

## TOWN OF PROSPER, TEXAS

ORDINANCE NO. 04-63

**AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16 AND ORDINANCE NO. 01-06; REZONING A TRACT OF LAND CONSISTING OF 37.789 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM BUTLER SURVEY, ABSTRACT NO. 112, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2); 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. 84-16 and Ordinance No. 01-06 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Sterling Projects, Inc. ("Applicant") to rezone 37.789 acres of land, more or less, situated in the William Butler Survey, Abstract No. 112, 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. 84-16 and Ordinance No. 01-06.

Zoning Ordinance No. 84-16 and Ordinance No. 01-06 are amended as follows: The zoning designation of the below-described property containing 37.789 acres of land, more or less, situated in the William Butler Survey, Abstract No. 112, 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-Single Family-2 (PD-SF-2). 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 1) the statement of intent and purpose, attached hereto as Exhibit "B"; 2) the planned development standards, attached hereto as Exhibit "C"; 3) the conceptual development plan, attached hereto as Exhibit "D"; and 4) the development schedule, attached hereto as Exhibit "E"; each of which is 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 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 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 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. 84-16, 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.

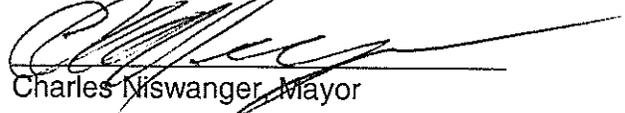
SECTION 7: Savings/Repealing Clause. Prosper's Zoning Ordinance No. 84-16 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All

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 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.

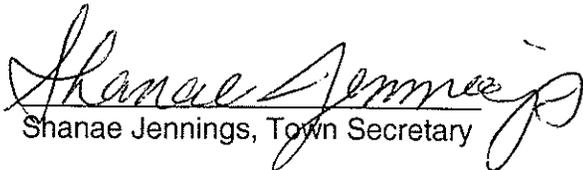
SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 8th DAY OF June, 2004.

APPROVED AS TO FORM:

  
Charles Niswanger, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:

  
Shanae Jennings, Town Secretary

DATE OF PUBLICATION: 6/11/04 & 6/12/04, Dallas Morning News – Collin County Addition

# **Cedar Ridge Estates**

Planned Development District

Development Standards

## **Applicant:**

Sterling Projects, Inc.  
8235 Douglas Ave.  
Suite 800, LB 78  
Dallas, TX 75225

## **Owner:**

Sterling Projects, Inc.  
8235 Douglas Ave.  
Suite 800, LB 78  
Dallas, TX 75225

May 2004

**EXHIBIT A**  
**LEGAL DESCRIPTION**

WHEREAS, Sterling Projects, Inc. is the owner of a 37.789 acre tract of land situated in the William Butler Survey, Abstract No. 112, City of Prosper, Collin County, Texas; said tract being all of a tract of land described in Warranty Deed to Sterling Projects, Inc. as recorded in Volume 4125, Page 2623 of the Deed Records of Collin County, Texas; said 37.789 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found at the intersection of the centerline of County Road 77 (a non-dedicated right-of-way) and the north right-of-way line of County Road 78 (a 40 foot right-of-way); said iron rod also being the southwest corner of the said William Butler Survey, the northwest corner of the Harrison Jamison Survey, Abstract No. 480, the northeast corner of the Ed Bradley Survey, Abstract No. 86 and the southeast corner of the Collin County School Land Survey, Abstract No. 147; said iron rod also being the southeast corner of a tract of land described in Special Warranty Deed of to Prosper Town Center I, L.P. as recorded in Volume 4681, Page 3158 of the Deed Records of Collin County, Texas;

THENCE, North 01 degrees, 31 minutes, 04 seconds West, along the centerline of said County Road 77, the west line of said William Butler Survey, and the east line of said Prosper Town Center tract, at a distance of 1322.69 feet passing the northeast corner of said Prosper Town Center tract and the southeast corner of a tract of land described in Special Warranty Deed to Blue Star Land, L.P. as recorded in Volume 4421, Page 1264 of the Deed Records of Collin County, Texas; continuing in all a distance of 1515.70 feet to a 1/2-inch iron rod found for corner;

THENCE, North 88 degrees, 06 minutes, 47 seconds East, departing said centerline of County Road 77, the west line of said William Butler Survey and the east line of said Blue Star Land tract, at a distance of 30.00 feet passing the southwest corner of Northchase Estates, an addition to the City of Prosper, Texas according to the plat recorded in Volume F, Page 491 of the Plat Records of Collin County, Texas; continuing in all a distance of 1360.58 feet to a 1/2-inch iron rod found for corner; said point being in the west line of a tract of land described in Deed to HMS North 04, Ltd. as recorded in Volume 5597, Page 1373 of the Deed Records of Collin County, Texas;

THENCE, South 18 degrees, 30 minutes, 51 seconds West, departing the south line of said Northchase Estates and along the west line of said HMS North tract, a distance of 1626.89 feet to a 1/2-inch iron rod found for corner; said point being in the south line of said William Butler Survey, the centerline of said County Road 78, and in the north line of a tract of land described in Deed to the Town Of Prosper, Texas as recorded in Collin County Clerk Document No. 96-0090462 of the Deed Records of Collin County, Texas;

THENCE, South 88 degrees, 46 minutes, 03 seconds West, departing the west line of said HMS North tract and along the south line of said William Butler Survey, the centerline of said County Road 78, and the north line of said Town of Prosper tract, a distance of 425.48 feet to the

northwestern corner of said Town of Prosper tract and the northeastern right-of-way corner of said County Road 78; continuing along the north right-of-way line of said County Road 78 in all a distance of 803.28 feet to the POINT OF BEGINNING;

CONTAINING, 1,646,094 square feet or 37.789 acres of land, more or less.

**EXHIBIT B**  
**STATEMENT OF INTENT AND PURPOSE**

The intent and purpose of this planned development district is to provide a quality residential development within the Town of Prosper.

**EXHIBIT C**  
**PLANNED DEVELOPMENT STANDARDS – SINGLE FAMILY-2**

1. **GENERAL CONDITIONS**

- 1.01 **Action:** Approval of the 109 lot Cedar Ridge Estates, in the William Butler survey, Abstract No. 112, Town of Prosper, Collin County, Texas (Cedar Ridge Estates) as a planned development (PD).
- 1.02 **General Description:** Cedar Ridge Estates is intended to accommodate single-family residential uses. The residential units will be comprised of Single Family-2 (SF-2) products. Except as amended herein, the property shall be subject to the SF-2 development standards of the Town of Prosper as outlined in Zoning Ordinance No. 84-16, as it exists or may be amended.
- 1.03 **Permitted Uses:** Land uses permitted within the PD are as follows:
- Residential units as described herein and related utilities
  - Private recreation facilities – HOA maintained
  - Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts
  - Real estate sales offices during the development and marketing of the Planned Development
  - Public streets
  - Accessory buildings and uses customarily incidental to the permitted uses
  - Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion
- 1.04 **Required Parking:** Parking shall be provided in accordance with Section 12, Off-Street Parking Regulations of the Town of Prosper Zoning Ordinance No. 84-16, as it exists or may be amended.
- 1.05 **Screening:** Prior to the completion of the improvements to Cedar Ridge Estates, Sterling shall commence construction of a living screen along County Road 77 and County Road 78. The living screen shall be designed by Sterling and comprised of plants chosen by Sterling in its reasonable discretion. Landscaping shall be as follows:
- a. Along C.R. 78:
    - i. A ten (10) foot open space buffer shall be provided between the lots backing to C.R. 78 and the right-of-way for C.R. 78. The open space buffer shall be owned and maintained by the homeowners' association for Cedar Ridge Estates.

- ii. A solid screen of shrubs shall be planted within the open space buffer. The shrubs shall be spaced so as to provide a solid screen and to reach a minimum height of six feet (6') within two (2) growing seasons.
  - iii. Trees shall be planted within the open space buffer. The total number of caliper inches of the trees shall equal or exceed one (1) caliper inch per ten (10) linear feet of frontage of the open space buffer. Minimum tree size shall be three (3) caliper inches. A single species of tree shall not exceed forty-five percent (45%) of the plantings.
  - iv. Shrubs shall be irrigated by a spray irrigation system, and trees shall be irrigated by a bubbler system.
- b. Along CR 77:
- i. A ten (10) foot open space buffer shall be provided between the lots backing and/or siding to C.R. 77 and the right-of-way for C.R. 77. The open space buffer shall be owned and maintained by the homeowners' association for Cedar Ridge Estates.
  - ii. A solid screen of shrubs shall be planted within the open space buffer. The shrubs shall be spaced so as to provide a solid screen and to reach a minimum height of six feet (6') within two (2) growing seasons.
  - iii. Shrubs shall be irrigated by a spray irrigation system.

1.06 **Single-Family-2:** The SF-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 street. The building and area requirements applicable to SF-2 are as follows:

- a. **Minimum Dwelling Size:** The minimum area of the main building shall be two thousand two hundred (2,200) square feet, exclusive of garages, breezeways and porticos.
- b. **Lot Area:** The minimum area of any lot shall be ten thousand (10,000) square feet.
- c. **Lot Coverage:** In no case shall more than forty (40%) 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.
- d. **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. Lots on the North side of Meadow Run Circle shall have a minimum width of seventy-five (75)

feet. Building lines may be staggered or set back at a greater distance from the right-of-way

- e. **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.
- f. **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. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
- g. **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 ten (10) feet. Roof eaves may extend into the side yard.
- h. **Rear Yard:** The minimum depth of the rear yard shall be twenty feet (20'). The minimum depth of the rear yard may be reduced to fifteen (15) feet when a detached garage is utilized. Angled and corner lots may require a variance to the rear yard size due to their dimensions. In this instance, the builder will come to the council for a variance. The twenty-foot (20') rear yard will still apply to the main structure of the house. Accessory structures shall be of the same exterior material as the main building and follow the min rear yard set back of fifteen (15') feet.
- i. **Building Height:** Buildings shall be a maximum of two and one-half (2½) stories.

- 1.07 **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 Town of Prosper Zoning Ordinance No. 84-16, as it exists or may be amended.
- 1.08 **Streets:** Residential streets shall consist of a fifty (50) foot right-of-way with a thirty-one (31) foot paving section (back of curb to back of curb), with a concrete curb (lay down curb style) and gutter. Street signage shall bear the Prosper logo.
- 1.09 **Sprinkler Fire Protection:** Any structure constructed with a square footage area over 6,000 square feet of under roof space shall have a fire sprinkler system in accordance with UBC standards.
- 1.10 **Roof Materials:** Wood roof material is not allowed.
- 1.11 **Sidewalks:** The builders shall be required to construct a four-foot (4') wide sidewalk on each side of all residential streets and incorporating wheel chair ramps. A 15' ROW shall be dedicated to the town of Prosper along the western boundary, and wholly within, an existing 50' TP&L easement, subject to receiving approval from TP&L, to permit the creation of a hike/bike trail. This hike/bike trail shall be 6' in width, made of concrete and constructed by the

developer. The developer will be reimbursed, up to the lesser of the actual cost or the park impact fees as prepared by Travis Roberts, the City Engineer. Travis Roberts currently estimates the cost of design and construction of this hike/bike trail at \$21,706. This hike/bike trail shall connect to the hike/bike trail system coming from the surrounding developments. The connection points will be within the 15' ROW.

- 1.12 **Maintenance of Facilities**: The Owner shall establish, with Final Plat submittal and execution, 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.
- 1.13 **Front Yard Trees**: Each house will have two (2) – 3" caliper trees planted in the front yard. Said trees to be from the following list:

Live Oak	Cedar Elm
Red Oak	Texas Ash
Pistacio	Bur Oak

- 1.14 **Garage Orientation**: No more than one third (1/3) of the homes will have two or more car garages facing the street which the front elevation of the house is oriented toward, unless said garage is at least twenty-five feet (25') behind the front building line. The other two thirds (2/3) may be side swing entry garages on the front building line.
- 1.15 **Fences**: Privacy walls and fences may be built along the property line, within the rear or side yard space. There may exist special lot conditions where the front building lines are off-set for adjacent lots whereby privacy walls may be required within the front building line for privacy conditions. Fences and walls shall be set back a minimum of ten feet (10') from the front elevation of the home. Such walls will be constructed of materials consistent with the exterior architectural elements of the home. Wood is an approved fencing material. The maximum height of a privacy fence is eight feet (8').

## 2. SPECIAL CONDITIONS

- 2.01 **Payment of Impact Fees**: Sterling shall, upon completion and final acceptance of the subdivision by the Town of Prosper in accordance with the PD and Final Plat, pay to the Town of Prosper the following impact fees (collectively, the "Impact Fees"): (a) Water: \$1,932 per lot for 109 lots = \$210,588; (b) Sewer: \$1,887 per lot for 109 lots = \$205,683; (c) Park: \$12,500 multiplied by 5% of the total gross acreage for the Cedar Ridge Estates (which is deemed to be 37.789 acres for this purpose), being \$12,500 x .05 x 37.789 = \$23,618; and (d) Road Improvement (CR 77 & CR 78): The lesser of: \$257,780; the per lot road impact fee in effect by the City of Prosper upon completion of the subdivision multiplied

by 109 lots; or the paving contractor's actual estimate for ½ of the cost of a thirty-six (36') foot wide street along the south and west boundary of the subdivision.

- 2.02 **Performance Bond**: Developer will deliver a 10% bond, valid for two (2) years from the completion of the subdivision, from both the paving and utility contractors in favor of the City of Prosper.



**EXHIBIT E**  
**DEVELOPMENT SCHEDULE**

It is anticipated, but not required by the Town of Prosper, that the development of this project will begin within 1-2 years after adoption of this planned development district and be completed within 3-5 years after adoption of this planned development district, subject to force majeure or acts of God.