MURPHY PLANNING AND ZONING COMMISSION AGENDA
REGULAR PLANNING AND ZONING COMMISSION AND TREE PRESERVATION BOARD MEETING
AUGUST 6, 2026, AT 6:00 P.M.
COUNCIL CHAMBERS
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094

NOTICE is hereby given of a meeting of the Planning and Zoning Commission of the City of Murphy, Collin County, State of Texas, to be held on August 6, 2026, at Murphy City Hall for the purpose of considering the following items. The Murphy Planning and Zoning Commission reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Christine Johnson
Chair

Destiny Varghese
Vice Chair

Beverly Gaither
Secretary

Don Bryant
Commissioner

Camille Hooper
Commissioner

Tricia Culberth
Commissioner

Raj Mandalia
Commissioner

Vacant
Alternate

Amanda Turner
Alternate

Stephanie Scott-Sims
Planning Manager

Maria Palmer
Records Management Specialist

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

The Council Chambers is open to the public. This portion of the agenda is the public's opportunity to address the Planning and Zoning Committee about any item listed on the agenda, except public hearings, or to provide a general comment. Comments related to public hearings will be heard when the specific hearing begins. Public comments are limited to three (3) minutes per speaker, unless otherwise required by law. Per the Texas Open Meetings Act, the Planning and Zoning Committee is not permitted to act on or discuss any item not listed on the agenda. Items suggested for action may be placed on a future agenda, at the Committee's sole discretion.

5. INDIVIDUAL CONSIDERATION

A. Consider and/or act on the July 14, 2026, Planning and Zoning Meeting Minutes.
2026 07 14 Planning and Zoning Commission Meeting Minutes

B. Hold a public hearing and Consider and/or Act on amendments to Chapter 30, Division 3 - Accessory Building and Use Regulations, Chapter 28, Article 28.02, Section 28.02.01 - Minor Plats; and Chapter 28, Article 28.01, Section 28.01.013 - Definitions of the Murphy Code of Ordinances (Project No. 2026-011). Stephanie Scott-Sims, AICP, Planning Manager
Staff Report-(2159) - Pdf

6. PRESENTATIONS

A. Review and Discuss proposed text amendments to Article 26.07 Landscape Standards and Article 26.08 Tree Preservation. Stephanie Scott-Sims, AICP, Planning Manager

Staff Report-(2163) - Pdf

7. STAFF UPDATES

A. Director's Report

8. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy Planning and Zoning Commission Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on July 29, 2026, by 5:00 p.m. and will remain posted continuously for 3 business days prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Kandi Jackson, TRMC
City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 972.468.4011 or kjackson@murphytx.org.
Notice of Possible Quorum: There may be a quorum of the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Capital Projects Advisory Committee, the City Council, the Ethics Review Commission, the Murphy Community Development Corporation, the Murphy Municipal Development District Board and/or the Park and Recreation Board members who may be present at the meeting, but they will not deliberate on any city or board business.

MURPHY PLANNING AND ZONING COMMISSION MINUTES
JULY 14, 2026, AT 6:00 P.M.
COUNCIL CHAMBERS
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094

1. CALL TO ORDER

Chair Christine Johnson called the Regular Planning and Zoning meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Christine Johnson led the Pledge of Allegiance.

3. ROLL CALL AND CERTIFICATION OF A QUORUM

COMMISSIONERS PRESENT:	Chair Christine Johnson Vice Chair Destiny Varghese Commissioner Don Bryant Commissioner Tricia Culberth Commissioner Raj Mandalia
COMMISSIONERS ABSENT:	Secretary Beverly Gaither Commissioner Camille Hooper
ALTERNATES PRESENT:	
ALTERNATES ABSENT:	Alternate Amanda Turner

4. PUBLIC COMMENTS

No public comments were presented.

5. INDIVIDUAL CONSIDERATION

A. Consider and/or Act on the May 7, 2026, Regular Planning and Zoning Meeting Minutes. Maria Palmer, Records Management Specialist

COMMISSION ACTION: (Item 5.A) ***APPROVED***

Destiny Varghese moved to approve the May 7, 2026, Regular Planning and Zoning Meeting Minutes. Don Bryant seconded the motion. For: Unanimous. Absent: Amanda Turner, Beverly Gaither, and Camille Hooper. The motion carried by a vote of 5-0.

B. Hold a public hearing and Consider and/or Act on a request for a Specific Use Permit for a bank on property described as Lot 2R, Block A, Walmart Addition Replat, and located at 205 E. FM 544 (Project No. 2026-010). Stephanie Scott-Sims, AICP, Planning Manager

Planning Manager Stephanie Scott-Sims presented the item, stating that the Commission was being asked to consider a Specific Use Permit for a bank at this location, subject to the following staff conditions of approval:
1) a cross-access easement would need to be installed.
2) a landscape plan must be submitted.
3) a site plan must be submitted.

Land-use attorney Tommy Mann presented the request on behalf of the applicant and answered questions from the Commission.

Chair Christine Johnson opened the public hearing at 6:17 p.m. No comments were made regarding the item. Chair Christine Johnson closed the public hearing at 6:18 p.m.

COMMISSION ACTION: (Item 5.B) ***APPROVED***

Tricia Culberth moved to approve a Specific Use Permit for a bank on property described as Lot 2R, Block A, Walmart Addition Replat, and located at 205 E. FM 544 (Project No. 2026-010), subject to the staff conditions of approval. Raj Mandalia seconded the motion. For: Unanimous. Absent: Amanda Turner, Beverly Gaither, and Camille Hooper. The motion carried by a vote of 5-0.

6. STAFF UPDATES

A. Director's Report

Planning Manager Stephanie Scott-Sims informed the Commission about the upcoming American Planning Association of Texas 2026 Conference, which will take place in Irving/Las Colinas, Texas, October 14-16, 2026, and invited members to sign up if they were interested.

Planning Manager Stephanie Scott-Sims stated that a Planning and Zoning meeting would likely be held next month, along with a meeting of the Tree Preservation Committee.

7. ADJOURNMENT
With no further business, Chair Christine Johnson adjourned the meeting at 6:23 p.m.

ATTEST: APPROVED BY:

Maria Palmer

_____
Maria Palmer,
Records Management Specialist

CITY OF MURPHY
SEPTEMBER 29 1958

_____
Destiny Varghese,
Vice-Chair

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Development Services
August 6, 2026

ISSUE:
Hold a public hearing and Consider and/or Act on amendments to Chapter 30, Division 3 - Accessory Building and Use Regulations, Chapter 28, Article 28.02, Section 28.02.01 - Minor Plats; and Chapter 28, Article 28.01, Section 28.01.013 - Definitions of the Murphy Code of Ordinances (Project No. 2026-011). Stephanie Scott-Sims, AICP, Planning Manager

SUMMARY:
Staff is proposing amendments to the Murphy Code of Ordinances to provide clarity in certain regulations and address gaps in requirements where necessary.

ACTION REQUIRED:
Hold a public hearing and consider and/or act on proposed code amendments.

BACKGROUND/HISTORY:
Staff is proposing Zoning and Subdivision Ordinance text amendments to the following sections to clarify requirements:

- Chapter 30, Division 3 - Accessory Building and Use Regulations
- Chapter 28, Article 28.02, Section 28.02.01 - Minor Plats; and
- Chapter 28, Article 28.01, Section 28.01.013 - Definitions

ANALYSIS:
Chapter 30, Division 3 - Accessory Building and Use Regulations
The purpose of these amendments is to provide greater clarity regarding Accessory Dwelling Units (ADUs). Under the current Zoning Ordinance, ADUs are permitted in the Agricultural (AG) and Single-Family Estate (SF-E) Districts. However, the existing ordinance does not clearly distinguish the regulations that apply specifically to ADUs from those applicable to accessory buildings in general.

The proposed amendments establish ADUs as a type of accessory building and clearly identify the standards that apply specifically to them. Because ADUs are classified as accessory buildings, they must comply with both the general accessory building regulations—such as property line setbacks, maximum building height, and other applicable development standards—and the additional requirements specific to ADUs.

Chapter 28, Article 28.02, Section 28.02.01. - Minor Plats; and Chapter 28
The purpose of these amendments is to define a "Minor Plat", provide the criteria for when a minor plat may be used as defined by State law, and clarify that when Staff approves a minor plat with conditions, this means that the plat is considered approved once the conditions are fulfilled.

Article 28.01, Section 28.01.013 - Definitions

The purpose of this amendment is to clarify the definition of "Minor Plat" as a plat that can be used when development or construction is proposed as provided under State law. Minor plats are used for small-scale developments, such as to plat a single property for the purposes of constructing a single-family residential home. The existing Ordinance definition would not allow this.

ATTACHMENTS:
Sec. 30.07.071 Accessory Building and Use Regulations_draft amendments
Sec. 28.02.010 Minor plats_draft amendments
GENERAL PROVISIONS_draft amendments

DIVISION 3
Accessory Building and Use Regulations

§ 30.07.071. General requirements.

(a) Accessory Buildings.

~~(a)~~ (1) In a residential district, an accessory building is a subordinate or incidental building, ~~attached to or~~ detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall not be permitted without a main building or primary use being in existence.

~~(b)~~ (2) In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings shall be located toward the rear portion of the property.

~~(c)~~(b) Accessory Dwelling Units. An a~~A~~ccessory dwelling unit~~s~~ (ADU) is a type of detached accessory building that is subordinate to the main building and provides basic requirements for living, sleeping, cooking, and sanitation. I~~i~~n the AG and SF-E zoning districts, ADUs shall be allowed as an incidental residential use of a building on the same lot/tract as the main dwelling unit ~~and used by the same person or persons of the immediate family,~~ and shall meet the general standards for accessory buildings and the following standards:

(1) Only one (1) accessory dwelling unit shall be allowed on any lot/tract.

~~(1)~~(2) The building in which an accessory dwelling unit occupies shall be ~~constructed~~ located to the rear of the ~~main dwelling~~property, and ~~separate~~ a minimum of 10 feet separation from the main dwelling.

~~(2)~~(3) The accessory dwelling unit shall be constructed only with the issuance of a building ~~permit, and~~permit and shall be constructed out of the same material as the main structure.

~~(3)~~(4) The accessory dwelling unit shall not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be leased or sublet.

~~(4)~~(5) The yard s~~S~~etback requirements for ADUs shall be the same as for the main structure.

~~(5)~~(6) ADUs~~ccessory dwellings~~ shall not be permitted without the main or primary structure.

~~(6) All accessory dwellings and accessory structures shall use the utilities from the main structure for water and sewer, etc.~~

~~(7)~~ (7) ~~No such accessory dwelling or quarters~~An ADU shall only be used or occupied as a place of abode or residence by ~~anyone other than a~~ a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or a guest or family member of the owner/occupant. ~~Only one accessory dwelling unit shall be allowed on any lot/tract.~~

(7) Required off-street parking: A minimum of one (1) off-street parking space is required for an ADU. Off-street parking must comply with Sec. 30.07.032 and Sec. 30.07.072.d.7.-8.

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(8) (2006 Code, sec. 86-761; Ordinance 04-05-610, secs. 40.1–40.4, adopted 5/17/04; Ordinance 10-01-828, sec. 2, adopted 1/4/10; Ordinance 17-09-1059 adopted 9/5/17)

§ 30.07.072. Area regulations for residential districts.

~~(a) Accessory buildings require main structure.Accessory buildings shall not be permitted without a main structure.~~

~~(b)~~ Floor area of accessory buildings.In all residential districts (including agricultural), the total floor area of all accessory structures shall not exceed 50 percent of the square footage of the livable area of the residence on the premises, or five percent of the lot/ tract area, whichever is larger.

~~(c)~~(a)Number of accessory buildings.No more than two accessory buildings shall be on any residential (or agricultural) lot/tract, except that residential lots 20,000 square feet or larger in size may have up to four accessory buildings.

(b) All accessory dwellings and accessory structures shall use the utilities from the main structure for water and sewer, and electricity

~~(d)~~(c) Height and yard requirements.

(1) No accessory building shall be located within any dedicated easement.

(2) Accessory buildings shall not be erected in any required front yard. Such buildings shall be located toward the rear portion of the property.

(3) Accessory buildings up to 120 square feet in floor area:

(A) Shall not be located closer than five (5) feet from the main structure.

(B) Shall be setback a minimum of five (5) feet from side/rear lot line.

(C) Shall be setback a minimum of five (5) feet from street side yard, provided an eight (8) foot solid fence or wall is built to screen the building.

(D) Shall be a maximum height of twelve (12) feet.

(4) Accessory buildings more than 120 square feet and up to 500 square feet in floor area:

(A) Shall not be located closer than ten (10) feet from the main structure.

(B) Shall be setback a minimum of five (5) feet from side/rear lot line.

(C) Street side yard setback shall be the same as main structure.

(D) Shall be a maximum height of sixteen (16) feet.

(5) Accessory buildings more than 500 square feet in floor area:

(A) Shall not be located closer than ten (10) feet from the main structure.

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(B) Shall be setback a minimum of ten (10) feet from the side/rear lot line.

(C) Street side yard setback shall be the same as main structure.

(D) Shall be a maximum height of twenty-four (24) feet.

(6) An arbor/gazebo/pergola shall be located no closer than five (5) feet from the side/rear lot line.

(7) Detached garages and carports located and arranged to be entered from an interior side yard shall have a minimum setback of twenty-four (24) feet from the side lot/tract line. Carports or garages arranged to be entered from the side yard facing a public street, or from a rear or side alley shall have a minimum distance equal to the required setback for the main building or twenty-four (24) feet, whichever is greater.

(See diagram 16 [illustration 16] at the end of this chapter.)

(8) Detached carports shall follow the same setback and height requirements as other accessory buildings. A detached carport shall not exceed twenty-four (24) feet on its longest dimension, except that in a residential zoned district with lots 20,000 square feet or larger in size, a carport may exceed twenty-four (24) feet in its longest dimension.

Carports shall be measured from the posts supporting the roof nearest to the street or alley. (See illustration 4 at the end of this chapter.) A carport shall have a minimum 4:12 pitch roof. Roofing materials shall match that of the main structure or be a standing seam metal roof.

(2006 Code, sec. 86-762; Ordinance 04-05-610, sec. 40.5, adopted 5/17/04; Ordinance 10-01-828, sec. 3, adopted 1/4/10; Ordinance 17-09-1059 adopted 9/5/17; Ordinance 21-04-1199 adopted 4/6/21)

§ 30.07.073. Area regulations for accessory buildings in nonresidential and multifamily districts.

(a) Size of yards.

(1) Front yard:Same as for main structure. Detached accessory building shall be prohibited in front of the main building.

(2) Side and rear yards:Same as for main structure.

(b) Carports.Carports shall be measured from the posts supporting the roof nearest to the street or alley. (See illustration 4 at the end of this chapter.)

(c) Accessory buildings require main structure.Accessory buildings shall not be permitted without a main structure.

(d) Height of accessory buildings.Accessory buildings shall not exceed the height allowed in the specific zoning district, except that taller accessory buildings may be allowed in certain zoning districts (see appendix A-1 at the end of this chapter) by special use permit if there is no adverse impact upon adjacent properties.

(2006 Code, sec. 86-763; Ordinance 04-05-610, sec. 40.6, adopted 5/17/04; Ordinance 17-09-1059 adopted 9/5/17)

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§ 30.07.074. Exterior construction standards for accessory buildings.

See chapter 26, article 26.06 for exterior construction standards for accessory buildings.
(2006 Code, sec. 86-764; Ordinance 04-05-610, sec. 40.7, adopted 5/17/04)

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§ 28.02.010. Minor plats.

(a) The purpose of a minor plat is to simplify divisions of land under certain circumstances outlined in State law.

(b) An application for approval of a minor plat may be filed only in accordance with State law, when all of the following circumstances apply:

(1) The proposed division results in four (4) or fewer lots;

(2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Subdivision Ordinance, and

(3) Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

~~(a)~~(c) A minor plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee (per the city's current fee schedule as printed in appendix A to this code), and a certificate or some other acceptable form of verification from the county central appraisal district showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property in accordance with section 28.01.010. A copy of all application materials for a minor plat shall be simultaneously submitted to the city planner for review in the same manner as for a final plat, or the application shall be deemed incomplete.

~~(b)~~(d) Upon receipt of a favorable recommendation for approval by the city planner, the city manager (or designee) may approve a minor plat, approve the minor plat with conditions, which shall mean that the minor plat shall be considered to have been approved once such conditions are fulfilled, or may, for any reason, elect to ~~present~~ defer the minor plat to the planning and zoning commission and city council for consideration and approval prior to expiration of the required 30-day approval period. Any decision made on the minor plat by the city manager (or designee) shall be approval of the plat. Should the city manager (or designee) refuse to approve the minor plat, then the plat shall be referred to the planning and zoning commission for review, and city council for approval, within the time period required by state law.

~~(c)~~(e) Notice, a public hearing, and the approval of other lot owners are not required for the approval of a minor plat.

~~(d)~~(f) The minor plat shall be entitled and clearly state that it is a "minor plat."

~~(e)~~(g) The minor plat shall be filed at the county in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all filing materials are not submitted to the city and if the plat is not filed at the county within the time periods specified for a final plat.

(2006 Code, sec. 70-40; Ordinance 02-09-549, sec. 2.11, adopted 9/3/02; Ordinance adopting 2015 Code)

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ARTICLE 28.01
GENERAL PROVISIONS[1]

§ 28.01.001. Authority; extension to extraterritorial jurisdiction.

(a) This chapter is adopted under the authority of the constitution and laws of the state, including V.T.C.A., Local Government Code ch. 212, being adopted after a public hearing on the matter held on September 3, 2002.

(b) The following rules and regulations are hereby adopted as the subdivision regulations of the city, also referred to herein as "this chapter." The city council hereby extends the application of this chapter to the extraterritorial jurisdiction of the city, as that area may exist from time to time. This chapter shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in V.T.C.A., Local Government Code ch. 212, within the corporate limits of the city and its extraterritorial jurisdiction as they may be from time to time adjusted by annexation or disannexation. The city shall have all remedies and rights provided by V.T.C.A., Local Government Code ch. 212 with regard to the control and approval of subdivisions and plats both within the city and within its extraterritorial jurisdiction.

(2006 Code, sec. 70-1; Ordinance 02-09-549, sec. 1.1, adopted 9/3/02)

§ 28.01.002. Interpretation and purpose.

(a) In the interpretation and application of the provisions of this chapter, it is the intention of the city council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions within the city and its extraterritorial jurisdiction.

(b) The subdivision (i.e., platting) of land is the first step in the process of development. The distribution and relationship of residential, nonresidential and agricultural uses throughout the community, along with the system of improvements for thoroughfares, utilities, public facilities and community amenities, determine, in large measure, the quality of life enjoyed by the residents of the city. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life and overall character. A community's quality of life is of the public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. The regulations contained herein are intended to encourage the development of a quality municipal environment by establishing standards for the provision of adequate light, air, open space, stormwater drainage, transportation, public utilities and facilities, and other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation,

1. **Editor's Note–This Chapter Consists Of The Subdivision Ordinance, Ord. 02-09-549 Adopted September 3, 2002, As Amended, Previously Published As Chapter 70 In The 2006 Code Of Ordinances. Section Numbers, Style, Capitalization And Formatting Have Been Changed To Be Consistent With The Remainder Of The Code Of Ordinances, And This Will Be Maintained In Future Amendments To This Chapter. Changes In The Names Of State Agencies Have Been Incorporated Without Notation. Obviously Misspelled Words Have Been Corrected Without Notation. Any Other Material Added For Purposes Of Clarification Is Enclosed In Brackets.**

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enhancement and protection of its human and natural resources. Through the application of these regulations, the interests of the public, as well as those of public and private parties, both present and future, having interest in property affected by this chapter, are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this chapter further the possibility that land will be developed for its most beneficial use in accordance with existing social, economic and environmental conditions.

(c) The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits and extraterritorial jurisdiction of the city are intended to:

(1) Promote the development and the utilization of land in a manner that assures an attractive and high-quality community environment in accordance with the comprehensive plan and the zoning ordinance of the city set out in chapter 30;

(2) Guide and assist property owners and applicants in the correct procedures to be followed, and to inform them of the standards which shall be required;

(3) Protect the public interest by imposing standards for the location, design, class and type of streets, walkways (sidewalks), alleys, utilities and essential public services;

(4) Assist orderly, efficient and coordinated development within the city's limits and its extraterritorial jurisdiction;

(5) Provide neighborhood conservation and prevent the development of slums and blight;

(6) Integrate the development of various tracts of land into the existing community, and coordinate the future development of adjoining tracts;

(7) Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community as contained in this chapter;

(8) Ensure the most efficient and beneficial provision of public facilities and services for each tract being subdivided;

(9) Provide for compatible relationships between land uses and buildings; provide for the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways; provide for pedestrian circulation that is appropriate for the various uses of land and buildings; and provide the proper location and width of streets;

(10) Prevent pollution of the air, streams and bodies of water; assure the adequacy of drainage facilities; safeguard both surface and ground water supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage the wise use and management of natural resources throughout the municipality in

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order to preserve the integrity, stability and beauty of the community and the value of the land;

(11) Preserve the natural beauty and topography of the municipality, and ensure development that is appropriate with regard to these natural features;

(12) Establish adequate and accurate records of land subdivision;

(13) Ensure that public or private facilities are available and will have sufficient capacity to serve proposed and future developments and citizens within the city and its extraterritorial jurisdiction;

(14) Protect and provide for the public health, safety and general welfare of the community;

(15) Provide for adequate light, air and privacy; secure safety from fire, flood and other danger; and prevent overcrowding of the land and undue congestion of population;

(16) Protect the character and the social and economic stability of all parts of the community, and encourage the orderly and beneficial development of all parts of the community;

(17) Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and minimize conflicts among the uses of land and buildings;

(18) Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities; and

(19) Encourage the development of a stable, prospering economic environment.

(d) Minimum standards for development are contained in the city's technical construction standards and specifications (TCSS), the zoning ordinance set out in chapter 30, the building code, applicable articles of this code and in this chapter. However, the comprehensive plan (including the future land use plan, thoroughfare plan, park and open space plan, and other related plans) contains policies designed to achieve an optimum quality of development in the city and its extraterritorial jurisdiction. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous municipal setting and physical environment within the community. Subdivision design shall be of a quality that will carry out the purpose and spirit of the policies expressed within the comprehensive plan and within this chapter, and shall be encouraged to exceed the minimum standards required herein.

(2006 Code, sec. 70-2; Ordinance 02-09-549, sec. 1.2, adopted 9/3/02)

§ 28.01.003. Application of regulations.

(a) No subdivision plat shall be recorded until a final plat, accurately describing the property to be conveyed, has been approved in accordance with this chapter and with other applicable city regulations (described in subsection (b) of this section). No building

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permit, certificate of occupancy, plumbing permit, electrical permit, floodplain permit, utility tap, or certificate of acceptance for required public improvements shall be issued by the city for any parcel of land or plat until:

(1) A final plat has been approved in accordance with this chapter;

(2) All improvements required by this chapter have been constructed and accepted by the city; or

(3) Assurances for completion of improvements have been provided in accordance with sections 28.05.001 through 28.05.010 [28.06.001 through 28.06.011].

(b) Compliance with all city ordinances pertaining to the subdivision of land, and the comprehensive plan, shall be required prior to approval of any development application governed by this chapter. It is the property owner's responsibility to be familiar with, and to comply with, city ordinances. Applicable ordinances and requirements include, but are not limited to, the following:

(1) Comprehensive plan, which includes the future land use plan, thoroughfare plan, park and open space plan, and all other associated maps and plans;

(2) Zoning ordinance set out in chapter 30;

(3) Building codes set out in chapter 24;

(4) Flood damage prevention code set out in article 24.10;

(5) Fire prevention code set out in chapter 8;

(6) Other applicable chapters of this code; and

(7) Stormwater ordinance (upon its adoption).

(2006 Code, sec. 70-3; Ordinance 02-09-549, sec. 1.3, adopted 9/3/02)

§ 28.01.004. Jurisdiction.

The provisions of this chapter shall apply to the following forms of land subdivision and development activity within the city's limits and its extraterritorial jurisdiction:

(1) The division of land into two or more tracts, lots, sites or parcels; or

(2) All subdivisions of land whether by metes and bounds division or by plat, which were outside the jurisdiction of the city's subdivision regulations in the county and which subsequently came within the jurisdiction of the city's subdivision regulations through:

(A) Annexation;

(B) Extension of the city's extraterritorial jurisdiction; or

(3) The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site, except as otherwise provided herein; or

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(4) When a building permit is required for the following uses:

(A) Residential single-family:

(i) Construction of a new single-family dwelling unit;

(ii) Moving of a primary structure or a main building onto a piece of property; or

(B) Nonresidential and multifamily:

(i) Construction of a new nonresidential or multifamily structure;

(ii) Additions, such as increasing the square footage of an existing building by more than 20 percent of its gross floor area;

(iii) Moving a primary structure onto a piece of property; or

(5) For tracts where any public improvements are proposed; or

(6) Whenever a property owner proposes to divide land lying within the city or its extraterritorial jurisdiction into two or more tracts, and claims exemption from V.T.C.A., Local Government Code ch. 212, subch. A, for purposes of development, that results in parcels or lots all greater than five acres in size; or in the event that development of any such tract is intended, and where no public improvement is proposed to be dedicated, he shall first obtain approval of a development plat that meets the requirements of V.T.C.A., Local Government Code ch. 212, subch. B, Regulation of Property Development, secs. 212.041–212.050, as amended. (See section 28.02.006 for requirements for development plats.)

(2006 Code, sec. 70-4; Ordinance 02-09-549, sec. 1.4, adopted 9/3/02)

§ 28.01.005. Exemptions.

The provisions of this chapter shall not apply to:

(1) Development of land legally platted and approved prior to the effective date of the ordinance from which this chapter is derived, except as otherwise provided for herein (construction of facilities and structures shall conform to design and construction standards in effect at the time of construction) and for which no resubdivision is sought;

(2) Development of land constituting a single tract, lot, site or parcel for which a legal deed of record describing the boundary of said tract, lot, site or parcel was filed of record in the deed records of the county on or before December 19, 1988;

(3) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is occurring;

(4) Existing cemeteries complying with all state and local laws and regulations;

(5) Divisions of land created by order of a court of competent jurisdiction;

(6) When a building permit is requested for unplatted or already platted parcels for one or more of the following activities:

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(A) Replacement or reconstruction of an existing primary single-family or duplex structure, but not to exceed the square footage, nor deviate from the original location, of the original structure;

(B) Building additions, such as increasing the square footage of a residence or other structure, of not over 100 percent of the existing structure's value, and of not over 50 percent of the gross floor area of the structure;

(C) Accessory buildings (as defined in the zoning ordinance set out in chapter 30);

(D) Remodeling or repair which involves no expansion of square footage; or

(E) Moving a structure off a lot or parcel, or for demolition permits.

(2006 Code, sec. 70-5; Ordinance 02-09-549, sec. 1.5, adopted 9/3/02)

§ 28.01.006. Pending applications.

All applications for plat approval, including final plats, that are pending on the effective date of the ordinance from which this chapter is derived and which have not lapsed shall be reviewed under the regulations in effect immediately preceding the effective date of this chapter.

(2006 Code, sec. 70-6; Ordinance 02-09-549, sec. 1.6, adopted 9/3/02)

§ 28.01.007. Interpretation and conflict.

(a) Interpretation.In their interpretation and application, the provisions of the regulations contained in this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

(b) Conflict with other laws.These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in this chapter. To the extent that this chapter promulgates standards or imposes restrictions or duties which differ from those imposed by other city ordinances, rules or regulations, the regulations contained within this chapter shall supersede such other provisions to the extent of any conflict or inconsistency.

(2006 Code, sec. 70-7; Ordinance 02-09-549, sec. 1.7, adopted 9/3/02)

§ 28.01.008. Saving provision.

This chapter shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of the ordinance from which this chapter is derived, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the city except as shall be expressly provided in this chapter.

(2006 Code, sec. 70-8; Ordinance 02-09-549, sec. 1.8, adopted 9/3/02)

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§ 28.01.009. Waivers and suspensions.

(a) Generally. Where the planning and zoning commission recommends, and the city council finds, that undue hardships will result from strict compliance with a certain provision of this chapter, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a waiver/suspension from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the waiver/suspension shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the city council shall not approve a waiver/suspension unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) Granting the waiver/suspension will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver/suspension will not prevent the orderly subdivision of other property in the vicinity;

(2) The conditions upon which the request for a waiver/suspension is based are unique to the property for which the waiver/suspension is sought, and are not applicable generally to other property;

(3) Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

(4) The waiver/suspension will not in any manner vary the provisions of the zoning ordinance set out in chapter 30 or the comprehensive plan or any other adopted plan or ordinance of the city; and

(5) An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

Such findings of the city council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the city council meeting at which a waiver/suspension is considered. A waiver/suspension from any provision of this chapter may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the property owner or developer, standing alone, shall not be deemed to constitute undue hardship.

(b) Criteria for waivers/suspensions from development exactions. Where the city council finds that the imposition of any development exaction pursuant to these regulations exceeds reasonable benefit to the property owner, or is so excessive as to constitute confiscation of the tract to be platted, it may approve a full or partial, at its discretion, waiver/suspension to such requirements, so as to prevent such excess.

(c) Conditions. In approving a waiver/suspension, the city council may require such conditions as will, in its judgment, secure substantially the purposes described in section

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28.01.002.

(d) Procedures.

(1) A petition for a waiver/suspension shall be submitted in writing by the property owner before the plat is submitted for the consideration of the planning and zoning commission. The petition shall state fully the grounds for the application, and all of the facts relied upon by the petitioner.

(2) Where a hardship is identified during concept plan review pursuant to the zoning ordinance set out in chapter 30 or during subdivision plat review pursuant to this chapter which requires issuance of a waiver/suspension from a provision in this chapter, the commission may recommend a conditional (or temporary) waiver/ suspension from that provision in this chapter in conjunction with concept plan or plat approval by the city council. A conditional or temporary waiver/suspension from this chapter shall receive final approval along with a construction plat provided that the construction plat conforms to the concept plan, and that no new information or reasonable alternative plan exists which, at the determination of the city council, voids the need for a waiver/suspension. All waivers/suspensions shall have final approval or disapproval by the city council.

(e) Criteria for waivers/suspensions for street exactions.Where the city council finds that the imposition of any dedication or construction requirement for streets pursuant to these regulations exceeds reasonable benefit to the property to be platted, it may approve waivers/suspensions for such requirements so as to prevent such excess. In order to qualify for a waiver/suspension under this section, the property owner shall demonstrate that the costs of right-of-way dedication and construction of non-local streets imposed pursuant to these regulations substantially exceeds the incremental costs of providing land and transportation improvements necessary to offset the additional traffic impacts generated by, or attributable to, the development upon the transportation network serving the property, including that which may be generated by or attributed to other phases to be platted in the future.

(2006 Code, sec. 70-9; Ordinance 02-09-549, sec. 1.9, adopted 9/3/02)

§ 28.01.010. Payments of all indebtedness attributable to a specific property.

No person who owes delinquent taxes, delinquent paving assessments, delinquent fees, or any other delinquent debts or obligations to the city, and which are directly attributable to a piece of property, shall be allowed to receive approval for any plat or replat until the taxes, assessments, debts or obligations directly attributable to said property and owed by the property owner or a previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the city manager (or designee) has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligations have been paid at the time of submission for any application for approval under this chapter.

(2006 Code, sec. 70-10; Ordinance 02-09-549, sec. 1.10, adopted 9/3/02; Ordinance adopting 2015 Code)

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§ 28.01.011. Right to deny hearing and plat.

The city may deny a hearing and any approval pursuant to this chapter if the applicant does not submit the information and fees required by this chapter.
(2006 Code, sec. 70-11; Ordinance 02-09-549, sec. 1.11, adopted 9/3/02)

§ 28.01.012. Misrepresentation of facts.

It shall be a violation of this chapter for any person to knowingly or willfully misrepresent, or fail to include, any information required by this chapter in any plat application or during any public hearing or meeting or [of] the commission or city council. Such a violation shall constitute grounds for denial of the plat.
(2006 Code, sec. 70-12; Ordinance 02-09-549, sec. 1.12, adopted 9/3/02)

§ 28.01.013. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "shall" is always mandatory, while the word "may" is merely directory.

Addition. A lot, tract or parcel of land lying within the corporate boundaries or extraterritorial jurisdiction of the city which is intended for the purpose of subdivision or development.

Administrative officers. Any officer of the city referred to in this chapter by title, including but not limited to the city manager, city secretary, fire chief, police chief, director of public works and chief building official, shall be the person so retained in that position by the city, or his duly authorized representative. This definition shall also include civil engineering, planning, legal, financial, traffic engineering and other consultants retained by the city to supplement or support existing city staff, as deemed appropriate by the city.

Alley. A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties that derive primary access from a street. The length of an alley segment is to be measured from the right-of-way lines of the streets from which the alley is provided access, including any alley turnouts onto a street, or from the centerpoint of an intersection with another alley which connects to a street.

Amended plat or amending plat. A revised plat correcting errors or making minor changes to the original recorded final plat.

Amenity. An improvement to be dedicated to the public or to the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this chapter.

Applicant. A person or entity who submits an application for an approval required by this chapter. Also sometimes referred to as "developer," "subdivider," or other similar term.

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Application. A written request for an approval required by this chapter.

Approval (by city council). The city council, as the governing body of the city, shall be the final authority responsible for approving all plats except for minor plats and amended plats. The only appeal to a decision by the city council shall be the judicial system.

Approval (by the planning and zoning commission). As a recommending body to the city council, any reference herein to approval by the planning and zoning commission shall be construed to mean that the commission takes action to make a favorable recommendation (either with or without conditions) to the city council. Any appeal to a decision by the planning and zoning commission shall be made to the city council.

Assurance. See section 28.06.002.

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Block length or street length. For a residential subdivision, that distance measured along the centerline of the street from the intersection centerpoint of one through street to the intersecting centerpoint of another street, or to the midpoint of a cul-de-sac. The through street referred to above shall not be a cul-de-sac, a dead-end street, or a looped street, but shall be a street which clearly has two points of ingress from two different directions.

Bond. Any form of a surety bond in an amount and form satisfactory to the city.

Building setback line. The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street right-of-way line, property line, a creek, or some other specific feature.

Capital improvements program (CIP). The official proposed schedule, if any, of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by the city council.

City. The City of Murphy, Texas.

City attorney. Shall apply only to the attorney, or firm of attorneys, that has been specifically employed by the city to assist in legal matters. The term “city attorney” shall also apply if the city retains a person to perform the functions of city attorney as an official city employee.

City council. The duly elected governing body of the city.

City engineer. Shall apply only to the licensed professional engineer, or firm of licensed professional consulting engineers, that has been specifically employed by the city to assist in engineering-related matters. The term “city engineer” shall also apply if the city retains a person to perform the functions of city engineer as an official city employee.

City planner. Shall apply only to the practicing, professional land planner, or firm of professional land planners, that has been specifically employed by the city to assist in planning and zoning related matters. The term “city planner” shall also apply if the city retains a person to perform the functions of city planner as an official city employee.

Commission. The planning and zoning commission of the city.

Comprehensive plan. The comprehensive plan of the city and adjoining areas as adopted by the city council, including all its revisions and plan elements (including, but not limited

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to, the future land use plan, thoroughfare plan, parks and open space plan, and the like). The comprehensive plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements.

Concept plan. A drawing of the overall conceptual layout of a proposed development, superimposed upon a topographic map which generally shows the anticipated plan of development, and which serves as a working base for noting and incorporating suggestions of the city's administrative officers, the commission, the city council, and others who are consulted prior to preparation of the construction plat. A concept plan is also sometimes referred to as a "preliminary site plan," a "sketch plan" or a "land study."

Construction plat (also preliminary plat). The graphic expression of the proposed overall plan for subdividing, improving and developing a tract, showing in plan view the proposed street and lot layout, easements, dedications and other pertinent features, with such notations as are sufficient to substantially identify the general scope and detail of the proposed development. The preliminary plat is referred to as the construction plat herein, since the engineering plans for public improvements are submitted along with it, and since it contributes toward authorization to proceed with construction of the subdivision and its associated public improvements, subject to any additions, alterations, plan approval and construction release by the city engineer.

Contiguous. Lots are contiguous when at least one boundary line or point of one lot touches a boundary line, or lines, or point of another lot.

Cul-de-sac. A street having only one outlet to another street, and terminated on the opposite end by a vehicular turnaround or "bulb." The length of a cul-de-sac is to be measured from the intersection centerpoint of the adjoining through street to the midpoint of the cul-de-sac bulb.

Dead-end street. A street, other than a cul-de-sac, with only one outlet.

Easement. An area for restricted use on private property upon which the city or a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs and other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within said easements. The city and public utilities shall, at all times, have the right of ingress and egress to and from and upon easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of their respective systems without the necessity at any time of procuring the permission of anyone.

Engineer. A person duly authorized and licensed under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

Engineering plans or drawings. The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision in accordance with the requirements of the city as a condition of approval of the plat.

Escrow. A deposit of cash with the city in accordance with this chapter.

FEMA. The Federal Emergency Management Agency of the U.S. government.

Final plat (also record plat or as-built plat). The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable

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points by a surveyor or engineer, with the subdivision location referenced to a survey corner, and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. The final plat of any lot, tract or parcel of land shall be recorded in the land records of the county. An amended plat is also a final plat.

Governing body. The city council.

Improvement or developer agreement. A contract entered into by the applicant and the city, by which the applicant promises to complete the required public improvements within the subdivision or addition within a specified time period following final plat approval.

Land planner. Persons, including surveyors or engineers, who possess and can demonstrate a valid proficiency in the planning of residential, nonresidential and other related developments, such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum, or by actual experience and practice in the field of land planning, and who may be certified as a member of the American Institute of Certified Planners (AICP).

Land study. The same as a concept plan.

Lot (also lot of record). A divided or undivided tract or parcel of land having frontage on a public street, and which is, or which may in the future be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record at the county.

Major plat. All plats not classified as minor plats, including but not limited to subdivisions of more than four lots, or any plat that requires the construction of a new street (or portion thereof) or the extension of a municipal facility as required by this or any other city ordinance.

Major subdivision. Means the same as a major plat.

Minor plat. A subdivision resulting in four or fewer lots, ~~provided that the plat is for conveyance purposes only with no development or construction proposed, and provided~~ th~~c~~at the plat does not create any new easements for public facilities nor the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be served by all required city utilities and services, and all lots will have access from a public roadway that has already been improved to city standards.

Minor subdivision. Means the same as a minor plat.

Off-site facilities or improvements. Those facilities or improvements that are required to serve the site but that are not located within the boundaries of the plat, and are not required to be constructed or improved immediately adjacent to the property to serve the development. These include oversizing for streets, sewer lines, water lines and storm drainage facilities, as well as the excess capacity of facilities such as water storage tanks and wastewater treatment plants available for new development.

On-site facilities or improvements. The existing or proposed facilities or improvements constructed within the property boundaries of the plat, and the existing or proposed facilities required to be constructed or improved immediately adjacent to the property that are needed to serve the development. Facilities and improvements include, but are not limited to, streets, alleys, water lines, sewer lines, storm drainage facilities, sidewalks, screening devices, and

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curbs and gutters.

Overlength street (or alley). A street segment, or a cul-de-sac or alley segment, which exceeds the maximum length allowed by this chapter, as measured along the centerline of the street from the intersection centerpoint of one through street, which shall not be a cul-de-sac or dead-end or looped street, to the intersecting centerpoint of another through street or, in the case of a cul-de-sac, to the midpoint of the cul-de-sac. For an alley segment, the measurement shall be to the right-of-way lines of the streets from which the alley is provided access, including any alley turnouts, or from the centerpoint of an intersection with another alley which connects to a street.

Pavement width. The portion of a street that is available for vehicular traffic. Where curbs are used, it is the portion from the back of one curb to the back of the opposite curb.

Perimeter street. Any existing or planned street which abuts the subdivision or addition to be platted.

Person. Any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.

Planning and zoning commission. The planning and zoning commission of the city.

Plat. A construction plat, final plat, development plat, amended plat or replat, as determined by the context.

Preliminary plat. Means the same as a construction plat. (See "Construction plat.")

Private street. A private vehicular accessway, including an alley, that is shared by and that serves two or more lots, which is not dedicated to the public, and which is not publicly maintained.

Property owner (also known as applicant or subdivider or developer). Any person or firm, association, syndicate, general or limited partnership, corporation, trust or other legal entity, or any agent thereof, that has sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide such land under this chapter. In any event, the term "property owner" shall be restricted to include only the owner or authorized agent of such owner, such as a developer, of land sought to be subdivided.

Public improvements. Facilities, infrastructure and other appurtenances, typically owned and maintained by the city (but not necessarily located upon city-owned property or right-of-way - public improvements can be located upon private property), which serve a public purpose in providing a needed service or commodity, such as wastewater collection and treatment and water storage and distribution, and which protect the general health, safety, welfare and convenience of the city's citizens, including efficiency in traffic circulation and access for emergency services. Required public improvements may include, but shall not be limited to, street and alley paving, including any necessary median openings and left-turn lanes on major thoroughfares; water lines and pumping stations; sanitary sewer lines and lift stations; storm drainage structures and stormwater management devices; water quality and erosion controls; screening and retaining walls; fire lane paving and fire hydrants; landscaping, where such is used for required screening or other required landscaped area, and associated irrigation system; and any required public sidewalks, streetlights and street name signs. The term "public improvements" shall not include facilities or infrastructure of private providers of

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utility services other than water and wastewater, but shall be deemed to include facilities and infrastructure that the city would normally require of a development but which will be owned and maintained by an entity such as a homeowners' association, as in the case of private streets.

Replatting or replat. The resubdivision of any part or all of a block or blocks of a previously platted subdivision, addition, lot or tract.

Review. "To read, analyze, assess and act upon" a development application.

Right-of-way. A parcel of land occupied, or intended to be occupied, by a street or alley. Where appropriate, the term "right-of-way" may include other facilities and utilities such as sidewalks; railroad crossings; electrical, communication, oil and gas facilities; water and sanitary and storm sewer facilities; and any other special use. The use of the term "right-of-way" shall also include parkways and medians outside of the paved portion of the street. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and shall not be included within the dimensions or areas of such lots or parcels.

Standard street. A street or road that meets or exceeds the minimum specifications in the city's standard street specifications, and which is constructed to the ultimate configuration for the type of roadway it is designated for on the city's thoroughfare plan.

Street. A right-of-way, whether public or private and however designated, which provides vehicular access to adjacent land. Streets may be of the following categories:

(1) Major thoroughfares, also known as arterial streets or primary thoroughfares, which provide vehicular movement from one neighborhood to another or to distant points within the city, and including freeways or highways leading to other communities.

(2) Collector streets, also known as feeder streets or secondary thoroughfares, which provide vehicular circulation within neighborhoods, and from local streets to major thoroughfares.

(3) Local residential streets, also known as minor thoroughfares or streets, which primarily provide direct vehicular access to abutting residential property.

(4) Private streets are streets which are owned and maintained by a homeowners' association or property owners' association, and which are not dedicated to the public.

Street improvements. Any street or thoroughfare, together with all appurtenances required by city regulations to be provided with such street or thoroughfare, and including but not limited to curbs and gutters, walkways (sidewalks), drainage facilities to be situated in the right-of-way for such street or thoroughfare, traffic-control devices, streetlights and street signs, for which facilities the city will ultimately assume the responsibility for maintenance and operation.

Street length. Means the same as block length. (See "Block length.")

Street right-of-way. The width of the right-of-way for any roadway is the shortest perpendicular distance between the lines which delineate the rights-of-way of the street.

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Subdivision (also known as addition). A division or redivision of any tract of land situated within the city's corporate limits or its extraterritorial jurisdiction into two or more parts, lots or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. The term "subdivision" includes resubdivisions of land or lots which are part of a previously recorded subdivision.

Submission date. The submission date is when all necessary forms, fees, plans, information and copies have been submitted to the city, previewed for completeness, and deemed as "complete" by action of issuance of a fee receipt by the city.

Substandard street. An existing street or road that does not meet the minimum specifications in the city's standard street specifications, and which is not constructed to the ultimate configuration for the type of roadway it is designated for on the city's thoroughfare plan.

Surety (or security or assurance). See section 28.06.002.

Surveyor. A licensed land surveyor or a registered public land surveyor, as authorized by state statutes to practice the profession of surveying.

SWPPP. A stormwater pollution prevention plan (as in a set of engineering construction plans).

TCSS. The city's technical construction standards and specifications (TCSS) for the construction of subdivision improvements, a copy of which is on file in the office of the city secretary, and which is incorporated herein by reference. The TCSS shall be comprised of the North Central Texas Council of Governments' (NCTCOG's) "Public Works Construction Standards" and the City of Murphy's Standard Construction Details that are in effect at the time of submission of the plat application. The TCSS shall also include any additional provisions or policies the city implements that pertain to the construction of site improvements such as street, parking lot, driveway and sidewalk paving, storm drainage structures, utility lines and facilities, screening walls/fences, retaining walls, landscaping and irrigation improvements, street lighting or signage, restricted access (gated) entrances to any type of development, and other similar improvements. The city engineer and the city's director of public works shall have the authority to determine whether or not the engineering plans for any type of site improvement are in conformance with the city's TCSS.

Temporary improvements. Improvements built and maintained by the property owner that are needed to remedy a circumstance that is temporary in nature, such as a temporary drainage easement or erosion control device, that will be removed upon completion of the subdivision or shortly thereafter.

TCEQ. The state commission on environmental quality.

U.S. Army Corps of Engineers. The civil engineering branch of the U.S. government.

Yard. The open area between building setback lines and lot lines.
(2006 Code, sec. 70-13; Ordinance 02-09-549, sec. 1.13, adopted 9/3/02; Ordinance adopting 2015 Code; Ordinance 25-01-1375 adopted 1/21/2025)

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CITY OF MURPHY
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Development Services
August 6, 2026

ISSUE:
Review and Discuss proposed text amendments to Article 26.07 Landscape Standards and Article 26.08 Tree Preservation. Stephanie Scott-Sims, AICP, Planning Manager

SUMMARY:
The Development Services Department is committed to regularly reviewing and updating outdated development-related ordinance provisions, as needed, to address challenges encountered during administration by City staff, as well as issues identified by applicants, property owners, and the development community.

The City Council most recently updated Article 26.07 Landscape Standards in 2009. The last revision to Article 26.08 Tree Preservation occurred in 2018. Since that time, industry thinking regarding the importance of landscaping and trees in development, as well as best management practices and scientific approaches for preserving and mitigating native, climate-resilient species of trees during construction has surely occurred. At one time, developers cringed at city requirements to plant trees on a development site. However, industry-standards and customer perceptions have changed over the last 20 years, as many developers have come to expect and want to ensure that their developments are aesthetically pleasing to their customers. Staff wants to ensure that the City of Murphy is maintaining and enhancing the aesthetic environment that attracts residents and businesses to the community.

Landscape Standards issues that Staff intends to address through the draft amendments include, but are not limited to:

- Clarifying when the Landscape Ordinance is applicable;
- Providing Staff some administrative authority;
- Creating a formal financial assurance requirement when a developer is unable to complete landscaping requirements;
- Explicitly exempting single-family homesteads from landscape plan requirements;
- Categorizing planting standards for trees, shrubs, and parking lot landscaping; and
- Making nonresidential landscaping and single-family landscaping requirements easier to read and understand.

Tree Preservation Ordinance issues that Staff intends to address through the draft amendments include, but are not limited to:

- Updating terminology and best management practices;
- Clarify standards and wording;
- Update and clarify review process;
- Create a formal tree removal permit process;
- Create a Tree Mitigation Fund that allows flexibility when tree replacement cannot occur onsite;

- Address trees in floodplain and transplanting of trees;
- Address onerous tree mitigation standards that leave developers who cannot meet the standards with no alternative except to request a variance;
- Require a tree survey or mitigation plan so staff can ensure compliance;
- Develop an "Approved Plant Materials" section in the Appendix in place of plant standards that are obsolete and no longer available; and
- Create standards for tree protection during construction.

Staff is proposing a complete rewrite both ordinances, which makes providing a readable red line version of the existing ordinances challenging. Staff has attached the existing Ordinances, the draft ordinance language and charts that compare the current ordinances will be provided at the meeting.

BACKGROUND/HISTORY:
At its October 28, 2024, meeting, Staff presented proposed code amendments to Article 26.08 Tree Preservation to the Planning & Zoning Commission, along with other proposed Zoning amendments, for consideration. At its December 16, 2024, meeting, the Planning & Zoning Commission recommended approval of the proposed Ordinance changes to City Council. On January 21, 2025, the City Council voted to table the discussion on the proposed Zoning Ordinance amendments to Article 26.08, while moving forward with discussion on the other proposed amendments. Staff did not bring forward the proposed amendments to Article 26.08 to the February 4, 2025, City Council meeting. Instead, Staff was requested to bring back the proposed amendments to Article 26.08 along with proposed changes to Article 26.07 Landscape Standards for joint consideration.

Staff is presenting proposed amendments to both Article 26.08 Tree Preservation and Article 26.07 Landscape Standards for review and discussion by the Tree Preservation Board. Staff intends to obtain the Board's comments, make revisions based on the Board's comments, and bring forth final drafts for consideration at the September or October Planning & Zoning Commission meeting and to City Council for approval at its October or November meetings.

ATTACHMENTS:
Landscape Standards Ordinance
Tree Preservation Ordinance

LANDSCAPE STANDARDS

§ 26.07.001. Definitions.

Artificial turf. A surface of synthetic fibers made to look like natural grass.
(Ordinance 14-08-981, sec. 2, adopted 8/5/14)

§ 26.07.002. Purpose.

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the city. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area, which, in turn, helps to reduce the amount of impervious surface area, stormwater runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is hereafter required of new development.
(2006 Code, sec. 28-151; Ordinance 09-05-797, sec. 2 (art. VI, sec. 1), adopted 5/18/09)

§ 26.07.003. Scope; enforcement.

(a) The standards and criteria contained within this article are deemed to be minimum standards and shall apply to all new, or altered, exceeding 30 percent of the original floor area, construction occurring within the city. Additionally, any use requiring a specific use permit or a PD zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the SUP or PD district. The provisions of this article shall be administered and enforced by the city manager or his designee. The landscape standards in this article apply to nonresidential and multifamily developments, including uses such as schools and churches within a residential zoning district, and minimal front yard landscaping standards apply to single-family and duplex residential developments and individual lot/tracts.

(b) If, at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this article, the city manager, or his designee, shall issue notice to the owner, citing the violation and describing what action is required to comply with this article. The owner, tenant or agent shall have 30 days from the date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this article.

(2006 Code, sec. 28-152; Ordinance 09-05-797, sec. 2 (art. VI, sec. 2), adopted 5/18/09)

§ 26.07.004. Issuance of permits and certificate of occupancy.

(a) No permits shall be issued for building, paving, grading or construction until a detailed landscape plan is submitted and approved by the city manager or his designee, along with the site plan and engineering/construction plans. A landscape plan shall be required as part of the site plan submission. The landscape plan may be shown on the site plan (provided the site plan remains clear and legible) or may be drawn on a separate sheet. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

(b) In any case in which a certificate of occupancy is sought at a season of the year in which the city manager, or his designee, determines that it would be impractical to plant trees,

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shrubs or ground cover, or to successfully establish turf areas, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the installation shall occur. All landscaping required by the landscaping plan shall be installed within six months of the date of the issuance of the certificate of occupancy.

(2006 Code, sec. 28-153; Ordinance 09-05-797, sec. 2 (art. VI, sec. 3), adopted 5/18/09)

§ 26.07.005. Landscape plan.

(a) Prior to the issuance of a building, paving, grading or construction permit for any use, a landscape plan shall be submitted to the planning and zoning commission. The planning and zoning commission shall review such plans and shall provide the city council with a recommendation and the city council shall take final action on such plans. If the plans are in accordance with the criteria of these regulations, an action of approval shall be taken. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

(b) Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

(1) Minimum scale of one inch equals 50 feet; show scale in both written and graphic form.

(2) Location, size and species of all trees to be preserved (do not use “tree stamps” unless they indicate the true size and location of trees).

(3) Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.

(4) Species and common names of all plant materials to be used.

(5) Size of all plant material to be used (container size, planted height, etc.).

(6) Spacing of plant material where appropriate.

(7) Layout and description of irrigation, sprinkler, or water systems including location of water sources and rain and freeze sensors.

(8) Description of maintenance provisions.

(9) Name and address of the person responsible for the preparation of the landscape plan.

(10) North arrow/symbol, and a small map showing where the property is located.

(11) Date of the landscape plan.

(12) The plan shall also be provided electronically and in color.

(2006 Code, sec. 28-154; Ordinance 09-05-797, sec. 2 (art. VI, sec. 4), adopted 5/18/09;

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Ordinance 13-02-947, sec. 17, adopted 2/19/13)

§ 26.07.006. General standards.

The following criteria and standards shall apply to landscape materials and installation:

(1) All nonpaved surfaces shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprise a significant portion of the total pervious surface area.

(2) Plant materials shall conform to the standards of the approved plant list for the city (see section 26.08.002 for the approved plant list referenced in that section) and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.

(3) Trees shall have an average crown spread of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet of crown spread. Large trees shall be a minimum of three inches in caliper (measured four feet above the ground) and seven feet in height at time of planting. Small ornamental trees shall be a minimum of one and one-half inches in caliper and five feet in height at time of planting. All new trees shall be provided with a permeable surface under the dripline a minimum of five feet by five feet diameter.

(4) Shrubs not of a dwarf variety shall be a minimum of two feet in height when measured immediately after planting. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous 75 percent visual screen which will be at least six feet high within three years after time of planting, except for parking lot/tract/ headlight screens, which shall form a continuous, solid visual screen three feet high within two years after planting.

(5) Vines not intended as ground cover shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.

(6) Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.

(7) Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.

(8) All landscaped areas shall be equipped with an automatic underground irrigation system with freeze and moisture sensors to prevent watering at inappropriate times. Landscaped areas having less than ten square feet in area may be irrigated by some other inconspicuous method. If appropriate xeriscape planting techniques are utilized, the city council may waive the requirement for an underground irrigation system at the time of site plan approval. However, the landscaping shall be required to be maintained in a healthy, living and growing condition, and any irrigation devices shall not be visible from

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public streets or walkways.

(9) Earthen berms shall have side slopes not to exceed 33.3 percent (three feet of horizontal distance for each one foot of vertical height). All berms shall contain necessary drainage provisions as may be required by the city engineer.

(10) The installation or construction of artificial turf in or on any yard within the city such that any portion of said turf is visible from the city's streets, sidewalks or easements is prohibited.

(11) Any installation or construction of artificial turf must be permitted prior to any work being done in the city and will be reviewed and inspected to ensure drainage remains as approved at time of original yard installation.

(12) Any property owner that has installed artificial turf on their property prior to August 1, 2014, is hereby grandfathered.

(2006 Code, sec. 28-155; Ordinance 09-05-797, sec. 2 (art. VI, sec. 5), adopted 5/18/09; Ordinance 14-08-981, sec. 3, adopted 8/5/14)

§ 26.07.007. Minimum requirements for nonresidential and multifamily developments.

(a) For all nonresidential and multifamily developments, including schools, churches, day care facilities, and other similar uses in a residential district, at least 20 percent of the lot/tract area shall be pervious, permanently landscaped area. For corner lot/tracts, a 600 square foot landscaped area shall be provided at the street intersection, which can be counted toward the 20 percent requirement.

(b) A minimum 25-foot landscaped street buffer adjacent to the right-of-way of any arterial (type B or larger) is required for the first 250 feet from the beginning (i.e., tangent) point of the street corner radius. Beyond the first 250 feet, the landscaped street buffer may either continue at the 25-foot width (developer's option), or it shall transition down to a required width of 15 feet along the remainder of the arterial frontage (minimum length of transition shall be 100 feet). A minimum 15-foot landscaped street buffer shall be required along any street frontage for any other nonresidential or multifamily development (including schools, churches, day care facilities, and other similar uses in a residential district). Corner lot/tracts fronting two arterials shall provide the appropriate required landscape buffer on both street frontages. Two large shade trees and four small ornamental trees shall be required per 50 linear feet (or portion thereof) of street buffer frontage. Trees should be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural-looking planting arrangement. The landscaped street buffer area may be included in the required landscape area percentage.

(c) Landscape areas within parking lot/tracts should generally be at least one parking space in size, with no landscape area less than 50 square feet in area. Landscape areas shall be no less than five feet wide, shall equal a total of at least 32 square feet per parking space, and shall be dispersed throughout the parking area (i.e., not confined to the perimeter). There shall be a landscaped area with at least one large shade tree within 60 feet of every parking space. There shall be a minimum of one large shade tree, a minimum of five-inch caliper, planted within the parking area for every ten parking spaces for parking lot/tracts

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having more than 20 spaces. Within parking lot/tracts, landscape areas should be located to define parking areas and to assist in clarifying appropriate circulation patterns. Landscape islands shall be located at the terminus of all parking rows and within bays of parking such that bays do not generally exceed 15 parking spaces in length, and all islands shall contain at least one tree (large or ornamental). All landscape areas shall be protected by a monolithic concrete curb or wheel stops, and shall remain free of trash, litter, and car bumper overhangs.

(d) Each lot/tract shall provide a minimum fifteen-foot-wide landscaped buffer strip around the sides and rear perimeters of the lot/tract, provided that each [such] side or rear lot/tract line does not abut residentially zoned property which requires a screening wall per article 26.03 of this chapter. Within the five-foot perimeter buffer shall be provided a four-foot-tall screen comprised of hardy evergreen shrubs, decorative walls with shrubs, or similar landscaping. If a side or rear lot/tract line abuts a residentially zoned property, and for nonresidential and institutional uses in residential zoning districts, then that portion of the perimeter buffer strip shall observe the required screening per article 26.03 of this chapter, shall be a minimum of ten feet in width, and shall be required to have one large shade tree, in lieu of the four-foot-high screen described above, for every 30 linear feet for overstory screening/buffering for the adjacent residences.

(e) Only shrubs, ground covers and small ornamental trees shall be used under existing or proposed overhead utility lines.

(f) Vehicular driveways from the public right-of-way and sidewalks, in accordance with city regulations, shall be permitted through all required landscaping.

(2006 Code, sec. 28-156; Ordinance 09-05-797, sec. 2 (art. VI, sec. 6), adopted 5/18/09; Ordinance 13-02-947, sec. 18, adopted 2/19/13)

§ 26.07.008. Minimum requirements for single-family and two-family residential developments.

(a) For all single-family and two-family developments, each residential lot/tract shall be required to have one large shade tree for each 50 feet, or portion thereof, of lot/tract width. Trees may be clustered or spaced linearly and need not be placed evenly at 50-foot intervals. The required trees shall be installed prior to issuance of a certificate of occupancy for the premises.

(b) The shade trees shall be a minimum of five-inch caliper. If the tree is located on a slope, measurement shall be from the highest side of the slope. The shade trees shall be selected from the current Texas A&M University Collin County Extension Agent's recommended tree list.

(c) The minimum height required for shade trees shall be seven feet.

(d) Shade trees in single-family developments are required to be maintained.

(2006 Code, sec. 28-157; Ordinance 09-05-797, sec. 2 (art. VI, sec. 7), adopted 5/18/09; Ordinance 13-02-947, sec. 19, adopted 2/19/13)

§ 26.07.009. Sight distance and visibility.

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(a) Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections (see section 30.07.108 for visibility requirements at street intersections and corners).

(b) Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any vehicular pavement in order to avoid visibility problems when plant materials mature.

(c) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the city manager, or his designee, the requirements set forth herein may be slightly reduced, if necessary, to remove the conflict.

(2006 Code, sec. 28-158; Ordinance 09-05-797, sec. 2 (art. VI, sec. 8), adopted 5/18/09)

§ 26.07.010. Maintenance.

(a) The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within 90 days. Trees with a trunk diameter in excess of six inches measured four feet above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches measured four feet above the ground on a caliper-inch for caliper-inch basis (e.g., for a six-inch tree, two three-inch replacement trees shall be required). A time extension may be granted by the city manager or his designee, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent.

(b) It shall be the duty of any person or persons owning or occupying real property bordering on any street to prune trees next to the street in such manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view from any street or alley intersection (see visibility requirements in article 26.03 of this chapter). The minimum clearance of any portion of a tree overhanging a public street right-of-way shall be 14 feet, and overhanging a public sidewalk shall be eight feet.

(c) Failure to maintain any landscape area in compliance with this section is considered a violation of this article and may be subject to penalties.

(2006 Code, sec. 28-159; Ordinance 09-05-797, sec. 2 (art. VI, sec. 9), adopted 5/18/09)

§ 26.07.011. Variance procedure.

(a) The planning and zoning commission shall hold a public hearing on any request for a variation or exception to the standards provided by this article. The planning and zoning commission may not recommend a variation or exception unless the planning and zoning commission determines that the variation or exception will not substantially alter the

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intent of the standards established by this article.

(b) All recommendations of the planning and zoning commission under this article shall be forwarded to the city council. When the planning and zoning commission denies a request for a variation or exception to the standards set forth in this article, a hearing before the city council shall be set only if a written appeal is filed by the applicant with the city manager or his/her designee within 15 days of the date of the denial.

(2006 Code, sec. 28-160; Ordinance 09-05-797, sec. 2 (art. VI, sec. 10), adopted 5/18/09)

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TREE PRESERVATION

§ 26.08.001. Requirements.

(a) Applicability.This section applies to all new residential and nonresidential development within the city.

(b) Preservation of existing landscape.The existing natural landscape character, especially native oaks, elms and pecan trees, shall be preserved to the maximum extent reasonable and feasible. For example, within areas containing a mature stand of trees, developers and builders shall use best efforts to preserve such mature trees. Indiscriminate clearing or stripping of natural vegetation on a property or lot/tract is prohibited. Any part of a site not used for buildings, parking, driveways, walkways, utilities and approved storage areas shall be retained in a natural state, or reclaimed to its natural state, to the greatest extent feasible, or attractively landscaped in a manner that adds aesthetic value to the development and to the community as a whole. Underbrush/undergrowth is allowed to be removed with written approval from the city planner or parks superintendent.

(c) Protected trees.A protected tree is defined as a tree with a caliper of six (6) inches or larger, except that of a bois d'arc, cedar or hackberry species. The removal of a protected tree must be specifically requested by the applicant and approved in writing by the city planner and parks superintendent prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Caliper inches for a single-stem tree shall be the diameter of the trunk measured six (6) inches above the ground for a tree having a diameter up to and including eight (8) inches, and measured at four and one-half feet above ground for a tree having a diameter greater than eight (8) inches. Caliper inches for a multi-stem tree shall be the diameter of the trunk measured at the narrowest point below branching when branching occurs higher than twelve (12) inches above the ground. When branching occurs at or lower than twelve (12) inches above the ground, caliper means the diameter of the largest stem plus the average diameter of the remaining stems, measured at four and one-half feet above the ground. Removal of such trees without the approval required under this section is expressly prohibited. Prior to the removal of any protected tree, the property owner must first submit a letter to the city manager, or his designee, that describes in detail which tree will be removed, how the removal will be performed (and machinery and equipment needed), and the date and time whereupon the anticipated removal will occur. The letter shall also include a notarized statement by the owner that the tree to be removed is not a protected tree, as defined herein or that its removal will be in complete conformance with the provisions of this section. The letter shall be submitted at least one (1) week in advance of the removal operation, and written city approval shall be obtained prior to commencing any part of the tree removal operation.

(d) Preservation and protection of existing trees.All existing trees which are to be preserved shall be provided with undisturbed, permeable surface area under and extending outward to the existing dripline of the tree. All protected trees within or next to an excavation site or to a construction site for any building, structure or paving work shall be clearly marked and guarded with a good substantial fence, frame or box not less than four feet high and surrounding the entire protected zone of the tree. The barriers shall be approved by the city planner and parks superintendent, and shall be in place before any site clearance or other site-disturbing activity commences. Any barrier with lesser

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dimensions than those specified above shall be subject to approval by the city planner and parks superintendent. All building material, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, and other materials shall be kept outside the barrier. Barriers shall remain in place until the final building and landscape site inspections are satisfactory completed and the certificate of occupancy has been issued for the premises.

(e) Permit requirement for excavation, trenching, paving, etc.No person shall excavate any ditches, tunnels or trenches, or place any paving or construction material, or drive any type of machine within the protective zone, or within the dripline, of any protected tree without first obtaining a written permit from the city planner and parks superintendent.

(f) Damage prohibited.Unless specifically authorized by the city planner and parks superintendent, no person shall intentionally damage, cut, carve, transplant or remove any protected tree; attach any rope, wire, nails, advertising posters or any other contrivance to any protected tree; allow any gaseous, liquid or solid substance which is harmful to such plants to come in contact with any protected tree or with any of the area within its dripline; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any protected tree.

(g) Removal of existing trees.The removal of an existing tree from a development site must be in accordance with this article and all other applicable ordinances of the city.

(h) Exceptions.

(1) Dangerous conditions.If the owner determines that an emergency situation exists that requires the immediate removal of a tree to protect the safety of persons or property, then the owner may remove the tree only to the extent necessary to eliminate the dangerous situation without a tree removal permit. However, the owner must immediately apply for a tree removal permit.

(2) Utility companies.Utility companies franchised by the city in easements or rights-of-way accepted by the city or otherwise authorized to provide utility service may remove protected trees that endanger public safety and welfare by interfering with utility service. Any trimming and/or removal of protected tree by a utility company requires written approval by the city planner and parks superintendent.

(3) City property.City property shall not be subject to this section. City property, including rights-of-way, streets, and easements for public purpose, parks, and any other property under the jurisdiction of the city, shall be regulated by the requirements of this code.

(4) Single-family residential property.Developed property which is zoned in a single-family residential classification and where an existing residence is located shall not be subject to this section.

(i) Tree credits.

(1) Negative tree credits.For every protected tree removed, including fence row trees, the property owner shall receive negative tree credits for each caliper inch removed

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or shall be required to plant replacement trees as follows:

(A) Trees six (6) to ten (10) caliper inches, one (1) negative credits for each caliper inch.

(B) Trees 10.1 to 15 caliper inches, two (2) negative credits for each caliper inch.

(C) Trees 15.1 to 24 caliper inches, three (3) negative credits for each caliper inch.

(D) Trees 24.1 caliper inches or larger, four (4) negative credits for each caliper inch.

(2) Replacement trees.Replacement trees shall be not less than three (3) caliper inches each. All replacement trees shall conform to the standards of the approved plant list for the city and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen, a copy of each of which shall be on file in the city's community development department and may be updated from time to time without further amendment to this article. This requirement shall be in addition to the requirements of this article.

(3) Tree credit.For every protected tree preserved, credit shall be given at a ratio of one (1) credit for each caliper inch preserved.

(2006 Code, sec. 28-181; Ordinance 09-05-797, sec. 2 (art. VII, sec. 1), adopted 5/18/09; Ordinance adopting 2015 Code; Ordinance 18-04-1083 adopted 4/17/18)

§ 26.08.002. Approved plant list.

"Recommended Landscape Plant Materials for North Central Texas" by the Collin County Extension Agent's office in Collin County, lists approved plants for this jurisdiction.
(2006 Code, sec. 28-182; Ordinance 09-05-797, sec. 2 (art. VII, sec. 2), adopted 5/18/09)

§ 26.08.003. Variance procedure.

(a) The planning and zoning commission shall hold a public hearing on any request for a variation or exception to the standards provided by this article. The planning and zoning commission may not recommend a variation or exception unless the planning and zoning commission determines that the variation or exception will not substantially alter the intent of the standards established by this article.

(b) All recommendations of the planning and zoning commission under this article shall be forwarded to the city council. When the planning and zoning commission denies a request for a variation or exception to the standards set forth in this article, a hearing before the city council shall be set only if a written appeal is filed by the applicant with the city manager or his/her designee within 15 days of the date of the denial.

(2006 Code, sec. 28-183; Ordinance 09-05-797, sec. 2 (art. VII, sec. 3), adopted 5/18/09)

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