

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 14-70

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 60.91 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED PLANNED DEVELOPMENT-47 (PD-47) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-SINGLE FAMILY-10 (PD-SF-10); 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 110 Prosper Property, LP ("Applicant") to rezone 60.91 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 147, 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 60.91 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 147, 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-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 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.

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

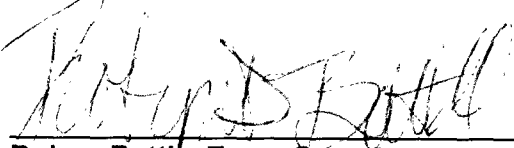
Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 14th DAY OF OCTOBER, 2014.



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

EXHIBIT B
WINDRIDGE
STATEMENT OF INTENT AND PURPOSE

Windridge is intended to be a high quality, single family neighborhood which is compatible with its surrounding uses. The neighborhood's proximity to the Dallas North Tollway 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.

EXHIBIT C
WINDRIDGE (#Z14-0013)
PLANNED DEVELOPMENT STANDARDS

The property shall be developed in accordance with the Single Family-10 (SF-10) District and the regulations of the Town's Zoning Ordinance (Ordinance No. 05-20) as it currently exists or may be amended, except as otherwise set forth in these Development Standards.

1.0 GENERAL STANDARDS

- 1.01 The design and development of the Windridge community shall take place in general accordance with Exhibit D.
- 1.02 A minimum 40' landscape buffer shall be provided adjacent to all arterial streets identified on the Prosper Thoroughfare Plan. The buffer shall be located in a private "non-buildable" lot that is owned and maintained by the HOA. All plantings, screening walls, and design elements shall comply with the Town's Subdivision Ordinance as it exists or may be amended.
- 1.03 The open spaces and detention areas shown on the Concept Plan shall be landscaped and maintained by the Homeowners Association.

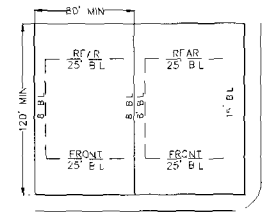
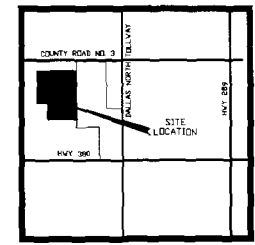
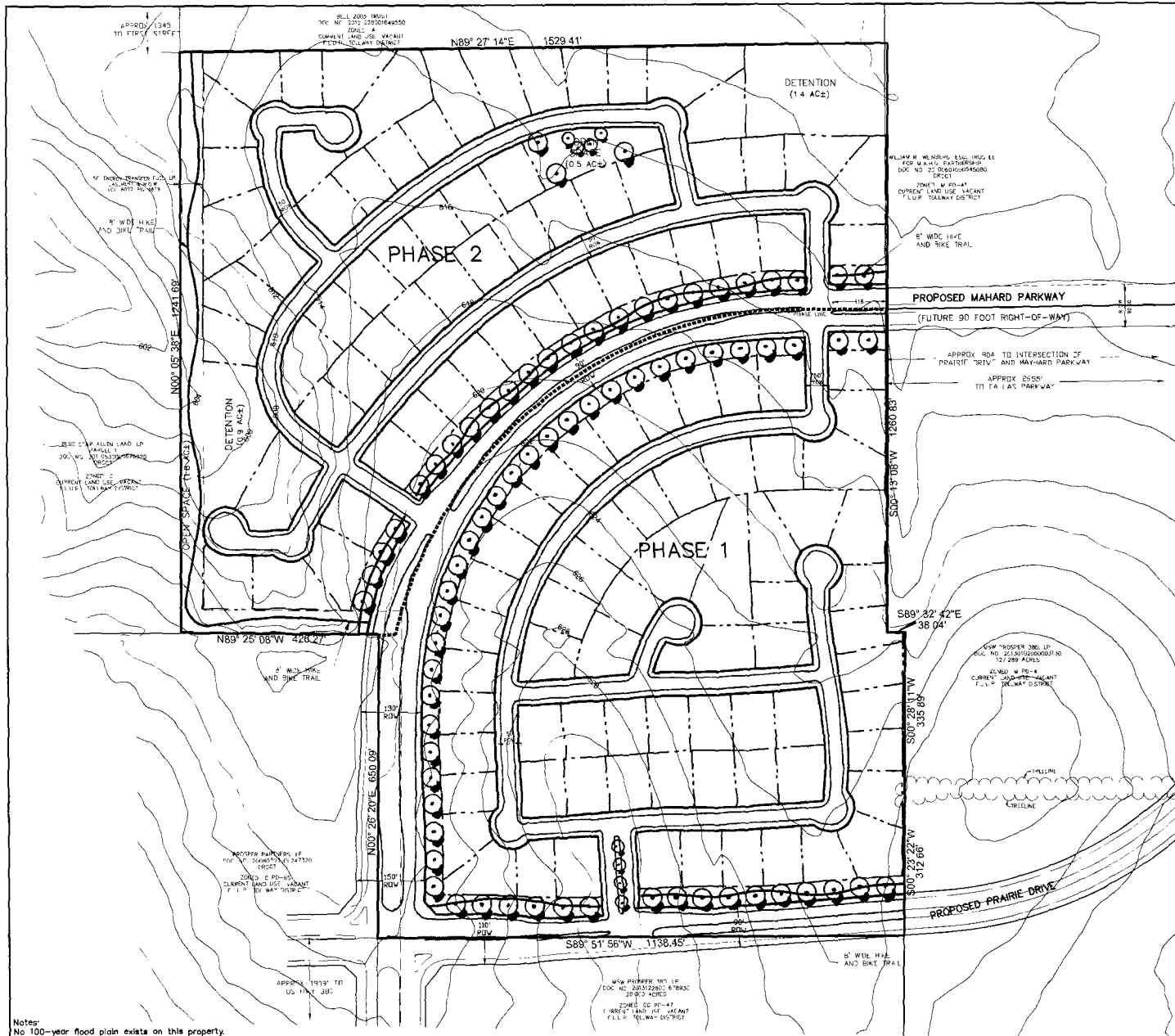
2.0 RESIDENTIAL STANDARDS

- 2.01 Minimum Lot Width: 80'. On cul-de-sacs and/or elbows, the minimum lot width shall be 70'. The minimum street frontage for all lots at the front property line shall be 40'.
- 2.02 Minimum Lot Depth: 120'. On cul-de-sacs and/or elbows, the minimum lot depth shall be 110'.
- 2.03 Minimum Dwelling Area: 2,500 square feet.

3.0 BUILDING STANDARDS

- 3.01 All homes shall provide an exterior lighting package to illuminate the fronts of homes. The package shall include a minimum of 2 up or down lights to accent building architectural and/or landscape features. Security lighting may not be substituted for accent lighting.
- 3.02 Home elevations shall alternate at a minimum of every 4 homes on the same side of a street and every 3 homes on the opposite sides of a street.
- 3.03 All fencing located on single family lots adjacent to open spaces shall consist of ornamental metal/tubular steel.
- 3.04 All wooden fencing shall be 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.
- 3.05 Privacy fences on single family residential lots shall be located no closer to the front property line than 10' behind the front elevation of the house and shall not exceed 8' in height above grade.
- 3.06 Homes on a minimum of 2/3 of the single family lots within the community shall utilize swing in garages. For purposes of this item, when garages for 3 cars are provided and the 2 car garage is a swing in garage, the home shall be considered as to have provided a swing in garage.
- 3.07 Garage Doors:
 - A. Garage doors shall be cedar clad and stained.
 - B. Except for garage doors provided on swing in garages, garage doors shall not be located closer to the street than the primary front façade of the home.
- 3.08 Carports shall be prohibited.

- 3.09 Driveways: Enhanced paving treatments shall be provided for all driveways and shall consist of one of the following, or other treatment as approved by the Director of Development Services.
- A. Stamp and stain/patterned concrete (must be dust-on color application to wet concrete).
 - B. Acid-etched colored concrete for the field with scored smooth colored borders (must use dust-on color application to wet concrete).
 - C. Colored concrete with scored smooth border (must use dust-on color application to wet concrete).
 - D. Brick or interlocking pavers or pave stone.



TYPICAL LOT DETAIL

GROSS ACRES: 60.914±
 NET ACRES: 54.847±
 LOT SIZE: 84' X 120' TYPICAL
 OPEN SPACE: 2.3 AC±
 DETENTION AREA: 2.3 AC±

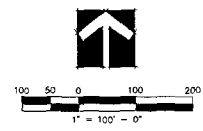


EXHIBIT D: Z14-0013

WINDRIDGE
 60.914 ACRES OUT OF
 COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147
 TOWN OF PROSPER, COLLIN COUNTY, TEXAS

110 PROSPER PROPERTY, LP
 1605 LBJ Freeway, Suite 710
 Dallas, TX 75234
 APPLICANT/OWNER
 (469) 522-4309

JBI PARTNERS, INC.
 16301 Quorum Drive, Suite 200 B
 Addison, Texas 75001
 TBEPL No. 7-438 TBEPL No. 19016000
 PLANNER/SURVEYOR/ENGINEER
 (972) 248-7676

Resubmitted September 11, 2014
 Resubmitted August 12, 2014
 Resubmitted August 4, 2014
 July 7, 2014

Notes:
 No 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.

**EXHIBIT E
WINDRIDGE
DEVELOPMENT SCHEDULE**

It is anticipated that construction of the Windridge neighborhood will begin January 2015. Phase 2 of the neighborhood will start when market conditions dictate.

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