

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 10-100

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20 AND ORDINANCE NOS. 06-78 AND 09-060 (PLANNED DEVELOPMENT-31); REZONING A TRACT OF LAND CONSISTING OF 17.96 ACRES, MORE OR LESS, SITUATED IN THE S. RICE SURVEY, ABSTRACT NO. 787, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, IS HEREBY REZONED TO AMEND PLANNED DEVELOPMENT-31 (PD-31), EXHIBIT C, SECTION 1.03(E); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council") has investigated and determined that Zoning Ordinance No. 05-20 and Ordinance Nos. 06-78 and 09-060 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Saddle Creek Investments, LTD. ("Applicant") to rezone 17.96 acres of land, more or less, situated in the S. Rice Survey, Abstract No. 787, in the Town of Prosper, Collin County, Texas; and

WHEREAS, the Town Council has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Prosper and its inhabitants to rezone this property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendments to Zoning Ordinance No. 05-20 and Ordinance Nos. 06-78 and 09-060 (Planned Development-31). Zoning Ordinance No. 05-20 and Ordinance Nos. 06-78 and 09-060 are amended as follows: The zoning designation of the below-described property containing 17.96 acres of land, more or less, situated in the S. Rice Survey, Abstract No. 787, in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is

hereby rezoned as Planned Development-31 (PD-31). The property as a whole and the boundaries for each zoning classification are more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with the planned development standards, attached hereto as Exhibit "C"; which are incorporated herein for all purposes as if set forth verbatim. Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of Ordinance Nos. 06-78 and 09-060, and all ordinances, rules, and regulations of Prosper, as they currently exist or may be amended.

Three original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. Two (2) copies shall be filed with the Town Secretary and retained as original records and shall not be changed in any matter.
- b. One (1) copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the Zoning Ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

Written notice of any amendment to this Planned Development District shall be sent to all property owners within two hundred feet (200') of the specific area to be amended.

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

SECTION 4: Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5: Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance No. 05-20, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin

the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7: Savings/Repealing Clause. Prosper's Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the appeal prevent a prosecution from being commenced for any violation if occurring prior to the repealing of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

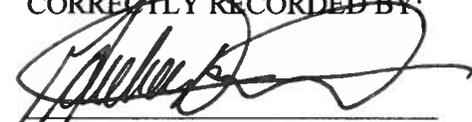
DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 9TH DAY OF NOVEMBER, 2010.

APPROVED AS TO FORM:



Ray Smith, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:



Matthew D. Denton, TRMC
Town Secretary

DATE OF PUBLICATION: NOVEMBER 29, 2010, Dallas Morning News



EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract of land located in the S. RICE SURVEY, ABSTRACT NO. 787, Town of Prosper, Collin County, Texas and being part of a tract of land described in Saddle Creek Phase One, recorded in Cabinet 2008, Slide 52, Map Records, Collin County, Texas and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 4613" found in the West line of State Highway No. 289 (Preston Road), a variable width right-of-way, at the Northeast corner of said Saddle Creek tract and the most Easterly Southeast corner of a tract of land described as Tract 2 in Deed to Shaddock Developers, Ltd., recorded in Volume 5826, Page 13, Deed Records, Collin County, Texas;

THENCE North 89 degrees 33 minutes 52 seconds West, with the common line of said Saddle Creek tract and said Tract 2, a distance of 118.83 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for the **POINT OF BEGINNING** of the herein described tract of land;

THENCE South 00 degrees 26 minutes 08 seconds West, leaving said common line, a distance of 165.00 feet to a point for a corner;

THENCE North 89 degrees 33 minutes 52 seconds West, a distance of 5.00 feet to a point for a corner;

THENCE South 00 degrees 26 minutes 08 seconds West, a distance of 330.00 feet to a point for a corner;

THENCE South 89 degrees 33 minutes 52 seconds East, a distance of 30.98 feet to a point for a corner;

THENCE South 00 degrees 26 minutes 08 seconds West, a distance of 165.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

THENCE North 89 degrees 33 minutes 52 seconds West a distance of 570.53 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

THENCE South 00 degrees 26 minutes 08 seconds West, a distance of 904.82 feet to a point for a corner;

THENCE North 89 degrees 33 minutes 52 seconds West, a distance of 130.08 feet to a point for a corner;

THENCE North 34 degrees 33 minutes 42 seconds West, a distance of 112.09 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

THENCE North 89 degrees 33 minutes 52 seconds West, a distance of 135.63 feet to a point for a corner;

THENCE North 00 degrees 26 minutes 08 seconds East, a distance of 793.00 feet to a point for a corner;

THENCE South 89 degrees 33 minutes 52 seconds East, a distance of 154.54 feet to a point for a corner at the beginning of a non-tangent curve to the left having a central angle of 8 degrees 15 minutes 03 seconds, a radius of 300.00 feet and a chord bearing and distance of North 18 degrees 51 minutes 49 seconds West, 43.16 feet;

Northwesterly, with said curve to the left, an arc distance of 43.20 feet to a point for a corner at the beginning of a curve to the right having a central angle of 23 degrees 25 minutes 28 seconds, a radius of 300.00 feet and a chord bearing and distance of North 11 degrees 16 minutes 36 seconds West, 121.80 feet;

Northwesterly, with said curve to the right, an arc distance of 122.65 feet to a point for a corner;

THENCE North 00 degrees 26 minutes 08 seconds East, a distance of 520.00 feet to a point for a corner in the common line of the above mentioned Saddle Creek Tract and said Tract 2;

THENCE South 89 degrees 33 minutes 52 seconds East, with said common line, a distance of 759.00 feet to the **POINT OF BEGINNING** and containing 17.96 acres of land, more or less.

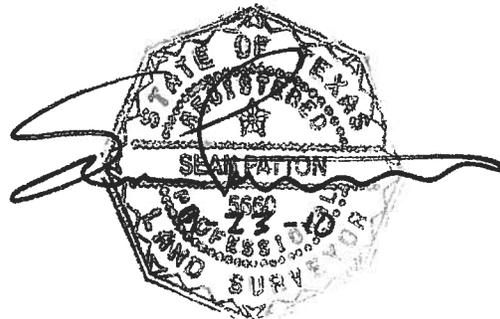


Exhibit C

Saddle Creek Phase One; Block E Lots 12 – 20; Block F Lots 1 – 20; Block G Lots 1 -18; Block H Lots 1 - 9 of
Planned Development – 31 Amendment

Planned Development District Standards

Except as otherwise set forth in these development standards, the property, as described in Exhibit A, shall develop under Ordinance No 06-78 and No. 09-060, as adopted by the Town of Prosper Town Council on June 13, 2006; May 26, 2009.

1.03

- E. **Front Yard:** The minimum depth of the front yard shall be 30' and staggered per the zoning ordinance 05-20 , Chapter 4, Section 9.3 (F)

The minimum front yard in single-family and two-family Zoning Districts may be reduced by ten (10) feet in the following circumstances. In no case shall the reduction cause the minimum front yard to be less than fifteen (15) feet.

1. For an inside or outside swing-in garage provided the wall of the garage that faces the street contains a glass pane window with a minimum size of three (3) feet by five (5) feet and the height of the garage does not exceed one (1) story; or
2. For a non-enclosed porch, stoop, or balcony, or an architectural feature, such as bay window without floor area or chimney; or
3. For a non-enclosed porch and the main structure provided:
 - a. the height of the main structure does not exceed one (1) story;
 - b. the porch has a minimum dimension of five (5) feet in depth measured from stud to the front edge of the porch floor, and a minimum dimension of five (5) feet in width; and
 - c. the minimum front yard for a front entry garage is thirty-five (35) feet.

DEVELOPER
SADDLE CREEK INVESTMENTS, LTD.
1000 WEST WILSON STREET, SUITE 75248
DALLAS, TEXAS 75248

ENGINEER/SURVEYOR
DOWDY, ANDERSON & ASSOCIATES, INC.
1000 WEST WILSON STREET, SUITE 75248
DALLAS, TEXAS 75248

SEPTEMBER 22, 2010
SCALE: 1"=100'



EXHIBIT "A"
56 LOTS-17.96 ACRES
ZONING CASE NO. Z10-0017
ZONING EXHIBIT
SADDLE CREEK PHASE ONE
LOTS 12-20, BLOCK E
LOTS 1-20, BLOCK F
LOTS 1-18, BLOCK G
LOTS 1-9, BLOCK H
AN ADDITION TO THE TOWN OF PROSPER
S. RICE SURVEY - ABSTRACT NO. 787
COLLIN COUNTY, TEXAS

LEGAL DESCRIPTION:
TRACT 2, SHADDOCK DEVELOPERS, LTD. VOL. 008, PAGE 13, D.E.C.C.T.
FUTURE LAND USE: MEDIUM DENSITY RESIDENTIAL, ZONED: PD-22

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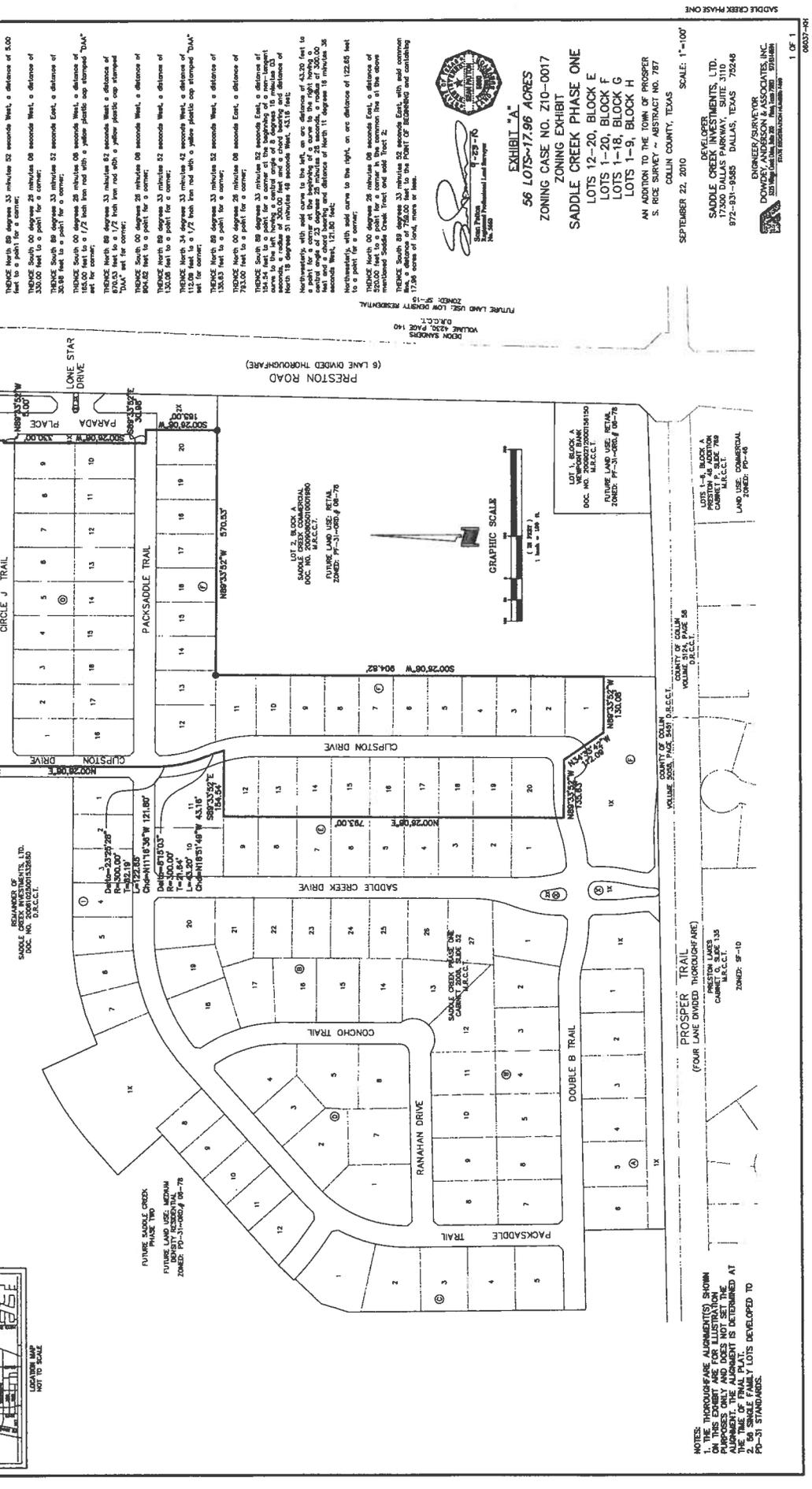
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LEGEND:
MAP BOUNDARY, COLLIN COUNTY, TEXAS
M.A.C.C.T. = MAP BOUNDARY, COLLIN COUNTY, TEXAS
D.E.C.C.T. = DOCUMENT NUMBER
1 = LOT NUMBER
① = BLOCK DESIGNATION
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET / YELLOW (UNLESS OTHERWISE NOTED)

NOTES:
1. THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES ONLY. THE FINAL ALIGNMENT, THE ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAT.
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