

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 10-107

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20 AND ORDINANCE NO. 00-09 (PLANNED DEVELOPMENT-2); REZONING A TRACT OF LAND CONSISTING OF 6.10 ACRES, MORE OR LESS, SITUATED IN THE EDWARD BRADLEY TRIMBLE SURVEY, ABSTRACT NO. 86, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, IS HEREBY REZONED TO AMEND PLANNED DEVELOPMENT-2 (PD-2), EXHIBIT C, SECTION 2.06; 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 and Ordinance No. 00-09 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Jobe Properties, Ltd. ("Applicant") to rezone 6.10 acres of land, more or less, situated in the Edward Bradley Trimble Survey, Abstract No. 86, 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 and Ordinance No. 00-09 (Planned Development-2). Zoning Ordinance No. 05-20 and Ordinance No. 00-09 are amended as follows: The zoning designation of the below-described property containing 6.10 acres of land, more or less, situated in the Edward Bradley Trimble Survey, Abstract No. 86, 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-2 (PD-2). 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 the planned development standards, attached hereto as Exhibit "C"; 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 Ordinance No. 00-09, and 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.

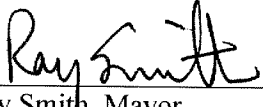
SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper 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.

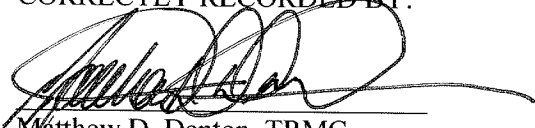
SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 23RD DAY OF NOVEMBER, 2010.

APPROVED AS TO FORM:


Ray Smith, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:


Matthew D. Denton, TRMC
Town Secretary

DATE OF PUBLICATION: DECEMBER 4, 2010, Dallas Morning News



EXHIBIT "A"

Legal Description

Being a tract of land located in the EDWARD BRADLEY TRIMBLE SURVEY, ABSTRACT NO. 86, Town of Prosper, Collin County, Texas, being a portion of Willow Ridge Phase 4, according to the plat/map filed for record by Document Number 20090030010000780, Plat Records of Collin County, Texas, also being a part of a tract of land described in Deed to Jobe Properties, Ltd., recorded in Volume 4705, Page 3351, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found at the Southwest corner of said Willow Ridge Phase 4 and being in the East Line of that tract of land conveyed to 183 Land Corporation, Inc. according to the document filed of record under County Clerk File Number 97-0005168, Deed records of Collin County, Texas, said iron rod also being the Northwest corner of that tract of land conveyed to Carol Tung Tsai according to the document file in Volume 4978, Page 3953, Deed Records of Collin County, Texas;

THENCE North 01°25'08" West, with the common line of said Willow Ridge Phase 4, Jobe Properties tract and said 183 Land Corporation tracts, a distance of 1298.24 feet to a point for a corner of this tract;

THENCE leaving said common line, over and across said Jobe tract and Willow Ridge Phase 4 the following courses and distances:

North 88°34'44" East, a distance of 160.03 feet to a point for a corner;

South 01°25'16" East, a distance of 107.28 feet to a point for a corner;

South 50°45'06" East, a distance of 56.07 feet to a point for a corner;

South 05°08'21" West, a distance of 185.21 feet to a point for a corner;

North 83°36'30" East, a distance of 37.41 feet to a point for a corner;

South 04°51'52" East, a distance of 174.16 feet to a point for a corner;

South 20°14'15" West, a distance of 38.20 feet to a point for a corner;

South 01°25'16" East, a distance of 634.26 feet to a point for a corner;

South 22°39'25" West, a distance of 142.47 feet to a point for a corner in the North Line of the above mentioned Carol Tung Tsai tract same being the common South Line of the above mentioned Willow Ridge Phase 4;

THENCE South 88°35'01" West, with said common line, a distance of 156.95 feet to the POINT OF BEGINNING and containing 6.10 acres of land, more or less.

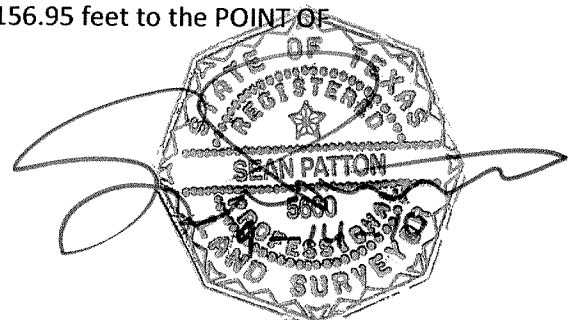


Exhibit C

Willow Ridge Planned Development-2 Amendment

Planned Development Standards

Except as otherwise set forth in these development standards, the property, as described in Exhibit A, shall develop under Ordinance No. 00-09 as adopted by the Town of Prosper Town Council on May 9, 2000.

1. 2.06 Thoroughfare Screening: Thoroughfare Screening shall be provided along future Lovers Lane (a four lane divided thoroughfare) per Section 10.13 of the Town's Subdivision Ordinance, with the exception that an eight foot (8') cedar board-on-board wood fence with a common stain color, supported by metal posts anchored in concrete, be constructed along the shared property line of the single family residential lots and the ten foot (10') open space lot, in place of the required ornamental metal fence. The wood fence, the required landscaping, and the ten foot (10') open space lot shall be owned and maintained by the Willow Ridge Homeowner's Association.