

## TOWN OF PROSPER, TEXAS

## ORDINANCE NO. 06 - 78

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 98.049 ACRES MORE OR LESS, SITUATED IN THE S. RICE SURVEY, ABSTRACT NO. 787, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED SINGLE FAMILY-15 RESIDENTIAL (SF-15) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT DISTRICT (PD-31) FOR SINGLE FAMILY RESIDENTIAL USES OF VARIED DENSITIES (83.1 ACRES) AND MIXED USE NONRESIDENTIAL (15 ACRES); 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 BTB Development ("Applicant") to rezone 98.049 acres of land, more or less, situated in the S. Rice Survey, Abstract No. 787, 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 98.049 acres of land, more or less, situated in the S. Rice Survey, Abstract No. 787, in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned Development (PD-31) District for Single Family Residential Uses (15 acres) and Mixed use Nonresidential (15 acres). The property as a whole and the boundaries for each zoning classification are

more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with 1) the Statement of Intent and Purpose, attached hereto as Exhibit "B"; 2) the Planned Development Standards, attached hereto as Exhibit "C"; 3) the Conceptual Development 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 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.

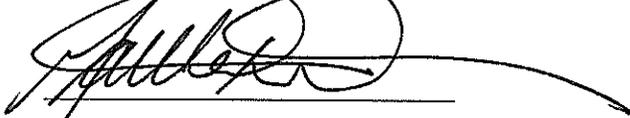
DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 13<sup>th</sup> DAY OF JUNE, 2006.

APPROVED AS TO FORM:



Charles Niswanger, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:



Matthew Denton, Town Secretary



DATE OF PUBLICATION: Aug 1<sup>st</sup> & Aug 3, 2006, Dallas Morning News – Collin County  
Addition

# EXHIBIT A

## Saddle Creek

### LEGAL DESCRIPTION

**BEING** a tract of land located in the S. RICE SURVEY, ABSTRACT NO. 787, Collin County, Texas and being a part of a tract of land described in Deed to James W. Shanahan, recorded in Volume 5060, Page 2434, Deed Records, Collin County, Texas and being part of State Highway Number 289 and being more particularly described as follows:

**BEGINNING** at the approximate centerline intersection of State Highway Number 289 and County Road Number 48;

**THENCE** South 88 degrees 48 minutes 17 seconds West, along the approximate centerline of County Road Number 48, a distance of 2,552.39 feet to a point for corner;

**THENCE** North 00 degrees 59 minutes 54 seconds West, leaving said centerline, a distance of 59.00 feet to a point for corner;

**THENCE** North 89 degrees 51 minutes 19 seconds East, a distance of 2,607.41 feet to a point for corner in said approximate centerline of State Highway Number 289;

**THENCE** South 00 degrees 50 minutes 02 seconds West, along said centerline, a distance of 12.26 feet to the **POINT OF BEGINNING** and containing 102.773 acres of land, more or less.

# *EXHIBIT B*

## *Saddle Creek*

### Statement of Intent and Purpose

This document is meant to accompany the Saddle Creek conceptual plan submitted to the Town of Prosper on 5/28/2006.

The tract is currently zoned for 15,000 s.f. residential lots. It is our desire to rezone the property to the Planned Development designation. The conceptual plan depicts the general layout but is to be used only as a guide.

The proposed concept plan provides for a wider variety of single family lot sizes as well as a linear park, tree preservation area and many walking trails. The plan also adds to the city land offerings by adding the potential for a professional office Mixed Use complex with very limited Retail.

The plan takes into consideration the town's Comprehensive Plan by designating this tract for low-density residential.

There has been an extensive area set aside for tree preservation and landscaping to enhance the existing and proposed roadways.

We visualize an enhanced single family community that provides an environmentally sensitive solution for the community.

Exhibit "C"

# *Saddle Creek*

## Planned Development District Development Standards

**Engineer:**

Dowdey, Anderson and Associates, Inc.  
Planning and Engineering  
5225 Village Creek Drive  
Suite 200  
Plano, Texas 75093  
(972) 931-0694  
(972) 931-9538 Fax

**Applicant:**

BTB Development Inc.  
17300 Dallas Parkway  
Suite 3110  
Dallas, Texas 75248

July 2006

# Saddle Creek

## PLANNED DEVELOPMENT DISTRICT STANDARDS

### 1.0 Planned Development District Tract 1 – Single Family Residence

- 1.01 **General Description:** This District will provide the ability to encourage and accommodate the development of single-family residential uses on a tract of land that has unusual physical properties. Development standards for the aforementioned housing types are outlined within this text. This property may develop under the standards for SF-15 as contained in the zoning ordinance No. 05-20, as it exists or may be amended, subject to the specific provisions contained herein below.
- 1.02 **Permitted Uses:** Land uses permitted within the PDT-1 are as outlined under the regulations of the Single Family-15 District as contained in the Zoning Ordinance No. 05-20.
- 1.03 **Single-Family:** A single-family unit is a form of detached housing. This residential type will consist of larger units and lots, having access and frontage on a public street and be limited to 225 units per this ordinance. Building and area requirements are as follows:
- a. **Lot Area:** 45% of the lots may be a minimum of ten thousand (10,000) square feet. 35% of the lots shall be a minimum of twelve thousand (12,000) square feet. 20% shall be a minimum of fifteen thousand (15,000) square feet.
  - b. **Lot Coverage:** In no case shall more than forty-five (45) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, porches, driveways, walks, and other paved areas shall not be included in determining maximum lot coverage.
  - c. **Lot Width:** The minimum width of any lot shall not be less than eighty- (80) feet at the front building line of the lot, except lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of seventy (70') feet along the arc at the front building line; provided all other requirements of this section are fulfilled. Building lines may be staggered or set back at a greater distance from the right-of-way.

- d. **Lot Depth:** The minimum depth of any lot shall be one hundred twenty (120) feet, except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-point on front and rear lot lines, of one hundred and ten feet (110'); provided all other requirements of this section are fulfilled.
- e. **Front Yard:** The minimum depth of the front yard shall be thirty (30) feet and staggered per the Z.O. 05-20 ch. 5 sec. 2(K).
- f. **Side Yard:** The minimum side yard on each side of a lot shall be eight (8) feet. A side yard for all corner lots shall not be less than fifteen (15) feet.
- g. **Rear Yard:** The minimum depth of the rear yard shall be twenty five (25) feet for main buildings.
- h. **Building Height:** Buildings shall be a maximum of two and one-half (2 ½) stories or forty feet (40)'.
- i. **Minimum Dwelling Area:** The minimum enclosed heated living area shall be Two Thousand (2,000) square feet for a designated 10, 000 square foot lot and two thousand two hundred (2,200) square feet for a designated 12,000 square foot lot or above.

## 2.0 Planned Development District Tract 1 – General Conditions

2.01 **Conformance to All Applicable Articles of the Town of Prosper Zoning Ordinance:** Except as amended herein, this Planned Development District shall conform to any and all applicable articles and sections of the Town of Prosper Zoning Ordinance, No. 05-20, as it presently exists or may be amended.

2.02 **Amenity Center:** The Developer for the Planned Development District may provide for an amenity center which may include, but not be limited to a swimming pool, restrooms and dressing rooms, and landscaping to be owned, operated, and maintained by a property owner's association.

- 2.03 **Zoning Exhibit:** A Zoning Exhibit is hereby attached and made a part of the ordinance. It establishes the most general guidelines for the district by identifying the land use types, approximate thoroughfare locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.
- 2.04 **Streets:** Cul-de-sacs may be six hundred feet long measured at the edge of right of way to the beginning of the cul-de-sac bulb right of way.
- 2.05 **Maintenance of Facilities:** The Owner(s) shall establish, with each preliminary plat submittal, a property owner's association, membership association or other designation that will be responsible for the improvement and maintenance of all common areas and/or common facilities contained within the area of the Planned Development District.
- 2.06 **Sidewalks:** A four (4) foot sidewalk within the street right-of-way shall be provided at the front of all single-family residential lots. Corner lots shall also provide the aforementioned requirement along both streets.
- 2.07 **Building Materials:** 100% masonry construction with at least two different masonry materials utilized. 10% of the trim may be wood.
- 2.08 **Mailboxes:** 100% masonry construction coordinated with at least one of the masonry materials used on the homes it serves.
- 2.09 **Address Numbers:** Common address elements must be used on all the homes.
- 2.10 **Roof:** Roof pitch must be a minimum of 8:12. Roof materials must have a 30 year life rating.
- 2.11 **Franchise Services:** Service boxes must be screened by either living screen or fencing.
- 2.12 **Trail System:** The proposed parks and-trails master plan identifies this tract as accommodating a possible North/South trail connection. The developer will complete the trail within the pipe-line corridor. Such improvements will be owned and maintained by the Saddle Creek HOA unless or until the Town of Prosper dedicates the use by easement within the pipeline area for trail access if it is approved on the Master Park Plan.

2.13 Landscape and Screening:

- a. Landscaping must meet the landscaping requirements in the Z.O. ch. 4, sec. 2.6.
- b. Additional side yard landscaping will be required on all lots adjacent and siding to the spine road within the development. This shall be one (1) extra tree 2-1/2" or three (3) ten gallon shrub plantings.
- c. Consistent stained fencing will be built on all lots siding to the entry spine roads within the development to their terminus. A six foot board on board capped fence, constructed with steel posts which will be located internal to the lots, shall be required to be constructed by the individual builder.
- d. Landscape buffers will be constructed on Preston Road and Prosper Trail. They will be 40 feet in width and will be irrigated and maintained by the H.O.A. They will have 3" trees planted 30' O.C. and will have a meandering 6' concrete sidewalk. There will be a four foot berm with a 3:1 slope where feasible which will be planted with ten gallon shrubbery six (6) feet O.C.
- e. All fencing adjacent to an internal open space lot shall be a minimum five foot decorative metal fencing.
- f. The screening of the rear of the lots adjacent to Prosper Trail will be a combination of stone brick and decorative metal with a column 100 feet on center.
- g. The masonry screening will not exceed 50% of the entire screen not counting retaining walls which may occur along Prosper Trail.
- h. Decorative metal screening will require a living screen which will reach a minimum of 6 feet at maturity in two growing seasons.
- i. 50% of the masonry screening will require 6 foot wide landscaping beds in front of them. These beds will require ornamental shrubs and ground cover.
- j. 50% of the turf area will be planted in grasses which will require less water and maintenance.
- k. All landscaped areas shall be automatically irrigated.

- l. Major signage shall be utilized at the entries with the allowance of a 25' tower on Prosper Trail.
- m. Enhanced paving shall be utilized at the entry. Enhanced paving may be stamped and stained concrete.
- n. The entry zone extending 50' either side of the entry off Prosper Trail shall be planted with a minimum 6" caliper trees.
- o. All side yards facing Preston Road shall be masonry wall.
- p. The screening wall between Tract One and Two shall be a 6' masonry wall.
- q. All mailboxes shall be of masonry construction. There may be one mailbox structure per two lots.

### 3.0 Planned Development Tract 2 – Mixed Use

**3.01 General Description:** This District will provide the ability to encourage and accommodate the development of a combination of uses on a tract of land that is located at the corner of Preston Road and Prosper Trail. Development standards for the aforementioned building types are outlined within this text. This property may develop specifically as outlined under the regulations of the office district as contained in Z.O. 05-20, as it exists or may be amended, subject to the specific provisions contained herein below.

**3.02 Permitted Uses:** Land uses permitted within the PDT-Tract 2 are as follows:

- a. Administrative, Medical, or Professional office
- b. Banks, Savings and Loans and Credit Unions with drive through
- c. Pharmacy with drive through
- d. Dry Cleaner, minor
- e. Small Animal Veterinary Clinic
- f. Restaurants, no drive through
- g. Day Care Center, child
- h. Health/Fitness Center
- i. Insurance Office
- j. Print/Copy/Private Post Office
- k. Rehabilitation Care Center – day use by S.U.P.
- l. Compatible uses as approved by the Town Council upon request

**3.03 Office:** Building and area requirements are as follows:

- a. **Development Area:** Fifteen acres of which no more than Six acres may be designated for commercial or retail use with the remainder being professional office.
- b. **Lot Coverage:** In no case shall more than thirty-five (35) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- c. **Lot Width:** The minimum width of any lot shall not be less than one hundred and twenty (120') feet at the front building line of the lot.
- d. **Lot Depth:** The minimum depth of any lot shall be one hundred twenty (120) feet.
- e. **Front Building Line:** The minimum depth of the front yard shall be Thirty (30) feet from Preston Road and Prosper Trail.
- f. **Side Building Line:** The minimum side depth on each side of a lot shall be ten (10) feet for main buildings, except that a side yard to the residential district must be Thirty (30) feet, 40 feet for a two story building.
- g. **Side Building Line:** The minimum side depth on each side of a lot shall be ten (10) feet for main buildings, except that a side yard to the residential district must be Thirty (30) feet, 40 feet for a two story building.
- h. **Building Height:** Buildings shall be a maximum of Two (2) stories or forty feet (40)'.

**4.0 Planned Development District Tract 2 – General Conditions**

**4.01 Conformance to All Applicable Articles of the Town of Prosper Zoning Ordinance:** Except as amended herein, this Planned Development District shall conform to any and all applicable articles and sections of the Town of Prosper Zoning Ordinance, No. 05-20, as it presently exists or may be amended.

**4.02 Architectural Control Committee:** The Developer for the Planned Development District shall set forth to create an Architectural Control Committee that shall review and approve or disapprove all building proposed and constructed within the PDD Tract 2. It is the duty of the Architectural Control Committee to restrain building styles and construction to common compatible colors and materials.

**4.03 Zoning Exhibit:** A Zoning Exhibit is hereby attached and made a part of the ordinance. It establishes the most general guidelines for the district by identifying the land use types, approximate thoroughfare locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.

**4.04 Drives and Parking:**

- a. Common commercial drives shall consist of Twenty Six (26) foot paving section (b-b).
- b. Office parking shall be reciprocal in nature and controlled by a Business Owners Association.

**4.05 Maintenance of Facilities:** The Owner(s) shall establish, with each preliminary plat or site plan submittal, a property owner's association, membership association or other designation that will be responsible for the improvement and maintenance of all common areas and/or common facilities contained within the area of the Planned Development District.

**4.06 Building Articulation Required:** All facades of a building which are adjacent to and face a roadway, public park or residential development shall comply with the following standards:

Horizontal Articulation – No building façade shall extend for a distance greater than three times the mean elevation of the wall's height without having an off-set of fifteen percent (15%) or more of the wall's height. This off-set shall extend for a distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.

Vertical Articulation – No horizontal wall shall extend for a distance greater than three times height of the wall without changing height by a minimum of fifteen percent (15%) of the wall's height. This height change shall continue for a minimum distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.

(See Figures 1 and 2 for examples of articulation standards)

**4.07 Exterior Building Material Requirements:**

- a. **Masonry Requirement** – One hundred percent (100%) of the exterior of all new buildings (excluding doors and windows) shall be finished in one or more of the following materials indicated below.

- i. Brick, stone, cast stone, rock, marble and granite.
- ii. Exterior Insulating Finishing System (EIFS). However, the use of EIFS shall not exceed 25% of the exterior walls of the building.
- iii. Architectural glass with less than twenty percent (20%) reflectance. However, only a maximum of twenty-five percent (25%) of a building façade may be constructed in architectural glass.
- iv. Split face concrete block, poured-in-place concrete, and tilt-wall concrete. Concrete products shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics and adornments to enhance the façade on at least ten percent (10%) of each façade.

**b. Stone Requirement** - The masonry requirement prescribed in Section 3.1 above shall also include a minimum 10% stone requirement for each façade facing a public street, park, or public parking area. Such facades shall be finished in stone materials consistent with the architectural themes of the community.

**c. Accent Materials** – In addition, the following accent materials may be allowed on up to 10% of a façade, excluding all windows, doors, and glass construction materials:

- i. Architectural metal elements
- ii. Glass block
- iii. Tile
- iv. Cementitious fiber board
- v. Stone
- vi. Awnings
- vii. Wood

- viii. Side and Rear Facades – Side and rear facades, except for those described in shall be finished in a similar color and texture as the main front façade of the building.

**d. Architectural Features**

i. Facades

In addition to the features described above, the facades of all primary commercial structures which face a street shall also include the following key architectural features:

- All primary structures shall be designed with distinguishable architectural elements, such as a distinct base, wall and cornice or top.
- The use of arcades, covered walkways, architectural awnings, canopies or porticos is required along 25% of the primary façade and/or street facing facades.
- Windows, which may include see-through doors, shall be provided along all facades which face streets, such that they comprise at least 50% of the length of that façade for buildings under 10,000 square feet in size, and at least 25% for buildings over 10,000 square feet in size.

**e. Roofs**

Roofline variations are required to reduce the visual scale of buildings, and to create visual interest. The roofs of non-residential buildings shall include at least two of the following elements:

- i. Parapet walls that conceal flat roofs and rooftop equipment from eye-level public view at adjacent public streets. Parapet walls shall vary in height, and will include architectural detailing, cornices, moldings, trims, variations in brick coursing, and other similar type detailing.
- ii. Overhanging eaves, extending no less than three (3) feet past the supporting walls.

- iii. Two or more roof slope planes.
- iv. Sloping roofs that do not exceed the average height of the supporting walls, and that have an average slope of at least 6:12. Sloped roofs shall be finished with standing seam metal, corrugated metal, tile, or 20-year or better composite shingle.

**f. Color**

All non-residential buildings shall comply with the standards in this section. Exterior colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity, primary, black, or fluorescent colors is prohibited, except as trim or accent areas. Where used as trim or accents, those colors shall not exceed ten percent (10%) of any single façade, excluding all windows, doors and glass construction materials.

**4.08 Landscaping and Screening:**

**a. Parking Lot Location and Screening Requirements**

All parking or drive areas shall be located a minimum of fifteen (15) feet from right of way lines along public streets.

All parking may be screened from public rights-of-way and public park areas using a solid screen in the landscape strip. The screen shall be at least thirty six (36) inches in height, and be achieved through one of the following methods:

- i. A Berm;
- ii. A planting screen (hedge);
- iii. A wall, using masonry materials similar to those used in the main building façade; or
- iv. A combination of the above.

b. Trees planted within the Office Tract shall be a minimum 4" caliper.

**c. Service Area Screening and Fencing Requirements**

Screening of Mechanical Equipment

- Properties that may be viewed from residential uses, streets or public park areas shall screen all roof, ground and wall mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) from view at ground level on adjacent properties or public streets or parks.
- Roof-mounted mechanical equipment shall be shielded from view on four sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers that are painted to blend with the primary building.
- Screening shall result in the mechanical equipment blending in with the primary building, and not appearing separate from the building.
- Wall or ground-mounted equipment screening shall be constructed of planting screens, or brick, stone, reinforced concrete, or other similar masonry materials.

#### **4.09 Utilities:**

- a. All utilities shall be placed below ground, except for major high voltage regional transmission lines.
- b. Major utility access structures, which must be located above ground, shall be placed in unobtrusive locations, and shall be screened with landscaping that blends into the overall landscaping of the area.

#### **4.10 Property Management:**

A provision for centralized property management shall be established for the development area.

A mandatory Business Owners Association will maintain required masonry screening walls, street landscaping, communal open spaces, monument signage, common irrigation, and other common areas within the development.

An Architectural Control Committee (ACC) shall be formed to review all building plans to ensure the continuity of the architectural theme of the community and compliance with this Planned Development Ordinance.



# *EXHIBIT E*

## *Saddle Creek*

### Development Schedule

This document is meant to accompany the Saddle Creek conceptual plan submitted to the Town of Prosper on 5/28/06.

It is our belief that the project could commence immediately and be complete within 8 years.

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:

August 1, 2006  
August 3, 2006

*Lynda Black*  
(Lynda Black)

Sworn and before me this

August 4, 2006, A.D

*Lisa Batterfield*  
(Lisa Batterfield)

OF  
SK  
TOWN OF PROSPER,  
TEXAS  
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ZONING ORDINANCE  
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OF THIS ORDINANCE;  
AND PROVIDING FOR  
THE PUBLICATION OF  
THE CAPTION HEREOF

