

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 14-56

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 93.20 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SURVEY, ABSTRACT NO. 172, AND THE ELISHA CHAMBERS SURVEY, ABSTRACT NO. 179, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED AGRICULTURAL (A) AND SINGLE FAMILY-15 (SF-15) 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 Texas Development Services ("Applicant") to rezone 93.20 acres of land, more or less, situated in the Collin County Survey, Abstract No. 172, and the Elisha Chambers Survey, Abstract No. 179, 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 93.20 acres of land, more or less, situated in the Collin County Survey, Abstract No. 172, and the Elisha Chambers Survey, Abstract No. 179, 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 (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, attached hereto as Exhibit "C"; 3) the conceptual development plan requirements, 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.

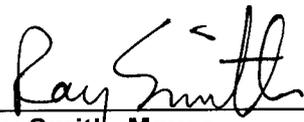
SECTION 7

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 26th DAY OF AUGUST, 2014.



 Ray Smith, Mayor

ATTEST:



 Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



 Terrence S. Welch, Town Attorney

Parcel ID	Property ID	Property Address/Description	Owner Name	Parcel ID	Property ID	Property Address/Description	Owner Name	Parcel ID	Property ID	Property Address/Description	Owner Name	Parcel ID	Property ID	Property Address/Description	Owner Name
213448	213448	1195 Blue Forest Drive Prosper, TX	Richard H. Miller	209471	209471	1800 Blue Forest Drive Prosper, TX	Richard H. Miller	209472	209472	1195 Blue Forest Drive Prosper, TX	Richard H. Miller	209473	209473	1195 Blue Forest Drive Prosper, TX	Richard H. Miller
213449	213449	1195 Blue Forest Drive Prosper, TX	Richard H. Miller	209474	209474	1195 Blue Forest Drive Prosper, TX	Richard H. Miller	209475	209475	1195 Blue Forest Drive Prosper, TX	Richard H. Miller	209476	209476	1195 Blue Forest Drive Prosper, TX	Richard H. Miller
213450	213450	1195 Blue Forest Drive Prosper, TX	Richard H. Miller	209477	209477	1195 Blue Forest Drive Prosper, TX	Richard H. Miller	209478	209478	1195 Blue Forest Drive Prosper, TX	Richard H. Miller	209479	209479	1195 Blue Forest Drive Prosper, TX	Richard H. Miller

Exhibit A
Legal Description
(for zoning purposes only)

RESIDENTIAL SF-15 TRACT

Being all that certain lot, parcel, or tract of land located in the COLLIN COUNTY SURVEY, Abstract No. 179, and being a part of a tract of land described in need to NW 1/4 CR 81' LP, as recorded in Volume 5855, Page 829, Deeds Records Collin County, Texas, and being part of the adjoining right-of-ways of Prosper Trail and Coit Road, and being more particularly described as follows:

Beginning at a point for corner in the centerline of said Prosper Trails, at the Southwest corner of said NW 1/4 CR 81' LP Tract.

Thence North 01 deg 10 min 35 sec East a distance of 909.30 feet to a point for corner.

Thence South 88 deg 51 min 46 sec East, a distance of 832.00 feet to a point for corner.

Thence North 00 deg 48 min 32 sec West, a distance of 288.74 feet to a point for corner.

Thence North 00 deg 43 min 35 sec West, a distance of 473.84 feet to a point for corner.

Thence East, a distance of 713.83 feet to a point for corner.

Thence South 18 deg 56 min 58 sec West, a distance of 534.56 feet to a point for corner.

Thence South 89 deg 59 min 58 sec East, passing at a distance of 2126.43 feet to the West line of said Coit Road, containing a total distance of 2152.61 feet to a point for corner in the said centerline of Coit Road.

Thence South 00 deg 48 min 26 sec East, along said centerline, passing at a distance of 372.64 feet to a point for corner.

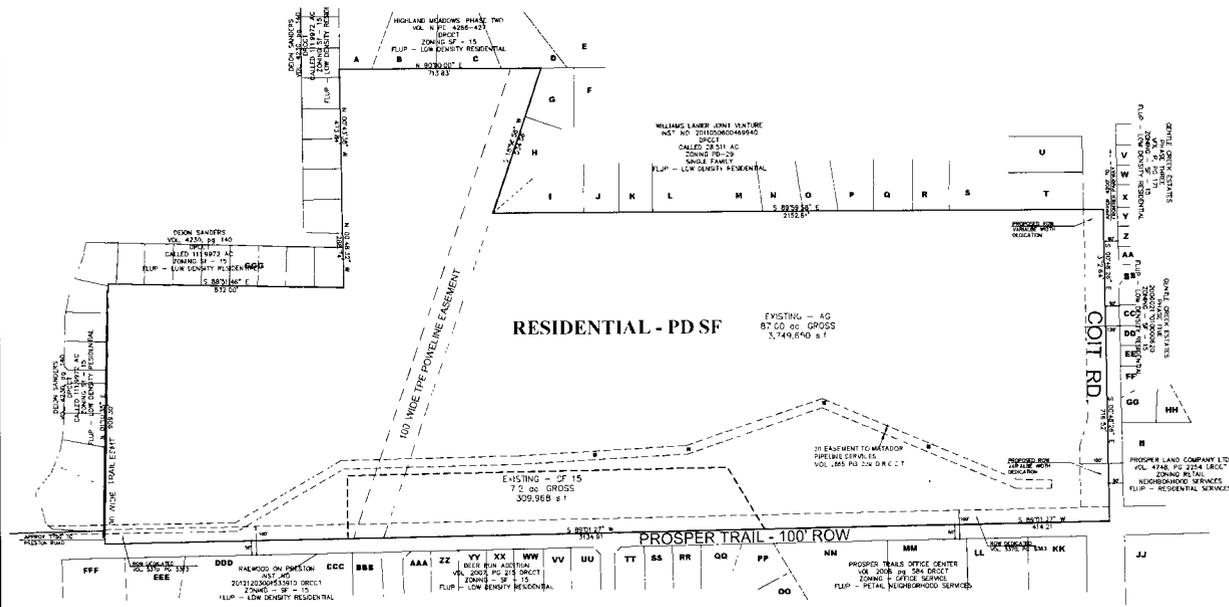
Thence South 00 deg 48 min 26 sec East, along said centerline, a distance of 715.52 feet to a point for corner.

Thence South 89 deg 01 min 27 sec West, along said centerline of Prosper Trails, a distance of 414.21 feet to a point for corner.

Thence South 89 deg 01 min 27 sec West, along said centerline, a distance of 334.91 feet to the PLACE OF BEGINNING and containing 4,058,618 square feet or 93.196 acres of land.

ZONING EXHIBIT A
03.196 ACRES
ELISHA CHAMBERS SURVEY ABSTRACT 179
TOWN OF PROSPER
COLLIN COUNTY, TEXAS

KENDRICK CORNER PROSPER TRAIL AND COIT ROAD
Case No. - Z2014-0008

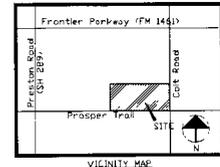


MAXIMUM DENSITY PER THE COMPREHENSIVE PLAN FOR LOW DENSITY IS 1.6 UPA



ZONING DATA
1 - 93.2 AC = GROSS ZONING ACREAGE
2 - 5.9 AC. = EXISTING AND PROPOSED ROW DEDICATION (4.1 AC - PROSPER TRAIL & 1.8 AC - COIT)
3 - 97.3 AC. = NET ZONING ACREAGE

NOTES
THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAN.



NOTE: THERE NO FEMA 100 YR FLOODPLAIN LOCATED ON THE SITE.

surveyor:
A & W SURVEYORS, INC.
P.O. BOX 870229 MESQUITE TX
74607-PHONIE (972) 881-0574 FAX
(972) 681-4854
WWW.AWSURVEY.COM

REVIEWS

August 05, 2014

TDS
TEXAS DEVELOPMENT SERVICES
106 W. MADERHOTT DRIVE
SUITE 190-206
ALEXIA, TX 76010
817-454-4538
TX FIRM NO. 1219C
TDS PROJECT NO. 10041

Z14-0008
ZONING EXHIBIT A
03.196
TOWN OF PROSPER
COLLIN COUNTY, TEXAS

C-01

Exhibit "B"

Statement of Intent and Purpose

The purpose of the submittal is to request Planned Development zoning in a manner that meets the current market demand for residential development.

The proposed zoning includes development standards for the single family residential uses are described herein. The density shall not exceed a maximum 1.6 dwelling units per acre.

EXHIBIT C FOR Z14-0008
93.196 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 Density: The maximum density shall be 1.6 dwelling units per acre, based on the gross acreage.
- 1.4 Setbacks
 - a. Lots identified as minimum 25,000 square foot on Exhibit D shall comply with the following setbacks:
 1. Minimum Front Yard: Thirty five (35) Feet
 2. Minimum Side Yard: Twelve (12) feet; fifteen (15) feet on corner adjacent to side street.
 3. Minimum Rear Yard: Twenty five (25) feet
 - b. Lots identified as minimum 15,000 square foot on Exhibit D shall comply with the following setbacks:
 1. Minimum Front Yard: Thirty five (35) Feet
 2. Minimum Side Yard: Ten (10) feet; fifteen (15) feet on corner adjacent to side street.
 3. Minimum Rear Yard: Twenty five (25) feet
 - c. Lots identified as minimum 12,500 square foot on Exhibit D shall comply with the following setbacks:
 1. Minimum Front Yard: Thirty (30) Feet
 2. Minimum Side Yard: Eight (8) feet; fifteen (15) feet on corner adjacent to side street.
 3. Minimum Rear Yard: Twenty five (25) feet
- 1.5 Lot Area
 - a. Lots identified as minimum 25,000 square foot on Exhibit D shall be a minimum of twenty five thousand (25,000) square feet.
 - b. Lots identified as minimum 15,000 square foot on Exhibit D shall be a minimum of fifteen thousand (15,000) square feet.
 - c. A maximum of 30% of the lots identified as minimum 12,500 square foot on Exhibit D shall be a minimum of twelve thousand five hundred (12,500) square feet, and the remaining lots shall be a minimum of thirteen thousand (13,000) square feet.

- 1.6 Minimum Lot Width at Front Building Line:
 - a. Lots identified as minimum 25,000 square foot on Exhibit D shall have a minimum lot width at front building line of one hundred and thirty (130) feet.
 - b. Lots identified as minimum 15,000 square foot on Exhibit D shall have a minimum lot width at front building line of one hundred (100) feet.
 - c. A maximum of 30% of the lots identified as minimum 12,500 square foot on Exhibit D shall have a minimum lot width at front building line of eighty (80) feet, and the remaining lots shall have a minimum lot width at front building line of one hundred (100) feet.
- 1.7 Minimum Lot Depth:
 - a. Minimum lot depth for all lots is 135 feet.
- 1.8 Minimum Dwelling Area: 3,000 square feet.
- 1.9 The maximum impervious surface shall be 50% of the area between the street and the main building.
- 1.10 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.
- 1.11 Required Parking: Carports shall be prohibited. Boats, motor homes and trailers shall be behind the front setback line and screened from public right-of-way view.
- 1.12 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 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.
 - a. Ornamental metal fencing shall be required on all lots adjacent to Highland Meadows and Whispering Meadows.
- 1.13 All required detention areas shall be provided for in a wet detention pond (constant water level) with a fountain.
- 1.14 All homes shall provide an exterior lighting package to illuminate front entrances, landscaping and trees located in the front yard and garages.
- 1.15 A minimum 20-foot wide landscape buffer shall be provided adjacent to Prosper Trail. 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.

1.16 A minimum of 10% of the homes shall have swing in garages.

2.0 General Conditions

2.1 Homeowners Association. Each lot shall be a member of the Falls at Prosper Homeowner's Association.



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NOTES
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Exhibit A
 Legal Description
 (For zoning purposes only)
 RESIDENTIAL SF-15 TRACT

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Beginning at a point for corner in the centerline of said Prosper Trail at the Southwest corner of said NW Coit/CR 81' L.P. tract,

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Thence South 28 deg 51 min 46 sec East, a distance of 832.00 feet to a point for corner,

Thence North 00 deg 48 min 32 sec West, a distance of 288.74 feet to a point for corner

Thence North 00 deg 43 min 38 sec West, a distance of 473.84 feet to a point for corner,

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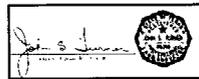
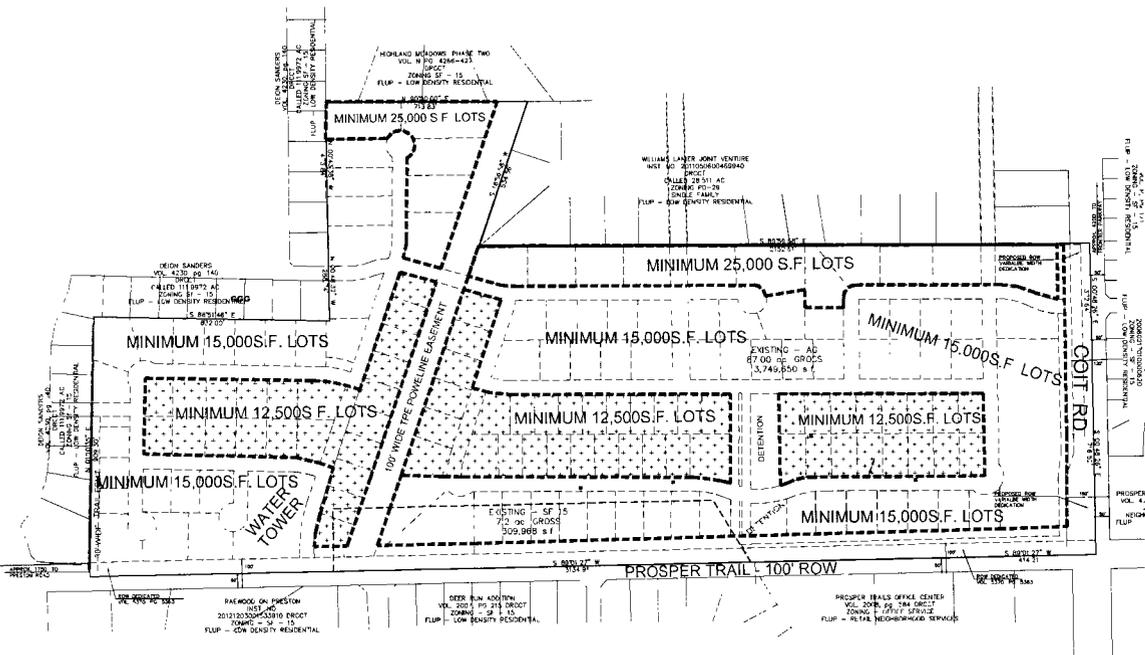
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Thence South 00 deg 48 min 26 sec East, along said centerline, passing at a distance of 372.64 feet to a point for corner,

Thence South 00 deg 48 min 26 sec East, along said centerline, a distance of 716.52 feet to a point for corner

Thence South 81 deg 01 min 27 sec West, along said centerline of Prosper Trail, a distance of 414.21 feet a point for corner

Thence South 89 deg 01 min 27 sec West, along said centerline, a distance of 3134.91 feet to the PLAG OF BEGINNING and containing 4,059,618 square feet or 93.196 acres of land



surveyor:

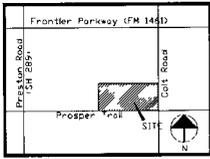
A & W SURVEYORS, INC.
 P.O. BOX 870029 MESQUITE TX
 75187 PHONE: (972) 841-4675 FAX:
 (972) 881-9454
 WWW.AWSURVEY.COM

ZONING EXHIBIT D
 93.196 ACRES
 ELISHA CHAMBERS SURVEY ABSTRACT 179
 TOWN OF PROSPER
 COLLIN COUNTY, TEXAS

THE FALLS OF PROSPER
 NW CORNER PROSPER TRAIL
 AND COIT ROAD
 Case No. - Z2014-0008

FEV80NS

August 05, 2014



Z14-0008
ZONING EXHIBIT D
 93.136 ACRES
 TOWN OF PROSPER
 COLLIN COUNTY, TEXAS

NOTE: THERE NO FEMA 100 YR FLOODPLAIN LOCATED ON THE SITE

TEXAS DEVELOPMENT SERVICES
 906 W. MIDCROWD DRIVE
 SUITE 1506-206
 ALLEN, TX 75013
 409-455-6576
 TX FRM NO 12760
 TDS PROJECT NO 13041

C-00

Exhibit "E"
Development Schedule

The project intends to begin construction in fiscal year 2015 in two phases with the final phase planned construction completed in fiscal year 2018.