

**AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 120.81 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND 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/ RETAIL (PD-SF/R); 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 County Corners Partners, L.P. ("Applicant") to rezone 120.81 acres of land, more or less, situated in the Collin County School Land 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 120.81 acres of land, more or less, situated in the Collin County School Land 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/Retail (PD-SF/R). 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 concept plan, attached hereto as Exhibit “D”; 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 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.

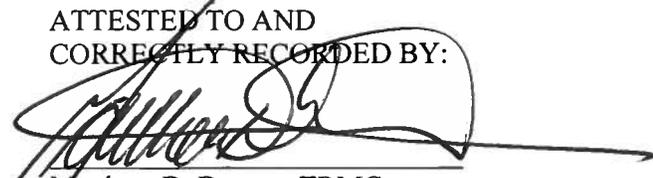
SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 8<sup>TH</sup> DAY OF DECEMBER, 2009.

APPROVED AS TO FORM:

  
Charles Niswanger, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:

  
Matthew D. Denton, TRMC  
Town Secretary



DATE OF PUBLICATION: DECEMBER 18, 2009 Dallas Morning News

Exhibit "A"

*David Petree  
Registered Professional Land Surveyor  
11015 Midway Road  
Dallas, Texas 75229  
Phone (214) 358-4500  
Fax (214) 358-4600*

**PROPERTY DESCRIPTION  
ZONING CASE 109-04  
TOWN OF PROSPER, COLLIN COUNTY, TEXAS**

**BEING** all that certain lot, tact or parcel of land situated in the Collin County School Land Survey, Abstract No. 147, Collin County, Texas, and being a resurvey of the called 120 acre property conveyed to McGee Realty, Ltd., by deed recorded in County Clerks File Number 94-0054065 of the Deed Records of Collin County, Texas, and being the same property called 120.8101 acre tract conveyed to County Corners Partners, L.P. by deed recorded in Volume 5683 at Page 4414 of the Deed Records of Collin County, Texas and being more particularly described by metes and bounds as follows;

**BEGINNING** at a 2" iron pipe found for the Northwest corner of said McGee Realty, Ltd 101.164 acre tract, said point also being the center of County Road No. 6 (also known as County Line Road) at its intersection with County Road No. 5 (also known as Farm Market Road No. 1461) from the East, same being the Southwest corner of a called 125.52 acre tract of land conveyed to Garden Ridge/Valley Ridge. Ltd., by deed recorded in Volume 4970 at Page 984 of the Deed Records of Collin County, Texas, and also being the Southeast corner of a called 101.164 acres tract of land conveyed to McGee Realty., Ltd., by deed recorded in County Clerks File Number 94-0054065 of the Deed Records of Collin County, Texas, said point of beginning also considered the point common to the Northwest corner of said Collin County School Land Survey, Abstract No. 147 in Collin County, Texas, the Southwest corner of the William Davenport Survey, Abstract No. 262 in Collin County, Texas, and being in the East line of the John McKim Survey, Abstract No. 889 in Denton County, Texas and being the Northwest corner of said County Corners Partners, L.P. 120.8101 acre tract;

**THENCE** South 89° 04' 23" East (Basis of Bearings South line of tract per deed recorded in Volume 5683 at Page 4414 of the Deed Records of Denton County, Texas) along the center line of said County Road No. 5, same being the common line of the Collin County School Land Survey, Abstract No. 147 and the William Davenport Survey, Abstract No. 262, and common to the called 125.52 acre tract of land conveyed to Garden Ridge/Valley Ridge. Ltd., and the McGee Realty Ltd., tract recorded in Clerks File Number 94-0054065 and the Northeast corner of said County Corners Partners, I.P. 120.8101 acre tract, for a distance of 1508.02 feet to a 5/8" iron rod found for corner;

**THENCE** South 01° 37' 23" West along the East line of said County Corners Partners, L.P., tract and apparently common to the 120 acre tract of land conveyed to Chesney Family, Ltd., by deed recorded in County Clerks File Number 97-0710628 of the Deed Records of Collin County, Texas, for a distance of 1155.76 feet to a 5/8" iron rod with cap found for corner;

**THENCE** South 89° 09' 54" East and continuing along the apparent common line of said County Corners Partners, L.P., tract and the Chesney Family, Ltd., tract for a distance of 1532.96 feet (1518 feet per Chesney deed) to a 5/8" iron rod with cap found for corner;

THENCE South 0° 23' 37" West and continuing along the apparent common line of said County Corners Partners, L.P., tract and the Chesney Family, Ltd., tract for a distance of 1151.08 feet to a 60 "d" nail found for the Southeast corner of said 120.8101 acre tract, said point being the Northeast corner of a called 41.784 acre tract of land conveyed to Chesney Family, Ltd., by deed recorded in County Clerks File Number 97-0110629 of the Deed Records of Collin County, Texas;

THENCE North 89° 09' 38" West along the North line of said 41.784 acre tract of land conveyed to Chesney Family, Ltd., by deed recorded in County Clerks File Number 97-0110629 of the Deed Records of Collin County, Texas for a distance of 1063.16 feet to a 5/8" iron rod with cap found for the Northwest corner of said called 41.784 acre tract, said point also being the Northeast corner of a called 76.12 acre tract conveyed to West Prosper 76, Ltd., by deed recorded in Volume 5110 at Page 2263 of the Deed Records of Collin County, Texas;

THENCE North 88° 37' 21" West along the North line of said 76.12 acre tract conveyed to West Prosper 76, Ltd., for a distance of 2022.04 feet to a 1/2" iron rod found for the Northwest corner of same, said point being in the center of the aforesaid County Road No. 6 and being the Southwest corner of said County Corners Partners, L.P. tract;

THENCE North 02° 06' 54" East along the center of said County Road No. 6, same being considered the common line of the Collin County School Survey, Abstract No. 147 in Collin County, Texas, and the John McKim Survey, Abstract No. 889, and the West line of said County Corners Partners, L.P. tract, for a distance of 2290.46 feet to the POINT OF BEGINNING AND CONTAINING 120.8101 ACRE OF LAND, more or less.

Prepared September 10, 2009 from surveys made on the ground.

*David Petree*

David Petree

Registered Professional Land Surveyor No. 1890





**Exhibit "B"**

Statement of Intent and Purpose

For

*Creekside*

Town of Prosper

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The purpose of this submittal is to request zoning for approximately 120 Acres such that the development complements the adjacent Planned Development and utilizes its location as a gateway to the Town of Prosper. The amenities and use of the existing site conditions is intended to reflect the community standards of the Town of Prosper. The development integrates the restaurant, retail, and office elements into the residential component such that it is equally convenient to the community by both car and foot.

The development utilizes the existing flood plain as a water feature/open space that includes fountains and falls that mirror into the development with flowing water and fountains around or near the retail buildings. The restaurants are positioned near the fountains and open space to promote outside dining. The development utilizes walk paths from the residential area to the development while maintaining an open space buffer with a living screen. The residential area includes open space buffers along Legacy, Neighborhood Park and an amenity center.

## EXHIBIT "C"

Development Standards for Creekside, Town of Prosper, Texas  
Conformance with the Town's Zoning Ordinance and Subdivision Ordinance: Except as otherwise set forth in these Development Standards, the regulations of the Town's Zoning Ordinance (Ordinance No. 05-20 as it currently exists or may be amended) and Subdivision Ordinance (as it currently exists or may be amended) shall apply.

### **SINGLE FAMILY RESIDENTIAL (99.17 Gross Acres)**

The single family residential tract shall develop under the standards for Single Family-10 (SF-10) as contained in the Zoning Ordinance as it exist or may be amended, except as otherwise set forth in the development standards below.

#### **1. AMENITY PROGRAM**

- a. **General.** The Creekside community, will have a system of amenities throughout. These amenities combine to create a family friendly neighborhood. The neighborhood amenities that are addressed within these Standards are:
  1. Main Entry Road
  2. Neighborhood Entries
  3. Community Amenity Center
  4. Neighborhood Park
  5. Pocket Parks
- b. **Main Entry Road** The main entry road will provide a right of way of sixty feet (60') which will be constructed with a thirty-one foot (31') paved roadway section. The roadway will include an enhanced parkway of nineteen feet (19') to accommodate 3" caliper street trees (selected from the approved planting list in the zoning ordinance) planted every forty feet (40') and an eight foot (8') hike and bike trail as shown on Exhibit D. The hike and bike trail will provide access from Legacy Drive to the Neighborhood Park Site as shown on Exhibit D.
- c. **Neighborhood Entries** The entrances into Creekside will be defined with a combination of signage, landscape and lighting to welcome residents home. These will be an HOA maintained component. These entries will include:
  1. Monument signage element, to be constructed of masonry or similar material;
  2. Enhanced landscape, including seasonal color, shrubs, groundcover, perennials and unique combinations of both canopy and ornamental trees;
  3. Water will be considered as an accent feature if land and topography permit and if compatible with the overall physical design theme for the community.
- d. **Community Amenity Center** At least one Community Amenity Center shall be

developed within Creekside, located on private property to be owned by the HOA. It will provide a range of more active, family oriented activities. The Amenity Center will be an HOA maintained component.

1. A Community Amenity Center will be completed along with the initial phase of residential development, within the Single- Family Residential Tract. The intended program for the Community Amenity Center facility shall include multiple elements from the following list:
  - i. Pools;
  - ii. Water play features;
  - iii. Paved and turf chaise areas;
  - iv. Community building, with interior and exterior spaces programmed for resident and HOA uses, including possible inclusion of a kitchen, community room, meeting room(s), fitness room, and storage area(s);
  - v. Restrooms (in the community building and possibly additionally at the pool area(s);
  - vi. Convenience parking (quantity to be determined based upon code compliance);
  - vii. Trailhead linkages to the parks.
- e. **Neighborhood Park** Creekside shall include a neighborhood park within the community. The neighborhood park will be dedicated to the Town of Prosper per the Subdivision Ordinance as it exist or may be amended.
- f. **Pocket Parks** Additional components of the Creekside amenities program are smaller pocket parks. These parks will be an HOA owned and maintained component, and allow for:
  1. Short resident walks to open space;
  2. Open play areas;
  3. Neighborhood playgrounds;
  4. Small neighborhood gathering spaces.

## 2. **USE, DENSITIES AND LOT SIZE REGULATIONS**

- a. **General Description:** Residential uses shall be permitted throughout the Property as set forth herein.
  1. **Allowed Uses:** Land uses allowed within the Single-Family Residential Tract are as follows: Uses followed by an S are permitted by Specific Use Permit. Uses followed by a C are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town's Zoning Ordinance.
    - Accessory Building, subject to Chapter 4, Section 7 of the Zoning Ordinance.
    - Antenna and/or Antenna Support Structure, Non-Commercial C
    - Athletic Stadium or Field, Private C
    - Athletic Stadium or Field, Public
    - Bed and Breakfast Inn S
    - Cemetery or Mausoleum S

- Day Care Center, Adult S
  - Day Care Center, Child C
  - Day Care Center, In-Home C
  - Farm, Ranch, Stable, Garden, or Orchard
  - Garage Apartment
  - Golf Course and/or Country Club
  - Guest House, subject to Chapter 4, Section 7 of the Zoning Ordinance.
  - Home Occupation C
  - Homebuilder Marketing Center C
  - House of Worship
  - Household Care Facility
  - Model Home
  - Municipal Uses Operated by the Town of Prosper
  - Park or Playground
  - Private Recreation Center
  - Private Street Development C
  - Private Utility, Other Than Listed
  - Rehabilitation Care Facility C
  - School District Bus Yard C
  - School, Public
  - School, Private or Parochial S
  - Sewage Treatment Plant/Pumping Station S
  - Single Family Dwelling, Detached
  - Stealth Antenna, Commercial C
  - Telephone Exchange S
  - Temporary Building C
  - Utility Distribution/Transmission Facility S
  - Water Treatment Plant S
- b. **Density:** The maximum number of single family detached units for the Properties is 198/99.17Acres or 2.0 dwelling units per acre.
- c. **Lot Types:** The single family detached lots developed within the Properties shall be in accordance with the following Lot Types:
1. Type A Lots: Minimum 10,000 square foot lots not to exceed 54 lots
  2. Type B Lots: Minimum 11,000 square foot lots not to exceed 95 lots
  3. Type C Lots: Minimum 12,000 square foot lots with a minimum of 49 lots

### 3. **AREA AND BUILDING REGULATIONS:**

- a. **Type A Lots:** The area and building standards for Type A Lots are as follows and as set forth in Table 1:

1. The minimum lot size for Type A Lots shall be 10,000 square feet.
2. Minimum Lot Width. The minimum lot width for Type A Lots shall be eighty (80) feet.
3. Minimum Front Yard Setback: The minimum front yard setback for Type A Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type A Lots.
4. Minimum Side Yard Setback:
  - i. The minimum side yard setback for Type A Lots shall be eight (8) feet.
  - ii. For corner lots, the minimum side yard setback shall be fifteen (15) feet.
  - iii. For key lots, the minimum side yard setback shall be twenty-five (25) feet.
5. Minimum Rear yard Setback:
  - i. The minimum rear yard setback shall be twenty-five (25) feet.
6. Permitted Encroachment:
  - i. Architectural features and porches may encroach into required front and rear yards up to five (5) feet.
  - ii. Swing-in garages may encroach into required front yards up to ten (10) feet.
  - iii. A ten (10) foot setback from the front façade of the main structure is required for all front facing garages.
7. Minimum Floor Space. Each dwelling constructed on a Type A Lot shall contain a minimum of one thousand, nine hundred (1,900) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
8. Height. The maximum height for structures on Type A Lots shall be forty (40) feet.
9. Driveways. Driveways fronting on a street on Type A Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
10. Exterior Surfaces.
  - i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of the area for stories other than the first story. However, cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural

- features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Building Official.
- ii. Address Plaque. A cast stone address plaque is required for each Type A Lot. The style of the cast stone address plaque shall be uniform throughout each section of development.
  - iii. Stucco. Stucco on structures on Type A Lots shall be traditional 3-coat process cement plaster stucco.
  - iv. EIFS. EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type A Lots.
11. Windows.
- i. All window framing will on structures on Type A Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.
  - ii. Window shutters may be used on structures on Type A Lots. Window shutters shall be painted, stained wood, or fiberglass.
  - iii. No reflective window coverings or treatments shall be permitted.
12. Roofing.
- i. Structures constructed on the Type A Lots shall have a composition, slate or tile roof.
  - ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
  - iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
  - iv. A minimum of sixty-five percent (65%) of the surface area of composition roofs shall maintain a minimum roof pitch of 8:12. A minimum of seventy-five percent (75%) of the surface area of clay tile, cement tile, slate or slate products or metal roofs shall maintain a minimum roof pitch of 3:12.
  - v. Pitched End Roofs shall be 100% guttered.
13. Garages.
- i. Homes shall have a minimum of two (2) car garages spaces but no more than three (3).
  - ii. No carports shall be permitted.
  - iii. Homes with three (3) car garage spaces shall not have more than two (2) garage doors facing the street. (Note that one 20' door counts as two garage doors.
  - iv. Garage doors shall be constructed of either metal or wood.
14. Plate Height. Each structure on a Type A Lot shall have a minimum principal plate height of 9' on the first floor.
15. Fencing.
- i. No fence, wall or hedge on a Type A Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.

- ii. All Type A Lots backing or siding to Open space or Common Space shall have a decorative metal fence abutting to said open space.
  - iii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts or be a decorative metal fence.
  - iv. A common fence stain color as well as fence detail shall be established for the community by the developer.
  - v. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.
16. Landscaping.
- i. Landscaping: Required trees shall not be smaller than three (3) caliper inches. A minimum of two (2) - four (4) caliper inch trees shall be located in the front yard of all Type A lots. Total caliper inches and shrubs are required as shown in the table below.

	Caliper Inches	Number of Shrubs
Type A Lots	11	20

- ii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
  - iii. The front, side and rear yard shall be irrigated by a weather forecast based (ET) irrigation controller and sodded with grass.
17. Mailboxes. Mailboxes on a Type A Lot
- a. Mail boxes shall be consistent throughout a subdivision and should be constructed of masonry or ornamental metal, unless otherwise required by the United States Postal Service.
18. Satellite Dishes. Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type A Lots.
19. Air Conditioners.
- i. No window or wall air conditioning units will be permitted on structures on Type A Lots.
  - ii. Air conditioning units and pool equipment shall be entirely screened from view from adjacent public right-of-way by a living screen consisting of evergreen shrubs, a solid privacy fence, or through building orientation.
20. Plan Elevations. On Type A Lots, plan elevations shall alternate at a minimum of every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street.
21. Accessory Structures.
- i. Accessory structures used as a garage, or a garage apartment, will be allowed.
  - ii. Accessory structures shall be subject to the same exterior

- construction and architectural standards as the main dwelling.
- iii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum rear yard setback of ten (10) feet, and a minimum side yard setback of eight (8) feet.
- b. **Type B Lots:** The area and building standards for Type B Lots are as follows and as set forth in Table 1:
1. The minimum lot size for Type B Lots shall be eleven thousand (11,000) square feet.
  2. **Minimum Lot Width.** The minimum lot width for Type B Lots shall be eighty-five (80) feet.
  3. **Minimum Front Yard Setback**The minimum front yard setback for Type B Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type B Lots.
  4. **Minimum Side Yard Setback:**
    - i. The minimum side yard setback for Type B Lots shall be eight (8) feet.
    - ii. For corner lots, the minimum side yard setback shall be fifteen (15) feet.
    - iii. For keylots, the minimum side yard setback shall be twenty-five (25) feet.
  5. **Minimum Rear Yard Setback:**
    - i. The minimum rear yard setback shall be twenty-five (25) feet.
  6. **Permitted Encroachment.**
    - i. Architectural features and porches may encroach into required front and rear yards up to five (5) feet.
    - ii. Swing-in garages may encroach into required front yards up to ten (10) feet.
    - iii. A ten (10) foot setback from the front façade of the main structure is required for all front facing garages.
  7. **Minimum Floor Space.** Each dwelling constructed on a Type B Lot shall contain a minimum of two thousand, one hundred (2,100) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
  8. **Height.** The maximum height for structures on Type B Lots shall be forty (40) feet.
  9. **Driveways.** Driveways fronting on a street on Type B Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
  10. **Exterior Surfaces.**
    - i. The exterior facades of a main building or structure, excluding

glass windows and doors, shall be constructed of one hundred (100) percent masonry. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of the area for stories other than the first story. However, cementitious fiber board may not be used as a facade cladding material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural features, including window box- outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Building Official.

- ii. Address Plaque. A cast stone address plaque is required for each Type B Lot. The style of the cast stone address plaque shall be uniform throughout each section of development.
  - iii. Stucco. Stucco on structures on Type B Lots shall be traditional 3-coat process cement plaster stucco.
  - iv. EIFS. EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type B Lots.
11. Windows.
- i. All window framing will on structures on Type B Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.
  - ii. Window shutters may be used on structures on Type B Lots. Window shutters shall be painted, stained wood, or fiberglass.
  - iii. No reflective window coverings or treatments shall be permitted.
12. Roofing.
- i. Structures constructed on the Type B Lots shall have a composition, slate or tile roof.
  - ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
  - iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
  - iv. A minimum of sixty-five percent (65%) of the surface area of composition roofs shall maintain a minimum roof pitch of 8:12. A minimum of seventy-five percent (75%) of the surface area of clay tile, cement tile, slate or slate products or metal roofs shall maintain a minimum roof pitch of 3:12.
  - v. Pitched End Roofs shall be 100% guttered.
13. Garages.
- i. Homes shall have a minimum of two (2) car garages spaces but no more than three (3).
  - ii. No carports shall be permitted.
  - iii. Homes with three (3) car garage spaces shall not have more than two (2) garage doors facing the street. (Note that one 20' door

counts as two garage doors.

14. **Plate Height.** Each structure on a Type B Lot shall have a minimum principal plate height of 9' on the first floor.
15. **Fencing.**
  - i. No fence, wall or hedge on a Type B Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.
  - ii. All Type B Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
  - iii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts or be a decorative metal fence.
  - iv. A common fence stain color as well as fence detail shall be established for the community by the developer.
  - v. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.
16. **Landscaping.**
  - i. **Landscaping:** Required trees shall not be smaller than three (3) caliper inches. A minimum of two (2) - four (4) caliper inch trees shall be located in the front yard of all Type B lots. Total caliper inches and shrubs are required as shown in the table below.

	Caliper Inches	Number of Shrubs
Type B Lots	11	20

- ii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
  - iii. The front, side and rear yard must be irrigated by a weather forecast based (ET) irrigation controller and sodded with grass.
17. **Mailboxes.**
  - a. Mail boxes shall be consistent throughout a subdivision and should be constructed of masonry or ornamental metal, unless otherwise required by the United States Postal Service.
18. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type B Lots.
19. **Air Conditioners.**
  - i. No window or wall air conditioning units will be permitted on structures on Type B Lots.
  - ii. Air conditioning units and pool equipment shall be entirely screened from view from adjacent public right-of-way by a living screen consisting of evergreen shrubs, a solid privacy fence, or through building orientation.
20. **Plan Elevations.** On Type B Lots, plan elevations shall alternate

at a minimum of every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street.

21. Accessory Structures.
  - i. Accessory structures used as a garage, or a garage apartment, , will be allowed.
  - ii. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
  - iii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum rear yard setback of ten (10) feet, and a minimum side yard setback of eight (8) feet.

c. **Type C Lots:** The area and building standards for Type C Lots are as follows and as set forth in Table 1:

1. **Minimum Lot Size.** The minimum lot size for Type C Lots shall be twelve thousand, (12,000) square feet.
2. **Minimum Lot Width.** The minimum lot width for Type C Lots shall be eighty (80) feet.
3. **Minimum Front Yard Setback:** The minimum frontyard setback for Type C Lots shall be thirty (30) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type C Lots.
4. **Minimum Side Yard Setback:**
  - i. The minimum side yard setback for Type C Lots shall be eight (8) feet.
  - ii. For corner lots, the minimum sideyard setback shall be fifteen (15) feet.
  - iii. For keylots, the minimum sideyard setback shall be thirty (30) feet.
5. **Minimum Rear Yard Setback:**
  - i. The minimum rear yard setback shall be twenty-five (25) feet.
6. **Permitted Encroachment.**
  - i. Architectural features and porches may encroach into required front and rear yards up to five (5) feet.
  - ii. Swing-in garages may encroach into required front yards up to ten (10) feet.
  - iii. A ten (10) foot setback from the main structure is requires for all front facing garages.
7. **Minimum Floor Space.** Each dwelling constructed on a Type C Lot shall contain a minimum of two thousand, three hundred (2,300) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
8. **Height.** The maximum height for structures on Type C Lots shall be forty (40) feet.
9. **Driveways.**

- i. Driveways fronting on a street on Type C Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
10. Exterior Surfaces.
- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. Masonry is defined in Chapter 3 Section 2 of the Zoning Ordinance.
  - ii. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of the area for stories other than the first story. However, cementitious fiber board may not be used as a facade cladding material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director of Development Services.
  - iii. Address Plaque. A cast stone address plaque is required for each Type C Lot. The style of the cast stone address plaque shall be uniform throughout each section of development.
  - iv. Stucco. Stucco on structures on Type C Lots shall be traditional 3-coat process cement plaster stucco.
  - v. EIFS. EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type C Lots.
11. Windows.
- i. All window framing will on structures on Type C Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.
  - ii. Window shutters may be used on structures on Type C Lots. Window shutters shall be painted, stained wood, or fiberglass.
  - iii. No reflective window coverings or treatments shall be permitted.
12. Roofing.
- i. Structures constructed on the Type C Lots shall have a composition, slate or tile roof.
  - ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
  - iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
  - iv. A minimum of sixty-five percent (65%) of the surface area of composition roofs shall maintain a minimum roof pitch of 8:12. A minimum of seventy-five percent (75%) of the surface area of clay tile, cement tile, slate or slate products or metal roofs shall maintain a minimum roof pitch of 3:12.
  - v. Pitched End Roofs shall be 100% guttered.

13. **Garages.**
  - i. Homes shall have a minimum of two (2) car garages spaces but no more than three (3).
  - ii. No carports shall be permitted.
  - iii. Homes with three (3) car garage spaces shall not have more than two (2) garage doors facing the street. (Note that one 20' door counts as two garage doors.
14. **Plate Height.** Each structure on a Type C Lot shall have a minimum principal plate height of 10' on the first floor.
15. **Fencing.**
  - i. No fence, wall or hedge on a Type C Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.
  - ii. All Type C Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
  - iii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts or be a decorative metal fence..
  - iv. A common fence stain color as well as fence detail shall be established for the community by the developer.
  - v. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.
16. **Landscaping.**
  - i. Landscaping: Required trees shall not be smaller than three (3) caliper inches. A minimum of two (2) - four (4) caliper inch trees shall be located in the front yard of all Type C lots. Total caliper inches and shrubs are required as shown in the table below.

	Caliper Inches	Number of Shrubs
Type C Lots	11	20
Type C Lots 20,000 sf	14	25

- ii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
- iii. The front, side and rear yard must be irrigated by a weather forecast based (ET) irrigation controller and sodded with grass.
17. **Mailboxes.** Mailboxes on a Type C Lot
  - a. Mail boxes shall be consistent throughout a subdivision and should be constructed of masonry or ornamental metal, unless otherwise required by the United States Postal Service.
18. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type C Lots.

19. Air Conditioners.
  - i. No window or wall air conditioning units will be permitted on structures on Type C Lots.
  - ii. Air conditioning units and pool equipment shall be entirely screened from view from adjacent public right-of-way by a living screen consisting of evergreen shrubs, a solid privacy fence, or through building orientation.
20. Plan Elevations. On Type C Lots, plan elevations shall alternate a minimum of every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street.
21. Accessory Structures.
  - i. Accessory structures used as a garage, or a garage apartment, , will be allowed.
  - ii. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
  - iii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum rearward setback of ten (10) feet, and a minimum sideyard setback of eight (8) feet.

TABLE 1			
	Lot Type A	Lot Type B	Lot Type C
Min. permitted lot sizes	10,000 sq. ft	11,000 sq. ft.	12,000 sq. ft
Max. permitted number of lots	54 – 27%	95 - 48%	n/a
Min. permitted number of lots	n/a	n/a	49 – 25%
Min. Front Yard	25 ft.	25 ft.	30 ft.
Min. Side Yard	8 ft.	8 ft	8 ft.
Corner Lot	15 ft.	15 ft.	15 ft.
Key Lot	25 ft.	25 ft.	30 ft.
Min. Rear Yard	25 ft.	25 ft.	25 ft.
Max. building Ht.	40 ft.	40 ft.	40 ft.
Max. Lot Coverage	45%	45%	45%
Min. Lot Width	80 ft.	80 ft.	80 ft.
Min. Lot Depth	125 ft.	125 ft.	125 ft.
Min. Dwelling Area	1,900 sq. ft.	2,100 sq. ft.	2,300 sq. ft.

## RETAIL/OFFICE

The Retail/Office shall be developed under the standards for Retail (R) as contained in the Zoning Ordinance as it exist or may be amended, except as otherwise set forth in the development standards below.

1. **Amenities** The Creekside Retail/Office tract, will continue the system of community amenities. These amenities combine to create a walkable family friendly development. The amenities will be owned and maintained by the Property Owners Association (POA). The amenities within the Retail/Office tract shall include:
  - i. Water features within the mitigated flood plain
    1. The water features within the mitigated floodplain shall be located on a separate lot, with a minimum area of 4.20 Acres per Exhibit D, to be owned and maintained by the POA.
  - ii. Defined walk paths
  - iii. Outdoor dining

2. **General.**

- a. **Description:** The property is on the corner of Frontier Parkway and Legacy Drive in a walkable neighborhood, giving residents the opportunity to live, work and shop in the same community. The Retail/Office tract development standards provide for a convenient pedestrian and vehicle-oriented development with multiple water features and shaded pedestrian congregation areas intended to be incorporated into the restaurants. The non-residential area will be screened by a solid living screen and open space/landscape buffer that will utilize 6' minimum height at time of planting evergreens to screen the retail from the residential except immediately adjacent to the walk paths. The walk paths shall provide pedestrian access to the retail areas the buffer width shall vary but will maintain a minimum depth of 25 feet. Retail stores and shops, , shall be limited to a total of 50,000 square feet.
- b. **Permitted Uses.** The following uses are permitted within the " Retail/Office" tract: Uses followed by an S are permitted by Specific Use Permit. Uses followed by a C are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town's Zoning Ordinance.
  - Accessory Building (Must meet the requirements in Chapter 4, Section 7 of the Zoning Ordinance)
  - Administrative, Medical, or Professional Office
  - Antenna and/or Antenna Support Structure, Commercial C
  - Antenna and/or Antenna Non-Commercial, C
  - Antique Shop and Used Furniture
  - Artisan's Workshop
  - Assisted Care or Living Facility S
  - Bank, Savings and Loan, or Credit Union

- Beauty Salon/Barber Shop
- Bed and Breakfast Inn
- Beer & Wine Package Sales C
- Building Material and Hardware Sales, Minor
- Business Service
- Caretaker's/Guard's Residence
- Commercial Amusement, Indoor
- Convenience Store with Gas Pump C
- Convenience Store without Gas Pump
- Day Care Center, Adult S
- Day Care Center, Child C
- Dry Cleaning, Minor
- Farmer's Market
- Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority
- Furniture, Home Furnishings and Appliance Store
- Gas Pumps C
- Governmental Office
- Gymnastics/Dance Studio
- Health/Fitness Center
- House of Worship
- Insurance Office
- Locksmith/Security System Company
- Massage Therapy, Licensed
- Municipal Uses Operated by the Town of Prosper
- Museum/Art Gallery
- Nursery, Minor
- Pet Day Care C
- Print Shop, Minor
- Private Club S
- Private Recreation Center
- Private Utility, Other Than Listed
- Restaurant or Cafeteria
- Restaurant, Drive In
- Retail Stores and Shops (maximum 50,000 SF)
- Retail/Service Incidental Use
- School, Private or Parochial
- School, Public
- Stealth Antenna, Commercial
- Temporary Building C
- Veterinarian Clinic and/or Kennel, Indoor
- Winery

c. Development Regulations

- i. Parking: The total parking required shall be the sum of the specific

parking space requirement for each use included within the Retail/Office Tract as required by Zoning Ordinance No. 05-20 as it currently exists or as amended.

- ii. **Architecture:** The architecture shall blend with the surrounding residential neighborhood's style and shall meet the Town's Non-Residential standards per Chapter 4 Section 8 of the Zoning Ordinance as it exist or may be ammended.
  - iii. **Exterior Facade Building Materials:** Shall comply with the requirements in Chapter 4, section 8 of the Zoning Ordinance as it exist or may be amended.
  - iv. **Floor Area Ratio (FAR):**Maximum 0.4:1
  - v. **Lot Area:** 10,000 square feet
  - vi. **Lot Width:** 100 feet
  - vii. **Lot Depth:** 100 feet
  - viii. **Lot Coverage:** Forty (40) percent.
  - ix. **Front Yard:** The minimum depth of the front yard shall be thirty (30) feet
  - x. **The Rear and Side Yard:** Shall meet the Town's Retail District setback requirements per the Zoning Ordinance as it exists or may be amended, except when adjacent to the mitigated floodplain.
  - xi. **No rear or side yards** are required adjacent to the mitigated floodplain.
  - xii. **Building Height:** Buildings shall be a maximum of two (2) stories, not to exceed forty (40) feet in height.
- d. **Pad Sites.** There is no limit on the number of pad sites within the Retail/Office Tract for retail uses provided each pad site must satisfy the Area Requirements.
- i. **Parking Areas**
    - 1. **Surface Parking Perimeter Screening** — All surface parking lots shall be screened from street view. Such screening shall take the form of 3 foot plantings of dense evergreen hedge at time of installation measured above the grade of the parking lot.
  - ii. **Service and Equipment Areas.**
    - 1. **Service areas** are zones and loading docks where servicing of the site takes place and include wall-, ground- or roof-mounted mechanical or equipment areas. Shall be provided per Chapter 4 Section 4 of the Zoning Ordinance as it exist or may be amended.
    - 2. **Placement of Service Areas** — Service areas shall not front or be visible from a street.
    - 3. **Service Area Screening** — Off-street loading and service areas must be placed at the side or rear of buildings and shall be screened in conformity with the requirements of the Zoning Ordinance as it exist or may be amended.
    - 4. **Service Area Screening Design** — In general, the design of all service area screening shall be complementary to the design of the

building it serves in terms of its material and color.

- iii. Roof-Mounted Equipment Screening —
  - 1. All roof-mounted equipment shall be screened per Chapter 4 Section 5 of the Zoning Ordinance as it exist or may be amended.
- iv. Fencing
  - 1. Fencing Material — All fencing must be wrought iron or decorative steel.
- v. Street Lights — Shall comply with the requirements of the Zoning Ordinance as it exist or may be amended.

**General Requirements for Creekside.**

- a. Development Plan: A Conceptual Development Plan is hereby attached (Exhibit "D") and made a part of these development standards. It establishes the most general guidelines for the district by identifying the project boundaries, land use types, approximate thoroughfare locations, R.O.W. dedication and roads.
- b. Maintenance of Facilities: The Developers shall establish a Homeowner's Association ("HOA") for single family residential areas and a Property Owner's Association ("POA") for Retail/Office areas, 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 respective residential or Retail/Office development or adjacent Right-of-Way ("ROW").
- c. **Thoroughfare Screening** - Single Family thoroughfare screening along Frontier Parkway and Legacy Drive shall be provided with a twenty-five foot (25') landscape buffer that will be owned and maintained by the HOA. The screen will be composed of; six foot (6') ornamental metal fence with masonry column and enhanced grading/berms combined with landscape. The landscape will be composed of 3" caliper tree every 30 linear feet with a minimum of ten (10) shrubs every forty (40) linear feet. The berm shall have a 3:1 slope and the shrubs shall be a minimum size of five (5) gallons.
- d.



**Exhibit E**

Development Schedule

For

*Creekside*

Town of Prosper

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The Creekside development is planned for development in several phases. The first phase at the western boundary of the property and fronting on Legacy is expected to include 70 lots and is expected to deliver infrastructure to homebuilders in late 2013. The initial phase will provide improvements to Legacy at that time.

The second phase is expected to include approximately an additional 70 lots and will continue eastward into the development. Lots should be available to homebuilders in late 2014.

The third residential phase which will include the balance of the lots will be completed to the north and be available to homebuilders in late 2015. The retail/Office tract should follow shortly after the completion of the residential development assuming continue growth of the market place.