

- d. **Roof Materials:** Wood Roof material is not allowed in either Tract 1-A or Tract 2-A.
- e. **Sprinkler Fire Protection:** Any structure constructed with a square footage area over six thousand (6,000) square feet of air conditioned space shall have a fire sprinkler system in accordance with UBC standards, or such standards accepted by the Town of Prosper.
- f. **Sidewalks/Hike and Bike Trails:** The sub divider will construct a six foot (6') wide sidewalk on each side of Road "A", as depicted on Exhibit "A" attached hereto and made a part hereof, to serve as a park hike and bike trail system. The six-foot (6') walk shall link to the four-foot (4') neighborhood sidewalks at intersecting side streets. At the sub dividers option the sub divider may elect to install an eight-foot (8') wide hike and bike trail on one side of Road "A" and a four-foot (4') wide sidewalk on the opposite side.
- g. **Screening Walls:** The sub divider shall be permitted to erect screening walls along the major thoroughfares and collector roads (including Road "A"). Acceptable construction materials to include masonry, iron fencing and/or landscape materials, provided plans are submitted and approved by Town of Prosper staff.
- h. **Fences:** Privacy walls and fences for Tract 1-A and 2-A shall be built along the property line, within the front, rear or side yard space. There may exist special lot conditions where the front building lines are offset for adjacent lots whereby privacy walls may be required within the front building line for privacy conditions. Fences and walls shall be set back a minimum of ten feet (10') from the front elevation of the home. Such walls will be constructed of materials consistent with the exterior architectural elements of the home. Any wooden privacy fence facing the street that the house is addressed on must be board-on-board construction for that portion of the fence facing the street. Furthermore, those corner lots backing to Road A and siding to any entry street will utilize board-on-board construction for that section of the wooden privacy fence facing the entry street. The maximum height of a privacy fence is eight feet (8').
- i. **Mailboxes:** The subdivider will establish a common mailbox design for each Tract.

- j. **Front Yard Trees:** Each house will have 2 – 3” caliper trees planted in the front yard. Said trees to be from the following list:

Live Oak	Cedar Elm
Red Oak	Texas Ash
Pistacio	Lace Bark Elm

- k. **Garage Orientation:** No more than one third (1/3) of the homes will have two or more car garages facing the street which the front elevation of the house is oriented toward, unless said garage is at least twenty-five feet (25’) behind the front building line.

- l. **Lot Specifications:**

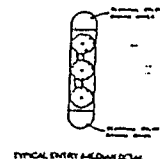
<u>Lot Sizes</u>	<u>Typical Configuration</u>	<u>Lot Minimums (1)</u>				
		<u>Width</u>	<u>Depth</u>	<u>Side</u>	<u>Front</u>	<u>Rear</u>
10,000 sq. ft.	80 x 125	70’	110’	8’	25’	20’
14,000 sq. ft.	100 x 140	90’	120’	10’	30’	25’

(1) See Sections 1.06, 1.07 and 1.08 for exceptions to the Lot Minimums.

- m. **City Park/School Site:** The developer agrees to work with the Town of Prosper and Prosper Independent School District in establishing a combination Elementary School Site and City Park site said approximate location is depicted on the attached Exhibit “A” and to be approximately ten (10) acres in size.
- n. **Fire Station Site:** The developer agrees to work with the Town of Prosper in platting a fire station site equal to or less than three (3) acres. Notwithstanding the above, a fire station site less than three (3) acres must be approved by the Town of Prosper. The approximate location is depicted on the attached Exhibit “A”.
- o. **Road A:** Road A as depicted on the exhibit will be a divided boulevard with two 25’ paving sections contained within 85’ right-of way. In addition the developer will plat an additional 20’ on each side of the right-of-way to be a Homeowner Association landscape area. (See Exhibit “A” for detail)
- p. **Street Signs:** All street signs will contain the Town of Prosper logo.

05082

COUNTY ROAD NO. 79



TOTAL 30' x 10' PERMITS AREA

000337

**VILLAGES OF LA CIMA
PROSPER, TEXAS
SITE SCREENING AND LANDSCAPE DESIGN GUIDELINES
JULY 10, 2001**

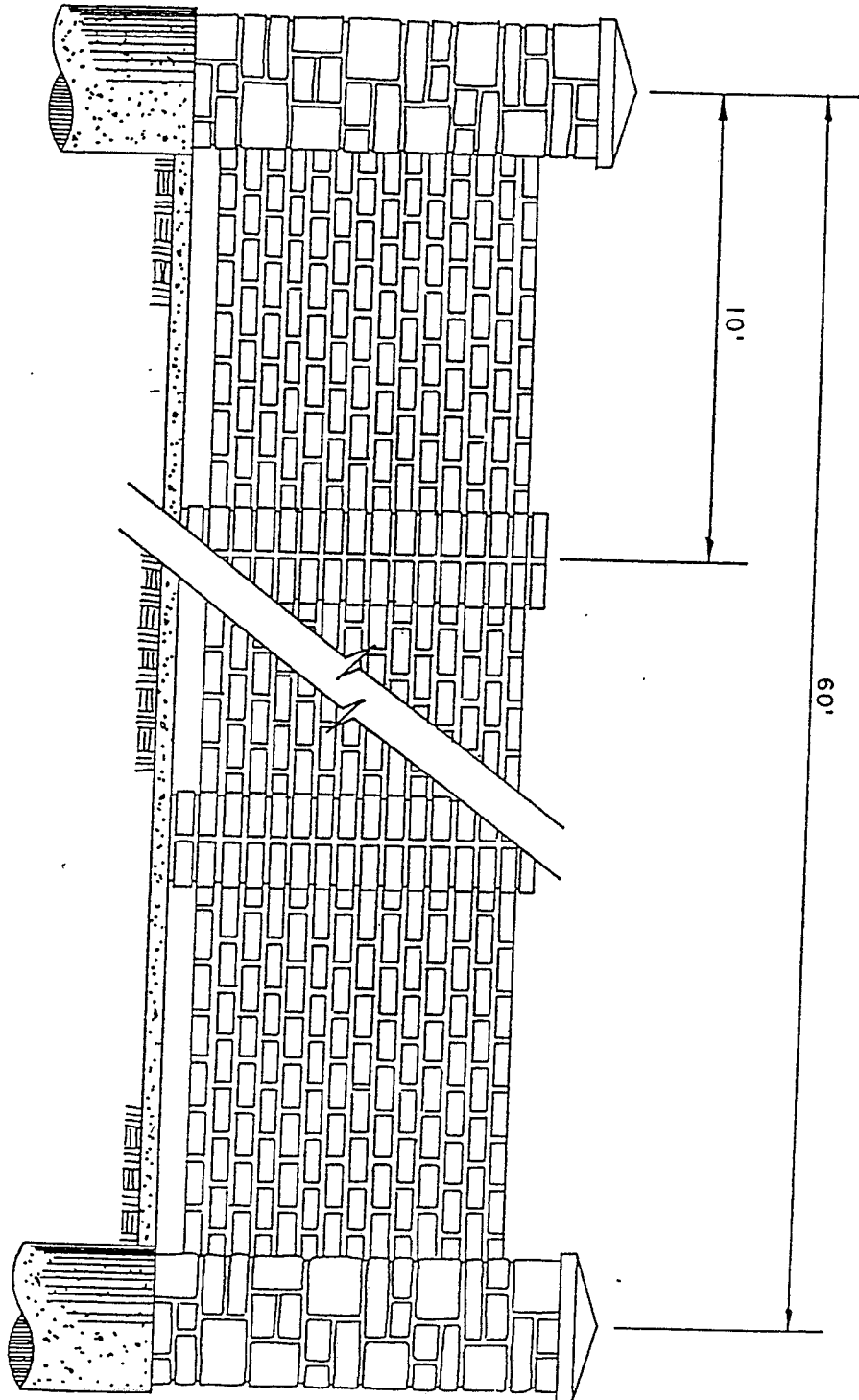
ROAD A

1. Road A shall have a minimum 20' setback from the R.O.W. for common area and screening setback.
2. Road A shall have a masonry screening wall, ornamental metal fence or living screen. A combination of all three screening types is allowed.
 - a. Masonry screening walls shall be as follows:
 - (1) Minimum 6'-0", maximum 8'-0" ht. Thin wall construction as per attached drawing.
 - (2) Minor columns shall be maximum 10'-0" o.c.
 - (3) Major columns shall be maximum 60'-0" o.c.
 - b. Ornamental metal fences shall be as follows:
 - (1) 4-8' ht. as per attached drawing.
 - (2) Major masonry columns shall be utilized to terminate ornamental fences.
 - c. Landscape screening shall be as follows:
 - (1) Minimum 15'-0" setback from the R.O.W. for common area and screening setback.
 - (2) A continuous landscape screen. Shrubs to be five gallon in size and planted no greater than 30" on center. A shrub and berm combination is allowed.
3. Road A shall be landscaped.
 - a. Masonry screening walls shall be landscaped as follows:
 - (1) (1) 3" caliper canopy tree per every 100 linear feet of frontage. Trees may be grouped in clusters.
 - (2) Minimum 15% of wall length to be landscaped with shrubs.
 - (3) All landscaping, including turf shall be watered by an underground automatic irrigation system.
 - (4) Low berms, maximum 3'-0" ht. and 4:1 maximum slope, are encouraged.
 - b. Ornamental metal fence shall be landscaped as follows:
 - (1) (1) 3' caliper canopy tree per every 100 linear feet of frontage.
 - (2) (1) 6-9' ht. Ornamental tree per every 100 linear feet of frontage.
 - (3) Minimum 25% of fence length to be landscaped with shrubs.
 - (4) All landscaping, including turf shall be watered by an underground automatic irrigation system.
 - (5) Low berms, maximum 3'-0" ht. and 4:1 maximum slope, are encouraged.

- c. Living screens shall be landscaped as follows:
 - (1) (1) 3" caliper canopy tree per every 100 linear feet of frontage. Trees may be grouped in clusters.
 - (2) A continuous landscape screen utilizing a minimum 5-gallon plant material planted no more than 30" on center.
 - (3) All landscaping, including turf shall be watered by an underground automatic irrigation system.
 - (4) Low berms, maximum 3'-0" ht. and 4:1 maximum slope, are encouraged.
- 4. Pedestrian ways shall be provided as per City of Prosper and Section 1.09 (f).
 - a. Sidewalks and sports trails shall be minimum 2'-0" from back of curb and from face of wall.
 - b. All intersections shall be ADA compliant, with the builder responsible for barrier-free access ramps.
- 5. Medians.
 - a. All medians shall have the first 10'-0" of each nose filled with brick pavers.
 - b. Medians shall be landscaped.
 - (1) (1) 3" caliper canopy tree per every 100 linear feet of median which is 20' wide minimum, or
 - (2) (1) 6-8' ht. ornamental trees per every 100 linear feet with no more than 50% of the trees being ornamental.
 - (3) The ground shall crown to the center with a slope no steeper than 5:1 and be covered with grass or groundcover.
- 6. Neighborhood Entry Medians.
 - a. Entry medians shall be a minimum of ten (10') feet wide.
 - b. Entry medians shall be landscaped.
 - (1) Entry medians shall have the first ten (10') feet of each nose filled with brick pavers, seasonal color or ground cover.
 - (2) (1) 3" caliper canopy tree per every 50 linear feet, or
 - (3) (1) 6'-8' ht. ornamental tree per every 25 linear feet
 - (4) The ground shall crown to the center with a slope no steeper than 5:1.
 - (5) All landscaping, including turf shall be watered by an underground automatic irrigation system.
- 7. Landscape Trees List:

Live Oak	Texas Ash
Red Oak	Lace Bark Elm
Pistachio	Bald Cypress
Cedar Elm	Bradford Pear
Pine	Crape Myrtle

Plus any other tree acceptable to the Town of Prosper.

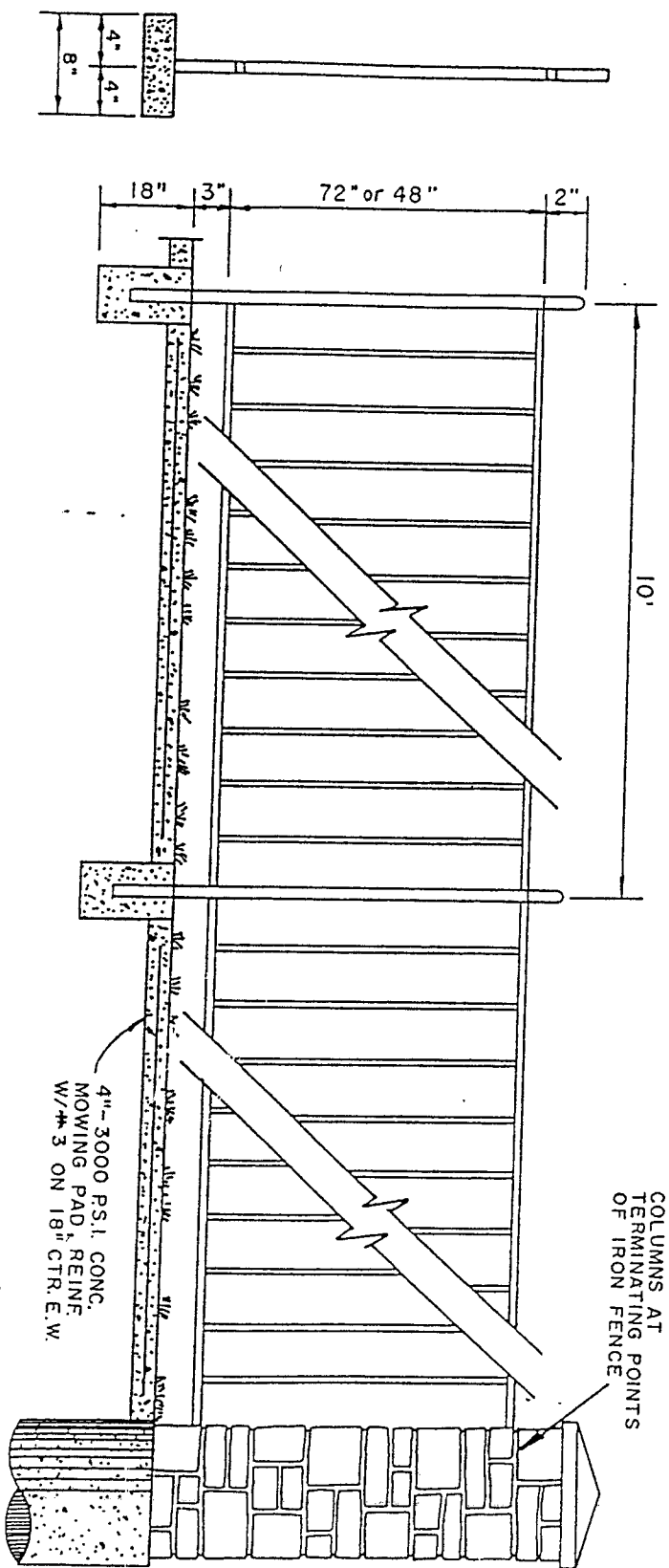


000340

TYPICAL SCREENING WALL DETAIL

NOT TO SCALE

- MAXIMUM 60 FEET BETWEEN MAJOR COLUMNS
- MAXIMUM 10 FEET BETWEEN MINOR COLUMNS



TYPICAL ORNAMENTAL IRON FENCE SECTION

NOT TO SCALE

- PRIME AND PAINT
- ACTUAL DIMENSION WILL VARY

COLUMNS AT
TERMINATING POINTS
OF IRON FENCE

TOWN OF PROSPER

ORDINANCE NO. 01-31

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16; REZONING A TRACT OF LAND CONSISTING OF 12.9556 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM H. THOMPSON SURVEY, ABSTRACT NO. 895 IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS HERETOFORE ZONED AS SINGLE-FAMILY RESIDENCE DISTRICT-1 (SF-1) UPON ITS ANNEXATION AND IS TO BE REZONED AS PART OF THE WHISPERING FARMS PLANNED DEVELOPMENT; 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 of Prosper, Texas ("Prosper") has received a request from Chuck Green to rezone 12.9556 acres of land, more or less, situated in the William H. Thompson Survey, Abstract No. 895 in the town of Prosper, Collin County, Texas ("Prosper"); and

WHEREAS, the Town Council of Prosper (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: The findings set forth above are incorporated into the body of this
Ordinance as if fully set forth herein.

SECTION 2: The zoning designation of the below-described property containing
12.9556 acres of land, more or less, situated in the William H. Thompson Survey,
Abstract No. 895 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 a
part of the Whispering Farms Planned Development.

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 inspector 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 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: 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.

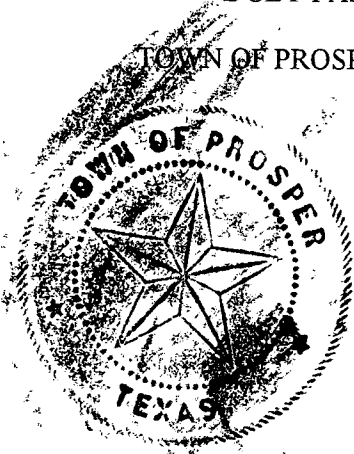
SECTION 5: PENALTY PROVISION. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance No. 84-16, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars (\$2000.00). 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.

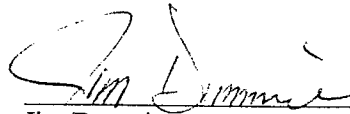
SECTION 7: All ordinances in conflict herewith are repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: This Ordinance shall become effective from and after its adoption and publications as required by the Town Charter and by law.


DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE
TOWN OF PROSPER, TEXAS on this 8th Day of January, 2002.



APPROVED AS TO FORM:


Jim Dunmire
Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:


Amber Phillips
Town Secretary

DATE OF PUBLICATION: January 16, 2002 McKinney Courier Gazette.

PLANNED DEVELOPMENT STANDARDS WHISPERING FARMS

Final Version August 30th, 2001
Includes Council Meeting Agreements

1.0 PLANNED DEVELOPMENT – RESIDENTIAL – 210.73 acres

Tracts I-A (± 37.62 acres), I-B (± 87.58 acres), I-TH (± 8.34 acres) and I-D (± 77.19 acres)

- 1.01 General Description:** The residential tracts are intended to accommodate a variety of single-family residential uses. The residential units may be comprised of Single Family-Type A, Single Family-Type B, Single Family-Type C, Detached Patio Home Units and/or Attached Town Home Units. Development standards for each of the aforementioned housing types are outlined within this text. All street signs will incorporate the Town of Prosper logo as provided by the city to the developer.
- 1.02 Density:** The overall allowed residential density for Tracts I-A, I-B, I-TH, and I-D shall be 1.95 units per gross acre or a total of five hundred and twenty-two (522) units, as calculated on a gross land area based on approximately two hundred and eighty-nine (289) acres as contained within the entire tract of land covered by this PD. Additional acreage currently owned by Chuck Green to the south of the development is included as a portion of Tract I-B.
- 1.03 Permitted Uses:** Land uses permitted within residential areas, indicated as Tracts I-A, I-B, I-TH, and I-D on Exhibit "B", are as follows:
- a. Residential units as described herein.
 - b. Permitted uses referenced in the Prosper Zoning Ordinance 84-16 for use SF-1 as it currently exists or may be amended.
 - c. Private or public recreation facilities.
 - d. Churches/rectories
 - e. Schools - public or state accredited.
 - f. Utility distribution lines and facilities.
 - g. Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts.
 - h. Fire stations and public safety facilities.
 - i. Real estate sales offices during the development and marketing of the residential areas.
 - j. Public streets.
 - k. Accessory buildings and uses customarily incidental to the permitted uses. The total land area used for accessory buildings shall not exceed twenty-five percent (25%) of the total area designated for the main buildings. Accessory buildings shall not be permitted within any "front yard" area but shall be permitted within any portion of the "side yard" or "rear yard" of a building lot as set forth in Prosper Zoning Ordinance for accessory buildings.
 - l. Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion.
 - m. Detached freestanding garages with "Granny Flats," collectively called accessory buildings, shall be permitted. A minimum of ten feet (10') separation shall be provided between the garage and the main building. "Detached" shall allow for an unenclosed breezeway connecting roof canopies between garages and residences. Detached structures not incorporating a breezeway to the main building shall be subject to accessory building setbacks of five-foot (5') rear and side yards.

Accessory buildings that are attached to the main building with a breezeway shall be subject to the main building setbacks as specified herein. The maximum area of enclosed space for quarters shall not exceed eight hundred square feet (800 s.f.). The quarters may be leased to a non-related party only if the main residence is currently owner-occupied. Should the main residence be leased, then the same party leasing the main structure may only occupy the quarters. A maximum of one "Granny Flat" per lot is allowed. Granny Flats are not allowed within Tract I-TH.

- n. Any residence abutting and/or adjoining a trail built to serve as an equestrian trail is permitted to house one (1) horse in the permitted accessory building on one acre or larger lots.

1.04 Required Parking: Parking requirements for single-family development areas shall be as follows: two (2) off-street parking spaces shall be provided on the same lot as the main structure. In conjunction with this requirement, a two (2)-car garage shall be provided for each unit. Garage parking shall be behind the front building line.

1.05 Building Materials:

- a. **Masonry:** Up to one hundred percent (100%) of the total exterior wall surfaces of all main buildings shall have an exterior finish of glass, natural and/or cultured stone, Hardi-plank and/or other cementitious-type siding, stucco, brick, cut- or split-face CMU or similar materials as approved by the Town of Prosper, Texas, or any combination thereof. The use of wood as a primary exterior building material shall be limited to a maximum of twenty-five percent (25%) of the total exterior wall surfaces.
- b. **Roofing Materials:** Wood-roofing materials shall not be permitted within the development.
- c. **Fire Sprinkler Requirements:** All residential structures in excess of 6000 ft of gross space shall be required to have working sprinkler systems in accordance with UBC requirements at the time of adoption of this agreement by the Town council of Prosper.
- d. **Fencing Requirements:**
 - a. **Bridle / Hike & Bike trails:** All fencing installed against the hike & bike trail and/or green belts shall be of open-type fencing, with a height not to exceed 4 feet above grade at the base of fence.
 - b. **Lot Fencing:** No residential fencing regardless of material may exceed 8 feet in overall height above grade at the base of the fence.
 - c. **General Wood Fencing restrictions:** Any wood fence that faces a residential street shall be of board-on-board construction of cedar or better.
- e. **Bar Ditches and Culverts:** Developer agrees that all lots serviced by bar ditches within the development will require:
 - a. Developer-installed culverts and driveway monuments to ensure continuity within the development and designed drainage capacity.
 - b. Developer-maintained engineered grades and drainage capacity within the bar ditches during the development to ensure the designed drainage capacity.
 - c. HOA to assume maintenance of Bar Ditches for a period 5 years after date of final acceptance by Town of that particular phase of the subdivision.
- f. **Garage Orientation:** For Tracts I-B and I-D, no more than 1/3 of the homes will have two or more garages facing the street which the front elevation of the house is oriented toward unless said garage is located at least 25 feet behind the front building line.

1.06 Single Family - Type A in Tract I-A: Single Family - Type A units are a form of single family, detached housing. Building and area requirements are as follows:

- a. **Minimum Dwelling Size:** The minimum area of the main building shall be twenty-six hundred (2600) square feet, exclusive of garages breezeways and porticos.
- b. **Lot Area:** The minimum area of any lot within Tract I-A shall be twenty-one thousand square feet (21,000).
- c. **Lot Coverage:** In no case shall more than thirty-five percent (35%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.
- d. **Lot Width:** The minimum width of any lot shall be a minimum of one hundred feet (100') at the front building line, except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of seventy feet (70') at the building line; provided all other requirements of this section are fulfilled.
- e. **Lot Depth:** The minimum depth of any lot shall be a minimum of one hundred and ninety feet (190'), except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have minimum lot depth, measured at mid-points on front and rear lot lines, of one hundred feet and forty feet (140') provided all other requirements of this section are fulfilled.
- f. **Front Yard:** The minimum depth of the front yard shall be thirty-five feet (35') for any lot containing less than 30,000 square feet, and forty-five feet (45') for any lot of 30,000 square feet or greater.
- g. **Side Yard:** The minimum side yard on each side of the lot shall be ten feet (10'). A side yard adjacent to a street shall be a minimum of fifteen feet (15').
- h. **Rear Yard:** The minimum depth of the rear yard shall be thirty feet (30'). If the rear lot line abuts a dedicated alley; the garage door, if provided, must be set back a minimum of twenty feet (20').
- i. **Maximum Building Height:** Buildings shall be a maximum of two and one-half (2-1/2) stories with the exception that split-level homes may have a maximum of two and one-half (2-1/2) stories on either the front or rear, elevation and a maximum of three and one-half (3-1/2) stories on the elevation which begins at the lowest grade.

1.07 Single Family - Type B on Tract I-B: Single Family - Type B units are another form of detached housing. Building and area requirements are as follows:

- a. **Minimum Dwelling Size:** The minimum area of the main building shall be two thousand four hundred (2400) square feet, exclusive of garages breezeways and porticos.
- b. **Lot Area:** The minimum area of any lot within Tract I-B shall be fourteen thousand four hundred and ninety square feet (14,490).
- c. **Lot Coverage:** In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.

- d. **Lot Width:** The minimum width of any lot shall be a minimum of ninety feet (90') at the front building line, except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of sixty feet (60') at the building line; provided all other requirements of this section are fulfilled.
- e. **Lot Depth:** The minimum depth of any lot shall be a minimum of one hundred and sixty feet (160'), except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have minimum lot depth, measured at mid-points on front and rear lot lines, of one hundred feet and twenty feet (120') provided all other requirements of this section are fulfilled.
- f. **Front Yard:** The minimum depth of the front yard shall be thirty-five feet (35') for any lot containing less than 30,000 square feet, and forty-five feet (45') for any lot of 30,000 square feet or greater.
- g. **Side Yard:** The minimum side yard on each side of the lot shall be ten feet (10'). A side yard adjacent to a street shall be a minimum of fifteen feet (15').
- h. **Rear Yard:** The minimum depth of the rear yard shall be thirty feet (30'). If the rear lot line abuts a dedicated alley, the garage drive entry, if provided, must be set back a minimum of twenty feet (20').
- i. **Maximum Building Height:** Buildings shall be a maximum of two and one-half (2-1/2) stories with the exception that split-level homes may have a maximum of two and one-half (2-1/2) stories on the front or rear, elevation and a maximum of three and one-half (3-1/2) stories on the elevation, which begins at the lowest grade.

1.08 Single Family - Type C on Tract I-D: Single Family - Type C units are another form of detached housing. Building and area requirements are as follows:

- a. **Minimum Dwelling Size:** The minimum area of the main building shall be two thousand two hundred (2200) square feet, exclusive of garages breezeways and porticos.
- b. **Lot Area:** The minimum area of any lot within Tract I-D shall be twelve thousand eight hundred square feet (12,800).
- c. **Lot Coverage:** In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.
- d. **Lot Width:** The minimum width of any lot shall be a minimum of eighty feet (80') at the front building line, except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of fifty five feet (55') at the building line; provided all other requirements of this section are fulfilled.
- e. **Lot Depth:** The minimum depth of any lot shall be a minimum of one hundred and forty feet (140'), except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have minimum lot depth, measured at mid-points on front and rear lot lines, of one hundred feet and ten feet (110') provided all other requirements of this section are fulfilled.

- f. **Front Yard:** The minimum depth of the front yard shall be twenty-five feet (25') for any lot containing less than 15,000 square feet, and thirty-five feet (35') for any lot of 15,000 square feet or greater.
 - g. **Side Yard:** The minimum side yard on each side of the lot shall be ten feet (10').
 - h. **Rear Yard:** The minimum depth of the rear yard shall be thirty feet (30'). If the rear lot line abuts a dedicated alley; the garage door, if provided, must be set back a minimum of twenty feet (20').
 - i. **Maximum Building Height:** Buildings shall be a maximum of two and one-half (2-1/2) stories with the exception that split-level homes may have a maximum of two and one-half (2-1/2) stories on the front or rear, elevation and a maximum of three and one-half (3-1/2) stories on the elevation, which begins at the lowest grade.
- 1.09. **Town Home / Patio Home Tract I-TH:** These units are another form of single-family housing. Town Home Units are attached housing, and Patio Home Units are detached housing. Product types will not be mixed within this tract, and the preliminary plat will reflect the choice made by the Developer between the Town Home and the Patio Home product. Maximum number of units to be built on this tract is 15. Building and area requirements are as follows:
- a. **Minimum Dwelling-Size:** The minimum area of the main building shall be one thousand four hundred fifty (1,450) square feet, exclusive of garages, breezeways and porticos.
 - b. **Lot Area:** The minimum area of any lot shall be five thousand (5,000) square feet.
 - c. **Lot Coverage:** In no case shall more than sixty percent (60%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.
 - d. **Lot Width:** The minimum width of any lot shall be forty-five feet (45') at the front building line, except lots at the terminus of a cul-de-sac or, along street elbows/eyebrows may have a minimum width of forty feet (40') at the building line; provided all other requirements of this section are fulfilled.
 - e. **Lot Depth:** The minimum depth of any lot shall be one hundred feet (100'), except a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-points on front and rear lot lines, of ninety feet (90'); provided all other requirements of this section are fulfilled.
 - f. **Front Yard:** The minimum depth of the front yard shall be twenty feet (20').
 - g. **Side Yard:** Town Home: No side yard requirements apply to attached Town Home structures. Patio Home: Side yard setbacks shall be zero (0) to three feet (3') on one side (the zero side) and seven feet (7') to ten feet (10'), on the opposite side. A minimum separation of ten feet (10') is required between structures, unless the adjacent structures are attached. A side yard adjacent to a street shall be a minimum of fifteen feet (15').
 - h. **Rear Yard:** The minimum depth of the rear yard shall be ten feet (10'). If the rear lot line abuts a dedicated alley, the garage door, if provided, must be set back a minimum of twenty feet (20').

- i. **Maximum Building Height:** Buildings shall be a maximum of two and one-half (2-1/2) stories with the exception that split-level homes may have a maximum of two and one-half (2-1/2) stories on the front or rear, elevation and a maximum of three and one-half (3-1/2) stories on the elevation, which begins at the lowest grade.

1.10 Internal Utilities for Development:

All franchise utilities within the development shall be run underground.

1.11 Work – Live (Village) Units on Tract I-VL: Work-Live (Village) units offer a unique opportunity for residents and tenants. The first floor of the units shall be designed to accommodate single-family residential, office, light retail and/or neighborhood services. The first floor of the village units shall accommodate a minimum of twenty five percent (25%) retail usage. The upper floor(s) of the units shall be designed primarily for single family or multi-family residential uses. Village units are another form of single and/or multi-family, detached or attached housing. If not attached, the units shall be zero-lot line homes in which the unit is sided on, or adjacent to, one of the side lot lines. The village lots will have access and frontage on a public road. Building and area requirements are as follows:

- a. **Minimum Structure Size:** The minimum area of the structure shall be twelve hundred square feet (1,200), exclusive of garages, breezeways and porticos.
- b. **Lot Area:** The minimum area of any lot shall be twenty-five hundred (2500) square feet, with a maximum area not to exceed twelve thousand five hundred (12,500) square feet.
- c. **Lot Coverage:** In no case shall more than eighty percent (80%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, decks, patios, driveways, walks and other paved areas shall not be included in determining maximum lot coverage.
- d. **Lot Width:** The minimum width of any lot shall be forty-five feet (45') at the front building line, except lots at the terminus of a cul-de-sac or, along street elbows/eyebrows may have a minimum width of forty feet (40') at the building line; provided all other requirements of this section are fulfilled.
- e. **Lot Depth:** The minimum depth of any lot shall be one hundred feet (100'), except a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-points on front and rear lot lines, of ninety feet (90'); provided all other requirements of this section are fulfilled.
- f. **Flag Lots:** To assist in recreating the feel of a true European Village, Flag Lots are permitted within the Tract I-VL. Minimum street frontage of a Flag Lot shall be no less than ten feet (10'). This frontage is to allow for pedestrian access to the unit only. All direct vehicular access to units on Flag Lots will be from the alley.
- g. **Number of total lots within village:** The maximum number of lots to be platted within the I-VL tract is not to exceed twenty (20).
- g. **Front Yard:** The minimum depth of the front yard shall be five feet (5').
- h. **Side Yard:** If developed as detached units, the side yard setbacks shall be zero (0) to three feet (3') on one side (the zero side) and seven feet (7') to ten feet (10'), on the opposite side. A minimum separation of ten feet (10') is required between

structures. A side yard adjacent to a street shall be a minimum of fifteen feet (15'). No side yard requirements apply to attached structures.

- i. **Rear Yard:** The minimum depth of the rear yard shall be ten feet (10'). If the rear lot line abuts a dedicated alley; the garage door, if provided, must be set back a minimum of twenty feet (20').
- h. **Maximum Building Height:** Buildings shall be a maximum of two and one-half (2-1/2) stories with the exception that split-level homes may have a maximum of two and one-half (2-1/2) stories on the front or rear, elevation and a maximum of three and one-half (3-1/2) stories on the elevation, which begins at the lowest grade.

1.12 Architectural Standards for Live - Work (Village) Units:

- a. Up to fifty (50%) of the structure may be faced with a cementitious siding. Stone, brick, stucco or cast stone may be incorporated into the exterior.
- c. A sidewalk canopy may extend to the lot line or sidewalk edge or parking curb on the street and parking elevations of the building.
- d. Structures may be attached or detached within Tract I-VL.
- e. The second floor use will be limited to a maximum of two (2) residential units or clerical office as an auxiliary to the first floor uses.
- f. The first floor uses shall be per Prosper Neighborhood Retail District and in addition to the approved uses as listed in Section 3.02, shall allow for the following: residential, catering, restaurant with outdoor dining, private club subject to approval of a SUP, laundry drop off and pick up, art galleries, copy and business services center, antique shop, real estate sales, title company, gift shop, day care, bakery, and general store.
- g. A minimum of 25% of the first floor units will be used for retail-type purposes.
- h. Signage shall be permitted on the canopy and/or building face and if illuminated, the sign shall be illuminated with low-intensity lamps. Neon lighting on the exterior shall not be permitted.
- i. The residential unit shall have a separate entrance to the street and/or access easement.
- j. The residential unit may or may not have a detached garage on the same lot. The separation between the buildings shall be a minimum of ten feet (10'). The setbacks shall apply to the detached structure.

1.13. General Landscaping Requirements for Tracts I-A, I-B, I-D and I-TH:

- a. For lots developed on Tracts I-A, I-B, and I-D two hardwood shade trees with a minimum of three caliper inches (3") shall be planted within the lot area. One shade tree in the lot may be substituted for three (3) ornamental trees. A credit toward these requirements shall be granted by preserving existing trees on any lot equal to one caliper inch credit for each caliper inch of tree preserved regardless of specie of preserved tree. These requirements shall satisfy landscape and tree requirements for single-family homes.
- b. For lots on Tract I-TH developed to Town Home (TH) standards, one (1) hardwood shade tree with a minimum of three caliper inches (3") shall be planted in the parkway between the sidewalk and street six feet (6') from the back of the curb. The tree shall be centered on the lot. One additional hardwood shade tree with a minimum of three caliper inches (3") or three (3) ornamental trees shall be planted within the lot area. These requirements shall satisfy landscape and tree requirements for single-family homes.

1.14 General Requirements for Tracts I-A, I-B, I-D, and I-TH:

- a. **Driveways:** Covered drives and porte-cocheres that are architecturally designed as an integral element of the residential or garage structure of Single Family, detached structures shall be permitted to extend up to fifteen feet (15') from the established front building line into the front yard area; that area between the street pavement and the front building line
- b. **Side Yards:** If approved by the Town of Prosper, Texas, at the time of platting, side and rear yard requirements may be waived where they abut a common open space.
- c. **Streets:** All interior streets for the development shall be 24' from edge of concrete to edge of concrete. The streets providing direct access to the school site from CR 80 and CR 122 are to be 27' wide from edge of concrete to edge of concrete. All lots in tracts I-A, I-B and I-D to be serviced by bar ditches. All lots in tracts I-VL and I-TH to be serviced by mountable curb and gutter.
- d. **Roof Materials:** No wood roofing materials are permitted within the development.
- e. **Fire Sprinkler Requirements:** All residential structures in excess of 6000 ft of gross space shall be required to have working sprinkler systems in accordance with UBC requirements at the time of adoption of this agreement by the town council of Prosper.
- f. **Sidewalks:** The Developer shall be permitted to construct an eight foot (8') wide sidewalk on either side of the collector road system to serve as a park bridle hike/bike trail system providing adequate width for the designated use. This requirement shall be an allowable option to the current requirement providing a four-foot (4') sidewalk on each side of the collector road system.
- h. **Park Trail:** The Developer shall be permitted to construct a parallel trail system. One trail is specifically to service pedestrian traffic that will consist of a 4' wide and 4" thick concrete ribbon. The second trail will consist of a 6 to 8 foot wide cinder trail for equestrian use. These trails are to run on a basically parallel path with no physical separation barrier. The Developer may vary the separation of the two trails where restraining topographic conditions exist creating an unsafe condition for pedestrian, equestrian and bicycle users.
- i. **Bridle Trail:** All trails specifically designated for equestrian use will be improved using pea gravel or similar material bounded on both sides by a landscape border.
- j. **Perimeter Screening:** The developer shall not be required to erect, but shall be permitted to erect living screens, screen walls and/or fencing along the major thoroughfares and collector roads to include masonry; iron, plastic or wood fencing and/or landscape materials (living screen), provided plans are submitted and approved by Town of Prosper staff.
- j. **Walls:** Privacy walls and fences are not allowed on any lot larger than 20,000 square feet, with the sole exception being for a privacy fence surrounding a pool or spa. For any lot smaller than 20,000 square feet regardless of Tract, a privacy fence may be constructed (builder/owner choice) along the property line, within the front, rear or side yard space. There may exist special lot conditions where the front building lines are off-set for adjacent lots whereby privacy walls may be required within the front building line for privacy conditions. Fences and walls shall be set back a minimum of ten feet (10') from the front elevation of the home. Such walls will be constructed of materials consistent with the exterior architectural elements of the home. Fencing material to be a durable treated or seasoned wood material of

cedar or better and is to utilize metal posts, concrete footer for these metal posts and board-on-board only with further construction details as further defined within the CCR package for each phase of development. No front yard fencing is to be allowed in Tracts I-A, I-B, and I-D unless approved by Town Council through a variance request.

2.0 EQUESTRIAN CENTER - COMMERCIAL Tract I-EQ (± 2 acres on southern edge of entry road.)

2.01 General Description: The Equestrian Center is designed to accommodate a multiple stall stable with appropriate tack, storage and demonstration facilities. Architecture of the building is to complement the overall neighborhood, but may be barn-like in nature.

2.02 Permitted Uses: Area is to be designated for the Equestrian Center only. No other commercial or residential activity may be developed/platted on Tract I-EQ.

3.0 PLANNED DEVELOPMENT - COMMERCIAL Tracts I-C (± 6 acres located at the Southeast corner of CR 80 and CR 122), and Tract I-SC (± 7 acres located adjacent to the Village area and proposed City Park).

3.01 General Description: The Commercial areas will provide the ability to encourage and to accommodate the further development of neighborhood service centers along future Coit Road and CR 122 along with the proposed elementary school site within the development (Tract I-SC). In the event the Prosper Independent School District does not assume or retain possession of Tract I-SC, the Tract may then be developed under the conditions as applicable to the adjacent tract, I-D at the sole discretion of the Developer.

3.02 Permitted Uses: The following uses shall be permitted in the commercial areas indicated as Tracts I-C on Exhibit "B". Tract I-SC may only be used as a school (public, charter or private) or revert to I-D residential standards.

- Antique Shops - Indoor Display Only
- Appliance Stores
- Artist Materials and Supplies
- Auto Laundries/ Car Wash Facilities
- Auto Parts Sales - No Outdoor Storage/Display
- Baby Shops
- Bakery and Confectionery Shops
- Banks, Savings and Loan and Credit Unions
- Banks, Savings and Loan and Credit Unions - With Drive-Thru Services
- Barber/Beauty Shops
- Beverage Stores - In accordance with other applicable City of Prosper, Texas Ordinances as they presently exist or may be amended
- Billboard and Advertising Signs - Permitted in compliance with the City of Prosper, Texas Sign Ordinance as it presently exists or may be amended
- Book and Stationery Shops
- Bus Stops
- Business Services
- Cafeterias
- Camera Shops
- Candy and Cake Shops
- Catering Establishments
- Churches/Rectories

- Cleaning, Dyeing, Pressing, Pick-up and Collection Agencies
- Clothing and Apparel Stores
- Clothing, Footwear and Textile Centers
- Computer Sales and Repairs
- Computer Training Facilities
- Convenience Stores
- Convenience Stores - With Gas Service
- Copy Services (i.e. Quick Copy)
- Corporate and Professional Office Facilities and Headquarters
- Curio and Gift Shops
- Dairy Products and Ice Cream Stores
- Day Care Centers for Children
- Delicatessens
- Drapery Shops
- Dress Shops
- Drug Stores/Pharmacies
- Dry Good Stores
- Electronic Product Sales
- Electronic Security Facilities
- Feed Stores
- Financial Institutions
- Fitness and Health Centers
- Florist and Garden Shops
- Fraternal Organizations, Lodges and Civic Clubs
- Furniture and Upholstery Centers - Including Repairs
- Furniture, Home Furnishings and Equipment Showrooms and Sales
- Furniture Stores
- General Merchandise Stores
- Governmental and Utility Agencies, Offices and Facilities - No outdoor storage unless screened
- Greenhouse and Nursery Facilities - Sales Permitted
- Grocery Stores and Supermarkets
- Guard and Patrol Services
- Hardware and Building Materials Stores - No outdoor storage unless screened
- Health Product Sales
- Hospitals and Emergency Centers
- Household Appliance Services and Repairs
- Interior Decorating Stores
- Jewelry Stores
- Key Shops/Locksmiths
- Laundromats
- Laundry and Dry Cleaning Establishments
- Leather Goods Shops
- Meat Markets - No Slaughter Houses or Packing Plants
- Medical Equipment Showrooms
- Medical and Health Care Facilities/Clinics
- Medical Offices
- Messenger/Courier and Telegraph Services
- Municipal Buildings and Facilities
- Museums, Libraries, Art Schools and Art Galleries
- Musical Instrument Sales
- Newspaper and Magazine Sales
- Novelty/Notion Stores

- Offices - Professional, Administrative and General Offices - Including but not limited to, doctors, optometrists, psychiatrists, attorneys, architects, engineers, planners, travel agents, advertising, insurance and real estate offices
- Office Showroom Facilities - Sales Permitted
- Office Businesses
- Office Equipment Repairs and Maintenance
- Office Supplies and Sales
- Optical Stores - Sales and Services
- Paint Stores
- Parks, Playgrounds, Recreational Facilities and Community Centers
- Pet Grooming and Supplies
- Pet Shops
- Photographic Services
- Play Equipment - Sales and Display
- Post Office Facilities
- Printing and Duplicating Establishments
- Private Club Facilities - In accordance with other applicable City of Prosper, Texas Ordinances as they presently exist or may be amended
- Radio and Television Sales and Services
- Recreation Centers - Public and Private
- Restaurants
- Restaurants - With Drive-In/Drive-Thru Service
- Retail Sales
- Retail Shops and Stores
- Schools - Public or State Accredited
- Scientific/Research Facilities - Emissions of hazardous or toxic chemicals shall be prohibited
- Securities and Commodities Offices - Including, but not limited to, brokers, dealers, underwriters, exchange offices and similar offices
- Service Stations Full Service (Including Bays)
- Service Stations - Self Service
- Sewing Machine Sales and Services
- Shoe and Boot Sales and Repair Stores
- Sign Sales, Sign installation to be in compliance with the City of Prosper, Texas Sign Ordinance as it presently exists or may be amended
- Small enclosed Machinery Sales and Services - Service and repair facilities to be under roof and enclosed.
- Specialty Shops and Boutiques
- Sporting Good Sales
- Studios - Art, Photography, Music, Dance, Gymnastics, Health, etc.
- Tailor Shops
- Theaters - Indoor
- Theatrical Centers
- Tire Dealers - No Outdoor Storage
- Toy Stores
- Trade and Commercial Schools
- Travel Bureaus
- Trophies and Awards Shops
- Utility Distribution Systems and Facilities
- Variety Stores
- Veterinarian Clinics and Kennels - Limited to Small Animals (No Outside Runs)
- Watch Making Shops
- Accessory buildings and uses customarily incidental to the permitted uses

- Temporary buildings and uses incidental to construction work on the premises to be removed upon completion or abandonment of construction work
 - Uses similar to the above-mentioned permitted uses, provided the Prosper City Council approves said uses prior to the issuance of a building permit.
- 3.03 **Density:** Allowed density for Tracts I-C shall be as follows:
- The allowed floor area ratio for buildings located within Tracts I-C shall be 4:1.
- 3.04 **Required Parking:** Parking shall be provided in accordance to Zoning Ordinance No. 84-16 for the Town of Prosper, Texas, as it presently exists or may be amended. Parking shall be permitted within all required yard areas.
- 3.05 **Off-Street Parking and Loading Conditions:** Off-street parking and loading requirements shall conform to Zoning Ordinance No. 84-16 of the Town of Prosper, Texas as it presently exists or may be amended. Off-street parking and loading shall be permitted within all required yard areas.
- 3.06 **Shared Parking:** all owners or parties involved must submit shared parking agreements, in writing to the Town of Prosper. The agreement must be approved by the Town of Prosper, Texas. If approved, the reduction shall be tied to the uses listed in the shared agreement. If any of the uses change, a reassessment of the shared parking agreement will be required. The Town of Prosper, Texas shall not permit new uses until another agreement is approved by the Town of Prosper, Texas or the individual parking requirements are met.
- 3.07 **Building Materials:** A minimum of seventy-five percent (75%) of the total exterior wall surfaces of all main buildings shall have an exterior finish of glass, natural and/or cultured stone, stucco, brick, split-face CMU or similar materials (as approved by the Town of Prosper, Texas) or any combination thereof. The use of wood as a primary exterior building material shall be limited to a maximum of twenty-five percent (25%) of the total exterior wall surfaces. Additionally, a structure may be comprised of 50% brick, stone or other conventional material and the balance of the exterior finish to be Hardi-plank.
- 3.08 **Building Heights:** The permitted height of all buildings within the commercial tracts, Tracts I-C and I-SC shall be two (2) stories.
- 3.09 **Lot Area:** The minimum area of any lot shall be twelve thousand five hundred (12,500) square feet.
- 3.10 **Lot Width:** The minimum width of any lot shall be one hundred feet (100').
- 3.11 **Lot Depth:** The minimum depth of any lot shall be one hundred twenty-five feet (125').
- 3.12 **Lot Coverage:** In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings. Parking structures and surface parking facilities shall be excluded from the coverage computations.
- 3.13 **Front Yard:** There shall be a front yard having a depth of not less than thirty feet (30'). Front yard setbacks are required on both streets for corner lots.
- 3.14 **Side Yard:** Side yard requirements for commercial areas shall be as follows:
- a. No side yard shall be required where commercial structures are attached.

- b. A ten foot (10') side yard shall be required where commercial structures are located adjacent to one another and where vehicle access is not required.
- c. A twenty-four foot (24') side yard shall be provided where fire lane access is required and provision for a vehicular access/fire lane easement is not available on the adjoining property.
- d. A twenty-five foot (25') side yard shall be provided adjacent to a single family zoned district.
- e. A thirty foot (30') side yard shall be provided adjacent to a dedicated street.

3.15 Rear Yard: Rear yard requirements for commercial areas shall be as follows:

- a. No rear yard shall be required where commercial structures are attached.
- b. A ten foot (10') rear yard shall be required where commercial structures are located adjacent to one another and where vehicle access is not required.
- c. A twenty-four foot (24') rear yard shall be provided where fire lane access is required and provision for a vehicular access/fire lane easement is not available on the adjoining property.
- d. A twenty-five foot (25') rear yard shall be provided adjacent to a single family zoned district.
- e. A thirty-foot (30') rear yard shall be provided adjacent to a dedicated street.

3.16 Screening Wall: Unless otherwise approved by the Prosper Town Council or their designee, a six-foot (6') screening wall shall be provided between areas developed for residential uses and those areas developed for commercial uses on Tract I-C only. The commercial user shall be responsible for the construction of the six-foot (6') screening wall. This screening wall shall be constructed at the time a commercial property is developed, and shall only be required adjacent to the specific commercial property that is being developed.

Unless otherwise approved by the Prosper Town Council or their designee, the above referenced six-foot (6') screening wall shall be constructed of stone, stucco, brick, tile, concrete or similar materials as approved by the Town of Prosper, Texas, or any combination thereof.

4.0 PLANNED DEVELOPMENT - GENERAL CONDITIONS

4.01 General Compliance: Except as amended by these conditions, development of property within this Planned Development must comply with the requirements of all ordinances, rules and regulations of the Town of Prosper, Texas as they presently exist or may be amended.

- a. All paved areas, permanent drives, streets and drainage structures must be constructed in accordance with standard Town of Prosper, Texas specifications as they presently exist or may be amended.
- b. The Building Inspector shall not issue a building permit or a certificate of occupancy for a use in a phase of this Planned Development District until there has been full compliance with these codes and all other rules and regulations of the Town of

Prosper, Texas as they presently exist or may be amended and area applicable to that phase.

- 4.02 **Maintenance of Facilities:** The Owner(s) shall establish, which each development plan submittal, a property owner's association, or other designation that will be responsible for the improvement and maintenance of all common areas and/or common facilities contained within the area of the development plan.
- 4.03 **Performance Bond.** Developer agrees to provide to the Town a Performance Bond on all public improvements dedicated to the Town. This bond is to be a 2 year, 10% bond.
- 4.04 **Common Driveway detail:** As part of the common driveway entrance feature for all lots smaller than 15,000 square feet in Tract I-D, developer will install a 24" wide green space between the two driveways that share the common culvert and entrance. This green space is to begin at a point no farther than 6' from the edge of the road way.

05082 02137

05023 01771

EXHIBIT "E"

(Well and Water Storage Site Dedication to Prosper)

05082 02138

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000360

LEGAL DESCRIPTION
WELL SITE

BEING all that tract of land in Collin County, Texas, a part of the SPENCER GRAHAM SURVEY, ABSTRACT NO. 359, and being a part of that 275.75 acre tract of land conveyed to Tuscany Prosper Joint Venture from 288 Star Lakes Partners, L.P. on May 23, 2001, as recorded in Volume 4926, Page 1793, Collin County Deed Records, and being further described as follows:

COMMENCING at a one-half inch iron rod found at the northeast corner of said 275.75 acre tract of land, said point being in the west line of a 2.5 acre tract of land conveyed to Leon J. Mace as recorded in Volume 3610, Page 446, Collin County Deed Records;

THENCE South 00 degrees 24 minutes 27 seconds East, 20.00 feet along the east line of said 275.75 acre tract of land and along the west line of said 2.5 acre tract of land to a one-half inch iron rod set for corner at the POINT OF BEGINNING of this tract of land;

THENCE South 00 degrees 24 minutes 27 seconds East, 292.11 feet along the east line of said 275.75 acre tract of land and along the west line of said 2.5 acre tract of land to a one-half inch iron rod found at the southwest corner of said 2.5 acre tract, said point being the northwest corner of a 2.61 acre tract of land conveyed to George Boyce as recorded in Volume 2138, Page 253, Collin County Deed Records;

THENCE South 00 degrees 10 minutes 13 seconds East, 7.07 feet along the east line of said 275.75 acre tract of land and along the west line of said 2.61 acre tract of land to a one-half inch iron rod set for corner;

THENCE South 89 degrees 49 minutes 47 seconds West, 150.70 feet to a one-half inch iron rod set for corner;

THENCE Northwestcrly, 236.44 feet along a curve to the right which has a central angle of 90 degrees 18 minutes 53 seconds, a radius of 150.00 feet, a tangent of 150.83 feet, and whose chord bears North 45 degrees 00 minutes 47 seconds West, 212.71 feet to a one-half inch iron rod set for corner;

THENCE North 00 degrees 08 minutes 40 seconds East, 150.00 feet to a one-half inch iron rod set for corner in the north line of said 275.75 acre tract;

THENCE South 89 degrees 51 minutes 20 seconds East, 298.67 feet along the north line of said 275.75 acre tract to the POINT OF BEGINNING and containing 85,142 square feet or 1.955 acres of land.

05082 02139

000361

~~05023 01773~~

EXHIBIT "F"

**(AIA Construction Manager (Fee) Contract between Prosper and Blackard for the
"Improvements")**

05082 02140

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000362

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 02-02

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING PROSPER ORDINANCE NO. 99-24, SECTION 1.13 (DEFINITIONS) AND SECTION 1.11 (LANDSCAPING); PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION THEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Town Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Prosper, Texas ("Prosper") to amend Prosper Ordinance No. 99-24, Section 1.13 (Definitions) and Section 1.11 (Landscaping); and

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: AMENDMENT TO PROSPER ORDINANCE NO. 99-24, SECTION 1.13 (DEFINITIONS). Prosper Ordinance No. 99-24, Section 1.13 (Definitions) is hereby amended as follows:

Masonry	An exterior façade material such as brick, stone, rock, concrete, concrete block, stucco, marble and glass block, but specifically excluding and prohibiting the use of hardiplank. If CMU is utilized, then it must be textured and shall be painted or otherwise colored.
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SECTION 3: AMENDMENT TO PROSPER ORDINANCE NO. 99-24, SECTION 1.11 (LANDSCAPING). Prosper Ordinance No. 99-24, Section 1.11 (Landscaping) is hereby amended as follows:

1.11.3 A landscape buffer strip with a minimum width of twenty (20) feet shall be provided adjacent to the right-of-way line of all other dedicated streets and/or the property line of any other private road, street and/or drive. This landscape buffer is exclusive of the street parkway.

SECTION 4: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Comprehensive Zoning Ordinance No. 84-

16 and/or Ordinance No. 99-24, as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding TWO THOUSAND AND NO/100 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 5: Savings/Repealing Clause. Prosper's Comprehensive Zoning Ordinance No. 84-16 and Ordinance No. 99-24 shall remain in full force and effect, except as by 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 repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.


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

READ, PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS on this 8th day of January 2002.


JAMES DUNMIRE, Mayor

ATTESTED AND CORRECTLY
RECORDED


AMBER PHILLIPS
Town Secretary

Date(s) of Publication: January 14, 2002 The McKinney Courier Gazette

TOWN OF PROSPER

ORDINANCE NO. 02-16

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16; REZONING A TRACT OF LAND CONSISTING OF 44.613 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 SINGLE-FAMILY RESIDENCE DISTRICT-1 (SF-1) UPON ITS ANNEXATION REZONED PLANNED DEVELOPMENT; 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.

05213 00000

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Tom Clark to rezone 44.613 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 ("Prosper"); and

WHEREAS, the Town Council of Prosper (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: The findings set forth above are incorporated into the body of this
Ordinance as if fully set forth herein.

SECTION 2: The zoning designation of the below-described property containing
44.613 acres, 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 District.

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 inspector 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 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: 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.

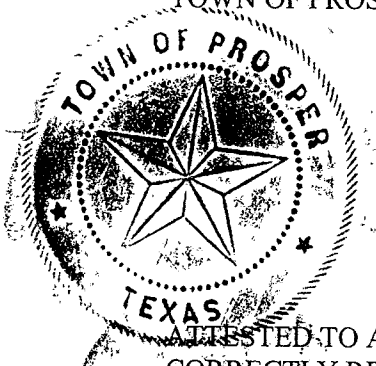
SECTION 5: PENALTY PROVISION. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance No. 84-16, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars (\$2000.00). 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.

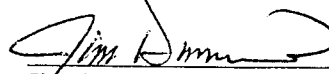
SECTION 7: All ordinances in conflict herewith are repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: This Ordinance shall become effective from and after its adoption and publications as required by the Town Charter and by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE
TOWN OF PROSPER, TEXAS on this 30th day of September, 2002.



APPROVED AS TO FORM:


Jim Dunmire, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:


Amber Phillips, Town Secretary

DATE OF PUBLICATION: October 4, McKinney Courier Gazette

000368

EXHIBIT "A"
PLANNED DEVELOPMENT STANDARDS

**1.0 PLANNED DEVELOPMENT (PD) – THE PURPOSE OF THIS PD IS TO
 CREATE COMMERCIAL MIXED USE WITH RETAIL FOCUS ON THE
 WESTERN HALF AND COMMERCIAL FOCUS ON THE EASTERN HALF**

1.01 General Description: This Commercial Planned Development will provide the ability to encourage and to accommodate a quality development along State Highway 289 and County Road 78.

1.02A Permitted Uses: The following uses shall be permitted within this Planned Development:

- Antique Shops – Indoor Display Only
- Appliance Stores
- Artist Materials and Supplies
- Auto Laundries/Car Wash Facilities
- New Auto Parts Sales – No Outdoor Storage/Display
- Auto Service
- Baby Shops
- Bakery and Confectionery Shops (not to exceed 10,000 sq. ft. in size)
- Banks, Savings and Loan and Credit Unions
- Banks, Savings and Loan and Credit Unions – With Drive-Thru Services
- Barber/Beauty Shops
- Beverage Stores – In accordance with other applicable City of Prosper, Texas Ordinances as they presently exist or may be amended
- Billboard and Advertising Signs – Permitted in compliance with the City of Prosper, Texas Sign Ordinance as it presently exists or may be amended
- Book and Stationery Shops
- Bus Stops (Excluding Commercial Bus Terminal)
- Business Services (accounting, Tax Services, Computer Service, Cellular or Business Service Sales)
- Cafeterias
- Camera Shops
- Candy and Cake Shops (Retail as a Primary Use)
- Catering Establishments (not to exceed 15,000 sq. ft. unless as part of a Grocery)
- Churches/Rectories
- Cleaning, Dyeing, Pressing, Pick-up and Collection Agencies
- Clothing and Apparel Stores
- Clothing, Footwear and Textile Centers (No Manufacturing as Primary Use – Custom Manufacturing for retail is allowed)
- Computer Sales and Repairs
- Computer Training Facilities
- Convenience Stores
- Convenience Stores – With Gas Service

000369

- Copy Services (i.e. Quick Copy)
- Cell Towers & Antennas Properly Screened or Disguised
- Corporate and Professional Office Facilities and Headquarters
- Curio and Gift Shops
- Dairy Products Store or Ice Cream Stores
- Day Care Centers for Children
- Delicatessens
- Drapery Shops
- Dress Shops
- Drug Stores/Pharmacies
- Dry Good Stores
- Electronic Product Sales
- Electronic Security Facilities
- Feed Stores (with screened outside storage)
- Financial Institutions (Retail in Character)
- Fitness and Health Centers
- Florist and Garden Shops
- Fraternal Organizations, Lodges and Civic Clubs
- Furniture and Upholstery Centers – Including Repairs
- Retail Furniture, Home Furnishings and Equipment Showrooms and Sales
- Furniture Stores
- General Merchandise Stores
- Governmental and Utility Agencies, Offices and Facilities – No outside storage unless screened
- Retail Greenhouse and Nursery Facilities – Sales Permitted
- Grocery Stores and Supermarkets
- Guard and Patrol Services
- Hardware and Building Materials Stores – No outside storage unless screened
- Health Product Sales
- Hospitals and Emergency Centers
- Household Appliance Services and Repairs
- Interior Decorating Stores
- Jewelry Stores
- Key Shops/Locksmiths
- Laundry and Dry Cleaning Establishments
- Retail Leather Goods Shops
- Meat Markets – No Slaughter Houses or Packing Plants
- Medical Equipment Showrooms
- Medical and Health Care Facilities/Clinics (Retirement, Diagnostic, Day Surgery, Cosmetics, MRI or Other)
- Medical Offices
- Messenger/Courier and Telegraph Services
- Municipal Buildings and Facilities
- Museums, Libraries, Art Schools and Art Galleries
- Musical Instrument Sales

000370

- Newspaper and Magazine Sales
- Novelty/Notion Stores
- Offices – Professional, Administrative and General Offices – Including but not limited to, doctors, optometrists, psychiatrists, attorneys, architects, engineers, planners, travel agents, advertising, insurance and real estate offices
- Office Showroom Facilities – Sales Permitted
- Office Businesses (Sales and Installation)
- Office Equipment Repairs and Maintenance
- Office Supplies and Sales (not to exceed 50,000 sq. ft. in size)
- Optical Stores – Sales and Services
- Paint Stores
- Parks, Playgrounds, Recreational Facilities and Community Centers
- Pet Grooming and Supplies
- Pet Shops (not to exceed 40,000 sq. ft. in size)
- Retail Photographic Services
- Play Equipment – Sales and Display
- Post Office Facilities
- Printing and Duplicating Establishments
- Private Club Facilities – In accordance with other applicable City of Prosper, Texas Ordinances as they presently exist or may be amended
- Radio and Television Sales and Services
- Recreation Centers – Public and Private
- Restaurants
- Restaurants – With Drive-In/Drive-Thru Service
- Retail Sales
- Retail Shops and Stores
- Schools
- Scientific/Research Facilities – Emissions of hazardous or toxic chemicals shall be prohibited
- Securities and Commodities Offices – Including, but not limited to, brokers, dealers, underwriters, exchange offices and similar offices
- Service Stations Full Service (Including Bays)
- Service Stations – Self Service
- Sewing Machine Sales and Services
- Shoe and Boot Sales and Repair Stores
- Sign Sales, Sign installation to be in compliance with the City of Prosper, Texas Sign Ordinance as it presently exists or may be amended
- Small enclosed Machinery Sales and Services – Service and repair facilities to be under roof and enclosed on East Side of Property Only
- Specialty Shops and Boutiques
- Sporting Good Sales
- Studios – Art, Photography, Music, Dance, Gymnastics, Health, etc.
- Tailor Shops
- Theaters – Indoor
- Theatrical Performing Arts Centers

- Tire Dealers – No Outdoor Storage
- Toy Stores
- Trade and Commercial Schools (East Half of Property Only)
- Travel Bureaus
- Trophies and Awards Shops
- Utility Distribution Systems and Facilities
- Variety Stores
- Veterinarian Clinics and Kennels – (No outside Runs)
- Watch Making Shops
- Accessory buildings and uses customarily incidental to the permitted uses
- Temporary buildings and uses incidental to construction work on the premises to be removed upon completion or abandonment of construction work
- Uses similar to the above-mentioned permitted uses provided the Prosper City Council approves said uses prior to the issuance of a building permit.

1.02B Non Permitted Uses/ Noxious Uses: *The following uses shall not be permitted within this Planned Development:*

- *Manufacturing Fabrication with outside storage*
- *Uses that produce excessive Noise, Smell, Light and/or Vibration, whereby Contiguous Uses are rendered uninhabitable under normal/average market Conditions*
- *Businesses that emit Toxic Discharges by TNRCC Standards outside of the business*
- *High Tech Manufacturing*
- *Theaters with more than 14 screens*
- *Gasoline Sales Facilities as a primary use in excess of two locations*
- *Sexually Oriented Businesses*
- *Pawn Shops*
- *Thrift Store such as Goodwill, and/or Salvation Army and associated pick Up stations*
- *Tattoo Parlor*
- *Auto related businesses, including Gasoline Sales Facilities, in excess of four (4) locations*
- *Drive Thru Food Facilities (free standing) in excess of 10 locations. Anymore would Require Council Approval*
- *Vet Clinic with outside Dog Runs*
- *Bail Bonds*
- *Salvage Yards*
- *Used Auto Parts*
- *Mini Warehouses*
- *Auto Dealers (with New Car Sales as primary) in excess of two (2) locations unless City Hall is constructed on property, then limited to one (1)*
- *Bakery in excess of 10,000 sq. ft.*
- *Multi-family unless incorporated in an urban village (i.e. ground floor retail*

with lofts on second or third floor and approved by Town Council

- . *Heavy Machinery Sales*
- . *Trailer or Mobile Home Sales*
- . *Animal Feedlot*
- . *Auction House unless an accessory to Antique Mall or Art Gallery*
- . *Agricultural Growing Facility with no retail operation (after first building permit is issued).*
- . *Used Cars as a sole use*
- . *Bingo Hall*
- . *Gaming Arcade as a sole or primary use requires Council Approval*
- . *Bait Ship*
- . *Rodeo Grounds*
- . *Dog Track*
- . *Day Care Center with frontage to Preston Road*
- . *Assistant or Retirement Community on Western Half of the Property*
- . *Hotels in excess of two (2) locations*
- . *No Self Service Car Washes as a Principal Use (ok with gas station after first building permit is issued)*
- . *Check Cashing as a Primary Use*
- . *Tire Retread or Recap*
- . *Bottling Works*
- . *Farm, Orchard or Truck Garden (not to preclude these uses as an interim Or Temporary use)*
- . *Sale of distilled spirits unless approved by the Town Council.*

1.02 Density: Allowed density shall be as follows:

The allowed floor area ratio for buildings shall be the greater of 4:1 or that which is allowed in the Corridor District Ordinance.

1.03 Required Parking: Parking shall be provided in accordance with Section 1.7.2 of Zoning Ordinance No. 99-24 for the City of Prosper, Texas ("Corridor District Ordinance"), as it presently exists. Parking shall be permitted within all required yard areas.

1.04 Off-Street Parking and Loading Conditions: Off-Street Parking and Loading Conditions shall be provided in accordance with Section 1.8 of Corridor District Ordinance, as it presently exists. Off-street parking and loading shall be permitted within all required yard areas. Any Shared Parking Agreements must be accompanied by written consent by all participating parties and approval by City Staff.

1.05 Shared Parking: All owners or parties involved must submit shared parking agreements, in writing to the City of Prosper. The agreement must be approved by the City of Prosper, Texas. If approved, the reduction shall be tied to the uses listed in the shared agreement. If any of the uses change, a reassessment of the shared parking agreement will be required. The City of Prosper, Texas shall not

permit new uses until another agreement is approved by the City of Prosper, Texas or the individual parking requirements are met.

- 1.06 **Building Design:** Building Design Conditions shall be provided in accordance with Section 1.9 of Corridor District Ordinance, as it presently exists. **Architectural compatibility and development shall be maintained.**
- 1.07 **Screening:** Screening shall be provided in accordance with Section 1.10 of Corridor District Ordinance, as it presently exists.
- 1.08 **Landscaping:** Landscaping shall be provided in accordance with Section 1.11 of Corridor District Ordinance, as it presently exists.
- 1.09 **Lighting:** Glare and Illumination protection shall be provided in accordance with Section 1.12 of Corridor District Ordinance, as it presently exists.
- 1.10 **Lot Area:** The minimum area of any lot shall be twelve thousand five hundred (12,500) square feet.
- 1.11 **Lot Width:** The minimum width of any lot shall be one hundred feet (100').
- 1.12 **Lot Depth:** The minimum depth of any lot shall be one hundred twenty-five feet (125').
- 1.13 **Lot Coverage:** In no case shall more than fifty percent (70%) of the total lot area be covered by the combined area of the main buildings. Parking structures and surface parking facilities shall be excluded computations.
- 1.14 **Front Yard:** There shall be a front yard having a depth of not less than thirty feet (30'). Front yard setbacks are required on both streets for corner lots
- 1.15 **Side Yard:** Side yard requirements for commercial areas shall be as follows
 - a. No side yard shall be required where commercial structures are attached.
 - b. A ten foot (10') side yard shall be required where commercial structures are located adjacent to one another and where vehicle access is not required.
 - c. A twenty-four foot (24') side yard shall be provided where fire lane access is required and provision for a vehicular access/fire lane easement is not available on the adjoining property.
 - d. A twenty-five foot (25') side yard is provided adjacent to single family zoned district.
 - e. A thirty foot (30') side yard shall be provided adjacent to a dedicated street.

1.16 Rear Yard: Rear yard requirements for commercial areas shall be as follows:

- a. No rear yard shall be required where commercial structures are attached.
- b. A ten foot (10') rear yard shall be required where commercial structures are located adjacent to one another and where vehicle access is not required.
- c. A twenty-four foot (24') rear yard shall be provided where fire lane access is required and provision for a vehicular access/fire lane easement is not available on the adjoining property.
- d. A twenty-five foot (25') rear yard shall be provided adjacent to a single family zoned district.
- e. A thirty foot (30') rear yard shall be provided adjacent to a dedicated street.

2.0 PLANNED DEVELOPMENT – GENERAL CONDITIONS

2.01 General Compliance: Except as amended by these conditions, development of property within this Planned Development must comply with the requirements of all ordinances, rules and regulations of the City of Prosper, Texas as they presently exist.

- a. All paved areas, permanent drives, streets and drainage structures must be constructed in accordance with standard City of Prosper, Texas specifications as they presently exist or may be amended.
- b. The Building Inspector shall not issue a building permit or a certificate of occupancy for a use in a phase of this Planned Development District until there has been full compliance with these codes and all other rules and regulations of the City of Prosper, Texas as they presently exist or may be amended and area applicable to that phase.

2.02 Maintenance of Facilities: The Owner(s) shall establish, with each development plan submittal, a property owner's association, or other designation that will be responsible for the improvement and maintenance of common areas and/or common facilities designated on the development plan.

2.03 Site Plan Approval: Prior to issuance of a building permit on a lot, a Site Plan shall be submitted for the lot development in accordance with Section 19 of the City's Zoning Ordinance (84-16) as it currently exists. *Site Plan Approval will be Required for All Structures in this PD.*

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FINAL DRAFT 09/27/02

- 2.04 **Exceptions Authorized:** The City Council shall have authority to authorize reasonable exceptions to strict conformity with these regulations upon request of a property owner, when it is shown the requested exceptions (1) are not contrary to the public interest or the spirit of the Planned Development, (2) do not cause injury to other properties in the area, and (3) allow for the development in a manner contemplated by the Planned Development.

000376

TOWN OF PROSPER

ORDINANCE NO. 02-25

AN ORDINANCE BY THE TOWN OF PROSPER ADOPTING SIGN REGULATIONS; AMENDING SECTION 13 (SIGN REGULATIONS) OF PROSPER'S COMPREHENSIVE ZONING ORDINANCE NO. 84-16 BY DELETING SAID SECTION; REPEALING ORDINANCE NO. 99-33; REGULATING THE HEIGHT, NUMBER OF SIGNS, SIZE, AND PLACEMENT OF SIGNS LOCATED, OR TO BE LOCATED WITHIN THE TOWN LIMITS OR ITS EXTRATERRITORIAL JURISDICTION; PROVIDING UNIFORM REGULATIONS FOR THE DIFFERENT CLASSES OF SIGNS; PROVIDING FOR AN APPEAL; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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WHEREAS, the Town Council of the Town of Prosper, Texas ("Town Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Prosper, Texas ("Prosper") to adopt this ordinance regulating the use of signs within the Town of Prosper.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Town Council") has investigated and determined that the Town of Prosper, Texas ("Prosper") Comprehensive Zoning Ordinance No. 84-16 should be amended to delete Section 13 (Sign Regulations) and that Ordinance No. 99-33, which amended Section 13, should be repealed; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to establish an ordinance independent of Comprehensive Zoning Ordinance No. 84-16 that regulates signs within Prosper and its extraterritorial jurisdiction; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to prevent potential traffic hazards resulting from the signs' distractions and locations; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to prevent nuisances and invitations to vandalism; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to avoid obstructions to police and citizen views as a means of crime prevention; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to avoid obstructions to emergency services; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to create a neat and orderly appearance throughout Prosper; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to create a means of safely identify a place of business and the services available on the premises without creating esthetic offenses and harm; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to support the general economic development of Prosper; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to support the general welfare of the citizens and to maintain the historically small town atmosphere during a time of growth by providing for a means to communicate information related to the residential community, civic activities and government; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to insure a noncommercial atmosphere in residential areas; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to maintain open spaces by setbacks;

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to create appropriate and orderly commercial and residential atmospheres;

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to maintain the privacy of the home and limit what an unwilling viewer must be exposed to relative to the enjoyment of the investment made in the home; and

WHEREAS, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to enhance property values and psychological well-being for individuals and families;

WHEREAS, Prosper has complied with all notices and public hearings as required by law; and

WHEREAS, the Town Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to amend Prosper's Comprehensive Zoning Ordinance No. 84-16 and establish sign regulations as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS:

SECTION 1: Findings. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendments to Prosper's Comprehensive Zoning Ordinance. Section 13 (Sign Regulations) of Prosper's Comprehensive Zoning Ordinance No. 84-16 is hereby deleted in its entirety.

SECTION 3: Repeal of Prosper Ordinance No. 99-33. Town of Prosper Ordinance No. 99-33, which amended Section 13 of the Comprehensive Zoning Ordinance, is hereby repealed in its entirety.

SECTION 4: Sign Regulations Established. Sign regulations for Prosper are established as follows:

A.

GENERAL PROVISIONS

1.01 - DEFINITIONS:

For the purpose of this Ordinance, the following words and phrases shall have the meanings herein ascribed to them:

APARTMENT NAME SIGN: An accessory sign for the identification of an apartment building or complex of apartment buildings. An apartment name sign shall be of the monument type and shall not be of the flashing intermittently lighted type.

BUSINESS ZONING DISTRICTS: Districts R, O, C, I and COR as described and identified in the Prosper Comprehensive Zoning Ordinance No. 84-16, as it currently exists or may be amended.

COMMERCIAL BILLBOARDS: A structure directly attached to the land or a building, having one or more spaces used to display a sign or advertisement, is leased or rented, and does not advertise the principal business located on such premises.

CONSTRUCTION SIGN: A temporary (less than 6 months) accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the sign is located. A construction sign shall not exceed sixty (60) square feet in area.

GROUND SIGN: Any sign which is erected on a vertical framework consisting of two (2) or more uprights supported by the ground.

INSTITUTIONAL SIGN: A sign (1) listing church services, (2) a directory sign identifying the use of or listing the names, use and location of various services, offices or activities within a building or group of buildings of (a) a public or semi-public use, (b) a charitable use, or (c) a medical center.

MARQUEE SIGN: Any sign erected on a marquee or fixed awning.

MONUMENT SIGN: Any detached sign constructed of masonry with no apparent poles or supports, and no separation between the base of the sign and grade. All monument signs shall be compatible and with complimentary color of the individual building that the sign is associated with and shall be lighted by internal lighting or spot lights on the ground.

NON-BUSINESS ZONING DISTRICTS: Districts SF, MF, PD and REC as described and identified in the Prosper Comprehensive Zoning Ordinance No. 84-16, as it currently exists or may be amended.

PARAPET WALL SIGN: Any sign erected on the top surface of a parapet wall.

PERSON: Any person, firm, partnership, corporation, company, organization or business entity of any kind.

PERSONAL PROPERTY SALE SIGN: A temporary sign advertising personal property for sale on the premises on which the sign is located.

POLE SIGN: Any sign supported by one or more free standing pole(s).

POLITICAL SIGN: A sign (1) relating to the election of a person to a public office, (2) relating to a political party, or (3) relating to a matter to be voted upon at an election called by a public body.

PORTABLE SIGN: Any sign not permanently attached to the ground or to a building or structure.

PROJECTING SIGN: Any sign which projects from a building and which has one end attached to a building or other permanent structure.

REAL ESTATE DIRECTIONAL SIGN: A temporary sign directing the public to homes for sale within the Town.

REAL ESTATE SIGN: A temporary sign placed upon property advertising that particular property for sale or for rent, or for lease.

SIGN: The term "sign" shall, in addition to its usual definition, mean any structure erected for the purpose of advertising or attracting attention to any business or activity and shall include exterior neon tubing, window signs and outline lighting.

SNIPESIGN: Any sign attached to any public or private utility pole or structure, tree, fence post, stake, or similar structure located in any easement or public right-of-way; or any sign located on private property when the contents of the sign do not pertain to a person, activity, idea, business or product being sold, promoted or expressed on the premises where the sign is located.

ROOF SIGN: Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building.

TEMPORARY REAL ESTATE OPEN SIGN: A sign not exceeding three (3) square feet in area on which appears only the word "open," the name of the real estate company or home owner, and a directional arrow.

WALL SIGN: Any sign erected flat against a wall, supported by the wall, and having the sign face parallel to and not more than twelve (12) inches from the wall surface. Neon tubing attached directly to a wall surface shall be considered a wall sign.

WINDOW SIGNS AND OUTLINE LIGHTING: Any neon sign or tubing installed on the inside of a window, other than interior merchandising signs of the plug-in type.

2.01 - SIGN CONTRACTOR'S LICENSE:

(A) No person shall install, erect or maintain any sign, or contract for such service, until such person has applied to the building inspector for a license to install, erect and maintain signs, and until such license has been approved and issued. The fee for such license shall be one hundred dollars (\$100.00) per year payable on the first day of January of each year. An original license taken out after the first day of January shall be prorated.

(B) The license of any sign contractor may be canceled by the Town Council upon the recommendation of the building inspector, when such contractor persistently violates the requirements of this Ordinance. Conviction in court, whether appealed or not, on three (3) violations over a period of two (2) years, shall constitute evidence of persistent violation. Any license thus canceled shall not be renewed for such contractor or anyone operating in concert with such contractor until all such violations has been corrected. Upon correction of violations, the contractor's license may be renewed; upon furnishing the bond required in Section 3.

(C) Any denial or nonrenewal of a license may be appealed in writing to the Town Council within ten (10) days of notice of such denial or nonrenewal pursuant to Section 27.

3.01 - SIGN CONTRACTOR'S BOND:

(A) No license for the installation, erection and maintenance of signs shall be issued to any person nor shall any person install, erect or maintain any sign or medium of display or advertising, electric or otherwise, until such person has filed with the town secretary a surety bond in the sum of five thousand dollars (\$5,000.00). Such bond shall be approved by the town treasurer and shall be conditioned for the installation and erection of signs in accordance with the ordinances of the town and the laws of the state, and shall provide for the indemnification of the town for any and all damages or liability which may accrue against it by reason of faulty installation, erection, demolition, repair, removal or defects in, or collapse of, any sign for a period of one (1) year after erection and for such period of time that such sign is maintained or serviced by or under the direction of the maker of such bond. Such bond shall further provide for the indemnification of any person who shall, while upon public property or in any public place, incur damage for which the principle name in the bond is legally liable.

(B) When any sign contractor's license has been canceled as provided in Section 2, such licenses shall not be renewed until the contractor furnishes an additional bond in the amount of five thousand dollars (\$5,000.00) guaranteeing compliance with the provisions of this Ordinance, which bond shall be for a period of two (2) years following renewal of the license.

4.01 - PERMIT TO ERECT OR INSTALL:

(A) PERMIT REQUIRED; No sign of any character other than those listed in the following Sections shall be erected on the ground, or suspended from or attached to any building or structure, until a permit for such work has been issued by the building inspector. Signs of any character which are not specifically provided for in this Ordinance may be erected only by special permission from the Town Council.

(B) EXCEPTIONS TO PERMIT REQUIREMENTS. A permit shall not be required for any of the following types of signs under the following conditions:

- (1) Nonilluminated signs painted directly on the wall of a building.
- (2) Nonilluminated wall signs not over two (2) feet in height or ten (10) square feet in area, when erected flat against the face of a business or public building.
- (3) Nonilluminated wall signs, not over one (1) square foot in area, displaying the name and profession of the occupant of the building.
- (4) Nonilluminated wall or ground signs advertising the sale, lease or rental of the premises on which such sign is located, when such sign is erected in a business or industrial district and does not exceed ninety six (96) square feet in area, or when such sign is erected in a dwelling or apartment district and does not exceed eighteen (18) square feet in area.
- (5) Signs erected by the municipal, state or federal government for the purpose of public instruction, street or highway designation, control of traffic and similar uses incidental to the public interests.
- (6) Signs of a warning, directive or instructional nature erected by a public utility or transportation organization which operates under a franchise from the town permitting the use of public property for the display of such signs, provided such signs shall be deemed by the building inspector to be necessary for the successful operation of the utility, and provided that special permission for their erection is granted by the Town Council.
- (7) Special event signs. Permission may be granted by the building inspector as a special privilege to civic organizations and other nonprofit organizations to erect signs promoting special events or activities of such organization at the locations and times and under the conditions specified by the building inspector, and for not more than thirty (30) days.
- (8) Personal property sale signs. Permission is granted as a special privilege for dwelling occupants for the erection of nonilluminated, personal property sale signs to be erected in the required fifteen (15) feet to any street curb line, provided, that only one such sign not exceeding three (3) square feet may be erected on the dwelling premises, but shall be limited to display of such signs a maximum of seven (7) days in a calendar year.

(9) Real estate directional signs. Permission is granted as a special privilege to home builders to erect temporary, nonilluminated directional signs for weekend advertising. Signs shall not be placed earlier than 1:00 p.m. Friday and shall be removed no later than 1:00 p.m. the following Monday. Such signs and their placement must be approved by the building inspector. Any signs in place prior to or after the appointed times will be removed and impounded by the Town. Each home builder may erect a maximum of four (4) signs at any time for each subdivision in which the home builder is currently building in Prosper's town limits.

(10) Political signs. Permission is granted as a special privilege to candidates for political office to erect temporary, nonilluminated political signs not exceeding six (6) square feet in area, on private property, with consent of property owner, no closer than ten (10) feet to any street curb. Such signs shall not be erected sooner than thirty (30) days prior to the election that the sign pertains to, and must be removed within five (5) days after the election.

(11) Real estate signs, residential. No permit will be required for a temporary real estate sign, not exceeding eight (8) square feet in area, when it is located no closer than fifteen (15) feet from the curb or pavement edge.

(12) Real estate signs, other. Permission is granted as a special privilege to any business, apartment owner, builder, or developer to erect temporary real estate signs, not exceeding sixty-four (64) square feet in area, without waiver of permit, under the following conditions:

(a) apartment and other commercial signs must be removed within one year (1) after issuance of certificate of occupancy.

(b) residential developers/builders may, after approval and consent by the Town Council, erect temporary signs for a period not to exceed one (1) year in any district.

(13) Project signs. Developers/builders offering residential or business property in parcels or lots for sale are granted special permission to erect project signs, not exceeding four hundred (400) square feet in area, or thirty (30) feet in height. One sign per project, or one sign per one hundred (100) acres is authorized. A permit is required, and all signs must be removed when ninety-five (95) percent of the lots or parcels have been sold.

(14) Construction signs. Temporary construction signs, not exceeding sixty-four (64) square feet in area, no closer than twenty-five (25) feet to any street right-of-way line, providing that such signs shall not be erected prior to the issuance of the building permit for the project the signs pertain to. Such signs may be erected and maintained only during the duration of the construction.