

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 76.12 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-15 (PD-SF-15); 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 West Prosper 76, Ltd ("Applicant") to rezone 76.12 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 property containing 76.12 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-15 (PD-SF-15). The Property as a whole and for this zoning classification is 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"; and 4) the development schedule, attached hereto as Exhibit "E", which are incorporated herein for all purposes as if set forth verbatim. Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of all ordinances, rules, and regulations of Prosper, as they currently exist or may be amended.

Three (3) 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 District shall be sent to all owners of properties within the District as well as all properties within two hundred feet (200') of the District to be amended.

SECTION 3

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 Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

SECTION 4

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

SECTION 5

Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance No. 05-20, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6

Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7

Savings/Repealing Clause. Prosper's Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the appeal prevent a prosecution from being commenced for any violation if occurring prior to the repealing of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8

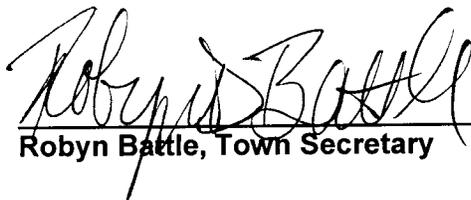
Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 14TH DAY OF JANUARY, 2014.



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

EXHIBIT B FOR Z13-0016
STATEMENT OF INTENT AND PURPOSE

The purpose of this planned development is to contribute to the positive environment created by the PD regulations established for residential planned developments in the immediate vicinity. The proposed development standards incorporate many of the development standards previously adopted by the Legacy Crossing Planned Development. This property will further the design for the residential planned development in the area by having consistent development standards, entrance, common areas, and buffer treatments.

This planned development will also allow the opportunity to tie into the adjacent Legacy Crossing development which will further the positive atmosphere created by that community and allow for access to and from Legacy Drive.

EXHIBIT C FOR Z13-0016
76.12 ACRES (GROSS)
PLANNED DEVELOPMENT STANDARDS

1.0 Planned Development District - Single Family Residential

- 1.1 The property shall be developed in accordance with the Single Family-15 District as outlined in the Town of Prosper Zoning Ordinance 05-20, as it exists or may be amended, unless identified below.
- 1.2 Development Pattern: The property shall generally develop in accordance with Exhibit D, Zoning Exhibit.
- 1.3 Number of Lots: The maximum number of single-family residential lots within the proposed development shall not exceed 121 (maximum dwelling unit density 1.6 dwelling units per acre).
- 1.4 Setbacks
 - a. Minimum Front Yard: 35'.
 - b. Minimum Side Yard: 10', 15' on corner adjacent to a side street.
 - c. Minimum Rear Yard: 25'.
- 1.5 Minimum Lot Area: 13,500 square feet. A maximum of 10 single family lots may be between 13,500-14,999 square feet in area. All other single family lots shall be a minimum of 15,000 square feet in area.
- 1.6 Minimum Average Lot Area: 15,000 square feet.
- 1.7 Minimum Lot Width at Front Building Line: 100'.
- 1.8 Minimum Lot Depth: 135'.
- 1.9 Minimum Dwelling Area: 2,500 square feet.
- 1.10 The maximum impervious surface shall be 50% of the area between the street and the main building.
- 1.11 A minimum of 15 acres shall be designated for open space. These private open space areas shall be owned and maintained by the HOA.
- 1.12 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.
- 1.13 Required Parking: A minimum of 4 off-street, concrete parking spaces shall be provided for each residential unit. As part of the parking requirement, at least 2 of the off-street parking spaces shall be in an enclosed garage. Garage doors shall be located on or behind the applicable setback line for the residential unit. Carports shall be prohibited. The parking of motor homes, boats, and/or trailers on a lot facing a street or on a street, is prohibited.
- 1.14 Fencing: 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). All wood fencing shall consist of cedar, board on board with a top rail, and comply with the Town's fencing standards as they exist or may be amended. A common wood fence stain color shall be established for the development.

- 1.15 All required detention areas shall be provided for in a wet detention pond (constant water level) with a fountain.
- 1.16 All homes shall provide an exterior lighting package to illuminate front entrances, landscaping and trees located in the front yard and garages.
- 1.17 A house with a three (3) car garage/enclosed parking spaces shall not have more than two (2) garage doors facing the street. A maximum of 33% of the houses may have two garage doors facing the street. A minimum of 67% of the houses shall have swing-in driveways and/or side facing garages.
- 1.18 A minimum 40-foot wide landscape buffer shall be provided adjacent to Legacy Drive. The landscape buffer shall be located in a private "non-buildable" lot that is owned and maintained by the HOA. All planting, screening walls, and design elements shall comply with the Town's Subdivision Ordinance as existing or amended.

2.0 General Conditions

- 2.1 Homeowners Association. Each lot shall be a member of the Legacy Creek Estates Homeowner's Association.

Exhibit E for Z13-0016
76.12 Acres (Gross)
Development Schedule

The zoning application was submitted in early August of 2013. The intent is to have the property rezoned by the end of 2013 and the platting and development begin in early 2014 with lots being on the ground and able to be sold by the second half of 2014.