be constructed with an even flat top.
- B. All fencing must be behind the front yard building set back line.
- C. All fences require permits from the City of Murphy.
- D. For lots that abut the western Property line, more specifically Lots 10 through 23 of Block "C", the Builder(s) shall be responsible for the removal of the existing six foot (6') privacy fence and installation of a new eight foot (8') privacy fence set forth herein pending approval from the property owners adjacent to the western Property line. Subject to receipt of each individual property owner's consent to replace the existing fencing, the Builder(s) shall replace the existing fence line on the western Property line before a Certificate of Occupancy is issued for Lots 10 through 23 of Block "C". If an adjacent owner does not provide their approval for said fence replacement, the provisions of this paragraph shall not be required.
- E. Construction of the fences along the western property line will be completed as one project as development construction begins.

3.0 Homeowner' Association: A Homeowners Association duly incorporated in the State of Texas shall be incorporated and each lot/homeowner shall be a mandatory member. This association shall be established so as to ensure the proper maintenance of all common areas, either public or private, as desired, to be maintained by the association. The bylaws of this association shall establish a system of payment of dues, a system of enforcement of its rules and regulations; a clear and distinct definition of the responsibility of each member, and such other provisions as are reasonably deemed appropriate to secure a sound and stable association. The Bylaws shall be submitted to the Director of Planning for review and approval prior to construction.

EXHIBIT C

CONCEPT PLAN



MURPHY TRACT
 44 1014, 1020, 1026, 1032
 C.A. MURPHY TRACT, ABSTRACT NO. 188
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS
 ENGINEER: [Name]
 DATE: [Date]

Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	10,000	10,000	10,000
2	10,000	10,000	10,000
3	10,000	10,000	10,000
4	10,000	10,000	10,000
5	10,000	10,000	10,000
6	10,000	10,000	10,000
7	10,000	10,000	10,000
8	10,000	10,000	10,000
9	10,000	10,000	10,000
10	10,000	10,000	10,000