

ORDINANCE NUMBER 19-09-1143

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP, CHAPTER 30, OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY BY AMENDING ORDINANCE NO. 15-09-1001, AN EXISTING PLANNED DEVELOPMENT DISTRICT COMMONLY KNOWN AS MURPHY MEADOWS, TO AMEND SECTION 1.05, "DEVELOPMENT REGULATIONS" OF EXHIBIT "B" TO REDUCE THE NUMBER OF ATTACHED TOWNHOMES AND TO ALLOW DETACHED PATIO HOMES ON AN APPROXIMATE 0.61 ACRE TRACT OF LAND, SUCH TRACT BEING IDENTIFIED AS LOTS 1 THROUGH 8 OF BLOCK A, MURPHY MEADOWS ADDITION, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, SUCH 0.61 ACRE TRACT BEING A PORTION OF AN APPROXIMATE 6.5 ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST CORNER OF BETSY ROAD AND MCCREARY ROAD IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AND AMENDING EXHIBIT "C", "CONCEPT PLAN" TO REFLECT THE ZONING CHANGE ADOPTED HEREBY; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS TO EXHIBIT "B", "PLANNED DEVELOPMENT REGULATIONS" AND EXHIBIT "C", THE "CONCEPT PLAN"; 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 A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of an approximate 0.61 acre tract of land located having the legal description of Lots 1-8, Block A, Murphy Meadows Addition, in the City of Murphy, Collin County, Texas, and designated as being a part of Planned Development (PD) District Ordinance No. 15-09-1001, an approximate 6.5 acre tract of land located at the Southwest Corner of Betsy Road and McCreary Road, amending the Comprehensive Zoning Ordinance and Zoning Map, Chapter 30 of the Code of Ordinances of the City of Murphy, Texas, more particularly described in **Exhibit "A"**, a copy of which is attached hereto and incorporated herein, requested an amendment to Ordinance No. 15-09-1101 to revise the Concept plan and allow five (5) detached patio homes rather than eight (8) attached townhomes on this site only within Planned Development (PD) District and to provide applicable development regulations; and

WHEREAS, the change to include detached patio homes as an allowed use necessitates amendments to Exhibit "B", "Planned Development Regulations", to provide applicable regulations, and an amendment to Exhibit "C", "Concept Plan" to reflect the allowed location for the detached patio homes as Lots 1 through 8 of Block A, Murphy Meadows Addition; and

WHEREAS, the Planning and Zoning Commission of the City of Murphy (the "Commission"), in compliance with the laws of the State of Texas, gave the requisite notices by publication and otherwise, and held public hearings and afforded full and fair hearings to all property owners

generally and to all persons interested in this regard; and

WHEREAS, having reviewed the request for the change from attached townhomes to detached patio homes as a permitted use within the Planned Development District, the Commission determined that the addition of the proposed use was compatible with surrounding uses and the City's Comprehensive Plan and recommended approval of this Ordinance amending Planned Development (PD) District Ordinance No. 15-09-1001 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 public hearings 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 allow detached patio homes within the Planned Development (PD) District on the site having the legal description of Lots 1-8, Block A, Murphy Meadows Addition as created by Ordinance No. 15-09-1001 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.

2.01. That Section 1.05, "Development Regulations" of Exhibit "B", "Planned Development Requirements, Murphy Meadows, Murphy, Texas" of Planned Development District (PD) Ordinance No.15-09-1001 of the City of Murphy, Texas, amending the Comprehensive Zoning Ordinance and Zoning Map, Chapter 30, of the Code of Ordinances of the City, and more commonly referred to as "Murphy Meadows PD" is hereby amended to adopt Subsection 3, "Lot Type "C": 40' Patio Homes – Detached" of Section 1.05, to provide for minimum requirements for lot size, floor area, lot width, lot depth, front yard setbacks, side yard setbacks, rear yard setbacks, masonry requirements, roof pitch, and driveway distance and to provide maximum requirements for building height and lot coverage and providing for garage orientation and related items as set forth in Subsection 1.05 (3) of Exhibit "B", a copy of which is attached hereto and incorporated herein, and all other sections and subsections of Exhibit "B" not expressly amended hereby shall remain in full force and effect.

2.02 That Exhibit "C", "Concept Plan" Planned Development District (PD) Ordinance No. 15-09-1001 of the City of Murphy, Texas, amending the Comprehensive Zoning Ordinance and Zoning Map, Chapter 30, of the Code of Ordinances of the City, and more commonly referred to as "Murphy Meadows PD" is hereby amended to reflect the change to authorizing patio homes as an allowed use for Lots 1-8, Block A, Murphy Meadows Addition, in the City of Murphy, Collin County, Texas. A copy of amended Exhibit "C" is attached hereto and incorporated herein and shall supersede Exhibit "C" to Ordinance No. 15-09-1001.

Section 3. Applicable Regulations/Zoning Ordinance and Zoning Map Amended.

Development and use of the property described in Exhibit "A" to Ordinance No. 15-09-1001, "Murphy Meadows PD", a copy of which is incorporated herein by reference, shall be in compliance with this Ordinance amending Ordinance No. 15-09-1001, the same amending the Comprehensive Zoning Ordinance of the City of Murphy, and the Zoning Map of the City, Ordinance No. 15-09-1001, including all Exhibits thereto as amended hereby, the Code of Ordinances of the City of Murphy, Texas, and all applicable state and federal law.

Section 4. 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 5. 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 6. 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 7. 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 17th day of September 2019.



[Signature]
Scott Bradley, Mayor
City of Murphy

ATTEST:

[Signature]
Susie Quinn, City Secretary

APPROVED AS TO FORM:

[Signature]
for Wm. Andrew Messer, City Attorney

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EXHIBIT A
LEGAL DESCRIPTION

BEING SITUATED IN THE C.A. MCMILLAN SURVEY, ABSTRACT NO. 588, COLLIN COUNTY, TEXAS, AND BEING A PART OF A 66.2147 ACRE TRACT OF LAND DESCRIBED IN A DEED TO THE SAAM TRUST, OF RECORD IN VOLUME 4536, PAGE 2324, DEED RECORDS, COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A "P.K." NAIL FOUND FOR CORNER IN THE NORTH RIGHT-OF-WAY LINE OF MCMILLEN ROAD (60' R.O.W.), AT THE SOUTHEAST CORNER OF LOT 1, BLOCK F, OF THE RANCH, PHASE TWO, AN ADDITION TO THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME N, PAGE 499, MAP RECORDS OF COLLIN COUNTY, TEXAS, SAID POINT BEING IN THE MOST SOUTHERN WEST LINE OF SAID 66.2147 ACRE TRACT;

THENCE NORTH 01°52'29" WEST ALONG THE COMMON LINE OF SAID 66.2147 ACRE TRACT AND THE RANCH PHASE TWO, A DISTANCE OF 766.49 FEET TO A 5/8" IRON ROD FOUND FOR CORNER IN THE PRESENT SOUTH RIGHT-OF-WAY LINE OF BETSY LANE (60' R.O.W.), AS DESCRIBED IN A DEED TO THE CITY OF MURPHY, RECORDED IN VOLUME 5361, PAGE 451, DEED RECORDS, COLLIN COUNTY, TEXAS, SAID POINT BEING AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1555.00 FEET, A CENTRAL ANGLE OF 13°33'54" AND A CHORD WHICH BEARS SOUTH 85°05'17" EAST, A DISTANCE OF 367.30 FEET;

THENCE IN AN EASTERLY DIRECTION ALONG THE CURVING SOUTH RIGHT-OF-WAY LINE OF SAID BETSY LANE, AN ARC DISTANCE OF 368.15 FEET TO A POINT FOR CORNER, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS NORTH 57°46'13" WEST, A DISTANCE OF 2.02 FEET;

THENCE NORTH 89°33'35" EAST, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BETSY LANE, A DISTANCE OF 21.11 TO A 5/8" IRON ROD FOUND FOR CORNER AT THE WEST CORNER OF 199.95 SQUARE FOOT TRACT DESCRIBED IN A RIGHT-OF-WAY DEED TO THE CITY OF MURPHY, OF RECORD UNDER COUNTY CLERK'S FILE NUMBER 20120827001067910, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE SOUTH 44°47'22" EAST ALONG THE SOUTHWEST LINE OF SAID 199.95 SQUARE FOOT TRACT, A DISTANCE OF 27.96 FEET TO A 5/8" IRON ROD FOUND FOR CORNER IN THE PRESENT WEST RIGHT-OF-WAY LINE OF MCCREARY ROAD (VARIABLE WIDTH R.O.W.) AS DESCRIBED IN A DEED TO THE CITY OF MURPHY, RECORDED IN VOLUME 5361, PAGE 451, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE SOUTH 00°51'01" WEST ALONG THE PRESENT WEST RIGHT-OF-WAY LINE OF SAID MCCREARY ROAD, A DISTANCE OF 375.83 FEET TO A 5/8" IRON ROD FOUND FOR CORNER AT THE MOST NORTHERN CORNER OF A CALLED 3,722.32 SQUARE FOOT TRACT OF LAND DESCRIBED IN A DEED TO THE CITY OF MURPHY, RECORDED UNDER COUNTY CLERK'S FILE NUMBER 20120827001067910, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE SOUTH 07°41'35" WEST CONTINUING ALONG THE PRESENT WEST RIGHT-OF-WAY LINE OF SAID MCCREARY ROAD, A DISTANCE OF 100.72 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE SOUTH 00°51'01" WEST CONTINUING ALONG THE PRESENT WEST RIGHT-OF-WAY LINE OF SAID MCCREARY ROAD, A DISTANCE OF 209.32 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE SOUTH 45°04'49" WEST, A DISTANCE OF 35.93 FEET TO A 5/8" IRON ROD FOUND FOR CORNER IN THE NORTH RIGHT-OF-WAY LINE OF SAID MCMILLEN ROAD;

THENCE SOUTH 89°11'52" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID MCMILLEN ROAD, A DISTANCE OF 334.11 FEET TO THE PLACE OF BEGINNING AND CONTAINING 283,627 SQUARE FEET OR 6.511 ACRES OF LAND, MORE OR LESS.

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 properties 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 accordance 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 SqFt.
Minimum Floor Area	1,800 SqFt.
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)

Exhibit "B"

2. Lot Type "B": Townhomes - Attached

Minimum Lot Size	2,700 SqFt.
Minimum Floor Area	1,400 SqFt.
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'

3. Lot Type "C": 40' Patio Homes - Detached

Minimum Lot Size	4,600 SqFt.
Minimum Floor Area	1,800 SqFt.
Minimum Lot Width	40'
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)

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 26.07).
2. City of Murphy minimum landscape standards, as specified in (Sec 26.07).

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 Meadows 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:

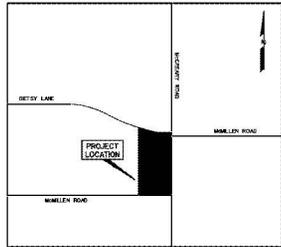
- A.** Unless otherwise approved in writing by the ACC, all wood fencing shall: (i) be constructed with galvanized steel posts; (ii) have a height that shall not exceed eight (8) feet; (iii) be constructed with spruce slats which are at a minimum 1/2" thick and measure between three and one-half (3½) 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.

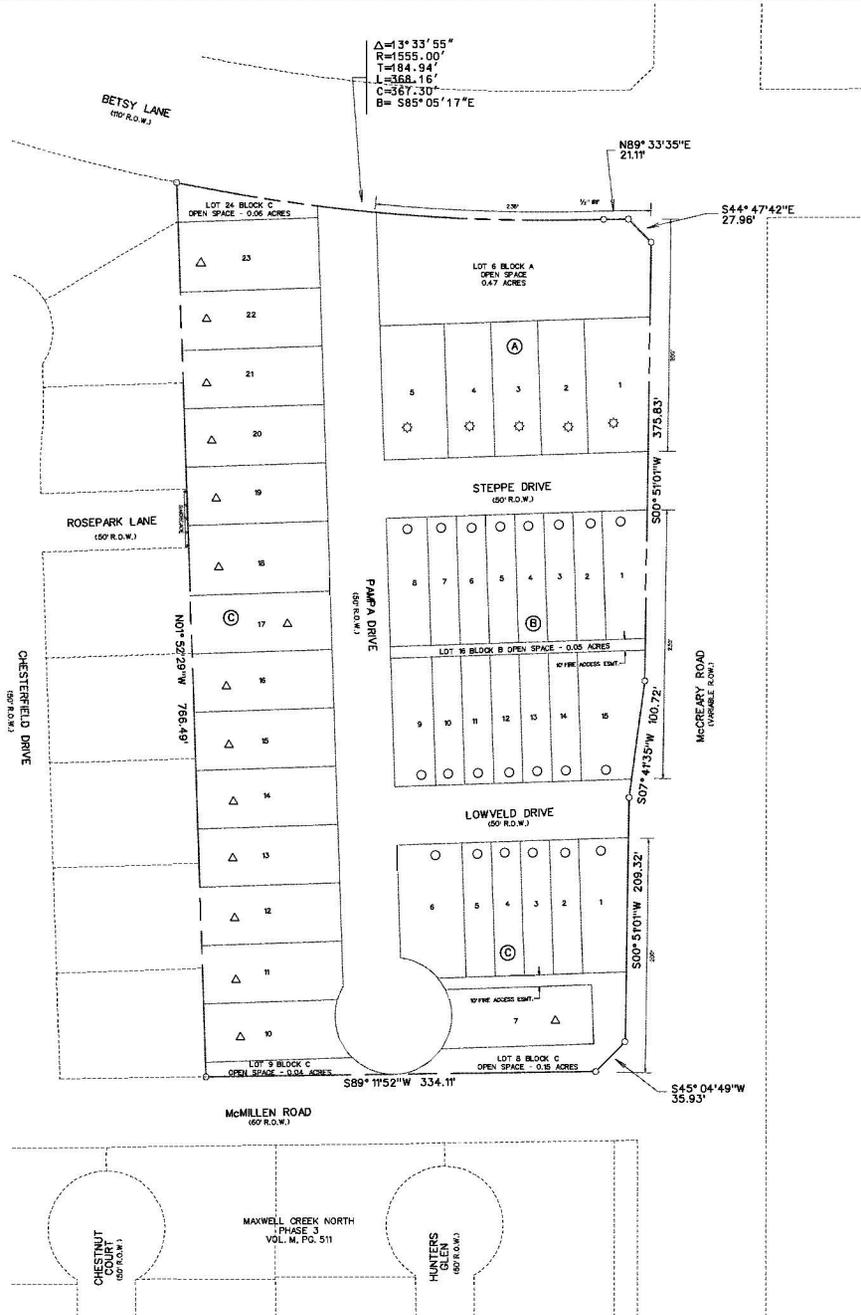
3.0 Homeowner' Association: A Homeowners Association duly incorporated in the State of Texas shall be incorporated and each lot/homeowner shall be a mandatory member. This association shall be established so as to ensure the proper maintenance of all common areas, either public or private, as desired, 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 Community Development for review and approval prior to construction.

Exhibit "C"



LOCATION MAP
N.T.S.

THE RANCH PHASE TWO
VOL. N, Pg. 459



$\Delta=13^{\circ}33'55''$
 $R=1555.00'$
 $T=184.94'$
 $L=168.16'$
 $C=367.30'$
 $B=585^{\circ}05'17''E$

$N89^{\circ}33'35''E$
21.11'

$S44^{\circ}47'42''E$
27.98'

PAMPA DRIVE
(60' R.O.W.)

LOWVELD DRIVE
(60' R.O.W.)

McMILLEN ROAD
(60' R.O.W.)

CHESTNUT CREEK NORTH
(60' R.O.W.)

MAXWELL CREEK NORTH
PHASE 3
VOL. M, Pg. 511

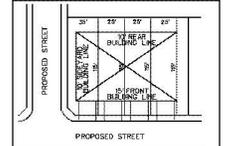
HUNTERS CREEK
(60' R.O.W.)



NOTE:
OPEN SPACE LOTS TO BE MAINTAINED BY THE HOA.
ALL TOWN HOME LOTS TO BE FIRE SPRINKLERED.



TYPICAL DETAIL FOR PH LOTS
TYPE 'A' LOTS (50'X120')
MIN. 6,000 SF
LOTS 7, 10-15, BLOCK C
TOTAL LOTS 21
N.T.S.



TYPICAL DETAIL FOR TOWNHOME LOTS
TYPE 'B' LOTS (25'X115')
MIN. 2,700 SF
BLOCK B LOTS 1-15
& BLOCK C LOTS 1-6
TOTAL LOTS 21
N.T.S.



TYPICAL DETAIL FOR PH LOTS
TYPE 'C' LOTS (40'X115')
MIN. 4,000 SF
LOTS 1-6, BLOCK A
TOTAL LOTS 6
N.T.S.

TOTAL OPEN SUMMARY	
7A -	0.36 AC.
8B -	0.08 AC.
9C -	0.16 AC.
9C -	0.04 AC.
24C -	0.06 AC.
TOTAL ACRES - 0.66	

- Δ TYPE 'A' LOTS - 50'X120'
TOTAL LOTS - 15
- \circ TYPE 'B' LOTS - 25'X115'
TOTAL LOTS - 21
- \odot TYPE 'C' LOTS - 40'X115'
TOTAL LOTS - 6

CONCEPT PLAN
OF
MURPHY TRACT
41 TOTAL RESIDENTIAL LOTS
5 TOTAL OPEN SPACE LOTS
6.511 TOTAL ACRES
OUT OF THE
C.A. McMILLEN SURVEY, ABSTRACT NO. 588
IN THE
CITY OF MURPHY
COLLIN COUNTY, TEXAS
APPLICANT/OWNER
MURPHY MEADOWS LOT VENTURE, LTD.
8214 WESTCHESTER DRIVE, SUITE 710
DALLAS, TEXAS 75225
214-522-1945
JOHN ARNOLD
PREPARED BY
CORWIN ENGINEERING, INC.
TBPLS •10031700
200 W. BELMONT, SUITE E
ALLEN, TEXAS 75013
972-398-1200
WARREN CORWIN
AUGUST 2019 SCALE: 1"=50'