

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 04-93

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16; REZONING A TRACT OF LAND CONSISTING OF 27.436 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-1 (SF-1) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-SINGLE FAMILY-1 & 2 (PD-SF-1&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 initiated a request to rezone 27.436 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 27.436 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-1 & 2 (PD-SF-1&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 development 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 (\$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

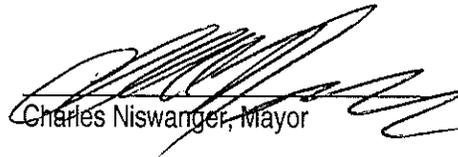
passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

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.

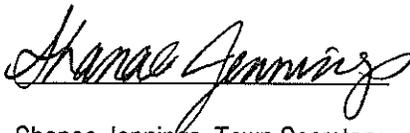
SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 14th DAY OF SEPTEMBER, 2004.

APPROVED AS TO FORM:


Charles Niswanger, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:


Shanae Jennings, Town Secretary

DATE OF PUBLICATION: 9/24/04 & 9/25/04, Dallas Morning News – Collin County Addition

LEGAL DESCRIPTION
Steeplechase Lake of Prosper

Being a tract of land situated in the William Butler Survey, Abstract No. 112, Collin County, Texas and being all of a called 27.4356-acre tract as evidenced in a Special Warranty Deed with Vendor's Lien, recorded in Volume 3472 at Page 180 of the Official Public Land Records of Collin County, Texas (OPLRCCT) and being more particularly described by metes and bounds as follows (bearings based on the Texas State Plane Coordinates, North Central Texas Zone):

BEGINNING at a 1/2-inch iron rod found for the southwest corner of said 27.4356-acre tract, and the southeast corner of a called 42.437-acre tract as conveyed to Wayne A. Robinson, et ux and evidenced in a Deed recorded in Volume 3377 at Page 923 OPLRCCT, said iron rod being on the north line of a tract of land as conveyed to OPUBCO Properties, Inc. and evidenced in a Deed recorded in Volume 1639 at Page 454 OPLRCCT, said iron rod also being in the centerline of County Road No. 78 (an undedicated right-of-way):

THENCE North 00 degrees 25 minutes 09 seconds West, along the west line of said 27.4356-acre tract the east line of said 42.437-acre tract and generally along a barbed wire fence, a distance of 2006.38 feet to a 5/8-inch iron rod set for the northwest corner of said 27.4356-acre tract and the northeast corner of said 42.437-acre tract same being on the south line of a tract of land as conveyed to Alliance Trust Company, N.A. and evidenced in a Deed recorded in Collin County Clerk's File No. 95-0096769 OPLRCCT;

THENCE North 89 degrees 08 minutes 49 seconds East, along the north line of said 27.4356-acre tract and the south line of said Alliance Trust Company, N.A. tract, a distance of 594.38 feet to a 1/2-inch iron rod found for the northeast corner of said 27.4356-acre tract and the southeast corner of said Alliance Trust Company, N.A. tract, same being on the west line of a tract of land as conveyed to Wilson B. Sexton, et ux and evidenced in a Deed recorded in Volume 2976 at Page 283 OPLRCCT;

THENCE South 00 degrees 25 minutes 09 seconds East, along the east line of said 27.4356-acre tract and the west line of said Sexton tract, a distance of 2015.16 feet to a 1/2-inch iron rod found for the southeast corner of said 27.4356-acre tract and the southwest corner of said Sexton tract, said iron rod being on the north line of the said OPUBCO Properties, Inc. tract same also being on the centerline of said County Road No. 78;

THENCE South 89 degrees 59 minutes 36 seconds West, along the south line of said 27.4356-acre tract the north line of said OPUBCO Properties, Inc. tract and along the centerline of said County Road No. 78, a distance of 594.38 feet to the POINT OF BEGINNING and CONTAINING 27.436 acres of land more or less.

EXHIBIT "B"
Statement of Intent and Purpose

Steeplechase Lake of Prosper

Steeplechase Lake of Prosper is to be built out as a high-end single family residential community with unique amenities such as: a lake with a fountain, a dock at the lake, parking and a gazebo by the lake, walking trails around the lake, and gated entrance to the subdivision. The special amenities are owned by the Steeplechase Lake of Prosper Homeowner's Association.

EXHIBIT "C"
Planned Development Standards

Steeplechase Lake of Prosper

Standards for SF-2 PD area (lots 1 and 51 through 58):

Minimum lot area:	12,400 square feet
Minimum dwelling area:	2,400 square feet air conditioned area
Minimum lot widths:	85 feet or as shown on Exhibit D
Minimum front yards:	30 feet
Minimum side yards:	10 feet
Minimum rear yards:	15 feet
Maximum height:	Two and one-half stories, maximum 38 feet (slab to highest ridge)
Maximum percentage of lot which may be covered by the main residential building.	40 percent

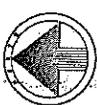
Gated entry shall be permitted.

Standards for SF-1 PD area (all area exclusive of lots 1 and 51 through 58):

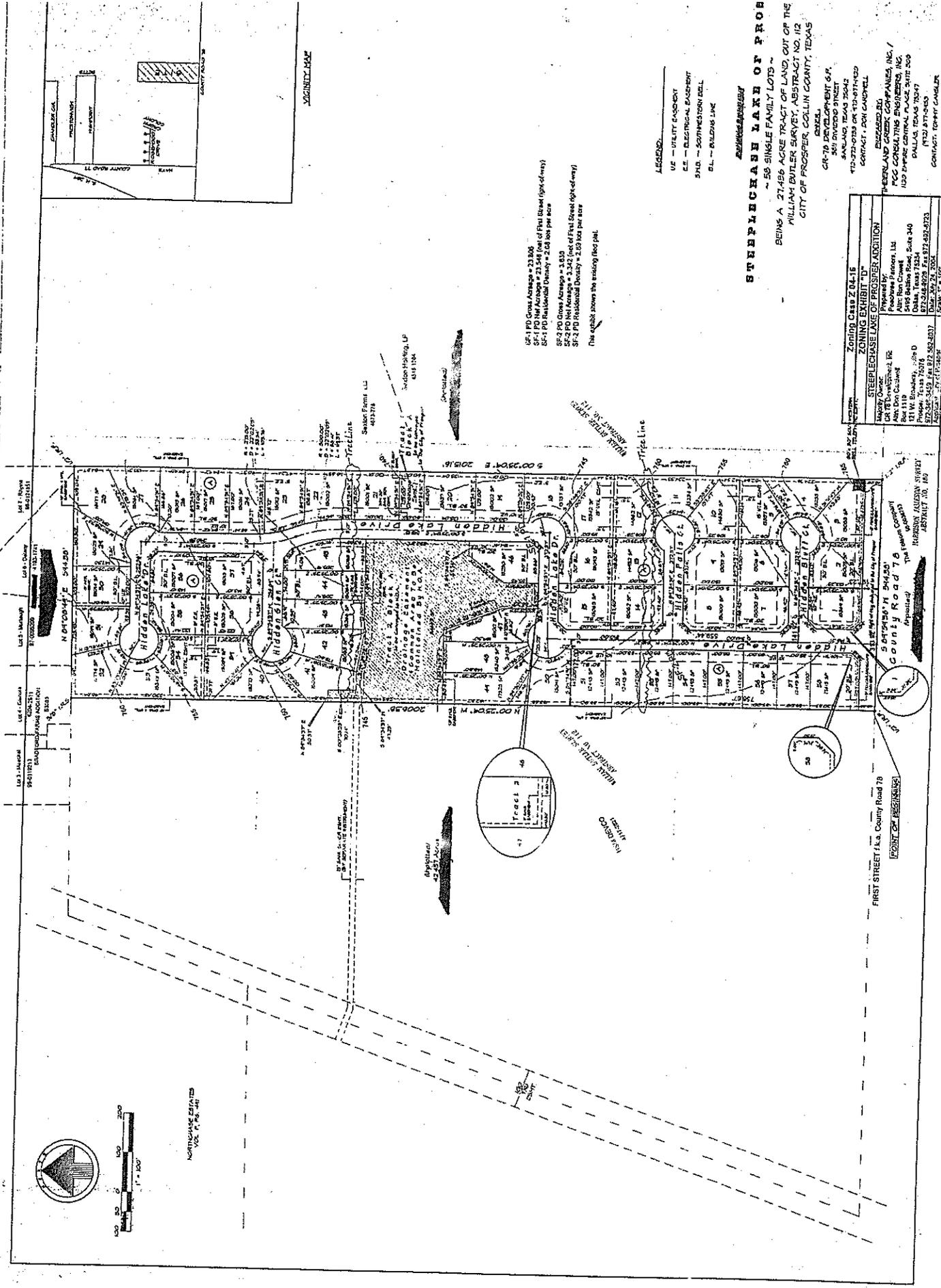
Minimum lot area:	1/3 acre (14,520 square feet)
Minimum dwelling area:	2,400 square feet air conditioned area
Minimum lot widths:	74 feet, except 24' for lots fronting cul-de-sacs or eyebrows, or as shown on Exhibit D
Minimum front yards:	30 feet
Minimum side yards:	10 feet, except lots 41 through 49 may be 8 feet
Minimum rear yards:	15 feet
Maximum height:	Two and one-half stories, maximum 38 feet (slab to highest ridge)
Maximum percentage of lot which may be covered by the main residential building.	40 percent

Gated entry shall be permitted.

Note: Standards not specified herein shall default to the standards of the underlying district.



NORTHARROW STATES
VOL. 1, PG. 48



SE-1 PD Gross Acreage = 23.8306
SE-1 PD Net Acreage = 23.548 (net of Final Based (97% of net))
SE-1 PD Residential Density = 2.08 lots per acre
SE-2 PD Gross Acreage = 3.830
SE-2 PD Net Acreage = 3.742 (net of Final Based (97% of net))
SE-2 PD Residential Density = 2.09 lots per acre
This equals, above the existing (600 pad).

LEGEND:
VE - UTILITY EASEMENT
EE - ELECTRICAL EASEMENT
SHE - SEWER EASEMENT
DL - DRAINAGE LINE

STEEPLECHASE LAKE OF PINES ~ 50 SINGLE FAMILY LOTS ~ BEING A 27.466 ACRE TRACT OF LAND, OUT OF THE MILLON-BUTLER SURVEY, ABSTRACT NO. 112 CITY OF PROSPER, COLLIN COUNTY, TEXAS

DEVELOPER:
CR-78 DEVELOPMENT & P.L.L.C.
11000 W. HUNTERS TRAIL
SUITE 100
DALLAS, TEXAS 75249
CONTACT: BOB CARROLL
TELEPHONE: 972-241-1100
FAX: 972-241-1101

PREPARED BY:
PROSPER PLANNING, L.L.C.
11119
5114 W. BRADLEY, SUITE D
DALLAS, TEXAS 75234
TELEPHONE: 972-241-1100
FAX: 972-241-1101

Zoning Class Z 04-15
ZONING EXHIBIT "D"
STEEPLECHASE LAKE OF PROSPER ADDITION
City of Prosper, Texas
Map No. 1119
Map Date: 08/11/00

5047456 H 04/00
FIRST STREET 1/2 S. County Road 78
POINT OF BEGINNING
THE TOWN OF PROSPER
HARRISON ANNEKIN SURVEY
ABSTRACT NO. 112