

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 16-69

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING THE TOWN'S ZONING ORDINANCE, ORDINANCE NO. 10-083, AND ORDINANCE NO. 14-23, BY REZONING A TRACT OF LAND CONSISTING OF 198.40 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 581, AND THE L. NETHERLY SURVEY, ABSTRACT NO. 962, IN THE TOWN OF PROSPER, DENTON COUNTY AND COLLIN COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-48 (PD-48) AND PLANNED DEVELOPMENT-65 (PD-65) TO PLANNED DEVELOPMENT-65 (PD-65); 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 the Town's Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper"), received a request from Prosper Partners, LP ("Applicant"), to rezone 198.40 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 581, and the L. Netherly Survey, Abstract No. 962, in the Town Of Prosper, Denton County and 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, THAT:

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 and Ordinance No. 07-088. The Town's Zoning Ordinance, adopted by Ordinance No. 05-20, Ordinance No. 10-083, and Ordinance No. 14-23 are amended as follows: The zoning designation of the below-described property containing 198.40 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 581, and the L. Netherly Survey, Abstract No. 962, in the Town Of Prosper, Denton County and Collin County, Texas, (the "Property") and all streets, roads and alleyways

contiguous and/or adjacent thereto is hereby rezoned as Planned Development-65 (PD-65). The property as a whole and the boundaries for each zoning classification are more particularly described in Exhibit A and 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; 4) the development schedule, attached hereto as Exhibit E; and 5) the conceptual elevations, attached hereto as Exhibits F, which are incorporated herein for all purposes as if set forth verbatim.

All development plans, standards, and uses for the Property shall comply fully with the requirements of all ordinances, rules, and regulations of the Town 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 original record 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.

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 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

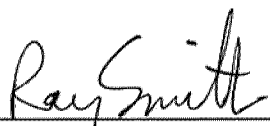
Savings/Repealing Clause. Prosper's Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate 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 8TH DAY OF NOVEMBER, 2016.



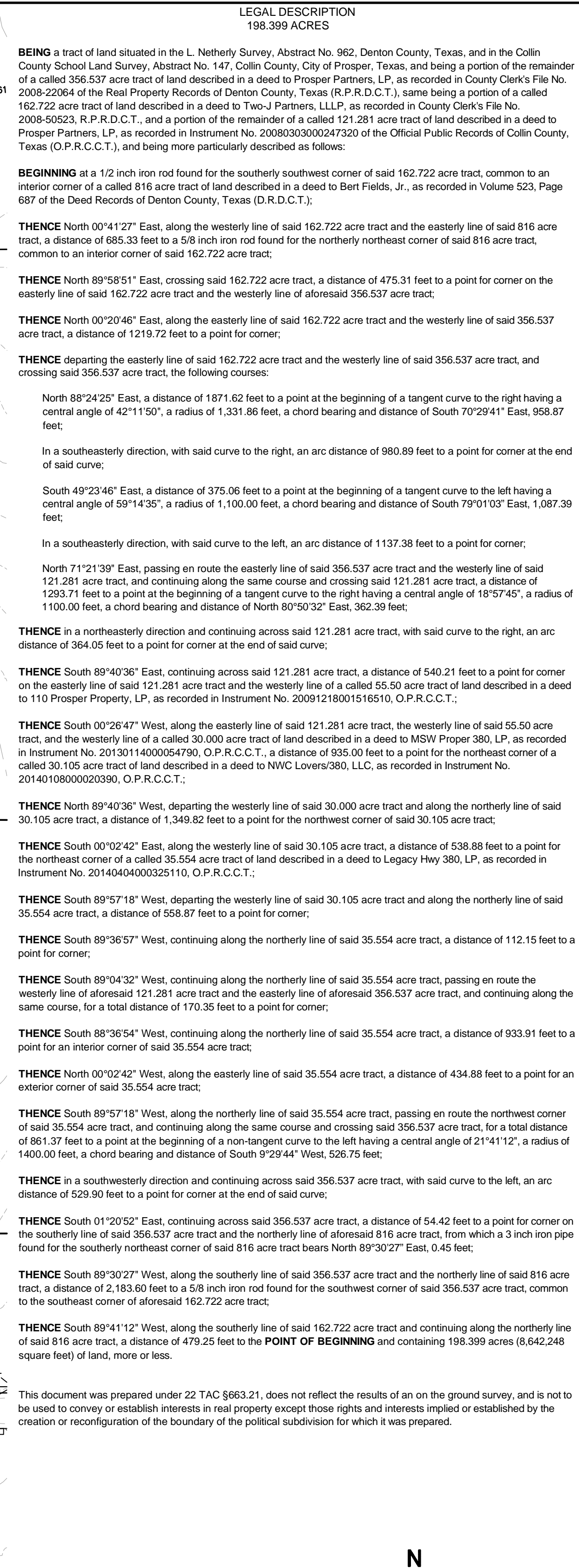


Ray Smith, Mayor

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney



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Z16-0011

EXHIBIT “B”

**PROSPER CENTER
PLANNED DEVELOPMENT DISTRICT**

STATEMENT OF INTENT AND PURPOSE

This Planned Development District amendment requests additional development standards to facilitate the development of age-restricted detached single family units focused on senior living within Tract 3R of the development, increasing the land area within Tract 3R, and an allowance of additional Type A lots within Tract 3R and Tract 4R.

The requested age restricted specific regulations will allow for development of a community that provides quality living options for multiple life stages.

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EXHIBIT “C”

DEVELOPMENT STANDARDS

Conformance with the Town’s Zoning Ordinance and Subdivision Ordinance: Except as otherwise set forth in these Development Standards, the property shall be developed in accordance with the regulations of Planned Development-65 (Ordinance No. 14-23), the regulations of the Town’s Zoning Ordinance (Ordinance No. 05-20), and the Subdivision Ordinance (Ordinance No. 03-05), as they exist or may be amended.

Tract 3R – Age-Restricted Single Family Detached Provisions

- A. Provided Tract 3R develops as an age-restricted single family detached development, the following provisions shall apply. If any portion of Tract 3R does not develop as an age-restricted single family detached development, the regulations set forth in Planned Development-65 (Ordinance No. 14-23) shall apply.
- B. Age-Restricted Development
 - 1. Such age restriction shall be contained in deed restrictions for the property, subject to the approval of the Town Attorney, consistent with the federal Fair Housing Act of 1968, as amended, and the Town shall have no enforcement obligations relative to said age restriction. Any amendment to the deed restrictions must be approved in writing by the Town Attorney and further, no amendment shall remove, modify or otherwise alter the foregoing enforcement obligations.
 - 2. Tract 3R shall develop in no more than 3 phases and any age restrictions shall be imposed by deed restriction on no less than phase-by-phase development of Tract 3R.
- C. Development Plans
 - 1. Conceptual Layout: Age-restricted single family detached development within Tract 3R shall be in general accordance with the attached conceptual layout, set forth in Exhibit D.
 - 2. Conceptual Elevations: Age-restricted single family detached units within Tract 3R shall be in general conformance to the attached elevations, set forth in Exhibit F.
 - a. Determination of conformance to conceptual elevations is subject to Town staff interpretation. Appeal of such interpretations shall be made to Town Council for final review and determination.
- D. Regulations
 - 1. Age-Restricted Single Family Detached Area and Building Regulations:
 - a. Type A Lot Regulations:
 - i. A maximum of 20% of age-restricted single family detached units per phase shall be less than 1,800 square feet, and a minimum of 1,600 square feet.
 - b. Type B Lot Regulations:
 - i. Age-restricted single family detached units shall be a minimum of 1,800 square feet.
 - c. Garage Regulations:
 - i. Age-restricted single family detached units shall not be required to have swing-in driveways and/or side facing garages.

- ii. The face of the garage doors shall not extend in front of the main front façade of the home.
- d. Architectural Regulations:
 - i. Cementitious Fiber Siding, shall be permitted as a primary building material, as follows:
 - A. For a maximum of 60% of units per phase.
 - B. On a maximum of 45% of front façades.
 - C. On a maximum of 10% of side façades.
 - D. Shall not be permitted on rear facades.
- e. Porches:
 - i. Front porches, a minimum of seven feet in depth, shall be required for 30% of homes per phase.

Tracts 3R and 4R

A. Regulations

1. Type A Lot Regulations:

- a. A maximum of 315 total Type A units shall be allowed within Tract 3R and Tract 4R. The maximum allowed Type A units within Tract 3R shall be 175 units. The remainder available Type A units, up to a 280 maximum total, shall be allowed within Tract 4R.

CURRENT PROPERTY OWNER:
Prosper Partners, LP
10950 Research Road
Frisco, TX 75033
P 214.387.3993
F 214.387.3913
E crichardson@txlandresources.com

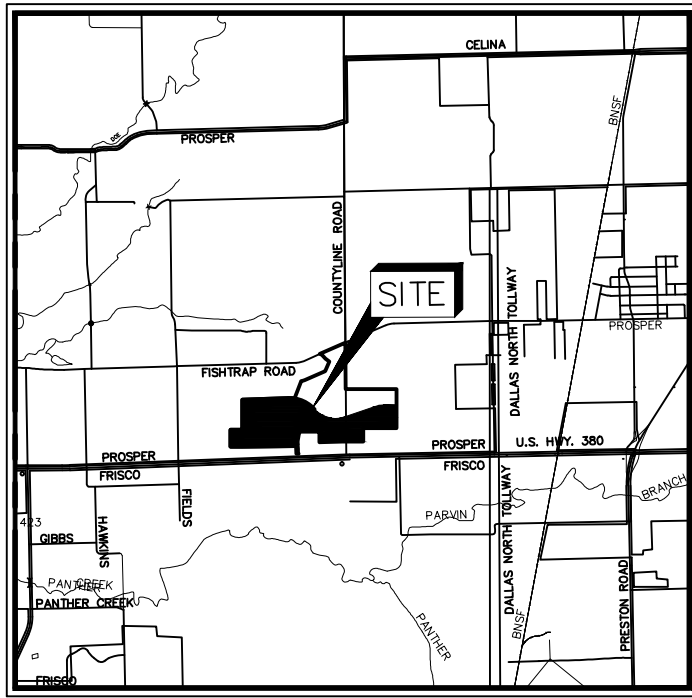
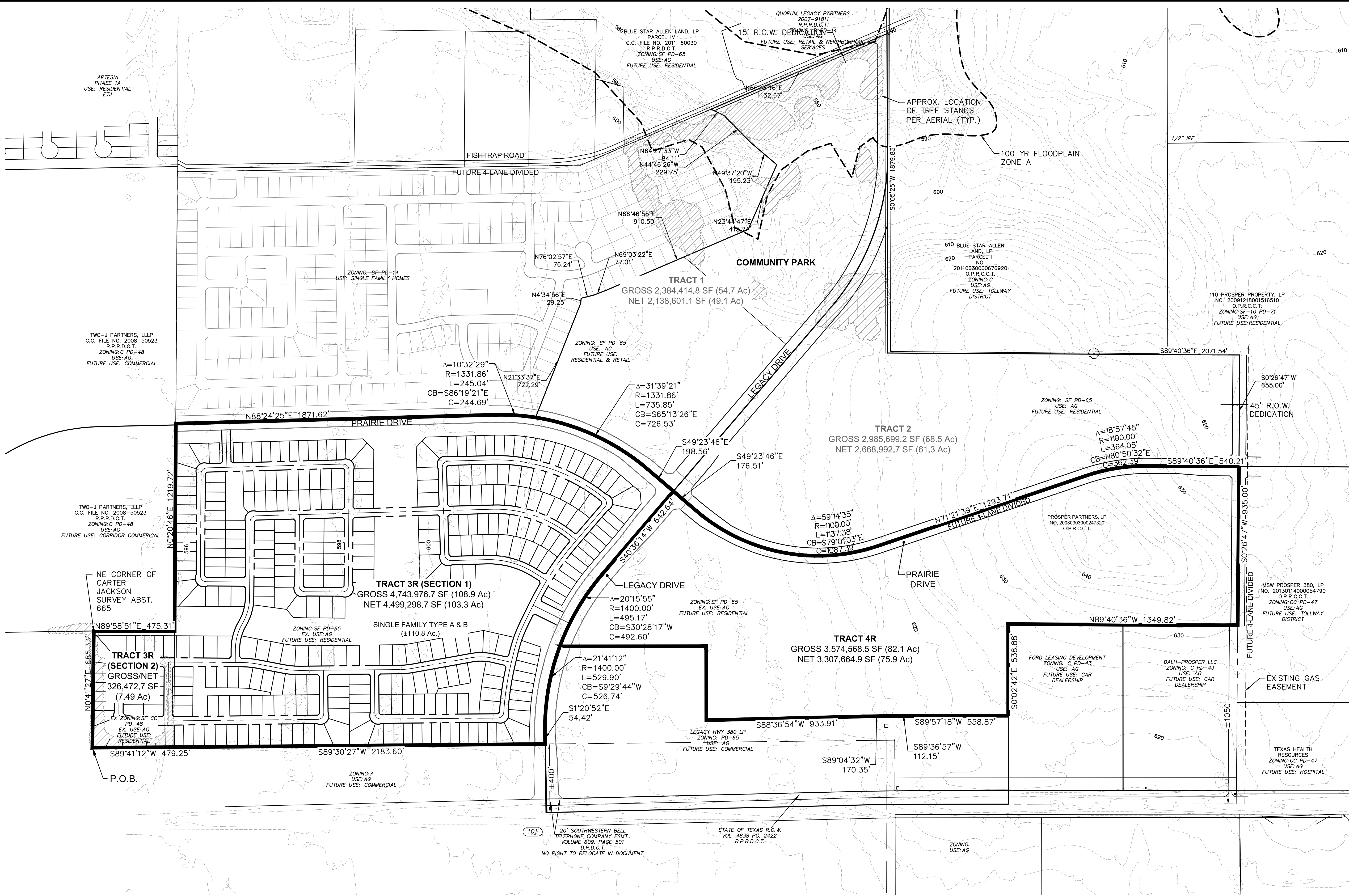
APPLICANT:
Greater Land Resources
Contact: Clint Richardson
10950 Research Road
Frisco, TX 75033
P 214.387.3993
F 214.387.3913
E crichardson@txlandresources.com

SURVEYOR:
Michael Marx, R.P.L.S.
Kimley-Horn and Associates
5750 Genesis Court
Frisco, TX 75034
P 972.335.3580
F 972.335.3779

Tract	Use	Area (sq.ft.)	Acreage	Net of ROW (sq.ft.)	Net Acreage
Tract 3R	SF	5,070,241.4	116.4	4,826,041.4	110.8
Tract 4R	SF	3,574,568.5	82.1	3,307,664.9	75.9
	Total	8,644,809.9	198.458	8,133,706.3	186.7

NOTE:

1. THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAN.
2. INTERIOR STREET AND BLOCK CONFIGURATION SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES. THE STREETS AND BLOCKS SHALL BE DETERMINED DURING PLATTING AND SHALL CONFORM TO TOWN STANDARDS AND SHALL INCORPORATE DESIGN THAT PROMOTES SAFE STREETS AND ENCOURAGES TRAFFIC CALMING.



LINE TYPE LEGEND

	BOUNDARY LINE
	EASEMENT LINE
	BUILDING LINE
	WATER LINE
	SANITARY SEWER LINE
	STORM SEWER LINE
	UNDERGROUND GAS LINE
	OVERHEAD UTILITY LINE
	UNDERGROUND ELECTRIC LINE
	UNDERGROUND TELEPHONE LINE
	FENCE
	CONCRETE PAVEMENT
	ASPHALT PAVEMENT

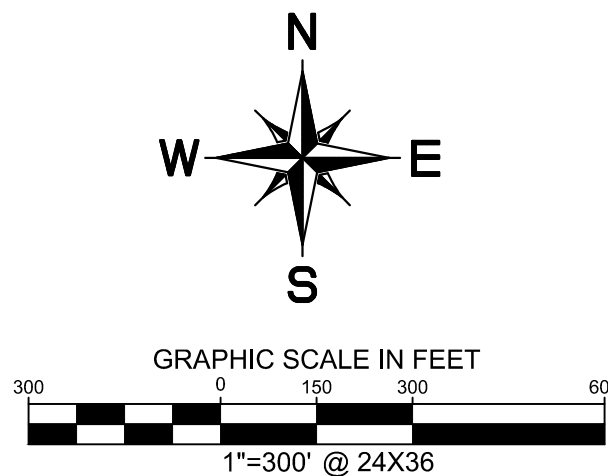


EXHIBIT "D"

Prosper Center

198.40 ACRES
COLLIN COUNTY SCHOOL LAND SURVEY
ABSTRACT No. 581
L. NETHERLY SURVEY
ABSTRACT No. 962
TOWN OF PROSPER, TEXAS

AMENDMENT TO PD-65
Z16-0011

JUNE 2016

Z16-0011

EXHIBIT “E”

**PROSPER CENTER
PLANNED DEVELOPMENT DISTRICT**

DEVELOPMENT SCHEDULE

It is anticipated that the development of the age restricted single family portion of Prosper Center will begin within 1 to 10 years after approval and signing of the zoning ordinance. During this time period, prior to the initial stages of development, it is foreseen that plans and studies will be prepared for development and marketing of the property.

Progress of development improvements will primarily depend on time frames established for construction of thoroughfares, utilities, and market trends/demands for the area.



EXHIBIT "F"



