

**ORDINANCE NO. 05-07-664**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, ORDINANCE NO. 04-05-610 BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 93.31 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582 AND OUT OF THE GEORGE H. PEGUES SURVEY, ABSTRACT NO. 699, 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 PLANNED DEVELOPMENT STANDARDS HERETO AS EXHIBIT "B"; FROM ITS PRESENT PLANNED DEVELOPMENT DISTRICT FOR TOWN CENTER USES TO A PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES; 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 grant a Planned Development District for Town Center District Uses for the property described as 93.31 acres, more or less, in the James Maxwell Survey, Abstract No. 582 and in the George H. Pegues Survey, Abstract No. 699, 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.

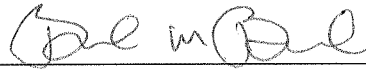
**Section 3.** That Ordinance No. 04-05-610, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

**Section 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, Ordinance No. 04-05-610, 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 25th day of July 2005.

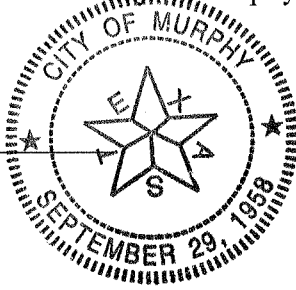


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Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:

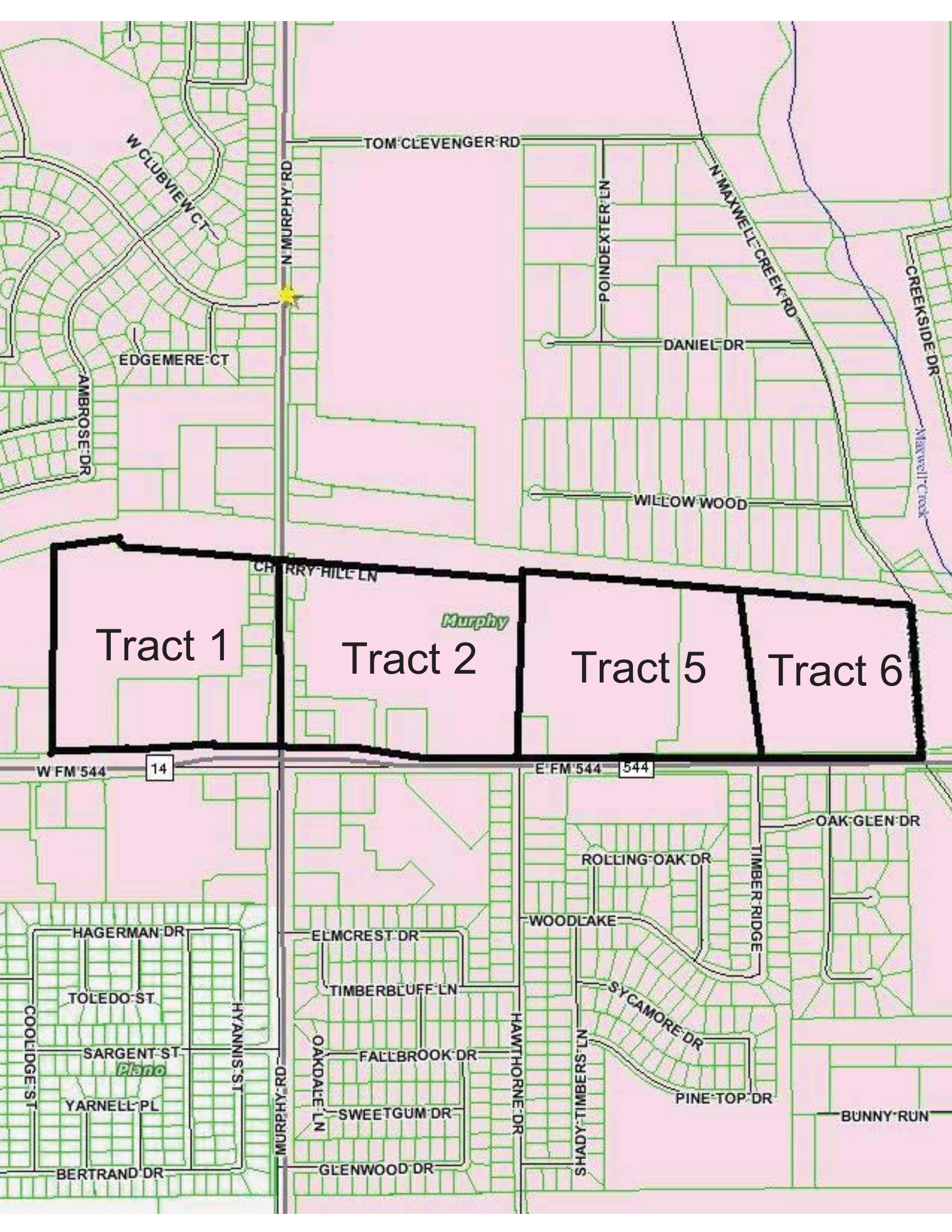


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Aimee Nemer, City Secretary  
City of Murphy



APPROVED TO FORM AND LEGALITY:

\_\_\_\_\_  
Robert Brown, City Attorney



Tract 1

Tract 2

Tract 5

Tract 6

Murphy

W CLUBVIEW CT

EDGEMERE CT

AMBROSE DR

TOM CLEVINGER RD

N MURPHY RD

POINDEXTER LN

DANIEL DR

N MAXWELL CREEK RD

CREEKSIDE DR

WILLOW WOOD

CHERRY HILL LN

W FM 544

14

E FM 544

544

OAK GLEN DR

ROLLING OAK DR

WOODLAKE

TIMBER RIDGE

SYCAMORE DR

PINE TOP DR

BUNNY RUN

HAGERMAN DR

TOLEDO ST

SARGENT ST

YARNELL PL

BERTRAND DR

COOLIDGE ST

HYANNIS ST

ELMCREST DR

TIMBERBLUFF LN

FALLBROOK DR

SWEETGUM DR

GLENWOOD DR

OAKDALE LN

HAWTHORNE DR

SHADY TIMBERS LN

## **FM 544 at Murphy Road**

**Murphy Road (FM 2551)  
North of FM 544**

### **PLANNED DEVELOPMENT CONDITIONS**

- I. Statement of Intent:** The intent of this Planned Development District is to provide high quality mixed-use, primarily retail, development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City of Murphy in terms of visual identity.
- II. Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourages a mixed-use application including, but not limited to, the following.
- Family, sit-down restaurants;
  - Upscale retail shops and boutiques;
- III. Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 04-05-610, as amended, except as specifically provided herein.
- IV. General Regulations:** All regulations of the R (Retail) District set forth in Section 29 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- V. Development Plans:**
- A. A Concept Plan shall be approved as outlined in Section 12 of the Comprehensive Zoning Ordinance for each Tract (One, Two and Five) prior to the acceptance of a site plan for any individual parcel within said Tracts. The concept plan shall include proposed landscape areas and proposed building elevations and design elements. Approval of the Concept Plan shall be based on general conformance with the approved Planned Development District conditions and regulations set forth in this ordinance. Approval of a Concept Plan through the zoning public hearing process (as outlined in Section 10 of the Comprehensive Zoning Ordinance) is required for all Tracts. In addition, the Concept Plan shall have the following elements.
- Traffic circulation;
  - Cross access;
  - Driveway location;
  - Conceptual design elevations;
  - Development construction schedule;
  - Open space areas;
  - Elements used to buffer nonresidential and residential development;

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- Pedestrian circulation;
  - Landscape buffer areas;
  - Building orientation.
- B. Concept Plan approval shall be for a period of one year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted for a portion of the development, then the Concept Plan shall be deemed to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan.
- C. Site Plan – A Site Plan shall be submitted in accordance with the requirements set forth in Section 12 of the Comprehensive Zoning Ordinance. The Site Plan may be for all or any part of the land within the Planned Development District.

**VI. Specific Regulations:**

- A. Permitted Uses. The following uses shall be permitted.
1. Amusement Services (Indoor) (SUP)
  2. Antique Shop (household items only)
  3. Art Dealer/Gallery
  4. Artist Studio
  5. Automobile Driving School (SUP)
  6. Bakery (Retail)
  7. Bank (in-line only)
  8. Barber/Beauty Shop
  9. Barber/Beauty Shop College (SUP)
  10. Bed and Breakfast Inn
  11. Book Store
  12. Cafeteria
  13. Church/Place of Worship
  14. Civic Club
  15. Clinic (Medical)
  16. Community Center (Municipal)
  17. Computer Sales
  18. Confectionary Store (Retail) (SUP)
  19. Credit Unions (in-line only)
  20. Department Store
  21. Dinner Theater
  22. Extended Stay Hotels/Motels
  23. Financial Services (Advice/Invest)
  24. Florist
  25. Furniture Sales (Indoor)
  26. Governmental Building (Municipal, State or Federal)
  27. Hardware Store

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28. Health Club (Indoors) (SUP)
29. Hotel/Motel
30. Insurance Agency Offices
31. Laundry/Dry Cleaning (Drop Off/Pickup Only)
32. Library (Public)
33. Motion Picture Theater
34. Museum (Indoor)
35. Needlework Shop
36. Non-Profit Activities by Church
37. Offices (Brokerage Services)
38. Offices (Health Services)
39. Offices (Legal Services)
40. Offices (Medical Office)
41. Offices (Professional)
42. Park and/or Playground (Public)
43. Pet Shop/Supplies
44. Pharmacy (SUP)
45. Photo Studio
46. Photocopying/Duplicating
47. Public Garage/Parking Structure
48. Real Estate Offices
49. Restaurant
50. Retail Store
51. Savings and Loan (in-line only)
52. School, K through 12 (Public)
53. School, Vocational (SUP)
54. Shoe Repair
55. Skating Rink (Ice) (SUP)
56. Tailor Shop
57. Theater (Live Drama)
58. Travel Agency

B. Area and Yard Regulations:

1. Setbacks From Property Lines Adjacent To Streets:
  - a. No building of any kind and no part thereof shall be placed within the following setback lines:
    - i. Minimum 50 feet from FM 544 and FM 2551 (Murphy Road).
    - ii. Minimum 30 feet from right-of-way of all other public streets.
2. Setbacks From Property Lines Not Adjacent To Streets:

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- a. No building of any kind and no part thereof shall be placed within the following setback lines:
  - i. Minimum 15 feet from rear and side lines or 10 feet with landscaping.
  - ii. Minimum 100 feet abutting residential districts for single story buildings not exceeding 25 feet in height.
3. There is no maximum building size as long as fire standards and other site requirements, such as parking and landscaping, etc. are met.

C. Parking, Driveways & Sidewalks:

1. Parking areas shall not be permitted within any landscape buffer strip.
2. Parking areas shall be screened from FM 544, Murphy Road (FM 2551), residential uses and residential zoning districts on all sides of the Planned Development District with earthen berms. Berms shall vary in height and be teardrop in form for a natural look, with a maximum slope of 3:1. A straight line "levee" effect shall be avoided. Shrubbery and/or walls shall be added to those areas less than 3 feet in height in order to fully screen views of the parking and may be located within the front, side and rear setback areas. This requirement may be eliminated for projects in which parking area are located on-site with an interior orientation, wherein structures/buildings constructed on-site effectively screen parking areas from FM 544, Murphy Road (FM 2551), adjacent residential uses and residential zoning districts.
3. Parking shall not be permitted in front of the building except that parking may be provided in front of the building at a ratio not greater than 15 percent. Retail uses are exempt from this requirement.
4. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
5. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Comprehensive Zoning Ordinance.
6. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.
7. A special "signature" paving treatment shall be established for each Tract and shown on the overall concept plan required for each Tract. Appropriate locations for the special paving treatment shall include, but not limited to, all street intersections, pedestrian crosswalks and driveway openings.

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8. Sidewalks along FM 544 and Murphy Road (FM 2551) shall be a minimum of 8 feet in width.
- D. Loading and Unloading
1. Truck loading berths and apron space shall not be located on the street side of any building. However, in those instances where 3 or more sides of the building face dedicated streets, the loading berth shall be screened from view.
  2. Truck loading berths and apron space shall not be located within any required setback or landscape buffer strip.
- E. Minimum Exterior Construction Standards, Building Materials and Design – Exterior Construction and Design Requirements shall comply with the standards set forth in Section 42 of the Comprehensive Zoning Ordinance, except as provided below.
1. All structures, including all building elevations, located within each Tract shall be constructed utilizing a unified design that is substantially consistent with or contains architectural design elements including but not limited to the following.
    - a. Canopies and awnings.
    - b. Outdoor patios.
    - c. Display windows/decorative windows.
    - d. Architectural details (such as decorative tile or brick work) integrated into the building façade.
    - e. Integrated planters or wing walls that incorporate landscape and/or sitting areas
    - f. Articulated cornice line.
    - g. Peaked roof form.
    - h. Accent materials (minimum 15% of exterior facade)
    - i. Other architectural features as approved with the site plan.
  2. At least two masonry materials (limited to brick, stone or split-face CMU) shall be used in addition to glass on any single building.
  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.

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4. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method.
  5. 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 view.
  6. 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.
  7. Roof top equipment, piping, flashing, and other items on the roof shall be screened by a perimeter parapet wall so as not to be visible from roadways.
  8. 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.
- F. Landscape Standards. Landscaping shall comply with the standards set forth in Section 39 of the Comprehensive Zoning Ordinance, except as provided below.
1. All landscaping shall use a unified design for the entire Tract. Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy or final building inspection for the development. An automatic underground irrigation system shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
  2. A landscape buffer shall be provided fifty (50) feet in depth adjacent to the right-of-way of FM 544, thirty (30) in depth adjacent to Murphy Road (FM 2551) and ten (10) feet in depth adjacent to all other roads (includes public streets and private access drives). No parking may be placed within any landscape buffer. Pedestrian easements may be located within a landscape buffer. The width of the sidewalk may be included in the calculation of the buffer depth for fifty (50) and thirty (30) foot buffers, but may not be included in the calculation of the buffer depth for ten (10) foot buffers.
  3. A landscape buffer shall be provided twenty-five (25) feet in depth adjacent to the Southern Pacific/DART Railroad right-of-way. This buffer shall include earthen berms (maximum 3:1 slope).

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4. Parking Lots:
  - a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than four (4) feet by four (4) feet shall be provided surrounding each tree located in a surface parking area.
    1. A total of five (5) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each ten (10) parking spaces, and planted within the five (5) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed eighteen (18) spaces in length.
- G. Screening. Screening shall comply with the standards set forth in Section 41 of the Comprehensive Zoning Ordinance, except as provided below.
  1. All truck docks/loading areas shall be screened from view through the use of 12-foot all masonry walls (which are the same colors and materials as main building) and/or evergreen living screens (eight foot height and at least 75 percent capacity within four years of planting unless such areas are screened from public views by a building).
  2. Outside storage and display shall not be permitted with the Planned Development District.
- H. Site Lighting. Lighting shall comply with the standards set forth in Section 45 of the Comprehensive Zoning Ordinance, except as provided below.
  1. Lighting should be provided for vehicular, pedestrian, signage, architectural and site features.
  2. Site lighting fixtures used along entrance driveways and parking areas shall be uniform and a consistent design within the development. Lighting standards for illuminating these areas shall be no taller than 30 ft. high.
  3. The pattern of light pooling from each fixture shall be carefully considered to provide smooth, even lighting of driveways and parking, while eliminating light intrusion into adjacent property outside of the planned development district. Parking areas shall have a minimum of 3-foot candles initial and a minimum average of 2-foot candle on a maintained basis. Light sources shall be metal halide, mercury vapor or of similar color. Yellow/orange source lights are prohibited from use. Incandescent

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source lighting should be considered for pedestrian areas and near buildings.

4. Pedestrian walkways, courts, gardens and entrance areas shall be illuminated to enhance the pedestrian qualities of the development. Low level fixtures should complement the architectural design and focus on quality landscape lighting that will enhance the development.
  5. General illumination shall commence one half hour before sunset and last until the Building Site is closed for the evening. Parking structures and pedestrian walkways shall be illuminated during all hours of darkness and when poor weather conditions warrant.
- I. Signage and Graphics: Signage shall comply with the standards set forth in Section 47 of the Comprehensive Zoning Ordinance, except as provided below.
1. General
    - a. Monument signs - One (1) monument sign shall be allowed on each lot and shall be limited to a maximum area of 50 square feet.
    - b. Pylon signs – One (1) pylon sign shall be permitted for Tract 1, and one (1) pylon sign shall be permitted for Tracts 2 and 5. Each pylon sign shall be limited to a maximum area of 150 square feet.
  2. Monument Signs
    - a. Monument signs shall identify individual tenants or uses within a lot. Monument signs shall be a maximum of seven (7) feet tall.
    - b. Monument signs shall be illuminated by means of either ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
    - c. Monument signs shall be located at a set back distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
    - d. Construction of monument signs shall include a base of material compatible with the material used for buildings.
  3. Pylon Signs
    - a. Pylon signs shall be constructed at a height not to exceed twenty-five (25) feet.
    - b. The base of a pylon sign shall be located at a set back distance of not less than eight (8) feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.

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- c. Pylon signs shall be illuminated by means of internal illuminated letters or back lit channel letters. Letter sizes and logo shall not exceed the bounds of the sign faces as limited above.
- d. Construction of pylon signs shall include a base of material compatible with the material used for buildings.

J. Open Space

- 1. Development with these Tracts should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Tract at the pedestrian level.
  - a. Outdoor Seating. Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and shall be approved with the site plan. The outdoor seating area may be included as a portion of the 7% open space requirement as stated in (b.) below.
  - b. An additional 7% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 7% may be located adjacent to the required setbacks or landscaping at the ROW and property lines or in front or in some cases to the side of the structure. The additional open space percentage may not include the building footprint or vehicular parking lot. This area and associated amenities shall be approved on the site plan. At least one of the following amenities shall be located within the additional 7% open space area and count towards the required percentage.
    - 1. Water feature, such as a fountain or detention pond with constant water level.
    - 2. Plaza or courtyard with art sculpture piece.
    - 3. Outdoor patio or gazebo with seating area.
    - 4. Other areas for pedestrian congregation, as may be approved on the site plan.
- 2. Outside storage and display shall not be permitted with the Planned Development District.

VII. **Special Regulations:**

- A. Utility/Power Lines: New utility distribution and service lines for individual business establishments, buildings, signs and for any other site development features shall be placed underground.
- B. Pedestrian Streetscape: Pedestrian spaces throughout the Planned Development District shall be treated with amenities that are selected based upon their ability to

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unify the streetscape and shall be established on the overall concept plan for each Tract. These features shall include, but are not limited to, benches, trash receptacles, bicycle racks, lighting poles, etc.

- C. Cross-Access Requirement: A joint access (i.e. – ingress, egress) easement shall be required to minimize the number of driveway openings along FM 544 and FM 2551 (Murphy Road). The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards.
- D. Entry/Gateway Features: The intersection of FM 544 and FM 2551 (Murphy Road) is considered a gateway in the City of Murphy and should be an enhanced intersection with the use of landscaping and lighting and entrance monuments, including signage. Developments located on the northwest and northeast corners shall incorporate entrance monuments and enhanced landscaping to provide an entry or gateway feature. These plans should be approved with the site plan for the development.
- E. Building Placement/Orientation: Buildings shall be placed in a manner that is conducive to a pedestrian-oriented atmosphere, wherever possible. Any building within 200 feet of a public right-of-way shall either face such right-of-way or shall have a façade facing such right-of-way that is in keeping with the character of the building's main façade.

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