

TOWN OF PROSPER

ORDINANCE NO. 01-18

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16; REZONING A TRACT OF LAND CONSISTING OF 457.559 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 SINGLE-FAMILY RESIDENCE DISTRICT-1 (SF-1) UPON ITS ANNEXATION REZONED PLANNED DEVELOPMENT; 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 of Prosper, Texas ("Prosper") has received a request from Papagolos Development Co. to rezone 457.559 acres of land, 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 ("Prosper"); 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 rezone this property as set forth below.

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

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

SECTION 2: The zoning designation of the below-described property'containing 457.559, 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, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned Development District.

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 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: 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 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 any sum not exceeding Two Thousand Dollars (\$2000.00). 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.

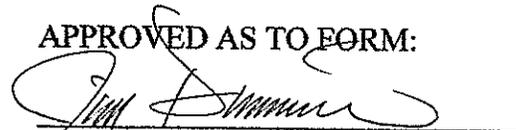
SECTION 6: SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper 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: All ordinances in conflict herewith are repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: This Ordinance shall become effective from and after its adoption and publications as required by the Town Charter and by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE
TOWN OF PROSPER, TEXAS on this 13th day of November, 2001.

APPROVED AS TO FORM:



Jim Dunmire
Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:



Amber Phillips
Town Secretary

**VILLAGES OF LA CIMA
PLANNED DEVELOPMENT DISTRICT
DEVELOPMENT STANDARDS**

**PLANNED DEVELOPMENT – RESIDENTIAL – Approximately 457.57 acres
Tract 1-A (approx. 223.07 acres) and Tract 2-A (approx. 234.50 acres)**

1.01 General Description:

Tract 1-A and Tract 2-A as depicted on Exhibit “A” attached hereto and made a part hereof, are each intended to accommodate single-family detached residential units. Development standards for Tract 1-A and Tract 2-A are outlined within this text.

1.02 Permitted Uses: Land uses permitted within Tracts 1-A and 2-A are as follows:

- a. Residential units as described herein.
- b. Permitted uses referenced in the Prosper Zoning Ordinance as it currently exists or may be amended.
- c. Private or public recreation facilities.
- d. Churches/rectories
- e. Daycare facilities
- f. Schools – public or state accredited.
- g. Utility distribution lines and facilities.
- h. Parks, playground and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts.
- i. Fire stations and public safety facilities.
- j. Real estate sales offices during the development and marketing of the residential areas.
- k. Public streets.
- l. Electronic security facilities including gatehouse and control counter.

- m. Accessory buildings and uses customarily incidental to the permitted uses. The total land area used for accessory buildings shall not exceed twenty-five percent (25%) of the total area designated for the main buildings. Accessory buildings shall not be permitted within any "front yard" area but shall be permitted within any portion of the "side yard" or "rear yard" of a building lot as set forth in Prosper Zoning Ordinance for accessory buildings.
- n. Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion.
- 1.03 **Density:** The overall allowed residential units for Tract 1-A and Tract 2-A combined shall be no greater than nine hundred sixty-five (965) units.
- 1.04 **Required Parking:** Two (2) off-street parking spaces shall be provided on the same lot as the main structure. In conjunction with this requirement, a two (2) car garage shall be provided for each unit. Garage parking shall be behind the front building line.
- 1.05 **Building Materials:** A minimum of eighty-five percent (85%) of the total exterior wall surfaces of all main buildings shall have an exterior finish of glass, stone, stucco, brick or similar materials (as approved by the Town of Prosper, Texas) or any combination thereof. Siding products of any material shall not be considered in the minimum percentage.
- 1.06 **Tract 1-A Single Family:** This residential area will consist of single family, detached housing units at a lower density than permitted in Tract 2-A. These residential units will have access and frontage on a public road. Building and area requirements are as follows:
- a. **Minimum Dwelling Size:** The minimum area of the main building shall be two thousand nine hundred (2,900) square feet, exclusive of garages, breezeways and porticos.
 - b. **Lot Area:** The minimum area of any lot in Tract 1-A shall be fourteen thousand (14,000) square feet.
 - c. **Lot Coverage:** In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, 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 be ninety feet (90') at the front building line, except that lots at the terminus of a cul-de-

sac or along street elbows/eyebrows may have a minimum width of seventy feet (70') at the building line; provided all other requirements of this section are fulfilled.

- e. **Lot Depth:** The minimum depth of any lot shall be one hundred twenty feet (120'), except that a lot at the terminus of a cul-de-sac along street elbows/eyebrows may have minimum lot depth, measured at mid-points on front and rear lot lines, of one hundred feet (100') provided all other requirements of this section are fulfilled.
 - f. **Front Yard:** The minimum depth of the front yard shall be thirty feet (30').
 - g. **Side Yard:** The minimum side yard on each side of the lot shall be ten feet (10'). A side yard adjacent to a street shall be a minimum of fifteen feet (15').
 - h. **Rear Yard:** The minimum depth of the rear yard shall be twenty-five feet (25'). The minimum depth of the rear yard may be reduced to fifteen (15') feet when a detached garage is utilized. The twenty-five foot (25') rear yard will still apply to the main structure of the house.
 - i. **Maximum Building Height:** Buildings shall be a maximum of two and one-half (2-1/2) stories with the exception that split-level homes may have a maximum of two and one-half (2-1/2) stories on either the front or rear elevation and a maximum of three and one-half (3-1/2) stories on the elevation which begins at the lowest grade.
- 1.07 **Tract 2-A Single Family:** This residential area will consist of single family, detached housing units. These residential units will have access and frontage on a public road. Building and area requirements are as follows:
- a. **Minimum Dwelling Size:** The minimum area of the main building shall be two thousand eight hundred (2,800) square feet, exclusive of garages, breezeways and porticos.
 - b. **Lot Area:** The minimum area of any lot in Tract 2-A shall be ten thousand (10,000) square feet.
 - c. **Lot Coverage:** In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, 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 be seventy feet (70') at the front building line, except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of sixty feet (60') at the building line; provided all other requirements of this section are fulfilled.
- e. **Lot Depth:** The minimum depth of any lot shall be one hundred ten feet (110'), except that a lot at the terminus of a cul-de-sac along street elbows/eyebrows may have minimum lot depth, measured at mid-points on front and rear lot lines, of one hundred feet (100') provided all other requirements of this section are fulfilled.
- f. **Front Yard:** The minimum depth of the front yard shall be twenty-five feet (25').
- g. **Side Yard:** The minimum side yard on each side of the lot shall be eight feet (8'). A side yard adjacent to a street shall be a minimum of fifteen feet.
- 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. The twenty foot (20') rear yard will still apply to the main structure of the house.
- i. **Maximum Building Height:** Buildings shall be a maximum of two and one-half (2-1/2) stories with the exception that split-level homes may have a maximum of two and one-half (2-1/2) stories on either the front or rear elevation and a maximum of three and one-half (3-1/2) stories on the elevation which begins at the lowest grade.

1.08 **General Requirements:**

- a. At the time of platting, side yard requirements for any lot may be reduced to the minimum side yard allowed in Tract 1-A or Tract 2-A, as applicable, where they abut either a common open space or a landscape easement.
- b. Covered drives and porte-cocheres that are architecturally designed as an integral element of the residential or garage structure of Single Family detached structures shall be permitted to extend up to five feet (5') from the established front building line into the front yard area; that area between the street pavement and the front building line.
- c. **Streets:** All streets shall be built in conformance with the Town of Prosper, Texas construction standards.

- d. **Roof Materials:** Wood Roof material is not allowed in either Tract 1-A or Tract 2-A.
- e. **Sprinkler Fire Protection:** Any structure constructed with a square footage area over six thousand (6,000) square feet of air conditioned space shall have a fire sprinkler system in accordance with UBC standards, or such standards accepted by the Town of Prosper.
- f. **Sidewalks/Hike and Bike Trails:** The sub divider will construct a six foot (6') wide sidewalk on each side of Road "A", as depicted on Exhibit "A" attached hereto and made a part hereof, to serve as a park hike and bike trail system. The six-foot (6') walk shall link to the four-foot (4') neighborhood sidewalks at intersecting side streets. At the sub dividers option the sub divider may elect to install an eight-foot (8') wide hike and bike trail on one side of Road "A" and a four-foot (4') wide sidewalk on the opposite side.
- g. **Screening Walls:** The sub divider shall be permitted to erect screening walls along the major thoroughfares and collector roads (including Road "A"). Acceptable construction materials to include masonry, iron fencing and/or landscape materials, provided plans are submitted and approved by Town of Prosper staff.
- h. **Fences:** Privacy walls and fences for Tract 1-A and 2-A shall be built along the property line, within the front, rear or side yard space. There may exist special lot conditions where the front building lines are offset 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. Any wooden privacy fence facing the street that the house is addressed on must be board-on-board construction for that portion of the fence facing the street. Furthermore, those corner lots backing to Road A and siding to any entry street will utilize board-on-board construction for that section of the wooden privacy fence facing the entry street. The maximum height of a privacy fence is eight feet (8').
- i. **Mailboxes:** The subdivider will establish a common mailbox design for each Tract.

- j. **Front Yard Trees:** Each house will have 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	Lace Bark Elm

- k. **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.

l. **Lot Specifications:**

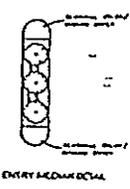
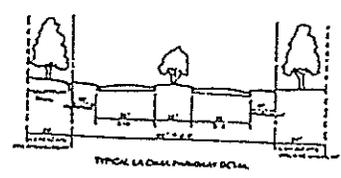
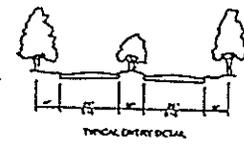
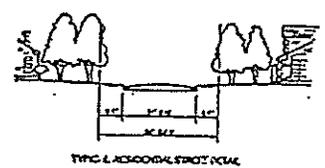
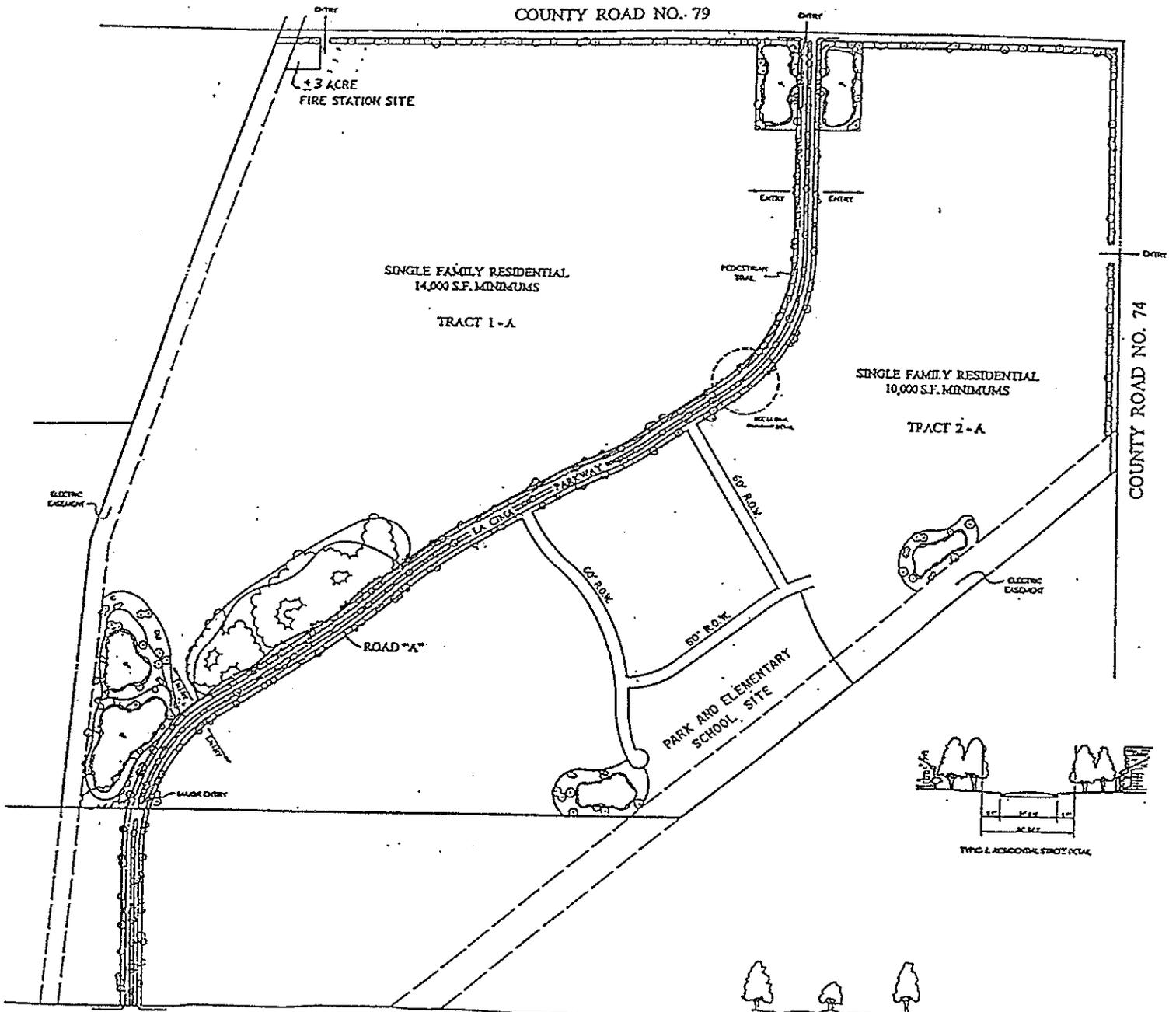
Lot Sizes	Typical Configuration	Lot Minimums (1)				
		Width	Depth	Side	Front	Rear
10,000 sq. ft.	80 x 125	70’	110’	8’	25’	20’
14,000 sq. ft.	100 x 140	90’	120’	10’	30’	25’

(1) See Sections 1.06, 1.07 and 1.08 for exceptions to the Lot Minimums.

- m. **City Park/School Site:** The developer agrees to work with the Town of Prosper and Prosper Independent School District in establishing a combination Elementary School Site and City Park site said approximate location is depicted on the attached Exhibit “A” and to be approximately ten (10) acres in size.
- n. **Fire Station Site:** The developer agrees to work with the Town of Prosper in platting a fire station site equal to or less than three (3) acres. Notwithstanding the above, a fire station site less than three (3) acres must be approved by the Town of Prosper. The approximate location is depicted on the attached Exhibit “A”.
- o. **Road A:** Road A as depicted on the exhibit will be a divided boulevard with two 25’ paving sections contained within 85’ right-of way. In addition the developer will plat an additional 20’ on each side of the right-of-way to be a Homeowner Association landscape area. (See Exhibit “A” for detail)
- p. **Street Signs:** All street signs will contain the Town of Prosper logo.

Prosper, Texas
Exhibit "A"

05082



U.S. HIGHWAY 380

DEVELOPER:

PARADISE DEVELOPMENT COMPANY
522 Village Creek Drive, Suite 200
Frisco, Texas 75034
(972) 918-1122

ENGINEER/PLANNER:

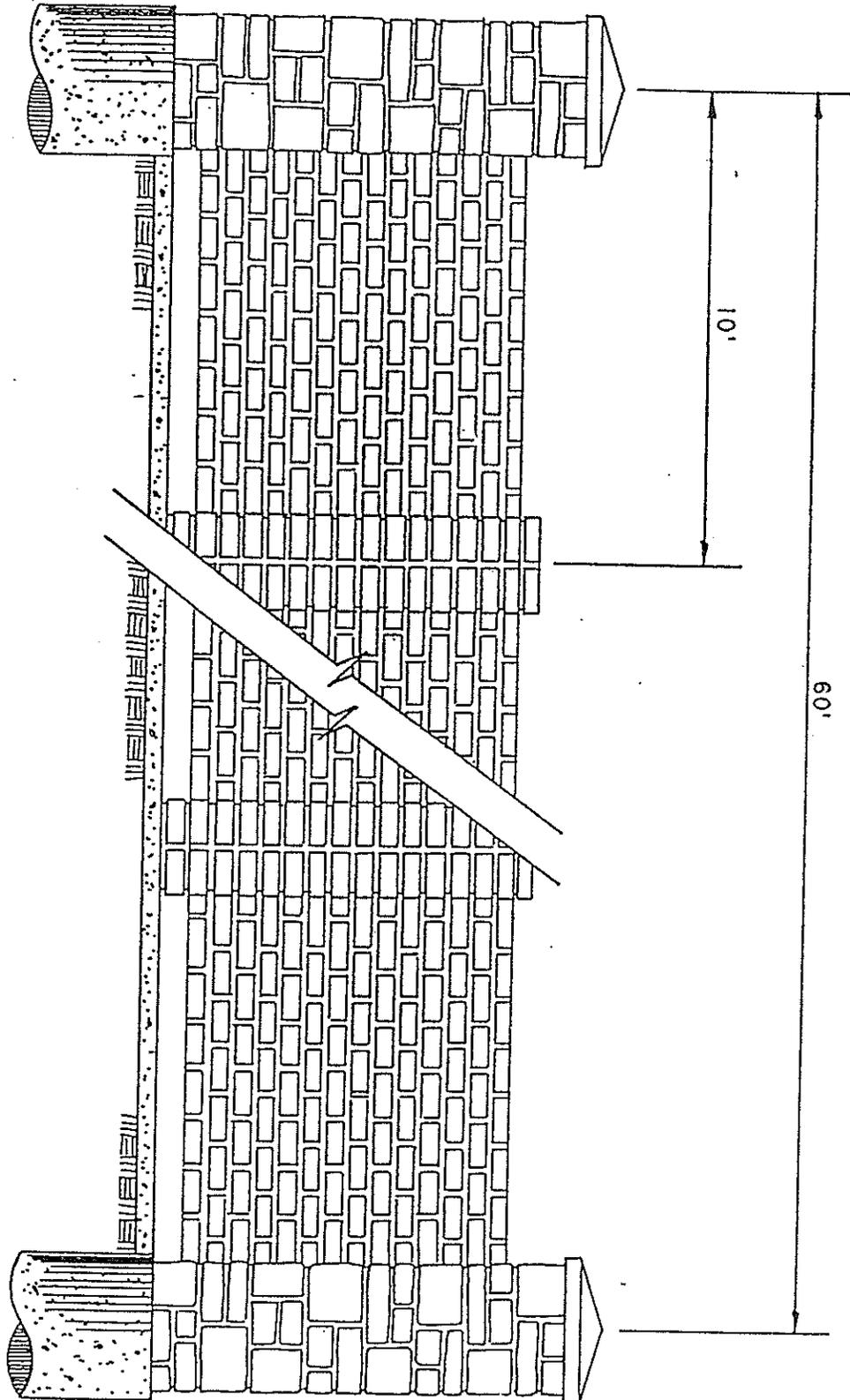
DOVINCENZO AND ASSOCIATES, INC.
522 Village Creek Drive, Suite 200
Frisco, Texas 75034
(972) 918-1122

**VILLAGES OF LA CIMA
PROSPER, TEXAS
SITE SCREENING AND LANDSCAPE DESIGN GUIDELINES
JULY 10, 2001**

ROAD A

1. Road A shall have a minimum 20' setback from the R.O.W. for common area and screening setback.
2. Road A shall have a masonry screening wall, ornamental metal fence or living screen. A combination of all three screening types is allowed.
 - a. Masonry screening walls shall be as follows:
 - (1) Minimum 6'-0", maximum 8'-0" ht. Thin wall construction as per attached drawing.
 - (2) Minor columns shall be maximum 10'-0" o.c.
 - (3) Major columns shall be maximum 60'-0" o.c.
 - b. Ornamental metal fences shall be as follows:
 - (1) 4-8' ht. as per attached drawing.
 - (2) Major masonry columns shall be utilized to terminate ornamental fences.
 - c. Landscape screening shall be as follows:
 - (1) Minimum 15'-0" setback from the R.O.W. for common area and screening setback.
 - (2) A continuous landscape screen. Shrubs to be five gallon in size and planted no greater than 30" on center. A shrub and berm combination is allowed.
3. Road A shall be landscaped.
 - a. Masonry screening walls shall be landscaped as follows:
 - (1) (1) 3" caliper canopy tree per every 100 linear feet of frontage. Trees may be grouped in clusters.
 - (2) Minimum 15% of wall length to be landscaped with shrubs.
 - (3) All landscaping, including turf shall be watered by an underground automatic irrigation system.
 - (4) Low berms, maximum 3'-0" ht. and 4:1 maximum slope, are encouraged.
 - b. Ornamental metal fence shall be landscaped as follows:
 - (1) (1) 3' caliper canopy tree per every 100 linear feet of frontage.
 - (2) (1) 6-9' ht. Ornamental tree per every 100 linear feet of frontage.
 - (3) Minimum 25% of fence length to be landscaped with shrubs.
 - (4) All landscaping, including turf shall be watered by an underground automatic irrigation system.
 - (5) Low berms, maximum 3'-0" ht. and 4:1 maximum slope, are encouraged.

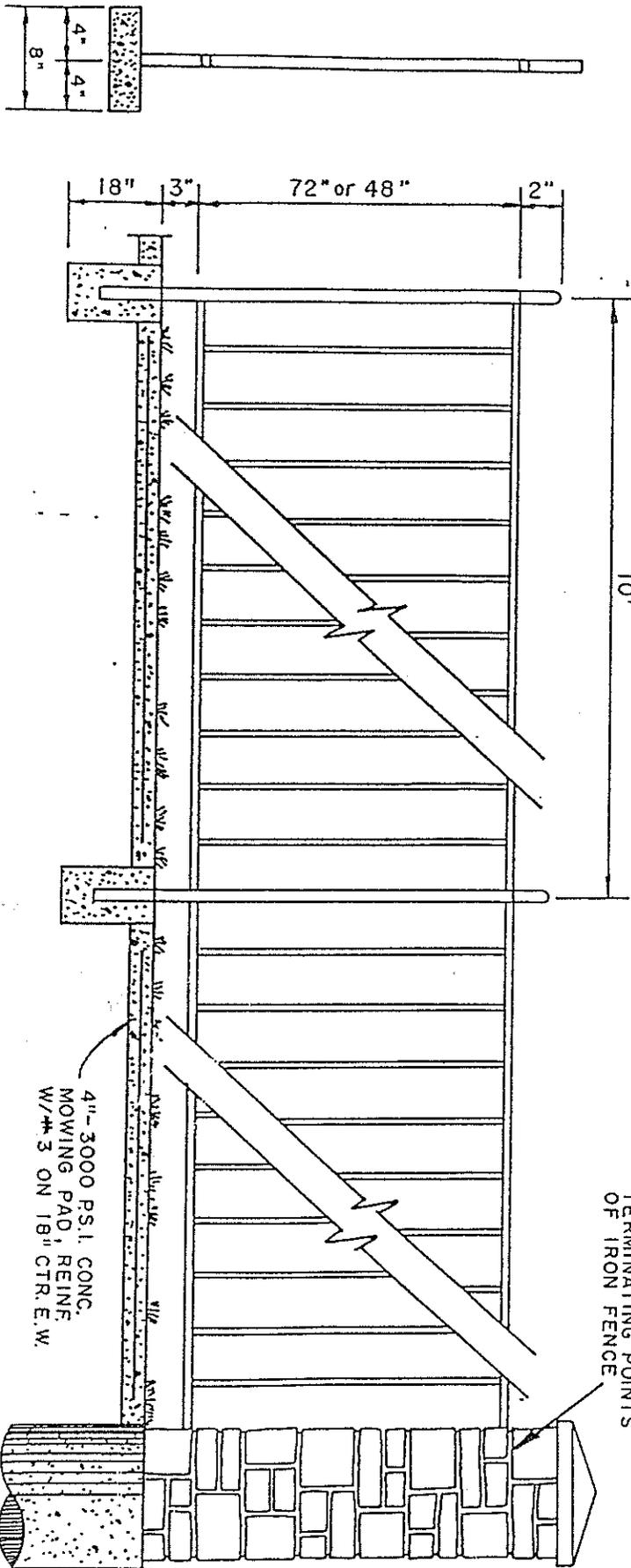
- c. Living screens shall be landscaped as follows:
- (1) (1) 3" caliper canopy tree per every 100 linear feet of frontage. Trees may be grouped in clusters.
 - (2) A continuous landscape screen utilizing a minimum 5-gallon plant material planted no more than 30" on center.
 - (3) All landscaping, including turf shall be watered by an underground automatic irrigation system.
 - (4) Low berms, maximum 3'-0" ht. and 4:1 maximum slope, are encouraged.
4. Pedestrian ways shall be provided as per City of Prosper and Section 1.09 (f).
- a. Sidewalks and sports trails shall be minimum 2'-0" from back of curb and from face of wall.
 - b. All intersections shall be ADA compliant, with the builder responsible for barrier-free access ramps.
5. Medians.
- a. All medians shall have the first 10'-0" of each nose filled with brick pavers.
 - b. Medians shall be landscaped.
 - (1) (1) 3" caliper canopy tree per every 100 linear feet of median which is 20' wide minimum, or
 - (2) (1) 6-8' ht. ornamental trees per every 100 linear feet with no more than 50% of the trees being ornamental.
 - (3) The ground shall crown to the center with a slope no steeper than 5:1 and be covered with grass or groundcover.
6. Neighborhood Entry Medians.
- a. Entry medians shall be a minimum of ten (10') feet wide.
 - b. Entry medians shall be landscaped.
 - (1) Entry medians shall have the first ten (10') feet of each nose filled with brick pavers, seasonal color or ground cover.
 - (2) (1) 3" caliper canopy tree per every 50 linear feet, or
 - (3) (1) 6'-8' ht. ornamental tree per every 25 linear feet
 - (4) The ground shall crown to the center with a slope no steeper than 5:1.
 - (5) All landscaping, including turf shall be watered by an underground automatic irrigation system.
7. Landscape Trees List:
- | | |
|-----------|---------------|
| Live Oak | Texas Ash |
| Red Oak | Lace Bark Elm |
| Pistachio | Bald Cypress |
| Cedar Elm | Bradford Pear |
| Pine | Crape Myrtle |
- Plus any other tree acceptable to the Town of Prosper.



TYPICAL SCREENING WALL DETAIL

NOT TO SCALE

- MAXIMUM 60 FEET BETWEEN MAJOR COLUMNS
- MAXIMUM 10 FEET BETWEEN MINOR COLUMNS



TYPICAL ORNAMENTAL IRON FENCE SECTION

NOT TO SCALE

- PRIME AND PAINT
- ACTUAL DIMENSION WILL VARY

COLUMNS AT
TERMINATING POINTS
OF IRON FENCE

4" - 3000 P.S.I. CONC.
MOWING PAD, REINF.
W/#3 ON 18" CTR. E.W.