

TOWN OF PROSPER, TEXAS

ORDINANCE NO 03-62

**AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16; REZONING A TRACT OF LAND CONSISTING OF 42.435 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM BUTLER SURVEY, ABSTRACT NO. 112, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS HERETOFORE ZONED SINGLE-FAMILY RESIDENCE DISTRICT-1 (SF-1) 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 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from HSM Devco, LTD. ("Applicant") to rezone 42.435 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. Zoning Ordinance No. 84-16 is amended as follows: The zoning designation of the below-described property containing

42.435 acres, 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"; and 3) the conceptual plan, attached hereto as Exhibit "D"; 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 (\$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: 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 18th DAY OF November, 2003.

APPROVED AS TO FORM:

  
Charles Niswanger, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:

  
Shanae Jennings, Town Secretary

DATE OF PUBLICATION: Nov 22, 2003 & Nov 24, 2003, Dallas Morning News – Collin County Addition

## EXHIBIT "A"

### PROPERTY DESCRIPTION 42.435 ACRES

#### DESCRIPTION OF 42.435 ACRES OF LAND

All that certain tract of land lying and being situated in Collin County, Texas, a part of the WILLIAM BUTLER Survey, ABSTRACT NUMBER 112, and being and including all that same tract said to contain 42.435 acres as described in a deed to Atomic Auto Crusher and Parts, Inc., recorded under Clerk's File No. 00-78877 of the Collin County Land Records, said tract or a parcel of land is herein described as follows; to Wit:

BEGINNING at an iron rod found in the center of County Road No. 78 for the Southwest corner of the premises herein described, said corner being the Southeast corner of a tract said to contain 37.789 acres as described in a deed to Sterling Projects, Inc., recorded in Volume 4125, page 2623, Collin County Land Records, said corner also being in close proximity to the centerline of a 100 ft. wide T.P. and L. Easement recorded in Volume 492, page 85, Collin County Deed Records;

THENCE North 18 degrees 30 minutes 45 seconds East along the West line hereof and approximate centerline of said T. P. & L. Easement at 55 feet passing an ½ inch iron rod set for witness and in all a distance of 1626.80 feet to an ½ inch iron rod found for the Northeast corner of said called 37.789 acres tract, said corner being the Southeast corner of NORTHCHASE ESTATES, an addition to the City of Prosper according to the plat thereof recorded in Cabinet F, Page 491, Collin County Map Records;

THENCE continuing along the West line hereof and the approximate centerline of said T. P. & L. Easement, North 18 degrees 32 minutes 55 seconds East 496.26 feet to a ½ inch iron rod found on the Northeast corner of said NORTHCHASE ESTATES, said corner being on the South line of BRADFORD FARMS Addition, an addition to Collin County, Texas according to the Plat thereof recorded in Cabinet J, Page 765, Collin County Map Records;

THENCE along the South line of BRADFORD FARMS ADDITION, North 87 degrees 55 minutes 36 seconds East 272.92 Feet to an ½ inch iron rod found for corner;

THENCE North 87 degrees 57 minutes 22 seconds East 153.10 feet to an ½ inch iron rod found for corner;

Thence North 87 degrees 41 minutes 32 seconds East 131.96 feet to an ½ inch iron rod set for the Northeast corner hereof, said corner being the Northwest corner of STEEPLECHASE LAKE OF PROSPER, an addition to the City of Prosper according to the plat thereof recorded in Cabinet N, page 134 of the Collin County Map Records:

THENCE South 01 degree 38 minutes 35 seconds East 2006.60 feet to a 5/8 inch iron rod found in the center of County Road No. 78 for the Southeast corner hereof, an 1/2 inch iron rod found bears North 01 degrees 38 minutes 35 seconds West 40.00 Feet;

THENCE South 88 degrees 45 minutes 26 seconds West along the approximate center of said County Road No. 78 a distance of 1289.83 feet to the Place of BEGINNING and containing 42.435 acres of land.

## **EXHIBIT "B"**

### **STATEMENT OF INTENT AND PURPOSE**

It is the intent of the Applicant to develop the Property described in EXHIBIT "A" into a single-family residential subdivision. The purpose of the Planned Development is to develop the lots along the Eastern boundary line of the subject Property (ADJACENT TO STEEPLECHASE LAKE OF PROSPER ADDITION) with Twelve Thousand Five Hundred Square Feet (12,500 S.F.) lots that approximate that size of the lots in the abutting subdivision. It is the Applicant's intent to provide open space for the enjoyment of the future residents on the Property described in EXHIBIT "A" as shown on the accompanying Preliminary Plat.

## EXHIBIT "C"

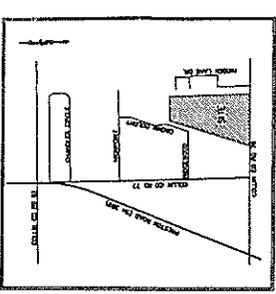
### PLANNED DEVELOPMENT STANDARDS

#### Planned Development-Single-Family-2 (PD-SF-2) 42.435 Acres

This tract may be developed under the regulations of Single-Family-2 District (SF-2) as outlined in Ordinance Number 84-16 as it currently exists or as it may be amended in the future with the following additional conditions.

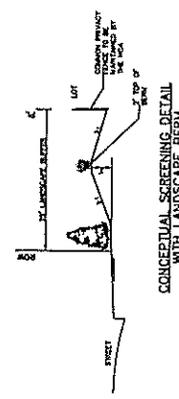
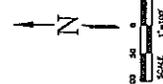
1. Minimum front yard setback is thirty (30) feet.
2. The minimum side yard setback is eight (8) feet.
3. The minimum rear yard setback is Twenty (20) feet.
4. Minimum lot area shall be ten thousand (10,000) square feet, except lots abutting the east boundary line of the 42.435 acres shall have a minimum lot area of twelve thousand five hundred (12,500) square feet. The lots facing east and on the eastern half of Block C (Block C being north of the detention pond) shall be a minimum of eleven thousand five hundred (11,500) square feet.
5. Minimum lot width shall be seventy-five (75) or greater measured at the front building setback line.
6. All other minimum or maximum standards for widths, depths, dwelling sizes, yard areas, heights, coverage, parking and setbacks shall comply with the Single-Family-2 (SF-2) District.
7. A maximum of one hundred eight (108) single-family lots may be developed on the 42.435 acres.
8. A minimum 10-foot wide landscape buffer shall be provided along CR 78. Lots adjacent to the buffer shall be separated from the buffer and screened from C.R. 78 by a six-foot wrought iron fence and minimum six-foot tall evergreen trees planted a minimum of 20-feet on-center. Wood privacy fences may not be erected adjacent to the wrought iron fence.
9. Cul-de-sac streets depicted on Exhibit D will be allowed to exceed the three hundred (300) foot maximum length required in the Subdivision Regulation, so long as it does not exceed six hundred (600) feet or the street is looped.

10. Trees located in the Common Open Space shall be preserved, except those trees conflicting with storm water detention structures, pathways, utilities, or recreational facilities.
11. Storm water shall be allowed to cross from lot to lot within a drainage easement wide enough to accommodate a 100 year frequency rain event, but only in accordance with the detail depicted on Exhibit D, or as otherwise approved by the Town Engineer and the Director of Planning.
12. The minimum dwelling area shall be two thousand (2,000) square feet. The minimum dwelling area for the first row of lots along the eastern boundary of this Planned Development District shall be two thousand and two hundred (2,200) square feet. The average minimum dwelling area throughout this Planned Development District shall be two thousand and five hundred (2,500) square feet. An average dwelling calculation sheet shall be submitted by the applicant to the Town along with each building permit request.

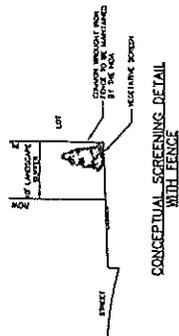


VICINITY MAP  
MAPSCO 256N  
(N.T.S.)

- LEGEND**
- 100' R.O.D. ROAD
  - ▨ BRACKLE LINE SETBACK
  - ▨ FRONT-OF-YARD
  - ▨ SIDEYARD ENCLOSURE
  - ▨ WATER ENCLOSURE
  - ▨ HOME BRICKS ASSOCIATION
  - ▨ SANITARY SEWER ENCLOSURE
  - ▨ ACCESS ENCLOSURE
  - ▨ SANITARIAN ENCLOSURE
  - ▨ TREE MASS
  - BACK OF CURB TO BACK OF CURB



CONCEPTUAL SCREENING DETAIL  
WITH LANDSCAPE BERM  
(N.T.S.)



CONCEPTUAL SCREENING DETAIL  
WITH FENCE  
(N.T.S.)

**GENERAL NOTES**

- 1.) FLOOD INFORMATION: No portion of the property shown herein is situated in the 100 year flood plain per FEMA Map No. 40065C0280C, dated 1/19/93.
- 2.) The location of this condition by meter and bounds is a violation of town ordinances and state law and is subject to fines and abatement of utilities and building permits.
- 3.) There will be a 10'10" property corner cdp at all street corners.
- 4.) Reserve Area A, B, & C, are to be dedicated to and maintained by the H.O.A.
- 5.) The Front Yard Set Back is 10'.
- 6.) The 100 year water surface elevation, lots 22-28, Block B shall be at least 2' above the ponds detention structures, pathways, utilities, or recreational facilities.
- 7.) Trees located in the Reserve Area C shall be preserved, except those trees conflicting with storm water detention structures, pathways, utilities, or recreational facilities.

**EXHIBIT D  
CHAPEL HILL**

42-435 ACRES OUT OF  
W.M. BUTLER SURVEY, ABSTRACT NO. 112  
OWN OF PROSPER  
COLLIN COUNTY, TEXAS

HSM DEVCO, LTD 3001 Spring Valley Road, Suite 1100 Dallas, Texas 75244	DEVELOPER
ATOMIC AUTO CRUSHER & PARTS, INC. 801 W. JETER RD. Fritch, Texas	OWNER
JONES & BOYD, INC. 17800 Dallas Parkway, Suite 200 Dallas, Texas 75248	SURVEYOR/ENGINEER (972)248-7676

November 03, 2003  
Sheet 1 of 1

