

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 47.655 ACRES, MORE OR LESS, SITUATED IN THE J. MORTON SURVEY, ABSTRACT NO. 793, AND THE B.R. HODGES SURVEY, ABSTRACT 593, IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS, HERETOFORE ZONED AGRICULTURAL (A) AND PLANNED DEVELOPMENT-40 IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-SINGLE FAMILY (PD-SF); 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 Fishtrap 45 LP and Forest City Prosper LTD ("Applicant") to rezone 47.655 acres of land, more or less, situated in the J. Morton Survey, Abstract No. 793 and the B.R. Hodges Survey, Abstract No. 593 in the Town of Prosper, Denton 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 47.655 acres of land, more or less, situated in the J. Morton Survey, Abstract No. 793 and the B.R. Hodges Survey, Abstract No. 593 in the Town of Prosper, Denton County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned Development-Single

Family (PD-SF). 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 and conceptual elevations, attached hereto as Exhibit “C”; 3) the concept 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 26TH DAY OF JULY, 2011.

APPROVED AS TO FORM:



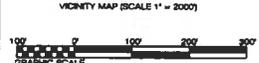
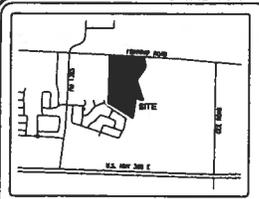
Ray Smith, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:



Amy Piukana, Town Secretary

DATE OF PUBLICATION: August 3, 2011, Prosper Press



JOINDO CASE Z11-0008
47.655 ACRES (GROSS)
36.023 ACRES (NET)

FIELD NOTES TO ALL THAT CERTAIN TRACT OF LAND SITUATED IN THE B.R. HODGES SURVEY, ABSTRACT NUMBER 593, AND THE 1/4 SECTION SURVEY, ABSTRACT NUMBER 793, TOWN OF PROSPER, DENTON COUNTY, TEXAS, AND BEING ALL OF A CALLED 45.94 ACRES TRACT OF LAND DESCRIBED IN THE DEED TO FISHTRAP 45 LP AS RECORDED IN COUNTY CLERK'S FILE NO. 10-30040, REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS, AND BEING A PART OF A TRACT OF LAND DESCRIBED IN THE DEED TO FOREST CITY PROSPER LIMITED PARTNERSHIP, AS RECORDED IN COUNTY CLERK'S FILE NO. 11-33363, SAID REAL PROPERTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND AT A P.W. SET IN FISHTRAP ROAD AT THE NORTHEAST CORNER OF SAID FISHTRAP 45 TRACT AND AT THE SOUTHERN-MOST SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN THE DEED TO BUY BLOWFISH LTD. AS RECORDED IN COUNTY CLERK'S FILE NO. 10-19453, SAID REAL PROPERTY RECORDS;

THENCE SOUTH 02 DEGREES 17 MINUTES 09 SECONDS EAST WITH AN EAST LINE OF SAID FISHTRAP 45 TRACT A DISTANCE OF 294.23 FEET TO A 1/2" CAPPED IRON ROD SET FOR CORNER AT THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN THE DEED TO U.S. TOTAL CAME CORP., AS RECORDED IN COUNTY CLERK'S FILE NO. 10-30040, SAID REAL PROPERTY RECORDS;

THENCE SOUTH 78 DEGREES 15 MINUTES 03 SECONDS EAST WITH THE SOUTH LINE OF SAID U.S. TOTAL CAME TRACT A DISTANCE OF 31.88 FEET TO A 1/2" CAPPED IRON ROD SET FOR CORNER AT A BALDANT CORNER IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN THE DEED TO FOREST CITY PROSPER LIMITED PARTNERSHIP, AS RECORDED IN COUNTY CLERK'S FILE NO. 11-34783, SAID REAL PROPERTY RECORDS;

THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES WITH THE EAST LINE OF SAID FISHTRAP 45 TRACT AND WITH THE WEST LINE OF SAID FOREST CITY TRACT:

1. SOUTH 02 DEGREES 01 MINUTE 54 SECONDS EAST A DISTANCE OF 173.28 FEET TO A 1/2" CAPPED IRON ROD SET FOR CORNER;
2. SOUTH 88 DEGREES 38 MINUTES 39 SECONDS WEST A DISTANCE OF 30.04 FEET TO AN ARMY CORPS OF ENGINEERS BRASS MONUMENT FOUND FOR CORNER;
3. SOUTH 18 DEGREES 29 MINUTES 18 SECONDS EAST A DISTANCE OF 738.91 FEET TO A 1/2" CAPPED IRON ROD SET FOR CORNER;
4. NORTH 78 DEGREES 20 MINUTES 20 SECONDS WEST A DISTANCE OF 276.17 FEET TO A 1/2" CAPPED IRON ROD SET FOR CORNER;

THENCE SOUTH 07 DEGREES 57 MINUTES 41 SECONDS WEST, BEING THE WEST BOUNDARY OF SAID FISHTRAP 45 TRACT A DISTANCE OF 161.10 FEET TO A 1/2" CAPPED IRON ROD SET FOR CORNER IN THE NORTH LINE OF SAID FOREST CITY TRACT, ACCORDING TO THE PLAT THEREOF RECORDED IN COUNTY CLERK'S FILE NO. 11-34783, SAID REAL PROPERTY RECORDS;

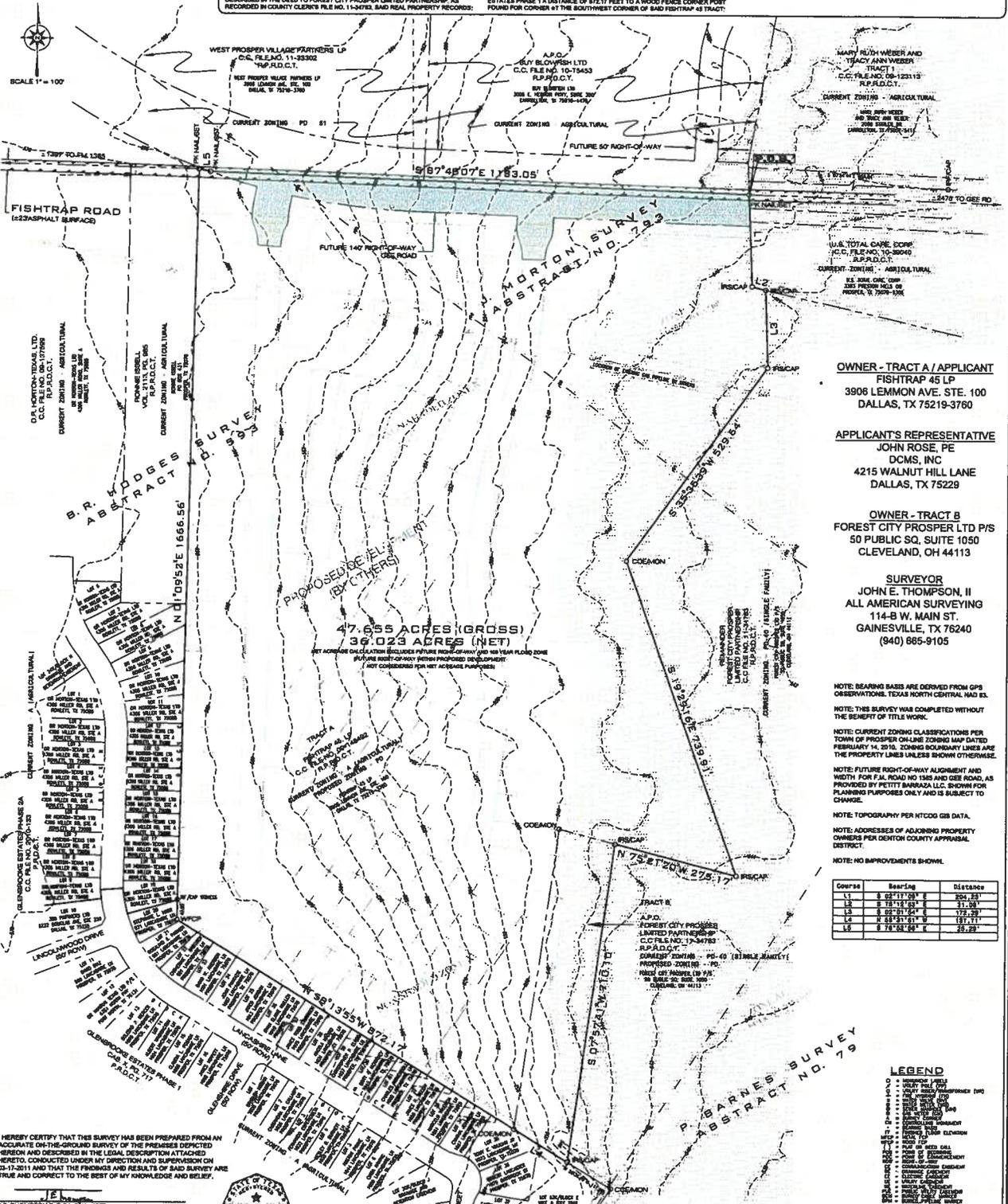
THENCE NORTH 88 DEGREES 31 MINUTE 51 SECONDS WEST WITH THE SOUTH LINE OF SAID FOREST CITY TRACT AND WITH THE NORTH LINE OF SAID GLENBROOKE ESTATES PHASE 1A A DISTANCE OF 132.71 FEET TO AN ARMY CORPS OF ENGINEERS BRASS MONUMENT FOUND FOR CORNER AT THE SOUTHWEST CORNER OF SAID FISHTRAP 45 TRACT;

THENCE NORTH 08 DEGREES 13 MINUTE 08 SECONDS WEST WITH THE SOUTH LINE OF SAID FISHTRAP 45 TRACT AND WITH THE NORTH LINE OF SAID GLENBROOKE ESTATES PHASE 1A A DISTANCE OF 87.17 FEET TO A WOOD FENCE CORNER POINT FOUND FOR CORNER AT THE SOUTHWEST CORNER OF SAID FISHTRAP 45 TRACT;

THENCE NORTH 01 DEGREE 09 MINUTES 03 SECONDS EAST WITH THE WEST LINE OF SAID FISHTRAP 45 TRACT AND WITH AN EAST LINE OF SAID GLENBROOKE PHASE 1A PARTING IN ROUTE AT A DISTANCE OF 43.85 FEET TO A CAPPED IRON ROD FOUND FOR WITNESS AT THE NORTHEAST CORNER OF SAID GLENBROOKE ESTATES PHASE 2A, 2014-13, SAID PLAT RECORD, AND CONTINUING ON SAID COURSE A TOTAL DISTANCE OF 188.83 FEET TO A P.W. SET FOR CORNER IN FISHTRAP ROAD AT THE NORTHEAST CORNER OF SAID FISHTRAP 45 TRACT AND TO THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN THE DEED TO FOREST CITY PROSPER LIMITED PARTNERSHIP, AS RECORDED IN COUNTY CLERK'S FILE NO. 11-33363, SAID REAL PROPERTY RECORDS;

THENCE SOUTH 78 DEGREES 04 MINUTES 03 SECONDS EAST WITH THE NORTH LINE OF SAID FISHTRAP 45 TRACT AND WITH THE SOUTH LINE OF SAID WEST PROSPER VILLAGE AND WITH THE SOUTH LINE OF SAID WEST PROSPER VILLAGE TRACT AND WITH FISHTRAP ROAD A DISTANCE OF 53.20 FEET TO A P.W. SET FOR CORNER;

THENCE SOUTH 87 DEGREES 48 MINUTES 07 SECONDS EAST CONTINUING WITH THE NORTH LINE OF SAID FISHTRAP 45 TRACT AND WITH THE SOUTH LINE OF SAID WEST PROSPER VILLAGE AND THE SOUTH LINE OF SAID BUY BLOWFISH TRACT A DISTANCE OF 118.23 FEET TO THE POINT OF BEGINNING AND INCLUDING 47.655 ACRES OF LAND MORE OR LESS, OF WHICH 11.823 ACRES LIES WITHIN FUTURE PUBLIC RIGHT-OF-WAY, AND/OR THE 10 YEAR FLOOD ZONE LEAVING 36.023 NET ACRES OF LAND MORE OR LESS.



OWNER - TRACT A / APPLICANT
FISHTRAP 45 LP
3906 LEMMON AVE. STE. 100
DALLAS, TX 75219-3760

APPLICANT'S REPRESENTATIVE
JOHN ROSE, PE
DOOMS, INC
4215 WALNUT HILL LANE
DALLAS, TX 75229

OWNER - TRACT B
FOREST CITY PROSPER LTD P/S
50 PUBLIC SQ, SUITE 1050
CLEVELAND, OH 44113

SURVEYOR
JOHN E. THOMPSON, II
ALL AMERICAN SURVEYING
114-B W. MAIN ST.
GAINESVILLE, TX 76240
(840) 865-9105

NOTE: BEARING BASES ARE DERIVED FROM GPS OBSERVATIONS, TEXAS NORTH CENTRAL NAD 83.

NOTE: THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF TITLE WORK.

NOTE: CURRENT ZONING CLASSIFICATIONS PER TOWN OF PROSPER ONLINE ZONING MAP DATED FEBRUARY 14, 2015. ZONING INCORPORATION LINES ARE THE PROPERTY LINES UNLESS SHOWN OTHERWISE.

NOTE: FUTURE RIGHT-OF-WAY ALIGNMENT AND WIDTH FOR FISHTRAP ROAD NO 1385 AND GEE ROAD, AS PROVIDED BY PETTY BARAZZA, L.L.C. SHOWN FOR PLANNING PURPOSES ONLY AND IS SUBJECT TO CHANGE.

NOTE: TOPOGRAPHY PER NTCCO GIS DATA.

NOTE: ADDRESSES OF ADJOINING PROPERTY OWNERS PER DENTON COUNTY APPRAISAL DISTRICT.

NOTE: NO IMPROVEMENTS SHOWN.

Course	Bearing	Distance
L1	S 02°11'09" E	204.23'
L2	S 78°14'03" E	31.88'
L3	S 02°11'09" E	173.28'
L4	S 87°48'07" E	187.11'
L5	S 78°04'03" E	89.22'

LEGEND

- 1. Surveyed Property
- 2. Surveyed Easement
- 3. Surveyed Right-of-Way
- 4. Surveyed Well Path
- 5. Surveyed Boundary
- 6. Surveyed Easement
- 7. Surveyed Right-of-Way
- 8. Surveyed Boundary
- 9. Surveyed Easement
- 10. Surveyed Right-of-Way
- 11. Surveyed Boundary
- 12. Surveyed Easement
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- 15. Surveyed Easement
- 16. Surveyed Right-of-Way
- 17. Surveyed Boundary
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- 19. Surveyed Right-of-Way
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- 23. Surveyed Boundary
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- 40. Surveyed Right-of-Way
- 41. Surveyed Boundary
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- 43. Surveyed Right-of-Way
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- 86. Surveyed Boundary
- 87. Surveyed Easement
- 88. Surveyed Right-of-Way
- 89. Surveyed Boundary
- 90. Surveyed Easement
- 91. Surveyed Right-of-Way
- 92. Surveyed Boundary
- 93. Surveyed Easement
- 94. Surveyed Right-of-Way
- 95. Surveyed Boundary
- 96. Surveyed Easement
- 97. Surveyed Right-of-Way
- 98. Surveyed Boundary
- 99. Surveyed Easement
- 100. Surveyed Right-of-Way

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED FROM AN ACCURATE ON-THE-GROUND SURVEY OF THE PREMISES DEPICTED HEREON AND DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED HERETO, CONDUCTED UNDER MY DIRECTION AND SUPERVISION ON 05-25-2011 AND THAT THE FINDINGS AND RESULTS OF SAID SURVEY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

J.E. THOMPSON, II
S. THOMPSON
D. THOMPSON
ALL AMERICAN SURVEYING

THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAT.

EXHIBIT A
ZONING CASE NO. Z11-0008
BEING 47.655 ACRES
IN THE
J. MORTON SURVEY, ABSTRACT NO. 793
B.R. HODGES SURVEY, ABSTRACT NO. 593,
TOWN OF PROSPER, DENTON COUNTY, TEXAS
DATE PREPARED: 05-25-2011



EXHIBIT "B"

THE PRESERVE AT DOE CREEK PLANNED DEVELOPMENT DISTRICT

STATEMENT OF INTENT AND PURPOSE

The Planned Development District provides for a residential subdivision for families wishing to be close to retail but with large natural green space within the Town of Prosper. The PD is designed for those wanting less upkeep but requiring the highest standards in design and amenities.

The subdivision has been designed to take advantage of large green spaces and natural vistas to give the residents a country experience while being within walking distance of retail services. The property's proximity to Doe Creek and the location of the Hike and Bike along the creek allow residents to enjoy nature as well as all of the conveniences of modern living.

The development located south of a future retail development west of Forest City and East of Glenbrook while holding strict development standards fits into the adjacent developments with comparable lot sizes and amenities.

EXHIBIT "C"

Development Standards for The Preserve at Doe Creek, 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 (47.5 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 Preserve at Doe Creek 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. Large Open Spaces
 2. Pocket Parks
- b. **Large Open Spaces** The properties proximity to flood plain and the integration of the hike and bike trail allows for large natural open areas providing unobstructed vistas.
 1. Enhanced landscaping of native plantings around the detention pond to blend into the existing native grasses and plants of Doe Creek
 2. Twenty percent of the development is open/undeveloped space.
- c. **Pocket Parks** Additional components of the Preserve at Doe Creek amenities program are pocket parks. These parks will be an HOA owned and maintained component, and allow for:
 1. Open play areas;
 2. Neighborhood playgrounds;
 3. Small neighborhood gathering spaces.

2. USE, DENSITIES AND LOT SIZE REGULATIONS

a. General Description:

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 (Can not be rented or offered for rent)
- 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 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 121/47.5Acres or 2.56 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 56' x 120' (6,720 square feet)
 2. Type B Lots: Minimum 60' x 120' (7,200 square feet)
 3. Minimum of 24% Type B lots

3. MINIMUM STANDARDS FOR ALL RESIDENTIAL LOTS:

- a. **Front Yard:** The minimum front yard setback shall be twenty five (25) feet.
- b. **Side Yard:** The minimum side yard setback shall be eight (8) feet. The side yard setback adjacent to a street shall be fifteen (15) feet.
- c. **Rear Yard:** The minimum rear yard setback shall be twenty (20) feet.

- d. **Staggering of setbacks:** The minimum front yard setbacks for all lots fronting onto the same street along a block shall be staggered such that one third (1/3) of the lots have a front yard setback that is reduced by five (5) feet, one third (1/3) of the lots have a front yard setback of twenty five (25) feet, and one third (1/3) of the lots have a front yard setback that is increased by five (5) feet. No more than two lots in a row may incorporate the same front yard setback. The lots with an increased front building line may also decrease the rear building line by five (5) feet to maintain the necessary building pad depth.
- e. **Maximum Height:** Two and a half (2.5) stories, no greater than forty (40) feet.
- f. **Maximum Lot Coverage:** The maximum lot coverage shall be forty five (45) percent.
- g. **Impervious Area:** The Maximum impervious area shall be 50% of the area between the street and main building.
- h. **Thoroughfare Screening and Landscaping:** A minimum forty (40) foot landscape buffer shall be provided adjacent to all thoroughfares. The landscape buffer shall be located in a private “non-buildable” lot that is owned and maintained by the HOA. All plantings, screening walls, and design elements shall comply with the Town’s Subdivision Ordinance.

4. 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. **Minimum Lot Width.** The minimum lot width for Type A Lots shall be fifty-six (56) feet.
 - 2. **Minimum Lot Area** is 6,720 Square feet
 - 3. **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
- b. **Type B Lots:** The area and building standards for Type B Lots are as follows and as set forth in Table 1:
 - 1. **Minimum Lot Width.** The minimum lot width for Type B Lots shall be sixty (60) feet.
 - 2. **Minimum Lot Area** is 7,200 Square feet
 - 3. **Minimum Floor Space.** Each dwelling constructed on a Type B Lot shall contain a minimum of two thousand, (2,000) 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.

5. BUILDING STANDARDS

1. 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.

2. Driveways:

- i. Driveways fronting on a street shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.

3. Fencing:

- i. Privacy fences on single family residential lots shall be located ten (10) feet behind the front elevation of the main building and shall not exceed eight (8) feet in height above grade. All fencing located on single family residential lots adjacent to open space, parks, or floodplain shall consist of ornamental metal (wrought iron or decorative tubular steel). Wooden fencing to be board on board with metal post. A common wood fence stain color shall be established for the property by the developer. Fencing abutting the Glenbrooke Subdivision shall be wood board on board with metal post.

4. Residential Landscaping:

- i. A minimum of two (2) trees totaling – eight (8) caliper inches shall be located in the front yard of all single family residential lots. The Trees may be two large trees or one large tree and one ornamental tree. All large trees shall be separated by a minimum of twenty-five (25) feet from the next closest onsite or offsite large tree. A minimum of fifteen (15) – three (3) gallon shrubs shall be located in the front yard of all single family residential lots. All plantings shall comply with the Town's approved planting list in the Zoning Ordinance.

5. Exterior Lighting:

- i. All homes shall provide an exterior lighting package to illuminate front entrances, and garages.
- ii. Provide a minimum of two (2) up or down lights per street elevation to accent building architectural or landscape features

visible from the street. Security lighting may not be substituted for accent lighting.

6. Garages:

- i. All garage doors shall incorporate the following details:
 - a. Single doors separated by column (In place of one large single door)
 - b. Cast stone surrounds or ornamental brick accent
- ii. No more than one third (1/3) of all garages doors shall be located in front of the front door. All garage doors located in front of the front door will have carriage style garage doors.
- iii. Homes shall have a minimum of two (2) car garage spaces and no more than three (3).
- iv. No carports shall be permitted.
- v. 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).
- vi. Garage doors shall be constructed of either metal or wood.

7. 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. The style of the cast stone address plaque shall be uniform throughout each section of development.
- iii. Stucco. Stucco on structures shall be traditional 3-coat process cement plaster stucco.
- iv. EIFS. EIFS (Exterior Insulating and Finish Process) is not allowed on structures.

8. Windows:

- i. All window framing on structures shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.
- ii. Window shutters may be used on structures. Window shutters shall be painted, stained wood, or fiberglass.
- iii. No reflective window coverings or treatments shall be permitted.

9. Brick Detailing and Accenting

- i. Provide brick or stone accents and detailing at all brick and stone windows and garage door openings to include Pre-cast concrete lintels, Rowlocks, Solider or Sailor Courses or Stone Surrounds. Accents may include products such as specialty brick that varies from the field by size or contrast color. Accents may occur at the Head or Sill or around the entire window opening. No more than one third (1/3) of residential lots may use unstained mortar.

10. Roofing:

- i. Structures 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.
- iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years or meet the Town's Green Building Ordinance, whichever is more restrictive.
- 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.

11. Plate Height:

- i. Each structure shall have a minimum principal plate height of 9' on the first floor.

12. Mailboxes:

- i. 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.

13. Satellite Dishes:

- i. 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.

14. Air Conditioners:

- i. No window or wall air conditioning units will be permitted on structures.
- 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.

15. Plan Elevations:

- i. 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.

16. Accessory Structures:

- i. Accessory structures used as a garage, or a garage apartment, will

be allowed, subject to Chapter 4, Section 7 of the Zoning Ordinance.

- 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.

General Requirements for the Preserve at Doe Creek

a. **Development Plan:**

- i. 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:**

- i. The Developers shall establish a Homeowner's Association ("HOA") for single family residential 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 residential development or adjacent Right-of-Way ("ROW").

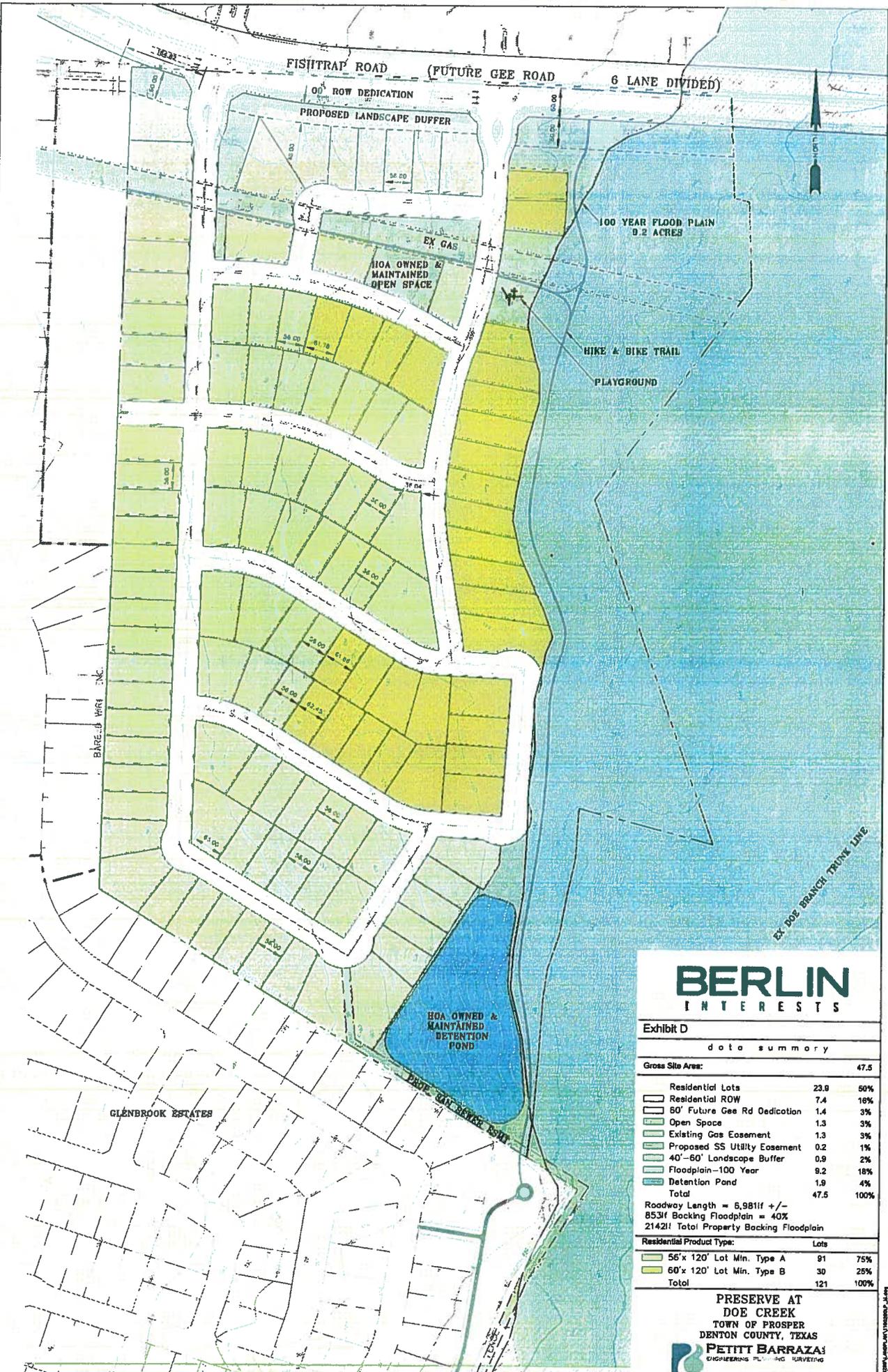
c. **Conceptual Elevations:**

- i. Conceptual elevations are provided to indicate the direction and intent of the design standards. Final designs may vary depending on the selected builders but designs shall sustainably conform with the intent of the attached designs.









BERLIN INTERESTS

Exhibit D data summary

Gross Site Area:	47.5	
Residential Lots	23.9	50%
Residential ROW	7.4	16%
80' Future Gee Rd Dedication	1.4	3%
Open Space	1.3	3%
Existing Gas Easement	1.3	3%
Proposed SS Utility Easement	0.2	1%
40'-60' Landscape Buffer	0.9	2%
Floodplain-100 Year	9.2	19%
Detention Pond	1.9	4%
Total	47.5	100%
Roadway Length = 6,981lf +/-		
853lf Backing Floodplain = 40%		
2142lf Total Property Backing Floodplain		
Residential Product Type:	Lots	
56'x 120' Lot Min. Type A	91	75%
60'x 120' Lot Min. Type B	30	25%
Total	121	100%

**PRESERVE AT
DOE CREEK
TOWN OF PROSPER
DENTON COUNTY, TEXAS**

PETITT BARRAZA
ENGINEERS, P.L.L.C. SURVEYING

EXHIBIT "E"

**THE PRESERVE AT DOE CREEK
PLANNED DEVELOPMENT DISTRICT**

DEVELOPMENT SCHEDULE

It is expected that the development of the Preserve at Doe Creek will begin within two to five years after approval of the planned development. During this period requisite studies, design and drawings will be prepared for the development and marketing of the property.

Progress of the development will depend strongly on market trends and demands of the area.

It is expected that the development of Doe Creek Crossing will be completed within 8 years of development approval. . . .