

**ORDINANCE NUMBER 21-12-1242**

**AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP, CHAPTER 30, OF THE CITY OF MURPHY CODE OF ORDINANCES, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 14.629 ACRES OF LAND LOCATED ON THE SOUTHWEST CORNER OF SOUTH MAXWELL CREEK ROAD AND FARM TO MARKET ROAD 544, IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, FROM SINGLE FAMILY - 20 (SF-20) TO PLANNED DEVELOPMENT (PD) DISTRICT OVERLAY SINGLE FAMILY - 9 (SF-9) RESIDENTIAL AND PROVIDING DEVELOPMENT STANDARDS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS, DEVELOPMENT CONDITIONS AND STANDARDS, AND A CONCEPT PLAN; PROVIDING FOR APPLICABLE REGULATIONS, ZONING ORDINANCE AND ZONING MAP AMENDMENT; PROVIDING A CUMULATIVE/REPEALER CLAUSE AND 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 approximately 14.629 acres of land located on the southwest corner of S. Maxwell Creek Road and F.M. 544, 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 - 20 (SF-20) District to Planned Development (PD) District overlay of Single Family - 9 (SF-9) Residential with additional development standards consistent with the Comprehensive Plan; 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 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**, having reviewed the request for the change of zoning classification on an approximate 14.629 acre tract of land located on the southwest corner of S. Maxwell Creek Road and F.M. 544, Murphy, Texas, as herein more particularly described in **Exhibit A (Legal Description)** attached hereto and made part hereof for all purposes (the "Property"), the Commission determined that the change in zoning was 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 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 change the zoning on the Property to Planned Development (PD) District Overlay of Single-Family Attached (SF-9) Residential is appropriate and is compatible with surrounding uses and the Comprehensive Plan of the City, and the governing body in the exercise of its discretion has concluded that Chapter 30. Zoning of the City of Murphy Code of Ordinances and the Zoning Map of the City be amended as follows.

**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.** That the Zoning Ordinance and Zoning Map of the City of Murphy, Texas, are hereby amended so as to change the zoning (designation) on the Property described herein from Single Family - 20 (SF-20) District to Planned Development (PD) District overlay of Single Family – 9 (SF-9) Residential with additional development standards for the Property, being an approximately 14.629 acre tract of land located on the southwest corner of S. Maxwell Creek Road and FM 544, in the City of Murphy, Collin County, Texas, and more particularly described in **Exhibit A (Legal Description)**.

**Section 3. Development Conditions and Standards.** That the Development Conditions and Standards for the Planned Development District for the Property are attached hereto as **Exhibit B** and incorporated herein, and the same are hereby approved by the City Council for the Property as required by the City of Murphy Code of Ordinances.

**Section 4. Concept Plan.** That the concept plan for the Planned Development District for the Property is attached hereto as **Exhibit C** (the “Concept Plan”) and incorporated herein and sets forth the Planned Development Conditions and Standards for the Property in accordance with the City of Murphy Code of Ordinances.

**Section 5. Zoning Ordinance and Map Amended.** Chapter 30 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 30 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 7th day of December, 2021.

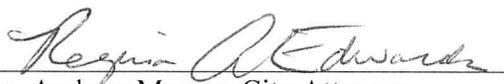


  
\_\_\_\_\_  
Scott Bradley, Mayor  
City of Murphy

ATTEST:

  
\_\_\_\_\_  
Susie Quinn, City Secretary

APPROVED AS TO FORM:

  
for \_\_\_\_\_  
Wm. Andrew Messer, City Attorney

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

Tract 33, Abstract 0579, Henry Maxwell Survey, totaling 10.736 acres, more particularly described in Instrument Number 20140210000125330, filed with the County Clerk, Collin County, Texas;

Tract 31, Abstract 0579, Henry Maxwell Survey, totaling 3.893 acres, more particularly described in Instrument Number 20120221000190570, filed with the County Clerk, Collin County, Texas;

Both lots described herein total 14.629 acres.

# Exhibit B

## “EXHIBIT B”

### MURPHY ESTATES

#### PLANNED DEVELOPMENT DISTRICT STANDARDS

- I. **Statement of Purpose:** The purpose of this Planned Development District (PD) is to establish a Concept Plan and specific conditions for the development of the properties collectively known as Murphy Estates. The intent of this PD is to achieve a quality residential community.
- II. **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.
- III. **General Regulations:** All regulations of the Single-Family Residential-9 (SF-9) District set forth in Article 30.03, Division 7 of the Murphy Code of Ordinances are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Development Plans:**
  - A. Concept Plan: Development shall be in general conformance with the Concept Plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the written conditions shall prevail. The Concept Plan shall also serve as the land use plan.
  - B. Conceptual Landscape Plan: Development shall be in general conformance with the approved conceptual landscape plan as set forth in Exhibit D; however, in the event of conflict between the plans and the conditions, the conditions shall prevail.
  - C. Site Plan. A preliminary plat/construction plat shall serve as the site plan for the property.
- V. **Permitted Uses:** Only residential single-family is permitted by right within this PD as defined by the Murphy Code of Ordinances.
- VI. **Specific Regulations:**
  - A. The proposed development shall not exceed 37 single-family homes. The lot layout and composition shall generally conform to the Concept Plan and Lot Standards as stated in the following Table:

Lot Standards	
Maximum Density	2.6 units per acre
Minimum Lot Area	10,000 sq.ft.
Minimum Lot Width	75 ft (65 ft on cul-de-sac/knuckle)
Minimum Lot Depth	120 ft
Minimum Front Yard Setback	25 ft
Minimum Side Yard Setback (Interior)	8 ft
Minimum Side Yard Setback (Corner adjacent to street)	15 ft

## Exhibit B

Minimum Rear Yard Setback	20 ft
Minimum Floor Area	2,200 sq.ft.
Maximum Building Height	35 ft
Maximum Lot Coverage	50%
Garage Orientation	Front Entry
Roof Pitch	8:12 minimum for main structure (4:12 minimum for architectural features)

### B. Fencing Standards

All individual residential fencing and walls shall be architecturally compatible with the design, materials and colors of the dwellings, and meet the following standards:

1. Residential Fences: All wood fences shall be constructed of a standard fencing material (*minimum of 1/2" thickness or better; spruce fencing will not be allowed*) and use fasteners that are hot dipped galvanized or stainless steel. Wood fences facing onto a street shall be stained and sealed with all pickets placed on the "public side" facing the street. All wood fences shall be smooth-finished, free of burs and splinters, and be a minimum of six (6) feet and a maximum of eight (8) feet in height and shall incorporate a decorative top rail or cap detailing into the design of the fence.
2. Solid Screening Wall: A solid screening wall with masonry columns shall be constructed on the north boundary along the Maxwell Creek Road right-of-way. This wall shall be maintained by the Homeowners Association.
3. Board-on-Board Wood Fence: Lots located along the south, east and west perimeter of the development shall have a minimum of six (6) feet and maximum of eight (8) feet board-on-board wood fence. The fence shall incorporate a decorative top rail.
4. All wood fences shall be maintained by the individual property owner(s).

### C. Parking, Driveways & Sidewalks

1. Driveways: No private driveway access shall be allowed onto Maxwell Creek Road.
2. Parking: A minimum of two enclosed parking spaces behind the building line on the same lot/tract as the main structure and shall be attached to the main structure.
3. Sidewalks installed along Maxwell Creek Road shall be a minimum eight (8) feet wide and may meander within the adjacent ten (10) foot landscape buffer.
4. Right-of-Way Dedication: A minimum of 30 feet of right-of-way along Maxwell Creek Road and right-of-way in accordance with the adopted Concept Plan shall be dedicated to the City of Murphy at the time of the final plat. This project shall not be required to improve Maxwell Creek Road nor its intersection with FM 544. However, pro-rata funds shall be provided to the city based on the results of a Traffic Impact Analysis (TIA).

### D. Landscape Standards

1. Landscape Buffer Setback: A minimum ten (10) foot landscape buffer shall be provided along the frontage of Maxwell Creek Road (over and above any required right-of-way dedication). A minimum twenty (20) foot landscape buffer shall be provided adjacent to the west property line.

## Exhibit B

2. Irrigation: Irrigation shall be installed for all landscaping located within private yards, common areas, landscape buffers and/or open space lots as shown on the Concept Plan. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect. Irrigation located within HOA lots shall be maintained by the Homeowners Association.
  3. The following trees are approved for planting in this development:
    - i. *Shade Trees*. Bald Cypress, Cedar Elm, Texas Red Oak, Allee Elm, Shumard Oak, Red Maple, Chinese Pistachio, Burr Oak, Chinquapin Oak and Live Oak.
    - ii. *Accent/Ornamental Trees*. Texas Redbud, Mexican Plum, Crepe Myrtle, Wax Myrtle, Texas Mountain Laurel, Vitex, and Desert Willow
- E. Additional Special Regulations/ Conditions
1. Street Lighting: Light poles shall not exceed twenty (20) feet in total height (i.e., based and lighting standard). All fixtures shall be down-light type and positioned to contain all light within the development.
  2. Homes shall consist of a minimum of 50% masonry (brick and stone). Stucco and painted brick are permitted.
  3. Any automatic gates shall be equipped with both a Knox-Box key access and an Opticom System approved by the Fire Department.
  4. Accessory Buildings are prohibited within this development.
  5. There shall be no outside storage except for those items outlined by HOA CC&R's, including furniture and other related items to be determined by the HOA.
  6. Homeowner's Association (HOA): A Homeowner's Association shall be created to enforce the restrictions established in accordance with the requirements of Section 28.04.003 of the Murphy Code of Ordinances. The HOA shall maintain all common access easements (private streets or alleys), neighborhood amenities (swimming pool and/or playgrounds), open space, landscape buffers and common areas (HOA lots), irrigation, landscaping, and all fences associated with this development.
  7. Neighborhood Signage: Permanent subdivision identification signage shall be permitted at the major entry point on Maxwell Creek Road within an HOA common area. Final Design and location of entry features shall be reviewed for approval at the time of review of the engineering construction plans and the Final Plat and shall require proper permits in accordance with City regulations.



GRAPHIC SCALE BAR  
0 50 100 FEET  
1" = 100'

**Land Use Acreage Summary**

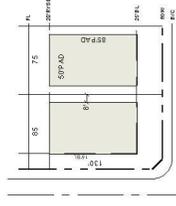
Proprietary Through-Rights Rights of Way	1.0
Open Space	11.1
Residential Lots / Residential Rights of Way	12.5
<b>Total</b>	<b>14.6</b>

**Lot Type Summary**

75' x 130'	37
<b>Total</b>	<b>37</b>

**Density Summary (Units per Acre)**

Gross	2.5
Net of Perimeter Open Space	2.7



STANDARD 75'x130' LOT  
AVERAGE LOT SIZE = 12,191 SF  
MINIMUM LOT SIZE = 10,000 SF

Exhibit B



# Exhibit "C"

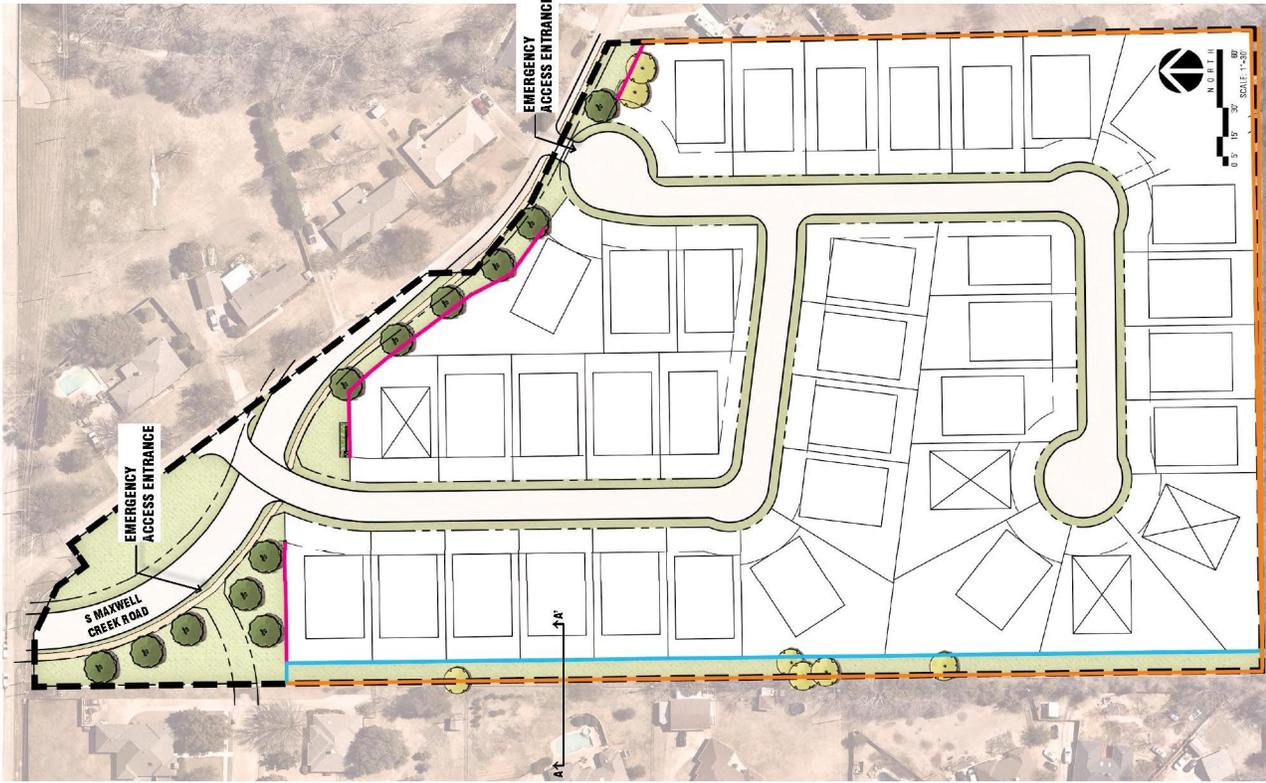
## Murphy Estates

Murphy, Texas  
November 2021



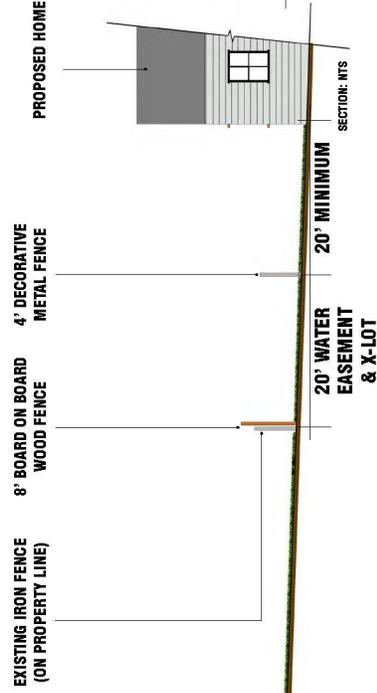
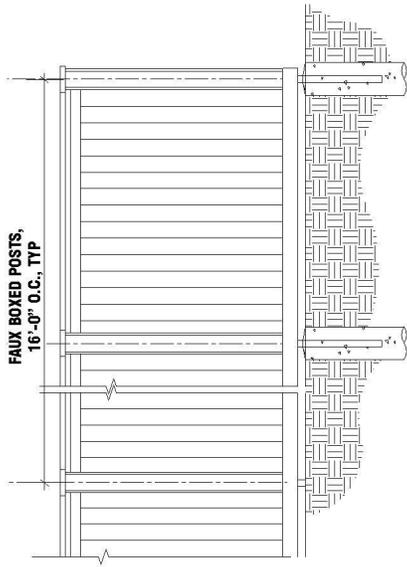
400 N. Oak Grove Dr.  
Cedar, Texas 75009  
State of Texas Registration No. F-309  
Professional Engineer License No. 10000  
Professional Engineer License No. 10000

EXHIBIT D - LANDSCAPE PLAN



**LEGEND**

- LAWN
- STREET TREES
- PRESERVED TREES
- CONCRETE SIDEWALK
- 6' SCREEN WALL
- 8' BOARD ON BOARD WOOD FENCE
- 4' DECORATIVE METAL FENCE



THIS GRAPHIC IS CONCEPTUAL. THE INFORMATION SHOWN IS BASED ON THE BEST INFORMATION AVAILABLE AND IS SUBJECT TO CHANGE WITHOUT NOTICE.