

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 15-49

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 5.115 ACRES, MORE OR LESS, SITUATED IN THE J. BATES SURVEY, ABSTRACT NO. 1620, IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS, HERETOFORE ZONED SINGLE FAMILY-10 (SF-10) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-40 (PD-40); 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 TVG Texas I, LLC ("Applicant") to rezone 5.115 acres of land, more or less, situated in the J. Bates Survey, Abstract No. 1620, 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 5.115 acres of land, more or less, situated in the J. Bates Survey, Abstract No. 1620, 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-40 (PD-40). 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 plans, 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 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.

### **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.

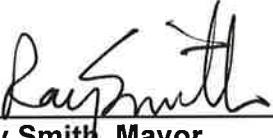
## SECTION 7

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 11TH DAY OF AUGUST, 2015.**



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Ray Smith, Mayor

ATTEST:



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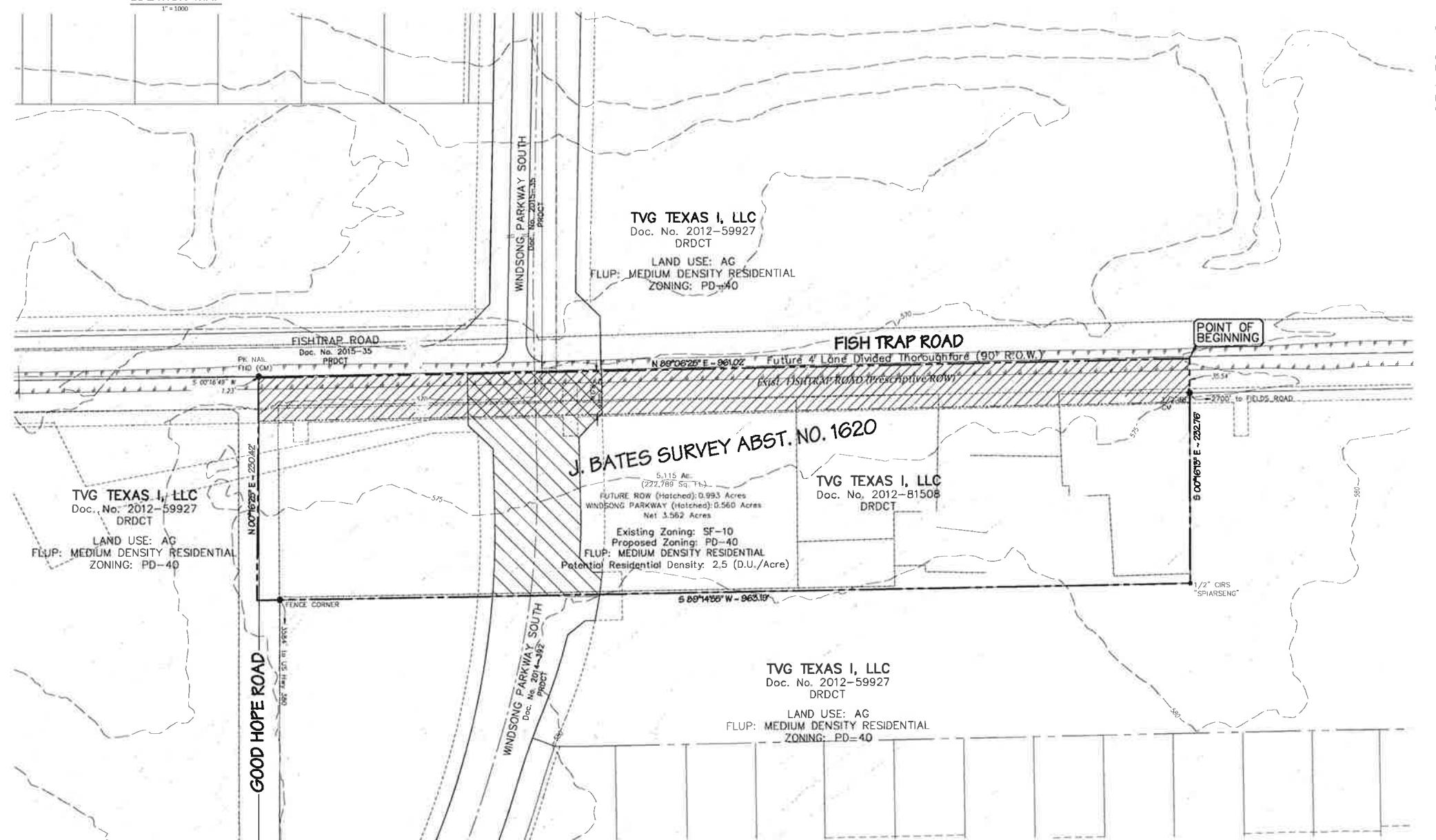
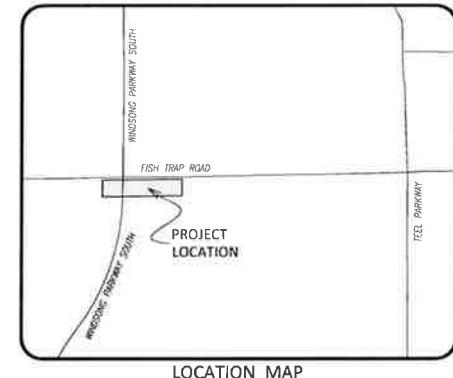
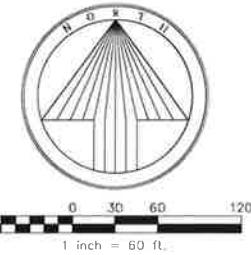
Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



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Terrence S. Welch, Town Attorney



#Z15-0010  
ZONING EXHIBIT "A"

## WINDSONG RANCH - REEVES TRACT

5.115 Acres

J. BATES SURVEY, ABST. 1620  
IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS  
Current Zoning: SF-10 (Single Family - 10)  
Proposed Zoning: PD-40 (Planned Development)

ENGINEER/SURVEYOR  
Spiars Engineering, Inc.  
765 Custer Road, Suite 100  
Plano, TX 75075  
Telephone: (972) 422-0077  
TBPE No. F-2121

OWNER/DEVELOPER  
TVG Texas I, LLC  
1001 WINDSONG Parkway South  
Prosper, TX 75078  
Telephone: 972-238-7410

Scale: 1"=60' July, 2015 SEI Job No. 15-074

### METES AND BOUNDS DESCRIPTION

BEING a tract of land situated in the J. Bates Survey, Abstract No. 1620, Town of Prosper, Denton County, Texas, the subject tract being all of a tract of land conveyed to TVG Texas I, LLC according to the deed recorded in document number 2012-81508, Deed Records, Denton County, Texas, the subject tract being more particularly described as follows:

BEGINNING at a point in the centerline of Fish Trap Road that bears North 00°16'13" West, 35.54 feet from a 1/2" iron rod found on the south line of Fish Trap Road for the northeast corner of the subject tract;

THENCE South 00°16'13" East departing said centerline of Fish Trap Road and passing at a distance of 35.54 feet the northwesterly corner of that certain tract described in deed to TVG Texas I, LLC, recorded in Document Number 2012-59927 of the Deed Records, Denton County, Texas, for a total distance of 232.76 feet along the common line thereof to a 1/2" iron rod with a yellow cap stamped "SPIARSENG" set;

THENCE South 89°14'55" West, 963.19 feet continuing along the common line thereof, to the centerline of Good Hope Road;

THENCE North 00°16'25" East, 230.42 feet along said centerline of Good Hope Road to said centerline of Fish Trap Road, from which a PK nail found bears South 00°15'49" West, 1.23 feet;

THENCE North 89°06'25" East, 961.02 feet along said centerline of Fish Trap Road to the PLACE OF BEGINNING with the subject tract containing 222.789 square feet or 5.115 acres of land.

### Notes:

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plan or permit, approval of development standards shown herein, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plans or permits relating to development of this property shall be considered as an action separate from action taken on this zoning case.
3. The owners of the property desire to change the zoning to PD-40.
4. No flood plain exists on this site.
5. The thoroughfare alignment(s) shown on this exhibit are for illustration purposes and does not sell the alignment. The alignment is determined at time of final plat.

## **EXHIBIT "B"**

### Statement of Intent and Purpose

The purpose of this PD Amendment is to add 5.115 acres of land into the PD-40 zoning ordinance. This tract was originally left out of the original PD-40 zoning case because it was owned by other parties.

**EXHIBIT "C"**

**Planned Development Standards**

Except as otherwise set forth in these development standards, the property, as described in Exhibit A, shall develop under Ordinance 08-030, as adopted by the Town Council on March 25, 2008, in accordance with Exhibit C, (2.) Single-Family Residential Tract, (e.) Area and building regulations, (b.) Type B Lots, except as follows:

- A. Minimum Lot Size: The minimum lot size for Type B Lots shall be ten thousand (10,000) square feet. A typical lot will be 70' x 128', but may vary as long as requirements in Table 1 are accommodated.



**EXHIBIT "E"**  
**DEVELOPMENT SCHEDULE**

Reeves Tract – a portion of Phases 1C and 2E  
5.115 Acres to be added to PD-40  
Southeast corner of Fishtrap Road and Windsong Parkway South

Begin Excavation:	July 2015
Begin Utilities:	September 2015
Begin Paving:	December 2015
Town Acceptance of Public Improvements:	March 2016

This schedule is subject to change due to various factors beyond the control of developer.