

## TOWN OF PROSPER, TEXAS

## ORDINANCE NO. 07-023

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 201.55 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL SURVEY, ABSTRACT NO. 147, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED AGRICULTURAL (A) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-SINGLE FAMILY-10/SINGLE FAMILY-12.5 (PD-SF-10/SF-12.5); 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 Mike A. Myers Investment Holdings ("Applicant") to rezone 201.55 acres of land, more or less, situated in the Collin County School Survey, Abstract No. 147, 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 201.55 acres of land, more or less, situated in the Collin County School Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned Development-Single Family-10/Single Family-12.5 (PD-SF-10/SF-12.5). 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"; 4) and 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 Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

Written notice of any amendment to this Planned Development District shall be sent to all property owners within two hundred feet (200') of the specific area to be amended.

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

SECTION 4: Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5: Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance No. 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 MARCH, 2007.

APPROVED AS TO FORM:

  
Charles Niswanger, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:



Matthew Denton, TRMC  
Town Secretary



DATE OF PUBLICATION: 03-22-2007, Dallas Morning News – Collin County  
Addition

## LEGAL DESCRIPTION

### FIELD NOTES:

ALL THAT TRACT OF LAND LYING AND BEING SITUATED IN THE COLLIN COUNTY SCHOOL LANDS SURVEY, ABSTRACT 147, BEING A PORTION OR ALL OF LOTS 7, 8, 9, AND 10, BLOCK 12, OF SAID SCHOOL LANDS, SURVEY 12, ALSO BEING ALL OF THOSE TRACTS OF LAND CONVEYED TO, CHESNEY FAMILY, LTD., ACCORDING TO THE DEEDS FILED OF RECORD IN 97-0110629, AND 97-0110628 DEED RECORDS OF COLLIN COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COTTON SURVEYING", SET IN COLLIN COUNTY ROAD NUMBER 5 FOR THE NORTHWEST CORNER OF THIS TRACT, THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO MCGEE REALTY, LTD. ACCORDING TO THE DEED FILED OF RECORD IN 94-0054065 DEED RECORDS OF COLLIN COUNTY, TEXAS, AND BEING THE SOUTH LINE OF THAT TRACT OF LAND CONVEYED TO GARDEN RIDGE/VALLEY RIDGE, LTD. ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 4970, PAGE 984 DEED RECORDS OF SAID COUNTY, FROM WHICH THE NORTHWEST CORNER OF SAID SCHOOL LANDS SURVEY, AND SAID MCGEE TRACT, SAME BEING THE SOUTHWEST CORNER OF SAID DAVENPORT SURVEY BEARS, NORTH 89° 54' 41" WEST, A DISTANCE OF 1508.10 FEET

THENCE SOUTH 89° 54' 41" EAST, ALONG THE COMMON LINE OF SAID SCHOOL LANDS SURVEY, A PORTION OF SAID DAVENPORT SURVEY, A PORTION OF THE SOUTH LINE OF THE F.D. GARY SURVEY, ABSTRACT 361, AND ALSO BEING THE SOUTH LINE OF THAT TRACT OF LAND CONVEYED TO DONALD AND CARMEN GOODWIN ACCORDING THE DEED FILED OF RECORD IN VOLUME 4365, PAGE 4653, CONTINUING WITH A PORTION OF THE SOUTH LINE OF THAT TRACT OF LAND CONVEYED TO TOM MOSEY ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 4363, PAGE 2297, DEED RECORDS OF COLLIN COUNTY, TEXAS, A DISTANCE OF 2856.51 FEET TO 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COTTON SURVEYING", SET IN SAID COMMON LINE AND COUNTY ROAD FOR THE NORTHEAST CORNER OF THIS TRACT, THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO G&L VENTURES-PROSPER I ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 2369, PAGE 239, DEED RECORDS OF COLLIN COUNTY, TEXAS, FROM WHICH A 1/2" IRON ROD FOUND AT THE "T" INTERSECTION OF SAID COUNTY ROAD #5 AND COLLIN COUNTY ROAD #49, FOR THE NORTHEAST CORNER OF SAID G&L VENTURES TRACT BEARS, SOUTH 89° 54' 41" EAST, A DISTANCE OF 1333.54 FEET;

THENCE SOUTH 00° 04' 09" EAST, ACROSS OPEN FIELD AND ALONG THE COMMON LINE OF SAID G&L VENTURES TRACT AND THIS TRACT, PASSING AT A DISTANCE OF 1326.05 FEET A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID G&L VENTURE TRACT, SAME BEING THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO FOWLER LIVING TRUST ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 4660, PAGE 2306, DEED RECORDS OF COLLIN COUNTY, TEXAS, CONTINUING ALONG THE COMMON LINE OF SAID FOWLER TRACT AND THE EAST LINE OF THIS TRACT, A TOTAL DISTANCE OF 2650.91 FEET TO A 1/2"

IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID FOWLER TRACT, AND AN "ELL" CORNER OF THIS TRACT;

THENCE SOUTH 89° 15' 49" EAST, ALONG THE COMMON LINE OF SAID FOWLER TRACT AND THIS TRACT, A DISTANCE OF 43.38 FEET TO A 5/8" IRON ROD FOUND IN THE SOUTH LINE OF SAID FOWLER TRACT FOR THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO KIMBERLY BRADDOCK ACCORDING TO THE DEED FILED OF RECORD IN 94-0085377 DEED RECORDS OF COLLIN COUNTY, TEXAS, SAID FOUND 5/8" IRON ROD ALSO BEING AN "ELL" CORNER OF THIS TRACT;

THENCE SOUTH 00° 04' 02" WEST, ACROSS OPEN FIELD AND ALONG THE COMMON LINE OF SAID BRADDOCK TRACT AND THIS TRACT, A DISTANCE OF 1211.67 FEET TO A 1/2" IRON ROD FOUND IN THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO PROSPER JOINT VENTURE ACCORDING TO THE DEED FILED OF RECORD IN 93-0021704 DEED RECORDS OF COLLIN COUNTY, TEXAS, FOR THE SOUTHWEST CORNER OF SAID BRADDOCK TRACT, AND THE SOUTHEAST CORNER OF THIS TRACT, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID BRADDOCK TRACT BEARS, SOUTH 89° 50' 01" EAST, A DISTANCE OF 1285.99 FEET AND SOUTH 89°16'13" EAST, A DISTANCE OF 131.78 FEET;

THENCE NORTH 89° 49' 58" WEST, GENERALLY WITH A TURN ROW AND THE REMAINS OF AN OLD FENCE LINE, AND ALONG THE COMMON LINE OF SAID PROSPER JOINT VENTURE TRACT AND THIS TRACT, A DISTANCE OF 1373.91 FEET TO A 1/2" IRON ROD FOUND IN SAID TURN ROW FOR THE NORTHWEST CORNER OF SAID PROSPER JOINT VENTURE TRACT AND AN "ELL" CORNER OF THIS TRACT;

THENCE SOUTH 00° 04' 40" WEST, ALONG A PORTION OF THE WEST LINE OF SAID PROSPER JOINT VENTURE TRACT, AND COMMON WITH THIS TRACT, A DISTANCE OF 96.15 FEET TO A 1/2" IRON ROD FOUND IN SAID WEST LINE FOR THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO CARLOS MENDEZ ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 1187, PAGE 643, DEED RECORDS OF COLLIN COUNTY, TEXAS, FOR AN "ELL" CORNER OF THIS TRACT;

THENCE NORTH 89° 57' 33" WEST, GENERALLY WITH A TURN ROW AND THE REMAINS OF AN OLD FENCE LINE, AND ALONG THE COMMON LINE OF SAID MENDEZ TRACT AND THIS TRACT, A DISTANCE OF 627.06 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COTTON SURVEYING", SET FOR THE NORTHWEST CORNER OF SAID MENDEZ TRACT AND BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO JAMES MORGAN ACCORDING TO THE DEED FILED OF RECORD IN 98-0008124 DEED RECORDS OF COLLIN COUNTY, TEXAS, AND A CORNER OF THIS TRACT;

THENCE NORTH 89° 58' 29" WEST, ALONG THE COMMON LINE OF SAID MORGAN TRACT AND THIS TRACT, A DISTANCE OF 506.64 FEET TO A 1/2" IRON ROD FOUND IN THE BANK OF A SMALL WASH FOR THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO WEST PROSPER 76, LTD. ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 5110, PAGE 2263, DEED RECORDS OF COLLIN COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 02° 31' 02" EAST, ACROSS OPEN FIELD AND ALONG THE COMMON LINE OF SAID WEST PROSPER 76 TRACT AND THIS TRACT, A DISTANCE OF 1657.50 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COTTON SURVEYING", SET IN THE SOUTH LINE OF SAID MCGEE REALTY TRACT FOR THE NORTHEAST CORNER OF SAID WEST PROPER 76 TRACT AND A CORNER OF THIS TRACT, FROM WHICH A 1/2" IRON ROD FOUND IN A ROAD KNOWN AS COUNTY LINE ROAD FOR A COMMON CORNER OF SAID MCGEE REALTY TRACT AND WEST PROPER 76 TRACT BEARS, SOUTH 89° 54' 19" WEST, A DISTANCE OF 2022.45 FEET;

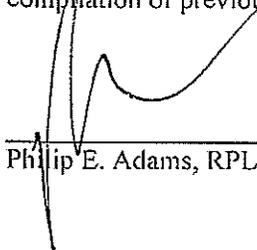
THENCE NORTH 89° 54' 19" EAST, ACROSS OPEN FIELD AND ALONG THE COMMON LINE OF SAID MCGEE REALTY TRACT AND THIS TRACT, A DISTANCE OF 1063.16 FEET TO A 60-D NAIL FOUND NEAR AN OLD FENCE POST FOR THE SOUTHEAST CORNER OF SAID MCGEE REALTY TRACT AND A INTERIOR CORNER OF THIS TRACT;

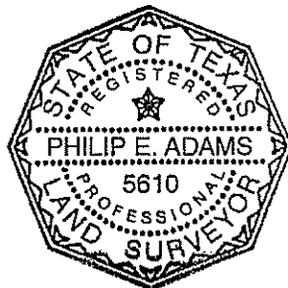
THENCE NORTH 00° 32' 34" WEST, ACROSS OPEN FIELD AND GENERALLY WITH A TURN ROW, ALONG THE COMMON LINE OF SAID MCGEE REALTY TRACT AND THIS TRACT, A DISTANCE OF 1151.04 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COTTON SURVEYING", SET FOR THE NORTHEAST CORNER OF SAID MCGEE REALTY TRACT AND A INTERIOR CORNER OF THIS TRACT;

THENCE SOUTH 89° 54' 02" WEST, ACROSS OPEN FIELD, AND ALONG THE COMMON LINE OF SAID MCGEE REALTY TRACT AND THIS TRACT A DISTANCE OF 1532.96 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COTTON SURVEYING", SET FOR A COMMON "ELL" CORNER OF THIS TRACT AND SAID MCGEE REALTY TRACT;

THENCE NORTH 00° 41' 42" EAST, ALONG THE COMMON LINE OF SAID MCGEE REALTY TRACT AND THIS TRACT, A DISTANCE OF 1153.13 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 201.55 ACRES OF LAND, MORE OR LESS.

The field notes herein described are not to represent an on-the-ground boundary survey. This is a compilation of previous deeds only.

  
Philip E. Adams, RPLS No. 5610





## **EXHIBIT "B"**

### **Statement of Intent and Purpose:**

It is the intent of owner Mike A. Myers Investment Holdings, LP to zone a 201.55-acre tract of land, named "Legacy Crossing" in the Town of Prosper as a Residential Planned Development. The tract is located along the south right-of-way line of County Road 5, approximately 1510-feet east of County Road 6 (County Line Road), and approximately 1335-feet west of County Road 49. Exhibit "C" outlines the proposed planned development standards for this tract.

Exhibit C

Submittal Documents in Support of

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# *Legacy Crossing*

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**A Planned Development District**

in the

**TOWN OF PROSPER, TEXAS**

February 21, 2007

# PLANNED DEVELOPMENT STANDARDS

for

## LEGACY CROSSING

Town of Prosper

### 1.0 Planned Development – Residential – 201.55 acres

- 1.01 **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.
- 1.02 **General Description:** The residential tract is intended to accommodate a variety of single-family residential uses. The residential units may be comprised of lots between ten to twelve thousand five hundred square foot lots. Development standards for each of the aforementioned housing types are outlined within this text. All street signs will incorporate the Town of Prosper logo as provided by the Town to the developer.
- 1.03 **Density:** The overall allowed residential density for the tract shall be no more than 2.39 units per gross acre or a total of four hundred eighty two units, as calculated on a gross land area based on approximately two hundred one (201.55) acres as contained within the entire tract of land covered by this PD.
- 1.04 **Permitted Uses:** Land uses permitted within residential areas are as follows:
- (a) Residential units as described herein.
  - (b) Private or public recreation facilities.
  - (c) Churches/rectories.
  - (d) Schools - public or state accredited.

(e) Utility distribution lines and facilities.

(f) Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts.

(g) Fire stations and public safety facilities.

(h) Public streets.

(i) Accessory buildings incidental to the allowed use and constructed of the same materials as the main structure as set forth in Prosper Zoning Ordinance for accessory buildings.

(j) 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.

(k) Temporary buildings of builders and uses incidental to construction work on the premises, which shall be removed upon completion of such work.

**1.05 Exterior Building Materials & Detailing:**

**(a) Masonry**

Exterior materials shall be 100% masonry (brick, cast stone, natural stone, and stucco) on all walls.

The entire structure shall be guttered with downspouts and gutters shall not drain across property lines.

**(b) Roofing Materials**

Wood-roofing materials shall not be permitted within the development. Roof pitches shall range from a minimum of 8:12 to 12:12 throughout the development.

**(c) Garage Orientation**

For all lot Types, no homes will have garages with two (2) or more doors and/or bays facing the street which the front elevation of the house is oriented toward unless said garage is located at least twenty-five (25) feet behind the front building line.

**Exterior Façade Building Materials**

**(a) Surface Area Façade**

The exterior surface area of the first floor exterior wall (exclusive of openings for windows and doors) and all second story walls in the same vertical plane as the first floor wall shall be covered with minimum of a unit masonry material as follows:

- Front Façade: **100%** unit masonry exclusive of wall areas that are architecturally enclosed. Acceptable architectural enclosures are:

- Roofed Porches
- Roofed Porte-cochere
- Entries that are recessed within the exterior wall a minimum of 2.5 feet.

- Side façade facing a street: **100%** unit masonry
- Side façade not visible from any Street: **100%** unit masonry

Rear façade: **100%** unit masonry

Where the second floor is offset from the first floor (the wall plane of the second floor is not in the same vertical wall plane (typically because it projects or is set in from that plane), **50%** masonry veneer is required. In addition, walls or portions of walls that protrude in front of or are recessed behind the vertical wall plane of the first floor wall (including dormers) shall not be included in calculations of wall area to determine the required percentage of masonry.

**(b) Unit Masonry Veneer**

Unit Masonry Veneer is any brick, natural stone, cast stone, or stucco or cementitious fiberboard (or combination of these materials). To facilitate enforcement of this standard, all plan submittals must indicate the wall areas of those walls subject to the above masonry requirements.

**1.06 Required Parking**

In addition to the required garage parking, parking shall be provided at the rate of a minimum of two (2) vehicle spaces for each dwelling unit. The parking of recreational vehicles, sports vehicles, boats and/or trailers 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 sport utility 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.

**1.1 Lot Types**

The development standards for the aforementioned housing types are outlined within this text, or as set forth in the SF-10 and/or SF-12.5 Zoning District of the Town of Prosper's Comprehensive Zoning Ordinance 05-20 and the Subdivision Ordinance 03-05 as they exist or may be amended, if not specifically addressed herein.

**1.11 Single-Family Lot Type I (designated in orange in Exhibit D)**

Except as amended herein, the development standards shall conform with the Single Family-10 district of the Zoning Ordinance 05-20 as it exists or may be amended. The building requirements are as follows:

**(a) Lot Area**

The minimum area of the lots shall be equal to or greater than ten thousand (10,000) square feet in surface area.

**(b) Lot Coverage**

In no case shall more than forty-five percent (45%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, driveways and walks shall not be included in determining maximum lot coverage.

**(c) Lot Width**

The minimum width of any Lot Type I shall not be less than eighty (80) feet at the front building line of the lot, including lots at the terminus of a cul-de-sac or along street elbows/eyebrows measured along the arc at the front building line; provided all other requirements of this section are fulfilled.

**(d) Lot Depth**

The minimum depth of any lot shall be one hundred twenty-five (125) feet, including lots at the terminus of a cul-de-sac or along street elbows/eyebrows; provided all other requirements of this section are fulfilled.

**(e) Front Yard**

The minimum depth of the front yard shall be twenty-five (25) feet or as otherwise staggered according to the Town of Prosper Zoning Ordinance Chapter 4, Section 9 as it exists or may be amended. Front porches, roof eaves, porte-cocheres and chimneys may encroach into the front yard setback a distance no more than three (3) feet, but in no event shall the front yard setback be less than twenty (20) feet.

**(f) Side Yard**

The minimum side yard on each side of a lot shall be eight (8) feet. The side yard setback adjacent to a street shall be a minimum of fifteen (15) feet.

**(g) Rear Yard**

The minimum depth of the rear yard shall be twenty-five (25) feet for main buildings. Accessory structures shall have a minimum rear yard setback of ten (10) feet.

**(h) Building Height**

Buildings shall be a maximum of two and one-half (2 1/2) stories, not to exceed forty (40) feet in height.

**(i) Minimum Dwelling Area**

The minimum enclosed heated and cooled living area shall be one thousand-eight hundred (1,800) square feet.

**(j) Fencing**

Consistent fencing of board on board wood fencing shall be required on all lots. All fence posts shall be steel set in concrete and shall not be visible from another dwelling. All fence tops shall be level with grade changes stepped up or down as the grade changes.

All fences adjacent to open space shall be constructed of wrought iron or other ornamental metal fence.

**(k) Mechanical Equipment**

All mechanical equipment (pool, air-conditioning, satellite dish antennae, and solar collectors) must be completely screened from public view. A combination of screens, hedges, or walls should be used to screen equipment or mechanical areas.

**1.12 Single-Family Lot Type II (designated in blue in Exhibit D)**

Except as amended herein, the development standards shall conform with the Single Family-10 District of the Zoning Ordinance 05-20 as it exists or may be amended. The building requirements are as follows:

**(a) Lot Area**

The minimum area of the lots shall be equal to or greater than eleven thousand (11,000) square feet in surface area.

**(b) Lot Coverage**

In no case shall more than forty-five percent (45%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, driveways and walks shall not be included in determining maximum lot coverage.

**(c) Lot Width**

The minimum width of any Lot Type II shall not be less than eighty (80) feet at the front building line of the lot, including lots at the terminus of a cul-de-sac or along street elbows/eyebrows measured along the arc at

the front building line; provided all other requirements of this section are fulfilled.

**(d) Lot Depth**

The minimum depth of any lot shall be one hundred twenty-five (125) feet, including lots at the terminus of a cul-de-sac or along street elbows/eyebrows, provided all other requirements of this section are fulfilled.

**(e) Front Yard**

The minimum depth of the front yard shall be twenty-five (25) feet or as otherwise staggered according to the the Town of Prosper Zoning Ordinance Chapter 4, Section 9 as it exist or may be amended. Front porches; roof eaves, porte-cocheres and chimneys may encroach into the front yard setback a distance no more than five (5) feet, but in no event shall the front yard setback be less than twenty (20) feet.

**(f) Side Yard**

The minimum side yard on each side of a lot shall be eight (8) feet. The side yard setback adjacent to a street shall be a minimum of fifteen (15) feet.

**(g) Rear Yard**

The minimum depth of the rear yard shall be twenty-five (25) feet for main buildings. Accessory structures shall have a minimum rear yard setback of ten (10) feet.

**(h) Building Height**

Buildings shall be a maximum of two and one-half (2 1/2) stories, not to exceed forty (40) feet in height.

**(i) Minimum Dwelling Area**

The minimum enclosed heated and cooled living area shall be one thousand-eight hundred (1,800) square feet.

**(j) Fencing**

Consistent fencing of board on board wood fencing shall be required on all lots. All fence posts shall be steel set in concrete and shall not be visible from another dwelling. All fence tops shall be level with grade changes stepped up or down as the grade changes.

All fences adjacent to open space shall be constructed of wrought iron or other ornamental metal fencing.

**(k) Mechanical Equipment**

All mechanical equipment (pool, air-conditioning, satellite dish antennae, and solar collectors) must be completely screened from public view. A combination of screens, hedges, or walls should be used to screen equipment or mechanical areas.

**1.13 Single-Family Lot Type III (designated in magenta in Exhibit D)**

Except as amended herein, the development standards shall conform with the Single Family-12.5 District of the Zoning Ordinance 05-20 as it exists or may be amended. The building requirements are as follows:

**(a) Lot Area**

The minimum area of the lots shall be equal to or greater than twelve thousand five hundred (12,500) square feet in surface area.

**(b) Lot Coverage**

In no case shall more than forty-five percent (45%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, driveways and walks shall not be included in determining maximum lot coverage.

**(c) Lot Width:**

The minimum width of any Lot Type III shall not be less than eighty (80) feet at the front building line of the lot, including lots at the terminus of a cul-de-sac or along street elbows/eyebrows measured along the arc at the front building line; provided all other requirements of this section are fulfilled.

**(d) Lot Depth:**

The minimum depth of any lot shall be one hundred thirty-five (135) feet, including lots at the terminus of a cul-de-sac or along street elbows/eyebrows, provided all other requirements of this section are fulfilled.

**(e) Front Yard:**

The minimum depth of the front yard shall be thirty (30) feet or as otherwise staggered according to the Town of Prosper Zoning Ordinance Chapter 4, Section 9 as it exists or may be amended. Front porches, roof

eaves, porte-cocheres and chimneys may encroach into the front yard setback a distance no more than five (5) feet, but in no event shall the front yard setback be less than twenty-five (25) feet.

**(f) Side Yard:**

The minimum side yard on each side of a lot shall be eight (8) feet. The side yard setback adjacent to a street shall be a minimum of fifteen (15) feet.

**(g) Rear Yard:**

The minimum depth of the rear yard shall be twenty-five (25) feet for main buildings. Accessory structures shall have a minimum rear yard setback of ten (10) feet.

**(h) Building Height:**

Buildings shall be a maximum of two and one-half (2 1/2) stories, not to exceed forty (40) feet in height.

**(i) Minimum Dwelling Area:**

The minimum enclosed heated and cooled living area shall be one thousand-eight hundred (1,800) square feet.

**(j) Fencing:**

Consistent fencing of board on board wood fencing shall be required on all lots. All fence posts shall be steel set in concrete and shall not be visible from another dwelling. All fence tops shall be level with grade changes stepped up or down as the grade changes.

All fences adjacent to open space shall be constructed of wrought iron or other ornamental metal fencing.

**(k) Mechanical Equipment:**

All mechanical equipment (pool, air-conditioning, satellite dish antennae, and solar collectors) must be completely screened from public view. A combination of screens, hedges, or walls should be used to screen equipment or mechanical areas.

**1.2 Internal Utilities for Development**

All franchise utilities within the development shall be run underground.

**1.3 General Landscaping Requirements for all Lot Types**

For all developed lots on the tract, a minimum of nine (9) caliper inches of hardwood trees must be placed on each lot. A minimum of three (3) caliper inches of hardwood shade trees must be located in the front yard of each residential lot. The remaining required large trees may be placed in the front or back yard of each residential lot. The required trees shall not be smaller than one (1) caliper inch.

On corner lots – additional trees totaling three (3) caliper inches shall be planted in each side yard between the building line and the street right-of-way and shall be planted generally parallel to the street, preferably at the edge of the street right-of-way.

A credit toward these requirements shall be granted by preserving existing trees on any lot equal to one (1) caliper inch credit for each caliper inch of tree preserved regardless of specie of preserved tree. These requirements shall satisfy landscape and tree requirements for single-family home.

A minimum of twelve (12) three (3) gallon shrubs shall be planted in the front yard of all residential lots.

**1.4 Residential Planned Development District - General Conditions**

**Conformance to All Applicable Articles of the Town of Prosper Zoning**

**(a) 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.

**(b) Amenities.**

The Developer for the Planned Development shall provide for a 4.0 +/- acre amenity center site which will include, but not be limited to, a swimming pool, restrooms and dressing rooms, children's play areas, sidewalks, parking spaces and landscaping. The amenity center will be owned, operated, and maintained by a HOA as provided for herein.

The amenity center shall be completed by the date of town acceptance of Phase 2 of the development.

**(c) Pocket Parks:**

In addition to the amenity center, the Developer will build three (3) pocket parks that comply with the following criteria. One (1) of the parks will be located near the northern entry of the project ("the First Pocket Park"), the second pocket park shall be located in mid-western portion of the project (the "Second Pocket Park"), and the third park shall be a linear park located in southwestern portion of the project (the "Third Pocket Park"). The First Pocket Park shall be at least one half (0.5) acre in size and be completed by the build out of the next to last phase of the development. This pocket park shall include open space for playgrounds and/or, trees, turf and irrigation at a minimum. The Second Pocket Park will be a combination of two open spaces containing a minimum 1.0+/- acres and 1.6 +/-acres in size and will be completed by the build out of the last phase of the development. This park shall include playground equipment, open space for walking/bike trails, turf and irrigation at a minimum. The third and final pocket park shall contain a minimum of 2.0 +/- acres and shall be completed by the build out of the last phase of the development. The park shall include open space for a walking/bike trail, turf and irrigation. All three (3) pocket parks will be owned, operated and maintained by the HOA as provided for herein.

**(d) Maintenance of Facilities.**

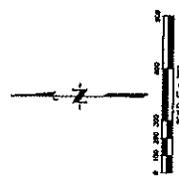
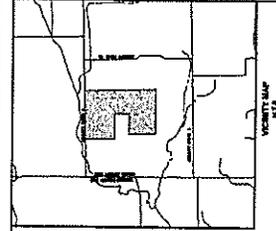
The Developer shall establish a Homeowner's Association (HOA), in which membership is mandatory for each lot, and that will be responsible for operation and maintenance of all common areas and/or common facilities contained within the area of the Planned Development District or adjacent Right- of-Way (ROW). The homeowner's association will be created with Phase 1 and each subsequent phase shall be annexed into the association. Prior to transfer of the ownership to the HOA, all specified facilities shall be constructed by the Developer.

**(e) Sidewalks:**

Except as amended in this Ordinance, a four foot wide sidewalk shall be located on each side of the street and shall be located two (2) feet from each street right-of-way line. A 6-foot sidewalk shall also be located along Frontier Blvd. All single family residential lots, including corner lots shall meet this sidewalk requirement. All public streets, sidewalks and crossings shall comply with the Americans With Disabilities Act.

**(f) Mailboxes:**

The Developer will deed restrict the property to require a standard mailbox design that will be required and maintained by the property owner for a consistent look throughout the development. Each mailbox will match in color and style.



**LAND USE SUMMARY**  
 GROSS AREA OF EXISTING AND REQUESTED ZONING = 341.56 ACRES  
 NO. LOTS PROVIDED = 481 LOTS  
 POTENTIAL RESIDENTIAL DENSITY = 2.39 LOTS/ACRE  
 RIGHT-OF-WAY DEDICATION (BROWDER MOUNTAIN COLLECTOR RD, ETC.) = 6.48 ACRES  
 OPEN SPACE DEDICATION FOR LANDSCAPING PURPOSES = 31.9 ACRES  
 NET AREA OF EXISTING AND REQUESTED ZONING = 174.08 ACRES

**LEGEND**

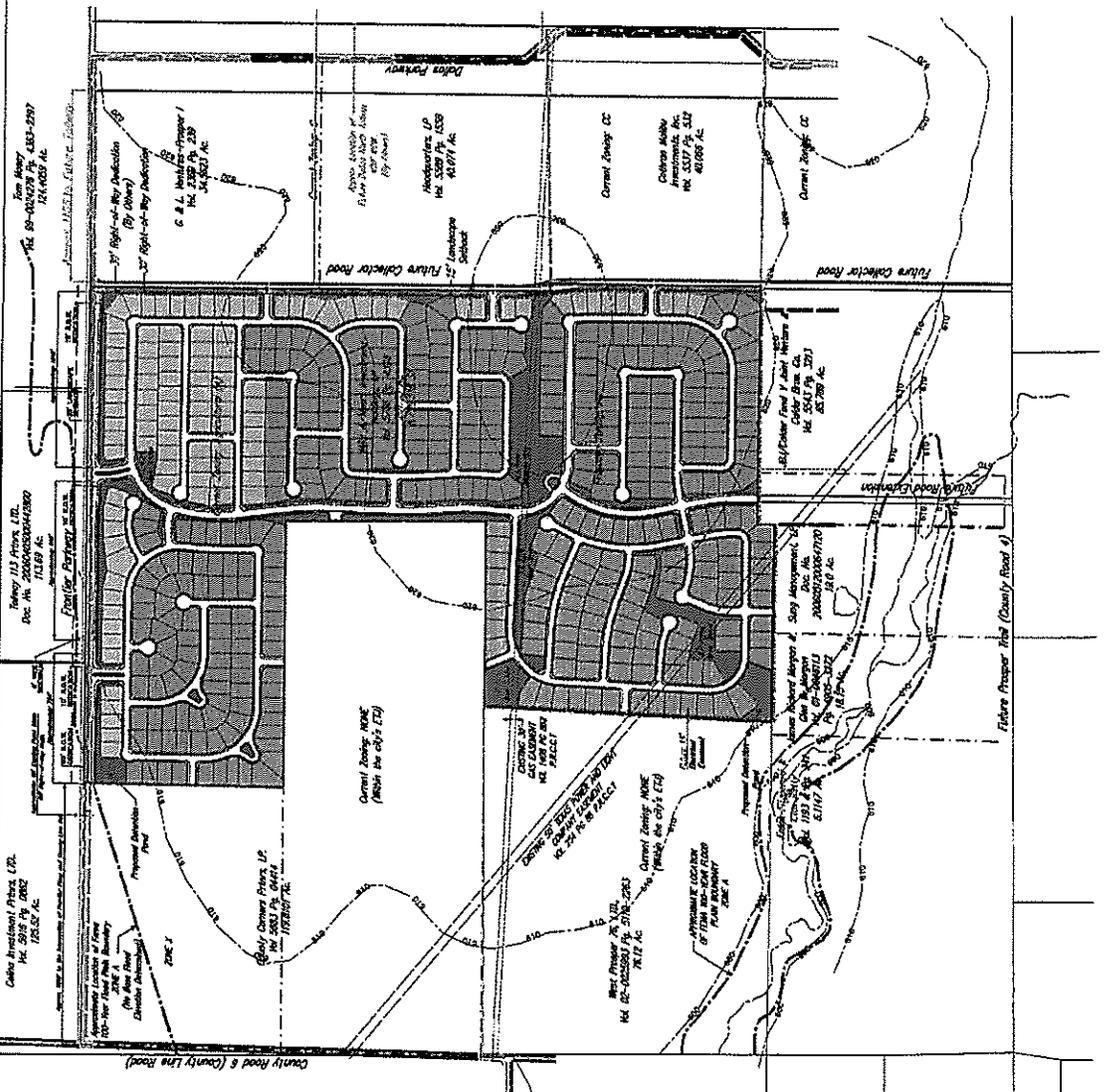
- TYPE I (16 LOTS)
- TYPE II (20 LOTS)
- TYPE III (18 LOTS)
- OPEN SPACE & LANDSCAPE
- ZONING BOUNDARY
- OVERHEAD POWER LINES
- OVERHEAD ELECTRIC LINES
- FINAL DEVELOPMENT PLAN BOUNDARY
- EXISTING CONTOURS

**NOTES:**  
 1. THE PROPOSED DEVELOPMENT IS BASED ON THE EXISTING ALTIMETER ELEVATIONS. THE ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAT.  
 2. FOR THE PROPOSED DEVELOPMENT, THE DEVELOPMENT SHALL BE USED TO IMPROVE THE TRACT.

**EXHIBIT 'D'**  
**PLANNED DEVELOPMENT PLAN**  
**FOR**  
**LEGACY CROSSING**

**20165 OF ACRES**  
 PART OF THE  
 COLLIN COUNTY SCHOOL SURVEY 2, A-47  
 COLLIN COUNTY, TEXAS  
 FEBRUARY 21, 2008

**JONES & CARTER, INC.**  
 2201177 Highway 108, Suite 100  
 Dallas, Texas 75244  
 PHONE: (972) 988-3800



**JONES & CARTER, INC.**

## EXHIBIT "E"

### **Development Schedule:**

For the proposed Residential Planned Development named "Legacy Crossing" it is expected that four to five phases will be used to develop the tract. Contingent upon the acceptance of the proposed annexation and zoning of this tract, we estimate beginning design for Legacy Crossing by 2007 with an approximate construction schedule beginning in 2008.