

ORDINANCE NUMBER 20-11-1183

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 30, OF THE MURPHY CITY CODE, AS AMENDED, BY AMENDING AN EXISTING PLANNED DEVELOPMENT DISTRICT 05-07-664 FOR RETAIL USES ON AN APPROXIMATE 3.23 ACRE TRACT (ALSO KNOWN AS 103 AND 109 W. FM 544) OF LAND SITUATED IN THE GEORGE PEGUES SURVEY, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND, ADOPTING A NEW EXHIBIT "B", "PLANNED DEVELOPMENT DISTRICT STANDARDS"; PROVIDING AMENDMENTS; PROVIDING FOR APPLICABLE REGULATIONS/ ZONING ORDINANCE AND ZONING MAP AMENDMENT; 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 AN EFFECTIVE DATE.

WHEREAS, on July 25, 2005, the City approved Ordinance No. 05-07-664 amending the Comprehensive Zoning Ordinance of the City to rezone approximately 93.31 acres of land located on the east and west side of North Murphy Road, North of FM 544, in the City of Murphy, Collin County, Texas, as therein more particularly described in Planned Development 05-07-664, from a Planned Development with Town Center Uses to a Planned Development with Retail Uses; and

WHEREAS, on November 4, 2006, the City approved Ordinance No. 06-11-707 that established a Planned Development which included property that was previously in PD 05-07-664, and on February 7, 2012, the City approved Ordinance No. 10-05-841 that established a Planned Development which included property that was previously in PD 05-07-664, and;

WHEREAS, due to these ordinances adopted in 2006 and 2012, the only remaining portion of PD 05-07-664 in effect are the two parcels described within Exhibit "A", and thereby are the only parcels to be encompassed henceforth by this Planned Development ("**Property**"); and

WHEREAS, the Planning and Zoning Commission (the "Commission"), in compliance with the laws of the State of Texas, gave the requisite notices by publication and otherwise, and held due hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard on October 26, 2020; and

WHEREAS, having reviewed the request for the changes to Exhibit "A" and Exhibit "B" of Ordinance 05-07-664, the Commission determined that the changes to the Planned Development Boundaries, permitted uses and development standards were compatible with surrounding uses and the City's Comprehensive Plan and recommended approval of the requested amendment 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 a public hearing on November 3, 2020 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 repeal and adopt a new Exhibit "A" to Ordinance No. 05-07-664 and to repeal and adopt a new Exhibit "B" to Ordinance No. 05-07-664 for this Planned Development reflecting the development conditions and standards for the Property with the amendment to Section V as set forth therein is based on legitimate policy goals, is best for the public safety and general health and welfare of the community, 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.

- (a) That Exhibit "A" to Ordinance No. 05-07-664 setting forth the area in which this Planned Development encompasses is hereby repealed in its entirety and a new **Exhibit "A", Property Description**, setting forth the new property boundaries by which this Planned Development encompasses is adopted;
- (b) That Exhibit "B" to Ordinance No. 05-07-664 setting forth the development conditions and standards for the Property is hereby repealed in its entirety and a new **Exhibit "B", Planned Development District Standards**, setting forth all standards for development of the Property is adopted.

Section 3. 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. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

Section 4. 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 5. 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 6. 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 3rd day of November, 2020.





Scott Bradley, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary

APPROVED AS TO FORM:



for Wm. Andrew Messer, City
Attorney

EXHIBIT "A"
PROPERTY DESCRIPTION

103 W. FM 544, Murphy, Texas 75094:
Walgreens FM 544 Addition, Block A, Lot 2, as more particularly described in Volume 5368,
Page 6384, in the deed records of Collin County, Texas.

109 W. FM 544, Murphy, Texas 75094:
Walgreens FM 544 Addition (Replat), Block A, Lot 1R, as more particularly described in
Volume 5247, Page 6163, in the deed records of Collin County, Texas.



EXHIBIT B

Northwest Corner of Murphy Road and FM 544 PLANNED DEVELOPMENT CONDITIONS

- I. Statement of Intent:** The intent of this Planned Development District (PD) is to provide high quality 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 an application including, but not limited to the following.
- Restaurants; and
 - Retail shops and boutiques.
- III. Statement of Effect:** This Planned Development shall not affect any regulation found in the Murphy Code of Ordinances, Ordinance No. 15-09-1002, as amended, except as specifically provided herein.
- IV. General Regulations:** All regulations of the Retail (R) District set forth in Article 30.03, Division 14 of the Murphy Code of Ordinances are included as reference and shall apply, except as otherwise specified by this ordinance.
- V. Development Plans:**
- A. Site Plan – A Site Plan shall be submitted in accordance with the requirements set forth in the Murphy Code of Ordinances. The Site Plan may be for all or a 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) (SUP)
 3. Art Dealer/ Gallery (SUP)
 4. Artist Studio (SUP)
 5. Bakery (Retail)
 6. Bank (in-line only) (SUP)
 7. Barber/Beauty Shop (SUP)
 8. Book Store
 9. Cafeteria
 10. Church/Place of Worship
 11. Computer Sales
 12. Confectionary Store (Retail)(SUP)
 13. Department Store
 14. Dinner Theater
 15. Florist
 16. Furniture Sales (indoor) (SUP)
 17. Hardware Store
 18. Health Club (indoors)(SUP)
 19. Hotel/Motel, full service (SUP)
 20. Hotel/Motel, limited service (SUP)
 21. Offices (medical office) (SUP)

22. Pet Shop/Supplies (sale of cats and dogs prohibited)
23. Pharmacy (SUP)
24. Restaurant
25. Restaurant (with drive-through service) (SUP)
26. Retail Store/ Shop
27. Skating Rink (Ice)(SUP)
28. Tailor Shop (SUP)
29. Theater (Live Drama)

B. Area and Yard Regulations:

1. Building Setbacks – No building of any kind and no part thereof shall be placed within the following setback lines:
 - a. Minimum 40 feet from FM 544 and Murphy Road.
 - b. Minimum 50 feet from residentially zoned property.
2. There is no maximum building size as long as fire standards and all other site requirements, such as parking and landscaping, are met.

C. Parking and Driveways:

1. Parking areas shall not be permitted within any landscape buffer strip.
2. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the Murphy Code of Ordinances.
3. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.
4. A special “signature” paving treatment shall be established for each Tract and shown on the overall site 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.
5. Sidewalks along FM 544 and Murphy Road shall be a minimum of eight (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 three 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 Article 26.06 of the Murphy Code of Ordinances, 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. Articulated cornice line.
 - f. Accent materials (minimum 15% of exterior facade)
 - g. Other architectural features as approved with the site plan.
 - 2. A minimum of 80% of total exterior walls shall be of masonry construction, limited to brick, stone material or split-face concrete masonry units.
 - a. At least two masonry materials shall be used in addition to glass on any single building.
 - b. EIFS and Stucco Trim are limited to no more than 15% of total façade
 - 3. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors (such as purples, pinks, etc.) shall not be predominately used on the exterior facade of any structure.
 - 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 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.
 - 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.
- F. Landscape Standards. Landscaping shall comply with the standards set forth in Article 26.07 of the Murphy Code of Ordinances, 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 twenty-five (25) feet in depth adjacent to the right-of-way of FM 544 and North Murphy Road, 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 twenty-five (25) foot buffers but may not be included in the calculation of the buffer depth for ten (10) foot buffers.
- G. Screening. Screening shall comply with the standards set forth in Section 26 of the Murphy Code of Ordinances, 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.

H. Site Lighting. Lighting shall comply with the standards set forth in Section 26 of the Murphy Code of Ordinances, 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 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 26 of the Murphy Code of Ordinances, 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 sign area of 65 square feet, and structure area totaling 100 square feet. Lots on corners may have one (1) monument sign per side of road frontage.
- b. Any existing pylon, pole, or other freestanding sign exceeding ten (10) feet in height, shall be removed prior to the construction or placement of any monument sign on the same lot.

2. Monument Signs

- a. Monument signs shall identify individual tenants or uses within a lot. Monument signs shall be a maximum of ten (10) 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 setback 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 the 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. Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and shall be approved with 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 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 unify the streetscape and shall be established on the overall site 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 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 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 are encouraged to 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.