

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16; REZONING A TRACT OF LAND CONSISTING OF 412.809 ACRES, MORE OR LESS, SITUATED IN THE EDWARD BRADLEY SURVEY, ABSTRACT NO. 86 AND THE HARRISON JAMISON SURVEY, ABSTRACT NO. 480 IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS HERETOFORE ZONED AGRICULTURE (A) IS REZONED PLANNED DEVELOPMENT (PD); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Dowdey, Anderson & Associates, Inc. to rezone 412.809 acres of land, more or less, situated in the Edward Bradley Survey, Abstract No. 86 and the Harrison Jamison Survey, Abstract No. 480 in Prosper, Collin County, Texas; and

WHEREAS, the Town Council of Prosper (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 amend Prosper's Zoning Ordinance No. 84-16 and 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 Prosper's Zoning Ordinance No. 84-16. Prosper's Zoning Ordinance No. 84-16 is amended as follows: The zoning designation of the below-described property containing 412.809 acres, more or less, situated in the Edward Bradley Survey, Abstract No. 86 and the Harrison Jamison Survey, Abstract No. 480 in Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Planned Development (PD). Such property is divided into separate tracts which contain the following use classifications:

Tract 1 - 20.0 acres - Retail/Commercial/Office (COR)

Tract 2 - 109.7 acres - Retail/Commercial/Office (COR)

Tract 3 - 30.4 acres - Retail/Commercial/Office (COR)

Tract 4 - 189.309 acres - Single Family Residence -2 (SF-2)

Tract 5 - 63.4 acres - Multiple-Family Dwelling - 1 (MF-1)

The Property as a whole is more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

The development plans, standards, uses and schedules for the Property in this Planned Development District shall conform to, and comply with 1) the conceptual and/or site plan attached hereto as Exhibit "B", 2) the planned development standards attached hereto as Exhibit "C", 3) the statement of purpose and intent attached hereto as Exhibit "D", and 4) the development schedule attached hereto as "E". Exhibits "B", "C", "D" and "E" are incorporated herein for all purposes. Except as amended by this Ordinance, the development of the Property

within this Planned Development District must comply with the requirements of all ordinances, rules and regulations of Prosper, as they currently exist or may be amended.

Three (3) 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 the original records and shall not be changed in any manner.

b. One (1) copy shall be filed with the building inspector 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, the Planned Development Zone 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 it 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.

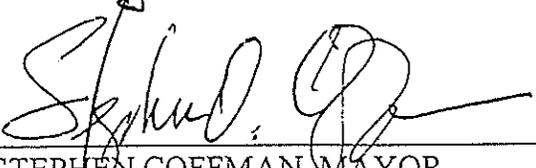
SECTION 5: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance No. 84-16, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$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: Savings/Repealing Clause. Prosper's Zoning Ordinance No. 84-16 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 repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7: 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.

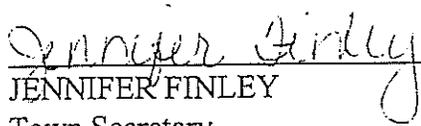
SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF
PROSPER, TEXAS on this 9th day of May 2000.


STEPHEN COFFMAN, MAYOR

ATTESTED TO AND
CORRECTLY RECORDED BY:

APPROVED AS TO FORM:


JENNIFER FINLEY
Town Secretary

ABERNATHY, ROEDER, BOYD,
& JOPLIN, P.C.
RICHARD M. ABERNATHY
REBECCA BREWER
Town Attorneys

DATE OF PUBLICATION: 4-21-00 in the MCKINNEY COURIER GAZETTE

EXHIBIT "A"

DESCRIPTION

BEING a tract of land situated in the EDWARD BRADLEY SURVEY, ABSTRACT NO. 86, and the HARRISON JAMISON SURVEY, ABSTRACT NO. 480, in the Town of Prosper, Collin County, Texas, and being part of a called 872.746 acre tract of land described as Tract One in a deed to Mustang-Midway Plano, Ltd., recorded as County Clerk's Document Number 96-0038753 of the Official Public Records of Real Property of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 100-penny nail found in the center of County Road No. 78 for the most northerly northwest corner of said 872.746 acre tract and the northeast corner of a called 27.672 acre tract of land described as Tract Nine in a deed to 183 Land Corporation, Inc., recorded as County Clerk's Document Number 97-0005168 of said Deed Records;

THENCE North 88 degrees 58 minutes 10 seconds East, along the center of County Road No. 78 and the north line of said 872.746 acre tract, a distance of 1335.56 feet to a 1/2-inch iron rod found for an angle point at the southwest corner of a called 50.923 acre tract of land described in a Substitute Trustee's deed to Robert S. Folsom recorded in Volume 2998, Page 935 of said Official Public Records;

THENCE North 88 degrees 49 minutes 19 seconds East, continuing along the north line of said 872.746 acre tract and the center of County Road No. 78, a distance of 378.09 feet to a 1/2-inch iron rod set in the west line of a tract of land described in a deed to the Town of Prosper recorded as County Clerk's Document Number 96-0090462;

THENCE South 18 degrees 36 minutes 00 seconds West, along the west line of said Town of Prosper tract and generally along a fence, a distance of 352.42 feet to the southwest corner of said Town of Prosper tract, from which a bent 5/8-inch iron rod found bears North 22 degrees 15 minutes 43 seconds East, 2.22 feet;

THENCE North 88 degrees 49 minutes 19 seconds East, along the south line of said Town of Prosper tract, a distance of 372.00 feet to the southeast corner of said Town of Prosper tract, in the west line of a 100-foot wide easement to Texas Power & Light Company recorded in Volume 493, Page 96 of said Deed Records, from which a 1/2-inch iron rod found bears South 88 degrees 49 minutes 27 seconds West, 0.91 feet;

THENCE South 18 degrees 36 minutes 00 seconds West, along the west line of said easement, a distance of 2575.53 feet to a 1/2-inch iron rod set for an angle point in said easement;

THENCE South 04 degrees 28 minutes 23 seconds West, continuing along the west line of said easement, a distance of 1444.62 feet to a 1/2-inch iron rod set in the prolongation of the north line of a called 41.166 acre tract of land described in a deed to Carol Tung recorded in Volume 1326, Page 351 of said Official Public Records;

THENCE North 88 degrees 34 minutes 45 seconds East, along the prolongation of the north line of said Tung tract, a distance of 3413.31 feet to a point in the southeast line of a 170' wide easement to T. P. & L. Co. recorded in Volume 805, Page 413 of said Official Public Records;

THENCE North 49 degrees 48 minutes 07 seconds East, along the southeast line of said T. P. & L. Co. easement, a distance of 2996.71 feet to a point in the east boundary of said 872.746 acre tract and in the center of County Road No. 74;

THENCE South 01 degree 47 minutes 13 seconds East, along the east boundary of said 872.746 acre tract and the west line of a called 645.426 acre tract of land described in a deed to ASG Prosper, Ltd., recorded as County Clerk's Document Number 95-0019108 in said Land Records, and generally along the center of County Road No. 74, a distance of 457.95 feet to a 1/2-inch iron rod found for corner;

THENCE South 00 degrees 59 minutes 59 seconds East, continuing along the east line of said 872.746 acre tract and the west line of said ASG Prosper tract, and generally along the center of County Road No. 74, a distance of 2395.70 feet to a point in the north line of U. S. Highway No. 380 (variable right-of-way);

THENCE westerly, along the north boundary of U. S. Highway No. 380 the following courses and distances:

South 89 degrees 00 minutes 03 seconds West, a distance of 17.23 feet;

South 37 degrees 51 minutes 37 seconds West, a distance of 113.05 feet;

South 88 degrees 37 minutes 20 seconds West, a distance of 3205.91 feet to a Texas Department of Transportation (TxDOT) monument found for corner;

North 88 degrees 30 minutes 58 seconds West, a distance of 200.27 feet to a TxDOT monument found for corner;

South 88 degrees 38 minutes 25 seconds West, a distance of 300.04 feet to a 3/4-inch iron rod found for corner;

North 85 degrees 39 minutes 02 seconds West, a distance of 100.45 feet to a TxDOT monument found for corner;

South 88 degrees 37 minutes 24 seconds West, a distance of 400.01 feet to a 5/8-inch iron rod found for corner;

South 85 degrees 46 minutes 19 seconds West, a distance of 200.45 feet to a TxDOT monument found for corner;

South 88 degrees 37 minutes 52 seconds West, a distance of 500.01 feet to a TxDOT monument found for corner;

South 82 degrees 55 minutes 06 seconds West, a distance of 100.51 feet to a 5/8-inch iron rod found for corner;

South 88 degrees 37 minutes 05 seconds West, a distance of 699.94 feet to a 1/2-inch iron rod set for corner;

North 89 degrees 42 minutes 40 seconds West, a distance of 514.26 feet to a TxDOT monument found in the east line of said Tung tract;

THENCE North 01 degree 44 minutes 11 seconds West, along the east line of said Tung tract and the most southerly west line of said 872.746-acre tract, a distance of 1044.31 feet to a 1/2-inch iron rod found for the northeast corner of said Tung tract and a re-entrant corner of said 872.746-acre tract;

THENCE South 88 degrees 34 minutes 45 seconds West, along the north line of said Tung tract and the most westerly south line of said 872.746 acre tract, a distance of 1657.60 feet to a 1/2-inch iron found in the center of County Road No. 73 and the east line of a tract of land described as Tract Ten in said deed to 183 Land Corporation, Inc., for the northwest corner of said Tung tract and the most westerly southwest corner of said 872.746 acre tract;

THENCE North 01 degree 25 minutes 16 seconds West, along the westerly boundary of said 872.746 acre tract and the east line of said tract Ten and along the center of County Road No. 73, a distance of 2045.94 feet to a 60-penny nail found in the easterly boundary of State Highway No. 289 right-of-way;

THENCE North 89 degrees 06 minutes 01 second East, along said State Highway No. 289 right-of-way and continuing along the westerly boundary of said 872.746-acre tract, a distance of 19.49 feet;

THENCE North 06 degrees 31 minutes 45 seconds East, continuing along the westerly boundary of said 872.746 acre tract and said State Highway No. 289 right-of-way, a distance of 302.86 feet to a wood right-of-way marker;

THENCE North 12 degrees 37 minutes 24 seconds West, continuing along the westerly boundary of said 872.746 acre tract and said State Highway No. 289 right-of-way, a distance of 203.02 feet to a bent right-of-way marker;

THENCE North 00 degrees 58 minutes 02 seconds West, continuing along the westerly boundary of said 872.746 acre tract and said State Highway No. 289 right-of-way, a distance of 86.34 feet to a wood right-of-way marker;

THENCE North 39 degrees 17 minutes 26 seconds East, a distance of 26.86 feet to a wood right-of-way marker;

THENCE North 88 degrees 28 minutes 09 seconds East, continuing along the westerly boundary of said 872.746 acre tract, a distance of 1277.41 feet to a fence corner post for corner;

THENCE North 01 degree 58 minutes 28 seconds West, along the east line of said Tract Nine and the most northerly west line of said 872.746 acre tract, a distance of 1546.33 feet to the POINT OF BEGINNING and containing 412.809 acres of land, more or less.

Exhibit "C"

LA CIMA

Planned Development District
Development Standards

Applicant:

Dowdey, Anderson and Associates, Inc.
Planning and Engineering
5225 Village Creek Parkway
Suite 200
Plano, Texas 75093
(972)931-0694
(972)931-9538 Fax

Owner:

Mustang-Midway Plano, Ltd.
By Folsom Properties, Inc., General Partner
16475 Dallas Parkway, Suite 800
Dallas, Texas 75248
(972)931-7400
(972) 250-1812 Fax

May 2000

La Cima

PLANNED DEVELOPMENT DISTRICT STANDARDS

1.01 Planned Development District – Corridor District Tracts 1, 2, and 3

1. **General Description:** The Corridor District (COR) tract will provide the ability to encourage and accommodate the development of office, retail and commercial center(s).
2. **Permitted Uses:** The following uses are permitted within Tracts 1, 2, and 3 of the Planned Development District:

- Antique shops - indoor display only
- Apparel distribution centers
- Appliance stores
- Artist material and supplies
- Auto laundries/car wash facilities
- Auto parts sales - no outdoor storage/display
- Automobile parking lots and parking garages
- Automobile sales, service, and leasing
- Baby shops
- Baker and confectionery shops
- Banks, savings and loan and credit unions - with and without drive-thru services
- Barber/beauty shops
- Beverage stores - in accordance with other applicable City of Prosper, Texas Ordinances as they presently exist or may be amended
- Advertising signs - permitted in compliance with the City of Prosper, Texas Sign Ordinance as it presently exists or may be amended
- Book and stationery shops
- Bus stops
- Business services
- Cafeterias
- Camera shops
- Candy and cake shops
- Catering establishments
- Churches/rectories

Cleaning, dyeing, pressing, pick-up and collection agencies
Clothing and apparel stores
Clothing, footwear, and textile centers
Collection agencies
Commercial amusement enterprises - indoor and outdoor (excluding drive-in theaters)
Computer centers
Computer sales, service, and repairs
Computer training facilities
Concrete batch plants - temporary and incidental to on-site construction
Convenience stores
Convenience stores with gas service
Convention facilities
Copy services
Corporate and professional office facilities and headquarters
Gift shops
Dairy products and Ice cream stores
Day care centers for children
Delicatessens
Department stores
Dinner theaters
Distribution centers and showrooms - no outdoor storage unless screened
Drapery shops
Dress shops
Drug stores/pharmacies
Dry goods stores
Electronic product sales
Electronic security facilities
Feed stores
Financial institutions
Fitness and health centers
Florist and garden shops
Food product distribution centers
Fraternal organizations, lodges, and civic clubs
Funeral homes and mortuaries
Furniture, home furnishings and equipment showrooms and sales
Furniture stores
General merchandise stores
Governmental and utility agencies, offices and facilities - no outdoor storage unless screened
Greenhouse and nursery facilities - sales permitted
Grocery stores and supermarkets
Guard and patrol services

Hardware and building materials stores - no outdoor storage unless screened
Health product sales
Hospitals and emergency centers
Interior decorating stores
Jewelry stores
Key shops/locksmiths
Laboratories - testing and experimentation - emissions of hazardous or toxic chemicals shall be prohibited
Laundry and dry cleaning establishments
Leather good shops
Meat markets - no slaughter houses or packing plants
Medical equipment showrooms
Medical and health care facilities
Museums, libraries, art schools, and art galleries
Musical instrument sales
Newspaper and magazine sales
Newspaper printing centers
Novelty/notion stores
Offices - professional, administrative and general offices - including but not limited to, doctors, optometrists, psychiatrist, attorneys, architects, engineers, planners, travel agents, advertising, insurance, and real estate offices
Office showroom facilities - sales permitted
Office businesses
Office equipment repairs and maintenance
Office supplies and sales
Paint stores
Parks, playgrounds, recreational facilities, and community centers
Pest control/exterminating shops - emissions of hazardous or toxic chemicals shall be prohibited
Pet grooming and supplies
Pet shops
Photographic services
Play equipment - sales and display
Post office facilities
Printing and duplicating establishments
Private club facilities - in accordance with other applicable City of Prosper, Texas Ordinances as they presently exist or may be amended
Radio and televisions sales and service
Radio and television studios and broadcasting facilities
Recreation centers - public and private
Restaurants
Restaurants - with drive-in/drive-thru service

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Retail sales
Retail shops and stores
Schools - public or state accredited
Scientific/research facilities - emissions of hazardous or toxic chemicals shall be prohibited
Securities and commodities offices - including, but not limited to, brokers, dealers, underwriters, exchange offices and similar offices
Service stations full service (including bays)
Service stations - self service
Sewing machine sales and services
Shoe and boot sales and repair stores
Shopping centers/malls
Sign sales, sign installation to be in compliance with the City of Prosper, Texas Sign Ordinance as it presently exists or may be amended
Small enclosed machinery sales and services - service and repair facilities to be under roof and enclosed
Small truck sales and leasing
Specialty shops and boutiques
Sporting good sales
Storage facilities and uses customarily incidental to the primary, permitted uses
Studios - art, photography, music, dance, gymnastics, health, etc.
Tailor shops
Theaters - indoor
Theatrical centers
Tire dealer - no outdoor storage
Toy stores
Trade and commercial schools
Travel bureaus
Trophies and awards shops
Utility distribution systems and facilities
Variety stores
Veterinarian clinics and kennels - limited to small animals (no outside runs)
Watch making shops
Accessory building and uses customarily incidental to the permitted uses
Temporary building and uses incidental to construction work on the premises to be removed upon completion or abandonment of construction work
Uses similar to the above-mentioned uses, provided the Prosper City Council approves said uses prior to the issuance of a building permit

- 1.03 **Non-Permitted Uses:** For clarity, the following uses are specifically not permitted within Tracts 1, 2, and 3 of the Planned Development District.
 - 1. Multiple-Family Residences
 - 2. Light Industrial Uses
 - 3. Single Family Residences

- 1.04 **Building Materials:** All main buildings shall have an exterior finish of glass, stone, stucco, brick, tile, concrete, exterior wood or similar materials or any combination thereof. The use of wood as a primary, exterior building material shall be limited to a maximum of twenty-five (25) percent of the total exterior wall surfaces.

- 1.05 **Building Heights:** The maximum permitted height of all buildings within the commercial tracts of the Planned Development District shall be as outlined in Section 11, Height Regulations, of the City of Prosper Zoning Ordinance, No. 84-16.

- 1.06 **Front Yard:** There shall be a front yard having a depth of not less than twenty-five (25) feet. Front yard setbacks are required on both streets for corner lots.

- 1.07 **Side Yard:** Side yard requirements for commercial the tracts shall be as outlined in Section 10, Area Regulation, of the City of Prosper Zoning Ordinance, No. 84-16, under the heading of Side Yards.

- 1.08 **Rear Yard:** Rear yard requirements for commercial the tracts shall be as outlined in Section 10, Area Regulation, of the City of Prosper Zoning Ordinance, No. 84-16, under the heading of Rear Yards.

- 1.09 **Landscape Plans:** Landscape plans for proposed development areas shall be submitted in accordance with the City of Prosper Landscape Code as it presently exists at the time this Planned Development District is approved.

- 1.10 **Screening:** A six (6) foot screening wall shall be provided between areas developed for residential uses. The commercial user shall be responsible for the construction and maintenance of the six (6) foot screening wall. This screening wall shall be constructed at the time a commercial property is developed and shall only be required adjacent to the specific commercial property that is being developed.

The above referenced six (6) foot screening wall shall be constructed of stone, brick, or similar materials or any combination thereof.

- 1.11 **Floor to Area Ratio (FAR):** The permitted floor area of all buildings located within the commercial tract shall be 5:1 (floor area ratio).
- 1.12 **Required Parking:** Parking shall be provided in accordance with Section 12, Off-Street Parking Regulations of the City of Prosper Zoning Ordinance, No. 84-16.
- 1.13 **Land Area Permitted:** The amount of acreage permitted in Tract 1 shall not exceed twenty (20) acres net of right-of-way dedications. The amount of acreage permitted in Tract 2 shall not exceed one hundred ten (110) acres net of right-of-way dedications. The amount of acreage permitted in Tract 3 shall not exceed thirty-one (31) acres net of right-of-way dedications.
- 1.14 **Commencement of Multi-Family Development:** Development of Multi-Family product cannot begin until twenty-one (21) acres of Retail/Commercial Development has commenced on Tracts 2 and 3 of the Planned Development District.

2.0 Planned Development District – Single Family Residence-2
Tract 4

2.01 **General Description:**

The Residential Tract is intended to accommodate single family residential uses. The residential units will be comprised of Single Family Residence-2 (SF-2) products. Development standards for each of the aforementioned housing type are outlined within this text.

2.02 **Permitted Uses:** Land uses permitted within the PD are as follows:

- a. Residential units as described herein.
- b. Private or public recreation facilities.
- c. Churches/rectories.
- d. Schools – public, private, or state accredited.
- e. Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts.
- f. Fire stations, police stations, and public safety facilities.
- g. Real estate sales offices during the development and marketing of the Planned Development.
- h. Public streets and private streets.
- i. Electronic security facilities including gatehouse and control counter.
- j. Accessory buildings and uses customarily incidental to the permitted uses.
- k. Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion.
- l. Municipal service centers.

- 2.03 **Required Parking:** Parking shall be provided in accordance with Section 12. Off-Street Parking Regulations of the City of Prosper Zoning Ordinance, No. 84-16.
- 2.04 **Building Materials:** A minimum of seventy-five (75) percent of the total exterior wall surfaces of all main buildings shall have an exterior finish of glass, stone, stucco, tile, brick, cementitious fiberboard, or similar materials, as approved by the PD Architectural Review Committee (ARC), or any combination thereof. The use of wood as a primary, exterior building material shall be limited to a maximum of twenty-five (25) percent of the total wall surfaces.
- 2.05 **Single-Family-2:** Single-Family-2 units are a form of single family, detached housing. This residential type will consist of larger units and lots, having access and frontage on a public or private street. Building and area requirements are as follows:
- a. **Lot Area:** The minimum area of any lot shall be ten thousand (10,000) square feet.
 - b. **Lot Coverage:** In no case shall more than forty-five (45) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, porches, driveways, walks, and other paved areas shall not be included in determining maximum lot coverage.
 - c. **Lot Width:** The minimum width of any lot shall not be less than eighty (80) feet at the front building line of the lot, except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of seventy (70) feet along the arc at the front building line; provided all other requirements of this section are fulfilled. Building lines may be staggered or set back at a greater distance from the right-of-way.
 - d. **Lot Depth:** The minimum depth of any lot shall be one hundred ten (110) feet, except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-point on front and rear lot lines, of one hundred (100) feet; provided all other requirements of this section are fulfilled.
 - e. **Front Yard:** The minimum depth of the front yard shall be twenty-five (25) feet. Front yard setbacks may vary in depth into the lots, but in no case shall be less than twenty-five (25) feet. Front porches, roof eaves, chimneys and other similar architectural elements may extend into the front yard.
 - f. **Side Yard:** The minimum side yard on each side of a lot shall be seven (7) feet. A side yard for all corner lots shall not be less than fifteen (15) feet. Roof eaves, chimneys and other similar architectural elements may extend into the side yard. Lots adjacent to a six (6) foot sidewalk in an increased

parkway shall be required to have a minimum side yard adjacent to the right-of-way of seven (7) feet.

- g. **Rear Yard:** The minimum depth of the rear yard shall be ten (10) feet for main buildings. Accessory structures shall have a minimum rear yard setback of two (2) feet.
- h. **Building Height:** Buildings shall be a maximum of two and one-half (2 ½) stories.

3.0 Planned Development District - Multiple-Family Dwelling Tract 5

- 3.01 **General Description:** Multiple Family units are attached units. These units will consist of flats (single level units) and studio (two to three level units), or a combination thereof. Access shall be allowed from access drives or parking areas connecting to adjacent public or private streets. Requirements for the multiple family development shall be governed by standards as described below.
- 3.02 **Permitted Uses:** All uses identified in Section 9, Use of Land and Buildings, of the City of Prosper Zoning Ordinance, No. 84-16, under the heading of Multiple Family Residence -1 (MF-1) Dwelling shall be permitted within Tract 5 as indicated on the Zoning Exhibit.
- 3.03 **Non-Permitted Uses:** Single family residences and two family residences shall not be permitted within Tract 5 of the Planned Development District.
- 3.04 **Density:** The allowed density for Tract 5 shall be fifteen (15) units per gross acre of land.
- 3.05 **Required Parking:** Parking requirements for multi-family developments shall be provided in accordance with Section 12, Off-Street Parking Regulations of the City of Prosper Zoning Ordinance, No. 84-16.
- 3.06 **Building Materials:** All multi-family structures shall have an exterior finish of glass, stone, stucco, brick, tile, exterior wood or similar materials (as approved by the Prosper City Council) or any combination thereof. The use of wood as a primary, exterior building material shall be limited to a maximum of twenty-five (25) percent of the total exterior wall surfaces.
- 3.07 **General Requirements:** Unless otherwise approved by the Prosper City Council or their designee, a six (6) foot screening fence shall be constructed by the Owner and/or Developer of the multi-family property between areas developed for multi-family uses and those areas developed for single family residential uses. The above referenced six (6) foot screening fence shall be constructed of exterior

wood, stone, stucco, brick, tile, concrete, or similar materials or any combination thereof. Design of the aforementioned screening fence shall be approved by the City at the time of Site Plan approval.

- 3.08 **Minimum Dwelling Size:** The minimum floor area for multi-family units shall be six hundred fifty (650) square feet, exclusive of garages, open breezeways, and porticos.
- 3.09 **Lot Area:** The minimum area of any multi-family lot shall be ten thousand (10,000) square feet.
- 3.10 **Lot Coverage:** In no case shall more than forty-five (45) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- 3.11 **Lot Width:** The width of any lot shall not be less than eighty (80) feet.
- 3.12 **Lot Depth:** The minimum depth of any lot shall not be less than one hundred twenty (120) feet.
- 3.13 **Front Yard:** The minimum dept of the front yard shall be twenty-five (25) feet.
- 3.14 **Side Yard:** The minimum side yard on each side of the lot shall be fifteen (15) feet. A side yard adjacent to a street shall be a minimum of twenty-five (25) feet. A building separation of fifteen (15) feet shall be provided between multi-family structures. A minimum side yard of sixty (60) feet shall be required where units abut a single family zoning district, unless the multi-family units are less than two (2) stories in height.
- 3.15 **Rear Yard:** The minimum depth of the rear yard shall be twenty (20) feet. A minimum rear yard of sixty (60) feet shall be required where units abut a single family zoning district, unless the multi-family units are less than two (2) stories in height.
- 3.16 **Building Height:** The permitted height of all multi-family structures shall not exceed three (3) stories; provided, however, no multi-family structure shall exceed two (2) stories when located one hundred fifty (150) feet or less from a single family zoning district, unless otherwise approved by the City.

4.0 Planned Development District – General Conditions

- 4.01 **Conformance to All Applicable Articles of the City of Prosper Zoning Ordinance:** Except as amended herein, this Planned Development District shall

conform to any and all applicable articles and sections of the City of Prosper Zoning Ordinance, No. 84-16, as it presently exists.

- 4.02 **Amenity Center:** The Developer for the Planned Development District shall provide for an amenity center which may include, but not be limited to a swimming pool, cabana, and landscaping to be owned, operated, and maintained by a property owner's association.
- 4.03 **Zoning Exhibit:** A Zoning Exhibit is hereby attached and made a part of the ordinance. It establishes the most general guidelines for the district by identifying the land use types, approximate thoroughfare locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.
- 4.04 **Streets:** Residential streets shall consist of a fifty (50) foot right-of-way with a twenty-seven (27) foot paving section (b-b).
- 4.05 **Maintenance of Facilities:** The Owner(s) shall establish, with each preliminary plat submittal, a property owner's association, membership association or other designation that will be responsible for the improvement and maintenance of all common areas and/or common facilities contained within the area of the Planned Development District.
- 4.06 **Sidewalks:** A four (4) foot sidewalk within the street right-of-way shall be provided at the front of all single family residential lots. Corner lots shall also provide the aforementioned requirement.

EXHIBIT "D"

DOWDEY, ANDERSON & ASSOCIATION, INC.
LA CIMA
STATEMENT OF INTENT AND PURPOSE

The purpose and intent of this planned development district is to provide a high quality of mixed residential, commercial and industrial uses that are compatible with the physical location of the property and the natural characteristics of the property. The commercial and industrial land uses for the overall property were planned due to the property's location adjacent to SH 380, SH 289, Business 289 and future major thoroughfares to include the North Dallas Tollway extension. The residential land uses were considered in the land plan relative to their location adjacent to existing residential and public school property and in locations with natural features supporting quality residential neighborhoods.

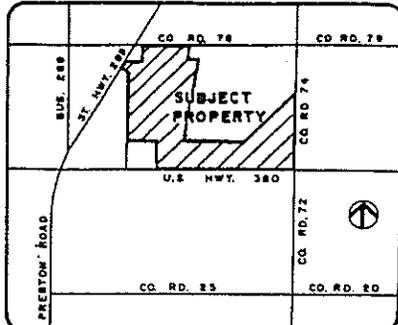
EXHIBIT "E"

DOWDEY, ANDERSON & ASSOCIATION, INC.
LA CIMA
DEVELOPMENT SCHEDULE

The development schedule for the approximate four-hundred, fifteen (415) acres will be phased over the next ten (10) to fifteen (15) years and is primarily dependent on the marketability of the highest and best use of the land for the respective land tracts.

The commercial tracts vary in size and location. It is conceivable that the larger commercial land tracts along Preston Road will be held for longer amounts of time in order to reserve their use for commercial development that is commensurate with larger mixed use developments when the market so demands. The development of commercial land tracts adjacent to the future North Dallas Tollway extension will be dependent on the future extension of the Tollway and the demand for quality commercial development. On the other hand, there may be more immediate opportunities to facilitate commercial service uses on smaller tracts of land required to serve the communities needs.

There exists immediate market demands for affluent single family residences in the land tract adjacent to the Prosper school land. The multi-family tracts of land will be developed according to the Planned Development Ordinance and at such time as it is feasible to deliver quality multifamily housing.



N. 88° 58' 10" E 335.56' 378.09'

COUNTY SCHOOL LAND SURVEY
ABSTRACT 157

183 LAND CORP., INC.
FILE NO. 97-0005168

N. 39° 17' 26" E 26.86'
N. 00° 58' 02" W 86.34'
N. 12° 37' 24" W 203.02'

N. 88° 28' 09" E 1277.41'

Tract 1
PD-Corridor
±20 Gross Acres

N. 08° 31' 45" E 302.86'

N. 89° 06' 01" E 19.49'

STATE HIGHWAY NO. 289 PRESTON RD.

BEN RANISEN SURVEY
ABSTRACT 735

183 LAND CORP., INC.
FILE NO. 97-0005168

N. 01° 25' 16" W 2045.94'

EDWARD BRYDLEY SURVEY
ABSTRACT 86

Tract 4
PD-Single-Family Residence-2
±189.3 Gross Acres

100 TP. & LEASMT.
S. 18° 36' 00" W

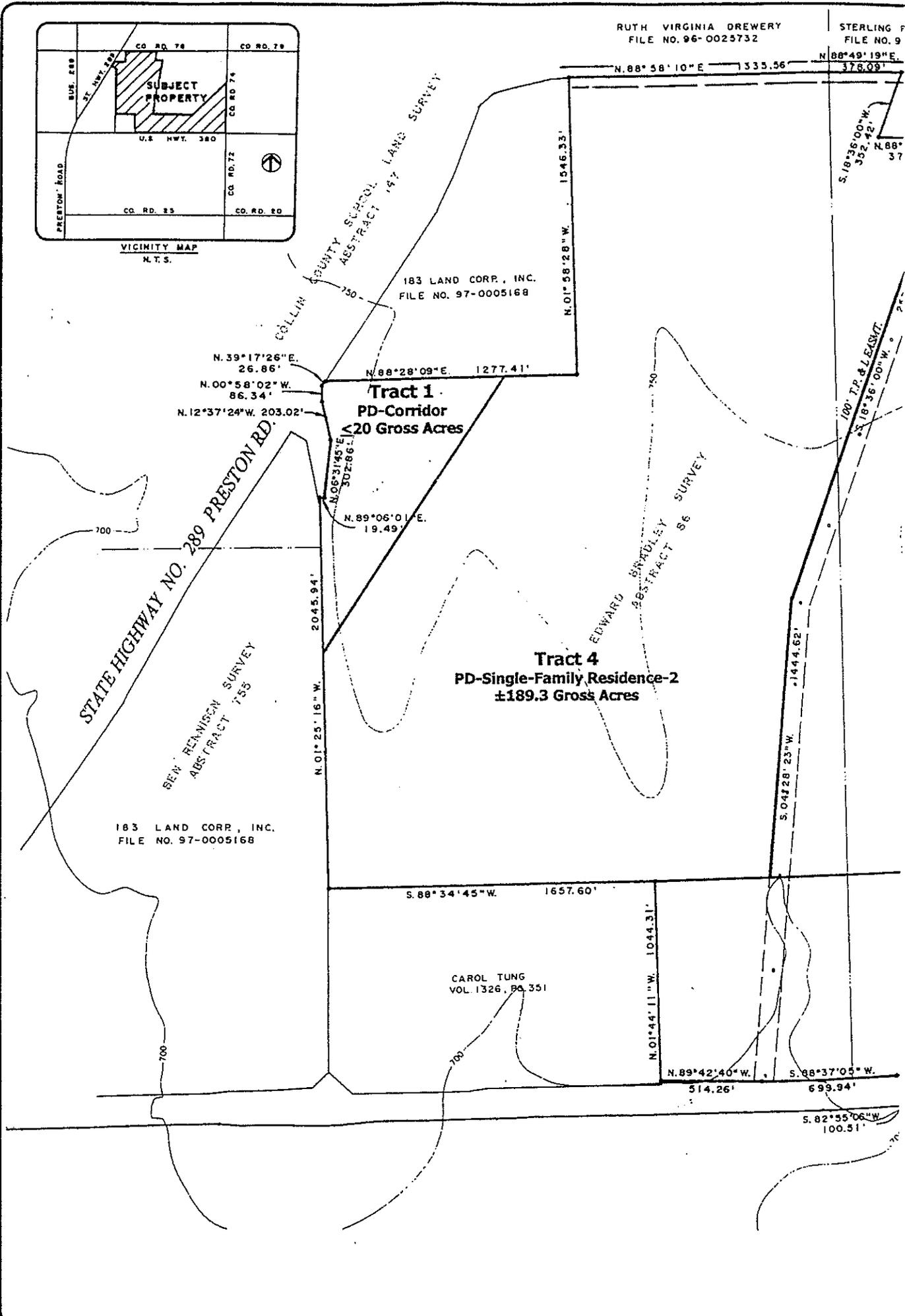
S. 88° 34' 45" W 1657.60'

CAROL TUNG
VOL. 1326, PG. 351

N. 01° 44' 11" W 1044.31'

N. 89° 42' 40" W 514.26'
S. 88° 37' 05" W 699.94'

S. 82° 55' 06" W 100.51'



RUTH VIRGINIA DREWERY
FILE NO. 96-0025732

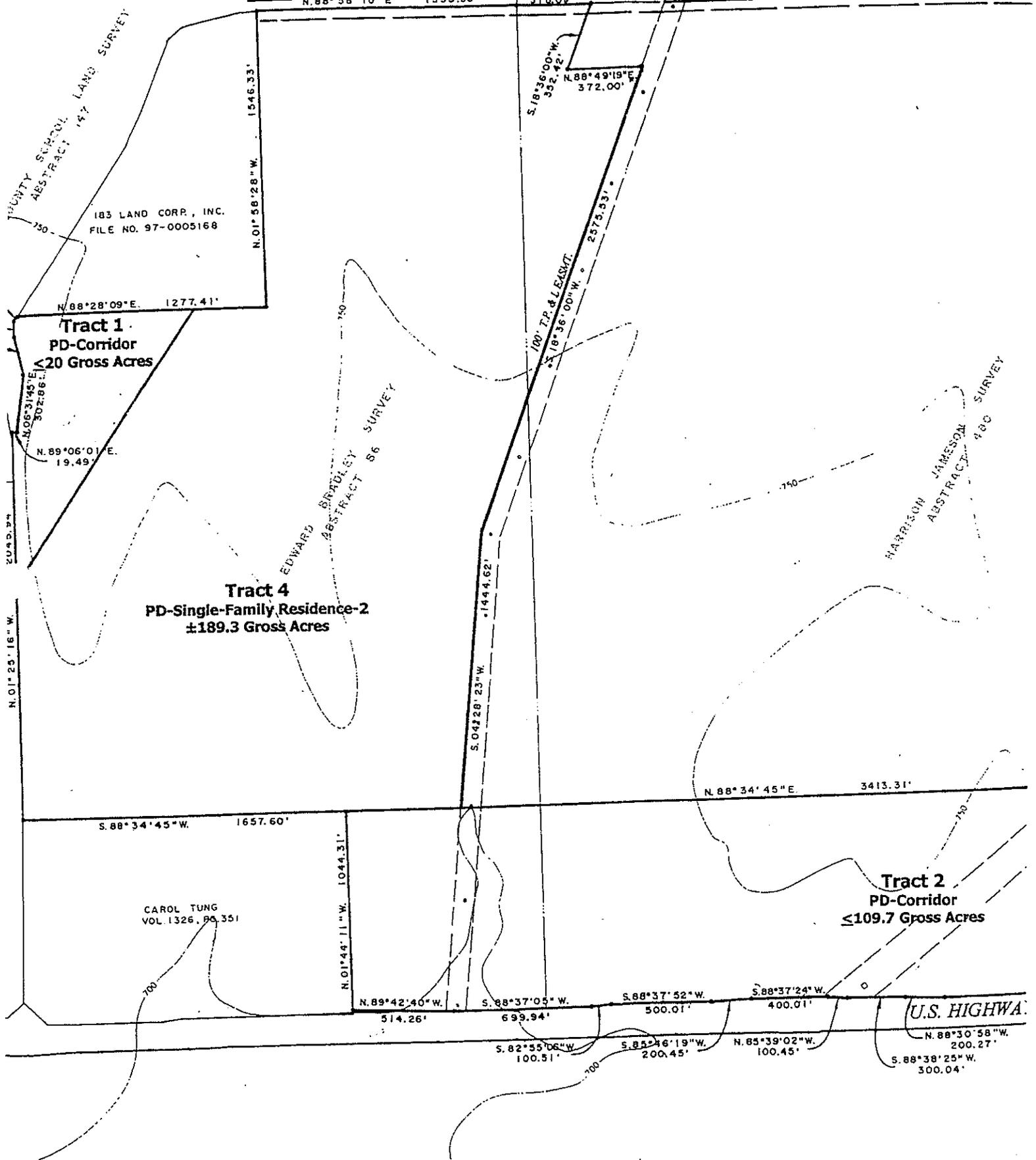
STERLING PROJECTS, INC.
FILE NO. 98-0025811

WAYNE A. ROBINSON, P.E. &
VOL. 3577, PG 923

GURLEY L.T.D.
VOL 4482, PG. 2382

COUNTY ROAD NO. 79

ULTIMATE RC



183 LAND CORP., INC.
FILE NO. 97-0005168

N. 88° 28' 09" E. 1277.41'

Tract 1
PD-Corridor
20 Gross Acres

N. 89° 06' 01" E.
19.49'

Tract 4
PD-Single-Family Residence-2
±189.3 Gross Acres

Tract 2
PD-Corridor
<109.7 Gross Acres

CAROL TUNG
VOL 1326, PG 351

U.S. HIGHWAY

N. 88° 30' 58" W.
200.27'
S. 88° 38' 25" W.
300.04'

N. 89° 42' 40" W.
514.26'

S. 88° 37' 05" W.
699.94'

S. 88° 37' 52" W.
500.01'

S. 88° 37' 24" W.
400.01'

S. 82° 55' 06" W.
100.51'

S. 85° 46' 19" W.
200.45'

N. 85° 39' 02" W.
100.45'

N. 01° 25' 16" W.

N. 01° 58' 28" W. 1546.33'

N. 88° 58' 10" E. 1335.56'

N. 88° 49' 19" E. 378.09'

S. 18° 36' 00" W. 352.42'

N. 88° 49' 19" E. 372.00'

100' T.P. & 1 EASTVT.
S. 18° 36' 00" W. 2575.53'

S. 04° 28' 23" W. 1444.62'

N. 88° 34' 45" E. 3413.31'

S. 88° 34' 45" W. 1657.60'

N. 01° 44' 11" W. 1044.31'

COUNTY SCHOOL LAND SURVEY
ABSTRACT 157

EDWARD BRADLEY
ABSTRACT 86 SURVEY

HARRISON JAMESON
ABSTRACT 480 SURVEY

COUNTY ROAD NO. 79

ULTIMATE ROW

80' N 88° 53' 14" E

3818.29'

N 88° 52' 53" E

765.55'

HARRISON JAMESON
ABSTRACT 480
SURVEY

JAMES STONE
SURVEY
ABSTRACT 547

W. H. RASOR, III, ET AL
FILE NO. 97-1008B102

S. 01° 47' 15" E
457.95'

COUNTY ROAD NO. 74
ULTIMATE ROW 80'

WILLIAMSON SURVEY
ABSTRACT 548

Tract 5
PD-Multiple-Family Dwelling-1
≤63.4 Acres

Tract 2
PD-Corridor
≤109.7 Gross Acres

Tract 3
PD-Corridor
≤30.4 Gross Acres

U.S. HIGHWAY NO. 380

VARIABLE R.O.W.

Zoning Exhibit for:

La Cima

±412.809 Acres
Prosper, Texas

Owner:

Mustang-Midway Plano, Ltd.
By Folsom Properties, Inc.,
General Partner
16475 Dallas Parkway, Suite 800
Dallas, Texas 75248
(972)931-7400

Engineer/Planner:

Dowley, Anderson & Assoc., Inc.
5225 Village Creek Drive, Suite 200
Plano, Texas 75093
(972)931-0694