

PD-25

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 06 - 73

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 1,218.6 ACRES, MORE OR LESS, SITUATED IN THE JEREMIAH HORN SURVEY, ABSTRACT NO. 411, THE LARKIN McCARTY SURVEY, ABSTRACT NO. 600, AND THE SPENCER GRAHAM SURVEY, ABSTRACT NO. 948, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED PLANNED DEVELOPMENT (PD-25, BROOKHOLLOW) DISTRICT AND SINGLE FAMILY-15 RESIDENTIAL (SF-15) DISTRICT IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT DISTRICT (~~PD-30~~) FOR MIXED 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 LandPlan Development ("Applicant") to rezone 1,218.6 acres of land, more or less, situated in the Jeremiah Horn Survey, Abstract No. 411, the Larkin McCarty Survey, Abstract No. 600, and the Spencer Graham Survey, Abstract No. 948, 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 1,218.6 acres of land, more or less, situated in the Jeremiah Horn Survey, Abstract No. 411, the Larkin McCarty Survey, Abstract No. 600, and the Spencer Graham Survey, Abstract No. 948, 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

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Development (~~PD-30~~) District for Mixed Residential and Nonresidential Uses. The property as a whole and the boundaries for each zoning classification are more particularly described in Exhibit "A" (INCLUDING Tracts, A, B, C, D, E, F, G, AND h) 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 for Brookhollow, attached hereto as Exhibit "C"; 3) the Zoning Conceptual Site Plan, attached hereto as Exhibit "D"; and 4) the Development Schedule, 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

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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.

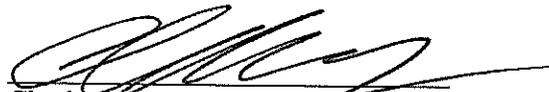
SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper 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 11th DAY OF JULY, 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

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:

July 18, 2006

July 21, 2006

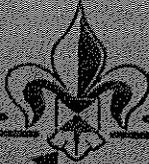
TOWN OF PROSPER, TEXAS
ORDINANCE NO. 06-73
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scribed before me this

July 21, 2006, A.D


(Lynda Black)


(Lisa Battenfield)



Brookhollow

1,218.6 ACRES IN THE TOWN OF PROSPER,
COLLIN COUNTY, TEXAS

APPROVED: JULY 26, 2005
AMMENDED: JUNE 27, 2006

Submittal Documents in Support of

Brookhollow

A Planned Development District

in the

TOWN OF PROSPER, TEXAS

MARCH 28, 2005
revised April 13, 2005
revised May 17, 2005
revised July 21, 2005
revised May 18, 2006
revised June 27, 2006

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EXHIBIT "A"
Legal Descriptions
for

Brookhollow

TOWN OF PROSPER, TEXAS

Tract 'A'

All that certain tract or parcel of land situated in the Jeremiah Horn Survey, Abstract Number 411, and the Larkin McCarty Survey, Abstract Number 600, County of Collin, State of Texas; said tract being all of a tract as described in Deed to FF 14th Fairway Limited Partnership, filed 21 July 1998, and Recorded in Volume 4212 Page 2103 98-0077217 of the Deed Records of the County of Collin, State of Texas, and being more fully described as follows:

BEGINNING for the northwest corner of the tract being described herein at a found ½ inch Steel Rebar, said rebar being the northwest corner of said fairway tract, and the northeast corner of a called 100.88 Acre tract as described in Deed to Rocking MS Family Partnership, filed 02 November 2002, and Recorded in Volume 4787 Page 1708 of said Deed Records, said rebar said being in the center line of Collin County Road Number 78 (a gravel surfaced public road), said rebar also being on the south line of a called 198.88 Acre tract as described in Deed to HRC Ranch, LTD., filed 04 May 2001, and Recorded in Volume 4911 Page 2695 of said Deed Records;

Thence; North 89 degrees 49 minutes 00 seconds East, with the north line of said Fairway tract, and with the center line of said road, a distance of 1631.41 feet to a found ½ inch Steel rebar for the northwest corner of said Fairway tract, and the southwest corner of a called 504 Acre tract as described in Deed to Walnut Grove Cemetery Assoc., filed 19 December 1921, and Recorded in Volume 238 Page 349 of said Deed Records, said rebar also being on the west Right-of-Way line of Farm-to-Market Road number 2478 (an asphalt surfaced public road) as described in Deed to The State of Texas, filed 27 August 1957, and Recorded on Volume 529 Page 612 of said Deed Records"

Thence; With the east line of said Campbell tract, and the west Right-of-Way line of said road the following 6 (six) calls:

1. South 00 degrees 13 minutes 37 seconds East, a distance of 30.94 feet:
2. South 45 degrees 04 minutes 08 seconds East, a distance of 71.61 feet:
3. South 00 degrees 45 minutes 58 seconds East, a distance of 50.93 feet:
4. South 00 degrees 45 minutes 00 seconds East, a distance of 3226.90 feet:
5. South 44 degrees 23 minutes 38 second West, a distance of 70.37 feet:
6. South 00 degrees 23 minutes 09 second East, a distance of 26.25 feet to a found ½ in Steel rebar for the southeast corner of Kevin Billings, file 26 April 1998, and Recorded in Volume 4153 Page 2036 pf said Deed Records, said rebar also being in Collin County Road Number 933 is gravel surfaced road:

Thence: South 89 degrees 19 minutes 19 seconds West, with the south line of said Fairway tract, and passing the northwest corner of said Billings tract, said being the northeast corner of a called 65.941 Acre tract as described in Deed to FF 14th Fairway Limited Partnership, filed 18 June 1998, and Recorded in Volume 4189 Page 1158 of said Deed Records, and continuing on said course for a total distance of 790.82 feet to a found ½ inch Steel Rebar for a corner:

Thence: South 52 degrees 39 minutes 03 seconds West, with the south line of said Fairway 138.702 acre tract, and the north line of said Fairway 65.941 acre tract, and with said road, a distance 202.60 feet to a found ½ inch Steel Rebar for a corner:

Thence: South 00 degrees 36 minutes 57" East, with the west line of said Fairway 65.941 acre tract, a distance of 134.07 feet to a found ½ in Steel Rebar for a corner of said fairway 198.702 acre tract, in the west line of said 65.941 acre tract, and the northeast corner of a called 104.483 acre tract as described in Deed to 104 Prosper, LP, filed 13 December 2002, and Recorded in Volume 5316 Page 5314 of said Deed Records:

Thence: North 89 degrees 02 minutes 30 seconds West, and with the south line of said Fairway 130.702 acre tract, and the north line of said 104 Prosper tract, and with said road, a distance of 722.94 feet to a found ½ inch Steel Rebar for the southwest corner of said Fairway 190.702 acre tract, and the southeast corner of said Rocking MS tract:

Thence: North 00 degrees 02 minutes 41 seconds West, with the west line of said Fairway 190.702 acre tract, the east line of said Rocking MS tract, a distance of 3684.62 feet to the POINT OF BEGINNING and containing 138.702 Acres of land.

Tract 'B'

BEING a 25.593 acre tract of land situated in the Jeremiah Horn Survey, Abstract Number 411, Collin County, Texas and being a portion of a 65.593 acre tract of land according to the deed recorded in Volume 4189, Page 1138 of the Deed Records of Collin County, Texas (DRCCT) and being more particularly described as follows:

BEGINNING at a 3/8 inch iron rod found for the northwest corner of said 65.593 acre tract of land and being located in or near the center of County Road No. 933;

THENCE along the northerly line of said 65.593 acre tract of land along or near the center of said County Road No. 933 as follows:

NORTH 50°54'32" EAST a distance of 199.33 feet to a 5/8 inch iron rod set for corner;

NORTH 89°17'32" EAST a distance of 542.50 feet to a 3/8 inch iron rod found for the northwest corner of 3.95 acre tract of land according to the deed recorded in Volume 422, Page 20 (DRCCT);

Departing the center of said County Road No. 933 SOUTH 00°30'01" EAST a distance of 436.19 feet to a 5/8 inch iron rod set for the southwest corner of said 3.95 acre tract of land;

NORTH 89°17'32" EAST a distance of 395.30 feet to a 5/8 inch iron rod set for the most easterly northeast corner of said 65.593 acre tract of land and being located in the westerly right-of-way line of F.M. Highway No. 2478 (Custer Road);

THENCE along the easterly line of said 65.593 acre tract of land with the westerly right-of-way of said F.M. Highway No. 2478 (Custer Road) as follows:

SOUTH 00°30'01" EAST a distance of 368.71 feet to a 5/8 inch iron rod set for corner;

SOUTH 00°50'00" EAST a distance of 493.35 feet to a 5/8 inch iron rod set for corner;

THENCE departing the easterly line of said 65.593 acre tract of land and the westerly right-of-way of said F.M. Highway No. 2478 (Custer Road) SOUTH 89°10'00" WEST a distance of 993.16 feet to a 5/8 inch iron rod set for corner located in the westerly line of said 65.593 acre tract of land;

THENCE along the westerly line of said 65.593 acre tract of land NORTH 01°08'56" WEST a distance of 1,176.69 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 25.593 acres or 1,114,832 square feet of land, more or less, all according to that survey prepared by AJ Bedford Group, Inc. dated September, 2004 and signed by Austin J. Bedford, Registered Professional Land Surveyor No. 4132; to which reference for all purposes is hereby made.

Tract 'C'

SITUATED in the State of Texas, County of Collin, being part of the Jeremiah Horn Survey, Abstract No. 411, being part of a 105.106 acre tract of land as recorded in Volume 1568, Page 688 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a ½ inch iron rod found in the north right-of-way line of U.S. Highway 380 as recorded in Volume 3492, Page 197 of the Collin County Land Records, said corner being in the west line of said 105.106 acre tract and marks the southwest corner of the premises herein described, said beginning also being the southeast corner of a 146.56 acre tract as recorded in Volume 4193, Page 1594 of the Collin County Land Records;

THENCE with the west line of said 105.106 acre tract, the east line of said 146.56 acre tract and the east line of a 2.0216 acre tract as recorded under County Clerk No. 92-0011459 of the Collin County Land Records, North 00°07'04" West, 2839.08 feet to a 3/8 inch iron rod found in County Road 933 marking the northwest corner of said 105.106 acre tract, the northeast corner of said 2.0216 acre tract, and being in the south line of a 100.86 acre tract as recorded in Volume 4787, Page 1700 of the Collin County Land Records;

THENCE partway with County Road 933 and partway along its south margin along the north line of said 105.106 acre tract, the south line of said 100.86 acre tract, and the south line of a 138.702 acre tract as recorded in Volume 4212, Page 2103 of the Collin County Land Records, South 89°01'42" East, 1612.00 feet to a 5/8 inch iron rod found marking the northeast corner of said 105.106 acre tract and being in the west line of a 65.593 acre tract as recorded in Volume 4189, Page 1138 of the Collin County Land Records;

THENCE with the east line of said 105.106 acre tract and the west line of said 65.593 acre tract as follows: South 00°15'30" East, 1893.25 feet to a ½ inch iron rod set replacing a found 40d nail; South 00°01'55" West, 919.30 feet to a ½ inch iron rod found in the north right-of-way line of U.S. Highway 380 marking the southeast corner of said premises and the southwest corner of said 65.593 acre tract;

THENCE with the south line of said premises and the north right-of-way line of U.S. Highway 380 as follows:

North 89°58'18" West, 444.58 feet;

North 68°10'20" West, 60.54 feet;

South 75°05'42" West, 48.44 feet;

North 89°58'18" West, 755.54 feet;

North 75°02'32" West, 48.83 feet;

South 75°05'42" West, 87.62 feet to a TxDOT Monument found;

North 89°58'18" West, 178.98 feet to the point of beginning and containing 4,551,273 gross square feet or 104.483 gross acres of land, of which approximately 19.5 acres are in F.E.M.A. Flood Plain, leaving 84.983 net acres of land.

Tract 'D'

All that certain tract or parcel of land situated in the Jeremiah Horn Survey, Abstract Number 411, County of Collin, State of Texas, said tract being all of a called 146.56 acre tract as described in Deed to FF 14th Fairway Limited Partnership, filed 24 June 1998, and Recorded in Volume 4193 Page 1594 (98-0065660) of the Deed Records of the County of Collin, State of Texas, and being more fully described as follows:

Beginning for the northwest corner of the tract being described herein at a found ½ inch Steel Rebar, said rebar being the northwest corner of said 146.56 acre tract, and the southwest corner of a called 67.721 acre tract as described in Deed to Landon J. Cullum, filed 07 July 1994, and Recorded at Clerks # 94-0069444 of said Deed Records, said rebar also being on the east of a called 645.426 acre tract as described in Deed to W.H. Rasor, III et al, filed 15 October 1997, and Recorded in Volume 4019 Page 1085 of said Deed Records, said rebar also being on the west line of said Horn Survey, and on the east line of the I.C. Williamson Survey, Abstract Number 948:

Thence: South 89 degrees 42 minutes 43 seconds East, with the north line of said 146.56 acre tract, and with the south line of said Cullum tract, a distance of 1479.11 feet to a found ½ inch Steel Rebar for an ell corner of said 146.56 acre tract, and the southeast corner of said Cullum tract:

Thence: North 00 degrees 28 minutes 12 seconds East, with a west line of said 146.56 acre tract, and with the east line of said Cullum tract, a distance of 772.12 feet to a found ½ inch Steel Rebar for the most northerly northwest corner of said 146.56 acre tract, and an ell corner of said Cullum tract.

Thence: South 89 degrees 39 minutes 31 seconds East, with the north line of said 146.58 acre tract, a distance of 906.97 feet to a found ½ inch Steel Rebar for the northwest corner of said 146.56 acre tract, and the northwest corner of a tract as described in Deed to Bruce A. Munty et ux. Denise Munty, filed 25 February 1992, and Recorded at 92-0011459 of said Deed Records:

Thence: South 01 degrees 09 minutes 15 seconds West, with the west line of said Munty tract, a distance of 312.40 feet to a found ½ inch Steel Rebar for the southwest corner of said Munty tract:

Thence: North 86 degrees 33 minutes 29 seconds East, with the south line of said Munty tract, a distance of 295.05 feet to a found ½ inch Steel Rebar for the southeast corner of said Munty tract, and on the west line of a called 104.483 acre tract as described in Deed to 104 Prosper, LP, filed 13 December 2002, and Recorded in volume 5316 Page 5314 1200-01856331 of said Deed Records:

Thence: South 00 degrees 06 minutes 21 seconds East, with the east line of said 146.56 acre tract, and the west line of said 104 tract, a distance of 2546.29 feet to a set ½ inch Steel Square Tubing with a plastic cap marked COX 4577 for the southeast corner of said 146.56 acre tract, and the southwest corner of said 104 tract, and on the north Right-of-Way line of U.S. Highway 380:

Thence: With the south line of said 146.58 acre tract, and with the north ROW line of said Highway, the following 6 (six) cells:

1. North 89 degrees 68 minutes 18 seconds West, a distance of 591.48 feet:
2. North 84 degrees 17 minutes 59 seconds West, a distance of 100.72 feet:
3. North 89 degrees 58 minutes 04 seconds West, a distance of 1387.38 feet:
4. North 73 degrees 16 minutes 28 seconds West, a distance of 113.09 feet:
5. South 74 degrees 47 minutes 29 seconds West, a distance of 117.07 feet:
6. South 88 degrees 38 minutes 07 seconds West, a distance of 390.58 feet to a found ½ inch Steel Rebar for the southwest corner of said 146.56 acre tract, and the southeast corner of said Rasor tract:

Thence: North 00 degrees 10 minutes 24 seconds East, with the west line of said 146.56 acre tract, and the east line of said Razor tract, a distance of 2078.26 feet to the POINT OF BEGINNING and containing 146.609 acres of land.

Tract 'E'

BEGINNING at a stake 25.76 chains (612.05 vrs.) West of the S E corner of the Larkin McCarty Survey: said stake being in the south boundary line of the said McCarty Survey, and in the North boundary line of the said Jeremiah Horn Survey and in the East boundary line of the said 99 acre tract;

THENCE North 3/4 degrees East 20.16 chains (479.00 vrs.) with established fence line to a stake in the northeast corner of the said 99 acre tract; said stake being in the middle of the public road;

THENCE West 14.35 chains (340.95 vrs.) with the middle of said road to a stake at the most easterly northwest corner of the said 99 acre tract;

THENCE in a southerly direction with a fence in the most easterly west boundary line of the said 99 acre tract, as follows; South 10.40 chains (247.10 vrs.); South 1/2 degree west 12.125 chains (287.97 vrs.); South 3/4 degrees West 15.24 chains (362.10 vrs.); South 1-1/2 degrees west 2.06 chains (48.94 vrs.) to a fence corner post at the inner corner of the said 99 acre tract;

THENCE in a westerly direction with the most southerly boundary line of the said 99 acre tract as follows; North 89-3/4 degrees west 4.73 chains (112.38 vrs.); West 8.72 chains (207.18 vrs.) to the most westerly northwest corner of the said 99 acre tract;

THENCE in a southerly direction with the most westerly west boundary line of the said 99 acre tract as follows; South 7.19 chains (170.83 vrs.); South 1/2 degrees east 8.63 chains (205.04 vrs.) to a stake at fence corner at the southwest corner of the said 99 acre tract;

THENCE in an easterly direction with the south boundary line of the said 99 acre tract as follows: South 88-1/4 degrees east 4.13 chains (98.12 vrs.); East 8.43 chains (200.29 vrs.); South 89-3/4 degrees East 14.97 chains (355.68 vrs.) to the southeast corner of the said 99 acre tract;

THENCE North 1/2 degree east 35.78 chains (850.13 vrs.) to the place of BEGINNING, containing 100.88 acres, of which 72.13 acres are in the Jeremiah Horn Survey and 28.75 acres are in the Larkin McCarty Survey.

Tract 'F'

All that certain tract or parcel of land situated in the Jeremiah Horn Survey, Abstract Number 411, County of Collin, State of Texas, said tract being all of Tract One a called 1.4151 acre tract and all of Tract Two a called 0.6065 acre tract as described in deed to Bruce A. Mundy et ux, Denise Mundy, filed 25 February 1992, and recorded in clerks number 92-0011459 of the deed records of the County of Collin, State of Texas, and being more fully described as follows:

Beginning for the northeast corner of the tract being described herein at a found ½ inch rebar, said rebar being the northeast corner of said tract two, same being the northwest corner of a called 104.483 acre tract as described in deed to 104 Prosper LP, filed 13 December 2002, and recorded in volume 5316 page 5314 of said deed records, said rebar also being in the center of Collin County Road Number 933;

Thence: South 00 degrees 06 minutes 54 seconds East, with the east line of said tract two, and with the west line of said 104 Prosper tract, and passing at 17.3 feet an old wood fence corner post on the south side of said road, and continuing on said course with an old barbed wire fence and tree line a total distance of 292.98 feet to a found ½ inch rebar for the southeast corner of said tract two, same being the most easterly northeast corner of a called 146.56 acre tract as described in deed to FF 14th Fairway Limited Partnership, filed 24 June 1998, and recorded in volume 4193 page 1594 of said deed records;

Thence: South 86 degrees 33 minutes 29 seconds West, with the south line of said tract two, and with the north line of said FF 14th Fairway tract, and with an old barbed wire fence, and tree line, a distance of 295.05 feet to a found ½ inch rebar by and old wood fence corner post for the southwest corner of said tract one, same being an ell corner of said FF 14th Fairway tract;

Thence: North 01 degrees 09 minutes 15 seconds East, with the west line of said tract one, and with the east line of said FF 14th Fairway tract, and with an old barbed wire fence and tree line, a distance of 312.40 feet to a found ½ inch rebar for the northwest corner of said tract one, same being the most northerly northeast corner of said FF 14th Fairway tract, and said rebar being in the center of said road;

Thence: South 89 degrees 40 minutes 18 seconds East, with the north line of said tract one, and with the center of said road, a distance of 287.64 feet to the POINT OF BEGINNING and containing 2.022 acres of land.

Tract 'G'

All that certain tract of parcel of land situated in the Larkin McCarty Survey, Abstract Number 600 and the Jeremiah Horn Survey, Abstract Number 411, County of Collin, State of Texas, said tract being all of a called 73.038 acre tract as described in deed to James Kenneth Griffin, filed 01 April 1998, and recorded in volume 4134 page 3140 of the deed records of the County of Collin, State of Texas, and being more fully described as follows:

Beginning for the southeast corner of the tract being described herein at a found 5/8 inch rebar by an old wood fence corner post, said post being the southeast corner of said Griffin tract, same being an ell corner of a called 100.88 acre tract as described in deed to Rocking M3 Family Partnership, filed 02 November 2000, and recorded in volume 4787 page 1700 of said deed records;

Thence: South 89 degrees 49 minutes 00 seconds West, with the south line of said Griffin tract, and with an old barbed wire fence and tree line, and passing at 887.68 feet a found 5/8 inch rebar by a wood fence corner post being the northwest corner of said Rocking M3 tract, same being the northeast corner of a called 67.721 acre tract as described in deed to London J. Cullum, filed 07 July 1994, and recorded in clerks number 94-0069444 of said deed records, and continuing on said course a total distance of 1310.40 feet to a set 1/2 inch steel square tubing with a plastic cap marked Brennan 5560 for the southwest corner of said Griffin tract, same being the southeast corner of a called 16.776 acre tract as described in deed to Glen Hobart Miller, filed 14 August 1996, and recorded in clerks number 96-0069377 of said deed records;

Thence: North 00 degrees 02 minutes 42 seconds East, with the west line of said Griffin tract, and with the east line of said Miller tract, and with an old barbed wire fence and tree line, and passing at 1629.79 feet a found 1/2 inch rebar and continuing on said course a total distance of 1634.49 feet to a set 1/2 inch steel square tubing with a plastic cap marked Brennan for the northwest corner of said Griffin tract, said tubing being on the south side of Collin County Road Number 79;

Thence: South 89 degrees 56 minutes 46 seconds East, with the north line of said Griffin tract, and with the south side of said road, a distance of 168.00 feet to a set 1/2 inch steel square tubing with a plastic cap marked Brennan 5560 for the start of a curve to the left having a central angle of 90 degrees 01 minutes 57 seconds, and a radius of 119.77 feet, and a chord bearing of North 45 degrees 02 minutes 15 seconds East, and a chord distance of 169.43 feet;

Thence: With said curve to the left an arc length of 188.20 feet to a set 1/2 inch steel square tubing with a plastic cap marked Brennan 5560 for the end of said curve;

Thence: North 00 degrees 01 minutes 17 seconds East, with the west line of said Griffin tract, and with the east side of said road, a distance of 783.39 feet to a set 1/2 inch steel square tubing with a plastic cap marked Brennan 5560 for the start of a curve to the right having a central angle of 89 degrees 58 minutes 43 seconds, and a radius of 81.57 feet, and a chord bearing of North 45 degrees 02 minutes 40 seconds East, and a chord distance of 115.34 feet;

Thence: With said curve to the right an arc length of 128.10 feet to a set 1/2 inch steel square tubing with a plastic cap marked Brennan 5560 for the end of said curve;

Thence; EAST, with the north line of said Griffin tract, and with the south side of said road, a distance of 957.00 feet to a set 1/2 inch steel square tubing with a plastic cap marked Brennan 5560 for the northeast corner of said Griffin tract, said tubing being on the west line of said Rocking M3 tract;

Thence: With the east line of said Griffin tract, and with the west line of said Rocking M3 tract, and with an old barbed wire fence and tree line, the following four (4) calls:

1. South 00 degrees 37 minutes 12 second East, a distance of 330.05 feet to a found 5/8 inch rebar,
2. South 00 degrees 12 minutes 43 second West, a distance of 670.88 feet to a found 5/8 inch rebar,
3. South 100 degrees 27 minutes 02 seconds West, a distance of 889.76 feet to a wood fence post,
4. South 00 degrees 55 minutes 40 seconds West, a distance of 724.24 feet to the POINT OF BEGINNING and containing 73.060 acres of land.

TRACT "H"

FIELD NOTE DESCRIPTION

BEING a 627.247 acre tract of land situated in the Spencer Graham Survey, Abstract Number 359, the James Stone Survey, Abstract Number 847 and the I.C. Williamson Survey, Abstract Number 948, Collin County, Texas and being a portion of a 645.426 acre tract of land according to the deed recorded in Collin County Clerk's File No. 97-0088102 of the Deed Records of Collin County, Texas (DRCCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set for the southeast corner of said 645.426 acre tract of land and being located in the northerly right-of-way line of State Highway No. 380 (a variable width right-of-way);

THENCE along the southerly line of said 645.426 acre tract of land with the northerly right-of-way line of said State Highway No. 380 as follows:

SOUTH 89°20'42" WEST a distance of 467.49 feet to a 5/8 inch iron rod set for the southeast corner of a 50 feet wide drainage easement described as Tract I recorded in Volume 313, Page 315 (DRCCT);

NORTH 00°28'32" WEST a distance of 187.19 feet to a 5/8 inch iron rod set for the northeast corner of said 50 feet wide drainage easement;

SOUTH 89°31'28" WEST a distance of 50.00 feet to a 5/8 inch iron rod set for the northwest corner of said 50 feet wide drainage easement;

SOUTH 00°28'32" EAST a distance of 183.51 feet to a 5/8 inch iron rod set for the southwest corner of said 50 feet wide drainage easement;

NORTH 73°53'07" WEST a distance of 30.49 feet to a 5/8 inch iron rod set for corner;

SOUTH 73°00'09" WEST a distance of 43.34 feet to a concrete monument found for corner;

SOUTH 89°33'18" WEST a distance of 911.94 feet to a concrete monument found for corner;

NORTH 84°04'42" WEST a distance of 197.85 feet to a 5/8 inch iron rod set for corner;

SOUTH 89°01'06" WEST a distance of 24.73 feet to a 5/8 inch iron rod set for the southeast corner of a 100 feet wide drainage easement described as Tract II recorded in Volume 313, Page 515 (DRCCT);

NORTH 19°31'28" EAST a distance of 155.87 feet to a 5/8 inch iron rod set for the northeast corner of said 100 feet wide drainage easement;

NORTH 70°28'32" WEST a distance of 100.00 feet to a 5/8 inch iron rod set for the northwest corner of said 100 feet wide drainage easement;

SOUTH 19°31'28" WEST a distance of 193.27 feet to a 5/8 inch iron rod set for the southwest corner of said 100 feet wide drainage easement;

SOUTH 89°01'06" WEST a distance of 71.95 feet to a concrete monument found for corner;

SOUTH 83°49'33" WEST a distance of 201.04 feet to a concrete monument found for corner;

SOUTH 89°33'19" WEST a distance of 3096.64 feet to a 5/8 inch iron rod set for corner;

NORTH 44°16'51" WEST a distance of 143.33 feet to a 60D nail set in the center of County Road No. 74 and also being the westerly line of said 645.426 acre tract of land;

THENCE along the westerly line of said 645.426 acre tract of land with the center of said County Road No. 74 as follows:

NORTH 00°12'56" WEST a distance of 2,379.70 feet to a 5/8 inch iron rod set for corner;

NORTH 00°47'02" WEST a distance of 1,917.91 feet to a 5/8 inch iron rod set for corner;

THENCE departing the westerly line of said 645.426 acre tract of land and the center of said County Road No. 74 NORTH 89°26'51" EAST a distance of 980.00 feet to a 5/8 inch iron rod set for corner;

THENCE NORTH 00°33'09" WEST a distance of 800.00 feet to a 5/8 inch iron rod set for corner located in the northerly line of said 645.426 acre tract of land and being located in the southerly right-of-way line of County Road No. 79;

THENCE along the northerly line of said 645.426 acre tract of land with the southerly right-of-way line of said County Road No. 79 NORTH 89°26'51" EAST a distance of 2,455.67 feet to a 1/2 inch iron rod found for corner;

THENCE NORTH 00°21'21" WEST a distance of 236.10 feet to a 1/2 inch iron rod found for corner located in the center of said County Road No. 79;

THENCE along the northerly line of said 645.426 acre tract of land with the center of said County Road No. 79 as follows:

NORTH 85°29'05" EAST a distance of 1,089.25 feet to a 1/2 inch iron rod found for corner;

NORTH 87°18'23" EAST a distance of 790.15 feet to a 3/8 inch iron rod found for the northeast corner of said 645.426 acre tract of land from which a 1/2 inch iron rod found bears South 01°28'52" West a distance of 25.05 feet;

THENCE along the easterly line of said 645.426 acre tract of land as follows:

SOUTH 00°28'31" EAST a distance of 1,716.05 feet to a 1/2 inch iron rod found for corner;

SOUTH 00°08'54" EAST a distance of 1,755.49 feet to a 1/2 inch iron rod found for the southwest corner of a 67.721 acre tract of land recorded in Collin County Clerk=s File No. 94-0069444 (DRCCT);

SOUTH 00°19'29" EAST a distance of 2,078.56 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 627.247 acres or 27,322,872 square feet of land, more or less.

EXHIBIT "B"
Statement of Intent and Purpose
for

Brookhollow

TOWN OF PROSPER, TEXAS

The purpose of this submittal is to request an expansion to Ordinance 05-66 in a manner that meets the current market demands for residential and commercial development. Residential neighborhoods have been arranged in a manner that maximizes the amenity of topography, vegetation and natural open space while providing a gradient of development intensity from the non-residential uses along U.S. Highway 380. The proposed zoning includes specific development standards for such uses within a 1,218.6-acre Planned Development, described herein.

Design Guidelines included as Exhibit 'F' & Exhibit 'G' are intended to ensure the provision of a quality planned development over time. Examples of home styles consistent with Exhibit 'F' design guidelines, including notation of typical required design features, are included within Exhibit 'F'.

EXHIBIT "C"
Development Standards
for

Brookhollow

TOWN OF PROSPER, TEXAS

1. Single-Family Residential Component

1.1. **Definition:** Single Family shall mean the use of a lot with one building designed for and containing not more than one unit with facilities for living, sleeping, cooking, and eating therein.

1.2. **General Description:** This Planned Development Ordinance permits Tract 'A' single family residential a maximum of 3.0 units/acre, or 1,973 single-family residential units, whichever is less, on 679.6 gross acres of land (see attached Exhibit 'D'), within which are allowed a maximum of 493 Type 'C' units, as described herein. This Planned Development Ordinance permits Tract 'B' single family residential a maximum of 3.0 units/acre, or 653 single-family residential units, whichever is less, on 217.7 gross acres of land (see attached Exhibit 'D'), within which are allowed a maximum of 163 Type 'C' units, as described herein. Within residential Tracts 'A' and 'B', a combined maximum of 450 Type 'D' units, as described herein, are allowed. Townhouse residential uses are also permitted on Tract 'B' with a maximum of 10.0 du/ac, or 150 units, which ever is less, on 15 gross acres of land. Townhouse residential uses within Residential Tract 'B' must be located north of and adjacent to Commercial Tract 'B'. Townhouse residential uses shall not be included in the overall density cap calculation of 3.0 du/ac for Tract 'B'. The development standards for such housing are outlined below or, if not specifically addressed herein, as set forth in the SF-2 Zoning Classifications of Zoning Ordinance No. 05-20 and Subdivision Ordinance 03-05 as they exist or may be amended.

1.3. **Allowed Uses:** Land uses allowed within this PD district are as follows:

- Accessory buildings incidental to the allowed use and constructed of the same materials as the main structure.
- Churches / rectories
- Civic facilities
- Electronic security facilities, including gatehouses and control counter
- Fire stations and public safety facilities
- Gated communities with private streets, (developed to Town Standards)
- Public or Private Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts, to be stated on plat

- Residential uses as described herein
- Schools – public or private
- Golf Course for Country Club (including clubhouse, maintenance facilities, on-course food and beverage structure, and on course restroom facilities.)
- Temporary real estate sales offices for each builder during the development and marketing of the Planned Development which shall be removed no later than 30 days following the final issuance of the last Certificate of Occupancy (CO) on the last lot owned by that builder.
- Temporary buildings of the builders and uses incidental to construction work on the premises, which shall be removed upon completion of such work.
- Utility distribution lines and facilities. Electric substations shall be allowed by SUP.

1.4. Density: The maximum gross residential density for all land within the planned development, not including land designated for mixed-use land uses or townhouses, shall be no greater than 3.0 du/ac. overall. The maximum gross residential density for any single neighborhood shall be no greater than 5.0 du/ac, except townhouse neighborhoods which shall not have a density greater than 10.0 du/ac.

1.5. Required Parking: A minimum of four (4) off-street concrete parking spaces shall be provided for each residential unit, except townhouses where no off-street parking is required. As part of the parking requirement, at least two (2) of the off-street parking spaces shall be in an enclosed garage. The parking of recreational vehicles, sports vehicles, boats and/or trailers on a lot facing a street is prohibited. 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.

1.6. Exterior Façade Building Materials: (see Exhibits ‘F’ and ‘G’)

1.7. Area and building requirements: Lot area and building requirements are as follows:

1.7.1. Lot Area: The minimum area of each lot type shall be as shown in the following table.

LOT AREA SUMMARY				
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Min. Lot Area (sq. ft.)	15,000	12,000	9,000	7,000

- 1.7.2. Lot Coverage: The maximum lot coverage for each lot type shall be as shown in the following table.

LOT COVERAGE SUMMARY				
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Max. Building coverage (%)	50	50	50	60

- 1.7.3. Lot Width: The minimum width of any lot shall not be less than as shown in the following table as measured at the front building line of the lot, except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may reduce the minimum width by 10 feet as measured along the arc at the front building line; provided all other requirements of this section are fulfilled.

LOT WIDTH SUMMARY				
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Min. Lot Width (ft.)	90	80	70	55

- 1.7.4. Lot Depth: The minimum depth of any lot shall not be less than as shown in the following table:

LOT DEPTH SUMMARY				
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Min. Lot Depth (ft.)	125	125	125	125

- 1.7.5. Front Yard: The minimum depth of the front yard shall be as shown in the following table.

FRONT YARD SETBACK SUMMARY				
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Min. Front Yard (ft.)	30	25	20	5

Covered drives and porte-cocheres that are architecturally designed as an integral element of the main structure may extend up to five feet from the established front building line into the front yard area.

- 1.7.6. Side Yard: The minimum side yard on each side of a lot shall be as shown in the following table.

SIDE YARD SETBACK SUMMARY				
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Min. Side Yard (ft.)	8	7	7	5 / 1

The side yard for all corner lots shall be a minimum of 15 feet. Single-family detached lots shall not side to First Street or Custer Road.

- 1.7.7. Rear Yard: The minimum depth of the rear yard shall be twenty feet for all lots, except that lots with “C-shaped” houses, such house configurations enclosing a courtyard space, may have a rear yard of ten feet.
- 1.7.8. Building Height: Buildings shall be a maximum of two and one-half (2½) stories, not to exceed forty-five feet (45’) in height. Chimneys, antennas and other such architectural projections not used for human occupancy may extend above this height limit.
- 1.7.9. Minimum Dwelling Area: The minimum enclosed heated and cooled living area shall be as shown in the following table.

MINIMUM DWELLING AREA SUMMARY				
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Min. Dwelling Area (sq. ft.)	3,500	3,000	2,500	2,200

2. Single-family Residential Component - General Conditions Tract ‘A’

2.1. 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. 05-20, 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.

- 2.2. Amenities: The intent of this PD regarding the provision of amenities is for an integration of built and natural elements working together as a system that provides for the active and passive recreational needs of the Brookhollow community specifically and of the Town of Prosper generally. The distribution of natural beauty throughout the development, exemplified by lakes, mature trees and areas of rolling topography, provides the opportunity for a community-wide trail punctuated with

nodes of built improvements such as pocket parks. In this way, neighborhood is linked to neighborhood and the Brookhollow community is linked to the Town.

To help preserve the open character of the Town of Prosper, it is the intent of this PD that a significant amount of natural open space, particularly amid the floodplain and other sensitive land, be set aside to provide additional open space for Brookhollow and for the Town. Design elements in these areas should support non-programmed passive recreational activities such as walking and picnicking.

- 2.3. Screening and Buffering: Residential development adjacent to East First Street, and Custer Road shall be screened by a combination of earthen berms, turf grass, trees and shrubs and meandering sidewalk within a twenty-five-foot landscape edge, as specified on the attached Exhibit "D" and 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, as it exists or may be amended. Screening walls consisting of thin-wall brick shall not be allowed.
- 2.4. Zoning Site Plan: A Zoning Site 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, R.O.W. dedication, roads, all easements and illustrates the integration of these elements into a master plan for the whole district.
- 2.5. Streets: The streets shown on Exhibit 'D' from U.S. Hwy. 380 to F.M. Hwy. 2478 (Custer Road), and to C.R. 79 (E. First St.) shall be designed within a sixty-foot wide right-of-way. The paved section for these streets shall be concrete paving thirty-one feet wide, except for the potential widening to accommodate traffic at intersections with major thoroughfares. In the event that a school is located within the development, additional paving width will be provided to accommodate school traffic. The developer will be responsible for one-half the cost for the street adjacent to the school.. The residential streets shall consist of a fifty-foot wide right-of-way with a thirty-one foot paving section; and drainage systems, which shall be incorporated into the street facility with concrete paving and mountable curbs. In neighborhoods where lots are alley-served, residential streets shall consist of a fifty-foot wide right-of-way with a thirty-one foot paving section; and drainage systems, which shall be incorporated into the street facility with concrete paving and mountable curbs. All Collector Class Thoroughfares shall meet the standards specified in the Town's Transportation Plan. All Residential Streets, Collector Streets and Thoroughfares with landscape and setback areas shall be shown on the Plat. Right-of-way area shall be dedicated and provided to adjacent street or road sections in conformance with the approved Town of Prosper Transportation Plan.
- 2.6. Maintenance of Facilities: The Developers shall establish a Homeowner's Association (HOA), in which membership is mandatory for each lot, and 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 as specified in Exhibit E. Prior to transfer of the ownership to the HOA, all specified facilities shall be constructed by the Developer and approved by the Town. The developer shall provide the Town a mandatory HOA agreement that will become part of the deed of record

2.7. Sidewalks: Any required sidewalk on collector streets may be located on one side of the street only. In such cases, the sidewalk shall be eight-feet wide and shall be generally meandering where possible. The residential streets will have a four foot wide sidewalk located on each side of the street and shall be located no less than two feet from the street right-of-way line. Corner lots shall also provide the aforementioned requirement. All public street 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.

2.8. Landscaping

2.8.1. Front Yard: A minimum of two four-inch caliper trees, measured at twelve inches above the root ball, shall be planted in the front yard of each Tract 'A' residential lot (see Exhibit 'F'). 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.

If pre-existing trees on the lot remain in a healthy and vigorous condition after the completion of construction on the lot, and such trees meet the caliper-inch requirement, this requirement may be waived by the Town Building Official.

2.8.2. Yard Space that Abuts Street (side yard on a street): Two canopy trees as specified on the landscape plan, with a minimum caliper of four inches each as measured twelve inches above the root ball, shall be planted in each side yard space that abuts a street. These required trees shall be in addition to the required front yard trees and 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.

2.8.3. Side Yard: Side yard landscaping is required on each side yard adjacent to Collector Streets within the development. Such 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 planting beds that visually reinforce the street edge rather than 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).

2.9. Fencing: Consistent fencing shall be required on all lots adjacent to Major

Thoroughfares as identified on the Town's Future Thoroughfare Plan. Such fencing shall conform to the standards established by the Town for various types of fencing as found in Subdivision Ordinance 03-05 as it exists or may be amended. (see Exhibit 'F')

2.10. Open Space Requirements: The development of Tract 'A' will provide for a minimum of thirty-five acres of common open space including but not limited to linear parks, pocket parks, water features, creeks and natural preserved areas. Tract 'A' and Tract 'B' open space may be combined and applied without regard to specific tract delineation.

2.11. Mechanical Equipment: All mechanical equipment (pool, air conditioning, solar collectors, etc.) must be completely screened from public view. A combination of screens, hedges, or walls should be used to screen equipment or mechanical areas.

3. Single-family Residential Component - General Conditions Tract 'B'

3.1. 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. 05-20, 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.

3.2. Amenities: The intent of this PD regarding the provision of amenities is for an integration of built and natural elements working together as a system that provides for the active and passive recreational needs of the Brookhollow community specifically and of the Town of Prosper generally. The distribution of natural beauty throughout the development, exemplified by lakes, mature trees and areas of rolling topography, provides the opportunity for a community-wide trail punctuated with nodes of built improvements such as pocket parks. In this way, neighborhood is linked to neighborhood and the Brookhollow community is linked to the Town.

To help preserve the open character of the Town of Prosper, it is the intent of this PD that a significant amount of natural open space, particularly amid the floodplain and other sensitive land, be set aside to provide additional open space for Brookhollow and for the Town. Design elements in these areas should support non-programmed passive recreational activities such as walking and picnicking.

3.3. Screening and Buffering: Residential development adjacent to East First Street, and Coit Road shall be screened by a combination of earthen berms, turf grass, trees and shrubs and meandering sidewalk within a twenty-five-foot landscape edge, as specified on the attached Exhibit "D" and 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, as it exists or may be amended. Screening walls consisting of thin-wall brick shall not be allowed.

- 3.4. Zoning Site Plan: A Zoning Site 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, R.O.W. dedication, roads, all easements and illustrates the integration of these elements into a master plan for the whole district.
- 3.5. Streets: The streets shown on Exhibit 'D' from U.S. Hwy. 380 to Coit Road, and to C.R. 79 (E. First St.) shall be designed within a sixty-foot wide right-of-way. The paved section for these streets shall be concrete paving thirty-one feet wide, except for the potential widening to accommodate traffic at intersections with major thoroughfares. In the event that a school is located within the development, additional paving width will be provided to accommodate school traffic. The developer will be responsible for one-half the cost for the street adjacent to the school. The residential streets shall consist of a fifty-foot wide right-of-way with a thirty-one foot paving section; and drainage systems, which shall be incorporated into the street facility with concrete paving and mountable curbs. In neighborhoods where lots are alley-served, residential streets shall consist of a fifty-foot wide right-of-way with a thirty-one foot paving section; and drainage systems, which shall be incorporated into the street facility with concrete paving and mountable curbs. All Collector Class Thoroughfares shall meet the standards specified in the Town's Transportation Plan. All Residential Streets, Collector Streets and Thoroughfares with landscape and setback areas shall be shown on the Plat. Right-of-way area shall be dedicated and provided to adjacent street or road sections in conformance with the approved Town of Prosper Transportation Plan.
- 3.6. Maintenance of Facilities: The Developers shall establish a Homeowner's Association (HOA), in which membership is mandatory for each lot, and 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 as specified in Exhibit E. Prior to transfer of the ownership to the HOA, all specified facilities shall be constructed by the Developer and approved by the Town. The developer shall provide the Town a mandatory HOA agreement that will become part of the deed of record.
- 3.7. Sidewalks: Any required sidewalk on collector streets may be located on one side of the street only. In such cases, the sidewalk shall be eight-feet wide and shall be generally meandering where possible. The residential streets will have a four foot wide sidewalk located on each side of the street and shall be located no less than two feet from the street right-of-way line. Corner lots shall also provide the aforementioned requirement. All public street 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.

3.8. Landscaping

- 3.8.1. Front Yard: A minimum of two four-inch caliper trees, measured at twelve inches above the root ball, shall be planted in the front yard of each Tract 'B' residential lot (see Exhibit 'G'). 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.

If pre-existing trees on the lot remain in a healthy and vigorous condition after the completion of construction on the lot, and such trees meet the caliper-inch requirement, this requirement may be waived by the Town Building Official.

- 3.8.2. Yard Space that Abuts Street (side yard on a street): Two canopy trees as specified on the landscape plan, with a minimum caliper of four inches each as measured twelve inches above the root ball, shall be planted in each side yard space that abuts a street. These required trees shall be in addition to the required front yard trees and 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.

- 3.8.3. Side Yard: Side yard landscaping is required on each side yard adjacent to Collector Streets within the development. Such 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 planting beds that visually reinforce the street edge rather than 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).

- 3.9. Fencing: Consistent fencing shall be required on all lots adjacent to Major Thoroughfares as identified on the Town's Future Thoroughfare Plan. Such fencing shall conform to the standards established by the Town for various types of fencing as found in Subdivision Ordinance 03-05 as it exists or may be amended. (see Exhibit 'G')

- 3.10. Open Space Requirements: The development of the Tract 'B' will provide for a minimum of ten acres of common open space including but not limited to linear parks, pocket parks, water features, creeks and natural preserved areas. Tract 'A' and Tract 'B' open space may be combined and applied without regard to specific tract delineation.

- 3.11. Mechanical Equipment: All mechanical equipment (pool, air conditioning, solar collectors, etc.) must be completely screened from public view. A combination of screens, hedges, or walls should be used to screen equipment or mechanical areas.

3.12. Townhouse Uses: Townhouse units shall be allowed within the single family residential component Tract 'B' area. A maximum of ten units per gross acre of land shall be allowed up to a maximum of 150 townhouse units. Townhouse residential housing types, shall be developed in accordance with the following criteria which are identical to Section 5.3.3.

Development Requirement	Townhouse
Max. Gross Density	10.0 du/ac
Min. Lot Area	800 sq. ft.
Min. Lot Width	20'
Min. Lot Depth	40'
Min. Front Setback	0'
Min. Rear Setback	0'
Min. Side Setback (interior lot)	0'
Min. Side Setback (corner lot)	0'
Min. Side Setback (key lot)	n/a
Max. Lot Coverage	100%
Min. Floor Area / Dwelling Unit	1,200 sq. ft.
Max. Building Height / No. of stories ^a	48' / 3

3.12.1. Exterior Façade Building Materials: All buildings within a townhouse development shall have an exterior finish of stone, stucco, brick, tile, concrete, glass, exterior wood or similar materials or any combination thereof. The use of wood as a primary exterior building material shall be limited to a maximum of fifteen percent of the total exterior wall surfaces.

3.12.2 Controlled Access: All townhouse developments that contain limited gated access shall locate all gate controls, card pads and intercom boxes in driveway islands in a manner that provides a minimum of one hundred feet of stacking distance from the gate. Such driveway islands shall also contain a break that allows for vehicular u-turn movements back onto a public street.

4. **Mixed-Use Component Tract 'A'**

4.1 Definition: The mixed-use area (see Exhibit D) of this Planned Development includes residential and non-residential land uses. Retail and office uses include those uses primarily intended to supply the surrounding residential areas with convenience goods and services that are normal daily necessities and routine purchases.

Residential land uses are intended to supply higher-density attached and detached housing types that provide a buffer between the more intense retail and commercial land uses along U.S. Highway 380 and the less intense residential development.

4.2 General Description: This PD Ordinance allows a maximum of 111.3 acres of mixed-use development generally located between U.S. Highway 380 and the collector street (see Exhibit 'D'). Requirements for this area within the development are described below.

4.2.1 Residential uses

4.2.1.1 Single-family Uses: Detached single-family units shall be allowed within the mixed-use area but shall not be allowed within one thousand feet of U.S. Highway 380, as measured at any building line of such residential lot. If portions of the designated mixed-use area are developed with single-family residential housing Tract 'A', they shall be developed in accordance with Section 1 of this text. There shall be allowed a maximum of 185 such housing units within the mixed-use area.

4.2.1.2 Multifamily Uses: Multi-family units shall be allowed within the mixed-use area. A maximum of fifteen units per gross acre of land shall be allowed up to a maximum of 300 multi-family units within the mixed-use area. If portions of the designated mixed-use area are developed with multi-family residential housing types, they shall be developed in accordance with the following criteria and those listed under Section 3.2.1.4.

4.2.1.2.1 Required Parking: Parking requirements for multi-family development shall be one and one-half spaces per one-bedroom unit, two spaces per two-bedroom unit, two and one-half spaces per three-bedroom unit and one-half space per each additional bedroom per unit. The total required number of spaces for any multi-family development shall not be less than 1.8 spaces per dwelling unit.

4.2.1.2.2 Exterior Façade Building Materials: All buildings within a multi-family development shall have an exterior finish of stone, stucco, brick, tile, concrete, glass, exterior wood or similar materials or any combination thereof. The use of wood as a primary exterior building material shall be limited to a maximum of fifteen percent of the total exterior wall surfaces.

4.2.1.2.3 Controlled Access: All multi-family developments that contain limited gated access shall locate all gate controls, card pads and intercom boxes in driveway islands in a manner that provides a minimum of one hundred feet of stacking distance from the gate. Such driveway

islands shall also contain a break that allows for vehicular u-turn movements back onto a public street.

4.2.1.2.4 Open Space Requirements: Each lot or parcel developed for multi-family uses shall provide useable open space, as defined in the Town's Zoning Ordinance, equal to thirty percent of the total multifamily acreage.

4.2.1.3 Townhouse Uses: Townhouse units shall be allowed within the mixed-use area. A maximum of ten units per gross acre of land shall be allowed within the mixed-use area up to a maximum of 250 townhouse units. If portions of the designated mixed-use area are developed with townhouse residential housing types, they shall be developed in accordance with the following criteria and those listed under Section 4.2.1.4.

4.2.1.3.1 Exterior Façade Building Materials: All buildings within a townhouse development shall have an exterior finish of stone, stucco, brick, tile, concrete, glass, exterior wood or similar materials or any combination thereof. The use of wood as a primary exterior building material shall be limited to a maximum of fifteen percent of the total exterior wall surfaces.

4.2.1.3.2 Controlled Access: All townhouse developments that contain limited gated access shall locate all gate controls, card pads and intercom boxes in driveway islands in a manner that provides a minimum of one hundred feet of stacking distance from the gate. Such driveway islands shall also contain a break that allows for vehicular u-turn movements back onto a public street.

4.2.1.3.3 Open Space Requirements: Each lot or parcel developed for townhouse uses shall provide useable open space equal to twenty percent of the total townhouse acreage.

4.2.1.4 Residential development intensity: Development intensity shall be in accordance with the following table:

Development Requirement	Residential Product Type	
	Townhouse	Multi-family
Max. Gross Density	10.0 du/ac	15.0 du/ac
Min. Lot Area	800 sq. ft.	10,000 sq. ft.
Min. Lot Width	20'	80'
Min. Lot Depth	40'	120'
Min. Front Setback	0'	25' ^b
Min. Rear Setback	0'	15' ^b
Min. Side Setback (interior lot)	0'	15'
Min. Side Setback (corner lot)	0'	25' ^b

Min. Side Setback (key lot)	n/a	n/a
Max. Lot Coverage	100%	50%
Min. Floor Area / Dwelling Unit	1,200 sq. ft.	650 sq. ft.
Max. Building Height / No. of stories ^a	48' / 3	48' / 3

^a Maximum height of any building within sixty feet of a detached residential use shall be thirty-six feet and two stories.

4.2.2 Non-residential uses

4.2.2.1 Allowed Uses: Non-residential land uses allowed within the mixed-use area are as allowed in Section 1.3 herein and as permitted in the Neighborhood Service, Office and Commercial Corridor districts, listed in Zoning Ordinance No. 05-20. Additional uses allowed by right include the following:

- Drug Stores/Pharmacies.
- • Duplicating Centers, Mailing Services, Etc.
- Financial Institutions.
- Independent Living Facilities.
- Laboratory, Medical and Dental.
- Nursing Homes.
- Post Office Facilities.
- Research and Development Center.
- Winery.
- Optical Stores – Sales and Services.

Mini-Warehouses Shall be allowed by SUP.

4.2.2.2 Required Parking: The total parking required shall be the sum of the specific parking space requirement for each use included within the mixed-use area as required by Zoning Ordinance No. 05-20.

4.2.2.3 Exterior Façade Building Materials: All main buildings shall have an exterior finish of stone, stucco, brick, tile, concrete, glass, exterior wood or similar materials or any combination thereof. The use of wood as a primary exterior building material shall be limited to a maximum of twenty percent of the total exterior wall surfaces.

4.2.2.4 Commercial development intensity: Development intensity for non-residential land uses shall be as follows:

4.2.2.4.1 Floor Area: The allowable floor area of buildings within the mixed-use area shall be unlimited, provided that all conditions described herein are met.

4.2.2.4.2 Lot Area: The minimum lot area shall be 10,000 square feet.

4.2.2.4.3 Lot Coverage: In no case shall the combined areas of the main

buildings and accessory buildings cover more than 50% of the total lot area. Parking facilities shall be excluded from lot coverage computation.

4.2.2.4.4 Lot Width: The minimum width of any lot shall be fifty feet.

4.2.2.4.5 Lot Depth: The minimum depth of any lot shall be ninety feet.

4.2.2.4.6 Front Yard: The minimum depth of the front yard shall be thirty feet

4.2.2.4.7 Side Yard: No side yard is required unless vehicular access is provided/required, in which case the side yard shall have a depth of not less than twelve feet.

- A twenty-four-foot side yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.

A fifty-foot side yard is required adjacent to property zoned for single-family residential uses.

4.2.2.4.8 Rear Yard: No rear yard is required unless vehicular access is provided/required, in which case the rear yard shall have a depth of not less than twelve feet.

A twenty-four-foot rear yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.

A fifty-foot rear yard is required adjacent to property zoned for single-family residential uses.

4.2.2.4.9 Building Height: Buildings shall be a maximum of two stories, not to exceed forty feet in height. Non-residential buildings may exceed this restriction provided that one additional foot shall be added to any required setback from detached residential properties for each foot that such structures exceed forty feet.

Non-residential buildings may exceed this restriction using such one-to-one ratio for a total maximum height of eight stories not to exceed one hundred feet. Chimneys, antennas and other such architectural projections may extend above this height limit.

4.2.2.4.10 Open Space Requirement for Non-Residential Uses: A minimum

of ten percent of the net lot area shall be developed and maintained as landscaped open space. Landscaped open space shall not include areas specifically used for vehicular access and parking.

5. Mixed-Use Component Tract 'B'

- 5.1 Definition: The mixed-use area (see Exhibit D) of this Planned Development includes residential and non-residential land uses. Retail and office uses include those uses primarily intended to supply the surrounding residential areas with convenience goods and services that are normal daily necessities and routine purchases.

Residential land uses are intended to supply higher-density attached and detached housing types that provide a buffer between the more intense retail and commercial land uses along U.S. Highway 380 and the less intense residential development.

- 5.2 General Description: This PD Ordinance allows a maximum of 138.3 acres of mixed-use development generally located between U.S. Highway 380 and the collector street (see Exhibit 'D'). Requirements for this area within the development are described below.

5.3 Residential uses

- 5.3.1 Single-family Uses: Detached single-family units shall be allowed within the mixed-use area but shall not be allowed within one thousand feet of U.S. Highway 380, as measured at any building line of such residential lot. If portions of the designated mixed-use area are developed with single-family residential housing Tract 'A', they shall be developed in accordance with Section 1 of this text. There shall be allowed a maximum of 153 such housing units within the mixed-use area.

- 5.3.2 Townhouse Uses: Townhouse units shall be allowed within the mixed-use area. A maximum of ten units per gross acre of land shall be allowed within the mixed-use area up to a maximum of 150 townhouse units. If portions of the designated mixed-use area are developed with townhouse residential housing types, they shall be developed in accordance with the following criteria and those listed under Section 5.3.3.

- 5.3.2.1 Exterior Façade Building Materials: All buildings within a townhouse development shall have an exterior finish of stone, stucco, brick, tile, concrete, glass, exterior wood or similar materials or any combination thereof. The use of wood as a primary exterior building material shall be limited to a maximum of fifteen percent of the total exterior wall surfaces.

5.3.2.2 Controlled Access: All townhouse developments that contain limited gated access shall locate all gate controls, card pads and intercom boxes in driveway islands in a manner that provides a minimum of one hundred feet of stacking distance from the gate. Such driveway islands shall also contain a break that allows for vehicular u-turn movements back onto a public street.

5.3.2.3 Open Space Requirements: Each lot or parcel developed for townhouse uses shall provide useable open space equal to twenty percent of the total townhouse acreage.

5.3.3 Residential development intensity: Development intensity shall be in accordance with the following table:

Development Requirement	Townhouse
Max. Gross Density	10.0 du/ac
Min. Lot Area	800 sq. ft.
Min. Lot Width	20'
Min. Lot Depth	40'
Min. Front Setback	0'
Min. Rear Setback	0'
Min. Side Setback (interior lot)	0'
Min. Side Setback (corner lot)	0'
Min. Side Setback (key lot)	n/a
Max. Lot Coverage	100%
Min. Floor Area / Dwelling Unit	1,200 sq. ft.
Max. Building Height / No. of stories ^a	48' / 3

^a Maximum height of any building within sixty feet of a detached residential use shall be thirty-six feet and two stories.

5.3.4 Non-residential uses

5.3.4.1 Allowed Uses: Non-residential land uses allowed within the mixed-use area are as allowed in Section 1.3 herein and as permitted in the Neighborhood Service, Office and Commercial Corridor districts, listed in Zoning Ordinance No. 05-20. Additional uses allowed by right include the following:

- Drug Stores/Pharmacies.
- Duplicating Centers, Mailing Services, Etc.
- Financial Institutions.
- Independent Living Facilities.
- Laboratory, Medical and Dental.
- Nursing Homes.
- Post Office Facilities.
- Research and Development Center.
- Winery.
- Optical Stores – Sales and Services.

Mini-Warehouses Shall be allowed by SUP.

5.3.4.2 Required Parking: The total parking required shall be the sum of the specific parking space requirement for each use included within the mixed-use area as required by Zoning Ordinance No. 05-20.

5.3.4.3 Exterior Façade Building Materials: All main buildings shall have an exterior finish of stone, stucco, brick, tile, concrete, glass, exterior wood or similar materials or any combination thereof. The use of wood as a primary exterior building material shall be limited to a maximum of twenty percent of the total exterior wall surfaces.

5.3.4.4 Commercial development intensity: Development intensity for non-residential land uses shall be as follows:

5.3.4.4.1 Floor Area: The allowable floor area of buildings within the mixed-use area shall be unlimited, provided that all conditions described herein are met.

5.3.4.4.2 Lot Area: The minimum lot area shall be 10,000 square feet.

5.3.4.4.3 Lot Coverage: In no case shall the combined areas of the main buildings and accessory buildings cover more than 50% of the total lot area. Parking facilities shall be excluded from lot coverage computation.

5.3.4.4.4 Lot Width: The minimum width of any lot shall be fifty feet.

5.3.4.4.5 Lot Depth: The minimum depth of any lot shall be ninety feet.

5.3.4.4.6 Front Yard: The minimum depth of the front yard shall be thirty feet

5.3.4.4.7 Side Yard: No side yard is required unless vehicular access is provided/required, in which case the side yard shall have a depth of not less than twelve feet.

A twenty-four-foot side yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.

A fifty-foot side yard is required adjacent to property zoned for single-family residential uses.

5.3.4.4.8 Rear Yard: No rear yard is required unless vehicular access is

provided/required, in which case the rear yard shall have a depth of not less than twelve feet.

A twenty-four-foot rear yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.

A fifty-foot rear yard is required adjacent to property zoned for single-family residential uses.

- 5.3.4.4.9 Building Height: Buildings shall be a maximum of two stories, not to exceed forty feet in height. Non-residential buildings may exceed this restriction provided that one additional foot shall be added to any required setback from detached residential properties for each foot that such structures exceed forty feet.

Non-residential buildings may exceed this restriction using such one-to-one ratio for a total maximum height of eight stories not to exceed one hundred feet. Chimneys, antennas and other such architectural projections may extend above this height limit.

- 5.3.4.4.10 Open Space Requirement for Non-Residential Uses: A minimum of ten percent of the net lot area shall be developed and maintained as landscaped open space. Landscaped open space shall not include areas specifically used for vehicular access and parking.

6. **Mixed-Use Component - General Conditions**

- 6.1 Conformance to All Applicable Articles of the Town of Prosper Zoning Ordinance
Except as amended herein, this Planned Development District shall conform to applicable articles and sections of ordinances and regulations of the Town of Prosper, including Zoning Ordinance 05-20 and Subdivision Ordinance, 03-05, as they 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.
- 6.2 Outdoor Storage and Display Areas: Outdoor storage or/and display of any retail material will be allowed as accessory use only and screened in compliance with Zoning Ordinance 05-20 as it exists or may be amended.
- 6.3 Buffering Adjacent to Major Thoroughfares: Irrigated landscape buffer zones will be provided along major thoroughfares in conformance with the Town of Prosper Zoning and Subdivision Ordinances.
- 6.4 Screening and Buffering Adjacent to Residential Lots: A six-foot masonry screen

wall shall be installed along the length of the common boundary line between the retail and residential components of this PD. Within such wall and for a minimum depth of fifteen feet shall be an irrigated landscaped buffer zone including turf grass and three-inch caliper trees planted on thirty-foot centers. No more than 45% of such trees shall be of the same species. Alternate screening scenarios may be approved by the Planning and Zoning Commission with their approval of a Site Plan

- 6.5. Zoning Site Plan: A Zoning Site 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, R.O.W. dedications, roads, trails, drainage, all easements and illustrates the integration of these elements into a master plan for the whole district. Dimensions and acreages shown on Exhibit "D" are approximations and may be modified at the time of final platting.
- 6.6. Street Intersection with Major Thoroughfares: Median openings, turn lanes and driveway locations along Custer Road, and University Drive shall be subject to the TxDOT review process as required.
- 6.7. Screening of Mechanical Equipment: All mechanical equipment located on the ground and/or rooftops including fans, vents, air conditioning units and cooling towers shall be screened so as not to be visible from the property lines at ground level or from the second story of adjacent single-family detached development. Screening may be accomplished through the use of plant materials, berming or fencing. The list of approved plant materials for such purpose shall be included in the deed restrictions filed on this project. Fencing shall be finished in a material similar to and/or painted a color similar to the building façade, trim, or roof surface.

7. **Commercial Component Tracts 'A' & 'B'**

- 7.1 Definition: The commercial area (see Exhibit D) of this Planned Development includes those uses primarily intended to supply the surrounding residential areas with convenience goods and services that are normal daily necessities and routine purchases.
- 7.2 General Description: This PD Ordinance allows a maximum of 19 acres of commercial development for Tract 'A', and 52.6 acres of commercial development for Tract 'B' (see Exhibit 'D'). Requirements for this area within the development are described below.
- 7.3 Allowed Uses: Non-residential land uses allowed within the commercial area are as permitted in the Commercial district listed in Zoning Ordinance No. 05-20.
- 7.4 Required Parking: The total parking required shall be the sum of the specific parking

space requirement for each use included within the commercial area as required by Zoning Ordinance No. 05-20.

7.5 Exterior Façade Building Materials: All main buildings shall have an exterior finish of stone, stucco, brick, tile, concrete, glass, exterior wood or similar materials or any combination thereof. The use of wood as a primary exterior building material shall be limited to a maximum of twenty percent of the total exterior wall surfaces.

7.6. Commercial development intensity: Development intensity for non-residential land uses shall be as follows:

7.6.1 Floor Area: The allowable floor area of buildings within the commercial area shall be unlimited, provided that all conditions described herein are met.

7.6.2 Lot Area: The minimum lot area shall be 10,000 square feet.

7.6.3 Lot Coverage: In no case shall the combined areas of the main buildings and accessory buildings cover more than 50% of the total lot area. Parking facilities shall be excluded from lot coverage computation.

7.6.4 Lot Width: The minimum width of any lot shall be fifty feet.

7.6.5 Lot Depth: The minimum depth of any lot shall be ninety feet.

7.6.6 Front Yard: The minimum depth of the front yard shall be thirty feet

7.6.7 Side Yard: No side yard is required unless vehicular access is provided/required, in which case the side yard shall have a depth of not less than twelve feet.

A twenty-four-foot side yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.

A fifty-foot side yard is required adjacent to property zoned for single-family residential uses.

7.6.8 Rear Yard: No rear yard is required unless vehicular access is provided/required, in which case the rear yard shall have a depth of not less than twelve feet.

A twenty-four-foot rear yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.

A fifty-foot rear yard is required adjacent to property zoned for single-family residential uses.

- 7.6.9 Building Height: Buildings shall be a maximum of two stories, not to exceed forty feet in height. Non-residential buildings may exceed this restriction provided that one additional foot shall be added to any required setback from detached residential properties for each foot that such structures exceed forty feet.

Non-residential buildings may exceed this restriction using such one-to-one ratio for a total maximum height of eight stories not to exceed one hundred feet. Chimneys, antennas and other such architectural projections may extend above this height limit.

- 7.6.10 Open Space Requirement for Non-Residential Uses: A minimum of ten percent of the net lot area shall be developed and maintained as landscaped open space. Landscaped open space shall not include areas specifically used for vehicular access and parking.

8. **Commercial Component - General Conditions**

- 8.1 Conformance to All Applicable Articles of the Town of Prosper Zoning Ordinance
Except as amended herein, this Planned Development District shall conform to applicable articles and sections of ordinances and regulations of the Town of Prosper, including Zoning Ordinance 05-20 and Subdivision Ordinance, 03-05, as they 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.
- 8.2 Outdoor Storage and Display Areas: Outdoor storage or/and display of any retail material will be allowed as accessory use only and screened in compliance with Zoning Ordinance 05-20 as it exists or may be amended.
- 8.3 Buffering Adjacent to Major Thoroughfares: Irrigated landscape buffer zones will be provided along major thoroughfares in conformance with the Town of Prosper Zoning and Subdivision Ordinances.
- 8.4 Screening and Buffering Adjacent to Residential Lots: A six-foot masonry screen wall shall be installed along the length of the common boundary line between the commercial and residential components of this PD. Within such wall and for a minimum depth of fifteen feet shall be an irrigated landscaped buffer zone including turf grass and three-inch caliper trees planted on thirty-foot centers. No more than 45% of such trees shall be of the same species. Alternate screening scenarios may be approved by the Planning and Zoning Commission with their approval of a Site Plan
- 8.5 Zoning Site Plan: A Zoning Site 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, R.O.W. dedications, roads, trails, drainage, all easements and illustrates

the integration of these elements into a master plan for the whole district. Dimensions and acreages shown on Exhibit "D" are approximations and may be modified at the time of final platting.

- 8.6 Street Intersection with Major Thoroughfares: Median openings, turn lanes and driveway locations along Custer Road, Coit Road and University Drive shall be subject to the TxDOT review process as required.
- 8.7 Screening of Mechanical Equipment: All mechanical equipment located on the ground and/or rooftops including fans, vents, air conditioning units and cooling towers shall be screened so as not to be visible from the property lines at ground level or from the second story of adjacent single-family detached development. Screening may be accomplished through the use of plant materials, berming or fencing. The list of approved plant materials for such purpose shall be included in the deed restrictions filed on this project. Fencing shall be finished in a material similar to and/or painted a color similar to the building façade, trim, or roof surface.

EXHIBIT "E"
Development Schedule
for

Brookhollow

TOWN OF PROSPER, TEXAS

The development schedule for the approximate 1.221.7 acres will be phased over the next three to twenty years as shown below:

<u>Year*</u>	<u>Development</u>	<u>Amenities</u>
2008	SF Residential (130 units)	entry feature(s), neighborhood / community open space
2009	SF Residential (130 units)	entry feature(s), neighborhood / community open space
2010	SF Residential (130 units)	entry feature(s), neighborhood / community open space
2011	SF Residential (130 units)	entry feature(s), neighborhood / community open space
2012	SF Residential (130 units)	entry feature(s), neighborhood / community open space
2013	SF Residential (130 units) Mixed-use (commercial/retail)	entry feature(s), neighborhood / community open space, community trail system
2014	SF Residential (130 units) Mixed-use (commercial/retail)	entry feature(s), neighborhood / community open space, community trail system
2015	SF Residential (130 units) Mixed-use (commercial/retail)	entry feature(s), neighborhood / community open space, community trail system
2016	SF Residential (130 units) Mixed-use (commercial/retail)	entry feature(s), neighborhood / community open space
2017	SF Residential (130 units) Mixed-use (commercial/retail, 125 units TH)	entry feature(s), neighborhood / community open space
2018	SF Residential (130 units) Mixed-use (commercial/retail, 125 units TH)	entry feature(s), neighborhood / community open space
2019	SF Residential (130 units) Mixed-use (commercial/retail, 300 units MF)	entry feature(s), neighborhood / community open space
2020	SF Residential (130 units) Mixed-use (commercial/retail, 150 units TH)	entry feature(s), neighborhood / community open space
2021	SF Residential (130 units) Mixed-use (commercial/retail, 150 units TH)	entry feature(s), neighborhood / community open space
2022	SF Residential (130 units) Mixed-use (commercial/retail, 150 units TH)	entry feature(s), neighborhood / community open space
2023	SF Residential (130 units) Mixed-use (commercial/retail)	entry feature(s), neighborhood / community open space
2024	SF Residential (130 units) Mixed-use (commercial/retail)	entry feature(s), neighborhood / community open space

2025	SF Residential (130 units) Mixed-use (commercial/retail)	entry feature(s), neighborhood / community open space
2026	SF Residential (130 units) Mixed-use (commercial/retail)	entry feature(s), neighborhood / community open space, community trail system
2027	SF Residential (130 units) Mixed-use (commercial/retail)	entry feature(s), neighborhood / community open space, community trail system

* Note: Dates are approximate and are subject to change with final design and due to external forces such as market conditions. Start dates for the overall project will depend on the availability of adequate infrastructure service to this area.

EXHIBIT "F"

Single-family Residential Tract 'A' Design Guidelines
for

Brookhollow

TOWN OF PROSPER, TEXAS

1. ARCHITECTURE:

All residences must conform to the French Country or European style and character. The Developer encourages architectural continuity through traditional architectural style and the use of complementary materials, as well as architectural diversity through variation of hip and gable roofs, roof pitch, building offsets, garage entrances, garage sizes, etc. While each home should compliment adjacent structures, every home should have a unique identity through the use of detailing such as cast stone, wrought iron, window treatments, dormers, turrets, flat work, tree placement, brick details, natural stone, combining brick and natural stone, gas lights, landscape illumination, etc. The Developer encourages the use of wood timbers, finials, decorative cornices, copper vents, cast stone decorative features, paint grip sheet metal, copper guttering and European architectural details that individualize each residence.

2. EXTERIOR MATERIALS & DETAILING:

- 2.1. Exterior materials shall be 100% masonry (brick, cast stone and stone) on all walls visible from any street, and 80% masonry on each (not cumulative) remaining side and rear elevations. All exposed portions of the fire breast, flu and chimney shall be clad in brick, stone or brick and stone, matching the materials used on the residence. All window headers, sides and sills, which are exposed to the street or common areas, shall be constructed of cast stone, natural stone, decorative shaped brick or a combination thereof. All windows will have a least 6" of exterior material between the header and fascia board. No Exterior Insulation and Finish Systems (E.I.F.S.) are permitted on any exterior elevation or chimney.
- 2.2. The entire structure shall be guttered with downspouts. All gutter and downspouts on the front of the house and any side that faces a street or common area shall be molded form of smooth round material. Gutters shall not drain across property lines.
- 2.3. All windows visible from streets shall be painted or vinyl clad finished wood or vinyl casement divided light windows. All windows facing any greenbelt area or floodplain shall be vinyl on wood casement divided light or wide metal frame windows with brick mould surrounds. Metal windows without brick mould are allowed only in private enclosed yard areas.

- 2.4. For homes following the Type 'D' guidelines described in Section 1.7 of this document, no window shall be allowed on the zero side of a dwelling other than those windows that would view to a courtyard enclosed by a masonry wall. The height of such courtyard windows shall not be higher than the masonry wall. Glass block windows shall be allowed and shall not be bound by this restriction
- 2.5. Second story side windows shall be located so as to restrict views into adjacent windows, patios, and/or courtyards as reasonably possible. The Developer will review for approval the location of all second floor windows and shall make a reasonable effort to maintain the privacy of the surrounding property owners.
- 2.6. Each structure shall have a minimum principal plate height of 10 feet on the first floor and a minimum plate height of 9 feet on garages.
- 2.7. A uniform house number style and house number locations will be selected by the developer.
- 2.8. A uniform mailbox style will be selected by the developer.
- 2.9. Stone shall be either Granberry, Millsap, Leuters, Limestone or a combination of these. Stone shall be in chopped rectangular shapes and random sizes.
- 2.10. Cast Stone shall be light brown, white or cream in color with or without pitting.
- 2.11. Electrical meters visible from streets:
 1. The supply conduit for electrical meters visible from streets or common areas shall enter the foundation beneath the final yard grade so that the electrical meter is recessed in the wall and the meter box front and the meter are the only items visible.
 2. Any meter visible from the street or common area must be screened by solid fencing or landscape material.

3. ROOFING:

- 3.1. All roofs shall have a minimum slope of 12:12 roof pitch on any front and side visible from a street or a common area and a minimum slope of 8:12 roof pitch for rear and sides not visible from a street or a common area. Architectural designs that warrant roof sections of less pitch will be given consideration by the Developer. Satellite Dishes shall not be installed in locations visible from the street, common areas or other residences. Solar Collectors, if used, must be integrated into the building design and constructed of materials that minimize their visual impact. Cornice, eave and architectural details may project up to two feet six inches.

- 3.2. Roof material shall be standing seam copper, approved standing seam metal, natural slate shingles, approved imitation slate shingles or approved composition 30-year laminated shingles or other approved roof materials.
- 3.3. Roof form shall be limited to gables, hip, Dutch hip or Dutch gable. Roof forms should be randomly distributed along each street. Front to rear and side-to-side roof pitches must match on front elevations. The Developer will require variation of roof pitch, dormer details, etc. for adjacent structures.

4. WALLS / FENCING / SCREENING:

- 4.1. Walls and screens visible from streets or common areas shall be constructed of masonry matching that of the residence, masonry and wrought iron, or wrought iron. Walls and screens not visible from streets or common areas may be constructed of smooth finish redwood or #1 grade cedar. All fence posts shall be steel set in concrete and shall not be visible from the alley or another dwelling. All fence tops shall be level with grade changes stepped up or down as the grade changes.
- 4.2. A common 4' wrought iron fence detail, to be used for all rear and side fencing within the greenbelt / flood plain areas, will be chosen by the developer.
- 4.3. Equipment, air conditioning compressors, service yards, storage piles, woodpiles, garbage receptacles, and similar items must be visually screened from streets, alleys, common areas and neighboring lots by solid screening walls that match the residence material.
- 4.4. Retaining walls built or abutting: front yards, side yards facing a greenbelt, or rear yards within a greenbelt shall be constructed of mortar-jointed brick matching the residence, or mortar-jointed Millsap stone. For retaining walls in other locations, concrete and rock shall be allowed.

5. GARAGES / DRIVEWAYS / WALKWAYS:

All driveways fronting on a street shall be constructed of one or more of the following materials: brick pavers, stone, interlocking pavers, or exposed aggregate; with brick or stone borders or other approved materials. The Developer may consider front driveways of stamped or broom finished concrete with brick or stone borders on a case-by-case basis. All front entry surfaces must be constructed in brick, stone, slate, or flagstone. All sidewalks and steps from the public sidewalk or front driveway to the front entry must be constructed in brick, stone, slate, flagstone or other approved materials.

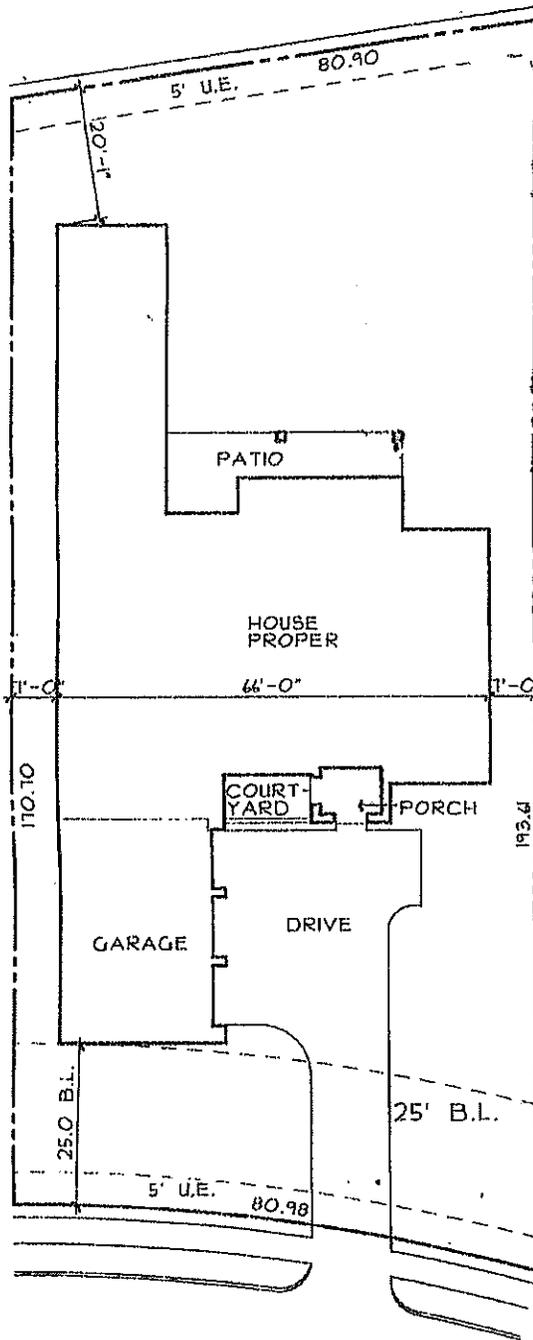
6. EXTERIOR LIGHTING:

Each required tree shall be down lighted with a minimum of two landscape illumination fixtures connected to an electric eye photocell. In addition, all garage doors must have one exterior light per parking space. All front entrances must have no less than one down light and a minimum of one bracket light beside each front entrance. All entrance down lights and all entrance bracket lights shall be controlled by electric eye photocells, and

kept in working order at all times. All required tree lights, garage door lights, entrance down lights and entrance bracket lights shall illuminate at dusk and shall remain illuminated until sunrise.

7. TREES:

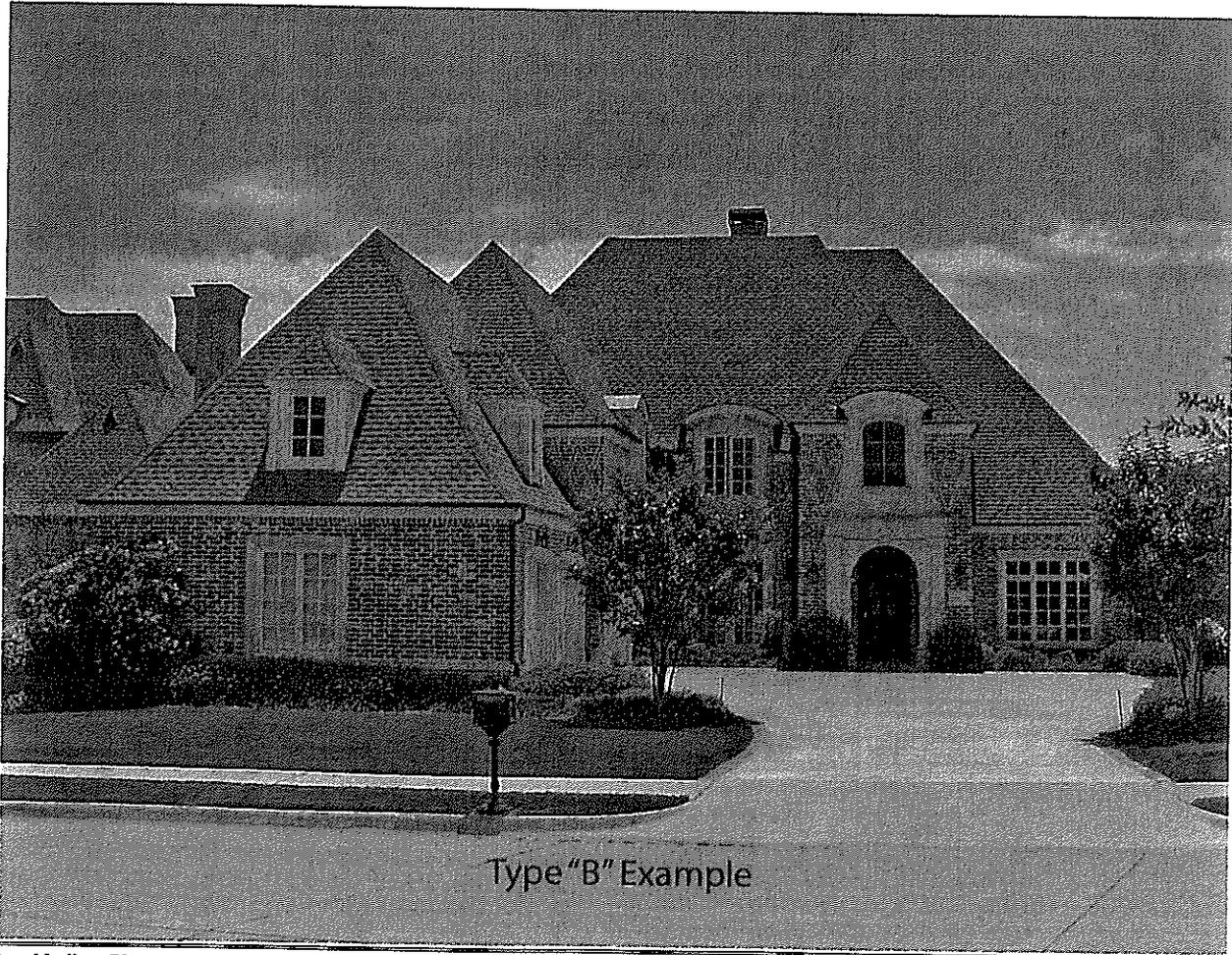
Landscape requirements shall include a minimum of two 4" caliper live oaks or red oaks in the front yard. Any lot with more than 70 feet of frontage to adjacent streets and park will require no less than one 5" caliper live oak or red oak tree for every 35' of street and park frontage (or portion thereof) on each lot. For example, 80 feet of frontage would require 3 trees.



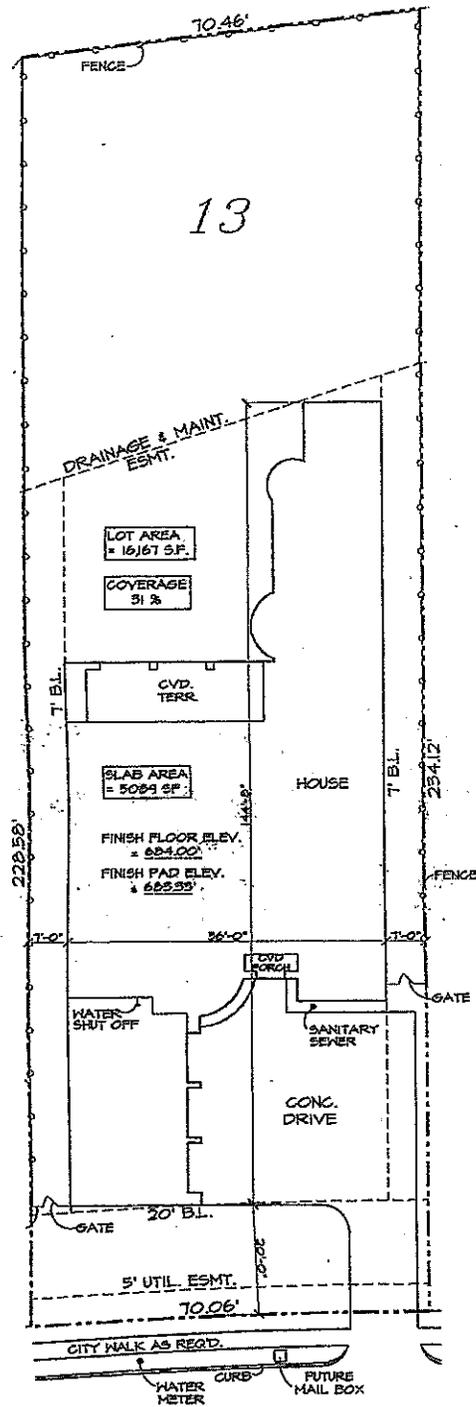
Type "B" Example Site Plan



Type "B" Example Elevation



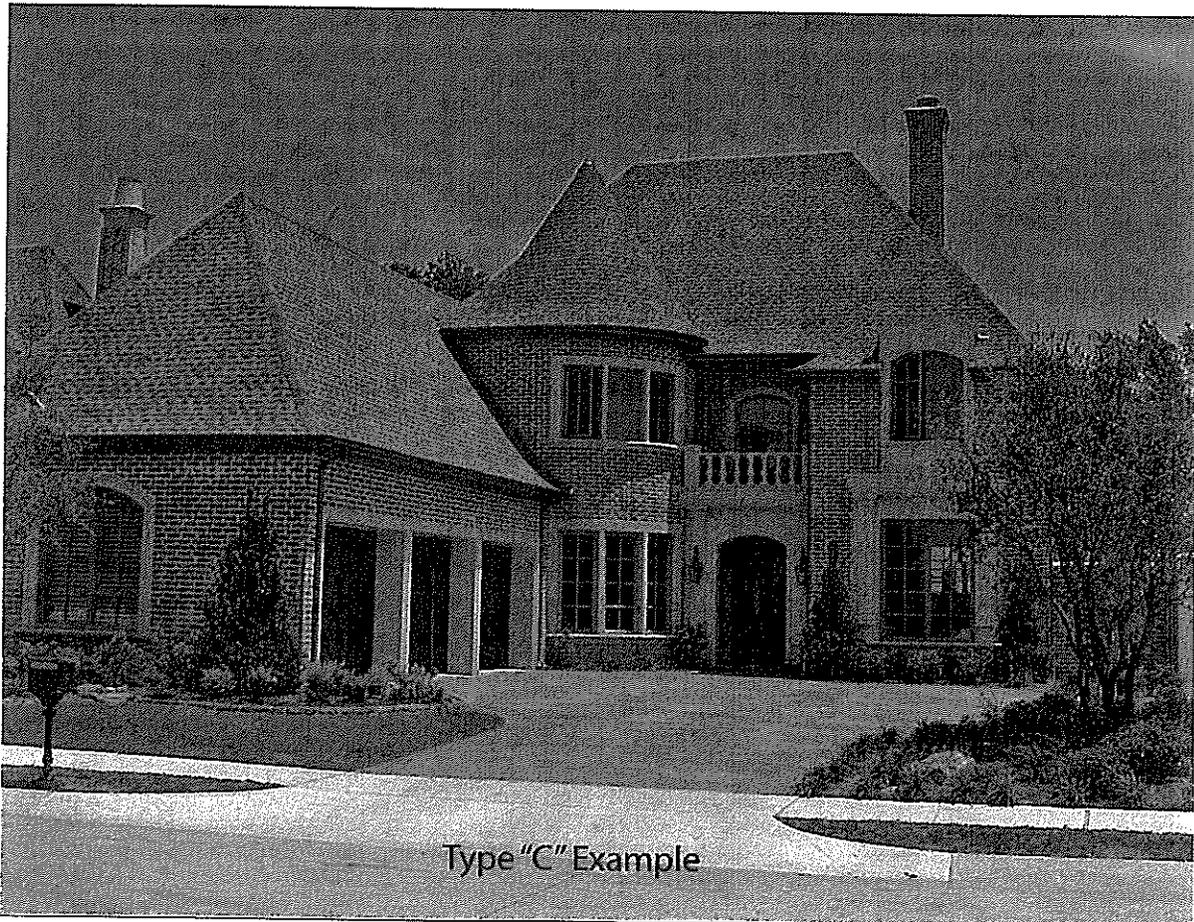
Type "B" Example



Type "C" Example Site Plan



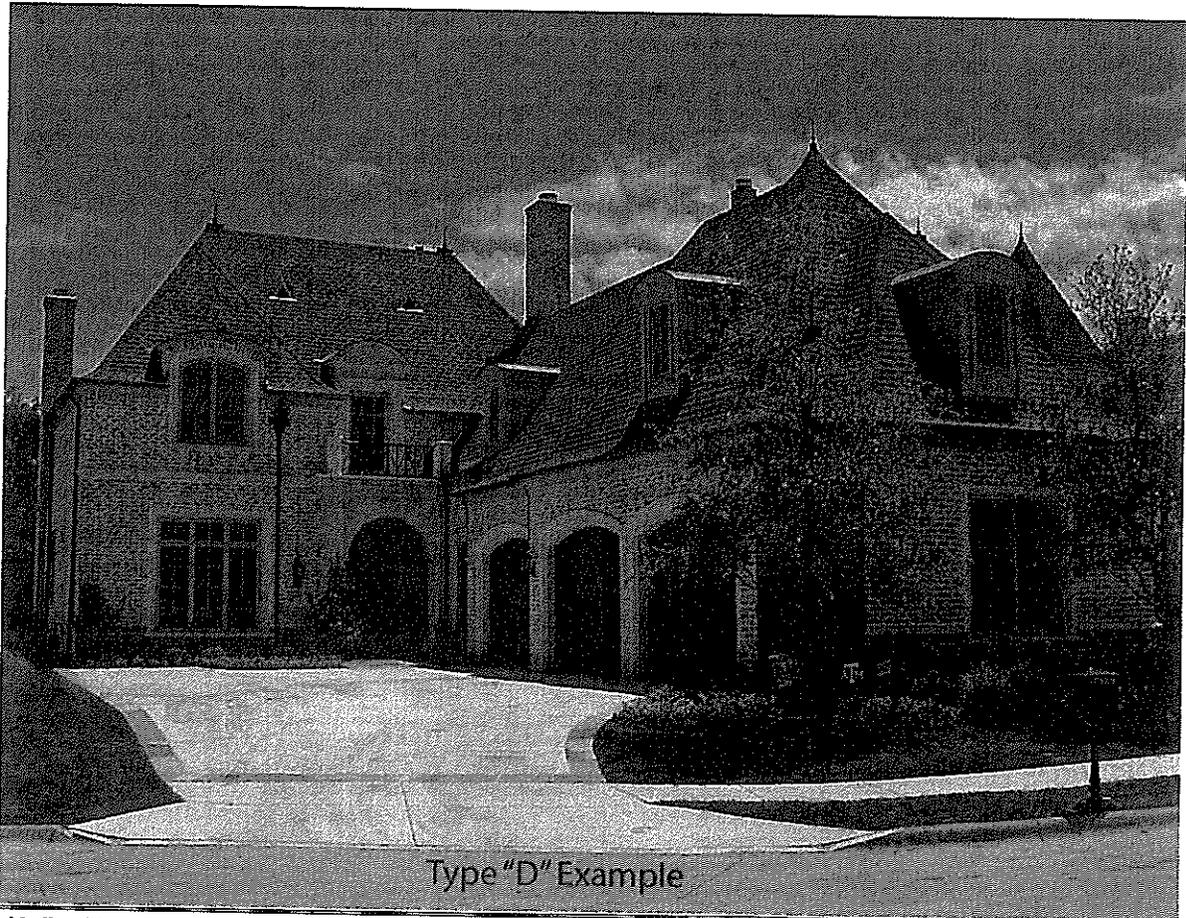
Type "C" Elevation



Type "C" Example



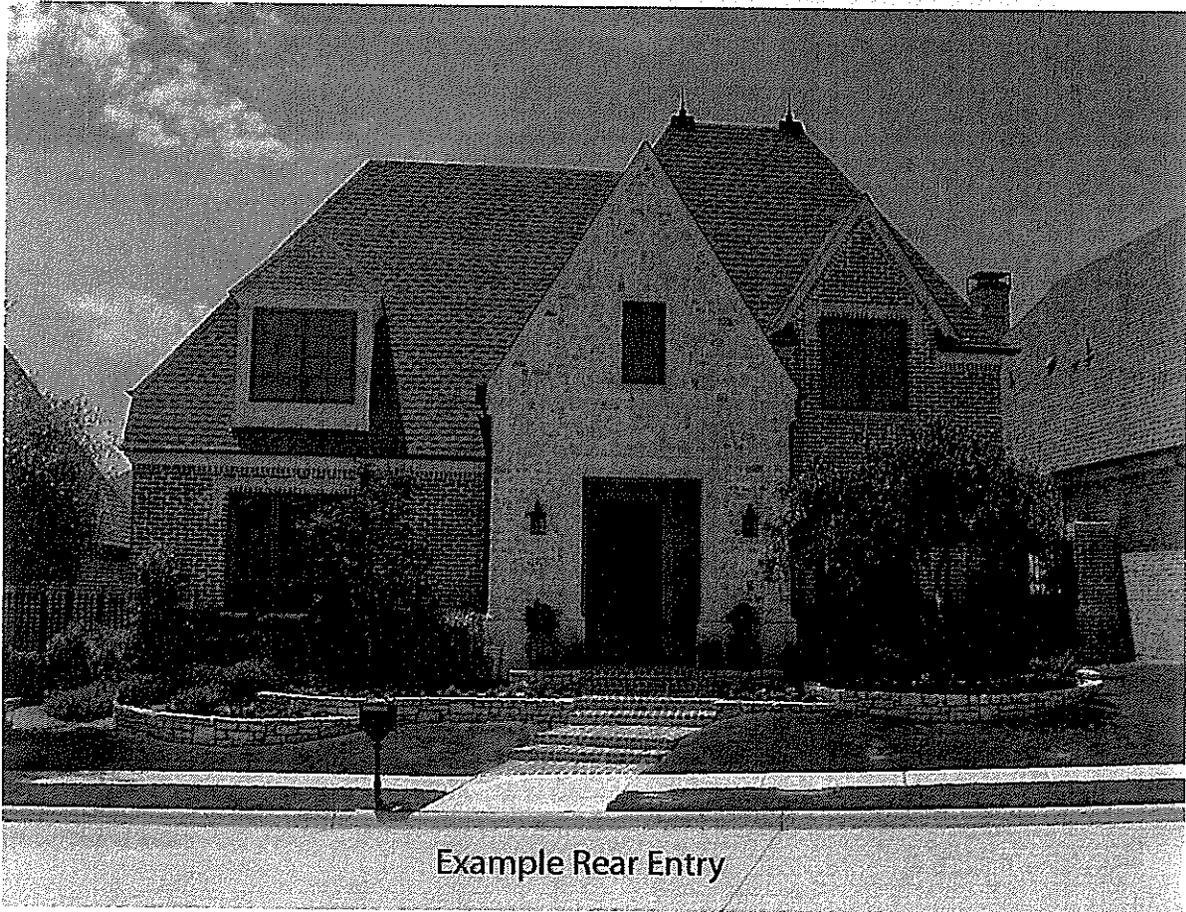
Type "D" Example Elevation



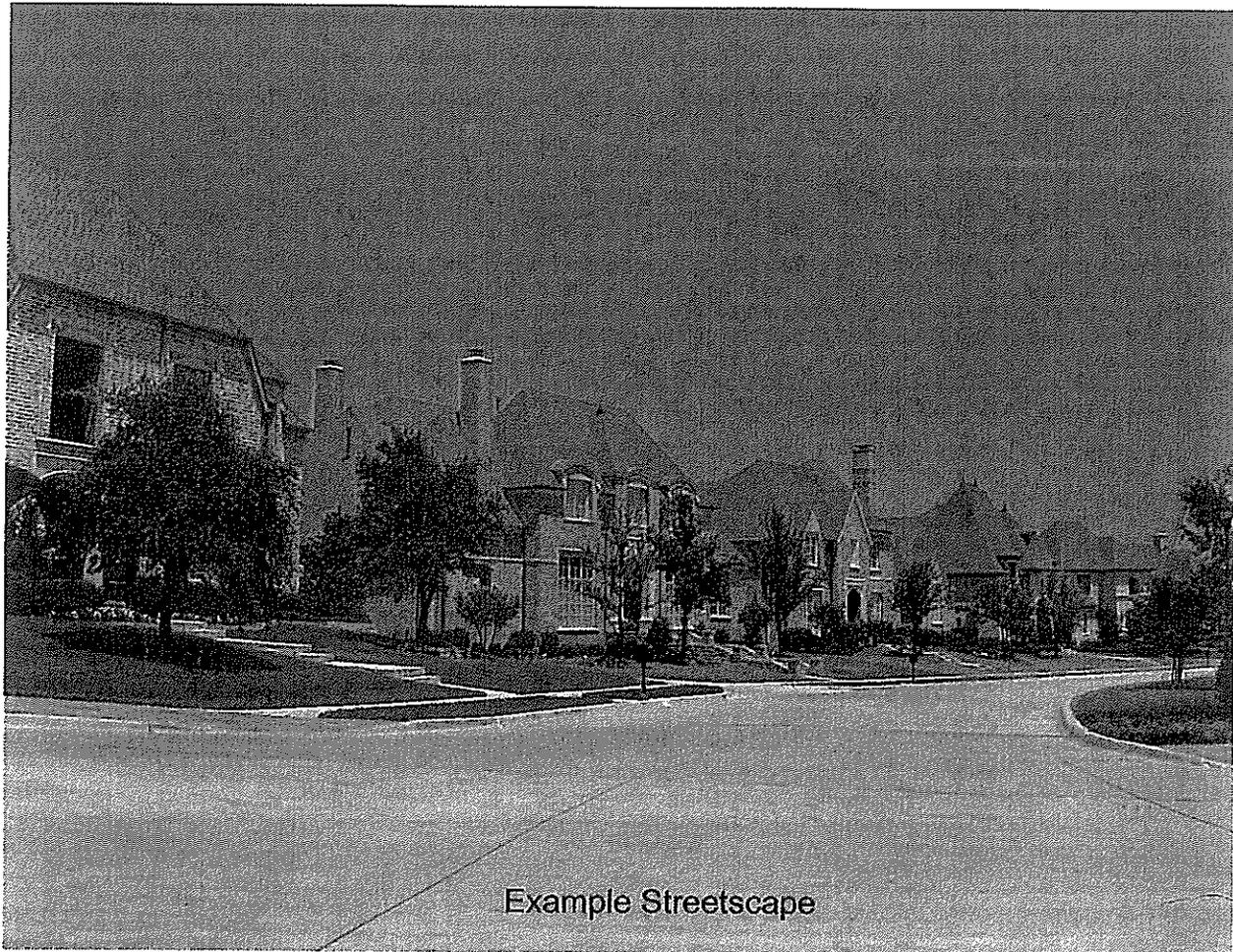
Type "D" Example



Example Front Entry



Example Rear Entry



Example Streetscape

EXHIBIT "G"
Single-family Residential Tract 'B' Design Guidelines
for

Brookhollow

TOWN OF PROSPER, TEXAS

1. ARCHITECTURE:

The Developer encourages architectural continuity through traditional architectural style and the use of complementary materials, as well as architectural diversity through variation of hip and gable roofs, roof pitch, building offsets, garage entrances, garage sizes, etc. While each home should compliment adjacent structures, every home should have a unique identity through the use of detailing such as cast stone, wrought iron, window treatments, dormers, turrets, flat work, tree placement, brick details, natural stone, combining brick and natural stone, gas lights, landscape illumination, etc.

2. EXTERIOR MATERIALS & DETAILING:

- 2.1. Exterior materials shall be 100% masonry (brick, cast stone and stone) on all walls facing any street, and 80% masonry on each (not cumulative) remaining side and rear elevations. All exposed portions of the fire breast, flu and chimney shall be clad in brick, stone, brick and stone or stucco. No Exterior Insulation and Finish Systems (E.I.F.S.) are permitted on any exterior elevation or chimney.
- 2.2. The entire structure shall be guttered with downspouts. Gutters shall not drain across property lines.
- 2.3. All windows visible from streets shall be painted or vinyl clad finished wood, vinyl casement divided light windows, or approved metal windows. All windows facing any greenbelt area or floodplain shall be vinyl on wood casement divided light or wide metal frame windows.
- 2.4. For homes following the Type 'D' guidelines described in Section 1.7 of this document, no window shall be allowed on the zero side of a dwelling other than those windows that would view to a courtyard enclosed by a masonry wall. The height of such courtyard windows shall not be higher than the masonry wall. Glass block windows shall be allowed and shall not be bound by this restriction
- 2.5. Second story side windows shall be located so as to restrict views into adjacent windows, patios, and/or courtyards as reasonably possible. The Developer will review for approval the location of all second floor windows and shall make a reasonable effort to maintain the privacy of the surrounding property owners.

- 2.6. Each structure shall have a minimum principal plate height of 10 feet on the first floor and a minimum plate height of 9 feet on garages.
- 2.7. A uniform house number style and house number locations will be selected by the developer.
- 2.8. A uniform mailbox style will be selected by the developer.
- 2.9. Stone shall be either Granberry, Millsap, Leuters, Limestone, a combination of these or as approved by the developer.
- 2.10. Cast Stone shall be light brown, white or cream in color with or without pitting.
- 2.11. Electrical meters visible from streets:
 1. Any meter visible from the street or common area must be screened by solid fencing or landscape material.

3. ROOFING:

- 3.1. All roofs shall have a minimum slope of 10:12 roof pitch on any side visible from a street or a common area and a minimum slope of 8:12 roof pitch for rear and sides not visible from a street or a common area. Architectural designs that warrant roof sections of less pitch will be given consideration by the Developer. Satellite Dishes shall not be installed in locations visible from the street, common areas or other residences. Solar Collectors, if used, must be integrated into the building design and constructed of materials that minimize their visual impact. Cornice, eave and architectural details may project up to two feet six inches.
- 3.2. Roof material shall be standing seam copper, approved standing seam metal, natural slate shingles, approved imitation slate shingles or approved composition 30-year laminated shingles or other approved roof materials.
- 3.3. Roof form shall be limited to gables, hip, Dutch hip or Dutch gable. Roof forms should be randomly distributed along each street. The Developer will require variation of roof pitch, dormer details, etc. for adjacent structures.

4. WALLS / FENCING / SCREENING:

- 4.1. Front walls and screens visible from streets shall be constructed of masonry matching that of the residence, masonry and wrought iron, or wrought iron. Side and rear fences shall be constructed of smooth finish redwood, #1 grade cedar or other approved materials. All fence posts shall be steel set in concrete and shall not be visible from the alley or another dwelling. All fence tops shall be level with grade changes stepped up or down as the grade changes.

- 4.2. A common 4' wrought iron fence detail, to be used as required, will be chosen by the developer.
- 4.3. Equipment, air conditioning compressors, service yards, storage piles, woodpiles, garbage receptacles, and similar items must be visually screened from streets, alleys, common areas and neighboring lots.
- 4.4. Retaining walls built or abutting: front yards, side yards facing a greenbelt, or rear yards within a greenbelt shall be constructed of mortar-jointed brick matching the residence, or mortar-jointed Millsap stone. For retaining walls in other locations, concrete and rock shall be allowed.

5. GARAGES / DRIVEWAYS / WALKWAYS:

All driveways fronting on a street shall be constructed of one or more of the following materials: brick pavers, stone, interlocking pavers, exposed aggregate or other approved materials. The Developer may consider front driveways of stamped or broom finished concrete with brick or stone borders on a case-by-case basis. All front entry surfaces must be constructed in brick, stone, slate, flagstone or exposed aggregate. All sidewalks and steps from the public sidewalk or front driveway to the front entry must be constructed in brick, stone, slate, flagstone, exposed aggregate or other approved materials.

6. EXTERIOR LIGHTING:

All front entrances must have no less than one down light and a minimum of one bracket light beside each front entrance.

7. TREES:

Landscape requirements shall include a minimum of two 4" caliper live oaks or red oaks in the front yard. In addition to the 2 required front yard trees, a minimum of two 4" caliper live oaks or red oaks shall be planted in each side yard space that abuts a street.

