

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 06-72

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 117.652 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM H. THOMASON SURVEY, ABSTRACT NO. 895, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED PLANNED DEVELOPMENT (PD-18, COLLINSBROOK) DISTRICT AND AGRICULTURE (A) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT DISTRICT ~~(PD-20)~~ FOR SINGLE FAMILY RESIDENTIAL USES; 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. 05-20 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Mooreland Development ("Applicant") to rezone 117.652 acres of land, more or less, situated in the William H. Thonason Survey, Abstract No. 895, 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. 05-20. Zoning Ordinance No. 05-20 is amended as follows: The zoning designation of the below-described property containing 117.652 acres of land, more or less, situated in the William H. Thomason Survey, Abstract No. 895, 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 (PD-29) District for Single Family Uses. 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 Development Schedule, attached hereto as Exhibit "B", 2) the Planned Development Standards for Greenspoint, attached hereto as Exhibit "C"; 3) the Conceptual Development Plan, attached hereto as Exhibit "D"; and 4) the Statement of Intent and Purpose, attached hereto as Exhibit "E"; which are 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 owners of properties within the District as well as all properties within two hundred feet (200') of the District 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. 05-20, 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. 05-20 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.

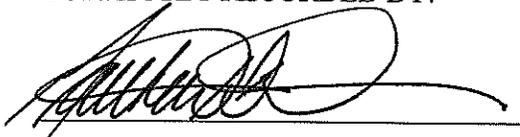
SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 127th DAY OF JUNE, 2006.

APPROVED AS TO FORM:


Charles Niswanger, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:


Matthew Denton, Town Secretary



DATE OF PUBLICATION: July 18 + 21, 2006, Dallas Morning News – Collin County
Addition

EXHIBIT A

LEGAL DESCRIPTION

BEING all that tract of land in the Town of Prosper, Collin County, Texas, being part of the William H. Thomason Survey, Abstract No. 895, being all of a tract of land conveyed to Wilbow-Prosper One Development Corporation as recorded in Volume 5846, Page 2754, Collin County Deed Records, being all of a tract of land (Tract Three) conveyed to Mary Ann Barlow Vowan as recorded in Volume 2172, Page 526, Collin County Deed Records, being all of a tract of land (Tract One) conveyed to Elizabeth Collins Barlow Dauteman as recorded in Volume 2172, Page 526, Collin County Deed Records, being all of those tracts of land (Tracts 1 & 2) conveyed to Wilbow-Greenspoint Development Corporation as recorded in Volume 6066, Page 1879, Collin County Deed Records, being all of a tract of land conveyed to Glen Hobart Miller as recorded in Volume 5705, Page 5179, Collin County Deed Records, being all of a tract of land conveyed to Chuck Green as recorded in Volume 4527, Page 2008, Collin County Deed Records, and being further described as follows:

COMMENCING at the southwest corner of said William H. Thomason Survey, said point being the centerline intersection of Coit Road and First Street, said point being the southwest corner of a tract of land conveyed to Swisher Partners, L.P. as recorded in Volume 5468, Page 6173, Collin County Deed Records, said point being the southeast corner of a tract of land conveyed to Sexton Farms Ltd. as recorded in Volume 4673, Page 778, Collin County Deed Records, said point being the northeast corner of a tract of land conveyed to Mustang-Midway Plano, Ltd. as recorded in County Clerk's File Number 96-0038753, Collin County Deed Records, said point also being the northwest corner of a tract of land conveyed to Prosper 380 Coit Partners, Ltd. as recorded in Volume 6050, Page 214, Collin County Deed Records;

THENCE North 00 degrees 01 minutes 30 seconds East, 1051.87 feet along the west line of said Swisher tract, along the east line of said Sexton tract and along the centerline of Coit Road to a point for corner in the west line of said Wilbow-Prosper One tract and the POINT OF BEGINNING of this tract of land;

THENCE North 00 degrees 01 minutes 30 seconds East, 253.35 feet along the east line of said Sexton tract and along the centerline of Coit Road to the northwest corner of said Wilbow-Prosper One tract, said point being the southwest corner of said Tract Three;

THENCE North 00 degrees 15 minutes 33 seconds East, 351.96 feet along the east line of said Sexton tract and along the centerline of Coit Road to the northwest corner of said Tract Three, said point being the southwest corner of said Tract One;

THENCE North 00 degrees 15 minutes 33 seconds East, 335.07 feet along the east line of said Sexton tract and along the centerline of Coit Road to the northwest corner of said Tract One, said point being the southwest corner of said Wilbow-Greenspoint tract;

THENCE along a south line of said Phase 1 and generally along the centerline of said creek as follows:

North 77 degrees 17 minutes 14 seconds East, 170.60 feet to a point for corner;

North 83 degrees 37 minutes 15 seconds East, 446.43 feet to the northeast corner of said Green tract;

THENCE South 00 degrees 27 minutes 24 seconds East, 563.74 feet along a west line of said Phase 1 to the southeast corner of said Green tract, said point being the northeast corner of said Tract One;

THENCE South 00 degrees 45 minutes 38 seconds West, 477.86 feet to the southeast corner of said Tract One, said point being the northeast corner of said Tract Three, said point also being in the west line of a tract of land conveyed to Prosper 139, Ltd. as recorded in Volume 5550, Page 3551, Collin County Deed Records;

THENCE South 00 degrees 45 minutes 38 seconds West, 463.20 feet along the west line of said Prosper 139 tract to the southeast corner of said Tract Three, said point being the northeast corner of a tract of land conveyed to TDI Prosper 24, Ltd. as recorded in Volume 5543, Page 2597, Collin County Deed Records;

THENCE North 89 degrees 58 minutes 00 seconds West, 388.79 feet along the south line of said Tract Three and along the north line of said TDI tract to the northeast corner of said Wilbow-Prosper One tract, said point being in the centerline of a creek;

THENCE along the east line of said Wilbow-Prosper One tract, along the west line of said TDI tract and generally along a creek as follows:

South 45 degrees 13 minutes 08 seconds West, 105.14 feet to a point for corner;

South 49 degrees 58 minutes 14 seconds West, 156.27 feet to a point for corner;

South 39 degrees 31 minutes 44 seconds West, 62.10 feet to a point for corner;

North 71 degrees 57 minutes 15 seconds West, 114.79 feet to a point for corner;

South 22 degrees 32 minutes 54 seconds West, 55.79 feet to a point for corner;

South 22 degrees 38 minutes 28 seconds East, 90.43 feet to a point for corner;

South 47 degrees 26 minutes 03 seconds West, 71.88 feet to a point for corner;

South 59 degrees 20 minutes 58 seconds West, 75.45 feet to a point for corner;

South 43 degrees 32 minutes 53 seconds East, 41.05 feet to a point for corner;

South 13 degrees 25 minutes 13 seconds East, 39.45 feet to a point for corner;

South 07 degrees 13 minutes 37 seconds West, 107.47 feet to a point for corner;

South 14 degrees 18 minutes 48 seconds East, 77.74 feet to a point for corner;

South 52 degrees 13 minutes 58 seconds East, 95.12 feet to a point for corner;

South 16 degrees 47 minutes 29 seconds East, 42.69 feet to a point for corner;

South 31 degrees 42 minutes 36 seconds West, 31.79 feet to a point for corner;

South 69 degrees 52 minutes 51 seconds West, 84.25 feet to a point for corner;

South 39 degrees 23 minutes 53 seconds West, 33.38 feet to a point for corner;

South 15 degrees 38 minutes 32 seconds West, 80.55 feet to a point for corner;

South 01 degrees 13 minutes 45 seconds East, 41.20 feet to a point for corner;

South 50 degrees 38 minutes 08 seconds West, 43.39 feet to a point for corner;

THENCE North 00 degrees 13 minutes 49 seconds West, 341.02 feet along the east line of said Sexton tract and along the centerline of Coit Road to the northwest corner of said Willow-Greenspoint tract;

THENCE North 71 degrees 23 minutes 57 seconds East, 204.80 feet along the north line of said Willow-Greenspoint tract to a point for corner in the south line of Whispering Farms, Phase 2, an addition to the Town of Prosper as recorded in Volume 2006, Page 48, Collin County Plat Records, said point being in the centerline of a creek;

THENCE along the south line of said Phase 2 and generally along the centerline of a creek as follows:

South 60 degrees 52 minutes 27 seconds East, 56.21 feet to a point for corner;
South 24 degrees 57 minutes 12 seconds East, 119.49 feet to a point for corner;
South 72 degrees 49 minutes 43 seconds East, 57.28 feet to a point for corner;
North 39 degrees 34 minutes 37 seconds East, 92.32 feet to a point for corner;
North 50 degrees 38 minutes 35 seconds East, 57.41 feet to a point for corner;
North 36 degrees 33 minutes 23 seconds East, 62.18 feet to a point for corner;
North 80 degrees 44 minutes 53 seconds East, 144.15 feet to a point for corner;
North 69 degrees 27 minutes 12 seconds East, 85.50 feet to a point for corner;
North 88 degrees 20 minutes 48 seconds East, 111.84 feet to a point for corner;
North 57 degrees 51 minutes 27 seconds East, 337.31 feet to a point for corner;
North 59 degrees 49 minutes 59 seconds East, 124.75 feet to a point for corner;
North 81 degrees 42 minutes 11 seconds East, 69.61 feet to a point for corner;
South 74 degrees 38 minutes 55 seconds East, 53.70 feet to the northeast corner

of said Willow-Greenspoint tract, said point being the northwest corner of said Miller tract;

South 74 degrees 38 minutes 55 seconds East, 83.18 feet to a point for corner;
South 46 degrees 56 minutes 05 seconds East, 29.56 feet to a point for corner;
South 57 degrees 48 minutes 15 seconds East, 115.87 feet to a point for corner;
South 36 degrees 40 minutes 33 seconds East, 100.97 feet to a point for corner;
South 59 degrees 37 minutes 29 seconds East, 40.74 feet to a point for corner;
South 79 degrees 09 minutes 20 seconds East, 62.51 feet to a point for corner;
North 66 degrees 05 minutes 47 seconds East, 56.49 feet to a point for corner;
North 22 degrees 57 minutes 52 seconds East, 24.18 feet to the northeast corner

of said Miller tract, said point being the northwest corner of said Green tract;

North 22 degrees 57 minutes 52 seconds East, 31.12 feet to a point for corner;
North 36 degrees 18 minutes 56 seconds East, 111.49 feet to a point for corner;
North 61 degrees 38 minutes 52 seconds East, 150.75 feet to a point for corner;

North 87 degrees 01 minutes 37 seconds East, at 54.47 feet passing the southeast corner of Lot 22, Block A, said Phase 2, said point being the most westerly southwest corner of Lot 4-X, Block A, Whispering Farms, Phase 1, an addition to the Town of Prosper as recorded in Volume Q, Page 176, Collin County Plat Records, in all a total distance of 104.17 feet to a point for corner;

South 78 degrees 00 minutes 18 seconds West, 34.52 feet to a point for corner;
South 89 degrees 08 minutes 38 seconds West, 40.60 feet to a point for corner;
South 84 degrees 19 minutes 35 seconds West, 37.90 feet to a point for corner;
South 34 degrees 35 minutes 40 seconds West, 42.00 feet to a point for corner;
South 29 degrees 25 minutes 15 seconds East, 48.00 feet to a point for corner;
South 33 degrees 00 minutes 57 seconds East, 31.52 feet to a point for corner;
South 44 degrees 53 minutes 23 seconds East, 52.59 feet to a point for corner;
South 13 degrees 20 minutes 11 seconds East, 16.71 feet to a point for corner;
South 04 degrees 10 minutes 07 seconds East, 9.02 feet to a point for corner;
South 21 degrees 36 minutes 51 seconds West, 7.72 feet to a point for corner;
South 55 degrees 11 minutes 53 seconds West, 35.56 feet to a point for corner;
South 63 degrees 56 minutes 03 seconds West, 14.03 feet to a point for corner;
South 49 degrees 59 minutes 32 seconds West, 68.56 feet to a point for corner;
South 39 degrees 38 minutes 10 seconds West, 61.51 feet to a point for corner;
South 17 degrees 43 minutes 33 seconds West, 27.64 feet to the southeast
corner of said Wilbow-Prosper One tract, said point being the southwest corner of said
TDI tract, said point being in the centerline of First Street, said point also being in the
north line of said Prosper 380 tract;

THENCE North 89 degrees 37 minutes 06 seconds West, 763.11 feet along the centerline
of First Street and along the north line of said Prosper 380 tract to the southwest corner of
said Wilbow-Prosper One tract;

THENCE along the west line of said Wilbow-Prosper One tract as follows:

North, 479.81 feet to a point for corner;

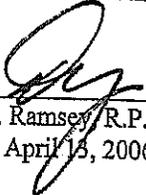
Northwesterly, 142.94 feet along a curve to the left having a central angle of 45
degrees 00 minutes 00 seconds, a radius of 182.00 feet, a tangent of 75.39 feet, and
whose chord bears North 22 degrees 30 minutes 00 seconds West, 139.30 feet to a point
for corner;

North 45 degrees 00 minutes 00 seconds West, 559.50 feet to a point for corner;

Northwesterly, 142.94 feet along a curve to the left having a central angle of 45
degrees 00 minutes 00 seconds, a radius of 182.00 feet, a tangent of 75.39 feet, and
whose chord bears North 67 degrees 30 minutes 00 seconds West, 139.30 feet to a point
for corner;

West, 257.47 feet to the POINT OF BEGINNING and containing 5,124,958
square feet or 117.652 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on
the ground survey, and is not to be used to convey or establish interests in real property
except those rights and interests implied or established by the creation or reconfiguration
of the boundary of the political subdivision for which it was prepared.


Dan B. Ramsey, R.P.L.S. No. 4172

Dated: April 13, 2006



EXHIBIT B
DEVELOPMENT SCHEDULE

Greenspoint is a master planned single family residential community providing a variety of lot types ranging from 10,000 square feet to one-acre and larger and a widely dispersed collection of pocket parks. The plan incorporates some one-way streets and curvilinear streets for traffic calming. Pedestrian access to open space is within walking distance to each home. Topographic features are enhanced with terracing and natural site features, including creek corridors, tree bosques, and lake shores are retained and enhanced. Natural systems and native vegetation are utilized to treat storm water runoff to the extent possible.

The master plan incorporates a logical transition from the rural character of one acre and one half acre lot to the north and east of the community to more urban lots to the west and south. The rural and recreational character is preserved and created through the dispersion of landscaped open spaces, landscape buffers along CR 80 (Coit Rd) and CR 79 (First St), the inclusion of equine and separate pedestrian hiking rails through the community, and its low density.

Covenants, Codes and Restrictions will regulate the architectural and landscape improvements in Greenspoint.

Greenspoint

PLANNED DEVELOPMENT RESIDENTIAL DISTRICT STANDARDS

1.0 Planned Development District - Single-Family Residence

1.01 General Description

This Planned Development Ordinance permits a maximum density of 1.95 single-family residential units per gross acres of land.(see attached Exhibit "D").

The development standards for the aforementioned housing types are outlined within this text or as set forth in the SF- Estate, SF-1 and SF-2 Zoning Classifications of Ordinance 84-16 and the Subdivision Ordinance 03-05 as they exist or may be amended through the development of the initial phase, if not specifically addressed herein. The Town of Prosper retains the right to review and/or amend the PD Ordinance for Greenspoint, formerly approved and known as Collinsbrook and with this ordinance, renamed Greenspoint, if a preliminary plat has not been submitted within eight (8) years of the adoption date of this PD.

The use and development of the subject property shall generally conform to Exhibit "D" allowing for modifications and variations that follow sound and reasonable engineering practices or design refinements.

1.02 Permitted Uses

Land uses permitted within the PD are those permitted in the SF-1 District and the following:

- a. Civic facility
- b. Temporary real estate sales offices for each builder during the development and marketing of the Planned Development which shall be removed no later than thirty (30) days following the final issuance of the last Certificate of Occupancy (CD) on the last lot owned by that builder.
- c. Accessory buildings incidental to the permitted use and constructed of the same materials as the main structure.
- d. Temporary buildings of the builders and uses incidental to construction work on the premises, which shall be removed upon completion of such work.
- e. Private streets and associated entry walls, gates and/or gatehouses.

1.03 Required Parking

A minimum of four (4) off-street, concrete parking spaces shall be provided for each residential unit. As part of the parking requirement, at least two (2) of the off-street parking spaces shall be in an enclosed garage. Garages shall be outside swing type or if facing the street, shall be set back ten (10) feet behind the front building line. The storage and long-term parking of recreational vehicles, sports vehicles, boats and/or trailers on a lot shall be located behind the applicable setback line for the residential unit. For purposes of this Ordinance, "recreational vehicle" means any mobile unit (motorized or under tow) designed, converted, or modified for use as a sleeping, cooking, gathering, or any use other than human transport and material transport typically associated with a car, sport utility vehicle, or pick-up truck, and "sports vehicle" means a vehicle designed for or modified for off-road or other recreational use, which is not a standard car, sport utility vehicle or pick-up.

1.04 Exterior Facade Building Materials

1.04.1 Surface Area Facade

The surface area of the first floor exterior wall (exclusive of openings for windows and doors) and all second story walls (exclusive of gables) in the same vertical plane as the first floor wall shall be veneered with a minimum of 85% (eighty-five percent) coverage of unit masonry or hand-troweled, cement-based, 3-coat stucco on the front elevation and 75% (seventy-five percent) unit masonry or hand-troweled, cement-based, 3-coat stucco on the side and rear elevations.

1.04.2 Unit Masonry

Unit Masonry shall mean brick, natural stone, or concrete cast stone (or combination of these materials) laid up by unit and set in mortar. To facilitate enforcement of this standard, all plan submittals must indicate the wall areas of those walls subject to the above masonry requirements.

1.04.3 Roofing Material

No wood shingle roofs will be permitted.

1.05 Single-Family

The property will be developed with a mix of three (3) lots sizes generally in conformity with the concept plan as per Exhibit "A." Single Family

shall mean the use of a lot with one (1) building designed for and containing not more than one (1) unit with facilities for living, sleeping, cooking, and eating therein, provided however, that accessory buildings shall allow for domestic servants, granny flats, or guests, may be built on same lot to the extent they are not leased to unrelated third parties. The maximum number of single-family units allowed is 250. Building and area requirements for single-family units are as follows:

Type I Single Family Lots

- a. **Minimum Dwelling Size:** The minimum enclosed heated and cooled living area shall be two thousand (2,000) square feet.
- 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 percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, 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 not be less than eighty (80) feet along the front building line, except that lots within the radius of a cul-de-sac or along street elbows or eyebrows may have a minimum width of seventy (70) feet along the front 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 (120) feet, except that a lot within the radius of a cul-de-sac or along street elbows or 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 thirty (30) feet except that the street face of any one story living area, one to one and one half story side-entry garages and/or porches may encroach into the front yard up to ten (10) feet.
- g. **Side Yard:** The minimum of fifteen (15) feet shall be in side yards, the actual width of a particular side yard may vary, however no side yard will be less than five (5) feet. The purpose for this shall be to aggregate the majority of side yard on the garage side of the house to provide additional room for driveways for side entry garages. The plat shall designate which side of the lot shall have the driveway. Corner lots shall have a side yard adjacent to a street of fifteen (15) feet

provided however that lots adjacent to perimeter thoroughfares shall be separated from a thoroughfare ROW by an HOA landscape buffer of at least thirty-five (35) feet. Accessory buildings shall have a minimum side yard setback of five (5) feet.

- h. **Rear Yard:** The minimum depth of the rear yard shall be twenty (20) feet. Accessory buildings shall have a minimum rear yard setback of five (5) feet.
- i. **Building Height:** Buildings shall be a maximum of two and one half (2½) stories, not to exceed thirty-six (36) feet in height.

Type II Single Family Lots

- a. **Minimum Dwelling Size:** The minimum enclosed heated and cooled living area shall be two thousand two hundred (2,200) square feet.
- b. **Lot Area:** The minimum area of any lot shall be twelve thousand five hundred (12,500) 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, deck, 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 not be less than ninety (90) feet along the front building line, except that lots within the radius of a cul-de-sac or along street elbows or eyebrows may have a minimum width of eighty (80) feet along the front 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 (120) feet, except that a lot within the radius of a cul-de-sac or along street elbows or eyebrows may have a minimum lot depth, measured at mid-point on front and rear lot lines, of one hundred (110) feet; provided all other requirements of this section are fulfilled.
- f. **Front Yard:** The minimum depth of the front yard shall be thirty (30) feet except that the street face of any one story living area, one to one and one half story side-entry garages and/or porches may encroach into the front yard up to ten (10) feet.
- g. **Side Yard:** The minimum of sixteen (16) feet shall be in side yards, the actual width of a particular side yard may vary, however no side yard will be less than seven (7) feet. The purpose for this shall be to

aggregate the majority of side yard on the garage side of the house to provide additional room for driveways for side entry garages. The plat shall designate which side of the lot shall have the driveway. Corner lots shall have a side yard adjacent to a street of sixteen (16) feet provided however that lots adjacent to perimeter thoroughfares shall be separated from a thoroughfare ROW by an HOA landscape buffer of at least thirty-five (35) feet. Accessory buildings shall have a minimum side yard setback of seven (7) feet.

- h. **Rear Yard:** The minimum depth of the rear yard shall be twenty-five (25) feet. Accessory buildings shall have a minimum rear yard setback of five (5) feet.
- i. **Building Height:** Buildings shall be a maximum of two and one half (2½) stories, not to exceed thirty-six (36) feet in height.

Type III Single Family Lots

- a. **Minimum Dwelling Size:** The minimum gross living area shall be two thousand four hundred (2,400) square feet.
- b. **Lot Area:** The minimum area of any lot shall be twenty thousand (20,000) square feet.
- c. **Lot Coverage:** In no case shall more than thirty five percent (35%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, 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 not be less than one hundred (100) feet along the front building line, except that lots within the radius of a cul-de-sac or along street elbows or eyebrows may have a minimum width of ninety (90) feet along the front building line; provided all other requirements of this section are fulfilled.
- e. **Lot Depth:** The minimum average depth of any lot shall be one hundred fifty (150) feet.
- f. **Front Yard:** The minimum depth of the front yard shall be forty (40) feet except that the street face of any one story living area, one story and one and one half story side-entry garages and porches may encroach into the front yard up to ten (10) feet.
- g. **Side Yard:** The minimum of twenty five (25) feet shall be in side yards, the actual width of a particular side yard may vary, however no

side yard will be less than ten (10) feet. The purpose for this shall be to aggregate the majority of side yard on the garage side of the house to provide additional room for driveways for side entry garages. The plat shall designate which side of the lot shall have the driveway. Corner lots shall have a side yard adjacent to a street of twenty five (25) feet provided however that lots adjacent to perimeter thoroughfares shall be separated from a thoroughfare ROW by an HOA landscape buffer of at least thirty-five (35) feet. Accessory buildings shall have a minimum side yard setback of ten (10) feet.

- h. **Rear Yard:** The minimum depth of the rear yard shall be twenty-five (25) feet. Accessory buildings shall have a minimum rear yard setback of five (5) feet.
- i. **Building Height:** Buildings shall be a maximum of two and one half (2½) stories, not to exceed thirty-six (36) feet in height.

2.0 Residential Planned Development District - General Conditions

2.01 Conformance to All Applicable Articles of the Town of Prosper Zoning Ordinance

Except as amended herein, this Planned Development District shall conform to any and all applicable articles and sections of ordinances and regulations of the Town of Prosper, including Zoning Ordinance, No. 84-16, and Subdivision Ordinance, No. 03-05, as they presently exist or may be amended. All Right of Ways as specified in the Town's Transportation Plan will be deeded to the Town at the time of development with the Final Plat. Cul-de-sac streets shall be permitted up to six hundred (600) feet in length from an intersecting street except that where the street is bordered on both sides by Type III lots, the length of a cul-de-sac shall be permitted up to eight hundred (800) feet in length from an intersecting street.

2.02 Deleted

2.03 Amenities

2.03.1 Pocket Park

Pocket Parks shall have no minimum size if maintained by the HOA. In addition to the Hike and Bike Trail, the developer will furnish and build one or more pocket parks. Size and location of the Pocket Park(s) will be located on the preliminary plat and approved by the Town of Prosper. The pocket parks shall include park benches, landscaping and automatic irrigation system, as specified in Ordinance 84-16. Pocket parks shall be owned and

maintained by the HOA and may or may not count towards park impact credits as determined by a separate Developer's Agreement.

2.03.2 Trails

The developer and Town of Prosper will cooperate to cause a hike and bike trail to be constructed on this site in the location shown on Exhibit "D." The Town of Prosper will determine the Trail width and specifications. The costs of the trail may or may not count towards park impact credits as determined by a separate Developer's Agreement.

2.03.3 Amenities and Homeowners Association

The developer shall create a Homeowners Association, as set forth below, for Greenspoint, for the maintenance of common areas such as perimeter landscaping, entry monuments and common amenities. If an amenity center is provided, it shall be located on the preliminary plat on a separate lot of record and dedicated to the HOA.

2.04 Screening and Buffering

2.04.1 Perimeter Landscape Buffer

The landscape buffer of a minimum twenty-five (25) feet in width along County Road No. 78 (First Street) and County Road 80 (Coit Road) shall be screened by a combination of earthen berms, turf grass, trees, and shrubs, as specified on the attached Exhibit "D," which shall comply with the Town's Transportation Plan requirements. All turf and landscaping areas will be irrigated. Screening fences shall be located along the berm areas and shall meet the requirements of the Subdivision Ordinance 03-05.

2.04.2 Gated Entry Walls

Screening walls as part of a gated entry to private streets may extend into a front yard of a lot. Such wall shall not exceed eight (8) feet in height, except as a transitional curve to a structural column or gatehouse structure. The screen wall may be wrought iron type or solid masonry.

2.05 Conceptual Development Plan

A Conceptual Development Plan is hereby attached (Exhibit "D") and made a part of the ordinance. It establishes the most general guidelines for the district by identifying the project boundaries, land use types, approximate thoroughfare locations, ROW dedication, roads, trails, drainage, all easements and illustrates the integration of these elements into a master plan for the whole district.

2.06 **Streets**

The interior streets (with Type III lots on both sides) shall be designed as a rural street section with a 50' wide right-of-way and adjacent drainage easements as required to accommodate the drainage ditches on both sides of the street. The paved section for the main entry street shall be concrete paving 31' wide. The remaining residential streets shall consist of a 50-foot right-of-way with a 31-foot paving section (b-b) and drainage systems which shall be incorporated into the street facility with concrete paving and mountable curbs. One-way street widths shall be shown on the Preliminary Plat and approved by the Town. All Residential Streets and Thoroughfares with landscape and setback areas shall be shown on the Preliminary Plat. Right-of-way areas shall be dedicated and provided on any and all adjacent street or road section to conform to the approved Transportation Plan of the Town. Secondary entrances to gated sections of the development may have a reduced stacking lane such that the stacking depth is equal to the lot depth of 125 feet from gate to ROW of intersecting street.

2.07 **Maintenance of Facilities**

The Developers shall establish a Homeowner's Association (HOA), in which membership is mandatory for each lot that will be responsible for operation and maintenance of all common areas and/or common facilities contained within the area of the Planned Development District or adjacent Right of Way (ROW). The homeowner's association will be created with Phase 1 and each subsequent phase shall be annexed into the association. The association shall distinguish different rates of membership assessments to provide for gated and non-gated lots. Prior to transfer of the ownership to the HOA, all specified facilities shall be constructed by the Developer and approved by the Town. A two (2) year maintenance bond for all improvements contained within the HOA area or ROW shall be provided at the time of transfer. The developer shall provide the Town a mandatory HOA agreement that will become part of the deed of record.

2.08 **Sidewalks**

The sidewalk on the streets for Type III lots (rural street section) shall be located within a separate easement. The remaining residential streets will

have a four (4) foot wide sidewalk located on both sides of the street and shall be located two (2) feet from the street right-of-way line and shall be constructed by the homebuilder. Three (3) feet from each street right of way line shall be required for streets with proposed street trees. Corner lots shall also provide the aforementioned requirement. All public street ROW sidewalks and crossings shall be ADA compliant. In locations where open space, common, or HOA areas exist, sidewalks shall be extended to connect with adjacent walks or trails. In open space and common areas, the sidewalk location may meander from being parallel to the street ROW.

2.09 Mailboxes

The Developer will deed restrict the property to require a standard mailbox design that will be required and maintained by the property owner or HOA for a consistent look throughout the development. Each mailbox will be iron; wrought-iron or cast alloy posts or stand and all mailboxes will match in color and style. Brick mailboxes will not be allowed.

2.10 Landscaping

2.10.1 Tree Requirement

A minimum of two (2) three inch (3") caliper trees, measured at twelve (12) inches from the ground, shall be planted in each front yard area between the building line and the street right-of-way line in the single family development. The list of approved trees will be included in the deed restrictions filed on this project. The required trees will typically be planted by the builder at the time of house construction and must be installed prior to the issuance of the Certificate of Occupancy for that lot and house.

2.10.2 Corner Lots

One (1) additional tree as specified on the approved list in deed restrictions with a minimum caliper of three (3) inches each, as measured twelve (12) inches above the root ball, shall be planted in each side-yard space that abuts a street and the yard space frontage along that street. These required trees shall be planted generally parallel to the street at the edge of the street right of way. The required trees will typically be planted by the builder at the time of house construction and must be installed prior to the issuance of the Certificate of Occupancy for that lot and house.

2.10.3 Side Yard

Side yard landscaping is required on all lots adjacent to Major Thoroughfares or Collector Streets within the development; said landscaping shall include trees, shrubs, turf grass, and earthen berms. Landscape beds in the yard space that abuts a street shall be limited to, and extend from, the house perimeter and walkways. Such beds shall have natural shapes. The intent of this guideline is to reinforce the continuity of the street with plant beds that visually reference the street instead of the lot. Therefore, floating beds in the yard space are prohibited. Such planting beds must run parallel to the street and create natural shapes that respond to the required trees (described above).

2.10.4 **Sod**

Front and side yards visible to the street and in front of any side yard fencing shall be sodden prior to the Town issuing a Certificate of Occupancy.

2.11 **Fencing**

Consistent fencing will be required on all lots adjacent and backing to the Major Thoroughfares and shall conform to the standards established by the Town for various types of fencing in Subdivision Ordinance 03-05 as it exists or may be amended. All lots adjacent to open space, parkland or trails as described herein shall be restricted to open wrought iron type fencing on property lines abutting such areas.

2.12 **Water Feature**

The design, construction, and initial maintenance cost of any Water Feature which is constructed and improved as part of this development shall be provided by the developer. This feature, if designed to be a part of the storm water system, then the plat will provide that the Town will control a drainage easement over the feature. The HOA will be responsible for maintaining the landscape and area surrounding the Water Feature after the construction and acceptance period. The completion of each Water Feature indicated shall be prior to each Phase or Section of development. If the development schedule is modified or altered then the proposed water feature shall be completed on or prior to fifty percent (50%) of the land area being platted. The proposed Water Feature shall meet state requirements as submitted to the state by the Town's Consulting Engineer. The water feature will in no way affect the natural drainage patterns of the site and interfere with any conservation issues established by TCEQ. The Town's engineer may require hydrology studies to verify that the water feature can maintain reasonable water levels with surface runoff calculations. Should a water well be required to

maintain the water level, the developer will comply with all ordinances in obtaining a water well permit.

2.13 **Open Space Requirements**

The overall development of the property will provide a minimum of ten percent (10%) of common open space area of the gross acreage including such items as pocket parks, water area and features, trail systems, creeks and natural preserved areas as shown on Exhibit "D".

EXHIBIT E
STATEMENT OF INTENT AND PURPOSE

The Greenspoint development comprises several tracts under different ownerships. This fact, combined with a master plan calling for a variety of lot types, calls for a development in multiple phases. The first phase at the southern end of the properties and fronting onto First Street is expected to deliver finished infrastructure to homebuilders in May 2006. This initial phase provides the sewer, water and road improvements necessary for the remainder of the development.

The second phase, The Estates of Greenspoint, is expected to require 6 months of construction starting summer of 2006 and is expected to deliver completed lots to homebuilders in December 2006.

Subsequent phases incorporating the Vowan, Dauterman, Miller and Green tracts will be timed to follow build out of the first two phases as market needs dictate. These tracts may be developed simultaneously or incrementally depending on the market need for delivery of different lot types and obligations to the various owners. The entire Greenspoint community is expected to build out in approximately 6 years based upon a continued healthy local economy.

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF DALLAS

Before me, a Notary Public in and for Dallas County, this day personally appeared Lynda Black, Legal Advertising Representative for the DALLAS MORNING NEWS being duly sworn by oath, states the attached advertisement of:

Town of Prosper

as published in The Dallas Morning News – Metro Collin County Edition on:

TOWN OF PROSPER, TEXAS
ORDINANCE NO. 06-72
AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20, REZONING A TRACT OF LAND CONSISTING OF 117.652 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM H. THOMASON SURVEY ABSTRACT NO. 895, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED PLANNED DEVELOPMENT (PD-18, COLLINSBROOK) DISTRICT AND AGRICULTURE (A) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT DISTRICT (PD-29) FOR SINGLE FAMILY RESIDENTIAL USES; DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEAL, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

July 18, 2006
July 21, 2006

Lynda Black

(Lynda Black)

Sworn before me this

July 21, 2006, A.D

Lisa Battenfield

(Lisa Battenfield)

