

(15) Grand opening or special sales signs. Permission is granted as a special privilege to any business in a properly zoned area to display flags, banners and balloons for a period not to exceed two weeks in any calendar year in connection with grant openings or special sales being conducted by said business. Such signs and their placement must be approved by the building inspector. Such flags, banners, and balloons may be erected and maintained only during such two-week period.

(16) Christmas decorations and displays. Christmas decorations and displays shall be exempt during the period beginning the fourth Monday in November of each year and ending the first Monday after January 1st of the next succeeding year.

(17) Political signs on vehicles. Permission is granted as a special privilege for the placement of political signs, as defined in or upon a motor vehicle if such sign does not exceed six (6) square feet in area and does not project from the front, side or rear surfaces of such vehicle. Said sign shall not be illuminated and shall not be placed thereon sooner than thirty (30) days prior to the election the sign pertains to, and must be removed within five (5) days after the election.

(B) TO WHOM ISSUED. No permit for the erection of any sign shall be issued to any person other than those licensed and bonded in the town in accord with this Ordinance.

(C) NOT TO ISSUE FOR PROHIBITED LOCATIONS. No permit shall be issued under this section for any sign in a district where signs are prohibited by Prosper's Comprehensive Zoning Ordinance and any amendments thereto.

(D) FEES. The fee for sign permits shall be based upon the fee schedule prescribed.

<u>Area of Sign</u>	<u>Fee</u>
Up to 50 square feet	\$25.00
51 to 100 square feet	67.50
101 to 150 square feet	100.00
151 to 200 square feet	150.00
201 to 250 square feet	200.00
251 square feet or above	250.00 + 1.00 per sq. ft. in excess of 250 sq. ft.

5.01 - PERMIT TO ALTER, REPAIR, ENLARGE, ETC.:

(A) No sign shall be altered, rebuilt, enlarged, extended, replaced or relocated, nor shall sign faces be renewed or neon tubing be rearranged when the value of such work exceeds twenty-five dollars (\$25.00), except upon the issuance of a permit by the building inspector, and all work under such permit shall be in conformity with the requirement of this Ordinance. Signs which have been erected in conformance with this Ordinance and with Prosper's Comprehensive Zoning Ordinance and any amendments thereto, and which have been damaged by windstorm or other natural causes, may be repaired without first securing a permit.

(B) The changing or movable parts of signs which are designed for changing, or the repainting of display matter or the repairing of damaged neon tubing while a sign is in place shall not be deemed to be alterations. Changing of copy on any existing sign shall be deemed an alteration.

(C) The fee for a permit under this Section shall be the same as prescribed by Section 4.01.

6.01 - IDENTIFICATION MARKING REQUIRED:

Every sign erected after adoption of this Ordinance shall have painted, in a conspicuous place thereon, in letters not less than one inch in height, the date of erection, the permit number, voltages and the name of the maker of erector of the sign

7.01 - ASSUMED WIND LOAD FOR DESIGN PURPOSES:

For the purposes of design of structural members in signs, an assumed wind load of twenty (20) pounds per square foot shall be used.

8.01 - ILLUMINATED SIGNS:

(A) All illuminated signs shall be wired in accordance with the requirements of the town electrical code.

(B) No sign shall be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance.

9.01 - ATTACHMENT TO FIRE ESCAPES PROHIBITED:

No sign shall be attached in any manner to any fire escape or to the supporting members of any fire escape, nor shall it be guyed to or supported by any part of the fire escape.

10.01 - ACCUMULATION OF RAINWATER PROHIBITED:

All signs shall be constructed so as to prevent the accumulation of rainwater in the sign

11.01 - NOT TO AFFECT STABILITY OF PARAPET WALL:

No sign shall be erected so as to affect the stability of any parapet wall.

12.01 - LOCATION NEAR TELEPHONE CABLE POWER LINE OR STREET LIGHT:

No sign shall be erected nearer than two (2) feet from any telephone cable, power line or any street light standard.

13.01 - NOT TO BLOCK OR INTERFERE WITH EXITS OR WINDOWS:

No sign shall be so erected as to block, partially block, or interfere in any way with a required means of exit from any building nor with any window.

14.01 - LOCATION ON VACANT BUILDING:

No sign shall be permitted to remain on any vacant building, except a sign pertaining to the lease or sale of the building, or a sign which is under lease from an owner or his agent, when such sign is maintained by a person operating under his own bond.

15.01 - POSTING IN SPECIFIED AREAS PROHIBITED, GENERALLY:

No person shall post or cause to be posted, attach or maintain any sign upon:

- (A) Any public right-of-way or public area unless specifically excepted herein;
- (B) Any tree, public or private utility pole or structure, or any fence post;
- (C) The outside of any fence, railing or wall, which is not a structure, except for a nameplate sign;
- (D) On sidewalk, curb, gutter, or street, except for house numbers.

15.001 - MERCHANDISE DISPLAY PROHIBITED; EXCEPTIONS:

No person shall drive on, suspend from any building, or pole, structure, sidewalk, parkway, driveway or parking area any goods, wares, merchandise or other advertising object or structure for the purpose of advertising such items, other than a sign as defined, regulated and prescribed by this Ordinance, except as otherwise allowed by town ordinance. Items normally placed on service station pump islands shall not be prohibited by this Section.

15.002 - BALLOON OR OTHER FLOATING DEVICE ANCHORED TO THE GROUND OR STRUCTURE:

No person shall erect, maintain or permit the erection of any balloon or other floating device anchored to the ground or to any structure, except as allowed by other provisions of this Ordinance.

15.003 - PORTABLE SIGNS:

Portable signs may be permitted for a two (2) week period in any one (1) calendar year upon application and approval by the Town Council or its designee.

SECTION 15.004 - MOBILE OR PORTABLE SIGNS:

It shall be unlawful to attach any sign to a trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or constitute the sign itself. This provision does not restrict the identification signs on vehicles used for any bonafide transportation activity.

SECTION 15.005 - VEHICLE "FOR SALE" SIGNS PROHIBITED; EXCEPTIONS:

"For Sale" signs placed in or on vehicles when the vehicle is parked or placed in a manner that the sign is readily visible from adjacent public right-of-way are prohibited with the exception that one (1) vehicle containing a "For Sale" sign parked or placed at an occupied single-family, two-family, town home, or multi-family dwelling unit is permitted.

SECTION 15.006 - SNIPE SIGNS PROHIBITED:

Snipe signs are prohibited and may be immediately removed and disposed of without prior notice to the owner of the sign or property on which the sign is located.

16.01 - GLASS PANELS IN SIGNS OVER PUBLIC PROPERTY:

Glass or other transparent panels in signs over public property shall not exceed twelve (12) square feet in any one section. Glass shall be secured in a manner approved by the building inspector.

17.01 - INSPECTION:

Inspection of all signs shall be made, and regulations for the method and time of such inspections shall be determined by the building inspector. Each holder of a license under this Ordinance shall be kept informed of and be governed by such regulations. Deposit in the mail, directed to the address shown on the license, shall constitute due notice of changes in such regulations.

18.01 - PROHIBITION AND REMOVAL OF DANGEROUS SIGNS OVER STREETS AND SIDEWALKS AND SIGNS INTERFERING WITH TRAFFIC DEVICES, SIGNALS:

(A) Removal of Dangerous Signs Over Streets and Sidewalks. If in judgment of the building inspector, any sign erected or maintained over, along or across any sidewalk or public street becomes dangerous to life or limb or proves to be an obstruction to the proper operation of the fire department, it shall be the duty of the building inspector to remove and impound the dangerous sign after written notice to the owner or operator of the property, structure or building. The building inspector shall be the sole judge as to the existence of such a dangerous condition.

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(B) Interference with Traffic Devices, Signals Prohibited and Removal of Such Signs. In order to obtain and secure reasonable traffic safety, it shall be unlawful for any person to erect or maintain any sign in such a manner as to obstruct free and clear vision or at any location where by reason of position, shape, color degree, manner or intensity of illumination, it may interfere with vehicular or pedestrian traffic. Pursuant to the foregoing, no sign shall be erected or maintained in such manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Accordingly, no sign shall use of the words "stop," "go," "look," "slow," "danger," or character or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to interfere with, mislead or confuse traffic. It shall be the duty of the building inspector to remove and impound the interfering sign after written notice to the owner or operator of the property, structure or building. The building inspector shall be the sole judge as to the existence of such interference or confusion.

(C) The building inspector's decision to remove and impound an interfering or dangerous sign may be appealed in writing to the Town Council within ten (10) days of such removal pursuant to Section 27.01.

19.01 - PROHIBITED SIGNS:

The following types of signs shall be prohibited in all zoning districts, and no permit shall ever be granted for:

- (1) Commercial billboards;
- (2) Ground signs;
- (3) Roof signs;
- (4) Pole signs;
- (5) Signs which move and/or are animated by means of flashing, traveling or blinking lights, or other means not providing constant illumination; provided however, time and temperature signs shall be permitted but shall not be located within forty (40) feet of the right-of-way or within forty (40) feet of a street intersection;
- (6) Appendages to primary signs which have flashing, blinking, or traveling lights;
- (7) Any sign which emits audible sound, odor, or visible matter;
- (8) Banners, pennants, and searchlights located anywhere upon the development site or upon the sidewalk, curb, or right-of-way adjacent to the development site; provided however, banners and pennants shall be permitted for a period not to exceed thirty (30) days for grand openings once a written permit for such signs has been obtained from the Town of Prosper; and banners and pennants shall be permitted for a period not to exceed thirty (30) days for special promotions and/or sales once a written

permit has been obtained from the Town of Prosper, provided that the same shall not be permitted for more than two (2) separate promotional and/or sales events in a calendar year; or

- (9) A sign, whether temporary or permanent, directing the public to new or used homes for sale outside of the Town limits.

20.01 - NUISANCES; REMOVAL OF PROHIBITED SIGNS:

(A) All signs listed in Subsection (C) below shall be considered a public nuisance and are prohibited by this Ordinance. Upon written notification by the building inspector, such signs may be removed from the premises and impounded. The notification shall state that the offending sign shall be removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within ten (10) days after written notification to do so by the building inspector. The notification shall further state that if the sign is not removed within twenty-four hours a citation may be issued and the Town may resort to any civil remedy available up to and including impoundment.

(B) It shall be unlawful for any person, firm or corporation receiving such written notice to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under Section 20 (A), the building inspector is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the land, building or structure upon which such sign was located.

(C) The following signs are considered a nuisance and are prohibited by this Ordinance:

- (1) Any sign erected without a permit, either prior to or after the adoption of this Ordinance, if a permit was required.
- (2) Any sign erected in violation of the provisions of this Ordinance.
- (3) Any sign erected in or over a public right-of-way, either prior to or after the adoption of this Ordinance.

(D) Any notice to remove or any sign removal by the building inspector may be appealed in writing to the Town Council within ten (10) days of such notice or removal pursuant to Section 27.01.

21.01 - IMPOUND SIGNS - RECOVERY:

(A) Impounded signs may be recovered by the owner within fifteen (15) days after written notification of impoundment by paying a fee as follows:

- (1) A fee of five dollars (\$5.00) for signs which are six (6) square feet or less in area.

(2) A fee of ten dollars (\$10.00) for signs which are larger than six (6) square feet in area.

(B) Any impoundment may be appealed in writing to the Town Council within ten (10) days of impoundment pursuant to Section 27.

(C) Signs not appealed pursuant to Subsection (B) above or recovered within fifteen (15) days of impoundment may be disposed of by the Town of Prosper in any manner it shall elect.

22.01 - EXISTING SIGNS, GENERALLY:

Signs, except those which the town is empowered to impound, and except as provided for in removal of nonconforming existing signs, lawfully in existence on date of ordinance approval may continue to be used and repaired but not altered or moved unless they shall be made to conform with the provisions of this Ordinance. If a nonconforming sign is removed or destroyed, any new sign or rebuilding of existing sign must conform to this Ordinance.

23.01 - REMOVAL OF NONCONFORMING EXISTING SIGNS:

(A) Nonconforming existing signs may be required to be removed by the building inspector in accordance with the following:

(1) Signs costing less than one hundred dollars (\$100.00) to move must be removed within sixty (60) days of the date of written notice from the building inspector.

(2) Signs costing more than one hundred dollars (\$100.00) but less than five hundred dollars (\$500.00) to move must be removed within one hundred eighty (180) days of the date of written notice from the building inspector.

(3) Signs costing more than five hundred dollars (\$500.00) to move must be removed within 6 months of the date of written notice from the building inspector.

(B) The building inspector's determination that an existing sign has a nonconforming status or the notification of removal of such nonconforming sign may be appealed in writing to the Town Council within ten (10) days of such determination or notice pursuant to Section 27.

24.01 - MAINTENANCE OF SIGNS:

The owner of any premises upon which a sign is located, or the owner of any sign, shall be responsible to maintain the sign at all times to comply with minimum structural requirements as contained herein for safety purposes.

25.01 - COMPLIANCE WITH BUILDING CODE:

All sign structures shall comply with minimum standards established by the building code unless standards as described herein are more restrictive, then provisions of this Ordinance shall apply.

26.01 - COMPLIANCE WITH COMPREHENSIVE ZONING ORDINANCE:

All sign structures shall comply with the Prosper Comprehensive Zoning Ordinance No. 84-16, as it currently exists or may be amended.

27.01 - APPEAL AND BOND:

All appeals for variances or from denials, nonrenewals or adverse decisions of the building inspector under this Ordinance shall be made to the Town mayor or his designee. An appeal shall be filed in writing with the Town mayor within ten (10) days of the occurrence of the denial, nonrenewal, or adverse decision of the building inspector. The Town mayor or his designee shall seek to hear the appeal within (30) days after notice of such a request. The Town mayor or his designee shall have the power to authorize a variance from the terms of this Ordinance or to reverse a decision of the building inspector where he finds that: i) such variance or reversal will not be contrary to the public interest, ii) owing to special conditions, a literal enforcement of the provisions of this Ordinance or compliance with the building inspector's decision will result in unnecessary hardship; and iii) the spirit of this Ordinance shall be observed and substantial justice done. All decisions of the Town mayor or his designee shall be subject to review by the Town Council at one of its regularly scheduled meetings. The decision of the Town mayor or his designee will be final unless reversed by the Town Council. The Town Council's failure to take action upon any such appeal shall constitute approval of the decision by the building board of appeals.

Pending appeal, return of the sign may be accomplished by submitting in cash a twenty five dollar (\$25.00) appearance bond with the building inspector.

28.01 - NOTICE:

Notice pursuant to Sections 18.01-26.01 above shall be sufficient if it is effected by personal delivery, registered or certified mail, return receipt requested, and/or depositing the notice with the United States mail.

29.01 RESERVED FOR FUTURE USE

B.**REGULATIONS FOR SPECIFIC TYPE OF SIGNS****30.01 - APPLICATION OF LIMITING DIMENSIONS PRESCRIBED:**

The limiting dimensions given in the detailed requirements of this Ordinance include all ornamentation unless otherwise specifically stated.

31.01 - PARAPET WALL SIGNS:

(A) Parapet wall signs, when illuminated, shall be constructed entirely of incombustible materials. Parapet wall signs may have frames and moldings of wood and may have cut-out wood letters when same are attached to two (2) or more metal stringers. Individual letters erected on a parapet wall shall be constructed of incombustible material.

(B) Parapet wall signs shall not be more than four (4) feet in height measured from the top of the parapet wall to the top of the sign and shall not occupy more than seventy-five (75) percent of the length of the wall on which erected. Attachment of such signs shall not damage or affect the stability of any parapet wall.

32.01 - MARQUEE SIGNS:

(A) Signs erected on the faces of a marquee and built as an integral part of a marquee shall be constructed entirely of incombustible materials. Attraction boards having interchangeable letters and built as an integral part of a marquee shall not exceed seven (7) feet in height nor thirty (30) feet in length. Open ornamentation or open letters not more than three (3) feet in height may be erected on top of such attraction boards but shall not occupy more than seventy-five percent of the length of the attraction board.

(B) Signs erected on the top or edge of existing marquees or fixed awnings shall follow the contour of the marquee and shall be constructed entirely of incombustible materials, except that signs not exceeding twenty-four (24) square feet in area may have wood frames and moldings. Such signs shall not exceed four (4) feet in height and shall not occupy more than seventy-five (75) per cent of the length of any face of the marquee or fixed awning.

(C) Marquee signs shall not project more than twelve (12) inches beyond the face of the marquee nor within one (1) foot back of any curb and shall be attached to the marquee so that no water from the marquee roof may fall to the sidewalk from openings between the sign and the marquee.

(D) Signs hung from the soffit of a marquee or fixed awning shall be constructed entirely of incombustible materials except that such signs, when and not exceeding eighteen (18) square feet in area, may have frames and moldings of wood. The bottom of such signs shall be not less than nine (9) feet above the sidewalk below and the outer end shall not be less than one (1) foot back of any curb.

33.01 - WALL SIGNS:

(A) No part of any wall sign shall be located within nine (9) feet of the grade immediately below, except when the sign is entirely over private property and not over a sidewalk used by the public. Neon tubing, when placed directly on the face of an exterior wall, shall not be less than nine (9) feet above the grade immediately below.

(B) Flat signs made of metal or glass and placed directly on the face of a wall may be set at any height above the grade, provided such signs do not project more than two (2) inches from the face of the wall.

(C) Wall signs shall be constructed entirely of incombustible materials, except that wall signs may have frames, stiffeners, mouldings and cut-out letters of wood when such letters have not less than two (2) points of attachment.

(D) When projections on the wall face prevent the erection of the sign flat against the wall face, the space between the back of the sign and the wall shall be closed at top, bottom and ends with incombustible materials such as sheet metal or hardware cloth.

34.01 - WINDOW SIGNS AND OUTLINE LIGHTING TO CONFORM TO ELECTRICAL CODE:

The installation of any illuminated sign or neon tubing on the inside of any window shall conform to the requirements of the town's electrical code.

35.01 - REMOVAL OF REAL ESTATE SIGNS:

Real estate signs shall be removed as soon as the property advertised is sold, leased or rented, except that a sign not exceeding two (2) square feet in area and displaying the single word "SOLD" may remain on the property for a period not to exceed fourteen (14) days.

36.01 - 50.01 RESERVED FOR FUTURE USE**C.****DESIGNATED LAND USE FOR SPECIFIC TYPES OF SIGNS****51.01 -SIGNS PERMITTED IN RESIDENTIAL AREAS:**

The following types of signs are permitted in areas zoned for single-family, two-family, or multi-family residential purposes according to the official zoning ordinance:

(A) NAMEPLATES. Nameplates, with a maximum area of two (2) square feet and restricted to the name and address of the occupant only, one sign per address, are permitted.

(B) INSTITUTIONAL SIGNS. The maximum area shall be thirty-two (32) square feet (fifty (50) square feet for senior high schools). This section pertains to uses normally permitted in residential areas, and uses heretofore, or thereafter, permitted in such areas by special use permit, unless further restricted by the special use permit. The number of signs permitted by this section is one sign per street frontage. The maximum height shall not exceed twenty (20) feet when located beyond the established building line. Setback from property line shall be fifteen (15) feet for any sign hereafter erected. Existing signs that do not meet the minimum standards shall not be considered as nonconforming signs.

(C) APARTMENT SIGNS. Apartment signs are permitted in districts zoned for multi-family purposes only and the maximum area shall not exceed forty (40) square feet. One sign per street frontage will be permitted. All apartment signs shall be monument signs.

52.01 - SIGNS PERMITTED IN BUSINESS DISTRICTS:

The following types of signs are permitted in areas zoned for office, local retail, commercial and industrial purposes, according to the official zoning ordinance:

(A) MARQUEE FLAT WALL, PARAPET, GENERAL IDENTIFICATION SIGNS. In office districts all signs shall be limited to the marquee flat wall or parapet type, except that one general identification sign may be provided for separate office complex developments of one acre or more, as defined by a site or development plan approved by the planning and zoning commission. The sign shall not exceed fifty (50) square feet in area, or a height of four (4) feet from grade, and must be located at least fifteen (15) feet from the curb or pavement edge.

(B) GENERAL BUSINESS SIGNS. General business signs are permitted in local retail, light and heavy commercial and light and heavy industrial districts only. All signs must pertain to the business property at the location of the sign, and only one sign per street frontage is permitted, providing, however, that all signs that are not affixed to the building must be separated by at least fifty (50) feet. Maximum height of signs shall not exceed twenty-nine (29) feet, in the retail district or thirty (30) feet in commercial or industrial districts. Maximum areas of signs shall not exceed two hundred (200) square feet, except a major identification sign, up to four hundred (400) square feet on a area may be provided for a business center of six (6) acres or more, providing that the sign must be set back from any property line a distance equal to the height of the sign.

(C) MONUMENT SIGNS

- (1) Shopping centers with multiple tenants located on a premises of one (1) acre or more in size are permitted to erect a maximum of four (4) monument signs with the following stipulations:

Maximum size	-	110 square feet per side
Maximum height	-	6 feet

- Setbacks
 - 15 feet from street right-of-way
 - 50 feet from property lines other than those property lines fronting the street line right-of-way
 - 300 feet from other monument signs on the property

- (2) Shopping centers with multiple tenants located on premises of less than one (1) acre in size are permitted to erect a maximum of two (2) monument signs with the following stipulations:
 - Maximum size - 90 square feet per side
 - Maximum height - 6 feet
 - Setbacks
 - 15 feet from street right-of-way
 - 25 feet from property lines other than those property lines fronting the street line right-of-way
 - 150 feet from other monument signs on the property

- (3) A business located on individually platted land including individual pad sites within a shopping center are permitted to erect two (2) monument signs with the following stipulations:
 - Maximum size - 90 square feet per side
 - Maximum height - 6 feet
 - Setbacks
 - 15 feet from street right-of-way
 - 25 feet from property lines other than those property lines fronting the street right-of-way
 - 200 feet from other monument signs on the property

- (4) Gasoline service stations may mount price per gallon signs on monument signs. Monument signs that contain the price per gallon of gasoline sold by that business are permitted to erect monument signs with the following stipulations:
 - Maximum size - 30 square feet per side
 - Maximum height - 6 feet
 - Setbacks
 - 15 feet from street right-of-way
 - 50 feet from property lines other than those property lines fronting the street right-of-way

53.01 - MONUMENT SIGNS PERMITTED IN NON-BUSINESS DISTRICTS:

Churches, model homes, apartments, town homes, schools or government facilities and buildings may have detached monument signs subject to the following restrictions:

(A) Number of signs: Each premises may have no more than one (1) detached monument sign, provided however, that a premise with more than seven hundred fifty (750) feet of frontage along a public way, other than an alley, may have more than one (1) additional detached

monument sign for each five hundred (500) feet of additional frontage. Signs must be a minimum of five hundred (500) feet apart.

(B) Dimension requirements:

Maximum size	-	90 square feet per side
Maximum height	-	8 feet
Setbacks	-	15 feet front street right-of-way

SECTION 5: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding FIVE HUNDRED AND NO/100 DOLLARS (\$500.00). 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: Savings/Repealing Clause. 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.

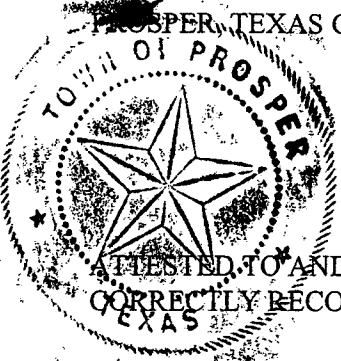
SECTION 7: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper 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 8: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.


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DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF

PROSPER, TEXAS ON THIS 30th DAY OF September, 2002.

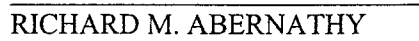


ATTESTED TO AND
CORRECTLY RECORDED BY:


AMBER PHILLIPS
Town Secretary


JAMES DUNMIRE, MAYOR

APPROVED AS TO FORM:


RICHARD M. ABERNATHY
ABERNATHY, ROEDER, BOYD
& JOPLIN, P.C.
Town Attorneys

DATE OF PUBLICATION: October 4, 2002, *McKinney Courier Gazette*.

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16; REZONING A TRACT OF LAND CONSISTING OF 187.03 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.

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from John Christie and Jen Han to rezone 187.03 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
187.03 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. The Proper is described by metes and bounds in Exhibit "A" and
the development standards are attached as Exhibit "B".

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: 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

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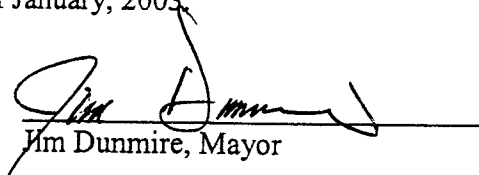
sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: 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 law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE
TOWN OF PROSPER, TEXAS on this 13th day of January, 2003.


Jim Dunmire, Mayor

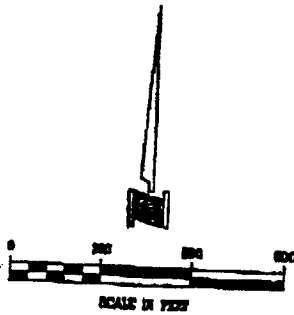
ATTESTED TO AND
CORRECTLY RECORDED BY:


Amber Phillips, Town Secretary

000405

DATE OF PUBLICATION: January 17, 2003, McKinney Courier Gazette

000406



Shirley, Dowdey, Anderson & Associates, Inc., SS

01/10/2003 03:16:57 PM, ssh

S:\Projects LDD\101050BND\dwg\101050ANNEX-EX.dwg, (1), 01/10/2003 03:16:57 PM, ssh

N01°00'37"E 2647.82'

N00°17'36"E
495.70'

N89°55'45"E 1317.96'

S89°39'19"E 2622.25'

S77°42'28"E
100.18'

M 25.41215
46.645

500°14'40"W 1238.40'
BUSINESS HIGHWAY
NO. 289

P.O.B.

N89°38'27"W 2233.00'

S89°58'22"W
102.88'

S89°51'27"W
264.70'

S00°16'17"W 1326.60'

N89°32'58"W 1352.09'

COUNTY ROAD NO. 4

Exhibit "A"

000407



DOWDEY, ANDERSON
& ASSOCIATES, INC.

5225 Village Creek Drive, Suite 200 Plano, Texas 75093
Phone 972-931-0694 Fax 972-931-9538

ANNEXATION AND ZONING EXHIBIT
COLLIN COUNTY SCHOOL LAND SURVEY NO. 12
ABSTRACT NO. 147
PROSPER, COLLIN COUNTY, TEXAS

01/10/03

Page 1 of 1

101-050

EXHIBIT A: for Z# _____**BOUNDARY DESCRIPTION FOR ANNEXATION AND ZONING**

BEING a tract of land located in the Collin County School Land Survey No. 12, Abstract No. 147, Collin County, Texas and being all of a called 3.775 acre tract described as "Tract II" in Deed to Massad and Massad Investments, Ltd., recorded in Volume 4579, Page 2768, Deed Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a point on the occupied West line of Business Highway No. 289 for the Southeast corner of the premises herein described, said corner being the Northeast corner of a one acre tract described in a deed to Kent W. Elliott recorded in Volume 4034, Page 102 of the Land Records of Collin County;

THENCE along the recognized South line of Lot 4 of the subdivision of the Collin County School Land Survey No. 12, Abstract No. 147, South 89 degrees 51 minutes 27 seconds West 264.70 feet to a point found on the East right-of-way line of the Burlington Northern and Santa Fe Railroad at the Northwest corner of said Elliott tract for the Southwest corner hereof;

THENCE North 89 degrees 58 minutes 22 seconds West, ^{102.66} ~~120.68~~ feet to a point in the West right-of-way line of said Railroad;

THENCE North 89 degrees 38 minutes 27 seconds West 2233.00 feet to a point for the Southwest corner Lot 4 of the subdivision of Collin County School Land Survey No. 12, Abstract No. 147, said corner also being the Northwest corner of a record 64.62 acre tract described in a deed to Thomas D. Bull, et ux, recorded in Volume 726, Page 106 of the Deed Records of Collin County;

THENCE, South 00 degrees 16 minutes 17 seconds West 1326.60 feet to a point found in the corporate city limits line of the Town of Prosper, said point being in County Road No. 4, said point being the Southwest corner of a record 64.62 acre tract described in a deed to Thomas D. Bull, et ux, recorded in Volume 726, Page 106 of the Collin County Deed Records;

THENCE along said County Road No. 4 and partially along said corporate city limits line, North 89 degrees 32 minutes 58 seconds West, a distance of 1352.09 feet to a point found in County Road No. 4 for the Southwest corner of the premises herein described, said corner being the Southeast corner of a tract conveyed to Prosper Toll Road, Ltd., as evidenced by deed recorded under Collin County Clerk's File No. 97-0088560;

THENCE, North 01 degrees 00 minute 37 seconds East passing the Southeast corner of a record 29.27 acre tract described in a deed to Prosper-Toll Road Joint Venture, Ltd., recorded under Collin County Clerk's File No. 96-0090274, and in all a total distance of 2647.82 feet to a point found on the South line of a record 80 acre tract (described in a deed to Ruth Settle recorded in Volume 3655, Page 178, of the Land Records of Collin County) for the Northwest corner hereof and the Northeast corner of said called 29.27 acre tract;

THENCE, North 89 degrees 55 minutes 45 seconds East, 1317.96 feet to a point found on the West line of Lot 4 of the subdivision of said Collin County School Land Survey No. 12, Abstract No. 147;

THENCE along the West line of said Lot 4, North 00 degrees 17 minutes 36 seconds East 495.70 feet to a point found for the Northwest corner of a 106.80 acre tract designated Share "C" and described in Case No. 16764 recorded in Book 1, Page 503 of the District Court Minutes;

THENCE along the North line of said Share "C", South 89 degrees 39 minutes 19 seconds East 2622.25 feet to a point on the West of said Railroad;

THENCE South 12 degrees 17 minutes 32 seconds West along the West right-of-way line of said Railroad, a distance of 579.94 feet to a point;

THENCE South 77 degrees 42 minutes 28 seconds East, a distance of 100.33 feet to a point on the occupied West line of Business No. 289;

THENCE South 00 degrees 14 minutes 40 seconds West along the occupied West line of said Highway a distance of 1238.40 feet to the Place of BEGINNING and containing 187.033 acres of land. SAVE AND EXCEPT a 2.95 acre tract of land contained within the Burlington Northern and Santa Fe Railroad right-of-way and being more particularly described as follows:

BEGINNING at a point on the East right-of-way line of the Burlington Northern and Santa Fe Railroad at the Northwest corner of a one acre tract described in a deed to Kent W. Elliott recorded in Volume 4034, Page 102 of the Land Records of Collin County;

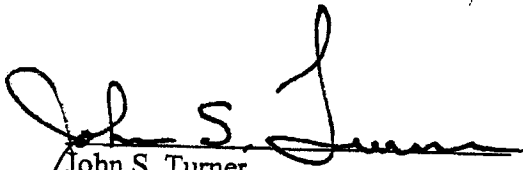
THENCE North 89 degrees 58 minutes 22 seconds West, 120.68 feet to a point in the West right-of-way line of said Railroad;

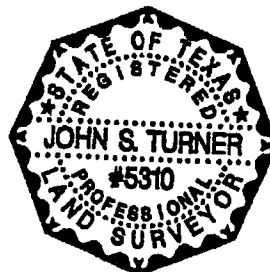
THENCE along the West right-of-way of said Railroad, North 12 degrees 17 minutes 32 seconds East 1289.93 feet to a point;

THENCE South 77 degrees 42 minutes 28 seconds East, a distance of 100.33 feet to a point on the occupied West line of Business No. 289;

THENCE along the East right-of-way of said Railroad, South 12 degrees 17 minutes 32 seconds West 1268.12 feet to the point of beginning and containing 2.95 acres of land.

This description is not based upon an actual on the ground survey by the undersigned, it is for annexation and zoning purposes only and derived from the existing boundary survey performed by James E. Smith, R.P.L.S. No. 3700, Dated July 16, 2001 and revised July 27, 2001.


John S. Turner
Registered Professional Land Surveyor
No. 5310



000409

TOWN OF PROSPER, TEXAS
Exhibit "B"

Lakes of Prosper

Planned Development District
Development Standards

000410

EXHIBIT "B"

Lakes of Prosper

PLANNED DEVELOPMENT DISTRICT STANDARDS

1.0 Planned Development District - Single-Family Residence

- 1.01 **General Description:** This Planned Development Ordinance permits a maximum of five hundred thirty (530) single-family residential units on this tract of land. The development standards for the aforementioned housing types are outlined within this text or as set forth in the SF-2 Zoning Classification of Ordinance 84-16 as it exists or may be amended, if not specifically addressed herein.

- 1.02 **Permitted Uses:** Land uses permitted within the PD are as follows:

- 1.02.1 Single Family Residential
- 1.02.2 Schools – public
- 1.02.3 Public or Private Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities, gate house, water features and tennis courts, all to be shown on the Site Plan and plat(s).
- 1.02.4 Temporary Real estate sales office for each builder is allowed during the development and marketing of that builder's lots, which office shall be removed no later than thirty (30) days following the issuance of a Certificate of Occupancy (CO) on the last lot owned by the builder.
- 1.02.5 Accessory buildings not to exceed ten percent (10%) of the lot area on which it is located and uses customarily incidental to the permitted uses.
- 1.02.6 Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion of such work.
- 1.02.7 The Amenities Center as set forth in Section 2.02 herein.

- 1.03 **Required Parking:** In addition to the required garage parking, parking shall be provided at the rate of a minimum of two (2) vehicle spaces for each dwelling unit. The parking of recreational vehicles, sports vehicles, boats and/or trailers on a lot facing a street is prohibited. For purposes of this Ordinance, recreational vehicle means any mobile unit (motorized or under tow) designed, converted, or modified for use as a sleeping, cooking, gathering, or any use other than human transport and material transport typically associated with a car, sport utility vehicle, or pick-up truck and sport utility vehicle means a vehicle designed for or

modified for off-road or other recreational use, which is not a standard car, sport utility vehicle or pick-up.

1.04 **Exterior Façade Building Materials:**

1.04.1 **Surface Area Façade:** The surface area of the first floor exterior wall (exclusive of openings for windows and doors) and all second story walls in the same vertical plane as the first floor wall shall be veneered with minimum coverage of a unit masonry material as follows:

- Front Façade: 100% unit masonry exclusive of wall areas that are architecturally enclosed. Acceptable architectural enclosures are:
 - Roofed Porches
 - Roofed Porte-cochere
 - Entries that are recessed within the exterior wall a minimum of 2.5 feet.
- Side façade facing a street: 70% provided that the unit masonry veneer from the front façade “wraps” the house corner connecting front and side façade a minimum of 6 feet and does not create a vertical masonry line that intersects with window openings.
- Side façade: 65% provided that the unit masonry veneer from the front façade “wraps” the house corner connecting front and side façade a minimum of 6 feet and does not create a vertical masonry line that intersects with window openings.
- Rear façade: 0%

Where the second floor is offset from the first floor (the wall plane of the second floor is not in the same vertical wall plane (typically because it projects or is set in from that plane), no masonry veneer is required. In addition, walls or portions of walls that protrude in front of or are recessed behind the vertical wall plane of the first floor wall (including dormers) shall not be included in calculations of wall area to determine the required percentage of masonry.

1.04.2 **Unit Masonry Veneer:** Unit Masonry Veneer is any brick, natural stone, or concrete cast stone (or combination of these materials) laid up by unit and set in mortar. To facilitate enforcement of this standard, all plan submittals must indicate the wall areas of those walls subject to the above masonry requirements.

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1.05 **Single-Family:** Single Family shall mean the use of a lot with one building designed for and containing not more than one unit with facilities for living, sleeping, cooking, and eating therein. The maximum number of single-family units allowed is five hundred thirty (530). This residential type will consist of larger units and lots, having access and frontage on a public street. Building and area requirements are as follows:

- 1.05.1 **Lot Area:** The minimum area of seventy percent (70%) of the lots shall be equal to or greater than ten thousand (10,000) square feet and no more than thirty percent (30%) shall be nine thousand (9,000) square feet or greater in surface area.
- 1.05.2 **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, deck, patios, driveways and walks shall not be included in determining maximum lot coverage.
- 1.05.3 **Lot Width:** The minimum width of any lot shall not be less than sixty-four (64) feet at the front building line of the lot, except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of fifty (50) feet measured along the arc at the front building line; provided all other requirements of this section are fulfilled. Seventy percent (70%) of the total lots shall be a minimum width of seventy (70) feet or greater.
- 1.05.4 **Lot Depth:** The minimum depth of any lot shall be one hundred ten (110) feet, except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-point on front and rear lot lines, of one hundred (100) feet; provided all other requirements of this section are fulfilled.
- 1.05.5 **Front Yard:** The minimum depth of the front yard shall be thirty-five (35) feet. Front porches, roof eaves, porte-cocheres and chimneys may extend into the front yard space, but in no event shall the front yard setback depth be less than twenty five (25) feet.
- 1.05.6 **Side Yard:** The minimum side yard on each side of a lot shall be five (5) feet with a minimum building separation of fourteen (14) feet. The side yard setback for all corner lots shall be a minimum of fifteen (15) feet; provided, however, key lots shall have a minimum side yard setback of twenty (20) feet. All lots abutting a trail as shown in Exhibit "C" shall have a minimum side yard setback of five (5) feet. Roof eaves, chimneys and other similar architectural elements may extend into the side yard.

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- 1.05.7 **Rear Yard:** The minimum depth of the rear yard shall be twenty (20) feet for main buildings. Accessory structures shall have a minimum rear yard setback of two (2) feet.
- 1.05.8 **Building Height:** Buildings shall be a maximum of two and one-half (2 ½) stories, not to exceed thirty-six (36) feet in height.
- 1.05.9 **Minimum Dwelling Area:** The minimum enclosed heated and cooled living area shall be one thousand eight hundred (1,800) square feet for a 10,000 or greater square foot lot and one thousand six hundred (1,600) square feet for all other.
- 1.05.10 **Mechanical Equipment:** All mechanical equipment (pool, air conditioning, satellite dish antennae, and solar collectors) must be completely screened from public view. A combination of screens, hedges, or walls should be used to screen equipment or mechanical areas.

2.0 Residential Planned Development District - General Conditions

- 2.01 **Conformance to All Applicable Articles of the Town of Prosper Zoning Ordinance:** Except as amended herein, this Planned Development District shall conform to any and all applicable articles and sections of the Town of Prosper Zoning Ordinance, No. 84-16, as it presently exists or may be amended.

2.02 **Amenities:**

- 2.02.1 **Amenity Center and Water Features:** The Developer for the Planned Development District shall provide for an amenity center which will include, but not be limited to, a swimming pool (sized to equal six (6) square feet of surface area per single-family lot as shown on the preliminary plat), restrooms and dressing rooms, charcoal grilles, children's play areas, a sports court that could be paved, sand or sodded for basketball, volleyball or other youth and adult sports, sidewalks, parking spaces for ten (10) vehicles and landscaping. The amenity center will be owned, operated, and maintained by a HOA as provided for herein.

With the design of Phase 1 of the development, Developer will begin the design of the Water Features that includes lakes, bridges, weirs and other appurtenances required to provide the required storm water detention and maintain a static pool elevation (the "Water Features"). The Developer shall design and construct the Water Features; said construction shall commence within six (6) months of approval and receipt by the Developer of all permits,

approvals and/or releases for construction from the Town of Prosper and any branch of the state or federal government, as maybe required by said governmental entities, for construction of the Water Features. The amenity center and Water Features shall be substantially complete within twelve (12) months from the commencement of construction with allowances for force majeure. The HOA, as defined below, shall maintain the Water Features. The Water Features shall meet state specifications and be approved by Hunter & Associates Texas, Inc. prior to construction.

2.02.2 **Pocket Parks:** In addition to the amenity center, the Developer will build two (2) pocket parks that comply with the following criteria. One (1) of the parks will be located near the center of the neighborhood ("the First Pocket Park") and the second pocket park shall be located on the eastern or northeastern portion of the project (the "Second Pocket Park"). The First Pocket Park shall be at least one-half (1/2) acre in size and be completed by the build out of the next to last phase of the development. This pocket park shall include playground equipment, trees, turf and irrigation at a minimum. The Second Pocket Park will be at least one quarter (1/4) acre in size and be completed by the build out of the last phase of the development. At a minimum, this pocket park shall include turf and irrigation. Both pocket parks will be owned, operated and maintained by the HOA as provided for herein.

2.02.3 **Trails:** The Developer will construct eight (8) foot wide walking trails as depicted on Exhibit "C" attached hereto and incorporated herein. Trail A shall run along one side of the Spine Road to facilitate pedestrian traffic within the neighborhood and between the Amenities Center and the Pocket Parks. Trail A will be built in the eleven and one-half (11 ½) foot parkway of the Spine Road and a ten (10) foot wide open space area adjacent to the parkway of the Spine Road and to be dedicated at platting by the Developer and owned and maintained by the HOA as provided herein.

2.02.4 **Open Space Requirements:** There shall be at least fifteen (15) acres of open space with credit given for the improvements listed in Sections 2.02.1 – 2.02.3.

2.03 **Screening, Buffering and Right of Way:**

2.03.1 **County Road 4:** At final platting of Phase I, Developer will dedicate seventy (70) feet of right of way to Prosper adjacent to its southern property line, which is presumed to be the center line of County Road 4; the southern forty (40) feet shall be road right of way and the northern thirty (30) feet will be landscaping and buffer

right of way ("Buffer Area A"). A five (5) foot wall maintenance easement will be established by final plat of Phase I on the individual lots along the north boundary line of Buffer Area A. Within the five foot (5') wall maintenance easement, the Developer will deed restrict the fencing to the same standards as those for the Spine Road as delineated in Section 2.10 herein. The lots along County Road 4 shall be screened from County Road 4 by Buffer Area A, as depicted on Exhibits "F-1" and "F-2" Buffer Area A shall be a minimum of thirty foot (30') wide in addition to the right of way parkway of County Road 4. Within Buffer Area A, as illustrated on Exhibits "F-1" and "F-2", there will be a combination of earthen berms containing turf grass, shrubs and trees planted at a rate of one canopy tree per fifty (50) linear feet or the equivalent number of trees in cluster. Canopy trees shall be a minimum of two and one-half (2 ½) caliper inches and accent or ornamentals shall be a minimum of one and one-half (1 ½) total caliper inches, all as measured at, all as measured at twelve (12) inches above the root ball. All turf and landscaping areas will be irrigated. The hardscape features in the entry way shall be similar to those depicted on Exhibit "F-3". Upon approval of the final plat for Phase I, Developer will escrow to the Town a sum of money equal to the cost of a four (4) foot concrete sidewalk, four (4) inch depth for a future city trail in Buffer Area A. The Developer or the HOA will be allowed to landscape, irrigate and maintain the Buffer Area A until the Town expands and improves County Road 4. At the time the Town expands and improves County Road 4, the Town will maintain the buffering or replace it with a buffer that is similar in effect and appearance. The Town and the HOA will negotiate the responsibility for maintenance of the buffer after the improvements by the Town.

2.03.2 **Railroad Track:** In the fifty (50) foot area along the west side of the railroad track ("Buffer Area B"), as depicted on Exhibits "F-1" and "F-2", the Developer will use a combination of earthen berms, canopy trees and evergreens to reduce the affects of the railroad. All turf and landscaping areas will be irrigated.

2.04 **The Conceptual Development Plan:** The current plan for the Lakes of Prosper is a Conceptual Development Plan, as attached as Exhibit "D".

Prior to submittal of any application for preliminary and/or final plat within Prosper an applicant must complete the Conceptual Development Plan approval process. The Conceptual Development Plan application submittal procedure shall conform to the zoning application and procedures specified in current Town Codes. The purpose of the Conceptual Development Plan Process is to establish the general conditions of development that will be

required of the Final Site Plan and Project Design. The Conceptual Development Plan will establish:

- a. The site's natural conditions that will affect the development, including vegetation, topography, waterways, and drainage (surface and subsurface);
- b. Building sites, land use and density;
- c. Street dedications, treatment of existing streets, other required right of ways, points of ingress and egress, connections to adjacent property, median breaks and turn lanes, enhancement of the public right of way;
- d. Internal routes of vehicular circulation and parking; and
- e. Development phasing (if any).

Anyone applying for a Conceptual Development Plan Approval must provide the following documents for consideration in that review:

- a. Conceptual Development Plan: The Conceptual Plan shall include the information listed below on one or more 24 in. by 36 in. drawings, drawn at as large a scale as possible while still allowing the entire development and portions of the adjacent properties to be illustrated within the 24 in. x 36 in. area. The Conceptual Development Plan shall include existing and proposed site conditions and shall include:
 - (i.) Site Boundaries and dimensions, lot lines, site acreage and square footage, and approximate distance to the nearest cross street.
 - (ii.) Location Map, north arrow, scale, title block, and site/development summary table.
 - (iii.) Topography at one foot contours.
 - (iv.) Natural features, including tree groupings, flood plains, drainage ways, and creeks. The Conceptual Plan must indicate the anticipated tree loss.
 - (v.) Land use on site and on adjacent properties, including assignment of use to specific locations within the plan.
 - (vi.) Maximum allowable building coverage, density, and height.
 - (vii.) Minimum building setbacks and use.

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- (viii.) Existing and proposed public streets, private drives, (indicate widths), any other rights of way (including easements), with approximate dimensions, radii, and surface type.
 - (ix.) Dedications and reservations of land for public use including but not limited to required landscape setbacks, right of ways, easements, park land, open space, drainage ways, flood plains, and facility sites.
 - (x.) Monument Sign.
 - (xi.) Any proposed covenants or site restrictions.
- b. Waive Required inclusions in the Conceptual Development Plan drawing: The applicant may request that the Town Manager waive any of the above required inclusions in the Conceptual Development Plan that are not necessary or are not applicable for the review of a specific document. However, when a waiver is granted it will be documented via a cover sheet attached to the application and includes a date at which the items will be provided if these items are deferred.
- 2.05 **Streets:** Right-of-way and all necessary easements shall be dedicated and provided on any and all adjacent street or road section to conform to the approved Thoroughfare Plan of the Town and identified on the Conceptual Development Plan (Exhibit "D"). All streets shall be dedicated as public streets. The curb may be a mountable or lay down design if constructed in compliance with the City of McKinney, Texas regulations, which are incorporated herein.
- 2.05.1 **Residential Streets** shall consist of a fifty (50) foot right-of-way with a thirty-one (31) foot paving section (B-B). Drainage systems shall be incorporated into the street facility with concrete paving.
- 2.05.2 **Spine Road**, a Collector Class thoroughfare, shall meet the minimum standards of the Town's Thoroughfare Plan. Collector streets with lots fronting on the collector street shall have sixty feet (60') of right-of-way and forty-one feet (41') (B-B) of concrete pavement. The collector streets with no lots fronting on them shall have sixty feet (60') of right-of-way and thirty-seven feet (37') (B-B) of concrete pavement, all as described on Exhibit "G".
- 2.06 **Maintenance of Facilities:** The Developer shall establish a Home Owner's Association ("HOA") that will be responsible for operation and maintenance of all common areas and/or common facilities contained within the area of the Planned Development District. The HOA will be created and each phase shall be included in the association. The Developer shall construct all specified facilities and transfer ownership to the HOA upon completion of each facility. The Town

Council shall approve the HOA agreement and covenants regarding the maintenance of the facilities; all of which will be included in the deed restrictions filed on this property providing that the HOA cannot be dissolved or amend its maintenance obligations without Town Council approval.

- 2.07 **Sidewalks:** Except as amended in this Ordinance, a four (4) foot wide sidewalk located on each side of the street shall be located two (2) feet from each street right-of-way line. All single-family residential lots, including corner lots shall meet this sidewalk requirement. All public streets, sidewalks and crossings shall comply with the Americans With Disabilities Act. In locations where open space, common, or HOA areas exist, sidewalks shall be extended to connect with adjacent walks or trails.
- 2.08 **Mailboxes:** The Developer will deed restrict the property to require a standard mailbox design that will be required and maintained by the property owner or HOA for a consistent look throughout the development. Each mailbox will be iron; wrought iron or cast alloy posts or stand and all mailboxes will match in color and style. Brick mailboxes will not be allowed.
- 2.09 **Landscaping:**
- 2.09.1 **Irrigation:** The Spine Road parkways, bedding plantings, turf grass and trail areas will be irrigated. All trails depicted on Exhibit "C" will be grassed and irrigated. Each trail will be at least eight (8) foot wide.
- 2.09.2 **Trees:**
- 2.09.2.1 **Thoroughfares/Screening:** The Spine Road parkways and open space along Trail A will contain trees and turf grass. Trees along the Spine Road Parkways and Trail A will be planted at a rate of one (1) canopy tree per fifty (50) linear feet of right-of-way or the equivalent number of trees in clusters. Clusters will have a maximum separation of one hundred (100) feet. Canopy trees will be a minimum of two and one-half (2 ½) inch caliper and ornamental trees will be a minimum of one and one-half (1 ½) inch caliper, all as measured at twelve (12) inches above the root ball.
- 2.09.2.2 **Side Yard.** A minimum of one (1) two and one-half (2 1/2) inch caliper canopy trees, measured at twelve (12) inches above the root ball shall be planted in each side yard between the building line and the street right of way line and shall be planted

generally parallel to the street, preferably at the edge of the street right of way. The list of approved trees is included as Exhibit "E".

2.09.2.3 **Trees on Single Family Lots.** A minimum of two (2) – two and one half (2 ½) inch canopy or six (6) one and one-half (1 ½) inch accent or ornamental trees shall be planted in each front yard and one (1) – two and one-half (2 ½) inch canopy or one and one-half (1 ½) inch accent or ornamental tree in each rear yard in the single-family development being a minimum total of fifteen hundred (1,500) trees planted by the builders in addition to those installed as a part of the amenities by the Developer. The list of approved trees is included as Exhibit "E".

2.09.2.4 **Substitution of Trees.** For purposes of determining the number of trees to be planted, three (3) ornamental trees are equal to one (1) canopy tree.

2.10 **Fencing:** Consistent fencing will be required on all lots adjacent and siding to the Spine Road parkways within the development. The fencing will be a combination of masonry columns at the rear lot corners and the front building line of the adjacent lots, board on board wood fencing along the rear yards and wrought iron fencing adjacent to the front yards and across the open ends of cul-de-sacs. The improvements along Trail A and the fencing will be constructed by the Developer and will be owned and maintained by the HOA as provided herein. Trail A will not be closer than three (3) feet to the fencing described above.

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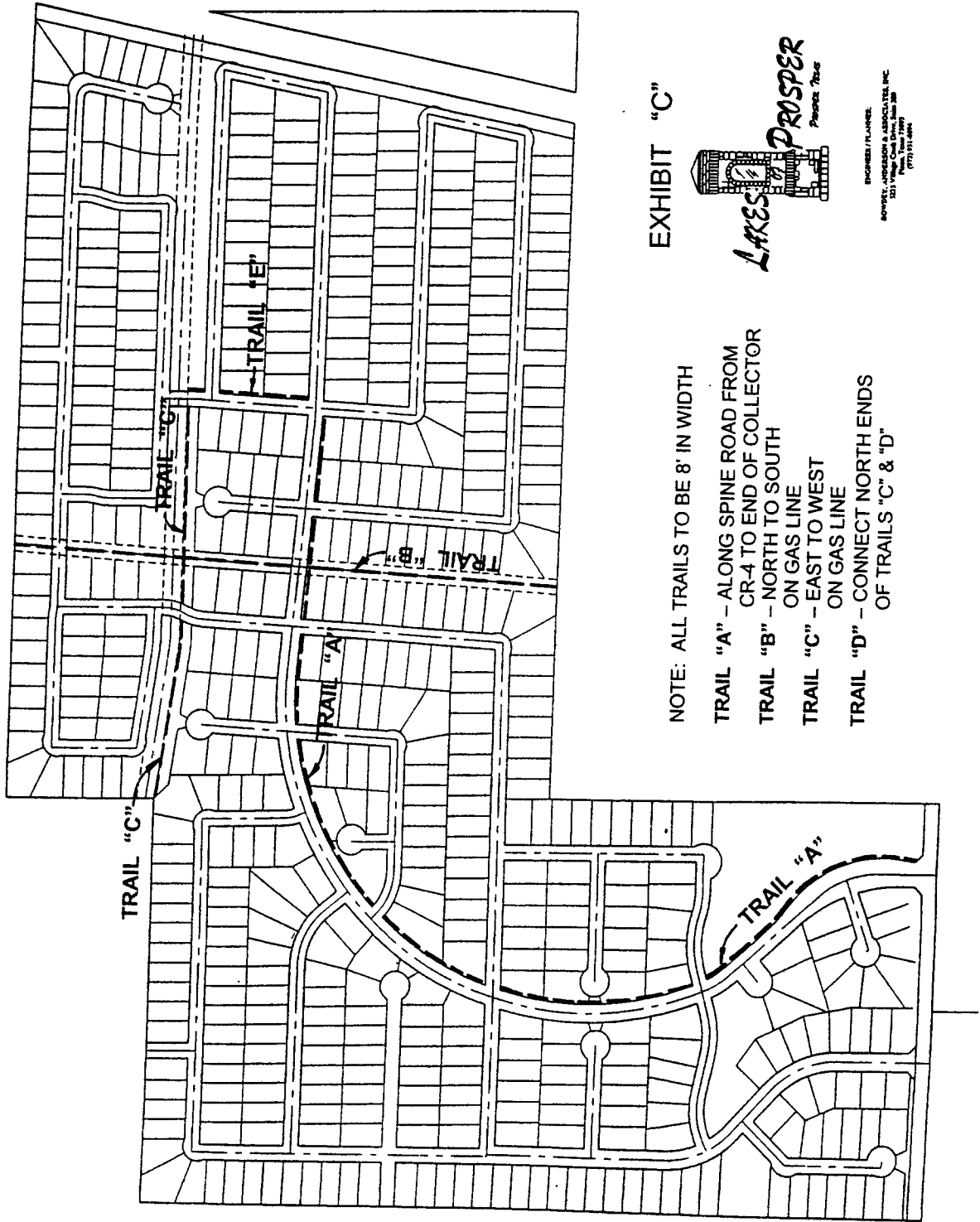
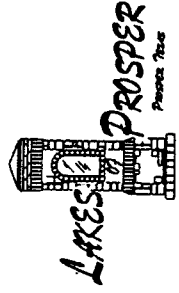


EXHIBIT "C"

- NOTE: ALL TRAILS TO BE 8' IN WIDTH
- TRAIL "A" - ALONG SPINE ROAD FROM CR-4 TO END OF COLLECTOR
 - TRAIL "B" - NORTH TO SOUTH ON GAS LINE
 - TRAIL "C" - EAST TO WEST ON GAS LINE
 - TRAIL "D" - CONNECT NORTH ENDS OF TRAILS "C" & "D"



ENGINEER / PLANNER:
BOVREY, ANDERSON & ASSOCIATES, INC.
1321 N. 1st St., Suite 100
Prosser, WA 99350
Phone: (509) 735-1000
Fax: (509) 735-1001

EXHIBIT "E"
CITY OF PROSPER
LAKES OF PROSPER
APPROVED TREE LIST

Shade or Canopy Tree	
Common Name	Botanical Name
Caddo Maple	Acer barbatum 'Caddo'
Bigtooth Maple	Acer grandidentatum
Texas Buckeye	Aesculus arguta
Chittamwood	Bumelia lanuginosa
Pecan	Carya illinocensis
Texas Persimmon	Diospyrus texana
White Ash	Fraxinus americana
Texas Ash	Fraxinus texensis
Black Walnut	Juglans nigra
Red Cedar	Juniperus virginiana
Sweet Gum	Liquidambar styraciflora (cultivars)
Afghan Pine	Pinus eldarica
Texas Live Oak	Quercus virginia (cultivars)
Lacey Oak	Quercus glaucioides
Bur Oak	Quercus macrocarpa
Chinquapin Oak	Quercus muehlenbergii
Shumard Red Oak	Quercus shumardii
Texas Red Oak	Quercus texana
Western Soapberry	Sapindus saponaria v. "Drummondii"
Winged Elm	Ulmus alata
Cedar Elm	Ulmus crassifolia
Bald Cypress	Taxodium distichum
Southern Magnolia	Magnolia grandiflora
Additional Canopy Trees Recommended for Reforestation	
Leyland Cypress	Cupressocyparis leylandii
Austrian Pine	Pinus nigra
Sawtooth Oak	Quercus acutissima
Coastal Red Oak	Quercus virginiana (cultivars)
Lacebark Elm	Ulmus parviflora
Slippery Elm	Ulmus rubra
Bradford Pear	Pyrus calleryana
Accent or Ornamental Trees	
Common Name	Botanical Name
Redbud	Cercis canadensis (cultivars)
Texas Redbud	Cercis canadensis texensis 'Oklahoma'
Possumhaw Holly	Ilex decidua
Crape Myrtle	Lagerstroemia indica (cultivars)
Texas Pistache	Pistacia chinensis
Mexican Plum	Prunus mexicana
Additional Accent or Ornamental Trees Recommended for Reforestation	
Oklahoma Redbud	Cercis canadensis texensis 'Oklahoma'
Forest Pansy Redbud	Cercis canadensis 'Forest Pansy'
Yaupon Holly	Ilex vomitoria (cultivar)
Japanese Black Pine	Pinus thunbergii

000423

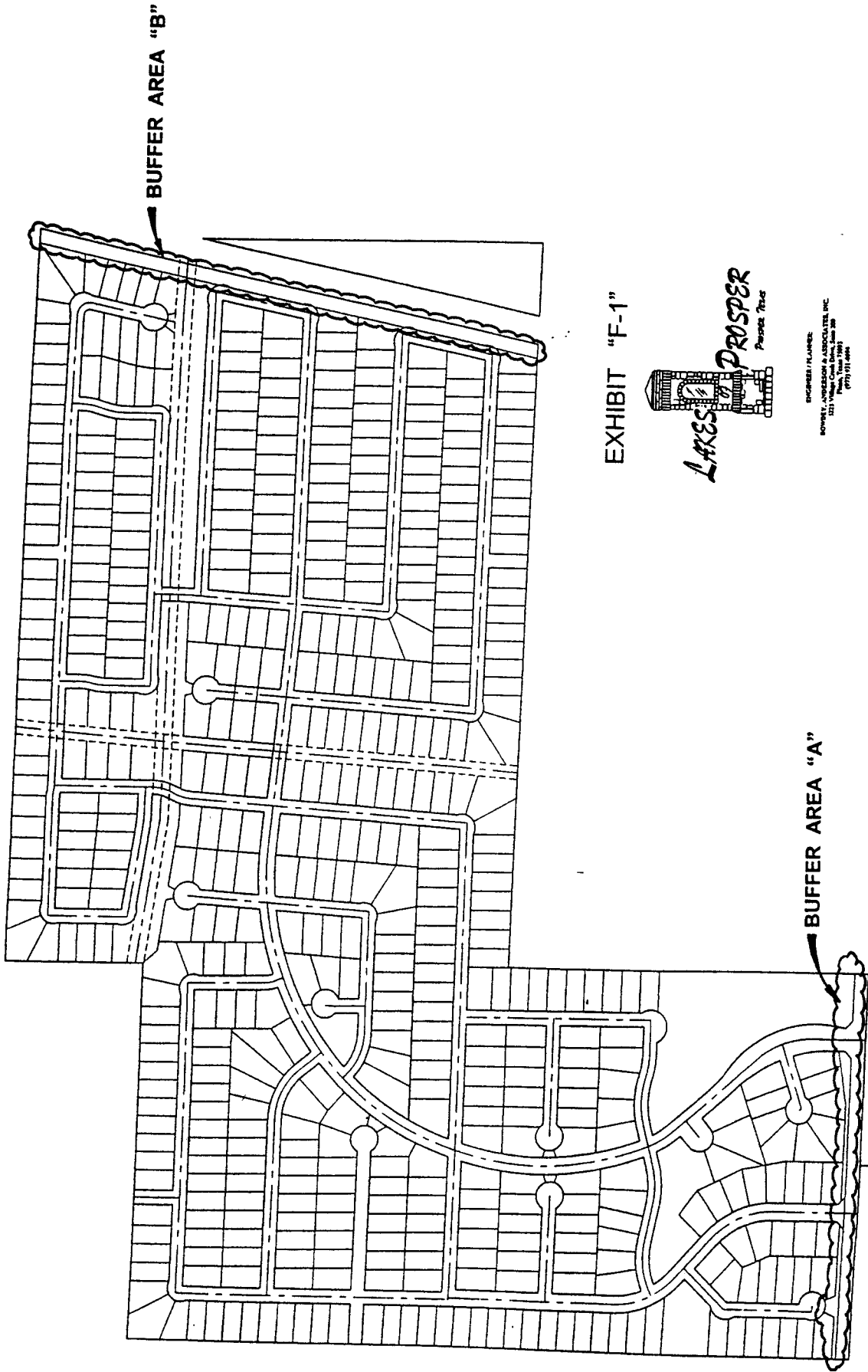
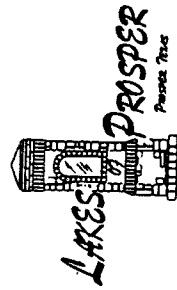
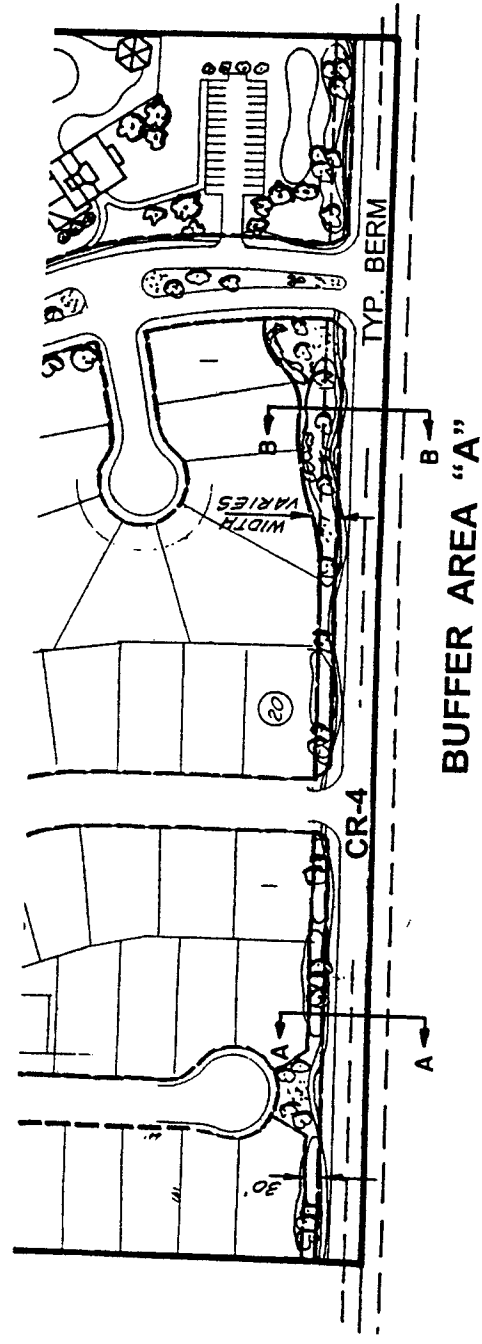


EXHIBIT "F-1"

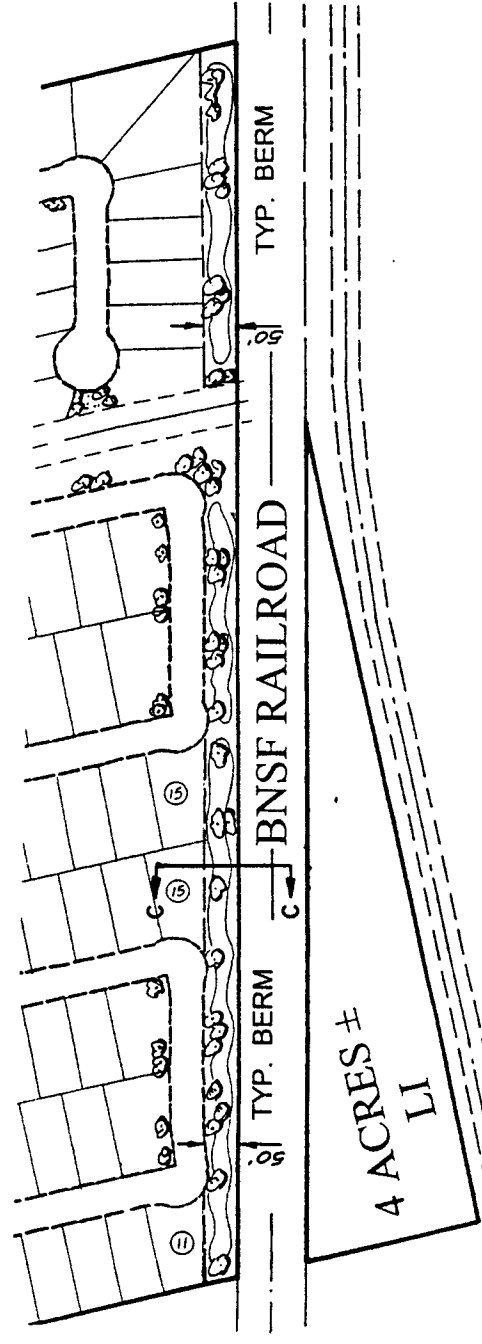


ENGINEER / PLANNER
 ROBERT J. ANDERSON & ASSOCIATES, INC.
 1011 West 10th Street, Suite 200
 Fort Worth, Texas 76102
 (817) 731-1000

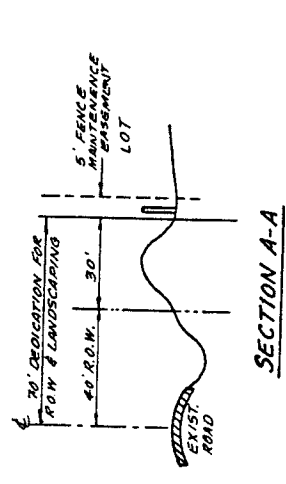
000424



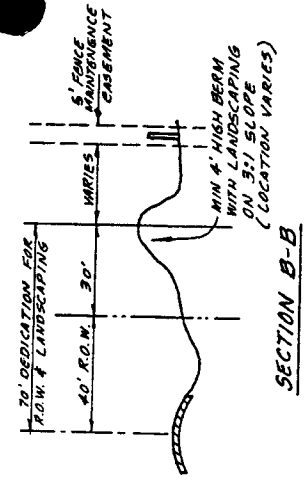
BUFFER AREA "A"



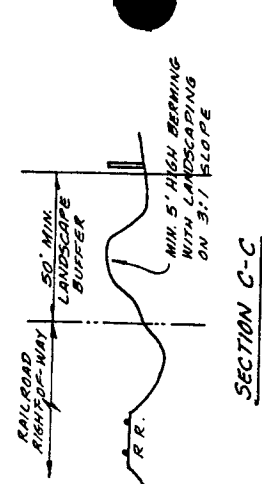
BUFFER AREA "B"



SECTION A-A

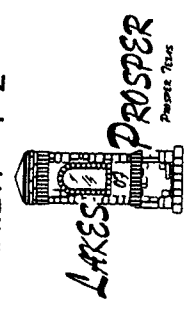


SECTION B-B

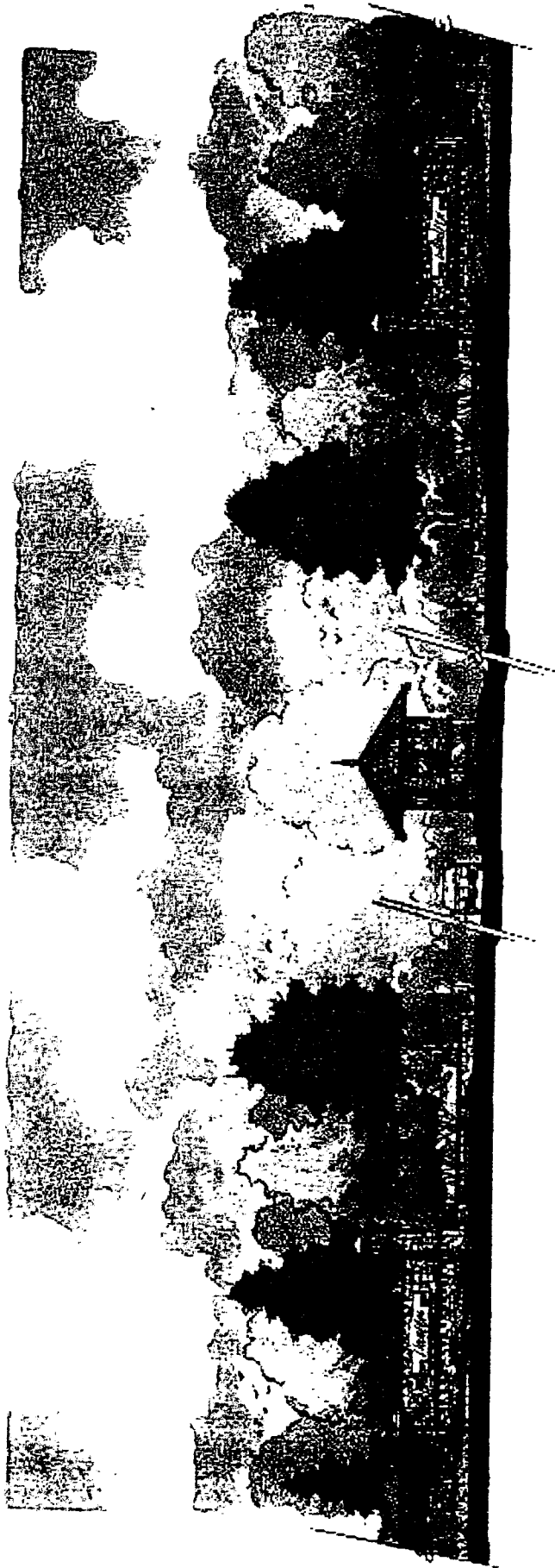


SECTION C-C

EXHIBIT "F-2"



ENGINEER: PLANNER
 POWERS, ANDERSON & ASSOCIATES, INC.
 1111 North Central Expressway, Suite 200
 P.O. Box 17007
 (972) 511-0001



GOODMAN LAND ADVISORS
PLANO, TEXAS

PROSPER LAKES
CONCEPTUAL MAIN ENTRY
PROSPER, TEXAS

EXHIBIT "F-3"

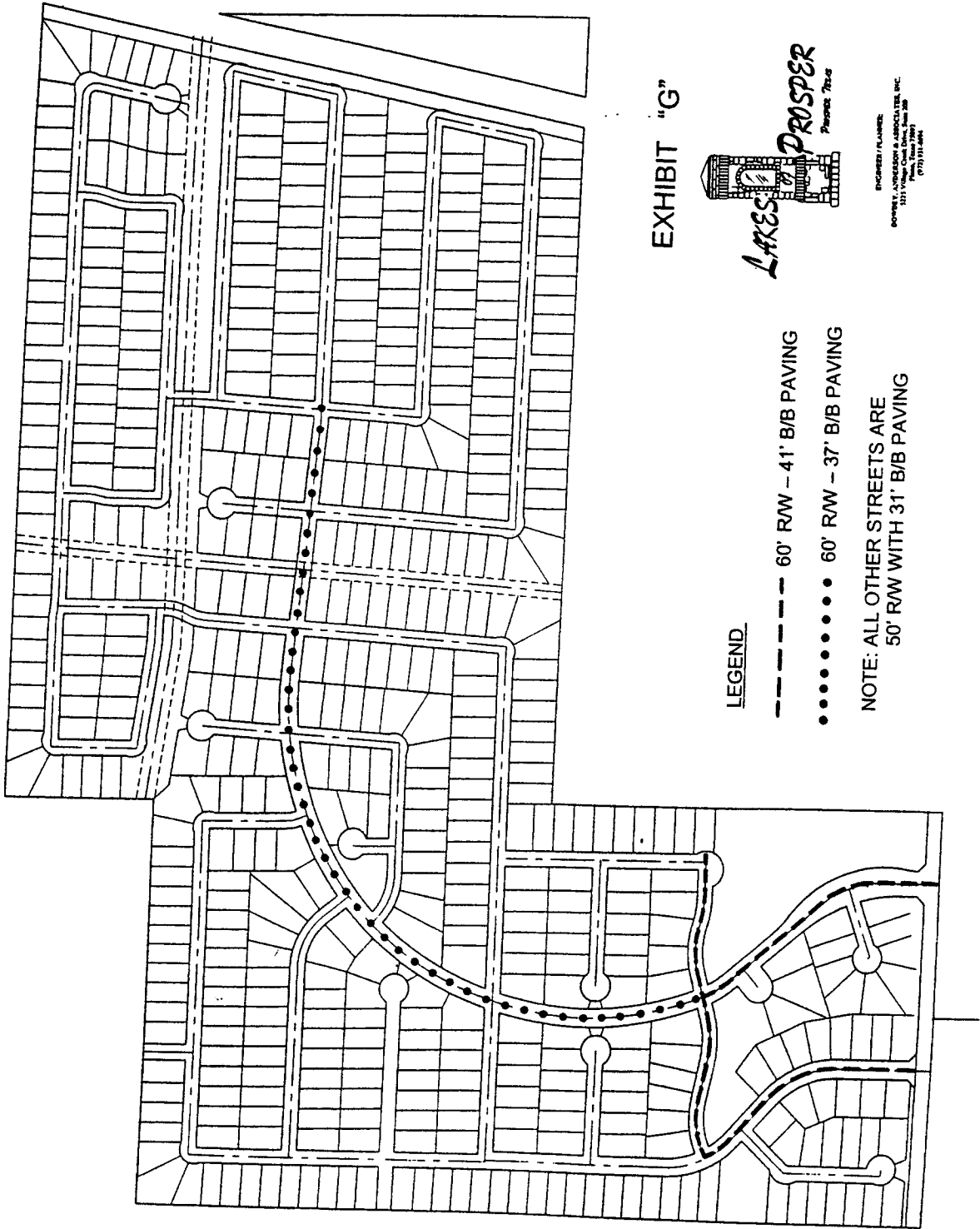
MESA



October 1981

Scale: 1" = 1/2"

000426



000427

TOWN OF PROSPER

ORDINANCE NO. 02-46

AN ORDINANCE SETTING A DATE, TIME, AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ZONING OF APPROXIMATELY 187.03 ACRES OF LAND MORE OR LESS OUT OF THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147 AND BEING MORE GENERALLY LOCATED ALONG THE NORTH SIDE OF COUNTY ROAD 4 WEST OF THE RAIL ROAD TRACK, COLLIN COUNTY, TEXAS.

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

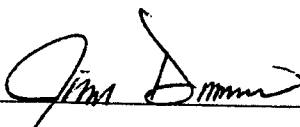
SECTION 1. On November 19, 2002, at 7:00 o'clock p.m., in the Youth Building of the First Baptist Church, 601 S. Church St., Prosper, Texas, the Prosper Town Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed voluntary annexation by the Town of Prosper, Texas, of the following described property, to-wit:

Said territory consisting of approximately 187.03 acres more or less as described in Exhibit "A" attached hereto and made a part hereof for all purposes.

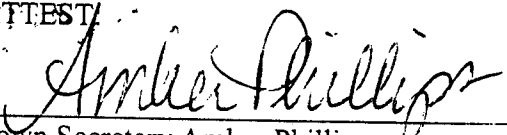
SECTION 2. The Mayor of the Town of Prosper, or his designee, is hereby authorized and directed to cause notice of such public hearing to be published once in a newspaper having general circulation in the Town and in the above-described territory not less than fifteen days prior to the date of such public hearing, all in accordance with the Local Government Code (Art. 43.052, Vernon's Texas Civil Statutes).

SECTION 3. This ordinance shall be published and passed in the manner provided by State Law and in accordance with applicable policies regulations or ordinances of the Town of Prosper, Texas

PASSED AND APPROVED THIS 15th DAY OF OCTOBER, 2002.


Mayor Jim Dunmire

ATTEST


Town Secretary Amber Phillips

Date of Publication: October 30 2002, McKinney Courier Gazette

000399

05286 08218

EXHIBIT A: for Z# _____**BOUNDARY DESCRIPTION FOR ZONING
TRACT A**

BEING a tract of land located in the Collin County School Land Survey No. 12, Abstract No. 147, Collin County, Texas and being all of a called 101.953 acre tract described as "Tract 1" in Deed to Massad and Massad Investments, Ltd., recorded in Volume 4576, Page 2768, Deed Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a point for the Southwest corner Lot 4 of the subdivision of Collin County School Land Survey No. 12, Abstract No. 147, said corner being on an East line of a record 81.258 acre tract described in a deed to Massad and Massad Investments, Ltd., recorded in Volume 4255, Page 2342 of the Land Records of Collin County, said corner also being the Northwest corner of a record 64.62 acre tract described in a deed to Thomas D. Bull, et ux, recorded in Volume 726, Page 106 of the Deed Records of Collin County;

THENCE along the recognized West line of said Lot 4, North 00 degrees 16 minutes 17 seconds East 1333.09 feet to a point found at the Northwest corner of said Massad and Massad record 81.258 acre tract;

THENCE continuing along the West line of said Lot 4, North 00 degrees 17 minutes 36 seconds East 495.70 feet to a point found for the Northwest corner of a 106.80 acre tract designated Share "C" and described in Case No. 16764 recorded in Book 1, Page 503 of the District Court Minutes, said corner also being the Northwest corner hereof;

THENCE along the North line of said Share "C", South 89 degrees 39 minutes 19 seconds East 2622.25 feet to a point on the West right-of-way line of the Burlington Northern and Santa Fe Railroad for the Northeast corner hereof;

THENCE South 12 degrees 17 minutes 44 seconds West along said the West line of said Railroad right-of-way a distance of 1869.87 feet to a point on the South line of said Lot 4 for the Southeast corner hereof;

THENCE North 89 degrees 38 minutes 27 seconds West 2233.00 feet to the Place of BEGINNING and containing 101.94 acres of which 1.73 acres of same is contained within a 30 ft. wide easement to Matador Pipelines Inc., leaving a net area of 100.21 acres of land.

000400

BOUNDARY DESCRIPTION FOR ZONING
TRACT B

BEING a tract of land located in the Collin County School Land Survey No. 12, Abstract No. 147, Collin County, Texas and being all of a called 81.258 acre tract described Deed to Massad and Massad Investments, Ltd., recorded in Volume 4255, Page 2342, Deed Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a point found in County Road No. 4 for the Southwest corner of the premises herein described, said corner being the Southeast corner of a tract conveyed to Prosper Toll Road, Ltd., as evidenced by deed recorded under Collin County Clerk's File No. 97-0088560;

THENCE, North 01 degrees 00 minute 37 seconds East passing the Southeast corner or a record 29.27 acre tract described in a deed to Prosper-Toll Road Joint Venture, Ltd., recorded under Collin County Clerk's File No. 96-0090274, and in all a total distance of 2647.82 feet to a point found on the South line of a record 80 acre tract (described in a deed to Ruth Settle recorded in Volume 3655, Page 178, of the Land Records of Collin County) for the Northwest corner hereof and the Northeast corner of said called 29.27 acre tract;

THENCE, North 89 degrees 55 minutes 45 seconds East, 1317.96 feet to a point found on the West line of Lot 4 of the subdivision of said Collin County School Land Survey No. 12, Abstract No. 147, for the Northeast corner hereof;

THENCE, South 00 degrees 16 minutes 17 seconds West at 1333.09 feet passing a point at the Southwest corner of a record 101.953 acre tract described under the caption "Tract 1" in a deed recorded in Volume 4579, Page 2768 of the Land Records of Collin County, and in all a total distance of 2659.69 feet to a point found in County Road No. 4 for the Southeast corner hereof, said corner being the Southwest corner of a record 64.62 acre tract described in a deed to Thomas D. Bull, et ux, recorded in Volume 726, Page 106 of the Collin County Deed Records;

THENCE along a line in close proximity to the center of said County Road No. 4, North 89 degrees 32 minutes 58 seconds West, a distance of 1352.09 feet to the Place of BEGINNING and containing 81.33 acres of which 1.50 acres of same is subject to a 45 ft. easement to Collin County, leaving a net area of 79.93 acres of land.

This description is not based upon an actual on the ground survey by the undersigned, it is for zoning purposes and derived from the existing boundary survey performed by James E. Smith, R.P.L.S. No. 3700, Dated July 16, 2001 and revised July 27, 2001.

000401

**BOUNDARY DESCRIPTION FOR ZONING
TRACT C**

BEING a tract of land located in the Collin County School Land Survey No. 12, Abstract No. 147, Collin County, Texas and being all of a called 3.775 acre tract described as "Tract II" in Deed to Massad and Massad Investments, Ltd., recorded in Volume 4579, Page 2768, Deed Records, Collin County, Texas and being more particularly described as follows:

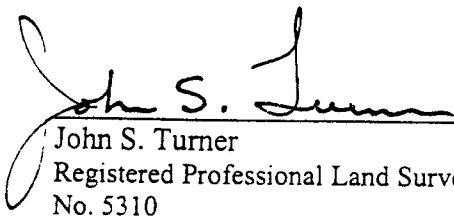
BEGINNING at a point on the occupied West line of Business Highway No. 289 for the Southeast corner of the premises herein described, said corner being the Northeast corner of a one acre tract described in a deed to Kent W. Elliott recorded in Volume 4034, Page 102 of the Land Records of Collin County;

THENCE along the recognized South line of Lot 4 of the subdivision of the Collin County School Land Survey No. 12, Abstract No. 147, South 89 degrees 51 minutes 27 seconds West 264.70 feet to a point found on the East right-of-way line of the Burlington Northern and Santa Fe Railroad at the Northwest corner of said Elliott tract for the Southwest corner hereof;

THENCE along the East right-of-way of said Railroad, North 12 degrees 17 minutes 32 seconds East 1268.12 feet to a point on the occupied West line of Business No. 289 for the North corner hereof;

THENCE South 00 degrees 14 minutes 40 seconds West along the occupied West line of said Highway a distance of 1238.40 feet to the Place of BEGINNING and containing 3.763 acres of land.

This description is not based upon an actual on the ground survey by the undersigned, it is for annexation and zoning purposes only and derived from the existing boundary survey performed by James E. Smith, R.P.L.S. No. 3700, Dated July 16, 2001 and revised July 27, 2001.


John S. Turner
Registered Professional Land Surveyor
No. 5310

000402

TOWN OF PROSPER

ORDINANCE NO. 02-49

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16; REZONING A TRACT OF LAND CONSISTING OF 4 ACRES, MORE OR LESS, SITUATED IN THE JOHN R. TUNNEY SURVEY, ABSTRACT NO. 916, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED AGRICULTURAL, TO OFFICE DISTRICT; 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 Jane Willard to rezone 4 acres of land, more or less, situated in the John R. Tunney Survey, Abstract No. 916, 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 4 acres, more or less, situated in the John R. Tunney Survey, Abstract No. 916, 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 Office 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 Office 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.

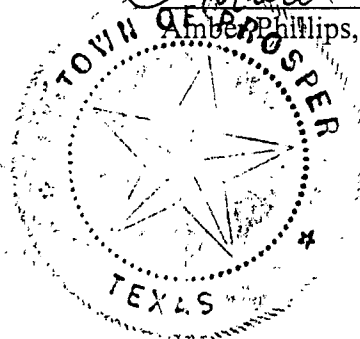
DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE
TOWN OF PROSPER, TEXAS on this 12th day of November, 2002.

APPROVED AS TO FORM:


Jim Dunmire, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:


Amber Phillips, Town Secretary



DATE OF PUBLICATION. November 15. McKinney Courier Gazette

000431

AN ORDINANCE SETTING A DATE, TIME, AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ZONING OF APPROXIMATELY 1.523 ACRES OF LAND MORE OR LESS OUT OF THE COLLIN COUNTY SCHOOL LAND SURVEY NO. 12, BLOCK 4, TRACT 134 AND BEING MORE GENERALLY LOCATED ALONG THE SOUTH WEST CORNER OF E. FIRST STREET AND CRAID ROAD.

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

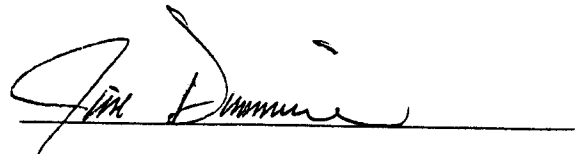
SECTION 1. On January 21, 2003 at 7:00 o'clock p.m., in the Youth Building of the First Baptist Church, 601 S. Church St., Prosper, Texas, the Prosper Town Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed zoning by the Town of Prosper, Texas, on the following described property, to-wit:

Said territory consisting of approximately 1.523 acres more or less as described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2. The Mayor of the Town of Prosper, or his designee, is hereby authorized and directed to cause notice of such public hearing to be published once in a newspaper having general circulation in the Town and in the above-described territory not less than fifteen days prior to the date of such public hearing, all in accordance with the Local Government Code (Art. 43.052, Vernon's Texas Civil Statutes).

SECTION 3. This ordinance shall be published and passed in the manner provided by State Law and in accordance with applicable policies regulations or ordinances of the Town of Prosper, Texas

PASSED AND APPROVED THIS 17th DAY OF DECEMBER, 2002.



Mayor Jim Dunmire

ATTEST:


Town Secretary Amber Phillips

Date of Publication: ~~November 19,~~ ^{December 20,} 2002, McKinney Courier Gazette

000432

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16; REZONING A TRACT OF LAND CONSISTING OF 1.523 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY #12, BLOCK 7, TRACT 134, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS HERETOFORE REZONING THE TRACT FROM AGRICULTURAL DISTRICT TO SINGLE FAMILY RESIDENTIAL DISTRICT -3 (SF-3); 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 William Gurley to rezone 1.523 acres of land, more or less, situated in the Collin County School Land Survey #12, Block 7, Tract 134, 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 1.523 acres, more or less, situated in the Collin County School Land Survey #12; Block 7, Tract 134, 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 Single Family Residential-3 (SF-3). The Property is described by metes and bounds in Exhibit "A".

Written notice of any amendment to this Ordinance 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: 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.

000434