TOWN OF PROSPER, TEXAS **ORDINANCE NO. 16-31**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE TOWN'S ZONING ORDINANCEBYINITIALLY ZONING AND REZONING A TRACT OF LAND CONSISTING OF 82.891 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM BUTLERSURVEY, ABSTRACT NO. 112,IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, A PORTION OF WHICH TRACT HERETOFORE WAS LOCATED IN THE TOWN'S EXTRATERRITORIAL JURISDICTION AND WAS NOT ZONED, AND A PORTION OF WHICH TRACT WAS ZONED SINGLE FAMILY-15 (SF-15), ALL OF WHICH PORTION IS CURRENTLY LOCATED IN THE TOWN'S CORPORATE LIMITS,HEREBY ZONING AND REZONING ALL OF SAID TRACT ASPLANNED DEVELOPMENT-SINGLE FAMILY-10(PD-SF-10); PROVIDING 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 the Town's Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper"),has received a request from Warren Clark Development, Inc.("Applicant"),to zone and rezone 82.891acres of land, more or less ("the Property"), situated in the William ButlerSurvey, Abstract No.112,in the Town of Prosper, Collin County, Texas; and

WHEREAS, a portion of the Property was located in the Town's extraterritorial jurisdiction, and consequently had no zoning classification, until annexation into the Town's corporate limits, and a portion of the Property was located in the Town's corporate limits and previously had been zoned; 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 zoning and 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 the Town's Zoning Ordinance.The Town's Zoning Ordinance is amended as follows: The zoning designation of the below-described Property containing 82.891acres of land, more or less, situated in the William Butler Survey, Abstract No. 112,in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby zoned and rezoned as Planned Development-Single Family-10 (PD-SF-10). 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.

Two (2) original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

a. One (1) copy shall be filed with the Town Secretary and retained as an originalrecord and shall not be changed in any manner.

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 Ordinance.

SECTION 5

Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of the Town's Zoning Ordinance, 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. The Town's Zoning Ordinance 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 10th DAY OF MAY, 2016.

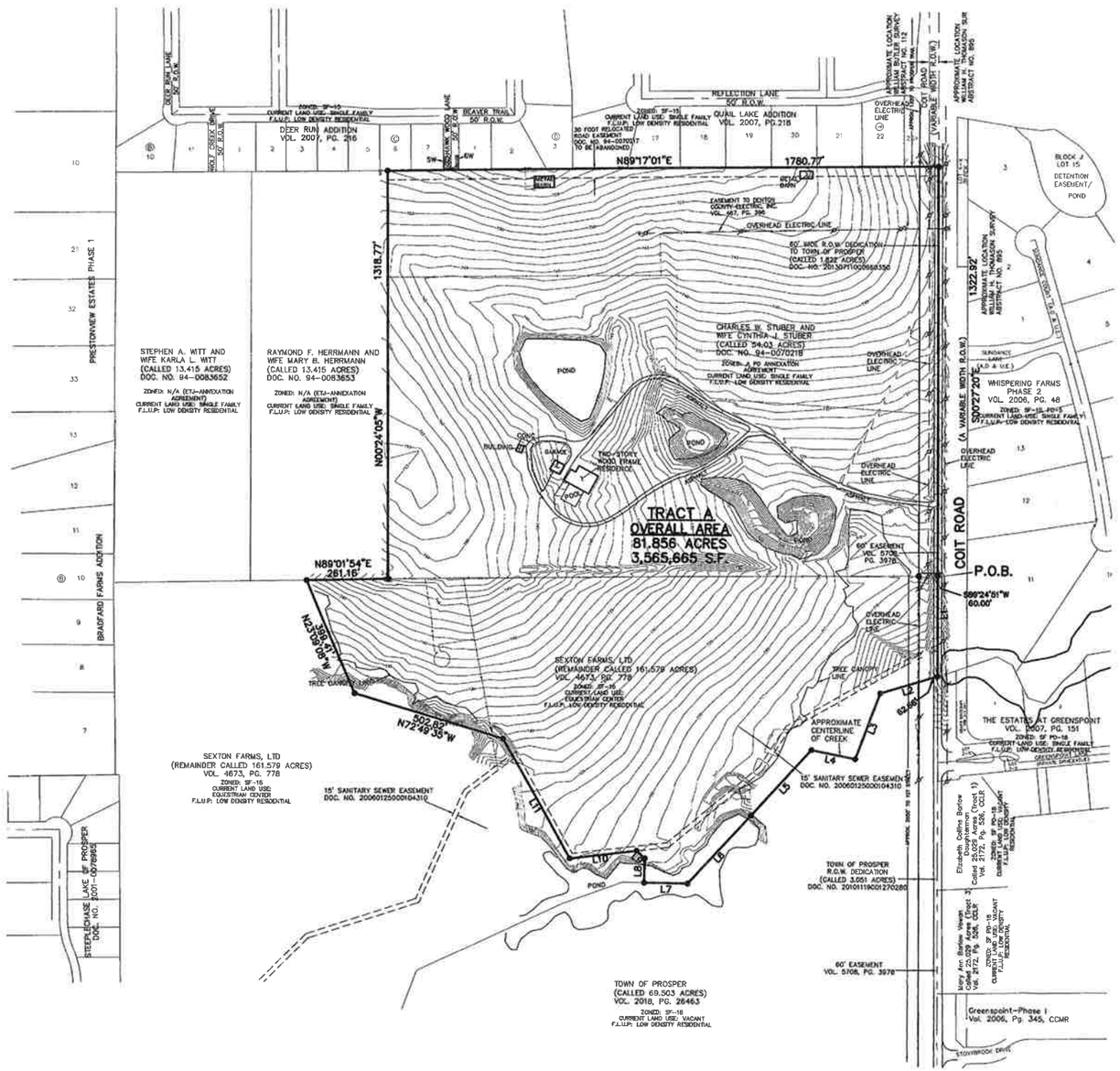
Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney



LEGAL DESCRIPTION

BEING a parcel of land located in the Town of Prosper, Collin County, Texas, a part of the William Butler Survey, Abstract Number 112, being all of that called 54.03 acre tract of land described in deed to Charles W. Stuber and wife Cynthia J. Stuber as recorded in Document Number 94-0070218, Collin County Deed Records, and being a part of that called 161.579 acre tract of land described in deed to Sexton Farms, LTD as recorded in Volume 4673, Page 778, Collin County Deed Records, and being all of that 1.822 acre right-of-way dedication to the Town of Prosper as recorded in Document Number 20130711000969350, Collin County Deed Records, and also being a part of that called 3.051 acre right-of-way dedication to the Town of Prosper as recorded in Document Number 20101119001270280, Collin County Deed Records, and being further described as follows:

BEGINNING at a point in the approximate centerline of Coit Road (a variable width right-of-way), from which said beginning point bears South 89 degrees 24 minutes 51 seconds West, 60.00 feet to a one-half inch iron rod with cap stamped "Spiars" found in the west right-of-way line of Coit Road (a variable width right-of-way), said point being in the south line of said 54.03 acre tract, said point being in the north line of said 161.579 acre tract, said point being the southwest corner of that said 1.822 acre right-of-way dedication, said point also being the northwest corner of that called 3.051 acre right-of-way dedication to the Town of Prosper as recorded in Document Number 20101119001270280, Collin County Deed Records;

THENCE South 00 degrees 31 minutes 57 seconds East, 325.34 feet along the approximate centerline of Coit Road to a point for corner;

THENCE South 72 degrees 43 minutes 16 seconds West, at 62.66 feet passing a point in the approximate centerline of creek, said point also being the northeast corner of that called 69.503 acre tract of land described in deed to the Town of Prosper as recorded in Volume 2018, Page 26463, Collin County Deed Records, in all a total distance of 191.50 feet to a point for corner in the approximate centerline of creek, said point being in the north line of said 69.503 acre tract,

THENCE along the approximate centerline of creek and the north line of said 69.503 acre tract as follows:
South 20 degrees 06 minutes 10 seconds West, 230.47 feet to a point for corner;
North 78 degrees 56 minutes 33 seconds West, 148.41 feet to a point for corner;
South 42 degrees 23 minutes 49 seconds West, 288.92 feet to a point for corner in the approximate centerline of dam;

THENCE South 42 degrees 53 minutes 57 seconds West, 299.87 feet along the north line of said 69.503 acre tract to a point for corner in the approximate centerline of a pond;

THENCE North 89 degrees 07 minutes 14 seconds West, 139.97 feet along the north line of said 69.503 acre tract to a point for corner in the approximate centerline of a pond;

THENCE North 00 degrees 52 minutes 46 seconds East, 78.43 feet to a point for corner;

THENCE North 48 degrees 03 minutes 31 second West, 35.72 feet to a point for corner, said point being in the south line of a 15 foot wide sanitary sewer easement as recorded in Document Number 2006012500104310, Collin County Deed Records;

THENCE along the south line of said 15 foot wide sanitary sewer easement as follows:
South 83 degrees 31 minutes 28 seconds West, 218.88 feet to a point for corner;
North 29 degrees 38 minutes 12 seconds West, 443.18 feet to a point for corner;

THENCE North 72 degrees 49 minutes 35 seconds West, 502.82 feet to a point for corner;

THENCE North 23 degrees 09 minutes 08 seconds West, 399.41 feet to a point for corner in the north line of said 161.579 acre tract, said point also being in the south line of that called 13.415 acre tract of land described in deed to Raymond F. Herrmann and wife Mary B. Herrmann as recorded in Document Number 94-0083653, Collin County Deed Records;

THENCE North 89 degrees 01 minutes 54 seconds East, 261.16 feet along the north line of said 161.579 acre tract to a one-half inch iron rod found at the southwest corner of said 54.03 acre tract, said point also being the southeast corner of said 13.415 acre tract;

THENCE North 00 degrees 24 minutes 05 seconds West, 1318.77 feet to a five-eighth inch iron rod with cap stamped "HUITT-ZOLLARS" found at the northwest corner of said 54.03 acre tract, said point being the northeast corner of said 13.415 acre tract, said point also being in the south line of Lot 6, Block C, Deer Run Addition, an addition to the Town of Prosper as recorded in Volume 2007, Page 216, Collin County Plat Records;

THENCE North 89 degrees 17 minutes 01 seconds East, at 1720.77 feet passing a one-half inch iron rod with yellow cap stamped "JBI" set for corner in the west right-of-way line of Coit Road, said point being in the north line of said 54.03 acre tract, said point being the northwest corner of said 1.822 acre right-of-way dedication to the Town of Prosper, said point also being the southeast corner of Lot 23X, Block H, Quail Lake Addition, an addition to the Town of Prosper as recorded in Volume 2007, Page 218, Collin County Plat Records in all a total distance of 1780.77 feet to a point for corner in the approximate centerline of Coit Road;

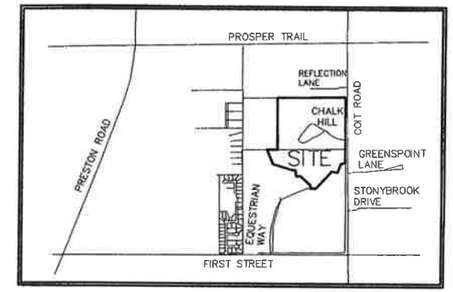
THENCE South 00 degrees 27 minutes 20 seconds East, 1322.92 feet along the approximate centerline of Coit Road to the POINT OF BEGINNING and containing 3,610,732 square feet or 82.891 acres of land.

The basis of bearing is derived from GPS observations using the North Central Zone 4202 State Plane Coordinates, NAD83.

"This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Mark W. Harp, R.P.L.S. No. 6425
January 13, 2016

STATE OF TEXAS
REGISTERED
MARK W. HARP
6425
PROFESSIONAL
LAND SURVEYOR



VICINITY MAP (N.T.S.)

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°31'57"E	325.34'
L2	S72°43'16"W	191.50'
L3	S20°06'10"W	230.47'
L4	N78°56'33"W	148.41'
L5	S42°23'49"W	288.92'
L6	S42°53'57"W	299.87'
L7	N89°07'14"W	139.97'
L8	N00°52'46"E	78.43'
L9	N48°03'31"W	35.72'
L10	S83°31'28"W	218.88'
L11	N29°38'12"W	443.18'

GROSS ACRES: 82.891±
NET ACRES: 80.609±

POTENTIAL RESIDENTIAL DENSITY: 2.0 HOMES/AC

200 100 0 200 400
1" = 200' – 0"

EXHIBIT A Z16-0002

PARKSIDE
82.891 ACRES OUT OF
WILLIAM BUTLER SURVEY, ABSTRACT NO. 112
TOWN OF PROSPER, COLLIN COUNTY, TEXAS

CHARLES STUBER — OWNER
2230 Chalk Hill
Prosper, TX 75078
(214) 415-7880

SEXTON FARMS, LTD — OWNER
100 Equestrian Way
Prosper, TX 75078
(972) 567-4114

WARREN CLARK DEVELOPMENT, INC — APPLICANT
16390 Addison Road
Addison, Texas 75001
Contact: Dale Clark
(972) 672-6776

JBI PARTNERS, INC. — PLANNER/SURVEYOR/ENGINEER
16301 Quorum Drive, Suite 200 B
Addison, Texas 75001
Contact: Jerry Sylo
(972) 248-7676
TBPE No. F-438 TBPLS No. 10078000

Resubmitted: February 16, 2016
Submitted: January 19, 2016

Notes:
No FEMA 100-year flood plain exists on this property.

The thoroughfare alignments shown on this exhibit are for illustration purposes and does not set alignment. The alignment is determined at time of final plat.

Plotted by: kpugh Plot Date: 2/16/2016 11:19 AM

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EXHIBIT B
PARKSIDE
STATEMENT OF INTENT AND PURPOSE

Parkside is intended to be a high quality, gated, single family neighborhood which is compatible with its surrounding uses. It is anticipated the neighborhood will have a broad mix of residents ranging from empty nesters in 1-story homes to families drawn to the community and schools in larger, 2-story homes. Parkside will provide an opportunity to create a place that has the quality of life Prosper residents expect as well as easy access to other areas in the Dallas-Fort Worth Metro-plex.

Parkside reflects the timeless design principles which are aimed at creating comfortable and attractive places for families to live. Your arrival into the neighborhood reflects the balance between the manmade and natural environments.

This relationship is further highlighted with the design of Parkside. The neighborhood is designed with an emphasis on a centrally located common green. Many of the streets within the neighborhood terminate at the green drawing both residents and visitors to this significant neighborhood amenity. Other streets draw your attention to the natural environment by terminating at tree lined creeks and their associated environs.

In concert with the design of the neighborhood, development standards have been created to complement existing nearby neighborhoods by building upon major trends in household type, characteristics, and preferences as a means of enhancing the attractiveness of the area.

This thoughtful coalescence of public and private realms creates a neighborhood attractive to a broad assortment of groups wanting to call Prosper home.

EXHIBIT C
PLANNED DEVELOPMENT STANDARDS

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 exists or may be amended) and the Subdivision Ordinance (as it exists or may be amended) shall apply.

TRACT A

1. Except as noted below, the Tract shall develop in accordance with the Single Family-10 (SF-10) District, as it exists or may be amended.

2. Development Plans
   a. Concept Plan: The tract shall be developed in general accordance with the attached concept plan, set forth in Exhibit D.

3. Uses. Uses shall be permitted in accordance with the SF-10 District with the exception of the following uses which shall be permitted by right:
   a. Private Street Development

4. Regulations
   a. Thoroughfare Screening. Thoroughfare screening shall be permitted in accordance with the Subdivision Ordinance as it exists or may be amended, with the exception of the following:
      1. A minimum 40' wide landscape buffer shall be provided adjacent to Coit Road.

b. Lot Area Regulations

	LOT TYPE 1	LOT TYPE 2	LOT TYPE 3	LOT TYPE 4
Minimum Lot Area	15,000 SQ FT	12,600 SQ FT	10,800 SQ FT	10,125 SQ FT
Minimum Lot Width	100'	90'	80'	75'
Minimum Lot Depth	135'	135'	130'	130'
Minimum Front Yard	See Ex. D1	See Ex. D1	See Ex. D1	See Ex. D1
Minimum Side Yard				
Interior Side	10'	10'	10'	7.5'
Street Side-Corner Lot	15'	15'	15'	15'
Minimum Rear Lot	25'	25'	20'	20'
	(Unless otherwise shown on Exhibit D1)			
Maximum Height	40'-2.5 Stories	40'-2.5 Stories	40'-2.5 Stories	40'-2.5 Stories
Minimum House Size	3,000 SQ FT	3,000 SQ FT	2,800 SQ FT	2,600 SQ FT
Maximum Lot Coverage	45%	50%	55%	55%

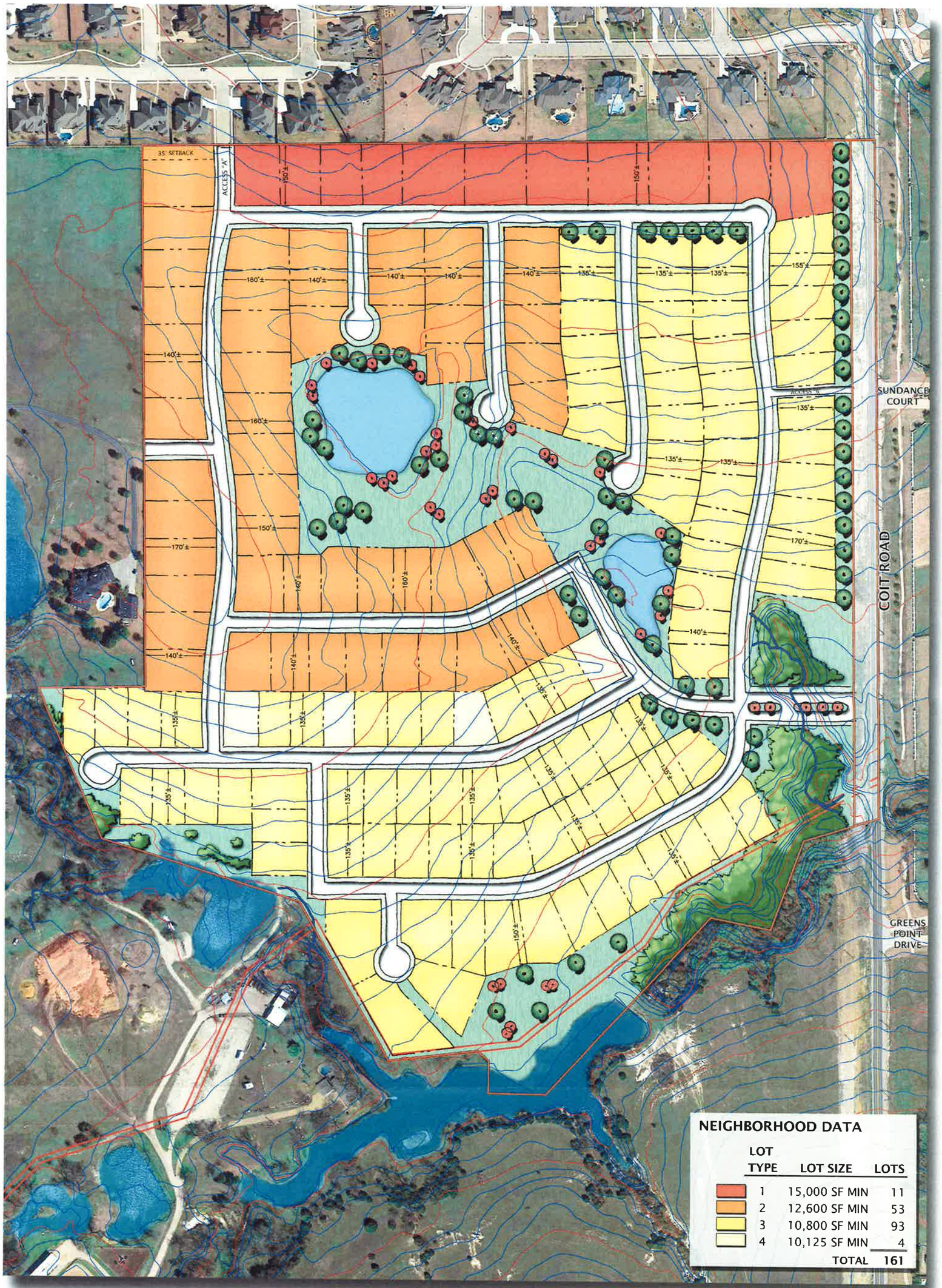
c. Driveways
   1. A minimum 12" wide band of pavers or stamped concrete is required between a driveway and approach, but shall not be located within the right-of-way and/or parkway.

d. Fencing
   1. No wood fence shall exceed 8' in height or 6' in height if on a 2' or taller retaining wall.
   2. All permitted wood fences shall consist of board-on-board, in accordance with the fence ordinance, as it exists or may be amended.
   3. Corner lots adjacent to a street shall consist of ornamental metal fencing, not to exceed 6' in height.
   4. All fence returns shall consist of ornamental metal, not to exceed 6' in height.

e. Front Yard Staggered Setbacks

1. Exhibit D1shall be used to determine the front and rear yard setbacks for single family lots in Parkside. This exhibit shall be used in the place of the requirements established in Chapter 4, Section 9.3.F of the Prosper Zoning Ordinance.

f. Access
   1. Access A, as shown on Exhibit D, shall be for emergency access for the Town of Prosper police, fire, and EMS vehicles only.
      a. Prior to the commencement of construction of the Parkside neighborhood, Access A shall be barricaded to prevent construction traffic. The emergency access only gate shall be provided prior to acceptance of the subdivision.
   2. Access B, as shown on Exhibit D, shall be for emergency access and exit only.
      a. During construction of the Parkside neighborhood, Access B shall be utilized as the primary contractor entrance and exit.



N

0 50 100 200 1"=100'

MAR 16, 2016
WCD055

PARKSIDE

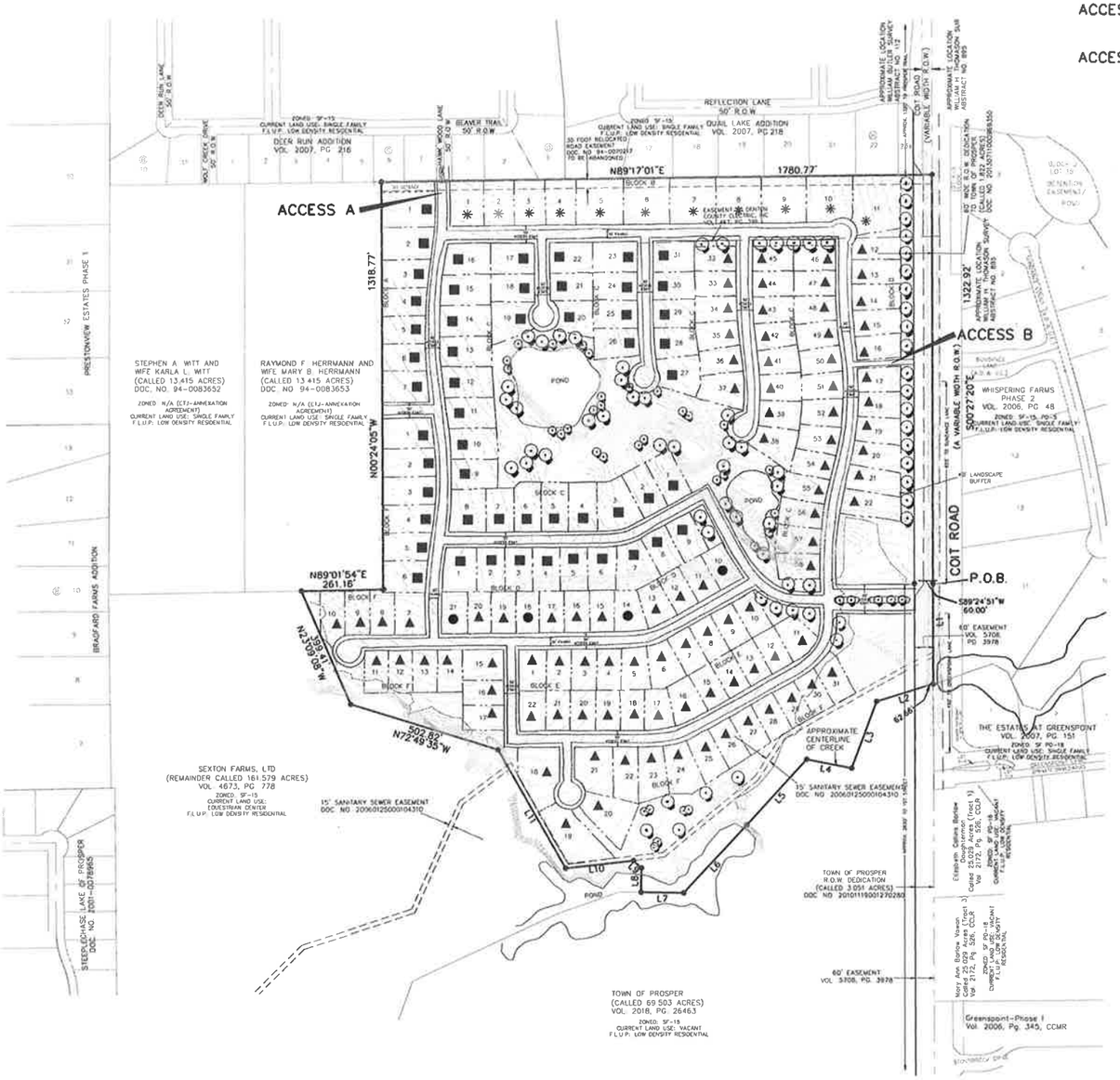
Z16-0002

EXHIBIT D PROSPER, TEXAS

JBI PARTNERS

ENGINEERING, PLANNING, AND LANDSCAPE ARCHITECTURE FOR REAL ESTATE DEVELOPMENT

16301 QUORUM DR. SUITE 200 B
ADDISON, TX 75001



NOTES:

ACCESS A: EMERGENCY ACCESS FOR THE TOWN OF PROSPER POLICE, FIRE, AND EMS VEHICLES ONLY.

ACCESS B: EMERGENCY ACCESS AND EXIT ONLY. (DURING CONSTRUCTION, THIS SHALL BE THE PRIMARY CONTRACTOR ENTRANCE/EXIT.)

VICINITY MAP (N.T.S.)

NEIGHBORHOOD DATA

- ✱ TYPE 1: 11 LOTS (15,000 SF MIN)
- ■ TYPE 2: 53 LOTS (12,600 SF MIN)
- ▲ TYPE 3: 93 LOTS (10,800 SF MIN)
- ● TYPE 4: 4 LOTS (10,125 SF MIN)

TOTAL: 161 LOTS

GROSS ACRES: 82.891±
NET ACRES: 80.609±

POTENTIAL RESIDENTIAL DENSITY: 1.9 HOMES/AC

200 100 0 200 400
1" = 200' - 0"

EXHIBIT D Z16-0002

PARKSIDE

82.891 ACRES OUT OF
WILLIAM BUTLER SURVEY, ABSTRACT NO. 112

TOWN OF PROSPER, COLLIN COUNTY, TEXAS

CHARLES STUBER	**OWNER**
2230 Chalk Hill Prosper, TX 75078	(214) 415-7880
SEXTON FARMS, LTD	**OWNER**
100 Equestrian Way Prosper, TX 75078	(972) 567-4114
WARREN CLARK DEVELOPMENT, INC	**APPLICANT**
16390 Addison Road Addison, Texas 75001 Contact: Dale Clark	(972) 672-6776
JBI PARTNERS, INC.	**PLANNER/SURVEYOR/ENGINEER**
16301 Quorum Drive, Suite 200 B Addison, Texas 75001 Contact: Jerry Sylo TBPE No. F-438 TBPLS No. 10076000	(972) 248-7676

Resubmitted: April 5, 2016
Resubmitted: March 16, 2016
Resubmitted: February 16, 2016
Submitted: January 19, 2016

Notes:
No FEMA 100-year flood plain exists on this property.

The thoroughfare alignments shown on this exhibit are for illustration purposes and does not set alignment. The alignment is determined at time of final plat.

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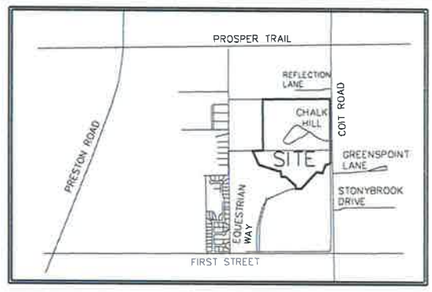
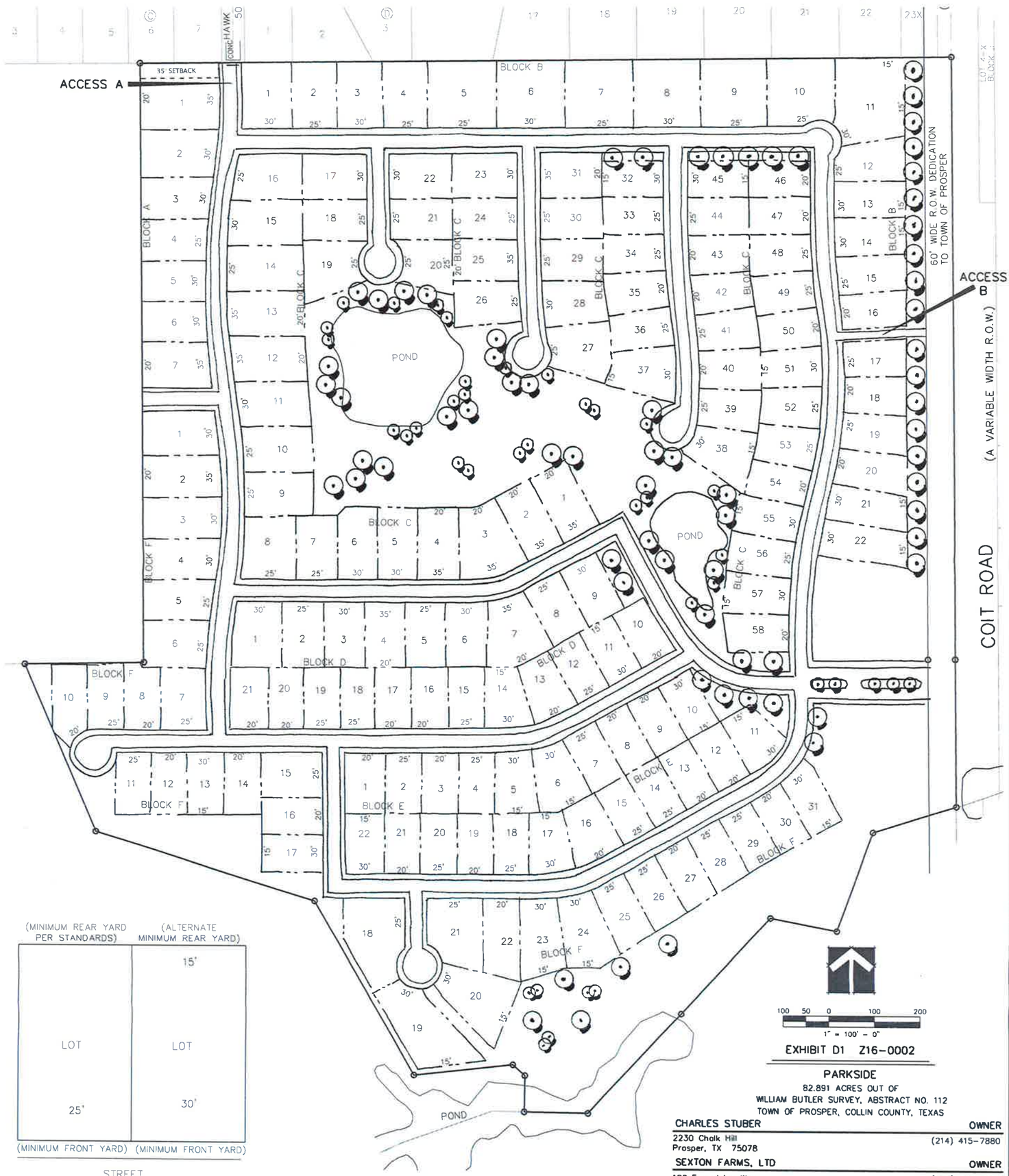


VICINITY MAP (N.T.S.)



TYPICAL LOT SETBACK DETAIL

GROSS ACRES: 82.891±
NET ACRES: 80.609±

POTENTIAL RESIDENTIAL DENSITY: 1.9 HOMES/AC

Notes:
No FEMA 100-year flood plain exists on this property.

The thoroughfare alignments shown on this exhibit are for illustration purposes and does not set alignment. The alignment is determined at time of final plat.

TYPE 1			
25	30	35	TOTAL
6	5		11
(55%)	(45%)		

TYPE 2			
25	30	35	TOTAL
21	19	13	53
(40%)	(36%)	(24%)	

TYPE 3			
20	25	30	TOTAL
33	35	25	93
(35%)	(38%)	(27%)	

TYPE 4			
20	25	30	TOTAL
2	1	1	4
(50%)	(25%)	(25%)	

161 TOTAL LOTS

100 50 0 100 200
1" = 100' - 0"

EXHIBIT D1 Z16-0002

PARKSIDE
82.891 ACRES OUT OF
WILLIAM BUTLER SURVEY, ABSTRACT NO. 112
TOWN OF PROSPER, COLLIN COUNTY, TEXAS

CHARLES STUBER — OWNER
2230 Chalk Hill
Prosper, TX 75078
(214) 415-7880

SEXTON FARMS, LTD — OWNER
100 Equestrian Way
Prosper, TX 75078
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WARREN CLARK DEVELOPMENT, INC — APPLICANT
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16301 Quorum Drive, Suite 200 B
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Contact: Jerry Syka
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TBPE No. F-438 TBPLS No. 10076000

Resubmitted: April 5, 2016
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EXHIBIT E
PARKSIDE
DEVELOPMENT SCHEDULE

It is anticipated that construction of the Parkside neighborhood will begin in the summer of 2016.