

ORDINANCE NO. 06-12-709

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 279, BY AMENDING THE RETAIL USES ON APPROXIMATELY 7.9016 ACRES OF PROPERTY ON THE ISAAC HERRING SURVEY, ABSTRACT NO. 403, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES; 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 amend Planned Development Ordinance No. 279, by amending the retail uses on approximately 7.9016 acres in the Isaac Herring Survey, Abstract No. 403, 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 Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Section 35.3, of the Comprehensive Zoning Ordinance of the City of Murphy, Texas.

Section 3. That the exterior elevations for this Planned Development District are attached hereto as Exhibit "C", and the same are hereby approved for said Planned Development District as required by Section 35.3, of the Comprehensive Zoning Ordinance of the City of Murphy, Texas.

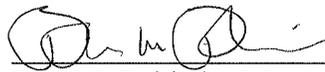
Section 4. That Ordinance No. 04-05-610, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5. 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, Ordinance No. 04-05-610, and the remaining portions shall remain in full force and effect.

Section 6. 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. 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 December 2006.



Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy



APPROVED TO FORM AND LEGALITY:

Robert Brown, City Attorney

EXHIBIT A

STATE OF TEXAS
COUNTY OF COLLIN

BEING all that tract of land in the City of Murphy, Collin County, Texas out of the Isaac Herring Survey, A-403, and being all of that called Tract 11 described as being at the southwest corner of Betsy Lane and North Murphy Road (FM 2551) and containing 7.9016 acres of land.

EXHIBIT A

EXHIBIT B

ZONING FILE NO. 2006-09

SW Corner FM 2551 (Murphy Road) and Betsy Lane PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Purpose:** The purpose and intent of this Planned Development District is to permit the development of retail uses and to amend certain development conditions.
- II. **General Regulations:** All regulations of the R (Retail) District set forth in Section 29 of the Comprehensive Zoning Ordinance (Ordinance No. 04-05-610) in effect on the effective date of this ordinance are included by reference, except as otherwise specified by this ordinance. Concept and/or site plans shall not be required for this development.
- III. **Specific Regulations:**
- A. Permitted Uses: All uses of the R (Retail) District shall be permitted. In addition, the following uses shall be permitted.
1. Automotive Gasoline or Motor Fuel Service Station.
 2. Bank
 3. Offices (Health Services)
 4. Offices (Legal Services)
 5. Offices (Professional)
 6. Real Estate Offices
- B. Minimum Exterior Construction Standards, Building Materials and Design
1. There shall be a compatible architectural framework in which individual building sites and/or tenant character may be expressed. All buildings shall be finished on all sides in a compatible architectural concept and shall not detract from adjacent property.
 2. Building materials shall be of permanent, lasting quality and shall be of masonry construction. Masonry construction shall be construed to mean that form of construction composed of brick or stone (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include the following materials:
 - a. Hard fired brick (kiln fired clay or slate material; severe weather grade; minimum thickness of three inches when applied as a veneer; shall not include unfired or underfired clay, sand or shale brick; may include concrete brick if it conforms to the same ASTM standards, and to the above stated additional standards, as hard fired clay brick).
 - b. Stone (includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior building construction;

may also include cast- or manufactured-stone product, provided that such product yields a highly textured, stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance-free; natural or man-made stone shall have a minimum thickness of three and five-eighths inches when applied as a veneer).

3. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure. This shall not be intended to prevent or exclude a national or regional retailer from using their prototypes.
 4. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from public view.
 5. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Built-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance. Minimum roof pitch of a gabled or otherwise pitched roof shall be at least 4:12, except for flat-roofed structures that shall have a highly articulated parapet that conceals the roof and any roof-mounted equipment.
 6. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.
- E. Height Regulations: The maximum height shall be three (3) stories or forty-five feet (45') for the main building(s).
- F. Area Regulations
1. The minimum lot/tract area shall be ten thousand (10,000) square feet, except fifteen thousand (15,000) square feet for any site fronting Murphy Road.
 2. The minimum front yard shall be forty (40) feet. All yards adjacent to a street shall be considered a front yard for setback purposes.
 3. The minimum side or rear yard adjacent to a residential zoning district shall be twenty (20) feet.
- G. Special Requirements: Driveways along Betsy Lane shall be located as shown on the "7-11" site plan and at the existing curb cuts on the property. One curb cut on Murphy Road shall be allowed in addition to the one shown on the "7-11" site plan.

