



Prosper is a place where everyone matters.

Agenda
Prosper Town Council Meeting
Council Chambers
Prosper Town Hall
250 W. First Street, Prosper, Texas
Tuesday, September 08, 2020
5:45 PM

Notice Regarding Public Participation

Governor Greg Abbott has granted a temporary suspension of certain rules to allow for telephone or videoconference public meetings in an effort to reduce in-person meetings that assemble large groups of people, due to the COVID-19 public health emergency.

Individuals may attend the Prosper Town Council meeting in person, or access the meeting via videoconference, or telephone conference call.

Join the Zoom Meeting by clicking on the following link:

<https://us02web.zoom.us/j/87189889684>

Enter Meeting ID: 87189889684

To request to speak, click on “Participants” at the bottom of the screen, and click “Raise Hand.” The meeting moderator will acknowledge your request and allow you to speak.

To join the meeting by phone, dial (346) 248-7799

Enter Meeting ID: 87189889684

To request to speak, enter *9, and *6 to mute/unmute yourself. The meeting moderator will acknowledge your request and allow you to speak.

If you encounter any problems joining or participating in the meeting, please call our help line at 972-569-1191 for assistance.

Call to Order/ Roll Call.

Invocation, Pledge of Allegiance and Pledge to the Texas Flag.

Announcements of recent and upcoming events.

Presentations.

1. Presentation of a Proclamation to members of the Shawnee Trail Chapter, National Society Daughters of the American Revolution declaring September 17-23, 2020, as Constitution Week. **(ML)**
2. Presenting Teamwork Awards to the Police Corporal and Communications Officers. **(DK)**

CONSENT AGENDA:

Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.

3. Consider and act upon the minutes from the August 22, 2020, Town Council meeting. **(ML)**
4. Consider and act upon the minutes from the August 25, 2020, Town Council meeting. **(ML)**
5. Receive the July financial report. **(BP)**
6. Consider and act upon adopting the FY 2020-2021 Prosper Economic Development Corporation budget. **(RS)**
7. Consider and act upon a resolution designating The Prosper Press as the official newspaper of the Town of Prosper, and The Dallas Morning News as an alternative advertising source, for Fiscal Year 2020-2021. **(ML)**
8. Consider and act upon submitting an official ballot for the election of Places 1-4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. **(RB)**
9. Consider and act upon a resolution approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2020 rate review mechanism filing. **(BP)**
10. Consider and act upon awarding Bid No. 2020-81-B to Accelerated Critical Path, Inc., related to construction services for the Prosper Trail/DNT Intersection Improvements project; and authorizing the Town Manager to execute a construction agreement for same. **(HW)**
11. Consider and act upon an ordinance amending Section 12.09.003 "Speed Limits on Specific Streets" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the prima facie speed limits on certain streets. **(HW)**
12. Consider and act upon an ordinance to rezone 27.4± acres from Planned Development-65 (PD-65) to Planned Development-104 (PD-104), located on the south side of Prairie Drive, east of Legacy Drive. (Z20-0014). **(AG)**
13. Consider and act to authorize the Town Manager to execute a Development Agreement between Prosper Villages at Legacy, LLC, and the Town of Prosper, Texas, related to the Greens at Legacy development. **(AG)**
14. Consider and act upon an ordinance modifying the development standards of Planned Development-40 (PD-40), for Windsong Ranch, generally to modify the residential development standards, including, but not limited to building material, roofing, window, and building encroachment regulations. (Z20-0015). **(AG)**
15. Consider and act upon authorizing the Town Manager to execute a First Amended Development Agreement between VP Windsong Operation, LLC and VP Windsong Investments, LLC, and the Town of Prosper, Texas, related to the Windsong Ranch development. **(AG)**
16. Consider and act upon an ordinance abandoning a portion of Good Hope Road prescriptive right-of-way, located south of Parvin Road, beginning at a point approximately 600 feet from the southern property line of Good Hope Cemetery and extending southward approximately 1,100 feet. **(AG)**

- [17.](#) Consider and act upon an ordinance amending the Zoning Ordinance regarding Permitted Uses and Definitions, and Development Requirements, including but not limited to Landscaping, Parking, Screening, and Non-Residential Design and Development Standards. (Z20-0010). **(AG)**

CITIZEN COMMENTS

The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting, or request to address the Council via videoconference or telephone.

REGULAR AGENDA:

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may either address the Council during the Citizen Comments portion of the meeting or when the item is considered by the Town Council.

Items for Individual Consideration:

- [18.](#) Conduct a Public Hearing to consider and discuss a proposal to adopt a tax rate of \$0.52 per \$100 valuation. **(BP)**
- [19.](#) Consider and act upon an ordinance adopting the Fiscal Year (FY) 2020-2021 Annual Budget and Capital Improvement Program for the fiscal year beginning October 1, 2020 and ending September 30, 2021. **(BP)**
- [20.](#) Consider and act upon an ordinance adopting the Town of Prosper 2020 Property Tax Rate. **(BP)**
- [21.](#) Conduct a Public Hearing to consider and discuss proposed Water and Sewer utility rate structure. **(BP)**
- [22.](#) Consider and act upon an ordinance amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by repealing existing Section IX, "Water and Sewer Rates," and replacing it with a new section IX, "Water and Sewer Rates"; and repealing existing Section XI, "Rates for Collection of Solid Waste and Recyclables," and replacing it with a new section XI, "Rates for Collection of Solid Waste and Recyclables; and adding a new section XXII "Emergency Medical Services (EMS) Rates". **(BP)**
- [23.](#) Consider and act upon an amendment to the Wastewater Master Plan. **(DH)**

EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

Section 551.087 – To discuss and consider economic development incentives.

Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

Section 551-074 - To discuss and consider personnel matters and all matters incident and related thereto.

Section 551.074 – To discuss and review the Town Manager's performance evaluation.

Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 250 W. First Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said Notice was posted by 5:00 p.m., on Friday, September 4, 2020, and remained so posted at least 72 hours before said meeting was convened.

Melissa Lee, Town Secretary

Date Notice Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Council meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary's Office at (972) 569-1011 at least 48 hours prior to the meeting time.



Prosper is a place where everyone matters.

Minutes
Prosper Town Council
Special Called Meeting
 Executive Conference Room
 Prosper Town Hall
 250 W. First Street, Prosper, Texas
 Saturday, August 22, 2020
7:00 AM

Call to Order/ Roll Call.

The meeting was called to order at 7:00 a.m.

Council Members Present:

Mayor Ray Smith
 Mayor Pro-Tem Curry Vogelsang, Jr.
 Deputy Mayor Pro-Tem Jason Dixon
 Councilmember Marcus E. Ray
 Councilmember Craig Andres
 Councilmember Meigs Miller
 Councilmember Jeff Hodges

Staff Members Present:

Harlan Jefferson, Town Manager
 Robyn Battle, Executive Director of Community Services

EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

Section 551.087 – To discuss and consider economic development incentives.

Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

Section 551-074 - To discuss and consider personnel matters and all matters incident and related thereto.

Section 551.074 - To discuss and review the Town Manager's performance evaluation.

The Town Council recessed into Executive Session at 7:00 a.m.

Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

The Town Council reconvened the Special Called Meeting at 11:10 a.m. No action was taken as a result of the closed session.

Adjourn.

The meeting was adjourned at 11:00 a.m. on Saturday, August 22, 2020.

These minutes approved on the 8th day of September, 2020.

APPROVED:

Ray Smith, Mayor

ATTEST:

Melissa Lee, Town Secretary

DRAFT



Prosper is a place where everyone matters.

Minutes
Prosper Town Council Meeting
 Council Chambers
 Prosper Town Hall
 250 W. First Street, Prosper, Texas
 Tuesday, August 25, 2020

Call to Order/ Roll Call.

The meeting was called to order at 5:46 p.m.

Council Members Present:

Mayor Ray Smith
 Mayor Pro-Tem Curry Vogelsang, Jr.
 Deputy Mayor Pro-Tem Jason Dixon
 Councilmember Marcus E. Ray
 Councilmember Craig Andres
 Councilmember Jeff Hodges
 Councilmember Meigs Miller

Staff Members Present:

Harlan Jefferson, Town Manager
 Terry Welch, Town Attorney
 Melissa Lee, Town Secretary
 Robyn Battle, Executive Director of Community Services
 Chuck Springer, Executive Director of Administrative Services
 Betty Pamplin, Finance Director
 January Cook, Purchasing Manager
 Rebecca Zook, Executive Director of Development & Infrastructure Services
 John Webb, Development Services Director
 Hulon Webb, Engineering Services Director
 Dan Heischman, Assistant Director of Engineering Services - Development
 Alex Glushko, Planning Manager
 Frank Jaromin, Director of Public Works
 Leigh Johnson, Director of Information Technology
 Dudley Raymond, Director of Parks and Recreation
 Doug Kowalski, Police Chief
 Stuart Blasingame, Fire Chief

Invocation, Pledge of Allegiance and Pledge to the Texas Flag.

Pastor Jim Lugar, Life Journey Church, led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

The Town of Prosper is holding a general Town Hall meeting to share information on the proposed budget for next fiscal year. The 90-minute meeting will be held on August 27 at 6:30 p.m. at Prosper Town Hall, with appropriate social distancing, or via Zoom. Town staff will present highlights from the FY 2020-2021 budget, and will be available to answer questions. A copy of the Proposed Budget is available on the Town website.

Residents are invited to “Light Our Town Blue” in support of the Prosper Police Department. The Town of Prosper, Prosper ISD, and local community groups are showing support for our Police Department through the month of September, and ending on October 6 with the Town’s annual National Night Out celebration. Prosper Town Hall, the Gateway Monument on Preston Road, and the PISD Football Stadium will be illuminated in blue each night, and we encourage residents to do the same by adding blue light bulbs to your front porch light and/or landscape lighting to show your support.

Collin County is launching the Collin CARES Small Business Grant Program for businesses located within Collin County. Using CARES Act funds, the County will award up to \$25,000 to eligible businesses that have experienced a revenue loss of greater than 15% due to the COVID-19 pandemic. Applications may be submitted September 4th through September 25th, and awards will be granted on a first-come, first-served basis. More information is available on the Collin County website.

The Prosper Fire Department will host its annual 9/11 Remembrance Ceremony at Town Hall on Friday, September 11, at 7:30 a.m. outside Town Hall. Attendees are asked to wear masks and maintain social distance. A blood drive will be held on September 10th and 11th as part of our annual 9/11 Ceremony. More details will be available soon on the Town website and Facebook page.

Governor Abbott has called a special election on September 29 to fill the State Senate District 30 seat, previously held by Pat Fallon. Fallon will run in an election this November to fill the seat of U.S. Representative John Ratcliff, who has been appointed as the director of national intelligence. Early voting begins on September 14. The Town Hall Community Room will serve as a polling place for early voting and election day.

Presentations.

1. Presenting Life Saving Awards to Firefighter Paramedics and Communication Officers. (SB)

Stuart Blasingame, Fire Chief, presented awards for two life saving instances. The first, awarded to Tiffany McDorman, Public Safety Communications Officer, Lieutenant/Paramedic Dwayne Norvell, Driver/Engineer/Paramedic Colby Rogers, Firefighter/Paramedic David Weimer, Firefighter/Paramedic Oliver Bradley, and Firefighter/Paramedic Jaycob Miller for their outstanding performance and lifesaving actions on April 24, 2020.

The second, awarded to Katherine Hickman, Public Safety Communications Officer, Lieutenant/Paramedic Dwayne Norvell, Driver/Engineer/Paramedic Colby Rogers, Firefighter/Paramedic David Weimer, Firefighter/Paramedic Jeremy Hunt, and Firefighter/Paramedic Taylor Kyles for their outstanding performance and life saving actions on July 27, 2020.

2. Prosper Fire Department received recognition for Best Practices. (SB)

Stuart Blasingame, Fire Chief, spoke on the recognition awarded to the Prosper Fire Department for Best Practices Recognition Status by the Texas Fire Chiefs Association on May 5, 2020. The TFCA Best Practices program provides a pathway for a fire department to push its service to a level of excellence that is validated by

independent experts. This designation demonstrates to customers of these organizations that their fire department is among the very best in the Texas Fire Service.

CONSENT AGENDA:

Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.

3. Consider and act upon the minutes from the August 11, 2020, Town Council meeting. (ML)
4. Consider and act upon approving an Amendment to the Facility Management Services Agreement between TDIndustries, Inc., and the Town of Prosper Texas, through the National Cooperative Purchasing Alliance (NCPA); and authorizing the Town Manager to execute the same. (CS)
6. Consider and act upon approving the purchase and installation of a modular building for Public Works, from Vanguard Modular Building Systems, LLC, through The Interlocal Purchasing System (TIPS) Cooperative Purchasing Program; and authorizing the Town Manager to execute the same. (FJ)
7. Consider and act upon Ordinance No. 2020-63 amending Section 12.09.004 "School Traffic Zones" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the limits and hours of operation of such zones. (HW)
8. Consider and act upon authorizing the Town Manager to execute a First Amended Development Agreement between Matthew Clarke, and the Town of Prosper, Texas, related to the Downtown Office development, located at 603 E. Broadway Street. (AG)
9. Consider and act upon authorizing the Town Manager to execute a License, Maintenance and Hold Harmless Agreement between 1000 N. Preston, LLC, and the Town of Prosper, Texas, related to the installation and maintenance of angled parking stalls within the right-of-way of Hays Road adjacent to the development at 1000 N. Preston Road. (DH)
11. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on any Site Plan or Preliminary Site Plan. (AG)

Mayor Smith removed Item 10 from the consent agenda.

10. Consider and act upon an ordinance amending the Zoning Ordinance regarding Permitted Uses and Definitions, and Development Requirements, including but not limited to Landscaping, Parking, Screening, and Non-Residential Design and Development Standards. (Z20-0010). (AG)

Staff recommended tabling this item until the September 8, 2020, Town Council meeting.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Miller seconded the motion to table Item 10 until the September 8, 2020, Town Council meeting.

The motion was approved by a vote of 7-0.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Andres seconded the motion to approve Items 3, 4, 6 - 9, and 11 on the consent agenda.

The motion was approved by a vote of 7-0.

Councilmember Ray removed Item 5 from the consent agenda.

5. **Consider and act upon approving a Standard Form of Agreement with Pogue Construction Co., LP, for the build-out of existing shell space in Town Hall; the purchase and installation of furniture for the renovated spaces from Workspace Interiors by Office Depot, through the Omnia Partners Cooperative; and authorizing the Town Manager to execute the same. (RB)**

Councilmember Ray opposed Item 5.

Deputy Mayor Pro-Tem Dixon made a motion and Councilmember Hodges seconded the motion to approve the Standard Form of Agreement with Pogue Construction Co., LP, for the build-out of existing shell space in Town Hall; the purchase and installation of furniture for the renovated spaces from Workspace Interiors by Office Depot, through the Omnia Partners Cooperative; and authorizing the Town Manager to execute the same.

The motion was approved by a vote of 6-1 with Councilmember Ray opposed.

CITIZEN COMMENTS

There were no citizen comments.

REGULAR AGENDA:

Items for Individual Consideration:

12. **Discussion on current and proposed Emergency Medical Services (EMS) Fee Schedules for medical transports by the Fire Department. (SB)**

Stuart Blasingame, Fire Chief, presented information the rate adjustment which will allow the Town to maintain a financially responsible process and budgeting plan more in line with equivalent EMS systems, and support our annual EMS expenditures.

Council discussed the EMS billing structure and rates of comparator cities. Mayor Pro-Tem Vogelsang requested a standardized cost of service and discussed resident rates versus non-resident rates.

13. **Conduct a Public Hearing to consider and discuss the FY 2020-2021 Budget as proposed. (BP)**

Betty Pamplin, Finance Director, discussed FY 2020-2021 Proposed Budget with highlights that include no increase in property tax rate or utility rates for Town customers. Continued growth in property tax and sales tax was noted, as was continued staff additions to Public Safety. Hulon Webb, Engineering Services Director, provided information on the Capital Improvement projects included in the FY 2020-2021 Proposed Budget. Street, traffic and facility project funding was discussed. Dudley Raymond, Director of Parks and Recreation, provided information on the park projects included in the FY 2020-2021 Proposed Budget.

Mayor Smith opened the public hearing.

With no one speaking, Mayor Smith closed the public hearing.

Ms. Pamplin continued with a request for direction on the Broadband Committee recommendations of an additional Help Desk Technician for residents, loaner cellular hot spots, and Wi-fi for the exterior of Town Hall and Library. Council favored the recommendations.

14. Consider and act upon Ordinance No. 2020-64 amending Chapter 4, “Business Regulations,” of the Code of Ordinances by adding a new Article 4.11, Single-Family Dwelling Transient Rentals,” to prohibit the short term rental of single-family dwellings in the Town. (JW)

John Webb, Development Services Director, provided an overview of a short term rental (STR) as a type of lodging where a home, or part of a home, is rented for a fee for fewer than thirty (30) consecutive nights. Over the past several years, the number of STR's has increased significantly. In the United States, there are over 2,700 cities and counties with at least 50 STR's. In Prosper, there have been as many eight (8) homes marketed as a STR. The influx of out-of-town visitors upsets the peaceful enjoyment of long-standing residential neighborhoods as short-term renters have no stake in the community.

Mayor Smith asked for any citizen comments. Chester Johnson, 5451 Exeter Dr., Prosper, submitted a Public Meeting Appearance Card expressing his support for Item 14.

Council discussed the updates to the business regulations, specifically how the approved ordinance would affect current rentals on the market in Prosper.

After discussion, Councilmember Hodges made a motion and Councilmember Ray seconded the motion to approve Ordinance No. 2020-64 amending Chapter 4, “Business Regulations,” of the Code of Ordinances by adding a new Article 4.11, Single-Family Dwelling Transient Rentals,” to prohibit the short term rental of single-family dwellings in the Town.

The motion was approved by a vote of 7-0.

15. Discussion on Speed Limit Ordinance. (HW)

Hulon Webb, Engineering Services Director, discussed the Speed Limit Ordinance. Since the last ordinance updating the speed limits in 2017, the Town has added

several new roadways, and there are some other roadways currently being constructed that all require speed limits be established. Additionally, staff has analyzed several traffic accidents around the Gates of Prosper development and is recommending lowering speeds in the vicinity of the commercial development from 45 mph to 40 mph to improve safety. Lastly, staff is recommending the speed limit along existing Windsong Parkway be lowered to be more conducive of a residential neighborhood environment.

Council discussed the location and spacing of speed limit signs when there is a speed limit change along a roadway. Deputy Mayor Pro-Tem Dixon requested to leave existing Lovers Lane as 45-mph from US 380 to Coleman St. Councilmember Andres questioned the proposed 45-mph speed limit on Victory Way. Mr. Webb discussed Victory Way's classification as major thoroughfare and the intent for consistency on all major and minor thoroughfares.

EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

Section 551.087 – To discuss and consider economic development incentives.

Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:47 p.m.

Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

The Town Council reconvened the Regular Session at 8:33 p.m.

Possibly direct Town staff to schedule topic(s) for discussion at a future meeting

Mayor Smith requested an agenda item on submitting an official ballot for the election of Places 1-4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

Town Manager Jefferson discussed a joint meeting opportunity with the Planning and Zoning Commission and the Parks and Recreation Board on Tuesday September 1, 2020. Council agreed to the joint meeting on Tuesday September 1, 2020.

Adjourn.

The meeting was adjourned at 8:40 p.m. on Tuesday, August 25, 2020.

These minutes approved on the 8th day of September 2020.

APPROVED:

Ray Smith, Mayor

ATTEST:

Melissa Lee, Town Secretary

DRAFT



MONTHLY FINANCIAL REPORT as of July 31, 2020 Budgetary Basis

Prepared by
Finance Department

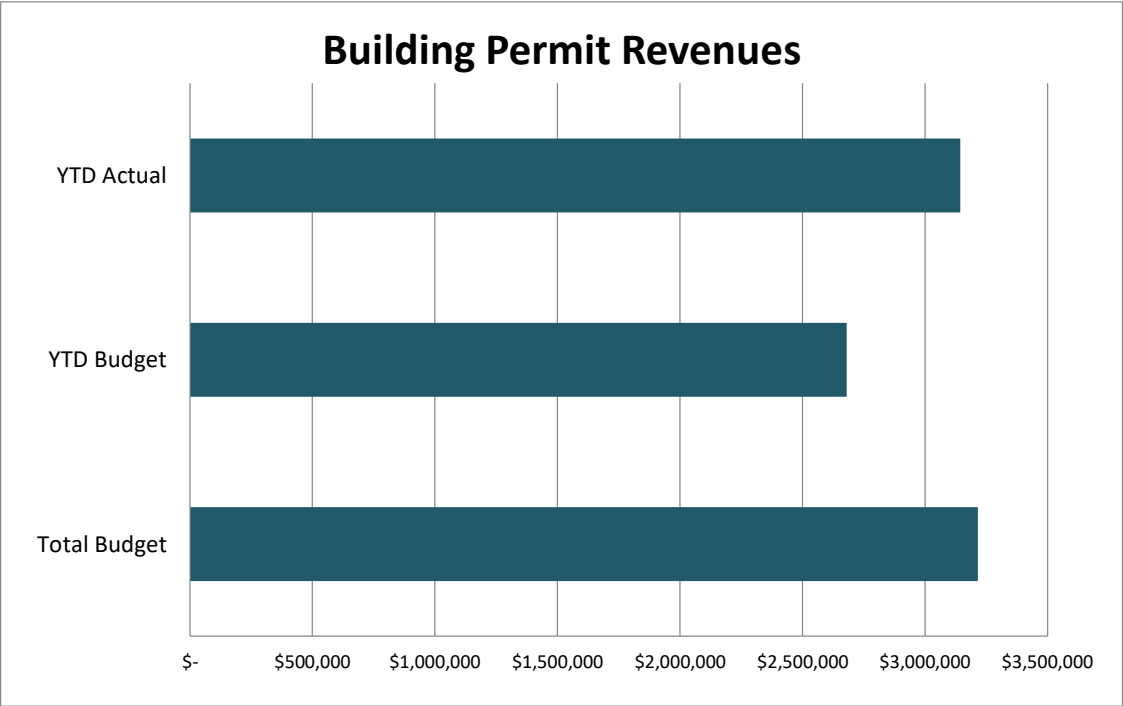
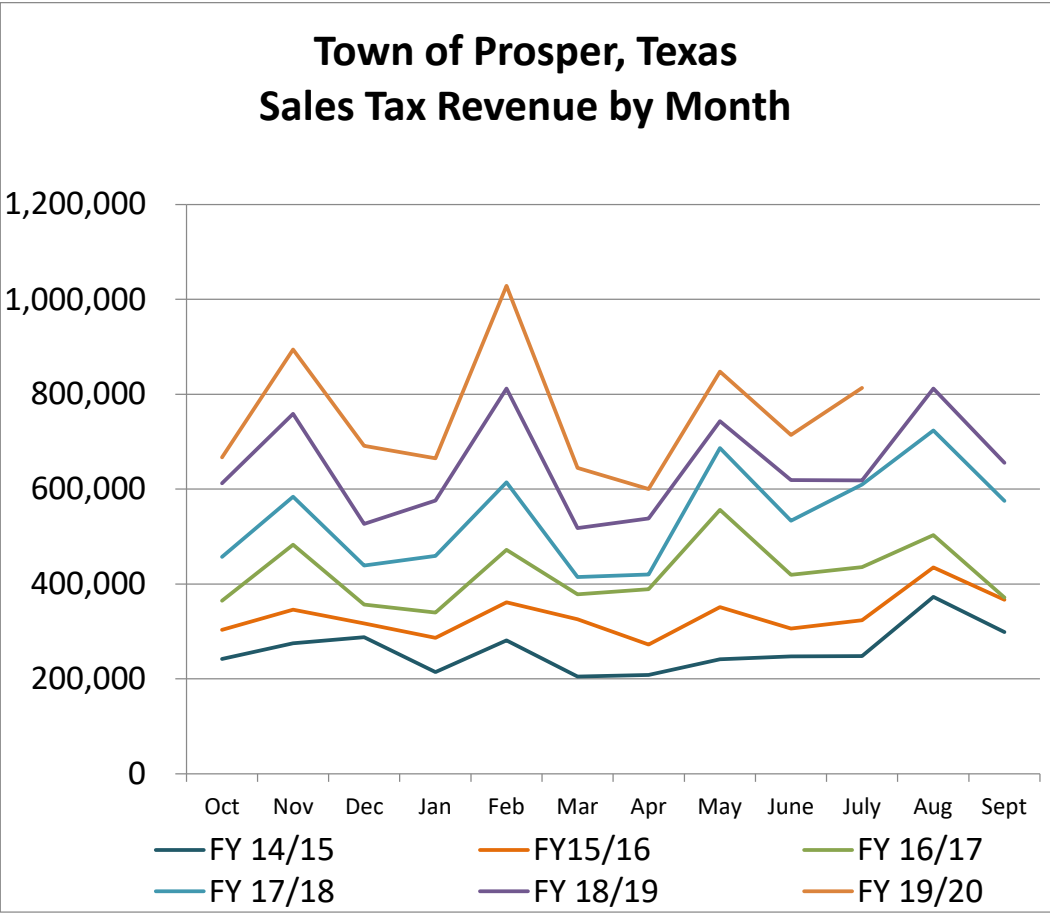
September 8, 2020

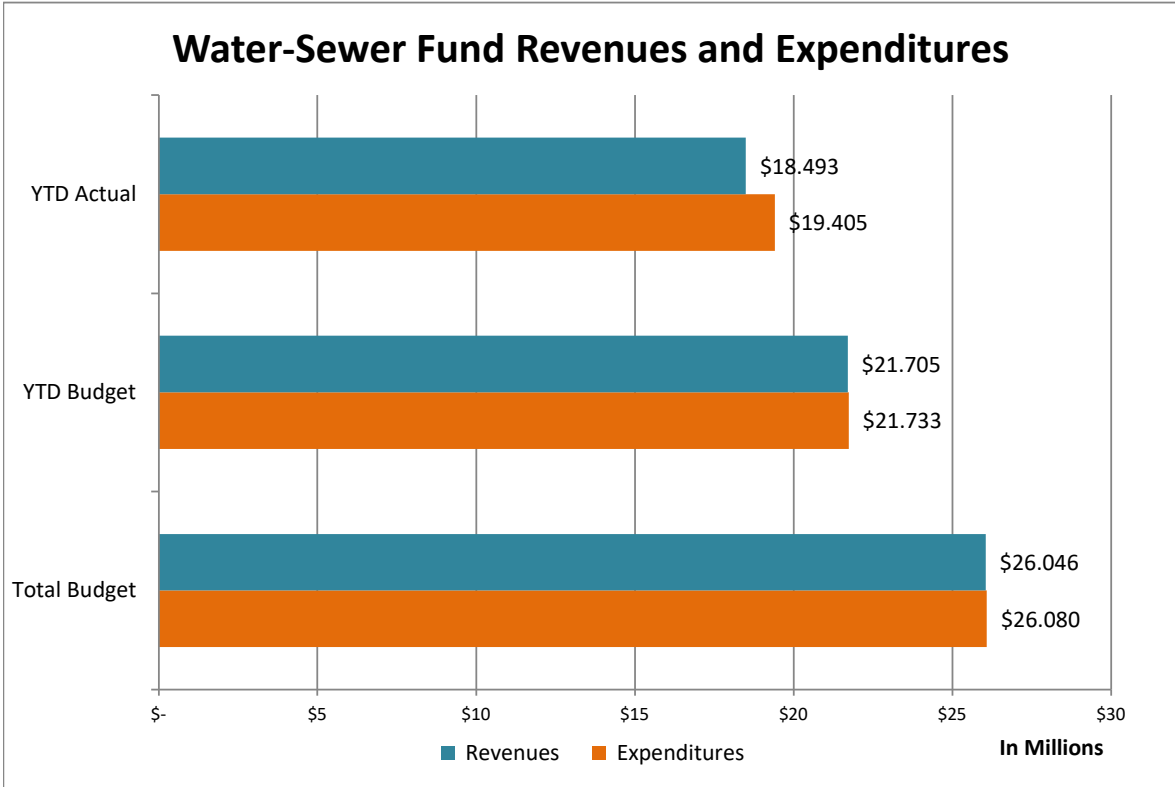
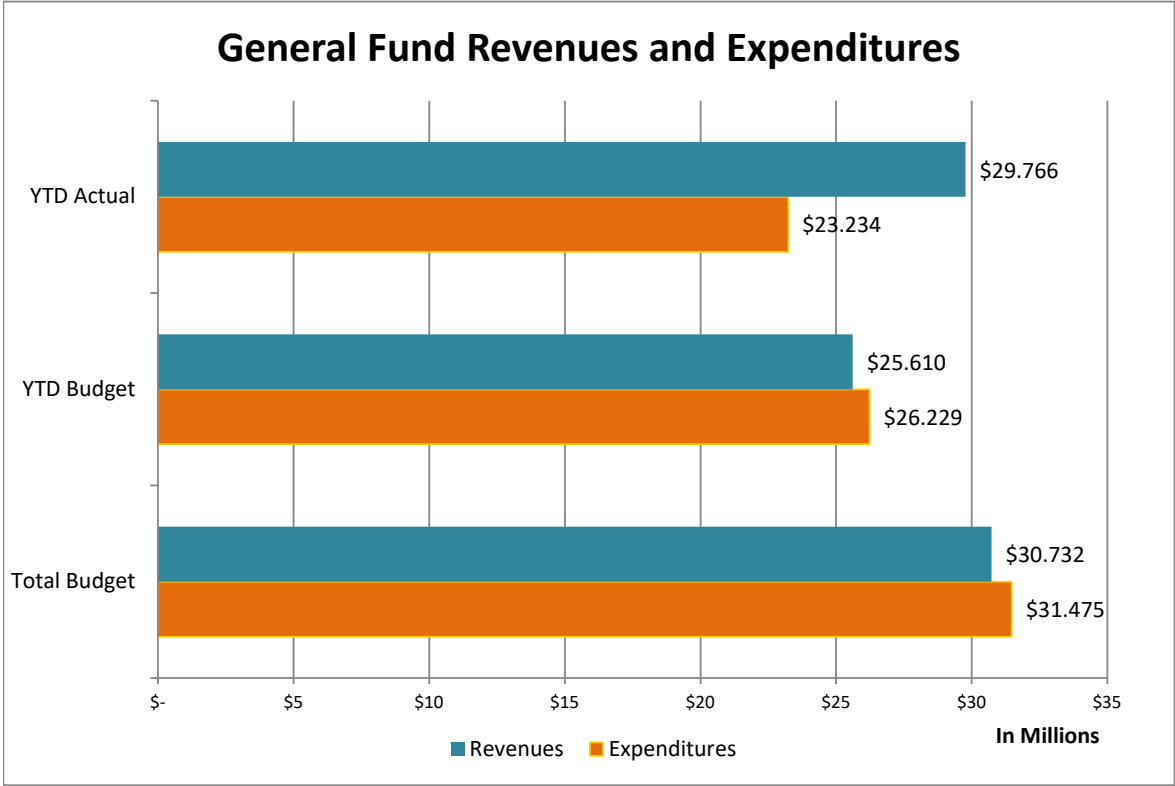
TOWN OF PROSPER, TEXAS

MONTHLY FINANCIAL REPORT JULY 2020

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TOWN OF PROSPER, TEXAS
MONTHLY FINANCIAL REPORT
July 31, 2020
Expected Year to Date Percent 83.33%

GENERAL FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actuals	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actuals	Change from Prior Year
REVENUES										
Property Taxes	\$ 16,570,933	\$ -	\$ 16,570,933	\$ 16,954,301	\$ -	\$ (383,368)	102%	1	\$ 14,527,184	17%
Sales Taxes	5,011,936	-	5,011,936	4,733,137	-	278,799	94%		4,329,194	9%
Franchise Fees	1,731,375	-	1,731,375	1,196,711	-	534,664	69%	2	1,120,348	7%
Building Permits	3,215,472	-	3,215,472	3,144,028	-	71,444	98%		2,729,335	15%
Other Licenses, Fees & Permits	1,089,881	-	1,089,881	1,367,301	-	(277,420)	125%		1,021,417	34%
Charges for Services	428,997	-	428,997	389,031	-	39,966	91%		331,132	17%
Fines & Warrants	474,163	-	474,163	260,368	-	213,795	55%	6	411,812	-37%
Intergovernmental Revenue (Grants)	54,000	404,672	458,672	369,093	-	89,579	80%	5	100,822	266%
Investment Income	300,249	-	300,249	234,405	-	65,844	78%		268,249	-13%
Transfers In	989,087	-	989,087	824,239	-	164,848	83%		734,618	12%
Miscellaneous	201,447	15,000	216,447	190,206	-	26,241	88%		238,484	-20%
Park Fees	245,280	-	245,280	103,110	-	142,170	42%	7	198,535	-48%
Total Revenues	\$ 30,312,820	\$ 419,672	\$ 30,732,492	\$ 29,765,930	\$ -	\$ 966,562	97%		\$ 26,011,131	14%
EXPENDITURES										
Administration	\$ 5,442,762	\$ (303,473)	\$ 5,139,289	\$ 4,277,840	\$ 256,499	\$ 604,950	88%	3	\$ 6,447,094	-34%
Police	5,496,662	134,545	5,631,207	4,083,801	68,160	1,479,246	74%		3,338,383	22%
Fire/EMS	6,384,111	1,292,878	7,676,989	6,109,648	235,861	1,331,479	83%		6,743,207	-9%
Public Works	2,963,896	249,840	3,213,736	2,717,650	116,872	379,214	88%	4	3,232,835	-16%
Community Services	4,631,138	105,060	4,736,198	3,307,646	138,803	1,289,749	73%		3,215,155	3%
Development Services	3,211,836	26,403	3,238,239	2,173,638	526,002	538,598	83%		2,239,593	-3%
Engineering	1,734,793	104,576	1,839,369	1,254,758	89,520	495,091	73%		943,594	33%
Total Expenses	\$ 29,865,198	\$ 1,609,829	\$ 31,475,027	\$ 23,924,982	\$ 1,431,718	\$ 6,118,327	81%		\$ 26,159,862	-9%
REVENUE OVER (UNDER) EXPENDITURES	\$ 447,622	\$ (1,190,157)	\$ (742,535)	\$ 5,840,947					\$ (148,731)	
Beginning Fund Balance October 1-Unassigned/Unrestricted			9,881,492	9,881,492					8,139,265	
Ending Fund Balance			<u>\$ 9,138,957</u>	<u>\$ 15,722,439</u>					<u>\$ 7,990,534</u>	

Notes

- 1 Property taxes are billed in October and the majority of collections occur December through February.
- 2 Franchise fees and other various license and fees are paid quarterly or annually.
- 3 Departments encumber funds for contracts that usually reflect the entire budget which is why we see budgets exceed the expected 10/12 to date. For example: Town Manager professional services; and various IT projects.
- 4 The adopted budget included \$1.25M for Prosper Trail (Coit to Custer). These funds have been transferred to the CIP fund.
- 5 Grant revenues are recorded when received. The largest grant revenue expected is for the fire SAFER grant. The first reimbursement was received in July.
- 6 Court Fine collections have been impacted by COVID-19. Municipal Court was shut down for the months of April and May. Virtual Court was implemented in July to assist with case resolution and collections.
- 7 Park fee collections have been impacted by COVID-19. Park programs for Spring were cancelled. Some of this revenue has an offsetting expense which is down in relation.

TOWN OF PROSPER, TEXAS
MONTHLY FINANCIAL REPORT
July 31, 2020
Expected Year to Date Percent 83.33%

WATER-SEWER FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Water Charges for Services	\$ 13,623,413	\$ -	\$ 13,623,413	\$ 10,505,397	\$ -	\$ 3,118,016	77%		\$ 7,603,005	38%
Sewer Charges for Services	7,051,798	-	7,051,798	6,032,949	-	1,018,849	86%		5,483,891	10%
Sanitation Charges for Services	1,377,830	-	1,377,830	1,153,901	-	223,929	84%		1,059,019	9%
Licenses, Fees & Permits	54,258	-	54,258	156,028	-	(101,770)	288%	3	136,587	14%
Water Penalties	1,675	-	1,675	1,600	-	75	96%		1,275	25%
Utility Billing Penalties	112,200	-	112,200	50,182	-	62,018	45%	4	112,200	-55%
Investment Income	142,024	-	142,024	118,419	-	23,605	83%		133,515	-11%
Other	2,590,428	1,092,482	3,682,910	474,103	-	3,208,807	13%	5	298,188	59%
Total Revenues	\$ 24,953,626	\$ 1,092,482	\$ 26,046,108	\$ 18,492,579	\$ -	\$ 7,553,529	71%		\$ 14,827,680	25%
EXPENDITURES										
Administration	\$ 2,396,949	\$ (16,575)	\$ 2,380,374	\$ 1,865,297	\$ 72,389	\$ 442,688	81%		\$ 2,212,322	-16%
Debt Service	3,930,237	-	3,930,237	2,167,711	1,762,966	(440)	100%	1	1,468,385	48%
Water Purchases	5,690,642	(100,000)	5,590,642	3,904,684	-	1,685,958	70%		4,238,638	-8%
Public Works	12,938,373	1,240,353	14,178,726	11,467,767	731,357	1,979,603	86%	2	7,201,458	59%
Total Expenses	\$ 24,956,201	\$ 1,123,778	\$ 26,079,979	\$ 19,405,459	\$ 2,566,711	\$ 4,107,808	84%		\$ 15,120,803	28%
REVENUE OVER (UNDER) EXPENDITURES	\$ (2,575)	\$ (31,296)	\$ (33,871)	\$ (912,880)					\$ (293,123)	
Beginning Working Capital October 1			8,069,636	8,069,636					7,869,816	
Ending Working Capital			<u>\$ 8,035,765</u>	<u>\$ 7,156,756</u>					<u>\$ 7,576,693</u>	

Notes

- The Town has encumbered the annual debt service payments that are paid in February and August.
- The adopted budget included \$3.051M for CIP projects. These funds have been transferred to the CIP fund.
 \$2.501M Custer Road Meter Station and Water Line Relocations
 \$400k Cook Lane (First-End) Water Line
 \$150k Broadway (Parvin-Craig) Water Line
- Included in this category are revenues for credit card fees being collected. These were not budgeted as we were expecting to migrate to a customer direct pay model. There is an offsetting expense for this revenue.
- Customer penalties are currently being waived due to COVID-19.
- Budgeted in this category is a reimbursement from TxDOT for the Custer Road Meter Station and Water Line Relocations.

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WATER-SEWER FUND

	Jul-20		Jul-19		Growth % Change
	WATER	SEWER	WATER	SEWER	
# of Accts Residential	9,158	8,476	8,294	7,615	10.84%
# of Accts Commercial	345	306	344	258	8.14%
Consumption-Residential	155,417,110	51,668,408	122,653,820	51,088,665	19.19%
Consumption-Commercial	16,253,030	7,504,840	11,668,330	5,827,140	35.79%
Average Residential Water Consumption	16,971		14,788		14.76%
Billed (\$) Residential	1,040,342.29	496,515.01	829,202.88	469,062.28	
Billed (\$) Commercial	526,080.55	95,470.89	299,029.11	81,801.49	
Total Billed (\$)	\$1,566,422.84	\$ 591,985.90	\$ 1,128,231.99	\$ 550,863.77	28.55%

	Average Monthly	Average Cumulative
October	9.6%	9.6%
November	6.5%	16.1%
December	5.4%	21.5%
January	4.6%	26.1%
February	4.5%	30.7%
March	4.5%	35.2%
April	6.2%	41.4%
May	7.6%	49.0%
June	10.6%	59.6%
July	12.2%	71.8%
August	15.0%	86.9%
September	13.1%	100.0%

Rainfall	Average rainfall for July is 2.17			
	Aug-19	2.44	Aug-18	2.99
	Sep-19	Trace of rain	Sep-18	12.69
	Oct-19	4.42	Oct-18	15.66
	Nov-19	1.80	Nov-18	0.86
	Dec-19	1.17	Dec-18	4.55
	Jan-20	5.00	Jan-19	1.58
	Feb-20	3.88	Feb-19	1.29
	Mar-20	6.75	Mar-19	2.01
	Apr-20	1.90	Apr-19	6.75
	May-20	7.54	May-19	8.15
	Jun-20	5.35	Jun-19	4.13
	Jul-20	2.31	Jul-19	0.78

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DEBT SERVICE FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Property Taxes-Delinquent	\$ 185,713	\$ -	\$ 185,713	\$ 161,411	\$ -	\$ 24,302	87%	1	\$ 78,061	107%
Property Taxes-Current	6,625,000	-	6,625,000	6,825,777	-	(200,777)	103%	1	5,928,597	15%
Taxes-Penalties	45,000	-	45,000	48,656	-	(3,656)	108%	1	32,077	52%
Interest Income	45,000	-	45,000	81,780	-	(36,780)	182%		78,531	4%
Total Revenues	\$ 6,900,713	\$ -	\$ 6,900,713	\$ 7,117,625	\$ -	\$ (216,912)	103%		\$ 6,117,266	16%
EXPENDITURES										
Professional Services	\$ -	\$ -	\$ -	\$ 2,500	\$ -	\$ (2,500)			\$ 3,571	-30%
2008 CO Bond Payment	-	-	-	-	-	-			-	
2010 Tax Note Payment	-	-	-	-	-	-			-	
2011 Refunding Bond Payment	-	-	-	-	-	-			-	
2012 GO Bond Payment	190,000	-	190,000	190,000	-	-	100%	2	185,000	3%
2012 CO Bond Payment	-	-	-	-	-	-			58,650	
2013 GO Refunding Bond	165,000	-	165,000	-	165,000	-	100%	2	-	
Bond Administrative Fees	20,000	-	20,000	440	-	19,560	2%		10,642	
2014 GO Bond Payment	280,000	-	280,000	-	280,000	-	100%	2	-	
2015 GO Bond Payment	500,100	-	500,100	500,100	-	-	100%	2	175,000	186%
2015 CO Bond Payment	215,000	-	215,000	215,000	-	-	100%	2	60,000	258%
2016 GO Debt Payment	616,500	-	616,500	616,500	-	-	100%	2	946,800	-35%
2016 CO Debt Payment	45,000	-	45,000	45,000	-	-	100%	2	90,000	-50%
2017 CO Debt Payment	-	-	-	-	-	-			355,000	
2017 GO Debt Payment	405,000	-	405,000	405,000	-	-	100%	2	35,000	1057%
2018 GO Debt Payment	135,000	-	135,000	135,000	-	-	100%	2	115,000	17%
2018 CO Debt Payment	160,000	-	160,000	160,000	-	-	100%	2	895,000	-82%
2019 CO Debt Payment	967,754	-	967,754	967,753	1	-	100%	2	-	
2019 GO Debt Payment	140,000	-	140,000	140,000	-	-	100%	2	-	
Bond Interest Expense	3,183,386	-	3,183,386	1,563,238	1,620,148	-	100%	2	1,413,704	11%
Total Expenditures	\$ 7,022,740	\$ -	\$ 7,022,740	\$ 4,940,531	\$ 2,065,149	\$ 17,060	100%		\$ 4,343,367	14%
REVENUE OVER (UNDER) EXPENDITURES	\$ (122,027)	\$ -	\$ (122,027)	\$ 2,177,093					\$ 1,773,898	
Beginning Fund Balance October 1			2,556,812	2,556,812					2,558,230	
Ending Fund Balance Current Month			<u>\$ 2,434,785</u>	<u>\$ 4,733,905</u>					<u>\$ 4,332,128</u>	

- Notes
- Property taxes are billed in October and the majority of collections occur December through February.
 - The Town has encumbered the annual debt service payments that are paid in February and August.

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CRIME CONTROL AND PREVENTION SPECIAL PURPOSE DISTRICT

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Sales Tax - Town	\$ 1,338,204	\$ -	\$ 1,338,204	\$ 1,237,465	\$ -	\$ 100,739	92%	2	\$ 809,066	53%
Interest Income	5,000	-	5,000	970	-	4,030	19%	1	-	
Other	-	-	-	-	-	-			-	
Total Revenue	\$ 1,343,204	\$ -	\$ 1,343,204	\$ 1,238,436	\$ -	\$ 104,768	92%		\$ 809,066	53%
EXPENDITURES										
Personnel	\$ 1,308,204	\$ 18,951	\$ 1,327,155	\$ 1,009,297	\$ -	\$ 317,858	76%		\$ 964,292	5%
Other	-	-	-	545	-	(545)			48,665	-99%
Total Expenditures	\$ 1,308,204	\$ 18,951	\$ 1,327,155	\$ 1,009,842	\$ -	\$ 317,313	76%		\$ 1,012,958	0%
REVENUE OVER (UNDER) EXPENDITURES	\$ 35,000	\$ (18,951)	\$ 16,049	\$ 228,594					\$ (203,892)	
Beginning Fund Balance October 1			170,443	170,443					-	
Ending Fund Balance Current Month			<u>\$ 186,492</u>	<u>\$ 399,037</u>					<u>\$ (203,892)</u>	

Notes

- 1 Due to a negative cash position interest had not been allocated prior to December
- 2 The first month of sales tax collection in the prior year was December.

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FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES SEPCIAL PURPOSE DISTRICT

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Sales Tax - Town	\$ 1,338,204	\$ -	\$ 1,338,204	\$ 1,235,818	\$ -	\$ 102,386	92%	2	\$ 808,850	53%
Interest Income	5,000	-	5,000	-	-	5,000	0%	1	-	-
Other	-	-	-	-	-	-	-		-	-
Total Revenue	\$ 1,343,204	\$ -	\$ 1,343,204	\$ 1,235,818	\$ -	\$ 107,386	92%		\$ 808,850	53%
EXPENDITURES										
Personnel	\$ 1,308,204	\$ -	\$ 1,326,274	\$ 1,177,388	\$ -	\$ 148,886	89%		\$ 1,077,162	9%
Other	-	-	-	545	-	(545)			47,542	-99%
Total Expenditures	\$ 1,308,204	\$ -	\$ 1,326,274	\$ 1,177,933	\$ -	\$ 148,341	89%		\$ 1,124,704	5%
REVENUE OVER (UNDER) EXPENDITURES	\$ 35,000	\$ -	\$ 16,930	\$ 57,885					\$ (315,855)	
Beginning Fund Balance October 1			15,585	15,585					-	
Ending Fund Balance Current Month			<u>\$ 32,515</u>	<u>\$ 73,470</u>					<u>\$ (315,855)</u>	

- Notes
- 1 Due to a negative cash position no interest has been allocated to date.
 - 2 The first month of sales tax collection in the prior year was December.

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VEHICLE AND EQUIPMENT REPLACEMENT FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Grant Revenue	\$ 182,788	\$ -	\$ 182,788	\$ -	\$ -	\$ 182,788	0%	3	\$ -	
Other Reimbursements	124,600	-	124,600	75,429	-	49,171	61%	1	121,480	-38%
Interest Income	30,000	-	30,000	51,894	-	(21,894)	173%		47,347	10%
Transfers In	1,913,713	108,969	2,022,682	1,685,568	-	337,114	83%		1,359,710	24%
Total Revenue	\$ 2,251,101	\$ 108,969	\$ 2,360,070	\$ 1,812,891	\$ -	\$ 547,179	77%		\$ 1,528,538	19%
EXPENDITURES										
Vehicle Replacement	\$ 787,517	\$ 524,275	\$ 1,311,792	\$ 971,255	\$ 163,364	\$ 177,172	86%	2	\$ 877,492	11%
Equipment Replacement	26,000	-	26,000	25,948	-	52	100%	2	292,910	-91%
Technology Replacement	82,650	-	82,650	80,362	4,427	(2,139)	103%	2	64,726	24%
Total Expenditures	\$ 896,167	\$ 524,275	\$ 1,420,442	\$ 1,077,566	\$ 167,791	\$ 175,085	88%		\$ 1,235,128	-13%
REVENUE OVER (UNDER) EXPENDITURES	\$ 1,354,934	\$ (415,306)	\$ 939,628	\$ 735,326					\$ 293,410	
Beginning Fund Balance October 1			2,895,043	2,895,043					2,337,780	
Ending Fund Balance Current Month			<u>\$ 3,834,671</u>	<u>\$ 3,630,369</u>					<u>\$ 2,631,190</u>	

Notes

- 1 Auction revenues and insurance reimbursements are placed in the Other Reimbursements account as they occur. Several vehicles have not been auctioned due to the need for social distancing.
- 2 Funds have been expended or encumbered for this year's replacement vehicles, equipment, and technology.
- 3 Grant revenue is for the Clean Fleet grant. Destruction of the old engine is scheduled to take place in September with reimbursement to follow.

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STORM DRAINAGE UTILITY FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Storm Drainage Utility Fee	\$ 627,156	\$ -	\$ 627,156	\$ 553,560	\$ -	\$ 73,596	88%		\$ 504,889	10%
Drainage Review Fee	6,000	-	6,000	1,710	-	4,290	29%	2	-	
Interest Income	5,000	-	5,000	7,304	-	(2,304)	146%		3,119	134%
Other Revenue	-	-	-	-	-	-	-		-	
Total Revenue	\$ 638,156	\$ -	\$ 638,156	\$ 562,574	\$ -	\$ 75,582	88%		\$ 508,008	11%
EXPENDITURES										
Personnel Services	\$ 166,833	\$ 721	\$ 167,554	\$ 143,660	\$ -	\$ 23,894	86%		\$ 132,925	8%
Debt Service	248,641	-	248,641	197,879	50,762	-	100%	1	-	
Operating Expenditures	126,700	-	126,700	12,436	-	114,264	10%	3	5,919	110%
Transfers Out	100,135	-	100,135	83,446	-	16,689	83%		608,799	-86%
Total Expenses	\$ 642,309	\$ 721	\$ 643,030	\$ 437,421	\$ 50,762	\$ 154,847	76%		\$ 747,644	-41%
REVENUE OVER (UNDER) EXPENDITURES	\$ (4,153)	\$ (721)	\$ (4,874)	\$ 125,153					\$ (239,636)	
Beginning Working Capital October 1			477,466	477,466					151,834	
Ending Working Capital Current Month			<u>\$ 472,592</u>	<u>\$ 602,619</u>					<u>\$ (87,802)</u>	

Notes

- 1 The Town has encumbered the annual debt service payments that are paid in February and August.
- 2 Drainage Review fee is collected at time service is requested, and has a matching expense.
- 3 Operating Expenditures include a capital project that is expected to be awarded in summer 2020.

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PARK DEDICATION AND IMPROVEMENT FUNDS

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Park Dedication-Fees	\$ 200,000	\$ -	\$ 200,000	\$ -	\$ -	\$ 200,000	0%		\$ 375,146	
Park Improvements	100,000	-	100,000	-	-	100,000	0%		113,784	
Contributions/Grants	500,000	-	500,000	-	-	500,000	0%		-	
Interest-Park Dedication	25,000	-	25,000	23,992	-	1,008	96%		16,775	43%
Interest-Park Improvements	15,000	-	15,000	20,818	-	(5,818)	139%		19,752	5%
Total Revenue	\$ 840,000	\$ -	\$ 840,000	\$ 44,811	\$ -	\$ 795,189	5%		\$ 525,458	-91%
EXPENDITURES										
Developer Reimbursement-Park Imp	\$ 15,955	\$ -	\$ 15,955	\$ -	\$ -	\$ 15,955			\$ -	
Hike & Bike Master Plan	-	56,188	56,188	52,018	12,185	(8,016)	114%	1	-	
Cockrell Park Trail Connection	500,000	35,200	535,200	17,045	518,216	(61)	100%		13,315	28%
Hays Park	35,000	18,500	53,500	3,761	39,729	10,010	81%	1	6,000	-37%
Pecan Grove H&B Trail	30,000	-	30,000	-	-	30,000	0%		-	
Pecan Grove	85,000	-	85,000	-	-	85,000	0%		-	
Transfers Out	-	-	-	-	-	-			-	
Total Expenses	\$ 665,955	\$ 109,888	\$ 775,843	\$ 72,824	\$ 570,131	\$ 132,888	83%		\$ 19,315	277%
REVENUE OVER (UNDER) EXPENDITURES	\$ 174,045	\$ (109,888)	\$ 64,158	\$ (28,013)					\$ 506,143	
Beginning Fund Balance October 1			2,782,069	2,782,069					1,857,785	
Ending Fund Balance Current Month			<u>\$ 2,846,227</u>	<u>\$ 2,754,056</u>					<u>\$ 2,363,928</u>	

Notes
1 Project funds have been encumbered.

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TIRZ #1 - BLUE STAR

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES									
Impact Fee Revenue:									
Water Impact Fees	\$ 100,000	\$ -	\$ 100,000	\$ 294,810	\$ (194,810)	295%	1	\$ 19,868	1384%
Wastewater Impact Fees	50,000	-	50,000	189,442	(139,442)	379%	1	11,852	1498%
East Thoroughfare Impact Fees	200,000	-	200,000	1,100,053	(900,053)	550%	1	92,173	1093%
Property Taxes - Town (Current)	387,624	-	387,624	386,349	1,275	100%		340,626	13%
Property Taxes - Town (Rollback)	-	-	-	28,840	(28,840)			-	
Property Taxes - County (Current)	110,960	-	110,960	92,846	18,114	84%		73,604	26%
Sales Taxes - Town	495,372	-	495,372	415,597	79,775	84%		374,401	11%
Sales Taxes - EDC	415,259	-	415,259	348,062	67,197	84%		313,560	11%
Investment Income	7,500	-	7,500	20,071	(12,571)	268%		8,451	138%
Transfer In	-	-	-	-	-			1,449	-100%
Total Revenue	\$ 1,766,715	\$ -	\$ 1,766,715	\$ 2,876,070	\$ (1,109,355)	163%		\$ 1,235,983	133%
EXPENDITURES									
Professional Services	\$ -	\$ -	\$ -	\$ -	\$ -			-	
Developer Rebate	1,766,715	-	1,766,715	2,840,581	(1,073,866)	161%	2	1,178,927	
Transfers Out	-	-	-	-	-			-	
Total Expenses	\$ 1,766,715	\$ -	\$ 1,766,715	\$ 2,840,581	\$ (1,073,866)	161%		\$ 1,178,927	
REVENUE OVER (UNDER) EXPENDITURES			\$ -	\$ 35,489				\$ 57,056	
Beginning Fund Balance October 1			256,828	256,828				213,282	
Ending Fund Balance Current Month			<u>\$ 256,828</u>	<u>\$ 292,317</u>				<u>\$ 270,338</u>	

Notes

- 1 Impact fees for Gates of Prosper Phase 2 shell buildings.
- 2 Rebate is based on revenue collected in current year.

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TIRZ #2 - MATTHEWS SOUTHWEST

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES									
Impact Fee Revenue:									
West Thoroughfare Impact Fees	\$ 325,500	\$ -	\$ 325,500	\$ -	\$ 325,500	0%		\$ -	
Property Taxes - Town (Current)	12,633	-	12,633	12,633	0	100%		15,053	-16%
Property Taxes - Town (Rollback)	-	-	-	-	-	0%		-	
Property Taxes - County (Current)	3,616	-	3,616	3,137	479	87%		3,738	-16%
Sales Taxes - Town	150	-	150	8	142	5%		12	-31%
Sales Taxes - EDC	150	-	150	8	142	5%		12	-31%
Investment Income	500	-	500	467	33	93%		487	-4%
Total Revenue	\$ 342,549	\$ -	\$ 342,549	\$ 16,253	\$ 326,296	5%		\$ 19,301	-16%
EXPENDITURES									
Professional Services	\$ -	\$ -	\$ -	\$ -	\$ -			\$ -	
Developer Rebate	342,549	-	342,549	16,504	326,045	5%		19,959	-17%
Transfers Out	-	-	-	-	-			-	
Total Expenditures	\$ 342,549	\$ -	\$ 342,549	\$ 16,504	\$ 326,045	5%		\$ 19,959	-17%
REVENUE OVER (UNDER) EXPENDITURES			\$ -	\$ (251)				\$ (658)	
Beginning Fund Balance October 1			25,542	25,542				25,922	
Ending Fund Balance Current Month			<u>\$ 25,542</u>	<u>\$ 25,291</u>				<u>\$ 25,264</u>	

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WATER IMPACT FEES FUND

Project	Current Year Original Budget	Current Year Budget Adjustment	Current Year Amended Budget	Current Year Actual	Current Year Encumbrances	Current Remaining Budget Balance	Prior Years Expenditure	Project Budget Balance	STATUS OF PROJECT	
REVENUES										
Impact Fees Water	\$ 3,000,000	\$ -	\$ 3,000,000	\$ 3,247,336						
Interest - Water	45,000	-	45,000	46,597						
Total Revenues	<u>\$ 3,045,000</u>	<u>\$ -</u>	<u>\$ 3,045,000</u>	<u>\$ 3,293,933</u>						
EXPENDITURES										
Developer Reimbursements										
Prosper Partners Developer Reimb	50,910	50,910	-	50,910	-	-	50,910	50,910		
Parks at Legacy Developer Reimb	150,000	150,000	-	150,000	321,962	-	(171,962)	(171,962)	Matching revenue to offset overage	
Star Trail Developer Reimb	450,000	450,000	-	450,000	323,152	-	126,849	126,849		
TVG Windsong Developer Reimb	280,000	280,000	-	280,000	259,088	-	20,912	20,912		
Total Developer Reimbursements	<u>\$ 930,910</u>	<u>\$ 930,910</u>	<u>\$ -</u>	<u>\$ 930,910</u>	<u>\$ 904,202</u>	<u>\$ -</u>	<u>\$ 26,709</u>	<u>\$ -</u>	<u>\$ (24,202)</u>	
Capital Expenditures										
County Line Elevated Storage	626,147	-	55,970	55,970	55,726	244	0	573,097	53,050	Construction 90% complete
24" Water Line County Line EST/DNT	1,004,850	-	139,307	139,307	79,441	59,866	-	809,548	195,302	Project complete
Total Projects	<u>\$ 1,630,997</u>	<u>\$ -</u>	<u>\$ 195,278</u>	<u>\$ 195,278</u>	<u>\$ 135,167</u>	<u>\$ 60,110</u>	<u>\$ 0</u>	<u>\$ 1,382,645</u>	<u>\$ 248,352</u>	
Total Expenditures	<u>\$ 2,561,907</u>	<u>\$ 930,910</u>	<u>\$ 195,278</u>	<u>\$ 1,126,188</u>	<u>\$ 1,039,369</u>	<u>\$ 60,110</u>	<u>\$ 26,709</u>	<u>\$ 1,382,645</u>	<u>\$ 224,151</u>	
REVENUE OVER (UNDER) EXPENDITURES			\$ 1,918,812	\$ 2,254,565						
Beginning Fund Balance October 1			1,509,936	1,509,936						
Ending Fund Balance Current Month			<u>\$ 3,428,748</u>	<u>\$ 3,764,501</u>						

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WASTEWATER IMPACT FEES FUND

Project	Current Year Original Budget	Current Year Budget Adjustment	Current Year Amended Budget	Current Year Actual	Current Year Encumbrances	Current Remaining Budget Balance	Prior Years Expenditure	Project Budget Balance	STATUS OF PROJECT
REVENUES									
Impact Fees Wastewater	\$ 850,000	\$ -	\$ 850,000	\$ 1,178,291					
Interest - Wastewater	35,000	-	35,000	38,313					
Upper Trinity Equity Fee	200,000	-	200,000	253,000					
Total Revenues	<u>\$ 1,085,000</u>	<u>\$ -</u>	<u>\$ 1,085,000</u>	<u>\$ 1,469,604</u>					
EXPENDITURES									
Developer Reimbursements									
Developer Reimbursements	100,000	100,000	(100,000)	-	-	-	-	-	
LaCima #2 Interceptor	220,000	7,117	-	7,117	10,245	-	(3,128)	212,883	(3,128)
TVG Westside Utility Developer Reimb	250,000	250,000	-	250,000	101,268	-	148,732		148,732
Prosper Partners Utility Developer Reimb	75,000	75,000	-	75,000	106,528	-	(31,528)		(31,528) Matching revenue to offset overage
Frontier Estates Developer Reimb	51,225	51,225	-	51,225	23,183	-	28,043		28,043
LaCima Developer Reimb	50,000	50,000	-	50,000	9,030	-	40,970		40,970
Brookhollow Developer Reimb	25,000	25,000	-	25,000	-	-	25,000		25,000
Star Trail Developer Reimb	100,000	100,000	-	100,000	-	-	100,000		100,000
TVG Windsong Developer Reimb	200,000	200,000	-	200,000	193,225	-	6,775		6,775
All Storage Developer Reimb	15,000	15,000	-	15,000	-	-	15,000		15,000
Legacy Garden Developer Reimb	-	-	100,000	100,000	8,879	-	91,121		91,121
Total Developer Reimbursements	<u>\$ 1,086,225</u>	<u>\$ 873,342</u>	<u>\$ -</u>	<u>\$ 873,342</u>	<u>\$ 452,358</u>	<u>\$ -</u>	<u>\$ 420,985</u>	<u>\$ 212,883</u>	<u>\$ 420,985</u>
Capital Expenditures									
Total Projects	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Total Expenditures	<u>\$ 1,086,225</u>	<u>\$ 873,342</u>	<u>\$ -</u>	<u>\$ 873,342</u>	<u>\$ 452,358</u>	<u>\$ -</u>	<u>\$ 420,985</u>	<u>\$ 212,883</u>	<u>\$ 420,985</u>
REVENUE OVER (UNDER) EXPENDITURES			\$ 211,658	\$ 1,017,247					
Beginning Fund Balance October 1			1,770,076	1,770,076					
Ending Fund Balance Current Month			<u>\$ 1,981,734</u>	<u>\$ 2,787,323</u>					

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THOROUGHFARE IMPACT FEES FUND

Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Current Year Amended Budget	Current Year Actual	Current Year Encumbrances	Current Remaining Budget Balance	Prior Years Expenditure	Project Budget Balance	STATUS OF PROJECT
REVENUES									
East Thoroughfare Impact Fees	\$ 1,000,000	\$ -	\$ 1,000,000	\$ 1,116,458					
East Thoroughfare Other Revenue	132,438	-	110,980	-					
West Thoroughfare Impact Fees	2,500,000	-	2,500,000	3,189,208					
West Thoroughfare Other Revenue	110,980	-	110,980	-					
Interest-East Thoroughfare Impact Fees	25,000	-	25,000	27,597					
Interest-West Thoroughfare Impact Fees	30,000	-	30,000	32,188					
Total Revenues	\$ 3,798,418	\$ -	\$ 3,776,960	\$ 4,365,451					
EXPENDITURES									
East									
Developer Reimbursement	-	300,000	(300,000)	-	-	-	-	-	
Developer Reimbursement - Tanners Mill	300,000	-	300,000	300,000	-	300,000	-	300,000	
FM2478 ROW (US380-FM1461)	148,832	69,168	(69,168)	-	-	-	148,832	-	TxDOT anticipates bidding project in September 2020
Coleman (Gorgeous - Prosper Trail)	250,000	250,000	-	250,000	-	250,000	-	250,000	
Prosper Trail (Coit-Custer)	810,000	-	39,997	39,997	-	-	570,003	200,000	Awarded August 11th; Construction 0% complete
Coit Road (First-Frontier)	1,289,900	-	506,027	506,027	137,988	368,670	(630)	783,873	(630) Design 90% complete
Coit Road and US 380	-	35,000	(35,000)	-	-	-	-	-	
Traffic Signal - Coit & Richland	460,000	300,000	160,000	460,000	27,204	134,599	298,196	-	298,196 Design 90% complete
Transfer to Capital Project Fund - FM2478 ROW	-	-	104,168	104,168	104,168	-	-	-	Transfer for FM2478 ROW (US380-FM1461)
Total East	\$ 3,258,732	\$ 954,168	\$ 706,025	\$ 1,660,193	\$ 309,357	\$ 503,269	\$ 847,566	\$ 1,502,708	\$ 1,047,566
West									
Developer Reimbursements	-	750,000	(750,000)	-	-	-	-	-	
Parks at Legacy Developer Reimb	300,000	300,000	-	300,000	76,682	-	223,318	-	223,318
TVG Developer Reimb	600,000	600,000	-	600,000	-	-	600,000	-	600,000
Star Trail Developer Reimb	750,000	750,000	-	750,000	432,170	-	317,830	-	317,830
Tellus Windsong Developer Reimb	750,000	-	750,000	750,000	476,796	-	273,204	-	273,204
E-W Collector Cook Lane (First - End)	1,525,000	-	667,822	667,822	109,022	565,298	(6,498)	629,514	221,166 Phase I advertising August 26th; Phase II construction 85% complete
Traffic Signal - Fishtrap & Tee	250,000	250,000	150,000	400,000	44,842	352,976	2,182	-	2,182 Construction 75% complete
Traffic Signal - Fishtrap & Gee	300,000	300,000	-	300,000	17,240	77,102	205,658	-	205,658 Design 90% complete
Traffic Signal - Fishtrap & Windsong	50,000	50,000	-	50,000	-	-	50,000	-	50,000 Traffic Signal Warrant Study revealed project is not warranted
Fishtrap (Elem - DNT)	-	100,000	(100,000)	-	-	-	-	-	Funds Transferred to CIP Fund
Teel - 380 Intersection Improvements	100,000	100,000	-	100,000	1,045	94,940	4,015	-	4,015 Staff anticipates receiving 30% design drawings by end of September 2020
Transfer to Capital Project Fund - Fishtrap	100,000	-	100,000	100,000	-	-	-	-	Transfer for Fishtrap (Elem-DNT)
Total West	\$ 4,725,000	\$ 3,200,000	\$ 817,822	\$ 4,017,822	\$ 1,257,797	\$ 1,090,316	\$ 1,669,709	\$ 629,514	\$ 1,897,373
Total Expenditures	\$ 7,983,732	\$ 4,154,168	\$ 1,523,847	\$ 5,678,015	\$ 1,567,155	\$ 1,593,585	\$ 2,517,276	\$ 2,132,222	\$ 2,944,939
REVENUE OVER (UNDER) EXPENDITURES			\$ (1,901,055)	\$ 2,798,296					
Beginning Fund Balance October 1			2,291,042	2,291,042					
Ending Fund Balance Current Month			\$ 389,987	\$ 5,089,338					

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SPECIAL REVENUE FUNDS

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Obligated	Change from Prior Year
Police Donation Revenue	\$ 15,000	\$ -	\$ 15,000	\$ 11,245	\$ -	\$ 3,755	75%		\$ 13,888	-19%
Fire Donation Revenue	13,200	-	13,200	11,212	-	1,988	85%		16,053	-30%
Child Safety Revenue	12,000	-	12,000	6,571	-	5,429	55%		6,607	-1%
Court Security Revenue	8,500	-	8,500	6,233	-	2,267	73%		7,593	-18%
Court Technology Revenue	10,000	-	10,000	6,721	-	3,279	67%		10,124	-34%
Interest Income	6,000	-	6,000	6,549	-	(549)	109%		6,092	8%
Interest Income CARES Funds	-	-	-	2,379	-	(2,379)			-	
Tree Mitigation	-	-	-	139,713	-	(139,713)			-	
Miscellaneous	-	-	-	12,074	-	(12,074)			5,706	112%
CARES Funds	-	1,344,150	1,344,150	1,352,242	-	(8,092)	101%		-	
Transfer In	-	-	-	-	-	-			-	
Total Revenue	\$ 64,700	\$ 1,344,150	\$ 1,408,850	\$ 1,554,939	\$ -	\$ (146,089)	110%		\$ 66,063	2254%
EXPENDITURES										
LEOSE Expenditure	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			\$ 150	
Court Technology Expense	10,000	-	10,000	2,515	7,625	(140)	101%	1	12,447	-80%
Court Security Expense	10,112	-	10,112	1,141	-	8,971	11%		7,056	-84%
Police Donation Expense	60,416	-	60,416	51,669	9,936	(1,189)	102%	1	1,095	4619%
Fire Donation Expense	17,826	-	17,826	6,505	4,157	7,164	60%		24,148	-73%
Child Safety Expense	5,000	-	5,000	575	-	4,425	12%		3,781	-85%
Tree Mitigation Expense	50,000	-	50,000	-	-	50,000	0%		-	
Police Seizure Expense	1,646	8,817	10,463	9,284	-	1,179	89%	1	9,020	3%
CARES Collin County	-	1,098,850	1,098,850	131,721	51,892	915,237	17%		-	
CARES Denton County	-	245,300	245,300	67,899	33,008	144,392	41%		-	
CARES HHS	-	-	-	-	-	-			-	
Total Expenses	\$ 155,000	\$ 1,352,967	\$ 1,507,967	\$ 271,308	\$ 106,619	\$ 1,130,040	18%		\$ 57,698	370%
REVENUE OVER (UNDER) EXPENDITURES	\$ (90,300)	\$ (8,817)	\$ (99,117)	\$ 1,283,631					\$ 8,365	
Beginning Fund Balance October 1			356,769	356,769					1,755,882	
Ending Fund Balance Current Month			<u>\$ 257,652</u>	<u>\$ 1,640,400</u>					<u>\$ 1,764,247</u>	

Notes
 1 Funds have been encumbered or spent for approved budgeted expenditures.

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Item 5.

CAPITAL PROJECTS FUND - GENERAL

Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Current Year Amended Budget	Current Year Actual	Current Year Encumbrances	Current Remaining Budget Balance	Prior Years Expenditure	Project Budget Balance	STATUS OF PROJECT
REVENUES									
Grants	\$ -	\$ -	\$ -	\$ -	-	-	-	-	-
Bond Proceeds	12,390,000	-	12,390,000	-	-	-	-	-	-
Interest	-	-	-	156,568	-	-	-	-	-
Interest-2006 Bond	-	-	-	342	-	-	-	-	-
Interest-2008 Bond	-	-	-	-	-	-	-	-	-
Interest-2012 GO Bond	-	-	-	-	-	-	-	-	-
Interest-2015 Bond	-	-	-	8,997	-	-	-	-	-
Interest-2016 Bond	-	-	-	63	-	-	-	-	-
Interest-2017 Bond	-	-	-	103	-	-	-	-	-
Interest-2018 Bond	-	-	-	8,785	-	-	-	-	-
Interest-2019 Bond	-	-	-	157,021	-	-	-	-	-
Transfers In - General Fund	393,598	1,250,000	1,791,525	1,765,382	-	-	-	-	includes transfers from Escrow funds as well
Transfers In - Impact Fee Funds	-	204,168	204,168	204,168	-	-	-	-	-
Transfers In - Bond Funds	-	-	-	7,285,326	-	-	-	-	-
Total Revenues	\$ 12,783,598	\$ 1,454,168	\$ 14,385,693	\$ 9,586,756					
EXPENDITURES									
Fishtrap Seg 1 (Teel-Mid Schl)	1,470,000	1,470,000	1,470,000	-	1,441,092	28,908	-	28,908	Construction substantially complete
West Prosper Roads	16,185,618	3,404,618	82,032	3,486,650	1,374,207	513,205	1,599,239	12,127,945	2,170,262 Segment E design 95% complete - on hold; Resurfacing of existing roads began August 10th
BNSF Quiet Zone First/Fifth	145,000	-	145,000	145,000	-	145,000	-	145,000	-
Prosper Trail (Coit-Custer) 2 Lanes	6,000,000	4,750,000	1,372,000	6,122,000	148,322	12,871	5,960,807	-	5,838,807 Construction 0% complete
Downtown Enhancements	2,736,769	-	20,040	20,040	1,040	6,000	13,000	2,714,785	14,944 Project complete
Prosper Trail (Kroger to Coit)	4,869,055	208,166	1,065,938	1,274,104	924,245	276,570	73,290	3,648,131	20,109 Contractor finalizing irrigation repairs
First St (DNT to Coleman)	2,786,567	-	720,317	720,317	-	720,317	(0)	1,109,701	956,549 Design 70% complete
Old Town Streets	1,000,000	-	15,904	15,904	11,460	4,443	0	975,016	9,081 Project complete
Fishtrap (Elem-DNT) 4 Lanes	16,450,000	800,000	100,000	900,000	200,700	699,300	-	15,550,000	Design 30% complete
Fishtrap segment 2 PISD reimbursement	1,164,000	-	-	1,634	-	(1,634)	-	-	1,162,366 Construction substantially complete
First St (Coit-Custer) 4 Lanes	1,000,000	1,000,000	-	1,000,000	281,000	719,000	-	-	- Design underway; Staff anticipates receiving 50% plans in August 2020
Coit Rd (First-Frontier) 4 Lanes	17,589,900	800,000	-	800,000	-	-	800,000	783,843	16,806,057 Design 90% complete
Coit Rd at US 380 Right Turn Lane	125,000	125,000	-	125,000	38	121,014	-	3,948	-
Cook Lane (First-Find)	2,100,000	2,100,000	-	2,100,000	429,017	691,906	-	979,077	-
Victory Way (Coleman-Frontier)	2,500,000	-	2,318,812	2,318,812	134,631	1,978,767	205,414	181,438	205,164 Phase I design 100% complete; Phase II construction 85% complete
Fishtrap (Teel Intersection Improvements)	1,550,000	1,446,450	63,175	1,509,625	687,227	734,567	87,831	41,097	87,109 Construction substantially complete
Prosper Trail/DNT Intersection Improvements	1,688,000	1,600,000	4,805	1,604,805	4,900	-	1,599,905	83,195	1,599,905 Design 100% complete; Anticipate awarding bid September 8th
Fishtrap Section 1 & 4	778,900	-	636,400	636,400	520,920	37,000	78,480	151,889	69,092 Segment 1 - Construction substantially complete; Segment 4 - Design 90% complete
Coleman St (At Prosper HS)	90,000	90,000	-	90,000	-	-	90,000	-	90,000 Project complete
Eighth Street (Church-PISD)	246,517	5,759	5,759	5,759	3,657	(2,102)	4,204	240,759	4,203 Project complete
Field Street (First-Broadway)	140,060	1,547	1,547	1,547	1,557	-	(10)	138,513	(10) Project complete
Acacia Parkway	1,022,782	124,780	-	124,780	54,624	-	70,156	898,002	70,157 Ongoing legal fees
Coleman (Gorgeous-Prosper Trail)	375,000	26,814	15,155	26,814	15,155	11,727	(69)	348,186	(69) Project complete
Fifth Street (Coleman-Church)	268,047	116,665	2,512	116,665	7,191	2,512	106,962	258,344	(0) Project complete
Third St (Main-Coleman)	76,363	116,665	5,714	116,665	-	-	116,665	70,649	5,714 Project complete
FM2478 (US380-FM1461)	371,605	-	243,373	243,373	68,832	-	174,541	-	302,773 TxDOT anticipates bidding project in September 2020
Total Street Projects	\$ 82,729,183	\$ 18,186,464	\$ 6,818,484	\$ 24,974,260	\$ 4,870,357	\$ 7,968,190	\$ 12,135,713	\$ 23,771,492	\$ 46,119,143
Traffic Signal - Coit/First	306,299	-	306,299	306,299	264,359	-	41,940	-	41,940 Project complete
US 380 Median Lighting	485,000	-	485,000	485,000	174,494	291,559	18,948	-	18,948
Traffic Signal - Fishtrap/Teel	34,100	-	21,122	21,122	15,100	6,022	-	12,978	- Construction 75% complete
Total Traffic Projects	\$ 825,399	\$ -	\$ 812,421	\$ 812,421	\$ 453,953	\$ 297,581	\$ 60,888	\$ 12,978	\$ 60,888
HWY 289 Gateway Monument	474,752	-	166,848	166,848	166,848	-	(0)	291,392	16,512 Project Complete
Town Hall Open Space Enhancements	52,000	-	5,975	5,975	6,010	-	(35)	21,298	24,692
US 380 Median Design (Green Ribbon)	809,250	-	18,000	18,000	875	15,925	1,200	53,250	739,200 Construction 15% complete
Whitley Place H&B Trail Extension	180,000	-	171,688	171,688	6,313	165,376	-	4,313	4,000 Project 85% designed
Whitley Place H&B Trail Extension (Pwr line Esmt)	280,000	280,000	-	280,000	-	15,725	264,275	-	264,275
Frontier Park Storage	147,927	-	147,927	147,927	10,723	-	137,204	-	137,204
Pecan Grove Ph II	67,000	67,000	-	67,000	-	50,940	-	16,060	-
Total Park Projects	\$ 2,010,929	\$ 347,000	\$ 510,438	\$ 857,438	\$ 190,769	\$ 247,966	\$ 418,704	\$ 370,253	\$ 784,403
Town Hall - FF&E	1,362,000	-	78,604	78,604	11,995	17,677	48,933	1,283,396	48,933 Art for Town Hall has been put on hold
Public Safety Complex, Phase 1	1,644,696	-	288,146	288,146	185,453	102,694	0	1,248,251	108,299 Construction 95% complete
Parks and Public Works Complex	3,450,000	-	-	-	5	-	(5)	2,291,751	1,158,244 Land purchased
Public Safety Complex, Phase 1-Dev Costs	550,000	-	550,000	550,000	-	-	497,922	-	497,922 Construction 95% complete
Public Safety Complex, Phase 1-Construction	12,645,804	-	10,391,849	10,391,849	8,978,111	1,413,738	0	2,253,955	0 Construction 95% complete
Public Safety Complex, Phase 1-FFE	1,165,000	-	1,165,000	1,165,000	279,774	782,460	102,766	-	102,766 Construction 95% complete
Fire Ladder Truck	1,649,651	-	1,222,296	1,222,296	-	(0)	(0)	416,648	10,707 Delivered
Total Facility Projects	\$ 22,467,151	\$ -	\$ 13,695,895	\$ 13,695,895	\$ 10,729,711	\$ 2,316,568	\$ 649,616	\$ 7,494,001	\$ 1,926,871
Transfer Out	-	-	-	-	47,737	-	-	1,698,003	-
Total Expenditures	\$ 108,032,662	\$ 18,533,464	\$ 21,837,238	\$ 40,340,015	\$ 16,292,527	\$ 10,830,305	\$ 13,264,920	\$ 33,346,726	\$ 48,891,305
REVENUE OVER (UNDER) EXPENDITURES			\$ (25,954,322)	\$ (6,705,771)					
Beginning Fund Balance October 1			30,374,056	30,374,056					
Ending Fund Balance Current Month			\$ 4,419,734	\$ 23,668,285					

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CAPITAL PROJECTS FUND-WATER/SEWER

Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Current Year Amended Budget	Current Year Actual	Current Year Encumbrances	Current Remaining Budget Balance	Prior Year Expenditure	Project Budget Balance	STATUS OF PROJECT	
REVENUES										
Interest Income	\$ -	\$ -	\$ -	\$ 112,786						
Interest-2016 CO Bond	-	-	-	3,084						
Interest-2017 CO Bond	-	-	-	2,686						
Interest-2018 CO Bond	-	-	-	27,155						
Interest-2019 CO Bond	-	-	-	23,759						
Bond Proceeds	-	-	-	-						
Transfers In - Impact Fees	-	-	-	-						
Transfers In	-	-	4,126,507	4,126,507						
Transfers In-Bond Funds	-	-	-	5,505,998						
Total Revenues	\$ -	\$ -	\$ 4,126,507	\$ 9,801,974						
EXPENDITURES										
Lower Pressure Plane Pump Station Design	1,585,100	-	1,434,400	1,434,400	629,815	804,585	-	138,416	12,284	Design 50% complete
Fishtrap EST (South)	6,433,700	-	4,673,862	4,673,862	2,898,555	-	1,775,307	1,478,296	2,056,849	Construction 90% complete
Water Supply Line Phase 1	13,179,550	-	4,806,793	4,806,793	3,201,894	1,155,737	449,162	8,821,919	0	Project complete
Custer Rd Meter Station/Water Line Relocation	2,791,600	-	3,788,599	3,788,599	140,601	71,850	3,576,148	78,233	2,500,916	Construction 0% complete
Church/Parvin WW Reconstruction	100,000	100,000	-	100,000	-	92,700	7,300	-	7,300	
E-W Collector (Cook-DNT)	695,775	-	411,000	411,000	56,781	28,823	325,396	290,775	319,396	Est completion Fall 2020
Broadway (Parvin-Craig)	150,000	-	150,000	150,000	-	-	150,000	-	150,000	
Fifth Street Water line	200,000	-	6,830	6,830	7,540	-	(710)	185,370	7,090	Project complete
Total Water & Wastewater Projects	\$ 25,135,725	\$ 100,000	\$ 15,271,484	\$ 15,371,484	\$ 6,935,186	\$ 2,153,694	\$ 6,282,604	\$ 10,993,008	\$ 5,053,836	
Old Town Drainage	500,000	427,564	9,800	437,364	6,195	343,396	87,772	62,636	87,772	Construction 5% complete
Old Town Drainage Broadway Design & Construction	647,765	479,365	21,400	500,765	7,486	491,604	1,676	114,600	34,076	Construction 5% complete
Total Drainage Projects	\$ 1,147,765	\$ 906,929	\$ 31,200	\$ 938,129	\$ 13,681	\$ 835,000	\$ 89,448	\$ 177,236	\$ 121,848	
Transfer out										
Total Expenses	\$ 26,283,490	\$ 1,006,929	\$ 15,302,684	\$ 16,309,613	\$ 6,948,867	\$ 2,988,695	\$ 6,372,052	\$ 11,170,244	\$ 5,175,684	
			\$ (12,183,106)	\$ 2,853,107						
Beginning Working Capital October 1			24,986,719	24,986,719						
Ending Working Capital Current Month			<u>\$ 12,803,613</u>	<u>\$ 27,839,826</u>						

Account Number	Description	Current Year Adopted Budget	Current Year Amendments	Current Year Amended Budget	Current YTD Actual	Current Month Actual	Encumbrances	Percent YTD %	Current Remaining Budget
100-4035-10-00	3% Construction Fee	(400,000.00)		(400,000.00)	(634,719.24)	(27,449.63)		158.68	234,719.24
100-4061-10-00	Notary Fees	(200.00)		(200.00)	(128.00)	(20.00)		64.00	(72.00)
	Subtotal object - 04	(400,200.00)		(400,200.00)	(634,847.24)	(27,469.63)		158.63	234,647.24
100-4105-10-00	Property Taxes -Delinquent	(140,000.00)		(140,000.00)	(375,534.75)	(8,286.77)		268.24	235,534.75
100-4110-10-00	Property Taxes -Current	(16,355,933.00)		(16,355,933.00)	(16,448,993.25)	(84,627.29)		100.57	93,060.25
100-4111-10-00	VIT Motor Vehicle Tax	(10,000.00)		(10,000.00)	(9,305.10)			93.05	(694.90)
100-4115-10-00	Taxes -Penalties	(75,000.00)		(75,000.00)	(120,467.59)	(8,262.81)		160.62	45,467.59
100-4120-10-00	Sales Taxes	(5,011,936.00)		(5,011,936.00)	(4,677,905.64)	(508,634.73)		93.34	(334,030.36)
100-4130-10-00	Sales Tax-Mixed Beverage	(65,597.00)		(65,597.00)	(55,231.57)	(14,123.91)		84.20	(10,365.43)
100-4140-10-00	Franchise Taxes - Electric	(930,800.00)		(930,800.00)	(563,627.00)	(138,925.82)		60.55	(367,173.00)
100-4150-10-00	Franchise Taxes - Telephone	(149,297.00)		(149,297.00)	(52,508.51)	(221.41)		35.17	(96,788.49)
100-4160-10-00	Franchise Taxes - Gas	(207,500.00)		(207,500.00)	(163,098.41)			78.60	(44,401.59)
100-4170-10-00	Franchise Taxes - Road Usage	(50,502.00)		(50,502.00)	(88,812.14)	(6,519.91)		175.86	38,310.14
100-4185-10-00	Franchise Fee - W/S Fund	(339,271.00)		(339,271.00)	(282,725.80)	(28,272.58)		83.33	(56,545.20)
100-4190-10-00	Franchise Fee-Cable	(54,005.00)		(54,005.00)	(45,938.66)	(15,746.69)		85.06	(8,066.34)
	Subtotal object - 04	(23,389,841.00)		(23,389,841.00)	(22,884,148.42)	(813,621.92)		97.84	(505,692.58)
100-4202-10-00	NTTA Tag Sales	(150.00)		(150.00)	(90.00)	(5.00)		60.00	(60.00)
100-4203-10-00	New Cingular Tower Lease	(24,000.00)		(24,000.00)	(20,209.67)	(2,050.00)		84.21	(3,790.33)
100-4218-10-00	Administrative Fees-EDC	(15,000.00)		(15,000.00)	(12,500.00)	(1,250.00)		83.33	(2,500.00)
100-4230-10-00	Other Permits	(1,555.00)		(1,555.00)	(2,525.00)			162.38	970.00
	Subtotal object - 04	(40,705.00)		(40,705.00)	(35,324.67)	(3,305.00)		86.78	(5,380.33)
100-4610-10-00	Interest Income	(300,249.00)		(300,249.00)	(234,404.97)	(50,287.00)		78.07	(65,844.03)
	Subtotal object - 04	(300,249.00)		(300,249.00)	(234,404.97)	(50,287.00)		78.07	(65,844.03)
100-4910-10-00	Other Revenue	(15,000.00)		(15,000.00)	(40,497.27)	(16,590.81)		269.98	25,497.27
100-4995-10-00	Transfer In/Out	(989,087.00)		(989,087.00)	(824,239.10)	(82,423.91)		83.33	(164,847.90)
	Subtotal object - 04	(1,004,087.00)		(1,004,087.00)	(864,736.37)	(99,014.72)		86.12	(139,350.63)
Program number:	DEFAULT PROGRAM	(25,135,082.00)		(25,135,082.00)	(24,653,461.67)	(993,698.27)		98.08	(481,620.33)
100-4410-10-07	Court Fines	(474,163.00)		(474,163.00)	(260,368.34)	(19,437.44)		54.91	(213,794.66)
100-4425-10-07	Time Payment Fee Reimb				(360.00)	(15.00)		-	360.00
	Subtotal object - 04	(474,163.00)		(474,163.00)	(260,728.34)	(19,452.44)		54.99	(213,434.66)
Program number: 7	MUNICIPAL COURT	(474,163.00)		(474,163.00)	(260,728.34)	(19,452.44)		54.99	(213,434.66)
100-4930-10-99	Insurance Proceeds	(40,000.00)		(40,000.00)	(46,129.89)	(1,000.00)		115.33	6,129.89
	Subtotal object - 04	(40,000.00)		(40,000.00)	(46,129.89)	(1,000.00)		115.33	6,129.89
Program number: 99	NON-DEPARTMENTAL	(40,000.00)		(40,000.00)	(46,129.89)	(1,000.00)		115.33	6,129.89
Department number: 10	ADMINISTRATION	(25,649,245.00)		(25,649,245.00)	(24,960,319.90)	(1,014,150.71)		97.31	(688,925.10)
100-4030-20-01	Miscellaneous				8.00			-	(8.00)
	Subtotal object - 04				8.00			-	(8.00)
100-4230-20-01	Other Permits	(2,025.00)		(2,025.00)	(150.00)			7.41	(1,875.00)
	Subtotal object - 04	(2,025.00)		(2,025.00)	(150.00)			7.41	(1,875.00)
100-4440-20-01	Accident Reports	(1,236.00)		(1,236.00)	(1,251.00)	(154.00)		101.21	15.00
100-4450-20-01	Alarm Fee	(52,982.00)		(52,982.00)	(56,163.00)	(5,430.00)		106.00	3,181.00
	Subtotal object - 04	(54,218.00)		(54,218.00)	(57,414.00)	(5,584.00)		105.90	3,196.00
100-4510-20-01	Grants	(12,000.00)	(32,000.00)	(44,000.00)	(56,315.55)			127.99	12,315.55
	Subtotal object - 04	(12,000.00)	(32,000.00)	(44,000.00)	(56,315.55)			127.99	12,315.55
100-4910-20-01	Other Revenue	(5,000.00)		(5,000.00)	(5,352.50)			107.05	352.50
	Subtotal object - 04	(5,000.00)		(5,000.00)	(5,352.50)			107.05	352.50
Program number: 1	OPERATIONS	(73,243.00)	(32,000.00)	(105,243.00)	(119,224.05)	(5,584.00)		113.29	13,981.05
Department number: 20	POLICE	(73,243.00)	(32,000.00)	(105,243.00)	(119,224.05)	(5,584.00)		113.29	13,981.05
100-4310-30-01	Charges for Services	(404,247.00)		(404,247.00)	(367,940.87)	(31,382.95)		91.02	(36,306.13)
	Subtotal object - 04	(404,247.00)		(404,247.00)	(367,940.87)	(31,382.95)		91.02	(36,306.13)
100-4411-30-01	CC Fire Assoc	(500.00)		(500.00)	(2,249.43)			449.89	1,749.43
	Subtotal object - 04	(500.00)		(500.00)	(2,249.43)			449.89	1,749.43
100-4510-30-01	Grants	(40,000.00)	(372,672.00)	(412,672.00)	(312,777.27)	(291,898.51)		75.79	(99,894.73)

	Subtotal object - 04	(40,000.00)	(372,672.00)	(412,672.00)	(312,777.27)	(291,898.51)	75.79	(99,894.73)
100-4910-30-01	Other Revenue	(750.00)		(750.00)	(2,446.75)	(2,446.75)	326.23	1,696.75
	Subtotal object - 04	(750.00)		(750.00)	(2,446.75)	(2,446.75)	326.23	1,696.75
Program number: 1	OPERATIONS	(445,497.00)	(372,672.00)	(818,169.00)	(685,414.32)	(325,728.21)	83.77	(132,754.68)
100-4315-30-05	Fire Review/Inspect Fees	(100,000.00)		(100,000.00)	(116,720.00)	(14,295.00)	116.72	16,720.00
	Subtotal object - 04	(100,000.00)		(100,000.00)	(116,720.00)	(14,295.00)	116.72	16,720.00
Program number: 5	MARSHAL	(100,000.00)		(100,000.00)	(116,720.00)	(14,295.00)	116.72	16,720.00
Department number: 30	FIRE	(545,497.00)	(372,672.00)	(918,169.00)	(802,134.32)	(340,023.21)	87.36	(116,034.68)
100-4017-40-01	Contractor Registration Fee	(90,000.00)		(90,000.00)	(68,300.00)	(4,400.00)	75.89	(21,700.00)
100-4060-40-01	NSF Fees				(200.00)		-	200.00
	Subtotal object - 04	(90,000.00)		(90,000.00)	(68,500.00)	(4,400.00)	76.11	(21,500.00)
100-4210-40-01	Building Permits	(3,215,472.00)		(3,215,472.00)	(3,144,027.70)	(370,640.42)	97.78	(71,444.30)
100-4230-40-01	Other Permits	(200,000.00)		(200,000.00)	(204,678.18)	(27,530.00)	102.34	4,678.18
100-4240-40-01	Plumb/Elect/Mech Permits	(45,000.00)		(45,000.00)	(37,130.16)	(3,780.00)	82.51	(7,869.84)
100-4242-40-01	Re-inspection Fees	(60,000.00)		(60,000.00)	(87,025.00)	(13,500.00)	145.04	27,025.00
	Subtotal object - 04	(3,520,472.00)		(3,520,472.00)	(3,472,861.04)	(415,450.42)	98.65	(47,610.96)
100-4910-40-01	Other Revenue	(15,000.00)		(15,000.00)	(34,069.61)	(6,017.55)	227.13	19,069.61
	Subtotal object - 04	(15,000.00)		(15,000.00)	(34,069.61)	(6,017.55)	227.13	19,069.61
Program number: 1	INSPECTIONS	(3,625,472.00)		(3,625,472.00)	(3,575,430.65)	(425,867.97)	98.62	(50,041.35)
100-4060-40-02	NSF FEES				(25.00)		-	25.00
	Subtotal object - 04				(25.00)		-	25.00
100-4211-40-02	Multi-Family Registration	(10,000.00)		(10,000.00)	(9,480.00)		94.80	(520.00)
100-4245-40-02	Health Inspections	(57,083.00)		(57,083.00)	(37,075.00)	(2,325.00)	64.95	(20,008.00)
	Subtotal object - 04	(67,083.00)		(67,083.00)	(46,555.00)	(2,325.00)	69.40	(20,528.00)
100-4910-40-02	Other Revenue	(500.00)		(500.00)			-	(500.00)
	Subtotal object - 04	(500.00)		(500.00)			-	(500.00)
Program number: 2	CODE COMPLIANCE	(67,583.00)		(67,583.00)	(46,580.00)	(2,325.00)	68.92	(21,003.00)
100-4220-40-03	Zoning Application Fees	(15,000.00)		(15,000.00)	(35,909.50)	(50.00)	239.40	20,909.50
100-4225-40-03	Development Application Fees	(50,000.00)		(50,000.00)	(63,675.00)	(2,370.00)	127.35	13,675.00
	Subtotal object - 04	(65,000.00)		(65,000.00)	(99,584.50)	(2,420.00)	153.21	34,584.50
100-4910-40-03	Other Revenue	(6,000.00)		(6,000.00)	(2,041.50)	(200.00)	34.03	(3,958.50)
	Subtotal object - 04	(6,000.00)		(6,000.00)	(2,041.50)	(200.00)	34.03	(3,958.50)
Program number: 3	PLANNING	(71,000.00)		(71,000.00)	(101,626.00)	(2,620.00)	143.14	30,626.00
Department number: 40	DEVELOPMENT SERVICES	(3,764,055.00)		(3,764,055.00)	(3,723,636.65)	(430,812.97)	98.93	(40,418.35)
100-4002-50-01	Streets Study Review Fees				(18,200.00)		-	18,200.00
	Subtotal object - 04				(18,200.00)		-	18,200.00
100-4910-50-01	Other Revenue	(15,000.00)		(15,000.00)	(12,600.00)	(540.00)	84.00	(2,400.00)
	Subtotal object - 04	(15,000.00)		(15,000.00)	(12,600.00)	(540.00)	84.00	(2,400.00)
Program number: 1	STREETS	(15,000.00)		(15,000.00)	(30,800.00)	(540.00)	205.33	15,800.00
Department number: 50	PUBLIC WORKS	(15,000.00)		(15,000.00)	(30,800.00)	(540.00)	205.33	15,800.00
100-4056-60-00	Field Rental Fees	(124,880.00)		(124,880.00)	(41,860.00)	(2,515.00)	33.52	(83,020.00)
100-4057-60-00	Pavilion User Fees	(3,400.00)		(3,400.00)	(635.00)	(85.00)	18.68	(2,765.00)
100-4058-60-00	Park Program Fees	(96,000.00)		(96,000.00)	(41,284.70)	(3,175.50)	43.01	(54,715.30)
	Subtotal object - 04	(224,280.00)		(224,280.00)	(83,779.70)	(5,775.50)	37.36	(140,500.30)
100-4721-60-00	Prosper Christmas Donations	(21,000.00)		(21,000.00)	(19,330.00)	(6,050.00)	92.05	(1,670.00)
100-4725-60-00	Fishing Derby Sponsorships				(500.00)		-	500.00
	Subtotal object - 04	(21,000.00)		(21,000.00)	(19,830.00)	(6,050.00)	94.43	(1,170.00)
100-4910-60-00	Other Revenue	(10,000.00)	(15,000.00)	(25,000.00)	(18,400.00)	(300.00)	73.60	(6,600.00)
	Subtotal object - 04	(10,000.00)	(15,000.00)	(25,000.00)	(18,400.00)	(300.00)	73.60	(6,600.00)
Program number:	DEFAULT PROGRAM	(255,280.00)	(15,000.00)	(270,280.00)	(122,009.70)	(12,125.50)	45.14	(148,270.30)
100-4063-60-05	Lost Fees	(1,000.00)		(1,000.00)	(1,192.13)	(148.90)	119.21	192.13
100-4064-60-05	Printing/Copying Fees	(400.00)		(400.00)	(662.86)	(64.94)	165.72	262.86
100-4065-60-05	Book Fines	(100.00)		(100.00)			-	(100.00)
100-4066-60-05	Library Card Fees	(7,000.00)		(7,000.00)	(4,150.00)	(450.00)	59.29	(2,850.00)
	Subtotal object - 04	(8,500.00)		(8,500.00)	(6,004.99)	(663.84)	70.65	(2,495.01)
100-4510-60-05	Grants	(2,000.00)		(2,000.00)			-	(2,000.00)

	Subtotal object - 04	(2,000.00)		(2,000.00)				-	(2,000.00)
Program number: 5	LIBRARY	(10,500.00)		(10,500.00)	(6,004.99)	(663.84)		57.19	(4,495.01)
Department number: 60	COMMUNITY SERVICES	(265,780.00)	(15,000.00)	(280,780.00)	(128,014.69)	(12,789.34)		45.59	(152,765.31)
100-4312-98-01	Engineering Plan Review Fee				(1,800.00)			-	1,800.00
	Subtotal object - 04				(1,800.00)			-	1,800.00
Program number: 1	ENGINEERING				(1,800.00)			-	1,800.00
Department number: 98	ENGINEERING				(1,800.00)			-	1,800.00
	Revenue	Subtotal - - - - -	(30,312,820.00)	(419,672.00)	(30,732,492.00)	(29,765,929.61)	(1,803,900.23)	96.86	(966,562.39)
100-5110-10-01	Salaries & Wages		165,153.00		165,153.00	140,065.78	19,405.20	84.81	25,087.22
100-5140-10-01	Salaries - Longevity Pay		105.00		105.00	100.00		95.24	5.00
100-5143-10-01	Cell Phone Allowance		1,020.00		1,020.00	850.00	85.00	83.33	170.00
100-5145-10-01	Social Security Expense		10,310.00		10,310.00	7,049.45	1,155.45	68.38	3,260.55
100-5150-10-01	Medicare Expense		2,412.00		2,412.00	1,924.51	270.22	79.79	487.49
100-5155-10-01	SUTA Expense		162.00		162.00	144.00		88.89	18.00
100-5160-10-01	Health Insurance		16,441.00		16,441.00	11,460.80	968.42	69.71	4,980.20
100-5165-10-01	Dental Insurance		467.00		467.00	363.42	36.06	77.82	103.58
100-5170-10-01	Life Insurance/AD&D		113.00		113.00	172.60	17.26	152.74	(59.60)
100-5175-10-01	Liability (TML)/Workers' Comp		316.00		316.00	349.69	52.52	110.66	(33.69)
100-5180-10-01	TMRS Expense		22,531.00		22,531.00	19,049.91	2,634.24	84.55	3,481.09
100-5185-10-01	Long/Short Term Disability		314.00		314.00	242.05	24.58	77.09	71.95
100-5186-10-01	WELLE-Wellness Prog Reimb Empl		600.00		600.00	500.00	50.00	83.33	100.00
100-5191-10-01	Hiring Cost					92.28		-	(92.28)
	Subtotal object - 05		219,944.00		219,944.00	182,364.49	24,698.95	82.91	37,579.51
100-5210-10-01	Office Supplies					19.19		-	(19.19)
100-5230-10-01	Dues,Fees,& Subscriptions		7,150.00		7,150.00	4,251.66	358.74	59.46	2,898.34
100-5240-10-01	Postage and Delivery		50.00		50.00	6.60	4.20	13.20	43.40
100-5250-10-01	Publications		200.00		200.00			-	200.00
100-5280-10-01	Printing and Reproduction		150.00		150.00			-	150.00
100-5290-10-01	Other Charges and Services		100.00		100.00	1,140.19			(1,040.19)
	Subtotal object - 05		7,650.00		7,650.00	5,417.64	362.94	70.82	2,232.36
100-5330-10-01	Copier Expense		1,400.00		1,400.00	514.16	98.72	36.73	885.84
	Subtotal object - 05		1,400.00		1,400.00	514.16	98.72	36.73	885.84
100-5410-10-01	Professional Services		311,580.00	12,180.00	323,760.00	251,151.20	25,504.50	73,603.24	77.57
100-5430-10-01	Legal Fees		62,725.00		62,725.00	116,304.34	10,889.86	185.42	(53,579.34)
100-5480-10-01	Contracted Services		360.00	14,000.00	14,360.00	14,000.00		14,000.00	(13,640.00)
	Subtotal object - 05		374,665.00	26,180.00	400,845.00	381,455.54	36,394.36	87,603.24	95.16
100-5530-10-01	Travel		5,200.00		5,200.00	1,092.32		21.01	4,107.68
100-5533-10-01	Mileage Expense		200.00		200.00	36.57		18.29	163.43
100-5536-10-01	Training/Seminars		1,450.00		1,450.00	770.00		53.10	680.00
	Subtotal object - 05		6,850.00		6,850.00	1,898.89		27.72	4,951.11
100-7145-10-01	Transfer to VERF		132.00		132.00	110.00	11.00	83.33	22.00
	Subtotal object - 07		132.00		132.00	110.00	11.00	83.33	22.00
Program number: 1	TOWN MANAGER		610,641.00	26,180.00	636,821.00	571,760.72	61,565.97	87,603.24	89.78
100-5110-10-02	Salaries & Wages		246,695.00	15,812.36	262,507.36	238,769.72	35,592.61	90.96	23,737.64
100-5115-10-02	Salaries - Overtime		2,000.00		2,000.00	585.99	100.37	29.30	1,414.01
100-5140-10-02	Salaries - Longevity Pay		625.00		625.00	790.00		126.40	(165.00)
100-5143-10-02	Cell Phone Allowance		1,020.00		1,020.00	850.00	85.00	83.33	170.00
100-5145-10-02	Social Security Expense		15,522.00		15,522.00	14,446.51	2,167.40	93.07	1,075.49
100-5150-10-02	Medicare Expense		3,630.00		3,630.00	3,378.63	506.90	93.08	251.37
100-5155-10-02	SUTA Expense		648.00		648.00	576.00		88.89	72.00
100-5160-10-02	Health Insurance		30,395.00		30,395.00	24,958.40	2,120.84	82.11	5,436.60
100-5165-10-02	Dental Insurance		1,284.00		1,284.00	1,091.80	109.18	85.03	192.20
100-5170-10-02	Life Insurance/AD&D		401.00		401.00	401.40	40.14	100.10	(0.40)
100-5175-10-02	Liability (TML)/Workers' Comp		472.00		472.00	602.93	96.65	127.74	(130.93)
100-5180-10-02	TMRS Expense		33,921.00		33,921.00	32,689.89	4,851.66	96.37	1,231.11
100-5185-10-02	Long/Short Term Disability		469.00		469.00	410.85	45.10	87.60	58.15

100-5186-10-02	WELLE-Wellness Prog Reimb Empl	1,200.00		1,200.00	1,241.60	139.16		103.47	(41.60)
100-5193-10-02	Records Retention	1,500.00	700.00	2,200.00	410.47			18.66	1,789.53
	Subtotal object - 05	339,782.00	16,512.36	356,294.36	321,204.19	45,855.01		90.15	35,090.17
100-5210-10-02	Office Supplies	2,500.00	(1,000.00)	1,500.00	1,049.36			69.96	450.64
100-5220-10-02	Office Equipment	1,500.00	(900.00)	600.00	673.56			112.26	(73.56)
100-5230-10-02	Dues,Fees,& Subscriptions	2,050.00	300.00	2,350.00	3,354.25	1,248.75		142.73	(1,004.25)
100-5240-10-02	Postage and Delivery	200.00		200.00	139.10	10.20		69.55	60.90
100-5280-10-02	Printing and Reproduction	500.00	(300.00)	200.00	154.65			77.33	45.35
	Subtotal object - 05	6,750.00	(1,900.00)	4,850.00	5,370.92	1,258.95		110.74	(520.92)
100-5310-10-02	Rental Expense	8,300.00	700.00	9,000.00	7,495.96	647.00		83.29	1,504.04
100-5330-10-02	Copier Expense	1,800.00		1,800.00	512.58	98.70		28.48	1,287.42
	Subtotal object - 05	10,100.00	700.00	10,800.00	8,008.54	745.70		74.15	2,791.46
100-5400-10-02	Uniform Expense				298.95			-	(298.95)
100-5410-10-02	Professional Services	13,000.00	(8,000.00)	5,000.00	975.00			19.50	4,025.00
100-5419-10-02	IT Licenses	5,800.00	(1,800.00)	4,000.00	4,000.00			100.00	
100-5430-10-02	Legal Fees	31,500.00	40,500.00	72,000.00	48,887.23	5,453.25		67.90	23,112.77
100-5435-10-02	Legal Notices/Filings	8,800.00	(2,100.00)	6,700.00	4,462.40	1,558.40		66.60	2,237.60
100-5460-10-02	Election Expense	12,000.00	(11,500.00)	500.00	484.98			97.00	15.02
100-5480-10-02	Contracted Services	27,400.00	1,980.44	29,380.44	23,985.01		6,008.84	81.64	(613.41)
	Subtotal object - 05	98,500.00	19,080.44	117,580.44	83,093.57	7,011.65	6,008.84	70.67	28,478.03
100-5520-10-02	Telephones	870.00		870.00	349.91	36.07		40.22	520.09
100-5526-10-02	Data Network	460.00		460.00	303.92	75.98		66.07	156.08
100-5530-10-02	Travel	8,600.00	(3,400.00)	5,200.00	1,935.37			37.22	3,264.63
100-5533-10-02	Mileage Expense	700.00		700.00	105.55			15.08	594.45
100-5536-10-02	Training/Seminars	2,600.00	(500.00)	2,100.00	905.81			43.13	1,194.19
100-5538-10-02	Council/Public Official Expnse	34,000.00		34,000.00	18,371.39	1,324.39		54.03	15,628.61
	Subtotal object - 05	47,230.00	(3,900.00)	43,330.00	21,971.95	1,436.44		50.71	21,358.05
100-5600-10-02	Special Events	10,861.00	(7,300.00)	3,561.00	1,550.74	65.00		43.55	2,010.26
	Subtotal object - 05	10,861.00	(7,300.00)	3,561.00	1,550.74	65.00		43.55	2,010.26
Program number: 2	TOWN SECRETARY	513,223.00	23,192.80	536,415.80	441,199.91	56,372.75	6,008.84	82.25	89,207.05
100-5110-10-03	Salaries & Wages	574,032.00	7,790.54	581,822.54	441,491.15	60,229.86		75.88	140,331.39
100-5115-10-03	Salaries - Overtime				619.03			-	(619.03)
100-5126-10-03	Salaries-Vacation Buy-Out	3,000.00		3,000.00	5,422.40			180.75	(2,422.40)
100-5140-10-03	Salaries - Longevity Pay	1,470.00		1,470.00	1,320.00			89.80	150.00
100-5143-10-03	Cell Phone Allowance	2,040.00		2,040.00	2,155.00	290.00		105.64	(115.00)
100-5145-10-03	Social Security Expense	35,994.00		35,994.00	25,019.07	3,534.32		69.51	10,974.93
100-5150-10-03	Medicare Expense	8,418.00		8,418.00	6,051.47	826.57		71.89	2,366.53
100-5155-10-03	SUTA Expense	1,134.00		1,134.00	1,016.80			89.67	117.20
100-5160-10-03	Health Insurance	68,688.00		68,688.00	49,525.22	4,700.72		72.10	19,162.78
100-5165-10-03	Dental Insurance	2,678.00		2,678.00	2,034.38	219.26		75.97	643.62
100-5170-10-03	Life Insurance/AD&D	777.00		777.00	574.58	57.80		73.95	202.42
100-5175-10-03	Liability (TML)/Workers' Comp	1,104.00		1,104.00	1,099.10	162.89		99.56	4.90
100-5180-10-03	TMRS Expense	78,664.00		78,664.00	60,937.60	8,168.66		77.47	17,726.40
100-5185-10-03	Long/Short Term Disability	1,091.00		1,091.00	719.14	76.30		65.92	371.86
100-5186-10-03	WELLE-Wellness Prog Reimb Empl	2,400.00		2,400.00	1,100.00	100.00		45.83	1,300.00
	Subtotal object - 05	781,490.00	7,790.54	789,280.54	599,084.94	78,366.38		75.90	190,195.60
100-5210-10-03	Office Supplies	4,750.00		4,750.00	3,300.53	477.00		69.49	1,449.47
100-5220-10-03	Office Equipment	1,100.00		1,100.00	1,733.71			157.61	(633.71)
100-5230-10-03	Dues,Fees,& Subscriptions	8,398.00		8,398.00	6,936.75	966.74		82.60	1,461.25
100-5240-10-03	Postage and Delivery	2,250.00		2,250.00	1,525.25	165.57		67.79	724.75
100-5280-10-03	Printing and Reproduction	9,350.00		9,350.00	1,225.00			13.10	8,125.00
100-5290-10-03	Other Charges and Services	900.00		900.00	712.53			79.17	187.47
	Subtotal object - 05	26,748.00		26,748.00	15,433.77	1,609.31		57.70	11,314.23
100-5330-10-03	Copier Expense	1,500.00		1,500.00	1,210.30	279.02		80.69	289.70
	Subtotal object - 05	1,500.00		1,500.00	1,210.30	279.02		80.69	289.70
100-5400-10-03	Uniform Expense	495.00		495.00	510.42			103.12	(15.42)

100-5410-10-03	Professional Services	4,000.00		4,000.00	3,103.30	1,041.65		77.58	896.70
100-5412-10-03	Audit Fees	47,500.00		47,500.00	45,125.00			95.00	2,375.00
100-5414-10-03	Appraisal/Tax Fees	173,300.00		173,300.00	132,739.70		40,412.90	76.60	147.40
100-5418-10-03	IT Fees	52,479.00		52,479.00	42,902.19	362.50		81.75	9,576.81
100-5419-10-03	IT Licenses	10,000.00		10,000.00	9,000.00			90.00	1,000.00
100-5430-10-03	Legal Fees	8,000.00		8,000.00	5,134.70	798.00		64.18	2,865.30
100-5435-10-03	Legal Notices/Filings	200.00		200.00	70.00			35.00	130.00
	Subtotal object - 05	295,974.00		295,974.00	238,585.31	2,202.15	40,412.90	80.61	16,975.79
100-5526-10-03	Data Network				102.66	102.66		-	(102.66)
100-5530-10-03	Travel	12,580.00		12,580.00	1,639.47			13.03	10,940.53
100-5533-10-03	Mileage Expense	3,360.00		3,360.00	304.44			9.06	3,055.56
100-5536-10-03	Training/Seminars	9,829.00		9,829.00	3,106.61	49.00		31.61	6,722.39
	Subtotal object - 05	25,769.00		25,769.00	5,153.18	151.66		20.00	20,615.82
Program number: 3	FINANCE	1,131,481.00	7,790.54	1,139,271.54	859,467.50	82,608.52	40,412.90	75.44	239,391.14
100-5110-10-04	Salaries & Wages	285,456.00	15,837.53	301,293.53	226,513.01	26,460.11		75.18	74,780.52
100-5140-10-04	Salaries - Longevity Pay	445.00		445.00	435.00			97.75	10.00
100-5143-10-04	Cell Phone Allowance	1,020.00		1,020.00	595.00	85.00		58.33	425.00
100-5145-10-04	Social Security Expense	17,790.00		17,790.00	13,865.48	1,601.55		77.94	3,924.52
100-5150-10-04	Medicare Expense	4,161.00		4,161.00	3,244.03	374.56		77.96	916.97
100-5155-10-04	SUTA Expense	810.00		810.00	733.75	22.71		90.59	76.25
100-5160-10-04	Health Insurance	13,955.00		13,955.00	14,261.64	1,325.30		102.20	(306.64)
100-5165-10-04	Dental Insurance	857.00		857.00	733.04	76.22		85.54	123.96
100-5170-10-04	Life Insurance/AD&D	308.00		308.00	274.78	10.88		89.21	33.22
100-5175-10-04	Liability (TML)/Workers' Comp	546.00		546.00	644.32	71.56		118.01	(98.32)
100-5180-10-04	TMRS Expense	38,878.00		38,878.00	25,972.45	3,587.99		66.81	12,905.55
100-5185-10-04	Long/Short Term Disability	464.00		464.00	256.90	29.02		55.37	207.10
100-5186-10-04	WELLE-Wellness Prog Reimb Empl	1,200.00		1,200.00	548.24	39.16		45.69	651.76
100-5190-10-04	Contract Labor				712.50			-	(712.50)
100-5191-10-04	Hiring Cost	20,000.00		20,000.00	16,511.75	13.78		82.56	3,488.25
	Subtotal object - 05	385,890.00	15,837.53	401,727.53	305,301.89	33,697.84		76.00	96,425.64
100-5210-10-04	Office Supplies	1,400.00		1,400.00	993.05			70.93	406.95
100-5220-10-04	Office Equipment	1,500.00		1,500.00	326.17			21.75	1,173.83
100-5230-10-04	Dues,Fees,& Subscriptions	3,500.00		3,500.00	1,645.79	304.13		47.02	1,854.21
100-5240-10-04	Postage and Delivery	150.00		150.00	336.25	0.50		224.17	(186.25)
100-5280-10-04	Printing and Reproduction	500.00		500.00	159.28			31.86	340.72
	Subtotal object - 05	7,050.00		7,050.00	3,460.54	304.63		49.09	3,589.46
100-5330-10-04	Copier Expense	2,000.00		2,000.00	955.96	153.27		47.80	1,044.04
	Subtotal object - 05	2,000.00		2,000.00	955.96	153.27		47.80	1,044.04
100-5410-10-04	Professional Services	35,000.00		35,000.00	3,610.00		3,602.50	10.31	27,787.50
100-5419-10-04	IT Licenses	400.00		400.00				-	400.00
100-5430-10-04	Legal Fees	10,000.00		10,000.00	15,138.15	114.00		151.38	(5,138.15)
100-5435-10-04	Legal Notices/Filings	150.00		150.00	66.00			44.00	84.00
100-5480-10-04	Contracted Services	3,000.00		3,000.00				-	3,000.00
	Subtotal object - 05	48,550.00		48,550.00	18,814.15	114.00	3,602.50	38.75	26,133.35
100-5526-10-04	Data Network	480.00		480.00	303.92	75.98		63.32	176.08
100-5530-10-04	Travel	5,500.00		5,500.00				-	5,500.00
100-5533-10-04	Mileage Expense	500.00		500.00				-	500.00
100-5536-10-04	Training/Seminars	18,000.00		18,000.00	8,072.12			44.85	9,927.88
	Subtotal object - 05	24,480.00		24,480.00	8,376.04	75.98		34.22	16,103.96
100-5600-10-04	Special Events	10,000.00		10,000.00	5,649.85			56.50	4,350.15
	Subtotal object - 05	10,000.00		10,000.00	5,649.85			56.50	4,350.15
100-7145-10-04	Transfer to VERF	1,112.00		1,112.00	926.70	92.67		83.34	185.30
	Subtotal object - 07	1,112.00		1,112.00	926.70	92.67		83.34	185.30
Program number: 4	HUMAN RESOURCES	479,082.00	15,837.53	494,919.53	343,485.13	34,438.39	3,602.50	69.40	147,831.90
100-5110-10-05	Salaries & Wages	254,763.00	4,353.43	259,116.43	218,998.98	30,323.73		84.52	40,117.45
100-5115-10-05	Salaries - Overtime	2,960.00		2,960.00	1,069.17	65.40		36.12	1,890.83

100-5126-10-05	SALARIES-VACATION BUY-OUT	1,318.00		1,318.00	2,823.20			214.20	(1,505.20)
100-5140-10-05	Salaries - Longevity Pay	470.00		470.00	430.00			91.49	40.00
100-5143-10-05	Cell Phone Allowance	4,500.00		4,500.00	3,750.00	375.00		83.33	750.00
100-5145-10-05	Social Security Expense	16,369.00		16,369.00	12,605.22	1,753.20		77.01	3,763.78
100-5150-10-05	Medicare Expense	3,829.00		3,829.00	2,948.00	410.02		76.99	881.00
100-5155-10-05	SUTA Expense	486.00		486.00	432.00			88.89	54.00
100-5160-10-05	Health Insurance	34,464.00		34,464.00	33,839.60	3,008.96		98.19	624.40
100-5165-10-05	Dental Insurance	1,409.00		1,409.00	1,147.46	114.74		81.44	261.54
100-5170-10-05	Life Insurance/AD&D	324.00		324.00	336.00	33.60		103.70	(12.00)
100-5175-10-05	Liability (TML)/Workers' Comp	496.00		496.00	553.97	82.27		111.69	(57.97)
100-5180-10-05	TMRS Expense	35,774.00		35,774.00	30,379.15	4,128.23		84.92	5,394.85
100-5185-10-05	Long/Short Term Disability	485.00		485.00	377.79	38.40		77.90	107.21
100-5186-10-05	WELLE-Wellness Prog Reimb Empl	1,200.00		1,200.00	1,000.00	100.00		83.33	200.00
	Subtotal object - 05	358,847.00	4,353.43	363,200.43	310,690.54	40,433.55		85.54	52,509.89
100-5210-10-05	Office Supplies	600.00		600.00	61.55			10.26	538.45
100-5212-10-05	Building Supplies	600.00		600.00				-	600.00
100-5220-10-05	Office Equipment	710.00		710.00	389.46	54.28		54.85	320.54
100-5225-10-05	Computer Hardware	60,125.00		60,125.00	49,040.71	213.04		81.57	11,084.29
100-5230-10-05	Dues,Fees,& Subscriptions	575.00		575.00	507.17			88.20	67.83
100-5240-10-05	Postage and Delivery	125.00		125.00	41.71			33.37	83.29
100-5280-10-05	Printing and Reproduction	100.00		100.00				-	100.00
100-5290-10-05	Other Charges and Services	360.00		360.00	526.52	440.00		146.26	(166.52)
	Subtotal object - 05	63,195.00		63,195.00	50,567.12	707.32		80.02	12,627.88
100-5330-10-05	Copier Expense	57,500.00		57,500.00	40,103.46	8,913.21	4,593.28	69.75	12,803.26
	Subtotal object - 05	57,500.00		57,500.00	40,103.46	8,913.21	4,593.28	69.75	12,803.26
100-5400-10-05	Uniform Expense	800.00		800.00				-	800.00
100-5410-10-05	Professional Services				975.00	975.00		-	(975.00)
100-5418-10-05	IT Fees	55,519.00		55,519.00	37,271.76	100.88	9,780.02	67.13	8,467.22
100-5419-10-05	IT Licenses	169,026.00		169,026.00	85,664.94	36,945.21	427.20	50.68	82,933.86
100-5430-10-05	Legal Fees	750.00		750.00	1,140.01	190.00		152.00	(390.01)
100-5435-10-05	Legal Notices/Filings				278.00			-	(278.00)
100-5480-10-05	Contracted Services	21,388.00	16,000.00	37,388.00	42,154.44		3,094.26	112.75	(7,860.70)
	Subtotal object - 05	247,483.00	16,000.00	263,483.00	167,484.15	38,211.09	13,301.48	63.57	82,697.37
100-5520-10-05	Telephones	35,990.00		35,990.00	20,761.50	2,153.92	5,707.10	57.69	9,521.40
100-5526-10-05	Data Network	53,870.00		53,870.00	12,238.29	1,456.29		22.72	41,631.71
100-5530-10-05	Travel	6,600.00		6,600.00	933.20			14.14	5,666.80
100-5533-10-05	Mileage Expense	900.00		900.00	247.08			27.45	652.92
100-5536-10-05	Training/Seminars	7,400.00		7,400.00	5,517.00			74.55	1,883.00
	Subtotal object - 05	104,760.00		104,760.00	39,697.07	3,610.21	5,707.10	37.89	59,355.83
100-5620-10-05	Tools & Equipment	250.00		250.00	45.66			18.26	204.34
100-5630-10-05	Safety Equipment	150.00		150.00				-	150.00
	Subtotal object - 05	400.00		400.00	45.66			11.42	354.34
100-6125-10-05	Capital Expense-Technology	186,961.00	(16,000.00)	170,961.00	143,283.79		15,030.00	83.81	12,647.21
	Subtotal object - 06	186,961.00	(16,000.00)	170,961.00	143,283.79		15,030.00	83.81	12,647.21
100-7145-10-05	Transfer to VERF	35,296.00		35,296.00	29,413.30	2,941.33		83.33	5,882.70
	Subtotal object - 07	35,296.00		35,296.00	29,413.30	2,941.33		83.33	5,882.70
Program number: 5	INFORMATION TECHNOLOGY	1,054,442.00	4,353.43	1,058,795.43	781,285.09	94,816.71	38,631.86	73.79	238,878.48
100-5110-10-07	Salaries & Wages	195,125.00	8,502.10	203,627.10	185,967.57	25,470.08		91.33	17,659.53
100-5115-10-07	Salaries - Overtime	270.00		270.00	72.87			26.99	197.13
100-5126-10-07	Salaries-Vacation Buy-Out	3,627.00		3,627.00	3,846.72			106.06	(219.72)
100-5140-10-07	Salaries - Longevity Pay	745.00		745.00	370.00			49.66	375.00
100-5143-10-07	Cell Phone Allowance				240.00	60.00		-	(240.00)
100-5145-10-07	Social Security Expense	12,386.00		12,386.00	11,093.72	1,532.86		89.57	1,292.28
100-5150-10-07	Medicare Expense	2,897.00		2,897.00	2,594.50	358.48		89.56	302.50
100-5155-10-07	SUTA Expense	648.00		648.00	579.65			89.45	68.35
100-5160-10-07	Health Insurance	30,069.00		30,069.00	22,074.74	1,972.50		73.41	7,994.26

100-5165-10-07	Dental Insurance	1,339.00		1,339.00	1,121.08	111.76		83.73	217.92
100-5170-10-07	Life Insurance/AD&D	338.00		338.00	281.40	28.14		83.25	56.60
100-5175-10-07	Liability (TML)/Workers' Comp	793.00		793.00	1,225.50	183.05		154.54	(432.50)
100-5180-10-07	TMRS Expense	27,069.00		27,069.00	25,833.87	3,455.42		95.44	1,235.13
100-5185-10-07	Long/Short Term Disability	323.00		323.00	236.72	24.98		73.29	86.28
100-5186-10-07	WELLE-Wellness Prog Reimb Empl	1,200.00		1,200.00	500.00	50.00		41.67	700.00
	Subtotal object - 05	276,829.00	8,502.10	285,331.10	256,038.34	33,247.27		89.73	29,292.76
100-5210-10-07	Office Supplies	2,275.00		2,275.00	1,844.45	88.38		81.08	430.55
100-5230-10-07	Dues, Fees, & Subscriptions	415.00		415.00	306.76			73.92	108.24
100-5240-10-07	Postage and Delivery	3,800.00		3,800.00	1,985.00	213.90		52.24	1,815.00
100-5250-10-07	Publications	100.00		100.00	67.30			67.30	32.70
100-5280-10-07	Printing and Reproduction	1,700.00		1,700.00	954.12			56.13	745.88
100-5290-10-07	Other Charges and Services	350.00		350.00	275.36			78.67	74.64
	Subtotal object - 05	8,640.00		8,640.00	5,432.99	302.28		62.88	3,207.01
100-5310-10-07	Rental Expense	2,701.00		2,701.00	1,434.30	420.24		53.10	1,266.70
100-5330-10-07	Copier Expense	1,850.00		1,850.00	708.64	124.42		38.31	1,141.36
100-5350-10-07	VEHICLE EXPENSE	500.00		500.00	471.14	81.73		94.23	28.86
100-5352-10-07	FUEL	3,000.00		3,000.00	118.64			3.96	2,881.36
100-5353-10-07	OIL/GREASE/INSPECTIONS	300.00		300.00				-	300.00
	Subtotal object - 05	8,351.00		8,351.00	2,732.72	626.39		32.72	5,618.28
100-5410-10-07	Professional Services	3,500.00		3,500.00	1,850.00	200.00		52.86	1,650.00
100-5418-10-07	IT Fees				3,441.92			-	(3,441.92)
100-5419-10-07	IT Licenses	7,400.00		7,400.00	922.68			12.47	6,477.32
100-5420-10-07	Municipal Court/Judge Fees	39,400.00		39,400.00	28,800.00	3,200.00	12,800.00	73.10	(2,200.00)
100-5425-10-07	State Fines Expense	3,000.00		3,000.00	3,556.08	197.56		118.54	(556.08)
100-5430-10-07	Legal Fees	43,200.00		43,200.00	32,115.01	2,863.28		74.34	11,084.99
	Subtotal object - 05	96,500.00		96,500.00	70,685.69	6,460.84	12,800.00	73.25	13,014.31
100-5530-10-07	Travel	900.00		900.00	473.96			52.66	426.04
100-5533-10-07	Mileage Expense	800.00		800.00				-	800.00
100-5536-10-07	Training/Seminars	1,000.00		1,000.00	575.00	(250.00)		57.50	425.00
	Subtotal object - 05	2,700.00		2,700.00	1,048.96	(250.00)		38.85	1,651.04
100-7145-10-07	Transfer to VERF	97.00		97.00	80.80	8.08		83.30	16.20
	Subtotal object - 07	97.00		97.00	80.80	8.08		83.30	16.20
Program number: 7	MUNICIPAL COURT	393,117.00	8,502.10	401,619.10	336,019.50	40,394.86	12,800.00	83.67	52,799.60
100-5110-10-99	Salaries & Wages	(205,272.00)	(127,672.00)	(332,944.00)				-	(332,944.00)
100-5176-10-99	TML Prop. & Liab. Insurance	206,000.00		206,000.00	228,101.37			110.73	(22,101.37)
	Subtotal object - 05	728.00	(127,672.00)	(126,944.00)	228,101.37				(355,045.37)
100-5210-10-99	OFFICE SUPPLIES	1,000.00		1,000.00	1,255.68			125.57	(255.68)
100-5230-10-99	DUES, FEES, & SUBSCRIPTIONS	1,300.00		1,300.00	1,499.00	1,299.00		115.31	(199.00)
100-5280-10-99	Printing and Reproduction				1,237.50	1,237.50		-	(1,237.50)
	Subtotal object - 05	2,300.00		2,300.00	3,992.18	2,536.50		173.57	(1,692.18)
100-5305-10-99	Chapt 380 Program Grant Exp	672,010.00	(222,000.00)	450,010.00	391,990.72	2,444.44		87.11	58,019.28
100-5306-10-99	Developer Rollback Incentives	25,000.00		25,000.00	19,465.08			77.86	5,534.92
100-5350-10-99	Vehicle Expense	19,000.00		19,000.00	1,037.50	47.99		5.46	17,962.50
100-5352-10-99	Fuel	1,250.00		1,250.00	317.53			25.40	932.47
100-5353-10-99	Oil/Grease/Inspections	50.00		50.00				-	50.00
	Subtotal object - 05	717,310.00	(222,000.00)	495,310.00	412,810.83	2,492.43		83.34	82,499.17
100-5410-10-99	Professional Services	71,500.00	22,000.00	93,500.00	58,912.15	8,371.15	25,702.43	63.01	8,885.42
100-5415-10-99	Tuition Reimbursement	54,207.00		54,207.00	18,824.63	345.00		34.73	35,382.37
100-5480-10-99	Contracted Services	86,000.00		86,000.00	42,000.00	6,000.00	37,900.00	48.84	6,100.00
100-5489-10-99	Developer Reimbursement				18,750.00			-	(18,750.00)
	Subtotal object - 05	211,707.00	22,000.00	233,707.00	138,486.78	14,716.15	63,602.43	59.26	31,617.79
100-5600-10-99	Special Events	10,000.00		10,000.00	8,272.59			82.73	1,727.41
	Subtotal object - 05	10,000.00		10,000.00	8,272.59			82.73	1,727.41
100-5930-10-99	Damage Claims Expense	65,000.00		65,000.00	24,292.01			37.37	40,707.99
	Subtotal object - 05	65,000.00		65,000.00	24,292.01			37.37	40,707.99

100-6610-10-99	Capital	200,000.00	(49,477.00)	150,523.00	116,609.48			77.47	33,913.52
	Subtotal object - 06	200,000.00	(49,477.00)	150,523.00	116,609.48			77.47	33,913.52
100-7000-10-99	Contingency	50,000.00	(12,180.00)	37,820.00	8,948.00		3,837.50	23.66	25,034.50
	Subtotal object - 07	50,000.00	(12,180.00)	37,820.00	8,948.00		3,837.50	23.66	25,034.50
100-7145-10-99	Transfer to VERF	3,731.00		3,731.00	3,109.20		310.92	83.33	621.80
	Subtotal object - 07	3,731.00		3,731.00	3,109.20		310.92	83.33	621.80
Program number: 99	NON-DEPARTMENTAL	1,260,776.00	(389,329.00)	871,447.00	944,622.44		20,056.00	67,439.93	108.40
Department number: 10	ADMINISTRATION	5,442,762.00	(303,472.60)	5,139,289.40	4,277,840.29		390,253.20	256,499.27	83.24
100-5110-20-01	Salaries & Wages	2,127,340.00	71,677.52	2,199,017.52	1,605,804.34		262,728.66	73.02	593,213.18
100-5115-20-01	Salaries - Overtime	190,106.00		190,106.00	88,941.63		19,679.94	46.79	101,164.37
100-5126-20-01	Salaries-Vacation Buy-Out	3,331.00		3,331.00	21,357.36			641.17	(18,026.36)
100-5127-20-01	Salaries-Certification Pay	21,420.00		21,420.00	21,204.33		2,312.22	98.99	215.67
100-5140-20-01	Salaries - Longevity Pay	4,665.00		4,665.00	4,430.00			94.96	235.00
100-5143-20-01	Cell Phone Allowance	8,190.00		8,190.00	2,125.00		250.00	25.95	6,065.00
100-5145-20-01	Social Security Expense	146,014.00		146,014.00	104,956.52		17,341.36	71.88	41,057.48
100-5150-20-01	Medicare Expense	34,148.00		34,148.00	24,879.82		4,055.62	72.86	9,268.18
100-5155-20-01	SUTA Expense	5,184.00		5,184.00	4,241.16		629.89	81.81	942.84
100-5160-20-01	Health Insurance	252,439.00		252,439.00	134,623.17		17,991.12	53.33	117,815.83
100-5165-20-01	Dental Insurance	10,489.00		10,489.00	6,978.44		890.88	66.53	3,510.56
100-5170-20-01	Life Insurance/AD&D	9,580.00		9,580.00	6,658.42		831.52	69.50	2,921.58
100-5175-20-01	Liability (TML)/Workers' Comp	46,799.00		46,799.00	39,983.14		7,011.42	85.44	6,815.86
100-5180-20-01	TMRS Expense	319,110.00		319,110.00	237,828.04		38,607.71	74.53	81,281.96
100-5185-20-01	Long/Short Term Disability	4,148.00		4,148.00	2,649.40		322.92	63.87	1,498.60
100-5186-20-01	WELLE-Wellness Prog Reimb Empl	6,600.00		6,600.00	3,409.42		417.48	51.66	3,190.58
100-5191-20-01	Hiring Cost	55.00		55.00	44.00			80.00	11.00
100-5192-20-01	Physical & Psychological	2,540.00		2,540.00	2,550.00			100.39	(10.00)
	Subtotal object - 05	3,192,158.00	71,677.52	3,263,835.52	2,312,664.19		373,070.74	70.86	951,171.33
100-5210-20-01	Office Supplies	12,800.00		12,800.00	5,895.66		217.42	46.06	6,904.34
100-5214-20-01	Tactical Supplies	36,875.00	(848.00)	36,027.00	23,108.81		8,857.61	9,006.36	64.14
100-5215-20-01	Ammunition	66,560.00		66,560.00	49,099.08		614.91	114.48	73.77
100-5220-20-01	Office Equipment				793.82			-	(793.82)
100-5230-20-01	Dues,Fees,& Subscriptions	7,950.00		7,950.00	6,431.19		340.38	80.90	1,518.81
100-5240-20-01	Postage and Delivery	1,426.00		1,426.00	1,264.32		137.85	88.66	161.68
100-5250-20-01	Publications				705.54			-	(705.54)
100-5265-20-01	Promotional Expense	500.00		500.00				-	500.00
100-5280-20-01	Printing and Reproduction	800.00		800.00	263.67			32.96	536.33
100-5290-20-01	Other Charges and Services				1,634.23		214.19	-	(1,634.23)
	Subtotal object - 05	126,911.00	(848.00)	126,063.00	89,196.32		10,382.36	9,120.84	70.76
100-5310-20-01	Rental Expense	4,410.00		4,410.00	3,644.80		344.20	82.65	765.20
100-5320-20-01	Repairs & Maintenance	800.00		800.00	536.18			67.02	263.82
100-5330-20-01	Copier Expense	2,100.00		2,100.00	1,022.04		223.60	48.67	1,077.96
100-5350-20-01	Vehicle Expense	86,956.00		86,956.00	62,855.23		5,672.33	8,000.00	72.28
100-5352-20-01	Fuel	81,360.00		81,360.00	41,764.16		71.94	51.33	39,595.84
100-5353-20-01	Oil/Grease/Inspections	5,100.00		5,100.00				-	5,100.00
	Subtotal object - 05	180,726.00		180,726.00	109,822.41		6,312.07	8,000.00	60.77
100-5400-20-01	Uniform Expense	68,722.00		68,722.00	20,561.65		5,434.74	3,440.45	29.92
100-5410-20-01	Professional Services	17,660.00		17,660.00	29,362.10			166.26	(11,702.10)
100-5418-20-01	IT Fees	16,590.00		16,590.00				-	16,590.00
100-5430-20-01	Legal Fees	14,400.00		14,400.00	22,670.05		3,276.65	157.43	(8,270.05)
100-5480-20-01	Contracted Services	49,322.00		49,322.00	54,909.68		14,057.61	111.33	(5,587.68)
	Subtotal object - 05	166,694.00		166,694.00	127,503.48		22,769.00	3,440.45	76.49
100-5520-20-01	Telephones	4,000.00		4,000.00	2,407.13		248.10	60.18	1,592.87
100-5523-20-01	Water/Sewer Charges	1,400.00		1,400.00	1,162.98		113.26	83.07	237.02
100-5524-20-01	Gas	1,800.00		1,800.00				-	1,800.00
100-5525-20-01	Electricity	11,229.00		11,229.00	6,294.36		755.35	56.06	4,934.64
100-5526-20-01	Data Network	7,425.00		7,425.00	9,010.60		2,073.57	121.36	(1,585.60)

100-5530-20-01	Travel	4,000.00		4,000.00	2,720.49			68.01	1,279.51
100-5533-20-01	Mileage Expense	1,000.00		1,000.00	268.13			26.81	731.87
100-5536-20-01	Training/Seminars	52,600.00		52,600.00	21,727.18	1,335.00		41.31	30,872.82
	Subtotal object - 05	83,454.00		83,454.00	43,590.87	4,525.28		52.23	39,863.13
100-5600-20-01	Special Events	5,000.00		5,000.00	361.22	114.42		7.22	4,638.78
100-5620-20-01	TOOLS & EQUIPMENT	120,983.00		120,983.00	28,145.61	4,670.67	8,126.56	23.26	84,710.83
100-5630-20-01	Safety Equipment	14,124.00		14,124.00	975.00			6.90	13,149.00
	Subtotal object - 05	140,107.00		140,107.00	29,481.83	4,785.09	8,126.56	21.04	102,498.61
100-6140-20-01	Capital Expense-Equipment	65,694.00	38,174.43	103,868.43	95,624.21	43,473.36	31,000.43	92.06	(22,756.21)
100-6160-20-01	Capital Expense-Vehicles	142,654.00		142,654.00	138,526.43	101,225.00		97.11	4,127.57
	Subtotal object - 06	208,348.00	38,174.43	246,522.43	234,150.64	144,698.36	31,000.43	94.98	(18,628.64)
100-7145-20-01	Transfer to VERF	350,015.00		350,015.00	291,679.20	29,167.92		83.33	58,335.80
	Subtotal object - 07	350,015.00		350,015.00	291,679.20	29,167.92		83.33	58,335.80
Program number: 1	OPERATIONS	4,448,413.00	109,003.95	4,557,416.95	3,238,088.94	595,710.82	59,688.28	71.05	1,259,639.73
100-5110-20-05	Salaries & Wages	534,637.00	25,540.98	560,177.98	450,790.45	63,826.95		80.47	109,387.53
100-5115-20-05	Salaries - Overtime	10,545.00		10,545.00	34,887.93	3,795.46		330.85	(24,342.93)
100-5126-20-05	Salaries-Vacation Buy-Out	7,049.00		7,049.00	4,051.60			57.48	2,997.40
100-5127-20-05	Salaries-Certification Pay	10,800.00		10,800.00	10,958.66	1,633.77		101.47	(158.66)
100-5140-20-05	Salaries - Longevity Pay	1,905.00		1,905.00	1,295.00			67.98	610.00
100-5145-20-05	Social Security Expense	35,064.00		35,064.00	30,316.09	4,204.92		86.46	4,747.91
100-5150-20-05	Medicare Expense	8,200.00		8,200.00	7,090.05	983.38		86.46	1,109.95
100-5155-20-05	SUTA Expense	1,782.00		1,782.00	1,614.80			90.62	167.20
100-5160-20-05	Health Insurance	99,490.00		99,490.00	62,015.48	5,543.50		62.33	37,474.52
100-5165-20-05	Dental Insurance	4,797.00		4,797.00	3,331.92	354.82		69.46	1,465.08
100-5170-20-05	Life Insurance/AD&D	1,239.00		1,239.00	989.59	103.18		79.87	249.41
100-5175-20-05	Liability (TML)/Workers' Comp	1,146.00		1,146.00	1,222.91	184.14		106.71	(76.91)
100-5180-20-05	TMRS Expense	76,630.00		76,630.00	68,303.58	9,403.80		89.13	8,326.42
100-5185-20-05	Long/Short Term Disability	1,017.00		1,017.00	740.22	77.14		72.79	276.78
100-5186-20-05	WELLE-Wellness Prog Reimb Empl	3,000.00		3,000.00	1,762.20	195.80		58.74	1,237.80
	Subtotal object - 05	797,301.00	25,540.98	822,841.98	679,370.48	90,306.86		82.56	143,471.50
100-5210-20-05	Office Supplies	4,079.00		4,079.00	1,658.89	25.00		40.67	2,420.11
100-5212-20-05	Building Supplies	1,500.00		1,500.00	332.24			22.15	1,167.76
100-5220-20-05	Office Equipment	4,699.00		4,699.00	516.80	188.17		11.00	4,182.20
100-5230-20-05	Dues,Fees,& Subscriptions	3,520.00		3,520.00	1,162.75			33.03	2,357.25
100-5240-20-05	Postage and Delivery				18.00			-	(18.00)
100-5250-20-05	Publications	300.00		300.00	127.92	127.92		42.64	172.08
	Subtotal object - 05	14,098.00		14,098.00	3,816.60	341.09		27.07	10,281.40
100-5330-20-05	Copier Expense	600.00		600.00	656.42	184.32		109.40	(56.42)
100-5340-20-05	Building Repairs	3,000.00		3,000.00	1,266.04			42.20	1,733.96
	Subtotal object - 05	3,600.00		3,600.00	1,922.46	184.32		53.40	1,677.54
100-5400-20-05	Uniform Expense	1,600.00		1,600.00	635.74			39.73	964.26
100-5419-20-05	IT Licenses	115,592.00		115,592.00	73,485.26	4,014.50	2,728.65	63.57	39,378.09
100-5430-20-05	Legal Fees				247.00			-	(247.00)
100-5480-20-05	Contracted Services	89,453.00		89,453.00	71,094.35			79.48	18,358.65
	Subtotal object - 05	206,645.00		206,645.00	145,462.35	4,014.50	2,728.65	70.39	58,454.00
100-5520-20-05	Telephones	1,200.00		1,200.00	1,260.80	135.33		105.07	(60.80)
100-5524-20-05	Gas	1,000.00		1,000.00	903.36	98.70		90.34	96.64
100-5526-20-05	Data Network	267.00		267.00				-	267.00
100-5530-20-05	Travel	5,000.00		5,000.00				-	5,000.00
100-5536-20-05	Training/Seminars	7,683.00		7,683.00	3,668.90	(680.00)		47.75	4,014.10
	Subtotal object - 05	15,150.00		15,150.00	5,833.06	(445.97)		38.50	9,316.94
100-5600-20-05	Special Events	1,000.00		1,000.00	594.67			59.47	405.33
	Subtotal object - 05	1,000.00		1,000.00	594.67			59.47	405.33
100-7145-20-05	Transfer to VERF	10,455.00		10,455.00	8,712.50	871.25		83.33	1,742.50
	Subtotal object - 07	10,455.00		10,455.00	8,712.50	871.25		83.33	1,742.50
Program number: 5	DISPATCH	1,048,249.00	25,540.98	1,073,789.98	845,712.12	95,272.05	2,728.65	78.76	225,349.21

Department number: 20	POLICE	5,496,662.00	134,544.93	5,631,206.93	4,083,801.06	690,982.87	62,416.93	72.52	1,484,988.94
100-5110-30-01	Salaries & Wages	2,618,606.00	559,003.34	3,177,609.34	2,585,722.91	364,697.79		81.37	591,886.43
100-5115-30-01	Salaries - Overtime	449,699.00	86,400.00	536,099.00	451,813.72	87,590.15		84.28	84,285.28
100-5116-30-01	Salaries - FLSA Overtime	80,452.00	11,946.00	92,398.00	49,765.82	8,536.37		53.86	42,632.18
100-5126-30-01	Salaries-Vacation Buy-Out	5,586.00		5,586.00	7,771.36			139.12	(2,185.36)
100-5127-30-01	Salaries-Certification Pay	55,260.00	9,000.00	64,260.00	39,292.05	5,580.18		61.15	24,967.95
100-5140-30-01	Salaries - Longevity Pay	12,315.00		12,315.00	12,185.00			98.94	130.00
100-5143-30-01	Cell Phone Allowance	6,600.00	3,060.00	9,660.00	7,795.00	805.00		80.69	1,865.00
100-5145-30-01	Social Security Expense	200,168.00	32,499.00	232,667.00	184,200.92	27,919.65		79.17	48,466.08
100-5150-30-01	Medicare Expense	46,813.00	7,600.00	54,413.00	43,311.66	6,529.65		79.60	11,101.34
100-5155-30-01	SUTA Expense	7,128.00	972.00	8,100.00	5,847.31	220.66		72.19	2,252.69
100-5160-30-01	Health Insurance	280,234.00	58,680.00	338,914.00	297,355.14	27,839.34		87.74	41,558.86
100-5165-30-01	Dental Insurance	12,361.00	2,520.00	14,881.00	12,088.08	1,246.34		81.23	2,792.92
100-5170-30-01	Life Insurance/AD&D	10,354.00	945.00	11,299.00	10,159.54	1,050.34		89.92	1,139.46
100-5171-30-01	Life Insurance-Supplemental				6,241.00			-	(6,241.00)
100-5175-30-01	Liability (TML)/Workers' Comp	38,100.00	18,288.00	56,388.00	68,930.47	11,505.15		122.24	(12,542.47)
100-5180-30-01	TMRS Expense	412,445.00	71,026.00	483,471.00	415,706.59	61,398.24		85.98	67,764.41
100-5185-30-01	Long/Short Term Disability	4,625.00	889.00	5,514.00	4,145.52	432.52		75.18	1,368.48
100-5186-30-01	WELLE-Wellness Prog Reimb Empl	6,000.00	3,600.00	9,600.00	7,277.58	845.80		75.81	2,322.42
100-5191-30-01	Hiring Cost	1,000.00		1,000.00				-	1,000.00
100-5194-30-01	FD Annual Phy & Screening	23,600.00	8,442.00	32,042.00	24,255.00			75.70	7,787.00
	Subtotal object - 05	4,271,346.00	874,870.34	5,146,216.34	4,233,864.67	606,197.18		82.27	912,351.67
100-5210-30-01	Office Supplies	7,500.00	300.00	7,800.00	4,587.18	285.37		58.81	3,212.82
100-5212-30-01	Building Supplies	12,000.00		12,000.00	8,858.73	1,240.31		73.82	3,141.27
100-5220-30-01	Office Equipment	5,000.00	6,870.00	11,870.00	8,370.58			70.52	3,499.42
100-5230-30-01	Dues,Fees,& Subscriptions	12,050.00	1,200.00	13,250.00	8,935.42	798.49		67.44	4,314.58
100-5240-30-01	Postage and Delivery	397.00		397.00	289.11			72.82	107.89
100-5250-30-01	Publications	700.00		700.00				-	700.00
100-5280-30-01	Printing and Reproduction	1,900.00		1,900.00	1,170.94			61.63	729.06
100-5290-30-01	Other Charges and Services	4,500.00		4,500.00	3,670.59	256.20		81.57	829.41
	Subtotal object - 05	44,047.00	8,370.00	52,417.00	35,882.55	2,580.37		68.46	16,534.45
100-5320-30-01	Repairs & Maintenance	20,000.00		20,000.00	12,726.16	401.50		63.63	7,273.84
100-5330-30-01	Copier Expense	3,613.00		3,613.00	2,381.05	511.62		65.90	1,231.95
100-5335-30-01	Radio/Video Equip. and Repairs	6,760.00		6,760.00	1,047.30			15.49	5,712.70
100-5340-30-01	Building Repairs	45,000.00	249,477.00	294,477.00	84,260.64	(601.59)	190,592.52	28.61	19,623.84
100-5350-30-01	Vehicle Expense	78,000.00		78,000.00	38,009.93	1,521.37		48.73	39,990.07
100-5352-30-01	Fuel	33,000.00		33,000.00	25,981.26	2,428.42		78.73	7,018.74
100-5353-30-01	Oil/Grease/Inspections	950.00		950.00	91.00			9.58	859.00
	Subtotal object - 05	187,323.00	249,477.00	436,800.00	164,497.34	4,261.32	190,592.52	37.66	81,710.14
100-5400-30-01	Uniform Expense	41,500.00	9,000.00	50,500.00	49,267.22			97.56	1,232.78
100-5419-30-01	IT Licenses	13,420.00		13,420.00	13,420.49			100.00	(0.49)
100-5430-30-01	Legal Fees	4,000.00		4,000.00	380.00			9.50	3,620.00
100-5440-30-01	EMS	121,000.00		121,000.00	107,485.70	2,203.17	11,373.07	88.83	2,141.23
100-5445-30-01	Emergency Management	15,000.00		15,000.00	8,403.48	285.21		56.02	6,596.52
100-5480-30-01	Contracted Services	20,750.00		20,750.00	18,005.48	1,457.77	3,750.00	86.77	(1,005.48)
	Subtotal object - 05	215,670.00	9,000.00	224,670.00	196,962.37	3,946.15	15,123.07	87.67	12,584.56
100-5520-30-01	Telephones	2,292.00		2,292.00	1,740.39	199.06		75.93	551.61
100-5523-30-01	Water/Sewer Charges	15,800.00		15,800.00	14,641.88	2,273.98		92.67	1,158.12
100-5524-30-01	Gas	4,500.00		4,500.00	2,401.73	95.27		53.37	2,098.27
100-5525-30-01	Electricity	41,500.00		41,500.00	24,050.90	3,174.98		57.95	17,449.10
100-5526-30-01	Data Network	9,820.00		9,820.00	9,348.41	3,358.63		95.20	471.59
100-5530-30-01	Travel	9,778.00	1,800.00	11,578.00	3,162.13			27.31	8,415.87
100-5533-30-01	Mileage Expense	1,500.00		1,500.00				-	1,500.00
100-5536-30-01	Training/Seminars	40,000.00	4,770.00	44,770.00	27,836.52	721.24		62.18	16,933.48
	Subtotal object - 05	125,190.00	6,570.00	131,760.00	83,181.96	9,823.16		63.13	48,578.04
100-5610-30-01	Fire Fighting Equipment	20,000.00		20,000.00	10,667.19			53.34	9,332.81

100-5620-30-01	Tools & Equipment	1,000.00		1,000.00	349.35	98.86		34.94	650.65
100-5630-30-01	Safety Equipment	50,000.00	23,100.00	73,100.00	62,812.96	406.79	1,964.82	85.93	8,322.22
	Subtotal object - 05	71,000.00	23,100.00	94,100.00	73,829.50	505.65	1,964.82	78.46	18,305.68
100-6140-30-01	Capital Expense-Equipment	31,500.00		31,500.00	739.36		27,895.00	2.35	2,865.64
100-6140-30-01-1931-EQ	Replacement Fire Engine Equipm	150,000.00		150,000.00	144,100.89	50,075.97	0.20	96.07	5,898.91
100-6160-30-01	Capital Expense-Vehicles	23,100.00		23,100.00	22,507.58			97.44	592.42
	Subtotal object - 06	204,600.00		204,600.00	167,347.83	50,075.97	27,895.20	81.79	9,356.97
100-7145-30-01	Transfer to VERF	833,359.00	108,969.00	942,328.00	785,273.30	78,527.33		83.33	157,054.70
	Subtotal object - 07	833,359.00	108,969.00	942,328.00	785,273.30	78,527.33		83.33	157,054.70
Program number: 1	OPERATIONS	5,952,535.00	1,280,356.34	7,232,891.34	5,740,839.52	755,917.13	235,575.61	79.37	1,256,476.21
100-5110-30-05	Salaries & Wages	252,792.00	12,521.36	265,313.36	229,429.98	31,138.37		86.48	35,883.38
100-5115-30-05	Salaries - Overtime	24,404.00		24,404.00	19,045.30	1,876.10		78.04	5,358.70
100-5126-30-05	Salaries-Vacation Buy-Out	1,230.00		1,230.00	1,266.80			102.99	(36.80)
100-5140-30-05	Salaries - Longevity Pay	1,160.00		1,160.00	1,105.00			95.26	55.00
100-5143-30-05	Cell Phone Allowance	3,060.00		3,060.00	2,550.00	255.00		83.33	510.00
100-5145-30-05	Social Security Expense	17,525.00		17,525.00	14,661.10	1,956.31		83.66	2,863.90
100-5150-30-05	Medicare Expense	4,099.00		4,099.00	3,428.81	457.52		83.65	670.19
100-5155-30-05	SUTA Expense	486.00		486.00	432.00			88.89	54.00
100-5160-30-05	Health Insurance	23,500.00		23,500.00	19,582.80	1,958.28		83.33	3,917.20
100-5165-30-05	Dental Insurance	1,324.00		1,324.00	1,102.66	110.26		83.28	221.34
100-5170-30-05	Life Insurance/AD&D	1,126.00		1,126.00	937.80	93.78		83.29	188.20
100-5175-30-05	Liability (TML)/Workers' Comp	3,822.00		3,822.00	4,700.79	737.89		122.99	(878.79)
100-5180-30-05	TMRS Expense	38,299.00		38,299.00	33,971.68	4,470.16		88.70	4,327.32
100-5185-30-05	Long/Short Term Disability	481.00		481.00	389.50	39.95		80.98	91.50
100-5194-30-05	FD Annual Phy & Screening	1,678.00		1,678.00	1,690.00			100.72	(12.00)
	Subtotal object - 05	374,986.00	12,521.36	387,507.36	334,294.22	43,093.62		86.27	53,213.14
100-5210-30-05	Office Supplies	350.00		350.00	140.01			40.00	209.99
100-5215-30-05	Ammunition	1,250.00		1,250.00	2,070.18			165.61	(820.18)
100-5220-30-05	Office Equipment	1,000.00		1,000.00	219.98			22.00	780.02
100-5230-30-05	Dues,Fees,& Subscriptions	750.00		750.00	959.34			127.91	(209.34)
100-5240-30-05	Postage and Delivery	100.00		100.00	14.60			14.60	85.40
100-5250-30-05	Publications	2,545.00		2,545.00	1,345.50			52.87	1,199.50
100-5280-30-05	Printing and Reproduction	500.00		500.00	266.19			53.24	233.81
100-5295-30-05	Public Education/Fire Prevent	7,500.00		7,500.00	2,819.68			37.60	4,680.32
	Subtotal object - 05	13,995.00		13,995.00	7,835.48			55.99	6,159.52
100-5335-30-05	Radio/Video Equip. and Repairs	500.00		500.00				-	500.00
100-5350-30-05	Vehicle Expense	3,000.00		3,000.00	2,143.51	99.41		71.45	856.49
100-5352-30-05	Fuel	3,000.00		3,000.00	1,434.77			47.83	1,565.23
100-5353-30-05	Oil/Grease/Inspections	500.00		500.00				-	500.00
	Subtotal object - 05	7,000.00		7,000.00	3,578.28	99.41		51.12	3,421.72
100-5400-30-05	Uniform Expense	3,300.00		3,300.00	1,166.06			35.34	2,133.94
100-5430-30-05	Legal Fees	2,500.00		2,500.00	228.00			9.12	2,272.00
100-5480-30-05	Contracted Services	2,650.00		2,650.00	2,650.00			100.00	
	Subtotal object - 05	8,450.00		8,450.00	4,044.06			47.86	4,405.94
100-5526-30-05	Data Network	1,845.00		1,845.00	911.76	227.94		49.42	933.24
100-5530-30-05	Travel	3,674.00		3,674.00	3,283.50			89.37	390.50
100-5536-30-05	Training/Seminars	5,700.00		5,700.00	4,869.03			85.42	830.97
	Subtotal object - 05	11,219.00		11,219.00	9,064.29	227.94		80.79	2,154.71
100-5620-30-05	Tools & Equipment	500.00		500.00	166.87	166.87		33.37	333.13
100-5630-30-05	Safety Equipment	4,000.00		4,000.00	595.53		285.58	14.89	3,118.89
100-5640-30-05	Signs & Hardware	350.00		350.00				-	350.00
	Subtotal object - 05	4,850.00		4,850.00	762.40	166.87	285.58	15.72	3,802.02
100-7145-30-05	Transfer to VERF	11,076.00		11,076.00	9,230.00	923.00		83.33	1,846.00
	Subtotal object - 07	11,076.00		11,076.00	9,230.00	923.00		83.33	1,846.00
Program number: 5	MARSHAL	431,576.00	12,521.36	444,097.36	368,808.73	44,510.84	285.58	83.05	75,003.05
Department number: 30	FIRE	6,384,111.00	1,292,877.70	7,676,988.70	6,109,648.25	800,427.97	235,861.19	79.58	1,331,479.26

100-5110-40-01	Salaries & Wages	987,210.00	4,737.09	991,947.09	803,830.40	106,758.13	81.04	188,116.69	
100-5115-40-01	Salaries - Overtime	8,500.00		8,500.00	632.49	45.82	7.44	7,867.51	
100-5126-40-01	Salaries-Vacation Buy-Out	6,705.00		6,705.00	7,945.84		118.51	(1,240.84)	
100-5140-40-01	Salaries - Longevity Pay	3,360.00		3,360.00	3,545.00		105.51	(185.00)	
100-5143-40-01	Cell Phone Allowance	4,860.00		4,860.00	3,690.00	325.00	75.93	1,170.00	
100-5145-40-01	Social Security Expense	62,598.00		62,598.00	47,657.10	6,355.94	76.13	14,940.90	
100-5150-40-01	Medicare Expense	14,640.00		14,640.00	11,145.58	1,486.43	76.13	3,494.42	
100-5155-40-01	SUTA Expense	2,592.00		2,592.00	2,311.46		89.18	280.54	
100-5160-40-01	Health Insurance	120,721.00		120,721.00	87,264.76	7,879.06	72.29	33,456.24	
100-5165-40-01	Dental Insurance	6,520.00		6,520.00	5,152.65	501.52	79.03	1,367.35	
100-5170-40-01	Life Insurance/AD&D	1,801.00		1,801.00	1,439.83	140.70	79.95	361.17	
100-5175-40-01	Liability (TML)/Workers' Comp	3,352.00		3,352.00	3,908.60	560.67	116.61	(556.60)	
100-5180-40-01	TMRS Expense	136,806.00		136,806.00	110,728.00	14,496.03	80.94	26,078.00	
100-5185-40-01	Long/Short Term Disability	1,876.00		1,876.00	1,386.74	132.20	73.92	489.26	
100-5186-40-01	WELLE-Wellness Prog Reimb Empl	1,800.00		1,800.00	1,658.54	256.64	92.14	141.46	
	Subtotal object - 05	1,363,341.00	4,737.09	1,368,078.09	1,092,296.99	138,938.14	79.84	275,781.10	
100-5210-40-01	Office Supplies	5,000.00		5,000.00	3,438.98		68.78	1,561.02	
100-5220-40-01	Office Equipment	3,000.00		3,000.00	2,999.80		99.99	0.20	
100-5230-40-01	Dues,Fees,& Subscriptions	2,000.00		2,000.00	1,750.24		87.51	249.76	
100-5240-40-01	Postage and Delivery	25.00		25.00	0.50		2.00	24.50	
100-5250-40-01	Publications	3,000.00		3,000.00	2,112.41		70.41	887.59	
100-5280-40-01	Printing and Reproduction	1,000.00		1,000.00	216.69		21.67	783.31	
100-5290-40-01	Other Charges and Services	500.00		500.00	33.42		6.68	466.58	
	Subtotal object - 05	14,525.00		14,525.00	10,552.04	294.38	72.65	3,972.96	
100-5330-40-01	Copier Expense	2,500.00		2,500.00	2,017.52	669.65	80.70	482.48	
100-5350-40-01	Vehicle Expense	10,555.00		10,555.00	4,998.99	157.97	47.36	5,556.01	
100-5352-40-01	Fuel	6,500.00		6,500.00	4,140.52		63.70	2,359.48	
	Subtotal object - 05	19,555.00		19,555.00	11,157.03	827.62	57.06	8,397.97	
100-5400-40-01	Uniform Expense	3,000.00		3,000.00	2,211.99		73.73	788.01	
100-5410-40-01	Professional Services	533,397.00		533,397.00	34,664.76	498,732.24	6.50		
100-5418-40-01	IT Fees	54,410.00		54,410.00	54,102.86		99.44	307.14	
100-5430-40-01	Legal Fees	2,000.00		2,000.00	38.00		1.90	1,962.00	
100-5465-40-01	Public Relations	500.00		500.00			-	500.00	
100-5475-40-01	Credit Card Fees	15,000.00		15,000.00	23,482.70	5,333.52	156.55	(8,482.70)	
100-5480-40-01	Contracted Services	3,000.00		3,000.00			-	3,000.00	
	Subtotal object - 05	611,307.00		611,307.00	114,500.31	5,333.52	498,732.24	18.73	(1,925.55)
100-5526-40-01	Data Network	4,320.00		4,320.00	3,282.32	786.48	75.98	1,037.68	
100-5530-40-01	Travel	5,157.00		5,157.00			-	5,157.00	
100-5533-40-01	Mileage Expense	1,283.00		1,283.00	173.06		13.49	1,109.94	
100-5536-40-01	Training/Seminars	16,340.00		16,340.00	6,713.39		41.09	9,626.61	
	Subtotal object - 05	27,100.00		27,100.00	10,168.77	786.48	37.52	16,931.23	
100-5620-40-01	Tools & Equipment	1,450.00		1,450.00	1,336.52		92.17	113.48	
100-5630-40-01	Safety Equipment	1,750.00		1,750.00	1,519.87		86.85	230.13	
	Subtotal object - 05	3,200.00		3,200.00	2,856.39		89.26	343.61	
100-7145-40-01	Transfer to VERF	31,026.00		31,026.00	25,855.00	2,585.50	83.33	5,171.00	
	Subtotal object - 07	31,026.00		31,026.00	25,855.00	2,585.50	83.33	5,171.00	
Program number: 1	INSPECTIONS	2,070,054.00	4,737.09	2,074,791.09	1,267,386.53	148,765.64	498,732.24	61.09	308,672.32
100-5110-40-02	Salaries & Wages	163,433.00	4,440.05	167,873.05	117,859.02	14,721.60	70.21	50,014.03	
100-5115-40-02	Salaries - Overtime	760.00		760.00	516.49		67.96	243.51	
100-5140-40-02	Salaries - Longevity Pay	650.00		650.00	645.00		99.23	5.00	
100-5143-40-02	Cell Phone Allowance	765.00		765.00	240.00	60.00	31.37	525.00	
100-5145-40-02	Social Security Expense	10,269.00		10,269.00	6,866.26	852.18	66.86	3,402.74	
100-5150-40-02	Medicare Expense	2,402.00		2,402.00	1,605.83	199.30	66.85	796.17	
100-5155-40-02	SUTA Expense	486.00		486.00	432.00		88.89	54.00	
100-5160-40-02	Health Insurance	23,059.00		23,059.00	14,901.28	1,517.36	64.62	8,157.72	
100-5165-40-02	Dental Insurance	1,161.00		1,161.00	780.30	72.66	67.21	380.70	

100-5170-40-02	Life Insurance/AD&D	262.00		262.00	206.36	18.76		78.76	55.64
100-5175-40-02	Liability (TML)/Workers' Comp	691.00		691.00	671.20	89.82		97.14	19.80
100-5180-40-02	TMRS Expense	22,441.00		22,441.00	16,172.51	1,993.31		72.07	6,268.49
100-5185-40-02	Long/Short Term Disability	313.00		313.00	204.33	18.66		65.28	108.67
100-5186-40-02	WELLE-Wellness Prog Reimb Empl	1,050.00		1,050.00	400.00			38.10	650.00
	Subtotal object - 05	227,742.00	4,440.05	232,182.05	161,500.58	19,543.65		69.56	70,681.47
100-5210-40-02	Office Supplies	850.00		850.00	143.97			16.94	706.03
100-5220-40-02	Office Equipment	8,327.00		8,327.00	8,302.47	(31.35)		99.71	24.53
100-5230-40-02	Dues, Fees, & Subscriptions	1,240.00		1,240.00	265.00			21.37	975.00
100-5240-40-02	Postage and Delivery	850.00		850.00	371.70	147.35		43.73	478.30
100-5280-40-02	Printing and Reproduction	2,500.00		2,500.00	200.00			8.00	2,300.00
	Subtotal object - 05	13,767.00		13,767.00	9,283.14	116.00		67.43	4,483.86
100-5330-40-02	Copier Expense	50.00		50.00	10.27	3.14		20.54	39.73
100-5350-40-02	Vehicle Expense	1,573.00		1,573.00	928.73	110.67		59.04	644.27
100-5352-40-02	Fuel	2,079.00		2,079.00	649.18			31.23	1,429.82
100-5353-40-02	Oil/Grease/Inspections	225.00		225.00				-	225.00
	Subtotal object - 05	3,927.00		3,927.00	1,588.18	113.81		40.44	2,338.82
100-5400-40-02	Uniform Expense	550.00		550.00	262.84			47.79	287.16
100-5418-40-02	IT Fees	440.00		440.00	(135.96)			(30.90)	575.96
100-5419-40-02	IT Licenses	6,140.00		6,140.00	500.00			8.14	5,640.00
100-5430-40-02	Legal Fees	2,250.00		2,250.00	1,651.00			73.38	599.00
100-5435-40-02	Legal Notices/Filings	250.00		250.00				-	250.00
100-5480-40-02	Contracted Services	115,980.00		115,980.00	82,718.00	21,795.75	22,270.00	71.32	10,992.00
	Subtotal object - 05	125,610.00		125,610.00	84,995.88	21,795.75	22,270.00	67.67	18,344.12
100-5520-40-02	Telephones	912.00		912.00	606.13	(4.14)		66.46	305.87
100-5526-40-02	Data Network	912.00		912.00	543.07	87.01		59.55	368.93
100-5530-40-02	Travel	4,075.00		4,075.00	610.55			14.98	3,464.45
100-5533-40-02	Mileage Expense	800.00		800.00				-	800.00
100-5536-40-02	Training/Seminars	3,651.00		3,651.00	228.10			6.25	3,422.90
	Subtotal object - 05	10,350.00		10,350.00	1,987.85	82.87		19.21	8,362.15
100-5620-40-02	Tools & Equipment	400.00		400.00	373.23			93.31	26.77
100-5630-40-02	Safety Equipment	550.00		550.00				-	550.00
100-5640-40-02	Signs & Hardware	400.00		400.00				-	400.00
	Subtotal object - 05	1,350.00		1,350.00	373.23			27.65	976.77
100-6160-40-02	Capital Expense-Vehicles	23,616.00		23,616.00	24,046.45			101.82	(430.45)
	Subtotal object - 06	23,616.00		23,616.00	24,046.45			101.82	(430.45)
100-7145-40-02	Transfer to VERF	6,077.00		6,077.00	5,064.20	506.42		83.33	1,012.80
	Subtotal object - 07	6,077.00		6,077.00	5,064.20	506.42		83.33	1,012.80
Program number: 2	CODE COMPLIANCE	412,439.00	4,440.05	416,879.05	288,839.51	42,158.50	22,270.00	69.29	105,769.54
100-5110-40-03	Salaries & Wages	383,010.00	17,225.64	400,235.64	338,014.75	46,599.34		84.45	62,220.89
100-5115-40-03	Salaries - Overtime	2,000.00		2,000.00	1,264.60	100.44		63.23	735.40
100-5126-40-03	Salaries-Vacation Buy-Out	5,487.00		5,487.00	3,622.32			66.02	1,864.68
100-5140-40-03	Salaries - Longevity Pay	1,680.00		1,680.00	1,670.00			99.41	10.00
100-5143-40-03	Cell Phone Allowance	2,760.00		2,760.00	2,300.00	230.00		83.33	460.00
100-5145-40-03	Social Security Expense	24,487.00		24,487.00	19,976.66	2,759.47		81.58	4,510.34
100-5150-40-03	Medicare Expense	5,727.00		5,727.00	4,671.97	645.35		81.58	1,055.03
100-5155-40-03	SUTA Expense	810.00		810.00	720.00			88.89	90.00
100-5160-40-03	Health Insurance	57,882.00		57,882.00	50,092.80	4,334.28		86.54	7,789.20
100-5165-40-03	Dental Insurance	2,299.00		2,299.00	1,886.54	187.40		82.06	412.46
100-5170-40-03	Life Insurance/AD&D	544.00		544.00	514.20	51.42		94.52	29.80
100-5175-40-03	Liability (TML)/Workers' Comp	1,044.00		1,044.00	1,199.58	179.32		114.90	(155.58)
100-5180-40-03	TMRS Expense	53,514.00		53,514.00	46,853.14	6,341.98		87.55	6,660.86
100-5185-40-03	Long/Short Term Disability	728.00		728.00	583.29	59.02		80.12	144.71
100-5186-40-03	WELLE-Wellness Prog Reimb Empl	1,800.00		1,800.00	1,391.60	139.16		77.31	408.40
	Subtotal object - 05	543,772.00	17,225.64	560,997.64	474,761.45	61,627.18		84.63	86,236.19
100-5210-40-03	Office Supplies	4,643.00		4,643.00	1,829.48	143.76		39.40	2,813.52

100-5220-40-03	Office Equipment	1,631.00		1,631.00	544.76			33.40	1,086.24
100-5230-40-03	Dues,Fees,& Subscriptions	3,200.00		3,200.00	3,092.93	159.94		96.65	107.07
100-5240-40-03	Postage and Delivery	550.00		550.00	274.50	16.60		49.91	275.50
100-5250-40-03	Publications	150.00		150.00				-	150.00
100-5280-40-03	Printing and Reproduction	2,000.00		2,000.00	148.69			7.44	1,851.31
100-5290-40-03	Other Charges and Services	300.00		300.00				-	300.00
	Subtotal object - 05	12,474.00		12,474.00	5,890.36	320.30		47.22	6,583.64
100-5330-40-03	Copier Expense	3,000.00		3,000.00	1,622.35	337.77		54.08	1,377.65
	Subtotal object - 05	3,000.00		3,000.00	1,622.35	337.77		54.08	1,377.65
100-5400-40-03	Uniform Expense	750.00		750.00	401.90			53.59	348.10
100-5410-40-03	Professional Services	115,830.00		115,830.00	88,185.00		5,000.00	76.13	22,645.00
100-5418-40-03	IT Fees	2,000.00		2,000.00	1,334.59		0.07	66.73	665.34
100-5419-40-03	IT Licenses	15,300.00		15,300.00	15,164.19			99.11	135.81
100-5430-40-03	Legal Fees	15,000.00		15,000.00	21,926.00	2,204.00		146.17	(6,926.00)
100-5435-40-03	Legal Notices/Filings	2,000.00		2,000.00	759.50			37.98	1,240.50
100-5480-40-03	Contracted Services	1,500.00		1,500.00	1,212.53			80.84	287.47
	Subtotal object - 05	152,380.00		152,380.00	128,983.71	2,204.00	5,000.07	84.65	18,396.22
100-5526-40-03	Data Network	3,360.00		3,360.00	2,431.36	607.84		72.36	928.64
100-5530-40-03	Travel	7,352.00		7,352.00	2,148.97			29.23	5,203.03
100-5533-40-03	Mileage Expense	1,650.00		1,650.00	359.60			21.79	1,290.40
100-5536-40-03	Training/Seminars	4,350.00		4,350.00	377.14			8.67	3,972.86
	Subtotal object - 05	16,712.00		16,712.00	5,317.07	607.84		31.82	11,394.93
100-7145-40-03	Transfer to VERF	1,005.00		1,005.00	837.50	83.75		83.33	167.50
	Subtotal object - 07	1,005.00		1,005.00	837.50	83.75		83.33	167.50
Program number: 3	PLANNING	729,343.00	17,225.64	746,568.64	617,412.44	65,180.84	5,000.07	82.70	124,156.13
Department number: 40	DEVELOPMENT SERVICES	3,211,836.00	26,402.78	3,238,238.78	2,173,638.48	256,104.98	526,002.31	67.12	538,597.99
100-5110-50-01	Salaries & Wages	361,096.00	9,458.10	370,554.10	303,756.53	46,472.00		81.97	66,797.57
100-5115-50-01	Salaries - Overtime	14,763.00		14,763.00	9,811.35	470.17		66.46	4,951.65
100-5140-50-01	Salaries - Longevity Pay	2,040.00		2,040.00	1,995.00			97.79	45.00
100-5145-50-01	Social Security Expense	23,430.00		23,430.00	18,300.31	2,762.28		78.11	5,129.69
100-5150-50-01	Medicare Expense	5,480.00		5,480.00	4,279.91	646.01		78.10	1,200.09
100-5155-50-01	SUTA Expense	1,296.00		1,296.00	1,154.68			89.10	141.32
100-5160-50-01	Health Insurance	67,327.00		67,327.00	54,984.41	5,985.36		81.67	12,342.59
100-5165-50-01	Dental Insurance	2,827.00		2,827.00	2,459.44	287.56		87.00	367.56
100-5170-50-01	Life Insurance/AD&D	748.00		748.00	637.84	75.04		85.27	110.16
100-5175-50-01	Liability (TML)/Workers' Comp	14,841.00		14,841.00	13,624.62	2,167.46		91.80	1,216.38
100-5180-50-01	TMRS Expense	51,206.00		51,206.00	42,870.04	6,369.52		83.72	8,335.96
100-5185-50-01	Long/Short Term Disability	686.00		686.00	482.66	54.23		70.36	203.34
100-5186-50-01	WELLE-Wellness Prog Reimb Empl	2,700.00		2,700.00	1,000.00	100.00		37.04	1,700.00
	Subtotal object - 05	548,440.00	9,458.10	557,898.10	455,356.79	65,389.63		81.62	102,541.31
100-5210-50-01	Office Supplies	1,300.00		1,300.00	317.33			24.41	982.67
100-5220-50-01	Office Equipment	2,310.00		2,310.00	2,275.89			98.52	34.11
100-5230-50-01	Dues,Fees,& Subscriptions	500.00		500.00	1,765.00			353.00	(1,265.00)
	Subtotal object - 05	4,110.00		4,110.00	4,358.22			106.04	(248.22)
100-5310-50-01	Rental Expense	36,000.00	(7,956.00)	28,044.00	20,801.16	4,165.02		74.17	7,242.84
100-5320-50-01	Repairs & Maintenance	2,000.00		2,000.00	1,269.45			63.47	730.55
100-5321-50-01	Signal Light Repairs	22,000.00		22,000.00	14,281.14	5,546.25		64.91	7,718.86
100-5340-50-01	Building Repairs	1,000.00		1,000.00	96.49			9.65	903.51
100-5350-50-01	Vehicle Expense	10,440.00		10,440.00	11,420.20	425.48		109.39	(980.20)
100-5351-50-01	Equipment Expense/Repair	4,000.00	7,956.00	11,956.00	12,501.66	475.27		104.56	(545.66)
100-5352-50-01	Fuel	7,500.00		7,500.00	7,760.89	111.84		103.48	(260.89)
100-5353-50-01	Oil/Grease/Inspections	1,680.00		1,680.00	80.00			4.76	1,600.00
	Subtotal object - 05	84,620.00		84,620.00	68,210.99	10,723.86		80.61	16,409.01
100-5400-50-01	Uniform Expense	5,900.00		5,900.00	4,635.97			78.58	1,264.03
100-5419-50-01	IT LICENSES	1,000.00		1,000.00				-	1,000.00
100-5430-50-01	Legal Fees	952.00		952.00	76.00			7.98	876.00

100-5480-50-01	Contracted Services	232,850.00	246,381.40	479,231.40	336,131.15		59,245.40	70.14	83,854.85
100-5480-50-01-1924-WA	Fifth Street Water Line				2,625.00			-	(2,625.00)
100-5480-50-01-1941-TR	Contr Svcs-PT/Coit Pole Repair				23,150.00	23,150.00		-	(23,150.00)
100-5485-50-01	Contract Svcs - Annual Street	1,250,000.00	(1,250,000.00)					-	
	Subtotal object - 05	1,490,702.00	(1,003,618.60)	487,083.40	366,618.12	23,150.00	59,245.40	75.27	61,219.88
100-5520-50-01	Telephones	3,000.00		3,000.00	2,078.51	228.90		69.28	921.49
100-5523-50-01	Water/Sewer Charges	300.00		300.00	360.15	29.63		120.05	(60.15)
100-5525-50-01	Electricity	3,000.00		3,000.00	2,250.00	250.00		75.00	750.00
100-5526-50-01	Data Network	300.00		300.00	957.95	38.27		319.32	(657.95)
100-5527-50-01	Electricity - Street Lights	224,000.00		224,000.00	180,166.85	20,210.91		80.43	43,833.15
100-5530-50-01	Travel	500.00		500.00				-	500.00
100-5536-50-01	Training/Seminars	3,800.00		3,800.00	295.00			7.76	3,505.00
	Subtotal object - 05	234,900.00		234,900.00	186,108.46	20,757.71		79.23	48,791.54
100-5620-50-01	Tools & Equipment	9,000.00		9,000.00	3,796.84	114.67		42.19	5,203.16
100-5630-50-01	Safety Equipment	5,000.00		5,000.00	2,086.69	150.00		41.73	2,913.31
100-5640-50-01	Signs & Hardware	55,000.00		55,000.00	33,693.51	2,519.52	(1,795.00)	61.26	23,101.49
100-5650-50-01	Maintenance Materials	100,000.00	(6,000.00)	94,000.00	78,580.90	9,763.96	10,099.80	83.60	5,319.30
	Subtotal object - 05	169,000.00	(6,000.00)	163,000.00	118,157.94	12,548.15	8,304.80	72.49	36,537.26
100-6160-50-01	Capital Expense-Vehicles	29,100.00		29,100.00	31,307.95			107.59	(2,207.95)
	Subtotal object - 06	29,100.00		29,100.00	31,307.95			107.59	(2,207.95)
100-7144-50-01	Transfer to Bond Fund		1,250,000.00	1,250,000.00	1,250,000.00			100.00	
100-7145-50-01	Transfer to VERF	68,244.00		68,244.00	56,870.00	5,687.00		83.33	11,374.00
	Subtotal object - 07	68,244.00	1,250,000.00	1,318,244.00	1,306,870.00	5,687.00		99.14	11,374.00
Program number: 1	STREETS	2,629,116.00	249,839.50	2,878,955.50	2,536,988.47	138,256.35	67,550.20	88.12	274,416.83
100-5212-50-05	BUILDING SUPPLIES	3,000.00		3,000.00	1,470.33	165.15		49.01	1,529.67
	Subtotal object - 05	3,000.00		3,000.00	1,470.33	165.15		49.01	1,529.67
100-5340-50-05	BUILDING REPAIRS	13,000.00		13,000.00	8,616.61	2,270.60		66.28	4,383.39
	Subtotal object - 05	13,000.00		13,000.00	8,616.61	2,270.60		66.28	4,383.39
100-5480-50-05	CONTRACTED SERVICES	190,780.00		190,780.00	104,475.01		30,355.59	54.76	55,949.40
	Subtotal object - 05	190,780.00		190,780.00	104,475.01		30,355.59	54.76	55,949.40
100-5523-50-05	WATER/SEWER CHARGES	8,000.00		8,000.00	8,378.55	1,462.39		104.73	(378.55)
100-5525-50-05	ELECTRICITY	120,000.00	(18,966.00)	101,034.00	57,720.65	6,356.03		57.13	43,313.35
	Subtotal object - 05	128,000.00	(18,966.00)	109,034.00	66,099.20	7,818.42		60.62	42,934.80
100-6125-50-05	Capital Expense - Technology		18,966.00	18,966.00			18,965.99	-	0.01
	Subtotal object - 06		18,966.00	18,966.00			18,965.99	-	0.01
Program number: 5	FACILITIES MANAGEMENT	334,780.00		334,780.00	180,661.15	10,254.17	49,321.58	53.96	104,797.27
Department number: 50	PUBLIC WORKS	2,963,896.00	249,839.50	3,213,735.50	2,717,649.62	148,510.52	116,871.78	84.56	379,214.10
100-5110-60-01	Salaries & Wages	326,600.00	11,619.80	338,219.80	285,009.86	39,251.31		84.27	53,209.94
100-5115-60-01	Salaries - Overtime	500.00		500.00	2,060.22			412.04	(1,560.22)
100-5126-60-01	Salaries-Vacation Buy-Out	3,598.00		3,598.00	3,700.12			102.84	(102.12)
100-5140-60-01	Salaries - Longevity Pay	850.00		850.00	810.00			95.29	40.00
100-5143-60-01	Cell Phone Allowance	2,940.00		2,940.00	2,700.00	270.00		91.84	240.00
100-5145-60-01	Social Security Expense	20,739.00		20,739.00	18,332.05	2,549.79		88.39	2,406.95
100-5150-60-01	Medicare Expense	4,851.00		4,851.00	4,287.34	596.34		88.38	563.66
100-5155-60-01	SUTA Expense	648.00		648.00	720.00			111.11	(72.00)
100-5160-60-01	Health Insurance	37,372.00		37,372.00	28,805.72	2,373.98		77.08	8,566.28
100-5165-60-01	Dental Insurance	1,758.00		1,758.00	1,422.70	140.62		80.93	335.30
100-5170-60-01	Life Insurance/AD&D	451.00		451.00	296.40	29.64		65.72	154.60
100-5175-60-01	Liability (TML)/Workers' Comp	635.00		635.00	3,111.49	465.26		490.00	(2,476.49)
100-5180-60-01	TMRS Expense	45,324.00		45,324.00	39,598.56	5,325.23		87.37	5,725.44
100-5185-60-01	Long/Short Term Disability	621.00		621.00	489.04	49.70		78.75	131.96
100-5186-60-01	WELLE-Wellness Prog Reimb Empl	2,400.00		2,400.00	815.72	78.32		33.99	1,584.28
100-5190-60-01	Contract Labor				16,590.00	3,265.50		-	(16,590.00)
	Subtotal object - 05	449,287.00	11,619.80	460,906.80	408,749.22	54,395.69		88.68	52,157.58
100-5210-60-01	Office Supplies	2,000.00		2,000.00	1,306.53			65.33	693.47
100-5212-60-01	Building Supplies	1,000.00		1,000.00	146.57	20.40		14.66	853.43

100-5220-60-01	Office Equipment	3,210.00		3,210.00	99.95		3.11	3,110.05	
100-5230-60-01	Dues,Fees,& Subscriptions	2,160.00		2,160.00	1,579.07	400.00	73.11	580.93	
100-5240-60-01	Postage and Delivery	50.00		50.00	50.60		101.20	(0.60)	
100-5280-60-01	Printing and Reproduction	200.00		200.00	391.74		195.87	(191.74)	
	Subtotal object - 05	8,620.00		8,620.00	3,574.46	420.40	41.47	5,045.54	
100-5320-60-01	Repairs & Maintenance	20,000.00		20,000.00	542.00		2.71	19,458.00	
100-5330-60-01	Copier Expense	2,800.00		2,800.00	1,001.12	251.39	35.75	1,798.88	
100-5340-60-01	Building Repairs	5,000.00		5,000.00			-	5,000.00	
100-5350-60-01	Vehicle Expense				329.10	188.06	-	(329.10)	
100-5352-60-01	Fuel	525.00		525.00	179.18	31.86	34.13	345.82	
100-5353-60-01	Oil/Grease/Inspections	220.00		220.00			-	220.00	
	Subtotal object - 05	28,545.00		28,545.00	2,051.40	471.31	7.19	26,493.60	
100-5400-60-01	Uniform Expense	750.00		750.00	648.45		86.46	101.55	
100-5410-60-01	Professional Services		8,760.00	8,760.00	900.00		10.27	(250.00)	
100-5410-60-01-1921-PK	Prof Svcs. Town Hall Open Spac		9,177.80	9,177.80	9,177.80		100.00		
100-5419-60-01	IT Licenses	850.00		850.00			-	850.00	
100-5430-60-01	Legal Fees	7,500.00		7,500.00	6,669.00	285.00	88.92	831.00	
100-5435-60-01	Legal Notices/Filings	500.00		500.00	140.00		28.00	360.00	
100-5480-60-01	Contracted Services	108,500.00	15,000.00	123,500.00	81,525.00	21,940.00	66.01	41,975.00	
	Subtotal object - 05	118,100.00	32,937.80	151,037.80	99,060.25	22,225.00	8,110.00	65.59	43,867.55
100-5520-60-01	Telephones				325.68	36.07	-	(325.68)	
100-5523-60-01	Water/Sewer Charges	1,560.00		1,560.00	612.01	59.65	39.23	947.99	
100-5524-60-01	GAS	2,000.00		2,000.00	661.70	63.76	33.09	1,338.30	
100-5525-60-01	Electricity	5,300.00		5,300.00	2,535.54	200.93	47.84	2,764.46	
100-5526-60-01	Data Network	2,500.00		2,500.00	238.41		9.54	2,261.59	
100-5530-60-01	Travel	5,915.00		5,915.00	1,303.79		22.04	4,611.21	
100-5533-60-01	Mileage Expense	2,000.00		2,000.00	816.53		40.83	1,183.47	
100-5536-60-01	Training/Seminars	5,230.00		5,230.00	3,198.61	2,035.50	61.16	2,031.39	
	Subtotal object - 05	24,505.00		24,505.00	9,692.27	2,395.91	39.55	14,812.73	
100-5601-60-01	Event - Prosper Christmas	66,000.00		66,000.00	47,070.78		71.32	18,929.22	
	Subtotal object - 05	66,000.00		66,000.00	47,070.78		71.32	18,929.22	
100-5995-60-01	Recreation Activities	50,000.00		50,000.00			-	50,000.00	
	Subtotal object - 05	50,000.00		50,000.00			-	50,000.00	
100-6110-60-01	Capital Expenditure	162,927.00	(162,927.00)				-		
100-6160-60-01	Capital Expense-Vehicles	23,800.00		23,800.00	23,626.45		30.00	143.55	
	Subtotal object - 06	186,727.00	(162,927.00)	23,800.00	23,626.45		30.00	143.55	
100-7144-60-01	Transfer to Bond Fund		147,927.00	147,927.00	10,722.72	(137,204.28)	7.25	137,204.28	
100-7145-60-01	Transfer to VERF	657.00		657.00	547.50	54.75	83.33	109.50	
	Subtotal object - 07	657.00	147,927.00	148,584.00	11,270.22	(137,149.53)	7.59	137,313.78	
Program number: 1	PARKS ADMINISTRATION	932,441.00	29,557.60	961,998.60	605,095.05	(57,241.22)	8,140.00	62.90	348,763.55
100-5110-60-02	Salaries & Wages	921,751.00	29,753.99	951,504.99	780,237.44	103,018.16	82.00	171,267.55	
100-5115-60-02	Salaries - Overtime	16,117.00		16,117.00	9,449.82	2,036.59	58.63	6,667.18	
100-5126-60-02	Salaries-Vacation Buy-Out	12,472.00		12,472.00	8,598.32		68.94	3,873.68	
100-5140-60-02	Salaries - Longevity Pay	5,545.00		5,545.00	6,420.00		115.78	(875.00)	
100-5143-60-02	Cell Phone Allowance	9,540.00		9,540.00	8,110.00	800.00	85.01	1,430.00	
100-5145-60-02	Social Security Expense	59,857.00		59,857.00	47,093.67	6,238.90	78.68	12,763.33	
100-5150-60-02	Medicare Expense	14,000.00		14,000.00	11,013.81	1,459.11	78.67	2,986.19	
100-5155-60-02	SUTA Expense	3,402.00		3,402.00	3,031.67	3.88	89.11	370.33	
100-5160-60-02	Health Insurance	222,911.00		222,911.00	160,298.36	14,414.04	71.91	62,612.64	
100-5165-60-02	Dental Insurance	8,156.00		8,156.00	6,344.59	642.31	77.79	1,811.41	
100-5170-60-02	Life Insurance/AD&D	2,288.00		2,288.00	1,815.03	178.22	79.33	472.97	
100-5175-60-02	Liability (TML)/Workers' Comp	17,210.00		17,210.00	19,843.28	2,811.60	115.30	(2,633.28)	
100-5180-60-02	TMRS Expense	130,816.00		130,816.00	109,609.68	14,290.08	83.79	21,206.32	
100-5185-60-02	Long/Short Term Disability	1,753.00		1,753.00	1,296.01	125.61	73.93	456.99	
100-5186-60-02	WELLE-Wellness Prog Reimb Empl	7,050.00		7,050.00	4,651.36	484.96	65.98	2,398.64	
	Subtotal object - 05	1,432,868.00	29,753.99	1,462,621.99	1,177,813.04	146,503.46	80.53	284,808.95	

100-5210-60-02	Office Supplies	550.00		550.00	109.86		19.98	440.14
100-5212-60-02	Building Supplies	20,200.00		20,200.00	5,536.19		27.41	14,663.81
100-5213-60-02	Custodial Supplies	5,500.00		5,500.00	2,200.18	539.17	40.00	3,299.82
100-5220-60-02	Office Equipment	3,461.00		3,461.00	758.00	758.00	21.90	2,703.00
100-5230-60-02	Dues, Fees, & Subscriptions	3,306.00		3,306.00	1,703.17		51.52	1,602.83
100-5240-60-02	Postage and Delivery				15.10		-	(15.10)
	Subtotal object - 05	33,017.00		33,017.00	10,322.50	1,297.17	31.26	22,694.50
100-5310-60-02	Rental Expense	38,000.00		38,000.00	34,081.37	4,207.37	2,901.00	89.69
100-5320-60-02	Repairs & Maintenance	48,410.00	(5,000.00)	43,410.00	31,236.69	1,859.65	71.96	12,173.31
100-5322-60-02	Irrigation Repairs	10,200.00		10,200.00	6,790.71	1,243.02	66.58	3,409.29
100-5323-60-02	Field Maintenance	51,150.00		51,150.00	26,139.12		3,060.00	51.10
100-5324-60-02	Landscape Maintenance	15,000.00	10,000.00	25,000.00	21,139.49	3,435.59	84.56	3,860.51
100-5330-60-02	Copier Expense	237.00		237.00	78.32	13.13	33.05	158.68
100-5350-60-02	Vehicle Expense	8,000.00		8,000.00	7,603.73	714.91	95.05	396.27
100-5351-60-02	Equipment Expense/Repair	4,000.00		4,000.00	5,095.42	439.98	127.39	(1,095.42)
100-5352-60-02	Fuel	15,920.00		15,920.00	9,126.11		57.33	6,793.89
100-5353-60-02	Oil/Grease/Inspections	1,800.00		1,800.00	1,476.44		82.02	323.56
100-5355-60-02	Chemicals/Fertilizer	131,335.00	(5,000.00)	126,335.00	48,272.03	1,241.57	38.21	78,062.97
	Subtotal object - 05	324,052.00		324,052.00	191,039.43	13,155.22	5,961.00	58.95
100-5400-60-02	Uniform Expense	13,435.00		13,435.00	11,787.82	733.12	87.74	1,647.18
100-5480-60-02	Contracted Services	338,132.00		338,132.00	197,917.53	26,527.31	111,982.00	58.53
	Subtotal object - 05	351,567.00		351,567.00	209,705.35	27,260.43	111,982.00	59.65
100-5520-60-02	Telephones	3,165.00		3,165.00	2,645.11	287.26	83.57	519.89
100-5523-60-02	Water/Sewer Charges	179,788.00		179,788.00	134,289.85	40,637.75	74.69	45,498.15
100-5525-60-02	Electricity	158,857.00		158,857.00	95,058.88	9,256.91	59.84	63,798.12
100-5526-60-02	Data Network	550.00		550.00	340.80	112.86	61.96	209.20
100-5530-60-02	Travel	5,805.00		5,805.00	279.30		4.81	5,525.70
100-5533-60-02	Mileage Expense	450.00		450.00			-	450.00
100-5536-60-02	Training/Seminars	4,320.00		4,320.00	3,199.75	328.90	74.07	1,120.25
	Subtotal object - 05	352,935.00		352,935.00	235,813.69	50,623.68	66.82	117,121.31
100-5600-60-02	Special Events				2,968.17	(996.99)	-	(2,968.17)
100-5620-60-02	Tools & Equipment	4,350.00		4,350.00	5,062.34		116.38	(712.34)
100-5630-60-02	Safety Equipment	4,345.00		4,345.00	3,960.03		91.14	384.97
100-5640-60-02	Signs & Hardware	5,400.00		5,400.00	2,233.53		41.36	3,166.47
	Subtotal object - 05	14,095.00		14,095.00	14,224.07	(996.99)	100.92	(129.07)
100-6120-60-02	Capital Expense-Park Impr	80,000.00	15,000.00	95,000.00	93,554.00	18,960.00	98.48	1,446.00
100-6140-60-02	Capital Expense-Equipment	39,000.00		39,000.00	32,375.00		83.01	6,625.00
100-6160-60-02	Capital Expense-Vehicles	23,689.00		23,689.00	23,656.45		(125.70)	99.86
	Subtotal object - 06	142,689.00	15,000.00	157,689.00	149,585.45	18,960.00	(125.70)	94.86
100-7145-60-02	Transfer to VERF	230,113.00		230,113.00	191,760.80	19,176.08	83.33	38,352.20
	Subtotal object - 07	230,113.00		230,113.00	191,760.80	19,176.08	83.33	38,352.20
Program number: 2	PARKS OPERATIONS	2,881,336.00	44,753.99	2,926,089.99	2,180,264.33	275,979.05	117,817.30	74.51
100-5110-60-03	Salaries & Wages	94,787.00	4,287.04	99,074.04	77,953.31	10,730.64	78.68	21,120.73
100-5140-60-03	Salaries - Longevity Pay	70.00		70.00	65.00		92.86	5.00
100-5145-60-03	Social Security Expense	5,882.00		5,882.00	4,807.68	662.72	81.74	1,074.32
100-5150-60-03	Medicare Expense	1,376.00		1,376.00	1,124.38	154.98	81.71	251.62
100-5155-60-03	SUTA Expense	324.00		324.00	288.00		88.89	36.00
100-5160-60-03	Health Insurance	23,418.00		23,418.00	6,015.08	529.76	25.69	17,402.92
100-5165-60-03	Dental Insurance	875.00		875.00	680.40	68.04	77.76	194.60
100-5170-60-03	Life Insurance/AD&D	226.00		226.00	187.60	18.76	83.01	38.40
100-5175-60-03	Liability (TML)/Workers' Comp	942.00		942.00	1,741.26	258.48	184.85	(799.26)
100-5180-60-03	TMRS Expense	12,854.00		12,854.00	10,602.92	1,458.23	82.49	2,251.08
100-5185-60-03	Long/Short Term Disability	181.00		181.00	134.64	13.57	74.39	46.36
100-5186-60-03	WELLE-Wellness Prog Reimb Empl	600.00		600.00	274.12	39.16	45.69	325.88
	Subtotal object - 05	141,535.00	4,287.04	145,822.04	103,874.39	13,934.34	71.23	41,947.65
100-5210-60-03	Office Supplies	225.00		225.00	161.37		71.72	63.63

100-5220-60-03	Office Equipment	3,700.00		3,700.00	3,832.43	75.68		103.58	(132.43)
100-5230-60-03	Dues,Fees,& Subscriptions				40.00			-	(40.00)
100-5240-60-03	Postage and Delivery	3,700.00		3,700.00				-	3,700.00
100-5260-60-03	Advertising	1,900.00		1,900.00	1,158.00	235.00		60.95	742.00
100-5280-60-03	Printing and Reproduction	4,000.00		4,000.00	254.36	254.36		6.36	3,745.64
	Subtotal object - 05	13,525.00		13,525.00	5,446.16	565.04		40.27	8,078.84
100-5475-60-03	Credit Card Fees	4,000.00		4,000.00	2,305.54	486.39		57.64	1,694.46
	Subtotal object - 05	4,000.00		4,000.00	2,305.54	486.39		57.64	1,694.46
100-5520-60-03	Telephones	650.00		650.00				-	650.00
	Subtotal object - 05	650.00		650.00				-	650.00
100-5600-60-03	Special Events	33,130.00		33,130.00	20,833.58	8,163.50		62.88	12,296.42
	Subtotal object - 05	33,130.00		33,130.00	20,833.58	8,163.50		62.88	12,296.42
100-5995-60-03	Recreation Activities	84,400.00		84,400.00	26,452.47	10,418.65		31.34	57,947.53
	Subtotal object - 05	84,400.00		84,400.00	26,452.47	10,418.65		31.34	57,947.53
Program number: 3	RECREATION	277,240.00	4,287.04	281,527.04	158,912.14	33,567.92		56.45	122,614.90
100-5110-60-05	Salaries & Wages	344,753.00	26,461.51	371,214.51	233,722.35	31,710.39		62.96	137,492.16
100-5126-60-05	Salaries-Vacation Buy-Out	4,412.00		4,412.00	4,500.64			102.01	(88.64)
100-5140-60-05	Salaries - Longevity Pay	455.00		455.00	405.00			89.01	50.00
100-5145-60-05	Social Security Expense	21,677.00		21,677.00	14,387.65	1,939.74		66.37	7,289.35
100-5150-60-05	Medicare Expense	5,070.00		5,070.00	3,364.89	453.65		66.37	1,705.11
100-5155-60-05	SUTA Expense	2,430.00		2,430.00	1,278.05	165.58		52.60	1,151.95
100-5160-60-05	Health Insurance	40,284.00		40,284.00	17,709.62	1,544.48		43.96	22,574.38
100-5165-60-05	Dental Insurance	1,723.00		1,723.00	1,046.40	104.64		60.73	676.60
100-5170-60-05	Life Insurance/AD&D	446.00		446.00	202.60	20.26		45.43	243.40
100-5175-60-05	Liability (TML)/Workers' Comp	723.00		723.00	683.28	102.24		94.51	39.72
100-5180-60-05	TMRS Expense	28,521.00		28,521.00	21,940.69	2,849.42		76.93	6,580.31
100-5185-60-05	Long/Short Term Disability	391.00		391.00	268.14	25.19		68.58	122.86
100-5186-60-05	WELLE-Wellness Prog Reimb Empl	600.00		600.00	548.24	78.32		91.37	51.76
	Subtotal object - 05	451,485.00	26,461.51	477,946.51	300,057.55	38,993.91		62.78	177,888.96
100-5210-60-05	Office Supplies	4,500.00		4,500.00	3,701.65	98.75		82.26	798.35
100-5220-60-05	Office Equipment				1,201.42			-	(1,201.42)
100-5230-60-05	Dues,Fees,& Subscriptions	6,488.00		6,488.00	3,958.46	12.99		61.01	2,529.54
100-5240-60-05	Postage and Delivery	500.00		500.00	843.89	275.80		168.78	(343.89)
100-5280-60-05	Printing and Reproduction	1,400.00		1,400.00	564.26			40.30	835.74
100-5281-60-05	Book Purchases	41,000.00		41,000.00	25,836.40	1,785.96	6,730.85	63.02	8,432.75
100-5282-60-05	DVD Purchases	2,000.00		2,000.00	1,735.00			86.75	265.00
100-5283-60-05	Audiobook Purchases	1,500.00		1,500.00	716.47			47.77	783.53
100-5284-60-05	Other Collect. Item Purchases	2,000.00		2,000.00	1,999.00	1,000.00		99.95	1.00
100-5290-60-05	Other Charges and Services	2,000.00		2,000.00	2,348.45	140.70		117.42	(348.45)
	Subtotal object - 05	61,388.00		61,388.00	42,905.00	3,314.20	6,730.85	69.89	11,752.15
100-5330-60-05	Copier Expense	1,854.00		1,854.00	992.07	215.24		53.51	861.93
	Subtotal object - 05	1,854.00		1,854.00	992.07	215.24		53.51	861.93
100-5400-60-05	Uniform Expense	1,300.00		1,300.00	1,282.80	112.00		98.68	17.20
100-5430-60-05	Legal Fees	250.00		250.00	646.00			258.40	(396.00)
100-5480-60-05	Contracted Services	8,100.00		8,100.00	5,500.00			67.90	2,600.00
	Subtotal object - 05	9,650.00		9,650.00	7,428.80	112.00		76.98	2,221.20
100-5520-60-05	Telephones	450.00		450.00	323.65	34.99		71.92	126.35
100-5530-60-05	Travel	3,500.00		3,500.00	1,644.27			46.98	1,855.73
100-5533-60-05	Mileage Expense	750.00		750.00	252.48			33.66	497.52
100-5536-60-05	Training/Seminars	1,250.00		1,250.00	699.51	(695.00)		55.96	550.49
	Subtotal object - 05	5,950.00		5,950.00	2,919.91	(660.01)		49.07	3,030.09
100-5600-60-05	Special Events	3,000.00		3,000.00	3,409.82	442.20		113.66	(409.82)
	Subtotal object - 05	3,000.00		3,000.00	3,409.82	442.20		113.66	(409.82)
100-7145-60-05	Transfer to VERF	6,794.00		6,794.00	5,661.70	566.17		83.33	1,132.30
	Subtotal object - 07	6,794.00		6,794.00	5,661.70	566.17		83.33	1,132.30
Program number: 5	LIBRARY	540,121.00	26,461.51	566,582.51	363,374.85	42,983.71	6,730.85	64.13	196,476.81

Department number: 60	COMMUNITY SERVICES	4,631,138.00	105,060.14	4,736,198.14	3,307,646.37	295,289.46	132,688.15	69.84	1,295,863.62
100-5110-98-01	Salaries & Wages	1,049,961.00	15,831.62	1,065,792.62	842,009.21	134,300.90		79.00	223,783.41
100-5115-98-01	Salaries - Overtime	700.00		700.00	698.81	77.17		99.83	1.19
100-5126-98-01	Salaries-Vacation Buy-Out	14,190.00		14,190.00	12,460.70			87.81	1,729.30
100-5140-98-01	Salaries - Longevity Pay	2,285.00		2,285.00	1,910.00			83.59	375.00
100-5143-98-01	Cell Phone Allowance	935.00		935.00	890.00	145.00		95.19	45.00
100-5145-98-01	Social Security Expense	66,221.00		66,221.00	47,778.20	7,962.45		72.15	18,442.80
100-5150-98-01	Medicare Expense	15,487.00		15,487.00	11,663.45	1,862.19		75.31	3,823.55
100-5155-98-01	SUTA Expense	1,782.00		1,782.00	1,732.57			97.23	49.43
100-5160-98-01	Health Insurance	155,093.00		155,093.00	73,158.00	7,580.66		47.17	81,935.00
100-5165-98-01	Dental Insurance	5,316.00		5,316.00	3,231.13	382.46		60.78	2,084.87
100-5170-98-01	Life Insurance/AD&D	1,202.00		1,202.00	1,026.03	109.90		85.36	175.97
100-5175-98-01	Liability (TML)/Workers' Comp	11,964.00		11,964.00	5,328.34	539.81		44.54	6,635.66
100-5180-98-01	TMRS Expense	144,724.00		144,724.00	116,430.15	18,235.41		80.45	28,293.85
100-5185-98-01	Long/Short Term Disability	1,997.00		1,997.00	1,415.27	171.88		70.87	581.73
100-5186-98-01	WELLE-Wellness Prog Reimb Empl	5,350.00		5,350.00	2,650.00	300.00		49.53	2,700.00
	Subtotal object - 05	1,477,207.00	15,831.62	1,493,038.62	1,122,381.86	171,667.83		75.17	370,656.76
100-5210-98-01	Office Supplies	2,775.00		2,775.00	1,549.93	58.29		55.85	1,225.07
100-5220-98-01	Office Equipment	6,410.00	3,824.96	10,234.96	7,372.61			72.03	2,862.35
100-5230-98-01	Dues,Fees,& Subscriptions	2,175.00		2,175.00	3,953.40	339.00		181.77	(1,778.40)
100-5240-98-01	Postage and Delivery	280.00		280.00	251.30	51.45		89.75	28.70
100-5250-98-01	Publications	400.00		400.00				-	400.00
100-5280-98-01	Printing and Reproduction	100.00		100.00	203.10			203.10	(103.10)
100-5290-98-01	Other Charges and Services				411.31			-	(411.31)
	Subtotal object - 05	12,140.00	3,824.96	15,964.96	13,741.65	448.74		86.07	2,223.31
100-5330-98-01	Copier Expense	1,075.00		1,075.00	1,610.99	334.88		149.86	(535.99)
100-5350-98-01	Vehicle Expense	870.00		870.00	1,903.80	205.75		218.83	(1,033.80)
100-5352-98-01	Fuel	2,700.00		2,700.00	1,790.65			66.32	909.35
	Subtotal object - 05	4,645.00		4,645.00	5,305.44	540.63		114.22	(660.44)
100-5400-98-01	Uniform Expense	900.00		900.00	1,735.64			192.85	(835.64)
100-5405-98-01	Land Acquisition Services					2,100.00		-	(2,100.00)
100-5410-98-01	Professional Services	40,719.00	1,060.00	41,779.00	4,058.89	44,577.00		9.72	(6,856.89)
100-5410-98-01-1831-ST	First/BNSF RR Overpass		27,407.00	27,407.00	11,510.19	16,661.06		42.00	(764.25)
100-5410-98-01-1832-ST	Prosper Tri/BNSF RR Overpass		36,452.51	36,452.51	41,690.33	11,182.00		114.37	(16,419.82)
100-5410-98-01-1942-TR	Traffic Signal Warrant Study		20,000.00	20,000.00	20,000.00	1,568.15	15,000.00	100.00	(15,000.00)
100-5419-98-01	IT Licenses	11,830.00		11,830.00	7,059.52			59.68	4,770.48
100-5430-98-01	Legal Fees	11,000.00		11,000.00	10,394.90	646.00		94.50	605.10
100-5435-98-01	Legal Notices/Filings	2,400.00		2,400.00	1,985.60	580.00		82.73	414.40
100-5480-98-01	Contracted Services	150,000.00		150,000.00				-	150,000.00
	Subtotal object - 05	216,849.00	84,919.51	301,768.51	98,435.07	2,794.15	89,520.06	32.62	113,813.38
100-5520-98-01	Telephones	4,995.00		4,995.00	1,813.55	226.74		36.31	3,181.45
100-5526-98-01	Data Network				1,574.55	314.91		-	(1,574.55)
100-5530-98-01	Travel	3,850.00		3,850.00	571.11			14.83	3,278.89
100-5533-98-01	Mileage Expense	1,275.00		1,275.00	730.81	21.75		57.32	544.19
100-5536-98-01	Training/Seminars	5,100.00		5,100.00	2,673.40			52.42	2,426.60
	Subtotal object - 05	15,220.00		15,220.00	7,363.42	563.40		48.38	7,856.58
100-5620-98-01	Tools & Equipment	200.00		200.00	227.63			113.82	(27.63)
100-5630-98-01	Safety Equipment	200.00		200.00	360.00			180.00	(160.00)
	Subtotal object - 05	400.00		400.00	587.63			146.91	(187.63)
100-7145-98-01	Transfer to VERF	8,332.00		8,332.00	6,943.30	694.33		83.33	1,388.70
	Subtotal object - 07	8,332.00		8,332.00	6,943.30	694.33		83.33	1,388.70
Program number: 1	ENGINEERING	1,734,793.00	104,576.09	1,839,369.09	1,254,758.37	176,709.08	89,520.06	68.22	495,090.66
Department number: 98	ENGINEERING	1,734,793.00	104,576.09	1,839,369.09	1,254,758.37	176,709.08	89,520.06	68.22	495,090.66
	Expense	29,865,198.00	1,609,828.54	31,475,026.54	23,924,982.44	2,758,278.08	1,419,859.69	76.01	6,130,184.41
Fund number: 100	GENERAL	(447,622.00)	1,190,156.54	742,534.54	(5,840,947.17)	954,377.85	1,419,859.69		5,163,622.02
120-4120-20-01	Sales Taxes	(1,338,204.00)		(1,338,204.00)	(1,237,465.17)	(133,603.62)		92.47	(100,738.83)

	Subtotal object - 04	(1,338,204.00)		(1,338,204.00)	(1,237,465.17)	(133,603.62)	92.47	(100,738.83)
120-4610-20-01	Interest Income	(5,000.00)		(5,000.00)	(970.49)	(520.12)	19.41	(4,029.51)
	Subtotal object - 04	(5,000.00)		(5,000.00)	(970.49)	(520.12)	19.41	(4,029.51)
Program number: 1	OPERATIONS	(1,343,204.00)		(1,343,204.00)	(1,238,435.66)	(134,123.74)	92.20	(104,768.34)
Department number: 20	POLICE	(1,343,204.00)		(1,343,204.00)	(1,238,435.66)	(134,123.74)	92.20	(104,768.34)
	Revenue Subtotal - - - - -	(1,343,204.00)		(1,343,204.00)	(1,238,435.66)	(134,123.74)	92.20	(104,768.34)
120-5110-20-01	Salaries & Wages	825,126.00	18,951.00	844,077.00	680,932.07	100,764.36	80.67	163,144.93
120-5115-20-01	Salaries - Overtime	135,636.00		135,636.00	44,771.90	11,727.44	33.01	90,864.10
120-5126-20-01	Salaries-Vacation Buy-Out	2,742.00		2,742.00	5,978.80		218.05	(3,236.80)
120-5127-20-01	Salaries-Certification Pay	17,220.00		17,220.00	12,929.22	1,336.09	75.08	4,290.78
120-5140-20-01	Salaries - Longevity Pay	3,055.00		3,055.00	2,880.00		94.27	175.00
120-5145-20-01	Social Security Expense	51,993.00		51,993.00	44,459.38	6,839.59	85.51	7,533.62
120-5150-20-01	Medicare Expense	12,160.00		12,160.00	10,397.77	1,599.61	85.51	1,762.23
120-5155-20-01	SUTA Expense	1,944.00		1,944.00	1,440.00		74.07	504.00
120-5160-20-01	Health Insurance	115,788.00		115,788.00	77,417.99	8,872.62	66.86	38,370.01
120-5165-20-01	Dental Insurance	5,280.00		5,280.00	3,863.74	436.28	73.18	1,416.26
120-5170-20-01	Life Insurance/AD&D	4,502.00		4,502.00	3,329.19	375.12	73.95	1,172.81
120-5175-20-01	Liability (TML) Workers' Comp	15,179.00		15,179.00	17,492.61	2,870.93	115.24	(2,313.61)
120-5180-20-01	TMRS Expense	113,629.00		113,629.00	101,350.50	15,422.89	89.19	12,278.50
120-5185-20-01	Long/Short Term Disability	1,550.00		1,550.00	1,134.39	120.92	73.19	415.61
120-5186-20-01	WELLE-Wellness Prog Reimb Empl	2,400.00		2,400.00	884.08	78.32	36.84	1,515.92
120-5191-20-01	Hiring Cost				35.52		-	(35.52)
	Subtotal object - 05	1,308,204.00	18,951.00	1,327,155.00	1,009,297.16	150,444.17	76.05	317,857.84
120-5410-20-01	Professional Services				544.53	301.94	-	(544.53)
	Subtotal object - 05				544.53	301.94	-	(544.53)
Program number: 1	OPERATIONS	1,308,204.00	18,951.00	1,327,155.00	1,009,841.69	150,746.11	76.09	317,313.31
Department number: 20	POLICE	1,308,204.00	18,951.00	1,327,155.00	1,009,841.69	150,746.11	76.09	317,313.31
	Expense Subtotal - - - - -	1,308,204.00	18,951.00	1,327,155.00	1,009,841.69	150,746.11	76.09	317,313.31
Fund number: 120	POLICE SPD	(35,000.00)	18,951.00	(16,049.00)	(228,593.97)	16,622.37		212,544.97
130-4120-30-01	Sales Taxes	(1,338,204.00)		(1,338,204.00)	(1,235,817.77)	(133,359.89)	92.35	(102,386.23)
	Subtotal object - 04	(1,338,204.00)		(1,338,204.00)	(1,235,817.77)	(133,359.89)	92.35	(102,386.23)
130-4610-30-01	Interest Income	(5,000.00)		(5,000.00)			-	(5,000.00)
	Subtotal object - 04	(5,000.00)		(5,000.00)			-	(5,000.00)
Program number: 1	OPERATIONS	(1,343,204.00)		(1,343,204.00)	(1,235,817.77)	(133,359.89)	92.01	(107,386.23)
Department number: 30	FIRE	(1,343,204.00)		(1,343,204.00)	(1,235,817.77)	(133,359.89)	92.01	(107,386.23)
	Revenue Subtotal - - - - -	(1,343,204.00)		(1,343,204.00)	(1,235,817.77)	(133,359.89)	92.01	(107,386.23)
130-5110-30-01	Salaries & Wages	816,877.00	18,070.00	834,947.00	707,708.39	98,448.50	84.76	127,238.61
130-5115-30-01	Salaries - Overtime	134,415.00		134,415.00	109,579.93	23,842.89	81.52	24,835.07
130-5116-30-01	Salaries - FLSA Overtime				13,998.29	2,457.55	-	(13,998.29)
130-5127-30-01	Salaries-Certification Pay	11,280.00		11,280.00	8,974.69	1,204.62	79.56	2,305.31
130-5140-30-01	Salaries - Longevity Pay	2,090.00		2,090.00	1,830.00		87.56	260.00
130-5145-30-01	Social Security Expense	50,883.00		50,883.00	48,240.22	7,407.20	94.81	2,642.78
130-5150-30-01	Medicare Expense	11,901.00		11,901.00	11,281.97	1,732.31	94.80	619.03
130-5155-30-01	SUTA Expense	1,944.00		1,944.00	1,728.00		88.89	216.00
130-5160-30-01	Health Insurance	141,558.00		141,558.00	127,504.30	11,544.22	90.07	14,053.70
130-5165-30-01	Dental Insurance	4,869.00		4,869.00	4,331.93	444.44	88.97	537.07
130-5170-30-01	Life Insurance/AD&D	4,502.00		4,502.00	3,751.20	375.12	83.32	750.80
130-5175-30-01	Liability (TML) Workers' Comp	12,147.00		12,147.00	19,794.59	3,325.19	162.96	(7,647.59)
130-5180-30-01	TMRS Expense	111,204.00		111,204.00	114,454.22	17,098.56	102.92	(3,250.22)
130-5185-30-01	Long/Short Term Disability	1,534.00		1,534.00	1,168.35	105.89	76.16	365.65
130-5186-30-01	WELLE-Wellness Prog Reimb Empl	3,000.00		3,000.00	3,041.94	328.32	101.40	(41.94)
	Subtotal object - 05	1,308,204.00	18,070.00	1,326,274.00	1,177,388.02	168,314.81	88.77	148,885.98
130-5410-30-01	Professional Services				544.53	301.94	-	(544.53)
	Subtotal object - 05				544.53	301.94	-	(544.53)
Program number: 1	OPERATIONS	1,308,204.00	18,070.00	1,326,274.00	1,177,932.55	168,616.75	88.82	148,341.45
Department number: 30	FIRE	1,308,204.00	18,070.00	1,326,274.00	1,177,932.55	168,616.75	88.82	148,341.45

	Expense	Subtotal - - - - -	1,308,204.00	18,070.00	1,326,274.00	1,177,932.55	168,616.75	88.82	148,341.45
Fund number: 130	FIRE SPD		(35,000.00)	18,070.00	(16,930.00)	(57,885.22)	35,256.86	341.91	40,955.22
150-4015-10-00	Water Impact Fees		(100,000.00)		(100,000.00)	(294,810.00)		294.81	194,810.00
150-4020-10-00	Wastewater Impact Fees		(50,000.00)		(50,000.00)	(189,442.00)		378.88	139,442.00
150-4040-10-00	East Thoroughfare Impact Fees		(200,000.00)		(200,000.00)	(1,100,052.96)		550.03	900,052.96
	Subtotal object - 04		(350,000.00)		(350,000.00)	(1,584,304.96)		452.66	1,234,304.96
150-4110-10-00	Property Taxes (Town)		(387,624.00)		(387,624.00)	(386,349.34)		99.67	(1,274.66)
150-4111-10-00	Property Taxes (County)		(110,960.00)		(110,960.00)	(92,846.44)		83.68	(18,113.56)
150-4120-10-00	Sales Taxes (Town)		(495,372.00)		(495,372.00)	(415,596.55)	(37,809.53)	83.90	(79,775.45)
150-4121-10-00	Sales Taxes (PEDC)		(415,259.00)		(415,259.00)	(348,062.10)	(31,665.48)	83.82	(67,196.90)
	Subtotal object - 04		(1,409,215.00)		(1,409,215.00)	(1,242,854.43)	(69,475.01)	88.20	(166,360.57)
150-4610-10-00	Interest Income		(7,500.00)		(7,500.00)	(20,071.04)	(447.12)	267.61	12,571.04
	Subtotal object - 04		(7,500.00)		(7,500.00)	(20,071.04)	(447.12)	267.61	12,571.04
150-4805-10-00	380 Rollback Taxes					(28,839.78)		-	28,839.78
	Subtotal object - 04					(28,839.78)		-	28,839.78
Program number:	DEFAULT PROGRAM		(1,766,715.00)		(1,766,715.00)	(2,876,070.21)	(69,922.13)	162.79	1,109,355.21
Department number: 10	ADMINISTRATION		(1,766,715.00)		(1,766,715.00)	(2,876,070.21)	(69,922.13)	162.79	1,109,355.21
	Revenue	Subtotal - - - - -	(1,766,715.00)		(1,766,715.00)	(2,876,070.21)	(69,922.13)	162.79	1,109,355.21
150-5805-10-00	380 Rollback Taxes Rebate					29,097.93		-	(29,097.93)
150-5810-10-00	Thoro Impact Fee Rebate					1,109,899.57		-	(1,109,899.57)
150-5811-10-00	Water Impact Fee Rebate					297,448.85		-	(297,448.85)
150-5812-10-00	Wastewater Impact Fee Rebate					191,137.70		-	(191,137.70)
150-5815-10-00	Town Sales Tax Rebate					396,891.54		-	(396,891.54)
150-5816-10-00	PEDC Sales Tax Rebate					332,396.65		-	(332,396.65)
150-5820-10-00	Town Ad Valorem Tax Rebate		1,766,715.00		1,766,715.00	389,807.57		22.06	1,376,907.43
150-5821-10-00	County Ad Valorem Tax Rebate					93,901.29		-	(93,901.29)
	Subtotal object - 05		1,766,715.00		1,766,715.00	2,840,581.10		160.78	(1,073,866.10)
Program number:	DEFAULT PROGRAM		1,766,715.00		1,766,715.00	2,840,581.10		160.78	(1,073,866.10)
Department number: 10	ADMINISTRATION		1,766,715.00		1,766,715.00	2,840,581.10		160.78	(1,073,866.10)
	Expense	Subtotal - - - - -	1,766,715.00		1,766,715.00	2,840,581.10		160.78	(1,073,866.10)
Fund number: 150	TIRZ #1 - BLUE STAR					(35,489.11)	(69,922.13)	-	35,489.11
160-4041-10-00	W Thoro Impact Fee		(325,500.00)		(325,500.00)			-	(325,500.00)
	Subtotal object - 04		(325,500.00)		(325,500.00)			-	(325,500.00)
160-4110-10-00	Property Taxes (Town)		(12,633.00)		(12,633.00)	(12,632.58)		100.00	(0.42)
160-4111-10-00	Property Taxes (County)		(3,616.00)		(3,616.00)	(3,137.06)		86.76	(478.94)
160-4120-10-00	Sales Taxes (Town)		(150.00)		(150.00)	(8.07)	(0.05)	5.38	(141.93)
160-4121-10-00	Sales Taxes (PEDC)		(150.00)		(150.00)	(8.07)	(0.05)	5.38	(141.93)
	Subtotal object - 04		(16,549.00)		(16,549.00)	(15,785.78)	(0.10)	95.39	(763.22)
160-4610-10-00	Interest Income		(500.00)		(500.00)	(467.44)	(80.59)	93.49	(32.56)
	Subtotal object - 04		(500.00)		(500.00)	(467.44)	(80.59)	93.49	(32.56)
Program number:	DEFAULT PROGRAM		(342,549.00)		(342,549.00)	(16,253.22)	(80.69)	4.75	(326,295.78)
Department number: 10	ADMINISTRATION		(342,549.00)		(342,549.00)	(16,253.22)	(80.69)	4.75	(326,295.78)
	Revenue	Subtotal - - - - -	(342,549.00)		(342,549.00)	(16,253.22)	(80.69)	4.75	(326,295.78)
160-5810-10-00	W Thoro Impact Fee Rebate		342,549.00		342,549.00	432.30	432.30	0.13	342,116.70
160-5815-10-00	Town Sales Tax Rebate					14.59	14.59	-	(14.59)
160-5816-10-00	PEDC Sales Tax Rebate					14.59	14.59	-	(14.59)
160-5820-10-00	Town Ad Valorem Tax Rebate					12,851.02	12,851.02	-	(12,851.02)
160-5821-10-00	County Ad Valorem Tax Rebate					3,191.30	3,191.30	-	(3,191.30)
	Subtotal object - 05		342,549.00		342,549.00	16,503.80	16,503.80	4.82	326,045.20
Program number:	DEFAULT PROGRAM		342,549.00		342,549.00	16,503.80	16,503.80	4.82	326,045.20
Department number: 10	ADMINISTRATION		342,549.00		342,549.00	16,503.80	16,503.80	4.82	326,045.20
	Expense	Subtotal - - - - -	342,549.00		342,549.00	16,503.80	16,503.80	4.82	326,045.20
Fund number: 160	TIRZ #2 - MATTHEWS SOUTHWEST					250.58	16,423.11	-	(250.58)
200-4000-10-08	W/S Service Initiation		(82,400.00)		(82,400.00)	(84,105.00)	(11,440.00)	102.07	1,705.00
200-4007-10-08	Sanitation		(1,377,830.00)		(1,377,830.00)	(1,153,900.93)	(124,351.84)	83.75	(223,929.07)
200-4009-10-08	Late Fee-W/S		(112,200.00)		(112,200.00)	(50,182.03)		44.73	(62,017.97)

	Subtotal object - 04	(1,572,430.00)		(1,572,430.00)	(1,288,187.96)	(135,791.84)	81.92	(284,242.04)	
Program number: 8	UTILITY BILLING	(1,572,430.00)		(1,572,430.00)	(1,288,187.96)	(135,791.84)	81.92	(284,242.04)	
200-4200-10-99	T-Mobile Fees	(39,795.00)		(39,795.00)	(62,000.60)	(6,200.06)	155.80	22,205.60	
200-4201-10-99	Tierone Converged Network	(22,777.00)		(22,777.00)	(18,980.00)	(1,898.00)	83.33	(3,797.00)	
200-4205-10-99	Rise Broadband	(27,376.00)		(27,376.00)	(11,801.52)	(1,140.66)	43.11	(15,574.48)	
200-4206-10-99	Verizon Antennae Lease	(66,805.00)		(66,805.00)	(61,037.50)	(2,883.75)	91.37	(5,767.50)	
	Subtotal object - 04	(156,753.00)		(156,753.00)	(153,819.62)	(12,122.47)	98.13	(2,933.38)	
200-4930-10-99	Insurance Proceeds				(4,641.48)		-	4,641.48	
200-4995-10-99	Transfer In/Out				(8,715.00)	(8,715.00)	-	8,715.00	
	Subtotal object - 04				(13,356.48)	(8,715.00)	-	13,356.48	
Program number: 99	NON-DEPARTMENTAL	(156,753.00)		(156,753.00)	(167,176.10)	(20,837.47)	106.65	10,423.10	
Department number: 10	ADMINISTRATION	(1,729,183.00)		(1,729,183.00)	(1,455,364.06)	(156,629.31)	84.17	(273,818.94)	
200-4005-50-02	Water Revenue	(12,823,413.00)		(12,823,413.00)	(9,736,144.34)	(1,559,276.33)	75.93	(3,087,268.66)	
200-4010-50-02	Connection Tap & Construction	(800,000.00)		(800,000.00)	(769,253.00)	(82,150.00)	96.16	(30,747.00)	
200-4012-50-02	Saturday Inspection Fee	(2,500.00)		(2,500.00)	(9,150.00)	(1,050.00)	366.00	6,650.00	
200-4018-50-02	Internet Cr. Card Fees				(78,947.26)	(9,669.17)	-	78,947.26	
200-4019-50-02	Cr. Card Pmt Fees				(25,055.63)	(3,314.95)	-	25,055.63	
200-4060-50-02	NSF Fees	(1,675.00)		(1,675.00)	(1,600.00)	(200.00)	95.52	(75.00)	
	Subtotal object - 04	(13,627,588.00)		(13,627,588.00)	(10,620,150.23)	(1,655,660.45)	77.93	(3,007,437.77)	
200-4243-50-02	Backflow Prevention Inspection	(51,758.00)		(51,758.00)	(42,875.00)	(4,700.00)	82.84	(8,883.00)	
	Subtotal object - 04	(51,758.00)		(51,758.00)	(42,875.00)	(4,700.00)	82.84	(8,883.00)	
200-4610-50-02	Interest Income	(142,024.00)		(142,024.00)	(118,418.65)	(23,562.61)	83.38	(23,605.35)	
	Subtotal object - 04	(142,024.00)		(142,024.00)	(118,418.65)	(23,562.61)	83.38	(23,605.35)	
200-4910-50-02	Other Revenue	(2,351,275.00)	(1,092,482.00)	(3,443,757.00)	(222,821.62)	(98,865.22)	6.47	(3,220,935.38)	
	Subtotal object - 04	(2,351,275.00)	(1,092,482.00)	(3,443,757.00)	(222,821.62)	(98,865.22)	6.47	(3,220,935.38)	
Program number: 2	WATER	(16,172,645.00)	(1,092,482.00)	(17,265,127.00)	(11,004,265.50)	(1,782,788.28)	63.74	(6,260,861.50)	
200-4006-50-03	Sewer	(6,751,798.00)		(6,751,798.00)	(5,691,549.38)	(590,785.02)	84.30	(1,060,248.62)	
200-4010-50-03	Connection Tap & Construction	(300,000.00)		(300,000.00)	(341,400.00)	(36,200.00)	113.80	41,400.00	
	Subtotal object - 04	(7,051,798.00)		(7,051,798.00)	(6,032,949.38)	(626,985.02)	85.55	(1,018,848.62)	
Program number: 3	WASTEWATER	(7,051,798.00)		(7,051,798.00)	(6,032,949.38)	(626,985.02)	85.55	(1,018,848.62)	
Department number: 50	PUBLIC WORKS	(23,224,443.00)	(1,092,482.00)	(24,316,925.00)	(17,037,214.88)	(2,409,773.30)	70.06	(7,279,710.12)	
	Revenue Subtotal - - - - -	(24,953,626.00)	(1,092,482.00)	(26,046,108.00)	(18,492,578.94)	(2,566,402.61)	71.00	(7,553,529.06)	
200-5110-10-08	Salaries & Wages	196,018.00	3,327.83	199,345.83	163,441.98	22,379.68	81.99	35,903.85	
200-5115-10-08	Salaries - Overtime	3,500.00		3,500.00	878.61		25.10	2,621.39	
200-5140-10-08	Salaries - Longevity Pay	1,550.00		1,550.00	765.00		49.36	785.00	
200-5143-10-08	Cell Phone Allowance				540.00	120.00	-	(540.00)	
200-5145-10-08	Social Security Expense	12,467.00		12,467.00	9,887.00	1,353.31	79.31	2,580.00	
200-5150-10-08	Medicare Expense	2,916.00		2,916.00	2,312.31	316.51	79.30	603.69	
200-5155-10-08	SUTA Expense	648.00		648.00	577.67		89.15	70.33	
200-5160-10-08	Health Insurance	28,078.00		28,078.00	24,843.00	2,259.60	88.48	3,235.00	
200-5165-10-08	Dental Insurance	1,712.00		1,712.00	1,392.48	138.66	81.34	319.52	
200-5170-10-08	Life Insurance/AD&D	451.00		451.00	375.00	37.50	83.15	76.00	
200-5175-10-08	Liability (TML)/Workers' Comp	376.00		376.00	411.12	60.65	109.34	(35.12)	
200-5180-10-08	TMRS Expense	26,771.00		26,771.00	22,477.87	3,042.29	83.96	4,293.13	
200-5185-10-08	Long/Short Term Disability	373.00		373.00	280.56	28.34	75.22	92.44	
200-5186-10-08	WELLE-Wellness Prog Reimb-Empl	1,200.00		1,200.00	891.60	89.16	74.30	308.40	
	Subtotal object - 05	276,060.00	3,327.83	279,387.83	229,074.20	29,825.70	81.99	50,313.63	
200-5210-10-08	Office Supplies	2,562.00		2,562.00	2,667.40		104.11	(105.40)	
200-5220-10-08	Office Equipment	2,324.00		2,324.00	2,726.97		276.00	(678.97)	
200-5230-10-08	Dues,Fees,& Subscriptions	100.00		100.00			-	100.00	
200-5240-10-08	Postage and Delivery	44,000.00		44,000.00	42,996.83	3,180.97	97.72	1,003.17	
200-5280-10-08	Printing and Reproduction	4,330.00		4,330.00	1,365.65	1,365.65	31.54	2,964.35	
200-5290-10-08	Other Charges and Services	600.00		600.00	546.00	55.60	91.00	54.00	
	Subtotal object - 05	53,916.00		53,916.00	50,302.85	4,602.22	276.00	93.30	3,337.15
200-5330-10-08	Copier Expense	3,276.00		3,276.00	1,286.70	293.05	39.28	1,989.30	
	Subtotal object - 05	3,276.00		3,276.00	1,286.70	293.05	39.28	1,989.30	

200-5400-10-08	Uniform Expense	225.00		225.00	210.53		93.57	14.47	
200-5418-10-08	IT Fees	8,000.00		8,000.00	9,398.50	2,059.00	117.48	(1,398.50)	
200-5419-10-08	IT Licenses	10,300.00		10,300.00			16,400.00	(6,100.00)	
200-5430-10-08	Legal Fees	2,500.00		2,500.00	152.00		6.08	2,348.00	
200-5470-10-08	Trash Collection	1,375,000.00		1,375,000.00	1,005,005.52	121,509.26	73.09	369,994.48	
200-5475-10-08	CREDIT CARD FEES	126,000.00		126,000.00	120,127.59	14,955.74	95.34	5,872.41	
200-5479-10-08	Household Haz. Waste Disposal	7,800.00		7,800.00	4,780.00	1,180.00	61.28	3,020.00	
200-5480-10-08	Contracted Services	33,963.00		33,963.00	7,600.00		38,500.00	(12,137.00)	
	Subtotal object - 05	1,563,788.00		1,563,788.00	1,147,274.14	139,704.00	54,900.00	73.37	361,613.86
200-5520-10-08	Telephones	500.00		500.00			-	500.00	
200-5530-10-08	Travel	1,735.00		1,735.00			-	1,735.00	
200-5533-10-08	Mileage Expense	265.00		265.00			-	265.00	
200-5536-10-08	Training/Seminars	1,050.00		1,050.00			-	1,050.00	
	Subtotal object - 05	3,550.00		3,550.00			-	3,550.00	
200-5600-10-08	Special Events	900.00		900.00	698.00		77.56	202.00	
	Subtotal object - 05	900.00		900.00	698.00		77.56	202.00	
200-7145-10-08	Transfer to VERF	1,438.00		1,438.00	1,198.30	119.83	83.33	239.70	
200-7147-10-08	Transfer to GF	43,494.00		43,494.00	36,245.00	3,624.50	83.33	7,249.00	
	Subtotal object - 07	44,932.00		44,932.00	37,443.30	3,744.33	83.33	7,488.70	
Program number: 8	UTILITY BILLING	1,946,422.00	3,327.83	1,949,749.83	1,466,079.19	178,169.30	55,176.00	75.19	428,494.64
200-5110-10-99	Salaries & Wages	(36,777.00)	(19,903.00)	(56,680.00)			-	(56,680.00)	
200-5176-10-99	TML-Prop & Liab Insurance	60,000.00		60,000.00	76,033.79		126.72	(16,033.79)	
	Subtotal object - 05	23,223.00	(19,903.00)	3,320.00	76,033.79			(72,713.79)	
200-5295-10-99	General Fund Franchise Fee	339,271.00		339,271.00	282,725.80	28,272.58	83.33	56,545.20	
	Subtotal object - 05	339,271.00		339,271.00	282,725.80	28,272.58	83.33	56,545.20	
200-5410-10-99	Professional Services	25,000.00		25,000.00	24,880.00		99.52	120.00	
200-5415-10-99	Tuition Reimbursement	7,233.00		7,233.00	1,136.42		15.71	6,096.58	
200-5480-10-99	Contracted Services	5,800.00		5,800.00			-	5,800.00	
	Subtotal object - 05	38,033.00		38,033.00	26,016.42		68.41	12,016.58	
200-5930-10-99	Damage Claims Expense				8,941.92		-	(8,941.92)	
	Subtotal object - 05				8,941.92		-	(8,941.92)	
200-6186-10-99	2013 Bond Payment	225,000.00		225,000.00			225,000.00	-	
200-6193-10-99	2012 CO Bond Payment	298,800.00		298,800.00	298,800.00		100.00	-	
	Subtotal object - 06	523,800.00		523,800.00	298,800.00		225,000.00	57.05	
200-6200-10-99	Bond Issuance Costs				440.00		-	(440.00)	
200-6201-10-99	2014 GO Bond Payment	385,000.00		385,000.00			385,000.00	-	
200-6202-10-99	2014 CO Bond Payment	505,000.00		505,000.00			505,000.00	-	
200-6203-10-99	2015 GO Debt payment	324,900.00		324,900.00	324,900.00		100.00	-	
200-6205-10-99	2016 GO Bond Payment	68,500.00		68,500.00	68,500.00		100.00	-	
200-6209-10-99	2018 GO Bond Payment	330,000.00		330,000.00			-	330,000.00	
200-6210-10-99	2018 CO Bond Payment				330,000.00		-	(330,000.00)	
200-6211-10-99	2019 CO Debt Payment	327,247.00		327,247.00	327,247.00		100.00	-	
200-6299-10-99	Bond Interest Expense	1,465,790.00		1,465,790.00	817,824.25		647,965.75	55.79	
	Subtotal object - 06	3,406,437.00		3,406,437.00	1,868,911.25		1,537,965.75	54.86	(440.00)
200-7000-10-99	Contingency	50,000.00		50,000.00	5,500.00		17,212.50	11.00	27,287.50
	Subtotal object - 07	50,000.00		50,000.00	5,500.00		17,212.50	11.00	27,287.50
Program number: 99	NON-DEPARTMENTAL	4,380,764.00	(19,903.00)	4,360,861.00	2,566,929.18	28,272.58	1,780,178.25	58.86	13,753.57
Department number: 10	ADMINISTRATION	6,327,186.00	(16,575.17)	6,310,610.83	4,033,008.37	206,441.88	1,835,354.25	63.91	442,248.21
200-5110-50-02	Salaries & Wages	1,186,709.00	29,787.39	1,216,496.39	997,427.72	134,173.00	81.99	219,068.67	
200-5115-50-02	Salaries - Overtime	38,400.00		38,400.00	60,512.61	4,941.14	157.59	(22,112.61)	
200-5126-50-02	Salaries-Vacation Buy-Out	1,822.00		1,727.00			94.80	94.80	
200-5140-50-02	Salaries - Longevity Pay	4,955.00		4,955.00	4,685.00		94.55	270.00	
200-5143-50-02	Cell Phone Allowance				360.00	60.00	-	(360.00)	
200-5145-50-02	Social Security Expense	76,377.00		76,377.00	63,212.36	8,323.08	82.76	13,164.64	
200-5150-50-02	Medicare Expense	17,863.00		17,863.00	14,842.77	1,946.51	83.09	3,020.23	
200-5155-50-02	SUTA Expense	4,050.00		4,050.00	3,448.61		85.15	601.39	

200-5160-50-02	Health Insurance	183,134.00		183,134.00	140,271.80	13,302.00		76.60	42,862.20
200-5165-50-02	Dental Insurance	7,981.00		7,981.00	7,080.88	746.18		88.72	900.12
200-5170-50-02	Life Insurance/AD&D	2,432.00		2,432.00	2,051.73	198.48		84.36	380.27
200-5175-50-02	Liability (TML)/Workers' Comp	25,487.00		25,487.00	29,186.18	4,214.36		114.51	(3,699.18)
200-5180-50-02	TMRS Expense	166,921.00		166,921.00	144,852.75	18,885.78		86.78	22,068.25
200-5185-50-02	Long/Short Term Disability	2,255.00		2,255.00	1,666.56	163.90		73.91	588.44
200-5186-50-02	WELLE-Wellness Prog Reimb-EmpI	7,650.00		7,650.00	3,659.42	367.48		47.84	3,990.58
	Subtotal object - 05	1,726,036.00	29,787.39	1,755,823.39	1,474,985.59	187,321.91		84.01	280,837.80
200-5210-50-02	Office Supplies	2,900.00		2,900.00	2,109.74	181.04		72.75	790.26
200-5212-50-02	Building Supplies	3,800.00		3,800.00	3,754.71	604.45		98.81	45.29
200-5220-50-02	Office Equipment	12,230.00		12,230.00	7,385.65			60.39	4,844.35
200-5230-50-02	Dues,Fees,& Subscriptions	16,500.00		16,500.00	29,305.38	572.00		177.61	(12,805.38)
200-5240-50-02	Postage and Delivery	1,000.00		1,000.00	402.55	196.50		40.26	597.45
200-5260-50-02	Advertising				238.76			-	(238.76)
200-5280-50-02	Printing and Reproduction	1,500.00		1,500.00	466.02			31.07	1,033.98
200-5290-50-02	Other Charges and Services				61.48			-	(61.48)
	Subtotal object - 05	37,930.00		37,930.00	43,724.29	1,553.99		115.28	(5,794.29)
200-5310-50-02	Rental Expense	10,000.00		10,000.00	8,495.43	306.90		84.95	1,504.57
200-5320-50-02	Repairs & Maintenance	3,600.00		3,600.00	162.84	100.84		4.52	3,437.16
200-5330-50-02	Copier Expense	1,700.00		1,700.00	1,221.99	286.50		71.88	478.01
200-5340-50-02	Building Repairs	35,000.00		35,000.00	845.71			2.42	34,154.29
200-5350-50-02	Vehicle Expense	23,629.00		23,629.00	24,894.72	935.98		105.36	(1,265.72)
200-5351-50-02	Equipment Expense/Repair	11,700.00		11,700.00	12,324.08	4,236.32		105.33	(624.08)
200-5352-50-02	Fuel	24,300.00		24,300.00	21,266.80	247.48		87.52	3,033.20
200-5353-50-02	Oil/Grease/Inspections	1,380.00		1,380.00	105.50	80.00		7.65	1,274.50
	Subtotal object - 05	111,309.00		111,309.00	69,317.07	6,194.02		62.27	41,991.93
200-5400-50-02	Uniform Expense	17,750.00		17,750.00	14,494.24			81.66	3,255.76
200-5410-50-02	Professional Services	6,000.00		6,000.00				-	6,000.00
200-5419-50-02	IT Licenses	41,240.00	9,000.00	50,240.00	30,249.00		22,500.00	60.21	(2,509.00)
200-5430-50-02	Legal Fees	500.00		500.00	322.99	38.00		64.60	177.01
200-5480-50-02	Contracted Services	205,578.00	(9,000.00)	196,578.00	63,685.65	1,151.23	30,949.00	32.40	101,943.35
	Subtotal object - 05	271,068.00		271,068.00	108,751.88	1,189.23	53,449.00	40.12	108,867.12
200-5520-50-02	Telephones	10,160.00		10,160.00	8,817.17	790.03		86.78	1,342.83
200-5523-50-02	Water/Sewer Charges	6,000.00		6,000.00	5,014.51	236.96		83.58	985.49
200-5524-50-02	Gas	2,000.00		2,000.00	608.36			30.42	1,391.64
200-5525-50-02	Electricity	309,000.00		309,000.00	230,891.76	33,883.38		74.72	78,108.24
200-5526-50-02	Data Network	4,000.00		4,000.00	7,474.84	2,384.44		186.87	(3,474.84)
200-5530-50-02	Travel	2,300.00		2,300.00	384.80			16.73	1,915.20
200-5533-50-02	Mileage Expense	100.00		100.00				-	100.00
200-5536-50-02	Training/Seminars	22,200.00		22,200.00	10,309.96	(540.00)		46.44	11,890.04
200-5540-50-02	Water Testing	13,225.00		13,225.00	11,581.49	1,040.00		87.57	1,643.51
200-5545-50-02	Meter Purchases	422,900.00	190,000.00	612,900.00	253,402.13	51,846.76	401,311.37	41.35	(41,813.50)
200-5550-50-02	Water Purchases	5,690,642.00	(100,000.00)	5,590,642.00	3,904,684.24	433,854.00		69.84	1,685,957.76
	Subtotal object - 05	6,482,527.00	90,000.00	6,572,527.00	4,433,169.26	523,495.57	401,311.37	67.45	1,738,046.37
200-5600-50-02	Special Events	8,000.00		8,000.00	1,423.42			17.79	6,576.58
200-5620-50-02	Tools & Equipment	14,000.00		14,000.00	13,023.59	1,518.09		93.03	976.41
200-5630-50-02	Safety Equipment	12,500.00		12,500.00	7,001.30			56.01	5,498.70
200-5640-50-02	Signs & Hardware	1,000.00		1,000.00	1,156.93			115.69	(156.93)
200-5650-50-02	Maintenance Materials	7,000.00		7,000.00	3,845.94			54.94	3,154.06
200-5660-50-02	Chemical Supplies	17,800.00		17,800.00	23,272.58	2,007.71		130.75	(5,472.58)
200-5670-50-02	System Improvements	206,000.00	(122,126.75)	83,873.25	80,972.82	9,014.31		96.54	2,900.43
	Subtotal object - 05	266,300.00	(122,126.75)	144,173.25	130,696.58	12,540.11		90.65	13,476.67
200-6110-50-02	Capital Expenditure		32,126.75	32,126.75	43,632.34			135.81	(11,505.59)
200-6160-50-02	Capital Expense-Vehicles	81,736.00		81,736.00	83,313.45			101.93	(1,577.45)
	Subtotal object - 06	81,736.00	32,126.75	113,862.75	126,945.79			111.49	(13,083.04)
200-7145-50-02	Transfer to VERF	225,192.00		225,192.00	187,660.00	18,766.00		83.33	37,532.00

200-7147-50-02	Transfer to GF	640,504.00		640,504.00	533,753.30	53,375.33		83.33	106,750.70
	Subtotal object - 07	865,696.00		865,696.00	721,413.30	72,141.33		83.33	144,282.70
Program number: 2	WATER	9,842,602.00	29,787.39	9,872,389.39	7,109,003.76	804,436.16	454,760.37	72.01	2,308,625.26
200-5110-50-03	Salaries & Wages	557,709.00	18,925.61	576,634.61	417,715.70	63,804.62		72.44	158,918.91
200-5115-50-03	Salaries - Overtime	25,700.00		25,700.00	22,975.93	2,577.28		89.40	2,724.07
200-5126-50-03	Salaries-Vacation Buy-Out	2,210.00		2,210.00	4,066.60			184.01	(1,856.60)
200-5140-50-03	Salaries - Longevity Pay	1,990.00		1,990.00	1,825.00			91.71	165.00
200-5143-50-03	Cell Phone Allowance				300.00		60.00		(300.00)
200-5145-50-03	Social Security Expense	36,432.00		36,432.00	25,608.68	3,856.55		70.29	10,823.32
200-5150-50-03	Medicare Expense	8,520.00		8,520.00	5,989.15	901.93		70.30	2,530.85
200-5155-50-03	SUTA Expense	2,268.00		2,268.00	2,011.36	29.07		88.68	256.64
200-5160-50-03	Health Insurance	136,252.00		136,252.00	88,912.62	8,299.00		65.26	47,339.38
200-5165-50-03	Dental Insurance	5,041.00		5,041.00	3,625.60	402.50		71.92	1,415.40
200-5170-50-03	Life Insurance/AD&D	1,423.00		1,423.00	1,071.99	121.94		75.33	351.01
200-5175-50-03	Liability (TML)/Workers' Comp	11,208.00		11,208.00	12,149.55	1,895.21		108.40	(941.55)
200-5180-50-03	TMRS Expense	79,621.00		79,621.00	60,666.56	9,006.98		76.19	18,954.44
200-5185-50-03	Long/Short Term Disability	1,060.00		1,060.00	680.88	75.17		64.23	379.12
200-5186-50-03	WELLE-Wellness Prog Reimb-Emp	3,300.00		3,300.00	1,391.60	139.16		42.17	1,908.40
	Subtotal object - 05	872,734.00	18,925.61	891,659.61	648,991.22	91,169.41		72.79	242,668.39
200-5210-50-03	Office Supplies	2,300.00		2,300.00	741.81			32.25	1,558.19
200-5212-50-03	Building Supplies	600.00		600.00	1,073.81			178.97	(473.81)
200-5220-50-03	Office Equipment	500.00		500.00	132.45			26.49	367.55
200-5230-50-03	Dues,Fees,& Subscriptions	19,800.00		19,800.00	1,609.50	272.00		8.13	18,190.50
200-5240-50-03	Postage and Delivery	900.00		900.00	14.98			1.66	885.02
200-5280-50-03	Printing and Reproduction				50.00			-	(50.00)
	Subtotal object - 05	24,100.00		24,100.00	3,622.55	272.00		15.03	20,477.45
200-5310-50-03	Rental Expense	12,000.00		12,000.00	12,302.12			102.52	(302.12)
200-5335-50-03	Radio/Video Repairs	500.00		500.00	375.00	375.00		75.00	125.00
200-5340-50-03	Building Repairs	1,000.00		1,000.00	825.20			82.52	174.80
200-5350-50-03	Vehicle Expense	16,000.00		16,000.00	17,134.28	1,631.05		107.09	(1,134.28)
200-5351-50-03	Equipment Expense/Repair	3,000.00		3,000.00	10,443.05			348.10	(7,443.05)
200-5352-50-03	Fuel	16,200.00		16,200.00	9,854.38	107.92		60.83	6,345.62
200-5353-50-03	Oil/Grease/Inspections	1,180.00		1,180.00	65.50			5.55	1,114.50
	Subtotal object - 05	49,880.00		49,880.00	50,999.53	2,113.97		102.24	(1,119.53)
200-5400-50-03	Uniform Expense	11,900.00		11,900.00	7,196.40			60.47	4,703.60
200-5419-50-03	IT Licenses	13,100.00		13,100.00				-	13,100.00
200-5430-50-03	Legal Fees	500.00		500.00				-	500.00
200-5480-50-03	Contracted Services	104,465.00	2,405.34	106,870.34	14,610.09	11,761.75	76,844.50	13.67	15,415.75
	Subtotal object - 05	129,965.00	2,405.34	132,370.34	21,806.49	11,761.75	76,844.50	16.47	33,719.35
200-5520-50-03	Telephones	3,850.00		3,850.00	2,790.44	282.09		72.48	1,059.56
200-5523-50-03	Water/Sewer Charges	550.00		550.00	529.64	43.57		96.30	20.36
200-5524-50-03	Gas	600.00		600.00	313.50			52.25	286.50
200-5525-50-03	Electricity	45,000.00		45,000.00	27,447.42	3,462.61		60.99	17,552.58
200-5526-50-03	Data Network	900.00		900.00	682.45	454.51		75.83	217.55
200-5530-50-03	Travel	1,000.00		1,000.00				-	1,000.00
200-5533-50-03	Mileage Expense	200.00		200.00				-	200.00
200-5536-50-03	Training/Seminars	10,800.00		10,800.00	10,805.00	1,080.00		100.05	(5.00)
200-5560-50-03	Sewer Management Fees	3,441,392.00		3,441,392.00	2,589,456.12	247,494.62		75.24	851,935.88
	Subtotal object - 05	3,504,292.00		3,504,292.00	2,632,024.57	252,817.40		75.11	872,267.43
200-5620-50-03	Tools & Equipment	9,000.00		9,000.00	9,029.98	174.89		100.33	(29.98)
200-5630-50-03	Safety Equipment	11,000.00		11,000.00	4,870.84			44.28	6,129.16
200-5650-50-03	Maintenance Materials	2,000.00		2,000.00	1,884.22			94.21	115.78
200-5660-50-03	Chemical Supplies	1,000.00		1,000.00	1,590.60			159.06	(590.60)
200-5670-50-03	System Improvements	145,000.00		145,000.00	100,815.86	90,980.68		69.53	44,184.14
200-5680-50-03	Lift Station Expense	20,000.00		20,000.00	75,018.26	1,010.00		375.09	(55,018.26)
	Subtotal object - 05	188,000.00		188,000.00	193,209.76	92,165.57		102.77	(5,209.76)

200-5930-50-03	Damage Claims Expense				1,000.00			-	(1,000.00)
	Subtotal object - 05				1,000.00			-	(1,000.00)
200-6140-50-03	Capital Expense-Equipment	103,000.00	4,810.66	107,810.66	81,805.62			75.88	26,005.04
200-6160-50-03	Capital Expense-Vehicles	200,000.00		200,000.00			199,752.24	-	247.76
	Subtotal object - 06	303,000.00	4,810.66	307,810.66	81,805.62		199,752.24	26.58	26,252.80
200-7145-50-03	Transfer to VERF	85,599.00		85,599.00	71,332.50	7,133.25		83.33	14,266.50
200-7147-50-03	Transfer to GF	208,917.00		208,917.00	174,097.50	17,409.75		83.33	34,819.50
	Subtotal object - 07	294,516.00		294,516.00	245,430.00	24,543.00		83.33	49,086.00
Program number: 3	WASTEWATER	5,366,487.00	26,141.61	5,392,628.61	3,878,889.74	474,843.10	276,596.74	71.93	1,237,142.13
200-5110-50-98	Salaries & Wages	214,858.00	9,192.17	224,050.17	162,903.75	16,475.78		72.71	61,146.42
200-5115-50-98	Salaries - Overtime				10,176.59	414.98		-	(10,176.59)
200-5126-50-98	Salaries-Vacation Buy-Out	4,311.00		4,311.00	1,286.00			29.83	3,025.00
200-5140-50-98	Salaries - Longevity	920.00		920.00	915.00			99.46	5.00
200-5145-50-98	Social Security Expense	13,646.00		13,646.00	10,304.13	1,159.97		75.51	3,341.87
200-5150-50-98	Medicare Expense	3,192.00		3,192.00	2,409.83	271.28		75.50	782.17
200-5155-50-98	SUTA Expense	648.00		648.00	576.00			88.89	72.00
200-5160-50-98	Health Insurance	38,936.00		38,936.00	28,289.13	2,475.70		72.66	10,646.87
200-5165-50-98	Dental Insurance	1,339.00		1,339.00	1,127.72	111.54		84.22	211.28
200-5170-50-98	Life Insurance/ADD	902.00		902.00	300.16	28.14		33.28	601.84
200-5175-50-98	Liability (TML)/Workers Comp	7,848.00		7,848.00	2,827.88	251.19		36.03	5,020.12
200-5180-50-98	TMRS Expense	29,822.00		29,822.00	24,285.59	2,711.94		81.44	5,536.41
200-5185-50-98	Long/Short Term Disability	409.00		409.00	284.19	24.80		69.48	124.81
200-5186-50-98	WELLE-Wellness Prog Reimb Empl	1,800.00		1,800.00	1,008.74	100.00		56.04	791.26
	Subtotal object - 05	318,631.00	9,192.17	327,823.17	246,694.71	24,025.32		75.25	81,128.46
200-5210-50-98	Office Supplies	400.00		400.00	384.40			96.10	15.60
200-5220-50-98	Office Equipment	1,600.00		1,600.00				-	1,600.00
200-5230-50-98	Dues, Fees, & Subscriptions	400.00		400.00	111.00	111.00		27.75	289.00
200-5240-50-98	Postage and Delivery	100.00		100.00				-	100.00
200-5280-50-98	Printing and Reproduction	100.00		100.00				-	100.00
	Subtotal object - 05	2,600.00		2,600.00	495.40	111.00		19.05	2,104.60
200-5330-50-98	Copier Expense	800.00		800.00				-	800.00
200-5350-50-98	Vehicle Expense	2,560.00		2,560.00	3,298.64	244.25		128.85	(738.64)
200-5352-50-98	Fuel	5,600.00		5,600.00	2,981.35	49.97		53.24	2,618.65
200-5353-50-98	Oil/Grease/Inspections	800.00		800.00				-	800.00
	Subtotal object - 05	9,760.00		9,760.00	6,279.99	294.22		64.34	3,480.01
200-5400-50-98	Uniform Expense	5,660.00		5,660.00	1,639.67	69.23		28.97	4,020.33
200-5480-50-98	Contracted Services	25,000.00		25,000.00	48.00			0.19	24,952.00
	Subtotal object - 05	30,660.00		30,660.00	1,687.67	69.23		5.50	28,972.33
200-5520-50-98	Telephones	1,200.00		1,200.00	121.77	121.77		10.15	1,078.23
200-5526-50-98	Data Network	200.00		200.00	142.96	142.96		71.48	57.04
200-5530-50-98	Travel	1,000.00		1,000.00				-	1,000.00
200-5536-50-98	Training/Seminars	1,600.00		1,600.00	94.80			5.93	1,505.20
	Subtotal object - 05	4,000.00		4,000.00	359.53	264.73		8.99	3,640.47
200-5620-50-98	Tools & Equipment	1,000.00		1,000.00	1,295.85	32.25		129.59	(295.85)
200-5630-50-98	Safety Equipment	2,000.00		2,000.00	1,237.13			61.86	762.87
	Subtotal object - 05	3,000.00		3,000.00	2,532.98	32.25		84.43	467.02
200-6610-50-98	CONSTRUCTION	3,051,275.00	(3,051,275.00)					-	
	Subtotal object - 06	3,051,275.00	(3,051,275.00)					-	
200-7144-50-98	Transfer to Capital Projects		4,126,507.00	4,126,507.00	4,126,507.00	1,075,232.00		100.00	
	Subtotal object - 07		4,126,507.00	4,126,507.00	4,126,507.00	1,075,232.00		100.00	
Program number: 98	CONSTRUCTION INSPECTIONS	3,419,926.00	1,084,424.17	4,504,350.17	4,384,557.28	1,100,028.75		97.34	119,792.89
Department number: 50	PUBLIC WORKS	18,629,015.00	1,140,353.17	19,769,368.17	15,372,450.78	2,379,308.01	731,357.11	77.76	3,665,560.28
	Expense Subtotal - - - - -	24,956,201.00	1,123,778.00	26,079,979.00	19,405,459.15	2,585,749.89	2,566,711.36	74.41	4,107,808.49
Fund number: 200	WATER/SEWER	2,575.00	31,296.00	33,871.00	912,880.21	19,347.28	2,566,711.36	#####	(3,445,720.57)
300-4105-10-00	Property Taxes -Delinquent	(185,713.00)		(185,713.00)	(161,411.15)	(3,440.33)		86.91	(24,301.85)
300-4110-10-00	Property Taxes -Current	(6,625,000.00)		(6,625,000.00)	(6,825,777.22)	(35,117.43)		103.03	200,777.22

300-4115-10-00	Taxes -Penalties	(45,000.00)	(45,000.00)	(48,656.14)	(3,420.23)		108.13	3,656.14
	Subtotal object - 04	(6,855,713.00)	(6,855,713.00)	(7,035,844.51)	(41,977.99)		102.63	180,131.51
300-4610-10-00	Interest Income	(45,000.00)	(45,000.00)	(81,779.99)	(15,377.47)		181.73	36,779.99
	Subtotal object - 04	(45,000.00)	(45,000.00)	(81,779.99)	(15,377.47)		181.73	36,779.99
Program number:	DEFAULT PROGRAM	(6,900,713.00)	(6,900,713.00)	(7,117,624.50)	(57,355.46)		103.14	216,911.50
Department number: 10	ADMINISTRATION	(6,900,713.00)	(6,900,713.00)	(7,117,624.50)	(57,355.46)		103.14	216,911.50
	Revenue Subtotal - - - - -	(6,900,713.00)	(6,900,713.00)	(7,117,624.50)	(57,355.46)		103.14	216,911.50
300-5410-10-00	Professional Services			2,500.00			-	(2,500.00)
	Subtotal object - 05			2,500.00			-	(2,500.00)
300-6186-10-00	2013 GO Ref Bond	165,000.00	165,000.00			165,000.00	-	
300-6189-10-00	2012 GO TX Bond Payment	190,000.00	190,000.00	190,000.00			100.00	
	Subtotal object - 06	355,000.00	355,000.00	190,000.00		165,000.00	53.52	
300-6200-10-00	Bond Administrative Fees	20,000.00	20,000.00	440.00			2.20	19,560.00
300-6201-10-00	2014 GO Debt payment	280,000.00	280,000.00			280,000.00	-	
300-6203-10-00	2015 GO Debt Payment	500,100.00	500,100.00	500,100.00			100.00	
300-6204-10-00	2015 CO Debt Payment	215,000.00	215,000.00	215,000.00			100.00	
300-6205-10-00	2016 GO Debt Payment	616,500.00	616,500.00	616,500.00			100.00	
300-6206-10-00	2016 CO Debt Payment	45,000.00	45,000.00	45,000.00			100.00	
300-6208-10-00	2017 GO Bond Payment	405,000.00	405,000.00	405,000.00			100.00	
300-6209-10-00	2018 GO Bond Payment	135,000.00	135,000.00	135,000.00			100.00	
300-6210-10-00	2018 CO Bond Payment	160,000.00	160,000.00	160,000.00			100.00	
300-6211-10-00	2019 CO Debt Payment	967,754.00	967,754.00	967,753.00		1.00	100.00	
300-6212-10-00	2019 GO Debt Payment	140,000.00	140,000.00	140,000.00			100.00	
300-6299-10-00	Bond Interest Expense	3,183,386.00	3,183,386.00	1,563,238.14		1,620,147.86	49.11	
	Subtotal object - 06	6,667,740.00	6,667,740.00	4,748,031.14		1,900,148.86	71.21	19,560.00
Program number:	DEFAULT PROGRAM	7,022,740.00	7,022,740.00	4,940,531.14		2,065,148.86	70.35	17,060.00
Department number: 10	ADMINISTRATION	7,022,740.00	7,022,740.00	4,940,531.14		2,065,148.86	70.35	17,060.00
	Expense Subtotal - - - - -	7,022,740.00	7,022,740.00	4,940,531.14		2,065,148.86	70.35	17,060.00
Fund number: 300	INTEREST AND SINKING	122,027.00	122,027.00	(2,177,093.36)	(57,355.46)	2,065,148.86	#####	233,971.50
410-4510-10-99	Grant Revenue	(182,788.00)	(182,788.00)				-	(182,788.00)
	Subtotal object - 04	(182,788.00)	(182,788.00)				-	(182,788.00)
410-4610-10-99	Interest	(30,000.00)	(30,000.00)	(51,894.01)	(11,558.30)		172.98	21,894.01
	Subtotal object - 04	(30,000.00)	(30,000.00)	(51,894.01)	(11,558.30)		172.98	21,894.01
410-4910-10-99	Other Reimbursements	(124,600.00)	(124,600.00)	(75,428.92)			60.54	(49,171.08)
410-4995-10-99	Transfer In	(1,913,713.00)	(108,969.00)	(2,022,682.00)	(1,685,568.30)	(168,556.83)	83.33	(337,113.70)
	Subtotal object - 04	(2,038,313.00)	(108,969.00)	(2,147,282.00)	(1,760,997.22)	(168,556.83)	82.01	(386,284.78)
Program number: 99	NON-DEPARTMENTAL	(2,251,101.00)	(108,969.00)	(2,360,070.00)	(1,812,891.23)	(180,115.13)	76.82	(547,178.77)
Department number: 10	ADMINISTRATION	(2,251,101.00)	(108,969.00)	(2,360,070.00)	(1,812,891.23)	(180,115.13)	76.82	(547,178.77)
	Revenue Subtotal - - - - -	(2,251,101.00)	(108,969.00)	(2,360,070.00)	(1,812,891.23)	(180,115.13)	76.82	(547,178.77)
410-5220-10-03	Office Equipment	1,800.00		889.11			49.40	910.89
	Subtotal object - 05	1,800.00		889.11			49.40	910.89
Program number: 3	FINANCE	1,800.00		889.11			49.40	910.89
410-5220-10-05	Office Equipment	10,500.00		3,788.59			36.08	6,711.41
	Subtotal object - 05	10,500.00		3,788.59			36.08	6,711.41
410-6125-10-05	Capital-Equipment (Technology)	10,750.00		20,768.05	20,768.05	4,427.09	193.19	(14,445.14)
	Subtotal object - 06	10,750.00		20,768.05	20,768.05	4,427.09	193.19	(14,445.14)
Program number: 5	IT	21,250.00		24,556.64	20,768.05	4,427.09	115.56	(7,733.73)
410-5220-10-07	Office Equipment	1,800.00		1,924.15			106.90	(124.15)
	Subtotal object - 05	1,800.00		1,924.15			106.90	(124.15)
Program number: 7	MUNICIPAL COURT	1,800.00		1,924.15			106.90	(124.15)
410-5220-10-08	Office Equipment	2,700.00		2,667.33			98.79	32.67
	Subtotal object - 05	2,700.00		2,667.33			98.79	32.67
Program number: 8	UTILITY BILLING	2,700.00		2,667.33			98.79	32.67
Department number: 10	ADMINISTRATION	27,550.00		30,037.23	20,768.05	4,427.09	109.03	(6,914.32)
410-5220-20-01	Office Equipment	3,600.00		3,702.37			102.84	(102.37)
	Subtotal object - 05	3,600.00		3,702.37			102.84	(102.37)

410-6125-20-01	Capital-Equipment (Technology)	10,000.00		10,000.00			-	10,000.00
410-6140-20-01	CAPITAL EXPENSE-EQUIPMENT	6,000.00		6,000.00			-	6,000.00
410-6160-20-01	Capital-Vehicles	91,966.00		91,966.00	95,049.83		52,907.50	103.35
	Subtotal object - 06	107,966.00		107,966.00	95,049.83		52,907.50	88.04
Program number: 1	OPERATIONS	111,566.00		111,566.00	98,752.20		52,907.50	88.52
410-5220-20-05	Office Equipment	900.00		900.00	889.11			98.79
	Subtotal object - 05	900.00		900.00	889.11			98.79
410-6125-20-05	Capital-Equipment (Technology)	10,000.00		10,000.00	8,401.48	8,401.48		84.02
	Subtotal object - 06	10,000.00		10,000.00	8,401.48	8,401.48		84.02
Program number: 5	DISPATCH	10,900.00		10,900.00	9,290.59	8,401.48		85.24
Department number: 20	POLICE	122,466.00		122,466.00	108,042.79	8,401.48	52,907.50	88.22
410-5220-30-01	Office Equipment	3,600.00		3,600.00	3,556.44			98.79
	Subtotal object - 05	3,600.00		3,600.00	3,556.44			98.79
410-6160-30-01	Capital-Vehicles	354,870.00	108,969.00	463,839.00	119,002.00		110,286.00	25.66
410-6160-30-01-1931-EQ	Replacement Fire Engine		415,305.57	415,305.57	415,305.57			100.00
	Subtotal object - 06	354,870.00	524,274.57	879,144.57	534,307.57		110,286.00	60.78
Program number: 1	OPERATIONS	358,470.00	524,274.57	882,744.57	537,864.01		110,286.00	60.93
410-6160-30-05	Capital-vehicles	40,823.00		40,823.00	41,596.40			101.90
	Subtotal object - 06	40,823.00		40,823.00	41,596.40			101.90
Program number: 5	MARSHAL	40,823.00		40,823.00	41,596.40			101.90
Department number: 30	FIRE	399,293.00	524,274.57	923,567.57	579,460.41		110,286.00	62.74
410-5220-40-01	Office Equipment	7,200.00		7,200.00	7,981.99			110.86
	Subtotal object - 05	7,200.00		7,200.00	7,981.99			110.86
Program number: 1	INSPECTIONS	7,200.00		7,200.00	7,981.99			110.86
410-5220-40-02	Office Equipment	900.00		900.00	2,774.30			308.26
	Subtotal object - 05	900.00		900.00	2,774.30			308.26
Program number: 2	CODE COMPLIANCE	900.00		900.00	2,774.30			308.26
410-5220-40-03	Office Equipment	3,600.00		3,600.00	1,924.15			53.45
	Subtotal object - 05	3,600.00		3,600.00	1,924.15			53.45
Program number: 3	PLANNING	3,600.00		3,600.00	1,924.15			53.45
Department number: 40	DEVELOPMENT SERVICES	11,700.00		11,700.00	12,680.44			108.38
410-5220-50-01	Office Equipment	900.00		900.00	3,848.30			427.59
	Subtotal object - 05	900.00		900.00	3,848.30			427.59
410-6160-50-01	Capital-Vehicles	58,129.00		58,129.00	58,057.00		44.20	99.88
	Subtotal object - 06	58,129.00		58,129.00	58,057.00		44.20	99.88
Program number: 1	STREETS	59,029.00		59,029.00	61,905.30		44.20	104.87
410-5220-50-02	Office Equipment	3,600.00		3,600.00	6,144.17			170.67
	Subtotal object - 05	3,600.00		3,600.00	6,144.17			170.67
410-6140-50-02	Capital-Equipment	20,000.00		20,000.00	25,948.00			129.74
410-6160-50-02	Capital-Vehicles	122,118.00	(31,196.00)	90,922.00	91,156.77		1.00	100.26
	Subtotal object - 06	142,118.00	(31,196.00)	110,922.00	117,104.77		1.00	105.57
Program number: 2	WATER	145,718.00	(31,196.00)	114,522.00	123,248.94		1.00	107.62
410-5220-50-03	Office Equipment	900.00		900.00	3,476.58			386.29
	Subtotal object - 05	900.00		900.00	3,476.58			386.29
410-6160-50-03	Capital-Vehicles	25,269.00		25,269.00	25,319.60			100.20
	Subtotal object - 06	25,269.00		25,269.00	25,319.60			100.20
Program number: 3	WASTEWATER	26,169.00		26,169.00	28,796.18			110.04
410-6160-50-98	Capital Expense - vehicles		31,196.00	31,196.00	31,333.00			100.44
	Subtotal object - 06		31,196.00	31,196.00	31,333.00			100.44
Program number: 98	CONSTRUCTION INSPECTIONS		31,196.00	31,196.00	31,333.00			100.44
Department number: 50	PUBLIC WORKS	230,916.00		230,916.00	245,283.42		45.20	106.22
410-5220-60-01	Office Equipment	2,700.00		2,700.00	889.11			32.93
	Subtotal object - 05	2,700.00		2,700.00	889.11			32.93
Program number: 1	PARK ADMINISTRATION	2,700.00		2,700.00	889.11			32.93
410-6160-60-02	Capital-vehicles	94,342.00		94,342.00	94,435.01		125.69	100.10
	Subtotal object - 06	94,342.00		94,342.00	94,435.01		125.69	100.10

Program number: 2	PARK OPERATIONS	94,342.00		94,342.00	94,435.01		125.69	100.10	(218.70)
410-5220-60-05	Office Equipment	5,400.00		5,400.00	4,812.94			89.13	587.06
	Subtotal object - 05	5,400.00		5,400.00	4,812.94			89.13	587.06
Program number: 5	LIBRARY	5,400.00		5,400.00	4,812.94			89.13	587.06
Department number: 60	COMMUNITY SERVICES	102,442.00		102,442.00	100,137.06		125.69	97.75	2,179.25
410-5220-98-01	Office Equipment	1,800.00		1,800.00	1,924.15			106.90	(124.15)
	Subtotal object - 05	1,800.00		1,800.00	1,924.15			106.90	(124.15)
Program number: 1	ENGINEERING	1,800.00		1,800.00	1,924.15			106.90	(124.15)
Department number: 98	ENGINEERING	1,800.00		1,800.00	1,924.15			106.90	(124.15)
	Expense Subtotal - - - - -	896,167.00	524,274.57	1,420,441.57	1,077,565.50	29,169.53	167,791.48	75.86	175,084.59
Fund number: 410	VEHICLE/EQUIPMENT REPLACEMENT	(1,354,934.00)	415,305.57	(939,628.43)	(735,325.73)	(150,945.60)	167,791.48	78.26	(372,094.18)
450-4001-98-02	Storm Drainage Utility Fee	(627,156.00)		(627,156.00)	(553,559.57)	(57,139.79)		88.27	(73,596.43)
450-4002-98-02	Drainage Review Fee	(6,000.00)		(6,000.00)	(1,710.00)			28.50	(4,290.00)
	Subtotal object - 04	(633,156.00)		(633,156.00)	(555,269.57)	(57,139.79)		87.70	(77,886.43)
450-4610-98-02	Interest Storm Utility	(5,000.00)		(5,000.00)	(7,304.24)	(1,658.08)		146.09	2,304.24
	Subtotal object - 04	(5,000.00)		(5,000.00)	(7,304.24)	(1,658.08)		146.09	2,304.24
Program number: 2	STORM DRAINAGE	(638,156.00)		(638,156.00)	(562,573.81)	(58,797.87)		88.16	(75,582.19)
Department number: 98	ENGINEERING	(638,156.00)		(638,156.00)	(562,573.81)	(58,797.87)		88.16	(75,582.19)
	Revenue Subtotal - - - - -	(638,156.00)		(638,156.00)	(562,573.81)	(58,797.87)		88.16	(75,582.19)
450-5110-98-02	Salaries	114,200.00	721.00	114,921.00	99,658.26	13,814.17		86.72	15,262.74
450-5115-98-02	Salaries-Overtime	1,390.00		1,390.00	2,957.00	348.93		212.73	(1,567.00)
450-5140-98-02	Salaries-Longevity Pay	245.00		245.00	245.00			100.00	
450-5145-98-02	Social Security Expense	7,160.00		7,160.00	6,030.97	838.55		84.23	1,129.03
450-5150-98-02	Medicare Expense	1,675.00		1,675.00	1,410.47	196.11		84.21	264.53
450-5155-98-02	SUTA Expense	324.00		324.00	288.00			88.89	36.00
450-5160-98-02	Health Insurance	21,843.00		21,843.00	14,621.98	1,344.28		66.94	7,221.02
450-5165-98-02	Dental Expense	841.00		841.00	700.80	70.08		83.33	140.20
450-5170-98-02	Life Insurance/AD&D	226.00		226.00	187.60	18.76		83.01	38.40
450-5175-98-02	Liability (TML) Workers Comp	2,465.00		2,465.00	2,896.37	433.68		117.50	(431.37)
450-5180-98-02	TMRS Expense	15,647.00		15,647.00	13,997.79	1,924.45		89.46	1,649.21
450-5185-98-02	Long/Short Term Disability	217.00		217.00	165.52	16.76		76.28	51.48
450-5186-98-02	WELLE-Wellness Prog Reimb Empl	600.00		600.00	500.00	50.00		83.33	100.00
	Subtotal object - 05	166,833.00	721.00	167,554.00	143,659.76	19,055.77		85.74	23,894.24
450-5210-98-02	Office Supplies	125.00		125.00	49.99			39.99	75.01
450-5220-98-02	Office Equipment	75.00		75.00	30.03			40.04	44.97
450-5230-98-02	Dues, Fees, & Subscriptions	1,370.00		1,370.00	527.00			38.47	843.00
450-5240-98-02	Postage and Delivery	50.00		50.00	23.25			46.50	26.75
450-5280-98-02	Printing and Reproduction	1,420.00		1,420.00	1,020.00			71.83	400.00
450-5290-98-02	Other Charges and Services				13.49			-	(13.49)
	Subtotal object - 05	3,040.00		3,040.00	1,663.76			54.73	1,376.24
450-5310-98-02	Rental Expense	2,000.00		2,000.00				-	2,000.00
450-5330-98-02	Copier Expense	30.00		30.00				-	30.00
450-5350-98-02	Vehicle Expense	1,000.00		1,000.00	711.19	9.99		71.12	288.81
450-5352-98-02	Fuel	1,800.00		1,800.00	940.48	133.36		52.25	859.52
450-5353-98-02	Oil/Grease/Inspections	125.00		125.00				-	125.00
	Subtotal object - 05	4,955.00		4,955.00	1,651.67	143.35		33.33	3,303.33
450-5400-98-02	Uniforms	1,100.00		1,100.00	1,149.88			104.54	(49.88)
450-5410-98-02	Professional Services-Storm Dr	500.00		500.00				-	500.00
450-5410-98-02-2003-DR	Prof Svcs Frontier Pk/Prest Lk	100,000.00		100,000.00				-	100,000.00
450-5430-98-02	Legal Fees	1,000.00		1,000.00				-	1,000.00
450-5480-98-02	Contract Services	2,345.00		2,345.00				-	2,345.00
450-5490-98-02	Drainage Review Expense	6,000.00		6,000.00	2,518.75			41.98	3,481.25
	Subtotal object - 05	110,945.00		110,945.00	3,668.63			3.31	107,276.37
450-5520-98-02	Telephones	1,200.00		1,200.00	696.06	71.06		58.01	503.94
450-5526-98-02	Data Network	460.00		460.00	303.92	75.98		66.07	156.08
450-5530-98-02	Travel/Lodging/Meals Expense	900.00		900.00	1,076.15			119.57	(176.15)

450-5533-98-02	Mileage Expense	200.00		200.00				-	200.00
450-5536-98-02	Training/Seminars	1,500.00		1,500.00	1,207.05			80.47	292.95
	Subtotal object - 05	4,260.00		4,260.00	3,283.18	147.04		77.07	976.82
450-5620-98-02	Tools & Equipment	500.00		500.00	293.93			58.79	206.07
450-5630-98-02	Safety Equipment	1,000.00		1,000.00	404.96			40.50	595.04
450-5640-98-02	Signs & Hardware	500.00		500.00				-	500.00
450-5650-98-02	Maintenance Materials	1,500.00		1,500.00	1,470.15	57.92		98.01	29.85
	Subtotal object - 05	3,500.00		3,500.00	2,169.04	57.92		61.97	1,330.96
450-6193-98-02	2012 CO Bond Payment	61,200.00		61,200.00	61,200.00			100.00	
	Subtotal object - 06	61,200.00		61,200.00	61,200.00			100.00	
450-6205-98-02	2016 CO Bond Payment	50,000.00		50,000.00	50,000.00			100.00	
450-6208-98-02	2017 CO Bond Payment	35,000.00		35,000.00	35,000.00			100.00	
450-6299-98-02	Bond Interest Expense	102,441.00		102,441.00	51,679.25		50,761.75	50.45	
	Subtotal object - 06	187,441.00		187,441.00	136,679.25		50,761.75	72.92	
450-7145-98-02	Transfer to VERF	3,963.00		3,963.00	3,302.50	330.25		83.33	660.50
450-7147-98-02	Transfer to GF	96,172.00		96,172.00	80,143.30	8,014.33		83.33	16,028.70
	Subtotal object - 07	100,135.00		100,135.00	83,445.80	8,344.58		83.33	16,689.20
Program number: 2	STORM DRAINAGE	642,309.00	721.00	643,030.00	437,421.09	27,748.66	50,761.75	68.03	154,847.16
Department number: 98	ENGINEERING	642,309.00	721.00	643,030.00	437,421.09	27,748.66	50,761.75	68.03	154,847.16
	Expense Subtotal - - - - -	642,309.00	721.00	643,030.00	437,421.09	27,748.66	50,761.75	68.03	154,847.16
Fund number: 450	STORM DRAINAGE UTILITY FUND	4,153.00	721.00	4,874.00	(125,152.72)	(31,049.21)	50,761.75		79,264.97
570-4537-10-00	Court Technology Revenue	(10,000.00)		(10,000.00)	(6,721.31)	(596.00)		67.21	(3,278.69)
	Subtotal object - 04	(10,000.00)		(10,000.00)	(6,721.31)	(596.00)		67.21	(3,278.69)
570-4610-10-00	Interest	(300.00)		(300.00)	(346.24)	(77.56)		115.41	46.24
	Subtotal object - 04	(300.00)		(300.00)	(346.24)	(77.56)		115.41	46.24
Program number:	DEFAULT PROGRAM	(10,300.00)		(10,300.00)	(7,067.55)	(673.56)		68.62	(3,232.45)
Department number: 10	ADMINISTRATION	(10,300.00)		(10,300.00)	(7,067.55)	(673.56)		68.62	(3,232.45)
	Revenue Subtotal - - - - -	(10,300.00)		(10,300.00)	(7,067.55)	(673.56)		68.62	(3,232.45)
570-5203-10-00	Court Technology Expense	10,000.00		10,000.00	2,514.79		7,625.00	25.15	(139.79)
	Subtotal object - 05	10,000.00		10,000.00	2,514.79		7,625.00	25.15	(139.79)
Program number:	DEFAULT PROGRAM	10,000.00		10,000.00	2,514.79		7,625.00	25.15	(139.79)
Department number: 10	ADMINISTRATION	10,000.00		10,000.00	2,514.79		7,625.00	25.15	(139.79)
	Expense Subtotal - - - - -	10,000.00		10,000.00	2,514.79		7,625.00	25.15	(139.79)
Fund number: 570	COURT TECHNOLOGY	(300.00)		(300.00)	(4,552.76)	(673.56)	7,625.00		(3,372.24)
575-4539-10-00	Municipal Jury Revenue				(62.70)	(13.30)		-	62.70
	Subtotal object - 04				(62.70)	(13.30)		-	62.70
Program number:	DEFAULT PROGRAM				(62.70)	(13.30)		-	62.70
Department number: 10	ADMINISTRATION				(62.70)	(13.30)		-	62.70
	Revenue Subtotal - - - - -				(62.70)	(13.30)		-	62.70
Fund number: 575	MUNICIPAL JURY FUND				(62.70)	(13.30)		-	62.70
580-4536-10-00	Court Security Revenue	(8,500.00)		(8,500.00)	(6,233.38)	(699.70)		73.33	(2,266.62)
	Subtotal object - 04	(8,500.00)		(8,500.00)	(6,233.38)	(699.70)		73.33	(2,266.62)
580-4610-10-00	Interest	(300.00)		(300.00)	(478.00)	(108.74)		159.33	178.00
	Subtotal object - 04	(300.00)		(300.00)	(478.00)	(108.74)		159.33	178.00
Program number:	DEFAULT PROGRAM	(8,800.00)		(8,800.00)	(6,711.38)	(808.44)		76.27	(2,088.62)
Department number: 10	ADMINISTRATION	(8,800.00)		(8,800.00)	(6,711.38)	(808.44)		76.27	(2,088.62)
	Revenue Subtotal - - - - -	(8,800.00)		(8,800.00)	(6,711.38)	(808.44)		76.27	(2,088.62)
580-5110-10-00	Salaries & Wages Payable	8,176.00		8,176.00				-	8,176.00
580-5145-10-00	Social Security Expense	507.00		507.00				-	507.00
580-5150-10-00	Medicare Expense	119.00		119.00				-	119.00
580-5155-10-00	SUTA expense	162.00		162.00				-	162.00
580-5175-10-00	Workers Comp	148.00		148.00				-	148.00
	Subtotal object - 05	9,112.00		9,112.00				-	9,112.00
580-5204-10-00	Court Security Expense				1,141.00			-	(1,141.00)
	Subtotal object - 05				1,141.00			-	(1,141.00)
580-5536-10-00	Training/Seminars	1,000.00		1,000.00				-	1,000.00

	Subtotal object - 05	1,000.00		1,000.00			-	1,000.00
Program number:	DEFAULT PROGRAM	10,112.00		10,112.00	1,141.00		11.28	8,971.00
Department number: 10	ADMINISTRATION	10,112.00		10,112.00	1,141.00		11.28	8,971.00
	Expense		Subtotal - - - - -	10,112.00	1,141.00		11.28	8,971.00
Fund number: 580	COURT SECURITY	1,312.00		1,312.00	(5,570.38)	(808.44)		6,882.38
590-4915-10-00	Escrow Income				(504,658.78)		-	504,658.78
	Subtotal object - 04				(504,658.78)		-	504,658.78
Program number:	DEFAULT PROGRAM				(504,658.78)		-	504,658.78
Department number: 10	ADMINISTRATION				(504,658.78)		-	504,658.78
	Revenue		Subtotal - - - - -		(504,658.78)		-	504,658.78
590-7144-10-00	Transfer to CIP	1,354,577.00		1,354,577.00	504,658.78		37.26	849,918.22
	Subtotal object - 07	1,354,577.00		1,354,577.00	504,658.78		37.26	849,918.22
Program number:	DEFAULT PROGRAM	1,354,577.00		1,354,577.00	504,658.78		37.26	849,918.22
Department number: 10	ADMINISTRATION	1,354,577.00		1,354,577.00	504,658.78		37.26	849,918.22
	Expense		Subtotal - - - - -	1,354,577.00	504,658.78		37.26	849,918.22
Fund number: 590	ESCROW	1,354,577.00		1,354,577.00			-	1,354,577.00
610-4045-60-00	Park Dedication-Fees	(200,000.00)		(200,000.00)			-	(200,000.00)
	Subtotal object - 04	(200,000.00)		(200,000.00)			-	(200,000.00)
610-4610-60-00	Interest Income	(25,000.00)		(25,000.00)	(23,992.48)	(4,887.18)	95.97	(1,007.52)
	Subtotal object - 04	(25,000.00)		(25,000.00)	(23,992.48)	(4,887.18)	95.97	(1,007.52)
Program number:	DEFAULT PROGRAM	(225,000.00)		(225,000.00)	(23,992.48)	(4,887.18)	10.66	(201,007.52)
Department number: 60	PARK DEDICATION	(225,000.00)		(225,000.00)	(23,992.48)	(4,887.18)	10.66	(201,007.52)
	Revenue		Subtotal - - - - -	(225,000.00)	(23,992.48)	(4,887.18)	10.66	(201,007.52)
Fund number: 610	PARK DEDICATION FEE FUND	(225,000.00)		(225,000.00)	(23,992.48)	(4,887.18)	10.66	(201,007.52)
620-4055-60-00	Park Improvement	(100,000.00)		(100,000.00)			-	(100,000.00)
	Subtotal object - 04	(100,000.00)		(100,000.00)			-	(100,000.00)
620-4510-60-00	Grant Revenue	(500,000.00)		(500,000.00)			-	(500,000.00)
	Subtotal object - 04	(500,000.00)		(500,000.00)			-	(500,000.00)
620-4610-60-00	Interest Income	(15,000.00)		(15,000.00)	(20,818.25)	(4,092.56)	138.79	5,818.25
	Subtotal object - 04	(15,000.00)		(15,000.00)	(20,818.25)	(4,092.56)	138.79	5,818.25
Program number:	DEFAULT PROGRAM	(615,000.00)		(615,000.00)	(20,818.25)	(4,092.56)	3.39	(594,181.75)
Department number: 60	PARK IMPROVEMENT	(615,000.00)		(615,000.00)	(20,818.25)	(4,092.56)	3.39	(594,181.75)
	Revenue		Subtotal - - - - -	(615,000.00)	(20,818.25)	(4,092.56)	3.39	(594,181.75)
620-5410-60-00-1910-PK	Hike & Bike Master Plan		56,187.50	56,187.50	52,018.10		12,185.47	92.58
620-5489-60-00	Developer Reimbursement	15,955.00		15,955.00			-	15,955.00
	Subtotal object - 05	15,955.00	56,187.50	72,142.50	52,018.10		12,185.47	72.11
620-6610-60-00-1801-PK	Cockrell Park Trail Connection	500,000.00	35,200.00	535,200.00	17,045.00		518,216.00	3.19
620-6610-60-00-1802-PK	Hays Park	35,000.00	18,500.00	53,500.00	3,760.52	3,760.52	39,729.48	7.03
620-6610-60-00-1911-PK	Pecan Grove H&B Trail	30,000.00		30,000.00			-	30,000.00
620-6610-60-00-2015-PK	Pecan Grove Park	85,000.00		85,000.00			-	85,000.00
	Subtotal object - 06	650,000.00	53,700.00	703,700.00	20,805.52	3,760.52	557,945.48	2.96
Program number:	DEFAULT PROGRAM	665,955.00	109,887.50	775,842.50	72,823.62	3,760.52	570,130.95	9.39
Department number: 60	PARK IMPROVEMENT	665,955.00	109,887.50	775,842.50	72,823.62	3,760.52	570,130.95	9.39
	Expense		Subtotal - - - - -	665,955.00	72,823.62	3,760.52	570,130.95	9.39
Fund number: 620	PARK IMPROVEMENT	50,955.00	109,887.50	160,842.50	52,005.37	(332.04)	570,130.95	32.33
630-4015-50-00	Impact Fees	(3,000,000.00)		(3,000,000.00)	(3,247,336.33)	(350,226.00)	108.25	247,336.33
	Subtotal object - 04	(3,000,000.00)		(3,000,000.00)	(3,247,336.33)	(350,226.00)	108.25	247,336.33
630-4615-50-00	Interest	(45,000.00)		(45,000.00)	(46,597.07)	(12,301.99)	103.55	1,597.07
	Subtotal object - 04	(45,000.00)		(45,000.00)	(46,597.07)	(12,301.99)	103.55	1,597.07
Program number:	DEFAULT PROGRAM	(3,045,000.00)		(3,045,000.00)	(3,293,933.40)	(362,527.99)	108.18	248,933.40
Department number: 50	IMPACT FEES	(3,045,000.00)		(3,045,000.00)	(3,293,933.40)	(362,527.99)	108.18	248,933.40
	Revenue		Subtotal - - - - -	(3,045,000.00)	(3,293,933.40)	(362,527.99)	108.18	248,933.40
630-5489-50-00-8002-DV	Dev Agrmt-Prsp Prtnrs West	50,910.00		50,910.00			-	50,910.00
630-5489-50-00-8006-DV	Dev Agrmnt-Parks @ Legacy	150,000.00		150,000.00	321,962.00		214.64	(171,962.00)
630-5489-50-00-8011-DV	Dev Agrment-Star Trail	450,000.00		450,000.00	323,151.50		71.81	126,848.50
630-5489-50-00-8012-DV	Dev Agrmnt-TVG Windsong	280,000.00		280,000.00	259,088.00		92.53	20,912.00

	Subtotal object - 05	930,910.00		930,910.00	904,201.50		97.13	26,708.50
630-6610-50-00-1715-WA	County Line Elevated Storage		55,970.29	55,970.29	55,726.27	244.02	99.56	
630-6610-50-00-1716-WA	24 WL Conn. Cnty Line EST/DNT		139,307.29	139,307.29	79,441.09	59,866.20	57.03	
	Subtotal object - 06		195,277.58	195,277.58	135,167.36	60,110.22	69.22	
Program number:	DEFAULT PROGRAM	930,910.00		1,126,187.58	1,039,368.86	60,110.22	92.29	26,708.50
Department number: 50	IMPACT FEES	930,910.00		1,126,187.58	1,039,368.86	60,110.22	92.29	26,708.50
	Expense Subtotal - - - - -	930,910.00		1,126,187.58	1,039,368.86	60,110.22	92.29	26,708.50
Fund number: 630	WATER IMPACT FEES	(2,114,090.00)		(1,918,812.42)	(2,254,564.54)	(362,527.99)	60,110.22	117.50
640-4020-50-00	Impact Fees	(850,000.00)		(850,000.00)	(1,178,291.00)	(157,637.00)		138.62
	Subtotal object - 04	(850,000.00)		(850,000.00)	(1,178,291.00)	(157,637.00)		138.62
640-4620-50-00	Interest	(35,000.00)		(35,000.00)	(38,313.31)	(9,096.07)		109.47
	Subtotal object - 04	(35,000.00)		(35,000.00)	(38,313.31)	(9,096.07)		109.47
640-4905-50-00	Equity Fee	(200,000.00)		(200,000.00)	(253,000.00)	(24,500.00)		126.50
	Subtotal object - 04	(200,000.00)		(200,000.00)	(253,000.00)	(24,500.00)		126.50
Program number:	DEFAULT PROGRAM	(1,085,000.00)		(1,085,000.00)	(1,469,604.31)	(191,233.07)		135.45
Department number: 50	IMPACT FEES	(1,085,000.00)		(1,085,000.00)	(1,469,604.31)	(191,233.07)		135.45
	Revenue Subtotal - - - - -	(1,085,000.00)		(1,085,000.00)	(1,469,604.31)	(191,233.07)		135.45
640-5489-50-00	DEVELOPER AGREEMENT REIMBURSE	100,000.00	(100,000.00)					-
640-5489-50-00-1608-WW	Dev Reib LaCima #2 Interceptor				10,245.00			-
640-5489-50-00-8001-DV	Dev Agrmt TVG Westside Util	250,000.00		250,000.00	101,267.76	21,713.00	40.51	148,732.24
640-5489-50-00-8002-DV	Dev Agrmt Propser Partners	75,000.00		75,000.00	106,528.24		142.04	(31,528.24)
640-5489-50-00-8004-DV	Dev Agrmt Frontier Estates	51,225.00		51,225.00	23,182.50		45.26	28,042.50
640-5489-50-00-8005-DV	Dev Agrmnt LaCima	50,000.00		50,000.00	9,030.00		18.06	40,970.00
640-5489-50-00-8008-DV	Dev Agrmnt Brookhollow	25,000.00		25,000.00			-	25,000.00
640-5489-50-00-8011-DV	Dev Agrmnt Star Trail	100,000.00		100,000.00			-	100,000.00
640-5489-50-00-8012-DV	Dev Agrmnt TVG Windsong	200,000.00		200,000.00	193,225.00	76,607.00	96.61	6,775.00
640-5489-50-00-8013-DV	Dev Agrmnt All Storage	15,000.00		15,000.00			-	15,000.00
640-5489-50-00-8014-DV	Dev Agrmnt Legacy Garden		100,000.00	100,000.00	8,879.00		8.88	91,121.00
	Subtotal object - 05	866,225.00		866,225.00	452,357.50	98,320.00	52.22	413,867.50
Program number:	DEFAULT PROGRAM	866,225.00		866,225.00	452,357.50	98,320.00	52.22	413,867.50
Department number: 50	IMPACT FEES	866,225.00		866,225.00	452,357.50	98,320.00	52.22	413,867.50
	Expense Subtotal - - - - -	866,225.00		866,225.00	452,357.50	98,320.00	52.22	413,867.50
Fund number: 640	WASTEWATER IMPACT FEES	(218,775.00)		(218,775.00)	(1,017,246.81)	(92,913.07)	464.97	798,471.81
660-4040-50-00	East Thoroughfare Impact Fees	(1,000,000.00)		(1,000,000.00)	(1,116,457.51)	(102,792.00)	111.65	116,457.51
	Subtotal object - 04	(1,000,000.00)		(1,000,000.00)	(1,116,457.51)	(102,792.00)	111.65	116,457.51
660-4610-50-00	Interest	(25,000.00)		(25,000.00)	(27,597.18)	(6,781.39)	110.39	2,597.18
	Subtotal object - 04	(25,000.00)		(25,000.00)	(27,597.18)	(6,781.39)	110.39	2,597.18
660-4910-50-00	Other Revenue	(132,438.00)		(132,438.00)			-	(132,438.00)
	Subtotal object - 04	(132,438.00)		(132,438.00)			-	(132,438.00)
Program number:	DEFAULT PROGRAM	(1,157,438.00)		(1,157,438.00)	(1,144,054.69)	(109,573.39)	98.84	(13,383.31)
Department number: 50	IMPACT FEES	(1,157,438.00)		(1,157,438.00)	(1,144,054.69)	(109,573.39)	98.84	(13,383.31)
	Revenue Subtotal - - - - -	(1,157,438.00)		(1,157,438.00)	(1,144,054.69)	(109,573.39)	98.84	(13,383.31)
660-5489-50-00	DEVELOPER AGREEMENT REIMBURSE	300,000.00	(300,000.00)					-
660-5489-50-00-8015-DV	Dev Agrmnt Tanners Mill		300,000.00	300,000.00				300,000.00
	Subtotal object - 05	300,000.00		300,000.00				300,000.00
660-6610-50-00-1709-ST	Prosper Trail (Coit - Custer)		39,997.17	39,997.17	39,997.17		100.00	
660-6610-50-00-1710-ST	Coit Road (First - Frontier)		506,027.40	506,027.40	137,987.90	4,615.00	368,669.50	27.27
660-6610-50-00-1805-ST	FM2478 ROW (US380-FM1461)	69,168.00	(69,168.00)					(630.00)
660-6610-50-00-1825-ST	COLEMAN (GORGEOUS-PROSPER TRL)	250,000.00		250,000.00				250,000.00
660-6610-50-00-1932-ST	Coit Rd and US380	35,000.00	(35,000.00)					-
660-6610-50-00-2005-TR	Traffic Signal-Coit & Richland	300,000.00		460,000.00	27,204.40	3,230.50	134,599.25	5.91
660-6610-50-00-2018-PK	Coleman Med Lndsc (Talon-Vict)		350,000.00	350,000.00				350,000.00
	Subtotal object - 06	654,168.00	951,856.57	1,606,024.57	205,189.47	7,845.50	503,268.75	12.78
660-7144-50-00	Transfer to Capital Proj Fund		104,168.00	104,168.00	104,168.00			100.00
	Subtotal object - 07		104,168.00	104,168.00	104,168.00			100.00
Program number:	DEFAULT PROGRAM	954,168.00	1,056,024.57	2,010,192.57	309,357.47	7,845.50	503,268.75	15.39
								1,197,566.35

Department number: 50	IMPACT FEES	954,168.00	1,056,024.57	2,010,192.57	309,357.47	7,845.50	503,268.75	15.39	1,197,566.35
	Expense Subtotal - - - - -	954,168.00	1,056,024.57	2,010,192.57	309,357.47	7,845.50	503,268.75	15.39	1,197,566.35
Fund number: 660	E THOROUGHFARE IMPACT FEES	(203,270.00)	1,056,024.57	852,754.57	(834,697.22)	(101,727.89)	503,268.75	(97.88)	1,184,183.04
670-4530-10-00	Police Donation Inc	(15,000.00)		(15,000.00)	(11,245.00)	(1,114.00)		74.97	(3,755.00)
670-4531-10-00	Fire Donations	(13,200.00)		(13,200.00)	(11,212.00)	(1,133.00)		84.94	(1,988.00)
670-4535-10-00	Child Safety Inc	(12,000.00)		(12,000.00)	(6,570.51)			54.75	(5,429.49)
670-4550-10-00	LEOSE Revenue				(3,244.82)			-	3,244.82
	Subtotal object - 04	(40,200.00)		(40,200.00)	(32,272.33)	(2,247.00)		80.28	(7,927.67)
670-4610-10-00	Interest Income	(5,400.00)		(5,400.00)	(5,725.19)	(1,384.72)		106.02	325.19
	Subtotal object - 04	(5,400.00)		(5,400.00)	(5,725.19)	(1,384.72)		106.02	325.19
670-4761-10-00	Tree Mitigation Revenue				(139,713.00)			-	139,713.00
	Subtotal object - 04				(139,713.00)			-	139,713.00
670-4916-10-00	Cash Seizure Forfeit-PD				(8,829.00)			-	8,829.00
	Subtotal object - 04				(8,829.00)			-	8,829.00
Program number:	DEFAULT PROGRAM	(45,600.00)		(45,600.00)	(186,539.52)	(3,631.72)		409.08	140,939.52
Department number: 10	ADMINISTRATION	(45,600.00)		(45,600.00)	(186,539.52)	(3,631.72)		409.08	140,939.52
	Revenue Subtotal - - - - -	(45,600.00)		(45,600.00)	(186,539.52)	(3,631.72)		409.08	140,939.52
670-3140-00-00	Allow. for Uncollected Rece'ab				95.63			-	(95.63)
	Subtotal object - 03				95.63			-	(95.63)
Program number:	DEFAULT PROGRAM				95.63			-	(95.63)
Department number:	NON DEPARTMENTAL				95.63			-	(95.63)
670-5205-10-00	Police Donation Exp	60,416.00		60,416.00	51,668.74		9,936.00	85.52	(1,188.74)
670-5206-10-00	Fire Dept Donation Exp	17,826.00		17,826.00	6,504.97	2,889.97	4,157.20	36.49	7,163.83
670-5208-10-00	Child Safety Expense	5,000.00		5,000.00	575.00			11.50	4,425.00
670-5212-10-00	Tree Mitigation Expense	50,000.00		50,000.00				-	50,000.00
670-5292-10-00	PD Seizure Expense	1,646.00	8,817.00	10,463.00	9,284.00	8,817.00		88.73	1,179.00
	Subtotal object - 05	134,888.00	8,817.00	143,705.00	68,032.71	11,706.97	14,093.20	47.34	61,579.09
Program number:	DEFAULT PROGRAM	134,888.00	8,817.00	143,705.00	68,032.71	11,706.97	14,093.20	47.34	61,579.09
Department number: 10	ADMINISTRATION	134,888.00	8,817.00	143,705.00	68,032.71	11,706.97	14,093.20	47.34	61,579.09
	Expense Subtotal - - - - -	134,888.00	8,817.00	143,705.00	68,128.34	11,706.97	14,093.20	47.41	61,483.46
Fund number: 670	SPECIAL REVENUE-DONATIONS	89,288.00	8,817.00	98,105.00	(118,411.18)	8,075.25	14,093.20		202,422.98
675-4510-10-00-2019-EM	Grants - Collin County		(1,098,850.00)	(1,098,850.00)	(1,098,850.23)			100.00	0.23
675-4510-10-00-2022-EM	Grants - Denton County		(245,300.00)	(245,300.00)	(245,300.00)	(245,300.00)		100.00	
675-4510-10-00-2023-EM	Grants - HHS				(8,091.78)			-	8,091.78
	Subtotal object - 04		(1,344,150.00)	(1,344,150.00)	(1,352,242.01)	(245,300.00)		100.60	8,092.01
675-4610-10-00-2019-EM	Interest Income-Collin County				(2,161.11)	(1,069.36)		-	2,161.11
675-4610-10-00-2022-EM	Interest Income-Denton County				(200.18)	(200.18)		-	200.18
675-4610-10-00-2023-EM	Interest Income-HHS				(17.55)	(8.78)		-	17.55
	Subtotal object - 04				(2,378.84)	(1,278.32)		-	2,378.84
Program number:	DEFAULT		(1,344,150.00)	(1,344,150.00)	(1,354,620.85)	(246,578.32)		100.78	10,470.85
Department number: 10	ADMINISTRATION		(1,344,150.00)	(1,344,150.00)	(1,354,620.85)	(246,578.32)		100.78	10,470.85
	Revenue Subtotal - - - - -		(1,344,150.00)	(1,344,150.00)	(1,354,620.85)	(246,578.32)		100.78	10,470.85
675-5110-10-00	Salaries & Wages		75,000.00	75,000.00				-	75,000.00
	Subtotal object - 05		75,000.00	75,000.00				-	75,000.00
675-5210-10-00-2019-EM	Office Supplies-Collin Cnty				299.00			-	(299.00)
675-5210-10-00-2022-EM	Office Supplies-Denton Cnty				53.98			-	(53.98)
675-5212-10-00	Building Supplies		15,000.00	15,000.00				-	15,000.00
675-5212-10-00-2022-EM	Building Supplies-Denton Cnty				7,689.02	550.17		-	(7,689.02)
675-5213-10-00-2022-EM	Custodial Supplies-Denton Cnty				3,780.48	114.98		-	(3,780.48)
675-5220-10-00	Office Equipment		59,650.00	59,650.00				-	59,650.00
675-5220-10-00-2019-EM	Office Equipment-Collin County						17,338.97	-	(17,338.97)
675-5220-10-00-2022-EM	Office Equipment-Denton County				4,826.28	1,304.79		-	(4,826.28)
675-5225-10-00-2019-EM	Computer Hardware-Collin Cnty				3,247.48			-	(3,247.48)
	Subtotal object - 05		74,650.00	74,650.00	19,896.24	1,969.94	17,338.97	26.65	37,414.79
675-5307-10-00-2019-EM	Econ Dev Grant Exp-Collin Cnty		103,500.00	103,500.00	101,000.00	13,500.00		97.59	2,500.00
675-5310-10-00	Rental Expense		10,000.00	10,000.00				-	10,000.00

675-5310-10-00-2022-EM	Rental Expense-Denton Cnty			6,140.00	1,640.00			-	(6,140.00)
675-5335-10-00-2019-EM	Radio/Video Equip & Rprs-Colln					15,084.93		-	(15,084.93)
	Subtotal object - 05	113,500.00	113,500.00	107,140.00	15,140.00	15,084.93	94.40		(8,724.93)
675-5410-10-00-2022-EM	Professional Services-Denton			1,425.00				-	(1,425.00)
675-5418-10-00	IT Fees	5,000.00	5,000.00					-	5,000.00
675-5418-10-00-2019-EM	IT Fees-Collin Cnty			1,890.00	1,890.00			-	(1,890.00)
675-5418-10-00-2022-EM	IT Fees-Denton Cnty			3,400.33	303.39			-	(3,400.33)
675-5430-10-00	Legal Fees	25,000.00	25,000.00					-	25,000.00
675-5430-10-00-2019-EM	Legal Fees-Collin Cnty			24,780.00	3,021.00			-	(24,780.00)
675-5440-10-00	Emergency Supplies	50,000.00	50,000.00					-	50,000.00
675-5440-10-00-2022-EM	Emergency Supplies-Denton Cnty			1,462.00				-	(1,462.00)
675-5445-10-00-2019-EM	Emergency Mgmt-Collin Cnty			34.62				-	(34.62)
675-5445-10-00-2022-EM	Emergency Mgmt-Denton Cnty			3,415.34				-	(3,415.34)
675-5480-10-00-2019-EM	Contracted Services-Collin Cty			75.00	75.00			-	(75.00)
	Subtotal object - 05	80,000.00	80,000.00	36,482.29	5,289.39		45.60		43,517.71
675-5530-10-00	Travel	1,000.00	1,000.00					-	1,000.00
675-5530-10-00-2022-EM	Travel-Denton Cnty			934.85				-	(934.85)
	Subtotal object - 05	1,000.00	1,000.00	934.85			93.49		65.15
675-5630-10-00	Safety Equipment	350,000.00	350,000.00					-	350,000.00
675-5630-10-00-2022-EM	Safety Equipment-Denton Cnty			34,261.89	3,463.63			-	(34,261.89)
675-5640-10-00-2019-EM	Signs & Hardware-Collin Cnty			394.44	394.44	4,532.29		-	(4,926.73)
675-5640-10-00-2022-EM	Signs & Hardware-Denton Cnty			510.00				-	(510.00)
	Subtotal object - 05	350,000.00	350,000.00	35,166.33	3,858.07	4,532.29	10.05		310,301.38
675-6110-10-00	Capital Expenditure	650,000.00	650,000.00					-	650,000.00
675-6140-10-00-2019-EM	Capital Expense-Equip-Collin					14,935.80		-	(14,935.80)
675-6140-10-00-2022-EM	Capital Expense-Equip-Denton					33,008.40		-	(33,008.40)
	Subtotal object - 06	650,000.00	650,000.00			47,944.20		-	602,055.80
Program number:	DEFAULT	1,344,150.00	1,344,150.00	199,619.71	26,257.40	84,900.39	14.85		1,059,629.90
Department number: 10	ADMINISTRATION	1,344,150.00	1,344,150.00	199,619.71	26,257.40	84,900.39	14.85		1,059,629.90
	Expense Subtotal - - - - -	1,344,150.00	1,344,150.00	199,619.71	26,257.40	84,900.39	14.85		1,059,629.90
Fund number: 675	CARES ACT FUND			(1,155,001.14)	(220,320.92)	84,900.39	-		1,070,100.75
680-4041-50-00	W Thoroughfare Impact Fees	(2,500,000.00)	(2,500,000.00)	(3,189,208.22)	(347,914.88)		127.57		689,208.22
	Subtotal object - 04	(2,500,000.00)	(2,500,000.00)	(3,189,208.22)	(347,914.88)		127.57		689,208.22
680-4610-50-00	Interest	(30,000.00)	(30,000.00)	(32,188.01)	(9,858.40)		107.29		2,188.01
	Subtotal object - 04	(30,000.00)	(30,000.00)	(32,188.01)	(9,858.40)		107.29		2,188.01
680-4910-50-00	Other Revenue	(110,980.00)	(110,980.00)				-		(110,980.00)
	Subtotal object - 04	(110,980.00)	(110,980.00)				-		(110,980.00)
Program number:	DEFAULT PROGRAM	(2,640,980.00)	(2,640,980.00)	(3,221,396.23)	(357,773.28)		121.98		580,416.23
Department number: 50	IMPACT FEES	(2,640,980.00)	(2,640,980.00)	(3,221,396.23)	(357,773.28)		121.98		580,416.23
	Revenue Subtotal - - - - -	(2,640,980.00)	(2,640,980.00)	(3,221,396.23)	(357,773.28)		121.98		580,416.23
680-5410-50-00-2012-ST	Fishtrap (Elem-DNT)	100,000.00	(100,000.00)					-	
680-5410-50-00-2013-ST	Prof. Svcs Teel 380 Inter Imp		100,000.00	100,000.00	1,045.43	1,045.43	94,939.57	1.05	4,015.00
680-5489-50-00	DEVELOPER AGREEMENT REIMBURSE	750,000.00	(750,000.00)					-	
680-5489-50-00-8006-DV	Development Agrmnt Parks/Legac	300,000.00		300,000.00	76,682.00		25.56		223,318.00
680-5489-50-00-8007-DV	TVG West Propser Rds Impact Fe	600,000.00		600,000.00			-		600,000.00
680-5489-50-00-8011-DV	Dev Agrmnt Star Trail	750,000.00		750,000.00	432,170.00		57.62		317,830.00
680-5489-50-00-8012-DV	Dev Agrmnt Tellus Windsong		750,000.00	750,000.00	476,795.67		63.57		273,204.33
	Subtotal object - 05	2,500,000.00	2,500,000.00	986,693.10	1,045.43	94,939.57	39.47		1,418,367.33
680-6410-50-00-1708-ST	Land Acq. Cook Lane			0.86				-	(0.86)
	Subtotal object - 06			0.86				-	(0.86)
680-6610-50-00-1708-ST	Cook Lane (First - End)	667,822.26	667,822.26	109,020.95	6,124.13	565,298.31	16.33		(6,497.00)
680-6610-50-00-1928-TR	Traffic Signal (Fishtrap/Teel)	250,000.00	150,000.00	400,000.00	44,842.21	2,216.21	352,976.10	11.21	2,181.69
680-6610-50-00-2004-TR	Traffic Signal (Fishtrap/Gee)	300,000.00		300,000.00	17,240.00	6,350.00	77,102.00	5.75	205,658.00
680-6610-50-00-2006-TR	Traffic Signal(Fishtrap/Wndsn)	50,000.00		50,000.00				-	50,000.00
680-6610-50-00-2013-ST	Teel - 380 Intersection Imp	100,000.00	(100,000.00)					-	
	Subtotal object - 06	700,000.00	717,822.26	1,417,822.26	171,103.16	14,690.34	995,376.41	12.07	251,342.69

680-7144-50-00	Transfer to Capital Proj Fund		100,000.00	100,000.00	100,000.00			100.00	
	Subtotal object - 07		100,000.00	100,000.00	100,000.00			100.00	
Program number:	DEFAULT PROGRAM	3,200,000.00	817,822.26	4,017,822.26	1,257,797.12	15,735.77	1,090,315.98	31.31	1,669,709.16
Department number: 50	IMPACT FEES	3,200,000.00	817,822.26	4,017,822.26	1,257,797.12	15,735.77	1,090,315.98	31.31	1,669,709.16
	Expense Subtotal - - - - -	3,200,000.00	817,822.26	4,017,822.26	1,257,797.12	15,735.77	1,090,315.98	31.31	1,669,709.16
Fund number: 680	W THOROUGHFARE IMPACT FEES	559,020.00	817,822.26	1,376,842.26	(1,963,599.11)	(342,037.51)	1,090,315.98		2,250,125.39
730-4530-10-00	Employee Health Contributions	(555,930.00)		(555,930.00)	(473,058.97)	(49,960.65)		85.09	(82,871.03)
730-4531-10-00	Employee Dental Contributions	(99,166.00)		(99,166.00)	(77,670.07)	(8,664.49)		78.32	(21,495.93)
730-4535-10-00	Employer Health Contributions	(2,243,374.00)		(2,243,374.00)	(1,744,900.36)	(169,563.15)		77.78	(498,473.64)
730-4536-10-00	Employer Dental Contributions	(92,591.00)		(92,591.00)	(72,378.09)	(8,079.07)		78.17	(20,212.91)
730-4537-10-00	Employer HSA Contributions	(193,421.00)		(193,421.00)				-	(193,421.00)
730-4540-10-00	Contractor Insurance Premium				(18,944.14)	(1,896.88)		-	18,944.14
	Subtotal object - 04	(3,184,482.00)		(3,184,482.00)	(2,386,951.63)	(238,164.24)		74.96	(797,530.37)
730-4610-10-00	Interest Income	(7,000.00)		(7,000.00)	(8,703.39)	(1,827.28)		124.33	1,703.39
	Subtotal object - 04	(7,000.00)		(7,000.00)	(8,703.39)	(1,827.28)		124.33	1,703.39
Program number:	DEFAULT PROGRAM	(3,191,482.00)		(3,191,482.00)	(2,395,655.02)	(239,991.52)		75.06	(795,826.98)
Department number: 10	ADMINISTRATION	(3,191,482.00)		(3,191,482.00)	(2,395,655.02)	(239,991.52)		75.06	(795,826.98)
	Revenue Subtotal - - - - -	(3,191,482.00)		(3,191,482.00)	(2,395,655.02)	(239,991.52)		75.06	(795,826.98)
730-5160-10-00	Health Insurance	2,570,237.00		2,570,237.00	1,722,862.70	304,656.80		67.03	847,374.30
730-5161-10-00	PCORI Fees	990.00		990.00	525.78			53.11	464.22
730-5162-10-00	HSA Expense	193,421.00		193,421.00	179,900.20	3,797.76		93.01	13,520.80
730-5165-10-00	Dental Insurance	191,758.00		191,758.00	159,833.47	17,555.52		83.35	31,924.53
730-5170-10-00	Life Insurance/AD&D	42,000.00		42,000.00	33,367.54	7,058.12		79.45	8,632.46
730-5185-10-00	Long/Short Term Disability	31,200.00		31,200.00	25,685.70	5,374.38		82.33	5,514.30
	Subtotal object - 05	3,029,606.00		3,029,606.00	2,122,175.39	338,442.58		70.05	907,430.61
730-5410-10-00	Professional Services	25,000.00		25,000.00	31,750.00			127.00	(6,750.00)
730-5480-10-00	Contract Services	45,335.00	3,800.00	49,135.00	38,364.85	7,667.83	3,800.00	78.08	6,970.15
	Subtotal object - 05	70,335.00	3,800.00	74,135.00	70,114.85	7,667.83	3,800.00	94.58	220.15
730-5600-10-00	Special Events	12,000.00		12,000.00				-	12,000.00
	Subtotal object - 05	12,000.00		12,000.00				-	12,000.00
Program number:	DEFAULT PROGRAM	3,111,941.00	3,800.00	3,115,741.00	2,192,290.24	346,110.41	3,800.00	70.36	919,650.76
Department number: 10	ADMINISTRATION	3,111,941.00	3,800.00	3,115,741.00	2,192,290.24	346,110.41	3,800.00	70.36	919,650.76
	Expense Subtotal - - - - -	3,111,941.00	3,800.00	3,115,741.00	2,192,290.24	346,110.41	3,800.00	70.36	919,650.76
Fund number: 730	EMPLOYEE HEALTH/INSURANCE FUND	(79,541.00)	3,800.00	(75,741.00)	(203,364.78)	106,118.89	3,800.00	268.50	123,823.78
750-4610-10-00	Interest Income				(156,079.02)	(13,640.33)		-	156,079.02
750-4612-10-00	Interest-2006 Bond				(342.14)			-	342.14
750-4618-10-00	Interest TXDOT Contributions				(489.04)	(8.95)		-	489.04
	Subtotal object - 04				(156,910.20)	(13,649.28)		-	156,910.20
750-4993-10-00	Transfer from Impact Fees		(204,168.00)	(204,168.00)	(204,168.00)			100.00	
750-4995-10-00	Transfer In	393,598.00	(2,185,123.00)	(1,791,525.00)	(1,765,381.50)	137,204.28		98.54	(26,143.50)
750-4997-10-00	Transfers In - Bond Funds				(7,285,325.92)			-	7,285,325.92
750-4999-10-00	Bond Proceeds	12,390,000.00	(24,780,000.00)	(12,390,000.00)				-	(12,390,000.00)
	Subtotal object - 04	12,783,598.00	(27,169,291.00)	(14,385,693.00)	(9,254,875.42)	137,204.28		64.33	(5,130,817.58)
Program number:	DEFAULT PROGRAM	12,783,598.00	(27,169,291.00)	(14,385,693.00)	(9,411,785.62)	123,555.00		65.43	(4,973,907.38)
Department number: 10	CAPITAL PROJECTS	12,783,598.00	(27,169,291.00)	(14,385,693.00)	(9,411,785.62)	123,555.00		65.43	(4,973,907.38)
	Revenue Subtotal - - - - -	12,783,598.00	(27,169,291.00)	(14,385,693.00)	(9,411,785.62)	123,555.00		65.43	(4,973,907.38)
750-5405-10-00-1507-ST	W Prosper Rd Land Acq Svcs				10,375.00			-	(10,375.00)
750-5405-10-00-1512-ST	Land Acq Svcs First St						1,800.00	-	(1,800.00)
750-5405-10-00-1710-ST	Coit Rd(First-Frontier) 4 Lns	800,000.00		800,000.00				-	800,000.00
750-5405-10-00-1823-ST	Victory Way Acq Svcs				30,000.00			-	(30,000.00)
750-5405-10-00-2008-ST	Acq Svcs-Prspr Trl Coit-Custer				1,000.00	1,000.00		-	(1,000.00)
750-5410-10-00-1512-ST	Prof Svcs First St (DNT-Clmn)						599,971.00	-	(599,971.00)
750-5410-10-00-1723-PK	HWY 289 Gateway Monument		1,125.00	1,125.00	1,803.00		1,000.00	160.27	(1,678.00)
750-5410-10-00-1813-PK	US380 Median Design		6,000.00	6,000.00	875.00		15,925.00	14.58	(10,800.00)
750-5410-10-00-1823-ST	Victory Way (Coleman-Frontier)		68,812.40	68,812.40	46,542.40		44,770.00	67.64	(22,500.00)
750-5410-10-00-1824-ST	Fishtrap - Teel Int Improve	96,450.00	13,174.81	109,624.81	5,127.68		16,683.38	4.68	87,813.75

750-5410-10-00-1825-ST	Coleman (Gorgeous-Prosper Trl)		4,585.41	4,585.41	4,585.41		1,157.16	100.00	(1,157.16)
750-5410-10-00-1830-ST	Prosper Trl (DNT Intersection)		4,804.80	4,804.80	4,804.80			100.00	
750-5410-10-00-1904-FC	PS Facility Development Costs		550,000.00	550,000.00	52,077.96			9.47	497,922.04
750-5410-10-00-1921-PK	Town Hall Open Space Enhancemn		5,975.00	5,975.00	6,010.00			100.59	(35.00)
750-5410-10-00-1923-ST	Fishtrap Section 1 & 4		202,500.00	202,500.00	165,500.00		185,200.00	81.73	(148,200.00)
750-5410-10-00-1926-PK	Whitley Place H&B Trail Extens	10,000.00	(10,000.00)					-	
750-5410-10-00-1928-TR	Traffic Signal Fishtrap/Teel		21,122.00	21,122.00	15,100.00			17,272.00	71.49
750-5410-10-00-2012-ST	Fishtrap (Elem-DNT) 4 Lanes	800,000.00	100,000.00	900,000.00	200,700.00	91,298.00		699,300.00	22.30
750-5410-10-00-2014-ST	First St (Coit-Custer) 4 Lns	1,000,000.00		1,000,000.00	281,000.00	53,250.00		719,000.00	28.10
750-5410-10-00-2015-PK	Pecan Grove Phase II	67,000.00		67,000.00				50,940.00	-
750-5419-10-00-1511-ST	Prosper Trail (Kroger to Coit)		17,915.00	17,915.00				17,915.00	-
750-5419-10-00-1512-ST	First Street (DNT to Coleman)		118,546.49	118,546.49				118,546.49	-
750-5430-10-00-1507-ST	Legal Fees-W Prosper Rd Improv				40,526.73			-	(40,526.73)
750-5430-10-00-1511-ST	Legal Fees-Prosper Trail (K-C)				494.00			-	(494.00)
750-5430-10-00-1708-ST	Lgl Fees Cook Lane (First-End)				779.00			-	(779.00)
750-5430-10-00-1713-FC	Legal - PS Complex Ph1				19.00			-	(19.00)
750-5430-10-00-1721-ST	Acacia Parkway Legal Fees				54,623.83	2,833.00		-	(54,623.83)
750-5430-10-00-1830-ST	Legal - Prosper Trl (DNT inte)				95.00			-	(95.00)
750-5430-10-00-1923-ST	Legal - Fishtrap Sec. 1 and 4				8,434.20			-	(8,434.20)
750-5430-10-00-1932-ST	Legal - Coit Rd/US 380				38.00			-	(38.00)
750-5430-10-00-1933-ST	Legal Fishtrap (seg 2) PISD				1,634.00			-	(1,634.00)
750-5430-10-00-2008-ST	Legal-Prspr Trl (Coit-Custer)				494.00	494.00		-	(494.00)
750-5435-10-00-1723-PK	Legal Notices - 1723PK				58.00	58.00		-	(58.00)
750-5435-10-00-1823-ST	Legal Notices - 1823ST				682.00			-	(682.00)
	Subtotal object - 05	2,773,450.00	1,104,560.91	3,878,010.91	933,379.01	148,933.00	2,489,480.03	24.07	455,151.87
750-6110-10-00-1805-ST	FM2478 (US380-FM1461)		243,373.00	243,373.00	68,832.15			28.28	174,540.85
750-6140-10-00-1901-EQ	Aerial Ladder Truck		227,305.28	227,305.28	239,595.01		4,391.99	105.41	(16,681.72)
750-6160-10-00-1901-EQ	Aerial Ladder Truck		982,701.29	982,701.29	982,701.29			100.00	
	Subtotal object - 06		1,453,379.57	1,453,379.57	1,291,128.45		4,391.99	88.84	157,859.13
750-6410-10-00-1923-ST	Fishtrap Sec 1 & 4 Land Acq				346,985.50			-	(346,985.50)
750-6410-10-00-2008-ST	Land Acq ROW-PrsprTrl Coit-Cus				37,698.91	7,079.37		-	(37,698.91)
	Subtotal object - 06				384,684.41	7,079.37		-	(384,684.41)
750-6610-10-00-1412-ST	Downtown Enhancements		20,040.00	20,040.00	1,040.00		6,000.00	5.19	13,000.00
750-6610-10-00-1507-ST	West Prosper Rd Improvements	3,404,618.00	82,032.24	3,486,650.24	1,323,304.86		513,204.67	37.95	1,650,140.71
750-6610-10-00-1511-ST	Prosper Trail (Kroger to Coit)	208,166.00	1,048,023.26	1,256,189.26	923,751.06	8,782.01	258,654.68	73.54	73,783.52
750-6610-10-00-1513-ST	Old Town Streets		15,903.99	15,903.99	11,460.30		6,794.29	72.06	(2,350.60)
750-6610-10-00-1701-ST	Eighth Street (Church-PISD)		5,758.55	5,758.55	3,656.71		1,554.86	63.50	546.98
750-6610-10-00-1702-ST	Field Street (First-Broadway)		1,547.20	1,547.20	1,557.25		1,557.25	100.65	(1,567.30)
750-6610-10-00-1708-ST	Cook Lane (First-End)	2,100,000.00		2,100,000.00	428,238.24	6,139.88	691,906.14	20.39	979,855.62
750-6610-10-00-1713-FC	Public Safety Complex, Ph 1		288,146.44	288,146.44	185,433.51	25,102.00	157,061.62	64.35	(54,348.69)
750-6610-10-00-1714-FC	Town Hall FFE		18,847.71	18,847.71	11,994.56		17,676.63	63.64	(10,823.48)
750-6610-10-00-1723-PK	HWY 289 Gateway Monument		164,987.38	164,987.38	164,987.38		4,427.65	100.00	(4,427.65)
750-6610-10-00-1801-PK	Whitley Place H&B Trail Extens		8,437.50	8,437.50	6,312.50		171,687.50	74.82	(169,562.50)
750-6610-10-00-1803-ST	Fifth St (Coleman-Church)		2,511.69	2,511.69	7,191.09		7,191.09	286.31	(11,870.49)
750-6610-10-00-1804-ST	Third St (Main-Coleman)		5,714.20	5,714.20				-	5,714.20
750-6610-10-00-1809-FC	Parks and Public Works Complex				5.19			-	(5.19)
750-6610-10-00-1818-PK	Turf Irrigation SH289		80,000.00	80,000.00			45,820.83	-	34,179.17
750-6610-10-00-1819-ST	Coleman Street (At Prosper HS)	90,000.00		90,000.00				-	90,000.00
750-6610-10-00-1823-ST	Victory Way (Coleman-Frontier)		2,250,000.00	2,250,000.00	57,406.83	57,406.83	1,933,997.42	2.55	258,595.75
750-6610-10-00-1824-ST	Fishtrap-Teel Intersection Imp	1,350,000.00	50,000.00	1,400,000.00	682,099.01	231,825.32	717,884.09	48.72	16.90
750-6610-10-00-1825-ST	Coleman (Gorgeous-Prosper Trl)		10,570.00	10,570.00	10,570.00		10,570.00	100.00	(10,570.00)
750-6610-10-00-1827-TR	US 380 Median Lighting		485,000.00	485,000.00	174,493.82		291,558.68	35.98	18,947.50
750-6610-10-00-1830-ST	Prosper Trl (DNT Intersection)	1,600,000.00		1,600,000.00				-	1,600,000.00
750-6610-10-00-1905-FC	PS Facility-Construction		10,391,848.82	10,391,848.82	8,978,111.02	(1,716,153.48)	3,306,692.73	86.40	(1,892,954.93)
750-6610-10-00-1906-FC	Public Safety Complex FFE		1,165,000.00	1,165,000.00	279,773.66	5,263.46	782,460.03	24.02	102,766.31
750-6610-10-00-1909-TR	Traffic Signal (Coit & First)		288,244.00	288,244.00	264,359.00		112,132.17	91.71	(88,247.17)

750-6610-10-00-1926-PK	Whitley Place H&B Trail Extens	270,000.00	10,000.00	280,000.00			15,725.00	-	264,275.00
750-6610-10-00-1929-ST	BNSF Quiet Zone First/Fifth		145,000.00	145,000.00				-	145,000.00
750-6610-10-00-1932-ST	Coit Road and US 380		125,000.00	125,000.00			121,013.90	-	3,986.10
750-6610-10-00-2008-ST	Prosper Trl(Coit-Custer) 2Lns	4,750,000.00	1,372,000.00	6,122,000.00	109,129.10		12,870.90	1.78	6,000,000.00
750-6610-10-00-2009-ST	Fishtrap, Seg 1 (Teel-Mid Sch)	1,190,000.00		1,190,000.00			1,441,092.13	-	(251,092.13)
750-6610-10-00-2016-PK	Frontier Park Storage		147,927.00	147,927.00	10,722.72			7.25	137,204.28
	Subtotal object - 06	14,962,784.00	18,182,539.98	33,145,323.98	13,635,597.81	(1,381,633.98)	10,629,534.26	41.14	8,880,191.91
750-7142-10-00	Transfer to W/S				47,737.35			-	(47,737.35)
	Subtotal object - 07				47,737.35			-	(47,737.35)
Program number:	DEFAULT PROGRAM	17,736,234.00	20,740,480.46	38,476,714.46	16,292,527.03	(1,225,621.61)	13,123,406.28	42.34	9,060,781.15
Department number: 10	CAPITAL PROJECTS	17,736,234.00	20,740,480.46	38,476,714.46	16,292,527.03	(1,225,621.61)	13,123,406.28	42.34	9,060,781.15
	Expense Subtotal - - - - -	17,736,234.00	20,740,480.46	38,476,714.46	16,292,527.03	(1,225,621.61)	13,123,406.28	42.34	9,060,781.15
Fund number: 750	CAPITAL PROJECTS	30,519,832.00	(6,428,810.54)	24,091,021.46	6,880,741.41	(1,102,066.61)	13,123,406.28	28.56	4,086,873.77
760-4610-10-00	Interest Income				(112,786.11)	(19,073.25)		-	112,786.11
	Subtotal object - 04				(112,786.11)	(19,073.25)		-	112,786.11
760-4995-10-00	Transfers In		(4,126,507.00)	(4,126,507.00)	(4,126,507.00)	(1,075,232.00)		100.00	-
760-4997-10-00	Transfers In - Bond Funds				(5,505,997.58)			-	5,505,997.58
	Subtotal object - 04		(4,126,507.00)	(4,126,507.00)	(9,632,504.58)	(1,075,232.00)		233.43	5,505,997.58
Program number:	DEFAULT PROGRAM		(4,126,507.00)	(4,126,507.00)	(9,745,290.69)	(1,094,305.25)		236.16	5,618,783.69
Department number: 10	CAPITAL PROJECTS-W/S		(4,126,507.00)	(4,126,507.00)	(9,745,290.69)	(1,094,305.25)		236.16	5,618,783.69
	Revenue Subtotal - - - - -		(4,126,507.00)	(4,126,507.00)	(9,745,290.69)	(1,094,305.25)		236.16	5,618,783.69
760-5430-10-00-1613-DR	Legal Old Town Dr Church/Parvi				85.50			-	(85.50)
760-5430-10-00-1715-WA	Legal Fees - Fishtrap EST				133.00			-	(133.00)
760-5430-10-00-1716-WA	Legal - 24" WL Conn. Cnty Line				2,052.00			-	(2,052.00)
760-5430-10-00-1718-DR	Legal Old Town Regional Retent				85.50			-	(85.50)
760-5430-10-00-1902-WA	Legal Fees-Custer Rd Meter Sta				133.00			-	(133.00)
760-5435-10-00-1613-DR	Legal Notices Church/Parvin				109.80	109.80		-	(109.80)
760-5435-10-00-1902-WA	Custer Rd Stat/Legal Filings				226.00	226.00		-	(226.00)
	Subtotal object - 05				2,824.80	335.80		-	(2,824.80)
760-6410-10-00-1716-WA	Water Supply Line Ph I Esmnt				132.00			-	(132.00)
760-6410-10-00-1902-WA	Land Acq Custer Rd Meter Stat		53,244.00	53,244.00				-	53,244.00
	Subtotal object - 06		53,244.00	53,244.00	132.00			0.25	53,112.00
760-6610-10-00-1501-WA	Lower Pressure Pln 42" Trns Ln		1,434,400.00	1,434,400.00	629,815.40	51,862.88	804,584.60	43.91	
760-6610-10-00-1613-DR	Old Town Drainage-Church/Parvi	427,564.00	9,800.00	437,364.00	6,000.00	1,250.00	343,396.40	1.37	87,967.60
760-6610-10-00-1708-WA	EW Collector (Cook - DNT)		411,000.00	411,000.00	56,780.58		28,823.30	13.82	325,396.12
760-6610-10-00-1715-WA	Fishtrap Elevated Storage Tank		4,673,862.41	4,673,862.41	2,898,422.04		2,250,194.37	62.01	(474,754.00)
760-6610-10-00-1716-WA	Water Supply Line Phase I		4,806,792.64	4,806,792.64	3,199,710.00		2,235,991.73	66.57	(628,909.09)
760-6610-10-00-1718-DR	Old Town Regional Retention	479,365.00	21,400.00	500,765.00	7,400.00	1,250.00	491,604.00	1.48	1,761.00
760-6610-10-00-1902-WA	Custer Rd Meter Stat/WL Reloc		3,735,355.22	3,735,355.22	140,242.22		71,850.00	3.75	3,523,263.00
760-6610-10-00-1903-WW	Church/Parvin WW Reconstruct	100,000.00		100,000.00			92,699.60	-	7,300.40
760-6610-10-00-1924-WA	Fifth Street Water Line		6,830.00	6,830.00	7,540.00			110.40	(710.00)
760-6610-10-00-1930-WA	Broadway (Parvin-Craig)		150,000.00	150,000.00				-	150,000.00
	Subtotal object - 06	1,006,929.00	15,249,440.27	16,256,369.27	6,945,910.24	54,362.88	6,319,144.00	42.73	2,991,315.03
Program number:	DEFAULT PROGRAM	1,006,929.00	15,302,684.27	16,309,613.27	6,948,867.04	54,698.68	6,319,144.00	42.61	3,041,602.23
Department number: 10	CAPITAL PROJECTS-W/S	1,006,929.00	15,302,684.27	16,309,613.27	6,948,867.04	54,698.68	6,319,144.00	42.61	3,041,602.23
	Expense Subtotal - - - - -	1,006,929.00	15,302,684.27	16,309,613.27	6,948,867.04	54,698.68	6,319,144.00	42.61	3,041,602.23
Fund number: 760	CAPITAL PROJECTS - WATER/SEWER	1,006,929.00	11,176,177.27	12,183,106.27	(2,796,423.65)	(1,039,606.57)	6,319,144.00	(22.95)	8,660,385.92
770-4610-10-00	Interest Income				(1,591.32)	(27.91)		-	1,591.32
	Subtotal object - 04				(1,591.32)	(27.91)		-	1,591.32
Program number:	DEFAULT PROGRAM				(1,591.32)	(27.91)		-	1,591.32
Department number: 10	ADMINISTRATION				(1,591.32)	(27.91)		-	1,591.32
	Revenue Subtotal - - - - -				(1,591.32)	(27.91)		-	1,591.32
770-7144-10-00	Transfer to Capital Projects				3,669.24			-	(3,669.24)
	Subtotal object - 07				3,669.24			-	(3,669.24)
Program number:	DEFAULT PROGRAM				3,669.24			-	(3,669.24)
Department number: 10	ADMINISTRATION				3,669.24			-	(3,669.24)

	Expense	Subtotal - - - - -	3,669.24		-	(3,669.24)
Fund number: 770	2015 CERTIFICATES OF OBLIG		2,077.92	(27.91)	-	(2,077.92)
771-4610-10-00	Interest Income		(63.38)	(6.43)	-	63.38
	Subtotal object - 04		(63.38)	(6.43)	-	63.38
Program number:	DEFAULT PROGRAM		(63.38)	(6.43)	-	63.38
Department number: 10	ADMINISTRATION		(63.38)	(6.43)	-	63.38
	Revenue	Subtotal - - - - -	(63.38)	(6.43)	-	63.38
Fund number: 771	2016 CERTIFICATES OF OBLIG		(63.38)	(6.43)	-	63.38
772-4610-10-00	Interest Income		(103.05)		-	103.05
	Subtotal object - 04		(103.05)		-	103.05
Program number:	DEFAULT PROGRAM		(103.05)		-	103.05
Department number: 10	ADMINISTRATION		(103.05)		-	103.05
	Revenue	Subtotal - - - - -	(103.05)		-	103.05
772-7144-10-00	Transfer to Capital Projects		60,192.70		-	(60,192.70)
	Subtotal object - 07		60,192.70		-	(60,192.70)
Program number:	DEFAULT PROGRAM		60,192.70		-	(60,192.70)
Department number: 10	ADMINISTRATION		60,192.70		-	(60,192.70)
	Expense	Subtotal - - - - -	60,192.70		-	(60,192.70)
Fund number: 772	2017 CERTIFICATES OF OBLIG		60,089.65		-	(60,089.65)
773-4611-98-02	Interest - 2016 CO Proceeds		(3,083.63)	(303.82)	-	3,083.63
	Subtotal object - 04		(3,083.63)	(303.82)	-	3,083.63
Program number: 2	STORM DRAINAGE		(3,083.63)	(303.82)	-	3,083.63
Department number: 98	ENGINEERING		(3,083.63)	(303.82)	-	3,083.63
	Revenue	Subtotal - - - - -	(3,083.63)	(303.82)	-	3,083.63
Fund number: 773	2016 CO BONDS - DRAINAGE		(3,083.63)	(303.82)	-	3,083.63
774-4612-98-02	Interest - 2017 CO Proceeds		(2,686.07)	(53.02)	-	2,686.07
	Subtotal object - 04		(2,686.07)	(53.02)	-	2,686.07
Program number: 2	STORM DRAINAGE		(2,686.07)	(53.02)	-	2,686.07
Department number: 98	ENGINEERING		(2,686.07)	(53.02)	-	2,686.07
	Revenue	Subtotal - - - - -	(2,686.07)	(53.02)	-	2,686.07
Fund number: 774	2017 CO BOND - DRAINAGE		(2,686.07)	(53.02)	-	2,686.07
775-4610-10-00	Interest Income		(4,877.01)	(75.35)	-	4,877.01
	Subtotal object - 04		(4,877.01)	(75.35)	-	4,877.01
Program number:	DEFAULT PROGRAM		(4,877.01)	(75.35)	-	4,877.01
Department number: 10	ADMINISTRATION		(4,877.01)	(75.35)	-	4,877.01
	Revenue	Subtotal - - - - -	(4,877.01)	(75.35)	-	4,877.01
775-7144-10-00	Transfer to Capital Projects		12,551.35		-	(12,551.35)
	Subtotal object - 07		12,551.35		-	(12,551.35)
Program number:	DEFAULT PROGRAM		12,551.35		-	(12,551.35)
Department number: 10	ADMINISTRATION		12,551.35		-	(12,551.35)
	Expense	Subtotal - - - - -	12,551.35		-	(12,551.35)
Fund number: 775	2018 CERTIFICATES OF OBLIG		7,674.34	(75.35)	-	(7,674.34)
776-4610-10-00	Interest Income		(27,155.39)	(371.17)	-	27,155.39
	Subtotal object - 04		(27,155.39)	(371.17)	-	27,155.39
Program number:	DEFAULT PROGRAM		(27,155.39)	(371.17)	-	27,155.39
Department number: 10	ADMINISTRATION		(27,155.39)	(371.17)	-	27,155.39
	Revenue	Subtotal - - - - -	(27,155.39)	(371.17)	-	27,155.39
776-7144-10-00	Transfer to Capital Projects		1,760,951.34		-	(1,760,951.34)
	Subtotal object - 07		1,760,951.34		-	(1,760,951.34)
Program number:	DEFAULT PROGRAM		1,760,951.34		-	(1,760,951.34)
Department number: 10	ADMINISTRATION		1,760,951.34		-	(1,760,951.34)
	Expense	Subtotal - - - - -	1,760,951.34		-	(1,760,951.34)
Fund number: 776	2018 CO - WATER		1,733,795.95	(371.17)	-	(1,733,795.95)
777-4610-10-00	Interest Income		(23,758.62)	(167.44)	-	23,758.62
	Subtotal object - 04		(23,758.62)	(167.44)	-	23,758.62
Program number:	DEFAULT PROGRAM		(23,758.62)	(167.44)	-	23,758.62

Department number: 10	ADMINISTRATION			(23,758.62)	(167.44)	-	23,758.62
	Revenue	Subtotal - - - - -		(23,758.62)	(167.44)	-	23,758.62
777-7144-10-00	Transfer to Capital Projects			3,693,639.65		-	(3,693,639.65)
	Subtotal object - 07			3,693,639.65		-	(3,693,639.65)
Program number:	DEFAULT PROGRAM			3,693,639.65		-	(3,693,639.65)
Department number: 10	ADMINISTRATION			3,693,639.65		-	(3,693,639.65)
	Expense	Subtotal - - - - -		3,693,639.65		-	(3,693,639.65)
Fund number: 777	CO BONDS - WATER			3,669,881.03	(167.44)	-	(3,669,881.03)
779-4610-10-00	Interest Income			(118,326.65)	(1,311.64)	-	118,326.65
	Subtotal object - 04			(118,326.65)	(1,311.64)	-	118,326.65
Program number:	DEFAULT PROGRAM			(118,326.65)	(1,311.64)	-	118,326.65
Department number: 10	ADMINISTRATION			(118,326.65)	(1,311.64)	-	118,326.65
	Revenue	Subtotal - - - - -		(118,326.65)	(1,311.64)	-	118,326.65
779-7144-10-00	Transfer to Capital Projects			6,115,644.03		-	(6,115,644.03)
	Subtotal object - 07			6,115,644.03		-	(6,115,644.03)
Program number:	DEFAULT PROGRAM			6,115,644.03		-	(6,115,644.03)
Department number: 10	ADMINISTRATION			6,115,644.03		-	(6,115,644.03)
	Expense	Subtotal - - - - -		6,115,644.03		-	(6,115,644.03)
Fund number: 779	CO BONDS			5,997,317.38	(1,311.64)	-	(5,997,317.38)
780-4610-10-00	Interest Income			(7,405.99)	(106.13)	-	7,405.99
	Subtotal object - 04			(7,405.99)	(106.13)	-	7,405.99
Program number:	DEFAULT PROGRAM			(7,405.99)	(106.13)	-	7,405.99
Department number: 10	ADMINISTRATION			(7,405.99)	(106.13)	-	7,405.99
	Revenue	Subtotal - - - - -		(7,405.99)	(106.13)	-	7,405.99
780-7144-10-00	Transfer to Capital Projects			346,985.50		-	(346,985.50)
	Subtotal object - 07			346,985.50		-	(346,985.50)
Program number:	DEFAULT PROGRAM			346,985.50		-	(346,985.50)
Department number: 10	ADMINISTRATION			346,985.50		-	(346,985.50)
	Expense	Subtotal - - - - -		346,985.50		-	(346,985.50)
Fund number: 780	2015 GENERAL OBLIGATIONS			339,579.51	(106.13)	-	(339,579.51)
782-4610-10-00	Interest Income			(3,908.27)	(55.81)	-	3,908.27
	Subtotal object - 04			(3,908.27)	(55.81)	-	3,908.27
Program number:	DEFAULT PROGRAM			(3,908.27)	(55.81)	-	3,908.27
Department number: 10	ADMINISTRATION			(3,908.27)	(55.81)	-	3,908.27
	Revenue	Subtotal - - - - -		(3,908.27)	(55.81)	-	3,908.27
782-7144-10-00	Transfer to Capital Projects			109,952.34		-	(109,952.34)
	Subtotal object - 07			109,952.34		-	(109,952.34)
Program number:	DEFAULT PROGRAM			109,952.34		-	(109,952.34)
Department number: 10	ADMINISTRATION			109,952.34		-	(109,952.34)
	Expense	Subtotal - - - - -		109,952.34		-	(109,952.34)
Fund number: 782	2018 GENERAL OBLIGATIONS			106,044.07	(55.81)	-	(106,044.07)
785-4610-10-00	Interest Income			(38,694.29)	(622.33)	-	38,694.29
	Subtotal object - 04			(38,694.29)	(622.33)	-	38,694.29
Program number:	DEFAULT PROGRAM			(38,694.29)	(622.33)	-	38,694.29
Department number: 10	ADMINISTRATION			(38,694.29)	(622.33)	-	38,694.29
	Revenue	Subtotal - - - - -		(38,694.29)	(622.33)	-	38,694.29
785-7144-10-00	Transfer to Capital Projects			640,000.00		-	(640,000.00)
	Subtotal object - 07			640,000.00		-	(640,000.00)
Program number:	DEFAULT PROGRAM			640,000.00		-	(640,000.00)
Department number: 10	ADMINISTRATION			640,000.00		-	(640,000.00)
	Expense	Subtotal - - - - -		640,000.00		-	(640,000.00)
Fund number: 785	GENERAL OBLIGATION BONDS			601,305.71	(622.33)	-	(601,305.71)
800-4120-65-00	Sales Taxes	(2,750,000.00)	(2,750,000.00)	(2,546,755.14)	(273,222.16)	92.61	(203,244.86)
	Subtotal object - 04	(2,750,000.00)	(2,750,000.00)	(2,546,755.14)	(273,222.16)	92.61	(203,244.86)
800-4610-65-00	Interest Income	(100,000.00)	(100,000.00)	(87,742.98)	(2,259.32)	87.74	(12,257.02)
	Subtotal object - 04	(100,000.00)	(100,000.00)	(87,742.98)	(2,259.32)	87.74	(12,257.02)

800-4910-65-00	Other Revenue			(133.78)	(33.78)		-	133.78
	Subtotal object - 04			(133.78)	(33.78)		-	133.78
Program number:	DEFAULT PROGRAM	(2,850,000.00)	(2,850,000.00)	(2,634,631.90)	(275,515.26)		92.44	(215,368.10)
Department number: 65	ECONOMIC DEVELOPMENT	(2,850,000.00)	(2,850,000.00)	(2,634,631.90)	(275,515.26)		92.44	(215,368.10)
	Revenue Subtotal - - - - -	(2,850,000.00)	(2,850,000.00)	(2,634,631.90)	(275,515.26)		92.44	(215,368.10)
800-5110-65-00	Salaries & Wages	384,092.00	384,092.00	281,279.08	40,160.31		73.23	102,812.92
800-5140-65-00	Salaries - Longevity Pay	320.00	320.00	320.00			100.00	
800-5141-65-00	Salary-Incentive	25,000.00	25,000.00				-	25,000.00
800-5142-65-00	Car Allowance	14,400.00	14,400.00	13,000.00	1,300.00		90.28	1,400.00
800-5143-65-00	Cell Phone Allowance	2,880.00	2,880.00	2,400.00	240.00		83.33	480.00
800-5145-65-00	Social Security Expense	24,905.00	24,905.00	17,754.45	2,522.37		71.29	7,150.55
800-5150-65-00	Medicare Expense	5,825.00	5,825.00	4,152.25	589.91		71.28	1,672.75
800-5155-65-00	SUTA Expense	486.00	486.00	441.00			90.74	45.00
800-5160-65-00	Health Insurance	35,381.00	35,381.00	16,033.80	1,453.38		45.32	19,347.20
800-5165-65-00	Dental Insurance	1,398.00	1,398.00	741.24	72.66		53.02	656.76
800-5170-65-00	Life Insurance/AD&D	517.00	517.00	123.80	12.38		23.95	393.20
800-5175-65-00	Liability (TML)/Workers' Comp	764.00	764.00	735.06	112.08		96.21	28.94
800-5180-65-00	TMRS Expense	54,430.00	54,430.00	39,964.13	5,620.50		73.42	14,465.87
800-5185-65-00	Long/Short Term Disability	730.00	730.00	484.66	50.86		66.39	245.34
800-5186-65-00	WELLE-Wellness Prog Reimb-Emp	1,200.00	1,200.00	500.00	50.00		41.67	700.00
800-5189-65-00	Administrative Fees	15,000.00	15,000.00	12,500.00	1,250.00		83.33	2,500.00
800-5190-65-00	Contract Labor	50,000.00	50,000.00				-	50,000.00
	Subtotal object - 05	617,328.00	617,328.00	390,429.47	53,434.45		63.25	226,898.53
800-5210-65-00	Office Supplies	2,500.00	2,500.00	2,318.94	155.55		92.76	181.06
800-5212-65-00	Building Supplies	800.00	800.00				-	800.00
800-5220-65-00	Office Equipment	15,000.00	15,000.00	3,499.98			23.33	11,500.02
800-5230-65-00	Dues, Fees, & Subscriptions	40,000.00	40,000.00	23,770.73	5,576.82		59.43	16,229.27
800-5240-65-00	Postage and Delivery	1,000.00	1,000.00	762.50	267.80		76.25	237.50
800-5265-65-00	Promotional Expense	85,000.00	85,000.00	12,412.00	3,800.00		14.60	72,588.00
800-5280-65-00	Printing and Reproduction	5,000.00	(241.00)	4,759.00	830.87		17.46	3,928.13
	Subtotal object - 05	149,300.00	(241.00)	149,059.00	43,595.02		29.25	105,463.98
800-5305-65-00	Chapt 380 Program Grant Exp	554,570.00	554,570.00	455,168.33	31,665.53		82.08	99,401.67
800-5310-65-00	Rental Expense	60,000.00	60,000.00	47,585.16	4,757.71		79.31	12,414.84
800-5330-65-00	Copier Expense	5,500.00	5,500.00	2,749.34	197.85		49.99	2,750.66
800-5340-65-00	Building Repairs	500.00	500.00				-	500.00
	Subtotal object - 05	620,570.00	620,570.00	505,502.83	36,621.09		81.46	115,067.17
800-5410-65-00	Professional Services	225,000.00	225,000.00	50,739.05	3,370.00	13,500.00	22.55	160,760.95
800-5412-65-00	Audit Fees	2,494.00	2,494.00	2,375.00			95.23	119.00
800-5430-65-00	Legal Fees	20,000.00	20,000.00	3,142.00	2,550.00		15.71	16,858.00
	Subtotal object - 05	247,494.00	247,494.00	56,256.05	5,920.00	13,500.00	22.73	177,737.95
800-5520-65-00	Telephones		241.00	241.00	240.60		99.83	0.40
800-5526-65-00	Data Network	1,000.00	1,000.00	608.14	151.96		60.81	391.86
800-5530-65-00	Travel	30,000.00	30,000.00	2,689.88			8.97	27,310.12
800-5531-65-00	Prospect Mtgs/Business Meals	10,000.00	10,000.00	3,584.21	280.04		35.84	6,415.79
800-5533-65-00	Mileage Expense	500.00	500.00	125.50	31.86		25.10	374.50
800-5536-65-00	Training/Seminars	15,000.00	15,000.00	713.00			4.75	14,287.00
	Subtotal object - 05	56,500.00	241.00	56,741.00	7,961.33	463.86	14.03	48,779.67
800-6015-65-00	Project Incentives	100,000.00	100,000.00				-	100,000.00
	Subtotal object - 06	100,000.00	100,000.00				-	100,000.00
800-7100-65-00	Operating Transfer Out			8,715.00	8,715.00		-	(8,715.00)
	Subtotal object - 07			8,715.00	8,715.00		-	(8,715.00)
Program number:	DEFAULT PROGRAM	1,791,192.00	1,791,192.00	1,012,459.70	114,954.57	13,500.00	56.52	765,232.30
Department number: 65	ECONOMIC DEVELOPMENT	1,791,192.00	1,791,192.00	1,012,459.70	114,954.57	13,500.00	56.52	765,232.30
	Expense Subtotal - - - - -	1,791,192.00	1,791,192.00	1,012,459.70	114,954.57	13,500.00	56.52	765,232.30
Fund number: 800	ECONOMIC DEVELOPMENT CORPORATI	(1,058,808.00)	(1,058,808.00)	(1,622,172.20)	(160,560.69)	13,500.00	153.21	549,864.20



**ECONOMIC
DEVELOPMENT
CORPORATION**

To: Mayor and Town Council

From: Ray Smith, Mayor and EDC Board Member

**Through: Harlan Jefferson, Town Manager
Robyn Battle, Executive Director of Community Services**

Re: Town Council Meeting - September 8, 2020

Agenda Item:

Consider and act upon adopting the FY 2020-2021 Prosper Economic Development Corporation budget.

Description of Agenda Item:

Section 21 of the Development Corporation Act of 1979 (Texas Revised Civil Statutes Article 5190.6), the “Act,” provides that the Town shall approve all programs and expenditures of the development corporation and shall annually review any financial statements of the corporation. It further provides that at all times the Town will have access to the books and the records of the development corporation. Additionally, Section 23(a)(13) of the Act states that the powers of the corporation shall be subject at all times to the control of the Town’s governing body.

Budget Impact:

There is no impact to the Town of Prosper’s General Fund as the Prosper Economic Development Corporation (Prosper EDC) is funded wholly by a half-cent of the local sales tax revenue. Since approved by Prosper citizens in 1996, the Prosper EDC has endeavored as its mission to “create jobs and capital investment” with the aim of expanding the local commercial property tax base and sales tax base, thereby lessening the property tax burden on homeowners.

Legal Obligations and Review:

N/A

Attached Documents:

PEDC FY 2020-2021 Annual Budget

Prosper EDC Board Recommendation:

The Prosper EDC Board recommends that the Town Council review and adopt the FY 2020-2021 Prosper Economic Development Corporation budget.

Proposed Motion:

I move to adopt the FY 2020-2021 Prosper Economic Development Corporation budget.

PROSPER ECONOMIC DEVELOPMENT CORPORATION
 FY 2020-2021 Annual Budget
 Proposed

	Final FY 2018-2019	Approved/Amended FY 2019-2020	Actual to Date FY 2019-2020	PROPOSED FY 2020-2021
REVENUES				
800 4120 65 00 Sales Tax	\$ 2,455,008	\$ 2,750,000	\$ 2,546,755	\$ 3,129,614
800 4610 65 00 Interest on Investments	\$ 50,000	\$ 100,000	\$ 85,484	\$ 39,000
800 4910 65 00 Other Revenue	\$ -	\$ -	\$ 134	\$ -
Total Revenues	\$ 2,505,008	\$ 2,850,000	\$ 2,632,373	\$ 3,168,614

EXPENSES

Personnel Services - Salary

800 5110 65 00 Salaries & Wages	\$ 385,562	\$ 384,092	\$ 281,279	\$ 349,850
800 5115 65 00 Salaries - Overtime	\$ -	\$ -	\$ -	\$ -
800 5140 65 00 Salaries - Longevity Pay	\$ 275	\$ 320	\$ 320	\$ 500
800 5141 65 00 Salary Incentive	\$ 20,000	\$ 25,000	\$ -	\$ 40,000
800 5142 65 00 Car Allowance	\$ 14,400	\$ 14,400	\$ 13,000	\$ 15,600
800 5143 65 00 Cell Phone Allowance	\$ 2,580	\$ 2,880	\$ 2,400	\$ 2,880
800 0000 65 00 Temporary Salaries	\$ -	\$ -	\$ -	\$ -
Total Salary	\$ 422,817	\$ 426,692	\$ 296,999	\$ 408,830

Personnel Services - Benefit

800 5145 65 00 Social Security Expense	\$ 24,335	\$ 24,905	\$ 17,754	\$ 22,868
800 5150 65 00 Medicare Expense	\$ 5,692	\$ 5,825	\$ 4,152	\$ 5,349
800 5155 65 00 Unemployment (SUTA)	\$ 486	\$ 486	\$ 441	\$ 486
800 5160 65 00 Health Insurance	\$ 26,378	\$ 35,381	\$ 16,034	\$ 19,296
800 5165 65 00 Dental Insurance	\$ 1,451	\$ 1,398	\$ 741	\$ 872
800 5170 65 00 Life Insurance	\$ 517	\$ 517	\$ 124	\$ 338
800 5175 65 00 Liability (TML) Worker's Con	\$ 746	\$ 764	\$ 735	\$ 996
800 5176 65 00 TML Prop. & Liab. Insurance	\$ -	\$ -	\$ -	\$ -
800 5180 65 00 TMRS-Expense	\$ 53,182	\$ 54,430	\$ 39,964	\$ 50,678
800 5185 65 00 Long Term/Short Term Disal	\$ 715	\$ 730	\$ 485	\$ 665
800 5186 65 00 WELLE-Wellness Prog Reim	\$ 600	\$ 1,200	\$ 500	\$ 600
Total Benefits	\$ 114,102	\$ 125,636	\$ 80,930	\$ 102,148

Operating, Land & Incentive Expenses

800 5189 65 00 Admin. Fees to Town	\$ 15,000	\$ 15,000	\$ 13,750	\$ 15,000
800 5190 65 00 Contract Labor	\$ 50,000	\$ 50,000	\$ -	\$ 50,000
800 5191 65 00 Hiring Cost	\$ -	\$ -	\$ -	\$ -
800 5210 65 00 Office Supplies	\$ 2,500	\$ 2,500	\$ 2,319	\$ 2,500
800 5212 65 00 Building Supplies	\$ 500	\$ 800	\$ -	\$ 800
800 5220 65 00 Office Equip & Furniture	\$ 15,000	\$ 15,000	\$ 3,500	\$ 15,000
800 5230 65 00 Dues & Subscriptions	\$ 40,000	\$ 40,000	\$ 23,771	\$ 40,000
800 5240 65 00 Postage & Freight	\$ 1,000	\$ 1,000	\$ 763	\$ 1,000
800 5265 65 00 Promotional Expense	\$ 80,000	\$ 85,000	\$ 12,412	\$ 85,000
800 5280 65 00 Printing and Reproduction	\$ 5,000	\$ 5,000	\$ 831	\$ 5,000
800 5305 65 00 Chapter 380 Program Grant	\$ 504,515	\$ 554,570	\$ 455,168	\$ 470,972
800 5310 65 00 Rental/Office Lease	\$ 65,500	\$ 60,000	\$ 47,585	\$ 60,000
800 5330 65 00 Copier Expense	\$ 5,500	\$ 5,500	\$ 2,749	\$ 5,500
800 5340 65 00 Building Repairs	\$ 500	\$ 500	\$ -	\$ 500

800 5410 65 00 Professional Services	\$ 225,000	\$ 225,000	\$ 50,739	\$ 225,000
800 5412 65 00 Audit Fees	\$ 2,375	\$ 2,494	\$ 2,375	\$ 2,494
800 5414 65 00 Appraisal/Tax Fees	\$ -	\$ -	\$ -	\$ -
800 5418 65 00 IT Fees	\$ -	\$ -	\$ -	\$ -
800 5430 65 00 Legal Fees	\$ 25,000	\$ 20,000	\$ 3,142	\$ 20,000
800 5480 65 00 Contracted Services	\$ -	\$ -	\$ -	\$ -
800 5520 65 00 Telephones-Cable	\$ 4,200	\$ -	\$ 241	\$ -
800 5521 65 00 Cell Phone Expense	\$ -	\$ -	\$ -	\$ -
800 5523 65 00 Water	\$ -	\$ -	\$ -	\$ -
800 5524 65 00 Gas - Office	\$ -	\$ -	\$ -	\$ -
800 5525 65 00 Electricity - Office	\$ -	\$ -	\$ -	\$ -
800 5526 65 00 Mobile Data Network	\$ 1,000	\$ 1,000	\$ 608	\$ 1,000
800 5530 65 00 Travel/Lodging/Meals Expen	\$ 30,000	\$ 30,000	\$ 2,690	\$ 30,000
800 5531 65 00 Prospect Mtgs/Business Me	\$ 10,000	\$ 10,000	\$ 3,584	\$ 10,000
800 5533 65 00 Mileage Expense	\$ 500	\$ 500	\$ 126	\$ 500
800 5536 65 00 Training/Seminars	\$ 15,000	\$ 15,000	\$ 713	\$ 15,000
800 6015 65 00 Project Incentives	\$ 10,000	\$ 100,000	\$ -	\$ 100,000
800 7100 65 0 Operating Transfer Out	\$ -	\$ -	\$ 8,715	\$ -
Total Expenses	\$ 1,108,090	\$ 1,238,864	\$ 635,781	\$ 1,155,266

Total Operating Costs	\$ 1,645,009	\$ 1,791,192	\$ 1,013,710	\$ 1,666,244
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Net Income	\$ 859,999	\$ 1,058,808	\$ 1,618,664	\$ 1,502,370
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TOWN SECRETARY

To: Mayor and Town Council

From: Melissa Lee, Town Secretary

Through: Harlan Jefferson, Town Manager
Robyn Battle, Executive Director of Community Services

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon a resolution designating *The Prosper Press* as the official newspaper of the Town of Prosper, and *The Dallas Morning News* as an alternative advertising source, for Fiscal Year 2020-2021.

Description of Agenda Item:

Section 2051.049 of the Texas Government Code provides that the Town Council shall select one or more newspapers to publish notices, and Section 11.02 of the Town Charter states that the Town Council shall annually declare an official newspaper of general circulation in the Town. *The Prosper Press* meets these requirements for the purpose of publishing ordinances, election notices, public hearing notices, and other notices required by ordinance, the Town Charter and state law. Town staff recommends the continued use of *The Dallas Morning News* as an alternate advertising source in the event that the Town encounters a situation where an advertising or public notice deadline could not be timely met by *The Prosper Press*.

Legal Obligations and Review:

The proposed resolution is a standard format previously approved by the Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P.

Attached Documents:

1. Resolution

Town Staff Recommendation:

Town staff recommends the Town Council adopt a resolution designating *The Prosper Press* as the official newspaper of the Town of Prosper, and *The Dallas Morning News* as an alternative advertising source, for Fiscal Year 2020-2021.

Proposed Motion:

I move to adopt a resolution designating *The Prosper Press* as the official newspaper of the Town of Prosper, and *The Dallas Morning News* as an alternative advertising source, for Fiscal Year 2020-2021.

TOWN OF PROSPER, TEXAS

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, DESIGNATING *THE PROSPER PRESS* AS THE OFFICIAL NEWSPAPER OF THE TOWN OF PROSPER, AND *THE DALLAS MORNING NEWS* AS AN ALTERNATE ADVERTISING SOURCE, FOR FISCAL YEAR 2020-2021.

WHEREAS, Section 11.02 of the Prosper Town Charter provides that the Town Council shall declare annually an official newspaper of general circulation in the Town. All ordinances, notices and other matters required by the Charter, Town ordinance, or the Constitution and laws of the State of Texas shall be published in the official newspaper; and

WHEREAS, Section 2051.049 of the Texas Government Code provides that the Town Council shall select one or more newspapers to publish notices; and

WHEREAS, Resolution No. 15-31, approved by the Prosper Town Council on May 26, 2015, provides that *The Dallas Morning News* is authorized as an alternate advertising source in the event that the Town encounters a situation where an advertising or public notice deadline could not be timely met by *The Prosper Press*; and

WHEREAS, the Town Council of the Town of Prosper desires to designate the official public newspaper and an alternate newspaper of the Town.

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

SECTION 1

The Town Council of the Town of Prosper hereby designates *The Prosper Press*, a public newspaper in and of the Town of Prosper, Texas, as the official newspaper of said Town, the same to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by law or by ordinance to be published. The *Dallas Morning News* is hereby designated as an authorized advertising source in the event that the Town encounters a situation where an advertising or public notice deadline cannot be timely met by *The Prosper Press*.

SECTION 2

This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS THE 8TH DAY OF SEPTEMBER 2020.

Ray Smith, Mayor

ATTEST:

Melissa Lee, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney



COMMUNITY SERVICES

To: Mayor and Town Council
From: Robyn Battle, Executive Director of Community Services
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon submitting an official ballot for the election of Places 1-4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

Description of Agenda Item:

The Texas Municipal League Intergovernmental Risk Pool (TMLIRP) is conducting an election for Places 1-4 of the Board of Trustees. Each participating entity within the Risk Pool is entitled to submit a ballot. Officials listed on the ballot have been nominated to serve a six-year term on the Board. Town Councilmembers were provided an opportunity to review and provide input on the proposed ballot.

Attached Documents:

1. TMLIRP Official Ballot

Town Staff Recommendation:

Town staff recommends the Town Council approve the proposed ballot for the election of Places 1-4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

Proposed Motion:

I move to approve the proposed ballot for the election of Places 1-4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

OFFICIAL BALLOT

Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 1 – 4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name or writing in the name of an eligible person in the space provided. You can only vote for one candidate for each place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees. The names of the candidates for each Place on the Board of Trustees are listed in alphabetical order on this ballot.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2020. Ballots received after September 30, 2020, cannot be counted. **The ballot must be properly signed, and all pages of the ballot must be mailed to:**

**Trustee Election
David Reagan, Secretary of the Board
P.O. Box 149194
Austin, Texas 78714-9194**

If the ballot is not signed, it will not be counted.

PLACE 1

- Robert T. Herrera** (Incumbent). City Manager, City of Cibolo (Region 7) since 2012. Mr. Herrera served as City Manager of Hondo, Texas from 2003 to 2012 and as City Manager of La Porte from 1986 to 2002. He has served other Texas cities, including management positions with the cities of San Marcos, Missouri City, and Woodway. Mr. Herrera has been a Board member of the TML Intergovernmental Risk Pool since 1993 and has served as Chair and Vice Chair of the Board. He also served as Chair of the Finance-Information Technology Committee and the Underwriting-Claims Committee of the TML Intergovernmental Risk Pool.

WRITE IN CANDIDATE:

PLACE 2

- Chris Armacost.** City Commissioner for the City of Hitchcock (Region 14). Mr. Armacost is Director of Technology, Transportation, Facilities, and Operations for the Hitchcock Independent School District. He serves on the Hitchcock Education Foundation and Hitchcock Chamber of Commerce. He is the president of the Hitchcock Little League Baseball Association and coached several teams. Mr. Armacort has been awarded the Hitchcock Chamber President Award and the Above and Beyond Citizen Award from the Hitchcock ISD. He has obtained a Certified Municipal Official certification from TML.

- John W. (Buzz) Fullen** (Incumbent). Mayor of the City of Henderson since 2019 and from 2004 to 2012 (Region 15). Mr. Fullen also served as a Commissioner of the Henderson Housing Authority from 2011 to 2019 and is now ex-officio on same. He currently serves on the Henderson Main Street Board (2004–present), Henderson Civic Center Board (2003–present), and the Henderson ETMC Hospital Diabetes Board (2009–present). He has been a Board member of the TML Intergovernmental Risk Pool since 2010, during which time he served as Chair (2018-2020) and Vice Chair (2016-2018).

WRITE IN CANDIDATE:

PLACE 3

- George Hyde.** City Attorney for the City of Watuaga (Region 8). Mr. Hyde is a partner in the law firm Russell Rodriguez Hyde Bullock, LLP, located in Georgetown. He is a member of and holds Merit Certification in Municipal Law from the Texas City Attorneys Association. He has served as City Attorney for ten other cities across Texas, since 2003. He has also served local governments in various public safety positions within Fire Departments, Parks Departments, and Police Departments. During his tenure as a peace officer, Mr. Hyde received the Texas Commission on Law Enforcement Educational Achievement Award for exceeding normal expectations in job performance.
- Roy E. Maynor.** City Alderman, Position 3, for the City of West Columbia (Region 14). He has been an elected official of West Columbia since 2013. Mr. Maynor is a Life Safety Systems Specialist for Vallen Safety Services and a member of Gulf Coast Christian Church. He is also part-owner of Grit Fitness in West Columbia. He and his wife, Rachel, have two children.
- Jeffrey Snyder** (Incumbent). City Manager for the City of Plainview (Region 2). He previously served as the Assistant City Manager for Plainview and as the City Manager for Idalou. Mr. Snyder graduated from West Texas A&M University and obtained a Master of Public Administration from Texas Tech University. He is a member of the International City Management Association (ICMA) and TCMA. He is a graduate of the Public Executive Institute through the University of Texas and is a credentialed manager through ICMA. He has been a Board member of the TML Intergovernmental Risk Pool since 2018 and served on various committees with TML, TCMA and ICMA and as past president of the Panhandle City Management Association.

WRITE IN CANDIDATE:

PLACE 4

- Robert S. Hauck** (Incumbent). City Manager for the City of Tomball (Region 14), a position he has held since April 2018. He began his full-time career in public service with the Los Angeles Police Department in 1988. In 2008, Mr. Hauck retired from the LAPD and joined the City of Tomball, where he has served as Chief of Police, Assistant City Manager, and now City Manager. Mr. Hauck holds a Bachelor of Arts degree in Business Administration, and a Master of Science degree in Management. He has been a Board member of the TML Intergovernmental Risk Pool since 2019. Mr. Hauck and his wife Kathleen have three children – Lauren, Conner, and Madeline.
- Dave Martin.** City Councilmember and current Mayor Pro Tem for the City of Houston (Region 14). Mr. Martin serves as Chair of the City Council Budget and Fiscal Affairs Committee. He previously served on the Humble ISD Board of Trustees and as Secretary/Treasurer of the Board of Directors for the Harris County Houston Sports Authority. Mr. Martin is a Managing Director of Marsh & McLennan Companies, Inc., the largest Global Risk Management firm. Previously he worked for two “Big Four” accounting firms, PricewaterhouseCoopers, LLP and Ernst & Young, LLP.
- Kimberly Meisner.** Executive Director for General Operations for Kerrville (Region 7), overseeing Human Resources, Municipal Court, Public Library, Public Information, the Senior Services Advisory Committee, and the Kerrville Area Youth Leadership Academy. Ms. Meisner has over 23 years of public service, which includes serving Kerrville and La Porte. She is a member of the TCMA, International Public Management Association for Human Resources (IPMA-HR), Society for Human Resource Management (SHRM), and is a former President of the Bay Area Human Resource Management Association. She has a Master’s degree in Public Administration and is an IPMA-HR Senior Certified Professional and a SHRM Certified Professional.
- Sean Overeynder.** City Manager for the City of Lamesa, Texas (Region 3). Sean Overeynder began his career in local government administration in August 2014 in Economic Development, working for various public and private organizations. He has held the position of City Manager for the City of Lamesa since March 2020. Prior to becoming the City Manager, he was appointed as the Economic Development Director for the City of Lamesa on August 27, 2018.

WRITE IN CANDIDATE:

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness my hand, this 8th day of September, 2020.

Signature of Authorized Official

Mayor

Title

Ray Smith

Printed Name of Authorized Official

Town of Prosper, Texas

Printed Name of Political Entity

FINANCE



To: Mayor and Town Council

From: Betty Pamplin, Finance Director

Through: Harlan Jefferson, Town Manager
Chuck Springer, Executive Director of Administrative Services

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon a resolution approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2020 rate review mechanism filing. **(BP)**

Description of Agenda Item:

The Town of Prosper, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about March 31, 2020, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2019, entitled it to additional system-wide revenues of \$141.2 million. Application of the standards set forth in ACSC’s RRM Tariff required Atmos to reduce its request to \$136.3 million, \$98.7 million of which would be applicable to ACSC members. ACSC’s consultants concluded that the system-wide deficiency under the RRM regime should be \$111.5 million instead of the claimed \$136.3 million. The amount of the \$111.5 million deficiency applicable to ACSC members would be \$80.8 million.

After the Company reviewed ACSC’s consultants’ report, ACSC’s Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$90 million from ACSC Cities, but with a two-month delay in the Effective Date until December 1, 2020. This should save ratepayers approximately \$9 million such that the case is functionally equivalent to ACSC’s consultants’ recommendation of \$80.8 million.

The Executive Committee recommends a settlement at \$90 million. The Effective Date for new rates is December 1, 2020. ACSC members should take action approving the Resolution before November 1, 2020.

Atmos generated proof that the rate tariffs attached to the resolution will generate \$90 million in additional revenues from ACSC Cities. That proof is attached as Attachment 1 to this Staff Report. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

The impact of the settlement on average residential rates is an increase of \$5.15 on a monthly basis, or 9.9 percent. The increase for average commercial usage will be \$15.48 or 6.56 percent. A bill impact comparison is attached as Attachment 2.

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on December 1, 2020, ACSC residents will maintain a slight economic monthly advantage over GRIP and DARR rates. See Attachment 3.

The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover \$141.2 million in additional system-wide revenues, the RRM settlement at \$90 million for ACSC Cities reflects substantial savings to ACSC Cities. ACSC's consultants produced a report indicating that Atmos had justified increased revenues for ACSC Cities of at least \$81 million. Settlement at \$90 million (equivalent to \$81 million with a two-month delay) is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution before November 1, 2020. New rates become effective December 1, 2020.

Legal Obligations and Review:

Geoffrey M. Gay, ACSC's general counsel prepared the attached resolution and Attachments 1, 2 and 3. Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the resolution as to form and legality.

Attached Documents:

1. Resolution
2. Exhibit A – Mid-Tex Tariffs Effective October 1, 2020
3. Exhibit B – Mid-Tex 2020 Benchmark for Pensions and Retiree Benefits
4. Exhibit C – Mid-Tex 2020 Schedule for Amortization for Regulatory Liability

5. Attachment 1 – Proof of Revenues
6. Attachment 2 – Bill Impact
7. Attachment 3 – RRM Monthly Savings Over GRIP and DARR Rates

Town Staff Recommendation:

Town staff recommends approval of the resolution approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2020 rate review mechanism filing.

Proposed Motion:

I move to approve the resolution approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2020 rate review mechanism filing.

TOWN OF PROSPER, TEXAS

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2020 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the Town of Prosper, Texas (“Town”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the Town is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the Town in a rate ordinance in 2018; and

WHEREAS, on or about March 31, 2020, Atmos Mid-Tex filed its 2020 RRM rate request with ACSC Cities based on a test year ending December 31, 2019; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2020 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC’s counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$90 million applicable to ACSC Cities with an Effective Date of December 1, 2020; and

WHEREAS, ACSC agrees that Atmos plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the two month delayed Effective Date from October 1 to December 1 will save ACSC ratepayers approximately \$9 million off new rates imposed by the attached tariffs (Exhibit A), the impact on ratepayers should approximate the reasonable value of the rate filing found by the ACSC Consultants' Report, which was \$81 million; and

WHEREAS, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B); and

WHEREAS, the settlement agreement establishes an amortization schedule for regulatory liability prepared by Atmos Mid-Tex (Exhibit C); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

SECTION 1

That the findings set forth in this Resolution are hereby in all things approved.

SECTION 2

That, without prejudice to future litigation of any issue identified by ACSC, the Town Council finds that the settled amount of an increase in revenues of \$90 million for ACSC Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2020 RRM filing, is in the public interest, and is consistent with the Town's authority under Section 103.001 of the Texas Utilities Code.

SECTION 3

That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

SECTION 4

That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$90

million from customers in ACSC Cities, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

SECTION 5

That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.

SECTION 6

That subject to any future settlement or decision regarding the balance of Excess Deferred Income Tax to be refunded to ratepayers, the amortization of regulatory liability shall be consistent with the schedule found in Exhibit C, attached hereto and incorporated herein.

SECTION 7

That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2020 RRM filing.

SECTION 8

That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

SECTION 9

That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 10

That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

SECTION 11

That consistent with the Town Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after December 1, 2020.

SECTION 12

That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 8TH DAY OF SEPTEMBER, 2020.

Ray Smith, Mayor

ATTEST:

Melissa Lee, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

Exhibit A
to 2020 RRM Resolution or Ordinance

Mid-Tex Tariffs
Effective December 1, 2020

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 20.25 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 20.30 per month
Commodity Charge – All <u>Ccf</u>	\$0.26651 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2020.

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 54.50 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 54.52 per month
Commodity Charge – All Ccf	\$ 0.11728 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2020.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,014.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4157 per MMBtu
Next 3,500 MMBtu	\$ 0.3044 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0653 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,014.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4157 per MMBtu
Next 3,500 MMBtu	\$ 0.3044 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0653 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_{ij} = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.73	0.1545	94.79	0.7284
Austin	9.53	0.1489	211.76	0.9405
Dallas	15.77	0.1792	199.74	0.9385
Waco	9.99	0.1341	145.27	0.7110
Wichita Falls	11.61	0.1402	120.34	0.5747

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

Exhibit B
to 2020 RRM Resolution or Ordinance

Mid-Tex
2020 Benchmark for Pensions
and Retiree Benefits

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2019**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Mid-Tex Direct Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2020 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 3,460,135	\$ 3,695,384	\$ 6,132,704	\$ 280,578	\$ 4,992,449	
2	Allocation to Mid-Tex	43.29%	43.29%	76.59%	100.00%	76.59%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 1,497,774	\$ 1,599,605	\$ 4,697,072	\$ 280,578	\$ 3,823,744	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 1,497,774	\$ 1,599,605	\$ 4,697,072	\$ 280,578	\$ 3,823,744	\$ 11,898,774
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	79.55%	79.55%	37.83%	11.67%	37.83%	
11							
12							
13	Total Pension Account Plan	\$ 1,191,410		\$ 1,777,056			\$ 2,968,466
14	Total Post-Employment Benefit Plan		\$ 1,272,412			\$ 1,446,647	2,719,060
15	Total Supplemental Executive Benefit Plan				\$ 32,754		32,754
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 1,191,410	\$ 1,272,412	\$ 1,777,056	\$ 32,754	\$ 1,446,647	\$ 5,720,280

17
18 **Notes:**

- 19 1. Studies not applicable to Mid-Tex or Shared Services are omitted.
- 20 2. Mid-Tex is proposing that the Fiscal Year 2020 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods includes only the expense amount. The amount attributable to capital is recorded to utility plant through the overhead process as described in the CAM.
- 22 3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.

Exhibit C
to 2020 RRM Resolution or Ordinance

Mid-Tex 2020 Schedule for
Amortization for Regulatory Liability

ATMOS ENERGY CORP., MID-TEX DIVISION
RATE BASE ADJUSTMENTS
TEST YEAR ENDING DECEMBER 31, 2019
AMORTIZATION OF REGULATORY LIABILITY

Line No.	Year Ended Dec. 31	Beginning of Year Rate Base Adjustment Amount	Annual Amortization (1)	End of Year Rate Base Adjustment Amount (2)	Corrected Balance for December 31, 2017 (3)
	(a)	(b)	(c)	(d)	(e)
1	2017		\$ -	\$ 292,268,881	\$ 292,268,881
2	2018	292,268,881	12,075,562	280,193,319	
3	2019	280,193,319	12,085,165	268,108,155	
4	2020	268,108,155	11,171,173	256,936,982	
5	2021	256,936,982	11,171,173	245,765,809	
6	2022	245,765,809	11,171,173	234,594,635	
7	2023	234,594,635	11,171,173	223,423,462	
8	2024	223,423,462	11,171,173	212,252,289	
9	2025	212,252,289	11,171,173	201,081,116	
10	2026	201,081,116	11,171,173	189,909,943	
11	2027	189,909,943	11,171,173	178,738,770	
12	2028	178,738,770	11,171,173	167,567,597	
13	2029	167,567,597	11,171,173	156,396,424	
14	2030	156,396,424	11,171,173	145,225,251	
15	2031	145,225,251	11,171,173	134,054,077	
16	2032	134,054,077	11,171,173	122,882,904	
17	2033	122,882,904	11,171,173	111,711,731	
18	2034	111,711,731	11,171,173	100,540,558	
19	2035	100,540,558	11,171,173	89,369,385	
20	2036	89,369,385	11,171,173	78,198,212	
21	2037	78,198,212	11,171,173	67,027,039	
22	2038	67,027,039	11,171,173	55,855,866	
23	2039	55,855,866	11,171,173	44,684,692	
24	2040	44,684,692	11,171,173	33,513,519	
25	2041	33,513,519	11,171,173	22,342,346	
26	2042	22,342,346	11,171,173	11,171,173	
27	2043	11,171,173	11,171,173	(0)	
28					
29	Revenue Related Tax Factor		7.16%	See WP_F-5.1	
	Revenue Related Taxes on Annual			Amortization * Tax	
30	Amortization		\$ 799,924	Factor	
31	Amortization Including Revenue		<u>\$ 11,971,097</u>	Amortization + Taxes	
32					
33	Notes:				
34	1. The annual amortization of a 26 year recovery period is based on the				
35	Reverse South Georgia Method.				
36	2. The Regulatory Liability is recorded to FERC Account 253, Sub Account 27909.				
37	3. This is the final Mid-Tex liability balance filing the Fiscal Year 2018 tax return.				

**Attachment 1 to
Model Staff Report**

2020 RRM

Proof of Revenues

**ATMOS ENERGY CORP., MID-TEX DIVISION
RRM CITIES RATE REVIEW MECHANISM
PROOF OF REVENUES - RRM CITIES
TEST YEAR ENDING DECEMBER 31, 2019**

Line No.	Customer Class (a)	Current (b)	Proposed (c)	Bills (d)	Ccf/MmBtu (e)	Current Revenues (f)	Proposed Revenues (g)	Increase (h)
1	Residential							
2	Customer Charge	\$ 19.55	\$ 20.25	13,644,834		\$ 266,756,505	\$ 276,307,889	
3	Consumption Charge	0.17423	0.26651		608,491,998	106,017,561	162,169,202	
4	Revenue Related Taxes					26,692,882	31,397,617	
5	Total Class Revenue					<u>\$ 399,466,948</u>	<u>\$ 469,874,708</u>	<u>\$ 70,407,760</u>
6								
7	Commercial							
8	Customer Charge	\$ 46.50	\$ 54.50	1,115,081		\$ 51,851,267	\$ 60,771,915	
9	Consumption Charge	0.09924	0.11728		398,510,866	39,548,218	46,737,354	
10	Revenue Related Taxes					6,544,757	7,698,315	
11	Total Class Revenue					<u>\$ 97,944,242</u>	<u>\$ 115,207,584</u>	<u>\$ 17,263,342</u>
12								
13	Industrial & Transportation							
14	Customer Charge	\$ 845.50	\$ 1,014.50	7,272		\$ 6,148,476	\$ 7,377,444	
15	Consumption Charge Tier 1	\$ 0.3572	\$ 0.4157		7,769,155	2,775,142	3,229,638	
16	Consumption Charge Tier 2	\$ 0.2616	\$ 0.3044		8,666,094	2,267,050	2,637,959	
17	Consumption Charge Tier 3	\$ 0.0561	\$ 0.0653		13,696,172	768,355	894,360	
18	Revenue Related Taxes					856,339	1,012,467	
19	Total Class Revenue					<u>\$ 12,815,362</u>	<u>\$ 15,151,868</u>	<u>\$ 2,336,505</u>
20								
21	Total Excluding Other Revenue					<u><u>\$ 510,226,552</u></u>	<u><u>\$ 600,234,159</u></u>	<u><u>\$ 90,007,608</u></u>
22								
23								
24	Revenue Related Tax Factor	7.1606%						

**Attachment 2
to 2020 RRM Staff Report**

Bill Impact

**ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2019**

Line No.					<u>Current</u>	<u>Proposed</u>	<u>Change</u>
1	Rate R @ 44.5 Ccf						
2	Customer charge				\$ 19.55		
3	Consumption charge	44.5	CCF	X \$ 0.17423 =	7.75		
4	Rider GCR Part A	44.5	CCF	X \$ 0.17750 =	7.90		
5	Rider GCR Part B	44.5	CCF	X \$ 0.29953 =	13.33		
6	Subtotal				<u>\$ 48.53</u>		
7	Rider FF & Rider TAX			X 0.07161 =	3.48		
8	Total				<u>\$ 52.01</u>		
9							
10	Customer charge					\$ 20.25	
11	Consumption charge	44.5	CCF	X \$ 0.26651 =		11.86	
12	Rider GCR Part A	44.5	CCF	X \$ 0.17750 =		7.90	
13	Rider GCR Part B	44.5	CCF	X \$ 0.29953 =		13.33	
14	Subtotal					<u>\$ 53.34</u>	
15	Rider FF & Rider TAX			X 0.07161 =		3.82	
16	Total					<u>\$ 57.16</u>	\$ 5.15
17							9.90%
18							
19	Rate C @ 357.4 Ccf						
20	Customer charge				\$ 46.50		
21	Consumption charge	357.4	CCF	X \$ 0.09924 =	35.47		
22	Rider GCR Part A	357.4	CCF	X \$ 0.17750 =	63.44		
23	Rider GCR Part B	357.4	CCF	X \$ 0.20954 =	74.89		
24	Subtotal				<u>\$ 220.30</u>		
25	Rider FF & Rider TAX			X 0.07161 =	15.77		
26	Total				<u>\$ 236.07</u>		
27							
28	Customer charge					\$ 54.50	
29	Consumption charge	357.4	CCF	X \$ 0.11728 =		41.91	
30	Rider GCR Part A	357.4	CCF	X \$ 0.17750 =		63.44	
31	Rider GCR Part B	357.4	CCF	X \$ 0.20954 =		74.89	
32	Subtotal					<u>\$ 234.74</u>	
33	Rider FF & Rider TAX			X 0.07161 =		16.81	
34	Total					<u>\$ 251.55</u>	\$ 15.48
35							6.56%

					<u>Current</u>	<u>Proposed</u>	<u>Change</u>
36	Rate I @ 4143 MMBTU						
37	Customer charge				\$ 845.50		
38	Consumption charge	1,500	MMBTU	X \$ 0.3572 =	535.80		
39	Consumption charge	2,643	MMBTU	X \$ 0.2616 =	691.54		
40	Consumption charge	0	MMBTU	X \$ 0.0561 =	-		
41	Rider GCR Part A	4,143	MMBTU	X \$ 1.7334 =	7,182.31		
42	Rider GCR Part B	4,143	MMBTU	X \$ 0.4531 =	1,877.54		
43	Subtotal				<u>\$ 11,132.69</u>		
44	Rider FF & Rider TAX			X 0.07161 =	797.17		
45	Total				<u><u>\$ 11,929.86</u></u>		
46							
47	Customer charge					\$ 1,014.50	
48	Consumption charge	1,500	MMBTU	X \$ 0.4157 =		623.55	
49	Consumption charge	2,643	MMBTU	X \$ 0.3044 =		804.68	
50	Consumption charge	0	MMBTU	X \$ 0.0653 =		-	
51	Rider GCR Part A	4,143	MMBTU	X \$ 1.7334 =		7,182.31	
52	Rider GCR Part B	4,143	MMBTU	X \$ 0.4531 =		1,877.54	
53	Subtotal					<u>\$ 11,502.58</u>	
54	Rider FF & Rider TAX			X 0.07161 =		823.65	
55	Total					<u><u>\$ 12,326.23</u></u>	\$ 396.37
56							3.32%
57	Rate T @ 4143 MMBTU						
58	Customer charge				\$ 845.50		
59	Consumption charge	1,500	MMBTU	X \$ 0.3572 =	535.80		
60	Consumption charge	2,643	MMBTU	X \$ 0.2616 =	691.54		
61	Consumption charge	0	MMBTU	X \$ 0.0561 =	-		
62	Rider GCR Part B	4,143	MMBTU	X \$ 0.4531 =	1,877.54		
63	Subtotal				<u>\$ 3,950.38</u>		
64	Rider FF & Rider TAX			X 0.07161 =	282.87		
65	Total				<u><u>\$ 4,233.25</u></u>		
66							
67	Customer charge					\$ 1,014.50	
68	Consumption charge	1,500	MMBTU	X \$ 0.4157 =		623.55	
69	Consumption charge	2,643	MMBTU	X \$ 0.3044 =		804.68	
70	Consumption charge	0	MMBTU	X \$ 0.0653 =		-	
71	Rider GCR Part B	4,143	MMBTU	X \$ 0.4531 =		1,877.54	
72	Subtotal					<u>\$ 4,320.27</u>	
73	Rider FF & Rider TAX			X 0.07161 =		309.36	
74	Total					<u><u>\$ 4,629.63</u></u>	\$ 396.38
75							9.36%

**Attachment 3
to 2020 RRM Staff Report**

RRM Monthly Savings Over GRIP and DARR Rates

**ATMOS ENERGY CORP., MID-TEX DIVISION
RESIDENTIAL AVERAGE RATE COMPARISON
TEST YEAR ENDING DECEMBER 31, 2019**

	ACSC Settled	DARR Filing	ATM Filing	Environs Filing
Cust Charge	\$20.25	\$23.75	\$26.40	\$24.60
Monthly Ccf	44.5	44.5	44.5	44.5
Cons Charge	\$0.26651	\$0.19336	\$0.14846	\$0.18653
Average Mo Bill	\$32.11	\$32.35	\$33.01	\$32.90
		-\$0.24	-\$0.90	-\$0.79



ENGINEERING SERVICES

To: Mayor and Town Council

From: Hulon T. Webb, Jr., Director of Engineering Services

Through: Harlan Jefferson, Town Manager
Rebecca Zook, Executive Director of Development and Infrastructure Services

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon awarding Bid No. 2020-81-B to Accelerated Critical Path, Inc., related to construction services for the Prosper Trail/DNT Intersection Improvements project; and authorizing the Town Manager to execute a construction agreement for same.

Description of Agenda Item:

The project will expand the existing pavement at the intersection of Prosper Trail and the DNT to the fully developed intersection. This project was originally bid with the Coit Road and 380 Turn Lane Improvements project on March 26, 2020. Nine (9) bids were received with the total cost for the Prosper Trail/DNT Intersection Improvements project ranging from \$2,061,537.80 to \$4,134,722.05. The budgeted amount for the Prosper Trail/DNT Intersection Improvements project was \$1,600,00.00, and it was decided to not award the project to allow the design engineer to evaluate the design for possible cost savings and to allocate additional funding for the project. Also, it was thought that the economic situation at the time could have been a factor in the bids being higher than expected.

After reviewing the construction documents with the design engineer, it was acknowledged that the design included the construction of the ultimate width of pavement of Prosper Trail between the frontage roads. Until the north side of Prosper Trail is extended west of the DNT, there will be an extra 12' of pavement between the frontage roads that will be striped off, like what was recently constructed at the intersection of First Street and the DNT. Since the intersection could function without the outside westbound lane of pavement between the northbound and southbound frontage roads, and the associated concrete box culvert extension required for construction of the outside lane, the outside lane construction and associated culvert extension would be bid as an add alternate to the base bid. This would allow the Town the flexibility to consider the bids received and decide whether to proceed with the add alternate improvements now or with a future project, based on available funding. In addition, the PVC sleeves and pull boxes for future IT fiber were removed from the construction plans, resulting in an estimated cost savings of \$112,200.00, based on the lowest bid received on March 26, 2020.

On August 14, 2020, at 2:00 PM, five (5) new bids were received for the Prosper Trail/DNT Intersection Improvements project. The project was advertised using the A+B Bidding alternative procurement method to allow the Town to award the project to the contractor that offers the best value, taking into consideration the number of days bid. The number of days bid is multiplied by the value of a calendar day as listed below, and added to each bidder’s base bid:

<u>Amount of Contract (\$)</u>	<u>Value of a Calendar Day(\$)</u>
\$1,500,000 to \$1,999,999.99	\$500 per day
\$2,000,000 to \$2,999,999.99	\$1,000 per day
\$3,000,000 to \$3,999,999.99	\$1,500 per day
\$4,000,000.00 or more	\$2,000 per day

The verified base bid totals ranged between \$1,836,759.20 and \$2,659,577.45, and the add alternate bid totals ranged between \$117,052.50 and \$153,606.70. Item 1.22 Wingwall (PW-1) (HW=11FT) was accidentally included in both the base bid and add alternate bid and since it was not needed in the base bid, was removed from the base bid totals. The add alternate items increased the total bid costs to between \$1,953,811.70 and \$2,813,184.15. The engineers estimate was \$1,715,593.00. The proposed final completion times ranged from 270 calendar days to 360 calendar days.

Accelerated Critical Path, Inc., was low bidder after consideration of Costs and Time, with a cost of \$1,953,811.70, (including the add alternate items) and time of 270 days for final completion. Accelerated Critical Path, Inc., recently successfully completed an airport service road for the City of Fort Worth and is currently working for the Town of Prosper on the Church Street and Parvin Street Sanitary Sewer and Drainage Improvements and Old Town Retention Pond projects. Staff checked the references provided and received positive feedback.

Budget Impact:

The cost for the construction of this project is \$1,953,811.70. The FY 2019-2020 Capital Improvement Program includes \$2,000,000 for the construction of the Prosper Trail/DNT Intersection Improvement project. The funding sources is Account No. 750-6610-10-00-1830-ST.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard construction agreement as to form and legality.

Attached Documents:

1. Location Map
2. Bid Tabulation Summary
3. Construction Agreement

Town Staff Recommendation:

Town staff recommends that the Town Council award Bid No. 2020-81-B to Accelerated Critical Path, Inc., related to construction services for the Prosper Trail/DNT Intersection Improvement project; and authorize the Town Manager to execute a construction agreement for same.


Proposed Motion:

I move to award Bid No. 2020-81-B to Accelerated Critical Path, Inc., related to construction services for the Prosper Trail/DNT Intersection Improvement project; and authorize the Town Manager to execute a construction agreement for same.



Prosper Trail and DNT Intersection Improvements



	TOWN OF PROSPER BID TABULATION SUMMARY			
	Solicitation Number	Bid No. 2020-81-B		
	Solicitation Title	Prosper Trail/DNT Intersection Improvements		
	Close Date	8/14/2020 2:00PM		
Responding Supplier	Base Bid (A)	Time Value (B)	Total Value	
Accelerated Critical Path, Inc.	\$ 1,836,759.20	\$ 135,000.00	\$ 1,971,759.20	
HQS Construction	\$ 1,935,754.60	\$ 150,000.00	\$ 2,085,754.60	
Mario Sinacola & Sons Excavating, Inc.	\$ 2,063,301.50	\$ 150,000.00	\$ 2,213,301.50	
GRod Construction, LLC	\$ 2,158,491.20	\$ 300,000.00	\$ 2,458,491.20	
Reyes Group LTD	\$ 2,659,577.45	\$ 360,000.00	\$ 3,019,577.45	
Responding Supplier	Alternate Bid (A)	Time Value (B)	Total Value	
Accelerated Critical Path, Inc.	\$ 1,953,811.70	\$ 135,000.00	\$ 2,088,811.70	
HQS Construction	\$ 2,040,562.40	\$ 300,000.00	\$ 2,340,562.40	
Mario Sinacola & Sons Excavating, Inc.	\$ 2,196,582.50	\$ 150,000.00	\$ 2,346,582.50	
GRod Construction, LLC	\$ 2,305,608.00	\$ 300,000.00	\$ 2,605,608.00	
Reyes Group LTD	\$ 2,813,184.15	\$ 360,000.00	\$ 3,173,184.15	

*Adjusted totals with the removal of duplicated Line Item 1.22

CONTRACT DOCUMENTS AND SPECIFICATIONS
FOR

**PROSPER TRAIL/DNT INTERSECTION
IMPROVEMENTS
BID NO. 2020-81-B**



TOWN OF PROSPER
COLLIN COUNTY, TEXAS

TOWN OFFICIALS

Ray Smith, Mayor
Curry Vogelsang, Jr., Mayor Pro-Tem
Jason Dixon, Deputy Mayor Pro-Tem
Marcus E. Ray, Place 1
Craig Andres, Place 2
Meigs Miller, Place 4
Jeff Hodges, Place 5

Harlan Jefferson, Town Manager

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LEGAL NOTICE

The Town of Prosper is accepting competitive sealed bids for **BID NO. 2020-81-B Prosper Trail/DNT Intersection Improvements**. Bids will be accepted online through IonWave.net, the Town's e-procurement system, or in hard copy in the Purchasing Office located in the 3rd Floor Finance Suite of Town Hall, 250 W. First St., Prosper, Texas 75078 until **2:00 P.M. on Friday, August 14, 2020**. Any bids received after this time will not be accepted, and will be returned unopened. **The bid opening will be held online on Friday, August 14, 2020 @ 2:30 P.M.** To participate in the bid opening, please use the following:

Join Zoom Meeting:	https://us02web.zoom.us/j/88548311920
Meeting ID:	885 4831 1920
Dial-in any of these numbers:	+1 929 436 2866, +1 312 626 6799, +1 669 900 6833, +1 253 215 8782, +1 301 715 8592 or +1 346 248 7799

The Project consists of furnishing all labor, equipment and materials (except as otherwise specified), and performing all work necessary for the construction of the intersections of Prosper Trail and the northbound and southbound Dallas North Tollway frontage roads

Each bid submitted shall be accompanied by a cashier's check in the amount of 5% of the maximum amount bid, payable without recourse to the Town of Prosper, or a Bid Bond in the same amount from a reliable surety company as a guarantee that, if awarded the contract, the successful Contractor will execute a Construction Agreement with the Town, including all required bonds and other documents.

The successful Contractor shall furnish a Performance Bond in the amount of 115% of the contract amount, and a Payment Bond in the amount of 100% of the contract amount, as well as evidence of all required insurance coverage within ten (10) calendar days of notice of award. The successful Contractor shall also furnish a Maintenance Bond in the amount of 100% of the contract amount covering defects of material and workmanship for two calendar years following the Town's approval and acceptance of the construction. An approved surety company, licensed in the State of Texas, shall issue all bonds in accordance with Texas law.

Copies of Plans, Specifications, and Contract Documents may be examined at **Town of Prosper Engineering Department, 250 W. First Street, Prosper, Texas, 75078, Phone: (972) 569-1198** without charge. These documents may be acquired from that office for the non-refundable purchase price of \$50.00 per set, payable to the Town of Prosper. Copies of Plans, Specifications, and Contract Documents may also be downloaded free of charge from Current Bidding Opportunities, at the following link: <http://www.prospertx.gov/business/bid-opportunities/>.

Questions and requests for clarifications in regards to this bid should be submitted in writing through IonWave.net, the Town's e-procurement system, or emailed directly to January Cook, CPPO, CPPB, Purchasing Manager, at jcook@prospertx.gov. The deadline for receipt of questions and requests for clarifications is **12:00 P.M. on Monday, August 10, 2020**. After that day and time, no further questions or requests for clarifications will be accepted or answered by the Engineer or Town.

INSTRUCTIONS TO BIDDERS

1. Submittal Deadline: Bids will be accepted until 2:00 P.M. on Friday, August 14, 2020.
2. Submittal Location: Bids will be accepted online through IonWave.net, the Town's e-procurement system, or in hard copy in the Purchasing Office located in the 3rd Floor Finance Suite of Town Hall, 250 W. First St., Prosper, Texas 75078.
3. Electronic Submittal Requirements: If submitting bid through IonWave.net, Bidder shall complete all requested information and submit all required documents.
4. Hard Copy Submittal Requirements: If submitting bid in hard copy, Bidder shall submit one (1) original and one (1) copy of their bid in a sealed envelope clearly marked with their name and **BID NO. 2020-81-B Prosper Trail/DNT Intersection Improvements**. Bidder shall complete all requested information and submit all required documents.
5. Bid Opening: **The bid opening will be held online on Friday, August 14, 2020 @ 2:30 P.M.** To participate in the bid opening, please use the following:

Join Zoom Meeting: <https://us02web.zoom.us/j/88548311920>
Meeting ID: 885 4831 1920
Dial-in any of these numbers: +1 929 436 2866, +1 312 626 6799, +1 669 900 6833, +1 253 215 8782,
+1 301 715 8592, +1 346 248 7799

6. Bid Documents: Copies of Plans, Specifications, and Contract Documents may be examined without charge at the following location:

Town of Prosper Engineering Department
250 W. First Street
Prosper, TX 75078
Phone: 972-569-1198

or

Download free of charge from Current Bidding Opportunities, at the following link:
<http://www.prosper.tx.gov/business/bid-opportunities/>.

7. Questions and Requests for Clarification: Questions and requests for clarifications in regards to this bid should be submitted in writing through IonWave.net, the Town's e-procurement system, or emailed directly to January Cook, CPPO, CPPB, Purchasing Manager, at jcook@prosper.tx.gov. The deadline for receipt of questions and requests for clarifications is **12:00 P.M. on Monday, August 10, 2020**. After that day and time, no further questions or requests for clarifications will be accepted or answered by the Engineer or Town.
8. Addenda: If it becomes necessary to provide additional information to potential Bidders, the Town of Prosper will issue an addendum containing the necessary information.
9. Pre-Bid Meeting: A pre-bid meeting will be held **online** for this project at **11:00 A.M., Thursday, August 6, 2020**. Attendance is optional.

To participate in the pre-bid meeting, please use the following:

Join Zoom Meeting: <https://us02web.zoom.us/j/82265386398>
Meeting ID: 822 6538 6398
Dial-in any of these numbers: +1 929 436 2866, +1 312 626 6799, +1 669 900 6833, +1 253 215 8782,
+1 301 715 8592, +1 346 248 7799

10. Site Visit: N/A

CONSTRUCTION AGREEMENT

THE STATE OF TEXAS)
)
COUNTY OF COLLIN) KNOW ALL MEN BY THESE PRESENTS:

This Construction Agreement (the "Agreement") is made by and between **Accelerated Critical Path, Inc.**, a Texas corporation, (the "Contractor") and the **Town of Prosper, Texas**, a municipal corporation (the "Owner"). For and in consideration of the payment, agreements and conditions hereinafter mentioned, and under the conditions expressed in the bonds herein, Contractor hereby agrees to complete the construction of improvements described as follows:

BID NO. 2020-81-B
Prosper Trail/DNT Intersection Improvements
(Base Bid Excluding Line Item 1.22, and Alternate Bid Items)

in the Town of Prosper, Texas, and all extra work in connection therewith, under the terms as stated in the terms of this Contract, including all Contract Documents incorporated herein; and at his, her or their own proper cost and expense to furnish all superintendence, labor, insurance, equipment, tools and other accessories and services necessary to complete the said construction in accordance with all the Contract Documents, incorporated herein as if written word for word, and in accordance with the Plans, which include all maps, plats, blueprints, and other drawings and printed or written explanatory manner therefore, and the Specifications as prepared by Town of Prosper or its consultant hereinafter called Engineer, who has been identified by the endorsement of the Contractor's written bid, the General Conditions of this Contract, the Special Conditions of this Contract, the payment, performance, and maintenance bonds hereto attached; all of which are made a part hereof and collectively evidence and constitute the entire Contract.

A. Contract Documents and Order of Precedence

The Contract Documents shall consist of the following documents:

1. this Construction Agreement;
2. properly authorized change orders;
3. the Special Conditions of this Contract;
4. the General Conditions of this Contract;
5. the Technical Specifications & Construction Drawings of this Contract;
6. the OWNER's Standard Construction Details;
7. the OWNER's Standard Construction Specifications;
8. the OWNER's written notice to proceed to the CONTRACTOR;
9. the Contractor's Cost Bid;
10. any listed and numbered addenda;
11. the Performance, Payment, and Maintenance Bonds; and,
12. any other bid materials distributed by the Owner that relate to the Project.

These Contract Documents are incorporated by reference into this Construction Agreement as if set out here in their entirety. The Contract Documents are intended to be complementary; what is called for by one document shall be as binding as if called for by all Contract Documents. It is specifically provided,

however, that in the event of any inconsistency in the Contract Documents, the inconsistency shall be resolved by giving precedence to the Contract Documents in the order in which they are listed herein above. If, however, there exists a conflict or inconsistency between the Technical Specifications and the Construction Drawings it shall be the Contractor's obligation to seek clarification as to which requirements or provisions control before undertaking any work on that component of the project. Should the Contractor fail or refuse to seek a clarification of such conflicting or inconsistent requirements or provisions prior to any work on that component of the project, the Contractor shall be solely responsible for the costs and expenses - including additional time - necessary to cure, repair and/or correct that component of the project.

B. Total of Payments Due Contractor

For performance of the Work in accordance with the Contract Documents, the Owner shall pay the Contractor in current funds an amount not to exceed **One Million Nine Hundred Fifty-Three Thousand Eight Hundred Eleven Dollars and 70 Cents (\$1,953,811.70)**. This amount is subject to adjustment by change order in accordance with the Contract Documents.

C. Dates to Start and Complete Work

Contractor shall begin work within ten (10) calendar days after receiving a written Notice to Proceed or written Work Order from the Owner. All Work required under the Contract Documents shall be substantially completed within **240** calendar days after the date of the Notice to Proceed. Within **30** additional calendar days after Substantial Completion, all outstanding issues shall be addressed and ready for final payment.

Under this Construction Agreement, all references to "day" are to be considered "calendar days" unless noted otherwise.

D. CONTRACTOR'S INDEMNITY TO THE OWNER AND OTHERS

CONTRACTOR DOES HEREBY AGREE TO WAIVE ALL CLAIMS, RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE TOWN OF PROSPER (OWNER) TOGETHER WITH ITS MAYOR AND TOWN COUNCIL AND ALL OF ITS OFFICIALS, OFFICERS, AGENTS AND EMPLOYEES, IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES, FROM AND AGAINST ANY AND ALL CITATIONS, CLAIMS, COSTS, DAMAGES, DEMANDS, EXPENSES, FINES, JUDGMENTS, LIABILITY, LOSSES, PENALTIES, SUITS OR CAUSES OF ACTION OF EVERY KIND INCLUDING ALL EXPENSES OF LITIGATION AND/OR SETTLEMENT, COURT COSTS AND ATTORNEY FEES WHICH MAY ARISE BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR FOR LOSS OF, DAMAGE TO, OR LOSS OF USE OF ANY PROPERTY OCCASIONED BY ERROR, OMISSION, OR NEGLIGENT ACT OF CONTRACTOR, ITS SUBCONTRACTORS, ANY OFFICERS, AGENTS OR EMPLOYEES OF CONTRACTOR OR ANY SUBCONTRACTORS, INVITEES, AND ANY OTHER THIRD PARTIES OR PERSONS FOR WHOM OR WHICH CONTRACTOR IS LEGALLY RESPONSIBLE, IN ANY WAY ARISING OUT OF, RELATING TO, RESULTING FROM, OR IN CONNECTION WITH THE PERFORMANCE OF THIS CONTRACT, AND CONTRACTOR WILL AT HIS OR HER OWN COST AND EXPENSE DEFEND AND PROTECT TOWN OF PROSPER (OWNER) FROM ANY AND ALL SUCH CLAIMS AND DEMANDS.

CONTRACTOR DOES HEREBY AGREE TO WAIVE ALL CLAIMS, RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS TOWN OF PROSPER (OWNER) TOGETHER WITH ITS MAYOR AND TOWN COUNCIL AND ALL OF ITS OFFICIALS, OFFICERS, AGENTS, AND EMPLOYEES, FROM AND

AGAINST ANY AND ALL CITATIONS, CLAIMS, COSTS, DAMAGES, DEMANDS, EXPENSES, FINES, JUDGMENTS, LIABILITY, LOSSES, PENALTIES, SUITS OR CAUSES OF ACTION OF EVERY KIND INCLUDING ALL EXPENSES OF LITIGATION AND/OR SETTLEMENT, COURT COSTS AND ATTORNEYS FEES FOR INJURY OR DEATH OF ANY PERSON OR FOR LOSS OF, DAMAGES TO, OR LOSS OF USE OF ANY PROPERTY, ARISING OUT OF OR IN CONNECTION WITH THE PERFORMANCE OF THIS CONTRACT. SUCH INDEMNITY SHALL APPLY WHETHER THE CITATIONS, CLAIMS, COSTS, DAMAGES, DEMANDS, EXPENSES, FINES, JUDGMENTS, LIABILITY, LOSSES, PENALTIES, SUITS OR CAUSES OF ACTION ARISE IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE TOWN OF PROSPER (OWNER), ITS MAYOR AND TOWN COUNCIL, OFFICERS, OFFICIALS, AGENTS OR EMPLOYEES. IT IS THE EXPRESS INTENTION OF THE PARTIES HERETO THAT THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH IS INDEMNITY BY CONTRACTOR TO INDEMNIFY AND PROTECT TOWN OF PROSPER (OWNER) FROM THE CONSEQUENCES OF TOWN OF PROSPER'S (OWNER'S) OWN NEGLIGENCE, WHETHER THAT NEGLIGENCE IS A SOLE OR CONCURRING CAUSE OF THE INJURY, DEATH OR DAMAGE.

IN ANY AND ALL CLAIMS AGAINST ANY PARTY INDEMNIFIED HEREUNDER BY ANY EMPLOYEE OF THE CONTRACTOR, ANY SUB-CONTRACTOR, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM OR ANYONE FOR WHOSE ACTS ANY OF THEM MAY BE LIABLE, THE INDEMNIFICATION OBLIGATION HEREIN PROVIDED SHALL NOT BE LIMITED IN ANY WAY BY ANY LIMITATION ON THE AMOUNT OR TYPE OF DAMAGES, COMPENSATION OR BENEFITS PAYABLE BY OR FOR THE CONTRACTOR OR ANY SUB-CONTRACTOR UNDER WORKMEN'S COMPENSATION OR OTHER EMPLOYEE BENEFIT ACTS.

INDEMNIFIED ITEMS SHALL INCLUDE ATTORNEYS' FEES AND COSTS, COURT COSTS, AND SETTLEMENT COSTS. INDEMNIFIED ITEMS SHALL ALSO INCLUDE ANY EXPENSES, INCLUDING ATTORNEYS' FEES AND EXPENSES, INCURRED BY AN INDEMNIFIED INDIVIDUAL OR ENTITY IN ATTEMPTING TO ENFORCE THIS INDEMNITY.

In its sole discretion, the Owner shall have the right to approve counsel to be retained by Contractor in fulfilling its obligation to defend and indemnify the Owner. Contractor shall retain approved counsel for the Owner within seven (7) business days after receiving written notice from the Owner that it is invoking its right to indemnification under this Construction Agreement. If Contractor does not retain counsel for the Owner within the required time, then the Owner shall have the right to retain counsel and the Contractor shall pay these attorneys' fees and expenses.

The Owner retains the right to provide and pay for any or all costs of defending indemnified items, but it shall not be required to do so. To the extent that Owner elects to provide and pay for any such costs, Contractor shall indemnify and reimburse Owner for such costs.

(Please note that this "broad-form" indemnification clause is not prohibited by Chapter 151 of the Texas Insurance Code as it falls within one of the exclusions contained in Section 151.105 of the Texas Insurance Code.)

E. Insurance Requirements

Contractor shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the vendor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the contractor's bid. A certificate of insurance meeting all requirements and provisions outlined herein shall be provided to the Town prior to any services being performed or rendered. Renewal certificates shall also be supplied upon expiration. Certificates holder shall be listed as follows, with the project/contract number referenced:

Town of Prosper
Attn: Purchasing Manager
P.O. Box 307
Prosper, Texas 75078

re: BID No. 2020-81-B
Prosper Trail/DNT Intersection Improvements

1. Minimum Scope of Insurance

Coverage shall be at least as broad as:

- a. ISO Form Number GL 00 01 (or similar form) covering Comprehensive General Liability. "Occurrence" form only, "claims made" forms are unacceptable.
- b. Workers' Compensation insurance as required by the Labor Code of the State of Texas, including Employers' Liability Insurance.
- c. Automobile Liability as required by the State of Texas, covering all owned, hired, or non-owned vehicles. Automobile Liability is only required if vehicle(s) will be used under this contract.

2. Minimum Limits of Insurance

Contractor shall maintain throughout contract limits not less than:

- a. Commercial General Liability: \$1,000,000 per occurrence / \$2,000,000 in the aggregate for third party bodily injury, personal injury and property damage. Policy will include coverage for:
 - 1) Premises / Operations
 - 2) Broad Form Contractual Liability
 - 3) Products and Completed Operations
 - 4) Personal Injury

- 5) Broad Form Property Damage
 - 6) Explosion Collapse and Underground (XCU) Coverage.
- b. Workers' Compensation and Employer's Liability: Workers' Compensation limits as required by the Labor Code of the State of Texas and Statutory Employer's Liability minimum limits of \$100,000 per injury, \$300,000 per occurrence, and \$100,000 per occupational disease.
 - c. Automobile Liability: \$1,000,000 Combined Single Limit. Limits can only be reduced if approved by the Town. Automobile liability shall apply to all owned, hired and non-owned autos.
 - d. Builders' Risk Insurance: Completed value form, insurance carried must be equal to the completed value of the structure. Town shall be listed as Loss Payee.
 - e. \$1,000,000 Umbrella Liability Limit that follows form over underlying Automobile Liability, General Liability, and Employers Liability coverages.
3. Deductible and Self-Insured Retentions

Any deductible or self-insured retentions in excess of \$10,000 must be declared to and approved by the Town.

4. Other Insurance Provisions

The policies are to contain, or be endorsed to contain the following provisions:

- a. General Liability and Automobile Liability Coverage
 - 1) The Town, its officers, officials, employees, boards and commissions and volunteers are to be added as "Additional Insured's" relative to liability arising out of activities performed by or on behalf of the contractor, products and completed operations of the contractor, premises owned, occupied or used by the contractor. The coverage shall contain no special limitations on the scope of protection afforded to the Town, its officers, officials, employees or volunteers.
 - 2) The contractor's insurance coverage shall be primary insurance in respects to the Town, its officers, officials, employees and volunteers. Any insurance or self- insurance maintained by the Town, its officers, officials, employees or volunteers shall be in excess of the contractor's insurance and shall not contribute with it.

- 3) Any failure to comply with reporting provisions of the policy shall not affect coverage provided to the Town, its officers, officials, employees, boards and commissions or volunteers.
- 4) The contractor's insurance shall apply separately to each insured against whom the claim is made or suit is brought, except to the limits of the insured's limits of liability.

b. Workers' Compensation and Employer's Liability Coverage

The insurer shall agree to waive all rights of subrogation against the Town, its officers, officials, employees and volunteers for losses arising from work performed by the contractor for the Town.

c. All Coverages

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled or non-renewed by either party, reduced in coverage or in limits except after 30 days written notice to the Town for all occurrences, except 10 days written notice to the Town for non-payment.

5. Acceptability of Insurers

The Town prefers that Insurance be placed with insurers with an A.M. Best's rating of no less than A- VI, or better.

6. Verification of Coverage

Contractor shall provide the Town with certificates of insurance indicating coverage's required. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. Certificates of Insurance similar to the ACORD Form are acceptable. Town will not accept Memorandums of Insurance or Binders as proof of insurance. The Town reserves the right to require complete, certified copies of all required insurance policies at any time.

F. Performance, Payment and Maintenance Bonds

The Contractor shall procure and pay for a Performance Bond applicable to the work in the amount of one hundred fifteen percent (115%) of the total proposed price, and a Payment Bond applicable to the work in the amount of one hundred percent (100%) of the total proposed price. The Contractor shall also procure and pay for a Maintenance Bond applicable to the work in the amount of one hundred percent (100%) of the total proposed price. The period of the Maintenance Bond shall be two years from the date of acceptance of all work done under the contract, to cover the guarantee as set forth in this Construction Agreement. The performance, payment and maintenance bonds shall be issued in the form attached to this Construction Agreement as Exhibits B, C and D. Other performance, payment and maintenance bond forms shall not be accepted. Among other things, these bonds shall apply to any work performed during the two-year warranty period after acceptance as described in this Construction Agreement.

The performance, payment and maintenance bonds shall be issued by a corporate surety, acceptable to and approved by the Town, authorized to do business in the State of Texas, pursuant to Chapter 2253 of the Texas Government Code. Further, the Contractor shall supply capital and surplus information concerning the surety and reinsurance information concerning the performance, payment and maintenance bonds upon Town request. In addition to the foregoing requirements, if the amount of the bond exceeds One Hundred Thousand Dollars (\$100,000) the bond must be issued by a surety that is qualified as a surety on obligations permitted or required under federal law as indicated by publication of the surety's name in the current U.S. Treasury Department Circular 570. In the alternative, an otherwise acceptable surety company (not qualified on federal obligations) that is authorized and admitted to write surety bonds in Texas must obtain reinsurance on any amounts in excess of One Hundred Thousand Dollars (\$100,000) from a reinsurer that is authorized and admitted as a reinsurer in Texas who also qualifies as a surety or reinsurer on federal obligations as indicated by publication of the surety's or reinsurer's name in the current U.S. Treasury Department Circular 570.

G. Progress Payments and Retainage

As it completes portions of the Work, the Contractor may request progress payments from the Owner. Progress payments shall be made by the Owner based on the Owner's estimate of the value of the Work properly completed by the Contractor since the time the last progress payment was made. The "estimate of the value of the work properly completed" shall include the net invoice value of acceptable, non-perishable materials actually delivered to and currently at the job site only if the Contractor provides to the Owner satisfactory evidence that material suppliers have been paid for these materials.

No progress payment shall be due to the Contractor until the Contractor furnishes to the Owner:

1. copies of documents reasonably necessary to aid the Owner in preparing an estimate of the value of Work properly completed;
2. full or partial releases of liens, including releases from subcontractors providing materials or delivery services relating to the Work, in a form acceptable to the Owner releasing all liens or claims relating to goods and services provided up to the date of the most recent previous progress payment;
3. an updated and current schedule clearly detailing the project's critical path elements; and
4. any other documents required under the Contract Documents.

Progress payments shall not be made more frequently than once every thirty (30) calendar days unless the Owner determines that more frequent payments are appropriate. Further, progress payments are to be based on estimates and these estimates are subject to correction through the adjustment of subsequent progress payments and the final payment to Contractor. If the Owner determines after final payment that it has overpaid the Contractor, then Contractor agrees to pay to the Owner the overpayment amount specified by the Owner within thirty (30) calendar days after it receives written demand from the Owner.

The fact that the Owner makes a progress payment shall not be deemed to be an admission by the Owner concerning the quantity, quality or sufficiency of the Contractor's work. Progress payments shall not

be deemed to be acceptance of the Work nor shall a progress payment release the Contractor from any of its responsibilities under the Contract Documents.

After determining the amount of a progress payment to be made to the Contractor, the Owner shall withhold a percentage of the progress payment as retainage. The amount of retainage withheld from each progress payment shall be set at five percent (5%). Retainage shall be withheld and may be paid to:

1. ensure proper completion of the Work. The Owner may use retained funds to pay replacement or substitute contractors to complete unfinished or defective work;
2. ensure timely completion of the Work. The Owner may use retained funds to pay liquidated damages; and
3. provide an additional source of funds to pay claims for which the Owner is entitled to indemnification from Contractor under the Contract Documents.

Retained funds shall be held by the Owner in accounts that shall not bear interest. Retainage not otherwise withheld in accordance with the Contract Documents shall be returned to the Contractor as part of the final payment.

H. Withholding Payments to Contractor

The Owner may withhold payment of some or all of any progress or final payment that would otherwise be due if the Owner determines, in its discretion, that the Work has not been performed in accordance with the Contract Documents. The Owner may use these funds to pay replacement or substitute contractors to complete unfinished or defective Work.

The Owner may withhold payment of some or all of any progress or final payment that would otherwise be due if the Owner determines, in its discretion, that it is necessary and proper to provide an additional source of funds to pay claims for which the Owner is entitled to indemnification from Contractor under the Contract Documents.

Amounts withheld under this section shall be in addition to any retainage.

I. Acceptance of the Work

When the Work is completed, the Contractor shall request that the Owner perform a final inspection. The Owner shall inspect the Work. If the Owner determines that the Work has been completed in accordance with the Contract Documents, it shall issue a written notice of acceptance of the Work. If the Owner determines that the Work has not been completed in accordance with the Contract Documents, then it shall provide the Contractor with a verbal or written list of items to be completed before another final inspection shall be scheduled.

It is specifically provided that Work shall be deemed accepted on the date specified in the Owner's written notice of acceptance of the Work. The Work shall not be deemed to be accepted based on "substantial completion" of the Work, use or occupancy of the Work, or for any reason other than the Owner's

written Notice of Acceptance. Further, the issuance of a certificate of occupancy for all or any part of the Work shall not constitute a Notice of Acceptance for that Work.

In its discretion, the Owner may issue a Notice of Acceptance covering only a portion of the Work. In this event, the notice shall state specifically what portion of the Work is accepted.

J. Acceptance of Erosion Control Measures

When the erosion control measures have been completed, the Contractor shall request that the Owner perform a final inspection. The Owner shall inspect the Work. If the Owner determines that the Work has been completed in accordance with the Contract Documents and per TPDES General Construction Permit, it shall issue a written Notice of Acceptance of the Work. If the Owner determines that the Work has not been completed in accordance with the Contract Documents or TPDES General Construction Permit, then it shall provide the Contractor with a verbal or written list of items to be completed before another final inspection shall be scheduled.

K. Final Payment

After all Work required under the Contract Documents has been completed, inspected, and accepted, the Town shall calculate the final payment amount promptly after necessary measurements and computations are made. The final payment amount shall be calculated to:

1. include the estimate of the value of Work properly completed since the date of the most recent previous progress payment;
2. correct prior progress payments; and
3. include retainage or other amounts previously withheld that are to be returned to Contractor, if any.

Final payment to the Contractor shall not be due until the Contractor provides original full releases of liens from the Contractor and its subcontractors, or other evidence satisfactory to the Owner to show that all sums due for labor, services, and materials furnished for or used in connection with the Work have been paid or shall be paid with the final payment. To ensure this result, Contractor consents to the issuance of the final payment in the form of joint checks made payable to Contractor and others. The Owner may, but is not obligated to issue final payment using joint checks.

Final payment to the Contractor shall not be due until the Contractor has supplied to the Owner original copies of all documents that the Owner determines are reasonably necessary to ensure both that the final payment amount is properly calculated and that the Owner has satisfied its obligation to administer the Construction Agreement in accordance with applicable law. The following documents shall, at a minimum, be required to be submitted prior to final payment being due: redline as-built construction plans; consent of surety to final payment; public infrastructure inventory; affidavit of value for public infrastructure; and, final change order(s). "Redline as-built construction plans" shall include, but are not limited to markups for change orders, field revisions, and quantity overruns as applicable. The list of documents contained in this provision is not an exhaustive and exclusive list for every project performed pursuant to these Contract Documents

and Contractor shall provide such other and further documents as may be requested and required by the Owner to close out a particular project.

Subject to the requirements of the Contract Documents, the Owner shall pay the Final Payment within thirty (30) calendar days after the date specified in the Notice of Acceptance. This provision shall apply only after all Work called for by the Contract Documents has been accepted.

L. Contractor's Warranty

For a two-year period after the date specified in a written notice of acceptance of Work, Contractor shall provide and pay for all labor and materials that the Owner determines are necessary to correct all defects in the Work arising because of defective materials or workmanship supplied or provided by Contractor or any subcontractor. This shall also include areas of vegetation that did meet TPDES General Construction Permit during final close out but have since become noncompliant.

Forty-five (45) to sixty (60) calendar days before the end of the two-year warranty period, the Owner may make a warranty inspection of the Work. The Owner shall notify the Contractor of the date and time of this inspection so that a Contractor representative may be present. After the warranty inspection, and before the end of the two-year warranty period, the Owner shall mail to the Contractor a written notice that specifies the defects in the Work that are to be corrected.

The Contractor shall begin the remedial work within ten (10) calendar days after receiving the written notice from the Town. If the Contractor does not begin the remedial work timely or prosecute it diligently, then the Owner may pay for necessary labor and materials to effect repairs and these expenses shall be paid by the Contractor, the performance bond surety, or both.

If the Owner determines that a hazard exists because of defective materials and workmanship, then the Owner may take steps to alleviate the hazard, including making repairs. These steps may be taken without prior notice either to the Contractor or its surety. Expenses incurred by the Owner to alleviate the hazard shall be paid by the Contractor, the performance bond surety, or both.

Any Work performed by or for the Contractor to fulfill its warranty obligations shall be performed in accordance with the Contract Documents. By way of example only, this is to ensure that Work performed during the warranty period is performed with required insurance and the performance and payment bonds still in effect.

Work performed during the two-year warranty period shall itself be subject to a one-year warranty. This warranty shall be the same as described in this section.

The Owner may make as many warranty inspections as it deems appropriate.

M. Compliance with Laws

The Contractor shall be responsible for ensuring that it and any subcontractors performing any portion of the Work required under the Contract Documents comply with all applicable federal, state, county, and municipal laws, regulations, and rules that relate in any way to the performance and completion of the Work. This provision applies whether or not a legal requirement is described or referred to in the Contract Documents.

Ancillary/Integral Professional Services: In selecting an architect, engineer, land surveyor, or other professional to provide professional services, if any, that are required by the Contract Documents, Contractor shall not do so on the basis of competitive bids but shall make such selection on the basis of demonstrated competence and qualifications to perform the services in the manner provided by Section 2254.004 of the Texas Government Code and shall so certify to the Town the Contractor's agreement to comply with this provision with Contractor's bid.

N. "Anti-Israel Boycott" Provision

In accordance with Chapter 2270, Texas Government Code, a Texas governmental entity may not enter into a contract with a company for the provision of goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. Chapter 2270 does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) a contract that has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless the company is not subject to Chapter 2270 for the reasons stated herein, the signatory executing this Agreement on behalf of the company verifies by its signature to this Contract that the company does not boycott Israel and will not boycott Israel during the term of this Contract.

O. Other Items

The Contractor shall sign the Construction Agreement, and deliver signed performance, payment and maintenance bonds and proper insurance policy endorsements (and/or other evidence of coverage) within ten (10) calendar days after the Owner makes available to the Contractor copies of the Contract Documents for signature. Six (6) copies of the Contract Documents shall be signed by an authorized representative of the Contractor and returned to the Town.

The Construction Agreement "effective date" shall be the date on which the Town Council acts to approve the award of the Contract for the Work to Contractor. It is expressly provided, however, that the Town Council delegates the authority to the Town Manager or his designee to rescind the Contract award to Contractor at any time before the Owner delivers to the Contractor a copy of this Construction Agreement that bears the signature of the Town Manager and Town Secretary or their authorized designees. The purpose of this provision is to ensure:

1. that Contractor timely delivers to the Owner all bonds and insurance documents; and
2. that the Owner retains the discretion not to proceed if the Town Manager or his designee determines that information indicates that the Contractor was not the lowest responsible

bidder or that the Contractor cannot perform all of its obligations under the Contract Documents.

THE CONTRACTOR AGREES THAT IT SHALL HAVE NO CLAIM OR CAUSE OF ACTION OF ANY KIND AGAINST OWNER, INCLUDING A CLAIM FOR BREACH OF CONTRACT, NOR SHALL THE OWNER BE REQUIRED TO PERFORM UNDER THE CONTRACT DOCUMENTS, UNTIL THE DATE THE OWNER DELIVERS TO THE CONTRACTOR A COPY OF THE CONSTRUCTION AGREEMENT BEARING THE SIGNATURES JUST SPECIFIED.

The Contract Documents shall be construed and interpreted by applying Texas law. Exclusive venue for any litigation concerning the Contract Documents shall be Collin County, Texas.

In the event of any disagreement or conflict concerning the interpretation of this Agreement, and such disagreement cannot be resolved by the signatories hereto, the signatories agree to submit such disagreement to non-binding mediation.

Although the Construction Agreement has been drafted by the Owner, should any portion of the Construction Agreement be disputed, the Owner and Contractor agree that it shall not be construed more favorably for either party.

The Contract Documents are binding upon the Owner and Contractor and shall insure to their benefit and as well as that of their respective successors and assigns.

If Town Council approval is not required for the Construction Agreement under applicable law, then the Construction Agreement "effective date" shall be the date on which the Town Manager and Town Secretary or their designees have signed the Construction Agreement. If the Town Manager and Town Secretary sign on different dates, then the later date shall be the effective date.

[Signatures continued on following page.]

ACCELERATED CRITICAL PATH, INC.

TOWN OF PROSPER, TEXAS

By: _____

By: **HARLAN JEFFERSON**

Title: _____

Title: Town Manager

Date: _____

Date: _____

Address: 5760 Legacy Dr.
Suite B3-513
Plano, Texas 75071

Address: 250 W. First St.
P.O. Box 307
Prosper, Texas 75078

Phone: (214) 796-4898
Email: jwburns@acpconstructors.com

Phone: (972) 346-2640
Email: harlan_jefferson@prospertx.gov

ATTEST:

MELISSA LEE
Town Secretary

PERFORMANCE BOND

STATE OF TEXAS)
)
 COUNTY OF COLLIN)

KNOW ALL MEN BY THESE PRESENTS: That _____ whose address is _____, hereinafter called Principal, and _____, a corporation organized and existing under the laws of the State of _____, and fully licensed to transact business in the State of Texas, as Surety, are held and firmly bound unto the **TOWN OF PROSPER**, a home-rule municipal corporation organized and existing under the laws of the State of Texas, hereinafter called "Beneficiary", in the penal sum of _____ Dollars (\$_____) plus fifteen percent (15%) of the stated penal sum as an additional sum of money representing additional court expenses, attorneys' fees, and liquidated damages arising out of or connected with the below identified Contract in lawful money of the United States, to be paid in Collin County, Texas, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. The penal sum of this Bond shall automatically be increased by the amount of any Change Order or Supplemental Agreement, which increases the Contract price, but in no event shall a Change Order or Supplemental Agreement, which reduces the Contract price, decrease the penal sum of this Bond.

THE OBLIGATION TO PAY SAME is conditioned as follows: Whereas, the Principal entered into a certain Contract with the Town of Prosper, the Beneficiary, dated on or about the **8th day of September, A.D. 2020**, a copy of which is attached hereto and made a part hereof, to furnish all materials, equipment, labor, supervision, and other accessories necessary for the construction of:

**BID NO. 2020-81-B
 Prosper Trail/DNT Intersection Improvements
 (Base Bid Excluding Line Item 1.22, and Alternate Bid Items)**

in the Town of Prosper, Texas, as more particularly described and designated in the above-referenced contract such contract being incorporated herein and made a part hereof as fully and to the same extent as if written herein word for word.

NOW, THEREFORE, if the Principal shall well, truly and faithfully perform and fulfill all of the undertakings, covenants, terms, conditions and agreements of said Contract in accordance with the Plans, Specifications and Contract Documents during the original term thereof and any extension thereof which may be granted by the Beneficiary, with or without notice to the Surety, and during the life of any guaranty or warranty required under this Contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of any and all duly authorized modifications of said Contract that may hereafter be made, notice of which modifications to the Surety being hereby waived; and, if the Principal shall repair and/or replace all defects due to faulty materials and workmanship that appear within a period of one (1) year from the date of final completion and final acceptance of the Work by Owner; and, if the Principal shall fully indemnify and save harmless the Beneficiary from and against all costs and damages which Beneficiary may suffer by reason of failure to so perform herein and shall fully reimburse and repay Beneficiary all outlay and expense which the Beneficiary may incur in making good any default or deficiency, then this obligation shall be void; otherwise, it shall remain in full force and effect.

PROVIDED FURTHER, that if any legal action were filed on this Bond, exclusive Venue shall lie in Collin County, Texas.

AND PROVIDED FURTHER, that the said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract or to the Work to be performed thereunder or the Plans, Specifications and Drawings, etc., accompanying the same shall in anywise affect its obligation on this Bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract, or to the Work or to the Specifications.

This Bond is given pursuant to the provisions of Chapter 2253 of the Texas Government Code, and any other applicable statutes of the State of Texas.

The undersigned and designated agent is hereby designated by the Surety herein as the Resident Agent in Collin County or Dallas County to whom any requisite notices may be delivered and on whom service of process may be had in matters arising out of such suretyship, as provided by Article 7.19-1 of the Insurance Code, Vernon's Annotated Civil Statutes of the State of Texas.

IN WITNESS WHEREOF, this instrument is executed in two copies, each one of which shall be deemed an original, this, the _____ day of _____, 20____.

ATTEST:

PRINCIPAL:

By: _____
Signature

Typed/Printed Name

Title

Address

City State Zip

Phone Fax

Company Name

By: _____
Signature

Typed/Printed Name

Title

Address

City State Zip

Phone Fax

[Signatures continued on following page.]

ATTEST:

SURETY:

By: _____
Signature

By: _____
Signature

Printed Name

Printed Name

Title

Title

Address

Address

City State Zip

City State Zip

Phone Fax

Phone Fax

The Resident Agent of the Surety in Collin County or Dallas County, Texas, for delivery of notice and service of the process is:

NAME: _____
STREET ADDRESS: _____
CITY, STATE, ZIP: _____

NOTE: Date on Page 1 of Performance Bond must be same date as Contract. Date on Page 2 of Performance Bond must be after date of Contract. If Resident Agent is not a corporation, give a person's name.

PAYMENT BOND

STATE OF TEXAS)
)
COUNTY OF COLLIN)

KNOW ALL MEN BY THESE PRESENTS: That _____ whose address is _____, hereinafter called Principal, and _____, a corporation organized and existing under the laws of the State of _____, and fully licensed to transact business in the State of Texas, as Surety, are held and firmly bound unto the **TOWN OF PROSPER**, a home-rule municipal corporation organized and existing under the laws of the State of Texas, hereinafter called "Owner", and unto all persons, firms, and corporations who may furnish materials for, or perform labor upon the building or improvements hereinafter referred to in the penal sum of _____ DOLLARS (\$_____) (one hundred percent (100%) of the total bid price) in lawful money of the United States, to be paid in Collin County, Texas, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. The penal sum of this Bond shall automatically be increased by the amount of any Change Order or Supplemental Agreement, which increases the Contract price, but in no event shall a Change Order or Supplemental Agreement, which reduces the Contract price, decrease the penal sum of this Bond.

THE OBLIGATION TO PAY SAME is conditioned as follows: Whereas, the Principal entered into a certain Contract with the Town of Prosper, the Owner, dated on or about the **8th day of September, A.D. 2020**, a copy of which is attached hereto and made a part hereof, to furnish all materials, equipment, labor, supervision, and other accessories necessary for the construction of:

**BID NO. 2020-81-B
Prosper Trail/DNT Intersection Improvements
(Base Bid Excluding Line Item 1.22, and Alternate Bid Items)**

NOW THEREFORE, if the Principal shall well, truly and faithfully perform its duties and make prompt payment to all persons, firms, subcontractors, corporations and claimants supplying labor and/or material in the prosecution of the Work provided for in the above-referenced Contract and any and all duly authorized modifications of said Contract that may hereafter be made, notice of which modification to the Surety is hereby expressly waived, then this obligation shall be void; otherwise it shall remain in full force and effect.

PROVIDED FURTHER, that if any legal action were filed on this Bond, exclusive venue shall lie in Collin County, Texas.

AND PROVIDED FURTHER, that the said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract, or to the Work performed thereunder, or the Plans, Specifications, Drawings, etc., accompanying the same, shall in anywise affect its obligation on this Bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract, or to the Work to be performed thereunder.

This Bond is given pursuant to the provisions of Chapter 2253 of the Texas Government Code, and any other applicable statutes of the State of Texas.

The undersigned and designated agent is hereby designated by the Surety herein as the Resident Agent in Collin County or Dallas County to whom any requisite notices may be delivered and on whom service of process may

be had in matters arising out of such suretyship, as provided by Article 7.19-1 of the Insurance Code, Vernon's Annotated Civil Statutes of the State of Texas.

IN WITNESS WHEREOF, this instrument is executed in two copies, each one of which shall be deemed an original, this, the _____ day of _____, 20__.

ATTEST:

PRINCIPAL:

By: _____
Signature

By: _____
Signature

Typed/Printed Name

Typed/Printed Name

Title

Title

Address

Address

City State Zip

City State Zip

Phone Fax

Phone Fax

[Signatures continued on following page.]

ATTEST:

SURETY:

By: _____
Signature

By: _____
Signature

Printed Name

Printed Name

Title

Title

Address

Address

City State Zip

City State Zip

Phone Fax

Phone Fax

The Resident Agent of the Surety in Collin County or Dallas County, Texas, for delivery of notice and service of the process is:

NAME: _____
STREET ADDRESS: _____
CITY, STATE, ZIP: _____

NOTE: Date on Page 1 of Performance Bond must be same date as Contract. Date on Page 2 of Performance Bond must be after date of Contract. If Resident Agent is not a corporation, give a person's name.

MAINTENANCE BOND

STATE OF TEXAS)
)
COUNTY OF COLLIN)

KNOW ALL MEN BY THESE PRESENTS: That _____ whose address is _____, hereinafter referred to as "Principal," and _____, a corporate surety/sureties organized under the laws of the State of _____ and fully licensed to transact business in the State of Texas, as Surety, hereinafter referred to as "Surety" (whether one or more), are held and firmly bound unto the **TOWN OF PROSPER**, a Texas municipal corporation, hereinafter referred to as "Owner," in the penal sum of _____ DOLLARS (\$_____) (one hundred percent (100%) of the total bid price), in lawful money of the United States to be paid to Owner, its successors and assigns, for the payment of which sum well and truly to be made, we bind ourselves, our successors, heirs, executors, administrators and successors and assigns, jointly and severally; and firmly by these presents, the condition of this obligation is such that:

WHEREAS, Principal entered into a certain written Contract with the Town of Prosper, dated on or about the **8th day of September, 2020**, to furnish all permits, licenses, bonds, insurance, products, materials, equipment, labor, supervision, and other accessories necessary for the construction of:

**BID NO. 2020-81-B
Prosper Trail/DNT Intersection Improvements
(Base Bid Excluding Line Item 1.22, and Alternate Bid Items)**

in the Town of Prosper, Texas, as more particularly described and designated in the above-referenced contract, such contract being incorporated herein and made a part hereof as fully and to the same extent as if written herein word for word:

WHEREAS, in said Contract, the Principal binds itself to use first class materials and workmanship and of such kind and quality that for a period of two (2) years from the completion and final acceptance of the improvements by Owner the said improvements shall require no repairs, the necessity for which shall be occasioned by defects in workmanship or materials and during the period of two (2) years following the date of final acceptance of the Work by Owner, Principal binds itself to repair or reconstruct said improvements in whole or in part at any time within said period of time from the date of such notice as the Town Manager or his designee shall determine to be necessary for the preservation of the public health, safety or welfare. If Principal does not repair or reconstruct the improvements within the time period designated, Owner shall be entitled to have said repairs made and charge Principal and/or Surety the cost of same under the terms of this Maintenance Bond.

NOW, THEREFORE, if Principal will maintain and keep in good repair the Work herein contracted to be done and performed for a period of two (2) years from the date of final acceptance and do and perform all necessary work and repair any defective condition (it being understood that the purpose of this section is to cover all defective conditions arising by reason of defective materials, work or labor performed by Principal) then this obligation shall be void; otherwise it shall remain in full force and effect and Owner shall have and recover from Principal and its Surety damages in the premises as provided in the Plans and Specifications and Contract.

PROVIDED, however, that Principal hereby holds harmless and indemnifies Owner from and against any claim or liability for personal injury or property damage caused by and occurring during the performance of said maintenance and repair operation.

PROVIDED, further, that if any legal action be filed on this Bond, exclusive venue shall lie in Collin County, Texas.

AND PROVIDED FURTHER, Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract or to the Work performed thereunder, or the Plans, Specifications, Drawings, etc. accompanying same shall in any way affect its obligation on this Bond; and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the Work to be performed thereunder.

The undersigned and designated agent is hereby designated by Surety as the resident agent in either Collin or Dallas Counties to whom all requisite notice may be delivered and on whom service of process may be had in matters arising out of this suretyship.

IN WITNESS WHEREOF, this instrument is executed in two copies, each one of which shall be deemed an original, on this the ____ day of _____, 20____.

ATTEST:

PRINCIPAL:

By: _____
Signature

By: _____
Signature

Typed/Printed Name

Typed/Printed Name

Title

Title

Address

Address

City State Zip

City State Zip

Phone Fax

Phone Fax

[Signatures continued on following page.]

ATTEST:

By: _____
Signature

Printed Name

Title

Address

City State Zip

Phone Fax

SURETY:

By: _____
Signature

Printed Name

Title

Address

City State Zip

Phone Fax

SPECIAL CONDITIONS

SC.01 PURPOSE: The Special Conditions contained herein set forth conditions or requirements particular to this Contract: **BID NO. 2020-81-B Prosper Trail/DNT Intersection Improvements**

The Special Conditions supplement the General Conditions and the Standard Specifications and take precedence over any conditions or requirements of the General Conditions and the Standard Specifications with which they are in conflict.

SC.02 DEFINITIONS: The following words and expressions, or pronouns used in their place, shall wherever they appear in this Contract, be construed as follows, unless a different meaning is clear from the context:

- **ENGINEER:** The Engineer of Record as shown on the Construction Drawings: Michael M. Lesh, P.E., Halff Associates, Inc.

SC.03 MINIMUM STANDARDS OF RESPONSIBILITY: A prospective vendor must affirmatively demonstrate responsibility. The Town of Prosper may request representation and other information sufficient to determine respondent's ability to meet the minimum standards, including but not limited to:

- A. Have adequate financial resources, or the ability to obtain such resources as required;
- B. Have a satisfactory record of performance on a minimum of three (3) completed projects of similar scope, quantities, and cost, within the past five (5) years;
- C. Ability to comply with the required or proposed delivery schedule;
- D. Have a satisfactory record of integrity and ethics; and
- E. Be otherwise qualified and eligible to receive an award.

SC.04 BID AWARD: The award shall be based on the lowest responsive and responsible bidder taking into consideration the number of days bid to complete the project.

- A. For the purpose of award, each bid submitted shall consist of:
 1. Base Bid (A) = The correct summation of the products and the quantities shown in the bid proposal, multiplied by the bid unit prices.
 2. Time Bid (B) = (CD x Daily Value). The product of the total number of calendar days (CD) provided by the Contractor to complete the project and the daily value established in SC.04 B.
 3. Total Bid = Base Bid (A) + Time Bid (B). The lowest Total Bid will be determined by the Town as the lowest sum of the Base Bid (A) + the Time Bid (B).

Note: The dollar value of the Time Bid (B) will be used for evaluation purposes only, and will not be included in the contract award. However, the successful Contractor will be responsible for completing construction within the number of calendar days bid.

B. Contractor will enter the number of days to complete the project in the appropriate section of the Bid Attributes. The Town will calculate the Time Bid using the number of days bid by Contractor, and the corresponding value of a calendar day indicated in the matrix below, based on total of Contractor's Base Bid (A). The Town reserves the right to set a maximum value to the total number of days.

Amount of Contract (\$)	Value of a Calendar Day (\$)
\$1,500,000 to \$1,999,999.99	\$500 per day

\$2,000,000 to \$2,999,999.99	\$1,000 per day
\$3,000,000 to \$3,999,999.99	\$1,500 per day
More than \$4,000,000.00	\$2,000 per day

SC.05 PROJECT COMPLETION REQUIREMENT:

SC.06 SUBMITTALS: In order for your bid to be considered responsive, the following information should be submitted:

- A. Respond to all Bid Items listed for this project.
- B. Respond to all Bid Attributes listed for this project.
- C. Submit Bid Guarantee (Bid Bond or Cashier's Check)
- D. Complete and submit the Completed Projects and References Worksheet.
- E. Submit resumes for key personnel that will be assigned to the project (executive and management team, as well as on-site project manager).
- F. Submit a copy of an actual project schedule used during construction.

SC.07 SUBMISSION OR DELIVERY OF BID: Bids for the construction services specified will be received online, or in hard copy. The date/time stamp located in the Purchasing Office serves as the official time clock. Late Submissions will not be considered. Submissions received after the stated deadline shall be refused and returned unopened. The Town of Prosper is not responsible for issues encountered with methods of delivery.

A. Online Submission

Bids may be submitted online through IonWave.net, the Town's e-procurement system. Please ensure that you provide all required information, including attachments. Any additional response attachments must be uploaded and included with your submission in order to be considered.

B. Mailed/Delivered Submission

Bids must be submitted with the BID number and the respondent's name and address clearly indicated on the front of the envelope. Please submit one (1) unbound original and one (1) copy of your bid, in a sealed envelope or package to the address listed below:

Delivery Address:

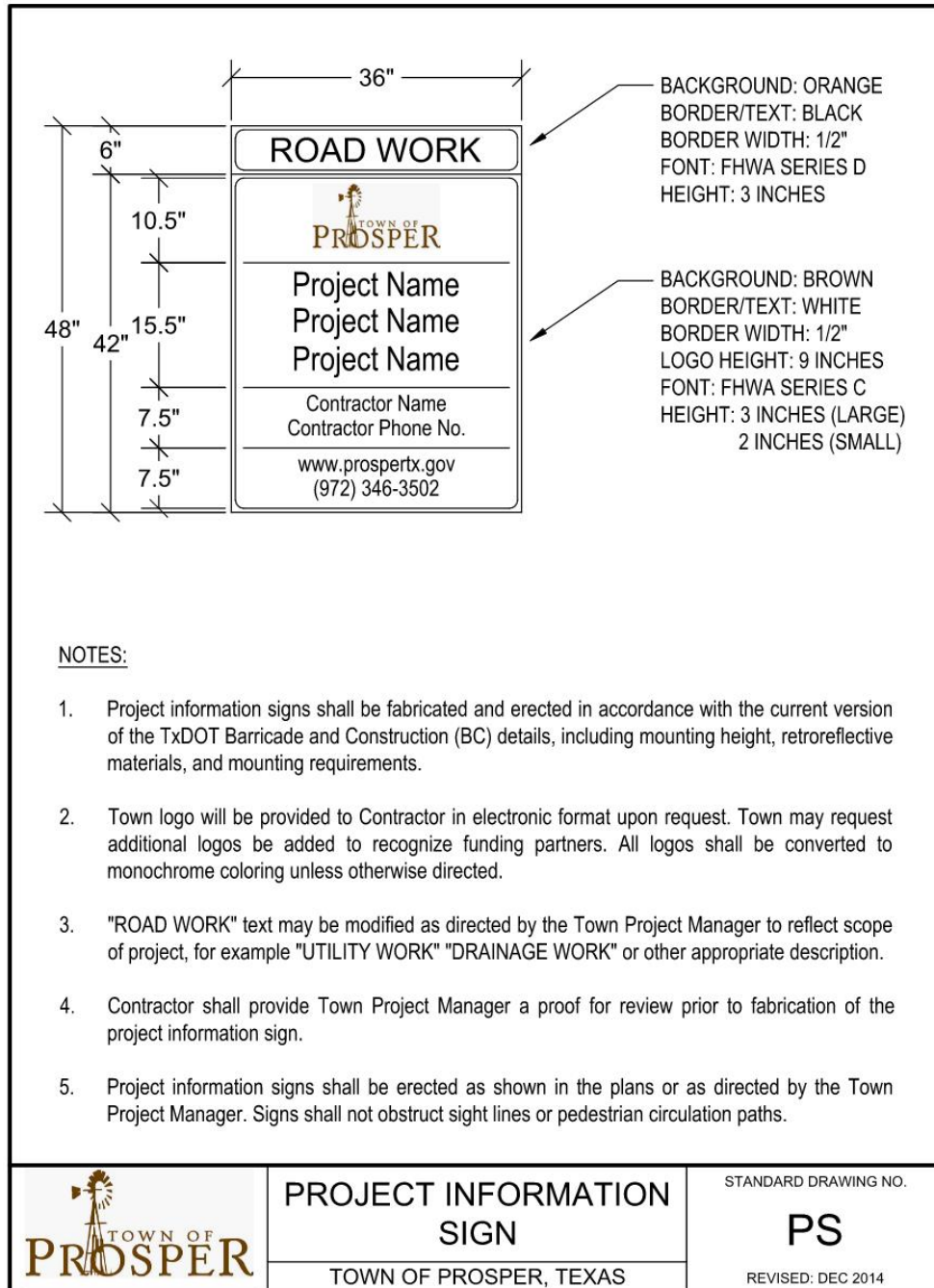
Town of Prosper
 Attn: Purchasing Manager
 250 W. First St.
 3rd Floor Finance Suite
 Prosper, Texas 75078

Mailing Address (US Postal Service Only):

Town of Prosper
 Attn: Purchasing Manager
 P.O. Box 307
 Prosper, Texas 75078

TECHNICAL SPECIFICATIONS

All items shown in a bubble (sheets 15, 17, 18, and 23) are bid as an Alternative
Please reference the Construction Plans for all other technical specifications





2020-81-B Addendum 1

Prosper Trail/DNT Intersection Improvements

Issue Date: 7/27/2020

Questions Deadline: 8/10/2020 12:00 PM (CT)

Response Deadline: 8/14/2020 02:00 PM (CT)

Contact Information

Contact: January Cook Purchasing Manager

Address: Purchasing Office

Town Hall

3rd Floor

250 W. First St.

P.O. Box 307

Prosper, TX 75078

Phone: (972) 569-1018

Email: jcook@prospertx.gov

Event Information

Number: 2020-81-B Addendum 1
Title: Prosper Trail/DNT Intersection Improvements
Type: Request for Bids
Issue Date: 7/27/2020
Question Deadline: 8/10/2020 12:00 PM (CT)
Response Deadline: 8/14/2020 02:00 PM (CT)
Notes: **ENGINEER'S ESTIMATE: \$1,716,000**

The Town of Prosper is accepting competitive sealed bids for **BID NO. 2020-81-B Prosper Trail/DNT Intersection Improvements**. Bids will be accepted online through IonWave.net, the Town's e-procurement system, or in hard copy in the Purchasing Office located in the 3rd Floor Finance Suite of Town Hall, 250 W. First St., Prosper, Texas 75078 until **2:00 P.M. on Friday, August 14, 2020**. Any bids received after this time will not be accepted, and will be returned unopened. **The bid opening will be held online on Friday, August 14, 2020 @ 2:30 P.M.** To participate in the bid opening, please use the following:

Join Zoom Meeting: <https://us02web.zoom.us/j/88548311920>

Meeting ID: 885 4831 1920

Dial-in any of these numbers: +1 929 436 2866, +1 312 626 6799, +1 669 900 6833, +1 253 215 8782, +1 301 715 8592 or

+1 346 248 7799

The Project consists of furnishing all labor, equipment and materials (except as otherwise specified), and performing all work necessary for the construction of the intersections of Prosper Trail and the northbound and southbound Dallas North Tollway frontage roads

Each bid submitted shall be accompanied by a cashier's check in the amount of 5% of the maximum amount bid, payable without recourse to the Town of Prosper, or a Bid Bond in the same amount from a reliable surety company as a guarantee that, if awarded the contract, the successful Contractor will execute a Construction Agreement with the Town, including all required bonds and other documents.

The successful Contractor shall furnish a Performance Bond in the amount of 115% of the contract amount, and a Payment Bond in the amount of 100% of the contract amount, as well as evidence of all required insurance coverage within ten (10) calendar days of notice of award. The successful Contractor shall also furnish a

Maintenance Bond in the amount of 100% of the contract amount covering def
material and workmanship for two calendar years following the Town's approv
acceptance of the construction. An approved surety company, licensed in the State
of Texas, shall issue all bonds in accordance with Texas law.

Attachment 3
Item 10.

Copies of Plans, Specifications, and Contract Documents may be examined at
**Town of Prosper Engineering Department, 250 W. First Street, Prosper,
Texas, 75078, Phone: (972) 569-1198** without charge. These documents may be
acquired from that office for the non-refundable purchase price of \$50.00 per set,
payable to the Town of Prosper. Copies of Plans, Specifications, and Contract
Documents may also be downloaded free of charge from Current Bidding
Opportunities, at the following link: <http://www.prospertx.gov/business/bid-opportunities/>.

Questions and requests for clarifications in regards to this bid should be submitted in
writing through IonWave.net, the Town's e-procurement system, or emailed directly to
January Cook, CPPO, CPPB, Purchasing Manager, at jcook@prospertx.gov. The
deadline for receipt of questions and requests for clarifications is **12:00 P.M. on
Monday, August 10, 2020**. After that day and time, no further questions or requests
for clarifications will be accepted or answered by the Engineer or Town.

If you are downloading plans, please complete and submit the Planholder
Registration Form to be placed on the formal Planholder Listing.

Ship To Information

Contact: January Cook, Purchasing Manager
Address: Purchasing Office
Town Hall
3rd Floor
250 W. First St.
P.O. Box 307
Prosper, TX 75078
Phone: (972) 569-1018
Email: january_cook@prospertx.gov

Billing Information

Contact: Accounts Payable
Address: Finance
Town Hall
3rd Floor
250 W. First St.
P.O. Box 307
Prosper, TX 75078
Phone: (972) 569-1017
Email: ap@prospertx.gov

Bid Activities

Attachment 3

Item 10.

Online Pre-Bid Meeting

8/6/2020 11:00:00 AM (CT)

A pre-bid meeting will be held online for this project at 11:00 A.M., Thursday, August 6, 2020. Attendance is optional.

To participate in the pre-bid meeting, please use the following:

Join Zoom Meeting: <https://us02web.zoom.us/j/82265386398>

Meeting ID: 822 6538 6398

Dial-in any of these numbers: +1 929 436 2866, +1 312 626 6799, +1 669 900 6833, +1 253 215 8782,

+1 301 715 8592, +1 346 248 7799

Online Bid Opening

8/14/2020 2:30:00 PM (CT)

The bid opening will be held online on Friday, August 14, 2020 @ 2:30 P.M.

To participate in the bid opening, please use the following:

Join Zoom Meeting: <https://us02web.zoom.us/j/88548311920>

Meeting ID: 885 4831 1920

Dial-in any of these numbers: +1 929 436 2866, +1 312 626 6799, +1 669 900 6833, +1 253 215 8782, +1 301 715 8592, +1 346 248 7799

Bid Attachments

Bid No. 2020-81-B Contract Documents and Specifications.pdf

Download

Bid No. 2020-81-B Contract Documents and Specifications

Bid No. 2020-81-B Construction Plans.pdf

Download

Bid No. 2020-81-B Construction Plans

Standard Terms and Conditions for Procurements Construction V 4-24-20.pdf

Download

Standard Terms and Conditions for Procurements Construction

GENERAL CONDITIONS CIP 2-21-2020.pdf

Download

GENERAL CONDITIONS CIP 2-21-2020

Insurance Requirements for Construction Services R7-25-19.pdf

Download

Insurance Requirements for Construction Services

CIP Completed Projects and References Worksheet 5-7-20 - Fillable.pdf

Download

CIP Completed Projects and References Worksheet

Bid No. 2020-81-B Bid Bond.pdf

Bid No. 2020-81-B Bid Bond

Attachment 3
Item 10.

Bid No. 2020-81-B Planholder Registration Form.pdf

Bid No. 2020-81-B Planholder Registration Form

Download

Out of State Contractor Compliance Form.pdf

Out of State Contractor Compliance Form

Download

Conflict of Interest Questionnaire - fillable.pdf

Conflict of Interest Questionnaire

Download

Bid No. 2020-81-B Addendum No. 1.pdf

Bid No. 2020-81-B Addendum No. 1

Download

Requested Attachments

Bid Bond

(Attachment required)

Completed Projects and References Worksheet

(Attachment required)

Complete and submit

Resumes for Key Personnel

(Attachment required)

Project Schedule

(Attachment required)

Submit a SAMPLE of an actual project schedule used during construction of a similar project

Conflict of Interest Form

Only if applicable

Out of State Contractor Compliance Form

Only if applicable

Bid Attributes

1 Bid Proposal Condition No. 1

The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

I Agree

(Required: Check if applicable)

2 Bid Proposal Condition No. 2

Bidder accepts all of the terms and conditions of the Advertisement or Invitation to Bid and Instructions to Bidders, including without limitation those terms and conditions dealing with the disposition of Bid guaranty. This Bid will remain subject to acceptance for 90 calendar days after the day of opening Bids. Bidder will sign and submit the Agreement with the Bonds and other documents required by the Contract Documents within ten (10) calendar days after the date of Owner's Notice of Award.

I Agree

(Required: Check if applicable)

3 Bid Proposal Condition No. 3

Attachment 3

Item 10.

The right is reserved, as the interest of the Owner may require, to reject any and all Bids and to waive any informality in the Bids received.

 I Agree

(Required: Check if applicable)

4 Bid Proposal Condition No. 4

Bidder has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.

 I Agree

(Required: Check if applicable)

5 Bid Proposal Condition No. 5

Bidder has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests and studies that pertain to the subsurface or physical conditions at the site or which otherwise may affect the cost, progress, performance or furnishing of the Work as Bidder considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, and no additional examinations, investigations, explorations, tests, reports or similar information or data are or will be required by Bidder for such purposes.

 I Agree

(Required: Check if applicable)

6 Bid Proposal Condition No. 6

Bidder has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports or similar information or data in respect of said Underground Facilities are or will be required by the Bidder in order to perform and furnish the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents.

 I Agree

(Required: Check if applicable)

7 Bid Proposal Condition No. 7

Bidder has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

 I Agree

(Required: Check if applicable)

8 Bid Proposal Condition No. 8

Bidder has given Engineer written notice of all conflicts, errors or discrepancies that it has discovered, if any, in the Contract Documents and the written resolution thereof by Engineer is acceptable to Bidder.

 I Agree

(Required: Check if applicable)

9 Bid Proposal Condition No. 9

This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or corporation to refrain from submitting a Bid; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over Owner.

 I Agree

(Required: Check if applicable)

10 **Bid Proposal Condition No. 10**
Bidder will substantially complete the Work for the price(s) shown in the schedule of bid items and within the number of calendar days bid, based on date of Notice to Proceed.
 I Agree
(Required: Check if applicable)

11 **Bid Proposal Condition No. 11 (PROJECT SPECIFIC)**
Bidder hereby agrees to commence work within ten (10) days after the date written notice to proceed shall have been given to him, and to substantially complete the work within the number of calendar days bid, and within the number of additional calendar days bid after Substantial Completion, all outstanding issues shall be addressed and ready for final payment. All such time restrictions are subject to such extensions of time as are provided by the General Provisions and Special Conditions.
 I Agree
(Required: Check if applicable)

12 **Bid Proposal Condition No. 12**
Bidder agrees that the implementation of the Owner's right to delete any portion of the improvements shall not be considered as waiving or invalidating any conditions or provisions of the contract or bonds. Bidder shall perform the Work as altered and no allowances shall be made for anticipated profits.
 I Agree
(Required: Check if applicable)

13 **Bid Proposal Condition No. 13**
Since the Work on this Project is being performed for a governmental body and function, the Owner will issue to the Contractor a certificate of exemption for payment for the State Sales TAX on materials incorporated into this Project if requested.
 I Agree
(Required: Check if applicable)

14 **Bid Proposal Condition No. 14**
In the event of the award of a contract, vendor will furnish a Performance Bond for 115% of the contract amount, and a Payment Bond for 100% of the contract amount, to secure proper compliance with the terms and provisions of the contract with sureties offered by **surety company named in the space provided**, to insure and guarantee the work until final completion and acceptance, and to guarantee payment of all lawful claims for labor performed and materials furnished in the fulfillment of the contract. **In addition, the undersigned will furnish a Maintenance Bond for 100% of the contract amount covering defects of material and workmanship for two calendar years following the Owner's approval and acceptance of the construction.**
 I Agree
(Required: Check if applicable)

15 **Bid Proposal Condition No. 15**
The work, proposed to be done, shall be accepted when fully completed in accordance with the plans and specifications, to the satisfaction of the Engineer and the Owner.
 I Agree
(Required: Check if applicable)

16 **Bid Proposal Condition No. 16**
The vendor submitting this Bid certifies that the bid prices contained in this Bid have been carefully checked and are submitted as correct and final.
 I Agree
(Required: Check if applicable)

1 7	Base Bid Cost of Materials <input style="width: 150px; height: 20px;" type="text" value="\$"/> <i>(Required: Numbers only)</i>
----------------	--

1 8	Base Bid Cost of Labor, Profit, etc. <input style="width: 150px; height: 20px;" type="text" value="\$"/> <i>(Required: Numbers only)</i>
----------------	--

1 9	Addendum No. 1 Bidder has examined copies of all the Contract Documents and of the following Addenda (if issued) <input type="checkbox"/> Acknowledged <i>(Optional: Check if applicable)</i>
----------------	---

2 0	Addendum No. 2 Bidder has examined copies of all the Contract Documents and of the following Addenda (if issued) <input type="checkbox"/> Acknowledged <i>(Optional: Check if applicable)</i>
----------------	---

2 1	Addendum No. 3 Bidder has examined copies of all the Contract Documents and of the following Addenda (if issued) <input type="checkbox"/> Acknowledged <i>(Optional: Check if applicable)</i>
----------------	---

2 2	Addendum No. 4 Bidder has examined copies of all the Contract Documents and of the following Addenda (if issued) <input type="checkbox"/> Acknowledged <i>(Optional: Check if applicable)</i>
----------------	---

2 3	Addendum No. 5 Bidder has examined copies of all the Contract Documents and of the following Addenda (if issued) <input type="checkbox"/> Acknowledged <i>(Optional: Check if applicable)</i>
----------------	---

2 4	Subcontractor 1 - Name Each Bidder shall include a list of proposed subcontractors, the type of work to be completed by each such subcontractor and the approximate percentage of contract labor to be completed by each subcontractor. If complete listing of subcontracts totals more than five, please attach such additional pages as may be required. Owner reserves the right to accept or reject any subcontracts and/or amount subcontracted that it deems to be objectionable. <hr/> <hr/> <hr/> <i>(Optional: Maximum 1000 characters allowed)</i>
----------------	--

2 5	Subcontractor 1 - Type of Work <hr/> <hr/> <hr/> <i>(Optional: Maximum 1000 characters allowed)</i>
----------------	--

26 Subcontractor 1 - % of Work

 %

(Optional)

27 Subcontractor 2 - Name

(Optional: Maximum 1000 characters allowed)

28 Subcontractor 2 - Type of Work

(Optional: Maximum 1000 characters allowed)

29 Subcontractor 2 - % of Work

 %

(Optional)

30 Subcontractor 3 - Name

(Optional: Maximum 1000 characters allowed)

31 Subcontractor 3 - Type of Work

(Optional: Maximum 1000 characters allowed)

32 Subcontractor 3 - % of Work

 %

(Optional)

33 Subcontractor 4 - Name

(Optional: Maximum 1000 characters allowed)

34 Subcontractor 4 - Type of Work

(Optional: Maximum 1000 characters allowed)

3
5

Subcontractor 4 - % of Work

Attachment 3

Item 10.

%

(Optional)

3
6

Subcontractor 5 - Name

(Optional: Maximum 1000 characters allowed)

3
7

Subcontractor 5 - Type of Work

(Optional: Maximum 1000 characters allowed)

3
8

Subcontractor 5 - % of Work

%

(Optional)

3
9

Supplier 1 - Name

Each Bidder shall include a list of proposed suppliers of major materials and equipment to be furnished and installed in connection with this Bid. If complete listing of suppliers totals more than five, please attach such additional pages as may be required.

(Optional: Maximum 1000 characters allowed)

4
0

Supplier 1 - Type of Material/Equipment

(Optional: Maximum 1000 characters allowed)

4
1

Supplier 2 - Name

(Optional: Maximum 1000 characters allowed)

4
2

Supplier 2 - Type of Material/Equipment

(Optional: Maximum 1000 characters allowed)

4 3	Supplier 3 - Name	Attachment 3	Item 10.
	<hr/> <hr/>		
	<i>(Optional: Maximum 1000 characters allowed)</i>		

4 4	Supplier 3 - Type of Material/Equipment	
	<hr/> <hr/>	
	<i>(Optional: Maximum 1000 characters allowed)</i>	

4 5	Supplier 4 - Name	
	<hr/> <hr/>	
	<i>(Optional: Maximum 1000 characters allowed)</i>	

4 6	Supplier 4 - Type of Material/Equipment	
	<hr/> <hr/>	
	<i>(Optional: Maximum 1000 characters allowed)</i>	

4 7	Supplier 5 - Name	
	<hr/> <hr/>	
	<i>(Optional: Maximum 1000 characters allowed)</i>	

4 8	Supplier 5 - Type of Material/Equipment	
	<hr/> <hr/>	
	<i>(Optional: Maximum 1000 characters allowed)</i>	

4 9	Project Timeline: Substantial Completion
	Provide number of days to reach substantial completion of all construction <input type="text"/> <i>(Required: Numbers only)</i>

5 0	Project Timeline: Final Completion
	Provide number of additional days after substantial completion to reach final completion of all construction <input type="text"/> <i>(Required: Numbers only)</i>

Bid Lines

1	Package Header
---	-----------------------

SECTION 1: BASE BID

Quantity: 1

Total: \$

Supplier Notes: _____

No bid

Additional notes
(Attach separate sheet)

Package Items

1.1 PREPARING ROW

(Response required)

Quantity: 13.6 UOM: STA Unit Price: \$ Total: \$

Supplier Notes: _____

No bid

Additional notes
(Attach separate sheet)

1.2 REMOVING CONC (PAV)

(Response required)

Quantity: 1648 UOM: SY Unit Price: \$ Total: \$

Supplier Notes: _____

No bid

Additional notes
(Attach separate sheet)

1.3 EXCAVATION (ROADWAY)

(Response required)

Quantity: 1284 UOM: CY Unit Price: \$ Total: \$

Supplier Notes: _____

No bid

Additional notes
(Attach separate sheet)

1.4 EXCAVATION (CHANNEL)

(Response required)

Quantity: 3000 UOM: CY Unit Price: \$ Total: \$

Supplier Notes: _____

No bid

Additional notes
(Attach separate sheet)

1.5 EMBANKMENT (FINAL)(DENS CONT)

(Response required)

Quantity: 5622 UOM: CY Unit Price: \$ Total: \$

Supplier Notes: _____

No bid

Additional notes
(Attach separate sheet)

1.6 COMPOST MANUF TOPSOIL (4in)
(Response required)

Quantity: 5458 UOM: SY Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.7 BROADCAST SEED (PERM) (RURAL) (CLAY)
(Response required)

Quantity: 5458 UOM: SY Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.8 VEGETATIVE WATERING
(Response required)

Quantity: 477 UOM: MG Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.9 LIME (HYDRATED LIME (SLURRY))
(Response required)

Quantity: 298.2 UOM: TN Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.10 LIME TRT (EXST MATL)(8in)
(Response required)

Quantity: 7947 UOM: SY Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.11 D-GR HMA TY-B PG64-22
(Response required)

Quantity: 258.9 UOM: TN Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.12 CURB (TYPE II)
(Response required)

Quantity: 3272 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.13 CONC PAV (JOINT REINF) (9in)
(Response required)

Quantity: 5700 UOM: SY Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.14 TRENCH EXCAVATION PROTECTION
(Response required)

Quantity: 674 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.15 RIPRAP (CONC)(CL B)(RR8&RR9)
(Response required)

Quantity: 7 UOM: CY Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.16 RIPRAP (STONE PROTECTION)(15 IN)
(Response required)

Quantity: 39 UOM: CY Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.17 CONC BOX CULV (7 FT X 4 FT)
(Response required)

Quantity: 35 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.18 CONC BOX CULV (8 FT X 5 FT)
(Response required)

Quantity: 923 UOM: LF Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.19 RC PIPE (CL III)(18 IN)
(Response required)

Quantity: 101 UOM: LF Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.20 RC PIPE (CL III)(48 IN)
(Response required)

Quantity: 39 UOM: LF Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.21 RC PIPE (CL III)(54 IN)
(Response required)

Quantity: 22 UOM: LF Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.22 WINGWALL (PW - 1) (HW=11 FT)
(Response required)

Quantity: 1 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.23 WINGWALL (PW - 1) (HW=7 FT)
(Response required)

Quantity: 1 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.24 SET (TY II) (18 IN) (RCP) (4: 1) (C)
(Response required)

Quantity: 1 UOM: EA Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.25 SET (TY II) (48 IN) (RCP) (4: 1) (C)
(Response required)

Quantity: 1 UOM: EA Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.26 CURB INLET RECESSED (10')
(Response required)

Quantity: 2 UOM: EA Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.27 CLEAN EXIST CULVERTS
(Response required)

Quantity: 1100 UOM: CY Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.28 REMOV STR (INLET)
(Response required)

Quantity: 1 UOM: EA Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.29 REMOV STR (SET)
(Response required)

Quantity: 1 UOM: EA Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.30 REMOV STR (WINGWALL)
(Response required)

Quantity: 1 UOM: EA Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.31 REMOV STR (HEADWALL)
(Response required)

Quantity: 1 UOM: EA Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.32 REMOV STR (PIPE)
(Response required)

Quantity: 44 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.33 MOBILIZATION
(Response required)

Quantity: 1 UOM: LS Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.34 BARRICADES, SIGNS AND TRAFFIC HANDLING
(Response required)

Quantity: 9 UOM: MO Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.35 ROCK FILTER DAMS (INSTALL) (TY 1)
(Response required)

Quantity: 66 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.36 ROCK FILTER DAMS (INSTALL) (TY 2)
(Response required)

Quantity: 280 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.37 ROCK FILTER DAMS (REMOVE)
(Response required)

Quantity: 346 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.38 CONSTRUCTION EXITS (INSTALL) (TY 1)
(Response required)

Quantity: 666 UOM: SY Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.39 CONSTRUCTION EXITS (REMOVE)
(Response required)

Quantity: 666 UOM: SY Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.40 TEMP SEDMT CONT FENCE (INSTALL)
(Response required)

Quantity: 1902 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.41 TEMP SEDMT CONT FENCE (REMOVE)
(Response required)

Quantity: 1902 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.42 MTL W-BEAM GD FEN (STEEL POST)
(Response required)

Quantity: 87 UOM: LF Unit Price: Total:
Supplier Notes: _____

 No bid
 Additional notes
(Attach separate sheet)

1.43 SHORT RADIUS
(Response required)

Quantity: 23 UOM: LF Unit Price: Total:
Supplier Notes: _____

 No bid
 Additional notes
(Attach separate sheet)

1.44 DOWNSTREAM ANCHOR TERMINAL SECTION
(Response required)

Quantity: 1 UOM: EA Unit Price: Total:
Supplier Notes: _____

 No bid
 Additional notes
(Attach separate sheet)

1.45 REMOVE METAL BEAM GUARD FENCE
(Response required)

Quantity: 306 UOM: LF Unit Price: Total:
Supplier Notes: _____

 No bid
 Additional notes
(Attach separate sheet)

1.46 IN SM RD SN SUP&AM TY10BWG(1)SA(P)
(Response required)

Quantity: 1 UOM: EA Unit Price: Total:
Supplier Notes: _____

 No bid
 Additional notes
(Attach separate sheet)

1.47 IN SM RD SN SUP&AM TY10BWG(1)SA(T)
(Response required)

Quantity: 2 UOM: EA Unit Price: Total:
Supplier Notes: _____

 No bid
 Additional notes
(Attach separate sheet)

1.48 IN SM RD SN SUP&AM TYTWT(1)UA(P)
(Response required)

Quantity: 10 UOM: EA Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.49 RELOCATE SM RD SN SUP&AM TY 10BWG
(Response required)

Quantity: 2 UOM: EA Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.50 RELOCATE SM RD SN SUP&AM TY TWT
(Response required)

Quantity: 3 UOM: EA Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.51 REMOVE SM RD SN SUP&AM
(Response required)

Quantity: 8 UOM: EA Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.52 WK ZN PAV MRK REMOV (W)4IN(SLD)
(Response required)

Quantity: 1593 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.53 WK ZN PAV MRK REMOV (Y)4IN(SLD)
(Response required)

Quantity: 2573 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.54 WK ZN PAV MRK REMOV (W)8IN(DOT)
(Response required)

Quantity: 291 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.55 WK ZN PAV MRK REMOV (W)8IN(SLD)
(Response required)

Quantity: 1439 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.56 WK ZN PAV MRK REMOV (W)24IN(SLD)
(Response required)

Quantity: 320 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.57 REFL PAV MRK TY I (W)4IN(BRK)(100MIL)
(Response required)

Quantity: 346 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.58 REFL PAV MRK TY I (W)4IN(DOT)(100MIL)
(Response required)

Quantity: 66 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.59 REFL PAV MRK TY I (W)4IN(SLD)(100MIL)
(Response required)

Quantity: 1731 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.60 REFL PAV MRK TY I (W)8IN(DOT)(100MIL)
(Response required)

Quantity: 81 UOM: LF Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.61 REFL PAV MRK TY I (W)8IN(SLD)(100MIL)
(Response required)

Quantity: 1439 UOM: LF Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.62 REFL PAV MRK TY I (W)12IN(SLD)(100MIL)
(Response required)

Quantity: 405 UOM: LF Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.63 REFL PAV MRK TY I (W)24IN(SLD)(100MIL)
(Response required)

Quantity: 320 UOM: LF Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.64 REFL PAV MRK TY I (W)(ARROW)(100MIL)
(Response required)

Quantity: 26 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.65 REFL PAV MRK TY I (W)(WORD)(100MIL)
(Response required)

Quantity: 11 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.66 REFL PAV MRK TY I (Y)4IN(SLD)(100MIL)
(Response required)

Quantity: 2379 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.67 REFL PAV MRK TY I (Y)12IN(SLD)(100MIL)
(Response required)

Quantity: 276 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.68 PAVEMENT SEALER 4IN
(Response required)

Quantity: 4522 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.69 PAVEMENT SEALER 8IN
(Response required)

Quantity: 1519 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.70 PAVEMENT SEALER 12IN
(Response required)

Quantity: 680 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.71 PAVEMENT SEALER 24IN
(Response required)

Quantity: 320 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.72 PAVEMENT SEALER (ARROW)
(Response required)

Quantity: 26 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.73 PAVEMENT SEALER (WORD)
(Response required)

Quantity: 11 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.74 REFL PAV MRKR TY I-C
(Response required)

Quantity: 107 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.75 REFL PAV MRKR TY II-A-A
(Response required)

Quantity: 81 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.76 REFL PAV MRKR TY II-C-R
(Response required)

Quantity: 106 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.77 ELIM EXT PAV MRK & MRKS (4IN)
(Response required)

Quantity: 2924 UOM: LF Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.78 ELIM EXT PAV MRK & MRKS (8IN)
(Response required)

Quantity: 804 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.79 ELIM EXT PAV MRK & MRKS (12IN)
(Response required)

Quantity: 310 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.80 ELIM EXT PAV MRK & MRKS (24IN)
(Response required)

Quantity: 212 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.81 ELIM EXT PAV MRK & MRKS (ARROW)
(Response required)

Quantity: 13 UOM: EA Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.82 ELIM EXT PAV MRK & MRKS (DBL ARROW)
(Response required)

Quantity: 3 UOM: EA Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.83 ELIM EXT PAV MRK & MRKS (WORD)
(Response required)

Quantity: 7 UOM: EA Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.84 PAV SURF PREP FOR MRK (4IN)
(Response required)

Quantity: 4522 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.85 PAV SURF PREP FOR MRK (8IN)
(Response required)

Quantity: 1519 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.86 PAV SURF PREP FOR MRK (12IN)
(Response required)

Quantity: 680 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.87 PAV SURF PREP FOR MRK (24IN)
(Response required)

Quantity: 320 UOM: LF Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.88 PAV SURF PREP FOR MRK (ARROW)
(Response required)

Quantity: 26 UOM: EA Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.89 PAV SURF PREP FOR MRK (WORD)
(Response required)

Quantity: 11 UOM: EA Unit Price: Total:
Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.90 DEAD END ROADWAY BARRICADE

(Response required)

Quantity: 32 UOM: LF Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.91 RELOCATE EXISTING FIRE HYDRANT

(Response required)

Quantity: 2 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.92 ADJUST EXIST WTR VALVE STACK & COVER

(Response required)

Quantity: 8 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.93 RELOCATE EXISTING WATER METER & BOX

(Response required)

Quantity: 1 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.94 WIRE FENCE (TY C)

(Response required)

Quantity: 450 UOM: LF Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

1.95 FURNISH, INSTALL, AND MAINTAIN CAPITAL IMPROVEMENTS SIGNS

(Response required)

Quantity: 1 UOM: EA Unit Price: Total:

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

2 Package Header

SECTION 2: ALTERNATE BID ITEMS

Quantity: 1 Total:

Supplier Notes: _____

Attachment 3 Item 10.

Additional notes
(Attach separate sheet)

Package Items

2.1 ALT BID ITEM 10 - LIME (HYDRATED LIME (SLURRY))

(Response required)

Quantity: 14.4 UOM: TN Unit Price: \$ Total: \$

Supplier Notes: _____

No bid

Additional notes
(Attach separate sheet)

2.2 ALT BID ITEM 11 - LIME TRT (EXST MATL)(8IN)

(Response required)

Quantity: 385 UOM: SY Unit Price: \$ Total: \$

Supplier Notes: _____

No bid

Additional notes
(Attach separate sheet)

2.3 ALT BID ITEM 14 - CONC PAV (JOINT REINF) (9IN)

(Response required)

Quantity: 385 UOM: SY Unit Price: \$ Total: \$

Supplier Notes: _____

No bid

Additional notes
(Attach separate sheet)

2.4 ALT BID ITEM 16 - RIPRAP (CONC)(CL B)(RR8&RR9)

(Response required)

Quantity: 9 UOM: CY Unit Price: \$ Total: \$

Supplier Notes: _____

No bid

Additional notes
(Attach separate sheet)

2.5 ALT BID ITEM 17 - RIPRAP (STONE PROTECTION)(15 IN)

(Response required)

Quantity: 46 UOM: CY Unit Price: \$ Total: \$

Supplier Notes: _____

No bid

Additional notes
(Attach separate sheet)

2.6 ALT BID ITEM 19 - CONC BOX CULV (8 FT X 5 FT)

(Response required)

Quantity: 30 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid

Additional notes
(Attach separate sheet)

2.7 ALT BID ITEM 23 - WINGWALL (PW - 1) (HW=11 FT)

(Response required)

Quantity: 1 UOM: EA Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

2.8 ALT BID ITEM 32 - REMOV STR (HEADWALL)

(Response required)

Quantity: 1 UOM: EA Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

2.9 ALT BID ITEM 63 - REFL PAV MRK TY I (W)12IN(SLD)(100MIL)

(Response required)

Quantity: 219 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

2.10 ALT BID ITEM 71 - PAVEMENT SEALER 12IN

(Response required)

Quantity: 219 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

2.11 ALT BID ITEM 87 - PAV SURF PREP FOR MRK (12IN)

(Response required)

Quantity: 219 UOM: LF Unit Price: \$ Total: \$

Supplier Notes: _____

No bid
 Additional notes
(Attach separate sheet)

Supplier Information

Company Name: _____

Contact Name: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Supplier Notes

By submitting your response, you certify that you are authorized to represent and bind your company.

Print Name

Signature



2020-81-B Addendum 1
Accelerated Critical Path, Inc.
Supplier Response

Event Information

Number: 2020-81-B Addendum 1
Title: Prosper Trail/DNT Intersection Improvements
Type: Request for Bids
Issue Date: 7/27/2020
Deadline: 8/14/2020 02:00 PM (CT)
Notes: **ENGINEER'S ESTIMATE: \$1,716,000**

The Town of Prosper is accepting competitive sealed bids for **BID NO. 2020-81-B Prosper Trail/DNT Intersection Improvements**. Bids will be accepted online through IonWave.net, the Town's e-procurement system, or in hard copy in the Purchasing Office located in the 3rd Floor Finance Suite of Town Hall, 250 W. First St., Prosper, Texas 75078 until **2:00 P.M. on Friday, August 14, 2020**. Any bids received after this time will not be accepted, and will be returned unopened. **The bid opening will be held online on Friday, August 14, 2020 @ 2:30 P.M.** To participate in the bid opening, please use the following:

Join Zoom Meeting:
<https://us02web.zoom.us/j/88548311920>
Meeting ID: 885 4831 1920
Dial-in any of these numbers: +1 929 436 2866, +1 312 626 6799,
+1 669 900 6833, +1 253 215 8782, +1 301 715 8592 or
+1 346 248 7799

The Project consists of furnishing all labor, equipment and materials (except as otherwise specified), and performing all work necessary for the construction of the intersections of Prosper Trail and the northbound and southbound Dallas North Tollway frontage roads

Each bid submitted shall be accompanied by a cashier's check in the amount of 5% of the maximum amount bid, payable without recourse to the Town of Prosper, or a Bid Bond in the same amount from a reliable surety company as a guarantee that, if awarded the contract, the successful Contractor will execute a Construction Agreement with the Town, including all required bonds and other documents.

The successful Contractor shall furnish a Performance Bond in the amount of 115% of the contract amount, and a Payment Bond in the amount of 100% of the contract amount, as well as evidence of all required insurance coverage within ten (10) calendar days of notice of award. The successful Contractor shall also furnish a Maintenance Bond in the amount of 100% of the contract amount covering defects of material and workmanship for two calendar years following the Town's approval and acceptance of the construction. An approved surety company, licensed in the State of Texas, shall issue all bonds in accordance with Texas law.

Copies of Plans, Specifications, and Contract Documents may be examined at **Town of Prosper Engineering Department, 250 W. First Street, Prosper, Texas, 75078, Phone: (972) 569-1198** without charge. These documents may be acquired from that office for the non-refundable purchase price of \$50.00 per set, payable to the Town of Prosper. Copies of Plans, Specifications, and Contract Documents may also be downloaded free of charge from Current Bidding Opportunities, at the following link:
<http://www.prospertx.gov/business/bid-opportunities/>.

Questions and requests for clarifications in regards to this bid should be submitted in writing through IonWave.net, the Town's e-procurement system, or emailed directly to January Cook, CPPO, CPPB, Purchasing Manager, at jcook@prospertx.gov. The deadline for receipt of questions and requests for clarifications is **12:00 P.M. on Monday, August 10, 2020**. After that day and time, no further questions or requests for clarifications will be accepted or answered by the Engineer or Town.

If you are downloading plans, please complete and submit the Planholder Registration Form to be placed on the formal Planholder Listing.

Contact Information

Contact: January Cook Purchasing Manager
Address: Purchasing Office

Town Hall
3rd Floor
250 W. First St.
P.O. Box 307
Prosper, TX 75078
Phone: (972) 569-1018
Email: jcook@prospertx.gov

Accelerated Critical Path, Inc. Information

Attachment 3

Item 10.

Contact: Jason W. Burns
Address: 5760 Legacy Drive
Suite B3-513
Plano, TX 75071
Phone: (214) 796-4898
Email: jwburns@acpconstructors.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Jason W. Burns

Signature

Submitted at 8/14/2020 1:30:31 PM

jwburns@acpconstructors.com

Email

Requested Attachments

Bid Bond

ACP- Prosper Trl & DNT Intersections- Bid Bond.pdf

Completed Projects and References Worksheet

Project References.pdf

Complete and submit

Resumes for Key Personnel

Key Persons Resumes.pdf

Project Schedule

Project Schedule SAMPLE.pdf

Submit a SAMPLE of an actual project schedule used during construction of a similar project

Conflict of Interest Form

No response

Only if applicable

Out of State Contractor Compliance Form

No response

Only if applicable

Bid Attributes

1 Bid Proposal Condition No. 1

The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

I Agree

2 Bid Proposal Condition No. 2

Bidder accepts all of the terms and conditions of the Advertisement or Invitation to Bid and Instructions to Bidders, including without limitation those terms and conditions dealing with the disposition of Bid guaranty. This Bid will remain subject to acceptance for 90 calendar days after the day of opening Bids. Bidder will sign and submit the Agreement with the Bonds and other documents required by the Contract Documents within ten (10) calendar days after the date of Owner's Notice of Award.

I Agree

3 Bid Proposal Condition No. 3

The right is reserved, as the interest of the Owner may require, to reject any and all Bids and to waive any informality in the Bids received.

I Agree

4 Bid Proposal Condition No. 4

Bidder has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.

I Agree

5 Bid Proposal Condition No. 5

Bidder has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests and studies that pertain to the subsurface or physical conditions at the site or which otherwise may affect the cost, progress, performance or furnishing of the Work as Bidder considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, and no additional examinations, investigations, explorations, tests, reports or similar information or data are or will be required by Bidder for such purposes.

I Agree

6 Bid Proposal Condition No. 6

Bidder has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports or similar information or data in respect of said Underground Facilities are or will be required by the Bidder in order to perform and furnish the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents.

I Agree

7 Bid Proposal Condition No. 7

Bidder has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

I Agree

8 Bid Proposal Condition No. 8

Bidder has given Engineer written notice of all conflicts, errors or discrepancies that it has discovered, if any, in the Contract Documents and the written resolution thereof by Engineer is acceptable to Bidder.

I Agree

9 Bid Proposal Condition No. 9

This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or corporation to refrain from submitting a Bid; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over Owner.

I Agree

1 0	Bid Proposal Condition No. 10 Bidder will substantially complete the Work for the price(s) shown in the schedule of bid items and within the number of calendar days bid, based on date of Notice to Proceed. <input type="text" value="I Agree"/>
--------	--

1 1	Bid Proposal Condition No. 11 (PROJECT SPECIFIC) Bidder hereby agrees to commence work within ten (10) days after the date written notice to proceed shall have been given to him, and to substantially complete the work within the number of calendar days bid, and within the number of additional calendar days bid after Substantial Completion, all outstanding issues shall be addressed and ready for final payment. All such time restrictions are subject to such extensions of time as are provided by the General Provisions and Special Conditions. <input type="text" value="I Agree"/>
--------	--

1 2	Bid Proposal Condition No. 12 Bidder agrees that the implementation of the Owner's right to delete any portion of the improvements shall not be considered as waiving or invalidating any conditions or provisions of the contract or bonds. Bidder shall perform the Work as altered and no allowances shall be made for anticipated profits. <input type="text" value="I Agree"/>
--------	--

1 3	Bid Proposal Condition No. 13 Since the Work on this Project is being performed for a governmental body and function, the Owner will issue to the Contractor a certificate of exemption for payment for the State Sales TAX on materials incorporated into this Project if requested. <input type="text" value="I Agree"/>
--------	---

1 4	Bid Proposal Condition No. 14 In the event of the award of a contract, vendor will furnish a Performance Bond for 115% of the contract amount, and a Payment Bond for 100% of the contract amount, to secure proper compliance with the terms and provisions of the contract with sureties offered by surety company named in the space provided , to insure and guarantee the work until final completion and acceptance, and to guarantee payment of all lawful claims for labor performed and materials furnished in the fulfillment of the contract. In addition, the undersigned will furnish a Maintenance Bond for 100% of the contract amount covering defects of material and workmanship for two calendar years following the Owner's approval and acceptance of the construction. <input type="text" value="I Agree"/>
--------	--

1 5	Bid Proposal Condition No. 15 The work, proposed to be done, shall be accepted when fully completed in accordance with the plans and specifications, to the satisfaction of the Engineer and the Owner. <input type="text" value="I Agree"/>
--------	---

1 6	Bid Proposal Condition No. 16 The vendor submitting this Bid certifies that the bid prices contained in this Bid have been carefully checked and are submitted as correct and final. <input type="text" value="I Agree"/>
--------	--

1 7	Base Bid Cost of Materials <input type="text" value="\$925000"/>
--------	---

1 8	Base Bid Cost of Labor, Profit, etc. <input type="text" value="\$1074811.70"/>	Attachment 3 <input type="text" value="Item 10."/>
--------	---	--

1 9	Addendum No. 1 Bidder has examined copies of all the Contract Documents and of the following Addenda (if issued) <input type="text" value="Acknowledged"/>
--------	---

2 0	Addendum No. 2 Bidder has examined copies of all the Contract Documents and of the following Addenda (if issued) <input type="text" value="No response"/>
--------	--

2 1	Addendum No. 3 Bidder has examined copies of all the Contract Documents and of the following Addenda (if issued) <input type="text" value="No response"/>
--------	--

2 2	Addendum No. 4 Bidder has examined copies of all the Contract Documents and of the following Addenda (if issued) <input type="text" value="No response"/>
--------	--

2 3	Addendum No. 5 Bidder has examined copies of all the Contract Documents and of the following Addenda (if issued) <input type="text" value="No response"/>
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2 4	Subcontractor 1 - Name Each Bidder shall include a list of proposed subcontractors, the type of work to be completed by each such subcontractor and the approximate percentage of contract labor to be completed by each subcontractor. If complete listing of subcontracts totals more than five, please attach such additional pages as may be required. Owner reserves the right to accept or reject any subcontracts and/or amount subcontracted that it deems to be objectionable. <input type="text" value="No response"/>
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2 5	Subcontractor 1 - Type of Work <input type="text" value="No response"/>
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2 6	Subcontractor 1 - % of Work <input type="text" value="No response"/>
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2 7	Subcontractor 2 - Name <input type="text" value="No response"/>
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2 8	Subcontractor 2 - Type of Work <input type="text" value="No response"/>
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2 9	Subcontractor 2 - % of Work <input type="text" value="No response"/>
--------	--

3 0	Subcontractor 3 - Name	Attachment 3	Item 10.
	<input type="text" value="No response"/>		

3 1	Subcontractor 3 - Type of Work		
	<input type="text" value="No response"/>		

3 2	Subcontractor 3 - % of Work		
	<input type="text" value="No response"/>		

3 3	Subcontractor 4 - Name		
	<input type="text" value="No response"/>		

3 4	Subcontractor 4 - Type of Work		
	<input type="text" value="No response"/>		

3 5	Subcontractor 4 - % of Work		
	<input type="text" value="No response"/>		

3 6	Subcontractor 5 - Name		
	<input type="text" value="No response"/>		

3 7	Subcontractor 5 - Type of Work		
	<input type="text" value="No response"/>		

3 8	Subcontractor 5 - % of Work		
	<input type="text" value="No response"/>		

3 9	Supplier 1 - Name		
	Each Bidder shall include a list of proposed suppliers of major materials and equipment to be furnished and installed in connection with this Bid. If complete listing of suppliers totals more than five, please attach such additional pages as may be required.		
	<input type="text" value="No response"/>		

4 0	Supplier 1 - Type of Material/Equipment		
	<input type="text" value="No response"/>		

4 1	Supplier 2 - Name		
	<input type="text" value="No response"/>		

4 2	Supplier 2 - Type of Material/Equipment		
	<input type="text" value="No response"/>		

4 3	Supplier 3 - Name		
	<input type="text" value="No response"/>		

4 4	Supplier 3 - Type of Material/Equipment		
	<input type="text" value="No response"/>		

4 5	Supplier 4 - Name	Attachment 3	Item 10.
	<input type="text" value="No response"/>		

4 6	Supplier 4 - Type of Material/Equipment
<input type="text" value="No response"/>	

4 7	Supplier 5 - Name
<input type="text" value="No response"/>	

4 8	Supplier 5 - Type of Material/Equipment
<input type="text" value="No response"/>	

4 9	Project Timeline: Substantial Completion
Provide number of days to reach substantial completion of all construction	
<input type="text" value="240"/>	

5 0	Project Timeline: Final Completion
Provide number of additional days after substantial completion to reach final completion of all construction	
<input type="text" value="270"/>	

Bid Lines

1	Package Header		
	SECTION 1: BASE BID		
	Quantity: <u> 1 </u>	Total:	<input type="text" value="\$1,882,759.20"/>
	Package Items		
	1.1 PREPARING ROW		
	Quantity: <u> 13.6 </u> UOM: <u> STA </u>	Unit Price: <input type="text" value="\$1,900.00"/>	Total: <input type="text" value="\$25,840.00"/>
	1.2 REMOVING CONC (PAV)		
	Quantity: <u> 1648 </u> UOM: <u> SY </u>	Unit Price: <input type="text" value="\$29.00"/>	Total: <input type="text" value="\$47,792.00"/>
	1.3 EXCAVATION (ROADWAY)		
	Quantity: <u> 1284 </u> UOM: <u> CY </u>	Unit Price: <input type="text" value="\$9.00"/>	Total: <input type="text" value="\$11,556.00"/>
	1.4 EXCAVATION (CHANNEL)		
	Quantity: <u> 3000 </u> UOM: <u> CY </u>	Unit Price: <input type="text" value="\$12.00"/>	Total: <input type="text" value="\$36,000.00"/>
	1.5 EMBANKMENT (FINAL)(DENS CONT)		
	Quantity: <u> 5622 </u> UOM: <u> CY </u>	Unit Price: <input type="text" value="\$15.00"/>	Total: <input type="text" value="\$84,330.00"/>
	1.6 COMPOST MANUF TOPSOIL (4in)		
	Quantity: <u> 5458 </u> UOM: <u> SY </u>	Unit Price: <input type="text" value="\$6.00"/>	Total: <input type="text" value="\$32,748.00"/>
	1.7 BROADCAST SEED (PERM) (RURAL) (CLAY)		
	Quantity: <u> 5458 </u> UOM: <u> SY </u>	Unit Price: <input type="text" value="\$0.80"/>	Total: <input type="text" value="\$4,366.40"/>
	1.8 VEGETATIVE WATERING		
	Quantity: <u> 477 </u> UOM: <u> MG </u>	Unit Price: <input type="text" value="\$30.00"/>	Total: <input type="text" value="\$14,310.00"/>

1.9 LIME (HYDRATED LIME (SLURRY))Quantity: 298.2 UOM: TNUnit Price: Attachment 3
Total: **1.10 LIME TRT (EXST MATL)(8in)**Quantity: 7947 UOM: SYUnit Price: Total: **1.11 D-GR HMA TY-B PG64-22**Quantity: 258.9 UOM: TNUnit Price: Total: **1.12 CURB (TYPE II)**Quantity: 3272 UOM: LFUnit Price: Total: **1.13 CONC PAV (JOINT REINF) (9in)**Quantity: 5700 UOM: SYUnit Price: Total: **1.14 TRENCH EXCAVATION PROTECTION**Quantity: 674 UOM: LFUnit Price: Total: **1.15 RIPRAP (CONC)(CL B)(RR8&RR9)**Quantity: 7 UOM: CYUnit Price: Total: **1.16 RIPRAP (STONE PROTECTION)(15 IN)**Quantity: 39 UOM: CYUnit Price: Total: **1.17 CONC BOX CULV (7 FT X 4 FT)**Quantity: 35 UOM: LFUnit Price: Total: **1.18 CONC BOX CULV (8 FT X 5 FT)**Quantity: 923 UOM: LFUnit Price: Total: **1.19 RC PIPE (CL III)(18 IN)**Quantity: 101 UOM: LFUnit Price: Total: **1.20 RC PIPE (CL III)(48 IN)**Quantity: 39 UOM: LFUnit Price: Total: **1.21 RC PIPE (CL III)(54 IN)**Quantity: 22 UOM: LFUnit Price: Total: **1.22 WINGWALL (PW - 1) (HW=11 FT)**Quantity: 1 UOM: EAUnit Price: Total: **1.23 WINGWALL (PW - 1) (HW=7 FT)**Quantity: 1 UOM: EAUnit Price: Total: **1.24 SET (TY II) (18 IN) (RCP) (4: 1) (C)**Quantity: 1 UOM: EAUnit Price: Total: **1.25 SET (TY II) (48 IN) (RCP) (4: 1) (C)**Quantity: 1 UOM: EAUnit Price: Total: **1.26 CURB INLET RECESSED (10')**Quantity: 2 UOM: EAUnit Price: Total: **1.27 CLEAN EXIST CULVERTS**Quantity: 1100 UOM: CYUnit Price: Total:

1.28 REMOV STR (INLET)

Quantity: 1 UOM: EA Unit Price: Total:

Attachment 3 **1.29 REMOV STR (SET)**

Quantity: 1 UOM: EA Unit Price: Total:

1.30 REMOV STR (WINGWALL)

Quantity: 1 UOM: EA Unit Price: Total:

1.31 REMOV STR (HEADWALL)

Quantity: 1 UOM: EA Unit Price: Total:

1.32 REMOV STR (PIPE)

Quantity: 44 UOM: LF Unit Price: Total:

1.33 MOBILIZATION

Quantity: 1 UOM: LS Unit Price: Total:

1.34 BARRICADES, SIGNS AND TRAFFIC HANDLING

Quantity: 9 UOM: MO Unit Price: Total:

1.35 ROCK FILTER DAMS (INSTALL) (TY 1)

Quantity: 66 UOM: LF Unit Price: Total:

1.36 ROCK FILTER DAMS (INSTALL) (TY 2)

Quantity: 280 UOM: LF Unit Price: Total:

1.37 ROCK FILTER DAMS (REMOVE)

Quantity: 346 UOM: LF Unit Price: Total:

1.38 CONSTRUCTION EXITS (INSTALL) (TY 1)

Quantity: 666 UOM: SY Unit Price: Total:

1.39 CONSTRUCTION EXITS (REMOVE)

Quantity: 666 UOM: SY Unit Price: Total:

1.40 TEMP SEDMT CONT FENCE (INSTALL)

Quantity: 1902 UOM: LF Unit Price: Total:

1.41 TEMP SEDMT CONT FENCE (REMOVE)

Quantity: 1902 UOM: LF Unit Price: Total:

1.42 MTL W-BEAM GD FEN (STEEL POST)

Quantity: 87 UOM: LF Unit Price: Total:

1.43 SHORT RADIUS

Quantity: 23 UOM: LF Unit Price: Total:

1.44 DOWNSTREAM ANCHOR TERMINAL SECTION

Quantity: 1 UOM: EA Unit Price: Total:

1.45 REMOVE METAL BEAM GUARD FENCE

Quantity: 306 UOM: LF Unit Price: Total:

1.46 IN SM RD SN SUP&AM TY10BWG(1)SA(P)

Quantity: 1 UOM: EA Unit Price: Total:

		Attachment 3		Item 10.
1.47	IN SM RD SN SUP&AM TY10BWG(1)SA(T)	Quantity: <u>2</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$560.00"/>	Total: <input type="text" value="\$1,120.00"/>
1.48	IN SM RD SN SUP&AM TYTWT(1)UA(P)	Quantity: <u>10</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$850.00"/>	Total: <input type="text" value="\$8,500.00"/>
1.49	RELOCATE SM RD SN SUP&AM TY 10BWG	Quantity: <u>2</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$450.00"/>	Total: <input type="text" value="\$900.00"/>
1.50	RELOCATE SM RD SN SUP&AM TY TWT	Quantity: <u>3</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$550.00"/>	Total: <input type="text" value="\$1,650.00"/>
1.51	REMOVE SM RD SN SUP&AM	Quantity: <u>8</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$110.00"/>	Total: <input type="text" value="\$880.00"/>
1.52	WK ZN PAV MRK REMOV (W)4IN(SLD)	Quantity: <u>1593</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$1.10"/>	Total: <input type="text" value="\$1,752.30"/>
1.53	WK ZN PAV MRK REMOV (Y)4IN(SLD)	Quantity: <u>2573</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$1.10"/>	Total: <input type="text" value="\$2,830.30"/>
1.54	WK ZN PAV MRK REMOV (W)8IN(DOT)	Quantity: <u>291</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$2.10"/>	Total: <input type="text" value="\$611.10"/>
1.55	WK ZN PAV MRK REMOV (W)8IN(SLD)	Quantity: <u>1439</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$1.60"/>	Total: <input type="text" value="\$2,302.40"/>
1.56	WK ZN PAV MRK REMOV (W)24IN(SLD)	Quantity: <u>320</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$5.50"/>	Total: <input type="text" value="\$1,760.00"/>
1.57	REFL PAV MRK TY I (W)4IN(BRK)(100MIL)	Quantity: <u>346</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$0.85"/>	Total: <input type="text" value="\$294.10"/>
1.58	REFL PAV MRK TY I (W)4IN(DOT)(100MIL)	Quantity: <u>66</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$1.30"/>	Total: <input type="text" value="\$85.80"/>
1.59	REFL PAV MRK TY I (W)4IN(SLD)(100MIL)	Quantity: <u>1731</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$0.60"/>	Total: <input type="text" value="\$1,038.60"/>
1.60	REFL PAV MRK TY I (W)8IN(DOT)(100MIL)	Quantity: <u>81</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$2.25"/>	Total: <input type="text" value="\$182.25"/>
1.61	REFL PAV MRK TY I (W)8IN(SLD)(100MIL)	Quantity: <u>1439</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$1.50"/>	Total: <input type="text" value="\$2,158.50"/>
1.62	REFL PAV MRK TY I (W)12IN(SLD)(100MIL)	Quantity: <u>405</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$2.75"/>	Total: <input type="text" value="\$1,113.75"/>
1.63	REFL PAV MRK TY I (W)24IN(SLD)(100MIL)	Quantity: <u>320</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$5.50"/>	Total: <input type="text" value="\$1,760.00"/>
1.64	REFL PAV MRK TY I (W)(ARROW)(100MIL)	Quantity: <u>26</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$109.00"/>	Total: <input type="text" value="\$2,834.00"/>
1.65	REFL PAV MRK TY I (W)(WORD)(100MIL)	Quantity: <u>11</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$120.00"/>	Total: <input type="text" value="\$1,320.00"/>

		Attachment 3		Item 10.
1.66	REFL PAV MRK TY I (Y)4IN(SLD)(100MIL)	Quantity: <u>2379</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$0.60"/>	Total: <input type="text" value="\$1,427.40"/>
1.67	REFL PAV MRK TY I (Y)12IN(SLD)(100MIL)	Quantity: <u>276</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$3.25"/>	Total: <input type="text" value="\$897.00"/>
1.68	PAVEMENT SEALER 4IN	Quantity: <u>4522</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$0.13"/>	Total: <input type="text" value="\$587.86"/>
1.69	PAVEMENT SEALER 8IN	Quantity: <u>1519</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$0.25"/>	Total: <input type="text" value="\$379.75"/>
1.70	PAVEMENT SEALER 12IN	Quantity: <u>680</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$0.40"/>	Total: <input type="text" value="\$272.00"/>
1.71	PAVEMENT SEALER 24IN	Quantity: <u>320</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$0.80"/>	Total: <input type="text" value="\$256.00"/>
1.72	PAVEMENT SEALER (ARROW)	Quantity: <u>26</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$11.00"/>	Total: <input type="text" value="\$286.00"/>
1.73	PAVEMENT SEALER (WORD)	Quantity: <u>11</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$16.00"/>	Total: <input type="text" value="\$176.00"/>
1.74	REFL PAV MRKR TY I-C	Quantity: <u>107</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$4.00"/>	Total: <input type="text" value="\$428.00"/>
1.75	REFL PAV MRKR TY II-A-A	Quantity: <u>81</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$4.00"/>	Total: <input type="text" value="\$324.00"/>
1.76	REFL PAV MRKR TY II-C-R	Quantity: <u>106</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$4.00"/>	Total: <input type="text" value="\$424.00"/>
1.77	ELIM EXT PAV MRK & MRKS (4IN)	Quantity: <u>2924</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$0.45"/>	Total: <input type="text" value="\$1,315.80"/>
1.78	ELIM EXT PAV MRK & MRKS (8IN)	Quantity: <u>804</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$0.85"/>	Total: <input type="text" value="\$683.40"/>
1.79	ELIM EXT PAV MRK & MRKS (12IN)	Quantity: <u>310</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$1.60"/>	Total: <input type="text" value="\$496.00"/>
1.80	ELIM EXT PAV MRK & MRKS (24IN)	Quantity: <u>212</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$3.25"/>	Total: <input type="text" value="\$689.00"/>
1.81	ELIM EXT PAV MRK & MRKS (ARROW)	Quantity: <u>13</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$47.00"/>	Total: <input type="text" value="\$611.00"/>
1.82	ELIM EXT PAV MRK & MRKS (DBL ARROW)	Quantity: <u>3</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$97.00"/>	Total: <input type="text" value="\$291.00"/>
1.83	ELIM EXT PAV MRK & MRKS (WORD)	Quantity: <u>7</u> UOM: <u>EA</u>	Unit Price: <input type="text" value="\$47.00"/>	Total: <input type="text" value="\$329.00"/>
1.84	PAV SURF PREP FOR MRK (4IN)	Quantity: <u>4522</u> UOM: <u>LF</u>	Unit Price: <input type="text" value="\$0.05"/>	Total: <input type="text" value="\$226.10"/>

1.85 PAV SURF PREP FOR MRK (8IN)

Quantity: 1519 UOM: LF Unit Price: Total: Attachment 3

1.86 PAV SURF PREP FOR MRK (12IN)

Quantity: 680 UOM: LF Unit Price: Total:

1.87 PAV SURF PREP FOR MRK (24IN)

Quantity: 320 UOM: LF Unit Price: Total:

1.88 PAV SURF PREP FOR MRK (ARROW)

Quantity: 26 UOM: EA Unit Price: Total:

1.89 PAV SURF PREP FOR MRK (WORD)

Quantity: 11 UOM: EA Unit Price: Total:

1.90 DEAD END ROADWAY BARRICADE

Quantity: 32 UOM: LF Unit Price: Total:

1.91 RELOCATE EXISTING FIRE HYDRANT

Quantity: 2 UOM: EA Unit Price: Total:

1.92 ADJUST EXIST WTR VALVE STACK & COVER

Quantity: 8 UOM: EA Unit Price: Total:

1.93 RELOCATE EXISTING WATER METER & BOX

Quantity: 1 UOM: EA Unit Price: Total:

1.94 WIRE FENCE (TY C)

Quantity: 450 UOM: LF Unit Price: Total:

1.95 FURNISH, INSTALL, AND MAINTAIN CAPITAL IMPROVEMENTS SIGNS

Quantity: 1 UOM: EA Unit Price: Total:

2 Package Header

SECTION 2: ALTERNATE BID ITEMS

Quantity: 1 Total:

Package Items

2.1 ALT BID ITEM 10 - LIME (HYDRATED LIME (SLURRY)

Quantity: 14.4 UOM: TN Unit Price: Total:

2.2 ALT BID ITEM 11 - LIME TRT (EXST MATL)(8IN)

Quantity: 385 UOM: SY Unit Price: Total:

2.3 ALT BID ITEM 14 - CONC PAV (JOINT REINF) (9IN)

Quantity: 385 UOM: SY Unit Price: Total:

2.4 ALT BID ITEM 16 - RIPRAP (CONC)(CL B)(RR8&RR9)

Quantity: 9 UOM: CY Unit Price: Total:

2.5 ALT BID ITEM 17 - RIPRAP (STONE PROTECTION)(15 IN)

Quantity: 46 UOM: CY Unit Price: Total:

2.6 ALT BID ITEM 19 - CONC BOX CULV (8 FT X 5 FT)

Quantity: 30 UOM: LF Unit Price: Total:

2.7 ALT BID ITEM 23 - WINGWALL (PW - 1) (HW=11 FT)

Attachment 3 Item 10.

Quantity: 1 UOM: EA Unit Price: \$54,000.00 Total: \$54,000.00

2.8 ALT BID ITEM 32 - REMOV STR (HEADWALL)

Quantity: 1 UOM: EA Unit Price: \$4,200.00 Total: \$4,200.00

2.9 ALT BID ITEM 63 - REFL PAV MRK TY I (W)12IN(SLD)(100MIL)

Quantity: 219 UOM: LF Unit Price: \$3.00 Total: \$657.00

2.10 ALT BID ITEM 71 - PAVEMENT SEALER 12IN

Quantity: 219 UOM: LF Unit Price: \$0.35 Total: \$76.65

2.11 ALT BID ITEM 87 - PAV SURF PREP FOR MRK (12IN)

Quantity: 219 UOM: LF Unit Price: \$0.15 Total: \$32.85

Response Total: \$1,999,811.70

BID BOND

STATE OF TEXAS)
)
COUNTY OF COLLIN)

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, Accelerated Critical Path, Inc., whose address is 16990 Dallas Parkway, Suite 112, Dallas, TX 75248, hereinafter called Principal, and Hartford Fire Insurance Company, a corporation organized and existing under the laws of the State of Connecticut, and fully licensed to transact business in the State of Texas, as Surety, are held and firmly bound unto the Town of Prosper, a home-rule municipal corporation organized and existing under the laws of the State of Texas, hereinafter referred to as "Owner," in the penal sum of \$5% as the proper measure of liquidated damages arising out of or connected with the submission of a Bid Proposal for the construction of a public work project, in lawful money of the United States, to be paid in Collin County, Texas, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors jointly and severally, firmly by these presents. The condition of the above obligation is such that whereas the Principal has submitted to Owner a certain Bid Proposal, attached hereto and hereby made a part hereof, to enter into a contract in writing, for the construction of:

BID NO. 2020-81-B
PROSPER TRAIL/DNT INTERSECTION IMPROVEMENTS

NOW, THEREFORE, if the Principal's Proposal shall be rejected or, in the alternative, if the Principal's Proposal shall be accepted and the Principal shall execute and deliver a contract in the form of the Contract attached hereto (properly completed in accordance with said Proposal) and shall furnish performance, payment and maintenance bonds required by the Contract Documents for the Project and provide proof of all required insurance coverages for the Project and shall in all other respects perform the agreement created by the acceptance of said Proposal, then this obligation shall be void, otherwise the same shall remain in force and affect; it being expressly understood and agreed that the liability of the Surety for any breach of condition hereunder shall be in the face amount of this bond and forfeited as a proper measure of liquidated damages.

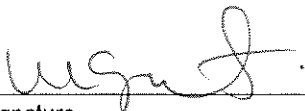
PROVIDED FURTHER, that if any legal action were filed on this Bond, exclusive Venue shall lie in Collin County, Texas.

AND PROVIDED FURTHER, the Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by an extension of the time within which the Owner may accept such Proposal; and said Surety does hereby waive notice of any such extension.

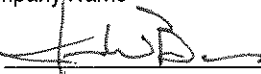
The undersigned and designated agent is hereby designated by the Surety herein as the Resident Agent in Collin County or Dallas County to whom any requisite notices may be delivered and on whom service of process may be had in matters arising out of such suretyship, as provided by Article 7.19-1 of the Insurance Code, Vernon's Annotated Civil Statutes of the State of Texas.

IN WITNESS WHEREOF, this instrument is executed and shall be deemed an original, this, the 14th day of August, 2020.

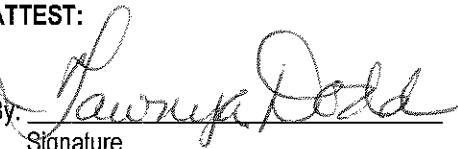
ATTEST:

By: 
 Signature
MELISSA GRAVERT
 Typed/Printed Name
ESTIMATOR
 Title
16990 DALLAS PKWY
 Address
PLANO TX 75248
 City State Zip
214.636.4438 972.346.7072
 Phone Fax

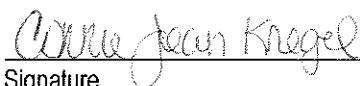
PRINCIPAL:

Accelerated Critical Path, Inc.
 Company Name
 By: 
 Signature
JASON BURNS
 Typed/Printed Name
PARTNER
 Title
16990 Dallas Parkway, Suite 112
 Address
 Plano TX 75248
 City State Zip
(214) 796-4898 (972) 346-7072
 Phone Fax

ATTEST:

By: 
 Signature
Tawnya Dodd
 Printed Name
 Witness
 Title
5055 W Park Blvd., Suite 400
 Address
 Plano TX 75093
 City State Zip
(972) 381-4270 NA
 Phone Fax

SURETY:

Hartford Fire Insurance Company
 By: 
 Signature
Connie Jean Kregel
 Printed Name
 Attorney-in-Fact
 Title
One Hartford Plaza
 Address
 Hartford CT 06155
 City State Zip
(860) 547-5000 NA
 Phone Fax

The Resident Agent of the Surety in Collin County or Dallas County, Texas, for delivery of notice and service of the process is:

NAME: Jeffrey Todd McIntosh
 STREET ADDRESS: 5055 W Park Blvd., Suite 400
 CITY, STATE, ZIP: Plano, TX 75093

NOTE: If Resident Agent is not a corporation, give a person's name.

POWER OF ATTORNEY

THE HARTFORD
BOND, T-12
One Hartford Plaza
Hartford, Connecticut 06155
Bond.Claims@thehartford.com
call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: JT MAC & ASSOCIATES LLC
Agency Code: 46-508071

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of Unlimited** :

Jeffrey Todd McIntosh, Connie Jean Kregel of PLANO, Texas

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 6, 2015 the Companies have caused these presents to be signed by its Senior Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



John Gray, Assistant Secretary

M. Ross Fisher, Senior Vice President

STATE OF CONNECTICUT }
COUNTY OF HARTFORD } ss. Hartford

On this 5th day of January, 2018, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Senior Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Kathleen T. Maynard
Notary Public
My Commission Expires July 31, 2021

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of August 14, 2020.
Signed and sealed at the City of Hartford.



Kevin Heckman, Assistant Vice President

IMPORTANT NOTICE

To obtain information or make a complaint:
You may contact your Agent.

You may call The Hartford's Consumer Affairs toll-free telephone number for information or to make a complaint at:
1-800-451-6944

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights, or complaints at:
1-800-252-3439

You may write the Texas Department of Insurance:
P.O. Box 149104
Austin, TX 78714-9104
Fax: (512) 490-1007
Web: www.tdi.texas.gov
E-mail: ConsumerProtection@tdi.texas.gov

PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim, you should contact the (agent) (company) (agent or the company) first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY:

This notice is for information only and does not become a part or condition of the attached document.



ENGINEERING SERVICES

To: Mayor and Town Council

From: Hulon T. Webb, Jr, Director of Engineering Services

Through: Harlan Jefferson, Town Manager
Rebecca Zook, Executive Director of Development & Infrastructure Services

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon an ordinance amending Section 12.09.003 "Speed Limits on Specific Streets" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances by modifying the prima facie speed limits on certain streets.

Description of Agenda Item:

During the August 25th Council meeting, staff proposed updates to the Town's Speed Limit Ordinance. Included within the updates were the establishment of speed limits for new roadways, as well as recommended changes to existing roadways. During the meeting, Engineering recommended the reduction of the speed limit on Lovers Lane from 45 to 40 mph. After reviewing the situation in the field, it was identified that the roadway is already signed for 40 mph. Engineering is recommending that the existing signage remain for a number of reasons including the roadway alignment, the number of trips, and the potential for the road to be used as a cut-through between Preston Road and US 380. In addition to Lovers Lane, the speed on Richland Boulevard was also recommended to be reduced from 45 to 40 mph. Similarly, Richland Boulevard is also currently posted at 40 mph, so no change in signage is needed at this time. Lastly, staff recommended that Victory Way east of Prosper High School be signed for 45 mph. Council requested staff contact the Prosper Independent School District (PISD) to determine if they had any concerns. PISD did not object since there is a fence separating Prosper High School from Victory Way, and access to Prosper High School is either from Coleman Street or Frontier Parkway.

Also included in the proposed ordinance, under the State Highway section, is the removal of Business 289 (Coleman Street) from US 380 (University Drive) to FM 1193 (Broadway) since it is no longer on the state system. The proposed speed limits to Coleman Street account for the new limits of Coleman Street south of Broadway.

Attached Documents:

1. Existing Speed Limit Map
2. Proposed Speed Limit Map
3. Ordinance

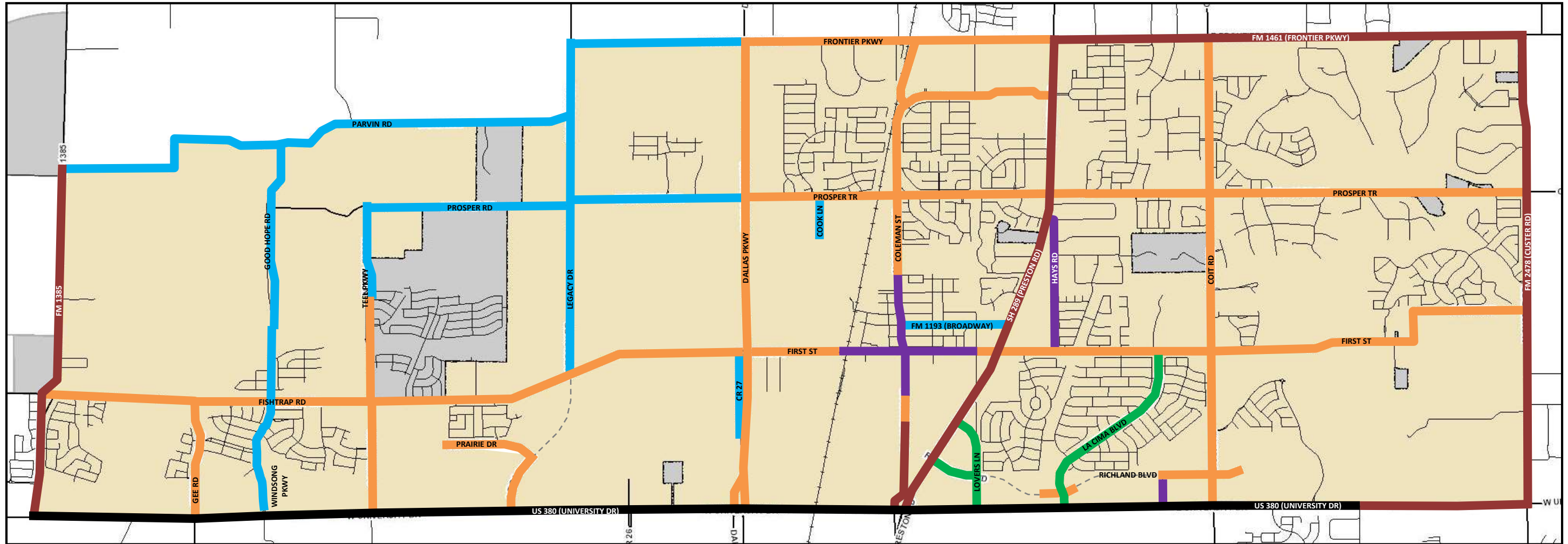
Town Staff Recommendation:

Town staff recommends that the Town Council approve an ordinance amending Section 12.09.003 "Speed Limits on Specific Streets" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances to modify the prima facie speed limits on certain streets.

Proposed Motion:

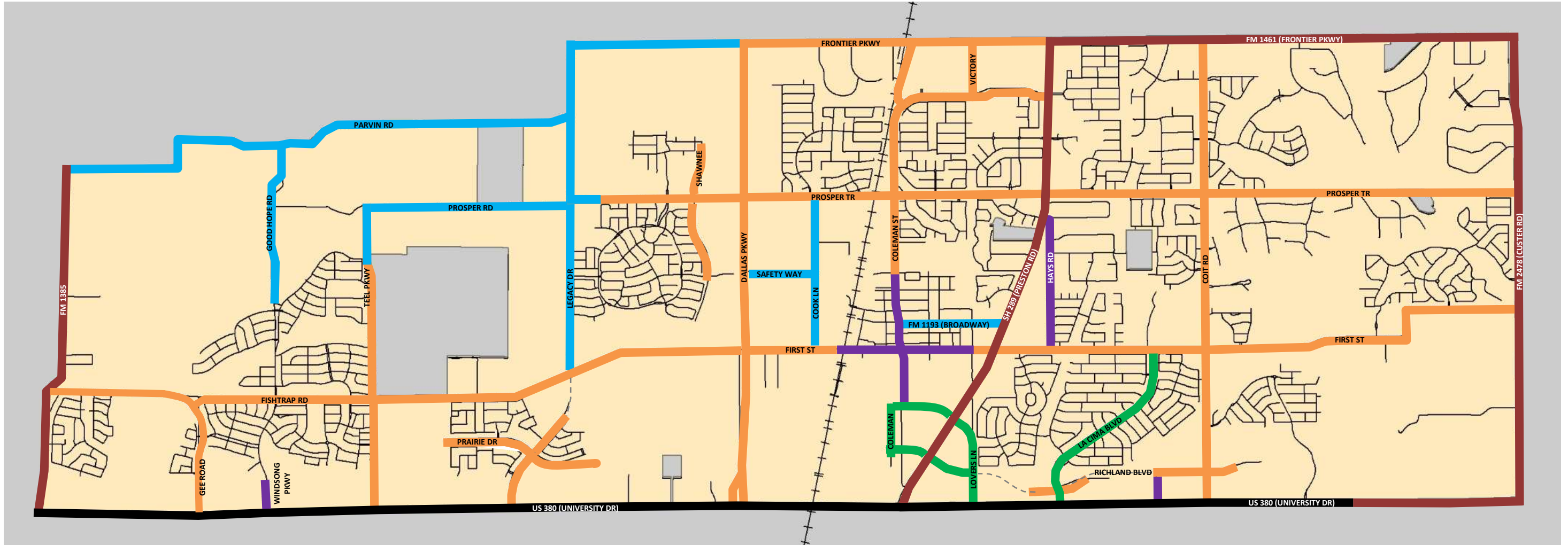
I move to approve an ordinance amending Section 12.09.003 "Speed Limits on Specific Streets" of Chapter 12 "Traffic and Vehicles" of the Town's Code of Ordinances to modify the prima facie speed limits on certain streets.

Existing Speed Limits



ALL NEIGHBORHOOD STREETS ARE 25 MPH UNLESS OTHERWISE NOTED

Proposed Speed Limits



ALL NEIGHBORHOOD STREETS ARE 25 MPH UNLESS OTHERWISE NOTED

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2020-__

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 12.09.003, "SPEED LIMITS ON SPECIFIC STREETS," OF CHAPTER 12, "TRAFFIC AND VEHICLES," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER BY MODIFYING THE PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE TOWN OF PROSPER; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Town"), is a home-rule municipal corporation duly organized under the laws of the State of Texas; and

WHEREAS, Section 545.356 of the Texas Transportation Code provides that the governing body of a municipality may alter prima facie speed limits by ordinance based on the results of an engineering and traffic investigation; and

WHEREAS, the Town has investigated the speed limits on streets within its corporate limits and has determined that restating and modifying the prima facie speed limits is in the best interests of the Town and its citizens.

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

SECTION 1

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

SECTION 2

Existing Section 12.09.003, "Speed Limits on Specific Streets," of Chapter 12, "Traffic and Vehicles," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended by modifying the prima facie speed limits on certain streets, to read as follows:

"Sec. 12.09.003 Speed Limits on Specific Streets

A person shall not operate a vehicle upon a public street or highway listed in this section at a speed greater than established by this section, with the limits established being prima facie evidence that the speed is not reasonable and prudent and that the speed is unlawful. The following maximum speed limits are established:

Town Streets		
Street Name	Limits	Speed Limit (MPH)
Broadway	McKinley Street to Coleman Street	25
Coit Road	US 380 (University Drive) to FM 1461 (Frontier Pkwy)	45
Coleman Street	Richland Boulevard to Lovers Lane	40
Coleman Street	Lovers Lane to Broadway	30
Coleman Street	Broadway to Gorgeous Drive	30
Coleman Street	Gorgeous Drive to Talon Lane	45
Coleman Street	Talon Lane to SH 289 (Preston Road)	45
Cook Lane	First Street to Prosper Trail	35
Craig Road	SH 289 (Preston Road) to FM 1193 (Broadway)	25
Dallas Parkway	US 380 (University Drive) to Frontier Parkway	45
First Street	Legacy Drive to 400 feet west of BNSF Railroad	45
First Street	400 feet west of BNSF Railroad to Craig Road	30
First Street	Craig Road to FM 2478 (Custer Road)	45
Fishtrap Road	FM 1385 to Legacy Drive	45
Frontier Parkway	Legacy Drive to Dallas Parkway	35
Frontier Parkway	Dallas Parkway to SH 289 (Preston Road)	45
Gee Road	US 380 (University Drive) to Fishtrap Road	45
Good Hope Road	Windsong Parkway to Parvin Road	35
Hays Road	First Street to South Chandler Circle	30
La Cima Boulevard	US 380 (University Drive) to First Street	40
Legacy Drive	US 380 (University Drive) to 1,600 feet north of Prairie Drive	45
Legacy Drive	Fishtrap Road to Frontier Parkway	35
Lovers Lane	US 380 (University Drive) to SH 289 (Preston Road)	40
Lovers Lane	SH 289 (Preston Road) to Coleman Street	40

McKinley Street	First Street to Fifth Street	25
Main Street	First Street to Seventh Street	25
Parvin Road	FM 1385 to Legacy Drive	35
Prairie Drive	1,400 feet west of Legacy Drive to 1,900 east of Legacy Drive	45
Prosper Commons Blvd.	US 380 (University Drive) to Richland Boulevard	30
Prosper Road	Teel Parkway to Legacy Drive	35
Prosper Trail	Legacy Drive to 1,000 feet east of Legacy Drive	35
Prosper Trail	1,000 feet east of Legacy Drive to Dallas Parkway	45
Prosper Trail	Dallas Parkway to SH 289 (Preston Road)	45
Prosper Trail	SH 289 (Preston Road) to Coit Road	45
Prosper Trail	Coit Road to FM 2478 (Custer Road)	45
Richland Boulevard	Coleman Street to SH 289 (Preston Road)	40
Richland Boulevard	SH 289 (Preston Road) to Lovers Lane	40
Richland Boulevard	1,100 feet west of La Cima Boulevard to 900 feet east of La Cima Boulevard	45
Richland Boulevard	Prosper Commons Boulevard to Coit Road	45
Richland Boulevard	Coit Road to 900 feet east of Coit Road	45
Safety Way	Dallas Parkway to Cook Lane	35
Shawnee Trail	Star Trace Parkway to Caruth Drive	45
Talon Lane	Coleman Street to Frontier Parkway	45
Teel Parkway	US 380 (University Drive) to Windsong Parkway	45
Teel Parkway	Windsong Parkway to Prosper Road	35
Victory Way	Coleman Street to Frontier Parkway	45
Windsong Parkway	US 380 (University Drive) to 1,000 feet north of US 380 (University Drive)	30

State Highways		
Highway	Limits	Speed Limit (MPH)
FM 1193 (Broadway)	Coleman Street to SH 289 (Preston Road)	35
FM 1385	US 380 to Parvin Road	55
FM 1461 (Frontier Pkwy)	SH 289 (Preston Road) to FM 2478 (Custer Road)	55
FM 2478 (Custer Road)	US 380 (University Drive) to FM 1461 (Frontier Pkwy)	55
SH 289 (Preston Road)	US 380 (University Drive) to FM 1461 (Frontier Pkwy)	55
US 380 (University Drive)	FM 1385 to Red Bud Drive	60
US 380 (University Drive)	Red Bud Drive to FM 2478 (Custer Road)	55

SECTION 3

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 portion of conflicting ordinances shall remain in full force and effect.

SECTION 4

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of 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.

SECTION 5

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

SECTION 6

This Ordinance shall become effective after its passage and publication, as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 8TH DAY OF SEPTEMBER, 2020.

APPROVED:

Ray Smith, Mayor

ATTEST:

Melissa Lee, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

PLANNING



To: Mayor and Town Council

From: Alex Glushko, AICP, Planning Manager

**Through: Harlan Jefferson, Town Manager
Rebecca Zook, P.E., Executive Director of Development & Infrastructure Services**

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon an ordinance to rezone 27.4± acres from Planned Development-65 (PD-65) to Planned Development-104 (PD-104), located on the south side of Prairie Drive, east of Legacy Drive. (Z20-0014).

Description of Agenda Item:

On July 28, 2020, the Town Council approved the proposed rezoning request, by a vote of 7-0, subject to:

1. Approval of a Development Agreement, which will include right-of-way and easement dedication and masonry and architectural standards consistent with the attached elevations;
2. The Planned Development Standards, Exhibit C, shall be revised: maximum dwelling size for Type A lots shall be 2,350 square feet and maximum dwelling size for Type B lots shall be 2,600 square feet; and
3. Plate height shall be included in the final version of the development standards of the Planned Development ordinance to be considered for final approval by the Town Council.

An ordinance has been prepared accordingly.

Legal Obligations and Review:

Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard ordinance as to form and legality.

Attached Documents:

1. Ordinance
2. Proposed Exhibits A, B, C, D, E, and F

Staff Recommendation:

Staff recommends the Town Council approve an ordinance to rezone 27.4± acres from Planned Development-65 (PD-65) to Planned Development-104 (PD-104), located on the south side of Prairie Drive, east of Legacy Drive.

Proposed Motion:

I move to adopt an ordinance to rezone 27.4± acres from Planned Development-65 (PD-65) to Planned Development-104 (PD-104), located on the south side of Prairie Drive, east of Legacy Drive.

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2020-____

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING PROSPER'S ZONING ORDINANCE BY REZONING A TRACT OF LAND CONSISTING OF 27.418 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147 AND THE L. NETHERLY SURVEY, ABSTRACT NO. 962, IN THE TOWN OF PROSPER, COLLIN COUNTY AND DENTON COUNTY, TEXAS FROM PLANNED DEVELOPMENT-65 (PD-65) TO PLANNED DEVELOPMENT-104 (PD-104); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council") has investigated and determined that the Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request (Case Z20-0014) from Prosper Villages at Legacy, LLC ("Applicant"), to rezone 27.148 acres of land, more or less, in the Collin County School Land Survey, Abstract No. 147 and the L. Netherly Survey, Abstract No. 962, in the Town of Prosper, Collin County and Denton County, Texas, from Planned Development-65 (PD-65) to Planned Development-104 (PD-104) and being more particularly described in Exhibit "A," attached hereto and incorporated herein for all purposes; and

WHEREAS, the Town Council has investigated 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, Public Hearings have been held, and all other requirements of notice and completion of such procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Prosper and its inhabitants to rezone this property as set forth below.

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

SECTION 1

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

SECTION 2

Amendment to the Town's Zoning Ordinance. The Town's Zoning Ordinance, adopted by Ordinance No. 05-20 is amended as follows: The zoning designation of the below described property containing 27.148 acres of land, more or less, in the Collin County School Land Survey, Abstract No. 147, and the L. Netherly Survey, Abstract No. 962, in the Town of Prosper,

Collin County and Denton County, Texas, (the "Property") and all streets, roads, and alleyways contiguous and/or adjacent thereto is hereby zoned as Planned Development-104 (PD-104) and being more particularly described in Exhibit "A," attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with 1) the Statement of Intent and Purpose, attached hereto as Exhibit B; 2) the Development Standards, attached hereto as Exhibit C; 3) the Site Plan, attached hereto as Exhibit D; 4) the Development Schedule, attached hereto as Exhibit E; and 5) the Façade Plans, attached hereto as Exhibit F, which are incorporated herein for all purposes as if set forth verbatim, subject to the following conditions of approval by the Town Council:

1. Approval of a Development Agreement, which will include right-of-way and easement dedication and masonry and architectural standards consistent with the attached elevations;
2. The Planned Development Standards, Exhibit C, shall be revised: maximum dwelling size for Type A lots shall be 2,350 square feet and maximum dwelling size for Type B lots shall be 2,600 square feet; and
3. Plate height shall be included in the final version of the development standards of the Planned Development ordinance to be considered for final approval by the Town Council.

Two (2) original, official, and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. One (1) copy shall be filed with the Town Secretary and retained as an original record and shall not be changed in any manner.
- b. One (1) copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy, and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

SECTION 3

No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

SECTION 4

Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5

Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper’s Zoning Ordinance No. 05-20, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day’s violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6

Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7

Savings/Repealing Clause. Prosper’s Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the appeal prevent a prosecution from being commenced for any violation if occurring prior to the repealing of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8

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

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 8TH DAY OF SEPTEMBER, 2020.

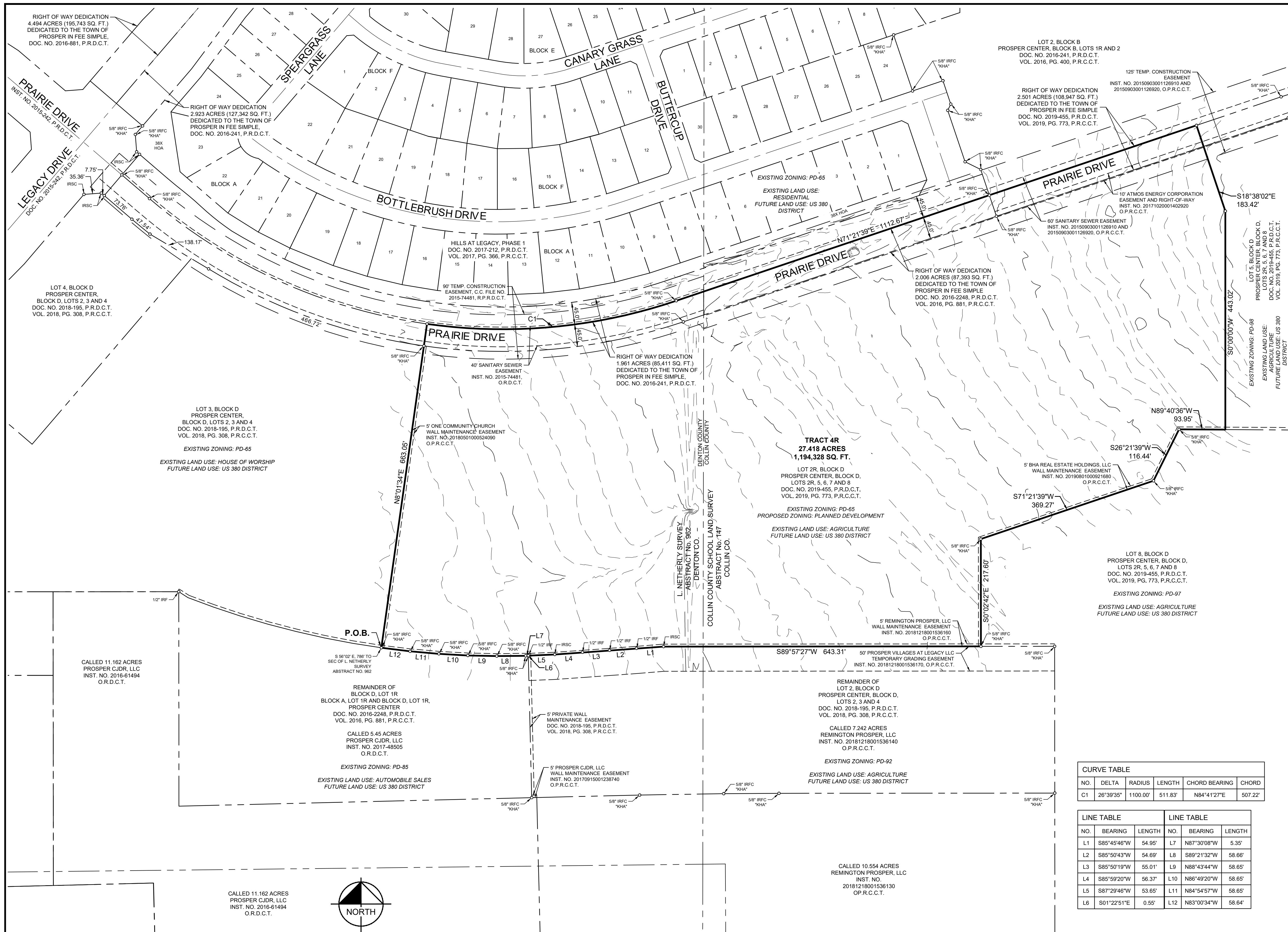
Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney



DESCRIPTION OF PROPERTY:

BEING a tract of land situated in the L. Netherly Survey, Abstract No. 962 and the Collin County School Land Survey, Abstract No. 147, Denton County and Collin County, Texas, and being a lot of Lot 2R, Block D of Prosper Center, Lots 2R, 5, 6, 7 and 8, according to the Revised Conveyance Plat thereof recorded in Document No. 2019-455 of the Plat Records of Denton County, Texas, and also being a portion of Prairie Drive, a 90 foot wide right-of-way, as dedicated in the Revised Conveyance Plat of Block A, Lot 1R and Block D, Lot 1R, Prosper Center recorded in Document No. 2016-2248 of the Plat Records of Denton County, Texas, and in said Revised Conveyance Plat recorded in Document No. 2019-455 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING a 5/8 inch iron rod with plastic cap stamped "KHA" found for the southwest corner of said Lot 2R, common to the southeast corner of Lot 3, Block D of Prosper Center, Block D, Lots 2, 3 and 4, according to the Revised Conveyance Plat thereof recorded in Document No. 2018-195 of the Plat Records of Denton County, Texas, same being on the northerly line of a called 5.45 acre tract of land described in a Special Warranty Deed to Prosper CJD, LLC, as recorded in Instrument No. 2017-48505 of the Official Records of Denton County, Texas;

THENCE North 8°01'34" East, departing the northerly line of said 5.45 acre tract, along the westerly line of said Lot 2R and the easterly line of said Lot 3, passing at a distance of 618.05 feet a 5/8 inch iron rod with plastic cap stamped "KHA" found for the northwest corner of said Lot 2R, common to the northeast corner of said Lot 3, being on the southerly right-of-way line of Prairie Drive, a variable width right-of-way, and continuing along the same course, departing the southerly right-of-way line of said Prairie Drive and crossing said Prairie Drive, for a total distance of 663.05 feet to a point for corner in the centerline of said Prairie Drive, and at the beginning of a non-tangent curve to the left having a central angle of 26°39'35", a radius of 1100.00 feet, a chord bearing and distance of North 84°41'27" East, 507.22 feet;

THENCE along the centerline of said Prairie Drive, the following:

In a northeasterly direction, with said curve to the left, an arc distance of 511.83 feet to a point for corner;

North 71°21'39" East, a distance of 1112.67 feet to a point for corner;

THENCE South 18°38'02" East, departing the centerline of said Prairie Drive and crossing said Prairie Drive, passing at a distance of 45.00 feet a 5/8 inch iron rod with plastic cap stamped "KHA" found for the northeast corner of said Lot 2R, common to the northwest corner of Lot 5, Block D of said Prosper Center, Lots 2R, 5, 6, 7 and 8, same being on the southerly right-of-way line of said Prairie Drive, and continuing along the same course and along the easterly line of said Lot 2R and the westerly line of said Lot 5, for a total distance of 183.42 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE South 00°00'00" West, continuing along the easterly line of said Lot 2R and the westerly line of said Lot 5, a distance of 443.02 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for the northerly southeast corner of said Lot 2R, common to the southwest corner of said Lot 5, being on the northerly line of Lot 8, Block D of said Prosper Center, Lots 2R, 5, 6, 7 and 8;

THENCE along the southerly and easterly lines of said Lot 2R and the northerly and westerly lines of said Lot 8, the following:

North 89°40'36" West, a distance of 93.95 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

South 26°21'39" West, a distance of 116.44 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

South 71°21'39" West, a distance of 369.27 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

South 0°02'42" East, a distance of 217.60 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the southerly southeast corner of said Lot 2R, common to the northerly southwest corner of said Lot 8, being on the northerly line of a called 7.242 acre tract of land described in a deed to a called 7.242 acre tract of land described in a deed to Remington Prosper, LLC, as recorded in Instrument No. 20181218001536140 of the Official Public Records of Collin County, Texas;

THENCE along the southerly line of said Lot 2R and the northerly and westerly lines of said 7.242 acre tract, the following:

South 89°57'27" West, a distance of 643.31 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 85°45'46" West, a distance of 54.95 feet to a 1/2 inch iron rod found for corner;

South 85°50'43" West, a distance of 54.69 feet to a 1/2 inch iron rod found for corner;

South 85°50'19" West, a distance of 55.01 feet to a 1/2 inch iron rod found for corner;

South 85°59'20" West, a distance of 56.37 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

South 87°29'46" West, a distance of 53.65 feet to a 1/2 inch iron rod found for the northwest corner of said 7.242 acre tract;

South 1°22'51" East, a distance of 0.55 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for an ell corner of said Lot 2R, common to the northeast corner of aforesaid 5.45 acre tract;

THENCE departing the westerly line of said 7.242 acre tract, continuing along the southerly line of said Lot 2 and along the northerly line of said 5.45 acre tract, the following:

North 87°30'08" West, a distance of 5.35 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

South 89°21'32" West, a distance of 58.66 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 88°43'44" West, a distance of 58.65 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 86°49'20" West, a distance of 58.65 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 84°54'57" West, a distance of 58.65 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 83°00'34" West, a distance of 58.64 feet to the **POINT OF BEGINNING** and containing 27.418 acres (1,194,328 square feet) of land, more or less.

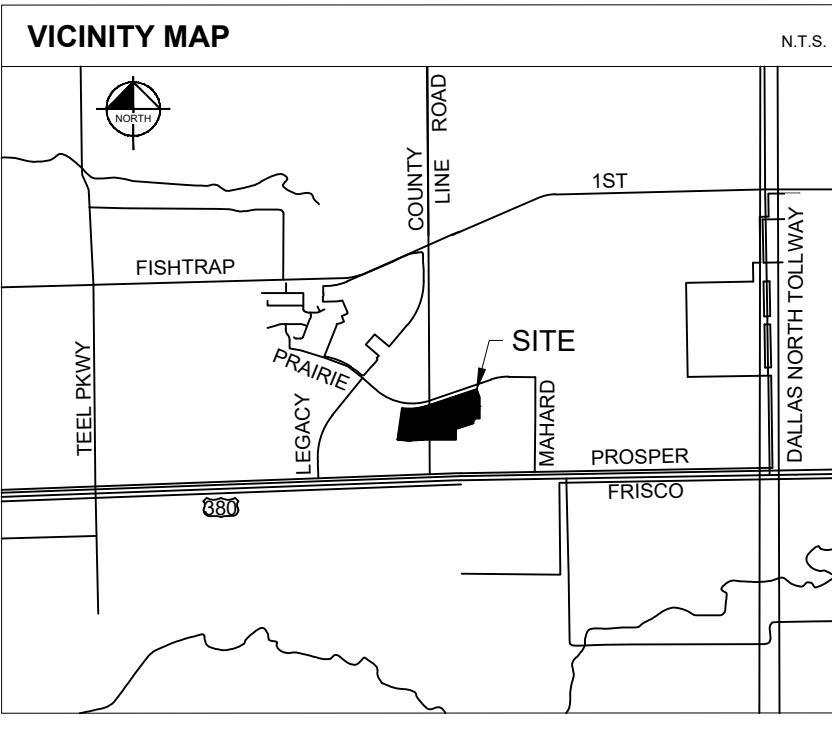
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	26°39'35"	1100.00'	511.83'	N84°41'27"E	507.22'

NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	S85°45'46"W	54.95'	L7	N87°30'08"W	5.35'
L2	S85°50'43"W	54.69'	L8	S89°21'32"W	58.66'
L3	S85°50'19"W	55.01'	L9	N88°43'44"W	58.65'
L4	S85°59'20"W	56.37'	L10	N86°49'20"W	58.65'
L5	S87°29'46"W	53.65'	L11	N84°54'57"W	58.65'
L6	S01°22'51"E	0.55'	L12	N83°00'34"W	58.64'

EXHIBIT A
TRACT 4R
27.418 ACRES (GROSS)
25.729 ACRES (NET)

LOT 2R, BLOCK D OF PROSPER CENTER,
 BLOCK D, LOTS 2R, 5, 6, 7 AND 8

L. NETHERLY SURVEY, ABSTRACT NO. 962
 COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147
 TOWN OF PROSPER, DENTON AND COLLIN COUNTY, TEXAS
 CASE NO. Z20-0014



LEGEND

P.O.B. = POINT OF BEGINNING
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
 IPF = IRON PIPE FOUND
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 O.R.D.C.T. = OFFICIAL RECORDS, DENTON COUNTY, TEXAS
 P.R.D.C.T. = PLAT RECORD, DENTON COUNTY, TEXAS
 P.R.C.C.T. = PLAT RECORD, COLLIN COUNTY, TEXAS
 O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS

NOTES:

- Bearing system based on the south line of Prosper Center Block B, Lot 1R and 2 as recorded in Doc. No. 2016-241 P.R.D.C.T.
- According to Map No. 48121C0230J, dated June 02, 2009 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration and Map No. 48085C0230J, dated June 2, 2009 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is located within Zone "X-Unshaded", which is not a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

Lots: 103
 Acreage: 25.729
 Density: 4.00 D.U./AC

SYLVIANA GUNAWAN
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6461
 6160 WARREN PKWY., SUITE 210
 FRISCO, TEXAS 75034
 PH. 972-335-3580
 sylviana.gunawan@kimley-horn.com

PRELIMINARY
 THIS DOCUMENT SHALL
 NOT BE RECORDED FOR
 ANY PURPOSE AND
 SHALL NOT BE USED OR
 VIEWED OR RELIED
 UPON AS A FINAL
 SURVEY DOCUMENT

Kimley»Horn

6160 Warren Parkway, Suite 210
 Frisco, Texas 75034
 Tel. No. (972) 335-3580
 FIRM # 10193822

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SG	KHA	MAY 2020	067252018	1 OF 1

OWNER:
 Prosper Villages at Legacy LLC
 10950 Research Road
 Frisco, Texas 75033
 Ph: 214.387.3993
 Contact: Clint Richardson

ENGINEER:
 Kimley-Horn and Associates, Inc.
 6160 Warren Parkway, Suite 210
 Frisco, Texas 75034
 Ph: 972.335.3580
 Contact: Thomas Fletcher, P.E.

Z20-0014

EXHIBIT "B"

STATEMENT OF INTENT AND PURPOSE

This Planned Development District establishes the development standards to facilitate the development of a single-family community within Tract 4R of Greens at Legacy.

Z20-0014**EXHIBIT "C"****PLANNED DEVELOPMENT STANDARDS**

Conformance with the Town's Zoning Ordinance and Subdivision Ordinance: Except as otherwise set forth in these Development Standards, the regulations of the Town's Zoning Ordinance (Ordinance No. 05-20 as it currently exists or may be amended) and the Subdivision Ordinance (Ordinance No. 17-41 as it currently exists or may be amended) shall apply.

1. Single Family Residential

- 1.1 Conceptual Layout: The single-family detached development within Tract 4R shall be in general accordance with the attached conceptual layout set forth in Exhibit D.

Density: A maximum of one hundred five (105) units shall be allowed within Tract 4R, of which, a minimum of thirty (30) units shall be Type B Lots and the remainder shall be Type A Lots.

One-Story Houses: A minimum of 50 percent (50%) of the houses built in this development shall be one-story in height.

- 1.2 Permitted Uses: Land uses allowed within the Single Family Residential Tracts are as follows: Uses followed by an **S** are permitted by Specific Use Permit. Uses followed by a **C** are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town's Zoning Ordinance.

- Accessory Building
- Antenna and/or Antenna Support Structure, Non-Commercial **C**
- Day Care Center, In-Home **C**
- Garage Apartment
- Guest House
- Home Occupation **C**
- Homebuilder Marketing Center **C**
- House of Worship
- Household Care Facility
- Model Home
- Municipal Uses Operated by the Town of Prosper
- Park or Playground
- Private Recreation Center
- Private Utility, Other Than Listed
- Single Family Dwelling, Detached - as described herein
- Temporary Building **C**
- Utility Distribution/Transmission Facility **S**

- 1.3 Density: The maximum number of single family detached units shall be one hundred five (105).

1.4 Lot Types: The single family detached lots shall be in accordance with the following Lot Types:

- Type A Lots: Minimum 6,600 square foot lots
- Type B Lots: Minimum 7,800 square foot lots

1.5 Single Family Detached Residential Area and Building Regulations:

1.5.1 Type A: A maximum of seventy-five (75) total units of this type shall be allowed and shall only be located within Tract4R.

1.5.1.1 Size of Yards:

1.5.1.1.1 Minimum Front Yard: The minimum front yard shall be twenty (20) feet and twenty-five (25) feet for the front façade of garages.

1.5.1.1.2 Minimum Side Yard: Five (5) feet; fifteen (15) feet on corner adjacent to street.

1.5.1.1.3 Minimum Rear Yard: Fifteen (15) feet for a one (1) story house and twenty (20) feet for a two (2) story house.

1.5.1.2 Size of Lots:

1.5.1.2.1 Minimum Lot Area: Six thousand six hundred (6,600) square feet.

1.5.1.2.2 Minimum Lot Width: Fifty-five (55) feet; except for lots at the terminus of a cul-de-sac, on a corner, or along a curve may have a width of fifty (50) feet at the front building line; provided all other requirements of this section are fulfilled.

1.5.1.2.3 Minimum Lot Depth: One hundred twenty (120) feet; except for lots at the terminus of a cul-de-sac, on a corner, backing to a turn lane, or along a curve may have a depth of one hundred ten (110) feet, measured at the midpoints of the front and rear lot lines provided all other requirements of this section are fulfilled.

1.5.1.3 Minimum Dwelling Area: Two thousand three hundred and fifty (2,350) square feet.

1.5.1.4 Maximum Building Height: Two and a half (2 ½) stories, no greater than forty (40) feet.

1.5.1.5 Lot Coverage: Fifty Five (55) percent.

1.5.2 Type B: Except for those lots developed per 1.5.1, the remainder of the units within the development shall be of this type.

1.5.2.1 Size of Yards:

1.5.2.1.1 Minimum Front Yard: The minimum front yard shall be twenty (20) feet and twenty-five (25) feet for the front façade of garages.

1.5.2.1.2 Minimum Side Yard: Five (5) feet; fifteen (15) feet on corner adjacent to street.

1.5.2.1.3 Minimum Rear Yard: Fifteen (15) feet for a one (1) story house and twenty (20) feet for a two (2) story house.

1.5.2.2 Size of Lots:

1.5.2.2.1 Minimum Lot Area: Seven thousand eight hundred (7,800) square feet.

1.5.2.2.2 Minimum Lot Width: Sixty-five (65) feet; except for lots at the terminus of a cul-de-sac, on a corner, or along a curve may have a width of sixty (60) feet at the front building line; provided all other requirements of this section are fulfilled.

1.5.2.2.3 Minimum Lot Depth: One hundred twenty (120) feet; except for lots at the terminus of a cul-de-sac, on a corner, backing to a turn lane, or along a curve may have a depth of one hundred ten (110) feet, measured at the midpoints of the front and rear lot lines provided all other requirements of this section are fulfilled.

1.5.2.3 Minimum Dwelling Area: Two thousand six hundred (2,600) square feet.

1.5.2.4 Maximum Building Height: Two and a half (2 ½) stories, no greater than forty (40) feet.

1.5.2.5 Lot Coverage: Fifty Five (55) percent

1.6 Additional Standards: Residential development shall employ the following additional measures to promote a quality residential community.

1.6.1 Fencing: All fencing shall comply with the Town's fencing standards as they exist or may be amended. In addition, the following regulations shall apply:

1.6.1.1 Fencing shall not exceed (8) feet in height above grade.

1.6.1.2 All fencing located adjacent to open space, parks, or floodplain shall consist of ornamental metal.

1.6.1.3 All wood fencing facing a public street shall consist of cedar, board on board with a top rail, and supported by steel posts. A common wood fence stain color shall be established for the community by the developer.

1.6.1.4 Fences shall be located at least ten (10) feet behind the front elevation of the main building.

1.6.2 Exterior Lighting: All homes shall provide an exterior lighting package to illuminate front entrances and garages.

1.6.3 Garages:

1.6.3.1 Homes shall have a minimum of two (2) car garages, but not more than three (3). No carports shall be permitted.

1.6.3.2 A house with three (3) car garage/enclosed parking spaces shall not have more than two (2) garage doors facing the street. (Note that one double (approximately 20') door counts as two garage doors).

1.6.3.3 All garage doors shall have stamped reveals / texture or have a cedar cladding.

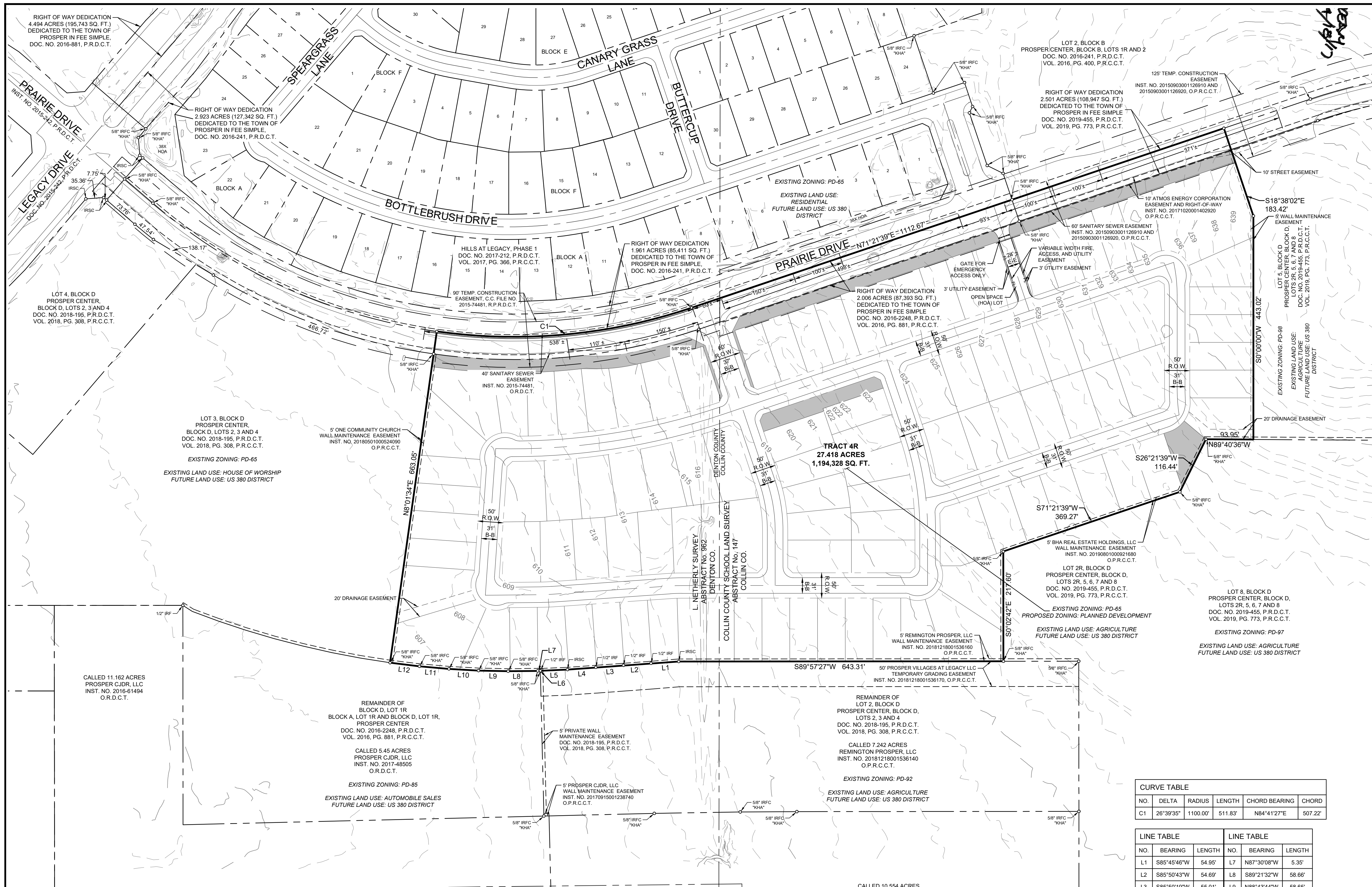
1.6.3.4 Type A and Type B Lots shall not be required to have swing-in driveways and/or side facing garages.

1.6.4 Driveways and Sidewalks:

All portions of driveways and sidewalks outside of the public ROW shall incorporate an enhanced paving treatment consisting of stained concrete, exposed aggregate concrete, salt finished concrete, and/or brick borders.

1.6.5 Building Facades:Houses within Tract 4R shall be in general conformance with the conceptual facades shown in Exhibit F

1.6.6 A minimum of fifty percent (50%) of the front elevation of each structure shall have a minimum plate height of 10 feet on the first floor.



- NOTES:**
- Bearing system based on the south line of Prosper Center Block B, Lot 1R and 2 as recorded in Doc. No. 2016-241 P.R.D.C.T.
 - According to Map No. 48121C0230J, dated June 02, 2009 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration and Map No. 48085C0230J, dated June 2, 2009 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is located within Zone "X-Unshaded", which is not a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

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 O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
- = OPEN SPACE LOT

Land Use Table

Tract	4R
Type A SF Units	Max. of 75
Type B SF Units	Min. of 30
Total	Max of 105

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	26°39'35"	1100.00'	511.83'	N84°41'27"E	507.22'

LINE TABLE

NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
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EXHIBIT D
TRACT 4R
27.418 ACRES (GROSS)
25.729 ACRES (NET)

LOT 2R, BLOCK D OF PROSPER CENTER,
 BLOCK D, LOTS 2R, 5, 6, 7 AND 8

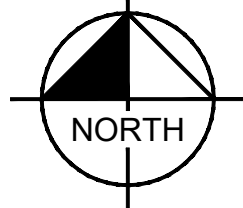
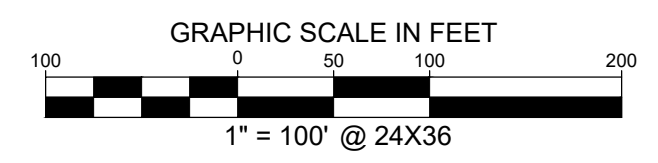
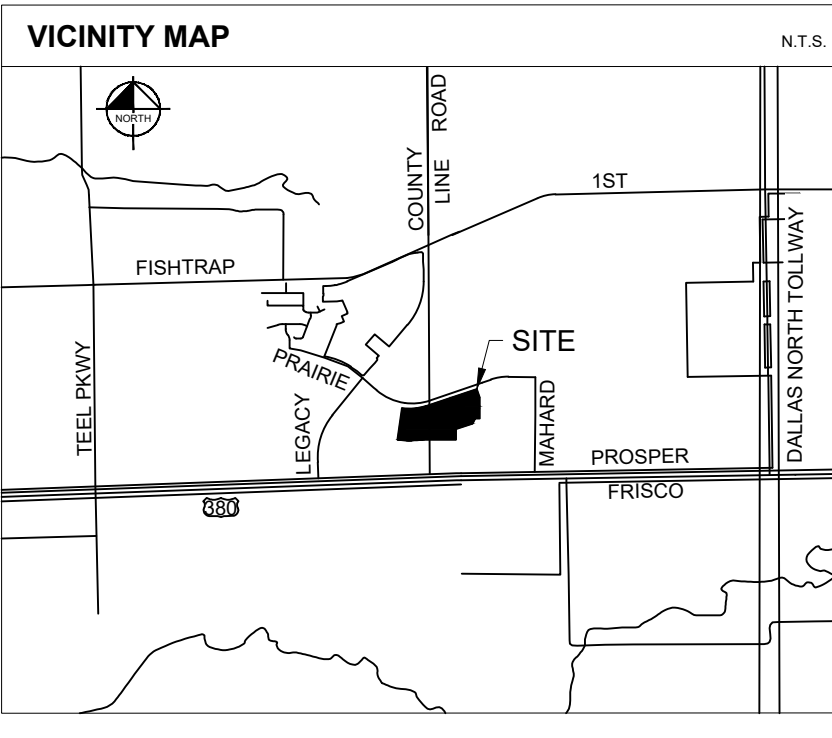
L. NETHERLY SURVEY, ABSTRACT NO. 962
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 TOWN OF PROSPER, DENTON AND COLLIN COUNTY, TEXAS
 CASE NO. Z20-0014

Kimley»Horn
 6160 Warren Parkway, Suite 210
 Frisco, Texas 75034
 Tel. No. (972) 335-3580
 FIRM # 10193822

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	MMV	MMV	JUNE 2020	067252018	1 OF 1

OWNER:
 Prosper Villages at Legacy LLC
 10950 Research Road
 Frisco, Texas 75033
 Ph: 214.387.3993
 Contact: Clint Richardson

ENGINEER:
 Kimley-Horn and Associates, Inc.
 6160 Warren Parkway, Suite 210
 Frisco, Texas 75034
 Ph: 972.335.3580
 Contact: Thomas Fletcher, P.E.



NAME: KIMLEY-HORN COUNTY, PROSPER CENTER, BLOCK D, LOTS 2R, 5, 6, 7 AND 8 ZONING: RESIDENTIAL EXHIBIT D DWG: PLOTTED BY: VOLK, MARISA (MTH) 05/26/20 12:48 PM LAST SAVED: 05/26/20 10:54 AM

Z20-0014

EXHIBIT "E"

DEVELOPMENT SCHEDULE

It is anticipated that the development of the single-family community within Tract 4R of Prosper Center will begin within 1 to 5 years after approval and signing of the zoning ordinance. During this time period, prior to the initial stages of development, it is foreseen that plans and studies will be prepared for development and marketing of the property.

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

Z20-0014
EXHIBIT "F"

Type A Lot (55' width) - 40' wide home



Type A Lot (55' width) - 45' wide home



Z20-0014
EXHIBIT "F"

Type B Lot (65' width) - 50' wide home



Type B Lot (65' width) - 55' wide home



Z20-0014
EXHIBIT "F"

Type A Lot (55' width) - 40' wide home



Type A Lot (55' width) - 45' wide home



Z20-0014
EXHIBIT "F"

Type B Lot (65' width) - 50' wide home



Type B Lot (65' width) - 55' wide home



PLANNING

To: Mayor and Town Council

From: Alex Glushko, AICP, Planning Manager

Through: Harlan Jefferson, Town Manager
Rebecca Zook, P.E., Executive Director of Development and
Infrastructure Services

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act to authorize the Town Manager to execute a Development Agreement between Prosper Villages at Legacy, LLC, and the Town of Prosper, Texas, related to the Greens at Legacy development.

Description of Agenda Item:

On July 28, 2020, the Town Council approved the rezoning request (Z20-0014) related to residential development within the proposed Greens at Legacy. The zoning request was approved subject to Town Council approval of a Development Agreement including masonry and architectural standards consistent with elevations proposed in conjunction with the rezoning request. A Development Agreement has been prepared accordingly.

Legal Obligations and Review:

Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the agreement as to form and legality.

Attached Documents:

1. Development Agreement
2. Exhibit A - Property Description
3. Exhibit B - Architectural Standards and Building Materials

Town Staff Recommendation:

Staff recommends the Town Council authorize the Town Manager to execute a Development Agreement between Prosper Villages at Legacy, LLC, and the Town of Prosper, Texas, related to the Greens at Legacy development.

Proposed Motion:

I move to authorize the Town Manager to execute a Development Agreement between Prosper Villages at Legacy, LLC, and the Town of Prosper, Texas, related to the Greens at Legacy development.

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (“Agreement”) is entered into by and between the Town of Prosper, Texas (“Town”), and Prosper Villages at Legacy LLC (“Owner”) (individually, a “Party” and collectively, the “Parties”) to be effective (the “Effective Date”) on the latest date executed by a Party.

WHEREAS, the Town is a home-rule municipal corporation, located in Collin County and Denton County, Texas, organized and existing under the laws of the State of Texas; and

WHEREAS, Owner is a limited liability company qualified to do business in the State of Texas; and

WHEREAS, Owner is developing property in the Town for single-family residential use (the “Development”); and

WHEREAS, a legal description of the property for the Development is more particularly described in Exhibit A, attached hereto and incorporated by reference (the “Property”); and

WHEREAS, this Agreement seeks to incorporate, in part, the negotiated and agreed upon materials construction and architectural standards for the Development and as contained in this Development Agreement, and to recognize Owner’s reasonable investment-backed expectations in the Development, as more fully described herein; and

WHEREAS, subject to the terms of this Agreement, Owner agrees and acknowledges that it will construct on the Property structures in accordance with the provisions, standards and notes reflected in this Agreement.

NOW, THEREFORE, in consideration of the foregoing premises, and for other good and valuable consideration the receipt and adequacy of which are hereby acknowledged, the Parties to this Agreement agree as follows:

1. Architectural Standards and Building Materials. For any structure built in the Development following the Effective Date, it shall comply with the applicable requirements contained in Exhibit B, “Architectural Standards and Building Materials,” attached hereto and incorporated by reference, and Owner agrees to construct those structures in compliance therewith. The Parties agree and acknowledge that the provisions of this Paragraph shall apply to any structure constructed subsequent to the execution of this Agreement. Nothing in this Agreement shall be deemed to modify or otherwise amend any zoning regulation duly adopted by the Town, previously or in the future.

2. Covenant Running with the Land. The terms, conditions, rights, obligations, benefits, covenants and restrictions of the provisions of this Agreement shall be deemed covenants running with the land, and shall be binding upon and inure to the benefit of the Owner and its heirs, representatives, successors and assigns. This Agreement shall be deemed to be incorporated into each deed and conveyance of the Property or any portion thereof hereafter made by any other owners of the Property, regardless of whether this Agreement is expressly referenced therein.

3. **Applicability of Town Ordinances.** Owner shall develop the Property, and construct all structures on the Property, in accordance with all applicable Town ordinances and building/construction codes.

4. **Default.** No Party shall be in default under this Agreement until notice of the alleged failure of such Party to perform has been given (which notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time determined based on the nature of the alleged failure, but in no event less than thirty (30) days after written notice of the alleged failure has been given). In addition, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured. If either Party is in default under this Agreement, the other Party shall have the right to enforce the Agreement in accordance with applicable law, provided, however, in no event shall any Party be liable for consequential or punitive damages.

5. **Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Collin County, Texas. Exclusive venue for any action arising under this Agreement shall lie in Collin County, Texas.

6. **Notice.** Any notices required or permitted to be given hereunder (each, a "Notice") shall be given by certified or registered mail, return receipt requested, to the addresses set forth below or to such other single address as either party hereto shall notify the other:

If to the Town: The Town of Prosper
250 W. First Street
P.O. Box 307
Prosper, Texas 75078
Attention: Town Manager

If to Owner: Prosper Villages at Legacy, LLC
10950 Research Road
Frisco, Texas 75035
Attention: Craig Curry

With a Copy to: Charles A. Poché, Jr.
POCHÉ LAW PC
5400 LBJ Freeway, Suite 1200
Dallas, Texas 75240

7. **Prevailing Party.** In the event any person initiates or defends any legal action or proceeding to enforce or interpret any of the terms of this Agreement, the prevailing party in any such action or proceeding shall be entitled to recover its reasonable costs and attorney's fees (including its reasonable costs and attorney's fees on any appeal).

8. **Entire Agreement.** This Agreement contains the entire agreement between the Parties hereto with respect to development of the Property and supersedes all prior agreements, oral or written, with respect to the subject matter hereof. The provisions of this Agreement shall be construed as a whole and not strictly for or against any Party.

9. **Savings/Severability.** In the event any provision of this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Agreement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part hereof.

10. **Binding Agreement;** Counterparts. A scanned copy sent via electronic mail by either party of a duly executed counterpart of this Agreement shall be sufficient to evidence the binding agreement of each Party to the terms herein. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

11. **Authority to Execute.** This Agreement shall become a binding obligation on the Parties upon execution by all signatories hereto. The Town warrants and represents that the individual executing this Agreement on behalf of the Town has full authority to execute this Agreement and bind the Town to the same. Owner warrants and represents that the individual executing this Agreement on behalf of Owner has full authority to execute this Agreement and bind Owner to the same. The Town Council hereby authorizes the Town Manager of the Town to execute this Agreement on behalf of the Town.

12. **Mediation.** In the event of any disagreement or conflict concerning the interpretation of this Agreement, and such disagreement cannot be resolved by the Parties, the Parties agree to submit such disagreement to nonbinding mediation.

13. **Sovereign Immunity.** The Parties agree that the Town has not waived its sovereign immunity from suit by entering into and performing its obligations under this Agreement.

13. **Effect of Recitals.** The recitals contained in this Agreement: (a) are true and correct as of the Effective Date; (b) form the basis upon which the Parties negotiated and entered into this Agreement; (c) are legislative findings of the Town Council; and (d) reflect the final intent of the Parties with regard to the subject matter of this Agreement. In the event it becomes necessary to interpret any provision of this Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect. The Parties have relied upon the recitals as part of the consideration for entering into this Agreement and, but for the intent of the Parties reflected by the recitals, would not have entered into this Agreement.

15. **Consideration.** This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.

16. **Exactions/Infrastructure Costs.** Owner has been represented by legal counsel in the negotiation of this Agreement and been advised or has had the opportunity to have legal counsel review this Agreement and advise Owner, regarding Owner's rights under Texas and federal law. Owner hereby waives any requirement that the Town retain a professional engineer, licensed pursuant to Chapter 1001 of the Texas Occupations Code, to review and determine that the exactions required by the Town are roughly proportional or roughly proportionate to the proposed development's anticipated impact. Owner specifically reserves its right to appeal the apportionment of municipal infrastructure costs in accordance with § 212.904 of the Texas Local Government Code; however, notwithstanding the foregoing, Owner hereby releases the Town from any and all liability under § 212.904 of the Texas Local Government Code, as amended, regarding or related to the cost of those municipal infrastructure requirements imposed by this Agreement.

17. **Rough Proportionality.** Owner hereby waives any federal constitutional claims and any statutory or state constitutional takings claims under the Texas Constitution with respect to roadway or infrastructure requirements imposed by this Agreement. Owner and the Town further agree to waive and release all claims one may have against the other related to any and all rough proportionality and individual determination requirements mandated by the United States Supreme Court in *Dolan v. City of Tigard*, 512 U.S. 374 (1994), and its progeny, as well as any other requirements of a nexus between development conditions and the projected impact of the terms of this Agreement, with respect to roadway or infrastructure requirements imposed by this Agreement.

18. **Waiver of Texas Government Code § 3000.001 et seq.** With respect to any structures or improvements constructed on the Property pursuant to this Agreement, Owner hereby waives any right, requirement or enforcement of Texas Government Code §§ 3000.001-3000.005, effective as of September 1, 2019.

19. **Time.** Time is of the essence in the performance by the Parties of their respective obligations under this Agreement.

20. **Third Party Beneficiaries.** Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the Parties do not intend to create any third-party beneficiaries by entering into this Agreement.

21. **Amendment.** This Agreement shall not be modified or amended except in writing signed by the Parties. A copy of each amendment to this Agreement, when fully executed and recorded, shall be provided to each Party, Assignee and successor owner of all or any part of the Land; however, the failure to provide such copies shall not affect the validity of any amendment. This Agreement, and any and all subsequent amendments to this Agreement, shall be filed in the deed records of Collin County, Texas.

22. **Miscellaneous Drafting Provisions.** This Agreement shall be deemed drafted equally by all Parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any Party shall not apply.

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed as of the date referenced herein.

TOWN:

THE TOWN OF PROSPER, TEXAS

By: _____

Name: Harlan Jefferson

Title: Town Manager, Town of Prosper

STATE OF TEXAS)
)
COUNTY OF COLLIN)

This instrument was acknowledged before me on the ____ day of _____, 2020,
by Harlan Jefferson, Town Manager of the Town of Prosper, Texas, on behalf of the Town of
Prosper, Texas.

Notary Public, State of Texas
My Commission Expires: _____

OWNER:

Prosper Villages at Legacy LLC

By: _____
Name: Craig Curry
Title: Manager

STATE OF TEXAS)
)
COUNTY OF COLLIN)

This instrument was acknowledged before me on the ____ day of _____, 2020, by Craig Curry, in his capacity as Manager of Prosper Villages at Legacy LLC, known to be the person whose name is subscribed to the foregoing instrument, and that he executed the same on behalf of and as the act of Owner.

Notary Public, State of Texas
My Commission Expires: _____

EXHIBIT A
(Property Description)

BEING a tract of land situated in the L. Netherly Survey, Abstract No. 962 and the Collin County School Land Survey, Abstract No. 147, Denton County and Collin County, Texas, and being all of Lot 2R, Block D of Prosper Center, Lots 2R, 5, 6, 7 and 8, according to the Revised Conveyance Plat thereof recorded in Document No. 2019-455 of the Plat Records of Denton County, Texas, and also being a portion of Prairie Drive, a 90 foot wide right-of-way, as dedicated in the Revised Conveyance Plat of Block A, Lot 1R and Block D, Lot 1R, Prosper Center recorded in Document No. 2016-2248 of the Plat Records of Denton County, Texas, and in said Revised Conveyance Plat recorded in Document No. 2019-455 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING a 5/8 inch iron rod with plastic cap stamped "KHA" found for the southwest corner of said Lot 2R, common to the southeast corner of Lot 3, Block D of Prosper Center, Block D, Lots 2, 3 and 4, according to the Revised Conveyance Plat thereof recorded in Document No. 2018-195 of the Plat Records of Denton County, Texas, same being on the northerly line of a called 5.45 acre tract of land described in a Special Warranty Deed to Prosper CJDR, LLC, as recorded in Instrument No. 2017-48505 of the Official Records of Denton County, Texas;

THENCE North 8°01'34" East, departing the northerly line of said 5.45 acre tract, along the westerly line of said Lot 2R and the easterly line of said Lot 3, passing at a distance of 618.05 feet a 5/8 inch iron rod with plastic cap stamped "KHA" found for the northwest corner of said Lot 2R, common to the northeast corner of said Lot 3, being on the southerly right-of-way line of Prairie Drive, a variable width right-of-way, and continuing along the same course, departing the southerly right-of-way line of said Prairie Drive and crossing said Prairie Drive, for a total distance of 663.05 feet to a point for corner in the centerline of said Prairie Drive, and at the beginning of a non-tangent curve to the left having a central angle of 26°39'35", a radius of 1100.00 feet, a chord bearing and distance of North 84°41'27" East, 507.22 feet;

THENCE along the centerline of said Prairie Drive, the following:

In a northeasterly direction, with said curve to the left, an arc distance of 511.83 feet to a point for corner;

North 71°21'39" East, a distance of 1112.67 feet to a point for corner;

THENCE South 18°38'02" East, departing the centerline of said Prairie Drive and crossing said Prairie Drive, passing at a distance of 45.00 feet a 5/8 inch iron rod with plastic cap stamped "KHA" found for the northeast corner of said Lot 2R, common to the northwest corner of Lot 5, Block D of said Prosper Center, Lots 2R, 5, 6, 7 and 8, same being on the southerly right-of-way line of said Prairie Drive, and continuing along the same course and along the easterly line of said Lot 2R and the westerly line of said Lot 5, for a total distance of 183.42 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE South 00°00'00" West, continuing along the easterly line of said Lot 2R and the westerly line of said Lot 5, a distance of 443.02 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for the northerly southeast corner of said Lot 2R, common to the southwest corner of said Lot 5, being on the northerly line of Lot 8, Block D of said Prosper Center, Lots 2R, 5, 6, 7 and 8;

THENCE along the southerly and easterly lines of said Lot 2R and the northerly and westerly lines of said Lot 8, the following:

North 89°40'36" West, a distance of 93.95 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found for corner;

South 26°21'39" West, a distance of 116.44 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found for corner;

South 71°21'39" West, a distance of 369.27 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found for corner;

South 0°02'42" East, a distance of 217.60 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the southerly southeast corner of said Lot 2R, common to the northerly southwest corner of said Lot 8, being on the northerly line of a called 7.242 acre tract of land described in a deed to a called 7.242 acre tract of land described in a deed to Remington Prosper, LLC, as recorded in Instrument No. 20181218001536140 of the Official Public Records of Collin County, Texas;

THENCE along the southerly line of said Lot 2R and the northerly and westerly lines of said 7.242-acre tract, the following:

South 89°57'27" West, a distance of 643.31 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 85°45'46" West, a distance of 54.95 feet to a 1/2 inch iron rod found for corner; South 85°50'43" West, a distance of 54.69 feet to a 1/2 inch iron rod found for corner; South 85°50'19" West, a distance of 55.01 feet to a 1/2 inch iron rod found for corner;

South 85°59'20" West, a distance of 56.37 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 87°29'46" West, a distance of 53.65 feet to a 1/2 inch iron rod found for the northwest corner of said 7.242 acre tract;

South 1°22'51" East, a distance of 0.55 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found for an ell corner of said Lot 2R, common to the northeast corner of aforesaid 5.45-acre tract;

THENCE departing the westerly line of said 7.242-acre tract, continuing along the southerly line of said Lot 2 and along the northerly line of said 5.45-acre tract, the following:

North 87°30'08" West, a distance of 5.35 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner South 89°21'32" West, a distance of 58.66 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 88°43'44" West, a distance of 58.65 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found for corner;

North 86°49'20" West, a distance of 58.65 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found for corner;

North 84°54'57" West, a distance of 58.65 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found for corner;

North 83°00'34" West, a distance of 58.64 feet to the **POINT OF BEGINNING** and containing 27.418 acres (1,194,328 square feet) of land, more or less.

EXHIBIT B**ARCHITECTURAL STANDARDS AND BUILDING MATERIALS****Single-Family Residential Structures**

- A. The exterior facade of a residential building or structure, excluding glass windows and doors, shall comply with the following requirements:
1. The exterior facades shall be constructed of one hundred percent (100%) masonry, unless otherwise specified in this agreement.
 2. Exterior materials shall be 100% masonry (brick, cast stone and stone) on all walls facing any street.
 3. Cementitious fiber board is considered masonry but may only constitute fifty percent (50%) of stories other than the first story.
 4. Cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story.
 5. Any portion of an upper story, excluding windows and architectural features identified in this agreement, that faces a street, public or private open space, public or private parks, or hike and bike trails, shall be 100% masonry and shall not be comprised of cementitious fiber board.
 6. The exterior cladding of chimneys shall be brick, natural or manufactured stone, or stucco.
 7. Cementitious fiber board may be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, or other architectural features approved by the Building Official.
 8. A minimum of fifty percent (50%) of the front elevation of each structure shall have a minimum plate height of 10 feet on the first floor.
 9. All front doors shall be a minimum of eight (8) feet in height.
 10. All windows on the front facades shall have divided lights.
 11. All residences shall have a masonry address plaque clearly visible from a public right-of-way.
 12. All garage doors shall either have a cedar cladding or be metal with stamped reveals/texture with carriage type hardware.
- B. The roof pitches of any building or structure, including garages, shall meet the following roof pitch standards:
1. A minimum of sixty-five percent (65%) of the surface area of composition roofs shall maintain a minimum roof pitch of 8:12.

2. A minimum of seventy-five percent (75%) of the surface area of clay tile, cement tile, slate or slate products, or metal roofs shall maintain a minimum roof pitch of 3:12.
3. Wood roof shingles are prohibited.

NOTE: For purposes of this Agreement, “masonry” shall mean natural and manufactured stone, granite, marble, stucco, brick, tile, and architectural concrete block, or any similar material approved by the Town’s Director of Development Services.

EXHIBIT B



EXHIBIT B



EXHIBIT B



EXHIBIT B



PLANNING



To: Mayor and Town Council

From: Alex Glushko, AICP, Planning Manager

**Through: Harlan Jefferson, Town Manager
Rebecca Zook, P.E., Executive Director of Development & Infrastructure Services**

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon an ordinance modifying the development standards of Planned Development-40 (PD-40), for Windsong Ranch, generally to modify the residential development standards, including, but not limited to building material, roofing, window, and building encroachment regulations. (Z20-0015).

Description of Agenda Item:

On August 11, 2020, the Town Council approved the proposed rezoning request, by a vote of 7-0, subject to:

1. Approval of an amended Development Agreement related to exterior building materials and architectural design; and
2. Decorative wood products shall not be a permitted exterior surface, and before final Council approval of this planned development ordinance, the applicant shall meet with the Fire Chief and Town personnel to propose appropriate standards for decorative wood products as an accent material.

Since the August 11, 2020 meeting, the applicant has consulted with the Fire Department and determined moving forward without the allowance for decorative wood/cedar siding as a permitted building material is an appropriate course of action. As such, the proposed development standards and associated development agreement do not permit decorative wood/cedar siding as a permitted building material. An ordinance has been prepared accordingly.

Legal Obligations and Review:

Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard ordinance as to form and legality.

Attached Documents:

1. Ordinance
2. Proposed Exhibits A, B, C, D, E, and F

Town Staff Recommendation:

Staff recommends the Town Council approve an ordinance modifying the development standards of Planned Development-40 (PD-40), for Windsong Ranch, generally to modify the residential development standards, including, but not limited to building material, roofing, window, and building encroachment regulations.

Proposed Motion:

I move to approve an ordinance modifying the development standards of Planned Development-40 (PD-40), for Windsong Ranch, generally to modify the residential development standards, including, but not limited to building material, roofing, window, and building encroachment regulations.

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2020-__

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING THE TOWN'S ZONING ORDINANCE AND ZONING ORDINANCE NO. 08-030, AS AMENDED, BY REZONING A TRACT OF LAND CONSISTING OF 2,120.242 ACRES, MORE OR LESS, SITUATED IN THE C. SMITH SURVEY, ABSTRACT NO. 1681, THE J. BATES SURVEY, ABSTRACT NO. 1620, THE L. SALING SURVEY, ABSTRACT NO. 1675, THE H.P. SALING SURVEY, ABSTRACT NO. 1628, THE M.E.P. & P. RR SURVEY, ABSTRACT NO. 1476, THE P. BARNES SURVEY, ABSTRACT NO. 79, THE B. HADGES SURVEY, ABSTRACT NO. 593, THE A.B. JAMISON SURVEY, ABSTRACT NO. 672, THE B.B. WALTON SURVEY, ABSTRACT NO. 1369, THE T. BUTTON SURVEY, ABSTRACT NO. 1369, THE P.R. RUE SURVEY, ABSTRACT NO. 1555, THE J. TETTER SURVEY, ABSTRACT NO. 1262, THE L. NETHERLY SURVEY, ABSTRACT NO. 962, THE B. RUE SURVEY, ABSTRACT NO. 1113, THE A. ROBERTS SURVEY, ABSTRACT NO. 1115, THE R. YATES SURVEY, ABSTRACT NO. 1538, THE L. RUE SURVEY, ABSTRACT 1110, THE H. RUE SURVEY, ABSTRACT NO. 1111, AND THE J. MORTON SURVEY, ABSTRACT NO. 793, IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-40 (PD-40) TO PLANNED DEVELOPMENT-40 (PD-40); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council") has investigated and determined that the Town's Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request (Case Z20-0015) from Tellus Group, LLC ("Applicant") to rezone 2,120.242 acres of land, more or less, situated in the C. Smith Survey, Abstract No. 1681, The J. Bates Survey, Abstract No. 1620, The L. Saling Survey, Abstract No. 1675, The H.P. Saling Survey, Abstract No. 1628, The M.E.P. & P. RR Survey, Abstract No. 1476, The P. Barnes Survey, Abstract No. 79, The B. Hadges Survey, Abstract No. 593, The A.B. Jamison Survey, Abstract No. 672, The B.B. Walton Survey, Abstract No. 1369, The T. Button Survey, Abstract No. 1369, The P.R. Rue Survey, Abstract No. 1555, The J. Tetter Survey, Abstract No. 1262, The L. Netherly Survey, Abstract No. 962, The B. Rue Survey, Abstract No. 1113, The A. Roberts Survey, Abstract No. 1115, The R. Yates Survey, Abstract No. 1538, The L. Rue Survey, Abstract 1110, The H. Rue Survey, Abstract No. 1111, and The J. Morton Survey, Abstract No. 793, in the Town of Prosper, Denton County, Texas and being more particularly described in Exhibit "A," attached hereto and incorporated herein for all purposes; and

WHEREAS, the Town Council has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Prosper and its inhabitants to rezone this property as set forth below.

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

SECTION 1

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

SECTION 2

Amendments to the Town's Zoning Ordinance. The Town's Zoning Ordinance is amended as follows: The zoning designation of the property containing 2,120.242 acres of land, more or less, situated in the C. Smith Survey, Abstract No. 1681, The J. Bates Survey, Abstract No. 1620, The L. Saling Survey, Abstract No. 1675, The H.P. Saling Survey, Abstract No. 1628, The M.E.P. & P. RR Survey, Abstract No. 1476, The P. Barnes Survey, Abstract No. 79, The B. Hedges Survey, Abstract No. 593, The A.B. Jamison Survey, Abstract No. 672, The B.B. Walton Survey, Abstract No. 1369, The T. Button Survey, Abstract No. 1369, The P.R. Rue Survey, Abstract No. 1555, The J. Tetter Survey, Abstract No. 1262, The L. Netherly Survey, Abstract No. 962, The B. Rue Survey, Abstract No. 1113, The A. Roberts Survey, Abstract No. 1115, The R. Yates Survey, Abstract No. 1538, The L. Rue Survey, Abstract 1110, The H. Rue Survey, Abstract No. 1111, and The J. Morton Survey, Abstract No. 793, in the Town of Prosper, Denton County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned Development-40 (PD-40) and being more particularly described in Exhibit "A," attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with 1) the Statement of Intent and Purpose, attached hereto as Exhibit B; 2) the Development Standards, attached hereto as Exhibit C; 3) the Site Plan, attached hereto as Exhibit D; 4) the Development Schedule, attached hereto as Exhibit E; and 5) the Façade Plans, attached hereto as Exhibit F, which are incorporated herein for all purposes as if set forth verbatim.

All development plans, standards, and uses for the Property shall comply fully with the requirements of all ordinances, rules, and regulations of the Town of Prosper, as they currently exist or may be amended.

Two (2) original, official, and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. One (1) copy shall be filed with the Town Secretary and retained as an original record and shall not be changed in any manner.
- b. One (1) copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy, and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

SECTION 3

No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

SECTION 4

Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5

Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance, as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6

Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7

Savings/Repealing Clause. Prosper's Zoning Ordinance, as amended, shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the appeal prevent a prosecution from being commenced for any violation if occurring prior to the repealing of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8

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

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 8TH DAY OF SEPTEMBER, 2020.

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT "A"**Legal Descriptions for Windsong Ranch, Town of Prosper, Texas****EXHIBIT "A-1"****Legal Description of the Windsong Property**

BEING a tract of land out of the C. SMITH SURVEY, Abstract No. 1681, the J. BATES SURVEY, Abstract No. 1620, the L. SALING SURVEY, Abstract No. 1675, the H.P. SALING SURVEY, Abstract No. 1628, the M.E.P. & P. RR SURVEY, Abstract No. 1476, P. BARNES SURVEY, Abstract No. 79, the B. HADGES SURVEY, Abstract No. 593, the A.B. JAMISON SURVEY, Abstract No. 672, the B.B. WALTON SURVEY, Abstract No. 1369, the T. BUTTON SURVEY, Abstract No. 88, the P.R. RUE SURVEY, Abstract No. 1555, the J. TETTER SURVEY, Abstract No. 1262, the L. NETHERLY SURVEY, Abstract No. 962, the B. RUE SURVEY, Abstract No. 1113, the A. ROBERTS SURVEY, Abstract No. 1115, in Denton County, Texas, the R. YATES SURVEY, Abstract No. 1538, the L. RUE SURVEY, Abstract No. 1110, the H. RUE SURVEY, Abstract No. 1111, the J. MORTON SURVEY, Abstract No. 793, in Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0063826 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 20041-0024459 of the Real Property Records of Denton County, Texas, being part of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0014699 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0014698 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2005-0014700 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0046720 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0024462 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0024458 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0050900 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1936, Page 145 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1618, Page 329 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 547, Page 394 of the Deed Records of Denton County, Texas, being part of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1332, Page 176 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 779, Page 665 of the Deed Records of Denton County, Texas, being all of the tract of land described in deed to Ernest Mahard recorded in Volume 1938, Page 931 of the Real Property Records of Denton County, Texas being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1149, Page 500 of the Deed Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a TXDOT monument found in the north right-of-way line of U.S. Highway No. 380, said monument being the northeast corner of a tract of land described in deed to the State of Texas recorded in Volume 4769, Page 1768 of the Real Property Records of Denton County, Texas;

THENCE with said north right-of-way line, the following courses and distances to wit:
 South 88°35'51" West, a distance of 3483.13 feet to a TXDOT monument found;
 North 46°16'16" West, a distance of 83.68 feet to a fence post in the east line of Good Hope Road (no dedication recordation found);

THENCE with said east line and along a fence, North 00°25'46" West, a distance of 1453.36 feet to a fence corner found in the south line of a 25.44 acre tract of land described in deed to Nathan Goodlet recorded in Volume 3329, Page 825 of the Real Property Records of Denton County, Texas;

THENCE with said south line, North 88°56'49" East, a distance of 1435.64 feet to a 3/8" iron rod found for corner;

THENCE with the east line of said 25.44 acre tract, North 00°30'13" West, a distance of 819.11 feet to a 1/2" iron rod found for corner;

THENCE with the north line of said 25.44 acre tract, South 89°35'17" West, a distance of 1430.32 feet to a 5/8" iron rod set with a plastic cap stamped "KHA" (hereinafter called 5/8" iron rod set) for corner in the east line of said Good Hope Road:

THENCE with said east line, North 00°08'13" West, a distance of 1236.96 feet to a fence corner in the south line of a tract of land described in deed to Judy Reeves;

THENCE with the south line of said Reeves tract, North 89°14'55" East, a distance of 940.90 feet to a 5/8" iron rod set for corner;

THENCE with the east line of said Reeves tract, North 00°40'52" West, a distance of 197.22 feet to a 1/2" iron rod found for corner in the south line of Fish Trap Road (no dedication recordation found);

THENCE with said south line, North 88°59'28" East, a distance of 815.80 feet to a 1/2" iron rod found for corner;

THENCE leaving said south line, North 00°06'59" West, a distance of 36.44 feet to a pk nail found in the centerline of said Fish Trap Road;

THENCE along the centerline of said Fish Trap Road, South 89°04'04" West, a distance of 1776.99 feet to a pk nail set for the intersection of the centerline of said Fish Trap Road and the centerline of said Good Hope Road;

THENCE along the centerline of said Good Hope Road, South 00°15'35" East, a distance of 3735.79 feet to a pk nail set in the north right-of-way line of said U.S. Highway No. 380;

THENCE with said north right-of-way line, the following courses and distances to wit:
 South 44°02'02" West, a distance of 114.60 feet to a TXDOT monument found;
 South 88°35'51" West, a distance of 2062.12 feet to a 5/8" iron rod set for corner;

South 88°50'58" West, a distance of 100.00 feet to a 5/8" iron rod set for corner;
 South 89°09'27" West, a distance of 22.39 feet to a 5/8" iron rod set for corner;
 North 45°50'38" West, a distance of 111.42 feet to a pk nail set in the centerline of Gee Road (no dedication recordation found);

THENCE with said centerline, North 00°01'02" West, a distance of 1114.87 feet to a pk nail set;

THENCE with the easterly most north line of a 106.26 acre tract of land described in deed to Judy Gee recorded in Volume 3130, Page 794 of the Real Property Records of Denton County, Texas, part of the way, South 89°33'35" West, a distance of 1098.63 feet to a fence corner found;

THENCE along a fence, North 12°40'03" East, a distance of 2150.51 feet to a fence corner found for the northwest corner of a 5.34 acre tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1936, Page 145 of the Real Property Records of Denton County, Texas;

THENCE the following courses and distances to wit:

North 88°30'03" West, a distance of 451.90 feet to a 5/8" iron rod set for corner;
 North 59°57'10" West, a distance of 66.21 feet to a 5/8" iron rod set for corner;
 North 27°15'28" West, a distance of 207.89 feet to a 5/8" iron rod set for corner;
 South 79°58'04" West, a distance of 116.69 feet to a 5/8" iron rod set for corner;
 South 17°11'21" West, a distance of 12.96 feet to a 5/8" iron rod set for corner;
 North 65°16'52" West, a distance of 66.04 feet to a 5/8" iron rod set for the northerly most corner of said 106.26 acre tract;

THENCE with the west lines of said 106.26 acre tract, the following courses and distances to wit:

South 31°55'38" West, a distance of 494.24 feet to a 5/8" iron rod set for corner;
 South 57°52'02" East, a distance of 601.93 feet to a Corp of Engineers monument found;
 South 31°24'02" West, a distance of 1854.30 feet to a Corp of Engineers monument found;
 South 31°27'22" West, a distance of 302.61 feet to a 5/8" iron rod set for the northeast corner of a 0.78 acre tract of land described in deed to the City of Irving recorded in Volume 4871, Page 5128 of the Real Property Records of Denton County, Texas;

THENCE the lines of said 0.78 acre tract, the following courses and distances to wit:

North 73°29'41" West, a distance of 241.29 feet to a 1/2" iron rod found for corner;
 South 21°58'41" West, a distance of 181.00 feet to a 5/8" iron rod set for corner;
 South 73°29'27" East, a distance of 67.00 feet to a 5/8" iron rod set for corner;
 North 22°20'38" East, a distance of 41.52 feet to a 5/8" iron rod set for corner;
 South 75°57'16" East, a distance of 152.12 feet to a 1/2" iron rod found in the west line of said 106.26 acre tract;

THENCE with said west line and along a fence part of the way, South 31°27'22" West, a distance of 877.59 feet to a 5/8" iron rod set for corner in the north right-of-way line of said U.S. Highway No. 380

THENCE with said north right-of-way line, North 88°48'55" West, a distance of 587.44 feet to a 5/8" iron rod set for the southeast corner of a 61.2 acre tract of land described in deed to M.

Taylor Hansel recorded in Denton County Clerk's File No. 94-R0091793 of the Real Property Records of Denton County, Texas;

THENCE with the east lines of said Hansel tract, the following courses and distances to wit:

North 08°56'01" East, a distance of 240.78 feet to a 5/8" iron rod set for corner;
 North 55°59'01" East, a distance of 132.20 feet to a 5/8" iron rod set for corner;
 South 20°18'01" West, a distance of 155.70 feet to a 5/8" iron rod set for corner;
 South 80°49'59" East, a distance of 88.40 feet to a 5/8" iron rod set for corner;
 North 45°13'01" East, a distance of 261.10 feet to a 5/8" iron rod set for corner;
 South 62°15'59" East, a distance of 216.20 feet to a 5/8" iron rod set for corner;
 North 15°04'01" East, a distance of 184.70 feet to a 5/8" iron rod set for corner;
 North 56°01'01" East, a distance of 183.40 feet to a 5/8" iron rod set for corner;
 North 18°07'01" East, a distance of 197.90 feet to a 5/8" iron rod set for corner;
 North 73°19'59" West, a distance of 688.80 feet to a Corp of Engineers monument found for the southeast corner of a 107.57 acre tract of land described in deed to Fish Trap Properties, Ltd., recorded in Volume 4626, Page 2922 of the Real Property Records of Denton County, Texas;

THENCE with the east lines of said 107.57 acre tract, the following courses and distances to wit:

North 29°02'03" East, a distance of 67.81 feet to a 5/8" iron rod set for corner;
 North 22°04'26" East, a distance of 710.31 feet to a Corp of Engineers monument found;
 North 33°00'31" East, a distance of 221.33 feet to a Corp of Engineers monument found;
 North 58°30'15" West, a distance of 249.63 feet to a Corp of Engineers monument found for the southeast corner of a 43.07 acre tract of land described in deed to Billy Jeter recorded in Volume 2125, Page 729 of the Real Property Records of Denton County, Texas;

THENCE with the east lines of said 43.07 acre tract, the following courses and distances to wit:

North 07°55'24" East, a distance of 669.72 feet to a 5/8" iron rod set for corner;
 South 75°24'16" East, a distance of 402.59 feet to a Corp of Engineers monument found;
 North 19°28'37" West, a distance of 739.75 feet to a Corp of Engineers monument found;
 North 35°34'01" East, a distance of 531.05 feet to a Corp of Engineers monument found;
 North 02°04'22" West, a distance of 172.83 feet to a fence post found in the south line of a 57.55 acre tract of land described in deed to G&S Landscaping recorded in Volume 5114, Page 1398 of the Real Property Records of Denton County, Texas;

THENCE with said south line, South 77°28'43" East, a distance of 553.04 feet to a Corp of Engineers monument found;

THENCE with the east line of said 57.55 acre tract and the east line of two tracts of land described in deed to Mary Weber recorded in Denton County Clerk's File No. 94-R0031655 of the Real Property Records of Denton County, Texas, the following courses and distances to wit:

North 01°07'34" East, a distance of 278.92 feet to a 5/8" iron rod found;
 North 01°04'49" East, a distance of 510.59 feet to a Corp of Engineers monument found;
 North 00°57'07" West, a distance of 149.86 feet to a Corp of Engineers monument found;
 North 00°06'44" East, a distance of 1393.34 feet to a 1/2" iron rod found for corner;

North 89°49'12" West, a distance of 505.03 feet to a fence corner found in the east line of a 58.44 acre tract of land described in deed to Benny Nobles recorded in Volume 2299, Page 94 of the Real Property Records of Denton County, Texas;

THENCE with said east line, North 00°50'11" West, a distance of 810.75 feet to a fence corner found in the south line of a 99.5 acre tract of land described in deed to Rue Family Trust recorded in Volume 5032, Page 3961 of the Real Property Records of Denton County, Texas;

THENCE with the south and east lines of said 99.5 acre tract and the south line of a 90 acre tract of land described in deed to Rue Family Trust recorded in Volume 5032, Page 3961 of the Real Property Records of Denton County, Texas the following courses and distances to wit:

North 89°17'21" East, a distance of 1389.64 feet to a 5/8" iron rod set for corner;
 North 03°32'47" West, a distance of 929.90 feet to a 5/8" iron rod set for corner;
 South 85°47'35" West, a distance of 228.77 feet to a 1/2" iron rod found for corner;
 North 02°06'10" East, a distance of 1767.38 feet to a 3/8" iron rod found for corner;
 South 88°23'11" East, a distance of 1111.78 feet to a 5/8" iron rod set for in the west line of a 319.00 acre tract of land described in deed to Sammy Carey recorded in Volume 2336, Page 5411 of the Real Property Records of Denton County, Texas;

THENCE with said west line, South 00°10'32" West, a distance of 125.32 feet to a 5/8" iron rod set for corner;

THENCE with the south line of said 319.00 acre tract and the south line of a 5 acre tract of land described in deed to M.B. Allen recorded in Volume 375, Page 395 of the Deed Records of Denton County, Texas, North 88°58'42" East, a distance of 2644.03 feet to a 1/2" iron rod found in the centerline of said Good Hope Road;

THENCE along said centerline, North 00°48'31" West, a distance of 992.40 feet to a 1/2" iron rod found for corner;

THENCE with the south line of the tract of land described in deed to the Good Hope Church and continuing along Good Hope Road, South 89°38'27" East, a distance of 457.50 feet to a 5/8" iron rod set in the east line of said Good Hope Road;

THENCE with the east line of said Good Hope Road, the following courses and distances to wit:

North 01°47'00" West, a distance of 935.34 feet to a 5/8" iron rod set for corner;
 North 00°15'22" West, a distance of 1726.79 feet to a 5/8" iron rod set for an ell corner in the south line of a 100 acre tract of land described in deed to Bruce Jackson recorded in Volume 4910, Page 2975 of the Real Property Records of Denton County, Texas;

THENCE with the south line of said 100 acre tract, the south line of a 134.58 acre tract of land described in deed to Little Elm Ranch Corporation recorded in Volume 5416, Page 3334 of the Real Property Records of Denton County, Texas, and the south line of a tract of land described in deed to Salvador Buentello recorded in Volume 2633, Page 648 of the Real Property Records of Denton County, Texas, North 89°42'25" East, a distance of 1545.14 feet to a 5/8" iron rod set in the centerline of a Parvin Road (no dedication recordation found);

THENCE along said centerline and with the south line of said Buentello tract, the following courses and distances to wit

North 70°58'34" East, a distance of 76.26 feet to a 5/8" iron rod set for corner;
 North 74°05'38" East, a distance of 206.69 feet to a 5/8" iron rod set for corner;

North 77°25'29" East, a distance of 112.34 feet to a 1/2" iron rod found for corner;
 North 01°25'12" East, a distance of 17.04 feet to a 5/8" iron rod set for corner;

THENCE continuing along said centerline, the south line of said Buentello tract, the south line of a 1.75 acre tract of land described in deed to Donna Jackson recorded in Denton County Clerk's File No. 2004-0086324 of the Real Property Records of Denton County, Texas, the south line of a 2.5 acre and 14.87 acre tracts of land described in deed to Jose Gutierrez recorded in Denton County Clerk's File No. 2004-0139581 of the Real Property Records of Denton County, Texas, and the south line of a 15 acre tract of land described in deed to William Kramer, the following courses and distances to wit:

North 89°08'54" East, a distance of 1300.08 feet to a 1/2" iron rod found for corner;
 North 89°07'58" East, a distance of 3455.35 feet to a 1/2" iron rod found for the northwest corner of a 100 acre tract of land described in deed to RH-TWO, LP recorded in Denton County Clerk's File No. 2004-0086307 of the Real Property Records of Denton County, Texas;

THENCE with the west line of said 100 acre tract, South 00°40'06" West, a distance of 2809.18 feet to a 1/2" iron rod found in the centerline of Prosper Road (no dedication recordation found);

THENCE with said centerline, South 89°24'09" West, a distance of 3412.04 feet to a 1/2" iron rod found for corner;

THENCE leaving said centerline, North 00°12'44" West, a distance of 16.61 feet to a 5/8" iron rod set in the north line of said Prosper Road;

THENCE with said north line, South 89°49'30" West, a distance of 298.97 feet to a 5/8" iron rod set in the east line of a 5 acre tract of land described in deed to Curtis McDaniel recorded in Volume 354, Page 271 of the Deed Records of Denton County, Texas;

THENCE with the lines of the remainder of said 5 acre tract, the following courses and distances to wit:

North 00°15'22" East, a distance of 214.38 feet to a 5/8" iron rod set for corner;
 South 89°47'16" West, a distance of 318.73 feet to a 5/8" iron rod set for corner;
 South 33°13'36" East, a distance of 218.94 feet to a 5/8" iron rod set for corner;
 South 72°26'17" East, a distance of 198.56 feet to a 5/8" iron rod set in the centerline of Fields Road (no dedication recordation found);

THENCE along said centerline, the following courses and distances to wit:

South 00°02'02" West, a distance of 1534.38 feet to a 5/8" iron rod set for corner;
 South 00°08'41" East, a distance of 1196.19 feet to a 1/2" iron rod found for corner;
 South 00°19'01" East, a distance of 1051.65 feet to a 1/2" iron rod found for corner;
 South 00°46'08" West, a distance of 705.12 feet to a 5/8" iron rod set for corner;
 South 20°37'31" East, a distance of 96.22 feet to a 5/8" iron rod set for corner;
 South 28°15'33" East, a distance of 189.49 feet to a 3/8" iron rod found for corner;
 South 02°06'04" East, a distance of 1803.07 feet to a 1" iron rod found for corner;
 South 00°06'17" East, a distance of 1284.69 feet to a 5/8" iron rod set for corner;
 South 00°06'37" West, a distance of 1042.41 feet to a 5/8" iron rod set for corner;

THENCE leaving the centerline of said Fields Road, South 89°11'26" West, a distance of 21.20 feet to a 5/8" iron rod set in the west line of said Field Road;

THENCE with said west line, the following courses and distances to wit:

South 00°00'27" West, a distance of 1396.62 feet to a fence corner;

South 41°23'46" West, a distance of 87.55 feet to the **POINT OF BEGINNING** and containing 2106.592 acres of land.

Bearing system based North Central Zone of the Texas State Plane Coordinate System.

SAVE AND EXCEPT

Being all of that certain lot, tract or parcel of land located in the B. Rue Survey, Abstract No. 1113, Denton County, Texas, and being a portion of a called 76 acre tract of land described as Tract Three in deed to Mahard 2003 Partnership, L.P., recorded in County Clerks File No. 2004-0050900, Real Property Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at an ell corner in the south line of a called 100 acre tract of land described in deed to Bruce Jackson, et al, recorded in Volume 4910, Page 2975, Real Property Records, Denton County, Texas, same being the northwest corner of said Mahard 2003 Partnership, L.P. tract;

THENCE North 89°42'25" East, along the north line of said Mahard 2003 Partnership, L.P. tract and passing at a distance of 583.33 feet the common southern corner of said Bruce Jackson, et al tract and a called 134.58 acre tract of land described in deed to Little Elm Ranch Corporation, recorded in Volume 5416, Page 3334, Real Property Records, Denton County, Texas, passing again at a distance of 834.26 feet the common southern corner of said Little Elm Ranch Corporation tract, and a tract of land described in deed to Salvador Buentello, recorded in Volume 2633, Page 648, Real Property Records, Denton County, Texas, and continuing for a total distance of 1,545.14 feet to a 5/8" iron rod found for corner in the present centerline of Parvin Road (no record of dedication found) at the beginning of a non-tangent curve to the left, having a radius of 1,206.88 feet, a central angle of 19°32'21", and a chord bearing and distance of South 58°53'46" West, 409.58 feet;

THENCE in a southwesterly direction, along the present centerline of said Parvin Road and passing through said Mahard 2003 Partnership, L.P. tract the following five (5) courses and distances:

- 1) Along said non-tangent curve to the left, an arc length of 411.57 feet;
- 2) South 49°04'47" West, a distance of 322.13 feet to the beginning of a curve to the right, having a radius of 355.51 feet, a central angle of 34°57'47", and a chord bearing and distance of South 71°08'48" West, 213.59 feet;
- 3) Along said curve to the right, an arc length of 216.94 feet;
- 4) South 88°37'42" West, a distance of 557.23 feet to the beginning of a curve to the left, having a radius of 410.55 feet, a central angle of 27°36'35", and a chord bearing and distance of South 75°08'34" West, 195.93 feet;
- 5) Along said curve to the left, an arc length of 197.83 feet to the east line of Good Hope Road (no record of dedication found), same being the most southerly southeast corner of said Bruce Jackson, et al tract;

THENCE North 00°15'22" West, along the most southerly east line of said Bruce Jackson, et al tract, a distance of 547.29 feet to the Place of Beginning and containing 575,223 square feet or 13.205 acres of land.

EXHIBIT "A-2"**Legal Description of the FC Prosper Property****TRACT ONE**

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 3329 at Page 820 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a 5/8" rebar with a cap marked "KHA" found on the monumented East right-of-way line of Good Hope Road, for the common West corner of the tract of land herein described and a called 100.00 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's instrument Number 93-R0049966 of the Deed Records of Denton County, Texas;

Thence N 00°20'14" W, along the aforementioned monumented East right-of-way line, 388.18 feet to a 1/2" rebar in concrete found for a common corner of the tract of land herein described and a called 0.507 acre tract of land and conveyed to N. J. Goodlet, et ux by a deed filed for record in Volume 1230 at Page 351 of the Deed Records of Denton County, Texas;

Thence N 86°19'09" E, along the common boundary line of the tract of land herein described and the aforementioned 0.507 acre tract, 162.36 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;

Thence N 04°22'35" W, continuing along the aforementioned common boundary line, 138.28 feet to a 1/2" rebar in concrete found for a common corner;

Thence S 89°00'42" W, continuing along the aforementioned common boundary line, 151.50 feet to a 1/2" rebar in concrete found for a common corner on the monumented East right-of-way line of Good Hope Road;

Thence N 00°02'39" W, along the aforementioned East right-of-way line, 176.63 feet to a 1/2" rebar in concrete found for a common corner of the tract of land herein described and a called 1.00 acre tract of land conveyed to N. J. Goodlet, et ux by a deed filed for record at County Clerk's Instrument Number 94-R0089059 of the Deed Records of Denton County, Texas;

Thence N 89°24'44" E, along the common boundary line of the tract of land herein described and the aforementioned 1.00 acre tract, 362.48 feet to a 1/2" rebar in concrete found for a common corner;

Thence N 00°05'33" W, continuing along the aforementioned common boundary line, 120.14 feet to a 1/2" rebar in concrete found for their common North corner on the South boundary line of a called 56.319 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's Instrument Number 2004-24459 of the Deed Records of Denton County, Texas;

Thence N 89°24'44" E, along the common boundary line of the tract of land herein described and the aforementioned 56.319 acre tract 1068.57 feet to a 5/8" rebar with a cap marked "KHA" found for a common corner;

Thence S 00°28'43" E, continuing along the aforementioned common boundary line, 818.81 feet to a ½" rebar in concrete found for a common corner on the North boundary line of the above-mentioned 100.00 acre tract;

Thence S 88°55'33" W, along the common boundary line of the tract of land herein described and the aforementioned 100.00 acre tract, 1435.44 feet to the Point of Beginning.

Said tract of land containing 1,116,766 square feet or 25.637 acres, more or less.

TRACT TWO

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 1230 at Page 351 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a ½" rebar in concrete found, on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of the tract of land herein described and a corner of a called 25.6476 acre tract of land as conveyed to N. Goodlet, et ux by a deed filed for record in Volume 3329 at Page 820 of the Deed Records of Denton County, Texas;

Thence N 86°19'09" E, along the common boundary line of the tract of land herein described and the aforementioned 25.6476 acre tract, 92.56 feet to a ½" rebar in concrete found for a corner;

Thence N 04°18'50" W, 13.05 feet to a 3/8" rebar found for a corner;

Thence N 86°13'43" E, 13.06 feet to a ½" rebar with a cap marked "RPLS 4967" set for a corner;

Thence S 05°12'35" E, 13.07 feet to a ½" rebar in concrete found for a corner on the North boundary line of the above-mentioned 25.6576 acre tract of land;

Thence N 86°19'09" E, along the aforementioned common boundary line, 56.54 feet to a ½" rebar in concrete found for a common corner;

Thence N 04°22'35" W, continuing along the aforementioned common boundary line, 138.28 feet to a ½" rebar in concrete found for a common corner;

Thence S 89°00'42" W, continuing along the aforementioned common boundary line, 151.50 feet to a ½" rebar in concrete found for a common corner on the above-mentioned East right-of-way line;

Thence S 00°00'14" E, along the aforementioned East right-of-way line, 145.68 feet to the Point of Beginning.

Said tract of land containing 22,087 square feet or 0.507 acres, more or less.

TRACT THREE

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record at County Clerk's Instrument Number 94-R0089059 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a ½" rebar in concrete found, on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of the tract of land herein described and a corner of a called 25.6476 acre tract of land as conveyed to N. Goodlet, et ux by a deed filed for record in Volume 3329 at Page 820 of the Deed Records of Denton County, Texas;

Thence N 89°21'12" E, along the common boundary line of the tract of land herein described and the aforementioned 25.6476 acre tract of land, 362.48 feet to a ½" rebar in concrete found for a common corner;

Thence N 00°05'33" W, continuing along the aforementioned common boundary line, 120.14 feet to a ½" rebar in concrete found for their common North corner on the South boundary line of a called 56.319 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's Instrument Number 2004-24456 of the Deed Records of Denton County, Texas;

Thence S 89°24'44" W, along the common boundary line of the tract of land herein described and the aforementioned 56.319 acre tract, 362.29 feet to a ½" rebar with a cap marked "RPLS 4967" set for their common West corner on the above-mentioned East right-of-way line;

Thence S 00°00'19" E, along the aforementioned East right-of-way line, 120.52 feet to the Point of Beginning.

Said tract of land containing 43,604 square feet or 1.001 acre, more or less.

TRACT FOUR

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being a portion of a tract of land conveyed to Laura Jackson by a deed filed for record in Volume 291 at Page 80 of the Deed Records of Denton County, Texas and also being more particularly described by metes and bounds as follows:

Commencing, for a tie, at a 1/2" rebar in concrete, found on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of a tract of land conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 1230 at Page 351 of the Deed Records of Denton County, Texas from which a 1/2" rebar in concrete found for it's Northwest corner bears N 00°00'14" W, 145.68 feet;

Thence N 86°19'09" E, 92.56 feet to a 1/2" rebar found in concrete found for the Southwest corner and Point of Beginning of the tract of land herein described, said corner also being an internal corner of the aforementioned Goodlet tract;

Thence N 04°18'50" W, along the common boundary line of the tract of land herein described and the aforementioned Goodlet tract, 13.05 feet to a 3/8" rebar found for a common corner;

Thence N 86°13'43" E, continuing along the aforementioned common boundary line, 13.06 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;

Thence S 05°12'35" E, continuing along the aforementioned common boundary line, 13.07 feet to a 1/2" rebar in concrete found for a common corner;

Thence S 86°19'09" W, 13.26 feet to the Point of Beginning.

Said tract of land containing 172 square feet or 0.004 acre, more or less.

SAVE AND EXCEPT

BEING a tract of land situated in the A. Roberts Survey, Abstract No. 1115, being a portion of a tract conveyed to VP Windsong Investments, LLC, according to the deed recorded in Document No. 2018-142926 of the Official Public Records, Denton County, Texas (OPRDCT), with the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a plastic cap stamped "SPIARSENG" found for the southerly southwest corner of a tract conveyed to Prosper I.S.D., recorded in Document No. 2017-34540 OPRDCT;

THENCE S 64°00'25" W, 449.32 feet to a point;

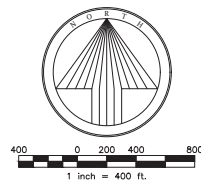
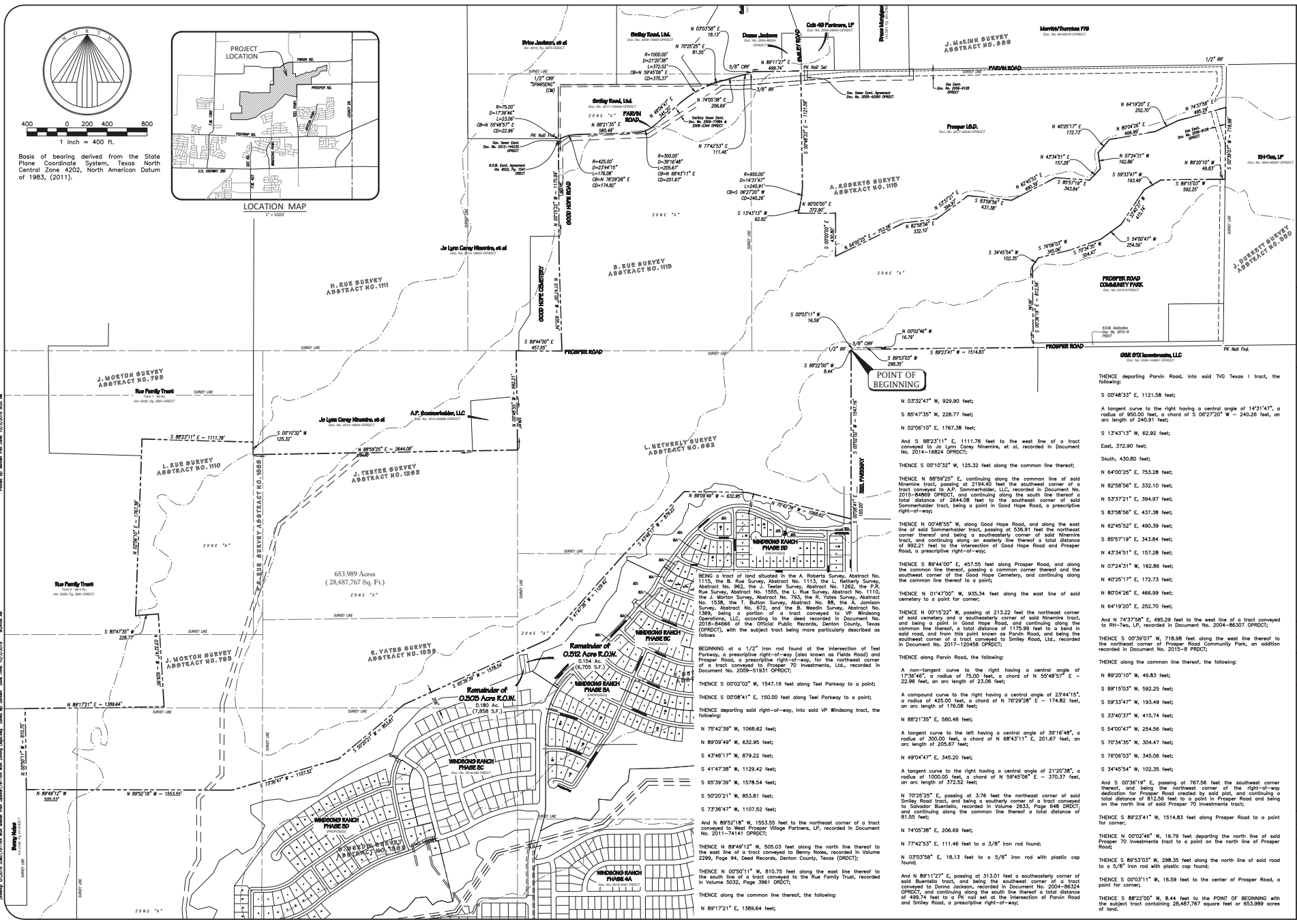
THENCE S 82°46'38" W, 60.00 feet to a point;

THENCE around a non-tangent curve to the right having a central angle of 20°56'35", a radius of 950.00 feet, a chord of N 03°14'56" E - 345.32 feet, an arc length of 347.25 feet;

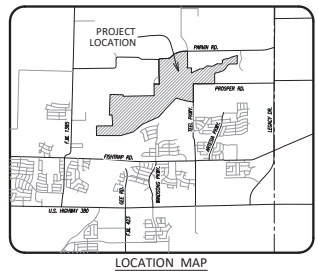
THENCE N 13°43'13" E, 299.02 feet, to a 1/2" iron rod with a plastic cap stamped "SPIARSENG" found for the northerly southwest corner of said Prosper I.S.D. tract;

THENCE East, along the south line thereof, 372.90 feet, to a 1/2" iron rod with a plastic cap stamped "SPIARSENG" found for the inset southwest corner of said Prosper I.S.D. tract;

THENCE South, along the west line thereof, 430.80 feet, to the POINT OF BEGINNING with the subject tract containing 235,625 square feet or 5.409 acres of land.



Basis of bearing derived from the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, (2011).



POINT OF BEGINNING

- N 03°32'47" W, 929.90 feet;
- S 85°47'35" W, 228.77 feet;
- N 02°08'10" E, 1767.38 feet;
- And S 89°23'11" E, 1111.70 feet to the west line of a tract conveyed to Jo Lynn Conry Ninette, et al, recorded in Document No. 2014-16224 OPDCIT;
- THENCE S 00°10'32" W, 125.32 feet along the common line thereof;
- THENCE N 89°59'25" E, continuing along the common line of said Ninette tract, passing at 2194.00 feet the southeast corner of a tract conveyed to A.P. Sommerholder, LLC, recorded in Document No. 2013-8485 OPDCIT, and continuing along the south line thereof a total distance of 2844.08 feet to the southeast corner of said Sommerholder tract, being a point in Good Hope Road, a prescriptive right-of-way;
- THENCE N 07°48'55" W, along Good Hope Road, and along the east line of said Sommerholder tract, passing at 536.91 feet the northeast corner thereof and being a southeasterly corner of said Ninette tract, and continuing along an easterly line thereof a total distance of 99.23 feet to the intersection of Good Hope Road and Prosper Road, a prescriptive right-of-way;
- THENCE S 89°44'00" E, 457.25 feet along Prosper Road, and along the common line thereof, passing a common corner thereof and the southwest corner of the Good Hope Cemetery, and continuing along the common line thereof to a point;
- THENCE N 01°47'00" W, 935.34 feet along the east line of said cemetery to a point for corner;
- THENCE N 00°15'22" W, passing at 213.22 feet the northeast corner of said cemetery and a southeasterly corner of said Ninette tract, and being a point in Good Hope Road, and continuing along the common line thereof, a total distance of 1179.99 feet to a bend in said road, and from this point known as Parvin Road, and being the southwest corner of a tract conveyed to Smiley Road, Ltd., recorded in Document No. 2017-12468 OPDCIT;
- THENCE along Parvin Road, the following:
 - A non-tangent curve to the right having a central angle of 17°36'48", a radius of 75.00 feet, a chord of N 55°48'5" E - 22.96 feet, an arc length of 23.06 feet;
 - A compound curve to the right having a central angle of 22°44'15", a radius of 423.00 feet, a chord of N 70°29'28" E - 174.82 feet, an arc length of 176.08 feet;
 - N 82°13'58" E, 580.48 feet;
 - A tangent curve to the left having a central angle of 39°16'48", a radius of 300.00 feet, a chord of N 88°43'11" E, 201.67 feet, an arc length of 205.67 feet;
 - N 89°04'47" E, 345.20 feet;
 - A tangent curve to the right having a central angle of 21°20'38", a radius of 1000.00 feet, a chord of N 59°45'06" E - 370.37 feet, an arc length of 372.52 feet;
 - N 70°25'29" E, passing at 3.76 feet the northeast corner of said Smiley Road tract, and being a southeasterly corner of a tract conveyed to Salvador Buentello, recorded in Volume 2633, Page 648 DRDCIT, and continuing along the common line thereof a total distance of 81.55 feet;
 - N 74°05'38" E, 206.69 feet;
 - N 77°42'53" E, 111.46 feet to a 5/8" iron rod found;
 - N 03°05'56" E, 16.13 feet to a 5/8" iron rod with plastic cap found;
 - And N 89°11'27" E, passing at 313.01 feet a southeasterly corner of said Buentello tract, and being the southwest corner of a tract conveyed to Donna Joyce, recorded in Document No. 00046324 OPDCIT, and continuing along the south line thereof a total distance of 490.74 feet to a P.U. well at the intersection of Parvin Road and Smiley Road, a prescriptive right-of-way;
- S 00°48'33" E, 1121.58 feet;
- A tangent curve to the right having a central angle of 143°1'47", a radius of 950.00 feet, a chord of S 06°27'20" W - 240.26 feet, an arc length of 240.91 feet;
- S 13°43'13" W, 62.92 feet;
- East, 372.80 feet;
- South, 430.80 feet;
- N 64°00'25" E, 753.28 feet;
- N 82°58'56" E, 332.10 feet;
- N 53°37'21" E, 394.97 feet;
- S 83°58'56" E, 437.38 feet;
- N 62°45'52" E, 490.39 feet;
- S 85°57'19" E, 343.84 feet;
- N 43°34'51" E, 157.28 feet;
- N 07°24'51" W, 162.86 feet;
- N 40°25'17" E, 172.73 feet;
- N 80°04'28" E, 466.99 feet;
- N 64°19'20" E, 252.70 feet;
- And N 74°37'58" E, 493.29 feet to the west line of a tract conveyed to R.H. Tuo, LP, recorded in Document No. 2004-86307 OPDCIT;
- THENCE S 00°39'07" W, 718.88 feet along the west line thereof to the northeast corner of Prosper Road Community Park, an addition recorded in Document No. 2015-8 DRDCIT;
- THENCE along the common line thereof, the following:
 - N 89°20'10" W, 49.83 feet;
 - S 89°15'03" W, 592.25 feet;
 - S 59°33'47" W, 193.49 feet;
 - S 33°40'39" W, 415.74 feet;
 - S 54°00'47" W, 254.56 feet;
 - S 70°34'35" W, 304.47 feet;
 - S 76°06'03" W, 345.06 feet;
 - S 34°45'54" W, 102.35 feet;
 - And S 00°36'19" E, passing at 787.56 feet the southeast corner thereof, and being the northeast corner of the right-of-way dedication for Prosper Road created by said plat, and continuing a total distance of 812.05 feet to a point in Prosper Road and being on the north line of said Prosper 70 Investments tract;
 - THENCE S 89°23'14" W, 1514.83 feet along Prosper Road to a point for corner;
 - THENCE N 00°20'46" W, 16.79 feet departing the north line of said Prosper 70 Investments tract to a point on the north line of Prosper Road;
 - THENCE S 89°53'07" W, 298.35 feet along the north line of said road to a 5/8" iron rod with plastic cap found;
 - THENCE S 00°31'14" W, 16.59 feet to the center of Prosper Road, a point for corner;
 - THENCE S 88°22'08" W, 8.44 feet to the POINT OF BEGINNING with the subject tract containing 28,487,767 square feet or 653,989 acres of land.

653.989 Acres
(28,487,767 Sq. Ft.)

Remainder of
0.212 Acre R.O.M.

Remainder of
0.505 Acre R.O.M.

Remainder of
0.180 Acre
(7,856 Sq. Ft.)

Remainder of
0.212 Acre R.O.M.

Remainder of
0.505 Acre R.O.M.

Remainder of
0.180 Acre
(7,856 Sq. Ft.)

Remainder of
0.212 Acre R.O.M.

Remainder of
0.505 Acre R.O.M.

Remainder of
0.180 Acre
(7,856 Sq. Ft.)

Remainder of
0.212 Acre R.O.M.

Remainder of
0.505 Acre R.O.M.

Remainder of
0.180 Acre
(7,856 Sq. Ft.)

EXHIBIT "B"**Statement of Intent and Purpose for Windsong Ranch, Town of Prosper,
Texas**

Windsong Ranch is a planned community consisting of a variety of residential, local and community retail and employment uses integrated within an open space system oriented to the natural beauty of the property. Residential units consist of a range of lot sizes in the traditional residential neighborhood mode to attached, urban dwellings offering the residents diverse living styles. Retail and employment uses are provided along the U.S. Highway 380 corridor providing more intensive uses along the thoroughfare while also serving as a buffer between the residential neighborhoods and the main highway.

Integral throughout the Windsong Ranch is the open space system which consists of recreation open space, hike and bike trails and active parks for the residents of the community. A strategically designed trail system laces throughout the community providing pedestrian linkages among residential, retail, open space public uses, and neighborhoods outside of the Windsong Ranch. Parks are also provided at convenient locations which provide active recreation opportunities to the community. Creek areas and floodplains have been reserved for open space to provide trail settings along attractive waterways providing hikers and bikers an opportunity to enjoy the ecosystem.

Thoroughfares are designed to provide the necessary connection between this community and the Town. Major connectors provide linkages to surrounding significant roadways allowing efficient movement.

The following development standards describe the desired image and character necessary to ensure quality development throughout the Windsong Ranch property. The development standards have been carefully designed to allow sufficient flexibility for creative residential and mixed use building solutions while being prescriptive in areas necessary to preserve an overall cohesiveness.

EXHIBIT “C”

Development Standards for Windsong Ranch, Town of Prosper, Texas

Conformance with the Town’s Zoning Ordinance and Subdivision Ordinance: Except as otherwise set forth in these Development Standards, the regulations of the Town’s Zoning Ordinance (Ordinance No. 05-20 as it currently exists or may be amended) and Subdivision Ordinance (as it currently exists or may be amended) shall apply.

1. **Amenity Program**

- a. **General.** As a master planned community, Windsong Ranch will have a programmed and qualitatively controlled system of amenities throughout. These amenities combine to create an overall sense of place that would be difficult to achieve when considered as independent elements within smaller developments. The community amenities that are addressed within these Development Standards are:

- Primary Community Entries
- Secondary Community Entries
- Neighborhood Entries
- Thoroughfare Landscape Buffers
- Community Park
- Community Amenity Center
- Floodplain / Greenway Parks
- Neighborhood Parks
- Pocket Parks

b. **Primary Community Entries**

- a. Major points of entry into Windsong Ranch (minimum two locations, including at least one entry along U.S. 380) will be defined with a combination of monument signage, landscape and lighting to create a sense of arrival commensurate in scale and character with a 2,120.54 acre master planned community (see representative examples below). These entries will include:
- Community name / logo incorporated into monument signage element, to be constructed of masonry or similar material;
 - Enhanced landscape, including seasonal color, shrubs, groundcover, perennials and unique combinations of both canopy and ornamental trees;
 - Enhanced lighting on the monument / signage and the unique aspects of the landscape;
 - Water will be considered as an accent feature if land and topography permit, and if compatible with the overall physical design theme for the community.

- b. Primary entries will be developed to incorporate both sides of the entry roadway when both are contained within Windsong Ranch, and will also include enhancements to the median in the immediate area (where / if applicable). Landscape easements will be provided to ensure adequate space to provide for visibility triangle(s) and adequate development of entry design.



c. **Secondary Community Entries**

- a. **Secondary community entries** will be similar to primary community entries in their use of compatible building and landscape materials, but will be smaller in scale and land area. They will occur at the outside edges of Windsong Ranch, at the entries for either arterials or collectors into the community. It is anticipated that a minimum of three secondary entries will be provided for the community, primarily along Teel Parkway (see representative examples below). Secondary community entries will include the following elements, scaled slightly smaller than the primary entries:

- Community name / logo incorporated into monument signage element, to be constructed of masonry or similar material;
- Enhanced landscape, including seasonal color, shrubs, groundcover, perennials and unique combinations of both canopy and ornamental trees;
- Enhanced lighting on the monument / signage and the unique aspects of the landscape;
- Center median to allow for more landscape density and also provide alternative location for neighborhood identification and way-finding graphics;
- Landscape easements where required to accommodate enhanced landscape and monument construction.



- b. **Neighborhood Entries**. Internal to Windsong Ranch and along both arterials and collectors, points of intersection will be enhanced to denote entries into individual 'villages' or neighborhoods. These entries will resemble primary and secondary entries in their use of materials and

landscape, but will also incorporate village or neighborhood names and will contribute to a unique, community-wide system of visual way finding.

d. **Thoroughfare Landscape Buffers (Arterial and Collector Roads) - 25' Min.**

Thoroughfares will provide a continuity of design from primary and secondary points of community entry throughout the entirety of Windsong Ranch. These thoroughfares and the adjacent landscape buffers are intended to include the following:

- Screen walls composed primarily of ornamental metal fence with living screen or stone or stone veneer (allowing brick accent), ONLY if the Town determines that mitigating circumstances (land area / depth, topography, etc) will not allow natural landscape to buffer adjacent land uses (no builder fencing allowed);
- Enhanced grading / berms combined with landscape (grass, trees, accent shrubs and groundcover at entry points) to provide design continuity and buffer adjacent land uses;
- Street tree system throughout (formal and/or informal in arrangement – design to be determined), to visually identify the hierarchy of streets and neighborhoods. A variety of tree species will be provided, including canopy / shade and smaller flowering, ornamentals of a minimum 3 inch caliper for every 30 lineal feet which with requested approval by the Town at the time of submission of a preliminary plat may be grouped and in no case shall there be less than the total number of street trees as required by this subsection;
- Continuous 6' sidewalks on both sides of the thoroughfare (sidewalks interior to Residential may be 5');
- Integrated neighborhood / 'village' entries at points of intersection.

e. **Community Park** Windsong Ranch will include one community park (of approximately 50 acres) that shall be dedicated to the Town in accordance with the Preannexation Agreement. Schedule for improvements and requirements for maintenance are described in Section 4 of the Development Standards. It is intended that this park include sports and athletic facilities, passive and natural spaces and associated parking - all of a scope and type to be determined in coordination with Town staff. Following are parameters of design intended for this facility:

- Location will be along one of the open space / greenway parks in order to facilitate pedestrian connectivity to the neighborhoods;
- Facility design will utilize materials (masonry, pavements, landscape, lighting) that are compatible with other common area improvements within the Windsong Ranch community;
- Specific facilities to be determined in coordination with Town staff, but may include some combination of the following:
 - ✓ 8' wide hike and bike trails
 - ✓ Softball / Baseball field(s) (lighted);
 - ✓ Soccer field(s) (lighted);

- ✓ Football field(s)
- ✓ Multipurpose field(s)
- ✓ Shade pavilion(s);
- ✓ Parking;
- ✓ Trailhead connections to adjacent floodplain / greenway parks;
- ✓ Site furnishings, including benches, water fountains, trash receptacles;
- ✓ Enhanced landscape at entries, and irrigated turf in all maintained (developed) areas.

f. **Community Amenity Center**

- a. At least one Community Amenity Center shall be developed within Windsong Ranch, providing a range of more active, family oriented activities in a 'resort' style environment (see representative examples above). This facility will be HOA maintained and provide the "centerpiece" recreational amenity for the entire community. Like the community park, this facility is intended to be located along the floodplain / greenway parks system to accommodate pedestrian and bicycle access from the neighborhoods of Windsong Ranch.
- A. A Community Amenity Center will be completed along with the initial phase of residential development, within the Single-Family Residential Tract.
- B. Three (3) additional Neighborhood Amenity Centers will be built upon completion of each successive phase of residential development, each phase to include approximately 750 homes, within the Single-Family Residential tract.
- b. The intended program for the Community Amenity Center facility shall include multiple elements from the following list:
- Active adult and children's pools;
 - Water slides and water play features;
 - Paved and turf chaise areas;
 - Community building, with interior and exterior spaces programmed for resident and HOA uses, including possible inclusion of a kitchen, community room, meeting room(s), fitness room, and storage area(s);
 - Restrooms (in the community building and possibly additionally at the pool area(s));
 - Convenience parking (quantity to be determined based upon code compliance);
 - Children's playground facility(s);
 - Sport court(s);
 - Trailhead linkages to the floodplain / greenway parks.



c. **Floodplain / Greenway Parks**

A. Windsong Ranch includes over 550 acres of flood plain corridors through the property. Significant portions of these corridors are rich in native flora and fauna, and are intended to be preserved in a natural condition, with only minimal impact to allow hike / bike trail linkages. Other areas are more open and less valuable as a native resource, and these areas may be developed to include a golf course or ponds and fountains that contribute to the overall storm drainage system and provide enhanced value to the community. All of these corridors shall be interconnected with a series of paths and trails, with an overall hike / bike trail system throughout. Following are the key components of this system of open space through the community:

- Master hike / bike trail – minimum 8' in width – concrete or other material approved by the Town – linking all neighborhoods, schools and amenities;
- Secondary paths and trails – minimum 8' in width – concrete or 'soft' surface (decomposed granite, crushed fines) is permitted for HOA maintained trails– providing secondary linkages and 'spur' connections to the hike / bike trail system;
- Native preservation areas in locations of most desirable existing vegetation, including wetland, upland and forested environments;
- Trailhead locations at community amenity sites and at schools, to include trail maps, bike racks, and site furnishings (trash, seating);
- Ponds and water features in open areas where impacts to existing vegetation will not be an issue and storm drainage requirements can be enhanced – ponds to include predominantly native, soft edges, safety shelves, water circulation / aeration to ensure water quality.



d. **Neighborhood Parks**

- A. Windsong Ranch will include a minimum of three, 7.5 acre (each) neighborhood parks, distributed throughout the community in areas that are linked by the floodplain / greenway parks system and that contribute to ensuring a maximum ¼ mile walk from any neighborhood to a park or open space amenity. Additional requirements for schedule of completion for these facilities, as well as maintenance, can be found in Section 4 of the Development Standards.
- B. Neighborhood parks shall be designed as a complementary component of the Windsong Ranch amenities program, including consideration of alternative uses, and the use of compatible materials (hardscape, landscape and, if included, lighting). These parks are to be integrated within the open space system as well as the neighborhoods that they serve. Neighborhood parks may include features and elements from the following list of amenities;
- Open play fields (non-lit);
 - Sport courts;
 - Covered pavilion or shade structure;
 - Children's playgrounds segregated by age groups (i.e. 2-5 and 5-12);
 - Parking for +/- 10 spaces;
 - Grading around perimeter to provide safety for playfields and street frontages;
 - 8' sidewalks around site linking facilities and providing connections to adjacent floodplain / greenway parks;
 - Town's Park signage approved by the Parks Board consistent with community theme.



- e. **Pocket Parks** Additional components of the Windsong Ranch amenities program are smaller pocket parks within individual neighborhoods. These parks will be an HOA maintained component of the open space system, and allow for:
- Providing valuable open space in adjacency to smaller homes;
 - integration of existing tree rows and other natural features that warrant preservation;
 - ensuring one-quarter mile resident walks to a component of the open space system;
 - additional passive and moderately active recreational opportunities, including:
 - ✓ open play areas;
 - ✓ natural interpretive areas;
 - ✓ neighborhood playgrounds;
 - ✓ children's water play area;
 - ✓ small neighborhood gathering spaces.

2. **Single-Family Residential Tract**

- a. **General Description:** Residential uses shall be permitted throughout the Property as set forth herein.
- b. **Allowed Uses:** Land uses allowed within the Single-Family Residential Tract are as follows: Uses followed by an **S** are permitted by Specific Use Permit. Uses followed by a **C** are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town's Zoning Ordinance.
- Accessory buildings incidental to the allowed use and constructed of the same materials as the main structure.
 - Churches / rectories
 - Civic facilities
 - Electronic security facilities, including gatehouses and control counter
 - Fire stations and public safety facilities
 - Guest House
 - Home Occupation **C**
 - Model Home
 - Park or Playground
 - Private Recreation Center
 - Private Street Development and gated communities **S**

- Public or Private Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts, to be stated on plat
 - Single family residential uses as described herein
 - Schools – public or private
 - Golf Course for Country Club (including clubhouse, maintenance facilities, on-course food and beverage structure, and on course restroom facilities.)
 - Temporary real estate sales offices for each builder during the development and marketing of the Planned Development which shall be removed no later than 30 days following the final issuance of the last Certificate of Occupancy (CO) on the last lot owned by that builder.
 - Temporary buildings of the builders and uses incidental to construction work on the premises, which shall be removed upon completion of such work.
 - Townhouses (only as a buffer use as set forth herein)
 - Utility distribution lines and facilities. Electric substations shall be allowed at the sole discretion of the Developer.
- c. **Density:** The maximum number of single family detached units for the Properties is 3,324, of which 1,758 lots shall be in Phases 6 through 9 (as depicted on Exhibit A-3).
- d. **Lot Types:** The single family detached lots developed within the Properties shall be in accordance with the following Lot Types:
- Type A Lots: Minimum 8,000 square foot lots
 - Type B Lots: Minimum 9,000 square foot lots
 - Type C Lots: Minimum 10,500 square foot lots
 - Type D Lots: Minimum 12,500 square foot lots
 - Type E Lots: Minimum 6,000 square foot lots
 - Type F Lots: Minimum 20,000 square foot lots
- e. **Lot Type Development Threshold:**
- A. Planning and Zoning Commission can approve up to three hundred (300) Type E final platted Lots prior to the final acceptance by Town of twenty (20) Type F Lots.
- f. **Area and building regulations:**
- a. **Type A Lots:** The area and building standards for Type A Lots are as follows and as set forth in Table 1:
- A. **Minimum Lot Size.** The minimum lot size for Type A Lots shall be 8,000 square feet. A typical lot will be 60' x 133', but may vary as long as requirements in Table 1 are accommodated.
- B. **Minimum Lot Width.** The minimum lot width for Type A Lots shall be sixty (60) feet.

- C. **Minimum Yard Setbacks.**
- i. **Minimum Front yard Setback:** The minimum Front yard setback for Type A Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type A Lots.
 - ii. **Minimum Side yard Setback:**
 - (a) The minimum Side yard setback for Type A Lots shall be eight (8) feet.
 - (b) For courtyard homes, as defined herein, the minimum side yard setback shall be either fourteen (14) feet for one side and two (2) feet for the other side yard or thirteen (13) feet for one side and three (3) feet for the other side yard. Windows on the 2' or 3' side of the courtyard home will not be allowed unless they are opaque or consist of glass block.
 - (c) For corner lots, the minimum Side yard setback shall be fifteen (15) feet.
 - iii. **Minimum Rear yard Setback:**
 - (a) The minimum Rear yard setback shall be twenty-five (25) feet.
 - (b) For Courtyard Homes, as defined herein, the minimum Rear yard setback is ten (10) feet for a maximum number of lots not to exceed one hundred and forty (140) Type A lots.
 - iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to five (5) feet. Swing-in garages may encroach into required front yards up to ten (10) feet. Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.
- D. **Minimum Floor Space.** Each dwelling constructed on a Type A Lot shall contain a minimum of one thousand, nine hundred (1,900) square feet of floor space. Floor space shall include air-

conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling.

- E. **Height.** The maximum height for structures on Type A Lots shall be forty (40) feet.
- F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are permitted.
- G. **Driveways.** Driveways fronting on a street on Type A Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
- H. **Exterior Surfaces.**
- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of the area for stories other than the first story. However, cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Building Official.
 - ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
 - iii. **Address Plaque.** An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type A Lot.
 - iv. **Chimneys.** On Type A Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.

- v. **Stucco.** Stucco on structures on Type A Lots shall be traditional 3-coat process cement plaster stucco.
 - vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type A Lots.
- I. **Windows.** All window framing on structures on Type A Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.
- i. Window shutters may be used on structures on Type A Lots. Window shutters shall be painted, stained wood, or fiberglass.
 - ii. No reflective window coverings or treatments shall be permitted.
- J. **Roofing.**
- i. Structures constructed on the Type A Lots shall have a composition, slate, clay tile or cement/concrete tile roof.
 - ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
 - iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
 - iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12". Clay tile and cement/concrete tile roofs shall have a minimum slope of 3" in 12". Pitch ends shall be 100% guttered.
- K. **Garages.**
- i. Homes shall have a minimum of two (2) car garages but no more than three (3). No carports shall be permitted.
 - ii. Homes with three (3) garages shall not have more than two (2) garage doors facing the street.
 - iii. Garage doors shall be constructed of either metal or wood.

- L. **Plate Height.** Each structure on a Type A Lot shall have a minimum principal plate height of 9' on the first floor.
- M. **Fencing.** No fence, wall or hedge on a Type A Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.
- i. All Type A Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
 - ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
 - iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.
- N. **Landscaping.**
- i. A minimum of six (6) caliper inches of trees shall be planted on all Type A Lots.
 - ii. A minimum of one (1) tree shall be located in the front yard.
 - iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
 - iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
 - v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.
- O. **Mailboxes.** Mailboxes on a Type A Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot, unless otherwise required by USPS (United States Postal Service).
- P. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type A Lots.

- Q. **Air Conditioners.** No window or wall air conditioning units will be permitted on structures on Type A Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.
- R. **Plan Elevations.** On Type A Lots, plan elevations shall alternate every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type A Lots are attached hereto as Exhibit "F-1".
- S. **Accessory Structures.** Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.
- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
 - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum Rear yard setback of ten (10) feet, and a minimum Side yard setback of eight (8) feet.
- b. **Type B Lots:** The area and building standards for Type B Lots are as follows and as set forth in Table 1:
- A. **Minimum Lot Size.** The minimum lot size for Type B Lots shall be nine thousand (9,000) square feet. A typical lot will be 70' x 128', but may vary as long as requirements in Table 1 are accommodated.
- B. **Minimum Lot Width.** The minimum lot width for Type B Lots shall be seventy (70) feet.
- C. **Minimum Yard Setbacks.**
- i. **Minimum Front yard Setback:** The minimum Front yard setback for Type B Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type B Lots.
 - ii. **Minimum Side yard Setback:**
 - (a) The minimum Side yard setback for Type B Lots shall be eight (8) feet.

- (b) For courtyard homes, as defined herein, the minimum side yard setback shall be either fourteen (14) feet for one side and two (2) feet for the other side yard or thirteen (13) feet for one side and three (3) feet for the other side yard. Windows on the 2' or 3' side of the courtyard home will not be allowed unless they are opaque or consist of glass block.
 - (c) For corner lots, the minimum Side yard setback shall be fifteen (15) feet.
- iii. **Minimum Rear yard Setback:**
 - (a) The minimum Rear yard setback shall be twenty-five (25) feet.
 - (b) For Courtyard Homes, as defined herein, the minimum Rear yard setback is ten (10) feet for a maximum number of lots not to exceed one hundred and ten (110) Type B lots.
- iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to five (5) feet. Swing-in garages may encroach into required front yards up to ten (10) feet. Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.
- D. **Minimum Floor Space.** Each dwelling constructed on a Type B Lot shall contain a minimum of two thousand, one hundred (2,100) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
- E. **Height.** The maximum height for structures on Type B Lots shall be forty (40) feet.
- F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are permitted.
- G. **Driveways.** Driveways fronting on a street on Type B Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.

H. **Exterior Surfaces.**

- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of the area for stories other than the first story. However, cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director of Development Services.
- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
- iii. **Address Plaque.** An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type B Lot.
- iv. **Chimneys.** On Type B Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
- v. **Stucco.** Stucco on structures on Type B Lots shall be traditional 3-coat process cement plaster stucco.
- vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type B Lots.

I. **Windows.** All window framing on structures on Type B Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.

- i. Window shutters may be used on structures on Type B Lots. Window shutters shall be painted, stained wood, or fiberglass.

- ii. No reflective window coverings or treatments shall be permitted.

J. **Roofing.**

- i. Structures constructed on the Type B Lots shall have a composition, slate, clay tile or cement/concrete tile roof.
- ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
- iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
- iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12". Clay tile and cement/concrete tile roofs shall have a minimum slope of 3" in 12". Pitch ends shall be 100% guttered.

K. **Garages.**

- i. Homes shall have a minimum of two (2) car garages but no more than four (4). No carports shall be permitted.
- ii. Homes with three (3) or four (4) garages shall not have more than two (2) garage doors facing the street.
- iii. Garage doors shall be constructed of either metal or wood.

- L. **Plate Height.** Each structure on a Type B Lot shall have a minimum principal plate height of 9' on the first floor.

- M. **Fencing.** No fence, wall or hedge on a Type B Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.

- i. All Type B Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
- ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail

shall be established for the community by the developer.

- iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.

N. **Landscaping.**

- i. A minimum of nine (9) caliper inches of trees shall be planted on all Type B Lots.
- ii. A minimum of two (2) three inch (3") caliper trees shall be located in the front yard.
- iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
- iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
- v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.

- O. **Mailboxes.** Mailboxes on a Type B Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot, unless otherwise required by USPS (United States Postal Service).

- P. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type B Lots.

- Q. **Air Conditioners.** No window or wall air conditioning units will be permitted on structures on Type B Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.

- R. **Plan Elevations.** On Type B Lots, plan elevations shall alternate every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type B Lots are attached hereto as Exhibit "F-2".

- S. **Accessory Structures.** Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.

- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
 - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum Rear yard setback of ten (10) feet, and a minimum Side yard setback of eight (8) feet.
- c. **Type C Lots:** The area and building standards for Type C Lots are as follows and as set forth in Table 1:
- A. **Minimum Lot Size.** The minimum lot size for Type C Lots shall be ten thousand, five hundred (10,500) square feet. A typical lot will be 80' x 131', but may vary as long as the requirements of Table 1 are accommodated.
 - B. **Minimum Lot Width.** The minimum lot width for Type C Lots shall be eighty (80) feet.
 - C. **Minimum Yard Setbacks.**
 - i. **Minimum Front yard Setback:** The minimum Front yard setback for Type C Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type C Lots.
 - ii. **Minimum Side yard Setback:**
 - (a) The minimum Side yard setback for Type C Lots shall be eight (8) feet.
 - (b) For courtyard homes, as defined herein, the minimum side yard setback shall be either fourteen (14) feet for one side and two (2) feet for the other side yard or thirteen (13) feet for one side and three (3) feet for the other side yard. Windows on the 2' or 3' side of the courtyard home will not be allowed unless they are opaque or consist of glass block.
 - (c) For corner lots, the minimum Side yard setback shall be fifteen (15) feet.

- iii. **Minimum Rear yard Setback:**
- (a) The minimum Rear yard setback shall be twenty-five (25) feet.
 - (b) For Courtyard Homes, as defined herein, the minimum Rear yard setback is ten (10) feet for a maximum number of lots not to exceed forty five (45) Type C lots.
- iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to five (5) feet. On corner lots, architectural features and porches may encroach into required side yards up to five (5) feet on the road side. Swing-in garages may encroach into required front yards up to ten (10) feet. Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.
- D. **Minimum Floor Space.** Each dwelling constructed on a Type C Lot shall contain a minimum of two thousand, three hundred (2,300) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
- E. **Height.** The maximum height for structures on Type C Lots shall be forty-five (45) feet.
- F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are permitted.
- G. **Driveways.** Driveways fronting on a street on Type C Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
- H. **Exterior Surfaces.**
- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. Cementitious fiber board and siding is considered masonry. However, cementitious fiber board and siding may only be used as the primary exterior façade material in a limited number of homes as specified in Table 1.

- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
 - iii. **Address Plaque.** An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type C Lot.
 - iv. **Chimneys.** On Type C Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
 - v. **Stucco.** Stucco on structures on Type C Lots shall be traditional 3-coat process cement plaster stucco.
 - vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type C Lots.
- I. **Windows.** All window framing on structures on Type C Lots shall be bronzed, cream, sand, white or other commercially available colors in anodized aluminum, vinyl or wood.
- i. Window shutters may be used on structures on Type C Lots. Window shutters shall be painted, stained wood, or fiberglass.
 - ii. No reflective window coverings or treatments shall be permitted.
- J. **Roofing.**
- i. Structures constructed on the Type C Lots shall have a composition, slate, synthetic slate, standing seam metal, clay tile or cement/concrete tile roof.
 - ii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
 - iii. The main roof pitch of any structure shall have a minimum slope of 8" in 12" for at least 75% of all Type C Lots. Up to 25% of Type C Lots may have roof pitches anywhere in the range

between 3" in 12" and 8" in 12". Pitch ends shall be 100% guttered.

K. **Garages.**

- i. Homes shall have a minimum of two (2) car garages but no more than four (4). No carports shall be permitted.
- ii. Homes with three (3) or four (4) garages shall not have more than two (2) garage doors facing the street.
- iii. Garage doors shall be constructed of metal or wood.

L. **Plate Height.** Each structure on a Type C Lot shall have a minimum principal plate height of 10' on the first floor.

M. **Fencing.** No fence, wall or hedge on a Type C Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.

- i. All Type C Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
- ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
- iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.

N. **Landscaping.**

- i. A minimum of nine (9) caliper inches of trees shall be planted on all Type C Lots.
- ii. A minimum of two (2) three inch (3") caliper trees shall be located in the front yard.
- iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
- iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.

- v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.
- O. **Mailboxes.** Mailboxes on a Type C Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot, unless otherwise required by USPS (United States Postal Service).
 - P. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type C Lots.
 - Q. **Air Conditioners.** No window or wall air conditioning units will be permitted on structures on Type C Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.
 - R. **Plan Elevations.** On Type C Lots, plan elevations shall alternate every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type C Lots are attached hereto as Exhibit "F-3".
 - S. **Accessory Structures.** Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.
 - i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
 - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum Rear yard setback of ten (10) feet, and a minimum Side yard setback of eight (8) feet.
- d. **Type D Lots:** The area and building standards for Type D Lots are as follows and as set forth in Table 1:
 - A. **Minimum Lot Size.** The minimum lot size for Type D Lots shall be twelve thousand, five hundred (12,500) square feet. A typical lot will be 90' x 138', but may vary as long as requirements Table 1 are accommodated.
 - B. **Minimum Lot Width.** The minimum lot width for Type D Lots shall be ninety (90) feet.

- C. **Minimum Yard Setbacks.**
- i. **Minimum Front yard Setback:** The minimum Front yard setback for Type D Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type D Lots.
 - ii. **Minimum Side yard Setback:**
 - (a) The minimum Side yard setback for Type D Lots shall be eight (8) feet.
 - (b) For corner lots, the minimum Side yard setback shall be fifteen (15) feet.
 - iii. **Minimum Rear yard Setback:** The minimum Rear yard setback shall be twenty-five (25) feet.
 - iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to five (5) feet. On corner lots, architectural features and porches may encroach into required side yards up to five (5) feet on the road side. Swing-in garages may encroach into required front yards up to ten (10) feet. Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.
- D. **Minimum Floor Space.** Each dwelling constructed on a Type D Lot shall contain a minimum of two thousand, six hundred (2,600) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
- E. **Height.** The maximum height for structures on Type D Lots shall be forty-five (45) feet.
- F. **Driveways.** Driveways fronting on a street on Type D Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
- G. **Exterior Surfaces.**
- i. The exterior facades of a main building or structure, excluding glass windows and doors,

shall be constructed of one hundred (100) percent masonry. Cementitious fiber board and siding is considered masonry. However, cementitious fiber board and siding may only be used as the primary exterior façade material in a limited number of homes as specified in Table 1.

- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
 - iii. **Address Plaque.** An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type D Lot.
 - iv. **Chimneys.** On Type D Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
 - v. **Stucco.** Stucco on structures on Type D Lots shall be traditional 3-coat process cement plaster stucco.
 - vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type D Lots.
- H. **Windows.** All window framing on structures on Type D Lots shall be bronzed, cream, sand, white or other commercially available colors in anodized aluminum, vinyl or wood.
- i. Window shutters may be used on structures on Type D Lots. Window shutters shall be painted, stained wood, or fiberglass.
 - ii. No reflective window coverings or treatments shall be permitted.
- I. **Roofing.**
- i. Structures constructed on the Type D Lots shall have a composition, slate, synthetic slate, standing seam metal, clay tile or cement/concrete tile roof.

- ii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
- iii. The main roof pitch of any structure shall have a minimum slope of 8" in 12" for at least 50% of all Type D Lots. Up to 50% of Type D Lots may have roof pitches anywhere in the range between 3" in 12" and 8" in 12". Pitch ends shall be 100% guttered.

J. **Garages.**

- i. Homes shall have a minimum of two (2) car garages but no more than four (4). No carports shall be permitted.
- ii. Homes with three (3) or four (4) garages shall not have more than two (2) garage doors facing the street.
- iii. Garage doors shall be constructed of metal or wood.

K. **Plate Height.** Each structure on a Type D Lot shall have a minimum principal plate height of 10' on the first floor.

L. **Fencing.** No fence, wall or hedge on a Type D Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.

- i. All Type D Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
- ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
- iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.

M. **Landscaping.**

- i. A minimum of nine (9) caliper inches of trees shall be planted on all Type D Lots.

- ii. A minimum of two (2) three inch (3") caliper trees shall be located in the front yard.
 - iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
 - iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
 - v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.
- N. **Mailboxes**. Mailboxes on a Type D Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot, unless otherwise required by USPS (United States Postal Service).
- O. **Satellite Dishes**. Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type D Lots.
- P. **Air Conditioners**. No window or wall air conditioning units will be permitted on structures on Type D Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.
- Q. **Plan Elevations**. On Type D Lots, plan elevations shall alternate every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type D. Lots are attached hereto as **Exhibit "F-4"**.
- R. **Accessory Structures**. Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.
- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
 - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum Rear yard setback of ten (10) feet, and a minimum Side yard setback of eight (8) feet.
- e. **Type E Lots**: The area and building standards for Type E Lots are as follows and as set forth in Table 1:

- A. **Minimum Lot Size.** The minimum lot size for Type E Lots shall be 6,000 square feet. A typical lot will be 50' x 130', but may vary as long as requirements in Table 1 are accommodated.
- B. **Minimum Lot Width.** The minimum lot width for Type E Lots shall be fifty feet (50').
- C. **Minimum Yard Setbacks.**
- i. **Minimum Front yard Setback:** The minimum Front yard setback for Type E Lots shall be twenty-five feet (25'). The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as it currently exists, shall apply to Type E Lots.
 - ii. **Minimum Side yard Setback:**
 - (a) The minimum Side yard setback for Type E Lots shall be five feet (5').
 - (b) For corner lots, the minimum Side yard setback shall be fifteen feet (15').
 - iii. **Minimum Rear yard Setback:**
 - (a) The minimum Rear yard setback shall be twenty-five feet (25'), with a twenty-foot (20') Rear yard setback allowed on lots that have a thirty foot (30') Front yard setback.
 - iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to ten feet (10'). Swing-in garages may encroach into required front yards up to ten feet (10'). Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.
- D. **Minimum Floor Space.** Each dwelling constructed on a Type E Lot shall contain a minimum of one thousand seven hundred (1,700) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
- E. **Height.** The maximum height for structures on Type E Lots shall be forty feet (40').

- F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are not permitted.
- G. **Driveways.** Driveways fronting on a street on Type E Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
- H. **Exterior Surfaces.**
- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred percent (100%) masonry. Cementitious fiber board may be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director of Development Services.
 - ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
 - iii. **Address Plaque.** An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type E Lot.
 - iv. **Chimneys.** On Type E Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be one hundred percent (100%) brick or stone.
 - v. **Stucco.** Stucco on structures on Type E Lots shall be traditional 3-coat process cement plaster stucco.
 - vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type E Lots.
- I. **Windows.** All window framing on structures on Type E Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.

- i. Window shutters may be used on structures on Type E Lots. Window shutters shall be painted, stained wood, or fiberglass.
- ii. No reflective window coverings or treatments shall be permitted.

J. **Roofing.**

- i. Structures constructed on the Type E Lots shall have a composition, slate clay tile or cement/concrete tile roof.
- ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
- iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
- iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12". Clay tile roofs and cement/concrete tile shall have a minimum slope of 3" in 12". Pitch ends shall be 100% guttered.
- v. A minimum of twenty-five percent (25%) of Type E Lots, shall have a main roof pitch greater than 8:12.

K. **Garages.**

- i. Homes shall have a garage sized for a maximum of two (2) cars in width. Three (3) car garages are acceptable by incorporating a tandem spot. Carports or three (3) car front facing garages shall not be permitted.
- ii. Homes with two (2) single car width garage doors facing the street shall have such garage doors separated by a masonry column of no less than twelve inches (12') in width.
- iii. Garage doors shall have a minimum Front yard setback of twenty-five feet (25').
- iv. A minimum of fifty percent (50%) shall have two (2) single garage doors split by a masonry column.

- v. A maximum two (2) garage spaces shall face the street.
 - vi. Garage doors shall be constructed of wood, or a material that gives the appearance of a real wood door. Materials may consist of paint or stain grade wood (Cedar, Ash, Hemlock, etc.) or other material, including fiberglass or steel, that when stained or painted gives the appearance of a real wood door.
 - vii. Two of the following garage door upgrades shall be incorporated:
 - (a) Carriage style door designs giving the appearance of a classic swing-open design with the flexibility of an overhead door operation
 - (b) Doors incorporating decorative hardware
 - (c) Doors with windows
- L. **Plate Height.** Each structure on a Type E Lot shall have a minimum principal plate height of nine feet (9') on the first floor.
- M. **Fencing.** No fence, wall or hedge on a Type E Lot shall exceed eight feet (8') in height or be less than four feet (4') in height unless otherwise specifically required by the Town of Prosper.
- i. All Type E Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
 - ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
 - iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.
- N. **Landscaping.**
- i. A minimum of six caliper inches (6") of trees shall be planted on all Type E Lots (inclusive of street trees).

- ii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
 - iii. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
 - iv. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.
 - v. A minimum of one (1) tree shall be located in the front yard.
- O. **Mailboxes**. Mailboxes on a Type E Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot, unless otherwise required by USPS (United States Postal Service).
- P. **Satellite Dishes**. Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type E Lots.
- Q. **Air Conditioners**. No window or wall air conditioning units will be permitted on structures on Type E Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.
- R. **Plan Elevations**. On Type E Lots, plan elevations shall alternate every fourth (4th) homes on the same side of a street and every third (3rd) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type G Lots are attached hereto as **Exhibit "F-5"**.
- S. **Accessory Structures**. Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.
- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
 - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten feet (10'), have a minimum Rear yard setback of ten feet (10'), and a minimum Side yard setback of eight feet (8').

- T. **Porches.** A minimum of twenty-five percent (25%) of Type E Lots shall have a front porch, subject to the following regulations.
- i. A minimum of fifteen percent (15%) of homes along a block face shall have a porch.
 - ii. The minimum porch depth shall be seven feet (7').
 - iii. The minimum porch width for a house with a split garage door shall be seven feet (7').
 - iv. The minimum porch width for a house without a split garage door shall be ten feet (10').
- U. **House Pad Width.** Type E lots shall have a minimum pad width of thirty-nine feet, six inches (39' 6").
- f. **Type F Lots:** The area and building standards for Type F Lots are as follows and as set forth in Table 1:
- A. **Minimum Lot Size.** The minimum lot size for Type F Lots shall be 20,000 square feet. A typical lot will be 120' x 170', but may vary as long as requirements in Table 1 are accommodated.
 - B. **Minimum Lot Width.** The minimum lot width for Type F Lots shall be one hundred twenty feet (120').
 - C. **Minimum Yard Setbacks.**
 - i. **Minimum Front yard Setback:** The minimum Front yard setback for Type F Lots shall be thirty feet (30'). The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type F Lots.
 - ii. **Minimum Side yard Setback:**
 - (a) The minimum Side yard setback for Type F Lots shall be twenty feet (20').
 - (b) For courtyard homes, as defined herein, the minimum Side yard setback shall be twenty-six feet (26') for one side and fourteen feet (14') for the other side yard. Windows on the 14' side of the courtyard home will not be allowed unless they are opaque or consist of glass block.

- (c) For corner lots, the minimum Side yard setback shall be twenty-five feet (25').

iii. **Minimum Rear yard Setback:**

- (a) The minimum Rear yard setback shall be thirty feet (30').
- (b) For Courtyard Homes, as defined herein, the minimum Rear yard setback is twenty feet (20').

- iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to ten feet (10'). On corner lots, architectural features and porches may encroach into required side yards up to ten (10) feet on the road side. Swing-in garages may encroach into required front yards up to fifteen feet (15'). Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.

- D. **Minimum Floor Space.** Each dwelling constructed on a Type F Lot shall contain a minimum of three thousand (3,000) square feet of floor space if constructed as a single story structure and three thousand five hundred (3,500) if constructed as a two story structure. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling

- E. **Height.** The maximum height for structures on Type F Lots shall be forty-five feet (45').

- F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are permitted.

- G. **Driveways.** Driveways fronting on a street on Type F Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.

- H. **Exterior Surfaces.**

- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. Cementitious fiber board and siding is considered masonry. However, cementitious

fiber board and siding may only be used as the primary exterior façade material in a limited number of homes as specified in Table 1.

- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
 - iii. **Address Plaque.** An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type F Lot.
 - iv. **Chimneys.** On Type F Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be one hundred percent (100%) brick or stone.
 - v. **Stucco.** Stucco on structures on Type F Lots shall be traditional 3-coat process cement plaster stucco.
 - vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type F Lots.
- I. **Windows.** All window framing on structures on Type F Lots shall be bronzed, cream, sand, white or other commercially available colors in anodized aluminum, vinyl or wood.
- i. Window shutters may be used on structures on Type F Lots. Window shutters shall be painted, stained wood, or fiberglass.
 - ii. No reflective window coverings or treatments shall be permitted.
- J. **Roofing.**
- i. Structures constructed on the Type F Lots shall have a composition, metal, slate, synthetic slate, standing seam metal, or tile roof.
 - ii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.

- iii. The main roof pitch of any structure shall have a minimum slope of 8" in 12" for at least 25% of all Type F Lots. Up to 75% of Type F Lots may have roof pitches anywhere in the range between 3" in 12" and 8" in 12". Pitch ends shall be 100% guttered.

K. **Garages.**

- i. Homes shall have a minimum of two (2) car garages but no more than five (5). Rear located carports shall be permitted.
- ii. The maximum width of garage doors allowed to face the street shall be limited to three (3) car widths.
- iii. Garage doors shall be constructed of either metal or wood.

L. **Plate Height.** Each structure on a Type F Lot shall have a minimum principal plate height of ten feet (10') on the first floor.

M. **Fencing.** No fence, wall or hedge on a Type F Lot shall exceed eight feet (8') in height or be less than four feet (4') in height unless otherwise specifically required by the Town of Prosper.

- i. All Type F Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
- ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
- iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.

N. **Landscaping.**

- i. A minimum of twelve caliper inches (12") of trees shall be planted on all Type F Lots (inclusive of street trees).
- ii. A minimum of one (1) tree shall be located in the front yard.

- iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
 - iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
 - v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.
- O. **Mailboxes**. Mailboxes on a Type F Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot, unless otherwise required by USPS (United States Postal Service).
- P. **Satellite Dishes**. Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type F Lots.
- Q. **Air Conditioners**. No window or wall air conditioning units will be permitted on structures on Type F Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.
- R. **Plan Elevations**. On Type F Lots, specific plan elevations shall not be repeated within a given platted phase.
- S. **Accessory Structures**. Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.
- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
 - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten feet (10'), have a minimum Rear yard setback of ten feet (10'), and a minimum Side yard setback of eight feet (8').

TABLE 1						
	Lot Type A	Lot Type B	Lot Type C	Lot Type D	Lot Type E	Lot Type F
Min. permitted lot sizes	8,000 sq. ft	9,000 sq. ft.	10,500 sq. ft	12,500 sq. ft.	6,000 sq.ft	20,000 sq.ft.
Max. permitted number of lots ¹	950 (maximum of 361 lot permitted in Phases 6 through 9 as indicated on Exhibit A-1)	1,074 (maximum of 511 lots permitted in Phases 6 through 9 as indicated on Exhibit A-1)	600 (maximum of 344 lots permitted in Phases 6 through 9 as indicated on Exhibit A-1)	160 (maximum of 2 lots permitted in Phases 6 through 9 as indicated on Exhibit A-1)	500 (shall be permitted in Phases 6 through 9 as indicated on Exhibit A-1)	40 ²
Max. percentage of lots with 100% Cementitious Fiber Board and Siding	0%	0%	30%	30%	0%	30%
¹ Max. permitted number of lots are transferrable from smaller Lot Type classifications to larger Lot Type classifications						
² 40 lots is also the minimum number of Type F lots required						
Min. Front Yard	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	30 ft.
Min. Side Yard	8 ft. (14'/2' or 13'/3' on courtyard option)	8 ft. (14'/2' or 13'/3' on courtyard option)	8 ft. (14'/2' or 13'/3' on courtyard option)	8 ft.	5 ft.	20 ft. (26'/14' on courtyard option)
Corner Lot	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.
Min. Rear Yard	25 ft. (10' on courtyard option for no more than 140 Type A lots)	25 ft. (10' on courtyard option for no more than 110 Type B lots)	25 ft. (10' on courtyard option for no more than 45 Type C lots)	25 ft.	25 ft. (Thirty-foot (30') front setback, where a twenty-foot (20') rear setback is allowed)	30 ft.
Max. Building Height	40 ft.	40 ft.	45 ft.	45 ft.	40 ft.	45 ft.
Max. Lot Coverage	55%	50%	60%	55%	60%	50%
Min. Lot Width	60 ft.	70 ft.	80 ft.	90 ft.	50 ft.	120 ft.
Min. Lot Depth	100 ft.	100 ft.	110 ft.	125 ft.	100 ft.	150 ft.
Min. Dwelling Area	1,900 sq. ft.	2,100 sq. ft.	2,300 sq. ft.	2,600 sq. ft.	1,700 sq. ft.	3,000 sq. ft. (Single Story) 3,500 sq. ft. (Two Story)
Min. Pad Width	N/A	N/A	N/A	N/A	39 ft., 6 in.	N/A

3. **Mixed-Use Tract**

- a. **Definition:** The term ‘Mixed-Use’ as applied to the Windsong Ranch Development shall include residential and non-residential land uses integrated vertically or horizontally along the property facing U.S. Highway 380 in a walkable, vibrant market driven neighborhood, giving residents the opportunity to live, work and shop in the same community. The architecture of the mixed-use portion of the development will blend with the surrounding residential neighborhood’s style. Non-residential uses include retail, restaurants and office. Retail uses are primarily intended to supply the community with everyday convenience goods and services and shall occur on the ground level of stand alone or integrated buildings. Office shall include neighborhood service oriented professional, financial, and medical uses and may occupy ground and/ or upper level building space. Residential land uses are intended to supply attached housing product helping act as a buffer between the more intense retail and office uses along U.S. Highway 380 and the less intense suburban single-family residential product to the north. Principal uses may include town homes and multi-family (condominiums, live/ work loft residential, and luxury apartments). However, it is acknowledged that all or a portion designated as the Mixed Use Tract may develop solely for retail or office uses. It is intended in these standards to provide the flexibility to develop either a multiple use project or traditional retail development.
- b. **Alternative Development Standards.** Property within the Mixed Use Tract may be developed solely for retail uses. The Mixed Use Tract development standards provide two sets of standards that allow for a pedestrian-oriented multiple use development (Section 3.c.) or, in the alternative, traditional retail development (Section 3.d.).
- c. **Mixed-Use Development Standards (pedestrian-oriented):** A maximum of 250 acres of mixed-use development is permitted on the Properties generally located between U.S. Highway 380 and the collector street (see Exhibit “D”). Development standards for a mixed-use development for this area within the development are described below.
- a. **Permitted Uses.** The following uses are permitted within the “Mixed Use” area: Uses followed by an **S** are permitted by Specific Use Permit. Uses followed by a **C** are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town’s Zoning Ordinance.
- Accessory Building
 - Administrative, Medical, or Professional Office
 - Antenna and/or Antenna Support Structure, Commercial **S**
 - Antenna and/or Antenna Non-Commercial, attached to buildings or water towers (stand-above towers are prohibited) **C**
 - Antique Shop and Used Furniture
 - Artisan’s Workshop
 - Assisted Care or Living Facility **S**
 - Athletic Stadium or Field, Private **S**

- Athletic Stadium or Field, Public
- Bank, Savings and Loan, or Credit Union
- Beauty Salon/Barber Shop
- Bed and Breakfast Inn
- Beer & Wine Package Sales **C**
- Building Material and Hardware Sales, Minor
- Building Material and Hardware Sales, Major
- Business Service
- Caretaker's/Guard's Residence
- Civic/Convention Center
- Commercial Amusement, Indoor
- Community Center
- Convenience Store with Gas Pump **C**
- Convenience Store without Gas Pump
- Day Care Center, Adult **S**
- Day Care Center, Child **S**
- Drug Stores/Pharmacies
- Duplicating Centers, Mailing Services, Etc
- Dry Cleaning, Minor
- Farmer's Market
- Financial Institutions
- Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority
- Furniture, Home Furnishings and Appliance Store
- Garage Apartment
- Gas Pumps **C**
- Golf Course and/or Country Club
- Governmental Office
- Gymnastics/Dance Studio
- Health/Fitness Center
- Helistop **S**
- Home Occupation **C**
- Homebuilder Marketing Center
- Hospital
- Hotel **C**
- House of Worship
- Independent Living Facilities
- Laboratory, Medical and Dental.
- Insurance Office
- Locksmith/Security System Company
- Massage Therapy, Licensed
- Mini-Warehouse/Public Storage **S**
- Motel **S**
- Multifamily Dwelling (only within the Mixed Use pedestrian alternative)
- Municipal Uses
- Museum/Art Gallery
- Nursery, Major **S**

- Nursery, Minor
- Optical Stores – Sales and Services
- Office/Showroom
- Park or Playground
- Pet Day Care
- Post Office Facilities
- Print Shop, Minor
- Private Club **S**
- Private Recreation Center
- Private Street Development **S**
- Private Utility, Other Than Listed
- Retirement Housing
- Research and Development Center
- Recycling Collection Point
- Residence Hotel **C**
- Restaurant or Cafeteria **C**
- Restaurant, Drive In/ Drive-Thru
- Retail Stores and Shops
- Retail/Service Incidental Use
- Retirement Housing
- School, Private or Parochial
- School, Public
- Single Family Dwelling, Attached(Townhome)
- Stealth Antenna, Commercial
- Studio Dwelling
- Temporary Building **C**
- Theater, Neighborhood
- Theater, Regional
- Veterinarian Clinic and/or Kennel, Indoor
- Winery

b. **Multifamily Uses:** Multi-family units shall be allowed within the mixed use area. A maximum of three hundred, (300) multifamily units shall be allowed within the Mixed Use Tract. If portions of the designated Mixed Use Tract are developed with multi-family residential housing types, they shall be developed in accordance with the following criteria:

- A. **Required Parking:** Parking requirements for multi-family development shall be two spaces per one-bedroom unit, two spaces per two-bedroom unit, two and one-half spaces per three-bedroom unit and one-half space per each additional bedroom per unit. One (1) enclosed parking space per unit will be provided as part of the multi-family unit configuration. Enclosed parking will consist of an attached or detached garage or parking structure screened from public view.
- B. **Exterior Facade Building Materials:** All buildings within a multifamily development shall have an exterior finish of stone, stucco, brick, tile, concrete, glass or similar materials or any

combination thereof. The use of cementitious fiber board as a primary exterior building material shall be limited to a maximum of fifteen percent of the total exterior wall surfaces. All exterior finishes of buildings within a multifamily development shall have a minimum of ten percent (10%) stone accents.

- C. **Controlled Access:** All multi-family developments that contain limited gated access shall locate all gate controls, card pads and intercom boxes in driveway islands in a manner that provides a minimum of one hundred (100) feet of stacking distance from the gate. Such driveway islands shall also contain a break that allows for vehicular u-turn movements back onto a public street.
- c. **Townhouse Uses:** Townhouse units shall be allowed within the mixed use area or single family area as a buffer between non-residential and single family development. A maximum of three hundred (300) townhouse units shall be allowed. Townhouse units constructed in Single Family Residential Tract do not count against the maximum lot count of 3,500 single family lots. If portions of the designated mixed-use area are developed with townhouse residential housing types, they shall be developed in accordance with the following criteria:
- A. **Required Parking:** Parking requirements for townhouse development shall be two spaces per one-bedroom unit, two spaces per two-bedroom unit, two and one-half spaces per three-bedroom unit and one-half space per each additional bedroom per unit. Two (2) enclosed parking spaces per unit will be provided as part of the townhouse unit configuration. Enclosed parking will consist of an attached or detached garage or parking structure screened from public view.
- B. **Exterior Facade Building Materials:** All buildings within a townhouse development shall have an exterior finish of stone, stucco, brick, tile, concrete, glass or similar materials or any combination thereof. The use of cementitious fiber board as a primary exterior building material shall be limited to a maximum of fifteen percent of the total exterior wall surfaces. All exterior finishes of buildings within a townhouse development shall have a minimum of ten percent (10%) stone accents.
- C. **Controlled Access:** All townhouse developments that contain limited gated access shall locate all gate controls, card pads and intercom boxes in driveway islands in a manner that provides a minimum of one hundred (100) feet of stacking distance from the gate. Such driveway islands shall also contain a break that allows for vehicular u-turn movements back onto a public street.
- d. **Residential development standards:** Development shall be in accordance with the following table:

Development Requirement	Residential Product Type	
	Townhouse	Multi-family not on the second story of other uses
Max. Gross Density	10.0 du/ac	15.0 du/ac
Min. Lot Area	1,000 sq. ft.	1 acre.
Min. Lot Width	20'	100'
Min. Lot Depth	50'	150'
Min. Front Setback	0'	20' ¹
Min. Rear Setback	20'	20' ¹
Min. Side Setback (interior lot)	0'	20' ¹
Min. Side Setback (corner lot)	15'	25' ¹
Max. Lot Coverage	80%	70%
Min. Floor Area / Dwelling Unit	1,200 sq. ft.	650 sq. ft.
Max. Building Height / No. of stories ²	48' / 3 ²	48' / 3
Min. Open Space	20%	30%

¹ Multifamily setbacks include:

- a. Fifty (50) feet for one (1) or two (2) story structures adjacent to property lines with a single family residential use.
- b. One hundred and fifty (150) feet for three (3) story structures adjacent to property lines with a single family residential use.

² The maximum height of any building within 60 feet of a property line with a single family residential use shall be 36 feet or 2 stories.

e. **Non-residential uses**

- A. **Required Parking:** The total parking required shall be the sum of the specific parking space requirement for each use included within the Mixed Use Tract as required by Zoning Ordinance No. 05-20 as it currently exists or as amended.
- B. **Exterior Facade Building Materials:** All main buildings shall have an exterior finish of stone, stucco, brick, tile, concrete, glass or similar materials or any combination thereof. Cementitious fiber board may only be used as an accent material subject to 10% of a façade.
- C. **Commercial and Retail Development Standards:** Development regulations for development within the Mixed Use Tract are intended to allow mixed use development consisting of vertically and horizontally integrated retail, office, service and residential uses. Typically referred to as “new urbanism”-style development, this type of development is characterized by pedestrian-scaled development offering multiple services and amenities with unique landscape and streetscape design. Development for non-residential land uses shall conform to the following:

- i. Floor Area: The allowable floor area of buildings within the mixed-use area shall be unlimited, provided that all conditions described herein are met.
- ii. Lot Area: There is no minimum lot area.
- iii. Lot Coverage: In no case shall the combined areas of the main buildings and accessory buildings cover more than 90% of the total lot area. Parking facilities shall be excluded from lot coverage computation.
- iv. Lot Width: There is no minimum lot width.
- v. Lot Depth: There is no minimum lot depth.
- vi. Front Yard: The minimum depth of the front yard shall be ten (10) feet
- vii. Side Yard: No side yard is required unless vehicular access is provided/required, in which case the side yard shall have a depth of not less than twelve feet.

A twenty-four-foot minimum side yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.
- viii. Rear Yard: No rear yard is required unless vehicular access is provided/required, in which case the rear yard shall have a depth of not less than twelve feet.

A twenty-four-foot minimum rear yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.
- ix. Building Height: Buildings shall be a maximum of five (5) stories, not to exceed seventy (70) feet in height. Architectural features, parapets, mechanical equipment, chimneys, antennas and other such architectural projections may extend above this height limit.
- x. Pad Sites. There is no limit on the number of pad sites within the Mixed Use Tract for retail uses provided each pad site must satisfy the Area Requirements.

f. **Architectural.**

- A. **Maximum Building Length** -- Buildings shall not be longer than 550 feet without an unconnected physical separation of 25 feet between another building.
- B. **Building Articulation** -- All buildings should be designed to emphasize a “base, mid-section, and top.” Facades facing public and private streets and extending greater than one hundred (100) feet in length shall incorporate wall plane recesses having a minimum depth of at least three (3) percent of the length of the façade. Recesses shall comprise at least twenty-five percent (25%) of the length of the facade. No uninterrupted length of a façade shall exceed fifty (50) feet in length.
- C. **Roof Line Articulation** -- Variations in roof lines shall be used to add interest and reduce the scale of large buildings. Roof features shall complement the character of the overall development and shall have at least one of the following features:
- Parapets concealing flat roofs and rooftop equipment from public view. The average height shall not exceed 15% of the height of the supporting wall. Parapets shall feature three dimensional cornice treatment.
 - Overhanging eaves, extending no less than three (3) feet past the supporting walls
 - Supporting roofs that do not exceed the average height of the supporting walls with an average slope no greater than 3:1 slope.
 - Roof dormers interrupting the eave line.
- D. **Exterior of Buildings**
- i. **Façades** -- All façades oriented toward rights-of-ways, drives or public spaces shall have no less than three of the following elements:
- Overhangs
 - Canopies or Porticos
 - Recesses/Projections
 - Arcades
 - Raised corniced parapets over the entrance
 - Peaked roof forms
 - Arches
 - Outdoor patios
 - Display windows
 - Integral planters that incorporate landscaped areas or seating areas

g. **Parking Areas**

- A. Surface parking lots shall be screened from streets through the use of screening or liner development such as townhome, live-work, and loft office units. Parking garages may not be visible from streets on more than 2 sides of each block. Beyond these two sides, a development liner (such as loft residential, office, etc.) shall be constructed to shield the garage from view.
- B. Surface Parking Perimeter Screening – All surface parking lots shall be screened from street view. Such screening shall take the form of 3 foot, 7-gallon plantings of dense evergreen hedge at time of installation measured above the grade of the parking lot.
- C. Landscape Medians – All surface parking lots shall have a landscape median strip with a minimum width of 6 feet incorporated into the parking lot design to separate the parking area and drive aisle with direct connection to the street. 1 tree shall be planted for every 35 linear feet of median.

h. **Service and Equipment Areas.** Service areas are zones and loading docks where servicing of the site takes place and include wall-, ground- or roof-mounted mechanical or equipment areas.

- A. Placement of Service Areas – Service areas shall (i) not front or be visible from a street, and shall be placed within the building envelope they serve; or (ii) follow the screening requirements below. Dumpsters and trash enclosures be placed within a building's envelope, and no service areas be placed where they are visible from US Highway 380, Gee Road or Fields Road. Loading areas must not be located closer than fifty (50) feet to any single-family lot or public right-of-way, unless wholly within an enclosed building.
- B. Service Area Screening – Off-street loading and service areas must be placed at the side or rear of buildings and shall be screened in conformity with the requirements of the Zoning Ordinance.
- C. Service Area Screening Design – In general, the design of all service area screening shall be complementary to the design of the building it serves in terms of its material and color.
- D. Roof-Mounted Equipment Screening – All roof-mounted equipment shall be screened from public view through the use of design features that complement the building they serve in terms of material and color.

i. **Fencing**

- A. Fencing Length and Height – The maximum length of a fence shall be fifty (50) feet without a break of thirty (30) feet. No fencing shall be above three (3) feet in height.
- B. Fencing Material – All fencing must be wrought iron or decorative steel.

j. **Site Landscaping**

- A. Street Trees – Street trees shall be planted at an average of thirty (30) feet on-center across each block face and three and one-half (3 ½) feet from the back of curb. These trees shall have a minimum caliper of four (4) inches at installation, and shall not be closer than ten (10) feet from a street lamppost. Street tree material shall follow the recommendation of the Director of Development Services, and shall generally follow the type of canopy line created by red oak, live oak, etc. Street trees shall use a consistent species along both sides of each block.
- B. Tree Planters – Street trees shall be centered within five (5) foot by ten (10) foot planters as leave-outs within the sidewalk and screened with either a twelve (12) inch high ornamental steel fence or brick turn-up edge. Planters shall also consist of evergreen ground cover and perennial plantings. The street-facing leading edge of all planters shall be placed one foot, six inches (1.5 feet) from the face of the curb to allow clearance for passenger car doors to open.
- C. Prior to the issuance of a Certificate of Occupancy for any building, structure or improvement, all landscaping must be installed in accordance with the approved corresponding landscaping plan.
- D. Street Lights – Street lights shall be located four (4) feet from face of curb on average intervals of seventy-five (75) feet along all block faces. The light fixtures shall be mounted ten (10) to twelve (12) feet from the finished grade of the sidewalk and shall be of metal halide type.
- E. Bicycle Racks – Bicycle racks shall be provided on 150 foot intervals of all block faces, clustering at street lamp or building entry locations.
- F. Litter Containers and Benches – Litter containers and benches shall be provided on 150 foot intervals along all block faces and clustered at street lamp or building entry locations.

- d. **Mixed-Use Development Standards (Traditional Retail)**. Retail development within the Mixed Use Tract is intended predominately for heavy retail, service, light intensity wholesale and commercial uses, but excluding warehousing uses. The

nature of uses in this District has operating characteristics and traffic service requirements generally compatible with typical office, retail, and some residential environments. Uses in this District may require open, but screened, storage areas for materials. In the event all or a portion of the Mixed Use Tract is developed solely for retail uses (i.e. not a mixed use development) then the development for retail uses shall conform to the following standards:

a. Size of Yards:

1. Minimum Front Yard: thirty (30) feet.
2. Minimum Side Yard:
 - a. Fifteen (15) feet adjacent to a nonresidential district. The minimum side yard setback may be eliminated for attached retail buildings on separate lots as shown on an approved site plan.
 - b. Thirty (30) feet for a one (1) story building adjacent to a residential district and sixty (60) feet for a two (2) story building adjacent to a residential district.
 - c. Thirty (30) feet adjacent to a street.
3. Minimum Rear Yard:
 - a. Fifteen (15) feet adjacent to a nonresidential district. The minimum side yard setback may be eliminated for attached retail buildings on separate lots as shown on an approved site plan.
 - b. Thirty (30) feet for a one (1) story building adjacent to a residential district and sixty (60) feet for a two (2) story building adjacent to a residential district.

b. Size of Lots:

1. Minimum Size of Lot Area: Ten thousand (10,000) square feet.
2. Minimum Lot Width: One hundred (100) feet.
3. Minimum Lot Depth: One hundred (100) feet.

c. Maximum Height: Two (2) stories, no greater than forty (40) feet.

d. Lot Coverage: Fifty (50) percent.

e. Floor Area Ratio: Maximum 0.5:1.

f. Permitted Uses: Uses followed by an **S** are permitted by Specific Use Permit. Uses followed by a **C** are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town's Zoning Ordinance:

- Accessory Building
- Administrative, Medical, or Professional Office
- Antenna and/or Antenna Support Structure, Commercial **C**
- Antenna and/or Antenna Support Structure, Non-Commercial **C**
- Antique Shop and Used Furniture
- Artisan's Workshop
- Assisted Care or Living Facility **S**

- Athletic Stadium or Field, Private **S**
- Athletic Stadium or Field, Public
- Auto Parts Sales, Inside
- Automobile Paid Parking Lot/Garage
- Automobile Parking Lot/Garage
- Automobile Repair, Major **S**
- Automobile Repair, Minor
- Automobile Sales, Used **S**
- Automobile Sales/Leasing, New **S**
- Bank, Savings and Loan, or Credit Union
- Beauty Salon/Barber Shop
- Bed and Breakfast Inn
- Beer & Wine Package Sales **C**
- Bottling Works
- Building Material and Hardware Sales, Major
- Building Material and Hardware Sales, Minor
- Bus Terminal **C**
- Business Service
- Cabinet/Upholstery Shop
- Caretaker's/Guard's Residence
- Cemetery or Mausoleum **S**
- Civic/Convention Center
- College, University, Trade, or Private Boarding School
- Commercial Amusement, Indoor
- Commercial Amusement, Outdoor **S**
- Community Center
- Convenience Store with Gas Pumps **C**
- Convenience Store without Gas Pumps
- Dance Hall **S**
- Day Care Center, Adult **S**
- Day Care Center, Child **C**
- Day Care Center, Incidental **S**
- Dry Cleaning, Minor
- Equipment and Machinery Sales and Rental, Minor
- Fairgrounds/Exhibition Area **S**
- Farm, Ranch, Stable, Garden, or Orchard
- Farmer's Market
- Feed Store
- Flea Market, Inside
- Flea Market, Outside **S**
- Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority
- Furniture Restoration
- Furniture, Home Furnishings and Appliance Store
- Gas Pumps **C**
- General Manufacturing/Industrial Use Complying with Performance Standards **S**
- Golf Course and/or Country Club
- Governmental Office
- Gunsmith
- Gymnastics/Dance Studio
- Health/Fitness Center

- Homebuilder Marketing Center
- Hospital
- Hotel **C**
- House of Worship
- Indoor Gun Range **S**
- Insurance Office
- Limited Assembly and Manufacturing Use Complying with Performance Standards
- Locksmith/Security System Company
- Machine Shop
- Massage Therapy, Licensed
- Mini-Warehouse/Public Storage **S**
- Mobile Food Vendor **C**
- Mortuary/Funeral Parlor
- Motel **C**
- Motorcycle Sales/Service **S**
- Municipal Uses Operated by the Town of Prosper
- Museum/Art Gallery
- Nursery, Major **S**
- Nursery, Minor
- Office and Storage Area for Public/Private Utility
- Office/Showroom
- Office/Warehouse/Distribution Center
- Open Storage (subject to Chapter 4, Section 5 of the Zoning Ordinance)
- Park or Playground
- Pawn Shop
- Pet Day Care **C**
- Print Shop, Major **S**
- Print Shop, Minor
- Private Club
- Private Recreation Center
- Private Utility, Other Than Listed
- Recreational Vehicle Sales and Service, New/Used **S**
- Recreational Vehicle/Truck Parking Lot or Garage **S**
- Recycling Collection Point
- Rehabilitation Care Institution **S**
- Research and Development Center **C**
- Residence Hotel **C**
- Restaurant or Cafeteria
- Restaurant, Drive In
- Retail Stores and Shops
- Retail/Service Incidental Use
- School District Bus Yard **C**
- School, Private or Parochial
- School, Public
- Sewage Treatment Plant/Pumping Station **S**
- Small Engine Repair Shop
- Stealth Antenna, Commercial **C**
- Storage or Wholesale Warehouse **S**
- Taxidermist
- Telephone Exchange

- Temporary Building **C**
- Theater, Neighborhood
- Theater, Regional
- Trailer Rental **S**
- Transit Center **S**
- Truck Sales, Heavy Trucks **S**
- Utility Distribution/Transmission Facility **S**
- Veterinarian Clinic and/or Kennel, Indoor
- Veterinarian Clinic and/or Kennel, Outdoor
- Water Treatment Plant **S**
- Winery

4. **Parkland**

- a. Parkland shall consist of the following types:
- i. Neighborhood Park,
 - ii. Open space,
 - iii. Community Park containing a minimum of fifty (50) acres, and
- b. The schedule for providing Parkland shall be as follows:
- i. Neighborhood Park: The Neighborhood Parks shall be dedicated to the Town for public use and constructed simultaneously with the construction of the Public Improvements contained within the platted area in which the Neighborhood Parks is/are located. Developer shall, after consultation with the Town, use reasonable efforts to situate Neighborhood Parks adjacent to School Areas, with the specific location being subject to approval by the Town, which may not be unreasonably withheld, delayed, condition or denied.
 - ii. Open Space: Open Space identified on a General Development Plan shall be dedicated to the Town for public use, or reserved for private use by Developer, upon the earlier of: (A) within a reasonable period of time after receiving a written request by the Town for such dedication or reservation, such request being based upon the Park Plan in accordance with the General Development Plan wherein such Open Space is located; or (B) upon recordation of a final plat in which such Open Space is located, provided Developer owns the Open Space to be dedicated or reserved. If Developer is not the owner of the Open Space to be dedicated or reserved, the Owners shall, unless otherwise required herein, be required to comply with such requirements as set forth in the Subdivision Ordinance when the Properties, or portions thereof, develop.
 - iii. Community Park: Within three (3) years from the Effective Date of the Preannexation Agreement, the Community Park shall be

dedicated to the Town upon the earlier of: (A) within ninety (90) days of receiving a written request by the Town for such dedication; or (B) at the time the adjacent streets are dedicated to the Town provided Developer owns the land identified as the Community Park; provided, however, the Parties agree that the Community Park dedication shall be in cooperation with and furtherance of the Town's overall park grant efforts. Notwithstanding anything to the contrary herein, if the Developer has not dedicated the Community Park by the time prescribed in the preceding sentence, Owners as applicable, shall dedicate, at absolutely no cost to the Town, the Community Park within three (3) months of a written request by the Town for such dedication. Town shall be fully responsible for Maintenance Obligations of the Community Park upon the Town's acceptance of the dedication. The Town will, within a reasonable time, after receiving the proposed conveyance instrument, provide the Developer and/or Owner, as applicable, written notice of the Town's acceptance of the dedicated Community Park.

- c. Parkland reserved for private use shall be owned and maintained by a homeowners association, or other entity, and made available to owners, tenants, residents, occupants and members within the Properties and to their guests and invitees.
- d. Permitted uses within the Parkland are active and passive recreation uses including, but not limited to the following:
 - trails,
 - playfields,
 - game courts,
 - golf courses,
 - nature centers,
 - outdoor education centers,
 - community gardens, and
 - trail amenities.

5. **General Requirements for the Windsong Ranch.**

- a. Amenities: The intent of these development standards regarding the provision of amenities is for an integration of built and natural elements working together as a system that provides for the active and passive recreational needs of the Windsong Ranch community specifically and of the Town of Prosper generally. The distribution of natural beauty throughout the development, exemplified by mature trees and areas of rolling topography, provides the opportunity for a community-wide trail punctuated with nodes of built improvements such as pocket parks. In this way, neighborhood is linked to neighborhood and the Windsong Ranch community is linked to the Town.

To help preserve the open character of the Town of Prosper, it is the intent of these development standards that a significant amount of natural open space, particularly amid the floodplain and other sensitive land, be set aside to provide

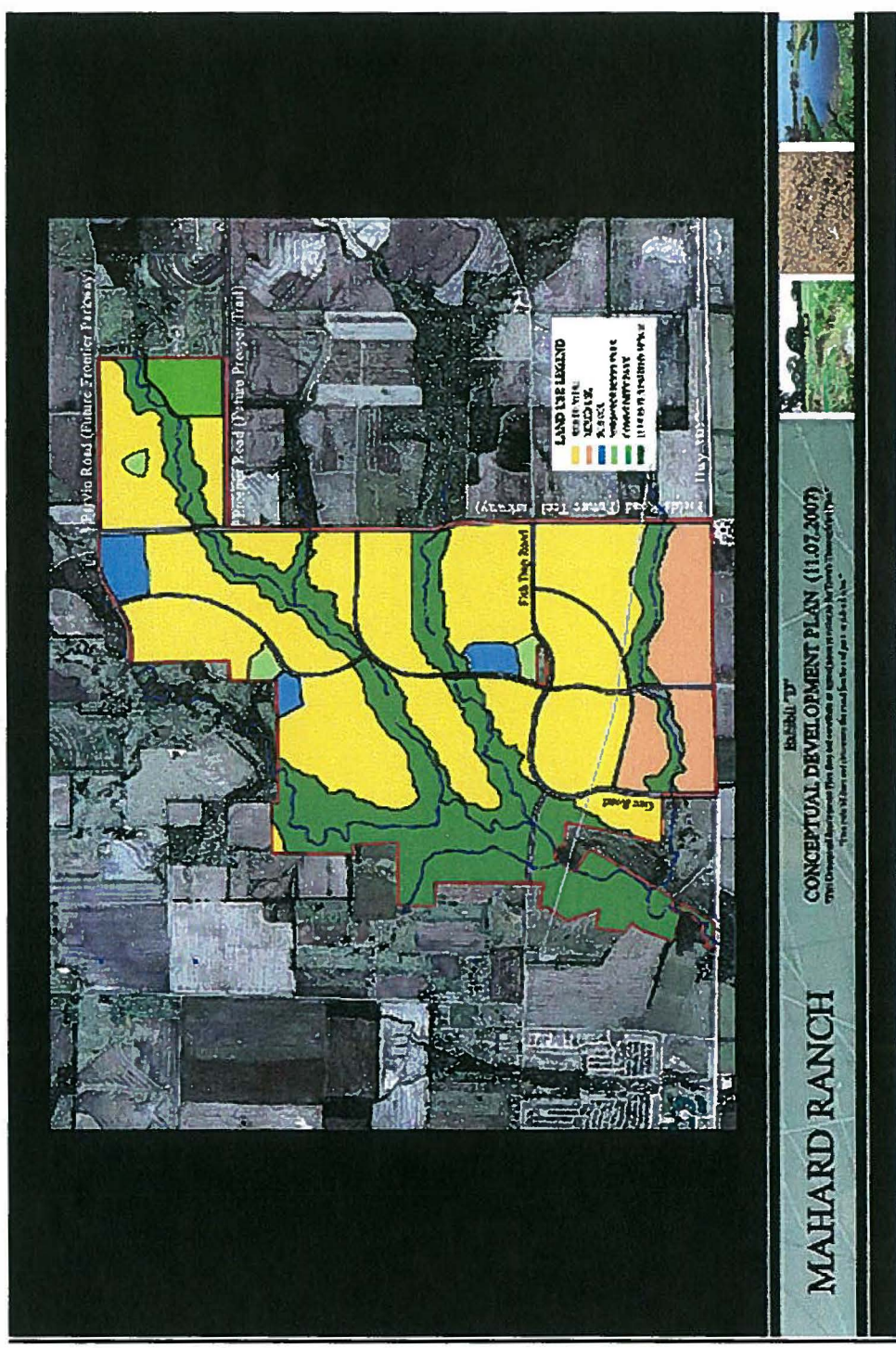
additional open space for Windsong Ranch and for the Town. Design elements in these areas should support non-programmed passive recreational activities such as walking and picnicking.

- b. **Development Plan:** A Conceptual Development Plan is hereby attached (Exhibit "D") and made a part of these development standards. It establishes the most general guidelines for the district by identifying the project boundaries, land use types, approximate thoroughfare locations, R.O.W. dedication, roads and illustrates the integration of these elements into a master plan for the whole district.
- c. **Maintenance of Facilities:** The Developers shall establish a Homeowner's Association ("HOA") for single family residential areas and a Property Owner's Association ("POA") for mixed use areas, in which membership is mandatory for each lot, and that will be responsible for operation and maintenance of all common areas and/or common facilities contained within the area of the respective residential or mixed use development or adjacent Right-of-Way ("ROW"). The HOA or POA will be created with Phase 1 and each subsequent phase shall be annexed into the association or a separate HOA/POA may be created for each respective phase at the Developer's discretion. Upon completion of fifty percent (50%) buildout of any phase of residential development and creation of the corresponding HOA, the Developer shall provide that all HOA Boards have an advisory position to be filled by individual homeowners residing within the corresponding phase. Prior to transfer of the ownership to the HOA or POA, all specified facilities shall be constructed by the Developer and approved by the Town. The Developer shall provide the Town a mandatory HOA/POA agreement that will be recorded in the deed records of Denton County, Texas. In lieu of the HOA and POA, the Town and Developer may elect to create another entity to undertake the same responsibilities of the HOA or POA.
6. **Definitions.** The definitions of the Town's Zoning Ordinance (as it currently exists or may be amended) shall apply to these regulations except as otherwise amended herein. For purposes of these Development Standards, the following terms shall have the following meaning:

"Masonry" shall mean stone, stucco, brick, tile, concrete, glass or similar materials or any similar material approved by the Town's Director of Development Services.

"Independent Living Facilities" means a facility containing dwelling units, accessory uses and support services specifically designated for occupancy by persons 55 years of age or older, in accordance with the housing for older persons provisions of the Federal Fair Housing Act of 1988 (42 U.S.C. section 3607 et seq.), as amended, who are fully ambulatory or who require no medical or personal assistance or supervision. The dwelling units may consist of either multifamily, single-family detached or attached residences, or a combination of such uses.

EXHIBIT "D" Concept Plan for Windsong Ranch, Town of Prosper, Texas



Planned Development District - Windsong Ranch, Town of Prosper, Texas – Exhibit "D"

EXHIBIT "E"
Development Schedule for Windsong Ranch, Town of Prosper, Texas

The anticipated schedule of development is to provide approximately 350 finished lots of various Types each 18-month period, beginning March 2009.

This schedule is subject to change due to various factors beyond the control of the developer, such as housing market conditions, construction materials and labor availability and acts of nature, among others.

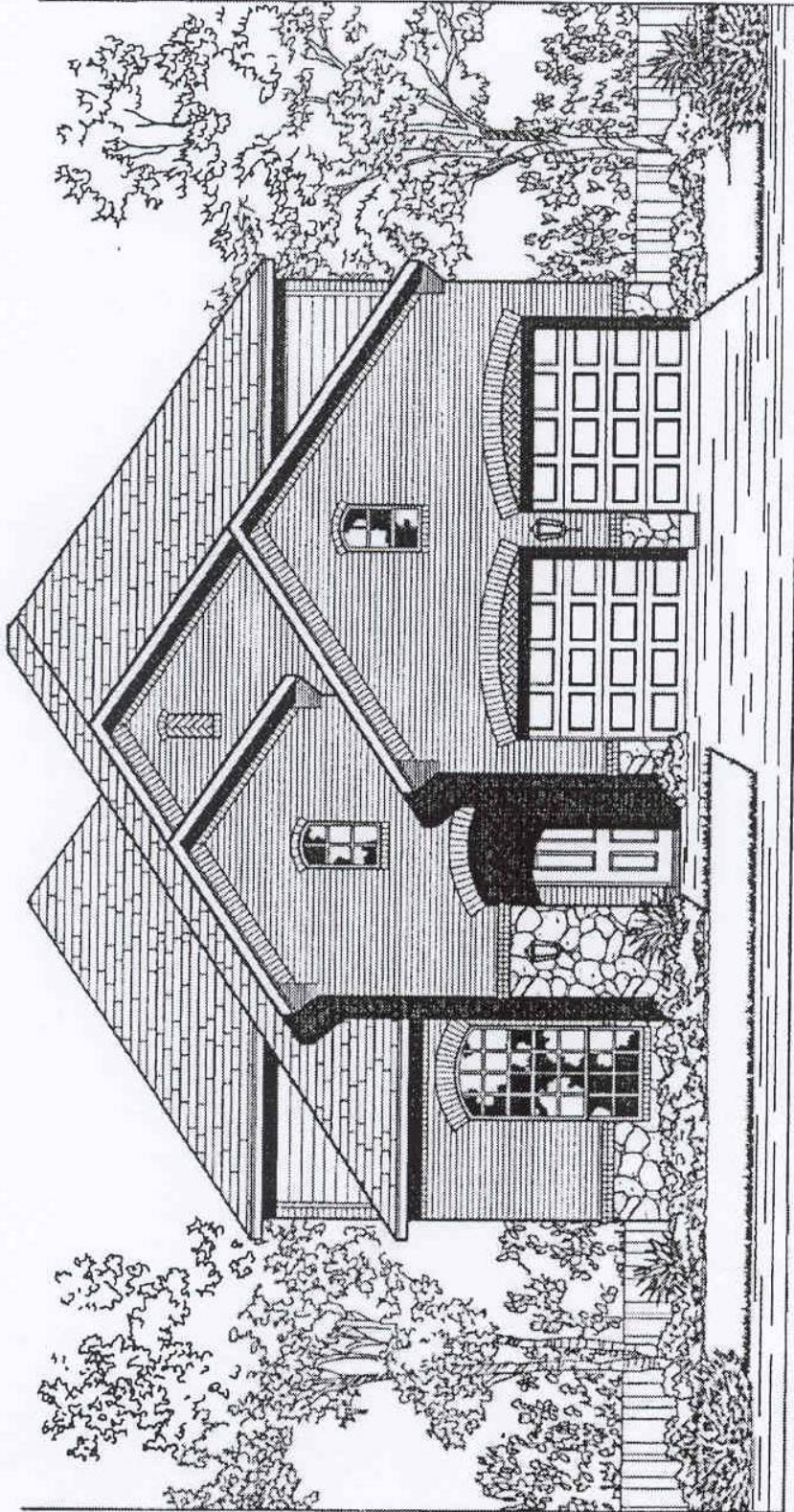
EXHIBIT "F"

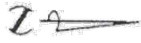
Illustrative Elevations and Plans for Windsong Ranch, Town of Prosper, Texas

The illustrations that are included with this Exhibit are for the purpose of illustrative example only and do not constitute exact renderings or plans of the buildings and items depicted.

EXHIBIT "F-1"

The illustrations that are included with this Exhibit are for the purpose of illustrative example only and do not constitute exact renderings or plans of the buildings and items depicted.





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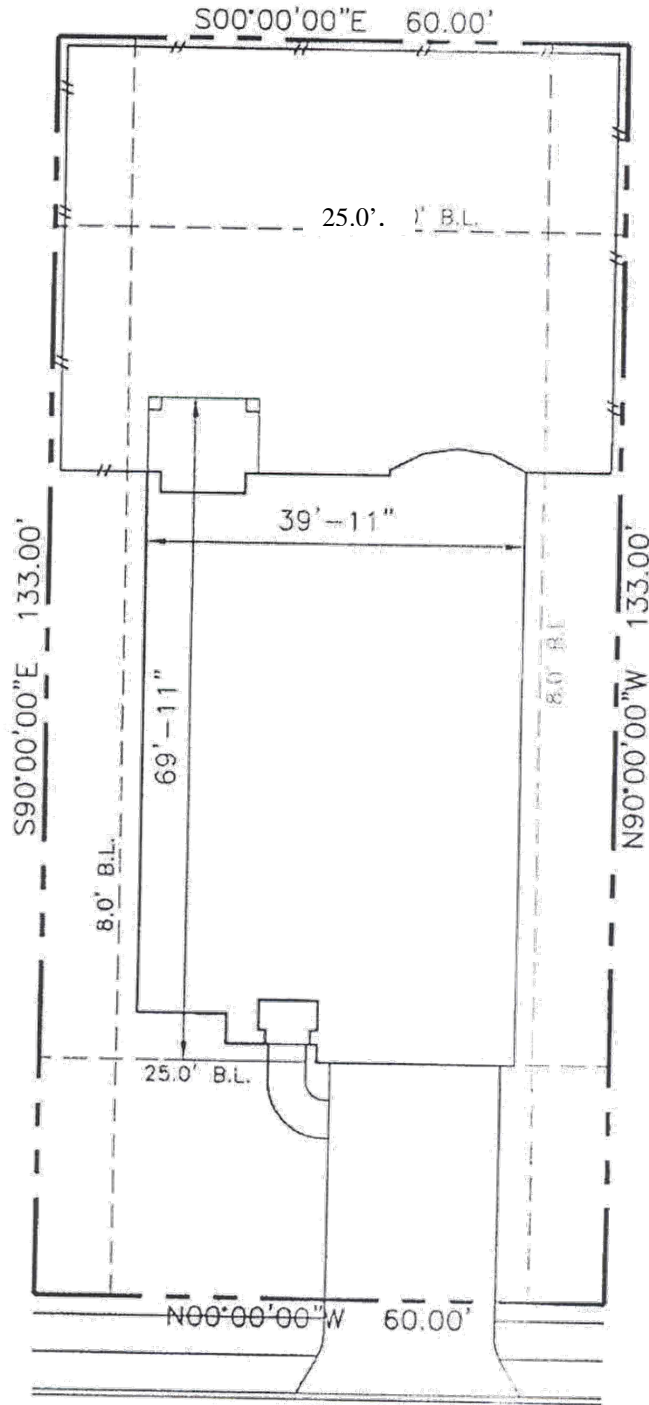
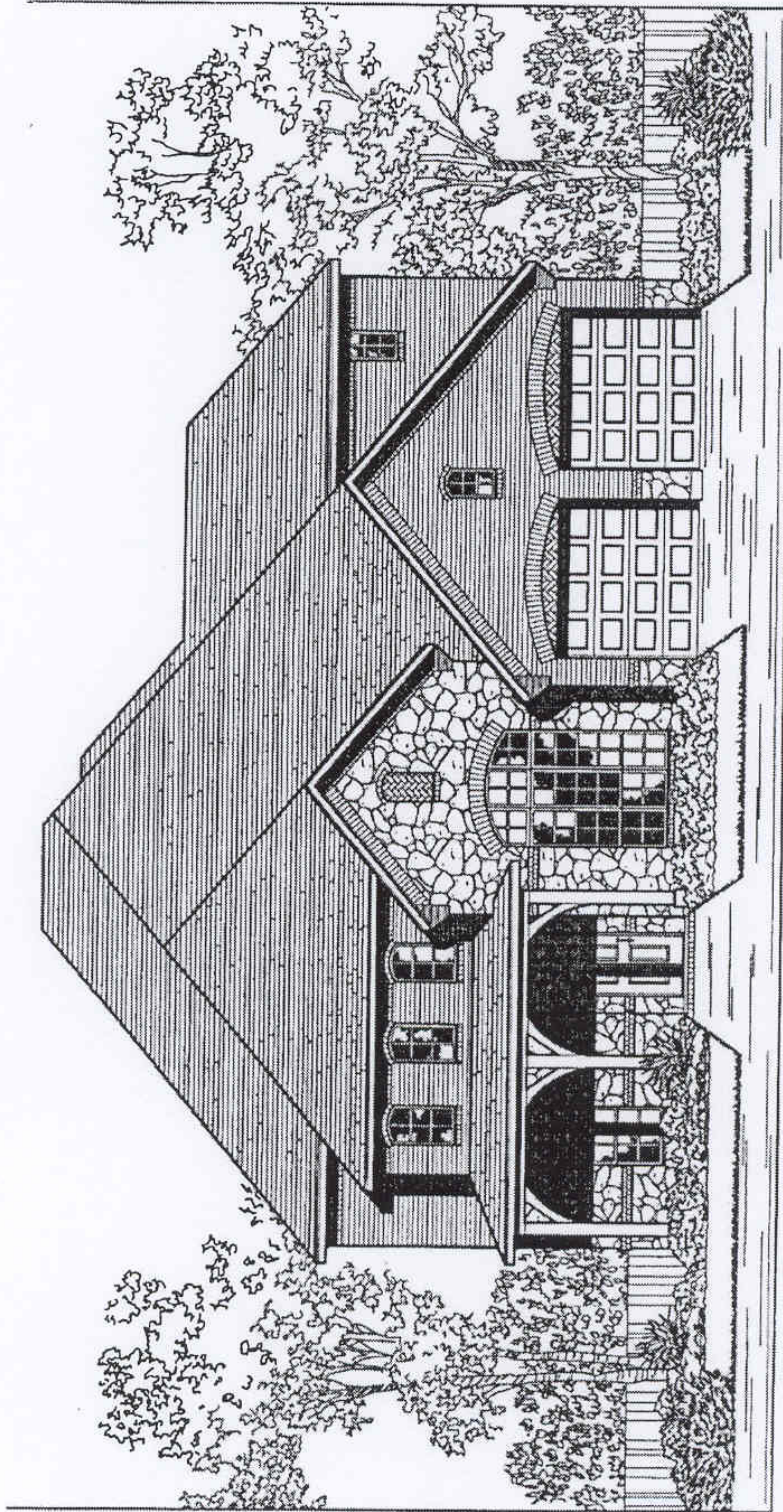


EXHIBIT "F-2"

The illustrations that are included with this Exhibit are for the purpose of illustrative example only and do not constitute exact renderings or plans of the buildings and items depicted.



2A

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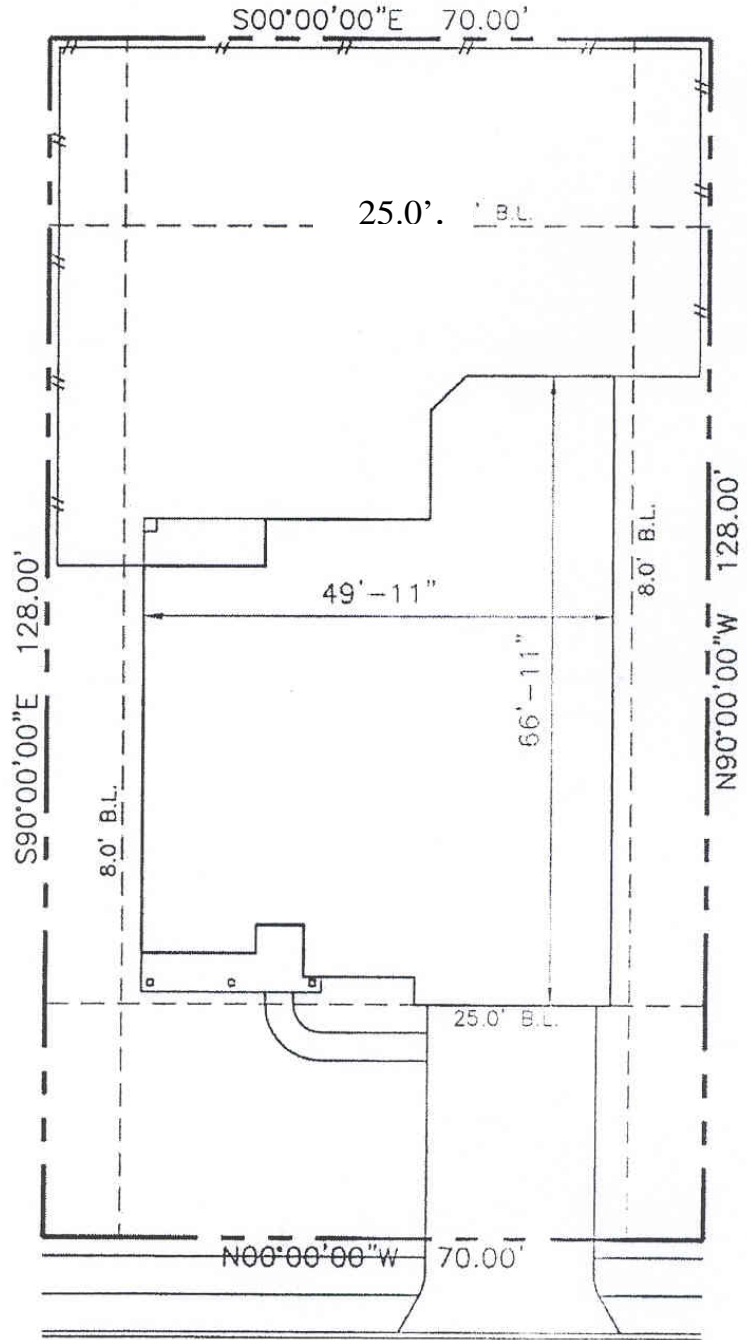
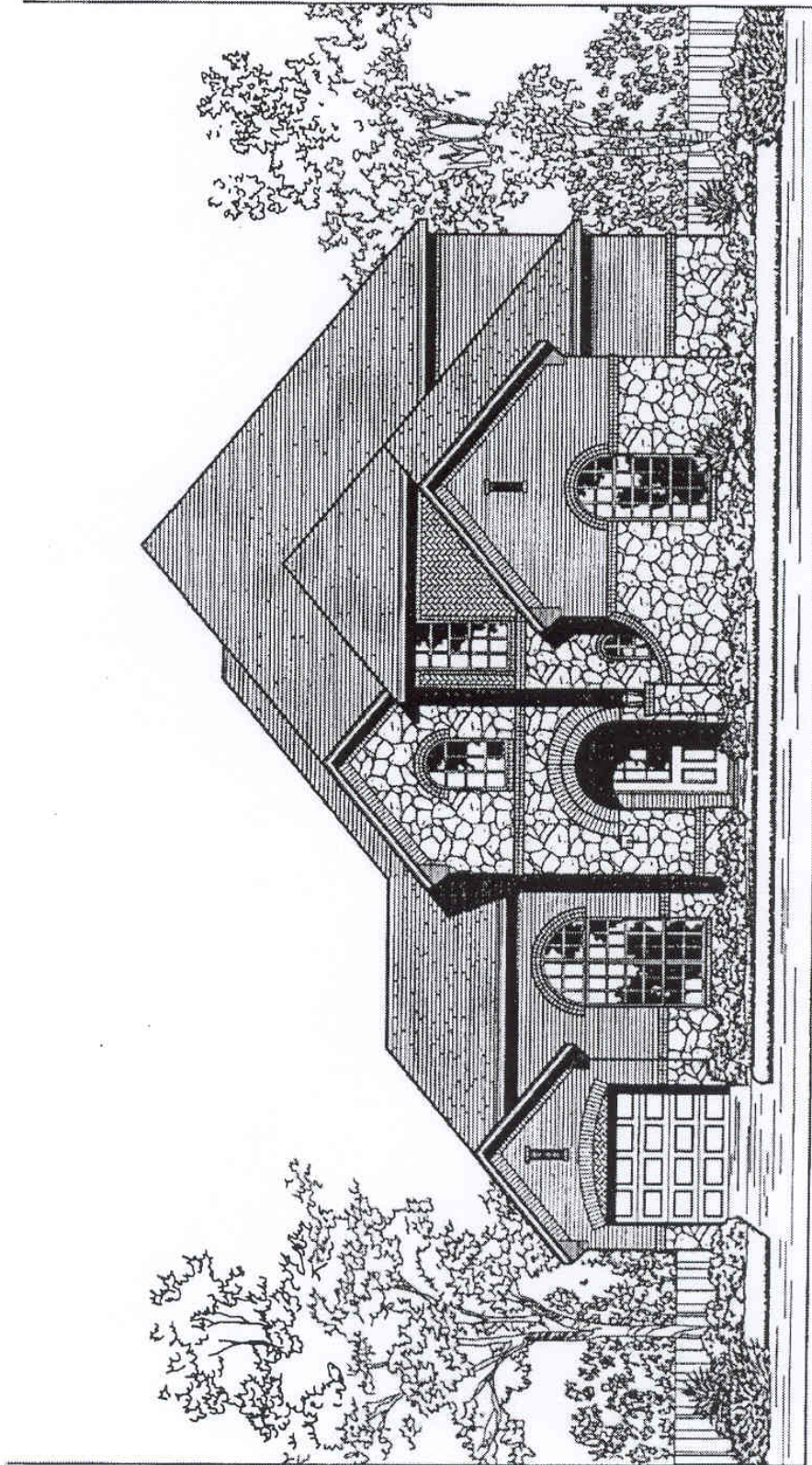


Exhibit "F-3"

The illustrations that are included with this Exhibit are for the purpose of illustrative example only and do not constitute exact renderings or plans of the buildings and items depicted.



29

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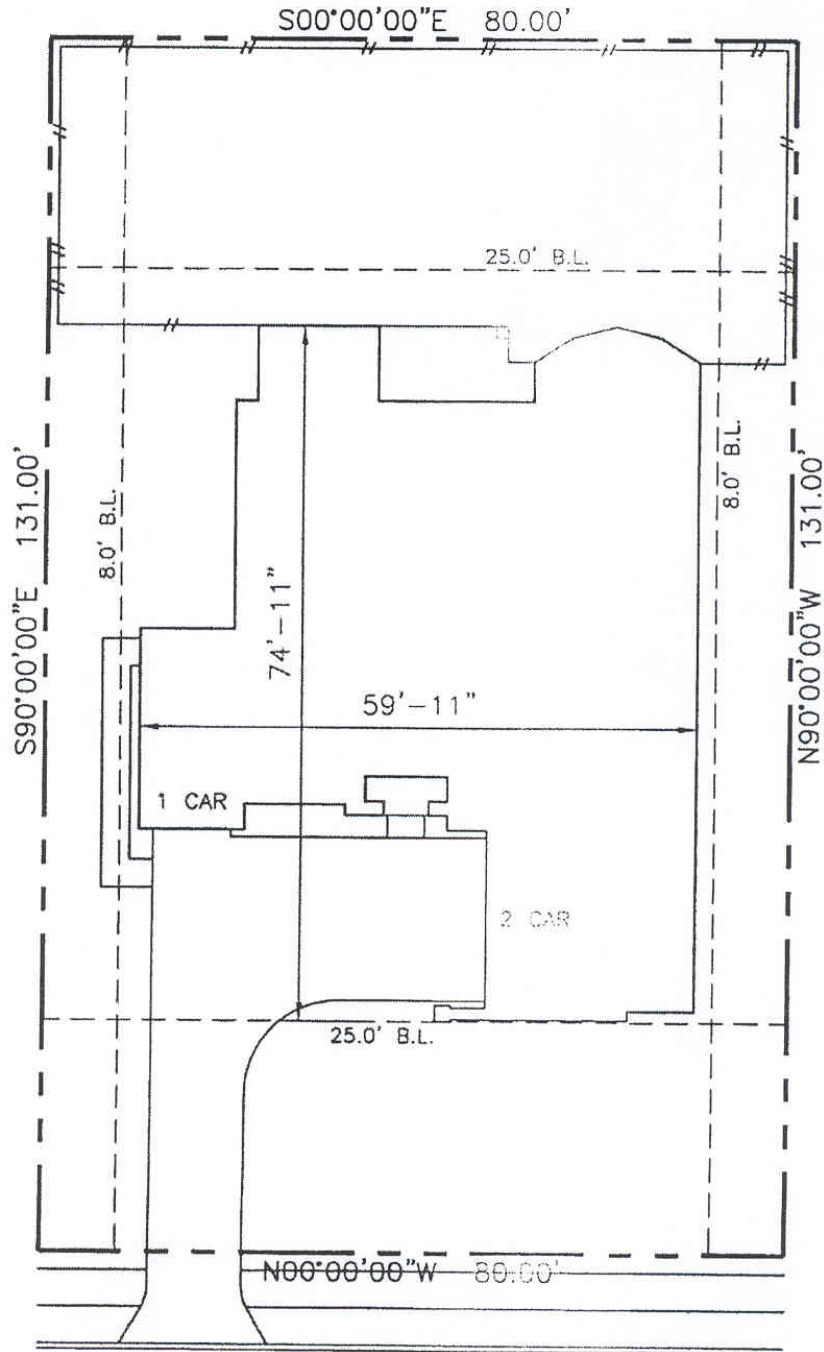
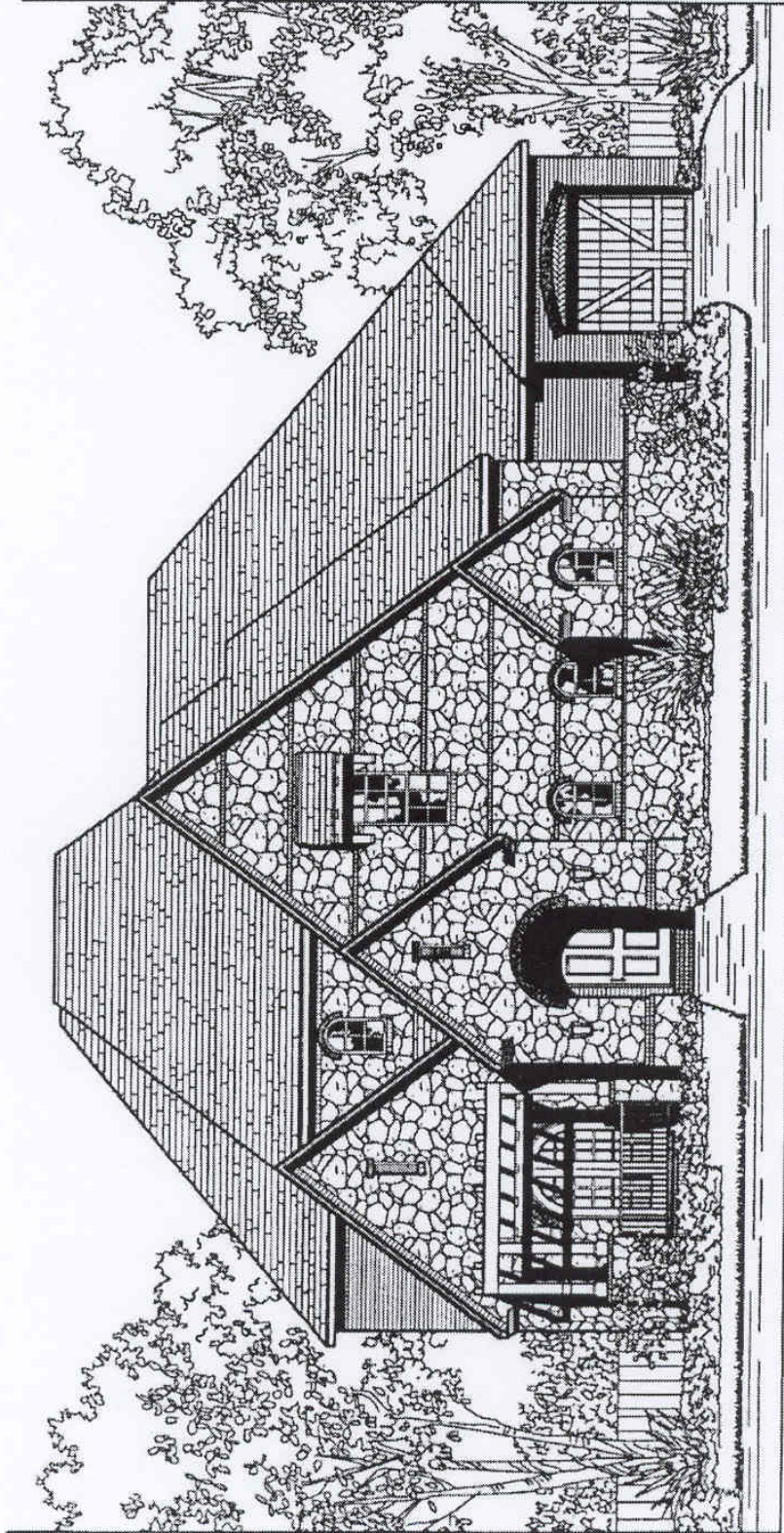


Exhibit "F-4"

The illustrations that are included with this Exhibit are for the purpose of illustrative example only and do not constitute exact renderings or plans of the buildings and items depicted.





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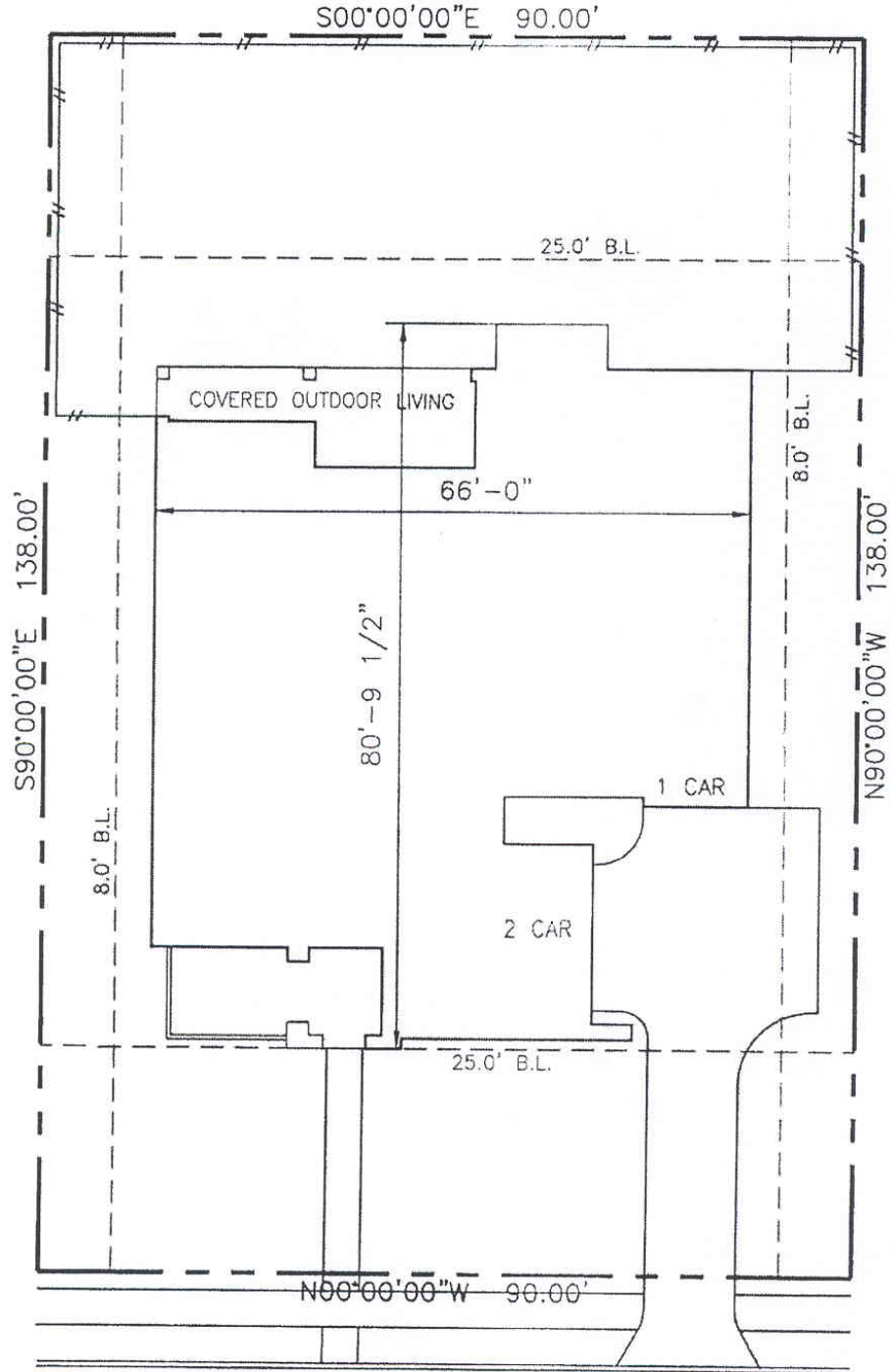


Exhibit "F-5"

The illustrations that are included with this Exhibit are for the purpose of illustrative example only and do not constitute exact renderings or plans of the buildings and items depicted.











EXHIBIT “C”

Development Standards for Windsong Ranch, Town of Prosper, Texas

Conformance with the Town’s Zoning Ordinance and Subdivision Ordinance: Except as otherwise set forth in these Development Standards, the regulations of the Town’s Zoning Ordinance (Ordinance No. 05-20 as it currently exists or may be amended) and Subdivision Ordinance (as it currently exists or may be amended) shall apply.

1. **Amenity Program**

- a. **General.** As a master planned community, Windsong Ranch will have a programmed and qualitatively controlled system of amenities throughout. These amenities combine to create an overall sense of place that would be difficult to achieve when considered as independent elements within smaller developments. The community amenities that are addressed within these Development Standards are:

- Primary Community Entries
- Secondary Community Entries
- Neighborhood Entries
- Thoroughfare Landscape Buffers
- Community Park
- Community Amenity Center
- Floodplain / Greenway Parks
- Neighborhood Parks
- Pocket Parks

b. **Primary Community Entries**

- a. Major points of entry into Windsong Ranch (minimum two locations, including at least one entry along U.S. 380) will be defined with a combination of monument signage, landscape and lighting to create a sense of arrival commensurate in scale and character with a 2,120.54 acre master planned community (see representative examples below). These entries will include:

- Community name / logo incorporated into monument signage element, to be constructed of masonry or similar material;
- Enhanced landscape, including seasonal color, shrubs, groundcover, perennials and unique combinations of both canopy and ornamental trees;
- Enhanced lighting on the monument / signage and the unique aspects of the landscape;
- Water will be considered as an accent feature if land and topography permit, and if compatible with the overall physical design theme for the community.

- b. Primary entries will be developed to incorporate both sides of the entry roadway when both are contained within Windsong Ranch, and will also include enhancements to the median in the immediate area (where / if applicable). Landscape easements will be provided to ensure adequate space to provide for visibility triangle(s) and adequate development of entry design.



c. **Secondary Community Entries**

- a. **Secondary community entries** will be similar to primary community entries in their use of compatible building and landscape materials, but will be smaller in scale and land area. They will occur at the outside edges of Windsong Ranch, at the entries for either arterials or collectors into the community. It is anticipated that a minimum of three secondary entries will be provided for the community, primarily along Teel Parkway (see representative examples below). Secondary community entries will include the following elements, scaled slightly smaller than the primary entries:

- Community name / logo incorporated into monument signage element, to be constructed of masonry or similar material;
- Enhanced landscape, including seasonal color, shrubs, groundcover, perennials and unique combinations of both canopy and ornamental trees;
- Enhanced lighting on the monument / signage and the unique aspects of the landscape;
- Center median to allow for more landscape density and also provide alternative location for neighborhood identification and way-finding graphics;
- Landscape easements where required to accommodate enhanced landscape and monument construction.



- b. **Neighborhood Entries**. Internal to Windsong Ranch and along both arterials and collectors, points of intersection will be enhanced to denote entries into individual 'villages' or neighborhoods. These entries will resemble primary and secondary entries in their use of materials and

landscape, but will also incorporate village or neighborhood names and will contribute to a unique, community-wide system of visual way finding.

d. **Thoroughfare Landscape Buffers (Arterial and Collector Roads) - 25' Min.**

Thoroughfares will provide a continuity of design from primary and secondary points of community entry throughout the entirety of Windsong Ranch. These thoroughfares and the adjacent landscape buffers are intended to include the following:

- Screen walls composed primarily of ornamental metal fence with living screen or stone or stone veneer (allowing brick accent), ONLY if the Town determines that mitigating circumstances (land area / depth, topography, etc) will not allow natural landscape to buffer adjacent land uses (no builder fencing allowed);
- Enhanced grading / berms combined with landscape (grass, trees, accent shrubs and groundcover at entry points) to provide design continuity and buffer adjacent land uses;
- Street tree system throughout (formal and/or informal in arrangement – design to be determined), to visually identify the hierarchy of streets and neighborhoods. A variety of tree species will be provided, including canopy / shade and smaller flowering, ornamentals of a minimum 3 inch caliper for every 30 lineal feet which with requested approval by the Town at the time of submission of a preliminary plat may be grouped and in no case shall there be less than the total number of street trees as required by this subsection;
- Continuous 6' sidewalks on both sides of the thoroughfare (sidewalks interior to Residential may be 5');
- Integrated neighborhood / 'village' entries at points of intersection.

e. **Community Park** Windsong Ranch will include one community park (of approximately 50 acres) that shall be dedicated to the Town in accordance with the Preannexation Agreement. Schedule for improvements and requirements for maintenance are described in Section 4 of the Development Standards. It is intended that this park include sports and athletic facilities, passive and natural spaces and associated parking - all of a scope and type to be determined in coordination with Town staff. Following are parameters of design intended for this facility:

- Location will be along one of the open space / greenway parks in order to facilitate pedestrian connectivity to the neighborhoods;
- Facility design will utilize materials (masonry, pavements, landscape, lighting) that are compatible with other common area improvements within the Windsong Ranch community;
- Specific facilities to be determined in coordination with Town staff, but may include some combination of the following:
 - ✓ 8' wide hike and bike trails
 - ✓ Softball / Baseball field(s) (lighted);
 - ✓ Soccer field(s) (lighted);

- ✓ Football field(s)
- ✓ Multipurpose field(s)
- ✓ Shade pavilion(s);
- ✓ Parking;
- ✓ Trailhead connections to adjacent floodplain / greenway parks;
- ✓ Site furnishings, including benches, water fountains, trash receptacles;
- ✓ Enhanced landscape at entries, and irrigated turf in all maintained (developed) areas.

f. **Community Amenity Center**

- a. At least one Community Amenity Center shall be developed within Windsong Ranch, providing a range of more active, family oriented activities in a 'resort' style environment (see representative examples above). This facility will be HOA maintained and provide the "centerpiece" recreational amenity for the entire community. Like the community park, this facility is intended to be located along the floodplain / greenway parks system to accommodate pedestrian and bicycle access from the neighborhoods of Windsong Ranch.
- A. A Community Amenity Center will be completed along with the initial phase of residential development, within the Single-Family Residential Tract.
- B. Three (3) additional Neighborhood Amenity Centers will be built upon completion of each successive phase of residential development, each phase to include approximately 750 homes, within the Single-Family Residential tract.
- b. The intended program for the Community Amenity Center facility shall include multiple elements from the following list:
- Active adult and children's pools;
 - Water slides and water play features;
 - Paved and turf chaise areas;
 - Community building, with interior and exterior spaces programmed for resident and HOA uses, including possible inclusion of a kitchen, community room, meeting room(s), fitness room, and storage area(s);
 - Restrooms (in the community building and possibly additionally at the pool area(s);
 - Convenience parking (quantity to be determined based upon code compliance);
 - Children's playground facility(s);
 - Sport court(s);
 - Trailhead linkages to the floodplain / greenway parks.



c. **Floodplain / Greenway Parks**

A. Windsong Ranch includes over 550 acres of flood plain corridors through the property. Significant portions of these corridors are rich in native flora and fauna, and are intended to be preserved in a natural condition, with only minimal impact to allow hike / bike trail linkages. Other areas are more open and less valuable as a native resource, and these areas may be developed to include a golf course or ponds and fountains that contribute to the overall storm drainage system and provide enhanced value to the community. All of these corridors shall be interconnected with a series of paths and trails, with an overall hike / bike trail system throughout. Following are the key components of this system of open space through the community:

- Master hike / bike trail – minimum 8' in width – concrete or other material approved by the Town – linking all neighborhoods, schools and amenities;
- Secondary paths and trails – minimum 8' in width – concrete or 'soft' surface (decomposed granite, crushed fines) is permitted for HOA maintained trails– providing secondary linkages and 'spur' connections to the hike / bike trail system;
- Native preservation areas in locations of most desirable existing vegetation, including wetland, upland and forested environments;
- Trailhead locations at community amenity sites and at schools, to include trail maps, bike racks, and site furnishings (trash, seating);
- Ponds and water features in open areas where impacts to existing vegetation will not be an issue and storm drainage requirements can be enhanced – ponds to include predominantly native, soft edges, safety shelves, water circulation / aeration to ensure water quality.



d. **Neighborhood Parks**

- A. Windsong Ranch will include a minimum of three, 7.5 acre (each) neighborhood parks, distributed throughout the community in areas that are linked by the floodplain / greenway parks system and that contribute to ensuring a maximum ¼ mile walk from any neighborhood to a park or open space amenity. Additional requirements for schedule of completion for these facilities, as well as maintenance, can be found in Section 4 of the Development Standards.
- B. Neighborhood parks shall be designed as a complementary component of the Windsong Ranch amenities program, including consideration of alternative uses, and the use of compatible materials (hardscape, landscape and, if included, lighting). These parks are to be integrated within the open space system as well as the neighborhoods that they serve. Neighborhood parks may include features and elements from the following list of amenities;
- Open play fields (non-lit);
 - Sport courts;
 - Covered pavilion or shade structure;
 - Children's playgrounds segregated by age groups (i.e. 2-5 and 5-12);
 - Parking for +/- 10 spaces;
 - Grading around perimeter to provide safety for playfields and street frontages;
 - 8' sidewalks around site linking facilities and providing connections to adjacent floodplain / greenway parks;
 - Town's Park signage approved by the Parks Board consistent with community theme.



- e. **Pocket Parks** Additional components of the Windsong Ranch amenities program are smaller pocket parks within individual neighborhoods. These parks will be an HOA maintained component of the open space system, and allow for:
- Providing valuable open space in adjacency to smaller homes;
 - integration of existing tree rows and other natural features that warrant preservation;
 - ensuring one-quarter mile resident walks to a component of the open space system;
 - additional passive and moderately active recreational opportunities, including:
 - ✓ open play areas;
 - ✓ natural interpretive areas;
 - ✓ neighborhood playgrounds;
 - ✓ children's water play area;
 - ✓ small neighborhood gathering spaces.

2. **Single-Family Residential Tract**

- a. **General Description:** Residential uses shall be permitted throughout the Property as set forth herein.
- b. **Allowed Uses:** Land uses allowed within the Single-Family Residential Tract are as follows: Uses followed by an **S** are permitted by Specific Use Permit. Uses followed by a **C** are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town's Zoning Ordinance.
- Accessory buildings incidental to the allowed use and constructed of the same materials as the main structure.
 - Churches / rectories
 - Civic facilities
 - Electronic security facilities, including gatehouses and control counter
 - Fire stations and public safety facilities
 - Guest House
 - Home Occupation **C**
 - Model Home
 - Park or Playground
 - Private Recreation Center
 - Private Street Development and gated communities **S**

- Public or Private Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts, to be stated on plat
 - Single family residential uses as described herein
 - Schools – public or private
 - Golf Course for Country Club (including clubhouse, maintenance facilities, on-course food and beverage structure, and on course restroom facilities.)
 - Temporary real estate sales offices for each builder during the development and marketing of the Planned Development which shall be removed no later than 30 days following the final issuance of the last Certificate of Occupancy (CO) on the last lot owned by that builder.
 - Temporary buildings of the builders and uses incidental to construction work on the premises, which shall be removed upon completion of such work.
 - Townhouses (only as a buffer use as set forth herein)
 - Utility distribution lines and facilities. Electric substations shall be allowed at the sole discretion of the Developer.
- c. **Density:** The maximum number of single family detached units for the Properties is 3,324, of which 1,758 lots shall be in Phases 6 through 9 (as depicted on Exhibit A-3).
- d. **Lot Types:** The single family detached lots developed within the Properties shall be in accordance with the following Lot Types:
- Type A Lots: Minimum 8,000 square foot lots
 - Type B Lots: Minimum 9,000 square foot lots
 - Type C Lots: Minimum 10,500 square foot lots
 - Type D Lots: Minimum 12,500 square foot lots
 - Type E Lots: Minimum 6,000 square foot lots
 - Type F Lots: Minimum 20,000 square foot lots
- e. **Lot Type Development Threshold:**
- A. Planning and Zoning Commission can approve up to three hundred (300) Type E final platted Lots prior to the final acceptance by Town of twenty (20) Type F Lots.
- f. **Area and building regulations:**
- a. **Type A Lots:** The area and building standards for Type A Lots are as follows and as set forth in Table 1:
- A. **Minimum Lot Size.** The minimum lot size for Type A Lots shall be 8,000 square feet. A typical lot will be 60' x 133', but may vary as long as requirements in Table 1 are accommodated.
- B. **Minimum Lot Width.** The minimum lot width for Type A Lots shall be sixty (60) feet.

- C. **Minimum Yard Setbacks.**
- i. **Minimum Front yard Setback:** The minimum Front yard setback for Type A Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type A Lots.
 - ii. **Minimum Side yard Setback:**
 - (a) The minimum Side yard setback for Type A Lots shall be eight (8) feet.
 - (b) For courtyard homes, as defined herein, the minimum side yard setback shall be either fourteen (14) feet for one side and two (2) feet for the other side yard or thirteen (13) feet for one side and three (3) feet for the other side yard. Windows on the 2' or 3' side of the courtyard home will not be allowed unless they are opaque or consist of glass block.
 - (c) For corner lots, the minimum Side yard setback shall be fifteen (15) feet.
 - iii. **Minimum Rear yard Setback:**
 - (a) The minimum Rear yard setback shall be twenty-five (25) feet.
 - (b) For Courtyard Homes, as defined herein, the minimum Rear yard setback is ten (10) feet for a maximum number of lots not to exceed one hundred and forty (140) Type A lots.
 - iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to five (5) feet. Swing-in garages may encroach into required front yards up to ten (10) feet. Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.
- D. **Minimum Floor Space.** Each dwelling constructed on a Type A Lot shall contain a minimum of one thousand, nine hundred (1,900) square feet of floor space. Floor space shall include air-

conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling.

- E. **Height.** The maximum height for structures on Type A Lots shall be forty (40) feet.
- F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are permitted.
- G. **Driveways.** Driveways fronting on a street on Type A Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
- H. **Exterior Surfaces.**
- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of the area for stories other than the first story. However, cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Building Official.
 - ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
 - iii. **Address Plaque.** ~~A cast stone~~An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type AG Lot. ~~The style of the cast stone address plaque shall be uniform throughout each section of development.~~
 - iv. **Chimneys.** On Type A Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.

- v. **Stucco.** Stucco on structures on Type A Lots shall be traditional 3-coat process cement plaster stucco.
 - vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type A Lots.
- I. **Windows.** All window framing on structures on Type A Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.
- i. Window shutters may be used on structures on Type A Lots. Window shutters shall be painted, stained wood, or fiberglass.
 - ii. No reflective window coverings or treatments shall be permitted.
- J. **Roofing.**
- i. Structures constructed on the Type A Lots shall have a composition, slate, clay tile or cement/concrete tile roof.
 - ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
 - iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
 - iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12". Clay tile and cement/concrete tile roofs shall have a minimum slope of 3" in 12". Pitch ends shall be 100% guttered.
- K. **Garages.**
- i. Homes shall have a minimum of two (2) car garages but no more than three (3). No carports shall be permitted.
 - ii. Homes with three (3) garages shall not have more than two (2) garage doors facing the street.
 - iii. Garage doors shall be constructed of either metal or wood.

- L. **Plate Height.** Each structure on a Type A Lot shall have a minimum principal plate height of 9' on the first floor.
- M. **Fencing.** No fence, wall or hedge on a Type A Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.
- i. All Type A Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
 - ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
 - iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.
- N. **Landscaping.**
- i. A minimum of six (6) caliper inches of trees shall be planted on all Type A Lots.
 - ii. A minimum of one (1) tree shall be located in the front yard.
 - iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
 - iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
 - v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.
- O. **Mailboxes.** Mailboxes on a Type A Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot, unless otherwise required by USPS (United States Postal Service).
- P. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type A Lots.

- Q. **Air Conditioners.** No window or wall air conditioning units will be permitted on structures on Type A Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.
- R. **Plan Elevations.** On Type A Lots, plan elevations shall alternate every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type A Lots are attached hereto as Exhibit "F-1".
- S. **Accessory Structures.** Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.
- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
 - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum Rear yard setback of ten (10) feet, and a minimum Side yard setback of eight (8) feet.
- b. **Type B Lots:** The area and building standards for Type B Lots are as follows and as set forth in Table 1:
- A. **Minimum Lot Size.** The minimum lot size for Type B Lots shall be nine thousand (9,000) square feet. A typical lot will be 70' x 128', but may vary as long as requirements in Table 1 are accommodated.
 - B. **Minimum Lot Width.** The minimum lot width for Type B Lots shall be seventy (70) feet.
 - C. **Minimum Yard Setbacks.**
 - i. **Minimum Front yard Setback:** The minimum Front yard setback for Type B Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type B Lots.
 - ii. **Minimum Side yard Setback:**
 - (a) The minimum Side yard setback for Type B Lots shall be eight (8) feet.

- (b) For courtyard homes, as defined herein, the minimum side yard setback shall be either fourteen (14) feet for one side and two (2) feet for the other side yard or thirteen (13) feet for one side and three (3) feet for the other side yard. Windows on the 2' or 3' side of the courtyard home will not be allowed unless they are opaque or consist of glass block.
 - (c) For corner lots, the minimum Side yard setback shall be fifteen (15) feet.
- iii. **Minimum Rear yard Setback:**
 - (a) The minimum Rear yard setback shall be twenty-five (25) feet.
 - (b) For Courtyard Homes, as defined herein, the minimum Rear yard setback is ten (10) feet for a maximum number of lots not to exceed one hundred and ten (110) Type B lots.
- iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to five (5) feet. Swing-in garages may encroach into required front yards up to ten (10) feet. Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.
- D. **Minimum Floor Space.** Each dwelling constructed on a Type B Lot shall contain a minimum of two thousand, one hundred (2,100) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
- E. **Height.** The maximum height for structures on Type B Lots shall be forty (40) feet.
- F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are permitted.
- G. **Driveways.** Driveways fronting on a street on Type B Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.

H. **Exterior Surfaces.**

- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of the area for stories other than the first story. However, cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director of Development Services.
 - ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
 - iii. **Address Plaque.** ~~A cast stone~~ An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type ~~BC~~ Lot. ~~The style of the cast stone address plaque shall be uniform throughout each section of development.~~
 - iv. **Chimneys.** On Type B Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
 - v. **Stucco.** Stucco on structures on Type B Lots shall be traditional 3-coat process cement plaster stucco.
 - vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type B Lots.
- I. **Windows.** All window framing on structures on Type B Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.

- i. Window shutters may be used on structures on Type B Lots. Window shutters shall be painted, stained wood, or fiberglass.
- ii. No reflective window coverings or treatments shall be permitted.

J. **Roofing.**

- i. Structures constructed on the Type B Lots shall have a composition, slate, clay tile or cement/concrete tile roof.
- ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
- iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
- iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12". Clay tile and cement/concrete tile roofs shall have a minimum slope of 3" in 12". Pitch ends shall be 100% guttered.

K. **Garages.**

- i. Homes shall have a minimum of two (2) car garages but no more than four (4). No carports shall be permitted.
- ii. Homes with three (3) or four (4) garages shall not have more than two (2) garage doors facing the street.
- iii. Garage doors shall be constructed of either metal or wood.

L. **Plate Height.** Each structure on a Type B Lot shall have a minimum principal plate height of 9' on the first floor.

M. **Fencing.** No fence, wall or hedge on a Type B Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.

- i. All Type B Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.

- ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
- iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.

N. **Landscaping.**

- i. A minimum of nine (9) caliper inches of trees shall be planted on all Type B Lots.
- ii. A minimum of two (2) three inch (3") caliper trees shall be located in the front yard.
- iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
- iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
- v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.

O. **Mailboxes.** Mailboxes on a Type B Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot, unless otherwise required by USPS (United States Postal Service).

P. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type B Lots.

Q. **Air Conditioners.** No window or wall air conditioning units will be permitted on structures on Type B Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.

R. **Plan Elevations.** On Type B Lots, plan elevations shall alternate every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type B Lots are attached hereto as Exhibit "F-2".

- S. **Accessory Structures.** Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.
- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
 - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum Rear yard setback of ten (10) feet, and a minimum Side yard setback of eight (8) feet.
- c. **Type C Lots:** The area and building standards for Type C Lots are as follows and as set forth in Table 1:
- A. **Minimum Lot Size.** The minimum lot size for Type C Lots shall be ten thousand, five hundred (10,500) square feet. A typical lot will be 80' x 131', but may vary as long as the requirements of Table 1 are accommodated.
 - B. **Minimum Lot Width.** The minimum lot width for Type C Lots shall be eighty (80) feet.
 - C. **Minimum Yard Setbacks.**
 - i. **Minimum Front yard Setback:** The minimum Front yard setback for Type C Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type C Lots.
 - ii. **Minimum Side yard Setback:**
 - (a) The minimum Side yard setback for Type C Lots shall be eight (8) feet.
 - (b) For courtyard homes, as defined herein, the minimum side yard setback shall be either fourteen (14) feet for one side and two (2) feet for the other side yard or thirteen (13) feet for one side and three (3) feet for the other side yard. Windows on the 2' or 3' side of the courtyard home will not be allowed unless they are opaque or consist of glass block.
 - (c) For corner lots, the minimum Side yard setback shall be fifteen (15) feet.

- iii. **Minimum Rear yard Setback:**
- (a) The minimum Rear yard setback shall be twenty-five (25) feet.
 - (b) For Courtyard Homes, as defined herein, the minimum Rear yard setback is ten (10) feet for a maximum number of lots not to exceed forty five (45) Type C lots.
- iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to five (5) feet. On corner lots, architectural features and porches may encroach into required side yards up to five (5) feet on the road side. Swing-in garages may encroach into required front yards up to ten (10) feet. Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.
- D. **Minimum Floor Space.** Each dwelling constructed on a Type C Lot shall contain a minimum of two thousand, three hundred (2,300) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
- E. **Height.** The maximum height for structures on Type C Lots shall be forty-five (45) feet.
- F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are permitted.
- G. **Driveways.** Driveways fronting on a street on Type C Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
- H. **Exterior Surfaces.**
- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry, ~~or properly stained and sealed decorative wood products. Such decorative wood products would include cedar shake shingles, Douglas Fir siding, Cedar siding~~

~~and lpe wood siding.~~ Cementitious fiber board ~~and siding~~ is considered masonry, ~~but may only constitute fifty (50) percent of the area for stories other than the first story.~~ However, cementitious fiber board ~~and siding or decorative wood products~~ may ~~not only~~ be used as ~~a the primary exterior~~ façade cladding material ~~for portions of upper stories that are in the same vertical plane in a limited number of homes as the first story.~~ Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director of Development Services, specified in Table 1.

- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
- iii. **Address Plaque.** ~~A cast stone~~An address plaque ~~or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code~~ is required for each Type C Lot. ~~The style of the cast stone address plaque shall be uniform throughout each section of development.~~
- iv. **Chimneys.** On Type C Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
- v. **Stucco.** Stucco on structures on Type C Lots shall be traditional 3-coat process cement plaster stucco.
- vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type C Lots.
- I. **Windows.** All window framing on structures on Type C Lots shall be bronzed, cream, sand ~~or white, white or other commercially available colors in~~ anodized aluminum, vinyl or wood.

- i. Window shutters may be used on structures on Type C Lots. Window shutters shall be painted, stained wood, or fiberglass.
- ii. No reflective window coverings or treatments shall be permitted.

J. **Roofing.**

- i. Structures constructed on the Type C Lots shall have a composition, slate, synthetic slate, standing seam metal, clay tile or cement/concrete tile roof.
- ii. ~~The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.~~
- iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
- iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12" for at least 75% of all Type C Lots. Up to 25% of Type C Lots may have roof pitches anywhere in the range between 8" in 12". Clay tile and cement/concrete tile roofs shall have a minimum slope of 3" in 12". 3" in 12" for 25% of Type C lots, 4" in 12" for 25% of Type C Lots, 5" in 12" for 25% of Type C Lots, and 6 and 8" in 12" for 25% of Type C lots. Pitch ends shall be 100% guttered.

K. **Garages.**

- i. Homes shall have a minimum of two (2) car garages but no more than four (4). No carports shall be permitted.
- ii. Homes with three (3) or four (4) garages shall not have more than two (2) garage doors facing the street.
- iii. Garage doors shall be constructed of metal or wood.

- L. **Plate Height.** Each structure on a Type C Lot shall have a minimum principal plate height of 10' on the first floor.

- M. **Fencing.** No fence, wall or hedge on a Type C Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.
- i. All Type C Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
 - ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
 - iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.
- N. **Landscaping.**
- i. A minimum of nine (9) caliper inches of trees shall be planted on all Type C Lots.
 - ii. A minimum of two (2) three inch (3") caliper trees shall be located in the front yard.
 - iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
 - iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
 - v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.
- O. **Mailboxes.** Mailboxes on a Type C Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot, unless otherwise required by USPS (United States Postal Service).
- P. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type C Lots.
- Q. **Air Conditioners.** No window or wall air conditioning units will be permitted on structures on Type C Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except

access and service space to the condensing units which may not be visible from the street.

- R. **Plan Elevations.** On Type C Lots, plan elevations shall alternate every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type C Lots are attached hereto as Exhibit "F-3".
- S. **Accessory Structures.** Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.
- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
 - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum Rear yard setback of ten (10) feet, and a minimum Side yard setback of eight (8) feet.
- d. **Type D Lots:** The area and building standards for Type D Lots are as follows and as set forth in Table 1:
- A. **Minimum Lot Size.** The minimum lot size for Type D Lots shall be twelve thousand, five hundred (12,500) square feet. A typical lot will be 90' x 138', but may vary as long as requirements Table 1 are accommodated.
 - B. **Minimum Lot Width.** The minimum lot width for Type D Lots shall be ninety (90) feet.
 - C. **Minimum Yard Setbacks.**
 - i. **Minimum Front yard Setback:** The minimum Front yard setback for Type D Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type D Lots.
 - ii. **Minimum Side yard Setback:**
 - (a) The minimum Side yard setback for Type D Lots shall be eight (8) feet.
 - (b) For corner lots, the minimum Side yard setback shall be fifteen (15) feet.

- iii. **Minimum Rear yard Setback:** The minimum Rear yard setback shall be twenty-five (25) feet.
- iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to five (5) feet. On corner lots, architectural features and porches may encroach into required side yards up to five (5) feet on the road side. Swing-in garages may encroach into required front yards up to ten (10) feet. Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.
- D. **Minimum Floor Space.** Each dwelling constructed on a Type D Lot shall contain a minimum of two thousand, six hundred (2,600) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
- E. **Height.** The maximum height for structures on Type D Lots shall be forty-five (45) feet.
- F. **Driveways.** Driveways fronting on a street on Type D Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
- G. **Exterior Surfaces.**
- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. ~~or properly stained and sealed decorative wood products. Such decorative wood products would include cedar shake shingles, Douglas Fir siding, Cedar siding and lpe wood siding.~~ Cementitious fiber board and siding is considered masonry, ~~but may only constitute fifty (50) percent of the area for stories other than the first story.~~ However, cementitious fiber board ~~and siding or decorative wood products~~ may ~~not only~~ be used as ~~a the primary exterior façade cladding material for portions of upper stories that are in the same vertical plane in a limited number of homes as the first story.~~ Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an

~~exterior wall, or other architectural features approved by the Building Official, specified in Table 1.~~

- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
- iii. **Address Plaque.** ~~A cast stone~~ An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type D Lot. ~~The style of the cast stone address plaque shall be uniform throughout each section of development.~~
- iv. **Chimneys.** On Type D Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
- v. **Stucco.** Stucco on structures on Type D Lots shall be traditional 3-coat process cement plaster stucco.
- vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type D Lots.

H. **Windows.** All window framing on structures on Type D Lots shall be bronzed, cream, sand ~~or,~~ white or other commercially available colors in anodized aluminum, vinyl or wood.

- i. Window shutters may be used on structures on Type D Lots. Window shutters shall be painted, stained wood, or fiberglass.
- ii. No reflective window coverings or treatments shall be permitted.

I. **Roofing.**

- i. Structures constructed on the Type D Lots shall have a composition, slate, synthetic slate, standing seam metal, clay tile or cement/concrete tile roof.
- ~~ii. The color of the composition roof must appear to be weathered wood shingles, black or slate,~~

~~unless such other color is approved by the Director of Development Services.~~

~~iii.ii.~~ Composition roof shingles must be laminated and have a minimum warranty of 30 years.

~~iv.iii.~~ The main roof pitch of any structure shall have a minimum slope of 8" in 12" for at least 50% of all Type D Lots. Up to 50% of Type D Lots may have roof pitches anywhere in the range between 3" in 12" and 8" in 12". ~~8" in 12". Clay tile and cement/concrete tile roofs shall have a minimum slope of 3" in 12".~~ 3" in 12" for 25% of Type D lots, 4" in 12" for 25% of Type D Lots, 5" in 12" for 25% of Type D Lots, and 6" in 12" for 25% of Type D lots. Pitch ends shall be 100% guttered.

J. **Garages.**

- i. Homes shall have a minimum of two (2) car garages but no more than four (4). No carports shall be permitted.
- ii. Homes with three (3) or four (4) garages shall not have more than two (2) garage doors facing the street.
- iii. Garage doors shall be constructed of metal or wood.

K. **Plate Height.** Each structure on a Type D Lot shall have a minimum principal plate height of 10' on the first floor.

L. **Fencing.** No fence, wall or hedge on a Type D Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.

- i. All Type D Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
- ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.

- iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.

M. **Landscaping.**

- i. A minimum of nine (9) caliper inches of trees shall be planted on all Type D Lots.
- ii. A minimum of two (2) three inch (3") caliper trees shall be located in the front yard.
- iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
- iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
- v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.

N. **Mailboxes.** Mailboxes on a Type D Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot, unless otherwise required by USPS (United States Postal Service).

O. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type D Lots.

P. **Air Conditioners.** No window or wall air conditioning units will be permitted on structures on Type D Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.

Q. **Plan Elevations.** On Type D Lots, plan elevations shall alternate every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type D. Lots are attached hereto as Exhibit "F-4".

R. **Accessory Structures.** Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.

- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.

- ii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum Rear yard setback of ten (10) feet, and a minimum Side yard setback of eight (8) feet.

- e. **Type E Lots:** The area and building standards for Type E Lots are as follows and as set forth in Table 1:
 - A. **Minimum Lot Size.** The minimum lot size for Type E Lots shall be 6,000 square feet. A typical lot will be 50' x 130', but may vary as long as requirements in Table 1 are accommodated.
 - B. **Minimum Lot Width.** The minimum lot width for Type E Lots shall be fifty feet (50').
 - C. **Minimum Yard Setbacks.**
 - i. **Minimum Front yard Setback:** The minimum Front yard setback for Type E Lots shall be twenty-five feet (25'). The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as it currently exists, shall apply to Type E Lots.
 - ii. **Minimum Side yard Setback:**
 - (a) The minimum Side yard setback for Type E Lots shall be five feet (5').
 - (b) For corner lots, the minimum Side yard setback shall be fifteen feet (15').
 - iii. **Minimum Rear yard Setback:**
 - (a) The minimum Rear yard setback shall be twenty-five feet (25'), with a twenty-foot (20') Rear yard setback allowed on lots that have a thirty foot (30') Front yard setback.
 - iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to ten feet (10'). Swing-in garages may encroach into required front yards up to ten feet (10'). Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.

- D. **Minimum Floor Space.** Each dwelling constructed on a Type E Lot shall contain a minimum of one thousand seven hundred (1,700) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
- E. **Height.** The maximum height for structures on Type E Lots shall be forty feet (40').
- F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are not permitted.
- G. **Driveways.** Driveways fronting on a street on Type E Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
- H. **Exterior Surfaces.**
- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred percent (100%) masonry. Cementitious fiber board may be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director of Development Services.
 - ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
 - iii. **Address Plaque.** ~~A cast stone~~An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type EC Lot. ~~The style of the cast stone address plaque shall be uniform throughout each section of development.~~
 - iv. **Chimneys.** On Type E Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be one hundred percent (100%) brick or stone.

- v. **Stucco.** Stucco on structures on Type E Lots shall be traditional 3-coat process cement plaster stucco.
- vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type E Lots.

I. **Windows.** All window framing on structures on Type E Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.

- i. Window shutters may be used on structures on Type E Lots. Window shutters shall be painted, stained wood, or fiberglass.
- ii. No reflective window coverings or treatments shall be permitted.

J. **Roofing.**

- i. Structures constructed on the Type E Lots shall have a composition, slate ~~or clay tile~~ or cement/concrete tile roof.
- ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
- iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
- iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12". Clay tile roofs and cement/concrete tile shall have a minimum slope of 3" in 12". Pitch ends shall be 100% guttered.
- v. A minimum of twenty-five percent (25%) of Type E Lots, shall have a main roof pitch greater than 8:12.

K. **Garages.**

- i. Homes shall have a garage sized for a maximum of two (2) cars in width. Three (3) car garages are acceptable by incorporating a tandem spot. Carports or three (3) car front facing garages shall not be permitted.

- ii. Homes with two (2) single car width garage doors facing the street shall have such garage doors separated by a masonry column of no less than twelve inches (12') in width.
 - iii. Garage doors shall have a minimum Front yard setback of twenty-five feet (25').
 - iv. A minimum of fifty percent (50%) shall have two (2) single garage doors split by a masonry column.
 - v. A maximum two (2) garage spaces shall face the street.
 - vi. Garage doors shall be constructed of wood, or a material that gives the appearance of a real wood door. Materials may consist of paint or stain grade wood (Cedar, Ash, Hemlock, etc.) or other material, including fiberglass or steel, that when stained or painted gives the appearance of a real wood door.
 - vii. Two of the following garage door upgrades shall be incorporated:
 - (a) Carriage style door designs giving the appearance of a classic swing-open design with the flexibility of an overhead door operation
 - (b) Doors incorporating decorative hardware
 - (c) Doors with windows
- L. **Plate Height.** Each structure on a Type E Lot shall have a minimum principal plate height of nine feet (9') on the first floor.
- M. **Fencing.** No fence, wall or hedge on a Type E Lot shall exceed eight feet (8') in height or be less than four feet (4') in height unless otherwise specifically required by the Town of Prosper.
- i. All Type E Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
 - ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail

shall be established for the community by the developer.

- iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.

N. **Landscaping.**

- i. A minimum of six caliper inches (6") of trees shall be planted on all Type E Lots (inclusive of street trees).
- ii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
- iii. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
- iv. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.
- v. A minimum of one (1) tree shall be located in the front yard.

- O. **Mailboxes.** Mailboxes on a Type E Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot, unless otherwise required by USPS (United States Postal Service).

- P. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type E Lots.

- Q. **Air Conditioners.** No window or wall air conditioning units will be permitted on structures on Type E Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.

- R. **Plan Elevations.** On Type E Lots, plan elevations shall alternate every fourth (4th) homes on the same side of a street and every third (3rd) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type G Lots are attached hereto as Exhibit "F-5".

- S. **Accessory Structures.** Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.

- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
 - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten feet (10'), have a minimum Rear yard setback of ten feet (10'), and a minimum Side yard setback of eight feet (8').
- T. **Porches.** A minimum of twenty-five percent (25%) of Type E Lots shall have a front porch, subject to the following regulations.
 - i. A minimum of fifteen percent (15%) of homes along a block face shall have a porch.
 - ii. The minimum porch depth shall be seven feet (7').
 - iii. The minimum porch width for a house with a split garage door shall be seven feet (7').
 - iv. The minimum porch width for a house without a split garage door shall be ten feet (10').
- U. **House Pad Width.** Type E lots shall have a minimum pad width of thirty-nine feet, six inches (39' 6").
- f. **Type F Lots:** The area and building standards for Type F Lots are as follows and as set forth in Table 1:
 - A. **Minimum Lot Size.** The minimum lot size for Type F Lots shall be 20,000 square feet. A typical lot will be 120' x 170', but may vary as long as requirements in Table 1 are accommodated.
 - B. **Minimum Lot Width.** The minimum lot width for Type F Lots shall be one hundred twenty feet (120').
 - C. **Minimum Yard Setbacks.**
 - i. **Minimum Front yard Setback:** The minimum Front yard setback for Type F Lots shall be thirty feet (30'). The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type F Lots.
 - ii. **Minimum Side yard Setback:**

- (a) The minimum Side yard setback for Type F Lots shall be twenty feet (20').
- (b) For courtyard homes, as defined herein, the minimum Side yard setback shall be twenty-six feet (26') for one side and fourteen feet (14') for the other side yard. Windows on the 14' side of the courtyard home will not be allowed unless they are opaque or consist of glass block.
- (c) For corner lots, the minimum Side yard setback shall be twenty-five feet (25').

iii. **Minimum Rear yard Setback:**

- (a) The minimum Rear yard setback shall be thirty feet (30').
- (b) For Courtyard Homes, as defined herein, the minimum Rear yard setback is twenty feet (20').

iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to ten feet (10'). On corner lots, architectural features and porches may encroach into required side yards up to ten (10) feet on the road side. Swing-in garages may encroach into required front yards up to fifteen feet (15'). Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.

- D. **Minimum Floor Space.** Each dwelling constructed on a Type F Lot shall contain a minimum of three thousand (3,000) square feet of floor space if constructed as a single story structure and three thousand five hundred (3,500) if constructed as a two story structure. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
- E. **Height.** The maximum height for structures on Type F Lots shall be forty-five feet (45').
- F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are permitted.

- G. **Driveways.** Driveways fronting on a street on Type F Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
- H. **Exterior Surfaces.**
- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent ~~(100%) masonry, or properly stained and sealed decorative wood products. Such decorative wood products would include cedar shake shingles, Douglas Fir siding, Cedar siding and Ipe wood siding.~~ Cementitious fiber board and siding is considered masonry, ~~but may only constitute fifty percent (50%) of the area for stories other than the first story.~~ However, cementitious fiber board and siding or decorative wood products may ~~not only~~ be used as ~~a the primary exterior~~ façade cladding material ~~for portions of upper stories that are in the same vertical plane in a limited number of homes as the first story.~~ Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director of Development Services specified in Table 1.
 - ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
 - iii. **Address Plaque.** ~~A cast stone~~An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type F Lot. ~~The style of the cast stone address plaque shall be uniform throughout each section of development.~~
 - iv. **Chimneys.** On Type F Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be one hundred percent (100%) brick or stone.

- v. **Stucco.** Stucco on structures on Type F Lots shall be traditional 3-coat process cement plaster stucco.
- vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type F Lots.

I. **Windows.** All window framing on structures on Type F Lots shall be bronzed, cream, sand ~~or white, white or other commercially available colors in~~ anodized aluminum, vinyl or wood.

- i. Window shutters may be used on structures on Type F Lots. Window shutters shall be painted, stained wood, or fiberglass.
- ii. No reflective window coverings or treatments shall be permitted.

J. **Roofing.**

~~i.~~ Structures constructed on the Type F Lots shall have a composition, metal, slate, synthetic slate, standing seam metal, or tile roof.

~~ii.i.~~ ~~The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.~~

~~iii.ii.~~ Composition roof shingles must be laminated and have a minimum warranty of 30 years.

~~iv.iii.~~ The main roof pitch of any structure shall have a minimum slope of 8" in 12" for at least 25% of all Type F Lots. Up to 75% of Type F Lots may have roof pitches anywhere in the range between 3" in 12" and 8" in 12", 8" in 12". Clay tile roofs shall have a minimum slope of 3" in 12" for 25% of Type F lots, 4" in 12" for 25% of Type F Lots, 5" in 12" for 25% of Type F Lots, and 6" in 12" for 25% of Type F lots. Pitch ends shall be 100% guttered.

K. **Garages.**

- i. Homes shall have a minimum of two (2) car garages but no more than five (5). Rear located carports shall be permitted.

- ii. The maximum width of garage doors allowed to face the street shall be limited to three (3) car widths.
 - iii. Garage doors shall be constructed of either metal or wood.
- L. **Plate Height.** Each structure on a Type F Lot shall have a minimum principal plate height of ten feet (10') on the first floor.
- M. **Fencing.** No fence, wall or hedge on a Type F Lot shall exceed eight feet (8') in height or be less than four feet (4') in height unless otherwise specifically required by the Town of Prosper.
- i. All Type F Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
 - ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
 - iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.
- N. **Landscaping.**
- i. A minimum of twelve caliper inches (12") of trees shall be planted on all Type F Lots (inclusive of street trees).
 - ii. A minimum of one (1) tree shall be located in the front yard.
 - iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
 - iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
 - v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.
- O. **Mailboxes.** Mailboxes on a Type F Lot shall be consistent with the theme for the street and with the materials of the home on

the respective lot, unless otherwise required by USPS (United States Postal Service).

- P. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type F Lots.
- Q. **Air Conditioners.** No window or wall air conditioning units will be permitted on structures on Type F Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.
- R. **Plan Elevations.** On Type F Lots, specific plan elevations shall not be repeated within a given platted phase.
- S. **Accessory Structures.** Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.
- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
 - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten feet (10'), have a minimum Rear yard setback of ten feet (10'), and a minimum Side yard setback of eight feet (8').

TABLE 1						
	Lot Type A	Lot Type B	Lot Type C	Lot Type D	Lot Type E	Lot Type F
Min. permitted lot sizes	8,000 sq. ft	9,000 sq. ft.	10,500 sq. ft	12,500 sq. ft.	6,000 sq.ft	20,000 sq.ft.
Max. permitted number of lots ¹	950 (maximum of 361 lot permitted in Phases 6 through 9 as indicated on Exhibit A-1)	1,074 (maximum of 511 lots permitted in Phases 6 through 9 as indicated on Exhibit A-1)	600 (maximum of 344 lots permitted in Phases 6 through 9 as indicated on Exhibit A-1)	160 (maximum of 2 lots permitted in Phases 6 through 9 as indicated on Exhibit A-1)	500 (shall be permitted in Phases 6 through 9 as indicated on Exhibit A-1)	40 ²
<u>Max. percentage of lots with 100% Cementitious Fiber Board and Siding</u> <u>Decorative Wood Exterior</u>	<u>0%</u>	<u>0%</u>	<u>30%</u>	<u>30%</u>	<u>0%</u>	<u>30%</u>
¹ Max. permitted number of lots are transferrable from smaller Lot Type classifications to larger Lot Type classifications						
² 40 lots is also the minimum number of Type F lots required						
Min. Front Yard	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	30 ft.
Min. Side Yard	8 ft. (14'/2' or 13'/3' on courtyard option)	8 ft. (14'/2' or 13'/3' on courtyard option)	8 ft. (14'/2' or 13'/3' on courtyard option)	8 ft.	5 ft.	20 ft. (26'/14' on courtyard option)
Corner Lot	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.
Min. Rear Yard	25 ft. (10' on courtyard option for no more than 140 Type A lots)	25 ft. (10' on courtyard option for no more than 110 Type B lots)	25 ft. (10' on courtyard option for no more than 45 Type C lots)	25 ft.	25 ft. (Thirty-foot (30') front setback, where a twenty-foot (20') rear setback is allowed)	30 ft.
Max. Building Height	40 ft.	40 ft.	45 ft.	45 ft.	40 ft.	45 ft.
Max. Lot Coverage	55%	50%	<u>45%60%</u>	<u>45%55%</u>	60%	<u>40%50%</u>
Min. Lot Width	60 ft.	70 ft.	80 ft.	90 ft.	50 ft.	120 ft.
Min. Lot Depth	100 ft.	100 ft.	110 ft.	125 ft.	100 ft.	150 ft.
Min. Dwelling Area	1,900 sq. ft.	2,100 sq. ft.	2,300 sq. ft.	2,600 sq. ft.	1,700 sq. ft.	3,000 sq. ft. (Single Story) 3,500 sq. ft. (Two Story)
Min. Pad Width	N/A	N/A	N/A	N/A	39 ft., 6 in.	N/A

3. **Mixed-Use Tract**

- a. **Definition:** The term ‘Mixed-Use’ as applied to the [MahardWindsong Ranch Development](#) shall include residential and non-residential land uses integrated vertically or horizontally along the property facing U.S. Highway 380 in a walkable, vibrant market driven neighborhood, giving residents the opportunity to live, work and shop in the same community. The architecture of the mixed-use portion of the development will blend with the surrounding residential neighborhood’s style. Non-residential uses include retail, restaurants and office. Retail uses are primarily intended to supply the community with everyday convenience goods and services and shall occur on the ground level of stand alone or integrated buildings. Office shall include neighborhood service oriented professional, financial, and medical uses and may occupy ground and/ or upper level building space. Residential land uses are intended to supply attached housing product helping act as a buffer between the more intense retail and office uses along U.S. Highway 380 and the less intense suburban single-family residential product to the north. Principal uses may include town homes and multi-family (condominiums, live/ work loft residential, and luxury apartments). However, it is acknowledged that all or a portion designated as the Mixed Use Tract may develop solely for retail or office uses. It is intended in these standards to provide the flexibility to develop either a multiple use project or traditional retail development.
- b. **Alternative Development Standards.** Property within the Mixed Use Tract may be developed solely for retail uses. The Mixed Use Tract development standards provide two sets of standards that allow for a pedestrian-oriented multiple use development (Section 3.c.) or, in the alternative, traditional retail development (Section 3.d.).
- c. **Mixed-Use Development Standards (pedestrian-oriented):** A maximum of 250 acres of mixed-use development is permitted on the Properties generally located between U.S. Highway 380 and the collector street (see [Exhibit “D”](#)). Development standards for a mixed-use development for this area within the development are described below.
- a. **Permitted Uses.** The following uses are permitted within the “Mixed Use” area: Uses followed by an **S** are permitted by Specific Use Permit. Uses followed by a **C** are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town’s Zoning Ordinance.
- Accessory Building
 - Administrative, Medical, or Professional Office
 - Antenna and/or Antenna Support Structure, Commercial **S**
 - Antenna and/or Antenna Non-Commercial, attached to buildings or water towers (stand-above towers are prohibited) **C**
 - Antique Shop and Used Furniture
 - Artisan’s Workshop
 - Assisted Care or Living Facility **S**
 - Athletic Stadium or Field, Private **S**

- Athletic Stadium or Field, Public
- Bank, Savings and Loan, or Credit Union
- Beauty Salon/Barber Shop
- Bed and Breakfast Inn
- Beer & Wine Package Sales **C**
- Building Material and Hardware Sales, Minor
- Building Material and Hardware Sales, Major
- Business Service
- Caretaker's/Guard's Residence
- Civic/Convention Center
- Commercial Amusement, Indoor
- Community Center
- Convenience Store with Gas Pump **C**
- Convenience Store without Gas Pump
- Day Care Center, Adult **S**
- Day Care Center, Child **S**
- Drug Stores/Pharmacies
- Duplicating Centers, Mailing Services, Etc
- Dry Cleaning, Minor
- Farmer's Market
- Financial Institutions
- Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority
- Furniture, Home Furnishings and Appliance Store
- Garage Apartment
- Gas Pumps **C**
- Golf Course and/or Country Club
- Governmental Office
- Gymnastics/Dance Studio
- Health/Fitness Center
- Helistop **S**
- Home Occupation **C**
- Homebuilder Marketing Center
- Hospital
- Hotel **C**
- House of Worship
- Independent Living Facilities
- Laboratory, Medical and Dental.
- Insurance Office
- Locksmith/Security System Company
- Massage Therapy, Licensed
- Mini-Warehouse/Public Storage **S**
- Motel **S**
- Multifamily Dwelling (only within the Mixed Use pedestrian alternative)
- Municipal Uses
- Museum/Art Gallery
- Nursery, Major **S**

- Nursery, Minor
- Optical Stores – Sales and Services
- Office/Showroom
- Park or Playground
- Pet Day Care
- Post Office Facilities
- Print Shop, Minor
- Private Club **S**
- Private Recreation Center
- Private Street Development **S**
- Private Utility, Other Than Listed
- Retirement Housing
- Research and Development Center
- Recycling Collection Point
- Residence Hotel **C**
- Restaurant or Cafeteria **C**
- Restaurant, Drive In/ Drive-Thru
- Retail Stores and Shops
- Retail/Service Incidental Use
- Retirement Housing
- School, Private or Parochial
- School, Public
- Single Family Dwelling, Attached(Townhome)
- Stealth Antenna, Commercial
- Studio Dwelling
- Temporary Building **C**
- Theater, Neighborhood
- Theater, Regional
- Veterinarian Clinic and/or Kennel, Indoor
- Winery

b. **Multifamily Uses:** Multi-family units shall be allowed within the mixed use area. A maximum of three hundred, (300) multifamily units shall be allowed within the Mixed Use Tract. If portions of the designated Mixed Use Tract are developed with multi-family residential housing types, they shall be developed in accordance with the following criteria:

- A. **Required Parking:** Parking requirements for multi-family development shall be two spaces per one-bedroom unit, two spaces per two-bedroom unit, two and one-half spaces per three-bedroom unit and one-half space per each additional bedroom per unit. One (1) enclosed parking space per unit will be provided as part of the multi-family unit configuration. Enclosed parking will consist of an attached or detached garage or parking structure screened from public view.
- B. **Exterior Facade Building Materials:** All buildings within a multifamily development shall have an exterior finish of stone, stucco, brick, tile, concrete, glass or similar materials or any

combination thereof. The use of cementitious fiber board as a primary exterior building material shall be limited to a maximum of fifteen percent of the total exterior wall surfaces. All exterior finishes of buildings within a multifamily development shall have a minimum of ten percent (10%) stone accents.

- C. **Controlled Access:** All multi-family developments that contain limited gated access shall locate all gate controls, card pads and intercom boxes in driveway islands in a manner that provides a minimum of one hundred (100) feet of stacking distance from the gate. Such driveway islands shall also contain a break that allows for vehicular u-turn movements back onto a public street.
- c. **Townhouse Uses:** Townhouse units shall be allowed within the mixed use area or single family area as a buffer between non-residential and single family development. A maximum of three hundred (300) townhouse units shall be allowed. Townhouse units constructed in Single Family Residential Tract do not count against the maximum lot count of 3,500 single family lots. If portions of the designated mixed-use area are developed with townhouse residential housing types, they shall be developed in accordance with the following criteria:
- A. **Required Parking:** Parking requirements for townhouse development shall be two spaces per one-bedroom unit, two spaces per two-bedroom unit, two and one-half spaces per three-bedroom unit and one-half space per each additional bedroom per unit. Two (2) enclosed parking spaces per unit will be provided as part of the townhouse unit configuration. Enclosed parking will consist of an attached or detached garage or parking structure screened from public view.
- B. **Exterior Facade Building Materials:** All buildings within a townhouse development shall have an exterior finish of stone, stucco, brick, tile, concrete, glass or similar materials or any combination thereof. The use of cementitious fiber board as a primary exterior building material shall be limited to a maximum of fifteen percent of the total exterior wall surfaces. All exterior finishes of buildings within a townhouse development shall have a minimum of ten percent (10%) stone accents.
- C. **Controlled Access:** All townhouse developments that contain limited gated access shall locate all gate controls, card pads and intercom boxes in driveway islands in a manner that provides a minimum of one hundred (100) feet of stacking distance from the gate. Such driveway islands shall also contain a break that allows for vehicular u-turn movements back onto a public street.
- d. **Residential development standards:** Development shall be in accordance with the following table:

Development Requirement	Residential Product Type	
	Townhouse	Multi-family not on the second story of other uses
Max. Gross Density	10.0 du/ac	15.0 du/ac
Min. Lot Area	1,000 sq. ft.	1 acre.
Min. Lot Width	20'	100'
Min. Lot Depth	50'	150'
Min. Front Setback	0'	20' ¹
Min. Rear Setback	20'	20' ¹
Min. Side Setback (interior lot)	0'	20' ¹
Min. Side Setback (corner lot)	15'	25' ¹
Max. Lot Coverage	80%	70%
Min. Floor Area / Dwelling Unit	1,200 sq. ft.	650 sq. ft.
Max. Building Height / No. of stories ²	48' / 3 ²	48' / 3
Min. Open Space	20%	30%

¹ Multifamily setbacks include:

- a. Fifty (50) feet for one (1) or two (2) story structures adjacent to property lines with a single family residential use.
- b. One hundred and fifty (150) feet for three (3) story structures adjacent to property lines with a single family residential use.

² The maximum height of any building within 60 feet of a property line with a single family residential use shall be 36 feet or 2 stories.

e. **Non-residential uses**

- A. **Required Parking:** The total parking required shall be the sum of the specific parking space requirement for each use included within the Mixed Use Tract as required by Zoning Ordinance No. 05-20 as it currently exists or as amended.
- B. **Exterior Facade Building Materials:** All main buildings shall have an exterior finish of stone, stucco, brick, tile, concrete, glass or similar materials or any combination thereof. Cementitious fiber board may only be used as an accent material subject to 10% of a façade.
- C. **Commercial and Retail Development Standards:** Development regulations for development within the Mixed Use Tract are intended to allow mixed use development consisting of vertically and horizontally integrated retail, office, service and residential uses. Typically referred to as “new urbanism”-style development, this type of development is characterized by pedestrian-scaled development offering multiple services and amenities with unique landscape and streetscape design. Development for non-residential land uses shall conform to the following:

- i. Floor Area: The allowable floor area of buildings within the mixed-use area shall be unlimited, provided that all conditions described herein are met.
- ii. Lot Area: There is no minimum lot area.
- iii. Lot Coverage: In no case shall the combined areas of the main buildings and accessory buildings cover more than 90% of the total lot area. Parking facilities shall be excluded from lot coverage computation.
- iv. Lot Width: There is no minimum lot width.
- v. Lot Depth: There is no minimum lot depth.
- vi. Front Yard: The minimum depth of the front yard shall be ten (10) feet
- vii. Side Yard: No side yard is required unless vehicular access is provided/required, in which case the side yard shall have a depth of not less than twelve feet.

A twenty-four-foot minimum side yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.
- viii. Rear Yard: No rear yard is required unless vehicular access is provided/required, in which case the rear yard shall have a depth of not less than twelve feet.

A twenty-four-foot minimum rear yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.
- ix. Building Height: Buildings shall be a maximum of five (5) stories, not to exceed seventy (70) feet in height. Architectural features, parapets, mechanical equipment, chimneys, antennas and other such architectural projections may extend above this height limit.
- x. Pad Sites. There is no limit on the number of pad sites within the Mixed Use Tract for retail uses provided each pad site must satisfy the Area Requirements.

f. **Architectural.**

- A. **Maximum Building Length** -- Buildings shall not be longer than 550 feet without an unconnected physical separation of 25 feet between another building.
- B. **Building Articulation** -- All buildings should be designed to emphasize a “base, mid-section, and top.” Facades facing public and private streets and extending greater than one hundred (100) feet in length shall incorporate wall plane recesses having a minimum depth of at least three (3) percent of the length of the façade. Recesses shall comprise at least twenty-five percent (25%) of the length of the facade. No uninterrupted length of a façade shall exceed fifty (50) feet in length.
- C. **Roof Line Articulation** -- Variations in roof lines shall be used to add interest and reduce the scale of large buildings. Roof features shall complement the character of the overall development and shall have at least one of the following features:
- Parapets concealing flat roofs and rooftop equipment from public view. The average height shall not exceed 15% of the height of the supporting wall. Parapets shall feature three dimensional cornice treatment.
 - Overhanging eaves, extending no less than three (3) feet past the supporting walls
 - Supporting roofs that do not exceed the average height of the supporting walls with an average slope no greater than 3:1 slope.
 - Roof dormers interrupting the eave line.
- D. **Exterior of Buildings**
- i. **Façades** -- All façades oriented toward rights-of-ways, drives or public spaces shall have no less than three of the following elements:
- Overhangs
 - Canopies or Porticos
 - Recesses/Projections
 - Arcades
 - Raised corniced parapets over the entrance
 - Peaked roof forms
 - Arches
 - Outdoor patios
 - Display windows
 - Integral planters that incorporate landscaped areas or seating areas

g. **Parking Areas**

- A. Surface parking lots shall be screened from streets through the use of screening or liner development such as townhome, live-work, and loft office units. Parking garages may not be visible from streets on more than 2 sides of each block. Beyond these two sides, a development liner (such as loft residential, office, etc.) shall be constructed to shield the garage from view.
- B. Surface Parking Perimeter Screening – All surface parking lots shall be screened from street view. Such screening shall take the form of 3 foot, 7-gallon plantings of dense evergreen hedge at time of installation measured above the grade of the parking lot.
- C. Landscape Medians – All surface parking lots shall have a landscape median strip with a minimum width of 6 feet incorporated into the parking lot design to separate the parking area and drive aisle with direct connection to the street. 1 tree shall be planted for every 35 linear feet of median.

h. **Service and Equipment Areas.** Service areas are zones and loading docks where servicing of the site takes place and include wall-, ground- or roof-mounted mechanical or equipment areas.

- A. Placement of Service Areas – Service areas shall (i) not front or be visible from a street, and shall be placed within the building envelope they serve; or (ii) follow the screening requirements below. Dumpsters and trash enclosures be placed within a building's envelope, and no service areas be placed where they are visible from US Highway 380, Gee Road or Fields Road. Loading areas must not be located closer than fifty (50) feet to any single-family lot or public right-of-way, unless wholly within an enclosed building.
- B. Service Area Screening – Off-street loading and service areas must be placed at the side or rear of buildings and shall be screened in conformity with the requirements of the Zoning Ordinance.
- C. Service Area Screening Design – In general, the design of all service area screening shall be complementary to the design of the building it serves in terms of its material and color.
- D. Roof-Mounted Equipment Screening – All roof-mounted equipment shall be screened from public view through the use of design features that complement the building they serve in terms of material and color.

i. **Fencing**

- A. Fencing Length and Height – The maximum length of a fence shall be fifty (50) feet without a break of thirty (30) feet. No fencing shall be above three (3) feet in height.
- B. Fencing Material – All fencing must be wrought iron or decorative steel.

j. **Site Landscaping**

- A. Street Trees – Street trees shall be planted at an average of thirty (30) feet on-center across each block face and three and one-half (3 ½) feet from the back of curb. These trees shall have a minimum caliper of four (4) inches at installation, and shall not be closer than ten (10) feet from a street lamppost. Street tree material shall follow the recommendation of the Director of Development Services, and shall generally follow the type of canopy line created by red oak, live oak, etc. Street trees shall use a consistent species along both sides of each block.
- B. Tree Planters – Street trees shall be centered within five (5) foot by ten (10) foot planters as leave-outs within the sidewalk and screened with either a twelve (12) inch high ornamental steel fence or brick turn-up edge. Planters shall also consist of evergreen ground cover and perennial plantings. The street-facing leading edge of all planters shall be placed one foot, six inches (1.5 feet) from the face of the curb to allow clearance for passenger car doors to open.
- C. Prior to the issuance of a Certificate of Occupancy for any building, structure or improvement, all landscaping must be installed in accordance with the approved corresponding landscaping plan.
- D. Street Lights – Street lights shall be located four (4) feet from face of curb on average intervals of seventy-five (75) feet along all block faces. The light fixtures shall be mounted ten (10) to twelve (12) feet from the finished grade of the sidewalk and shall be of metal halide type.
- E. Bicycle Racks – Bicycle racks shall be provided on 150 foot intervals of all block faces, clustering at street lamp or building entry locations.
- F. Litter Containers and Benches – Litter containers and benches shall be provided on 150 foot intervals along all block faces and clustered at street lamp or building entry locations.

- d. **Mixed-Use Development Standards (Traditional Retail)**. Retail development within the Mixed Use Tract is intended predominately for heavy retail, service, light intensity wholesale and commercial uses, but excluding warehousing uses. The

nature of uses in this District has operating characteristics and traffic service requirements generally compatible with typical office, retail, and some residential environments. Uses in this District may require open, but screened, storage areas for materials. In the event all or a portion of the Mixed Use Tract is developed solely for retail uses (i.e. not a mixed use development) then the development for retail uses shall conform to the following standards:

a. Size of Yards:

1. Minimum Front Yard: thirty (30) feet.
2. Minimum Side Yard:
 - a. Fifteen (15) feet adjacent to a nonresidential district. The minimum side yard setback may be eliminated for attached retail buildings on separate lots as shown on an approved site plan.
 - b. Thirty (30) feet for a one (1) story building adjacent to a residential district and sixty (60) feet for a two (2) story building adjacent to a residential district.
 - c. Thirty (30) feet adjacent to a street.
3. Minimum Rear Yard:
 - a. Fifteen (15) feet adjacent to a nonresidential district. The minimum side yard setback may be eliminated for attached retail buildings on separate lots as shown on an approved site plan.
 - b. Thirty (30) feet for a one (1) story building adjacent to a residential district and sixty (60) feet for a two (2) story building adjacent to a residential district.

b. Size of Lots:

1. Minimum Size of Lot Area: Ten thousand (10,000) square feet.
2. Minimum Lot Width: One hundred (100) feet.
3. Minimum Lot Depth: One hundred (100) feet.

c. Maximum Height: Two (2) stories, no greater than forty (40) feet.

d. Lot Coverage: Fifty (50) percent.

e. Floor Area Ratio: Maximum 0.5:1.

f. Permitted Uses: Uses followed by an **S** are permitted by Specific Use Permit. Uses followed by a **C** are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town's Zoning Ordinance:

- Accessory Building
- Administrative, Medical, or Professional Office
- Antenna and/or Antenna Support Structure, Commercial **C**
- Antenna and/or Antenna Support Structure, Non-Commercial **C**
- Antique Shop and Used Furniture
- Artisan's Workshop
- Assisted Care or Living Facility **S**

- Athletic Stadium or Field, Private **S**
- Athletic Stadium or Field, Public
- Auto Parts Sales, Inside
- Automobile Paid Parking Lot/Garage
- Automobile Parking Lot/Garage
- Automobile Repair, Major **S**
- Automobile Repair, Minor
- Automobile Sales, Used **S**
- Automobile Sales/Leasing, New **S**
- Bank, Savings and Loan, or Credit Union
- Beauty Salon/Barber Shop
- Bed and Breakfast Inn
- Beer & Wine Package Sales **C**
- Bottling Works
- Building Material and Hardware Sales, Major
- Building Material and Hardware Sales, Minor
- Bus Terminal **C**
- Business Service
- Cabinet/Upholstery Shop
- Caretaker's/Guard's Residence
- Cemetery or Mausoleum **S**
- Civic/Convention Center
- College, University, Trade, or Private Boarding School
- Commercial Amusement, Indoor
- Commercial Amusement, Outdoor **S**
- Community Center
- Convenience Store with Gas Pumps **C**
- Convenience Store without Gas Pumps
- Dance Hall **S**
- Day Care Center, Adult **S**
- Day Care Center, Child **C**
- Day Care Center, Incidental **S**
- Dry Cleaning, Minor
- Equipment and Machinery Sales and Rental, Minor
- Fairgrounds/Exhibition Area **S**
- Farm, Ranch, Stable, Garden, or Orchard
- Farmer's Market
- Feed Store
- Flea Market, Inside
- Flea Market, Outside **S**
- Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority
- Furniture Restoration
- Furniture, Home Furnishings and Appliance Store
- Gas Pumps **C**
- General Manufacturing/Industrial Use Complying with Performance Standards **S**
- Golf Course and/or Country Club
- Governmental Office
- Gunsmith
- Gymnastics/Dance Studio
- Health/Fitness Center

- Homebuilder Marketing Center
- Hospital
- Hotel **C**
- House of Worship
- Indoor Gun Range **S**
- Insurance Office
- Limited Assembly and Manufacturing Use Complying with Performance Standards
- Locksmith/Security System Company
- Machine Shop
- Massage Therapy, Licensed
- Mini-Warehouse/Public Storage **S**
- Mobile Food Vendor **C**
- Mortuary/Funeral Parlor
- Motel **C**
- Motorcycle Sales/Service **S**
- Municipal Uses Operated by the Town of Prosper
- Museum/Art Gallery
- Nursery, Major **S**
- Nursery, Minor
- Office and Storage Area for Public/Private Utility
- Office/Showroom
- Office/Warehouse/Distribution Center
- Open Storage (subject to Chapter 4, Section 5 of the Zoning Ordinance)
- Park or Playground
- Pawn Shop
- Pet Day Care **C**
- Print Shop, Major **S**
- Print Shop, Minor
- Private Club
- Private Recreation Center
- Private Utility, Other Than Listed
- Recreational Vehicle Sales and Service, New/Used **S**
- Recreational Vehicle/Truck Parking Lot or Garage **S**
- Recycling Collection Point
- Rehabilitation Care Institution **S**
- Research and Development Center **C**
- Residence Hotel **C**
- Restaurant or Cafeteria
- Restaurant, Drive In
- Retail Stores and Shops
- Retail/Service Incidental Use
- School District Bus Yard **C**
- School, Private or Parochial
- School, Public
- Sewage Treatment Plant/Pumping Station **S**
- Small Engine Repair Shop
- Stealth Antenna, Commercial **C**
- Storage or Wholesale Warehouse **S**
- Taxidermist
- Telephone Exchange

- Temporary Building **C**
- Theater, Neighborhood
- Theater, Regional
- Trailer Rental **S**
- Transit Center **S**
- Truck Sales, Heavy Trucks **S**
- Utility Distribution/Transmission Facility **S**
- Veterinarian Clinic and/or Kennel, Indoor
- Veterinarian Clinic and/or Kennel, Outdoor
- Water Treatment Plant **S**
- Winery

4. **Parkland**

- a. Parkland shall consist of the following types:
- i. Neighborhood Park,
 - ii. Open space,
 - iii. Community Park containing a minimum of fifty (50) acres, and
- b. The schedule for providing Parkland shall be as follows:
- i. Neighborhood Park: The Neighborhood Parks shall be dedicated to the Town for public use and constructed simultaneously with the construction of the Public Improvements contained within the platted area in which the Neighborhood Parks is/are located. Developer shall, after consultation with the Town, use reasonable efforts to situate Neighborhood Parks adjacent to School Areas, with the specific location being subject to approval by the Town, which may not be unreasonably withheld, delayed, condition or denied.
 - ii. Open Space: Open Space identified on a General Development Plan shall be dedicated to the Town for public use, or reserved for private use by Developer, upon the earlier of: (A) within a reasonable period of time after receiving a written request by the Town for such dedication or reservation, such request being based upon the Park Plan in accordance with the General Development Plan wherein such Open Space is located; or (B) upon recordation of a final plat in which such Open Space is located, provided Developer owns the Open Space to be dedicated or reserved. If Developer is not the owner of the Open Space to be dedicated or reserved, the Owners shall, unless otherwise required herein, be required to comply with such requirements as set forth in the Subdivision Ordinance when the Properties, or portions thereof, develop.
 - iii. Community Park: Within three (3) years from the Effective Date of the Preannexation Agreement, the Community Park shall be

dedicated to the Town upon the earlier of: (A) within ninety (90) days of receiving a written request by the Town for such dedication; or (B) at the time the adjacent streets are dedicated to the Town provided Developer owns the land identified as the Community Park; provided, however, the Parties agree that the Community Park dedication shall be in cooperation with and furtherance of the Town's overall park grant efforts. Notwithstanding anything to the contrary herein, if the Developer has not dedicated the Community Park by the time prescribed in the preceding sentence, Owners as applicable, shall dedicate, at absolutely no cost to the Town, the Community Park within three (3) months of a written request by the Town for such dedication. Town shall be fully responsible for Maintenance Obligations of the Community Park upon the Town's acceptance of the dedication. The Town will, within a reasonable time, after receiving the proposed conveyance instrument, provide the Developer and/or Owner, as applicable, written notice of the Town's acceptance of the dedicated Community Park.

- c. Parkland reserved for private use shall be owned and maintained by a homeowners association, or other entity, and made available to owners, tenants, residents, occupants and members within the Properties and to their guests and invitees.
- d. Permitted uses within the Parkland are active and passive recreation uses including, but not limited to the following:
 - trails,
 - playfields,
 - game courts,
 - golf courses,
 - nature centers,
 - outdoor education centers,
 - community gardens, and
 - trail amenities.

5. **General Requirements for the MahardWindsong Ranch.**

- a. Amenities: The intent of these development standards regarding the provision of amenities is for an integration of built and natural elements working together as a system that provides for the active and passive recreational needs of the MahardWindsong Ranch community specifically and of the Town of Prosper generally. The distribution of natural beauty throughout the development, exemplified by mature trees and areas of rolling topography, provides the opportunity for a community-wide trail punctuated with nodes of built improvements such as pocket parks. In this way, neighborhood is linked to neighborhood and the MahardWindsong Ranch community is linked to the Town.

To help preserve the open character of the Town of Prosper, it is the intent of these development standards that a significant amount of natural open space, particularly amid the floodplain and other sensitive land, be set aside to provide

additional open space for **MahardWindsong** Ranch and for the Town. Design elements in these areas should support non-programmed passive recreational activities such as walking and picnicking.

- b. **Development Plan:** A Conceptual Development Plan is hereby attached (Exhibit "D") and made a part of these development standards. It establishes the most general guidelines for the district by identifying the project boundaries, land use types, approximate thoroughfare locations, R.O.W. dedication, roads and illustrates the integration of these elements into a master plan for the whole district.
- c. **Maintenance of Facilities:** The Developers shall establish a Homeowner's Association ("HOA") for single family residential areas and a Property Owner's Association ("POA") for mixed use areas, in which membership is mandatory for each lot, and that will be responsible for operation and maintenance of all common areas and/or common facilities contained within the area of the respective residential or mixed use development or adjacent Right-of-Way ("ROW"). The HOA or POA will be created with Phase 1 and each subsequent phase shall be annexed into the association or a separate HOA/POA may be created for each respective phase at the Developer's discretion. Upon completion of fifty percent (50%) buildout of any phase of residential development and creation of the corresponding HOA, the Developer shall provide that all HOA Boards have an advisory position to be filled by individual homeowners residing within the corresponding phase. Prior to transfer of the ownership to the HOA or POA, all specified facilities shall be constructed by the Developer and approved by the Town. The Developer shall provide the Town a mandatory HOA/POA agreement that will be recorded in the deed records of Denton County, Texas. In lieu of the HOA and POA, the Town and Developer may elect to create another entity to undertake the same responsibilities of the HOA or POA.
6. **Definitions.** The definitions of the Town's Zoning Ordinance (as it currently exists or may be amended) shall apply to these regulations except as otherwise amended herein. For purposes of these Development Standards, the following terms shall have the following meaning:

"Masonry" shall mean stone, stucco, brick, tile, concrete, glass or similar materials or any similar material approved by the Town's Director of Development Services.

"Independent Living Facilities" means a facility containing dwelling units, accessory uses and support services specifically designated for occupancy by persons 55 years of age or older, in accordance with the housing for older persons provisions of the Federal Fair Housing Act of 1988 (42 U.S.C. section 3607 et seq.), as amended, who are fully ambulatory or who require no medical or personal assistance or supervision. The dwelling units may consist of either multifamily, single-family detached or attached residences, or a combination of such uses.

PLANNING



To: Mayor and Town Council

From: Alex Glushko, AICP, Planning Manager

Through: Harlan Jefferson, Town Manager
Rebecca Zook, P.E., Executive Director of Development & Infrastructure Services

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon authorizing the Town Manager to execute a First Amended Development Agreement between VP Windsong Operation, LLC and VP Windsong Investments, LLC, and the Town of Prosper, Texas, related to the Windsong Ranch development.

Description of Agenda Item:

On August 11, 2020, the Town Council approved rezoning request (Z20-0015) related to residential development within Windsong Ranch, and specifically Shaddock/Caldwell Custom Homebuilders. The zoning request was approved by a vote of 7-0, subject to approval of an amended Development Agreement related to exterior building materials and architectural design. A Development Agreement has been prepared accordingly.

Legal Obligations and Review:

Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the agreement as to form and legality.

Attached Documents:

1. Development Agreement
2. Exhibit A-Property Description
3. Exhibit B-Architectural Standards and Building Materials

Town Staff Recommendation:

Staff recommends the Town Council authorize the Town Manager to execute a Development Agreement between VP Windsong Operation, LLC and VP Windsong Investments, LLC, and the Town of Prosper, Texas, related to the Windsong Ranch development.

Proposed Motion:

I move to authorize the Town Manager to execute a Development Agreement between VP Windsong Operation, LLC and VP Windsong Investments, LLC, and the Town of Prosper, Texas, related to the Windsong Ranch development.

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (“First Amendment to Development Agreement”) is entered into by and between the Town of Prosper, Texas (“Town”), and VP Windsong Operations LLC and VP Windsong Investments LLC (collectively, “Owner”) (individually, a “Party” and collectively, the “Parties”) to be effective (the “Effective Date”) on the latest date executed by a Party.

WHEREAS, the Town is a home-rule municipal corporation, located in Collin County and Denton County, Texas, organized and existing under the laws of the State of Texas; and

WHEREAS, Owner is a Delaware limited liability company qualified to do business in the State of Texas; and

WHEREAS, Owner has developed Windsong Ranch located in Denton County in the Town, and more particularly described in Exhibit A, attached hereto and incorporated by reference (the “Property”); and

WHEREAS, in 2008 the Town approved Planned Development 40 (“PD-40”) relative to the development of the Property as a master-planned community, and has approved certain amendments to PD-40 subsequent thereto; and

WHEREAS, on or about January 14, 2020, the Town approved certain amendments to PD-40, as more fully described in the applicable zoning ordinance, and further, the Parties agreed to certain other matters, including architectural features and building materials to be utilized on the Property; and

WHEREAS, the foregoing were memorialized in a Development Agreement (“Development Agreement”) approved by the Town Council on or about January 14, 2020, and subsequently filed in the Denton County Real Property records on or about January 15, 2020, as Document # 6140; and

WHEREAS, on or about August 11, 2020, the Town Council considered and approved other amendments to PD-40, and authorized the execution of this First Amendment to Development Agreement on or about September 8, 2020; and

WHEREAS, this First Amendment to Development Agreement seeks to incorporate, in part, the negotiated and agreed upon development standards contained in PD-40, as amended, and to recognize Owner’s reasonable investment-backed expectations in PD-40, as amended; and

WHEREAS, subject to the terms of this First Amendment to Development Agreement, Owner agrees and acknowledges that it will construct on the Property structures in accordance with the provisions, standards and notes reflected in the Development Agreement executed on or about January 14, 2020, as amended by this First Amendment to Development Agreement.

NOW, THEREFORE, in consideration of the foregoing premises, and for other good and valuable consideration the receipt and adequacy of which are hereby acknowledged, the Parties to this Agreement agree as follows:

1. **Architectural Standards and Building Materials.** For any structure built on the Property following the Effective Date, it shall comply with the applicable requirements contained in Exhibit B, "Architectural Standards and Building Materials," attached hereto and incorporated by reference, and Owner agrees to construct those structures in compliance therewith. The Parties agree and acknowledge that the provisions of this Paragraph shall apply to any structure constructed subsequent to the execution of this Agreement. Nothing in this Agreement shall be deemed to modify or otherwise amend any zoning regulation duly adopted by the Town, previously or in the future.

2. **Effect of Development Agreement.** Except to the extent referenced in Exhibit B, attached hereto and incorporated by reference, all other terms and conditions contained in the Development Agreement executed on or about January 14, 2020, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed as of the date referenced herein.

TOWN:

THE TOWN OF PROSPER, TEXAS

By: _____
Name: Harlan Jefferson
Title: Town Manager, Town of Prosper

STATE OF TEXAS)
)
COUNTY OF COLLIN)

This instrument was acknowledged before me on the ___ day of September, 2020, by Harlan Jefferson, Town Manager of the Town of Prosper, Texas, on behalf of the Town of Prosper, Texas.

Notary Public, State of Texas
My Commission Expires: _____

OWNER:

VP Windsong Operations LLC,
a Delaware limited liability company

By: _____
Name: David R. Blom
Title: Vice President

STATE OF TEXAS)
)
COUNTY OF DENTON)

This instrument was acknowledged before me on the ___ day of September, 2020, by David R. Blom, in his capacity as Vice President of VP Windsong Operations LLC, a Texas limited liability company, known to be the person whose name is subscribed to the foregoing instrument, and that he executed the same on behalf of and as the act of Owner.

Notary Public, State of Texas
My Commission Expires: _____

OWNER:

VP Windsong Investments LLC,
a Delaware limited liability company

By: _____
Name: David R. Blom
Title: Vice President

STATE OF TEXAS)
)
COUNTY OF DENTON)

This instrument was acknowledged before me on the ___ day of September, 2020, by David R. Blom, in his capacity as Vice President of VP Windsong Investments LLC, a Texas limited liability company, known to be the person whose name is subscribed to the foregoing instrument, and that he executed the same on behalf of and as the act of Owner.

Notary Public, State of Texas
My Commission Expires: _____

EXHIBIT A
(Property Description)

EXHIBIT B

ARCHITECTURAL STANDARDS AND BUILDING MATERIALS

1. **Type A Lots:** The architectural and building materials standards for Type A Lots are as follows:

A. Exterior Surfaces.

- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred percent (100%) masonry. Cementitious fiber board is considered masonry, but may only constitute fifty percent (50%) of the area for stories other than the first story. However, cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director of Development Services.
- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
- iii. **Address Plaque.** An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type A Lot.
- iv. **Chimneys.** On Type A Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
- v. **Stucco.** Stucco on structures on Type A Lots shall be traditional 3-coat process cement plaster stucco.
- vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type A Lots.

B. Windows. All window framing on structures on Type A Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.

- i. Window shutters may be used on structures on Type A Lots. Window shutters shall be painted, stained wood, or fiberglass.
- ii. No reflective window coverings or treatments shall be permitted.

C. Roofing.

- i. Structures constructed on the Type A Lots shall have a composition, slate, clay tile or cement/concrete tile roof.
- ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
- iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
- iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12". Clay tile and cement/concrete tile roofs shall have a minimum slope of 3" in 12". Pitch ends shall be 100% guttered.

D. Garage Doors. Garage doors shall be constructed of either metal or wood.

E. Accessory Structures. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.

2. Type B Lots: The architectural and building materials standards for Type B Lots are as follows:

A. Exterior Surfaces.

- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred percent (100%) masonry. Cementitious fiber board is considered masonry, but may only constitute fifty percent (50%) of the area for stories other than the first story. However, cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director of Development Services.
- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
- iii. **Address Plaque.** An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type B Lot.
- iv. **Chimneys.** On Type B Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
- v. **Stucco.** Stucco on structures on Type B Lots shall be traditional 3-coat process cement plaster stucco.

vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type B Lots.

B. Windows. All window framing on structures on Type B Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.

i. Window shutters may be used on structures on Type B Lots. Window shutters shall be painted, stained wood, or fiberglass.

ii. No reflective window coverings or treatments shall be permitted.

C. Roofing.

i. Structures constructed on the Type B Lots shall have a composition, slate, clay tile or cement/concrete tile roof.

ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.

iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.

iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12". Clay tile and cement/concrete tile roofs shall have a minimum slope of 3" in 12". Pitch ends shall be 100% guttered.

D. Garage Doors. Garage doors shall be constructed of either metal or wood.

E. Accessory Structures. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.

3. Type C Lots: The architectural and building materials standards for Type C Lots are as follows:

A. Exterior Surfaces.

i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred percent (100%) masonry. Cementitious fiber board and siding are considered masonry. However, cementitious fiber board and siding may only be used as the primary exterior façade material in a limited number of homes as specified in Table 1 of the Development Standards (Exhibit C) to PD-40.

ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.

iii. **Address Plaque.** An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type C Lot.

- iv. **Chimneys.** On Type C Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
- v. **Stucco.** Stucco on structures on Type C Lots shall be traditional 3-coat process cement plaster stucco.
- vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type C Lots.

B. Windows. All window framing on structures on Type C Lots shall be bronzed, cream, sand, white or other commercially available colors in anodized aluminum, vinyl or wood.

- i. Window shutters may be used on structures on Type C Lots. Window shutters shall be painted, stained wood, or fiberglass.
- ii. No reflective window coverings or treatments shall be permitted.

C. Roofing.

- i. Structures constructed on the Type C Lots shall have a composition, slate, synthetic slate, standing seam metal, clay tile or cement/concrete tile roof.
- iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
- iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12" for at least 75% of all Type C Lots. Up to 25% of Type C Lots may have roof pitches anywhere in the range between 3" in 12" and 8" in 12". Pitch ends shall be 100% guttered.

D. Garage Doors. Garage doors shall be constructed of either metal or wood.

E. Accessory Structures. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.

4. Type D Lots: The architectural and building materials standards for Type D Lots are as follows:

A. Exterior Surfaces.

- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred percent (100%) masonry. Cementitious fiber board and siding are considered masonry. However, cementitious fiber board and siding may only be used as the primary exterior façade material in a limited number of homes as specified in Table 1 of the Development Standards (Exhibit C) to PD-40.

- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
 - iii. **Address Plaque**. An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type D Lot.
 - iv. **Chimneys**. On Type D Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
 - v. **Stucco**. Stucco on structures on Type D Lots shall be traditional 3-coat process cement plaster stucco.
 - vi. **EIFS**. EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type D Lots.
- B. Windows**. All window framing on structures on Type D Lots shall be bronzed, cream, sand, white or other commercially available colors in anodized aluminum, vinyl or wood.
- i. Window shutters may be used on structures on Type D Lots. Window shutters shall be painted, stained wood, or fiberglass.
 - ii. No reflective window coverings or treatments shall be permitted.
- C. Roofing**.
- i. Structures constructed on the Type D Lots shall have a composition, slate, synthetic slate, standing seam metal, clay tile, or cement/concrete tile roof.
 - iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
 - iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12" for at least 50% of all Type D Lots. Up to 50% of Type D Lots may have roof pitches anywhere in the range between 3" in 12" and 8" in 12". Pitch ends shall be 100% guttered.
- D. Garage Doors**. Garage doors shall be constructed of either metal or wood.
- E. Accessory Structures**. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
- 5. Type E Lots**: The architectural and building materials standards for Type E Lots are as follows:
- A. Exterior Surfaces**.

- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred percent (100%) masonry. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director of Development Services.
- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
- iii. **Address Plaque.** An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type E Lot.
- iv. **Chimneys.** On Type E Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
- v. **Stucco.** Stucco on structures on Type E Lots shall be traditional 3-coat process cement plaster stucco.
- vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type E Lots.

B. Windows. All window framing on structures on Type E Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.

- i. Window shutters may be used on structures on Type E Lots. Window shutters shall be painted, stained wood, or fiberglass.
- ii. No reflective window coverings or treatments shall be permitted.

C. Roofing.

- i. Structures constructed on the Type E Lots shall have a composition, slate, clay tile or cement/concrete tile roof.
- ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
- iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
- iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12". Clay tile roofs and cement/concrete tile roofs shall have a minimum slope of 3" in 12". Pitch ends shall be 100% guttered.
- v. A minimum of twenty-five percent (25%) of Type E Lots shall have a main roof pitch greater than 8:12.

D. Garages.

- I Homes with two (2) single car width garage doors facing the street shall have such garage doors separated by a masonry column of no less than twelve inches (12”) in width.
- ii. A minimum of fifty percent (50%) shall have two (2) single garage doors split by a masonry column.
- iii. Garage doors shall be constructed of wood, or a material that gives the appearance of a real wood door. Materials may consist of paint or stain grade wood (Cedar, Ash, Hemlock, etc.) or other material, including fiberglass or steel, that when stained or painted gives the appearance of a real wood door.
- iv. Two of the following garage door upgrades shall be incorporated:
 - (a) Carriage style door designs giving the appearance of a classic swing-open design with the flexibility of an overhead door operation
 - (b) Doors incorporating decorative hardware.
 - (c) Doors with windows.

E. Accessory Structures. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.

6. Type F Lots: The architectural and building materials standards for Type F Lots are as follows:

A. Exterior Surfaces.

- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred percent (100%) masonry. Cementitious fiber board and siding are considered masonry. However, cementitious fiber board and siding may only be used as the primary exterior façade material in a limited number of homes as specified in Table 1 of the Development Standards (Exhibit C) to PD-40.
- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
- iii. **Address Plaque**. An address plaque or numbers made of cast stone, metal or other materials used on the exterior of the home of a size that meets Town fire code is required for each Type F Lot.

- iv. **Chimneys.** On Type F Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
- v. **Stucco.** Stucco on structures on Type F Lots shall be traditional 3-coat process cement plaster stucco.
- vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type F Lots.

B. Windows. All window framing on structures on Type F Lots shall be bronzed, cream, sand, white or other commercially available colors in anodized aluminum, vinyl or wood.

- i. Window shutters may be used on structures on Type F Lots. Window shutters shall be painted, stained wood, or fiberglass.
- ii. No reflective window coverings or treatments shall be permitted.

C. Roofing.

- i. Structures constructed on the Type F Lots shall have a composition, slate, synthetic slate, standing seam metal, or tile roof.
- iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
- iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12" for at least 25% of all Type F Lots. Up to 75% of Type F Lots may have roof pitches anywhere in the range between 3" in 12" and 8" in 12". Pitch ends shall be 100% guttered.

D. Garage Doors. Garage doors shall be constructed of either metal or wood.

E. Accessory Structures. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.

7. Exterior Façade Building Materials for Multifamily Uses. All buildings within a multifamily development shall have an exterior finish of stone, stucco, brick, tile, concrete, glass or similar materials or any combination thereof. The use of cementitious fiber board as a primary exterior building material shall be limited to a maximum of fifteen percent (15%) of the total exterior wall surfaces. All exterior finishes of buildings within a multifamily development shall have a minimum of ten percent (10%) stone accents.

8. Exterior Façade Building Materials for Townhome Uses. All buildings within a townhouse development shall have an exterior finish of stone, stucco, brick, tile, concrete, glass or similar materials or any combination thereof. The use of cementitious fiber board as a primary exterior building material shall be limited to a maximum of fifteen percent of the total exterior wall surfaces. All exterior finishes of buildings within a townhouse development shall have a minimum of ten percent (10%) stone accents.

9. Exterior Façade Building Materials for Non-Residential Uses. All main buildings shall have an exterior finish of stone, stucco, brick, tile, concrete, glass or similar materials or any combination thereof. Cementitious fiber board may only be used as an accent material subject to 10% of a façade.

NOTE: For purposes of this First Amendment to Development Agreement, unless otherwise specifically noted herein, “masonry” shall mean stone, stucco, brick, tile, concrete, glass or similar materials of any similar material approved by the Town’s Director of Development Services.

EXHIBIT "A"
Legal Descriptions for Mahard Ranch, Town of Prosper, Texas

EXHIBIT "A-1"

Legal Description of the Mahard Property

BEING a tract of land out of the C. SMITH SURVEY, Abstract No. 1681, the J. BATES SURVEY, Abstract No. 1620, the L. SALING SURVEY, Abstract No. 1675, the H.P. SALING SURVEY, Abstract No. 1628, the M.E.P. & P. RR SURVEY, Abstract No. 1476, P. BARNES SURVEY, Abstract No. 79, the B. HADGES SURVEY, Abstract No. 593, the A.B. JAMISON SURVEY, Abstract No. 672, the B.B. WALTON SURVEY, Abstract No. 1369, the T. BUTTON SURVEY, Abstract No. 88, the P.R. RUE SURVEY, Abstract No. 1555, the J. TETTER SURVEY, Abstract No. 1262, the L. NETHERLY SURVEY, Abstract No. 962, the B. RUE SURVEY, Abstract No. 1113, the A. ROBERTS SURVEY, Abstract No. 1115, in Denton County, Texas, the R. YATES SURVEY, Abstract No. 1538, the L. RUE SURVEY, Abstract No. 1110, the H. RUE SURVEY, Abstract No. 1111, the J. MORTON SURVEY, Abstract No. 793, in Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0063826 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 20041-0024459 of the Real Property Records of Denton County, Texas, being part of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0014699 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0014698 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2005-0014700 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0046720 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0024462 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0024458 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0050900 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1936, Page 145 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1618, Page 329 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 547, Page 394 of the Deed Records of Denton County, Texas, being part of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1332, Page 176 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 779, Page 665 of the Deed Records of Denton County, Texas, being all of the tract of land described in deed to Ernest Mahard recorded in Volume 1938, Page 931 of the Real Property Records of Denton County, Texas being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1149, Page 500 of the Deed Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a TXDOT monument found in the north right-of-way line of U.S. Highway No. 380, said monument being the northeast corner of a tract of land described in deed to the State of Texas recorded in Volume 4769, Page 1768 of the Real Property Records of Denton County, Texas;

THENCE with said north right-of-way line, the following courses and distances to wit:
 South 88°35'51" West, a distance of 3483.13 feet to a TXDOT monument found;
 North 46°16'16" West, a distance of 83.68 feet to a fence post in the east line of Good Hope Road (no dedication recordation found);

THENCE with said east line and along a fence, North 00°25'46" West, a distance of 1453.36 feet to a fence corner found in the south line of a 25.44 acre tract of land described in deed to Nathan Goodlet recorded in Volume 3329, Page 825 of the Real Property Records of Denton County, Texas;

THENCE with said south line, North 88°56'49" East, a distance of 1435.64 feet to a 3/8" iron rod found for corner;

THENCE with the east line of said 25.44 acre tract, North 00°30'13" West, a distance of 819.11 feet to a 1/2" iron rod found for corner;

THENCE with the north line of said 25.44 acre tract, South 89°35'17" West, a distance of 1430.32 feet to a 5/8" iron rod set with a plastic cap stamped "KHA" (hereinafter called 5/8" iron rod set) for corner in the east line of said Good Hope Road;

THENCE with said east line, North 00°08'13" West, a distance of 1236.96 feet to a fence corner in the south line of a tract of land described in deed to Judy Reeves;

THENCE with the south line of said Reeves tract, North 89°14'55" East, a distance of 940.90 feet to a 5/8" iron rod set for corner;

THENCE with the east line of said Reeves tract, North 00°40'52" West, a distance of 197.22 feet to a 1/2" iron rod found for corner in the south line of Fish Trap Road (no dedication recordation found);

THENCE with said south line, North 88°59'28" East, a distance of 815.80 feet to a 1/2" iron rod found for corner;

THENCE leaving said south line, North 00°06'59" West, a distance of 36.44 feet to a pk nail found in the centerline of said Fish Trap Road;

THENCE along the centerline of said Fish Trap Road, South 89°04'04" West, a distance of 1776.99 feet to a pk nail set for the intersection of the centerline of said Fish Trap Road and the centerline of said Good Hope Road;

THENCE along the centerline of said Good Hope Road, South 00°15'35" East, a distance of 3735.79 feet to a pk nail set in the north right-of-way line of said U.S. Highway No. 380;

THENCE with said north right-of-way line, the following courses and distances to wit:
 South 44°02'02" West, a distance of 114.60 feet to a TXDOT monument found;
 South 88°35'51" West, a distance of 2062.12 feet to a 5/8" iron rod set for corner;

South 88°50'58" West, a distance of 100.00 feet to a 5/8" iron rod set for corner;
 South 89°09'27" West, a distance of 22.39 feet to a 5/8" iron rod set for corner;
 North 45°50'38" West, a distance of 111.42 feet to a pk nail set in the centerline of Gee Road (no dedication recordation found);

THENCE with said centerline, North 00°01'02" West, a distance of 1114.87 feet to a pk nail set;

THENCE with the easterly most north line of a 106.26 acre tract of land described in deed to Judy Gee recorded in Volume 3130, Page 794 of the Real Property Records of Denton County, Texas, part of the way, South 89°33'35" West, a distance of 1098.63 feet to a fence corner found;

THENCE along a fence, North 12°40'03" East, a distance of 2150.51 feet to a fence corner found for the northwest corner of a 5.34 acre tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1936, Page 145 of the Real Property Records of Denton County, Texas;

THENCE the following courses and distances to wit:

North 88°30'03" West, a distance of 451.90 feet to a 5/8" iron rod set for corner;
 North 59°57'10" West, a distance of 66.21 feet to a 5/8" iron rod set for corner;
 North 27°15'28" West, a distance of 207.89 feet to a 5/8" iron rod set for corner;
 South 79°58'04" West, a distance of 116.69 feet to a 5/8" iron rod set for corner;
 South 17°11'21" West, a distance of 12.96 feet to a 5/8" iron rod set for corner;
 North 65°16'52" West, a distance of 66.04 feet to a 5/8" iron rod set for the northerly most corner of said 106.26 acre tract;

THENCE with the west lines of said 106.26 acre tract, the following courses and distances to wit:

South 31°55'38" West, a distance of 494.24 feet to a 5/8" iron rod set for corner;
 South 57°52'02" East, a distance of 601.93 feet to a Corp of Engineers monument found;
 South 31°24'02" West, a distance of 1854.30 feet to a Corp of Engineers monument found;
 South 31°27'22" West, a distance of 302.61 feet to a 5/8" iron rod set for the northeast corner of a 0.78 acre tract of land described in deed to the City of Irving recorded in Volume 4871, Page 5128 of the Real Property Records of Denton County, Texas;

THENCE the lines of said 0.78 acre tract, the following courses and distances to wit:

North 73°29'41" West, a distance of 241.29 feet to a 1/2" iron rod found for corner;
 South 21°58'41" West, a distance of 181.00 feet to a 5/8" iron rod set for corner;
 South 73°29'27" East, a distance of 67.00 feet to a 5/8" iron rod set for corner;
 North 22°20'38" East, a distance of 41.52 feet to a 5/8" iron rod set for corner;
 South 75°57'16" East, a distance of 152.12 feet to a 1/2" iron rod found in the west line of said 106.26 acre tract;

THENCE with said west line and along a fence part of the way, South 31°27'22" West, a distance of 877.59 feet to a 5/8" iron rod set for corner in the north right-of-way line of said U.S. Highway No. 380

THENCE with said north right-of-way line, North 88°48'55" West, a distance of 587.44 feet to a 5/8" iron rod set for the southeast corner of a 61.2 acre tract of land described in deed to M.

Taylor Hansel recorded in Denton County Clerk's File No. 94-R0091793 of the Real Property Records of Denton County, Texas;

THENCE with the east lines of said Hansel tract, the following courses and distances to wit:
 North 08°56'01" East, a distance of 240.78 feet to a 5/8" iron rod set for corner;
 North 55°59'01" East, a distance of 132.20 feet to a 5/8" iron rod set for corner;
 South 20°18'01" West, a distance of 155.70 feet to a 5/8" iron rod set for corner;
 South 80°49'59" East, a distance of 88.40 feet to a 5/8" iron rod set for corner;
 North 45°13'01" East, a distance of 261.10 feet to a 5/8" iron rod set for corner;
 South 62°15'59" East, a distance of 216.20 feet to a 5/8" iron rod set for corner;
 North 15°04'01" East, a distance of 184.70 feet to a 5/8" iron rod set for corner;
 North 56°01'01" East, a distance of 183.40 feet to a 5/8" iron rod set for corner;
 North 18°07'01" East, a distance of 197.90 feet to a 5/8" iron rod set for corner;
 North 73°19'59" West, a distance of 688.80 feet to a Corp of Engineers monument found for the southeast corner of a 107.57 acre tract of land described in deed to Fish Trap Properties, Ltd., recorded in Volume 4626, Page 2922 of the Real Property Records of Denton County, Texas;

THENCE with the east lines of said 107.57 acre tract, the following courses and distances to wit:

North 29°02'03" East, a distance of 67.81 feet to a 5/8" iron rod set for corner;
 North 22°04'26" East, a distance of 710.31 feet to a Corp of Engineers monument found;
 North 33°00'31" East, a distance of 221.33 feet to a Corp of Engineers monument found;
 North 58°30'15" West, a distance of 249.63 feet to a Corp of Engineers monument found for the southeast corner of a 43.07 acre tract of land described in deed to Billy Jeter recorded in Volume 2125, Page 729 of the Real Property Records of Denton County, Texas;

THENCE with the east lines of said 43.07 acre tract, the following courses and distances to wit:
 North 07°55'24" East, a distance of 669.72 feet to a 5/8" iron rod set for corner;
 South 75°24'16" East, a distance of 402.59 feet to a Corp of Engineers monument found;
 North 19°28'37" West, a distance of 739.75 feet to a Corp of Engineers monument found;
 North 35°34'01" East, a distance of 531.05 feet to a Corp of Engineers monument found;
 North 02°04'22" West, a distance of 172.83 feet to a fence post found in the south line of a 57.55 acre tract of land described in deed to G&S Landscaping recorded in Volume 5114, Page 1398 of the Real Property Records of Denton County, Texas;

THENCE with said south line, South 77°28'43" East, a distance of 553.04 feet to a Corp of Engineers monument found;

THENCE with the east line of said 57.55 acre tract and the east line of two tracts of land described in deed to Mary Weber recorded in Denton County Clerk's File No. 94-R0031655 of the Real Property Records of Denton County, Texas, the following courses and distances to wit:
 North 01°07'34" East, a distance of 278.92 feet to a 5/8" iron rod found;
 North 01°04'49" East, a distance of 510.59 feet to a Corp of Engineers monument found;
 North 00°57'07" West, a distance of 149.86 feet to a Corp of Engineers monument found;
 North 00°06'44" East, a distance of 1393.34 feet to a 1/2" iron rod found for corner;

North 89°49'12" West, a distance of 505.03 feet to a fence corner found in the east line of a 58.44 acre tract of land described in deed to Benny Nobles recorded in Volume 2299, Page 94 of the Real Property Records of Denton County, Texas;

THENCE with said east line, North 00°50'11" West, a distance of 810.75 feet to a fence corner found in the south line of a 99.5 acre tract of land described in deed to Rue Family Trust recorded in Volume 5032, Page 3961 of the Real Property Records of Denton County, Texas;

THENCE with the south and east lines of said 99.5 acre tract and the south line of a 90 acre tract of land described in deed to Rue Family Trust recorded in Volume 5032, Page 3961 of the Real Property Records of Denton County, Texas the following courses and distances to wit:

North 89°17'21" East, a distance of 1389.64 feet to a 5/8" iron rod set for corner;
 North 03°32'47" West, a distance of 929.90 feet to a 5/8" iron rod set for corner;
 South 85°47'35" West, a distance of 228.77 feet to a 1/2" iron rod found for corner;
 North 02°06'10" East, a distance of 1767.38 feet to a 3/8" iron rod found for corner;
 South 88°23'11" East, a distance of 1111.78 feet to a 5/8" iron rod set for in the west line of a 319.00 acre tract of land described in deed to Sammy Carey recorded in Volume 2336, Page 5411 of the Real Property Records of Denton County, Texas;

THENCE with said west line, South 00°10'32" West, a distance of 125.32 feet to a 5/8" iron rod set for corner;

THENCE with the south line of said 319.00 acre tract and the south line of a 5 acre tract of land described in deed to M.B. Allen recorded in Volume 375, Page 395 of the Deed Records of Denton County, Texas, North 88°58'42" East, a distance of 2644.03 feet to a 1/2" iron rod found in the centerline of said Good Hope Road;

THENCE along said centerline, North 00°48'31" West, a distance of 992.40 feet to a 1/2" iron rod found for corner;

THENCE with the south line of the tract of land described in deed to the Good Hope Church and continuing along Good Hope Road, South 89°38'27" East, a distance of 457.50 feet to a 5/8" iron rod set in the east line of said Good Hope Road;

THENCE with the east line of said Good Hope Road, the following courses and distances to wit:

North 01°47'00" West, a distance of 935.34 feet to a 5/8" iron rod set for corner;
 North 00°15'22" West, a distance of 1726.79 feet to a 5/8" iron rod set for an ell corner in the south line of a 100 acre tract of land described in deed to Bruce Jackson recorded in Volume 4910, Page 2975 of the Real Property Records of Denton County, Texas;

THENCE with the south line of said 100 acre tract, the south line of a 134.58 acre tract of land described in deed to Little Elm Ranch Corporation recorded in Volume 5416, Page 3334 of the Real Property Records of Denton County, Texas, and the south line of a tract of land described in deed to Salvador Buentello recorded in Volume 2633, Page 648 of the Real Property Records of Denton County, Texas, North 89°42'25" East, a distance of 1545.14 feet to a 5/8" iron rod set in the centerline of a Parvin Road (no dedication recordation found);

THENCE along said centerline and with the south line of said Buentello tract, the following courses and distances to wit

North 70°58'34" East, a distance of 76.26 feet to a 5/8" iron rod set for corner;
 North 74°05'38" East, a distance of 206.69 feet to a 5/8" iron rod set for corner;

North 77°25'29" East, a distance of 112.34 feet to a 1/2" iron rod found for corner;
 North 01°25'12" East, a distance of 17.04 feet to a 5/8" iron rod set for corner;

THENCE continuing along said centerline, the south line of said Buentello tract, the south line of a 1.75 acre tract of land described in deed to Donna Jackson recorded in Denton County Clerk's File No. 2004-0086324 of the Real Property Records of Denton County, Texas, the south line of a 2.5 acre and 14.87 acre tracts of land described in deed to Jose Gutierrez recorded in Denton County Clerk's File No. 2004-0139581 of the Real Property Records of Denton County, Texas, and the south line of a 15 acre tract of land described in deed to William Kramer, the following courses and distances to wit:

North 89°08'54" East, a distance of 1300.08 feet to a 1/2" iron rod found for corner;

North 89°07'58" East, a distance of 3455.35 feet to a 1/2" iron rod found for the northwest corner of a 100 acre tract of land described in deed to RH-TWO, LP recorded in Denton County Clerk's File No. 2004-0086307 of the Real Property Records of Denton County, Texas;

THENCE with the west line of said 100 acre tract, South 00°40'06" West, a distance of 2809.18 feet to a 1/2" iron rod found in the centerline of Prosper Road (no dedication recordation found);

THENCE with said centerline, South 89°24'09" West, a distance of 3412.04 feet to a 1/2" iron rod found for corner;

THENCE leaving said centerline, North 00°12'44" West, a distance of 16.61 feet to a 5/8" iron rod set in the north line of said Prosper Road;

THENCE with said north line, South 89°49'30" West, a distance of 298.97 feet to a 5/8" iron rod set in the east line of a 5 acre tract of land described in deed to Curtis McDaniel recorded in Volume 354, Page 271 of the Deed Records of Denton County, Texas;

THENCE with the lines of the remainder of said 5 acre tract, the following courses and distances to wit:

North 00°15'22" East, a distance of 214.38 feet to a 5/8" iron rod set for corner;

South 89°47'16" West, a distance of 318.73 feet to a 5/8" iron rod set for corner;

South 33°13'36" East, a distance of 218.94 feet to a 5/8" iron rod set for corner;

South 72°26'17" East, a distance of 198.56 feet to a 5/8" iron rod set in the centerline of Fields Road (no dedication recordation found);

THENCE along said centerline, the following courses and distances to wit:

South 00°02'02" West, a distance of 1534.38 feet to a 5/8" iron rod set for corner;

South 00°08'41" East, a distance of 1196.19 feet to a 1/2" iron rod found for corner;

South 00°19'01" East, a distance of 1051.65 feet to a 1/2" iron rod found for corner;

South 00°46'08" West, a distance of 705.12 feet to a 5/8" iron rod set for corner;

South 20°37'31" East, a distance of 96.22 feet to a 5/8" iron rod set for corner;

South 28°15'33" East, a distance of 189.49 feet to a 3/8" iron rod found for corner;

South 02°06'04" East, a distance of 1803.07 feet to a 1" iron rod found for corner;

South 00°06'17" East, a distance of 1284.69 feet to a 5/8" iron rod set for corner;

South 00°06'37" West, a distance of 1042.41 feet to a 5/8" iron rod set for corner;

THENCE leaving the centerline of said Fields Road, South 89°11'26" West, a distance of 21.20 feet to a 5/8" iron rod set in the west line of said Field Road;

THENCE with said west line, the following courses and distances to wit:

South 00°00'27" West, a distance of 1396.62 feet to a fence corner;

South 41°23'46" West, a distance of 87.55 feet to the **POINT OF BEGINNING** and containing 2106.592 acres of land.

Bearing system based North Central Zone of the Texas State Plane Coordinate System.

SAVE AND EXCEPT

Being all of that certain lot, tract or parcel of land located in the B. Rue Survey, Abstract No. 1113, Denton County, Texas, and being a portion of a called 76 acre tract of land described as Tract Three in deed to Mahard 2003 Partnership, L.P., recorded in County Clerks File No. 2004-0050900, Real Property Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at an ell corner in the south line of a called 100 acre tract of land described in deed to Bruce Jackson, et al, recorded in Volume 4910, Page 2975, Real Property Records, Denton County, Texas, same being the northwest corner of said Mahard 2003 Partnership, L.P. tract;

THENCE North 89°42'25" East, along the north line of said Mahard 2003 Partnership, L.P. tract and passing at a distance of 583.33 feet the common southern corner of said Bruce Jackson, et al tract and a called 134.58 acre tract of land described in deed to Little Elm Ranch Corporation, recorded in Volume 5416, Page 3334, Real Property Records, Denton County, Texas, passing again at a distance of 834.26 feet the common southern corner of said Little Elm Ranch Corporation tract, and a tract of land described in deed to Salvador Buentello, recorded in Volume 2633, Page 648, Real Property Records, Denton County, Texas, and continuing for a total distance of 1,545.14 feet to a 5/8" iron rod found for corner in the present centerline of Parvin Road (no record of dedication found) at the beginning of a non-tangent curve to the left, having a radius of 1,206.88 feet, a central angle of 19°32'21", and a chord bearing and distance of South 58°53'46" West, 409.58 feet;

THENCE in a southwesterly direction, along the present centerline of said Parvin Road and passing through said Mahard 2003 Partnership, L.P. tract the following five (5) courses and distances:

- 1) Along said non-tangent curve to the left, an arc length of 411.57 feet;
- 2) South 49°04'47" West, a distance of 322.13 feet to the beginning of a curve to the right, having a radius of 355.51 feet, a central angle of 34°57'47", and a chord bearing and distance of South 71°08'48" West, 213.59 feet;
- 3) Along said curve to the right, an arc length of 216.94 feet;
- 4) South 88°37'42" West, a distance of 557.23 feet to the beginning of a curve to the left, having a radius of 410.55 feet, a central angle of 27°36'35", and a chord bearing and distance of South 75°08'34" West, 195.93 feet;
- 5) Along said curve to the left, an arc length of 197.83 feet to the east line of Good Hope Road (no record of dedication found), same being the most southerly southeast corner of said Bruce Jackson, et al tract;

THENCE North 00°15'22" West, along the most southerly east line of said Bruce Jackson, et al tract, a distance of 547.29 feet to the Place of Beginning and containing 575,223 square feet or 13.205 acres of land.

EXHIBIT "A-2"**Legal Description of the FC Prosper Property****TRACT ONE**

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 3329 at Page 820 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a 5/8" rebar with a cap marked "KHA" found on the monumented East right-of-way line of Good Hope Road, for the common West corner of the tract of land herein described and a called 100.00 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's instrument Number 93-R0049966 of the Deed Records of Denton County, Texas;

Thence N 00°20'14" W, along the aforementioned monumented East right-of-way line, 388.18 feet to a 1/2" rebar in concrete found for a common corner of the tract of land herein described and a called 0.507 acre tract of land and conveyed to N. J. Goodlet, et ux by a deed filed for record in Volume 1230 at Page 351 of the Deed Records of Denton County, Texas;

Thence N 86°19'09" E, along the common boundary line of the tract of land herein described and the aforementioned 0.507 acre tract, 162.36 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;

Thence N 04°22'35" W, continuing along the aforementioned common boundary line, 138.28 feet to a 1/2" rebar in concrete found for a common corner;

Thence S 89°00'42" W, continuing along the aforementioned common boundary line, 151.50 feet to a 1/2" rebar in concrete found for a common corner on the monumented East right-of-way line of Good Hope Road;

Thence N 00°02'39" W, along the aforementioned East right-of-way line, 176.63 feet to a 1/2" rebar in concrete found for a common corner of the tract of land herein described and a called 1.00 acre tract of land conveyed to N. J. Goodlet, et ux by a deed filed for record at County Clerk's Instrument Number 94-R0089059 of the Deed Records of Denton County, Texas;

Thence N 89°24'44" E, along the common boundary line of the tract of land herein described and the aforementioned 1.00 acre tract, 362.48 feet to a 1/2" rebar in concrete found for a common corner;

Thence N 00°05'33" W, continuing along the aforementioned common boundary line, 120.14 feet to a 1/2" rebar in concrete found for their common North corner on the South boundary line of a called 56.319 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's Instrument Number 2004-24459 of the Deed Records of Denton County, Texas;

Thence N 89°24'44" E, along the common boundary line of the tract of land herein described and the aforementioned 56.319 acre tract 1068.57 feet to a 5/8" rebar with a cap marked "KHA" found for a common corner;

Thence S 00°28'43" E, continuing along the aforementioned common boundary line, 818.81 feet to a ½" rebar in concrete found for a common corner on the North boundary line of the above-mentioned 100.00 acre tract;

Thence S 88°55'33" W, along the common boundary line of the tract of land herein described and the aforementioned 100.00 acre tract, 1435.44 feet to the Point of Beginning.

Said tract of land containing 1,116,766 square feet or 25.637 acres, more or less.

TRACT TWO

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 1230 at Page 351 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a ½" rebar in concrete found, on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of the tract of land herein described and a corner of a called 25.6476 acre tract of land as conveyed to N. Goodlet, et ux by a deed filed for record in Volume 3329 at Page 820 of the Deed Records of Denton County, Texas;

Thence N 86°19'09" E, along the common boundary line of the tract of land herein described and the aforementioned 25.6476 acre tract, 92.56 feet to a ½" rebar in concrete found for a corner;

Thence N 04°18'50" W, 13.05 feet to a 3/8" rebar found for a corner;

Thence N 86°13'43" E, 13.06 feet to a ½" rebar with a cap marked "RPLS 4967" set for a corner;

Thence S 05°12'35" E, 13.07 feet to a ½" rebar in concrete found for a corner on the North boundary line of the above-mentioned 25.6576 acre tract of land;

Thence N 86°19'09" E, along the aforementioned common boundary line, 56.54 feet to a ½" rebar in concrete found for a common corner;

Thence N 04°22'35" W, continuing along the aforementioned common boundary line, 138.28 feet to a ½" rebar in concrete found for a common corner;

Thence S 89°00'42" W, continuing along the aforementioned common boundary line, 151.50 feet to a ½" rebar in concrete found for a common corner on the above-mentioned East right-of-way line;

Thence S 00°00'14" E, along the aforementioned East right-of-way line, 145.68 feet to the Point of Beginning.

Said tract of land containing 22,087 square feet or 0.507 acres, more or less.

TRACT THREE

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record at County Clerk's Instrument Number 94-R0089059 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a ½" rebar in concrete found, on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of the tract of land herein described and a corner of a called 25.6476 acre tract of land as conveyed to N. Goodlet, et ux by a deed filed for record in Volume 3329 at Page 820 of the Deed Records of Denton County, Texas;

Thence N 89°21'12" E, along the common boundary line of the tract of land herein described and the aforementioned 25.6476 acre tract of land, 362.48 feet to a ½" rebar in concrete found for a common corner;

Thence N 00°05'33" W, continuing along the aforementioned common boundary line, 120.14 feet to a ½" rebar in concrete found for their common North corner on the South boundary line of a called 56.319 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's Instrument Number 2004-24456 of the Deed Records of Denton County, Texas;

Thence S 89°24'44" W, along the common boundary line of the tract of land herein described and the aforementioned 56.319 acre tract, 362.29 feet to a ½" rebar with a cap marked "RPLS 4967" set for their common West corner on the above-mentioned East right-of-way line;

Thence S 00°00'19" E, along the aforementioned East right-of-way line, 120.52 feet to the Point of Beginning.

Said tract of land containing 43,604 square feet or 1.001 acre, more or less.

TRACT FOUR

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being a portion of a tract of land conveyed to Laura Jackson by a deed filed for record in Volume 291 at Page 80 of the Deed Records of Denton County, Texas and also being more particularly described by metes and bounds as follows:

Commencing, for a tie, at a 1/2" rebar in concrete, found on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of a tract of land conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 1230 at Page 351 of the Deed Records of Denton County, Texas from which a 1/2" rebar in concrete found for it's Northwest corner bears N 00°00'14" W, 145.68 feet;

Thence N 86°19'09" E, 92.56 feet to a 1/2" rebar found in concrete found for the Southwest corner and Point of Beginning of the tract of land herein described, said corner also being an internal corner of the aforementioned Goodlet tract;

Thence N 04°18'50" W, along the common boundary line of the tract of land herein described and the aforementioned Goodlet tract, 13.05 feet to a 3/8" rebar found for a common corner;

Thence N 86°13'43" E, continuing along the aforementioned common boundary line, 13.06 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;

Thence S 05°12'35" E, continuing along the aforementioned common boundary line, 13.07 feet to a 1/2" rebar in concrete found for a common corner;

Thence S 86°19'09" W, 13.26 feet to the Point of Beginning.

Said tract of land containing 172 square feet or 0.004 acre, more or less.

SAVE AND EXCEPT

BEING a tract of land situated in the A. Roberts Survey, Abstract No. 1115, being a portion of a tract conveyed to VP Windsong Investments, LLC, according to the deed recorded in Document No. 2018-142926 of the Official Public Records, Denton County, Texas (OPRDCT), with the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a plastic cap stamped "SPIARSENG" found for the southerly southwest corner of a tract conveyed to Prosper I.S.D., recorded in Document No. 2017-34540 OPRDCT;

THENCE S 64°00'25" W, 449.32 feet to a point;

THENCE S 82°46'38" W, 60.00 feet to a point;

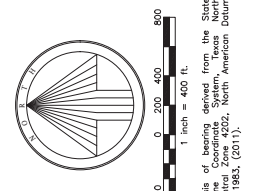
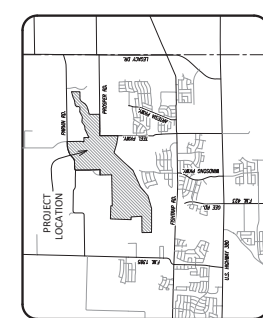
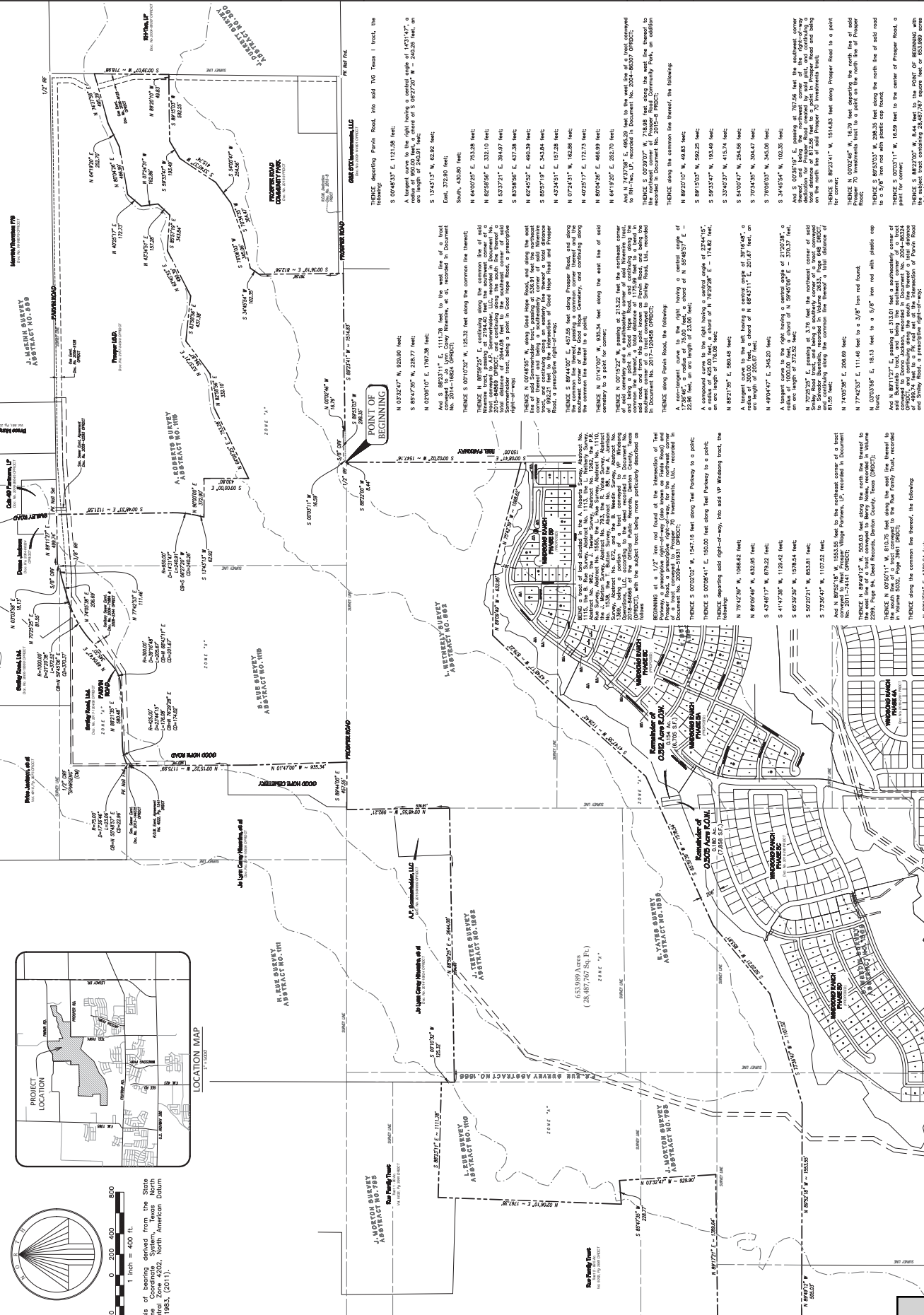
THENCE around a non-tangent curve to the right having a central angle of 20°56'35", a radius of 950.00 feet, a chord of N 03°14'56" E - 345.32 feet, an arc length of 347.25 feet;

THENCE N 13°43'13" E, 299.02 feet, to a 1/2" iron rod with a plastic cap stamped "SPIARSENG" found for the northerly southwest corner of said Prosper I.S.D. tract;

THENCE East, along the south line thereof, 372.90 feet, to a 1/2" iron rod with a plastic cap stamped "SPIARSENG" found for the inset southwest corner of said Prosper I.S.D. tract;

THENCE South, along the west line thereof, 430.80 feet, to the POINT OF BEGINNING with the subject tract containing 235,625 square feet or 5.409 acres of land.

Issue Date:	10/15/19
Revisions:	
Scale:	1" = 400'
Drawn By:	ED
Checked By:	DNB
Sheet:	1



THENCE, separating Parish Road, into said T10 Texas 1 tract, the following:

N 00°45'37" E, 112.58 feet;
 A. bearing curve to the left having a central angle of 151°17'30" and a radius of 800.00 feet, a chord of S 89°27'20" W, 262.20 feet, an arc length of 240.37 feet;
 S 19°45'13" W, 65.82 feet;
 S 40°00'00" W, 250.00 feet;
 N 64°00'00" E, 70.28 feet;
 N 82°30'57" E, 530.12 feet;
 N 53°37'21" E, 394.87 feet;
 S 83°38'50" E, 430.38 feet;
 N 62°45'02" E, 460.39 feet;
 S 85°37'19" E, 343.83 feet;
 N 42°34'31" E, 197.28 feet;
 N 07°24'31" W, 162.86 feet;
 N 40°25'17" E, 192.73 feet;
 N 80°04'30" E, 468.89 feet;
 N 64°19'00" E, 262.70 feet;
 N 07°24'31" W, 162.86 feet;
 N 40°25'17" E, 192.73 feet;
 N 80°04'30" E, 468.89 feet;
 N 64°19'00" E, 262.70 feet;

THENCE, separating Parish Road, into said T10 Texas 1 tract, the following:

N 07°24'31" W, 629.80 feet;
 S 85°47'30" W, 228.77 feet;
 N 02°06'10" E, 170.28 feet;
 A. bearing curve to the left having a central angle of 151°17'30" and a radius of 800.00 feet, a chord of S 89°27'20" W, 262.20 feet, an arc length of 240.37 feet;
 S 19°45'13" W, 65.82 feet;
 S 40°00'00" W, 250.00 feet;
 N 64°00'00" E, 70.28 feet;
 N 82°30'57" E, 530.12 feet;
 N 53°37'21" E, 394.87 feet;
 S 83°38'50" E, 430.38 feet;
 N 62°45'02" E, 460.39 feet;
 S 85°37'19" E, 343.83 feet;
 N 42°34'31" E, 197.28 feet;
 N 07°24'31" W, 162.86 feet;
 N 40°25'17" E, 192.73 feet;
 N 80°04'30" E, 468.89 feet;
 N 64°19'00" E, 262.70 feet;

THENCE, separating Parish Road, into said T10 Texas 1 tract, the following:

N 07°24'31" W, 629.80 feet;
 S 85°47'30" W, 228.77 feet;
 N 02°06'10" E, 170.28 feet;
 A. bearing curve to the left having a central angle of 151°17'30" and a radius of 800.00 feet, a chord of S 89°27'20" W, 262.20 feet, an arc length of 240.37 feet;
 S 19°45'13" W, 65.82 feet;
 S 40°00'00" W, 250.00 feet;
 N 64°00'00" E, 70.28 feet;
 N 82°30'57" E, 530.12 feet;
 N 53°37'21" E, 394.87 feet;
 S 83°38'50" E, 430.38 feet;
 N 62°45'02" E, 460.39 feet;
 S 85°37'19" E, 343.83 feet;
 N 42°34'31" E, 197.28 feet;
 N 07°24'31" W, 162.86 feet;
 N 40°25'17" E, 192.73 feet;
 N 80°04'30" E, 468.89 feet;
 N 64°19'00" E, 262.70 feet;

THENCE, separating Parish Road, into said T10 Texas 1 tract, the following:

N 07°24'31" W, 629.80 feet;
 S 85°47'30" W, 228.77 feet;
 N 02°06'10" E, 170.28 feet;
 A. bearing curve to the left having a central angle of 151°17'30" and a radius of 800.00 feet, a chord of S 89°27'20" W, 262.20 feet, an arc length of 240.37 feet;
 S 19°45'13" W, 65.82 feet;
 S 40°00'00" W, 250.00 feet;
 N 64°00'00" E, 70.28 feet;
 N 82°30'57" E, 530.12 feet;
 N 53°37'21" E, 394.87 feet;
 S 83°38'50" E, 430.38 feet;
 N 62°45'02" E, 460.39 feet;
 S 85°37'19" E, 343.83 feet;
 N 42°34'31" E, 197.28 feet;
 N 07°24'31" W, 162.86 feet;
 N 40°25'17" E, 192.73 feet;
 N 80°04'30" E, 468.89 feet;
 N 64°19'00" E, 262.70 feet;

THENCE, separating Parish Road, into said T10 Texas 1 tract, the following:

N 07°24'31" W, 629.80 feet;
 S 85°47'30" W, 228.77 feet;
 N 02°06'10" E, 170.28 feet;
 A. bearing curve to the left having a central angle of 151°17'30" and a radius of 800.00 feet, a chord of S 89°27'20" W, 262.20 feet, an arc length of 240.37 feet;
 S 19°45'13" W, 65.82 feet;
 S 40°00'00" W, 250.00 feet;
 N 64°00'00" E, 70.28 feet;
 N 82°30'57" E, 530.12 feet;
 N 53°37'21" E, 394.87 feet;
 S 83°38'50" E, 430.38 feet;
 N 62°45'02" E, 460.39 feet;
 S 85°37'19" E, 343.83 feet;
 N 42°34'31" E, 197.28 feet;
 N 07°24'31" W, 162.86 feet;
 N 40°25'17" E, 192.73 feet;
 N 80°04'30" E, 468.89 feet;
 N 64°19'00" E, 262.70 feet;

THENCE, separating Parish Road, into said T10 Texas 1 tract, the following:

N 07°24'31" W, 629.80 feet;
 S 85°47'30" W, 228.77 feet;
 N 02°06'10" E, 170.28 feet;
 A. bearing curve to the left having a central angle of 151°17'30" and a radius of 800.00 feet, a chord of S 89°27'20" W, 262.20 feet, an arc length of 240.37 feet;
 S 19°45'13" W, 65.82 feet;
 S 40°00'00" W, 250.00 feet;
 N 64°00'00" E, 70.28 feet;
 N 82°30'57" E, 530.12 feet;
 N 53°37'21" E, 394.87 feet;
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 N 07°24'31" W, 162.86 feet;
 N 40°25'17" E, 192.73 feet;
 N 80°04'30" E, 468.89 feet;
 N 64°19'00" E, 262.70 feet;

PLANNING



To: Mayor and Town Council

From: Alex Glushko, AICP, Planning Manager

**Through: Harlan Jefferson, Town Manager
Rebecca Zook, P.E., Executive Director of Development & Infrastructure Services**

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon an ordinance abandoning a portion of Good Hope Road prescriptive right-of-way, located south of Parvin Road, beginning at a point approximately 600 feet from the southern property line of Good Hope Cemetery and extending southward approximately 1,100 feet.

Description of Agenda Item:

The purpose of this request is to abandon a portion of the prescriptive right-of-way for Good Hope Road, from a point approximately 600 feet south of Good Hope Cemetery southward approximately 1,100 feet. VP Windsong Operations, LLC, the developers of Windsong Ranch, has requested this abandonment in order to develop Phases 6B and 6C of Windsong Ranch. This is being done to ensure that there are no future issues involving the prescriptive right-of-way.

Good Hope Road is being formally platted with Phase 6C and will be constructed to Town standards. The west side of Good Hope Road is owned by two other property owners: A.P. Sommerhalder, LLC, and the ownership group of Jo Lynn Ninemire, Laura Varner, and Mark Carey. Access to their properties will be maintained at all times, and the owners will have direct frontage on Good Hope Road following completion of the street improvements by VP Windsong Operations. Notice of the abandonment has been sent to these property owners. In addition, the developer has coordinated with Public Safety in order to ensure that emergency access is maintained at all times. Staff supports this request.

Legal Obligations and Review:

Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P., has approved the abandonment ordinance as to form and legality.

Attached Documents:

1. Location Map
2. Ordinance
3. Ordinance Exhibit A
4. Abandonment Request Letter
5. Windsong Master Plan

Town Staff Recommendation:

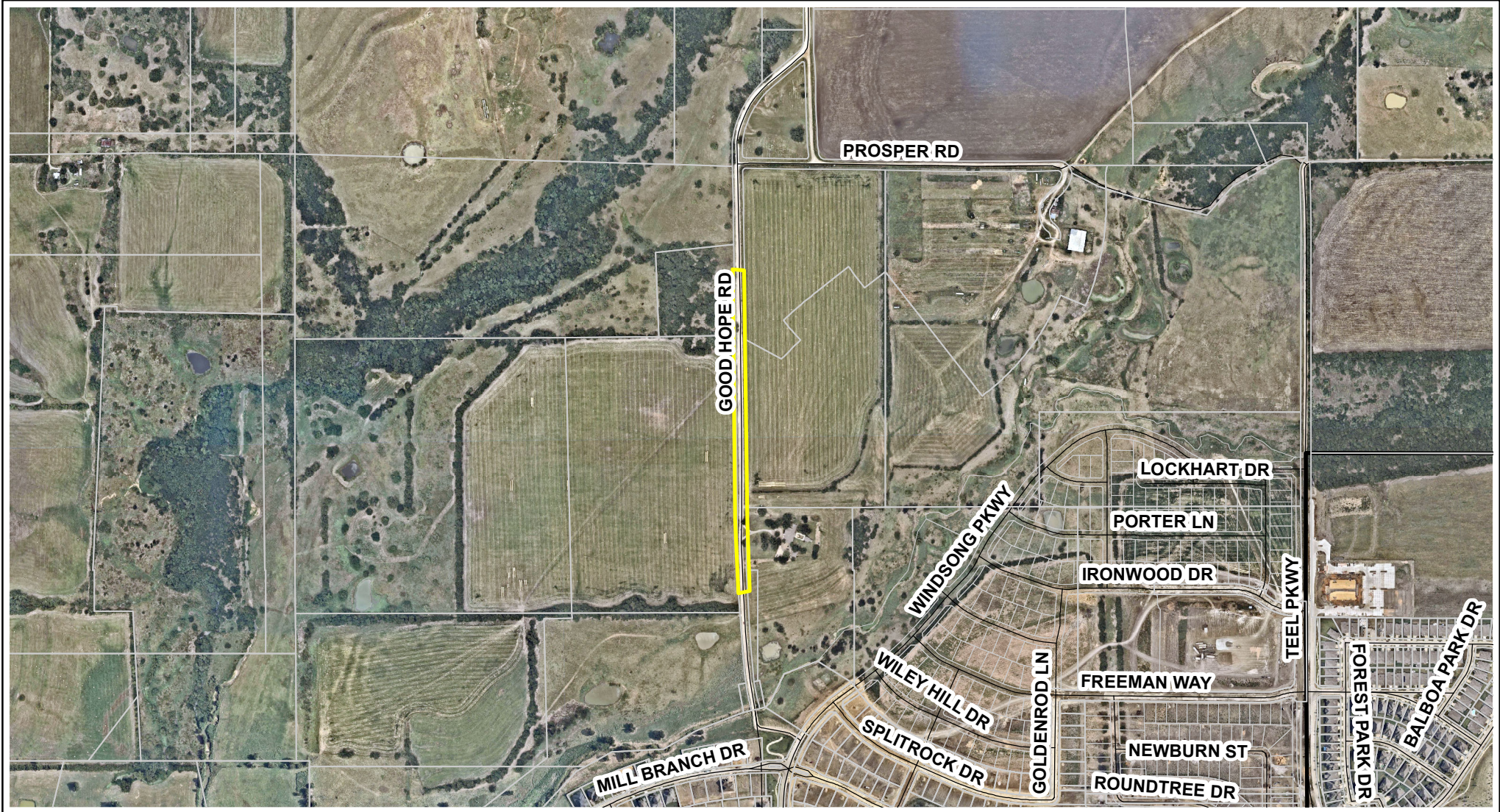
Staff recommends the Town Council approve an ordinance abandoning a portion of Good Hope Road prescriptive right-of-way, located south of Parvin Road, beginning at a point approximately 600 feet from the southern property line of Good Hope Cemetery and extending southward approximately 1,100 feet.

Proposed Motion:

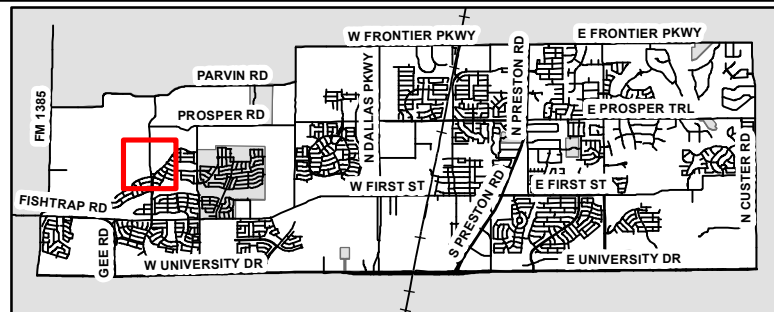
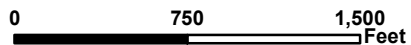
I move to approve an ordinance abandoning portions of Good Hope Road prescriptive right-of-way, located south of Parvin Road, beginning at a point approximately 600 feet from the southern property line of Good Hope Cemetery and extending southward approximately 1,100 feet.

Good Hope - Prescriptive Right-of-Way Abandonment

Item 16.



This map is for illustration purposes only.



TOWN OF PROSPER, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ABANDONING AND VACATING CERTAIN PRESCRIPTIVE RIGHT-OF-WAY (GOOD HOPE ROAD) AS REFLECTED ON EXHIBIT A; MAKING FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Town"), is a duly organized political subdivision and home-rule municipality of the State of Texas; and

WHEREAS, the Town obtained certain prescriptive right-of-way along a street (indicated as Good Hope Road) located south of Parvin Road and beginning at a point approximately 600 feet from the south property line of Good Hope Cemetery and extending southward approximately 1,100 feet as shown on Exhibit A, a copy of which is attached and is incorporated by reference; and

WHEREAS, Exhibit A reflects an approximately 60-foot (60') wide prescriptive right-of-way (or street), approximately 1,100 feet in length, as indicated above, and the property upon which the right-of-way (or street) is located has never been dedicated to the Town; and

WHEREAS, since the prescriptive right-of-way (or street) is no longer utilized as such, the Town has determined that the approximately 60' prescriptive right-of-way (or street) should be abandoned and vacated, and that any and all rights that the Town may have in the prescriptive right-of-way (or street) should be released to the adjacent property owners, which abandonment and vacation the Town Council has determined is in furtherance of the public health, safety and welfare of the Town.

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

SECTION 1

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

SECTION 2

From and after the effective date of this Ordinance, the Town's prescriptive right-of-way (or street) and any and all rights and interests that the Town may have in such right-of-way (or street), as set forth in the attached Exhibit A, are hereby abandoned and vacated by the Town, and the Town hereby disclaims any interest in the right-of-way (or street).

SECTION 3

All ordinances, orders or resolutions heretofore passed and adopted by the Town Council are hereby repealed to the extent that said ordinances, resolutions, or parts thereof, are in conflict herewith.

SECTION 4

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5

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

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 8TH DAY OF SEPTEMBER, 2020.

Ray Smith, Mayor

ATTEST:

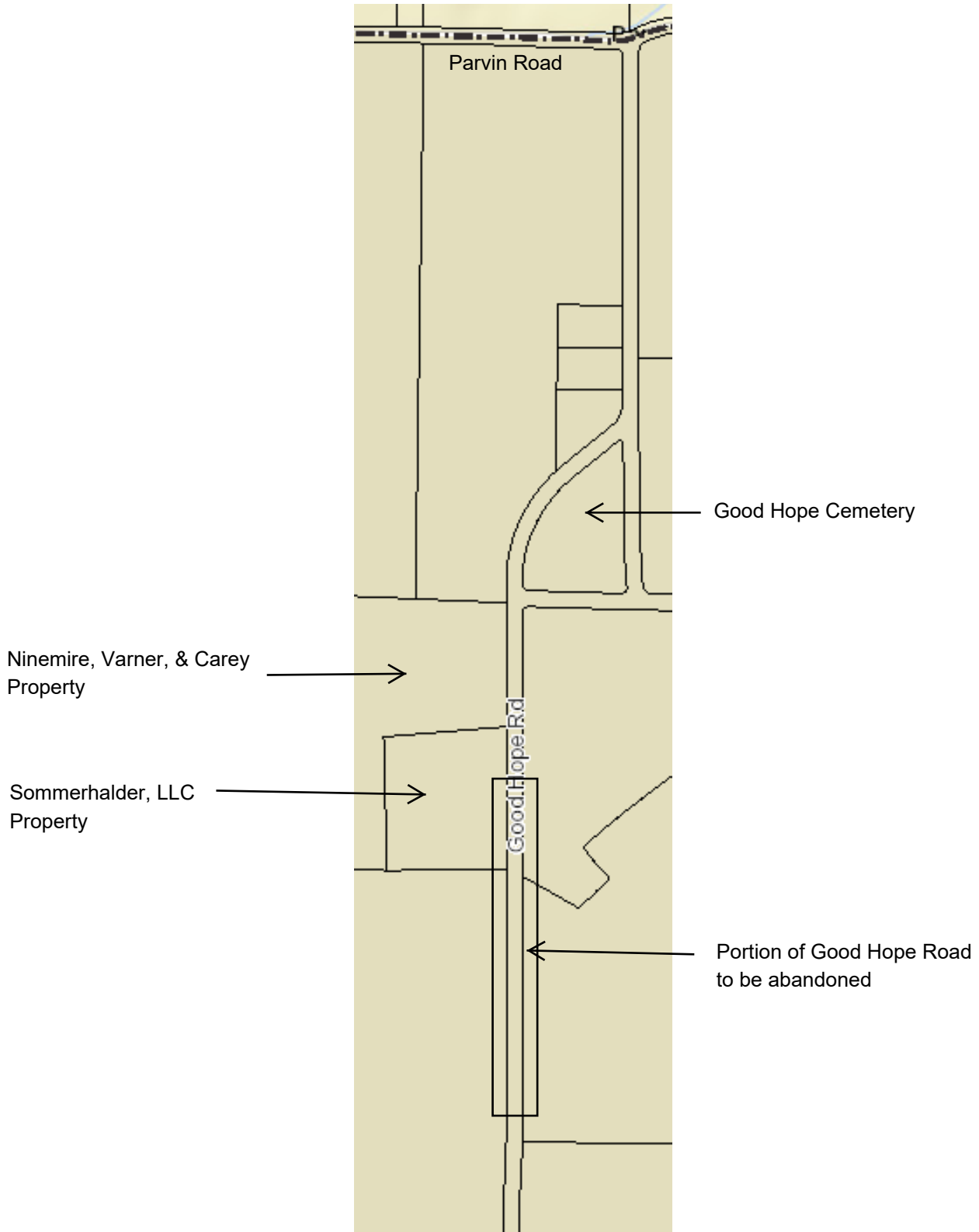
Melisa Lee, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT A

GOOD HOPE ROAD ABANDONMENT





August 14, 2020

VIA: e-Mail

Town of Prosper
Attn: Pamela Clark
200 S. Main St
Prosper, Texas 75078
pclark@prospertx.gov

**RE: Windsong Ranch – Abandonment of Prescriptive Right-of-Way
Phase 6C – Portion of Good Hope Road**

Dear Pamela,

VP Windsong Operations LLC is the respective land owner of Windsong Ranch, a master-planned community within the limits of the Town of Prosper. In conjunction with our project engineer, Spiars Engineering, a portion of prescriptive ROW in relation to Good Hope Road needs to be abandoned in order to continue our platting and engineering process for Phase 6C. Per our request, please find the attached exhibit detailing the most recent area of Good Hope Road that needs to be formally abandoned by the Town of Prosper. We have also included areas on the exhibit of previous prescriptive ROW that have been formally abandoned by Ordinance to keep records consistent.

Please let me know if you have any questions, or if you need any further information for us regarding this matter.

Sincerely,

VP WINDSONG OPERATIONS LLC,
a Delaware limited liability company

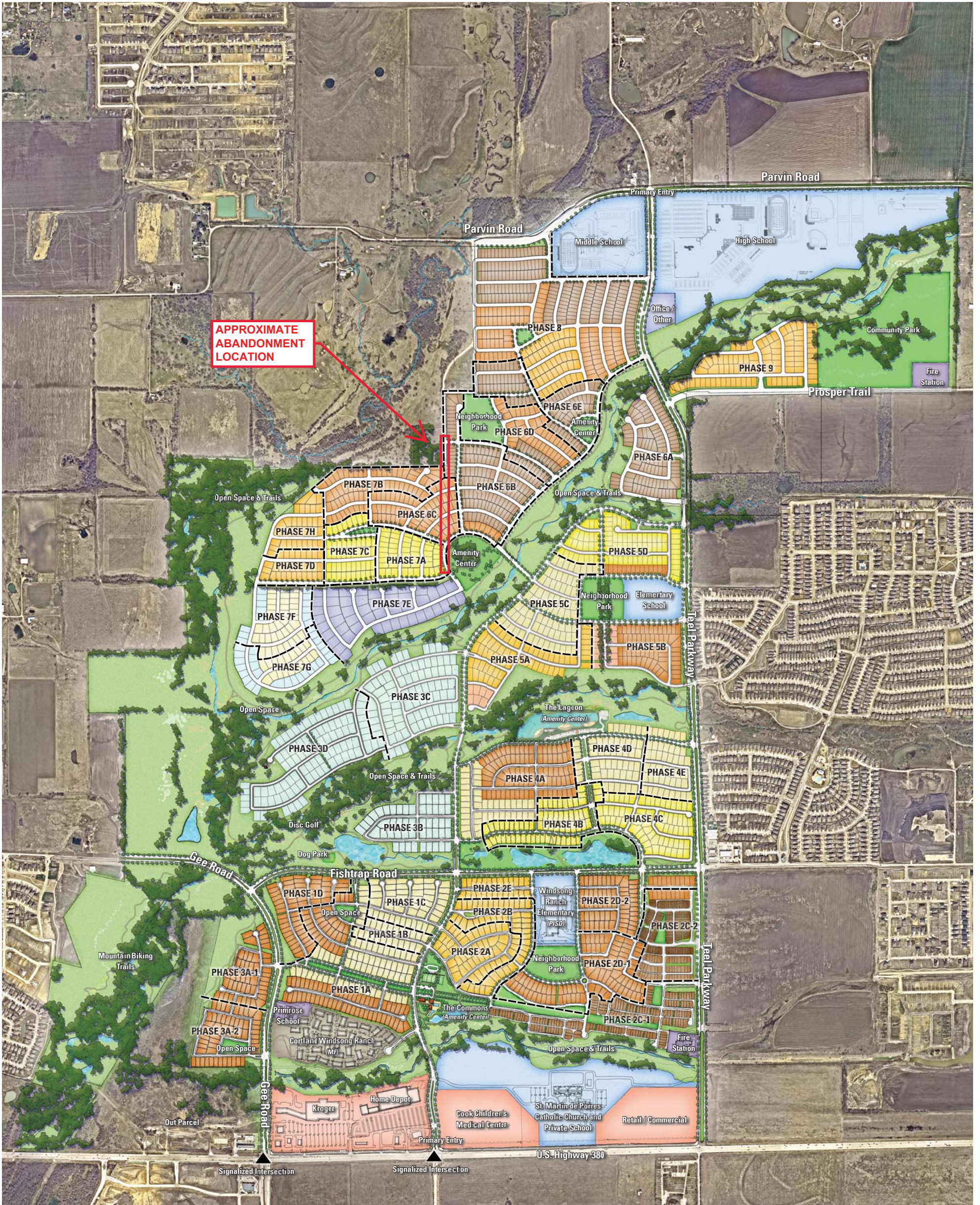
By: 

Name: David R. Blom
Title: Vice President

Enclosures(s)

CC: Matt Dorsett, Spiars Engineering
Ryan Hartman, Spiars Engineering
Colton Smith, Spiars Engineering

Justin Craig, Tellus Group LLC
Jackie Kiefer, Tellus Group LLC



WINDSONG RANCH REZONING MASTER PLAN

FEBRUARY 29, 2020

The information shown is based on the best information available and is subject to change without notice.



PLANNING



To: Mayor and Town Council

From: Alex Glushko, AICP, Planning Manager

Through: Harlan Jefferson, Town Manager
Rebecca Zook, P.E., Executive Director of Development & Infrastructure Services

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon an ordinance amending the Zoning Ordinance regarding Permitted Uses and Definitions, and Development Requirements, including but not limited to Landscaping, Parking, Screening, and Non-Residential Design and Development Standards. (Z20-0010).

History:

The proposed amendments to the Zoning Ordinance were originally presented to the Prosper Developer Council (PDC) on February 12, 2019, prior to the delay caused by House Bill 2439. At that time limited feedback was received from the PDC, and the feedback was not in opposition to the amendments. When the Zoning Ordinance amendment effort was re-instigated in 2020, the developers who had provided the initial feedback, Blue Star Land Development and Greater Texas Land Resources, were notified of the proposed amendments and Public Hearing dates. No feedback was received at that time. However, recently, Blue Star provided a response to several of the amendments.

At the August 11, 2020, and August 25, 2020, Town Council meetings, this item was tabled to allow for additional time for review of the proposed final amendments. Since the meeting, the Town has received a letter from Blue Star Land Development regarding the proposed amendments, included as Attachment 5. The letter includes eleven (11) responses to the proposed amendments. Staff has reviewed the letter, discussed the responses with Blue Star, and as a result, included a summary table outlining 1) the proposed amendments, 2) Blue Star's response to the amendments, and 3) staff's response to Blue Star. The summary table is included as Attachment 6.

Description of Agenda Item:

On May 26, 2020, by a vote of 6-0, the Town Council approved proposed amendment to the Zoning Ordinance, including the following Sections and/or topics:

1. Administrative Updates;
2. Land Use Chart and Conditional Development Standards;
3. Definitions;

4. Landscaping;
5. Parking and Loading;
6. Screening, Fences, and Walls;
7. Non-Residential Design and Development; and
8. Additional and Supplemental Regulations.

An ordinance has been prepared accordingly. In addition, the summary table outlining the proposed amendments that was included in the May 26, 2020 Council packet is also attached or reference.

Of note, during the Public Hearing discussion related to the Land Use Chart, the topic of the “Licensed Massage” use arose. Staff proposed the use be permitted in the Downtown Office (DTO) District; however, Council expressed concerns about potential ancillary services related to the use. For reference, the current definition is as follows:

“Massage Therapy, Licensed - Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. “Massage therapy,” as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for “massage therapy” are massage, therapeutic massage. Massage and “therapeutic” do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.”

Upon consultation with the Town Attorney, staff believes the zoning definition is sufficient for the purpose of defining and limiting activities related to licensed massage therapy.

Attached Documents:

1. Ordinance
2. Zoning Ordinance (Redlines)
3. Zoning Ordinance (Final Version)
4. Proposed Amendment Summary Table
5. Blue Star Response Letter
6. Blue Star Response Summary Table

Legal Obligations and Review:

Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard ordinance as to form and legality.

Town Staff Recommendation:

Staff recommends the Town Council approve an ordinance amending the Zoning Ordinance regarding Permitted Uses and Definitions, and Development Requirements, including but not limited to Landscaping, Parking, Screening, and Non-Residential Design and Development Standards.

Proposed Motion:

I move to approve an ordinance amending the Zoning Ordinance regarding Permitted Uses and Definitions, and Development Requirements, including but not limited to Landscaping, Parking, Screening, and Non-Residential Design and Development Standards.

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2020-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE TOWN'S ZONING ORDINANCE, BY REPEALING EXISTING SECTION 1, "USE OF LAND AND BUILDINGS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS," AND REPLACING IT WITH A NEW SECTION 1, "USE OF LAND AND BUILDINGS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS"; REPEALING EXISTING SECTION 2, "DEFINITIONS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS," AND REPLACING IT WITH A NEW SECTION 2, "DEFINITIONS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS"; REPEALING EXISTING SECTION 1, "SITE PLAN PROCESS," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS," AND REPLACING IT WITH A NEW SECTION 1, "SITE PLAN PROCESS," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS"; REPEALING EXISTING SECTION 2, "LANDSCAPING," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS," AND REPLACING IT WITH A NEW SECTION 2, "LANDSCAPING," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS"; REPEALING EXISTING SECTION 4, "PARKING AND LOADING," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS," AND REPLACING AND RENAMING IT WITH A NEW SECTION 4, "PARKING, CIRCULATION, AND ACCESS," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS"; REPEALING EXISTING SECTION 5, "SCREENING FENCES AND WALLS," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS," AND REPLACING IT WITH A NEW SECTION 5, "SCREENING FENCES AND WALLS," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS"; REPEALING EXISTING SECTION 8, "NON-RESIDENTIAL DESIGN AND DEVELOPMENT," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS," AND REPLACING AND RENAMING IT WITH A NEW SECTION 8, "NON-RESIDENTIAL AND MULTIFAMILY DESIGN AND DEVELOPMENT," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS"; REPEALING EXISTING SECTION 9, "ADDITIONAL AND SUPPLEMENTAL," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS," AND REPLACING IT WITH A NEW SECTION 9, "ADDITIONAL AND SUPPLEMENTAL," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS"; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the Town of Prosper, Texas, has recommended amending the Town's Zoning Ordinance (Z20-0010) to encompass those amendments as set forth herein; and

WHEREAS, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission and of all testimony and information submitted during said public hearing, the Town Council of the Town of Prosper, Texas, has determined that it is in the public's best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the Town to amend the Town's Zoning Ordinance as set forth herein.

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

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Prosper, and they are hereby approved and incorporated into the body of this Ordinance as if restated herein in their entirety.

SECTION 2

From and after the effective date of this Ordinance, these amendments to the Town's Zoning Ordinance, as referenced in the caption of this Ordinance, are hereby adopted, as more fully described in Exhibit A, attached hereto and incorporated by reference.

SECTION 3

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. The Town 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 4

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, and any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6

This Ordinance shall become effective from and after its adoption and publication as required by law; however, the provisions of this Ordinance shall not be applicable to any residential development or tract of land for which one or more final plats has been approved by the Town as of the effective date of this Ordinance.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 8TH DAY OF SEPTEMBER, 2020.

Ray Smith, Mayor

ATTEST:

Melissa Lee, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

CHAPTER 3 – PERMITTED USES AND DEFINITIONS
SECTION 1 – USE OF LAND AND BUILDINGS

SECTION 1
USE OF LAND AND BUILDINGS

1.1 USES PERMITTED BY DISTRICT

A. Land and buildings in each of the zoning districts may be used for any of the indicated uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses specified as permitted uses in the district in which it is located, according to the Chapter 3, Section 1.3 and in accordance with Chapter 1, Section 3 and the provisions of this Ordinance.

B. Legend for Schedule of Uses in Section 1.3

●	Use is permitted in district indicated
	Use is prohibited in district indicated
S	Use is permitted in district upon approval of a specific use permit
1	Use is permitted in the district indicated if conditional development standards or limitations in the corresponding numeric end note in Chapter 3, Section 1.4 are complied with

C. If a use is not on the Schedule of Uses, it is prohibited subject to compliance with Section 1.2 below.

1.2 CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the Town. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- A. The Building Official shall refer the question concerning any new or unlisted use to the Planning & Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing, among other things, the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- B. The Planning & Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and recommend to the Town Council the zoning district(s), use, and classification.
- C. The Planning & Zoning Commission shall transmit its recommendations to the Town Council as to the zoning district(s), use, and classification proposed for any new or unlisted use. The Town Council shall make such determination concerning the zoning district(s) and classification of such use as it determines appropriate.
- D. Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in Chapter 3, Section 1.2 (1-3) shall be followed for determination of the new standards.

1.3 SCHEDULE OF USES

The Schedule of Uses appears on the following charts. (*Ord 13-48; 9-10-13, & Ord 15-74; 12-08-15, & Ord 2020-##: 08-11-2020*)

CHAPTER 3 – PERMITTED USES AND DEFINITIONS
SECTION 1 – USE OF LAND AND BUILDINGS

SECTION 1.3(D) TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES	Residential Districts							Non-Residential Districts									
	A - Agricultural	SF - Single Family (E - 10)	DTSF - Downtown SF	TH - Townhome	2F - Two Family	MF - Multifamily	MH - Mobile Home	O - Office	DTO - Downtown Office	NS - Neighborhood Service	DTR - Downtown Retail	R - Retail	DTC - Downtown Commercial	C - Commercial	CC - Commercial Corridor	I - Industrial	
Antenna and/or Antenna Support Structure, Non-Commercial	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	
Stealth Antenna, Commercial	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
Bus Terminal														13	13	13	
Electric Power Generating Plant																S	
Landfill																S	
Office and Storage Area for Public/Private Utility														•		•	
Private Utility, Other Than Listed	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
School District Bus Yard	14	14	14	14	14	14	14	14		14		14		14	14	14	
Sewage Treatment Plant/Pumping Station	S	S		S	S	S	S	S		S		S		S	S	S	
Telephone Exchange	S	S	S	S	S	S	S	•	•	•	•	•	•	•	•	•	
Transit Center														•	•	•	
Utility Distribution/Transmission Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Water Treatment Plant	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Wind Energy System	PROHIBITED IN ALL DISTRICTS							PROHIBITED IN ALL DISTRICTS									
Wireless Communications and Support Structures (Ord. 18-12; 01-23-18)	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	

CHAPTER 3 – PERMITTED USES AND DEFINITIONS
SECTION 1 – USE OF LAND AND BUILDINGS

SECTION 1.3(G) SERVICE USES	Residential Districts							Non-Residential Districts							
	A - Agricultural	SF - Single Family (E - 10)	DTSF - Downtown SF	TH - Townhome	2F - Two Family	MF - Multifamily	MH - Mobile Home	O - Office	DTO - Downtown Office	NS - Neighborhood Service	DTR - Downtown Retail	R - Retail	DTC - Downtown Commercial	C - Commercial	CC - Commercial Corridor

Alcoholic Beverage Establishment												30		30	30
Artisan's Workshop										•	•	•	•	•	
Bank, Savings and Loan, or Credit Union								•	•	•	•	•	•	•	•
Beauty Salon/Barber Shop									•	•	•	•	•	•	
Bed and Breakfast Inn	S	S	S					S	S	S	•	•	•	•	
Body Art Studio															19
Business Service								•	•		•	•	•	•	•
Cabinet/Upholstery Shop													•	•	•
Campground or Recreational Vehicle Park	S						S								
Catering <i>(Ord. 2020-#: 08-11-2020)</i>									•	•	•	•	•	•	
Child Care Center, Licensed <i>(Ord. No. 18-39; 05-22-18)</i>	20	20	20	20	20	20	20	20	20	20	20	20	20	20	
Child Care Center, Home <i>(Ord. No. 18-39; 05-22-18)</i>	21	21	21												
Child Care Center, Incidental <i>(Ord. No. 18-39; 05-22-18)</i>								S	S		S		S	S	S
Commercial Amusement, Indoor								•	•		•	•	•	•	•
Commercial Amusement, Outdoor												S	S	S	S
Contractor's Shop and/or Storage Yard														•	•
Day Care Center, Adult	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Dry Cleaning, Major														•	•
Dry Cleaning, Minor								•	•	•	•	•	•	•	•
Fairgrounds/Exhibition Area													S	S	S
Food Truck Park <i>(Ord. 2020-#: 08-11-2020)</i>											49	49	49	49	
Fortune Teller/Psychic															•
Funeral Home <i>(Ord. 15-74; 12-08-15)</i>													33	33	33
Furniture Restoration <i>(Ord. 15-74; 12-08-15)</i>										•	•	•	•	•	•
Golf Course and/or Country Club	•	•		•	•	•	•	•		•		•		•	•
Gymnastics/Dance Studio									•	•	•	•	•	•	•
Health/Fitness Center								•	•	S	•	•	•	•	•
Hotel, Full Service <i>(Ord. 15-74; 12-08-15)</i>											22	22	22	22	22
Hotel, Limited Service <i>(Ord. 15-74; 12-08-15)</i>											23	23	23	23	23
Hotel, Residence/Extended Stay <i>(Ord. 15-74; 12-08-15)</i>												24		24	24

1.4 Conditional Development Standards

1. Private Street Development

Private Street Developments are subject to provisions of the Thoroughfare and Circulation Design Requirements ordinance, as it exists or may be amended. Private Street Developments are permitted by Specific Use Permit in the referenced districts. Private Street Developments that exist as of the adoption of the Thoroughfare and Circulation Design Requirements ordinance (May 10, 2005), and properties that are zoned by a planned development that permits Private Street Developments are excluded from the requirement for a Specific Use Permit. In considering a request for a Specific Use Permit for a Private Street Development, the Town Council shall use any of the following criteria:

a) New Development

- 1) Non-disruption of planned public roadways or facilities/projects (thoroughfares, parks, park trails, public pedestrian pathways, etc.);
- 2) Non-disruption to and from properties of future developments either on-site or off-site to the proposed subdivision;
- 3) No negative effect on traffic circulation on public streets;
- 4) No impairment of access to and from public facilities including schools or parks;
- 5) Adequate and timely provision of essential municipal services (emergency services, water/sewer improvements or maintenance, etc.);
- 6) Existence of natural and/or man-made boundaries around the development (creeks, floodplain, golf courses, parks); and/or
- 7) Absence of a concentration of Private Street Developments in the vicinity of the requested Private Street Development.
- 8) And any other criteria deemed appropriate by the Town Council

b) Conversion of existing subdivision to private streets

- 1) Criteria would include all the issues and procedures involved with new developments;
- 2) Petition signed by one hundred percent (100%) of the owners in the existing subdivision requesting approval to convert to private streets;
- 3) Formation of a property owners' association, if none exists, that would be responsible for owning and maintaining the converted streets and right-of-ways;
- 4) Replatting of existing subdivision to reflect changes; and/or
- 5) Applicant agreeing to contract with the Town for purchase of the converted infrastructure and rights-of-way from the Town.

2. Single Family Dwelling, Detached

Single family dwellings, detached may be developed in the referenced districts using the minimum development standards for the SF residential districts. The district standards selected shall be indicated on the preliminary and final plats for the property to be developed as single family dwellings, detached.

3. Gas Pumps

Gas pumps shall be subject to the following development standards:

CHAPTER 3 – PERMITTED USES AND DEFINITIONS
SECTION 1 – USE OF LAND AND BUILDINGS

- a) Gas Pumps are permitted only within two hundred feet (200') of the right-of-way lines of intersecting major thoroughfares;
- b) Gas Pumps are permitted at a maximum of two (2) corners at an intersection of two (2) major thoroughfares;
- c) Canopies shall have pitched roofs;
- d) Canopy support columns shall be entirely masonry encased;
- e) A raised landscape planter of the same material as the masonry columns shall be provided at both ends of all pump islands. Raised landscape planters shall be between eighteen inches (18") and twenty-four inches (24") tall and a minimum of four feet (4') wide and four feet (4') long;
- f) Raised planters shall be landscaped with a combination of shrubs and ground cover as approved by the Director of Planning, or his/her Designee.
- g) Landscape island(s) totaling a length equal to fifty percent (50%) of the canopy perimeter and a minimum of six feet (6') wide shall be provided for screening and traffic flow purposes. These areas shall have a minimum of one (1) ornamental tree per twelve (12) linear feet or portion thereof and one (1) five (5) gallon shrub per one (1) linear foot arranged as approved by the Director of Planning, or his/her Designee.
- h) Use shall be removed if closed for more than six (6) months; and
- i) The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit.

4. Homebuilder Marketing Center

Shall be used only to market homes/lots in the development where it is located when located in a residential zoning district. The use must be removed when all homes/lots in the development have been sold.

5. Home Occupation (*Ord. No. 18-39: 05-22-18*)

A home occupation, in districts where allowed, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses:

- a) Unless specifically permitted by this section, home occupations shall be conducted entirely within the main building.
- b) The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.
- c) Home occupations shall not produce any alteration or change in the exterior appearance of the residence which is inconsistent with the typical appearance of a residential dwelling.
- d) No external evidence of the occupation shall be detectable at any lot line, including advertising, signs, smoke, dust, noise, fumes, glare, vibration, or electrical disturbance beyond the property line.
- e) No exterior storage of material, equipment, vehicles, and/or supplies used in conjunction with the home occupation.
- f) No storage of hazardous materials for business purposes shall be allowed on the premises.
- g) The home occupation shall not have a separate entrance.

CHAPTER 3 – PERMITTED USES AND DEFINITIONS
SECTION 1 – USE OF LAND AND BUILDINGS

- h) Not more than two (2) patron- or business-related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles. A business-related vehicle is one with a sign relating to the home occupation displayed on the exterior of the vehicle.
- i) A maximum of one (1) commercial vehicle, capacity one (1) ton or less, may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be parked on the street.
- j) The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of one and one-half (1½) tons. This shall not be construed to prohibit deliveries by commercial package delivery companies.
- k) The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use.
- l) Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made via the telephone, internet, or at a sales party may be filled on the premises.
- m) No traffic shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood, and any need for parking must be accommodated within the off-street parking provided for the residence (i.e. the driveway or garage) and along the street frontage of the lot.
- n) The home occupation shall prohibit more than one (1) non-resident employee from regularly visiting the home for purposes related to the business.
- o) The home occupation shall not offer a ready inventory of any commodity for sale.
- p) The home occupation shall not accept clients or customers before 7:00 a.m. or after 10:00 p.m. This limitation on hours of operation shall not apply to allowed child care home occupations. Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. for outdoor activities.
- q) Outdoor activities are not allowed, unless the activities are screened from neighboring property and public rights-of-way.
- r) Uses permitted as home occupations shall include the following:
 - (1) Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;
 - (2) Office of a salesman or manufacturer's representative, provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises;
 - (3) Author, artist, sculptor;
 - (4) Dressmaker, seamstress, tailor, milliner;
 - (5) Music/dance teacher, tutoring, or similar instruction, provided that no more than three (3) pupils may be present at any one time;
 - (6) Swimming lessons or water safety instruction provided that a maximum of six (6) pupils may be present at any one time;
 - (7) Home crafts, such as weaving, model making, etc.
 - (8) Child Care: Licensed Child Care Home and Registered Child Care Home. Homes with seven (7) or more children shall meet the Town's building and/or fire codes.
 - (9) Community home and other residential care facility that qualifies as a community home under the Community Homes for Disabled Persons Location Act, Chapter 123 of the Texas Human

CHAPTER 3 – PERMITTED USES AND DEFINITIONS
SECTION 1 – USE OF LAND AND BUILDINGS

Resources Code and as amended, provided such facilities meet the requirements set out within this Ordinance:

- (10) Internet based businesses; and
 - (11) Food Production Operations that produce non-potentially hazardous food. Examples of non-potentially hazardous foods include; bread, rolls, biscuits, sweet breads, muffins, cakes, pastries, cookies, fruit pies, jams, jellies, dried fruit and vegetables, pickles, and dry herbs.
- s) Uses prohibited as home occupations shall include, but are not limited to the following:
- (1) Animal hospital, commercial stable, kennel;
 - (2) Hair or Nail Salon/Barbershop;
 - (3) Boarding house or rooming house;
 - (4) Schooling or instruction with more than five (5) pupils;
 - (5) Restaurant or the sale of on premise food/beverage consumption of any kind;
 - (6) Automobile, boat, or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engines, or other repairs shops;
 - (7) Cabinetry, metal work, or welding shop;
 - (8) Office for doctor, dentist, veterinarian, or other medical-related profession for the purpose of providing care to patients;
 - (9) On-premise retail or wholesale sale of any kind, except cottage food items produced entirely on premises as indicated in Paragraph r, (11) above;
 - (10) Commercial clothing laundering or cleaning;
 - (11) Mortuary or funeral home;
 - (12) Trailer, vehicle, tool, or equipment rental;
 - (13) Antique, gift, or specialty shop;
 - (14) Office or storage facility for a vehicle fleet operation; and
 - (15) Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.
- t) Determination of a Home Occupation Use not specifically listed. The Director of Development Services, or designee, shall determine whether a proposed use not specifically listed is appropriate as a home occupation. The Director shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein.
- u) Appeal of the Director's Home Occupation Determination. If the applicant disagrees with the determination of the Director, the applicant may appeal to the Planning & Zoning Commission.
- v) Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with these provisions shall be deemed a legal nonconforming use.
6. **Mobile Food Vendor** (Ord. 2020-##-08-11-2020)
- Mobile food vendors are subject to the following regulations:

CHAPTER 3 – PERMITTED USES AND DEFINITIONS
SECTION 1 – USE OF LAND AND BUILDINGS

- a) Mobile food vendors are permitted by a Specific Use Permit (SUP) in Retail, Downtown Retail, Downtown Commercial, and Commercial zoning districts;
 - b) Mobile food vendors shall be located on private property where an existing, permanent business operates in a building with a Certificate of Occupancy;
 - c) Mobile food vendors shall provide the Town with a copy of written permission from the property owner on an annual basis to allow the operation of a mobile vendor and to allow the mobile vendor and their customers access to a commercially plumbed public restroom on-site;
 - d) A mobile food vendor shall submit a site plan depicting the location of the mobile food vendor on the property, shall secure a health permit from the Town, and a permit from Building Inspections prior to the operation of such use;
 - e) Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the Town, including amendments thereto;
 - f) Mobile food vendors shall be located within fifty feet (50') of an entrance of a primary building that holds the Certificate of Occupancy;
 - g) Mobile food vendors shall be setback a minimum of one hundred feet (100') from major thoroughfares, as designated on the Town's Thoroughfare Plan, as it exists or may be amended;
 - h) Mobile food vendors may operate only during the business hours of the primary business on the property;
 - i) The operator shall possess a Town tax certificate showed as paid;
 - j) A drive through is not permitted in conjunction with the mobile food vendor;
 - k) Mobile food vendors shall not operate in required parking spaces, driveways, fire lanes or public roads;
 - l) Sales of food from a stationary vehicle excludes catering trucks; and
 - m) Mobile food vendors are prohibited in a temporary building.
7. **Temporary Building** (*Ord. No. 17-62: 08-22-17*)
- a) Temporary buildings are permitted by right for houses of worship, public schools (kindergarten through twelfth grade only), and government agencies (see Chapter 3, Section 2.2).
 - b) Temporary buildings for private enterprises are permitted by Specific Use Permit.
 - c) A permit to erect a temporary building for a house of worship may be issued for an initial period of three (3) years.
 - d) The application for temporary building(s) shall be submitted to the Development Services Department in the form of a Preliminary Site Plan or Site Plan application with the accompanying material and exhibits:
 - (1) Written report documenting the following:
 - i. capacity of the permanent building(s), which is located or planned to be located on the same property for which the temporary building permit is being sought, compared to the enrollment, employment, and/or number of people attending the permanent building(s) at one time;
 - ii. total enrollment, employment, and/or membership size;

CHAPTER 3 – PERMITTED USES AND DEFINITIONS
SECTION 1 – USE OF LAND AND BUILDINGS

- iii. documentation of growth records depicting the number of people in the congregation, school and/or office;
 - iv. whether the facility is a start-up or new facility;
 - v. indication of alternative options that were explored before a temporary building application was considered;
 - vi. acts of nature; and/or
 - vii. any other evidence which is reasonably related to the immediate need for additional space;
- (2) A Preliminary Site Plan or Site Plan depicting the following:
- i. a permanent solution to the immediate need for a new temporary building(s) showing the permanent building(s),
 - ii. the temporary building(s), and
 - iii. the required parking,
- (3) Where an approved Preliminary Site Plan or Site Plan is in effect on the property, the applicant may note the location of the proposed temporary building(s) on the approved plan in lieu of submitting a new plan.
- e) The temporary building(s) shall be removed within thirty (30) days of the date:
- 1. a Certificate of Occupancy is issued for the permanent building; or
 - 2. the permit for the temporary building expires, whichever occurs first.
- f) After the initial three-year period, a request for a one-year extension of the temporary building permit for a house of worship may be granted by the Planning & Zoning Commission provided the applicant:
- 1. has an approved and valid preliminary site plan or site plan for the permanent building(s).
 - 2. has a specific plan of how an additional year would allow the applicant to construct the permanent building(s) by providing:
 - i. evidence of numeric growth, beyond that which was specifically anticipated by the applicant;
 - ii. membership, enrollment, and/or employment growth records;
 - iii. evidence that alternative options were explored before an extension of the temporary building permit was requested; and
 - iv. any other criteria reasonably deemed appropriate by the Planning & Zoning Commission.
- 8. Athletic Stadium or Field, Private**
Permitted by Specific Use Permit when developed in conjunction with a School, Private or Parochial.
- 9. Rehabilitation Care Facility**
Shall maintain a minimum separation of fifteen hundred feet (1,500') measured linearly from property line to property line from any other Rehabilitation Care Facility.
- 10. Antenna, Non-Commercial**
- a) Satellite Dishes and Wireless Broadband Antennas
- 1. In the A, SF, DTFS, 2F, and MH districts, satellite dishes and wireless broadband antennas are permitted only on the back half of a residential structure or in the back yard of a residential lot

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unless a signal cannot be received in these areas. Should a satellite dish or wireless broadband antenna be placed somewhere other than on the back half of a residential structure or in the back yard of a residential lot, it shall be limited to not more than two feet (2') in diameter. Only three (3) satellite dishes and/or wireless broadband antennas shall be permitted per lot or primary structure. One (1) of the three (3) satellite dishes and/or wireless broadband antennas on a residential structure and/or lot may be up to twelve feet (12') in diameter. The other two (2) satellite dishes and/or wireless broadband antennas shall not exceed two feet (2') in diameter.

2. In the TH and MF districts, satellite dishes and wireless broadband antennas are permitted only on the back half of a residential structure or in the back yard of a residential lot unless a signal cannot be received in these areas. Should a satellite dish or wireless broadband antenna be placed somewhere other than on the back half of a residential structure or in the back yard of a residential lot, it shall be limited to not more than two feet (2') in diameter. Only three (3) satellite dishes and/or wireless broadband antennas shall be permitted per residential unit. One (1) of the three (3) satellite dishes and/or wireless broadband antennas on a residential unit may be up to twelve feet (12') in diameter. The other two (2) satellite dishes and/or wireless broadband antennas shall not exceed two feet (2') in diameter.
 - b) Non-commercial antennas shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no case shall the height of such antennas exceed forty-five feet (45'), unless located on property owned or leased by the Town of Prosper, and proper guy wire securement shall be followed. In no manner shall the use of such equipment infringe upon adjoining property owners. Roof mounted satellite dishes in excess of fifty (50) pounds shall be approved by a registered architect or professional engineer by written letter to the building official, prior to installation, stating the antenna's stability and support and shall not extend more than six feet (6') above the first story.

11. Wireless Communications and Support Structures *(Ord. No. 18-12; 01-23-18)*

Permitted by Specific Use Permit in the referenced districts subject to the following standards:

- a) The distance of a wireless communications support structure from an adjacent property line shall be determined by the Specific Use Permit.
- b) The height of the support structure shall be determined by the Specific Use Permit.
- c) Additional antennas may be placed on a wireless communications support structure with an existing Specific Use Permit without approval of a separate Specific Use Permit subject to approval of a site plan as necessary for the property.
- d) Screening of the ground-mounted equipment shall be determined by the Specific Use Permit.
- e) Temporary Wireless Communications and Support Structures shall be subject to the above-noted conditions; however, wireless communications and support structures and related equipment used on a temporary basis in conjunction with a special event, emergency situation, or equipment failure are not required to obtain a Specific Use Permit nor subject to the above-noted requirements but shall be required to obtain any and all permits as required by the Town. In no event shall any temporary wireless communications and support structures related to a special event, emergency situation, or equipment failure be maintained for more than sixty (60) days except with the express written approval of the Director of Development Services or designee, for any extension of time.

12. Antenna, Stealth *(Ord. No. 18-93; 11-13-18)*

- a) Stealth antennas are permitted by right in the residential districts only as a secondary use when the primary use on the lot is a church, school, or athletic stadium or field.

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- b) Stealth antennas are permitted by right in the non-residential districts.
- c) The Director of Development Services, or his /her designee, may approve a request to install a stealth antenna when the proposed stealth antenna is of a type that is specifically listed in the definition of Antenna, Stealth in Chapter 2, Section 1.2.
- d) For stealth antenna requests of a type that are not specifically listed in this definition, the Town Council may determine if a proposed commercial antenna is a stealth antenna or not when considering site plan approval for the proposal.

13. Bus Terminal

Permitted by right in the CC district. Permitted by Specific Use Permit in the C and I districts. Bus parking and storage areas will be screened with a six foot (6') ornamental metal fence, three inch (3") caliper evergreen trees on twenty (20) foot centers, and five (5) gallon evergreen shrubs on three (3) foot centers located within a fifteen foot (15') landscape edge.

14. School District Bus Yard

A School District Bus Yard shall be owned and/or operated by a public Independent School District. Unless otherwise approved by the Planning & Zoning Commission, School District Bus Yards shall be screened using one of the following methods:

Option 1

- a) A six foot (6') ornamental metal fence,
- b) Three inch (3") caliper evergreen trees on twenty foot (20') centers, and
- c) Five (5) gallon evergreen shrubs on three foot (3') centers.

Option 2

- a) A six foot (6') clay-fired brick wall, and
- b) Three inch (3") caliper evergreen trees on twenty foot (20') centers.

15. Research and Development Center

Any Research and Development Center that includes animal or biological testing will be permitted by Specific Use Permit in the designated districts; otherwise they are permitted by right.

16. Alcoholic Beverage Sales (Ord. No. 16-60; 09-13-16); (Ord. No. 16-79; 12-13-16)

Alcoholic Beverage Sales, as defined by the Prosper Zoning Ordinance, as amended, shall mean any establishment, place of business or person engaged in the selling of Alcoholic Beverages, as defined in the Texas Alcoholic Beverage Code, as amended, to the general public for off-premise personal or household consumption.

- a) Alcoholic Beverage Sales shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- b) Alcoholic Beverage Sales are permitted only in the NS, DTR, R, DTC, C, CC and I zoning districts.
- c) Beer sales are not permitted in residential zoning districts.
- d) Pursuant to the Town Charter, the sale of liquor, as defined in the Texas Alcoholic Beverage Code, as amended, shall be prohibited by a person or entity holding a package store permit, as described in the Texas Alcoholic Beverage Code, as amended, in any zoning district which allows, in whole or in part, residential development in the Town.
- e) Alcoholic Beverage Sales shall not be located within the following:

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1. Three hundred feet (300') from a church, public school, private school, and/or public hospital. However, Alcoholic Beverage Sales may be located within three hundred feet (300') of a private school if minors are prohibited from entering the place of business, as required by Section 109.53, Texas Alcoholic Beverage Code, as amended; or
 2. One thousand feet (1,000) from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts the additional spacing requirements by resolution. But, the Town Council may not adopt this additional spacing requirement if: (i) minors are prohibited from entering the place of business engaged in Alcoholic Beverage Sales, pursuant to Section 109.53, Texas Alcoholic Beverage Code, as amended; (ii) the holder of a retail off-premise consumption permit or license if less than fifty percent (50%) of the gross receipt for the premises, excluding the sale of items subject to the motor fuels are from the sale or service of alcoholic beverages; or (iii) the holder of a license or permit issued under Chapter 27, 31 or 72, Texas Alcoholic Beverage Code, as amended, who is operating on the premises of a private school.
- f) Measurement of the distance between the place of business engaged in Alcoholic Beverage Sales and the church or public hospital shall be along the property line of the street fronts, from front door to front door, and in a direct line across intersections. Measurement for the distance between the place of business engaged in Alcoholic Beverage Sales and a public or private school shall be:
1. In a direct line from the Property Line of the public or private school to the Property Line of the place of business, and in a direct line across intersections; or
 2. If Alcoholic Beverage Sales are located on or above the fifth (5th) story of a multistory building, in a direct line from the Property Line of the public or private school to the Property Line of the place of business, in a direct line across intersections, and vertically up the building at the Property Line to the base floor on which Alcoholic Beverage Sales are located.
- g) In accordance with Section 109.33, Texas Alcoholic Beverage Code, as amended, in this Paragraph 16, "private school" means a private school, including a parochial school, that:
1. Offers a course of instruction for students in one or more grades from kindergarten through grade twelve; and
 2. Has more than one hundred (100) students enrolled and attending courses at a single location.
- h) If at any time an original Alcoholic Beverage permit or license is granted by the Texas Alcoholic Beverage Commission to an establishment, place of business, or person and the establishment, place of business or person satisfies the requirements regarding the distance requirements in this Paragraph 16, then the same shall be deemed to satisfy the distance requirements for all subject renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.
- 17. Convenience Store With Gas Pumps** (*Ord. No. 15-74; 12-08-15*)
- Convenience Stores with Gas Pumps shall be subject to the following development standards:
- a) Permitted in the designated districts only within two hundred feet (200') of the right-of-way lines of intersecting major thoroughfares;
 - b) Gas Pumps are permitted at a maximum of two (2) corners at an intersection of two (2) major thoroughfares;
 - c) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
 - d) Canopies shall have pitched roofs;

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- e) Canopy support columns shall be entirely masonry encased;
- f) The canopy band face shall be a color consistent with the main structure or an accent color and may not be backlit; and
- g) Use shall be removed if closed for more than six (6) months.

18. Nursery, Major

Permitted by Specific Use Permit in an Agricultural zoning district if designated as non-residential on the Future Land Use Plan.

19. Body Art Studio

Must be set back one thousand feet (1,000') from any other Body Art Studio, Residential Zoning District, church, Public, Private, or Parochial School, and day care.

20. Child Care Center, Licensed (*Ord. No. 18-39; 05-22-18*)

Notwithstanding anything to the contrary herein, a public independent school district is not required to obtain a SUP for the operation of a Licensed Child Care in a public school. A Licensed Child Care Center not operated by a public independent school district is permitted by SUP in all districts except the Industrial District.

21. Child Care Center, Home (*Ord. No. 18-39; 05-22-18*)

Permitted by right as a home occupation in the designated zoning districts and is subject to the regulations of Home Occupation.

22. Hotel, Full Service (*Ord. No. 15-74; 12-08-15*)

Full Service Hotel developments shall be subject to the following development standards:

- a) External balconies and walkways shall be set back two hundred feet (200') from any residential zoning district.
- b) Shall provide management staff on-site twenty four (24) hours a day.
- c) Shall provide at least four (4) amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Game Room
 - Jogging Trail
- d) Shall provide a full service restaurant offering three (3) meals a day.
- e) Shall provide a minimum total of 10,000 square feet of meeting/event space.
- f) No more than five percent (5%) of the total number of guest rooms shall have cooking facilities.
- g) All room units must be accessed through an internal hallway, lobby, or courtyard.

23. Hotel, Limited Service (*Ord. No. 15-74; 12-08-15*)

Limited Service Hotel developments shall be subject to the following development standards:

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- a) A Specific Use Permit is required.
- b) Access to guest rooms shall be restricted to exclusively to interior corridors.
- c) External balconies and walkways shall be set back two hundred feet (200') from any residential zoning district.
- d) Shall provide management staff on-site twenty four (24) hours a day.
- e) Shall provide at least four (4) amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Game Room
 - Jogging Trail
 - Conference Room (one thousand (1,000) square foot minimum)
- f) Shall provide daily housekeeping.
- g) The guest rooms shall not contain any cooking facility that includes a conventional oven, convection oven, stove top burner, grill, hibachi or hotplate.

24. Hotel, Residence/Extended Stay (*Ord. No. 15-74; 12-08-15*)

Residence/Extended Stay Hotel developments shall be subject to the following development standards:

- a) A Specific Use Permit is required.
- b) External balconies and walkways shall be set back two hundred feet (200') from any residential zoning district.
- c) Shall provide laundry facilities on-site for guest use.
- d) Access to guest rooms shall be restricted exclusively to interior corridors.
- e) Shall provide management staff on-site twenty four (24) hours a day.
- f) Shall provide at least five (5) amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Game Room
 - Jogging Trail
 - Conference Room (one thousand (1,000) square foot minimum)
- g) Shall be set back a minimum of one hundred feet (100') from any residential district.
- h) Shall maintain fifteen percent (15%) of the lot area as outdoor open space, exclusive of required setbacks and parking areas, but including amenities from the above list except for the indoor pool and conference room(s) shall not count toward meeting the open space requirement. The minimum fifteen percent (15%) open space may be reduced by the Town Council upon approval of a Specific Use Permit providing evidence of other amenities meeting the intent of the open space requirement.

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- i) Shall provide daily housekeeping.
- j) Any guest room indoor cooking facility shall not include a grill, hibachi or hotplate.
- k) Shall provide a restaurant offering a minimum of one meal per day.
- l) Shall be permitted only with frontage along US 380, Preston Road, or the Dallas Parkway.

25. Pet Day Care

Permitted by right subject to the following standards:

- a) Hours of operation limited to 6:00 a.m. to 8:00 p.m.
- b) A Pet Day Care must be located a minimum of one hundred feet (100') from restaurants and food preparation establishments (property line to property line).
- c) Overnight boarding of animals and outdoor kennels are prohibited.
- d) Provisions must be made for the sanitary disposal of all animal waste in accordance with the Animal Control ordinance and Building Codes, as they exist or may be amended.

26. Restaurant (Ord. No. 15-74; 12-08-15); (Ord. No. 16-79; 12-13-16); (Ord. No. 17-49; 06-27-17); (Ord. 2020-##-08-11-2020)

- a) A Restaurant is permitted by Specific Use Permit in the NS Zoning District and is permitted by right in the O, ~~DFO~~, DTR, R, DTC, C, and CC Zoning Districts subject.

b) Restaurants with drive-through are only permitted in the R, C, and CC Zoning Districts upon approval of a Specific Use Permit.

b)c) Restaurants are only permitted in the O Zoning District, if the subject property is located along a roadway classified as a major or minor thoroughfare as defined by the Thoroughfare Plan.

c)d) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 applies to restaurants with a drive-through.

d)e) Restaurants that sell Alcoholic Beverages for on-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.

e)f) A Restaurant that sells Alcoholic Beverages for on-premise consumption shall not be located within the following:

1. Three hundred feet (300') from a church, public hospital, public school and/or private school. However, Alcoholic Beverage Sales may be located within three hundred feet (300') of a private school if the holder of a license or permit holds a food and beverage certificate covering a premise that is located within three hundred feet (300') of a private school; or
2. One thousand feet (1000') from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts such additional spacing requirements by resolution. Measurement for the distance between a Restaurant or Cafeteria where Alcoholic Beverages for on-premise consumption are sold and a church or public hospital shall be along the property lines of the street fronts, from front door to front door, and in a direct line across intersections.

f)g) Measurement for the distance between a Restaurant where Alcoholic Beverages for on-premise consumption are sold and a public and/or private school shall be:

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1. In a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, and in a direct line across intersections; or
2. If the Restaurant that sells Alcoholic Beverages for on-premise consumption is located on or above the fifth (5th) story of a multistory building, in a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, in a direct line across intersections, and vertically up the building at the Property Line to the base of the floor on which the Restaurant or Cafeteria is located.

~~g)h)~~ If a Restaurant receives seventy-five percent (75%) or more of its gross revenue on a quarterly basis from the sale or service of Alcoholic Beverages for on-premise consumption, the use will no longer qualify as a Restaurant and will be classified and regulated by the Town as an Alcoholic Beverage Establishment under the Zoning Ordinance.

~~h)i)~~ There shall be no variances considered with regard to the regulations set forth herein.

27. Car Wash (*Ord. No. 15-74; 12-08-15*)

- a) Permitted as only as an accessory use to a Convenience Store with Gas Pumps in the Commercial Corridor District.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.

28. Winery

A winery is permitted by right in the Agricultural District only when located on the same lot as a vineyard. The vineyard shall occupy a minimum of eighty percent (80%) of the lot, and the winery may not exceed twenty percent (20%) of the lot.

29. Private Club (*Ord. No. 17-32; 04-11-17*)

Private Clubs shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.

- a) A Private Club is permitted only by specific use permit in R, C and CC zoning districts. A Private Club is also permitted by specific use permit as an accessory use in any zoning district only when in conjunction with the operation of a golf course.
- b) The regulations herein applicable to a public school shall also apply to a day-care center or a child-care center as provided in Section 109.331, Texas Alcoholic Beverage Code, as amended.
- c) A Private Club shall not be located within:
 1. Eight hundred feet (800') from a church, public hospital, public school, private school, and/or residential zoning district. For this purpose, residential zoning districts shall include, but are not limited to, properties that are zoned Neighborhood Service and residential Planned Development Districts;
 2. One thousand feet (1000') from a public school if the Town Council receives a request for this additional spacing requirement from the school district, and the Town Council adopts such additional spacing requirements by resolution; or
 3. One thousand feet (1000') from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts the additional spacing requirements by resolution.

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- d) Measurement for the distance between a Private Club and the uses listed above or the nearest residential zoning district shall be in a direct line from the Property Line of the applicable use listed above or the nearest residential zoning district to the Property Line of the Private Club, and in a direct line across intersections.
- e) There shall be no variances considered with regard to the regulations set forth herein however, a variance from the distances referenced herein may be approved by the Town Council for any property annexed by the Town after May 13, 2006, and upon which a restaurant is, or is proposed to be, located. In considering a distance variance, the following shall apply:
1. An application shall be submitted to the Town on a form provided by the Department of Development Services.
 2. The application shall contain all required information on the form.
 3. The Department of Development Services shall set a date for consideration of the application by the Town Council at a public hearing.
 4. No less than ten (10) days before the date of consideration by the Town Council, the Director of Development Services or his or her designee shall provide notice to each owner, as indicated by the most recently approved municipal tax roll, of property within two hundred feet (200') of the property on which the distance variance is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.
 5. In considering the application for a variance to any distance requirement, the Town Council shall consider if the distance requirement in the particular instance:
 - i. is not in the best interest of the public;
 - ii. constitutes waste or inefficient use of land or other resources;
 - iii. creates an undue hardship on an applicant for a private club permit;
 - iv. does not serve its intended purpose;
 - v. is not effective or necessary; or
 - vi. for any other reason that the Town Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.
 6. The Town Council may impose reasonable conditions on the granting of a distance variance.
 7. A variance granted pursuant to this section is valid for any subsequent renewals for the state-issued alcohol permit. A distance variance granted pursuant to this section may not be transferred to another location.

30. Alcoholic Beverage Establishment

- a) Alcoholic Beverage Establishments shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- b) An Alcoholic Beverage Establishment is permitted only by specific use permit in R, C and CC zoning districts.
- c) The regulations herein applicable to a public school shall also apply to a day-care center or a child-care center as provided in Section 109.331, Texas Alcoholic Beverage Code, as amended.
- d) An Alcoholic Beverage Establishment shall not be located within:

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1. Eight hundred feet (800') from a church, public hospital, public school, private school, and/or residential zoning district. For this purpose, residential zoning districts shall include, but is not limited to, properties that are zoned Neighborhood Service and residential Planned Development Districts;
 2. One thousand feet (1000') from a public school if the Town Council receives a request for this additional spacing requirement from the school district, and the Town Council adopts such additional spacing requirements by resolution; or
 3. One thousand feet (1000') from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts the additional spacing requirements by resolution.
- e) Measurement for the distance between an Alcoholic Beverage Establishment and the uses listed above or the nearest residential zoning district shall be in a direct line from the Property Line of the applicable use listed above or the nearest residential zoning district to the Property Line of the Alcoholic Beverage Establishment, and in a direct line across intersections.
- f) There shall be no variances considered with regard to the regulations set forth herein.

31. Outdoor Merchandise Display, Temporary (*Ord. No. 15-74; 12-08-15*)

- a) The outdoor display of merchandise shall be associated with the merchandise offered for sale on the same premise.
- b) The outdoor display of merchandise shall not exceed 72 consecutive hours with a minimum of twenty-eight (28) days between each occurrence.
- c) The outdoor display of merchandise shall not block or impede required accessibility.

32. Donation or Recycling Bin (*Ord. No. 15-74; 12-08-15*)

- a) In the Single Family Districts and the Downtown Single Family District, a donation or recycling bin shall only be permitted on a lot or tract owned and occupied by a public school or a private/parochial school.
- b) A donation or recycling bin requires approval of a Site Plan by the Planning & Zoning Commission and a permit issued by the Building Inspections Division.
- c) The permit shall contain written authorization of the property owner.
- d) A maximum of one (1) donation or recycling bin shall be permitted per lot or tract.
- e) The donation or recycling bin shall be located within 100 feet (100') of the main structure but not located within the required front, side or rear property lines.
- f) The donation or recycling bin shall not be located on any required parking space(s), nor located in a manner that blocks pedestrian access or a driver's visibility.
- g) The donation or recycling bin shall not exceed six feet, six inches (6', 6") in height, six feet (6') in width and six feet (6') in length.
- h) The donation or recycling bin shall clearly identify the name, address and telephone number of the permittee and operator, if different from the permittee.
- i) The permittee shall maintain the area surrounding the donation or recycling bin free of any junk, garbage, trash, debris or other refuse material.

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- j) The permittee and operator shall be responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the donation or recycling bin within twenty-four (24) hours of written or verbal notice from the Town.
- k) The Town shall have the right to revoke any permit issued hereunder if permittee or operator fails to comply with the provisions of this subsection. The Town shall provide a written notification to the permittee or operator stating the specific grounds for revocation. Upon revocation, the donation or recycling bin shall be removed from the permittee's real property within thirty (30) calendar days and, if not removed within this time period, the Town may remove, store and dispose of the donation or recycling bin at the permittee's sole cost and expense.

33. **Funeral Home** (Ord. No. 15-74; 12-08-15)

On-site cremation services shall require a Specific Use Permit.

34. **Restaurant, Drive In** (Ord. No. 15-74; 12-08-15)

The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.

35. **Automobile Repair, Major** (Ord. No. 15-74; 12-08-15); (Ord. 2020-##: 08-11-2020)

- a) A Specific Use Permit is required in the Commercial District
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- b)c) Shall not orient bay doors toward right-of-way or a single family district unless setback a minimum of two hundred and fifty feet (250') from the right-of-way or residentially zoned property.

Commented [AG1]: Added 250' setback per Blue Star response.

36. **Automobile Repair, Minor** (Ord. No. 15-74; 12-08-15); (Ord. 2020-##: 08-11-2020)

- a) A Specific Use Permit is required in the R, DTC, C, CC, and I Districts.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- b)c) Shall not orient bay doors toward right-of-way or a single family district unless setback a minimum of two hundred and fifty feet (250') from the right-of-way or residentially zoned property.

Commented [AG2]: Added 250' setback per Blue Star response.

37. **Automobile Sales/Leasing, New** (Ord. 15-74; 12-08-15)

- a) A Specific Use Permit is required in the Commercial and Commercial Corridor Districts.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.

38. **Automobile Sales/Leasing, Used** (Ord. No. 15-74; 12-08-15)

- a) A Specific Use Permit is required in the Commercial and Commercial Corridor Districts.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.

39. **Car Wash, Self-Serve** (Ord. No. 15-74; 12-08-15)

- a) A Specific Use Permit is required in the Commercial District.

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- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 40. Motorcycle Sales/Service** (*Ord. No. 15-74; 12-08-15*)
- a) A Specific Use Permit is required in the Commercial and Commercial Corridor Districts.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 41. Recreational Vehicle Sales and Service, New/Used** (*Ord. No. 15-74; 12-08-15*)
- a) A Specific Use Permit is required in the Commercial District.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 42. Truck/Bus Repair** (*Ord. No. 15-74; 12-08-15*)
- The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 43. Truck Sales, Heavy Trucks** (*Ord. No. 15-74; 12-08-15*)
- a) A Specific Use Permit is required in the Commercial District.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 44. Truck Terminal** (*Ord. No. 15-74; 12-08-15*)
- The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 45. Guest House** (*Ord. No. 17-43; 06-13-17*)
- A guest house shall be subject to the following development standards:
- a) The guest house, if detached, shall be located on a lot or tract containing a minimum of one (1) acre.
- b) To be classified as an attached guest house, the second living quarters shall be integral to primary dwelling and be accessed through conditioned interior corridors. A guest house that is connected to the primary dwelling by a covered or enclosed walkway shall meet all conditions of a detached guest house.
- c) The guest house shall be located on the same lot or tract as the existing primary dwelling.
- d) If detached, the guest house shall be located behind the primary structure at a point no closer than ten (10) feet from the rear wall line of the primary dwelling.
- e) If detached, the guest house shall meet all rear yard and side yard setbacks that are required of the primary dwelling.
- f) If detached, the height of the guest house shall not exceed the height of the primary dwelling.
- g) If detached, a guest house shall not be finalized/approved for occupancy prior to the final/approval for occupancy of the primary dwelling.
- h) No more than one (1) guest house per lot or tract shall be permitted.

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- i) The guest house shall not be rented or leased or offered for rent or lease, independently of the primary dwelling.
- j) The guest house shall not be sold separately from the sale of the entire property, including the primary dwelling.
- k) The guest house shall be serviced by the same electric and natural gas utility meters as the primary dwelling.
- l) The exterior building materials shall be consistent with the exterior materials of the primary dwelling.
- m) The maximum total area of a detached guest house, including garages, covered patios and any enclosed storage areas shall not exceed fifty percent (50%) of the dwelling area of the primary dwelling. However, in no instance, shall the maximum total area of a detached guest house, including garages, covered patios and any enclosed storage areas exceed 2,000 square feet.
- n) In no case shall the combined area of the primary dwelling, guest house and/or other accessory buildings exceed the maximum percentage of lot coverage permitted for the zoning district in which the structures are located.

46. Residential Garage Loft (*Ord. No. 17-43; 06-13-17*)

A residential garage loft shall be subject to the following development standards:

- a) The residential garage loft shall be located on the same lot or tract as the primary dwelling unit.
- b) The residential garage loft shall be located above the garage and the total area of the unit shall not exceed 800 square feet.
- c) The height of the residential garage loft shall not exceed the height of the primary dwelling.
- d) No more than one (1) residential garage loft per lot or tract shall be permitted.
- e) The residential garage loft shall not be rented or leased or offered for rent or lease, independently of the primary dwelling.
- f) The residential garage loft shall not be sold separately from the sale of the entire property, including the primary dwelling.
- g) The residential garage loft shall be serviced by the same electric and natural gas utility meters as the primary dwelling.
- h) The exterior building materials shall be consistent with the exterior materials of the primary dwelling.

47. Community Home (*Ord. No. 18-39; 05-22-18*)

Community Homes are permitted in any residential zoning district but may not be located within one-half (1/2) mile of an existing Community Home. That distance is to be measured in a straight line. The number of motor vehicles permitted on the site or on a public right-of-way adjacent to the site shall not exceed the number of bedrooms in the home.

48. Open Storage (*Ord. 2020-##; 08-11-2020*)

Open Storage shall be subject to the following development standards:

- a) It shall only contain equipment, vehicles, commodities, materials, goods, or merchandise that is sold, rented, or distributed within the inside of a building of a primary use, unless it is demonstrated to the Director of Development Services or his/her designee that such products or materials could not be located indoors.

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- b) It shall not be located within any required front, side, or rear yard setbacks.
- c) It shall be screened from all streets and adjacent properties with the following:
1. A minimum six (6) foot ornamental metal fence, not to be more than ten (10) feet in height, with a solid living screen located in a ten (10) foot landscape setback, containing a minimum of three (3) inch caliper evergreen trees on fifteen (15) foot centers with a continuous row of minimum seven (7) gallon evergreen shrubs along the exterior or interior of the fence; or
 2. A minimum six (6) foot masonry wall, not to be more than ten (10) feet in height, matching the materials of the primary building with three (3) inch caliper evergreen trees on fifteen (15) foot centers, located in a ten (10) foot landscape setback along the interior or exterior of the wall. If landscaping is provided along the interior of the wall tree species shall provide mature canopy exceeding the height of the wall, subject to review and approval by the Parks Department
 3. Alternative types of screening shall be reviewed by the Planning & Zoning Commission with a recommendation forwarded to Town Council for approval.
- d) It shall not exceed a height of one (1) foot below the top of the solid living screen or wall screening, whichever is greater, or be visible from the property line. A Nursery, Major may store plants that exceed the height of the living screen or wall.
- e) All gates and doors shall provide an opaque screen. The total of all openings for access may not exceed twenty-four (24) feet in width.
- f) It shall not be located within any required parking spaces, loading areas, fire lanes, vehicular maneuvering aisles, customer pick-up lanes, or on the roof of any structure.
- g) It shall not apply to new and used sales or lease of automobiles, motorcycles, recreational vehicles, watercraft, or similar facilities as approved by the Director of Development Services or his/her designee requiring open storage.
- h) The Planning & Zoning Commission may waive these requirements if no public purpose would be served by the construction of the required screen, or natural features (i.e. vegetation or topography) exist that sufficiently screen the open storage.

Commented [AG3]: 1 Added "or exterior."
2. Per Blue Star response added, "If landscaping is provided along the interior of the wall tree species shall provide mature canopy exceeding the height of the wall, subject to review and approval by the Parks Department."

Commented [AG4]: Moved from Section 5

49. Food Truck Park (*Ord. 2020-##: 08-11-2020*)

Permitted by Specific Use Permit (SUP) in the referenced districts, subject to the following standards:

1. Mobile food vendors may be located on public property other than public street travel lanes;
2. Mobile food vendors may be located on private property with the written consent of the owner, including a site plan that identifies permitted locations;
3. Mobile food vendors shall not operate in driveways or fire lanes;
4. Prior to issuance of a permit, an application shall be submitted to the Development Services Department and containing any information required by staff to evaluate the impacts including but limited to location, parking and accessibility.

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DEFINITIONS

- 2.1 For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not discretionary.
- 2.2 **Abutting, Adjacent, or Adjoining** - Contiguous or sharing a common border or boundary with other property. Abutting, adjacent and adjoining shall include property immediately across an alley, but shall not include property across a street.
- Accessory Building** - A building that is subordinate to and functionally related to the primary building, which contributes to the comfort, convenience, or necessity of occupants of the primary building on the same platted lot. Accessory buildings shall be detached from the primary building.
- Administrative, Medical, or Professional Office** - A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.
- Advertising Sign Or Structure** - Any cloth, card, paper, metal, glass, wooden, plastic, plaster or stone sign or other sign, device or structure of any character whatsoever, including a statuary or place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Directional, warning, or any other signs posted by public officials in the course of their public duties shall not be construed as advertising signs for the purpose of this Ordinance.
- Airport/Heliport** - A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling/repair and various accommodations for passengers.
- Alcoholic Beverage** - Means alcohol, or any beverage containing more than one-half (1/2) of one percent (1%) of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted, as defined by the Texas Alcoholic Beverage Code, as amended.
- Alcoholic Beverage Establishment** - Any establishment that derives seventy-five percent (75%) or more of its gross revenues on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, for on-premise consumption.
- Alcoholic Beverage Sales** - Any establishment, place of business, or person engaged in the selling of Alcoholic Beverages, as defined in the Texas Alcoholic Beverage Code, as amended, to the general public for off-premise personal or household consumption.
- Alley** - A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
- Antenna** - An instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum.
- Antenna, Non-Commercial** - An antenna and its support structure not exceeding forty-five feet (45') in height above the ground elevation at the base of the support structure, unless located on property owned or leased by the Town of Prosper, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum. This definition shall also include a satellite dish antenna not to exceed twelve feet (12') in diameter.

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Antenna, Stealth - A commercial antenna and its support structure that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth Antennas include, but are not limited to:

- Antennas within a building's attic space;
- Antennas on the roof of a minimum three-story building and not visible from the property line of the lot on which the antenna is located; or
- Antennas located within a structure such as a flagpole, church steeple, subdivision monument, clock tower, or similar architectural feature, and Antennas located on an athletic field light pole. (Ord. 18-93; 11-13-18)

Antenna Support Structure - Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals.

Antique Shop and Used Furniture - A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building.

Apartment - A room or suite of rooms in a Multiple-Family Residence arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals.

Artisan's Workshop - An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items.

Assisted Care or Living Facility - A facility which provides residence and care to ten or more persons regardless of legal relationship who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel. This definition shall also include a facility providing health care or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

Athletic Stadium or Field, Private - A private field(s) and structure used for sporting events with associated spectator seating, either permanent or temporary.

Athletic Stadium or Field, Public - A field(s) and structure owned and operated by the Town of Prosper and/or a local independent school district used for sporting events with associated spectator seating, either permanent or temporary.

Automobile - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, passenger cars, trucks, buses, motor scooters, and motorcycles.

Automobile Parking Lot/Garage - An area or structure where the parking of motor vehicles serves as the primary use on the lot. This use does not include the storage of gasoline.

Automobile Paid Parking Lot/Garage - An area or structure where a fee is charged for parking motor vehicles and which serves as the primary use on the lot. This use does not include the storage of gasoline.

Automobile Repair, Major - ~~A facility which offers General-general repair or maintenance of vehicles, including paint and/or body repair services. Outdoor storage of vehicles overnight shall provide screening in accordance with the open storage regulations of the Zoning Ordinance. Any facility offering auto services that requires overnight storage of the vehicle shall be considered, Major Automotive Repair, or reconditioning of engines, air conditioning systems, and transmissions for motor vehicles; wrecker or towing service with on-site storage of vehicles; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; insurance estimations with on-site storage; undercoating and rust proofing, and other similar uses. (Ord. 2020-##: 08-11-2020)~~

Commented [AG1]: Added per Blue Star response.

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Automobile Repair, Minor - A facility which offers general repair and maintenance of vehicles. Minor automobile repair uses shall not include a facility which offers paint and/or body repair services or the outdoor storage of vehicles overnight, an establishment used for the dispensing or sales of automobile fuels, lubricants, and automobile accessories; the minor repair or replacement of parts and performing state inspections and making minor repairs necessary to pass said inspection; automobile detailing; and the sales and installation of automobile radios. Uses listed under "Automobile Repair, Major" or any other similar uses are not included. Vehicles, which are inoperative or are being repaired, may not remain parked outside for a period greater than seven (7) days. (Ord. 2020-##: 08-11-2020)

Automobile Sales, Service, and Leasing - The sale, rental or leasing of new automobiles or light load vehicles, and includes as incidental uses (i) automobile or light load vehicle used sales and (ii) on-site automobile repair services related to the sale, rental or leasing of new automobiles or light load vehicles. (Ord. No. 17-49; 06-27-17)

Automobile Sales/leasing, New - Sales, rental, and/or leasing of new automobiles or light load vehicles, including, as accessory uses: Automobile Sales, Used; Automobile Repair, Major; and Automobile Storage.

Automobile Sales, Used - Sales of used automobiles or light load vehicles.

Automobile Storage - The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, lease, distribution, or storage. (Ord. 2020-##: 08-11-2020)

Auto Parts Sales, Inside - The use of any building for the display and sale of new or used parts, including tires, for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Auto Parts Sales, Outside - The use of any land area for the display and sale of new or used parts, including tires, for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Bank, Savings and Loan, or Credit Union - An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds, including automated teller machines.

Basement (or Cellar) - A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

Beauty Salon/Barber Shop - Establishments primarily engaged in providing services generally involved in the care of the person or his apparel including, but not limited to, barber and beauty shops, tanning salons, ear piercing shops, cosmetic tattooing shops, and reducing salons.

Bed and Breakfast Inn - An owner (or operator) occupied residence with up to five (5) bedrooms available for overnight guests. A Bed and Breakfast Inn may provide for guest stays up to fourteen (14) consecutive days; however, it shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation shall be permitted in guest bedrooms. A Bed and Breakfast Inn shall not include restaurants, banquet facilities, or similar services.

Big Box - Retail buildings over eighty thousand (80,000) square feet where the primary tenant occupies at least eighty percent (80%) of the building.

Block - An area enclosed by streets, or if said word is used as a term of measurement, it shall mean the distance along a side of a street between two intersecting streets; or if the street is of a dead-end type, a block shall be considered to be measured between the nearest intersecting street and the end of such dead-end street. In cases where platting is incomplete or disconnected, the Building Official shall determine the outline of the block.

Board of Adjustment - A five (5) member board with two (2) alternates appointed by the Town Council for the purpose of making special exceptions to the terms of the Town of Prosper Zoning Ordinance. See Chapter

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1, Section 8.6 of this Ordinance for the specific duties and regulations of the Board of Adjustment. In the event that a Board of Adjustment is not appointed, the Town Council shall perform the duties and responsibilities assigned to the Board of Adjustment by this Ordinance.

Body Art Studio - An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or another decoration.

Breezeway - A covered passage one (1) story in height and six feet (6') or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

Buildable Area - The allowable area available to construct a building or structure after complying with the Town's applicable set back and maximum lot coverage requirements.

Building - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Building Height - The vertical distance between the average of the highest and lowest points of grade of that portion of the lot covered by the building to the highest point of a structure.

Building Line - A line parallel, or approximately parallel, to any front lot line at a specific distance there from, marking the minimum distance from the front lot line that a building may be erected.

Building, Main - A building in which the principal use of the lot on which it is situated is conducted. In a residential district the primary dwelling unit shall be deemed to be a main building on the lot on which it is situated.

Building Material and Hardware Sales, Major - An establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise.

Building Material and Hardware Sales, Minor - An establishment for the sale of materials customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

Building Official - The inspector or administrative official of the Town charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code.

Building Permit - An official document or certificate issued by the Town of Prosper authorizing erection, construction, renovation, maintenance, or any other specified activity on any building, structure or land, or on any installations or facilities therein. The term "building permit" shall include but not be limited to building permits, electrical permits, mechanical permits, and plumbing permits.

Bus Terminal - Any premises for the transient parking or storage of motor-driven buses and the loading and unloading of passengers.

Business Service - Establishments primarily engaged in providing services not elsewhere classified, to business enterprises on a fee contract basis, including, but not limited to, advertising agencies, computer programming and software services, and office equipment sales, rental, leasing, or repair.

Cabinet/Upholstery Shop - An establishment for the production, display, and sale of cabinets, furniture, and soft coverings for furniture.

Campground or Recreational Vehicle Park - Any area that is designed for occupancy by transients using tents, mobile trailers, or recreational vehicles for temporary sleeping purposes.

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Candlepower - The quantity of light required to illuminate a surface one (1) foot distance from a light source to the intensity of one (1) foot-candle.

Caretaker's/Guard's Residence - A residence located on a premises with a main non-residential use and occupied only by a caretaker or guard, and his/her family, employed on the premises.

Carport - A structure, either attached to or detached from another structure, open on a minimum of two sides designed or used to shelter not more than three vehicles and not to exceed twenty-four feet (24') on its longest dimension. Also called "covered parking area."

Car Wash - A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.

Car Wash, Self-Serve - A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

Catering - An establishment in which the primary use is the preparation of food and meals on the premises, and where such food and meals are picked up or delivered to another location for consumption. This definition expressly prohibits on-site dining. (Ord. 2020-#: 08-11-2020)

Cemetery or Mausoleum - Property used for the interring of the dead.

Certificate of Occupancy - An official certificate issued by the Town through the Building Official that indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

Child Care Center, Home - A home occupation that occurs in the caregiver's home that provides care for less than twenty-four (24) hours a day to no more than six (6) children under the age of fourteen, plus six (6) additional children after school hours. The total number of children, including the caretaker's own children, is no more than twelve (12) at any time. This use is subject to registration/licensing with appropriate State agencies. (Ord. No. 18-39; 05-22-18)

Child Care Center, Incidental - An accessory use designed only for the care of children belonging to employees of the primary use. The center shall be completely contained within the primary use and shall not constitute more than fifteen percent (15%) of the main use. The operating hours of the center shall be the same as the primary use and shall not include overnight lodging, medical treatment, counseling, or rehabilitative services. This use is subject to registration/licensing with appropriate State agencies. (Ord. No. 18-39; 05-22-18)

Child Care Center, Licensed - A non-residential institution that provides care for less than twenty-four (24) hours a day for seven (7) or more children under the age of fourteen. This use is subject to registration/licensing with appropriate State agencies. (Ord. No. 18-39; 05-22-18)

Civic/Convention Center - A building or complex of buildings used for cultural, recreational, athletic, convention or entertainment purposes.

Clear-Cutting - Any indiscriminate cutting, plowing, or grubbing of Protected Tree(s) without regard to their type or size for the purpose of clearing an area of land of Trees.

College, University, Trade, or Private Boarding School - An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation. A Private Boarding School is an educational institution offering primary and secondary level courses. Dormitories for students and employees only are permitted in conjunction with these uses.

Commercial Amusement, Indoor - An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses may include, but are not limited to, bowling alleys, ice or roller skating rinks, bingo parlors, amusement arcades, and/or practice areas.

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Commercial Amusement, Outdoor - An enterprise providing for outdoor recreational activities, services, amusements, and instruction for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals.

Community Center - A building or portion of a building owned and/or operated by a government entity or not-for-profit agency in which facilities are provided for civic, educational, political, or social purposes.

Community Home - A residence for persons with disabilities, limited to a maximum of six (6) persons with disabilities and two supervisors, no closer than one-half mile to an existing community home, permitted by right in all residential zoning districts. This use is subject to registration/licensing with appropriate State agencies. This definition is subject to the Community Homes for Disabled Persons Act (Texas Human Resources Code, Section 123.001 et seq.) as it exists or may be amended. (*Ord. No. 18-39; 05-22-18*)

Comprehensive Plan - Graphic and textual form policies which govern the future development of the Town and which consists of various components governing specific geographic areas and functions and services of the Town.

Concrete/Asphalt Batching Plant, Permanent - A permanent manufacturing facility for the production of concrete or asphalt.

Concrete/Asphalt Batching Plant, Temporary - A temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

Construction Yard and Field Office, Temporary - A building, structure, or storage/assembly yard used in conjunction with a development project for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the development and subject to removal at completion of construction.

Contractor's Shop and/or Storage Yard - A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.

Convenience Store with Gas Pumps - A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption. This definition shall also include the dispensing or sales of motor vehicle fuels, lubricants, and accessories, but shall not include automobile repair or the sale of replacement parts.

Convenience Store without Gas Pumps - A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption.

Court - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

Coverage - The lot area covered by all buildings located thereon.

Cutoff - The point at which all light rays emitted by a lamp, light source or luminary are completely eliminated (cutoff) at a specific angle above the ground.

Cutoff Angle - The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.

Day Care Center, Adult - A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Care Centers must be licensed by the Texas Department of Human Services.

Development - Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

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District - Any section or sections of the Town for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

Donation or Recycling Bin - An unattended receptacle with a door, slot or other opening that is intended to accept donated or recyclable materials, excluding containers associated with recyclable materials generated by the on-premise operator and receiving regular collection services. (*Ord. 15-74; 12-08-15*)

Downtown Public Parking Lot(s) - An area, other than street or public way, provided for self-parking by employees, visitors, and/or patrons of any state or local government, any public accommodations, retail or office establishments, or any other business open to the general public.

Drip Line - A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

Dry Cleaning, Major - An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

Dry Cleaning, Minor - A custom cleaning shop or pick-up station not exceeding six thousand (6,000) square feet of floor area, including, but not limited to, dry cleaning plants having no more than one thousand five hundred (1,500) square feet of floor area for dry cleaning equipment.

Easement - A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Electrical Power Generating Plant - All equipment, fixtures, and property operated or maintained in connection with the production of electricity and transmission of electricity produced.

Equipment and Machinery Sales and Rental, Major - A building or open area used for the display, sale, rental, or storage of heavy equipment and machinery.

Equipment and Machinery Sales and Rental, Minor - A building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, bicycles, lawn mowers, tools, and other small machinery.

Fairgrounds/Exhibition Area - An area where outdoor fairs, circuses, or exhibitions are held.

Family - One or more persons related by blood, marriage, or adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit.

Farmer's Market - An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale. The following products are not permitted for sale at a Farmer's Market: any type of meat, fish, poultry, eggs, refrigerated dairy products, or home packaged items.

Farm, Ranch, Stable, Garden, or Orchard - An area which is used for the cultivation of vegetables, fruits, and grain or for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Feed Store - An establishment for the selling of corn, grain, and other foodstuffs for animals and livestock and including other implements and goods related to agricultural processes, but not including farm machinery.

Fence - Any construction or hedge of any material, the purpose of which is to provide protection from intrusion (either physical or visual) to prevent escape, mark a boundary, or provide decoration. A wall shall be considered a fence. Restraining walls for the purpose of diverting water and retaining soil are not classified as a fence.

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Flea Market, Inside - A building or structure wherein space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Flood or Spot Light - Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Flood Plain - Any property within the limits as delineated by FEMA (Federal Emergency Management Agency) of the 100-year flood plain or as amended by an engineering flood study of the ultimate developed conditions prior to any reclamation.

Floor Area - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

Floor Area Ratio (FAR) - The floor area of a main building or buildings on a lot, excluding structured parking garages, divided by the lot area.

Food Truck Park - An establishment which provides for the congregation for one (1) or more temporary food businesses for the purposes of offering food and beverage sales to the public. (Ord. 2020-##-08-11-2020)

Foot-Candle - A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle. When metric units are used, lux is the unit of light quantity. One (1) lux equals one (1) lumen per square meter of area. One (1) foot-candle equals 10.76 lux.

Fortune Teller/Psychic - A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall include, but is not limited to, uses where the fortune is told through astrology, augury, card or tea reading, cartomancy, clairvoyance, clairaudience, crystal gazing, divination, magic mediumship, necromancy, palmistry, psychometry, phrenology, prophecy, and spiritual reading. Fortune telling does not include forecasting based on historical trends or patterns or religious dogma.

Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority - An organized group having a restricted membership and specific purpose related to the welfare of the members including, but not limited to, Elks, Masons, Knights of Columbus, Rotary International, Shriners, or a labor union.

Full Cutoff-Type of Luminaries or Horizontal Limited Luminaries - Luminaries constructed or shielded to direct all light at a cutoff angle of less than ninety (90) degrees.

Funeral Home - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. On-site cremation services permitted in accordance with the Conditional Development Standards. (Ord. 15-74; 12-08-15)

Furniture, Home Furnishings and Appliance Store - Retail establishments selling goods used for furnishing the home, including, but not limited to, furniture, floor coverings, draperies, domestic stoves, refrigerators, and other household electrical and gas appliances.

Furniture Restoration - A workshop that specializes in furniture refinishing, including the use of all materials, tools, and chemicals associated with the use.

Garage, Private - An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

Gas Pumps - Any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels.

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General Manufacturing/Industrial Use Complying with Performance Standards - Manufacturing of finished products and component products or parts through the processing of materials or substances, including basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Glare - Direct light emitted from a light source, which is sufficient to cause annoyance, discomfort, or temporary loss of visual performance and visibility.

Golf Course and/or Country Club - A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition shall also include clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

Governmental Office - A building used for the provision of governmental executive, management, administrative, and/or postal services. Governmental offices include those facilities owned and/or operated by city, special district, county, state, and federal agencies.

Green Belt - An open space that may be of irregular form that may include trees typically found along a natural or manmade feature such as a creek, flood plain, escarpment, right-of-way, or park.

Guest House - A second, attached or detached dwelling unit located on the same lot or tract as the primary dwelling unit, which provides for living, sleeping, and cooking facilities and is used by family members, guests of the family, or a domestic worker hired by the homeowner of the primary dwelling unit. A mobile home or a HUD-Code manufactured home shall not be considered as a guest house. (*Ord 17-43; 06-13-17*)

Gymnastics/Dance Studio - A building or portion of a building used as a place of work for a gymnast, dancer, or martial artist or for instructional classes in gymnastics, dance, or martial arts.

Health/Fitness Center - A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

Heavy Load Vehicle - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than eleven thousand (11,000) pounds, such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

Height of Luminary - The height of a luminary shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct light emitting part of the luminary.

Helistop - A place where helicopters can land and take off only and excluding refueling, maintenance, repairs, and storage of helicopters.

Homebuilder Marketing Center - A building or structure used for the marketing and sale of lots and/or homes.

Home Occupation - An occupation, which is secondary to the primary use of a dwelling as a residence, conducted on residential premises by the occupant of the residence. Home occupations shall be subject to the conditions set forth in Chapter 3, Section 1.4(5) of this Ordinance.

Hospital - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, helistops, outpatient facilities, or training facilities as licensed by the State of Texas.

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Hotel, Full Service - A building or group of buildings designed for and occupied as a temporary lodging place; where financial consideration is generally calculated on a nightly basis; provides a restaurant offering three (3) meals a day; provides meeting/event space; and is not classified as a limited service hotel or a residence hotel. (Ord. 15-74; 12-08-15)

Hotel, Limited Service - A building or group of buildings designed for and occupied as a temporary lodging place; where financial consideration is generally calculated on a nightly basis and is not classified as a full service hotel or a residence/extended stay hotel. (Ord. 15-74; 12-08-15)

Hotel, Residence/Extended Stay - A building or group of buildings designed for and occupied as a temporary lodging which may include an extended stay and where financial consideration is generally calculated on a nightly, weekly or monthly basis and is not classified as a limited service hotel or a full service hotel. (Ord. 15-74; 12-08-15)

Household Care Facility - A dwelling unit which provides residence and care to not more than six (6) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two (2) supervisory personnel as a single housekeeping unit. This definition is subject to the Personal Care Facility Licensing Act (Texas Health and Safety Code, Section 247.001 *et seq.*) and the Community Homes for Disabled Persons Location Act (Texas Human Resources Code, Section 123.001 *et seq.*) as they presently exist or may be amended in the future. (Ord. No. 18-39; 05-22-18)

Household Pet - A domesticated animal kept for pleasure rather than utility, including, but not limited to, a dog, cat, or bird.

House of Worship - A building designed and used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises (tax exempt as defined by State law). This definition includes, but is not limited to, churches, temples, synagogues, and mosques. For the purposes of this Ordinance, bible study and other similar activities that occur in a person's primary residence shall not apply to this definition.

Illumination Level - Average lighting intensity measured at grade (in foot-candles).

Incandescent Light - Illumination produced by a filament, which is heated by an electric current, including quartz and halogen lights.

Incidental Use - Any use different from the primary use but which compliments and/or supplements the primary use, which shall not constitute more than fifteen percent (15%) of the main use.

Indoor Gun Range - Any indoor facility open to the public and occupying all or a portion of a building where firearms are discharged for testing or recreation purposes.

Industrial Park - A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Insurance Office - A building or facility used for the sales, management, and administration of insurance services, including the estimation of automobile damages, but excluding on-site parking/storage of damaged vehicles.

Lamp - The component of a luminary that produces the actual light.

Landfill - A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.

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Landscaping - Material such as, but not limited to, grass, groundcovers, shrubs, vines, hedges, trees or palms, and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

Laundromat - A facility where patrons wash, dry, or dry-clean clothing and other fabrics in machines operated by the patron.

Light Load Vehicles - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than eleven thousand (11,000) pounds, and having no more than two (2) axles, such as pick-up trucks, vans, recreational vehicles (less than thirty-two feet (32') in length), campers and other similar vehicles but not including automobiles and motorcycles.

Light Pollution - The shining of light produced by luminaries above the height of the luminaries and into the sky.

Light Trespass - The shining of light produced by luminaries beyond the boundaries of the property on which it is located.

Limited Assembly and Manufacturing Use Complying with Performance Standards - The fabrication, assembly, manufacturing, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Loading Space - An off-street space or berth used for the delivery and loading or unloading of vehicles.

Locksmith/Security System Company - Establishments primarily engaged in providing, installing, repairing, and/or monitoring locks and electronic security systems.

Lot - Any plot of land occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by this Ordinance, and other laws or ordinances, and having its principal frontage on a public street or officially approved place.

Lot, Area - The total area, measured on a horizontal plane, included within lot lines.

Lot, Corner - A lot which has at least two adjacent sides abutting a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

Lot, Depth - The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage - A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Flag or Panhandle - A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than twenty-five feet (25'). The maximum distance of the area less than the required width from the front property line shall be one hundred ten feet (110').

Lot, Interior - A lot other than a corner lot.

Lot, Key - A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

Lot Frontage - That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot Line, Front - The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has

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a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

Lot Line, Rear - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line.

Lot Line, Side - Any lot line not the front or rear lot line.

Lot Lines or Property Lines - The lines bounding a lot as defined herein.

Lot of Record - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Collin or Denton County or a lot subdivided by metes and bounds description prior to October 1984.

Lot Width - The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line.

Lumen - Unit used to express the light output of a lamp or fixture.

Luminary - A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

Luminous Tube Lighting - Gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used (e.g., neon or argon).

Machine Shop - A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.

Major Thoroughfare - A dedicated street or highway route designated as a Thoroughfare by the Thoroughfare Plan map of the Comprehensive Plan.

Manufactured Home - A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems with the appropriate label. The term does not include a recreational vehicle. (or under the Texas Manufactured Housing Standards Act, Chapter 1201, Texas Occupations Code, as amended).

Masonry Construction - Unless otherwise provided for in this Ordinance, Masonry Construction constitutes clay fired brick, natural and manufactured stone, granite, marble, and stucco, ~~and architectural concrete block~~ as exterior construction materials for all structures. Other permitted exterior construction materials for ~~non-residential~~ big box, institutional, and industrial structures are architectural concrete block, tilt wall concrete panels, sealed and painted split faced concrete block, and high impact exterior insulation and finish systems (EIFS). High impact EIFS is only permitted when installed a minimum of nine feet (9') above grade at the base of the wall on which it is installed. (Ord. 2020-##: 08-11-2020)

Massage Therapy, Licensed - Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

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Massage Therapy, Unlicensed - Any place of business in which massage therapy is practiced by an unlicensed massage therapist. "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Mechanical Equipment - For the purposes of the screening regulations contained herein, mechanical equipment shall include ground or roof-mounted HVAC units or commercial kitchen equipment. (Ord. 2020-##: 08-11-2020)

Meeting/Banquet/Reception Facility - A building which is rented, leased or otherwise made available to any person or group for a private event function that is not open to the general public, whether or not a fee is charged. (Ord. 15-74; 12-08-15)

Mineral Extraction - The process of extracting sand, gravel, stone, petroleum, gas, or other minerals/natural resources from the earth. This definition does not include drilling wells for water.

Mini-Warehouse/Public Storage - A building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

Miscellaneous Hazardous Industrial Use - Any industrial use not specifically defined in this section that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Mobile Food Vendor - Any person or persons who operates or sells food from a self-propelled vehicle or stationary cart or trailer mounted on chassis, but without an engine for a period of 15 days or greater per year. (This definition does not include Mobile Food Units.) Mobile food vendors who operate for 14 days or less shall be considered temporary food establishments, as defined by the Town of Prosper Health Ordinance as it exists or may be amended. (Ord. 2020-##: 08-11-2020)

Mobile Home - A structure that was constructed before June 15, 1976, transportable in one or more section, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. (or under the Texas Manufactured Housing Standards Act, Chapter 1201, Texas Occupations Code, as amended).

Model Home - A single-family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

Modular Home (or Industrialized Housing) - "Modular home" means a structure or building module as defined, under the jurisdiction and control of the Texas Department of Licensing and Regulation and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Chapter 1201, Texas Occupations Code, as amended); nor does it include building modules incorporating concrete or masonry as the primary structural component.

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Motorcycle - A usually two (2) wheeled self-propelled vehicle having one (1) or two (2) saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Motorcycle Sales/Service - The display, sale, repair, and servicing of new or used motorcycles.

Motor Vehicle - Any vehicle designed to carry one or more persons, which is propelled or drawn by mechanical or electrical power, such as automobiles, trucks, motorcycles, and buses.

Multifamily Dwelling - Attached dwelling units designed to be occupied by three or more families living independently of one another, exclusive of Full Service Hotels, Limited Service Hotels, or Residence/Extended Stay Hotels. (*Ord. 15-74; 12-08-15*)

Municipal Uses Operated by the Town of Prosper - Any area, land, building, structure, and/or facility owned, used, leased, or operated by the Town of Prosper, Texas, including, but not limited to, administrative office, maintenance facility, fire station, library, sewage treatment plant, police station, water tower, service center, park, heliport, helistop, and golf course.

Museum/Art Gallery - A building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

Net Acre - The area within the platted limits of a lot. For the purpose of calculating residential density, Net Acreage shall not include the following:

- Right-of-way dedicated for major thoroughfares.
- Required parkland dedication.
- Detention.
- Land used for non-residential purposes.

For the purpose of calculating residential density, Net Acreage may include the following:

- Non-reclaimed floodplain.
- Private open space.
- Park dedication in excess of minimum park dedication requirements.
- Detention ponds that contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Planning or his/her designee

Nonconforming Use - A building, structure, or use of land lawfully occupied at the time of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

Non-Residential Property - Property zoned or used for other than residential purposes.

Nursery, Major - An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is permitted.

Nursery, Minor - A retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

Occupancy - The use or intended use of the land or buildings by proprietors or tenants.

Office and Storage Area for Public/Private Utility - The pole yard, maintenance yard, or administrative office of public or private utilities.

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Office Center - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, which may include ancillary services for office workers such as a coffee shop, newspaper or candy stand.

Office/Showroom - A building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall not exceed fifty percent (50%) of the total floor area. This designation does not include contractor's shop and storage yard.

Office/Warehouse/Distribution Center - A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

Officially Approved Place of Access - Access, other than a dedicated street, to a property that is approved by the Town.

Off-Street - Off the right of way of a public street or place.

Open Storage - The outside storage or exhibition of goods, materials, merchandise, or equipment on a lot or tract. Open storage must meet the requirements in Chapter 4, Section 5.2(D, E).

Ordinance - The Zoning Ordinance of the Town, as it exists or may be amended. The term "ordinance," not capitalized, refers to any other ordinance of the Town.

Outdoor Lighting - The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Outside Merchandise Display, Incidental - The unenclosed display of commodities, materials, goods, inventory or equipment readily accessible to the public for retail sales in conjunction with a primary enclosed use. (Ord. 15-74; 12-08-15)

Outdoor Merchandise Display, Temporary - The temporary display of merchandise such as a sidewalk sale subject to Conditional Development Standards. (Ord. 15-74; 12-08-15)

Outdoor Storage, Incidental - The unenclosed storage of commodities, materials, goods, or equipment in conjunction with a primary enclosed use and typically located in an area not readily accessible to the public. (Ord. 15-74; 12-08-15)

Parking Lot - An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking Space - An area designated for the parking of a vehicle.

Park or Playground - An area developed for active play and recreation that includes, but is not limited to, open space, sports courts, play equipment, and trails.

Pawn Shop - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker).

Permitted Use - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Pet Day Care - A commercial institution or place designed for the care of no more than one (1) household pet per one hundred (100) square feet of gross floor area.

Photometric Plan - A point-by-point plan depicting the intensity and location of lighting on the property.

Planned Development District - Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential

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developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated or integral land use units either by a single owner or a combination of owners.

Planning & Zoning Commission - A board, appointed by the Town Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the Town Council. Also referred to as the "P&Z" or the "Commission." In the event that a Commission is not appointed, the Town Council shall perform the duties and responsibilities assigned to the Commission by this Ordinance.

Plat - A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the Town of Prosper and subject to approval by the Planning & Zoning Commission and filed in the plat records of either Collin or Denton County. The plat must be prepared by a Public Surveyor registered in the State of Texas.

Plot - A single unit or parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.

Portable Building Sales - An establishment that displays and sells structures which are capable of being carried and transported to another location, not including mobile homes.

Premises - Land together with any buildings or structures situated thereon.

Primary Use - The principal or predominant use of any tract, lot, or building.

Print Shop (Major) - An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

Print Shop (Minor) - An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services, but exclude the on-site storage of heavy load fleet vehicles.

Private Club - An establishment holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, that derives thirty-five percent (35%) or more of its gross revenue from the sale or service of Alcoholic Beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code, as amended. Private Club does not include a fraternal or veteran's organization, as defined in the Texas Alcoholic Beverage Code, as amended, holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. A Private Club does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code, as amended. Unless the person owning or operating the use supplies the building official with records to prove otherwise, an establishment holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, is presumed to derive thirty-five percent (35%) or more of its gross revenue from the sale or service of Alcoholic Beverages for on-premise consumption.

Private Recreation Center - A recreational facility, including, but not limited to, clubhouse, swimming pool, playground, and open space, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

Private Street Development - A development of two or more lots sharing private gated vehicular access ways that are not dedicated to the public and are not publicly maintained. Private streets and alleys may be established only under the terms of the Subdivision Ordinance. The term "Private Street" shall be inclusive of alleys.

Private Utility (other than listed) - A non-public utility requiring special facilities in residential areas or on public property such as electricity, natural gas, or telecommunications not customarily provided by the municipality or public utilities. All radiating equipment must comply with current Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration

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(OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety.

Property Line - When the property line is the initial point of establishing measurement requirements for the sale of any type of Alcoholic Beverage, "Property Line" shall mean the nearest property line of the lot where the sale of any type of Alcoholic Beverage may occur, without regard to intervening structures or objects, to the nearest property line of the lot where the church, public hospital, public school, private school and/or residential zoning district, as applicable, is located.

Protected Area - The 100-year floodplain plus the area within three hundred feet (300') of the 100-year floodplain.

Protected Residential Property - Any property within the Town that meets one of the following requirements:

- The property is zoned a residential district as defined within the Zoning Ordinance or zoned a planned development for residential uses;
- The property is designated on the Comprehensive Plan as any type of residential; or
- The property is used or subdivided for use as residential.

Railroad Track and Right-Of-Way - The right-of-way and track used by a railroad, but not including railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.

Recreational Vehicle (RV) - A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self-propelled (motorized). Also see Heavy Load Vehicle.

Recreational Vehicle/Truck Parking Lot or Garage - An area or structure designed for the short or long-term parking or storage of recreational vehicles, boats, or heavy load vehicles.

Recreational Vehicle Sales and Service, New/Used - Sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

Recycling Center - A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

Recycling Plant - A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Redevelopment - Any manmade change or alteration to a design and/or layout of an existing Development(s) including repair, expansion and/or removal and replacement of existing building and/or structure, paving drainage, utilities, storage and/or agricultural uses.

Rehabilitation Care Facility - A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

Rehabilitation Care Institution - A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

Repair Service, Indoor - The maintenance and repair of electronics, appliances and fixtures customarily used in a home or office. The term does not include any type of repair to engines or other motorized equipment or vehicles. (Ord. 15-74; 12-08-15)

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Research and Development Center - A facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing. Any facility that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category.

Residence - Any building or portion thereof, which is designed or used as living quarters for one or more families, but not including mobile homes.

Residential District - District where the primary purpose is residential use.

Residential Garage Loft - A small, accessory dwelling located above a private garage which provides for living, sleeping, and cooking facilities and is used by family members, guests of the family, or a domestic worker hired by the homeowner of the primary dwelling unit. (*Ord 17-43; 06-13-17*)

Residential Property - Any property that is either zoned for or designated on the Future Land Use Plan for residential uses.

Restaurant - An establishment where food and drink are prepared and consumed primarily on the premises. Drive-through service is permitted in accordance with the Conditional Development Standards. (*Ord. No. 17-49; 06-27-17*)

Restaurant, Drive-In - An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

Retail/Service Incidental - Any use different from the primary use but which compliments and/or supplements the primary use. Said use shall be operated for the benefit or convenience of the employees, visitors, or customers of the primary use. Incidental shall mean a floor area that constitutes not more than fifteen percent (15%) of the main use.

Retail Stores and Shops - An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail stores and shops include, but are not limited to, art and craft store, retail bakery, bookstore, boot and shoe sales, ceramics store, clothing and apparel store, computer store, department store, fabric store, florist, grocery store, food market, hobby or toy store, leather store, meat market, medical supply store, music instrument sales, novelty or gift shop, optical store, pet shop, drugstore or pharmacy, sporting goods (including the sale of firearms) store, trophy sales, television store, and used clothing store.

Retirement Housing - A building or group of buildings consisting of attached or detached dwelling units designed for the housing of age-restricted residents. In addition to housing, this type of facility may provide services to its residents such as meals in a central dining room, housekeeping, transportation and activity rooms. The facility shall not be licensed as an assisted living center or a skilled nursing home. (*Ord. 15-74; 12-08-15*)

Room - A building or portion of a building that is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

Salvage Yard - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

Satellite Dish Antenna - An oval or round, parabolic apparatus capable of receiving communications from a transmitter relay located in planetary orbit. Usable satellite signals shall mean satellite signals, from the major communication satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.

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School District Bus Yard - Any premises owned and/or operated by an independent school district, or designee, used for the parking and storage of motor-driven buses.

School, Private or Parochial - A school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public elementary or secondary school.

School, Public - A school operated by an independent school district and providing elementary or secondary curriculum.

Setback - See definition for Building Line.

Servant's Quarters - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or a person or persons employed on the premises by the occupant on a full time basis as domestic help, such as a maid, yard man, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections.

Sewage Treatment Plant/Pumping Station - A facility owned and/or operated by a private entity that is designed for the collection, removal, treatment, and/or disposal of water borne sewage.

Sexually Oriented Uses - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or other use that distributes, displays, or manufactures sexually oriented materials. Sexually Oriented Uses are subject to the requirements of Prosper Ordinance No. 89-2 as it exists or may be amended.

Shopping Center - A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

Single-Family Residence, Detached - A dwelling designed and constructed for occupancy by one (1) family and having no physical connection to a building located on any other separate lot or tract.

Small Engine Repair Shop - A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other small engine equipment and machinery.

Stable, Commercial - A stable used for the rental of stall space for horses and/or mules or for the sale or rental of horses and/or mules.

Standard Masonry Construction - Having at least seventy five percent (75%) of the exterior walls of a building constructed of brick, stone or other Masonry Construction.

Story - That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. The average height for a story shall be defined as twelve feet (12'). Multiple stories, or portions thereof, shall be a result of the number of stories and story height of twelve feet (12'). The definition of a story does not include parapets, gables, and other normal roof structures.

Story, Half - A single room within a dwelling unit above the second floor. A half-story will occupy no less than two-thirds (2/3) of the area under the roof, and shall have non-operating opaque windows for facades that face adjacent properties. Transparent windows may face the front yard. A half story containing independent apartment, living quarters, or bedroom shall be counted as a full story.

Street - Any dedicated public thoroughfare that affords the principal means of access to abutting property.

Street, Intersection - Any street that joins another street at an angle, whether or not it crosses the other.

Structural Alterations - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

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Structure - Anything that is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

Storage or Wholesale Warehouse - A building used primarily for the storage of goods and materials.

Studio Dwelling - An accessory residence that is located in the same structure as, typically above, a commercial or office use in the Downtown Office or Downtown Commercial Districts. The minimum floor area for a studio residence shall be six-hundred fifty (650) square feet. Each individual office or commercial use may have one (1) accessory studio dwelling.

Taxidermist - An establishment whose principle business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

Telephone Exchange - A central switching hub servicing the public at large in which telephone lines are connected to permit communication.

Temporary Building - An industrialized or modular building or structure without a permanent foundation. Membrane structures shall not be considered a temporary building. ~~Temporary Buildings may be used by a house of worship (church), public school (kindergarten (K) through twelfth (12th) grade), or government building for a period no greater than three (3) years, subject to approval by the Building Official. Additional one (1) year extension(s), thereafter, may be approved by the Planning & Zoning Commission. Appeals for determinations made by the Building Official or Planning & Zoning Commission may be forwarded to Town Council for consideration. See Chapter 3, Section 1.4(7) Temporary Building. (Ord. 2020-##; 08-11-2020)~~

Temporary Outdoor Lighting - The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than four (4) days with at least one-hundred and eighty (180) days passing before being used again.

Temporary Wireless Communications and Support Structures - Wireless communications and support structures as defined in this Section intended to provide service for a limited period of time per the conditions of a the regulating Specific Use Permit or intended to provide service on a temporary basis in conjunction with a special event, emergency situation, or equipment failure. (Ord 18-12: 01-23-18)

Theater, Drive-In - An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in motor vehicles.

Theater, Neighborhood - A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances, with a maximum of ten (10) screens, stages, or combination thereof or a combined seating capacity of two thousand five hundred (2,500) or less.

Theater, Regional - A building or portion of a building used primarily for showing motion pictures or for dramatic, musical, or live performance having more than ten (10) screens, stages, or combination thereof or a combined seating capacity greater than two thousand five hundred (2,500).

Town - References to the "Town" shall mean the Town of Prosper.

Town Council - The governing body of the Town of Prosper, Texas.

Townhome (Single Family Dwelling, Attached) - A structure located on a lot with fee simple ownership and containing three to eight dwelling units with each unit designed for occupancy by one family and each unit attached to another by a common wall. (Ord. 2020-##; 08-11-2020)

Tract - An area, parcel, site, piece of land, or property that is the subject of a zoning or development application.

Trailer, Hauling - A vehicle to be pulled behind a motor vehicle that is designed for hauling animals, produce, goods or commodities, including boats.

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Trailer/Mobile Home Display and Sales - The offering for sale, storage, or display of trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Trailer Rental - The display and offering for rent of trailers designed to be towed by light load vehicles.

Trailer, Travel or Camping - A portable or mobile living unit designed to be towed behind another vehicle and used for temporary human occupancy. A Travel or Camping Trailer shall not serve as the principal place of residence of the occupants.

Transit Center - Any premises, including bus stations, for the loading and unloading of passengers and the temporary parking of transit vehicles between routes or during stopovers and excluding overnight parking and storage of transit vehicles.

Tree - Any self-supporting woody perennial plant which has one well defined trunk diameter of four and one-half inches (4½") or more in diameter when measured at a point four and one-half feet (4½') above the natural ground level and which normally attains a height of at least twelve feet (12') at maturity.

Tree Permit - An official document or certificate issued by the Town of Prosper authorizing the removal of a tree in accordance with Chapter 4, Section 3 of this Ordinance.

Tree, Protected - A tree that is determined to be healthy by the Director of Development Services, or his/her designee, and meets one of the following requirements:

- Any tree, regardless of species, six inches (6") or larger in diameter when measured at a point four and one-half feet (4½') above the ground level and which normally attains a height of at least twelve feet (12') at maturity, and located within a 100-year floodplain.
- Any tree, except those species listed below, six inches (6") or larger in diameter when measured at a point four and one-half feet (4½') above the ground level and which normally attains a height of at least twelve feet (12') at maturity, and located outside of the 100-year floodplain.
- Any protected tree forty inches (40") or larger in diameter when measured at a point four and one-half feet (4 ½') above ground level and which normally attains a height of least twelve feet (12') at maturity; or any tree deemed to be of historical significance.

The following trees shall not be included in the above definition of Protected Trees:

Silver Leaf Maple	<i>Acer saccharinum</i>
Hackberry, Texas Sugarberry	<i>Celtis laevigata</i>
Honey Locust	<i>Gleditsia triacanthos</i>
Bois d' Arc	<i>Maclura pomifera</i>
Mimosa	<i>Mimosa sp.</i>
Mulberry	<i>Morus rubra</i>
White Poplar	<i>Populus alba</i>
Cottonwood	<i>Populus deltoides</i>
Mesquite	<i>Prosopis glandulosa</i>
Willow	<i>Willow sp.</i>

(Ord. No. 18-23; 03-27-18)

Tree, Replacement or Transplanted - Any tree that is listed under Chapter 4, Section 3 of this Ordinance, as it exists or may be amended, and/or utilized for mitigation of Protected Trees that have been, or are required to be, removed and replaced or transplanted under the requirements of this Ordinance. A replacement tree is one that has been planted to mitigate the removal of a tree from the property. A transplanted tree is one that exists on the property and is relocated within the property. A tree must have a minimum size of three (3) inches when measured at a point twelve inches (12") above the natural ground level and will normally attain a height of at least twelve feet (12') at maturity to be considered a replacement or transplanted tree.

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Trees, Stand of - A group of six (6) or more protected trees that have a combined caliper measurement of forty-eight inches (48") or greater and each tree is within twenty (20) linear feet of another tree within the group. The distance measurement shall occur at natural grade from edge of trunk to edge of trunk.

Truck - A light or heavy load vehicle (see definitions for Light and Heavy Load Vehicle).

Truck/Bus Repair - An establishment providing major and minor repair services to panel trucks, vans, trailers, recreational vehicles, or buses.

Truck Sales, Heavy Trucks - The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, or buses in operable condition.

Truck Terminal - An area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis, including facilities for the temporary storage of loads prior to shipment.

Two Family Residence - A detached dwelling designed with a common vertical wall between units and to be occupied by two (2) families living independently of each other.

Units per Acre - A measurement of residential density, the number of residential living units permitted to be developed on a Net Acre of land.

Usable Open Space - An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent (10%); shall have no dimension of less than fifteen feet (15'); and may include recreational facilities, water features, required perimeter landscape areas, flood plain areas and decorative objects such as art work or fountains. Usable open space shall not include: required sidewalks, rooftops, accessory buildings, except those portions or any building designed specifically for recreational purposes, parking areas, landscaped parking requirements, driveways, turn-rounds or the right-of-way or easement for streets or alleys.

Utility Distribution/Transmission Facility - Facilities, including subsidiary stations, which serve to distribute, meter, transmit, transform, or reduce the pressure of gas, water, or electric current.

Variance - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the Town of Prosper can grant a variance, in accordance with the Chapter 211 of the Texas Local Government Code, as amended.

Veterinarian Clinic and/or Kennel, Indoor - An establishment, not including outside pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Veterinarian Clinic and/or Kennel, Outdoor - An establishment with outdoor pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Water Treatment Plant - A facility owned and/or operated by a private entity that is used to alter the physical, chemical, or biological quality of water.

Wind Energy System - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 10KW and is intended to reduce on-site consumption of electricity.

Winery - A manufacturing facility designed to place wine into a bottle or other container for wholesale and limited retail distribution. A winery is subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended, and permitting by the Texas Alcoholic Beverage Commission.

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Wireless Communications and Support Structures - An antenna and its supporting structures, and any appurtenances intended for transmitting or receiving electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, data transmission, television signals, or other or similar forms of electronic communication. *(Ord. 18-12; 01-23-18)*

Yard - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

Yard, Front - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

Yard, Rear - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

Zoning District Map - The official map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of this Ordinance.

SECTION 1
SITE PLAN PROCESS

(Ord. 2020-##; 08-11-2020)

1.1 GENERAL

This Section establishes a site plan review process for land development. The process involves a series of two plans, progressing from a generalized evaluation of a site and development concept to approval of a detailed development plan.

The first plan is a Preliminary Site Plan. This plan presents detailed information on building layout, parking, drives, landscaping, screening, and other site improvements. Preliminary Site Plan approval assures the applicant that the general layout is acceptable prior to proceeding with detailed engineering and design work. Site Plan approval is the final step in the process. A Site Plan is a detailed, scaled drawing of all surface improvements, structures and utilities proposed for development. Site plan approval is required prior to a construction release and prior to the issuance of building permits. Preliminary Site Plans and Site Plans require review and approval by the Planning & Zoning Commission.

The purpose of this process is to:

- A. Ensure compliance with adopted Town development regulations and other applicable regulations for which the Town has enforcement responsibility.
- B. Promote safe, efficient and harmonious use of land through application of Town-adopted design standards and guidelines.
- C. Protect and enhance the Town's environmental and aesthetic quality.
- D. Ensure adequate public facilities to serve development.
- E. Prevent or mitigate adverse development impacts, including overcrowding and congestion.
- F. Aid evaluation and coordination of land subdivision.
- G. Promote the public health, safety and welfare.

1.2 APPLICABILITY

The site plan review process shall apply to:

- A. Nonresidential development, except for Agricultural buildings and temporary field construction offices/staging areas as permitted by the Building Official.
- B. Multifamily residential development having more than four dwelling units, ~~including attached single family housing.~~
- C. Mobile home parks.
- D. Parking lot development, reconstruction or reconfiguration of more than twenty (20) spaces.

1.3 SUBMISSION OF APPLICATIONS

Applications for approval of plans required by this Section must be submitted to the ~~Planning Department~~ Planning Division. A calendar of official submittal dates for items requiring Planning & Zoning Commission approval shall be published by the Town thirty (30) days prior to the beginning of each calendar year. All applications received on a date other than an official submittal date shall be dated received on the next official submittal date. Applications must be complete for acceptance, in accordance with Chapter 1, Section 9.

1.4 FEES, FORMS AND PROCEDURES

The Town Council shall establish a schedule of fees relating to the site plan approval process. The ~~Director of Planning~~Director of Development Services may establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an application for preliminary site plans and site plans.

1.5 PRELIMINARY SITE PLAN

A. General

A preliminary site plan is the first plan in the site plan approval process. The purpose of the plan is to:

1. Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property.
2. Determine the placement, configuration, coverage, size and height of buildings.
3. Determine the design of public street improvements and right-of-way, the design and location of drives, aisles and parking.
4. Determine location and preliminary design of open space, landscaping, walls, screens and amenities.
5. Determine the preliminary design of drainage facilities and utilities.

B. Applicability

Except as provided in Chapter 4, Section 1.6(A), an approved, valid preliminary site plan shall be required prior to the consideration of a site plan for development property defined in Chapter 4, Section 1.2. The plan must include all contiguous property of common ownership, except that approved platted lots that are not part of the intended development may be shown for informational purposes only.

C. Application Procedure and Requirements

1. **Pre-Application** – Before preparing a preliminary site plan, the applicant shall meet with ~~Planning Department~~Planning Division staff to discuss the application procedure and requirements, and review the proposed development concept.
2. **General Application** – The property owner, or an authorized representative, shall submit an application for the approval of a Preliminary Site Plan. This application shall include the information listed ~~in the Development Manual below on a dimensioned, engineered scaled drawing on twenty four (24) by thirty six (36) inch size paper. The drawing shall include existing and proposed site conditions and improvements, including:~~
 - a. ~~Site boundaries, bearings and dimensions, lot lines, site acreage and square footage, and approximate distance to the nearest cross street.~~
 - b. ~~Location map, north arrow, scale, title block (located in the lower right hand corner) containing the proposed subdivision name with block and lot number, and preparation date.~~
 - c. ~~Name, address and phone number of land owner(s) and applicant(s).~~
 - d. ~~Site data summary table with the following information:~~
 - ~~Zoning~~
 - ~~Proposed Use~~
 - ~~Lot Area, excluding right of way (square footage and acreage)~~
 - ~~Building Area (gross square footage)~~
 - ~~Building Height (foot and number of stories)~~

- ~~Lot Coverage~~
 - ~~Floor Area Ratio (for non residential zoning)~~
 - ~~Total Parking Required (with ratio)~~
 - ~~Total Parking Provided~~
 - ~~Handicap Parking Required, including van accessible~~
 - ~~Handicap Parking Provided, including van accessible~~
 - ~~Interior Landscaping Required~~
 - ~~Interior Landscaping Provided~~
 - ~~Square footage of Impervious Surface~~
 - ~~For multi-family developments:~~
 - ~~Number of Dwelling Units with Number of Bedrooms~~
 - ~~Usable Open Space Required~~
 - ~~Usable Open Space Provided~~
- e. ~~Town of Prosper site plan notes.~~
- f. ~~Existing topography at two (2) foot contours or less.~~
- g. ~~Natural features including tree masses and anticipated tree loss, Flood Plain, drainage ways and creeks.~~
- h. ~~Proposed reclamation of floodplain area(s), if applicable, with acreage.~~
- i. ~~Existing and proposed improvements and topography within seventy five (75) feet of the subject property, subdivision name, zoning, and land use description of property adjacent to the subject property.~~
- j. ~~Building locations, building size and dimensions, density, height, dimensions between buildings on the same lot, building lines and setbacks, and use.~~
- k. ~~Public streets, private drives and fire lanes with pavement widths, right of way, median openings, turn lanes (including storage and transition space), existing driveways on adjacent property, and driveways shown on approved plans for adjacent property with dimensions, radii and surface type.~~
- l. ~~Visibility easements.~~
- m. ~~Distances (measured edge to edge) between existing and proposed driveways (on site and off site) and streets.~~
- n. ~~Existing utilities, nearest fire hydrant dimensioned to property corner, and proposed fire hydrants.~~
- o. ~~Proposed detention areas, including preliminary calculations.~~
- p. ~~Parking areas and structures, including the number and layout of standard spaces, angle of parking if other than ninety (90) degrees, handicap spaces, drive aisles, loading and unloading areas, the location of ramps, crosswalks, sidewalks, and barrier free ramps with typical dimensions.~~
- q. ~~Access easements and off site parking.~~
- r. ~~Proposed dedications and reservations of land for public use including but not limited to rights of way, easements, park land, open space, drainage ways, Flood Plain and facility sites with gross and net acreage.~~
- s. ~~Screening walls, fences, living screens, headlight screens and service area screens, including conceptual height and type of construction and/or planting.~~

- ~~t. Dumpsters, located to minimize visibility, and including height and material of associated screening wall.~~
- ~~u. Landscaping islands and open space areas with dimensions.~~
- ~~v. Phases of development, including delineation of areas, building sites, land use and improvements to be constructed in independent phases.~~
- ~~w.e. Additional information as requested by staff to clarify the proposed development and compliance with minimum development requirements.~~

3. **Additional Requirements** – In addition to meeting the requirements for preliminary site plan approval, the following approvals may be necessary: (such applications and plans shall be accepted for filing, however, prior to approval of the preliminary site plan, and failure to submit such applications prior to approval of the preliminary site plan shall be grounds for denial or rejection of the preliminary site plan).
 - a. Preliminary plat, if applicable.
 - b. Preliminary utility plans, if applicable.
4. **Standards of Approval** – The Planning & Zoning Commission may approve, conditionally approve, table or deny a Preliminary Site Plan based on:
 - a. Conformance with the Comprehensive Plan and adopted design guidelines.
 - b. Compliance with the Zoning Ordinance and other applicable regulations and previously approved, valid plans for the property.
 - c. Impact on the site's natural resources.
 - d. Affect on adjacent and area property and land use.
 - e. Safety and efficiency of vehicular and pedestrian circulation, traffic control and congestion mitigation.
 - f. Safety and convenience of off-street parking and loading facilities.
 - g. Access for fire fighting and emergency equipment to buildings.
 - h. Use of landscaping and screening to shield lights, noise, movement or activities from adjacent properties and to complement the design and location of buildings and parking.
 - i. The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
5. **Effect** – Approval of a preliminary site plan by the Planning & Zoning Commission shall constitute authorization by the Town for the land owner(s) to submit an application for final site plan approval for development of the entire site or a portion thereof provided that the site plan conforms to the preliminary site plan and any conditions attached to its approval. During the time the preliminary site plan remains valid, the location of buildings, landscaped areas, open space, streets, drives, fire lanes, median breaks, curb cuts and parking shall remain fixed except as to permit minor adjustments resulting from subsequent engineering of improvements or to prevent a condition affecting public health or safety which was not known at the time of approval. Except where authorized by ordinance, a preliminary site plan may not be used to approve an exception to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.
6. **Lapse** – The approval of a preliminary site plan shall be effective for a period of two (2) years from the date that the preliminary site plan is approved by the Planning & Zoning Commission, at the

end of which time the applicant must have submitted and received approval of a site plan by the Planning & Zoning Commission. If a site plan is not approved within such two (2) year period, the preliminary site plan approval is null and void. If site plan approval is only for a portion of the property, the approval of the preliminary site plan for the remaining property shall be null and void. The applicant shall be required to submit a new preliminary site plan for review and approval subject to the then existing regulations.

7. **Appeal** – The applicant, ~~Director of Planning~~Director of Development Services, or a simple majority of the Town Council may appeal the decision of the Planning & Zoning Commission by submitting a written notice of appeal to the ~~Planning Department~~Planning Division. The applicant or ~~Director of Planning~~Director of Development Services must submit said written notice of appeal no later than fourteen (14) days from the date of such decision. The Town Council shall consider and act on whether it will appeal the Commission's decision no later than fourteen (14) days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made, whichever is later. Written notice of the Town Council's vote to appeal shall be submitted to the ~~Planning Department~~Planning Division within seven (7) days of the Town Council's vote. The Town Council shall consider the appeal at a public meeting no later than forty-five (45) days after the date on which the notice of appeal is submitted to the ~~Planning Department~~Planning Division. The Town Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.

1.6 SITE PLAN

A site plan is the final plan required in the site plan approval process. The site plan is a detailed plan of the public and private improvements to be constructed. The purpose of the plan is to:

- Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property.
- Coordinate and document the design of public and private improvements to be constructed.
- Coordinate the subdivision of land, including the granting of easements, development agreements and provision of surety.

A. Applicability

An approved and valid site plan shall be required prior to the approval of any construction plan and permit for any development defined in Chapter 4, Section 1.2 of this Ordinance. An approved, valid preliminary site plan is required prior to the consideration of a site plan except as provided below:

- ~~1.~~ 1. _____ Development of a single building on one lot not exceeding three (3) net acres and where the lot is not being subdivided from a larger property.
- ~~1.2.~~ Development of property proposed to occur in a single phase.
2. Development of parking or outside storage areas.
3. Development of utilities and non-occupied structures.
4. Development of outdoor recreation structures and amenities.

B. Application Procedure and Requirements

1. **Pre-application** – Before preparing a site plan, the applicant shall meet with ~~Planning Department~~Planning Division staff to discuss the procedures for approval and to review the general concept of the proposed development.

2. **General Application** – The property owner shall submit an application for the approval of a Site Plan. This application shall include the information listed in the Development Manual. ~~below on a dimensioned, engineer scaled drawing on twenty four (24) by thirty six (36) inch size paper. The drawing shall include existing and proposed site conditions and improvements, including:~~
- ~~a. Site boundaries, bearings and dimensions, lot lines, site acreage and square footage, and approximate distance to the nearest cross street.~~
 - ~~b. Location map, north arrow, scale, title block (located in the lower right hand corner) containing the proposed subdivision name with block and lot number, and preparation date.~~
 - ~~c. Name, address and phone number of land owner(s) and applicant(s).~~
 - ~~d. Site data summary table

 - ~~● Zoning~~
 - ~~● Proposed Use~~
 - ~~● Lot Area, excluding right-of-way (square footage and acreage)~~
 - ~~● Building Area (gross square footage)~~
 - ~~● Building Height (feet and number of stories)~~
 - ~~● Lot Coverage~~
 - ~~● Floor Area Ratio (for non residential zoning)~~
 - ~~● Total Parking Required (with ratio)~~
 - ~~● Total Parking Provided~~
 - ~~● Handicap Parking Required, including van accessible~~
 - ~~● Handicap Parking Provided, including van accessible~~
 - ~~● Interior Landscaping Required~~
 - ~~● Interior Landscaping Provided~~
 - ~~● Square footage of Impervious Surface~~
 - ~~● For multi-family developments:

 - ~~○ Number of Dwelling Units with Number of Bedrooms~~
 - ~~○ Usable Open Space Required~~
 - ~~○ Usable Open Space Provided~~~~~~
 - ~~e. Town of Prosper site plan notes.~~
 - ~~f. Existing topography at two (2) foot contours or less and proposed at two (2) foot contours or less, referenced to sea level datum.~~
 - ~~g. Natural features including tree masses and anticipated tree loss, Flood Plain, drainage ways and creeks.~~
 - ~~h. Proposed reclamation of floodplain area(s), if applicable, with acreage.~~
 - ~~i. Existing and proposed improvements within seventy five (75) feet of the subject property, subdivision name, zoning, and land use description of property adjacent to the subject property.~~
 - ~~j. Building locations, building size and dimensions, intensity, density, height, dimensions between buildings on the same lot, building lines and setbacks, and use.~~
 - ~~k. Finished floor elevation of structures referenced to sea level datum.~~
 - ~~l. Public streets, private drives and fire lanes with pavement widths, right of way, median openings, turn lanes (including storage and transition space), existing driveways on adjacent property, and driveways shown on approved plans for adjacent property with dimensions, radii and surface type.~~

- ~~m. Distances (measured edge to edge) between existing and proposed driveways (on site and off site) and streets.~~
 - ~~n. Parking areas and structures, including the number and layout of standard spaces, angle of parking if other than ninety (90) degrees, handicap spaces, drive aisles, loading and unloading areas, the location of ramps, crosswalks, sidewalks, and barrier free ramps with typical dimensions.~~
 - ~~o. Access easements and any off-site parking.~~
 - ~~p. Location of off-street loading areas, dumpsters, and trash compactors with height and material of screening (these shall be located to minimize visibility).~~
 - ~~q. Proposed dedications and reservations of land for public use including but limited to: rights of way, easements, park land, open space, drainage ways, flood plains and facility sites with gross and net acreage. All dedications shall be free and clear of all encumbrances at the time of dedication.~~
 - ~~r. Screening walls, fences, living screens, retaining walls, headlight screens and service area screens, including height and type of construction and/or planting specification.~~
 - ~~s. Landscape islands with dimensions and open space areas with dimensions and total square footage.~~
 - ~~t. Proposed detention areas.~~
 - ~~u. Water and sanitary sewer mains and service lines with sizes, valves, fire hydrants, manholes, and other structures on site or immediately adjacent to the site specified.~~
 - ~~v. Water and sewer connections, meter locations, sizes, and meter and/or detector check valve vaults indicated. Table of the number of water meters by size and noting if they are existing or proposed.~~
 - ~~w. Inlets, culverts and other drainage structures on site and immediately adjacent to the site.~~
 - ~~x. Existing and proposed easements, including visibility easements.~~
 - ~~y.a. Additional information as requested by staff to clarify the proposed development and compliance with minimum development requirements.~~
3. **Additional Requirements** – The following plans shall be submitted with a site plan application and approval is necessary prior to final authorization for development:
- a. Final plat or replat.
 - b. Engineering plans.
 - c. Landscape plans.
 - d. Facade plan, if applicable.
 - e. Other approvals as required by ordinance or resolution.
4. **Standards of Approval** – Where application for site plan approval is made for development defined on an approved, valid preliminary site plan, the Planning & Zoning Commission may approve, conditionally approve or deny the application based upon the criteria listed below:
- a. Conformance with the Comprehensive Plan and adopted design guidelines.
 - b. Compliance with the Zoning Ordinance and other applicable regulations and previously approved, valid plans for the property.

- c. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
 - d. The width, grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
 - e. The use of landscaping and screening (1) to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary, and (2) to complement the design and location of buildings and be integrated into the overall site design.
 - f. The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
 - g. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
 - h. Protection and conservation of water courses and areas subject to flooding.
 - i. The adequacy of streets, water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.
5. **Effect** – Approval of a site plan is the Town's authorization to apply for approval of building permits and to receive approval of engineering plans. During the time the site plan remains valid the Town shall not apply any additional requirements concerning building placement, streets, drives, parking, landscaping or screening. Site plan approval is separate and distinct from other permits and approvals as may be required by the Town and other regulatory agencies. Approval of a site plan shall not affect other applicable regulations concerning development and land use. Except where authorized by ordinance, a site plan may not be used to approve a variance to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.
6. **Lapse** – The approval of a site plan shall be effective for a period of eighteen (18) months from the date of approval by the Planning & Zoning Commission, at the end of which time the applicant must have submitted and received approval of engineering plans and building permits. If the engineering plans and building permits are not approved, the site plan approval, together with any preliminary site plan for the property, is null and void. If engineering plans and permits have been approved only for a portion of the property and for improvements, the site plan for the remaining property and/or improvements, together with any preliminary site plan for the property, shall be null and void. The applicant shall be required to submit a new preliminary site plan and, subsequently, a new site plan consistent therewith, for review and approval by the Planning & Zoning Commission subject to the then existing regulations (see Chapter 4, Section 1.6(B)). Site plan approval shall expire upon completion of the improvements shown on the plan. Subsequent additional development, site modifications and redevelopment shall be permitted in accordance with Chapter 4, Section 1.10.
7. **Appeal** – The applicant, ~~Director of Planning~~Director of Development Services, or a simple majority of the Town Council may appeal the decision of the Planning & Zoning Commission by submitting a written notice of appeal to the ~~Planning Department~~Planning Division. The applicant or ~~Director of Planning~~Director of Development Services must submit said written notice of appeal no later than fourteen (14) days from the date of such decision. The Town Council shall consider and act on whether it will appeal the Commission's decision no later than fourteen (14) days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made, whichever is later. Written notice of the Town Council's vote to appeal shall be submitted to the ~~Planning Department~~Planning Division within seven (7) days of the Town Council's vote. The Town Council shall consider the appeal at a public meeting no later than forty-five (45) days after

the date on which the notice of appeal is submitted to the ~~Planning Department~~Planning Division. The Town Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.

1.7 AMENDMENTS

At any time following the approval of a preliminary site plan or site plan, and before the lapse of such approval the property owner(s) may request an amendment. Amendments shall be classified as major and minor. Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping and screening, changes to utilities and service locations which do not substantially change the original plan. Any increase of building height or proximity to an adjacent (off-site) residential use shall not be considered a minor amendment. The ~~Director of Planning~~Director of Development Services or his/her designee may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning & Zoning Commission and Town Council (see Chapter 4, Section 1.6(B)(7) for appeal procedure). All other amendments shall be considered major amendments and will be considered by the Planning & Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of a plan.

1.8 EXTENSION PROCEDURE

A. A property owner, or his/her representative, may request extension of an approved preliminary site plan if such request is submitted to the ~~Director of Planning~~Director of Development Services, or his/her designee at least thirty (30) days prior to lapse of such plan as provided in these regulations. The preliminary site plan may be extended up to twelve (12) months. Application for the extension shall be made by submitting a development application to the Town's ~~Planning Department~~Planning Division on or before one of the Town's official submittal dates for development requests. The application shall be accompanied by a letter detailing the reason for the extension and by the required number of copies of the plan. If the ~~Director of Planning~~Director of Development Services or his/her designee denies the extension, the applicant may request an appeal to the Planning & Zoning Commission in writing within fourteen (14) days of such denial. If the Planning & Zoning Commission denies the extension, the applicant may request an appeal to the Town Council in writing within fourteen (14) days of such denial.

In reviewing an extension request, the ~~Director of Planning~~Director of Development Services or his/her designee shall consider the following:

- Has a site plan been submitted for any portion of the property shown on the preliminary site plan?
- Does the preliminary site plan comply with new ordinances, those approved after the initial approval of the preliminary site plan, that impact the health, safety, and general welfare of the community?
- Are there adequate public facilities, such as parks or schools, in the area surrounding the property?

Negative answers to any of the above shall be grounds to deny the extension or approve the extension with conditions. In granting any extension, the ~~Director of Planning~~Director of Development Services or his/her designee, the Planning & Zoning Commission, upon appeal, or the Town Council, upon appeal, may apply current development standards to the application, or make such other conditions as are needed to assure that the land will be developed in a timely fashion and that the public interest is served. A second one (1) year extension may be requested using the same process after the expiration of the initial extension.

B. A property owner, or his/her representative, may request extension of an approved site plan if such request is submitted to the ~~Director of Planning~~Director of Development Services, or his/her designee at least thirty (30) days prior to lapse of such plan as provided in these regulations. Site plans may be extended up to six (6) months. Application for the extension shall be made by submitting a

development application to the Town's ~~Planning Department~~Planning Division on or before one of the Town's official submittal dates for development requests. The application shall be accompanied by a letter detailing the reason for the extension and by the required number of copies of the plan. If the ~~Director of Planning~~Director of Development Services or his/her designee denies the extension, the applicant may request an appeal to the Planning & Zoning Commission in writing within fourteen (14) days of such denial. If the Planning & Zoning Commission denies the extension, the applicant may request an appeal to the Town Council in writing within fourteen (14) days of such denial.

In reviewing an extension request, the ~~Director of Planning~~Director of Development Services or his/her designee shall consider the following:

- Has the preparation of civil engineering plans progressed, a grading permit been issued, or construction commenced?

A negative answer to the above shall be grounds to deny the extension. In granting an extension, the ~~Director of Planning~~Director of Development Services or his/her designee, the Planning & Zoning Commission, upon appeal, or the Town Council, upon appeal, may apply current development standards to the application, or make such other conditions as are needed to assure that the land will be developed in a timely fashion and that the public interest is served. A second six (6) month extension may be requested using the same process after the expiration of the initial extension.

- C. In determining whether to grant such request, the ~~Director of Planning~~Director of Development Services or his/her designee, the Planning & Zoning Commission, and/or the Town Council shall take into account the reasons for the requested extension, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted regulations shall apply to the plan. The ~~Director of Planning~~Director of Development Services or his/her designee, the Planning & Zoning Commission, and/or the Town Council shall extend or reinstate the plan, with or without conditions, or deny the request, in which instance the property owner must submit a new application for approval.
- D. The ~~Director of Planning~~Director of Development Services or his/her designee, the Planning & Zoning Commission, and/or the Town Council may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The ~~Director of Planning~~Director of Development Services or his/her designee, the Planning & Zoning Commission, and/or the Town Council may also specify a shorter time for lapse of the extended plan than is applicable to original approvals.

1.9 REVOCATION OF APPROVAL

The Town Council or the Planning & Zoning Commission may revoke approval of a preliminary site plan or site plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information. The Town shall notify an applicant within fourteen (14) days of such revocation of approval via U.S. Postal Service.

1.10 ADDITIONAL DEVELOPMENT AND REDEVELOPMENT

Following the completion of improvements shown on an approved site plan, additional development, site modifications or redevelopment of the site shall be permitted subject to the approval of a revised site plan. Minor expansions and redevelopment may be approved by the ~~Director of Planning~~Director of Development Services or his/her designee under the terms of Chapter 4, Section 1.7. All other expansions or redevelopment shall require submittal of a revised site plan and the approval of the Planning & Zoning Commission under the requirements and procedures then in effect.

1.11 WAIVER OF CERTAIN DEVELOPMENT REGULATIONS BY THE TOWN MANAGER

(Ord. No. 2020-43; 05-12-20)

Notwithstanding the authority granted to the Director of Development Services or his/her designee to approve or disapprove minor amendments, pursuant to Subsection 1. 7 of this Section, as amended, the Town Manager is hereby authorized to approve minor waivers or exceptions to any of the following development regulations contained in this Chapter: site plan requirements (Section 1), landscaping (Section 2), tree mitigation (Section 3), parking and loading requirements (Section 4), screening fences and walls (Section 5), outdoor lighting (Section 6), accessory buildings (Section 7), and non-residential design and development (Section 8), all as amended.

In no event shall the Town Manager approve any waiver or exception to a requirement that would (1) alter the permitted uses on the property; (2) increase the permitted density; (3) increase any permitted building height; (4) reduce any required setbacks; or (5) alter any façade requirements. Moreover, the Town Manager is not authorized and shall not approve any waiver or exception for any development requirement contained in a duly-authorized development agreement, including any requirements relative to building products or materials, or aesthetic method in the construction, renovation, maintenance or other alteration of a building.

SECTION 2
LANDSCAPING(Ord. 2020-##: 08-11-2020)

2.1 PURPOSE

The purpose of this Section is to provide for the orderly and aesthetic development of the Town and to promote the health, safety and general welfare of the community. It is the intent of this Section to achieve the following:

- A balance between the need for landscape treatments and the need for commercial growth in the Town.
- Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements.
- To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, storm water runoff retardation and erosion control.
- Provide for the separation and buffering of incongruous uses and intensity of activities; and provide for the visual softening of building masses.
- Reduce glare from paved surfaces, dust nuisances and the impact of noise.
- Protect and promote the value of residential and commercial properties within the Town.
- Promote a positive image for the attraction of new business enterprises within the Town.
- Encourage the protection of healthy trees and vegetation and promote the natural ecological environmental and aesthetic qualities of the Town.

Therefore, landscaping is required of new development and altered or repaired construction on all developments, and construction of the developments shall conform to the standards in this Section (the "Landscape Standards").

2.2 SCOPE

The standards and criteria contained in this Section are the minimum standards for all new development and existing developments that are expanding or redeveloping thirty (30) percent or more of that development. For the purposes of this Section, expanding or redeveloping, shall be based on an increase of the overall building area. All construction in these developments shall conform to this Section. In addition, any use requiring a Specific Use Permit (SUP) or any property having a Planned Development (PD) zoning designation must comply with these Landscape Standards or the standards set forth in the SUP or PD zoning designation, whichever is more restrictive. The provisions of this section shall be administered and enforced by the ~~Director of Planning~~ Director of Development Services, or his/her designee. For new construction, Landscape Standards shall be shown on a Landscape Plan as required in this Section.

Commented [AG1]: Modified per Blue Star response.

A. Permits

No permits will be issued for building, paving, utilities or construction until a Landscape Plan is submitted and approved by the Town. A Certificate of Occupancy will not be issued until the Landscape Plan approved by the Town has been installed in accordance with that plan and approved by the Town.

If a Certificate of Occupancy is sought during a season of the year in which the Town determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, the developer/owner will deposit with the Town a sum of money equal to the cost of installing all or the remaining portion of the approved Landscape Plan. In lieu of paying cash, the developer/owner may provide financial assurance of payment of the cost of installing the Landscape Plan acceptable to the Town, which will remain in effect until the Landscape Plan is installed and accepted by the Town. The Landscape Plan will be installed within six (6) months of final acceptance of the development by the Town or issuance of the first certificate of occupancy within the development. Failure to do so will be a violation of this Ordinance and subject to the penalties contained herein.

B. Enforcement

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If at any time after the issuance of a Certificate of Occupancy, the landscaping that was installed does not conform to the Landscape Plan or the Landscape Standards, the Town will issue notice to the property owner, tenant and/or agent, citing the violation and describing the action required to comply with this Section. The owner, tenant or agent shall have thirty (30) days from date of said notice to comply with approved Landscape Plan. If the landscaping is not installed within the allotted time, the property owner, tenant, and agent shall be in violation of this Ordinance. In addition to any other remedy available to the Town, the Certificate of Occupancy for that property may be revoked.

2.3 LANDSCAPE PLAN

A landscape plan shall be submitted in conjunction with a site plan and/or final plat for all developments. A landscape plan is not required for individual single family lots. With the exception of properties consisting of less than two (2) acres and located in DTO, DTR, or DTC district, the landscape plans shall be prepared by a Landscape Architect shall contain the following information outlined in the Development Manual:-

- ~~A. Minimum scale of one (1) inch equals thirty (30) feet or appropriate scale for legibility.~~
- ~~A. Location, size and species of all existing trees to be preserved indicating true size as measured four and one half (4½) feet above natural ground level.~~
- ~~B. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.~~
- ~~C. Identification of all plant material to be used, identified by both common and botanical names.~~
- ~~D. Size of all plant material to be used at time of planting, appropriate spacing shall be indicated on the Landscape Plan and approved by the Town.~~
- ~~E. Layout and description of irrigation, sprinkler, or water systems including placement of water sources. A Texas license irrigation seal is necessary on all irrigation plans that require certification.~~
- ~~F. All common areas, non residential, and multi family landscape areas will be irrigated with a mechanical irrigation system including turf and ground cover areas.~~
- ~~G. A certified landscape architect shall be required for the preparation and submission of the Landscape Plan. (A dry seal with signature is acceptable for the Landscape Plan).~~
- ~~H. North indicating mark.~~
- ~~I. Date of the Landscape Plan and any revisions.~~
- ~~J. Size and location of all existing and proposed utilities, including easements.~~
- ~~K. Details and/or cross sections as required for clarification by the Town.~~
- ~~L. Topography shall include final grade at one (1) foot intervals using spot elevations and/or contours to define proposed drainage patterns as required by the Town.~~
- M.A. Parkways and medians shall have a minimum of six (6) inches of topsoil.

2.4 MAINTENANCE (Ord. No. 17-74; 09-26-17)

- A. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping required by this Ordinance. All plant material shall be perpetually maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials that die shall be replaced by property owner, tenant or agent with plant material of similar variety and size, within thirty (30) days of notification by the Town or a date approved by the Town.
- B. All trees located on Town Property shall be cared for by the Town unless that responsibility is transferred to another entity through a Council-approved agreement. The Director of the Parks and Recreation

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Department shall ensure that the Town, or its contractor, monitors and cares for trees in a way that promotes a healthy and growing urban forest, is performed according to ANSI A300, "Standards for Tree Care Operations," and tree care best management practices published by the International Society of Arboriculture. It shall be unlawful to remove, prune, damage or otherwise harm trees on Town property without permission from the Director of the Parks and Recreation Department. The Parks and Recreation Department shall be responsible for developing and updating an annual work plan. This work plan shall document what maintenance activities are being performed and scheduled each year. The Parks and Recreation Board may appoint an advisory committee to focus on issues and initiatives that pertain to any Urban Forest that is located on public lands.

2.5 GENERAL STANDARDS

The following criteria and standards shall apply to landscape materials and installation:

- A. All required landscaped open areas shall be completely covered with living plant material. Mulch and other materials can be used around required shrub and tree plantings. Supplemental plantings or design elements that are beyond requirements can be submitted for Town review and approval at any time. Landscape Plans must meet the minimum requirements of this Section prior to approval by the Town.
- B. Plant materials shall conform to the standards of the approved plant lists in this Section and substitutions of plant material may be approved by the Town. The quantity of plant material required by this Section must equal or exceed the minimum number of plants required by this Section. Unless otherwise noted on the approved Landscape Plan, required plant material can be placed in groupings or utilized in appropriate planting designs that are proposed by the applicant and approved by the Town.
- C. Trees shall have an average spread of crown of greater than fifteen (15) feet at maturity. Trees having a lesser average mature crown of fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of fifteen (15) feet crown of spread. Unless otherwise specified herein, trees shall be of a minimum of three (3) inches in caliper as measured twelve (12) inches above natural soil level and seven (7) feet in height at time of planting.
- D. Shrubs other than dwarf variety shall be a minimum of two (2) feet in height when measured immediately after planting. A screening hedge, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen that will be three (3) feet in height within one (1) year after planting. Any parking area abutting the landscape perimeter will be screened from the adjacent street as approved by the Town. Parking areas that are beyond sixty (60) feet from the property line do not require screening unless adjacent to a residential zoning district or a residential development.
- E. Ground covers used in lieu of grass must provide complete coverage within one (1) year of planting. Ground cover planting must provide and maintain adequate coverage as approved by Town.
- F. Earthen berms shall not exceed a 3:1 slope (three (3) feet of horizontal distance for each one (1) foot of height). All berms will contain adequate drainage and preventive erosion measures as may be required by the Town. Berms shall not include construction debris. Slippage or damage to the smooth finish grade of the berm must be corrected prior to acceptance by Town.
- G. Large Trees must be planted four (4) feet or greater from curbs. Large trees shall be placed a minimum of four (4) feet from sidewalks, utility lines, screening walls and/or other structures. Ornamental trees can be placed closer than four (4) feet with approval from the Town. Any reduction in spacing requires a root barrier approved by the Town. Utility installation that includes common trench and conduit banks is exempt from the Large Tree planting distance requirements. The Town has final approval for all tree placements. The Landscape Plan will show the size and location of duct banks.
- H. Evergreen trees such as conifers intended for screening will have a minimum height of six (6) feet at the time of planting. Evergreen shrubs intended for required screening shall be a minimum of seven (7) gallons and be capable of attaining six (6) feet in height in two growing seasons.

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- I. A Tree Permit, in accordance with Chapter 4, Section 3.3, and/or grading permit is required for all clear-cutting and/or mass removal of under-story or wooded areas.
- J. All driveways will maintain visibility as approved by the Town. Landscaping shall not impede visibility affecting the health, safety, and welfare of the public.
- K. All plantings intended for erosion control will be maintained by the land owner, applicant, or tenant. The Town may require re-vegetation to prevent erosion or slippage.
- L. Small trees may be substituted for Large Trees at the rate of three (3) small trees for each one (1) large tree (3:1) with approval of the Town. Unless otherwise specified herein, small trees will have a minimum size of three (3) inch caliper.
- M. New or proposed plant materials will be measured and sized according to the Texas Association of Nursery (TAN) standards.
- N. Other plant materials in excess of the quantities required in this Ordinance may be smaller than the required material. All shrubs intended for public, non-residential, or multi-families developments should be at least two (2) gallons or more.
- O. Alternate designs may be considered by the Town to conform to the intent of this Ordinance. Any alternate design requires Town approval. The alternate method of utilizing large quantities of small material may include, but are not limited to:
 - One (1) five (5) gallon shrub = Two (2) three (3) gallon or four (4) two (2) gallon
 - One (1) three (3) inch large tree = Three (3) three (3) inch ornamental trees
 All substitutions are subject to Town approval and must be specified on the approved Landscape Plan.
- P. The right-of-way adjacent to required landscape areas shall be maintained by the adjacent property owner in the same manner as the required landscape area.
- Q. Existing trees on a property that are preserved may be used to meet the requirements of this Section upon approval by the Town.
 - 1. Existing trees approved by the Town for credit are to remain in a living and growing condition. Any existing tree for which credit was given that dies shall be replaced on the same basis as set forth in this Section.
 - 2. Large groups of small or under-story trees are eligible for tree preservation credits with approval from the Town. Credits shall be indicated on the landscape plan.
 - 3. Credit will be revoked where trees intended for preservation credits are damaged due to, among other things, construction, broken branches, soil compaction or soil cut/fill.

2.6 LANDSCAPE AREA REQUIREMENTS

- A. Single Family, Two Family (Duplex), Town Home, and Mobile Home Landscape Area Requirements
 - 1. Trees from the Large Tree list in Section 2.7 below shall be planted on all Single-Family Detached, Two Family (Duplex), and Town Home lots. Trees shall be planted to meet the total number of caliper inches referenced in the table below. Required trees shall not be smaller than three (3) caliper inches. A minimum of one (1) - four (4) caliper inch tree(s) shall be located in the front yard of all residential lots less than 7,000 square feet in size. A minimum of two (2) - four (4) caliper inch trees shall be located in the front yard of all residential lots 7,000 square feet in size and larger. The remaining required Large Trees may be placed in the front or rear of the residential lot. The total caliper inches of Large Trees and number of shrubs are required as shown in the table below.

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<u>Size of Lot (sq. ft.)</u>	<u>Caliper Inches</u>	<u>Number of Shrubs</u>
2,500 - 6,999	4	12
7,000 - 8,999	8	15
9,000 - 19,999	11	20
20,000+	14	25

(Ord. 15-55; 09-22-15)

2. A minimum of one (1) tree from the Large Tree list in Section 2.7 below shall be planted in the side yard area adjacent to the street on a corner lot. When more than two (2) trees are required per lot, the corner lot, side yard tree may count toward the requirement. Street trees (trees located in the parkway area between the curb and the sidewalk) adjacent to the side yard of a corner lot may count toward the requirement. (Ord. 15-55; 09-22-15)
3. Ground cover shall be planted in the front, side, and rear yards of all residential lots. Ground cover includes, but is not limited to: grasses, shrubs, mulched planter beds, and hardscape.
4. Required shrubs shall be a minimum of three (3) gallon in size when planted and shall be planted in the front yard of all residential lots.
5. All landscaping required above shall be planted prior to issuance of the certificate of occupancy on the dwelling.

6. Two Family (Duplex) and Townhome Open Space. Each parcel of land developed under the 2F or TH standards shall provide usable open space totaling ten (10) percent for 2F and twenty (20) percent for TH of the area being developed. The open space shall be computed on the percentage of total platted area in the subdivision, excluding right-of-way dedicated major thoroughfares. This open space shall be owned and maintained by a homeowners' association. Areas provided as usable open space shall meet the following criteria:

- a. All residential lots must be located within fourteen hundred (1,400) feet of a usable open space area as measured along a street. In order to preserve existing trees or should a property have unique topography, size, or configuration, this distance may be increased by the Planning & Zoning Commission with approval of the plat.
- b. All open space areas shall be minimum of twenty thousand (20,000) square feet with no slope greater than ten (10) percent and no width less than fifty (50) feet. The Planning & Zoning Commission may give full or partial credit with approval of the plat for open areas that exceed the maximum slope or that are otherwise unusable, if it is determined that such areas are environmentally or aesthetically significant.
- c. Open space areas must be easily viewed from adjacent streets and homes. Open space areas must abut a street on a minimum of forty (40) percent of the perimeter of the open space. However, the perimeter street requirement may be reduced to thirty (30) percent with Planning & Zoning Commission approval of the preliminary plat when:
 - i. preserving existing trees;
 - ii. preserving natural geographic features; or
 - iii. physical constraints such as overall property size, configuration, or topography exist.
- d. Landscaping, sidewalks, and amenities such as tennis courts and swimming or wading pools may be located within usable open space areas. Detention ponds that contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or his/her designee, may be calculated toward the required open space.

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~~a-e.~~ Open space shall contain one (1) minimum three (3) inch caliper large tree for every one thousand (1,000) square feet of required open space. The trees shall be maintained in a healthy and growing condition, and must be replaced with trees of similar variety and size if damaged, destroyed, or removed. A landscape plan must be approved prior to approval of the final plat.

Commented [AG2]: Moved from Section 9.16

B. Multifamily Landscape Area Requirements

These standards apply to all Multifamily zoning districts. Any area within a PD district containing landscaping standards shall comply with the standards set forth in the PD district.

1. General Requirements

- a. Landscaped areas will be of varying depths intended to separate and screen incompatible land uses from one another and to provide green areas along Major Thoroughfares.
- b. Foundation plantings of a single row of shrubs are required along the front façade of all buildings adjacent to a public street.
- c. Trees required by the open space planting requirements are encouraged to be placed along the south and west sides of the residential building(s) to increase energy efficiency.
- d. A summary of tabulations for all required plantings, preservation credits, tree mitigation, and/or other data as necessary to document the landscape requirements shall be shown on the Landscape Plan.

2. Perimeter Requirements

- a. A landscaped area at least twenty-five (25) feet wide shall be located between multifamily developments and public street(s) unless otherwise stated in another ordinance. One (1) large tree, three (3) inch caliper minimum, will be planted on thirty (30) foot centers within the required landscaped area (or quantity for size substitution can be approved by the Town). All landscaping shown on the approved landscape plan will be installed in the vicinity of the building and its adjoining parking prior to the issuance of a Certificate of Occupancy for units in said building. Required landscape areas adjacent to public streets shall be exclusive of easements or other restrictions which could inhibit planting, growth, or permanence of landscaping.
- b. Where multifamily development is adjacent to the property line of single family zoned property or areas shown as single family on the Future Land Use Plan, a double row of three (3) inch caliper trees on fifty (50) foot offset centers shall be located adjacent to single family zoning districts with one (1) row being shade trees and the other row being evergreen trees in a twenty five (25) foot wide landscape perimeter area, unless otherwise approved by the ~~Director of Planning~~ Director of Development Services or designee.
- c. Where a multifamily development is adjacent to the property line of property zoned for uses other than single family or parcels not shown as single family on the Future Land Use Plan, a fifteen (15) foot wide landscape area is required. In addition, one (1) large tree, three inch (3) inch caliper minimum, will be required for each fifty (50) linear feet that abuts the adjacent property line. Trees will be located within the fifteen (15) foot perimeter area or within the area located between the property line and the side or rear building line. Trees required under this Section that are planted in parking areas may not be credited towards meeting the number of required trees as outlined in the Interior Parking Requirements listed below.
- d. Berms ranging in height from three feet (3') to six feet (6'), and an overall minimum average of four and a half feet (4.5'), shall be required along US 380, Frontier Parkway/FM 1461/Parvin Road, Custer Road/FM 2478, Preston Road, Dallas Parkway, and FM 1385.

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3. Interior Parking Requirements

- a. Twenty (20) square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot, exclusive of the required perimeter landscape requirements stated above.
- b. One (1) large tree, three (3) inch caliper minimum, must be provided for every ten (10) parking spaces, in addition to the perimeter trees required in Chapter 4, Section 2.6(B)(2). In addition, the trees required in this Section may not be planted in the required perimeter landscaped areas to receive credit for the perimeter landscape area. Three (3) small trees, a minimum of six (6) feet in height and three (3) inches in diameter, may be substituted for one (1) required large tree for up to twenty-five (25) percent of the required large trees.
- c. Landscaped islands within the parking lot shall be a minimum of one hundred and sixty (160) square feet, not less than nine (9) foot wide, and a length equal to the abutting space.
- d. There shall be at least one (1) large tree, three (3) inch caliper minimum, within fifty (50) feet of every parking space. Only trees located in parking areas are available to meet this requirement.
- e. Landscaped islands will be located at the terminus of all parking rows, and should contain at least one (1) Large Tree, with no more than twelve (12) parking spaces permitted in a continuous row without being interrupted by a landscaped island. Areas where parking is located between the public street and the buildings, trees will be placed every five (5) parking spaces.
- f. Landscape islands in parking areas may be grouped to form one (1) large island subject to Town approval, provided however, grouping for large islands is prohibited adjacent to public street frontage.
- g. All landscaped areas will be protected by a raised six (6) inch concrete curb or wheel stop where curbs are not provided. Pavement will not be placed closer than four (4) feet from the trunk of a tree unless a Town approved root barrier is utilized.
- h. A solid living screen using evergreen trees shall be placed around any RV/trailer parking areas.

4. Irrigation Requirements

Permanent irrigation shall be provided for all required landscaping as follows:

- a. Irrigation lines shall be placed a minimum of two and one-half (2 ½) feet from a Town sidewalk. Reduction of this requirement is subject to review and approval by the Town Engineer.
- b. Trees and shrubs shall be irrigated by bubbler irrigation lines only. Other landscaping may be irrigated by spray irrigation. Separate valves shall be provided to turn off the spray irrigation line during periods of drought or water conservation.
- c. Rain, freeze, and wind detectors shall be installed on all irrigation lines.

5. Open Space

a. Each parcel of land developed under the MF standards shall provide usable open space totaling thirty (30) percent of the area being developed. The open space shall be computed on the percentage of total platted area in the subdivision, excluding right-of-way dedicated major thoroughfares. Areas provided as usable open space shall meet the following criteria:

- i. The open space shall have a maximum slope not exceeding ten (10) percent.
- ii. The open space shall have a minimum dimension of not less than thirty (30) feet.
- iii. Of the required open space, fifteen (15) percent or twenty thousand (20,000) square feet, whichever is greater, shall be arranged or located in a contiguous mass. Flood plain used for

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open space may receive full credit for that portion that is maintained in its natural state. Floodplain that is reclaimed and used for open space shall receive a fifty (50) percent credit toward open space.

- iv. At the time of preliminary site plan approval, the Planning & Zoning Commission may give full or partial credit for open areas that exceed the maximum slope, that are otherwise unusable, or that are less than the fifteen (15) percent or twenty thousand (20,000) square feet required in Chapter 4, Section 9.16(B)(3). These areas must be determined to be environmentally or aesthetically significant and/or an enhancement to the development or the area.
- v. Landscaping, sidewalks, and amenities such as tennis courts, swimming or wading pools, and clubhouses may be located within usable open space areas. Detention ponds that contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or his/her designee, may be calculated toward the required open space.
- vi. Open space shall contain one (1) minimum three (3) inch caliper large tree for every one thousand (1,000) square feet of required open space. The trees shall be maintained in a healthy and growing condition, and must be replaced with trees of similar variety and size if damaged, destroyed, or removed. A landscape plan must be approved prior to approval of the final plat.

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C. Non-Residential Landscaped Area Requirements (Ord. No 16-46: 07-26-2016)

These standards apply to all non-residential uses. Any area within a PD containing landscaping standards shall comply with the standards set forth in the PD district.

1. Perimeter Requirements:

- a. A landscaped area consisting of living trees (as specified below), turf, or other living ground cover and being at least twenty-five (25) feet in width measured from the property line interior to the property shall be provided adjacent to and outside of the right-of-way on all properties located adjacent to a major or minor thoroughfare as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - i. The landscaped area may be reduced to fifteen (15) feet for the portion of a property adjacent to a collector or equivalent street as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - ii. The landscaped area shall be increased to thirty (30) feet for properties adjacent to Preston Road, University Drive, and Dallas Parkway.
 - iii. One (1) large tree, three (3) inch caliper minimum per thirty (30) linear feet of roadway frontage shall be planted within the required landscape area. The trees may be planted in groups with appropriate spacing for species.
 - iv. In the DTO District, one (1) large tree, three (3) inch caliper minimum per thirty (30) linear feet of roadway frontage, excluding the width of driveways at the property line, shall be planted within the required landscape area. Where the width of the roadway frontage is greater than eighty (80) feet, excluding the width of driveways at the property line, the number of large trees may be planted at a rate of one, 3" large tree per forty (40) feet of roadway frontage, in lieu of the required one tree per thirty (30) linear feet. The trees may be planted in groups with appropriate spacing for species. In the DTO District, the substitution of three (3) small, ornamental trees for one (1) large tree shall not be permitted.
 - v. A minimum of fifteen (15) shrubs with a minimum size of five (5) gallons each will be

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planted in the landscaped area for each thirty (30) feet of linear frontage.

- vi. Parking abutting the landscape area shall be screened from the adjacent roadway. The required screening may be accomplished with shrubs or earthen berms.

vii. Unless there is parking adjacent to the landscape area, shrubs are not required in the landscape area in the DTO District.

viii. Required landscape areas adjacent to public streets shall be exclusive easements or other restrictions which could inhibit planting, growth, or permanence of landscaping

vii-ix. Berms ranging in height from three feet (3') to six feet (6'), and an overall minimum average of four and a half feet (4.5'), shall be required along US 380, Frontier Parkway/FM 1461/Parvin Road, Custer Road/FM 2478, Preston Road, Dallas Parkway, and FM 1385.

- b. Where a non-residential development is adjacent to the property line of residential zoned parcels or areas shown as residential on the Future Land Use Plan, one (1) large tree, three (3) inch caliper minimum, will be planted on thirty (30) foot centers in a fifteen (15) foot landscape area. Evergreen trees shall be planted on twenty (20) foot centers within areas where truck docks or loading spaces are adjacent to single family property.

- i. In the DTO District, regardless of the adjacent use, zoning or Future Land Use Designation; the width of perimeter landscape area adjacent to the property line may be reduced to a minimum of five (5) feet.
- ii. In the DTO District, in lieu of the required large trees, one (1) small (ornamental) tree shall be planted thirty (30) foot centers along the adjacent property lines."

- c. Where a non-residential development is adjacent to the property line of parcels zoned for uses other than residential or parcels not shown as residential on the Future Land Use Plan:

- i. A five (5) foot wide landscape area is required.
- ii. If the property line is the centerline of a fire lane or drive aisle, the five (5) foot wide landscape area will begin at the edge of the lane/aisle. If the drive aisle or fire lane only allows access to parking spaces, the landscape area may be eliminated or moved at the discretion of the Town.
- iii. The five (5) foot wide landscape area may be eliminated for a building where the building is attached to another building and the attached buildings are shown on an approved Site Plan.
- iv. One (1) small tree and one (1) five (5) gallon shrub shall be planted every fifteen (15) linear feet. These trees and shrubs may be clustered in lieu of placing them every fifteen (15) feet.

2. Interior Parking Requirements

Any non-residential parking area that contains twenty (20) or more parking spaces shall provide interior landscaping, in addition to the required landscaped edge, as follows:

- a. Fifteen (15) square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot area.
- b. Where an existing parking lot area is altered or expanded to increase the number of spaces to twenty (20) or more, interior landscaping shall be provided on the new portion of the lot in accordance with this Section.
- c. All landscaped areas shall be protected by a raised six (6) inch concrete curb. Pavement shall not be placed closer than four (4) feet from the trunk of a tree unless a Town approved root barrier is utilized.
- d. Landscaped islands shall be located at the terminus of all parking rows, and shall contain at least

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one (1) large tree, three (3) inch caliper minimum, with no more than fifteen (15) parking spaces permitted in a continuous row without being interrupted by a landscaped island. Where there is a minimum eight (8) foot wide landscaped median between two rows of head-in parking, landscaped islands are required every twenty (20) spaces.

- e. Landscaped islands shall be a minimum of one hundred and sixty (160) square feet, not less than nine (9) feet wide and a length equal to the abutting space.
- f. Subject to approval by the Town, islands may be grouped to form one large island.
- g. There shall be at least one (1) large tree, three (3) inch caliper minimum, within one hundred and fifty (150) feet of every parking space. This minimum distance may be expanded with Town approval in the event that required islands are grouped to form larger islands.
- h. Required parking lot trees may be consolidated into groups under the following conditions:
 - i. The number of required trees is one (1) per ten (10) parking spaces.
 - ii. Consolidated tree islands require one hundred and eighty (180) square feet per tree.
 - iii. The maximum run of parking spaces is increased from fifteen (15) to thirty (30).
 - iv. This consolidation does not include the tree islands at the end of a row of parking or along perimeter parking rows that face a drive aisle or street.
 - v. A consolidated tree island shall not be located closer than five (5) parking spaces from an end of row tree island.
- i. All uses containing a drive-in or drive-thru shall be subject to the following standards:
 - i. A minimum ten (10) foot wide landscape island shall be constructed around the outer edge of the drive-thru lane for a minimum distance to equal the length of stacking required for the drive-thru facility.
- g-j. The landscape island shall contain minimum three (3) inch caliper evergreen or deciduous trees planted fifteen (15) feet on-center with minimum five (5) gallon shrubs planted three (3) feet on center. Ornamental trees evenly interspersed between the evergreen or deciduous trees may be substituted for the shrubs. If the landscape island is located on the perimeter of the property, perimeter landscaping requirements may be applied towards this requirement.

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3. Building Landscaping

- a. Foundation plantings are required for buildings or groups of contiguous buildings that are one hundred thousand (100,000) square feet or larger. One (1) large tree, three (3) inch caliper, shall be required for every ten thousand (10,000) square feet of gross building area. These trees shall be located within thirty (30) feet of the face of the building. These plantings are intended to provide pedestrian areas while breaking up the large areas of impervious surface. Trees required by other Sections of this Ordinance will not meet this requirement. Trees may be planted within the building landscape area described above or within tree grates. Trees can be grouped or planted in singular form. These tree plantings should be placed so as not to impede sign visibility. Trees intended for foundation plantings shall meet the following criteria:
 - i. Planted within thirty (30) feet of the front building face.
 - ii. Trees planted less than four (4) feet from the back of curb shall be located in a tree grate with a minimum dimension of four (4) feet.
 - iii. Small trees may be substituted for large tree foundation plantings at the rate of five ornamentals for each requirement of a large tree (5:1) with Town approval. Small trees shall have a minimum size of three (3) inch caliper. Multi-trunk trees will be required to meet a

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three (3) inch requirement based on standard nursery trade specifications.

- iv. Trees may be placed in groups with appropriate spacing for species.
- v. The above requirements may be reduced if approved by the Town and additional pedestrian features such as plazas, seating areas, fountains, and outdoor recreation facilities are provided. These facilities must occupy an area equal to or greater than five (5) percent of the total building area.
- b. In the DTR and DTC Districts, large trees shall be planted every thirty (30) feet on center in tree grates within the sidewalk a minimum of four (4) feet behind the back of curb. The trees shall be a minimum three (3) inch caliper at the time of planting.

4. Irrigation Requirements

Permanent irrigation shall be provided for all required landscaping as follows:

- a. Irrigation lines shall be placed a minimum of two and one-half (2 ½) feet from a Town sidewalk or alley. Reduction of this requirement is subject to review and approval by the Town Engineer.
- b. Trees and shrubs shall be irrigated by bubbler irrigation lines only. Other landscaping may be irrigated by spray irrigation. Separate valves shall be provided to turn off the spray irrigation line during periods of drought or water conservation.
- c. Rain, freeze, and wind detectors shall be installed on all irrigation lines.

5. Median planting requirements.

Non-residential developments having frontage on a divided thoroughfare are required to plant or escrow funds for one (1) three (3) inch caliper large tree per seventy (70) linear feet of frontage. The purpose of this requirement is to establish trees in the medians as development of properties adjacent to divided thoroughfares occurs. The Town will be responsible for maintenance of the trees and medians following the initial installation. The Town is responsible for the installation of trees and irrigation where funds are escrowed or a bond is provided. The Town will have the sole authority to approve any alternate methods of meeting median obligations. Right-of-way median plantings shall meet the following criteria:

- a. Median plantings within the public right-of-way are to be a minimum of sixty (60) feet from back of curb at the median nose.
- b. Median plantings shall be a minimum of five (5) feet from back of curb.
- c. Visibility corridors are to be shown on Landscape Plans.
- d. Trees shall be a minimum of five (5) feet from utility lines.
- e. Six (6) inches of topsoil shall be provided in medians.

6. Open Space requirements.

A final open space plan shall be submitted with the Final Site Plan application for all non-residential uses. Open space plans will be used only to ensure minimum standards are met. Open space plans shall be reviewed and approved by the Director of Development Services or his/her designee. The applicant may appeal the decision to the Planning & Zoning Commission. For nonresidential development, seven (7) percent of the net lot area is required to be provided as open space. The open space may consist of any element that is not one of the following:

- i. Vehicular paving.
- ii. Required parking lot landscape islands.

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- iii. Building footprint.
- iv. Utility yards.
- v. Required landscape setbacks.
- vi. Sidewalks, unless the sidewalk is designated as an outdoor dining area on the approved site plan.
- vii. Detention ponds. Detention ponds that are located between the building and street and contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or his/her designee, may be calculated toward the required open space.

D. NONRESIDENTIAL AND MULTIFAMILY DEVELOPMENT ADJACENT TO A MAJOR CREEK1. Major Creeks within the Town of Prosper shall be defined as:

- Button Branch
- Doe Branch
- Gentle Creek
- Rutherford Branch
- Wilson Creek

Each Major Creek begins at its headwater (as determined by the Federal Emergency Management Agency and/or the U.S. Army Corps of Engineers) as is generally depicted on Flood Insurance Rate Maps (FIRM) as provided by the Federal Emergency Management Agency.

2. All nonresidential and multifamily lots developing adjacent to the 100-year floodplain of a major creek shall comply with the requirements listed below. Multifamily-zoned property that develops as single-family is not subject to these requirements, but shall comply with Section 14 of the Subdivision Ordinance, as it exists or may be amended.

- a. Retaining walls, where provided, shall be constructed of clay-fired brick, stone, patterned concrete, modular concrete block, or split faced concrete masonry units. This requirement does not apply to walls constructed within the channel of the creek to control water flow.
- b. Three (3) inch caliper trees planted on thirty (30) foot centers and three (3) gallon shrubs planted on five (5) foot centers shall be provided between parking and the flood plain when parking is located directly adjacent to the flood plain. The trees and shrubs are not required to be planted in a single row; they may be planted in groups. Existing trees in healthy growing condition and of a species from the list of Recommended Plant Materials in Chapter 4, Section 2 of this Ordinance, as it exists or may be amended, may be counted toward this requirement.
- c. Maintenance access, as required by the Town Engineer, or his/her designee, shall be provided to the flood plain, hike and bike trail, and creek.
- d. The development shall incorporate a connection to a hike and bike trail along the major creek by way of a sidewalk, stairs, and/or ramps. The connection shall comply with ADA and TAS accessibility requirements. The Director of Development Services or his/her designee may waive this requirement if he/she determines that a connection is not needed due to the property size, configuration and constraints, or land use.
- e. Open space areas adjacent to the floodplain that have been improved with patios, courtyards, or additional landscaping listed in Section 9.14(C)(1) and Section 9.14(C)(6) below may be used to meet minimum open space requirements.
- f. Loading areas located adjacent to the major creek shall be screened from the flood plain by a

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solid living screen to reach a minimum of fourteen (14) feet tall within two (2) years. Existing trees in healthy growing condition and of an evergreen species from the list of Recommended Plant Materials in Chapter 4, Section 2 of this Ordinance, as it exists or may be amended, may be counted toward this requirement. For Industrial development, this requirement may be waived by the Planning & Zoning Commission upon site plan approval if the adjacent property on the opposite side of the creek is zoned Industrial or designated on the Future Land Use Plan as Industrial, unless zoned other than Industrial.

3. Multifamily, except those multifamily properties that are developed as single-family, and office development adjacent to a major creek shall provide four (4) of the amenities listed below. Retail and commercial development adjacent to a major creek shall provide three (3) of the amenities listed below. Industrial development adjacent to a major creek shall provide two (2) of the amenities listed below. Amenity selection is subject to approval by the Planning & Zoning Commission upon preliminary site plan or site plan approval.
 - a. A thirty (30) foot landscape edge adjacent to the floodplain of the major creek with a double row of three (3) inch caliper trees planted on thirty (30) foot centers. Existing trees in healthy growing condition and of a species from the list of Recommended Plant Materials in Chapter 4, Section 2 of this Ordinance, as it exists or may be amended, may be counted toward this requirement.
 - b. A minimum of twenty five (25) percent of the surface area of walls that face the major creek to be provided as windows.
 - c. Construction of a hike and bike trail along the creek.
 - d. A visibility corridor of at least one hundred (100) feet shall be required between and/or adjacent to buildings adjacent to the flood plain. This visibility corridor can include parking, landscape medians or areas, amenities, and drive aisles.
 - e. Trail Head Park. A trailhead park shall have minimum dimensions of fifty (50) feet and be located adjacent to the hike and bike trail. Park benches shall be provided. Trailhead parks are subject to review and approval by the Director of Parks & Recreation or his/her designee.
 - f. A common patio, balcony, courtyard, or terrace a minimum of 750 square feet located between the building and the major creek.
 - g. Building orientation such that the entire side of the building adjacent to the flood plain is not the back of the building.
 - h. Building to have the same building materials and architectural elements on all four sides.
 - i. Creek restoration (plan shall be designed and implemented according to USACOE standards and approved by Army Corps of Engineers).
 - j. Other amenities not listed may be approved by the Planning & Zoning Commission in conjunction with a preliminary site plan if they determine that the proposed amenity meets the intent of these requirements.
4. The Planning & Zoning Commission may grant variances to the requirements of this section, as it exists or may be amended, upon preliminary site plan or site plan approval only if they determine that conforming to these requirements is not possible due to the property size, configuration, topography, constraints, or land use and that no other alternative is available. The decision by the Planning & Zoning Commission may be appealed to the Town Council using the site plan appeal process described in Chapter 4, Section 1, as it exists or may be amended.

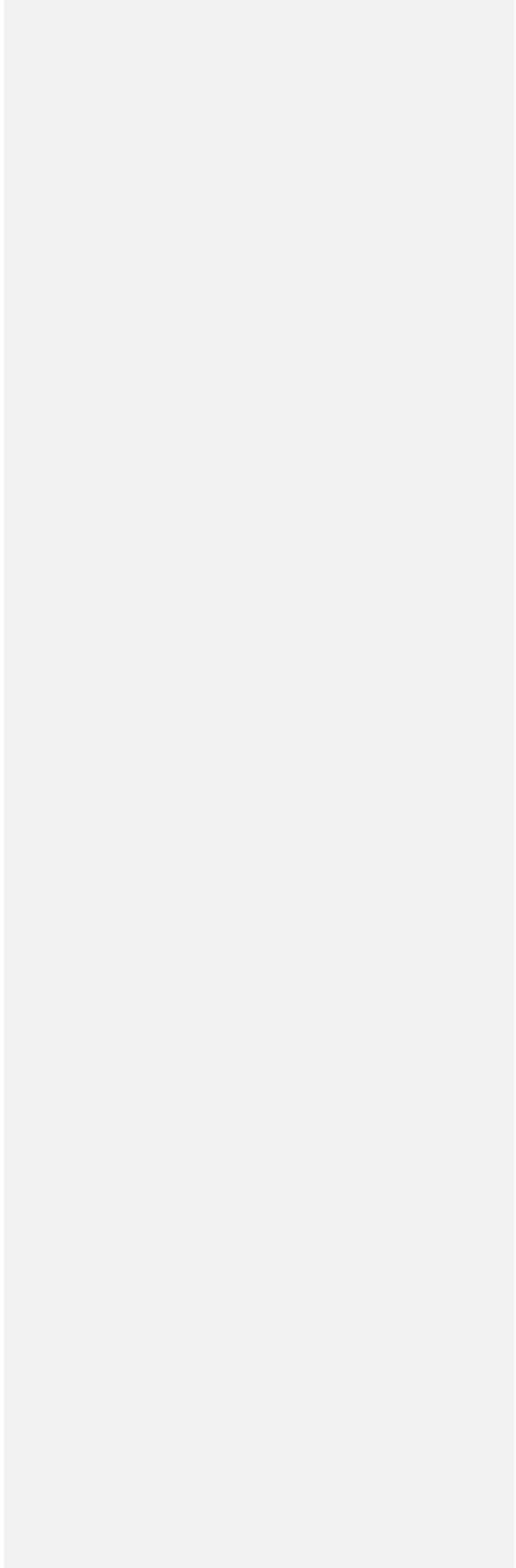
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2.7 REQUIRED PLANT MATERIALS

- A. Artificial plants or turf are expressly prohibited. Drought tolerant and/or native plants from the lists below

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are required for compliance to this Section. Other species may be utilized with approval from the Town.



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Large Trees (Shade)	Small Trees (Ornamental)	Shrubs	
Afghan Pine	Birds of Paradise	American Beautyberry	Indian Hawthorn
American Elm	Buckeye, Mexican	Argarita	Italian Jasmine
Arizona Cypress	Buckeye, Red	Aromatic Sumac	Leatherleaf Mahonia
Bald Cypress	Buckeye, Texas	Bridal Wreath Spirea	Miniature Crepe Myrtle
Bigelow Oak	Carolina Buckthorn	Burford Holly	Nellie R. Stevens Holly
Bur Oak	Crepe Myrtle (tree form)	Chinese Photinia	Oakleaf Hydrangea
Caddo Maple	Desert Willow	Cleyera	Purpleleaf Japanese
Cedar Elm	Eastern Red Cedar	Compact Nandina	Barberry
Chinquapin Oak	Eve's Necklace	Coral Berry	Red Yucca
Durrand Oak	Hawthorne	Crimson Pygmy Barberry	Rose of Sharon (Althea)
Lacebark Elm	Hollywood Juniper	Dwarf Burford Holly	Semi-Dwarf Crepe Myrtle
Lacy Oak	Japanese Black Pine	Dwarf Burning bush	Smooth Sumac
Live Oak	Juniper, Blue Point	Dwarf Chinese Holly	Spiraea
Pecan	Juniper, Wichita Blue	Dwarf Crepe Myrtle	Standard Nandina
Shumard Oak	Mesquite	Dwarf Glossy Abelia	Texas Sage
Southern Live Oak	Mexican Plum	Dwarf Pomegranate	
Southern Magnolia	Ornamental Pear*	Dwarf Spirea	
Texas Ash	Pomegranate	Dwarf Wax Myrtle	
Texas Red Oak	Possumhaw Holly	Dwarf Yaupon Holly	
Western Soapberry	Redbud	Elaeagnus	
	Roughleafed Dogwood	Flowering Quince	
	Texas Persimmon	Forsythia	
	Vitex	Foster Holly	
	Wax Myrtle	Glossy Abelia	
	Winter/Bush Honeysuckle	Harbor Dwarf Nandina	
	Yaupon Holly	Hypericum	

*Ornamental Pear does not include Bradford Pears

Groundcover	Ornamental Grass	
Asiatic Jasmine	Autumn Blush Muhly	Inland Sea-Oats
Avens, White	Big Bluestem	Lindheimer's Muhly
Frog Fruit	Black Fountain Grass	Little Bluestem
Ground Ivy	Blue Grama	Maiden Grass
Hardy Plumbago	Broomsedge	Morning Light Maiden
Horseherb	Bushy Bluestem	Ravenna Grass
Liriope or Lily Turf	Canada Wildrye	Sideoats Grama
Mondo or Monkey Grass	Dwarf Maiden Grass	Silver Bluestem
Pigeonberry	Dwarf Pampas Grass	Splitbeard Bluestem
Purpleleaf Euonymus	Eastern Gamma Grass	Standard Fountain Grass
Santolina	Feather Reed Grass	Switchgrass
Snake Herb	Hamelin's Fountain Grass	Variiegated Japanese Silver Grass
Wood Violet	Indiangrass	Zebra Grass

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B. Landscaping installed that exceeds the minimum required amounts above does not have to be from the drought tolerant/native plant lists contained herein. However, Cottonwood Trees may not be planted within twenty five (25) feet of any public infrastructure.

~~C. Nonresidential and multifamily developments are strongly encouraged to use Buffalograss as turf, due to its low water usage. As an incentive to encourage the use of Buffalograss, nonresidential or multifamily developments that elect to install Buffalograss are exempt from the permanent irrigation requirements above.~~

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SECTION 4
PARKING, CIRCULATION, AND ACCESS AND LOADING

(Ord. 2020-##: 08-11-2020)

4.1 **PURPOSE**

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

4.2 **RESIDENTIAL PARKING PROVISIONS (Z12-0002)**

- A. Required parking shall be provided on the same lot as the use it is to serve.
- B. All required parking spaces shall be constructed from paved concrete or another similar impervious surface if approved by the Town Council prior to construction.
- C. For agricultural uses in the in the A District, required parking may be constructed from washed gravel, asphalt, or similar all-weather surface.
- D. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle.
- E. In the SF, DTSF, TH and 2F Zoning Districts, there shall be a minimum of two (2) parking spaces located behind the front building line and enclosed in the main or an accessory building. In addition, there shall be two (2) paved parking spaces provided behind the front property line only for the purpose of allowing on-site stacking or maneuvering to the enclosed spaces.
- F. In the SF, DTSF, TH and 2F Zoning Districts, all required parking spaces shall be a minimum of nine (9) feet wide and twenty (20) feet long. Required enclosed parking and stacking spaces shall remain clear of any encroachments. *(Ord. 12-06: 02-14-2012)*.
- G. Circular driveways shall be designed to accommodate any required parking behind the front building line.

4.3 **NON-RESIDENTIAL & MULTIFAMILY PARKING PROVISIONS (Ord. 16-46: 07-26-2016)**

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Chapter 4, Section 6 of this Ordinance.
- B. For safety and fire-fighting purposes, free access through to adjacent parking areas shall be provided between adjoining non-residential parcels or building sites.
- C. All required parking spaces shall be constructed from paved concrete or another similar impervious surface if approved by the Town Council prior to construction. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- D. Dead-end parking aisles are not permitted. In the DTO District, where ~~ten-twenty (1020)~~ or fewer off-street parking spaces are provided, a dead-end parking aisle is permitted.
- E. Each head-in parking space shall be a minimum of nine (9) feet wide and twenty (20) feet long, exclusive of driveways and maneuvering aisles, and shall be of usable shape and condition (see Chapter 5, Section 2.3, Illustrations A-G). Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way, or adjacent property, the depth of the standard space may be reduced to eighteen (18) feet. No parking space shall overhang required landscape areas. Parallel parking spaces must be a minimum of eight (8) feet wide and twenty-two (22) feet long. Parking spaces within non-residential structured parking garages shall be a minimum of

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eight and one-half (8.5) feet wide and eighteen (18) feet long.

- F. All parking and loading spaces and vehicle sales areas on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, and to prevent any parked vehicle from overhanging a public right-of-way line, or public sidewalk. Parking shall not be permitted to encroach upon the public right-of-way in any case. All vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into a parking space.
- G. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and shall be screened according to Chapter 4, Section 5 of this Ordinance.
- H. Handicap parking space(s) shall be provided according to State of Texas Program for the Elimination of Architectural Barriers and shall conform to the Americans Disability Act (ADA) of 1991, as may be amended, accessibility guidelines or the Uniform Federal Accessibility Standards.
- I. Parking shall be prohibited in required landscape areas and on unimproved surfaces. Institutional uses shall be exempt from this requirement.
- L. Internal drive aisles shall be designed to incorporate ninety (90) degree intersections. A five (5) degree variance is allowable.
- M. All parking spaces for a building must be located within three hundred and fifty (350) feet of walking distance from the building's public entrance. Big Box, Industrial, Wholesale, and Institutional uses are excluded from this provision.
- N. Parking spaces that face and are adjacent to a building shall utilize curbs, wheel stops, and/or bollards.
- O. Speed bumps are not permitted within a fire lane.
- P. Drive aisles in front of buildings cannot be longer than three hundred (300) feet continuous without an offset equal to the width of the drive aisle, traffic circle, or other acceptable traffic-calming feature approved by the Director of Development Services or his/her designee.
- Q. Restaurants shall receive a fifty percent (50%) reduction to the required parking for areas designated as outdoor dining. The reduction in parking only applies to parking spaces that are required due to the square footage of the outdoor dining area.
- R. All paved areas, which includes, but is not limited to, parking areas, fire lanes, drive aisles, driveways, turn-arounds, and loading areas, shall be paved with concrete or a comparable surface (masonry pavers, stone, brick, etc.), constructed to standards approved by the Director of Development Services or his/her designee. Pervious concrete or other alternative permeable paving surfaces may be used if approved by the Town Council. The use of asphalt, gravel, and crushed rock are strictly prohibited, unless approved as a temporary paving surface by the Director of Development Services or his/her designee. (Z10-0007)
- S. Cart returns shall be constructed of ornamental metal and be permanently affixed to pavement.
- T. For Industrial, Wholesale, and Institutional uses, no more than ten (10) percent of the required parking can be located in the service/loading area of a building except for buildings located on the street.
- U. Multifamily parking is only allowed between the building and a public street when located at or beyond the required landscape setback and screened with a headlight screen of earthen berms and/or a row of shrubs. Buildings with enclosed garages, when adjacent to a public street, must face garage doors internally to the development. Garage doors may not face a public street. No detached garages may be located between residential buildings and a public street. Enclosed garage parking spaces shall be a minimum of ten by twenty (10 x 20) feet.
- V. Multifamily access to a public street in a Single-Family neighborhood will be limited access and will not function as a primary access point for the complex. Access to Single-Family alleys is prohibited. Direct or

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indirect access to a median opening where located on divided thoroughfare is required.

W. Drive aisles within multifamily developments cannot be longer than five hundred (500) feet continuous without an offset equal to the width of the drive aisle, traffic circle, or other acceptable traffic-calming feature approved by the Director of Development Services or his/her designee.

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4.4 PARKING ACCESS FROM A PUBLIC STREET - ALL DISTRICTS

- A. In the approval of a development plan, consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.
- B. In all Districts (except all SF and 2F Districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Building Official or designated representative.
 - 1. Where based upon analysis by the Town, projected volumes of traffic entering or leaving the planned developments are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required to be furnished by the land owner in order to reduce such interference.
 - 2. The determination of additional right-of-way or paving requirements shall be made at the submittal and approval of a preliminary site plan for multifamily and non-residential developments and preliminary plat for all other residential developments.

C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential.

D. All retail/commercial driveways served by a median opening shall be divided.

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1. Driveway medians located along Major Thoroughfares shall be a minimum of six feet (6') wide, and a depth equivalent to the required throat depth, as determined by the Engineering Department. Medians are required to be comprised of natural turf and/or landscaping that does not obstruct visibility, as determined by the Parks Department.

2. Driveway medians located along Minor Thoroughfares shall be a minimum of four feet (4') wide, and a depth equivalent to the required throat depth, as determined by the Engineering Department. Medians are required to be comprised of natural turf and/or landscaping that does not obstruct visibility, as determined by the Parks Department.

E. All non-residential properties shall have access to a median opening either directly, or through cross access.

F. All non-residential lots shall provide cross access drive aisles to adjacent non-residential properties.

1. If used as a fire lane, the cross access drive aisle shall meet all the criteria for a fire lane.

+2. A shared driveway located along a common property line is encouraged and satisfies the requirement for cross access.

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4.5 PARKING REQUIREMENTS BASED ON USE

In all Zoning Districts, at the time any building or structure is erected or structurally altered, parking spaces shall be provided in accordance with the following requirements:

- **Auto laundry or car wash** ~~(self serve)~~: One (1) space per five hundred (500) square feet of gross floor area, or one (1) space per employee, whichever is greater. Stacking and/or self-service areas shall not count toward required parking.
- **Automobile Oil Change and Similar Establishments**: One (1) parking space per service bay **plus** one (1) parking space per maximum number of employees on a shift.

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- **Bank, Savings and Loan, or similar institution:** One (1) space per three hundred and fifty (350) square feet of gross floor area.
- **Bed and breakfast facility:** One (1) space per guest room in addition to the requirements for a normal residential use.
- **Bowling alley:** Three (3) parking spaces for each alley or lane.
- **Business or professional office (general):** One (1) space per three hundred and fifty (350) square feet of gross floor area except as otherwise specified herein.
- **Church, rectory, or other place of worship:** One (1) parking space for each three (3) seats in the main auditorium.
- **College or University:** One (1) space per each day student.
- **Community Center, Library, Museum, or Art Gallery:** Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.
- **Commercial Amusement:** One (1) space per three (3) guests at maximum designed capacity.
- **Country Club or Golf Club:** One (1) parking space for each one hundred fifty (150) square feet of floor area or for every five (5) members, whichever is greater.
- **Dance Hall, Assembly or Exhibition Hall without Fixed Seats:** One (1) parking space for each two hundred (200) square feet of floor area thereof.
- **Dwellings, Single Family and Duplex:** Two (2) covered spaces, located behind the front building line, and two (2) maneuvering spaces for each unit.
- **Dwellings, Multifamily:** Two (2) spaces for one (1) and two (2) bedroom units, plus one half (0.5) additional space for each additional bedroom.
- **Flea Market:** One (1) space for each five hundred (500) square feet of site area.
- **Fraternity, Sorority, or Dormitory:** One (1) parking space for each two (2) beds on campus, and one and one-half (1½) spaces for each two beds in off campus projects.
- **Furniture or Appliance Store, Hardware Store, Wholesale Establishments, Machinery or Equipment Sales and Service, Clothing or Shoe Repair or Service:** Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000).
- **Gasoline Station:** Minimum of three (3) spaces for employees. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.
- **Golf Course:** Five (5) parking spaces per hole.
- **Health Studio or Club:** One (1) parking space per two hundred (200) square feet of exercise area.
- **Hospital:** One (1) space per employee on the largest shift, plus one and one-half (1½) spaces per each bed or examination room whichever is applicable.
- **Hotel:** One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- **Kindergartens, day schools, and similar child training and care establishments** shall provide one (1) paved off-street loading and unloading space for an automobile on a through "circular" drive for each ten (10) students, or one (1) space per ten (10) students, plus one (1) space per teacher.

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- **Library or Museum:** Ten (10) spaces plus one (1) space for every three hundred (300) square feet, over one thousand (1,000) square feet.
- **Lodge or Fraternal Organization:** One (1) space per two hundred (200) square feet.
- **Manufacturing or Industrial Establishment, Research or Testing Laboratory, Creamery, Bottling Plant, Warehouse, Printing or Plumbing Shop, or Similar Establishment:** One (1) parking space for each employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than one (1) parking space for each one thousand (1,000) square feet of floor area.
- **Medical or Dental Office:** One (1) space per two hundred and fifty (250) square feet of floor area. Facilities over twenty thousand (20,000) square feet shall use the parking standards set forth for hospitals.
- **Mini-Warehouse:** Four (4) spaces per complex plus (1) one additional space per three hundred (300) square feet of rental office.
- **Mobile Home Park:** Two (2) spaces for each mobile home plus additional spaces as required herein for accessory uses.
- **Mortuary or Funeral Home:** One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
- **Motel:** One (1) parking space for each sleeping room or suite plus one (1) additional space for each two hundred (200) square feet of commercial floor area contained therein.
- **Motor Vehicle Repair and Service:** Three (3) parking spaces per service bay plus one (1) parking space per maximum number of employees on a shift.
- **Motor-Vehicle Salesroom and Used Car Lots:** One (1) parking space for each five hundred (500) square feet of the structure. These required spaces may not be used to store or display automobiles for sale.
- **Nursing Home:** One (1) space per five (5) beds and one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses.
- **Private Club or Restaurant with a Private Club:** One (1) parking space for each seventy five (75) square feet of gross floor area.
- **Retail Store, Except as Otherwise Specified Herein (Z13-0010):** One (1) space per two hundred and fifty (250) square feet of gross floor area. (*Ordinance 13-48: 9/10/13*).
- **Restaurant, Cafe or Similar Dining Establishment:** One (1) parking space for each seventy five (75) square feet of gross floor area for stand alone buildings without a drive-through, and One (1) parking space for each one hundred (100) square feet of gross floor area for restaurants located within a multi-tenant building and for stand alone buildings with a drive-through.
- **Rooming or Boarding House:** One (1) parking space for each sleeping room.
- **Sanitarium, Convalescent Home, Home for the Aged or Similar Institution:** One (1) parking space for each five (5) beds.
- **School, Elementary, Secondary, or Middle:** One and one half (1.5) parking spaces per classroom, or the requirements for public assembly areas contained herein, whichever is greater.
- **School, High School:** One and one half (1.5) parking spaces per classroom plus one (1) space per five (5) students the school is designed to accommodate, or the requirements for public assembly areas contained herein, whichever is greater.
- **Theater, Sports Arena, Stadium, Gymnasium or Auditorium (except school):** One (1) parking space for each four (4) seats or bench seating spaces.

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- **Truck stops:** One (1) truck parking space for each ten thousand (10,000) square feet of site area, plus one (1) vehicle parking space per two hundred (200) square feet of building area.
- **Warehouse, Wholesale, Mini, Manufacturing and Other Industrial Type Uses:** One (1) space per one thousand (1,000) square feet of gross floor area, or one (1) space per maximum number of employees on a shift, whichever is less.

4.6 RULES FOR COMPUTING NUMBER OF PARKING SPACES

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. "Floor Area" shall mean the gross floor area of the specific use.
- B. Where fractional spaces result, the parking spaces required shall be constructed to be the next whole number.

C. The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the ~~Director of Planning~~ Director of Development Services.

C-D. The Planning & Zoning Commission may approve alternative parking space requirements and/or ratios, subject to consideration of detailed comparable data/studies in conjunction with Site Plan.

D-E. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

E-F. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. Up to fifty (50) percent of the parking spaces required for a theater or other place of evening entertainment (after 6:00 P.M.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours if specifically approved by the Planning & Zoning Commission. Shared parking must be on the same site. Such approval may be rescinded by the Planning & Zoning Commission and additional parking shall be obtained by the owners in the event that the Planning & Zoning Commission determines that such joint use is resulting in a public nuisance by providing an inadequate number of parking spaces or otherwise adversely affecting the public health, safety, or welfare. A decision by the Planning & Zoning Commission to rescind a shared parking approval may be appealed to the Town Council (see appeal procedure in Chapter 4, Section 1.6(B)(7) of this Ordinance).

4.7 LOCATION OF PARKING SPACES

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- A. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed six hundred (600) feet from any other non-residential building served.
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purpose, shall be properly drawn and executed by the parties concerned, approved as to form by the Town Attorney and shall be filed with the application for a site plan, building permit or Certificate of Occupancy (CO); whichever occurs first.
- C. Required parking in the ~~DTO,~~ DTR, and DTC Districts may be reduced by fifty (50) percent of the current

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parking requirements as they exist or may be amended. If it is determined that due to existing site constraints, the requirements of this Ordinance cannot be met, the ~~Director of Planning~~ Director of Development Services may approve the use of parallel or head-in parking located within the street right-of-way, if sufficient right-of-way exists, to satisfy parking requirements.

4.8 **USE OF REQUIRED PARKING SPACES IN NON-RESIDENTIAL DISTRICTS**

Required parking and loading spaces shall be used only for these respective purposes and not for the storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, products for sale.

4.9 **LOADING SPACE REQUIREMENTS**

A. A minimum of one (1) loading space shall be required for big box uses. Loading spaces for other non-residential uses may be required as determined by the Director of Development Services, if it is determined the use or configuration of the site warrants such.

A-B. All non-residential uses providing loading spaces shall provide such loading spaces having five thousand (5,000) square feet or more of gross floor area shall provide and maintain an area for the loading and unloading of merchandise and goods, in accordance with the following requirements:

1. All retail, commercial and industrial uses shall have at least one (1) space per fifty thousand (50,000) square feet of gross floor area, up to one hundred thousand (100,000) square feet and one (1) space for each additional one hundred thousand (100,000) square feet of gross floor area or fraction thereof.
2. All hotels, office buildings, restaurants and similar establishments shall have at least one (1) space per one hundred fifty thousand (150,000) square feet of gross floor area up to three hundred thousand (300,000) square feet of gross floor area or fraction thereof.

3-1. A loading space shall consist of an area of a minimum of twelve (12) feet wide and thirty (30) feet long.

4-2. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks. Each site shall provide a designated maneuvering area for trucks. (See Chapter 5, Section 2.3, Illustration H)

B. Stacking spaces provide the ability for vehicles to queue on site prior to receiving a service. A stacking space shall be a minimum of nine (9) feet wide and twenty (20) feet long and shall not be located within or interfere with any other circulation driveway, parking space, or maneuvering aisle. Stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable. In all Zoning Districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses:

- **Automated Teller Machine (ATM):** Three (3) stacking spaces.
- **Automobile Oil Change and Similar Establishments:** Three (3) stacking spaces per bay.
- **Car Wash (Full Service):** Three (3) stacking spaces for drive-through, or one (1) stacking space per bay. Six (6) stacking spaces per bay.
- ~~Car Wash (Self Service – Automated): Three (3) stacking spaces per bay.~~
- ~~Car Wash (Self Service – Open Bay): Two (2) stacking spaces per bay.~~
- ~~Car Wash (Self Service – Drying Areas and Vacuum Islands): Two (2) stacking spaces per drying area and/or vacuum island.~~
- **Dry Cleaning, Pharmacy, or Other Retail Establishments with a Drive-thru:** Three (3) stacking spaces for first service window.
- **Financial Institution:** Five (5) stacking spaces per window or service lane.
- **Kiosk (with Food Service):** Five (5) stacking spaces for first window, order board, or other stopping

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point.

- **Kiosk (without Food Service):** Two (2) stacking spaces for first window, order board, or other stopping point.
- **Restaurant with Drive-thru:** Five (5) stacking spaces for first window, order board, or other stopping point.

A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle. Buildings and other structures shall be setback a minimum of ten (10) feet from the back of the curb of the intersecting driveway or maneuvering aisle to provide adequate visibility and to allow vehicles to safely exit drive-thru lanes and escape lanes prior to merging into intersecting driveways or maneuvering aisles.

An escape lane shall be provided in proximity to the first stopping point for any use containing a drive-thru facility. ~~An escape lane shall be nine (9) feet wide and shall provide access around the drive thru facility. An escape lane may be part of a circulation aisle.~~

SECTION 5
SCREENING FENCES AND WALLS

(Ord. 2020-##: 08-11-2020)

5.1 PURPOSE

Standards set forth in this Section are intended to encourage the appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards.

5.2 LOCATION OF REQUIRED SCREENING (Z07-7, Z07-8, Z07-17, Z09-5; Ord. No 16-46: 07-26-2016)

- A. When a boundary of a multifamily, institutional, or non-residential Use sides or backs to a property that is zoned or designated on the Future Land Use Plan for residential (non-multifamily) uses, or when any institutional or non-residential Use sides or backs to a MF District, a solid screening wall or fence of not less than six (6) feet nor more than eight (8) feet in height shall be erected on the property line separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

The owner of such property of the lesser restrictive use shall be responsible for and shall build the required wall or fence on his property line dividing his property from the more restrictive zoning district. In cases where the Planning & Zoning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall after a landscape plan has been prepared to demonstrate equal visual screening.

A screening wall or fence required under the provisions of this section, under a Specific Use Permit, a Planned Development District, or other requirement shall be constructed of clay-fired brick masonry units or other suitable permanent materials which do not contain openings constituting more than forty (40) square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. Concrete masonry units, poured in place concrete, tilt-up concrete, or concrete panels may be used upon approval by the Planning & Zoning Commission.

Properties zoned for the DTC, DTR, or DTO District are only required to provide screening along property lines that are adjacent to properties shown as residential on the Future Land Use Plan. The screening shall consist of an eight foot (8') cedar board-on-board wooden fence constructed in accordance with the fence ordinance as it exists or may be amended. In the DTO District, the height of the fence may be reduced to six (6) feet.

- B. All required screening walls shall be equally finished on both sides of the wall.
- C. All loading and service areas shall be screened from view from adjacent public streets and adjacent property that is zoned or designated on the Future Land Use Plan for residential uses. Screening shall be by walls with complimentary landscaping that is compatible with the project design.
 - 1. Screening walls shall be fourteen (14) feet tall with one row of perimeter evergreen trees adjacent to the loading area.
 - 2. A screening wall is not required if a double row of perimeter evergreen trees is provided on offset fifty (50) foot centers within a fifteen (15) foot landscape edge. Fifty (50) percent of the trees shall be canopy evergreen trees.
- D. All uses providing open storage shall provide a site plan and landscape plan depicting the following:

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1. The location of open storage on the property;
2. The location of parking and vehicular maneuvering aisles and/or fire lanes in relation to the open storage;
3. The location of pedestrian access and/or sidewalks adjacent to and accessing the open storage and the primary use; and
4. The location, height, and type of screening.

A new use utilizing an existing building shall submit an amended site plan depicting the location of open storage. If the open storage area exceeds twenty percent (20%) of the gross floor area of the primary use building or ten (10%) of the lot area, it must be presented on a site plan and approved by the Planning & Zoning Commission.

~~E. Open storage shall abide by the following requirements:~~

- ~~1. It shall only contain equipment, vehicles, commodities, materials, goods, or merchandise that is sold, rented, or distributed within the inside of a building of a primary use, unless it is demonstrated to the Director of Development Services or his/her designee that such products or materials could not be located indoors.~~
- ~~2. It shall not be located within any required front, side, or rear yard setbacks.~~
- ~~3. It shall be screened from all streets and adjacent properties with the following:~~
 - ~~a. A minimum six (6) foot ornamental metal fence, not to be more than ten (10) feet in height, with a solid living screen located in a ten (10) foot landscape setback, containing a minimum of three (3) inch caliper evergreen trees on fifteen (15) foot centers with a continuous row of minimum seven (7) gallon evergreen shrubs along the exterior or interior of the fence; or~~
 - ~~b. A minimum six (6) foot masonry wall, not to be more than ten (10) feet in height, matching the materials of the primary building with three (3) inch caliper evergreen trees on fifteen (15) foot centers, located in a ten (10) foot landscape setback along the interior of the wall.~~
 - ~~c. Alternative types of screening must be reviewed by the Planning & Zoning Commission with a recommendation forwarded to Town Council for approval.~~
- ~~4. It shall not exceed a height of one (1) foot below the top of the solid living screen or wall screening, whichever is greater, or be visible from the property line. A Nursery, Major may store plants that exceed the height of the living screen or wall.~~
- ~~5. All gates and doors shall provide an opaque screen. The total of all openings for access may not exceed twenty four (24) feet in width.~~
- ~~6. It shall not be located within any required parking spaces, loading areas, fire lanes, vehicular maneuvering aisles, customer pick up lanes, or on the roof of any structure.~~
- ~~7. It shall not apply to new and used sales or lease of automobiles, motorcycles, recreational vehicles, watercraft, or similar facilities as approved by the Director of Development Services or his/her designee requiring open storage.~~
- ~~8. The Planning & Zoning Commission may waive these requirements if no public purpose would be served by the construction of the required screen, or natural features (i.e. vegetation or topography) exist that sufficiently screen the open storage.~~

~~F.E.~~ Trash and recycling collection areas shall be located to minimize visibility. Trash and recycling receptacles shall be screened with a six (6) foot clay fired brick or stone wall of a color that is consistent with the color of the primary building. Trash compactors shall be screened with an eight (8) foot clay fired brick or stone wall of a color that is consistent with the color of the primary building. Screening enclosures

Commented [AG1]: Moved to Conditional Development Standards.

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shall be visually and aesthetically compatible with the overall project. Collection area enclosures shall contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way or any residentially zoned property, unless setback a minimum of two hundred and fifty feet (250') from the right-of-way or residentially zoned property. The fourth (4th) side will incorporate a metal gate of a height equal to the height of the wall to visually screen the dumpster or compactor. Enclosure sizes and specifications shall be determined by the Town's trash and recycling contractor.

~~G.F.~~ Where any alley intersects with a street, no fence or plant taller than two and one-half (2½) feet may be placed within a sight visibility triangle defined by measuring five (5) feet down the alley right-of-way line and measuring fifteen (15) feet down the street right-of-way line, then joining said points to form the hypotenuse of the triangle.

~~H.G.~~ In any residential Zoning District, or along the common boundary between any residential and non-residential district where a wall, fence, or screening separation is provided, the following standards for height, location, and design shall be observed:

1. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight (8) feet in height above the grade of the adjacent property. Where a fence intersects a screening wall and the height of the fence exceeds the height of the screening wall, the height of the fence shall transition to the height of the screening wall over a distance of twenty (20) feet.
2. The maximum height of a fence or wall in a required front yard of a single family or duplex shall not exceed four (4) feet. Combinations of berms and fences shall not exceed four (4) feet in height. Ornamental metal fencing that is attached to required screening walls as defined in Subdivision Ordinance No. 03-05, as it currently exists or may be amended, may be constructed up to eight (8) feet in height in the front yard of cul-de-sac lots for only the side of the lot that is adjacent to a street with a right-of-way width of sixty (60) feet or greater. The height of this fence shall not exceed the height of the adjacent required screening wall.
3. The maximum height of a fence in a required front yard of a single family lot that is one (1) acre or larger may exceed the four (4) foot height limit established above, provided that said fence shall not exceed eight (8) feet in height and shall be constructed of wrought iron or decorative tubular steel.

~~H.H.~~ Screening shall be required between residential lots and adjacent right-of-ways as required by Subdivision Ordinance No. 03-05, as it currently exists or may be amended.

~~H.I.~~ Rooftop and ground-mounted mechanical equipment shall be screened with a parapet wall and/or masonry wall a minimum of twelve inches (12") in height taller than the mechanical equipment being screened. Where rooftop-mounted mechanical equipment is not screened from view at a point six feet (6') above ground level at the property line, alternative forms of screening are required, and may be constructed of metal, acrylic, or a similar material, subject to approval by the Director of Development Services. All mechanical equipment shall be screened from view at a point six (6) feet above ground level at the property line. If a parapet does not accomplish this screening, a screening wall equal to the height of the equipment shall be provided. Buildings adjacent to single family zoned property or property that is designated as single family on the Future Land Use Plan shall provide a screening wall equal to the height of the equipment on all sides that face the residential property.

~~K.J.~~ A six (6) foot irrigated living screen shall be required when parking is located adjacent to residential in the DTC or DTR District. In the DTO District, the living screen may be reduced to a minimum of three (3) feet but shall be solid at the time of planting. In the DTO District, the living screen is not required where a wood fence is required in accordance with Subsection 5.2(A) above.

~~L.K.~~ Air conditioning units, trash/recycling containers, and pool equipment shall be entirely screened from view from adjacent public right-of-way by a living screen consisting of evergreen shrubs, a solid privacy fence, or through building orientation.

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SECTION 8 – NON-RESIDENTIAL & MULTIFAMILY DESIGN AND DEVELOPMENT

SECTION 8
NON-RESIDENTIAL & MULTIFAMILY DESIGN AND DEVELOPMENT ~~(Z07-19)~~

(Ord. 2020-##: 08-11-2020)

8.1 APPLICABILITY

The regulations provided in Sections 8.2 – 8.6 shall apply to all office, retail, restaurant, service, automobile, and commercial uses. The regulations provided in sections 8.7 – 8.10 shall apply to all industrial, wholesale, and institutional uses. Where the regulations of this Section conflict with other Sections of this Ordinance, the regulations of this Section shall apply.

The intent of these provisions is to promote high-quality architecture that relates to the street, scale of development, and surrounding land uses by utilizing three properties of good design: massing, use of materials, and attention to detail.

OFFICE, RETAIL, RESTAURANT, SERVICE, AUTOMOBILE, AND COMMERCIAL DEVELOPMENT STANDARDS

8.2 EXTERIOR APPEARANCE OF BUILDINGS AND STRUCTURES

A. All exterior facades of an office, retail, restaurant, and commercial building or structure, excluding glass windows and doors, shall be constructed using the permitted buildings materials in Chapter 4, Section 8.2 (B. & C).

B. All exterior facades for a main building or structure, excluding glass windows and doors, in the O, DTR, NS, R, DTC, C, and CC Districts shall be constructed of one hundred (100%) percent masonry as defined in Chapter 3, Section 2. The use of stucco and EIFS are only permitted as secondary or accent materials.

1. The Town Council, after recommendation by the Planning & Zoning Commission, may grant an exception to the foregoing exterior façade and design requirements, based upon consideration of the criteria listed in subpart 2, below.

2. In considering an exception to the exterior façade requirements, the Planning & Zoning Commission and Town Council may consider whether a proposed alternate material:

a. is a unique architectural expression;

b. includes unique building styles and materials;

c. is consistent with high quality development;

d. is or would be visually harmonious with existing or proposed nearby buildings;

e. has obvious merit based upon the quality and durability of the materials; and

f. represents an exterior building material that is in keeping with the intent of this chapter to balance the abovementioned objectives.

3. Any exterior façade exception shall be considered in conjunction with a preliminary site plan or site plan application.

Commented [AG1]: Moved from Chapter 9

A-C. Permitted primary exterior materials are clay fired brick, natural, precast, and manufactured stone, granite, and marble. A, architectural concrete block, split face concrete masonry unit, and architecturally finished concrete tilt wall may be used for big box uses.

B-D. Secondary materials used on the façade of a building are those that comprise a total of ten (10) percent or less of an elevation area. Permitted secondary materials are all primary materials, aluminum or other

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metal, cedar or similar quality decorative wood, stucco, and high impact exterior insulation and finish systems (EIFS). Stucco and EIFS are only permitted a minimum of nine (9) feet above grade.

~~C-E.~~ No single material shall exceed eighty (80) percent of an elevation area. A minimum of twenty (20) percent of the front façade and all facades facing public right-of-way shall be natural or manufactured stone. A minimum of ten (10) percent of all other facades shall be natural or manufactured stone.

~~D-F.~~ All buildings with a footprint of less than ten thousand (10,000) square feet and located 100 feet or less from a residential zoning district shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof. All sloped roofs shall have a six (6) in twelve (12) inch minimum slope. All buildings with a footprint of less than ten thousand (10,000) square feet and located 100 feet or greater from a residential zoning district shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof, or a flat roof with an articulated parapet wall or cornice. Wood shingles are prohibited. Composition shingles are allowed provided they have architectural detail and a minimum 30 year life.

~~E-G.~~ All buildings with a footprint of ten thousand (10,000) square feet and greater shall incorporate sloped roof elements including, but not limited to pitched roofs on towers or arcades, sloped awnings, sloped parapets. Flat roofs are permitted with an articulated parapet wall or cornice in place of the required sloped roof elements. The sloped elements shall be provided along a minimum of sixty (60) percent of each wall's length. All sloped roof elements shall have a six (6) in twelve (12) inch minimum slope. Wood shingles are prohibited. Composition shingles are allowed provided they have architectural detail and a minimum 30 year life.

~~F.~~ In the DTR and DTC Districts, an articulated parapet wall or cornice may be used in place of the sloped roof as required in Section 8.2(E) and (F) above.

Commented [AG2]: Moved to Downtown Section below

~~G-H.~~ All buildings shall be designed to incorporate a form of architectural articulation every thirty (30) feet, both horizontally along each wall's length and vertically along each wall's height. Acceptable articulation may include the following:

- Canopies, awnings, or porticos;
- Recesses/projections;
- Arcades;
- Arches;
- Display windows, including a minimum sill height of thirty (30) inches;
- Architectural details (such as tile work and moldings) integrated into the building facade;
- Articulated ground floor levels or base;
- Articulated cornice line;
- Integrated planters or wing walls that incorporate landscape and sitting areas;
- Offsets, reveals or projecting rib used to express architectural or structural bays; or
- Varied roof heights;

~~I.~~ All buildings shall be designed to incorporate a form of window articulation. Acceptable articulation may include the following:

- Detailed/patterned mullions
- Glass depth from wall min. 8"
- Projected awnings/sunshades

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- Water table in lieu of floor to ceiling glass
- Articulated lintel (i.e. soldier course in brick or material change EIFS or cast stone with min. ½” projection)
- Articulated sill (i.e. soldier course in brick or material change EIFS or cast stone with min. ½” projection)
- Cast stone surrounds on entire window



J. All buildings constructed primarily of brick shall incorporate a form of brick patterning (excluding typical traditional brick patterning, i.e. Running Bond). Acceptable patterning may include those represented below, or similar subject to approval by the Director of Development Services:



Commented [AG3]: Per Blue Star response, added exclusion of running bond.

H. In the DTR and DTC Districts, all windows shall include a minimum sill height of eighteen (18) inches.

Commented [AG4]: Moved to Downtown Section below

- K. All buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features except the rear if two (2) rows of trees are planted on the perimeter behind the building. In this case, the architectural finish must match the remainder of the building in color only. A double row of trees on offset fifty (50) foot centers in a fifteen (15) foot landscape edge, where fifty (50) percent of the trees are canopy evergreen trees. This is for facades that are not visible from public streets and apply to anchor buildings and attached in line spaces only. This provision does not apply to “out” buildings or pad sites.
- L. Windows shall have a maximum exterior visible reflectivity of ten (10) percent. The intent of this provision is to prevent the safety hazard of light reflecting from the windows on to adjacent roadways.
- M. All retail/commercial buildings with facades greater than two hundred (200) feet in length shall incorporate wall plane projections or recesses that are at least six (6) feet deep. Projections/recesses must be at least twenty five (25) percent of the length of the facade. No uninterrupted length of facade may exceed one hundred (100) feet in length. This requirement does not apply to building developed and occupied entirely for office uses.
- N. All buildings within a common development, as shown on a Preliminary Site Plan, shall have similar architectural styles, materials, and colors.
 1. Conceptual facade plans and sample boards shall be submitted with the Preliminary Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
 2. A final facade plan and sample boards shall be submitted with the Final Site Plan application for all non-residential uses. Facade plans will be used only to ensure minimum standards are met. Façade

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plans shall be reviewed and approved by the Director of Development Services or his/her designee. The applicant may appeal the decision to the Planning & Zoning Commission and Town Council using the appeal procedure in Chapter 4, Section 1 of this Ordinance.

~~M.O.~~ All primary and secondary exterior building materials (exclusive of glass) shall be of natural texture and shall be neutrals, creams, or other similar, non-reflective earth tone colors. Bright, reflective, pure tone primary or secondary colors, such as red, orange, yellow, blue, violet, or green are not permitted.

~~N.P.~~ Corporate identities that conflict with the building design criteria shall be reviewed on a case-by-case basis and approved by the Director of Development Services or his/her designee. The applicant may appeal the decision to the Planning & Zoning Commission and Town Council using the appeal procedure in Chapter 4, Section 1 of this Ordinance.

~~Q.~~ Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color. Natural metal finishes (patina) are an acceptable alternative to paint.

~~R.~~ Unclassified non-residential uses (i.e. amenity centers) which are permitted in residential districts shall develop in accordance with the office, retail, restaurant, service, automobile, and commercial development standards.

~~S.~~ The Town Council may approve materials which are equivalent to, or exceed, the standards set forth in Chapter 4, Section 9.8 (A & C), above.

~~T.~~ Downtown Development Standards are as follows:

- ~~1.~~ In the DTR and DTC Districts, an articulated parapet wall or cornice may be used in place of the sloped roof as required in Section 8.2(E) and (F) above.
- ~~2.~~ In the DTR and DTC Districts, all windows shall include a minimum sill height of eighteen inches (18").
- ~~3.~~ In the DTO District, cementitious fiber board may be used on up to ninety (90) percent of a structure.
- ~~4.~~ Roof pitches of a main building or structure in the DTO District shall meet the following:
 - ~~a.~~ A minimum of sixty-five percent (65%) of the surface area of composition roofs shall maintain a minimum roof pitch of 8:12.
 - ~~b.~~ A minimum of seventy-five percent (75%) of the surface area of clay tile, cement tile, slate or slate products, or metal roofs shall maintain a minimum roof pitch of 3:12.
 - ~~c.~~ Wood roof shingles are prohibited.

Commented [AG5]: Moved from Section 9

~~8.3~~ **BIG BOX REQUIREMENTS**

~~A.~~ Big Box uses are permitted by right with appropriate zoning and within retail/commercial centers adjacent to University Drive (U.S. 380), Dallas Parkway, or Preston Road.

~~B.~~ Big Box uses are permitted by Specific Use Permit (SUP) in other areas where zoning is appropriate.

~~8.4~~ **CIRCULATION AND PARKING REQUIREMENTS**

~~A.~~ Internal drive aisles shall be designed to incorporate ninety (90) degree intersections. A five (5) degree variance is allowable.

~~B.~~ All parking spaces for a building must be located within three hundred and fifty (350) feet of walking distance from the building's public entrance. Big Box uses are excluded from this provision.

~~C.~~ Parking spaces that face and are adjacent to a building shall utilize curbs, wheel stops, and/or bollards.

~~D.~~ Speed bumps are not permitted within a fire lane.

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- ~~E. Drive aisles in front of buildings cannot be longer than three hundred (300) feet continuous without an offset equal to the width of the drive aisle, traffic circle, or other acceptable traffic calming feature approved by the Director of Development Services or his/her designee.~~
- ~~F. Restaurants shall receive a fifty percent (50%) reduction to the required parking for areas designated as outdoor dining. The reduction in parking only applies to parking spaces that are required due to the square footage of the outdoor dining area.~~
- ~~G. All paved areas, which includes, but is not limited to, parking areas, fire lanes, drive aisles, driveways, turn-arounds, and loading areas, shall be paved with concrete or a comparable surface (masonry pavers, stone, brick, etc.), constructed to standards approved by the Director of Development Services or his/her designee. Pervious concrete or other alternative permeable paving surfaces may be used if approved by the Town Council. The use of asphalt, gravel, and crushed rock are strictly prohibited, unless approved as a temporary paving surface by the Director of Development Services or his/her designee. (Z10-0007)~~

Commented [AG6]: Moved to Section 4

8.5 LANDSCAPING AND OPEN SPACE REQUIREMENTS

- ~~A. Required parking lot trees may be consolidated into groups under the following conditions:

 - ~~1. The number of required trees is one (1) per ten (10) parking spaces.~~
 - ~~2. Consolidated tree islands require one hundred and eighty (180) square feet per tree.~~
 - ~~3. The maximum run of parking spaces is increased from fifteen (15) to thirty (30).~~
 - ~~4. This consolidation does not include the tree islands at the end of a row of parking or along perimeter parking rows that face a drive aisle or street.~~
 - ~~5. A consolidated tree island shall not be located closer than five (5) parking spaces from an end of row tree island.~~~~
- ~~B. All uses containing a drive-in or drive thru shall be subject to the following standards:

 - ~~1. A minimum ten (10) foot wide landscape island shall be constructed around the outer edge of the drive thru lane for a minimum distance to equal the length of stacking required for the drive thru facility.~~
 - ~~2. The landscape island shall contain minimum three (3) inch caliper evergreen or deciduous trees planted fifteen (15) feet on center with minimum five (5) gallon shrubs planted three (3) feet on center. Ornamental trees evenly interspersed between the evergreen or deciduous trees may be substituted for the shrubs. If the landscape island is located on the perimeter of the property, perimeter landscaping requirements may be applied towards this requirement.~~~~
- ~~C. A final open space plan shall be submitted with the Final Site Plan application for all non residential uses. Open space plans will be used only to ensure minimum standards are met. Open space plans shall be reviewed and approved by the Director of Development Services or his/her designee. The applicant may appeal the decision to the Planning & Zoning Commission. For nonresidential development, seven (7) percent of the net lot area is required to be provided as open space. The open space may consist of any element that is not one of the following:

 - ~~1. Vehicular paving.~~
 - ~~2. Required parking lot landscape islands.~~
 - ~~3. Building footprint.~~
 - ~~4. Utility yards.~~
 - ~~5. Required landscape setbacks.~~
 - ~~6. Sidewalks, unless the sidewalk is designated as an outdoor dining area on the approved site plan.~~~~

Commented [AG7]: Moved to Section 2

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~~7. Detention ponds. Detention ponds that are located between the building and street and contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or his/her designee, may be calculated toward the required open space.~~

Commented [AG8]: Moved to Section 2

~~8.6~~ ACCESS REQUIREMENTS

- ~~A. All retail/commercial driveways served by a median opening shall be divided.~~
- ~~B. All retail/commercial properties shall have access to a median opening either directly, or through cross access.~~
- ~~C. All non-residential lots shall provide cross-access drive aisles to adjacent non-residential properties.

 - ~~1. If used as a fire lane, the cross access drive aisle shall meet all the criteria for a fire lane.~~
 - ~~2. A shared driveway located along a common property line is encouraged and satisfies the requirement for cross access.~~~~

Commented [AG9]: Moved to Section 4.

INDUSTRIAL, WHOLESALE, AND INSTITUTIONAL DEVELOPMENT STANDARDS

~~8.78.3~~ EXTERIOR APPEARANCE OF BUILDINGS AND STRUCTURES

- ~~A. All exterior facades of an industrial, wholesale, or institutional building or structure, excluding glass windows and doors, shall be constructed using the permitted buildings materials in Chapter 4, Section 8.2 (B. & C).~~
- ~~B. All exterior facades for a main building or structure, excluding glass windows and doors, in the I District shall be constructed of one hundred (100%) percent masonry as defined in Chapter 3, Section 2. The use of stucco and EIFS are only permitted as secondary or accent materials.

 - ~~1. The Town Council, after recommendation by the Planning & Zoning Commission, may grant an exception to the foregoing exterior façade and design requirements, based upon consideration of the criteria listed in subpart 2, below.~~
 - ~~2. In considering an exception to the exterior façade requirements, the Planning & Zoning Commission and Town Council may consider whether a proposed alternate material:

 - ~~a. is a unique architectural expression;~~
 - ~~b. includes unique building styles and materials;~~
 - ~~c. is consistent with high quality development;~~
 - ~~d. is or would be visually harmonious with existing or proposed nearby buildings;~~
 - ~~e. has obvious merit based upon the quality and durability of the materials; and~~
 - ~~f. represents an exterior building material that is in keeping with the intent of this chapter to balance the abovementioned objectives.~~~~
 - ~~3. Any exterior facade exception shall be considered in conjunction with a preliminary site plan or site plan application.~~~~

Commented [AG10]: Moved from Chapter 9

~~B-C.~~ Permitted primary exterior materials are clay fired brick, natural, precast, and manufactured stone, granite, marble, architectural concrete block, split face concrete masonry unit, and architecturally finished concrete tilt wall.

~~C-D.~~ Secondary materials used on the façade of a building are those that comprise a total of ten (10) percent or less of an elevation area. Permitted secondary materials are all primary materials, aluminum or

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other metal, cedar or similar quality decorative wood, stucco, and high impact exterior insulation and finish systems (EIFS). Stucco and EIFS are only permitted a minimum of nine (9) feet above grade.

D-E. No single material shall exceed eighty (80) percent of an elevation area. A minimum of twenty (20) percent of the front façade and all facades facing public right-of-way shall be clay fired brick or natural, precast, or manufactured stone. The clay fired brick or natural, precast, or manufactured stone shall be located at the main entry points of the building.

E-F. The front façade, all facades facing public right-of-way, and all facades facing property that is zoned or designated on the Future Land Use Plan for residential uses shall be architecturally finished with same materials, detailing, and features. The architectural finish of all other facades must match the remainder of the building in color only.

F-G. All buildings with a front façade or a facade facing public right-of-way which are greater than two hundred (200) feet in length shall incorporate projections or recesses that are at least six (6) feet deep. Projections/recesses must be at least twenty (20) percent of the length of the façade.

G-H. Windows shall have a maximum exterior visible reflectivity of ten (10) percent. The intent of this provision is to prevent the safety hazard of light reflecting from the windows on to adjacent roadways.

H-I. All buildings within a common development, as shown on a Preliminary Site Plan, shall have similar architectural styles, materials, and colors.

1. Conceptual facade plans and sample boards shall be submitted with the Preliminary Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.

2. A final facade plan and sample boards shall be submitted with the Final Site Plan application for all non-residential uses. Facade plans will be used only to ensure minimum standards are met. Façade plans shall be reviewed and approved by the Director of Development Services or his/her designee. The applicant may appeal the decision to the Planning & Zoning Commission and Town Council using the appeal procedure in Chapter 4, Section 1 of this Ordinance.

I-J. All primary and secondary exterior building materials (exclusive of glass) shall be of natural texture and shall be neutrals, creams, or other similar, non-reflective earth tone colors. Bright, reflective, pure tone primary or secondary colors, such as red, orange, yellow, blue, violet, or green are not permitted.

J-K. Corporate identities that conflict with the building design criteria shall be reviewed on a case-by-case basis and approved by the Director of Development Services or his/her designee. The applicant may appeal the decision to the Planning & Zoning Commission and Town Council using the appeal procedure in Chapter 4, Section 1 of this Ordinance.

L. Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color. Natural metal finishes (patina) are an acceptable alternative to paint.

E. Exterior construction of maintenance buildings for golf courses, public or parochial schools, churches, of the Town of Prosper may be metal upon issuance of a Specific Use Permit. Exterior construction of buildings used for agricultural purposes in conjunction with a school may be metal upon issuance of a Specific Use Permit.

If an expansion or an addition to an existing metal building is not greater than ten (10) percent or seven thousand (7,000) square feet, whichever is greater, the masonry requirement shall not apply to the expansion or addition to the existing metal building.

D. The Town Council may approve materials which are equivalent to, or exceed, the standards set forth in Chapter 4, Section 9.8 (A & C), above.

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MULTIFAMILY DEVELOPMENT STANDARDS

8.4 MULTIFAMILY DEVELOPMENT STANDARDS

- A. All exterior facades for a main building or structure, excluding glass windows and doors, in the MF District shall be constructed of one hundred (100%) percent masonry as defined in Chapter 3, Section 2. The use of stucco and EIFS are only permitted as secondary or accent materials.
1. The Town Council, after recommendation by the Planning & Zoning Commission, may grant an exception to the foregoing exterior façade and design requirements, based upon consideration of the criteria listed in subpart 2, below.
 2. In considering an exception to the exterior façade requirements, the Planning & Zoning Commission and Town Council may consider whether a proposed alternate material:
 - a. is a unique architectural expression;
 - b. includes unique building styles and materials;
 - c. is consistent with high quality development;
 - d. is or would be visually harmonious with existing or proposed nearby buildings;
 - e. has obvious merit based upon the quality and durability of the materials; and
 - f. represents an exterior building material that is in keeping with the intent of this chapter to balance the abovementioned objectives.
 3. Any exterior façade exception shall be considered in conjunction with a preliminary site plan or site plan application.
- B. The Town Council may approve materials which are equivalent to, or exceed, the standards set forth in Chapter 4, Section 9.8 (A & C), above.
- C. Structure Separation – Multifamily structures on the same parcel shall have the following minimum distance between structures:
1. From main structure to main structure with walls that have openings for doors or windows on facades facing each other.
 - C. Face to Face: fifty (50) feet
 - D. Face to End: thirty (30) feet
 - E. Corner to Face or End: thirty (30) feet
 - F. End to End: thirty (30) feet
 2. From main structure to main structure with walls that do not have openings, the minimum distance between structures is twenty (20) feet for one- and two-story buildings and thirty (30) feet for three-story buildings.
 3. From main structure to accessory buildings or pools, the minimum distance between structures is twenty (20) feet.
 4. From main structure to free standing garage building, the minimum distance between structures is thirty (30) feet.
- D. All multifamily buildings shall be designed to incorporate a form of architectural articulation every thirty (30) feet, both horizontally along each wall's length and vertically along each wall's height. Acceptable

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Commented [AG13]: Moved from Section 9

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articulation may include the following:

- Canopies, awnings, or porticos:
- Recesses/projections:
- Arcades:
- Arches:
- Architectural details (such as tile work and moldings) integrated into the building facade:
- Articulated ground floor levels or base:
- Articulated cornice line:
- Integrated planters or wing walls that incorporate landscape and sitting areas:
- Offsets, reveals or projecting rib used to express architectural or structural bays:
- Accent materials (minimum 15% of exterior facade):
- Varied roof heights:
- Or other architectural features approved by the Director of Development Services or his/her designee

E. All buildings shall be designed to incorporate a form of window articulation. Acceptable articulation may include the following:

- Detailed/patterned mullions
- Glass depth from wall minimum eight inches (8")
- Projected awnings/sunshades
- Water table in lieu of floor to ceiling glass
- Articulated lintel (i.e. soldier course in brick or material change EIFS or cast stone with minimum one half inch (1/2") projection)
- Articulated sill (i.e. soldier course in brick or material change EIFS or cast stone with minimum one half inch (1/2") projection)
- Cast stone surrounds on entire window



F. All buildings constructed primarily of brick shall incorporate a form of brick patterning (excluding typical traditional brick patterning, i.e. Running Bond). Acceptable patterning may include those represented below, or similar subject to approval by the Director of Development Services:



Commented [AG15]: Per Blue Star response, added exclusion of running bond.

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G. All multifamily buildings shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof. All sloped roofs shall have a three (3) in twelve (12) inch minimum slope. Wood shingles are prohibited.

8.8 CIRCULATION AND PARKING REQUIREMENTS

- A. Internal drive aisles shall be designed to incorporate ninety (90) degree intersections. A five (5) degree variance is allowable.
- B. Parking spaces that face and are adjacent to a building shall utilize curbs, wheel stops, and/or bollards.
- C. Speed bumps are not permitted within a fire lane.
- D. No more than ten (10) percent of the required parking can be located in the service/loading area of a building except for buildings located on the street.
- E. All paved areas, which includes, but is not limited to, parking areas, fire lanes, drive aisles, driveways, turn-arounds, and loading areas, shall be paved with concrete or a comparable surface (masonry pavers, stone, brick, etc.), constructed to standards approved by the Director of Development Services or his/her designee. Pervious concrete or other alternative permeable paving surfaces may be used if approved by the Town Council. The use of asphalt, gravel, and crushed rock are strictly prohibited, unless approved as a temporary paving surface by the Director of Development Services or his/her designee. (Z10-0007)

Commented [AG16]: Moved to Section 4

8.9 LANDSCAPING AND OPEN SPACE REQUIREMENTS

- A. Required parking lot trees may be consolidated into groups under the following conditions:
 1. The number of required trees is one (1) per ten (10) parking spaces.
 2. Consolidated tree islands require one hundred and eighty (180) square feet per tree.
 3. The maximum run of parking spaces is increased from fifteen (15) to thirty (30).
 4. This consolidation does not include the tree islands at the end of a row of parking or along perimeter parking rows that face a drive aisle or street.
 5. A consolidated tree island shall not be located closer than five (5) parking spaces from an end of row tree island.
- B. All uses containing a drive-in or drive thru shall be subject to the following standards:
 1. A minimum ten (10) foot wide landscape island shall be constructed around the outer edge of the drive thru lane for a minimum distance to equal the length of stacking required for the drive thru facility.
 2. The landscape island shall contain minimum three (3) inch caliper evergreen or deciduous trees planted fifteen (15) feet on center with minimum five (5) gallon shrubs planted three (3) feet on center. Ornamental trees evenly interspersed between the evergreen or deciduous trees may be substituted for the shrubs. If the landscape island is located on the perimeter of the property, perimeter landscaping requirements may be applied towards this requirement.
- C. A final open space plan shall be submitted with the Final Site Plan application for all

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~~non residential uses. Open space plans will be used only to ensure minimum standards are met. Open space plans shall be reviewed and approved by the Director of Development Services or his/her designee. The applicant may appeal the decision to the Planning & Zoning Commission. For nonresidential development, seven (7) percent of the net lot area is required to be provided as open space. The open space may consist of any element that is not one of the following:~~

- ~~1. Vehicular paving.~~
- ~~2. Required parking lot landscape islands.~~
- ~~3. Building footprint.~~
- ~~4. Utility yards.~~
- ~~5. Required landscape setbacks.~~
- ~~6. Sidewalks, unless the sidewalk is designated as an outdoor dining area on the approved site plan.~~
- ~~7. Detention ponds. Detention ponds that are located between the building and street and contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or his/her designee, may be calculated toward the required open space.~~

Commented [AG18]: Moved to Section 2.

8.10 ACCESS REQUIREMENTS

~~A. All non residential lots shall provide cross access drive aisles to adjacent non residential properties.~~

- ~~1. If used as a fire lane, the cross access drive aisle shall meet all the criteria for a fire lane.~~
- ~~2.1. A shared driveway located along a common property line is encouraged and satisfies the requirement.~~

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SECTION 9
ADDITIONAL AND SUPPLEMENTAL(Ord. 2020-##: 08-11-2020)

9.1 LOT REGULATIONS:

- A. The minimum lot area for the various Zoning Districts shall be in accordance with the individual Districts except that a lot having less area than herein required which was an official "lot of record" prior to the adoption of this Ordinance, may be used for a single-family dwelling and no lot existing at the time of passage of this Ordinance shall be reduced in area below the minimum requirements set forth in the respective District.
- B. Location of Dwellings and Buildings - Only one main building for single family and two-family use, with permitted accessory buildings, may be located upon a lot or unplatted tract.
- C. Every means of access shall have a minimum lot width of twenty-five (25) feet at the property line.
- D. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the site plan for such development is approved by the Planning & Zoning Commission so as to comply with the Town Subdivision Regulations' requirements for platting.
- E. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.
- F. Residential Density Calculations:

The maximum permitted residential densities for the TH and MF Districts shall be calculated using the net acreage of the site to be developed. Net acreage shall not include the following:

- Right-of-way dedicated for major thoroughfares.
- Required parkland dedication.
- Detention.
- Land used for non-residential purposes.

Net acreage may include the following:

- Non-reclaimed floodplain.
- Private open space.
- Park dedication in excess of minimum park dedication requirements.
- Detention ponds that contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the ~~Director of Planning~~Director of Development Services or his/her designee.

9.2 MINIMUM DWELLING UNIT AREA:

The minimum dwelling unit area of a residential unit shall be as specified in each residential Zoning District in Chapter 2 of this Ordinance. Dwelling unit area is defined as that area devoted to the living area in a residence or dwelling unit and is exclusive of porches, enclosed or open breezeways, storage area or closets, garages, or other non-living space. The minimum dwelling unit area will generally be that space which is air-conditioned.

9.3 FRONT YARD:

- A. On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless shown specifically otherwise on a final plat.
- B. Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more Zoning Districts, the front yard shall comply with the requirements of the most restrictive Zoning

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District for the entire frontage.

- C. Where a building line has been established by a plat approved by the Town of Prosper or by ordinance prior to the adoption of this Ordinance, and such line required is a greater or lesser front yard setback than prescribed by this Ordinance for the Zoning District in which the building line is located, the required front yard shall comply with the building line so established by such Ordinance or plat provided no such building line shall be set back less than twenty (20) feet.
- D. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed three (3) feet, and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty (30) inches above the average grade of the ground under the structure (See Chapter 5, Section 2.3, Illustration I).
- E. Where a lot fronts and backs to two (2) different streets, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed (See Chapter 5, Section 2.3, Illustration J).
- F. In all Single Family and 2F Districts, the minimum front yard setbacks for all lots fronting onto the same street along a block shall be staggered such that one third (1/3) of the lots have a front yard setback that is reduced by five (5) feet, one third (1/3) of the lots have a front yard setback as defined in Chapter 2, and one third (1/3) of the lots have a front yard setback that is increased by five (5) feet. Not more than two lots in a row may incorporate the same front yard setback. The average setback along the block shall equal the required setback for the particular Zoning District. The lots with an increased front building line may also decrease the rear building line by five (5) feet to maintain the necessary building pad depth. The purpose of this requirement is to produce a variety of front yard setbacks along a street, creating a more pleasing street presence and appearance of houses in the subdivision. In no case shall the front yard setback be less than twenty (20) feet. The front setbacks for each lot shall be designated on the final plat. (See Chapter 5, Section 2.3, Illustration K)
- G. Visual clearance shall be provided in all Zoning Districts so that no fence, wall, architectural screen, earth mounding or landscaping thirty (30) inches or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection.
 1. At a street intersection where one or both of the streets is a major thoroughfare, clear vision must be maintained for a minimum of twenty-five (25) feet across any lot measured from the corner of the property line in both directions. (See Chapter 5, Section 2.3, Illustration L)
 2. At an intersection of two neighborhood streets, this clearance must be maintained for ten (10) feet. (See Chapter 5, Section 2.3, Illustration M)
 3. At an intersection of a neighborhood street and an alley, this clearance must be maintained for five (5) feet down the alley and fifteen (15) feet down the street. (See Chapter 5, Section 2.3, Illustration N)
 4. Fences, walls, and thirty (30) inches in height, as measured from the centerline of the street, or less may be located in the visual clearance areas of all Districts.
- H. Gasoline, or other hydrocarbon fuel, service station pump islands including their associated unenclosed canopies shall meet the front yard setback requirements established in Chapter 2 of this Ordinance when located adjacent to a public street.
- I. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front or side yard shall be measured from the future right-of-way line.
- J. The minimum front yard in single-family and two-family Zoning Districts may be reduced by ten (10) feet in

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the following circumstances. In no case shall the reduction cause the minimum front yard to be less than fifteen (15) feet.

1. For an outside swing-in garage provided the wall of the garage that faces the street contains a glass pane window with a minimum size of three (3) feet by five (5) feet and the height of the garage does not exceed one (1) story; or
2. For a non-enclosed porch, stoop, or balcony, or an architectural feature, such as bay window without floor area or chimney; or
3. For a non-enclosed porch and the main structure provided:
 - a. the height of the main structure does not exceed one (1) story;
 - b. the porch has a minimum dimension of seven (7) feet in depth measured from stud to the front edge of the porch floor and a minimum width of twenty (20) feet; and
 - c. the minimum front yard for a front entry garage is increased one (1) foot for every one (1) foot the minimum front yard for the main structure is reduced.

9.4 **SIDE AND REAR YARDS:**

- A. On a Key Lot used for one or two-family dwellings, both street exposures shall be treated as front yards (See Chapter 5, Section 2.3 Illustration O) on all key lots except where one street exposure is designated as a side yard and separated from the adjacent lot by an alley (See Chapter 5, Section 2.3 Illustration P). In such case, a building line shall be designated on the plat approved by the Town of Prosper containing a side yard of fifteen (15) feet or more. On lots that were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the Zoning District.
- B. Every part of a required side yard shall be open and unobstructed from the ground upward except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed thirty-six (36) inches into the required side yard. Air conditioning compressors and similar appurtenances are permitted in the side yard.
- C. Side yard setbacks in the R, C, and CC Districts may be waived for a building when attached to an adjacent building and is shown on a site plan approved by the Planning & Zoning Commission. (Z07-8)
- D. The face (meaning garage door) of a garage that faces a side yard (a swing-in garage) must be setback twenty-four feet (24') from the side property line. (Z10-0013)
- E. Non-residential uses that are permitted within a single family Zoning District (such as a day care, school, or church) shall maintain a forty (40) foot side and rear building setback when adjacent to a property that is zoned or designated on the Future Land Use Plan for residential uses.

9.5 **SPECIAL HEIGHT REGULATIONS**

Water stand pipes and tanks (excluding Town owned and/or operated water tanks), church steeples, domes, spires, school buildings, and institutional buildings may be erected to exceed three (3) stories in height, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed three (3) stories.

Ornamental features in all non-residential Zoning Districts may exceed the maximum building height provided that the ornamental feature does not contain floor area and provided the required setbacks for the ornamental feature are increased by two (2) feet for every one (1) foot that the ornamental feature exceeds the maximum height. Ornamental features include, but are not limited to towers, spires, steeples, and cupolas.

9.6 **MEASUREMENTS:**

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All measurements of setback requirements shall be made according to Chapter 5, Section 2.3, Illustrations Q-U.

9.7 **MODULAR HOMES:**

A Modular Home may be permitted in the A, SF, DTSF, 2F, TH, MH, or MF Districts providing that the following requirements are met:

- A. The dwelling shall meet or exceed all building code requirements that apply to other dwelling units concerning on-site construction.
- B. Conforms to all applicable zoning standards for the respective Zoning District.
- C. Is affixed to an approved permanent foundation system.
- D. The building official is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Manufactured Housing Standards Act (Article 1221f V.T.C.S.).
- E. The Modular Home is placed on an approved platted lot of the Town.

9.8 **EXTERIOR CONSTRUCTION OF ~~RESIDENTIAL MAIN BUILDINGS~~ (Ord. 15-55; 09-22-15; Ord. 16-29; 04-26-16)**

A. The exterior facades of a main building or structure, excluding glass windows and doors, in the A, SF, DTSF, ~~DTO~~-2F, and TH Districts shall comply with the following requirements:

1. The exterior facades shall be constructed of one hundred (100) percent masonry, unless otherwise specified in this Ordinance.
2. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of stories other than the first story.
3. Cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story.
4. Unless an alternate material is approved by the Town Council, any portion of an upper story, excluding windows, that faces a street, public or private open space, public or private parks, or hike and bike trails, shall be 100% masonry and shall not be comprised of cementitious fiber board.
5. Unless an alternate material is approved by the Town Council, the exterior cladding of chimneys shall be brick, natural or manufactured stone, or stucco.
6. In the DTSF ~~and the DTO~~-District, cementitious fiber board may be used on up to ninety (90) percent of a structure.
7. Cementitious fiber board may be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, or other architectural features approved by the Building Official.

B. The roof pitches of a main building or structure, including garages, in the A, SF, DTSF, ~~DTO~~-2F, and TH Districts shall meet the following roof pitch standards:

1. A minimum of sixty-five percent (65%) of the surface area of composition roofs shall maintain a minimum roof pitch of 8:12.
2. A minimum of seventy-five percent (75%) of the surface area of clay tile, cement tile, slate or slate products, or metal roofs shall maintain a minimum roof pitch of 3:12.
3. Wood roof shingles are prohibited.

~~C. All exterior facades for a main building or structure, excluding glass windows and doors, in the MF, O, DTR, NS, R, DTC, C, CC, and I Districts shall be constructed of one hundred (100%) percent masonry as defined in Chapter 3, Section 2. The use of stucco and EIFS are only permitted as secondary or accent materials.~~

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- ~~1. The Town Council, after recommendation by the Planning & Zoning Commission, may grant an exception to the foregoing exterior façade requirements, based upon consideration of the criteria listed in subpart 2, below.~~
- ~~2. In considering an exception to the exterior façade requirements, the Planning & Zoning Commission and Town Council may consider whether a proposed alternate material:

 - ~~a. is a unique architectural expression;~~
 - ~~b. includes unique building styles and materials;~~
 - ~~c. is consistent with high quality development;~~
 - ~~d. is or would be visually harmonious with existing or proposed nearby buildings;~~
 - ~~e. has obvious merit based upon the quality and durability of the materials; and~~
 - ~~f. represents an exterior building material that is in keeping with the intent of this chapter to balance the abovementioned objectives.~~~~
- ~~3. Any exterior façade exception shall be considered in conjunction with a preliminary site plan or site plan application.~~

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- ~~D. Metal buildings are permitted in the I District upon review by the Planning & Zoning Commission and approval by the Town Council subject to:

 - ~~1. The maximum height of metal buildings is thirty six (36) feet;~~
 - ~~2. The lot on which the building is constructed must have frontage only on streets with eighty (80) feet of right of way or greater;~~
 - ~~3. The lot containing a metal building shall be five hundred (500) feet from all Zoning Districts other than the C, CC, and I Districts;~~
 - ~~4. The wall of the building facing the street must be one hundred (100) percent masonry; and~~
 - ~~5. Other walls of the building visible from a street must have trees planted on thirty (30) foot centers within twenty (20) feet of the building.~~~~

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~~E. Exterior construction of maintenance buildings for golf courses, public or parochial schools, churches, of the Town of Prosper may be metal upon issuance of a Specific Use Permit. Exterior construction of buildings used for agricultural purposes in conjunction with a school may be metal upon issuance of a Specific Use Permit.~~

~~If an expansion or an addition to an existing metal building is not greater than ten (10) percent or seven thousand (7,000) square feet, whichever is greater, the masonry requirement shall not apply to the expansion or addition to the existing metal building.~~

~~F. The Town Council may approve materials which are equivalent to, or exceed, the standards set forth in Chapter 4, Section 9.8 (A & C), above.~~

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9.9 HANDICAP ACCESSIBILITY

If applicable all nonresidential buildings and parking areas shall conform to the Americans with Disabilities Act (ADA) of 1991, as may be amended, accessibility guidelines, the Uniform Federal Accessibility Standards, and Texas Accessibility Standards (TAS).

9.10 SELF-STORAGE AND MINI-WAREHOUSE FACILITIES

The side building lines of a self-storage or mini-warehouse facility may be reduced by approval of the Planning & Zoning Commission at the time of the preliminary site plan approval. The configuration of the

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storage units shall be with the doors facing into the site with the rear walls of the units serving as the outer boundary.

Self-storage or mini-warehouse facilities must comply with Chapter 4, Section 9.8 of this Ordinance, and its amendments, relating to the construction material used for exterior buildings. Notwithstanding any other provisions to the contrary, a self-storage or mini-warehouse facility constructed adjacent to a residential area, whether separated by a dedicated street or not, shall exclusively use clay fired brick or stone as the exterior construction material.

9.11 **ADJACENCY OF CERTAIN USES TO RESIDENTIAL ZONING**

- A. All buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use shall be located a minimum of two hundred (200) feet from any residential Zoning District. No service bay shall face a residential Zoning District. An automotive use shall be defined as the sales, leasing, renting, servicing, repair, or washing of automobiles, boats, motorcycles, trucks, or any other motor vehicle.
- B. All buildings, structures, and outdoor speakers used in conjunction with any drive-thru or drive-in restaurant shall be located a minimum of two hundred (200) feet from any residential Zoning District. Buildings and outdoor speakers may be located closer than two hundred (200) feet from a residential Zoning District provided that the building is located between the speaker box and adjacent residentially zoned property.
- C. Any lot containing a drive-thru restaurant, drive-in restaurant, and/or an automotive use as defined in Chapter 4, Section 9.11(A) and that is adjacent to a residential Zoning District shall comply with the following requirements:
 - 1. One (1) large tree, three (3) inch caliper minimum shall be planted on twenty (20) foot centers within the fifteen (15) foot landscape area, required by Chapter 4, Section 2.6(C). Of the trees required within the fifteen (15) foot landscape area, a minimum of fifty (50) percent of the trees shall be of an evergreen variety that will reach a minimum of fifteen (15) feet in height.
 - 2. The screening wall, required by Chapter 4, Section 5.2, shall be eight (8) feet in height.
 - 3. All screening materials, both wall and landscape materials, shall be maintained in a manner to provide the intended screening.
- D. The requirements listed in Chapter 4, Section 9.11(A) and 9.11(B) shall not apply to a drive-thru restaurant, drive-in restaurant, and/or an automotive use within two hundred (200) feet of a residential Zoning District that is separated from the residential area by an existing or future major thoroughfare identified on the Town's Thoroughfare Plan.

9.12 **DAY CARE CENTERS, PRIVATE SCHOOLS, AND SIMILAR FACILITIES**

- A. All day care centers shall provide outdoor play space at a rate of sixty-five (65) square feet per child. This requirement shall be based on the maximum licensed capacity of the facility. The outdoor play space shall have no dimension of less than thirty (30) feet. If the facility provides care to all children for less than four hours per day, this requirement may be waived by the Town Council.
- B. Outdoor play space is defined as the area used for outside recreational purposes for children. The outdoor play area must be enclosed by a fence of at least four (4) feet in height with at least two emergency exits. One exit may be an entrance to the building. The adequacy of the emergency exits shall be determined by the Fire Chief or his/her designee.

9.13 **RESIDENTIAL DEVELOPMENT ADJACENT TO RAILWAYS**

- A. Minimum Building Setback, Screening, and Landscaping Requirements.
When a boundary of a residential subdivision is adjacent to a railroad right-of-way, one of the two following screening options shall be installed within three (3) months from the date of Town acceptance of public

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improvements:

1. Option One

- a. A minimum building setback of fifty (50) feet shall be required from the railroad right-of-way; and
- b. A one hundred (100) percent clay fired brick or stone wall with a minimum height of six (6) feet shall be constructed on the railroad right-of-way line; and
- c. One (1) three (3) inch caliper large tree shall be planted a minimum of thirty (30) linear feet on center adjacent to the residential side of the wall. A minimum of fifty (50) percent of the trees shall be of the evergreen variety. The landscaped area shall be mechanically irrigated. The lot owner shall be responsible for the replacement of required plant materials.

2. Option Two

- a. A minimum building setback of eighty (80) feet shall be provided from the railroad right-of-way; and
- b. A six (6) foot high earthen berm with a maximum slope of 3:1 shall be constructed adjacent to the railroad right-of-way line.
- c. One (1) three (3) inch caliper large tree shall be planted a minimum of thirty (20) linear feet on center along the top or on the residential side of the berm. A minimum of fifty (50%) percent of the trees shall be of the evergreen variety. The landscaped area shall be mechanically irrigated. The lot owner shall be responsible for the replacement of required plant materials.

B. Platting Requirements:

- 1. The setback area shall be designated on the plat as follows: "This setback area is reserved for screening purposes. The placement of structures on this land or the removal of healthy screening plant materials is prohibited."
- 2. Should the setback area be part of a single-family lot, the setback area shall also be recorded on the plat as a building line.

C. This section shall not apply to any residential development with an approved Concept Plan, Preliminary Plat, and/or Final Plat prior to adoption of this Ordinance.

~~9.14 NONRESIDENTIAL AND MULTIFAMILY DEVELOPMENT ADJACENT TO A MAJOR CREEK~~

~~A. Major Creeks within the Town of Prosper shall be defined as:~~

- ~~• Button Branch~~
- ~~• Doe Branch~~
- ~~• Gentle Creek~~
- ~~• Rutherford Branch~~
- ~~• Wilson Creek~~

~~Each Major Creek begins at its headwater (as determined by the Federal Emergency Management Agency and/or the U.S. Army Corps of Engineers) as is generally depicted on Flood Insurance Rate Maps (FIRM) as provided by the Federal Emergency Management Agency.~~

~~B. All nonresidential and multifamily lots developing adjacent to the 100-year floodplain of a major creek shall comply with the requirements listed below. Multifamily zoned property that develops as single family is not subject to these requirements, but shall comply with Section 14 of the Subdivision Ordinance, as it exists or may be amended.~~

- ~~1. Retaining walls, where provided, shall be constructed of clay fired brick, stone, patterned concrete, modular concrete block, or split faced concrete masonry units. This requirement does not apply to~~

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walls constructed within the channel of the creek to control water flow.

2. Three (3) inch caliper trees planted on thirty (30) foot centers and three (3) gallon shrubs planted on five (5) foot centers shall be provided between parking and the flood plain when parking is located directly adjacent to the flood plain. The trees and shrubs are not required to be planted in a single row; they may be planted in groups. Existing trees in healthy growing condition and of a species from the list of Recommended Plant Materials in Chapter 4, Section 2 of this Ordinance, as it exists or may be amended, may be counted toward this requirement.
 3. Maintenance access, as required by the Town Engineer, or his/her designee, shall be provided to the flood plain, hike and bike trail, and creek.
 4. The development shall incorporate a connection to a hike and bike trail along the major creek by way of a sidewalk, stairs, and/or ramps. The connection shall comply with ADA and TAS accessibility requirements. The Director of Planning or his/her designee may waive this requirement if he/she determines that a connection is not needed due to the property size, configuration and constraints, or land use.
 5. Open space areas adjacent to the floodplain that have been improved with patios, courtyards, or additional landscaping listed in Section 9.14(C)(1) and Section 9.14(C)(6) below may be used to meet minimum open space requirements.
 6. Loading areas located adjacent to the major creek shall be screened from the flood plain by a solid living screen to reach a minimum of fourteen (14) feet tall within two (2) years. Existing trees in healthy growing condition and of an evergreen species from the list of Recommended Plant Materials in Chapter 4, Section 2 of this Ordinance, as it exists or may be amended, may be counted toward this requirement. For Industrial development, this requirement may be waived by the Planning & Zoning Commission upon site plan approval if the adjacent property on the opposite side of the creek is zoned Industrial or designated on the Future Land Use Plan as Industrial, unless zoned other than Industrial.
- C. Multifamily, except those multifamily properties that are developed as single family, and office development adjacent to a major creek shall provide four (4) of the amenities listed below. Retail and commercial development adjacent to a major creek shall provide three (3) of the amenities listed below. Industrial development adjacent to a major creek shall provide two (2) of the amenities listed below. Amenity selection is subject to approval by the Planning & Zoning Commission upon preliminary site plan or site plan approval.
1. A thirty (30) foot landscape edge adjacent to the floodplain of the major creek with a double row of three (3) inch caliper trees planted on thirty (30) foot centers. Existing trees in healthy growing condition and of a species from the list of Recommended Plant Materials in Chapter 4, Section 2 of this Ordinance, as it exists or may be amended, may be counted toward this requirement.
 2. A minimum of twenty five (25) percent of the surface area of walls that face the major creek to be provided as windows.
 3. Construction of a hike and bike trail along the creek.
 4. A visibility corridor of at least one hundred (100) feet shall be required between and/or adjacent to buildings adjacent to the flood plain. This visibility corridor can include parking, landscape medians or areas, amenities, and drive aisles.
 5. Trail Head Park. A trailhead park shall have minimum dimensions of fifty (50) feet and be located adjacent to the hike and bike trail. Park benches shall be provided. Trailhead parks are subject to review and approval by the Director of Parks & Recreation or his/her designee.
 6. A common patio, balcony, courtyard, or terrace a minimum of 750 square feet located between the building and the major creek.

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- ~~7. Building orientation such that the entire side of the building adjacent to the flood plain is not the back of the building.~~
 - ~~8. Building to have the same building materials and architectural elements on all four sides.~~
 - ~~9. Creek restoration (plan shall be designed and implemented according to USACOE standards and approved by Army Corps of Engineers).~~
 - ~~10. Other amenities not listed may be approved by the Planning & Zoning Commission in conjunction with a preliminary site plan if they determine that the proposed amenity meets the intent of these requirements.~~
- ~~D. The Planning & Zoning Commission may grant variances to the requirements of this section, as it exists or may be amended, upon preliminary site plan or site plan approval only if they determine that conforming to these requirements is not possible due to the property size, configuration, topography, constraints, or land use and that no other alternative is available. The decision by the Planning & Zoning Commission may be appealed to the Town Council using the site plan appeal process described in Chapter 4, Section 1, as it exists or may be amended.~~

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9.15 TRAFFIC IMPACT ANALYSIS

A. Purpose: The purpose of a traffic impact analysis is to assess the effects of specific development activity on the existing and planned roadway system. A Traffic Impact Analysis (TIA) is intended to adequately assess the traffic related impacts of a zoning proposal on the existing and planned thoroughfare system. The TIA is to determine the traffic loading that the proposed zoning will impose on the existing and planned thoroughfare system and to determine that the thoroughfare system, as planned, can handle the traffic loading at Level of Service D or better in the peak hour. Conclusions drawn from the analysis, along with other land use and service factors, shall be taken into consideration by the Planning & Zoning Commission and the Town Council in approval or disapproval of zoning changes.

Prior to the commencement of a TIA, a pre-submission meeting with the Town staff is required to establish a base of communication between the Town and the applicant. This meeting will define the requirements and scope relative to conducting a TIA and ensure that any questions by the applicant are addressed.

B. Definitions:

1. **Accident Analysis**—A summary of the accident history on adjacent roadways during a specified time period. Such analyses typically include measures to mitigate the impact of site traffic on safety based on accident history and associated information.
2. **Capacity**—The maximum number of vehicles which can pass a given point during one hour under prevailing roadway and traffic conditions.
3. **Level of Service (LOS)**—A qualitative measure of traffic operating conditions based on such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Level of Service analyses conducted as part of a TIA shall be determined using procedures of the latest edition of the *Highway Capacity Manual*.
4. **Special Report 209**—published by the Transportation Research Board (TRB).
5. **Modal Split**—The percentage of people using a certain means of transport: auto, transit, walk.
6. **Queuing Analysis**—an analysis of vehicle stacking and required lane storage necessary to mitigate excessive vehicle queues. Typically performed for drive-through facilities, drop-off zones to schools and daycare facilities, entrance-gates, turn lanes and median breaks.
7. **Sight Distance Survey**—a survey of the available horizontal and vertical sight distance at access points to a site, intersection or roadway section. Such study must include measures to eliminate any resulting safety hazard.
8. **Signal Cycle**—the time period required for one complete sequence of traffic signal indications.
9. **Signal Phase**—a part of the signal cycle allocated to a traffic movement or any combination of traffic movements.
10. **TIA Analysis Periods**—time periods for traffic assessment as part of a TIA submittal.
11. **Traffic Control Device**—Any sign, signal, marking, or device placed or erected for the purpose of regulating, warning, or guiding vehicular traffic and/or pedestrians.
12. **Traffic Impact Analysis**—A study that provides information to: 1) determine the traffic loading that the proposed zoning will impose on the existing and planned thoroughfare system; 2) determine that the thoroughfare system, as planned, can handle the traffic loading at Level of Service D or better in the peak hour; and 3) evaluate the appropriate traffic mitigation measures if the thoroughfare system cannot accommodate the impact.
13. **Traffic Simulation**—The use of a computer model to provide detailed analysis of the interaction

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between traffic, roadway geometry, and traffic control devices.

14. Trip Generation — The number of one-way traffic movements associated with such variables as building size, type of dwelling unit, employees, land area, etc... Chapter 5, Section 2.3, Illustration V lists generalized trip generation rates for various land uses.
15. Turn Lane Analysis — an analysis of storage requirements for driveways or nearby intersections based on existing and future roadway volumes.
16. Vehicle Trip — A one-way movement of a vehicle between two points.
17. Volume/Capacity Ratio (V/C) — the ratio of an actual volume to the capacity of a roadway.

C. Applicability:

A TIA shall be required under the following two conditions:

1. A zoning request for multifamily or nonresidential, as defined herein, that generates at least 5,000 trips per day and that does not comply with the Future Land Use Plan, unless the proposed zoning results in a net trip reduction compared to existing zoning.
2. A zoning request for residential, as defined herein, that generates a residential density greater than that recommended for the property by the Future Land Use Plan, unless the proposed zoning results in a net trip reduction compared to existing zoning.

All traffic impact analyses shall be performed by a consultant qualified to perform such studies. Special circumstances that do not meet the daily trip generation threshold may also require a TIA. Such circumstances, as determined by the Director of Planning or designated representative may include, but are not limited to: impacts to residential neighborhoods from non-residential development, inadequate site accessibility, the implementation of the surrounding Thoroughfare Plan is not anticipated during the estimated time period of a proposed development, the proposed land use differs significantly from that contemplated in the Future Land Use Plan, and the internal street or access is not anticipated to accommodate the expected traffic generation.

The Director of Planning or designated representative, based upon the results and recommendation from a pre-submission meeting with the applicant, shall determine the need for a TIA. It shall be the responsibility of the applicant to demonstrate that a TIA should not be required.

D. TIA Standards and Methodology:

The TIA must evaluate the impact of the proposed development on both existing traffic conditions and future traffic conditions for five (5) years after initial phase opening and ten (10) years after final opening with full build out. The study area shall be based on the total daily estimated trip generation. The study area shall be a one mile radius for less than 10,000 trips per day. A larger radius shall be considered for more than 10,000 trips per day. The TIA shall include the following:

1. Site Location/Study Area — a brief description of the size, general features, and location of the site, including a map of the site in relation to the study area and surrounding vicinity;
2. Existing Zoning — a description of the existing zoning for the site and adjacent property, including land area by zoning classification and density by FAR, square footage, number of hotel rooms, and dwelling units (as appropriate);
3. Existing Development — a description of any existing development on the site and adjacent to the site and how it would be affected by the development proposal;
4. Proposed Zoning — a description of the proposed zoning for the site, including land area by zoning classification and density by FAR, square footage, number of hotel rooms, and dwelling units (as appropriate); identify other adjacent land uses that have similar peaking characteristics as the

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- ~~proposed land use; identify recently approved or pending land uses within the area;~~
- ~~5. Thoroughfare System — a description and map of existing planned or proposed thoroughfares and traffic signals for horizon year(s) within the study area;~~
 - ~~6. Existing Traffic Volumes — recent traffic counts for existing thoroughfares and major intersections within the study area;~~
 - ~~7. Projected Traffic Volumes — horizon year(s) background traffic projections for the planned thoroughfare system within the study area;~~
 - ~~8. Existing Site Trip Generation — a table displaying trip generation rates and total trips generated by land use category for the AM and PM peak hours and on a daily basis, assuming full development and occupancy based on existing zoning (if applicable), and including all appropriate trip reductions (as approved by Staff);~~
 - ~~9. Proposed Site Trip Generation — a table displaying trip generation rates and total trips generated by land use category for the AM and PM peak hours and on a daily basis, assuming full development and occupancy for the proposed development, and including all appropriate trip reductions (as approved by Staff);~~
 - ~~10. Net Change in Trip Generation (zoning) — proposed trip generation minus existing trip generation (if applicable); the net increase in trips to be added to base volumes for the design year;~~
 - ~~11. Trip Distribution and Traffic Assignment — tables and figures of trips generated by the proposed development (or net change in trips, if applicable) added to the existing and projected volumes, as appropriate, with distribution and assignment assumptions, unless computer modeling has been performed;~~
 - ~~12. Level of Service Evaluations — capacity analyses for weekday AM and PM peak hours of the roadway and peak hour of the site, if different from the roadway, for both existing conditions and horizon year projections for intersections, thoroughfare links, median openings and turn lanes associated with the site, as applicable. The minimum acceptable level of service (LOS) within the Town shall be defined as LOS "D" in the peak hour for all critical movements and links. All development impacts on both thoroughfare and intersection operations must be measured against this standard;~~
 - ~~13. Traffic Signal Evaluations — the need for new signals based on warrants, the impact on transportation system performance;~~
 - ~~14. Evaluation of Proposed/Necessary Mitigation — capacity analyses for weekday AM and PM peak hours of the roadway and peak hour of the site, if different from the roadway, for intersections, thoroughfare links, median openings and turn lanes associated with the site under proposed/necessary traffic mitigation measures;~~
 - ~~15. Conclusions — identification of all thoroughfares, driveways, intersections, and individual movements that exceed LOS D, degrade by one or more LOS, the percentage of roadway volume change produced by the proposed development, and any operational problems likely to occur;~~
 - ~~16. Recommendations — proposed impact mitigation measures; and~~
 - ~~17. Other information required for proper review — as requested by the Director of Planning or designated representative;~~

E. Format:

~~The TIA report must be prepared on 8½" x 11" sheets of paper. However, it may contain figures on larger sheets, provided they are folded to this size. All text and map products shall be computer based and provided in both a computerized and published format compatible with Word and ArcView. In addition, all electronic files used as part of the traffic analysis (i.e., Synchro, HCS, Passor III/III, Corsim, etc.) shall be~~

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provided. The various sections of the report should be categorized according to the subject areas below:

Executive Summary

- I. Introduction
 - A. Purpose
 - B. Methodology
- II. Existing And Proposed Land Use
 - A. Site Location/Study Area
 - B. Existing Zoning
 - C. Existing Development
 - D. Proposed Zoning (if applicable)
- III. Existing And Proposed Transportation System
 - A. Thoroughfare System
 - B. Existing Traffic Volumes
 - C. Projected Traffic Volumes
- IV. Site Traffic Characteristics
 - A. Existing Site Trip Generation (if applicable)
 - B. Proposed Site Trip Generation
 - C. Net Change in Trip Generation (if applicable)
 - D. Trip Distribution and Traffic Assignment
- V. Traffic Analysis
 - A. Level of Service Evaluations
 - B. Traffic Signal Evaluations
- VI. Traffic Mitigation
- VII. Conclusions
- VIII. Recommendations

APPENDICES

F. Administration:

Based on the results of the TIA and actions recommended by the Town Engineer, Director of Planning, and/or the Planning & Zoning Commission, the Town Council shall take one or more of the following actions:

- 1. Approve the zoning request, if the request has been determined to have no significant impact;
- 2. Approve the zoning request subject to inclusion of a traffic mitigation plan where the significant impacts of the requested zoning can be adequately mitigated through phasing, construction of improvements, or any other necessary means;
- 3. Approve the zoning request, subject to inclusion of a phasing plan;
- 4. Deny the zoning request, where the impacts cannot be adequately mitigated.

G. TIA Review:

The Town shall utilize a third party engineering firm qualified to review such studies for the TIA review. Payment of the review by the third party engineering firm shall be the responsibility of the applicant. The review fees shall be paid prior to the associated zoning case being scheduled for a public hearing before the Planning & Zoning Commission.

9.16 RESIDENTIAL OPEN SPACE

- A. Two-Family (Duplex) and Townhome Open Space. Each parcel of land developed under the 2F or TH standards shall provide usable open space totaling ten (10) percent for 2F and twenty (20) percent for TH of the area being developed. The open space shall be computed on the percentage of total platted area in the

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~~subdivision, excluding right of way dedicated major thoroughfares. This open space shall be owned and maintained by a homeowners' association. Areas provided as usable open space shall meet the following criteria:~~

- ~~1. All residential lots must be located within fourteen hundred (1,400) feet of a usable open space area as measured along a street. In order to preserve existing trees or should a property have unique topography, size, or configuration, this distance may be increased by the Planning & Zoning Commission with approval of the plat.~~
 - ~~2. All open space areas shall be minimum of twenty thousand (20,000) square feet with no slope greater than ten (10) percent and no width less than fifty (50) feet. The Planning & Zoning Commission may give full or partial credit with approval of the plat for open areas that exceed the maximum slope or that are otherwise unusable, if it is determined that such areas are environmentally or aesthetically significant.~~
 - ~~3. Open space areas must be easily viewed from adjacent streets and homes. Open space areas must abut a street on a minimum of forty (40) percent of the perimeter of the open space. However, the perimeter street requirement may be reduced to thirty (30) percent with Planning & Zoning Commission approval of the preliminary plat when:

 - ~~a. preserving existing trees;~~
 - ~~b. preserving natural geographic features; or~~
 - ~~c. physical constraints such as overall property size, configuration, or topography exist.~~~~
 - ~~4. Landscaping, sidewalks, and amenities such as tennis courts and swimming or wading pools may be located within usable open space areas. Detention ponds that contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Planning or his/her designee, may be calculated toward the required open space.~~
 - ~~5. Open space shall contain one (1) minimum three (3) inch caliper large tree for every one thousand (1,000) square feet of required open space. The trees shall be maintained in a healthy and growing condition, and must be replaced with trees of similar variety and size if damaged, destroyed, or removed. A landscape plan must be approved prior to approval of the final plat.~~
- ~~B. Multifamily Open Space. Each parcel of land developed under the MF standards shall provide usable open space totaling thirty (30) percent of the area being developed. The open space shall be computed on the percentage of total platted area in the subdivision, excluding right of way dedicated major thoroughfares. Areas provided as usable open space shall meet the following criteria:~~
- ~~1. The open space shall have a maximum slope not exceeding ten (10) percent.~~
 - ~~2. The open space shall have a minimum dimension of not less than thirty (30) feet.~~
 - ~~3. Of the required open space, fifteen (15) percent or twenty thousand (20,000) square feet, whichever is greater, shall be arranged or located in a contiguous mass. Flood plain used for open space may receive full credit for that portion that is maintained in its natural state. Floodplain that is reclaimed and used for open space shall receive a fifty (50) percent credit toward open space.~~
 - ~~4. At the time of preliminary site plan approval, the Planning & Zoning Commission may give full or partial credit for open areas that exceed the maximum slope, that are otherwise unusable, or that are less than the fifteen (15) percent or twenty thousand (20,000) square feet required in Chapter 4, Section 9.16(B)(2). These areas must be determined to be environmentally or aesthetically significant and/or an enhancement to the development of the area.~~
 - ~~5. Landscaping, sidewalks, and amenities such as tennis courts, swimming or wading pools, and clubhouses may be located within usable open space areas. Detention ponds that contain a constant~~

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water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Planning or his/her designee, may be calculated toward the required open space.

6. Open space shall contain one (1) minimum three (3) inch caliper large tree for every one thousand (1,000) square feet of required open space. The trees shall be maintained in a healthy and growing condition, and must be replaced with trees of similar variety and size if damaged, destroyed, or removed. A landscape plan must be approved prior to approval of the final plat.

9.17 MULTIFAMILY SITE DESIGN

- A. ~~Parking is only allowed between the building and a public street when located at or beyond the required landscape setback and screened with a headlight screen of earthen berms and/or a row of shrubs. Buildings with enclosed garages, when adjacent to a public street, must face garage doors internally to the development. Garage doors may not face a public street. No detached garages may be located between residential buildings and a public street. Enclosed garage parking spaces shall be a minimum of ten by twenty (10 x 20) feet.~~
- B. ~~Structure Separation – Multifamily structures on the same parcel shall have the following minimum distance between structures:~~
1. ~~From main structure to main structure with walls that have openings for doors or windows on facades facing each other:~~
 - a. ~~Face to Face: fifty (50) feet~~
 - b. ~~Face to End: thirty (30) feet~~
 - c. ~~Corner to Face or End: thirty (30) feet~~
 - d. ~~End to End: thirty (30) feet~~
 2. ~~From main structure to main structure with walls that do not have openings, the minimum distance between structures is twenty (20) feet for one and two story buildings and thirty (30) feet for three-story buildings.~~
 3. ~~From main structure to accessory buildings or pools, the minimum distance between structures is twenty (20) feet.~~
 4. ~~From main structure to free standing garage building, the minimum distance between structures is thirty (30) feet.~~
- C. ~~Access to a public street in a Single Family neighborhood will be limited access and will not function as a primary access point for the complex. Access to Single Family alleys is prohibited. Direct or indirect access to a median opening where located on divided thoroughfare is required.~~
- D. ~~Drive aisles within multifamily developments cannot be longer than five hundred (500) feet continuous without an offset equal to the width of the drive aisle, traffic circle, or other acceptable traffic calming feature approved by the Director of Planning or his/her designee.~~
- E. ~~All multifamily buildings shall be designed to incorporate a form of architectural articulation every thirty (30) feet, both horizontally along each wall's length and vertically along each wall's height. Acceptable articulation may include the following:~~
- ~~Canopies, awnings, or porticos;~~
 - ~~Recesses/projections;~~
 - ~~Arcades;~~
 - ~~Arches;~~
 - ~~Architectural details (such as tile work and moldings) integrated into the building facade;~~
 - ~~Articulated ground floor levels or base;~~
 - ~~Articulated cornice line;~~

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- ~~Integrated planters or wing walls that incorporate landscape and sitting areas;~~
- ~~Offsets, reveals or projecting rib used to express architectural or structural bays;~~
- ~~Accent materials (minimum 15% of exterior facade);~~
- ~~Varied roof heights;~~
- ~~Or other architectural features approved by the Director of Planning or his/her designee~~

~~F. All multifamily buildings shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof. All sloped roofs shall have a three (3) in twelve (12) inch minimum slope. Wood shingles are prohibited.~~

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9.18 MAILBOXES (Z09-5)

~~Mailboxes shall be consistent throughout a subdivision and should be constructed of masonry or ornamental metal, unless otherwise required by the United States Postal Service.~~

9.19 ALTERNATING SINGLE FAMILY PLAN ELEVATIONS (Ord. 15-55; 09-22-15)

- A. In the SF Districts, a minimum of four (4) distinctly different home elevations shall be built on the same side of the street. Similar elevations shall not face each other. The same elevation shall not be within three homes of each other on the same side of the street.
- B. Different exterior elevations can be met by meeting at least two of the following criteria:
1. Different roof forms/profiles
 2. Different facades consisting of different window and door style and placement
 3. Different entry treatment such as porches and columns
 4. Different number of stories

9.20 RESIDENTIAL GARAGE STANDARDS (Ord. 15-55; 09-22-15)

- A. In the SF and DTSF Districts, garages shall meet the following requirements:
1. In no instance shall a garage door directly facing a street be less than 25 feet from the property line.
 2. Garage doors directly facing a street shall not occupy more than fifty percent (50%) of the width of the front façade of the house.
 3. Where a home has three (3) or more garage/enclosed parking spaces, no more than two (2) single garage doors or one (1) double garage door shall face the street, unless the garage door(s) are located behind the main structure.

SECTION 1
USE OF LAND AND BUILDINGS

1.1 USES PERMITTED BY DISTRICT

A. Land and buildings in each of the zoning districts may be used for any of the indicated uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses specified as permitted uses in the district in which it is located, according to the Chapter 3, Section 1.3 and in accordance with Chapter 1, Section 3 and the provisions of this Ordinance.

B. Legend for Schedule of Uses in Section 1.3

●	Use is permitted in district indicated
	Use is prohibited in district indicated
S	Use is permitted in district upon approval of a specific use permit
1	Use is permitted in the district indicated if conditional development standards or limitations in the corresponding numeric end note in Chapter 3, Section 1.4 are complied with

C. If a use is not on the Schedule of Uses, it is prohibited subject to compliance with Section 1.2 below.

1.2 CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the Town. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- A. The Building Official shall refer the question concerning any new or unlisted use to the Planning & Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing, among other things, the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- B. The Planning & Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and recommend to the Town Council the zoning district(s), use, and classification.
- C. The Planning & Zoning Commission shall transmit its recommendations to the Town Council as to the zoning district(s), use, and classification proposed for any new or unlisted use. The Town Council shall make such determination concerning the zoning district(s) and classification of such use as it determines appropriate.
- D. Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in Chapter 3, Section 1.2 (1-3) shall be followed for determination of the new standards.

1.3 SCHEDULE OF USES

The Schedule of Uses appears on the following charts. (Ord 13-48; 9-10-13, Ord 15-74; 12-08-15, & Ord 2020-##; 09-08-2020)

ATTACHMENT 3

SECTION 1.3(C) EDUCATIONAL, INSTITUTIONAL, PUBLIC, AND SPECIAL USES	Residential Districts							Non-Residential Districts							
	A - Agricultural	SF - Single Family (E - 10)	DTSF - Downtown SF	TH - Townhome	2F - Two Family	MF - Multifamily	MH - Mobile Home	O - Office	DTO - Downtown Office	NS - Neighborhood Service	DTR - Downtown Retail	R - Retail	DTC - Downtown Commercial	C - Commercial	CC - Commercial Corridor

Airport/Heliport																S
Assisted Care or Living Facility						●	●	S		S		S		S	●	●
Athletic Stadium or Field, Private	8	8	8	8	8	8	8	S		S		S		S	S	●
Athletic Stadium or Field, Public	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Cemetery or Mausoleum	S	S		S	S	S	S	S		S		S		S	S	
Civic/Convention Center								●	●	●	●	●	●	●	●	●
College, University, Trade, or Private Boarding School								●	●		●	●	●	●	●	●
Community Center						●	●	●	●	●	●	●	●	●	●	●
Community Home <i>(Ord. 18-39; 05-22-18)</i>	47	47	47	47	47	47	47									
Farm, Ranch, Stable, Garden, or Orchard	●	●		●	●	●	●	●		●		●		●	●	●
Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority								●	●	●	●	●	●	●	●	
Hospital								●	●	●	●	●	●	●	●	●
Household Care Facility		●	●	●	●	●	●									
House of Worship	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Municipal Uses Operated by the Town of Prosper	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Museum/Art Gallery								●	●	●	●	●	●	●	●	●
Open Storage <i>(Ord. 2020-##; 09-08-2020)</i>													48	48	48	48
Park or Playground	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Private Recreation Center	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Rehabilitation Care Facility	9	9	9	9	9	9	9									
Rehabilitation Care Institution								S		S		S	S	S	S	S
School, Public	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
School, Private or Parochial	S	S	S	S	S	S	S	●	●	●	●	●	●	●	●	

ATTACHMENT 3

SECTION 1.3(G) SERVICE USES	Residential Districts							Non-Residential Districts							
	A - Agricultural	SF – Single Family (E – 10)	DTSF – Downtown SF	TH - Townhome	2F – Two Family	MF – Multifamily	MH – Mobile Home	O – Office	DTO – Downtown Office	NS – Neighborhood Service	DTR – Downtown Retail	R – Retail	DTC – Downtown Commercial	C – Commercial	CC – Commercial Corridor

Alcoholic Beverage Establishment												30		30	30	
Artisan's Workshop										●	●	●	●	●		
Bank, Savings and Loan, or Credit Union								●	●	●	●	●	●	●	●	●
Beauty Salon/Barber Shop								●	●	●	●	●	●	●		
Bed and Breakfast Inn	S	S	S					S	S	S	●	●	●	●		
Body Art Studio																19
Business Service								●	●		●	●	●	●	●	●
Cabinet/Upholstery Shop													●	●	●	●
Campground or Recreational Vehicle Park	S						S									
Catering <i>(Ord. 2020-##; 09-08-2020)</i>								●	●	●	●	●	●	●		
Child Care Center, Licensed <i>(Ord. No. 18-39; 05-22-18)</i>	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	
Child Care Center, Home <i>(Ord. No. 18-39; 05-22-18)</i>	21	21	21													
Child Care Center, Incidental <i>(Ord. No. 18-39; 05-22-18)</i>								S	S		S		S	S	S	
Commercial Amusement, Indoor								●	●		●	●	●	●	●	●
Commercial Amusement, Outdoor												S	S	S	S	S
Contractor's Shop and/or Storage Yard														●		●
Day Care Center, Adult	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Dry Cleaning, Major														●		●
Dry Cleaning, Minor								●	●	●	●	●	●	●	●	●
Fairgrounds/Exhibition Area														S	S	S
Food Truck Park <i>(Ord. 2020-##; 09-08-2020)</i>											49	49	49	49		
Fortune Teller/Psychic																●
Funeral Home <i>(Ord. 15-74; 12-08-15)</i>													33	33	33	33
Furniture Restoration <i>(Ord. 15-74; 12-08-15)</i>										●	●	●	●	●	●	●
Golf Course and/or Country Club	●	●		●	●	●	●	●		●		●		●	●	●
Gymnastics/Dance Studio									●	●	●	●	●	●	●	
Health/Fitness Center								●	●	S	●	●	●	●	●	●
Hotel, Full Service <i>(Ord. 15-74; 12-08-15)</i>											22	22	22	22	22	
Hotel, Limited Service <i>(Ord. 15-74; 12-08-15)</i>											23	23	23	23	23	
Hotel, Residence/Extended Stay <i>(Ord. 15-74; 12-08-15)</i>											24		24	24		

1.4 Conditional Development Standards

1. Private Street Development

Private Street Developments are subject to provisions of the Thoroughfare and Circulation Design Requirements ordinance, as it exists or may be amended. Private Street Developments are permitted by Specific Use Permit in the referenced districts. Private Street Developments that exist as of the adoption of the Thoroughfare and Circulation Design Requirements ordinance (May 10, 2005), and properties that are zoned by a planned development that permits Private Street Developments are excluded from the requirement for a Specific Use Permit. In considering a request for a Specific Use Permit for a Private Street Development, the Town Council shall use any of the following criteria:

a) New Development

- 1) Non-disruption of planned public roadways or facilities/projects (thoroughfares, parks, park trails, public pedestrian pathways, etc.);
- 2) Non-disruption to and from properties of future developments either on-site or off-site to the proposed subdivision;
- 3) No negative effect on traffic circulation on public streets;
- 4) No impairment of access to and from public facilities including schools or parks;
- 5) Adequate and timely provision of essential municipal services (emergency services, water/sewer improvements or maintenance, etc.);
- 6) Existence of natural and/or man-made boundaries around the development (creeks, floodplain, golf courses, parks); and/or
- 7) Absence of a concentration of Private Street Developments in the vicinity of the requested Private Street Development.
- 8) And any other criteria deemed appropriate by the Town Council

b) Conversion of existing subdivision to private streets

- 1) Criteria would include all the issues and procedures involved with new developments;
- 2) Petition signed by one hundred percent (100%) of the owners in the existing subdivision requesting approval to convert to private streets;
- 3) Formation of a property owners' association, if none exists, that would be responsible for owning and maintaining the converted streets and right-of-ways;
- 4) Replatting of existing subdivision to reflect changes; and/or
- 5) Applicant agreeing to contract with the Town for purchase of the converted infrastructure and rights-of-way from the Town.

2. Single Family Dwelling, Detached

Single family dwellings, detached may be developed in the referenced districts using the minimum development standards for the SF residential districts. The district standards selected shall be indicated on the preliminary and final plats for the property to be developed as single family dwellings, detached.

3. Gas Pumps

Gas pumps shall be subject to the following development standards:

- a) Gas Pumps are permitted only within two hundred feet (200') of the right-of-way lines of intersecting major thoroughfares;
- b) Gas Pumps are permitted at a maximum of two (2) corners at an intersection of two (2) major thoroughfares;
- c) Canopies shall have pitched roofs;
- d) Canopy support columns shall be entirely masonry encased;
- e) A raised landscape planter of the same material as the masonry columns shall be provided at both ends of all pump islands. Raised landscape planters shall be between eighteen inches (18") and twenty-four inches (24") tall and a minimum of four feet (4') wide and four feet (4') long;
- f) Raised planters shall be landscaped with a combination of shrubs and ground cover as approved by the Director of Planning, or his/her Designee.
- g) Landscape island(s) totaling a length equal to fifty percent (50%) of the canopy perimeter and a minimum of six feet (6') wide shall be provided for screening and traffic flow purposes. These areas shall have a minimum of one (1) ornamental tree per twelve (12) linear feet or portion thereof and one (1) five (5) gallon shrub per one (1) linear foot arranged as approved by the Director of Planning, or his/her Designee.
- h) Use shall be removed if closed for more than six (6) months; and
- i) The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit.

4. Homebuilder Marketing Center

Shall be used only to market homes/lots in the development where it is located when located in a residential zoning district. The use must be removed when all homes/lots in the development have been sold.

5. Home Occupation (*Ord. No. 18-39; 05-22-18*)

A home occupation, in districts where allowed, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses:

- a) Unless specifically permitted by this section, home occupations shall be conducted entirely within the main building.
- b) The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.
- c) Home occupations shall not produce any alteration or change in the exterior appearance of the residence which is inconsistent with the typical appearance of a residential dwelling.
- d) No external evidence of the occupation shall be detectable at any lot line, including advertising, signs, smoke, dust, noise, fumes, glare, vibration, or electrical disturbance beyond the property line.
- e) No exterior storage of material, equipment, vehicles, and/or supplies used in conjunction with the home occupation.
- f) No storage of hazardous materials for business purposes shall be allowed on the premises.
- g) The home occupation shall not have a separate entrance.

- h) Not more than two (2) patron- or business-related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles. A business-related vehicle is one with a sign relating to the home occupation displayed on the exterior of the vehicle.
- i) A maximum of one (1) commercial vehicle, capacity one (1) ton or less, may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be parked on the street.
- j) The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of one and one-half (1½) tons. This shall not be construed to prohibit deliveries by commercial package delivery companies.
- k) The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use.
- l) Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made via the telephone, internet, or at a sales party may be filled on the premises.
- m) No traffic shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood, and any need for parking must be accommodated within the off-street parking provided for the residence (i.e. the driveway or garage) and along the street frontage of the lot.
- n) The home occupation shall prohibit more than one (1) non-resident employee from regularly visiting the home for purposes related to the business.
- o) The home occupation shall not offer a ready inventory of any commodity for sale.
- p) The home occupation shall not accept clients or customers before 7:00 a.m. or after 10:00 p.m. This limitation on hours of operation shall not apply to allowed child care home occupations. Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. for outdoor activities.
- q) Outdoor activities are not allowed, unless the activities are screened from neighboring property and public rights-of-way.
- r) Uses permitted as home occupations shall include the following:
 - (1) Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;
 - (2) Office of a salesman or manufacturer's representative, provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises;
 - (3) Author, artist, sculptor;
 - (4) Dressmaker, seamstress, tailor, milliner;
 - (5) Music/dance teacher, tutoring, or similar instruction, provided that no more than three (3) pupils may be present at any one time;
 - (6) Swimming lessons or water safety instruction provided that a maximum of six (6) pupils may be present at any one time;
 - (7) Home crafts, such as weaving, model making, etc.
 - (8) Child Care: Licensed Child Care Home and Registered Child Care Home. Homes with seven (7) or more children shall meet the Town's building and/or fire codes.
 - (9) Community home and other residential care facility that qualifies as a community home under the Community Homes for Disabled Persons Location Act, Chapter 123 of the Texas Human

Resources Code and as amended, provided such facilities meet the requirements set out within this Ordinance;

- (10) Internet based businesses; and
 - (11) Food Production Operations that produce non-potentially hazardous food. Examples of non-potentially hazardous foods include; bread, rolls, biscuits, sweet breads, muffins, cakes, pastries, cookies, fruit pies, jams, jellies, dried fruit and vegetables, pickles, and dry herbs.
- s) Uses prohibited as home occupations shall include, but are not limited to the following:
- (1) Animal hospital, commercial stable, kennel;
 - (2) Hair or Nail Salon/Barbershop;
 - (3) Boarding house or rooming house;
 - (4) Schooling or instruction with more than five (5) pupils;
 - (5) Restaurant or the sale of on premise food/beverage consumption of any kind;
 - (6) Automobile, boat, or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engines, or other repairs shops;
 - (7) Cabinetry, metal work, or welding shop;
 - (8) Office for doctor, dentist, veterinarian, or other medical-related profession for the purpose of providing care to patients;
 - (9) On-premise retail or wholesale sale of any kind, except cottage food items produced entirely on premises as indicated in Paragraph r, (11) above;
 - (10) Commercial clothing laundering or cleaning;
 - (11) Mortuary or funeral home;
 - (12) Trailer, vehicle, tool, or equipment rental;
 - (13) Antique, gift, or specialty shop;
 - (14) Office or storage facility for a vehicle fleet operation; and
 - (15) Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.
- t) Determination of a Home Occupation Use not specifically listed. The Director of Development Services, or designee, shall determine whether a proposed use not specifically listed is appropriate as a home occupation. The Director shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein.
- u) Appeal of the Director's Home Occupation Determination. If the applicant disagrees with the determination of the Director, the applicant may appeal to the Planning & Zoning Commission.
- v) Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with these provisions shall be deemed a legal nonconforming use.
- 6. Mobile Food Vendor (Ord. 2020-##; 09-08-2020)**
- Mobile food vendors are subject to the following regulations:

- a) Mobile food vendors are permitted by a Specific Use Permit (SUP) in the Retail, Downtown Retail, Downtown Commercial, and Commercial zoning districts;
- b) Mobile food vendors shall be located on private property where an existing, permanent business operates in a building with a Certificate of Occupancy;
- c) Mobile food vendors shall provide the Town with a copy of written permission from the property owner on an annual basis to allow the operation of a mobile vendor and to allow the mobile vendor and their customers access to a commercially plumbed public restroom on-site;
- d) A mobile food vendor shall submit a site plan depicting the location of the mobile food vendor on the property, shall secure a health permit from the Town, and a permit from Building Inspections prior to the operation of such use;
- e) Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the Town, including amendments thereto;
- f) Mobile food vendors shall be located within fifty feet (50') of an entrance of a primary building that holds the Certificate of Occupancy;
- g) Mobile food vendors shall be setback a minimum of one hundred feet (100') from major thoroughfares, as designated on the Town's Thoroughfare Plan, as it exists or may be amended;
- h) Mobile food vendors may operate only during the business hours of the primary business on the property;
- i) The operator shall possess a Town tax certificate showed as paid;
- j) A drive through is not permitted in conjunction with the mobile food vendor;
- k) Mobile food vendors shall not operate in required parking spaces, driveways, fire lanes or public roads;
- l) Sales of food from a stationary vehicle excludes catering trucks; and
- m) Mobile food vendors are prohibited in a temporary building.

7. Temporary Building (*Ord. No. 17-62; 08-22-17*)

- a) Temporary buildings are permitted by right for houses of worship, public schools (kindergarten through twelfth grade only), and government agencies (*see* Chapter 3, Section 2.2).
- b) Temporary buildings for private enterprises are permitted by Specific Use Permit.
- c) A permit to erect a temporary building for a house of worship may be issued for an initial period of three (3) years.
- d) The application for temporary building(s) shall be submitted to the Development Services Department in the form of a Preliminary Site Plan or Site Plan application with the accompanying material and exhibits:
 - (1) Written report documenting the following:
 - i. capacity of the permanent building(s), which is located or planned to be located on the same property for which the temporary building permit is being sought, compared to the enrollment, employment, and/or number of people attending the permanent building(s) at one time;
 - ii. total enrollment, employment, and/or membership size;

- iii. documentation of growth records depicting the number of people in the congregation, school and/or office;
 - iv. whether the facility is a start-up or new facility;
 - v. indication of alternative options that were explored before a temporary building application was considered;
 - vi. acts of nature; and/or
 - vii. any other evidence which is reasonably related to the immediate need for additional space;
- (2) A Preliminary Site Plan or Site Plan depicting the following:
- i. a permanent solution to the immediate need for a new temporary building(s) showing the permanent building(s),
 - ii. the temporary building(s), and
 - iii. the required parking,
- (3) Where an approved Preliminary Site Plan or Site Plan is in effect on the property, the applicant may note the location of the proposed temporary building(s) on the approved plan in lieu of submitting a new plan.
- e) The temporary building(s) shall be removed within thirty (30) days of the date:
- 1. a Certificate of Occupancy is issued for the permanent building; or
 - 2. the permit for the temporary building expires, whichever occurs first.
- f) After the initial three-year period, a request for a one-year extension of the temporary building permit for a house of worship may be granted by the Planning & Zoning Commission provided the applicant:
- 1. has an approved and valid preliminary site plan or site plan for the permanent building(s).
 - 2. has a specific plan of how an additional year would allow the applicant to construct the permanent building(s) by providing:
 - i. evidence of numeric growth, beyond that which was specifically anticipated by the applicant;
 - ii. membership, enrollment, and/or employment growth records;
 - iii. evidence that alternative options were explored before an extension of the temporary building permit was requested; and
 - iv. any other criteria reasonably deemed appropriate by the Planning & Zoning Commission.

8. Athletic Stadium or Field, Private

Permitted by Specific Use Permit when developed in conjunction with a School, Private or Parochial.

9. Rehabilitation Care Facility

Shall maintain a minimum separation of fifteen hundred feet (1,500') measured linearly from property line to property line from any other Rehabilitation Care Facility.

10. Antenna, Non-Commercial

a) Satellite Dishes and Wireless Broadband Antennas

- 1. In the A, SF, DTSF, 2F, and MH districts, satellite dishes and wireless broadband antennas are permitted only on the back half of a residential structure or in the back yard of a residential lot

unless a signal cannot be received in these areas. Should a satellite dish or wireless broadband antenna be placed somewhere other than on the back half of a residential structure or in the back yard of a residential lot, it shall be limited to not more than two feet (2') in diameter. Only three (3) satellite dishes and/or wireless broadband antennas shall be permitted per lot or primary structure. One (1) of the three (3) satellite dishes and/or wireless broadband antennas on a residential structure and/or lot may be up to twelve feet (12') in diameter. The other two (2) satellite dishes and/or wireless broadband antennas shall not exceed two feet (2') in diameter.

2. In the TH and MF districts, satellite dishes and wireless broadband antennas are permitted only on the back half of a residential structure or in the back yard of a residential lot unless a signal cannot be received in these areas. Should a satellite dish or wireless broadband antenna be placed somewhere other than on the back half of a residential structure or in the back yard of a residential lot, it shall be limited to not more than two feet (2') in diameter. Only three (3) satellite dishes and/or wireless broadband antennas shall be permitted per residential unit. One (1) of the three (3) satellite dishes and/or wireless broadband antennas on a residential unit may be up to twelve feet (12') in diameter. The other two (2) satellite dishes and/or wireless broadband antennas shall not exceed two feet (2') in diameter.
 - b) Non-commercial antennas shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no case shall the height of such antennas exceed forty-five feet (45'), unless located on property owned or leased by the Town of Prosper, and proper guy wire securement shall be followed. In no manner shall the use of such equipment infringe upon adjoining property owners. Roof mounted satellite dishes in excess of fifty (50) pounds shall be approved by a registered architect or professional engineer by written letter to the building official, prior to installation, stating the antenna's stability and support and shall not extend more than six feet (6') above the first story.

11. Wireless Communications and Support Structures *(Ord. No. 18-12; 01-23-18)*

Permitted by Specific Use Permit in the referenced districts subject to the following standards:

- a) The distance of a wireless communications support structure from an adjacent property line shall be determined by the Specific Use Permit.
- b) The height of the support structure shall be determined by the Specific Use Permit.
- c) Additional antennas may be placed on a wireless communications support structure with an existing Specific Use Permit without approval of a separate Specific Use Permit subject to approval of a site plan as necessary for the property.
- d) Screening of the ground-mounted equipment shall be determined by the Specific Use Permit.
- e) Temporary Wireless Communications and Support Structures shall be subject to the above-noted conditions; however, wireless communications and support structures and related equipment used on a temporary basis in conjunction with a special event, emergency situation, or equipment failure are not required to obtain a Specific Use Permit nor subject to the above-noted requirements but shall be required to obtain any and all permits as required by the Town. In no event shall any temporary wireless communications and support structures related to a special event, emergency situation, or equipment failure be maintained for more than sixty (60) days except with the express written approval of the Director of Development Services or designee, for any extension of time.

12. Antenna, Stealth *(Ord. No. 18-93; 11-13-18)*

- a) Stealth antennas are permitted by right in the residential districts only as a secondary use when the primary use on the lot is a church, school, or athletic stadium or field.

- b) Stealth antennas are permitted by right in the non-residential districts.
- c) The Director of Development Services, or his /her designee, may approve a request to install a stealth antenna when the proposed stealth antenna is of a type that is specifically listed in the definition of Antenna, Stealth in Chapter 2, Section 1.2.
- d) For stealth antenna requests of a type that are not specifically listed in this definition, the Town Council may determine if a proposed commercial antenna is a stealth antenna or not when considering site plan approval for the proposal.

13. Bus Terminal

Permitted by right in the CC district. Permitted by Specific Use Permit in the C and I districts. Bus parking and storage areas will be screened with a six foot (6') ornamental metal fence, three inch (3") caliper evergreen trees on twenty (20) foot centers, and five (5) gallon evergreen shrubs on three (3) foot centers located within a fifteen foot (15') landscape edge.

14. School District Bus Yard

A School District Bus Yard shall be owned and/or operated by a public Independent School District. Unless otherwise approved by the Planning & Zoning Commission, School District Bus Yards shall be screened using one of the following methods:

Option 1

- a) A six foot (6') ornamental metal fence,
- b) Three inch (3") caliper evergreen trees on twenty foot (20') centers, and
- c) Five (5) gallon evergreen shrubs on three foot (3') centers.

Option 2

- a) A six foot (6') clay-fired brick wall, and
- b) Three inch (3") caliper evergreen trees on twenty foot (20') centers.

15. Research and Development Center

Any Research and Development Center that includes animal or biological testing will be permitted by Specific Use Permit in the designated districts; otherwise they are permitted by right.

16. Alcoholic Beverage Sales (*Ord. No. 16-60; 09-13-16*); (*Ord. No. 16-79; 12-13-16*)

Alcoholic Beverage Sales, as defined by the Prosper Zoning Ordinance, as amended, shall mean any establishment, place of business or person engaged in the selling of Alcoholic Beverages, as defined in the Texas Alcoholic Beverage Code, as amended, to the general public for off-premise personal or household consumption.

- a) Alcoholic Beverage Sales shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- b) Alcoholic Beverage Sales are permitted only in the NS, DTR, R, DTC, C, CC and I zoning districts.
- c) Beer sales are not permitted in residential zoning districts.
- d) Pursuant to the Town Charter, the sale of liquor, as defined in the Texas Alcoholic Beverage Code, as amended, shall be prohibited by a person or entity holding a package store permit, as described in the Texas Alcoholic Beverage Code, as amended, in any zoning district which allows, in whole or in part, residential development in the Town.
- e) Alcoholic Beverage Sales shall not be located within the following:

1. Three hundred feet (300') from a church, public school, private school, and/or public hospital. However, Alcoholic Beverage Sales may be located within three hundred feet (300') of a private school if minors are prohibited from entering the place of business, as required by Section 109.53, Texas Alcoholic Beverage Code, as amended; or
 2. One thousand feet (1,000) from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts the additional spacing requirements by resolution. But, the Town Council may not adopt this additional spacing requirement if: (i) minors are prohibited from entering the place of business engaged in Alcoholic Beverage Sales, pursuant to Section 109.53, Texas Alcoholic Beverage Code, as amended; (ii) the holder of a retail off-premise consumption permit or license if less than fifty percent (50%) of the gross receipt for the premises, excluding the sale of items subject to the motor fuels are from the sale or service of alcoholic beverages; or (iii) the holder of a license or permit issued under Chapter 27, 31 or 72, Texas Alcoholic Beverage Code, as amended, who is operating on the premises of a private school.
- f) Measurement of the distance between the place of business engaged in Alcoholic Beverage Sales and the church or public hospital shall be along the property line of the street fronts, from front door to front door, and in a direct line across intersections. Measurement for the distance between the place of business engaged in Alcoholic Beverage Sales and a public or private school shall be:
1. In a direct line from the Property Line of the public or private school to the Property Line of the place of business, and in a direct line across intersections; or
 2. If Alcoholic Beverage Sales are located on or above the fifth (5th) story of a multistory building, in a direct line from the Property Line of the public or private school to the Property Line of the place of business, in a direct line across intersections, and vertically up the building at the Property Line to the base floor on which Alcoholic Beverage Sales are located.
- g) In accordance with Section 109.33, Texas Alcoholic Beverage Code, as amended, in this Paragraph 16, "private school" means a private school, including a parochial school, that:
1. Offers a course of instruction for students in one or more grades from kindergarten through grade twelve; and
 2. Has more than one hundred (100) students enrolled and attending courses at a single location.
- h) If at any time an original Alcoholic Beverage permit or license is granted by the Texas Alcoholic Beverage Commission to an establishment, place of business, or person and the establishment, place of business or person satisfies the requirements regarding the distance requirements in this Paragraph 16, then the same shall be deemed to satisfy the distance requirements for all subject renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.

17. Convenience Store With Gas Pumps (Ord. No. 15-74; 12-08-15)

Convenience Stores with Gas Pumps shall be subject to the following development standards:

- a) Permitted in the designated districts only within two hundred feet (200') of the right-of-way lines of intersecting major thoroughfares;
- b) Gas Pumps are permitted at a maximum of two (2) corners at an intersection of two (2) major thoroughfares;
- c) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- d) Canopies shall have pitched roofs;

- e) Canopy support columns shall be entirely masonry encased;
- f) The canopy band face shall be a color consistent with the main structure or an accent color and may not be backlit; and
- g) Use shall be removed if closed for more than six (6) months.

18. Nursery, Major

Permitted by Specific Use Permit in an Agricultural zoning district if designated as non-residential on the Future Land Use Plan.

19. Body Art Studio

Must be set back one thousand feet (1,000') from any other Body Art Studio, Residential Zoning District, church, Public, Private, or Parochial School, and day care.

20. Child Care Center, Licensed (*Ord. No. 18-39; 05-22-18*)

Notwithstanding anything to the contrary herein, a public independent school district is not required to obtain a SUP for the operation of a Licensed Child Care in a public school. A Licensed Child Care Center not operated by a public independent school district is permitted by SUP in all districts except the Industrial District.

21. Child Care Center, Home (*Ord. No. 18-39; 05-22-18*)

Permitted by right as a home occupation in the designated zoning districts and is subject to the regulations of Home Occupation.

22. Hotel, Full Service (*Ord. No. 15-74; 12-08-15*)

Full Service Hotel developments shall be subject to the following development standards:

- a) External balconies and walkways shall be set back two hundred feet (200') from any residential zoning district.
- b) Shall provide management staff on-site twenty four (24) hours a day.
- c) Shall provide at least four (4) amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Game Room
 - Jogging Trail
- d) Shall provide a full service restaurant offering three (3) meals a day.
- e) Shall provide a minimum total of 10,000 square feet of meeting/event space.
- f) No more than five percent (5%) of the total number of guest rooms shall have cooking facilities.
- g) All room units must be accessed through an internal hallway, lobby, or courtyard.

23. Hotel, Limited Service (*Ord. No. 15-74; 12-08-15*)

Limited Service Hotel developments shall be subject to the following development standards:

- a) A Specific Use Permit is required.
- b) Access to guest rooms shall be restricted to exclusively to interior corridors.
- c) External balconies and walkways shall be set back two hundred feet (200') from any residential zoning district.
- d) Shall provide management staff on-site twenty four (24) hours a day.
- e) Shall provide at least four (4) amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Game Room
 - Jogging Trail
 - Conference Room (one thousand (1,000) square foot minimum)
- f) Shall provide daily housekeeping.
- g) The guest rooms shall not contain any cooking facility that includes a conventional oven, convection oven, stove top burner, grill, hibachi or hotplate.

24. Hotel, Residence/Extended Stay (Ord. No. 15-74; 12-08-15)

Residence/Extended Stay Hotel developments shall be subject to the following development standards:

- a) A Specific Use Permit is required.
- b) External balconies and walkways shall be set back two hundred feet (200') from any residential zoning district.
- c) Shall provide laundry facilities on-site for guest use.
- d) Access to guest rooms shall be restricted exclusively to interior corridors.
- e) Shall provide management staff on-site twenty four (24) hours a day.
- f) Shall provide at least five (5) amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Game Room
 - Jogging Trail
 - Conference Room (one thousand (1,000) square foot minimum)
- g) Shall be set back a minimum of one hundred feet (100') from any residential district.
- h) Shall maintain fifteen percent (15%) of the lot area as outdoor open space, exclusive of required setbacks and parking areas, but including amenities from the above list except for the indoor pool and conference room(s) shall not count toward meeting the open space requirement. The minimum fifteen percent (15%) open space may be reduced by the Town Council upon approval of a Specific Use Permit providing evidence of other amenities meeting the intent of the open space requirement.

- i) Shall provide daily housekeeping.
- j) Any guest room indoor cooking facility shall not include a grill, hibachi or hotplate.
- k) Shall provide a restaurant offering a minimum of one meal per day.
- l) Shall be permitted only with frontage along US 380, Preston Road, or the Dallas Parkway.

25. Pet Day Care

Permitted by right subject to the following standards:

- a) Hours of operation limited to 6:00 a.m. to 8:00 p.m.
- b) A Pet Day Care must be located a minimum of one hundred feet (100') from restaurants and food preparation establishments (property line to property line).
- c) Overnight boarding of animals and outdoor kennels are prohibited.
- d) Provisions must be made for the sanitary disposal of all animal waste in accordance with the Animal Control ordinance and Building Codes, as they exist or may be amended.

26. Restaurant *(Ord. No. 15-74; 12-08-15); (Ord. No. 16-79; 12-13-16); (Ord. No. 17-49; 06-27-17); (Ord. 2020-##; 09-08-2020)*

- a) A Restaurant is permitted by Specific Use Permit in the NS Zoning District and is permitted by right in the O, DTR, R, DTC, C, and CC Zoning Districts subject.
- b) Restaurants with drive-through are only permitted in the R, C, and CC Zoning Districts upon approval of a Specific Use Permit.
- c) Restaurants are only permitted in the O Zoning District, if the subject property is located along a roadway classified as a major or minor thoroughfare as defined by the Thoroughfare Plan.
- d) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 applies to restaurants with a drive-through.
- e) Restaurants that sell Alcoholic Beverages for on-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- f) A Restaurant that sells Alcoholic Beverages for on-premise consumption shall not be located within the following:
 - 1. Three hundred feet (300') from a church, public hospital, public school and/or private school. However, Alcoholic Beverage Sales may be located within three hundred feet (300') of a private school if the holder of a license or permit holds a food and beverage certificate covering a premise that is located within three hundred feet (300') of a private school; or
 - 2. One thousand feet (1000') from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts such additional spacing requirements by resolution. Measurement for the distance between a Restaurant or Cafeteria where Alcoholic Beverages for on-premise consumption are sold and a church or public hospital shall be along the property lines of the street fronts, from front door to front door, and in a direct line across intersections.
- g) Measurement for the distance between a Restaurant where Alcoholic Beverages for on-premise consumption are sold and a public and/or private school shall be:

1. In a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, and in a direct line across intersections; or
 2. If the Restaurant that sells Alcoholic Beverages for on-premise consumption is located on or above the fifth (5th) story of a multistory building, in a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, in a direct line across intersections, and vertically up the building at the Property Line to the base of the floor on which the Restaurant or Cafeteria is located.
- h) If a Restaurant receives seventy-five percent (75%) or more of its gross revenue on a quarterly basis from the sale or service of Alcoholic Beverages for on-premise consumption, the use will no longer qualify as a Restaurant and will be classified and regulated by the Town as an Alcoholic Beverage Establishment under the Zoning Ordinance.
- i) There shall be no variances considered with regard to the regulations set forth herein.
- 27. Car Wash** (*Ord. No. 15-74; 12-08-15*)
- a) Permitted as only as an accessory use to a Convenience Store with Gas Pumps in the Commercial Corridor District.
 - b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 28. Winery**
- A winery is permitted by right in the Agricultural District only when located on the same lot as a vineyard. The vineyard shall occupy a minimum of eighty percent (80%) of the lot, and the winery may not exceed twenty percent (20%) of the lot.
- 29. Private Club** (*Ord. No. 17-32; 04-11-17*)
- Private Clubs shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- a) A Private Club is permitted only by specific use permit in R, C and CC zoning districts. A Private Club is also permitted by specific use permit as an accessory use in any zoning district only when in conjunction with the operation of a golf course.
 - b) The regulations herein applicable to a public school shall also apply to a day-care center or a child-care center as provided in Section 109.331, Texas Alcoholic Beverage Code, as amended.
 - c) A Private Club shall not be located within:
 1. Eight hundred feet (800') from a church, public hospital, public school, private school, and/or residential zoning district. For this purpose, residential zoning districts shall include, but are not limited to, properties that are zoned Neighborhood Service and residential Planned Development Districts;
 2. One thousand feet (1000') from a public school if the Town Council receives a request for this additional spacing requirement from the school district, and the Town Council adopts such additional spacing requirements by resolution; or
 3. One thousand feet (1000') from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts the additional spacing requirements by resolution.

- d) Measurement for the distance between a Private Club and the uses listed above or the nearest residential zoning district shall be in a direct line from the Property Line of the applicable use listed above or the nearest residential zoning district to the Property Line of the Private Club, and in a direct line across intersections.
- e) There shall be no variances considered with regard to the regulations set forth herein however, a variance from the distances referenced herein may be approved by the Town Council for any property annexed by the Town after May 13, 2006, and upon which a restaurant is, or is proposed to be, located. In considering a distance variance, the following shall apply:
 - 1. An application shall be submitted to the Town on a form provided by the Department of Development Services.
 - 2. The application shall contain all required information on the form.
 - 3. The Department of Development Services shall set a date for consideration of the application by the Town Council at a public hearing.
 - 4. No less than ten (10) days before the date of consideration by the Town Council, the Director of Development Services or his or her designee shall provide notice to each owner, as indicated by the most recently approved municipal tax roll, of property within two hundred feet (200') of the property on which the distance variance is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.
 - 5. In considering the application for a variance to any distance requirement, the Town Council shall consider if the distance requirement in the particular instance:
 - i. is not in the best interest of the public;
 - ii. constitutes waste or inefficient use of land or other resources;
 - iii. creates an undue hardship on an applicant for a private club permit;
 - iv. does not serve its intended purpose;
 - v. is not effective or necessary; or
 - vi. for any other reason that the Town Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.
 - 6. The Town Council may impose reasonable conditions on the granting of a distance variance.
 - 7. A variance granted pursuant to this section is valid for any subsequent renewals for the state-issued alcohol permit. A distance variance granted pursuant to this section may not be transferred to another location.

30. Alcoholic Beverage Establishment

- a) Alcoholic Beverage Establishments shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- b) An Alcoholic Beverage Establishment is permitted only by specific use permit in R, C and CC zoning districts.
- c) The regulations herein applicable to a public school shall also apply to a day-care center or a child-care center as provided in Section 109.331, Texas Alcoholic Beverage Code, as amended.
- d) An Alcoholic Beverage Establishment shall not be located within:

1. Eight hundred feet (800') from a church, public hospital, public school, private school, and/or residential zoning district. For this purpose, residential zoning districts shall include, but is not limited to, properties that are zoned Neighborhood Service and residential Planned Development Districts;
 2. One thousand feet (1000') from a public school if the Town Council receives a request for this additional spacing requirement from the school district, and the Town Council adopts such additional spacing requirements by resolution; or
 3. One thousand feet (1000') from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts the additional spacing requirements by resolution.
- e) Measurement for the distance between an Alcoholic Beverage Establishment and the uses listed above or the nearest residential zoning district shall be in a direct line from the Property Line of the applicable use listed above or the nearest residential zoning district to the Property Line of the Alcoholic Beverage Establishment, and in a direct line across intersections.
- f) There shall be no variances considered with regard to the regulations set forth herein.

31. Outdoor Merchandise Display, Temporary (*Ord. No. 15-74; 12-08-15*)

- a) The outdoor display of merchandise shall be associated with the merchandise offered for sale on the same premise.
- b) The outdoor display of merchandise shall not exceed 72 consecutive hours with a minimum of twenty-eight (28) days between each occurrence.
- c) The outdoor display of merchandise shall not block or impede required accessibility.

32. Donation or Recycling Bin (*Ord. No. 15-74; 12-08-15*)

- a) In the Single Family Districts and the Downtown Single Family District, a donation or recycling bin shall only be permitted on a lot or tract owned and occupied by a public school or a private/parochial school.
- b) A donation or recycling bin requires approval of a Site Plan by the Planning & Zoning Commission and a permit issued by the Building Inspections Division.
- c) The permit shall contain written authorization of the property owner.
- d) A maximum of one (1) donation or recycling bin shall be permitted per lot or tract.
- e) The donation or recycling bin shall be located within 100 feet (100') of the main structure but not located within the required front, side or rear property lines.
- f) The donation or recycling bin shall not be located on any required parking space(s), nor located in a manner that blocks pedestrian access or a driver's visibility.
- g) The donation or recycling bin shall not exceed six feet, six inches (6', 6") in height, six feet (6') in width and six feet (6') in length.
- h) The donation or recycling bin shall clearly identify the name, address and telephone number of the permittee and operator, if different from the permittee.
- i) The permittee shall maintain the area surrounding the donation or recycling bin free of any junk, garbage, trash, debris or other refuse material.

- j) The permittee and operator shall be responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the donation or recycling bin within twenty-four (24) hours of written or verbal notice from the Town.
 - k) The Town shall have the right to revoke any permit issued hereunder if permittee or operator fails to comply with the provisions of this subsection. The Town shall provide a written notification to the permittee or operator stating the specific grounds for revocation. Upon revocation, the donation or recycling bin shall be removed from the permittee's real property within thirty (30) calendar days and, if not removed within this time period, the Town may remove, store and dispose of the donation or recycling bin at the permittee's sole cost and expense.
- 33. Funeral Home** (*Ord. No. 15-74; 12-08-15*)
On-site cremation services shall require a Specific Use Permit.
- 34. Restaurant, Drive In** (*Ord. No. 15-74; 12-08-15*)
The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 35. Automobile Repair, Major** (*Ord. No. 15-74; 12-08-15*); (*Ord. 2020-##; 09-08-2020*)
- a) A Specific Use Permit is required in the Commercial District
 - b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
 - c) Shall not orient bay doors toward right-of-way or a single family district, unless setback a minimum of two hundred and fifty feet (250') from the right-of-way or residentially zoned property.
- 36. Automobile Repair, Minor** (*Ord. No. 15-74; 12-08-15*); (*Ord. 2020-##; 09-08-2020*)
- a) A Specific Use Permit is required in the R, DTC, C, CC, and I Districts.
 - b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
 - a. Shall not orient bay doors toward right-of-way or a single family district, unless setback a minimum of two hundred and fifty feet (250') from the right-of-way or residentially zoned property.
- 37. Automobile Sales/Leasing, New** (*Ord. 15-74; 12-08-15*)
- a) A Specific Use Permit is required in the Commercial and Commercial Corridor Districts.
 - b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 38. Automobile Sales/Leasing, Used** (*Ord. No. 15-74; 12-08-15*)
- a) A Specific Use Permit is required in the Commercial and Commercial Corridor Districts.
 - b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 39. Car Wash, Self-Serve** (*Ord. No. 15-74; 12-08-15*)
- a) A Specific Use Permit is required in the Commercial District.

- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 40. Motorcycle Sales/Service** (*Ord. No. 15-74; 12-08-15*)
- a) A Specific Use Permit is required in the Commercial and Commercial Corridor Districts.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 41. Recreational Vehicle Sales and Service, New/Used** (*Ord. No. 15-74; 12-08-15*)
- a) A Specific Use Permit is required in the Commercial District.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 42. Truck/Bus Repair** (*Ord. No. 15-74; 12-08-15*)
- The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 43. Truck Sales, Heavy Trucks** (*Ord. No. 15-74; 12-08-15*)
- a) A Specific Use Permit is required in the Commercial District.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 44. Truck Terminal** (*Ord. No. 15-74; 12-08-15*)
- The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- 45. Guest House** (*Ord. No. 17-43; 06-13-17*)
- A guest house shall be subject to the following development standards:
- a) The guest house, if detached, shall be located on a lot or tract containing a minimum of one (1) acre.
- b) To be classified as an attached guest house, the second living quarters shall be integral to primary dwelling and be accessed through conditioned interior corridors. A guest house that is connected to the primary dwelling by a covered or enclosed walkway shall meet all conditions of a detached guest house.
- c) The guest house shall be located on the same lot or tract as the existing primary dwelling.
- d) If detached, the guest house shall be located behind the primary structure at a point no closer than ten (10) feet from the rear wall line of the primary dwelling.
- e) If detached, the guest house shall meet all rear yard and side yard setbacks that are required of the primary dwelling.
- f) If detached, the height of the guest house shall not exceed the height of the primary dwelling.
- g) If detached, a guest house shall not be finalized/approved for occupancy prior to the final/approval for occupancy of the primary dwelling.
- h) No more than one (1) guest house per lot or tract shall be permitted.

- i) The guest house shall not be rented or leased or offered for rent or lease, independently of the primary dwelling.
- j) The guest house shall not be sold separately from the sale of the entire property, including the primary dwelling.
- k) The guest house shall be serviced by the same electric and natural gas utility meters as the primary dwelling.
- l) The exterior building materials shall be consistent with the exterior materials of the primary dwelling.
- m) The maximum total area of a detached guest house, including garages, covered patios and any enclosed storage areas shall not exceed fifty percent (50%) of the dwelling area of the primary dwelling. However, in no instance, shall the maximum total area of a detached guest house, including garages, covered patios and any enclosed storage areas exceed 2,000 square feet.
- n) In no case shall the combined area of the primary dwelling, guest house and/or other accessory buildings exceed the maximum percentage of lot coverage permitted for the zoning district in which the structures are located.

46. Residential Garage Loft (*Ord. No. 17-43; 06-13-17*)

A residential garage loft shall be subject to the following development standards:

- a) The residential garage loft shall be located on the same lot or tract as the primary dwelling unit.
- b) The residential garage loft shall be located above the garage and the total area of the unit shall not exceed 800 square feet.
- c) The height of the residential garage loft shall not exceed the height of the primary dwelling.
- d) No more than one (1) residential garage loft per lot or tract shall be permitted.
- e) The residential garage loft shall not be rented or leased or offered for rent or lease, independently of the primary dwelling.
- f) The residential garage loft shall not be sold separately from the sale of the entire property, including the primary dwelling.
- g) The residential garage loft shall be serviced by the same electric and natural gas utility meters as the primary dwelling.
- h) The exterior building materials shall be consistent with the exterior materials of the primary dwelling.

47. Community Home (*Ord. No. 18-39; 05-22-18*)

Community Homes are permitted in any residential zoning district but may not be located within one-half (1/2) mile of an existing Community Home. That distance is to be measured in a straight line. The number of motor vehicles permitted on the site or on a public right-of-way adjacent to the site shall not exceed the number of bedrooms in the home.

48. Open Storage (*Ord. 2020-##; 09-08-2020*)

Open Storage shall be subject to the following development standards:

- a) It shall only contain equipment, vehicles, commodities, materials, goods, or merchandise that is sold, rented, or distributed within the inside of a building of a primary use, unless it is demonstrated to the Director of Development Services or his/her designee that such products or materials could not be located indoors.

- b) It shall not be located within any required front, side, or rear yard setbacks.
- c) It shall be screened from all streets and adjacent properties with the following:
 - 1. A minimum six (6) foot ornamental metal fence, not to be more than ten (10) feet in height, with a solid living screen located in a ten (10) foot landscape setback, containing a minimum of three (3) inch caliper evergreen trees on fifteen (15) foot centers with a continuous row of minimum seven (7) gallon evergreen shrubs along the exterior or interior of the fence; or
 - 2. A minimum six (6) foot masonry wall, not to be more than ten (10) feet in height, matching the materials of the primary building with three (3) inch caliper evergreen trees on fifteen (15) foot centers, located in a ten (10) foot landscape setback along the interior or exterior of the wall. If landscaping is provided along the interior of the wall tree species shall provide mature canopy exceeding the height of the wall, subject to review and approval by the Parks Department
 - 3. Alternative types of screening shall be reviewed by the Planning & Zoning Commission with a recommendation forwarded to Town Council.
- d) It shall not exceed a height of one (1) foot below the top of the solid living screen or wall screening, whichever is greater, or be visible from the property line. A Nursery, Major may store plants that exceed the height of the living screen or wall.
- e) All gates and doors shall provide an opaque screen. The total of all openings for access may not exceed twenty-four (24) feet in width.
- f) It shall not be located within any required parking spaces, loading areas, fire lanes, vehicular maneuvering aisles, customer pick-up lanes, or on the roof of any structure.
- g) It shall not apply to new and used sales or lease of automobiles, motorcycles, recreational vehicles, watercraft, or similar facilities as approved by the Director of Development Services or his/her designee requiring open storage.
- h) The Planning & Zoning Commission may waive these requirements if no public purpose would be served by the construction of the required screen, or natural features (i.e. vegetation or topography) exist that sufficiently screen the open storage.

49. Food Truck Park (*Ord. 2020-##; 09-08-2020*)

Permitted by Specific Use Permit (SUP) in the referenced districts, subject to the following standards:

- a) Mobile food vendors may be located on public property other than public street travel lanes;
- b) Mobile food vendors may be located on private property with the written consent of the owner, including a site plan that identifies permitted locations;
- c) Mobile food vendors shall not operate in driveways or fire lanes;
- d) Prior to issuance of a permit, an application shall be submitted to the Development Services Department and contain any information required by staff to evaluate the impacts including but limited to location, parking and accessibility.

SECTION 2
DEFINITIONS

2.1 For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not discretionary.

2.2 **Abutting, Adjacent, or Adjoining** - Contiguous or sharing a common border or boundary with other property. Abutting, adjacent and adjoining shall include property immediately across an alley, but shall not include property across a street.

Accessory Building - A building that is subordinate to and functionally related to the primary building, which contributes to the comfort, convenience, or necessity of occupants of the primary building on the same platted lot. Accessory buildings shall be detached from the primary building.

Administrative, Medical, or Professional Office - A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.

Advertising Sign Or Structure - Any cloth, card, paper, metal, glass, wooden, plastic, plaster or stone sign or other sign, device or structure of any character whatsoever, including a statuary or place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Directional, warning, or any other signs posted by public officials in the course of their public duties shall not be construed as advertising signs for the purpose of this Ordinance.

Airport/Heliport - A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling/repair and various accommodations for passengers.

Alcoholic Beverage - Means alcohol, or any beverage containing more than one-half (1/2) of one percent (1%) of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted, as defined by the Texas Alcoholic Beverage Code, as amended.

Alcoholic Beverage Establishment - Any establishment that derives seventy-five percent (75%) or more of its gross revenues on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, for on-premise consumption.

Alcoholic Beverage Sales - Any establishment, place of business, or person engaged in the selling of Alcoholic Beverages, as defined in the Texas Alcoholic Beverage Code, as amended, to the general public for off-premise personal or household consumption.

Alley - A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Antenna - An instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum.

Antenna, Non-Commercial - An antenna and its support structure not exceeding forty-five feet (45') in height above the ground elevation at the base of the support structure, unless located on property owned or leased by the Town of Prosper, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum. This definition shall also include a satellite dish antenna not to exceed twelve feet (12') in diameter.

Antenna, Stealth - A commercial antenna and its support structure that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth Antennas include, but are not limited to:

- Antennas within a building's attic space;
- Antennas on the roof of a minimum three-story building and not visible from the property line of the lot on which the antenna is located; or
- Antennas located within a structure such as a flagpole, church steeple, subdivision monument, clock tower, or similar architectural feature, and Antennas located on an athletic field light pole. (Ord. 18-93; 11-13-18)

Antenna Support Structure - Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals.

Antique Shop and Used Furniture - A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building.

Apartment - A room or suite of rooms in a Multiple-Family Residence arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals.

Artisan's Workshop - An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items.

Assisted Care or Living Facility - A facility which provides residence and care to ten or more persons regardless of legal relationship who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel. This definition shall also include a facility providing health care or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

Athletic Stadium or Field, Private - A private field(s) and structure used for sporting events with associated spectator seating, either permanent or temporary.

Athletic Stadium or Field, Public - A field(s) and structure owned and operated by the Town of Prosper and/or a local independent school district used for sporting events with associated spectator seating, either permanent or temporary.

Automobile - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, passenger cars, trucks, buses, motor scooters, and motorcycles.

Automobile Parking Lot/Garage - An area or structure where the parking of motor vehicles serves as the primary use on the lot. This use does not include the storage of gasoline.

Automobile Paid Parking Lot/Garage - An area or structure where a fee is charged for parking motor vehicles and which serves as the primary use on the lot. This use does not include the storage of gasoline.

Automobile Repair, Major A facility which offers general repair or maintenance of vehicles, including paint and/or body repair services. Outdoor storage of vehicles overnight shall provide screening in accordance with the open storage regulations of the Zoning Ordinance. Any facility offering auto services that requires overnight storage of the vehicle shall be considered, Major Automotive Repair (Ord. 2020-##; 09-08-2020)

Automobile Repair, Minor A facility which offers general repair and maintenance of vehicles. Minor automobile repair uses shall not include a facility which offers paint and/or body repair services or the outdoor storage of vehicles overnight. (Ord. 2020-##; 09-08-2020)

Automobile Sales, Service, and Leasing - The sale, rental or leasing of new automobiles or light load vehicles, and includes as incidental uses (i) automobile or light load vehicle used sales and (ii) on-site automobile repair services related to the sale, rental or leasing of new automobiles or light load vehicles. (Ord. No. 17-49; 06-27-17)

Automobile Sales/leasing, New - Sales, rental, and/or leasing of new automobiles or light load vehicles, including, as accessory uses: Automobile Sales, Used; Automobile Repair, Major; and Automobile Storage.

Automobile Sales, Used - Sales of used automobiles or light load vehicles.

Automobile Storage - The storage on a lot or tract of automobiles for the purpose of holding such vehicles for sale, lease, distribution, or storage. (Ord. 2020-##; 09-08-2020)

Auto Parts Sales, Inside - The use of any building for the display and sale of new or used parts, including tires, for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Auto Parts Sales, Outside - The use of any land area for the display and sale of new or used parts, including tires, for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Bank, Savings and Loan, or Credit Union - An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds, including automated teller machines.

Basement (or Cellar) - A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

Beauty Salon/Barber Shop - Establishments primarily engaged in providing services generally involved in the care of the person or his apparel including, but not limited to, barber and beauty shops, tanning salons, ear piercing shops, cosmetic tattooing shops, and reducing salons.

Bed and Breakfast Inn - An owner (or operator) occupied residence with up to five (5) bedrooms available for overnight guests. A Bed and Breakfast Inn may provide for guest stays up to fourteen (14) consecutive days; however, it shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation shall be permitted in guest bedrooms. A Bed and Breakfast Inn shall not include restaurants, banquet facilities, or similar services.

Big Box - Retail buildings over eighty thousand (80,000) square feet where the primary tenant occupies at least eighty percent (80%) of the building.

Block - An area enclosed by streets, or if said word is used as a term of measurement, it shall mean the distance along a side of a street between two intersecting streets; or if the street is of a dead-end type, a block shall be considered to be measured between the nearest intersecting street and the end of such dead-end street. In cases where platting is incomplete or disconnected, the Building Official shall determine the outline of the block.

Board of Adjustment - A five (5) member board with two (2) alternates appointed by the Town Council for the purpose of making special exceptions to the terms of the Town of Prosper Zoning Ordinance. See Chapter 1, Section 8.6 of this Ordinance for the specific duties and regulations of the Board of Adjustment. In the event that a Board of Adjustment is not appointed, the Town Council shall perform the duties and responsibilities assigned to the Board of Adjustment by this Ordinance.

Body Art Studio - An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or another decoration.

Breezeway - A covered passage one (1) story in height and six feet (6') or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

Buildable Area - The allowable area available to construct a building or structure after complying with the Town's applicable set back and maximum lot coverage requirements.

Building - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Building Height - The vertical distance between the average of the highest and lowest points of grade of that portion of the lot covered by the building to the highest point of a structure.

Building Line - A line parallel, or approximately parallel, to any front lot line at a specific distance there from, marking the minimum distance from the front lot line that a building may be erected.

Building, Main - A building in which the principal use of the lot on which it is situated is conducted. In a residential district the primary dwelling unit shall be deemed to be a main building on the lot on which it is situated.

Building Material and Hardware Sales, Major - An establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise.

Building Material and Hardware Sales, Minor - An establishment for the sale of materials customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

Building Official - The inspector or administrative official of the Town charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code.

Building Permit - An official document or certificate issued by the Town of Prosper authorizing erection, construction, renovation, maintenance, or any other specified activity on any building, structure or land, or on any installations or facilities therein. The term "building permit" shall include but not be limited to building permits, electrical permits, mechanical permits, and plumbing permits.

Bus Terminal - Any premises for the transient parking or storage of motor-driven buses and the loading and unloading of passengers.

Business Service - Establishments primarily engaged in providing services not elsewhere classified, to business enterprises on a fee contract basis, including, but not limited to, advertising agencies, computer programming and software services, and office equipment sales, rental, leasing, or repair.

Cabinet/Upholstery Shop - An establishment for the production, display, and sale of cabinets, furniture, and soft coverings for furniture.

Campground or Recreational Vehicle Park - Any area that is designed for occupancy by transients using tents, mobile trailers, or recreational vehicles for temporary sleeping purposes.

Candlepower - The quantity of light required to illuminate a surface one (1) foot distance from a light source to the intensity of one (1) foot-candle.

Caretaker's/Guard's Residence - A residence located on a premises with a main non-residential use and occupied only by a caretaker or guard, and his/her family, employed on the premises.

Carport - A structure, either attached to or detached from another structure, open on a minimum of two sides designed or used to shelter not more than three vehicles and not to exceed twenty-four feet (24') on its longest dimension. Also called "covered parking area."

Car Wash - A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.

Car Wash, Self-Serve - A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

Catering - An establishment in which the primary use is the preparation of food and meals on the premises, and where such food and meals are picked up or delivered to another location for consumption. This definition expressly prohibits on-site dining. (*Ord. 2020-##; 09-08-2020*)

Cemetery or Mausoleum - Property used for the interring of the dead.

Certificate of Occupancy - An official certificate issued by the Town through the Building Official that indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

Child Care Center, Home - A home occupation that occurs in the caregiver's home that provides care for less than twenty-four (24) hours a day to no more than six (6) children under the age of fourteen, plus six (6) additional children after school hours. The total number of children, including the caretaker's own children, is no more than twelve (12) at any time. This use is subject to registration/licensing with appropriate State agencies. (*Ord. No. 18-39; 05-22-18*)

Child Care Center, Incidental - An accessory use designed only for the care of children belonging to employees of the primary use. The center shall be completely contained within the primary use and shall not constitute more than fifteen percent (15%) of the main use. The operating hours of the center shall be the same as the primary use and shall not include overnight lodging, medical treatment, counseling, or rehabilitative services. This use is subject to registration/licensing with appropriate State agencies. (*Ord. No. 18-39; 05-22-18*)

Child Care Center, Licensed - A non-residential institution that provides care for less than twenty-four (24) hours a day for seven (7) or more children under the age of fourteen. This use is subject to registration/licensing with appropriate State agencies. (*Ord. No. 18-39; 05-22-18*)

Civic/Convention Center - A building or complex of buildings used for cultural, recreational, athletic, convention or entertainment purposes.

Clear-Cutting - Any indiscriminate cutting, plowing, or grubbing of Protected Tree(s) without regard to their type or size for the purpose of clearing an area of land of Trees.

College, University, Trade, or Private Boarding School - An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation. A Private Boarding School is an educational institution offering primary and secondary level courses. Dormitories for students and employees only are permitted in conjunction with these uses.

Commercial Amusement, Indoor - An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses may include, but are not limited to, bowling alleys, ice or roller skating rinks, bingo parlors, amusement arcades, and/or practice areas.

Commercial Amusement, Outdoor - An enterprise providing for outdoor recreational activities, services, amusements, and instruction for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals.

Community Center - A building or portion of a building owned and/or operated by a government entity or not-for-profit agency in which facilities are provided for civic, educational, political, or social purposes.

Community Home - A residence for persons with disabilities, limited to a maximum of six (6) persons with disabilities and two supervisors, no closer than one-half mile to an existing community home, permitted by right in all residential zoning districts. This use is subject to registration/licensing with appropriate State

agencies. This definition is subject to the Community Homes for Disabled Persons Act (Texas Human Resources Code, Section 123.001 et seq.) as it exists or may be amended. (*Ord. No. 18-39; 05-22-18*)

Comprehensive Plan - Graphic and textual form policies which govern the future development of the Town and which consists of various components governing specific geographic areas and functions and services of the Town.

Concrete/Asphalt Batching Plant, Permanent - A permanent manufacturing facility for the production of concrete or asphalt.

Concrete/Asphalt Batching Plant, Temporary - A temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

Construction Yard and Field Office, Temporary - A building, structure, or storage/assembly yard used in conjunction with a development project for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the development and subject to removal at completion of construction.

Contractor's Shop and/or Storage Yard - A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.

Convenience Store with Gas Pumps - A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption. This definition shall also include the dispensing or sales of motor vehicle fuels, lubricants, and accessories, but shall not include automobile repair or the sale of replacement parts.

Convenience Store without Gas Pumps - A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption.

Court - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

Coverage - The lot area covered by all buildings located thereon.

Cutoff - The point at which all light rays emitted by a lamp, light source or luminary are completely eliminated (cutoff) at a specific angle above the ground.

Cutoff Angle - The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.

Day Care Center, Adult - A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Care Centers must be licensed by the Texas Department of Human Services.

Development - Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

District - Any section or sections of the Town for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

Donation or Recycling Bin - An unattended receptacle with a door, slot or other opening that is intended to accept donated or recyclable materials, excluding containers associated with recyclable materials generated by the on-premise operator and receiving regular collection services. (*Ord. 15-74; 12-08-15*)

Downtown Public Parking Lot(s) - An area, other than street or public way, provided for self-parking by employees, visitors, and/or patrons of any state or local government, any public accommodations, retail or office establishments, or any other business open to the general public.

Drip Line - A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

Dry Cleaning, Major - An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

Dry Cleaning, Minor - A custom cleaning shop or pick-up station not exceeding six thousand (6,000) square feet of floor area, including, but not limited to, dry cleaning plants having no more than one thousand five hundred (1,500) square feet of floor area for dry cleaning equipment.

Easement - A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Electrical Power Generating Plant - All equipment, fixtures, and property operated or maintained in connection with the production of electricity and transmission of electricity produced.

Equipment and Machinery Sales and Rental, Major - A building or open area used for the display, sale, rental, or storage of heavy equipment and machinery.

Equipment and Machinery Sales and Rental, Minor - A building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, bicycles, lawn mowers, tools, and other small machinery.

Fairgrounds/Exhibition Area - An area where outdoor fairs, circuses, or exhibitions are held.

Family - One or more persons related by blood, marriage, or adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit.

Farmer's Market - An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale. The following products are not permitted for sale at a Farmer's Market: any type of meat, fish, poultry, eggs, refrigerated dairy products, or home packaged items.

Farm, Ranch, Stable, Garden, or Orchard - An area which is used for the cultivation of vegetables, fruits, and grain or for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Feed Store - An establishment for the selling of corn, grain, and other foodstuffs for animals and livestock and including other implements and goods related to agricultural processes, but not including farm machinery.

Fence - Any construction or hedge of any material, the purpose of which is to provide protection from intrusion (either physical or visual) to prevent escape, mark a boundary, or provide decoration. A wall shall be considered a fence. Restraining walls for the purpose of diverting water and retaining soil are not classified as a fence.

Flea Market, Inside - A building or structure wherein space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Flood or Spot Light - Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Flood Plain - Any property within the limits as delineated by FEMA (Federal Emergency Management Agency) of the 100-year flood plain or as amended by an engineering flood study of the ultimate developed conditions prior to any reclamation.

Floor Area - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

Floor Area Ratio (FAR) - The floor area of a main building or buildings on a lot, excluding structured parking garages, divided by the lot area.

Food Truck Park - An establishment which provides for the congregation for one (1) or more temporary food businesses for the purpose of offering food and beverage sales to the public. (*Ord. 2020-##: 09-08-2020*)

Foot-Candle - A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle. When metric units are used, lux is the unit of light quantity. One (1) lux equals one (1) lumen per square meter of area. One (1) foot-candle equals 10.76 lux.

Fortune Teller/Psychic - A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall include, but is not limited to, uses where the fortune is told through astrology, augury, card or tea reading, cartomancy, clairvoyance, clairaudience, crystal gazing, divination, magic mediumship, necromancy, palmistry, psychometry, phrenology, prophecy, and spiritual reading. Fortune telling does not include forecasting based on historical trends or patterns or religious dogma.

Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority - An organized group having a restricted membership and specific purpose related to the welfare of the members including, but not limited to, Elks, Masons, Knights of Columbus, Rotary International, Shriners, or a labor union.

Full Cutoff-Type of Luminaries or Horizontal Limited Luminaries - Luminaries constructed or shielded to direct all light at a cutoff angle of less than ninety (90) degrees.

Funeral Home - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. On-site cremation services permitted in accordance with the Conditional Development Standards. (*Ord. 15-74; 12-08-15*)

Furniture, Home Furnishings and Appliance Store - Retail establishments selling goods used for furnishing the home, including, but not limited to, furniture, floor coverings, draperies, domestic stoves, refrigerators, and other household electrical and gas appliances.

Furniture Restoration - A workshop that specializes in furniture refinishing, including the use of all materials, tools, and chemicals associated with the use.

Garage, Private - An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

Gas Pumps - Any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels.

General Manufacturing/Industrial Use Complying with Performance Standards - Manufacturing of finished products and component products or parts through the processing of materials or substances, including basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Glare - Direct light emitted from a light source, which is sufficient to cause annoyance, discomfort, or temporary loss of visual performance and visibility.

Golf Course and/or Country Club - A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition shall also include clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

Governmental Office - A building used for the provision of governmental executive, management, administrative, and/or postal services. Governmental offices include those facilities owned and/or operated by city, special district, county, state, and federal agencies.

Green Belt - An open space that may be of irregular form that may include trees typically found along a natural or manmade feature such as a creek, flood plain, escarpment, right-of-way, or park.

Guest House - A second, attached or detached dwelling unit located on the same lot or tract as the primary dwelling unit, which provides for living, sleeping, and cooking facilities and is used by family members, guests of the family, or a domestic worker hired by the homeowner of the primary dwelling unit. A mobile home or a HUD-Code manufactured home shall not be considered as a guest house. (*Ord 17-43; 06-13-17*)

Gymnastics/Dance Studio - A building or portion of a building used as a place of work for a gymnast, dancer, or martial artist or for instructional classes in gymnastics, dance, or martial arts.

Health/Fitness Center - A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

Heavy Load Vehicle - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than eleven thousand (11,000) pounds, such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

Height of Luminary - The height of a luminary shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct light emitting part of the luminary.

Helistop - A place where helicopters can land and take off only and excluding refueling, maintenance, repairs, and storage of helicopters.

Homebuilder Marketing Center - A building or structure used for the marketing and sale of lots and/or homes.

Home Occupation - An occupation, which is secondary to the primary use of a dwelling as a residence, conducted on residential premises by the occupant of the residence. Home occupations shall be subject to the conditions set forth in Chapter 3, Section 1.4(5) of this Ordinance.

Hospital - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, helistops, outpatient facilities, or training facilities as licensed by the State of Texas.

Hotel, Full Service - A building or group of buildings designed for and occupied as a temporary lodging place; where financial consideration is generally calculated on a nightly basis; provides a restaurant offering three (3) meals a day; provides meeting/event space; and is not classified as a limited service hotel or a residence hotel. (*Ord. 15-74; 12-08-15*)

Hotel, Limited Service - A building or group of buildings designed for and occupied as a temporary lodging place; where financial consideration is generally calculated on a nightly basis and is not classified as a full service hotel or a residence/extended stay hotel. (*Ord. 15-74; 12-08-15*)

Hotel, Residence/Extended Stay - A building or group of buildings designed for and occupied as a temporary lodging which may include an extended stay and where financial consideration is generally calculated on a

nightly, weekly or monthly basis and is not classified as a limited service hotel or a full service hotel. (Ord. 15-74; 12-08-15)

Household Care Facility - A dwelling unit which provides residence and care to not more than six (6) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two (2) supervisory personnel as a single housekeeping unit. This definition is subject to the Personal Care Facility Licensing Act (Texas Health and Safety Code, Section 247.001 *et seq.*) and the Community Homes for Disabled Persons Location Act (Texas Human Resources Code, Section 123.001 *et seq.*) as they presently exist or may be amended in the future. (Ord. No. 18-39; 05-22-18)

Household Pet - A domesticated animal kept for pleasure rather than utility, including, but not limited to, a dog, cat, or bird.

House of Worship - A building designed and used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises (tax exempt as defined by State law). This definition includes, but is not limited to, churches, temples, synagogues, and mosques. For the purposes of this Ordinance, bible study and other similar activities that occur in a person's primary residence shall not apply to this definition.

Illumination Level - Average lighting intensity measured at grade (in foot-candles).

Incandescent Light - Illumination produced by a filament, which is heated by an electric current, including quartz and halogen lights.

Incidental Use - Any use different from the primary use but which compliments and/or supplements the primary use, which shall not constitute more than fifteen percent (15%) of the main use.

Indoor Gun Range - Any indoor facility open to the public and occupying all or a portion of a building where firearms are discharged for testing or recreation purposes.

Industrial Park - A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Insurance Office - A building or facility used for the sales, management, and administration of insurance services, including the estimation of automobile damages, but excluding on-site parking/storage of damaged vehicles.

Lamp - The component of a luminary that produces the actual light.

Landfill - A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.

Landscaping - Material such as, but not limited to, grass, groundcovers, shrubs, vines, hedges, trees or palms, and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

Laundromat - A facility where patrons wash, dry, or dry-clean clothing and other fabrics in machines operated by the patron.

Light Load Vehicles - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than eleven thousand (11,000) pounds, and having no more than two (2) axles, such as pick-up trucks, vans, recreational vehicles (less than thirty-two feet (32') in length), campers and other similar vehicles but not including automobiles and motorcycles.

Light Pollution - The shining of light produced by luminaries above the height of the luminaries and into the sky.

Light Trespass - The shining of light produced by luminaries beyond the boundaries of the property on which it is located.

Limited Assembly and Manufacturing Use Complying with Performance Standards - The fabrication, assembly, manufacturing, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Loading Space - An off-street space or berth used for the delivery and loading or unloading of vehicles.

Locksmith/Security System Company - Establishments primarily engaged in providing, installing, repairing, and/or monitoring locks and electronic security systems.

Lot - Any plot of land occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by this Ordinance, and other laws or ordinances, and having its principal frontage on a public street or officially approved place.

Lot, Area - The total area, measured on a horizontal plane, included within lot lines.

Lot, Corner - A lot which has at least two adjacent sides abutting a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

Lot, Depth - The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage - A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Flag or Panhandle - A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than twenty-five feet (25'). The maximum distance of the area less than the required width from the front property line shall be one hundred ten feet (110').

Lot, Interior - A lot other than a corner lot.

Lot, Key - A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

Lot Frontage - That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot Line, Front - The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

Lot Line, Rear - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line.

Lot Line, Side - Any lot line not the front or rear lot line.

Lot Lines or Property Lines - The lines bounding a lot as defined herein.

Lot of Record - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Collin or Denton County or a lot subdivided by metes and bounds description prior to October 1984.

Lot Width - The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line.

Lumen - Unit used to express the light output of a lamp or fixture.

Luminary - A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

Luminous Tube Lighting - Gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used (e.g., neon or argon).

Machine Shop - A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.

Major Thoroughfare - A dedicated street or highway route designated as a Thoroughfare by the Thoroughfare Plan map of the Comprehensive Plan.

Manufactured Home - A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems with the appropriate label. The term does not include a recreational vehicle. (or under the Texas Manufactured Housing Standards Act, Chapter 1201, Texas Occupations Code, as amended).

Masonry Construction - Unless otherwise provided for in this Ordinance, Masonry Construction constitutes clay fired brick, natural and manufactured stone, granite, marble, and stucco as exterior construction materials for all structures. Other permitted exterior construction materials for big box, institutional, and industrial structures are architectural concrete block, tilt wall concrete panels, sealed and painted split faced concrete block, and high impact exterior insulation and finish systems (EIFS). High impact EIFS is only permitted when installed a minimum of nine feet (9') above grade at the base of the wall on which it is installed. (*Ord. 2020-##; 09-08-2020*)

Massage Therapy, Licensed - Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Massage Therapy, Unlicensed - Any place of business in which massage therapy is practiced by an unlicensed massage therapist. "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Mechanical Equipment - For the purposes of the screening regulations contained herein, mechanical equipment shall include ground or roof-mounted HVAC units or commercial kitchen equipment. (Ord. 2020-##; 09-08-2020)

Meeting/Banquet/Reception Facility - A building which is rented, leased or otherwise made available to any person or group for a private event function that is not open to the general public, whether or not a fee is charged. (Ord. 15-74; 12-08-15)

Mineral Extraction - The process of extracting sand, gravel, stone, petroleum, gas, or other minerals/natural resources from the earth. This definition does not include drilling wells for water.

Mini-Warehouse/Public Storage - A building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

Miscellaneous Hazardous Industrial Use - Any industrial use not specifically defined in this section that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Mobile Food Vendor - Any person or persons who operates or sells food from a self-propelled vehicle or stationary cart for a period of 15 days or greater per year. This definition does not include Mobile Food Units. Mobile food vendors who operate for 14 days or less shall be considered temporary food establishments, as defined by the Town of Prosper Health Ordinance as it exists or may be amended. (Ord. 2020-##; 09-08-2020)

Mobile Home - A structure that was constructed before June 15, 1976, transportable in one or more section, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. (or under the Texas Manufactured Housing Standards Act, Chapter 1201, Texas Occupations Code, as amended).

Model Home - A single-family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

Modular Home (or Industrialized Housing) - "Modular home" means a structure or building module as defined, under the jurisdiction and control of the Texas Department of Licensing and Regulation and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Chapter 1201, Texas Occupations Code, as amended); nor does it include building modules incorporating concrete or masonry as the primary structural component.

Motorcycle - A usually two (2) wheeled self-propelled vehicle having one (1) or two (2) saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Motorcycle Sales/Service - The display, sale, repair, and servicing of new or used motorcycles.

Motor Vehicle - Any vehicle designed to carry one or more persons, which is propelled or drawn by mechanical or electrical power, such as automobiles, trucks, motorcycles, and buses.

Multifamily Dwelling - Attached dwelling units designed to be occupied by three or more families living independently of one another, exclusive of Full Service Hotels, Limited Service Hotels, or Residence/Extended Stay Hotels. (Ord. 15-74; 12-08-15)

Municipal Uses Operated by the Town of Prosper - Any area, land, building, structure, and/or facility owned, used, leased, or operated by the Town of Prosper, Texas, including, but not limited to, administrative office, maintenance facility, fire station, library, sewage treatment plant, police station, water tower, service center, park, heliport, helistop, and golf course.

Museum/Art Gallery - A building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

Net Acre - The area within the platted limits of a lot. For the purpose of calculating residential density, Net Acreage shall not include the following:

- Right-of-way dedicated for major thoroughfares.
- Required parkland dedication.
- Detention.
- Land used for non-residential purposes.

For the purpose of calculating residential density, Net Acreage may include the following:

- Non-reclaimed floodplain.
- Private open space.
- Park dedication in excess of minimum park dedication requirements.
- Detention ponds that contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Planning or his/her designee

Nonconforming Use - A building, structure, or use of land lawfully occupied at the time of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

Non-Residential Property - Property zoned or used for other than residential purposes.

Nursery, Major - An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is permitted.

Nursery, Minor - A retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

Occupancy - The use or intended use of the land or buildings by proprietors or tenants.

Office and Storage Area for Public/Private Utility - The pole yard, maintenance yard, or administrative office of public or private utilities.

Office Center - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, which may include ancillary services for office workers such as a coffee shop, newspaper or candy stand.

Office/Showroom - A building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall not exceed fifty percent (50%) of the total floor area. This designation does not include contractor's shop and storage yard.

Office/Warehouse/Distribution Center - A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and

wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

Officially Approved Place of Access - Access, other than a dedicated street, to a property that is approved by the Town.

Off-Street - Off the right of way of a public street or place.

Open Storage - The outside storage or exhibition of goods, materials, merchandise, or equipment on a lot or tract. Open storage must meet the requirements in Chapter 4, Section 5.2(D, E).

Ordinance - The Zoning Ordinance of the Town, as it exists or may be amended. The term "ordinance," not capitalized, refers to any other ordinance of the Town.

Outdoor Lighting - The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Outside Merchandise Display, Incidental - The unenclosed display of commodities, materials, goods, inventory or equipment readily accessible to the public for retail sales in conjunction with a primary enclosed use. (*Ord. 15-74; 12-08-15*)

Outdoor Merchandise Display, Temporary - The temporary display of merchandise such as a sidewalk sale subject to Conditional Development Standards. (*Ord. 15-74; 12-08-15*)

Outdoor Storage, Incidental - The unenclosed storage of commodities, materials, goods, or equipment in conjunction with a primary enclosed use and typically located in an area not readily accessible to the public. (*Ord. 15-74; 12-08-15*)

Parking Lot - An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking Space - An area designated for the parking of a vehicle.

Park or Playground - An area developed for active play and recreation that includes, but is not limited to, open space, sports courts, play equipment, and trails.

Pawn Shop - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker).

Permitted Use - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Pet Day Care - A commercial institution or place designed for the care of no more than one (1) household pet per one hundred (100) square feet of gross floor area.

Photometric Plan - A point-by-point plan depicting the intensity and location of lighting on the property.

Planned Development District - Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated or integral land use units either by a single owner or a combination of owners.

Planning & Zoning Commission - A board, appointed by the Town Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the Town Council. Also referred to as the "P&Z" or the "Commission." In the event that a Commission is not appointed, the Town Council shall perform the duties and responsibilities assigned to the Commission by this Ordinance.

Plat - A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the Town of Prosper and subject to

approval by the Planning & Zoning Commission and filed in the plat records of either Collin or Denton County. The plat must be prepared by a Public Surveyor registered in the State of Texas.

Plot - A single unit or parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.

Portable Building Sales - An establishment that displays and sells structures which are capable of being carried and transported to another location, not including mobile homes.

Premises - Land together with any buildings or structures situated thereon.

Primary Use - The principal or predominant use of any tract, lot, or building.

Print Shop (Major) - An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

Print Shop (Minor) - An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services, but exclude the on-site storage of heavy load fleet vehicles.

Private Club - An establishment holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, that derives thirty-five percent (35%) or more of its gross revenue from the sale or service of Alcoholic Beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code, as amended. Private Club does not include a fraternal or veteran's organization, as defined in the Texas Alcoholic Beverage Code, as amended, holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. A Private Club does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code, as amended. Unless the person owning or operating the use supplies the building official with records to prove otherwise, an establishment holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, is presumed to derive thirty-five percent (35%) or more of its gross revenue from the sale or service of Alcoholic Beverages for on-premise consumption.

Private Recreation Center - A recreational facility, including, but not limited to, clubhouse, swimming pool, playground, and open space, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

Private Street Development - A development of two or more lots sharing private gated vehicular access ways that are not dedicated to the public and are not publicly maintained. Private streets and alleys may be established only under the terms of the Subdivision Ordinance. The term "Private Street" shall be inclusive of alleys.

Private Utility (other than listed) - A non-public utility requiring special facilities in residential areas or on public property such as electricity, natural gas, or telecommunications not customarily provided by the municipality or public utilities. All radiating equipment must comply with current Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety.

Property Line - When the property line is the initial point of establishing measurement requirements for the sale of any type of Alcoholic Beverage, "Property Line" shall mean the nearest property line of the lot where the sale of any type of Alcoholic Beverage may occur, without regard to intervening structures or objects, to the nearest property line of the lot where the church, public hospital, public school, private school and/or residential zoning district, as applicable, is located.

Protected Area - The 100-year floodplain plus the area within three hundred feet (300') of the 100-year floodplain.

Protected Residential Property - Any property within the Town that meets one of the following requirements:

- The property is zoned a residential district as defined within the Zoning Ordinance or zoned a planned development for residential uses;
- The property is designated on the Comprehensive Plan as any type of residential; or
- The property is used or subdivided for use as residential.

Railroad Track and Right-Of-Way - The right-of-way and track used by a railroad, but not including railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.

Recreational Vehicle (RV) - A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self-propelled (motorized). *Also see Heavy Load Vehicle.*

Recreational Vehicle/Truck Parking Lot or Garage - An area or structure designed for the short or long-term parking or storage of recreational vehicles, boats, or heavy load vehicles.

Recreational Vehicle Sales and Service, New/Used - Sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

Recycling Center - A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

Recycling Plant - A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Redevelopment - Any manmade change or alteration to a design and/or layout of an existing Development(s) including repair, expansion and/or removal and replacement of existing building and/or structure, paving drainage, utilities, storage and/or agricultural uses.

Rehabilitation Care Facility - A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

Rehabilitation Care Institution - A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

Repair Service, Indoor - The maintenance and repair of electronics, appliances and fixtures customarily used in a home or office. The term does not include any type of repair to engines or other motorized equipment or vehicles. (*Ord. 15-74; 12-08-15*)

Research and Development Center - A facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing. Any facility that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category.

Residence - Any building or portion thereof, which is designed or used as living quarters for one or more families, but not including mobile homes.

Residential District - District where the primary purpose is residential use.

Residential Garage Loft - A small, accessory dwelling located above a private garage which provides for living, sleeping, and cooking facilities and is used by family members, guests of the family, or a domestic worker hired by the homeowner of the primary dwelling unit. (*Ord 17-43; 06-13-17*)

Residential Property - Any property that is either zoned for or designated on the Future Land Use Plan for residential uses.

Restaurant - An establishment where food and drink are prepared and consumed primarily on the premises. Drive-through service is permitted in accordance with the Conditional Development Standards. (*Ord. No. 17-49; 06-27-17*)

Restaurant, Drive-In - An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

Retail/Service Incidental - Any use different from the primary use but which compliments and/or supplements the primary use. Said use shall be operated for the benefit or convenience of the employees, visitors, or customers of the primary use. Incidental shall mean a floor area that constitutes not more than fifteen percent (15%) of the main use.

Retail Stores and Shops - An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail stores and shops include, but are not limited to, art and craft store, retail bakery, bookstore, boot and shoe sales, ceramics store, clothing and apparel store, computer store, department store, fabric store, florist, grocery store, food market, hobby or toy store, leather store, meat market, medical supply store, music instrument sales, novelty or gift shop, optical store, pet shop, drugstore or pharmacy, sporting goods (including the sale of firearms) store, trophy sales, television store, and used clothing store.

Retirement Housing - A building or group of buildings consisting of attached or detached dwelling units designed for the housing of age-restricted residents. In addition to housing, this type of facility may provide services to its residents such as meals in a central dining room, housekeeping, transportation and activity rooms. The facility shall not be licensed as an assisted living center or a skilled nursing home. (*Ord. 15-74; 12-08-15*)

Room - A building or portion of a building that is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

Salvage Yard - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

Satellite Dish Antenna - An oval or round, parabolic apparatus capable of receiving communications from a transmitter relay located in planetary orbit. Usable satellite signals shall mean satellite signals, from the major communication satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.

School District Bus Yard - Any premises owned and/or operated by an independent school district, or designee, used for the parking and storage of motor-driven buses.

School, Private or Parochial - A school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public elementary or secondary school.

School, Public - A school operated by an independent school district and providing elementary or secondary curriculum.

Setback - See definition for Building Line.

Servant's Quarters - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or a person or persons employed on the premises by the occupant on a full time basis as domestic help, such as a maid, yard man, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections.

Sewage Treatment Plant/Pumping Station - A facility owned and/or operated by a private entity that is designed for the collection, removal, treatment, and/or disposal of water borne sewage.

Sexually Oriented Uses - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or other use that distributes, displays, or manufactures sexually oriented materials. Sexually Oriented Uses are subject to the requirements of Prosper Ordinance No. 89-2 as it exists or may be amended.

Shopping Center - A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

Single-Family Residence, Detached - A dwelling designed and constructed for occupancy by one (1) family and having no physical connection to a building located on any other separate lot or tract.

Small Engine Repair Shop - A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other small engine equipment and machinery.

Stable, Commercial - A stable used for the rental of stall space for horses and/or mules or for the sale or rental of horses and/or mules.

Standard Masonry Construction - Having at least seventy five percent (75%) of the exterior walls of a building constructed of brick, stone or other Masonry Construction.

Story - That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. The average height for a story shall be defined as twelve feet (12'). Multiple stories, or portions thereof, shall be a result of the number of stories and story height of twelve feet (12'). The definition of a story does not include parapets, gables, and other normal roof structures.

Story, Half - A single room within a dwelling unit above the second floor. A half-story will occupy no less than two-thirds (2/3) of the area under the roof, and shall have non-operating opaque windows for facades that face adjacent properties. Transparent windows may face the front yard. A half story containing independent apartment, living quarters, or bedroom shall be counted as a full story.

Street - Any dedicated public thoroughfare that affords the principal means of access to abutting property.

Street, Intersection - Any street that joins another street at an angle, whether or not it crosses the other.

Structural Alterations - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Structure - Anything that is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

Storage or Wholesale Warehouse - A building used primarily for the storage of goods and materials.

Studio Dwelling - An accessory residence that is located in the same structure as, typically above, a commercial or office use in the Downtown Office or Downtown Commercial Districts. The minimum floor area for a studio residence shall be six-hundred fifty (650) square feet. Each individual office or commercial use may have one (1) accessory studio dwelling.

Taxidermist - An establishment whose principle business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

Telephone Exchange - A central switching hub servicing the public at large in which telephone lines are connected to permit communication.

Temporary Building - An industrialized or modular building or structure without a permanent foundation. Membrane structures shall not be considered a temporary building. (Ord. 2020-##; 09-08-2020)

Temporary Outdoor Lighting - The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than four (4) days with at least one-hundred and eighty (180) days passing before being used again.

Temporary Wireless Communications and Support Structures - Wireless communications and support structures as defined in this Section intended to provide service for a limited period of time per the conditions of a the regulating Specific Use Permit or intended to provide service on a temporary basis in conjunction with a special event, emergency situation, or equipment failure. (Ord 18-12; 01-23-18)

Theater, Drive-In - An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in motor vehicles.

Theater, Neighborhood - A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances, with a maximum of ten (10) screens, stages, or combination thereof or a combined seating capacity of two thousand five hundred (2,500) or less.

Theater, Regional - A building or portion of a building used primarily for showing motion pictures or for dramatic, musical, or live performance having more than ten (10) screens, stages, or combination thereof or a combined seating capacity greater than two thousand five hundred (2,500).

Town - References to the "Town" shall mean the Town of Prosper.

Town Council - The governing body of the Town of Prosper, Texas.

Townhome (Single Family Dwelling, Attached) - A structure located on a lot with fee simple ownership and containing three to eight dwelling units with each unit designed for occupancy by one family and each unit attached to another by a common wall. (Ord. 2020-##; 09-08-2020)

Tract - An area, parcel, site, piece of land, or property that is the subject of a zoning or development application.

Trailer, Hauling - A vehicle to be pulled behind a motor vehicle that is designed for hauling animals, produce, goods or commodities, including boats.

Trailer/Mobile Home Display and Sales - The offering for sale, storage, or display of trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Trailer Rental - The display and offering for rent of trailers designed to be towed by light load vehicles.

Trailer, Travel or Camping - A portable or mobile living unit designed to be towed behind another vehicle and used for temporary human occupancy. A Travel or Camping Trailer shall not serve as the principal place of residence of the occupants.

Transit Center - Any premises, including bus stations, for the loading and unloading of passengers and the temporary parking of transit vehicles between routes or during stopovers and excluding overnight parking and storage of transit vehicles.

Tree - Any self-supporting woody perennial plant which has one well defined trunk diameter of four and one-half inches (4½") or more in diameter when measured at a point four and one-half feet (4½') above the natural ground level and which normally attains a height of at least twelve feet (12') at maturity.

Tree Permit - An official document or certificate issued by the Town of Prosper authorizing the removal of a tree in accordance with Chapter 4, Section 3 of this Ordinance.

Tree, Protected - A tree that is determined to be healthy by the Director of Development Services, or his/her designee, and meets one of the following requirements:

- Any tree, regardless of species, six inches (6") or larger in diameter when measured at a point four and one-half feet (4½') above the ground level and which normally attains a height of at least twelve feet (12') at maturity, and located within a 100-year floodplain.
- Any tree, except those species listed below, six inches (6") or larger in diameter when measured at a point four and one-half feet (4½') above the ground level and which normally attains a height of at least twelve feet (12') at maturity, and located outside of the 100-year floodplain.
- Any protected tree forty inches (40") or larger in diameter when measured at a point four and one-half feet (4 ½') above ground level and which normally attains a height of least twelve feet (12') at maturity; or any tree deemed to be of historical significance.

The following trees shall not be included in the above definition of Protected Trees:

Silver Leaf Maple	<i>Acer saccharinum</i>
Hackberry, Texas Sugarberry	<i>Celtis laevigata</i>
Honey Locust	<i>Gleditsia triacanthos</i>
Bois d' Arc	<i>Maclura pomifera</i>
Mimosa	<i>Mimosa sp.</i>
Mulberry	<i>Morus rubra</i>
White Poplar	<i>Populus alba</i>
Cottonwood	<i>Populus deltoides</i>
Mesquite	<i>Prosopis glandulosa</i>
Willow	<i>Willow sp.</i>

(Ord. No. 18-23; 03-27-18)

Tree, Replacement or Transplanted - Any tree that is listed under Chapter 4, Section 3 of this Ordinance, as it exists or may be amended, and/or utilized for mitigation of Protected Trees that have been, or are required to be, removed and replaced or transplanted under the requirements of this Ordinance. A replacement tree is one that has been planted to mitigate the removal of a tree from the property. A transplanted tree is one that exists on the property and is relocated within the property. A tree must have a minimum size of three (3) inches when measured at a point twelve inches (12") above the natural ground level and will normally attain a height of at least twelve feet (12') at maturity to be considered a replacement or transplanted tree.

Trees, Stand of - A group of six (6) or more protected trees that have a combined caliper measurement of forty-eight inches (48") or greater and each tree is within twenty (20) linear feet of another tree within the group. The distance measurement shall occur at natural grade from edge of trunk to edge of trunk.

Truck - A light or heavy load vehicle (see definitions for Light and Heavy Load Vehicle).

Truck/Bus Repair - An establishment providing major and minor repair services to panel trucks, vans, trailers, recreational vehicles, or buses.

Truck Sales, Heavy Trucks - The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, or buses in operable condition.

Truck Terminal - An area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis, including facilities for the temporary storage of loads prior to shipment.

Two Family Residence - A detached dwelling designed with a common vertical wall between units and to be occupied by two (2) families living independently of each other.

Units per Acre - A measurement of residential density, the number of residential living units permitted to be developed on a Net Acre of land.

Usable Open Space - An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent (10%); shall have no dimension of less than fifteen feet (15'); and may include recreational facilities, water features, required perimeter landscape areas, flood plain areas and decorative objects such as art work or fountains. Usable open space shall not include: required sidewalks, rooftops, accessory buildings, except those portions or any building designed specifically for recreational purposes, parking areas, landscaped parking requirements, driveways, turn-rounds or the right-of-way or easement for streets or alleys.

Utility Distribution/Transmission Facility - Facilities, including subsidiary stations, which serve to distribute, meter, transmit, transform, or reduce the pressure of gas, water, or electric current.

Variance - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the Town of Prosper can grant a variance, in accordance with the Chapter 211 of the Texas Local Government Code, as amended.

Veterinarian Clinic and/or Kennel, Indoor - An establishment, not including outside pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Veterinarian Clinic and/or Kennel, Outdoor - An establishment with outdoor pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Water Treatment Plant - A facility owned and/or operated by a private entity that is used to alter the physical, chemical, or biological quality of water.

Wind Energy System - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 10kW and is intended to reduce on-site consumption of electricity.

Winery - A manufacturing facility designed to place wine into a bottle or other container for wholesale and limited retail distribution. A winery is subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended, and permitting by the Texas Alcoholic Beverage Commission.

Wireless Communications and Support Structures - An antenna and its supporting structures, and any appurtenances intended for transmitting or receiving electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, data transmission, television signals, or other or similar forms of electronic communication. (*Ord. 18-12; 01-23-18*)

Yard - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

Yard, Front - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

Yard, Rear - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

ATTACHMENT 3

Yard, Side - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

Zoning District Map - The official map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of this Ordinance.

SECTION 1 SITE PLAN PROCESS

(Ord. 2020-##; 09-08-2020)

1.1 GENERAL

This Section establishes a site plan review process for land development. The process involves a series of two plans, progressing from a generalized evaluation of a site and development concept to approval of a detailed development plan.

The first plan is a Preliminary Site Plan. This plan presents detailed information on building layout, parking, drives, landscaping, screening, and other site improvements. Preliminary Site Plan approval assures the applicant that the general layout is acceptable prior to proceeding with detailed engineering and design work. Site Plan approval is the final step in the process. A Site Plan is a detailed, scaled drawing of all surface improvements, structures and utilities proposed for development. Site plan approval is required prior to a construction release and prior to the issuance of building permits. Preliminary Site Plans and Site Plans require review and approval by the Planning & Zoning Commission.

The purpose of this process is to:

- A. Ensure compliance with adopted Town development regulations and other applicable regulations for which the Town has enforcement responsibility.
- B. Promote safe, efficient and harmonious use of land through application of Town-adopted design standards and guidelines.
- C. Protect and enhance the Town's environmental and aesthetic quality.
- D. Ensure adequate public facilities to serve development.
- E. Prevent or mitigate adverse development impacts, including overcrowding and congestion.
- F. Aid evaluation and coordination of land subdivision.
- G. Promote the public health, safety and welfare.

1.2 APPLICABILITY

The site plan review process shall apply to:

- A. Nonresidential development, except for Agricultural buildings and temporary field construction offices/staging areas as permitted by the Building Official.
- B. Multifamily residential development having more than four dwelling units.
- C. Mobile home parks.
- D. Parking lot development, reconstruction or reconfiguration of more than twenty (20) spaces.

1.3 SUBMISSION OF APPLICATIONS

Applications for approval of plans required by this Section must be submitted to the Planning Division. A calendar of official submittal dates for items requiring Planning & Zoning Commission approval shall be published by the Town thirty (30) days prior to the beginning of each calendar year. All applications received on a date other than an official submittal date shall be dated received on the next official submittal date. Applications must be complete for acceptance, in accordance with Chapter 1, Section 9.

1.4 FEES, FORMS AND PROCEDURES

The Town Council shall establish a schedule of fees relating to the site plan approval process. The Director of Development Services may establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an application for preliminary site plans and site plans.

1.5 PRELIMINARY SITE PLAN

A. General

A preliminary site plan is the first plan in the site plan approval process. The purpose of the plan is to:

1. Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property.
2. Determine the placement, configuration, coverage, size and height of buildings.
3. Determine the design of public street improvements and right-of-way, the design and location of drives, aisles and parking.
4. Determine location and preliminary design of open space, landscaping, walls, screens and amenities.
5. Determine the preliminary design of drainage facilities and utilities.

B. Applicability

Except as provided in Chapter 4, Section 1.6(A), an approved, valid preliminary site plan shall be required prior to the consideration of a site plan for development property defined in Chapter 4, Section 1.2. The plan must include all contiguous property of common ownership, except that approved platted lots that are not part of the intended development may be shown for informational purposes only.

C. Application Procedure and Requirements

1. **Pre-Application** – Before preparing a preliminary site plan, the applicant shall meet with Planning Division staff to discuss the application procedure and requirements, and review the proposed development concept.
2. **General Application** – The property owner, or an authorized representative, shall submit an application for the approval of a Preliminary Site Plan. This application shall include the information listed in the Development Manual.
3. **Additional Requirements** – In addition to meeting the requirements for preliminary site plan approval, the following approvals may be necessary: (such applications and plans shall be accepted for filing, however, prior to approval of the preliminary site plan, and failure to submit such applications prior to approval of the preliminary site plan shall be grounds for denial or rejection of the preliminary site plan).
 - a. Preliminary plat, if applicable.
 - b. Preliminary utility plans, if applicable.
4. **Standards of Approval** – The Planning & Zoning Commission may approve, conditionally approve, table or deny a Preliminary Site Plan based on:
 - a. Conformance with the Comprehensive Plan and adopted design guidelines.
 - b. Compliance with the Zoning Ordinance and other applicable regulations and previously approved, valid plans for the property.
 - c. Impact on the site's natural resources.

- d. Affect on adjacent and area property and land use.
 - e. Safety and efficiency of vehicular and pedestrian circulation, traffic control and congestion mitigation.
 - f. Safety and convenience of off-street parking and loading facilities.
 - g. Access for fire fighting and emergency equipment to buildings.
 - h. Use of landscaping and screening to shield lights, noise, movement or activities from adjacent properties and to complement the design and location of buildings and parking.
 - i. The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
5. **Effect** – Approval of a preliminary site plan by the Planning & Zoning Commission shall constitute authorization by the Town for the land owner(s) to submit an application for final site plan approval for development of the entire site or a portion thereof provided that the site plan conforms to the preliminary site plan and any conditions attached to its approval. During the time the preliminary site plan remains valid, the location of buildings, landscaped areas, open space, streets, drives, fire lanes, median breaks, curb cuts and parking shall remain fixed except as to permit minor adjustments resulting from subsequent engineering of improvements or to prevent a condition affecting public health or safety which was not known at the time of approval. Except where authorized by ordinance, a preliminary site plan may not be used to approve an exception to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.
6. **Lapse** – The approval of a preliminary site plan shall be effective for a period of two (2) years from the date that the preliminary site plan is approved by the Planning & Zoning Commission, at the end of which time the applicant must have submitted and received approval of a site plan by the Planning & Zoning Commission. If a site plan is not approved within such two (2) year period, the preliminary site plan approval is null and void. If site plan approval is only for a portion of the property, the approval of the preliminary site plan for the remaining property shall be null and void. The applicant shall be required to submit a new preliminary site plan for review and approval subject to the then existing regulations.
7. **Appeal** – The applicant, Director of Development Services, or a simple majority of the Town Council may appeal the decision of the Planning & Zoning Commission by submitting a written notice of appeal to the Planning Division. The applicant or Director of Development Services must submit said written notice of appeal no later than fourteen (14) days from the date of such decision. The Town Council shall consider and act on whether it will appeal the Commission's decision no later than fourteen (14) days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made, whichever is later. Written notice of the Town Council's vote to appeal shall be submitted to the Planning Division within seven (7) days of the Town Council's vote. The Town Council shall consider the appeal at a public meeting no later than forty-five (45) days after the date on which the notice of appeal is submitted to the Planning Division. The Town Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.

1.6 SITE PLAN

A site plan is the final plan required in the site plan approval process. The site plan is a detailed plan of the public and private improvements to be constructed. The purpose of the plan is to:

- Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property.

- Coordinate and document the design of public and private improvements to be constructed.
- Coordinate the subdivision of land, including the granting of easements, development agreements and provision of surety.

A. Applicability

An approved and valid site plan shall be required prior to the approval of any construction plan and permit for any development defined in Chapter 4, Section 1.2 of this Ordinance. An approved, valid preliminary site plan is required prior to the consideration of a site plan except as provided below:

1. Development of a single building on one lot not exceeding three (3) net acres and where the lot is not being subdivided from a larger property.
2. Development of property proposed to occur in a single phase.
2. Development of parking or outside storage areas.
3. Development of utilities and non-occupied structures.
4. Development of outdoor recreation structures and amenities.

B. Application Procedure and Requirements

1. **Pre-application** – Before preparing a site plan, the applicant shall meet with Planning Division staff to discuss the procedures for approval and to review the general concept of the proposed development.
2. **General Application** – The property owner shall submit an application for the approval of a Site Plan. This application shall include the information listed in the Development Manual.
3. **Additional Requirements** – The following plans shall be submitted with a site plan application and approval is necessary prior to final authorization for development:
 - a. Final plat or replat.
 - b. Engineering plans.
 - c. Landscape plans.
 - d. Facade plan, if applicable.
 - e. Other approvals as required by ordinance or resolution.
4. **Standards of Approval** – Where application for site plan approval is made for development defined on an approved, valid preliminary site plan, the Planning & Zoning Commission may approve, conditionally approve or deny the application based upon the criteria listed below:
 - a. Conformance with the Comprehensive Plan and adopted design guidelines.
 - b. Compliance with the Zoning Ordinance and other applicable regulations and previously approved, valid plans for the property.
 - c. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
 - d. The width, grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
 - e. The use of landscaping and screening (1) to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary, and (2) to complement the design and location of buildings and be integrated into the overall site design.

- f. The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
 - g. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
 - h. Protection and conservation of water courses and areas subject to flooding.
 - i. The adequacy of streets, water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.
5. **Effect** – Approval of a site plan is the Town's authorization to apply for approval of building permits and to receive approval of engineering plans. During the time the site plan remains valid the Town shall not apply any additional requirements concerning building placement, streets, drives, parking, landscaping or screening. Site plan approval is separate and distinct from other permits and approvals as may be required by the Town and other regulatory agencies. Approval of a site plan shall not affect other applicable regulations concerning development and land use. Except where authorized by ordinance, a site plan may not be used to approve a variance to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.
6. **Lapse** – The approval of a site plan shall be effective for a period of eighteen (18) months from the date of approval by the Planning & Zoning Commission, at the end of which time the applicant must have submitted and received approval of engineering plans and building permits. If the engineering plans and building permits are not approved, the site plan approval, together with any preliminary site plan for the property, is null and void. If engineering plans and permits have been approved only for a portion of the property and for improvements, the site plan for the remaining property and/or improvements, together with any preliminary site plan for the property, shall be null and void. The applicant shall be required to submit a new preliminary site plan and, subsequently, a new site plan consistent therewith, for review and approval by the Planning & Zoning Commission subject to the then existing regulations (see Chapter 4, Section 1.6(B)). Site plan approval shall expire upon completion of the improvements shown on the plan. Subsequent additional development, site modifications and redevelopment shall be permitted in accordance with Chapter 4, Section 1.10.
7. **Appeal** – The applicant, Director of Development Services, or a simple majority of the Town Council may appeal the decision of the Planning & Zoning Commission by submitting a written notice of appeal to the Planning Division. The applicant or Director of Development Services must submit said written notice of appeal no later than fourteen (14) days from the date of such decision. The Town Council shall consider and act on whether it will appeal the Commission's decision no later than fourteen (14) days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made, whichever is later. Written notice of the Town Council's vote to appeal shall be submitted to the Planning Division within seven (7) days of the Town Council's vote. The Town Council shall consider the appeal at a public meeting no later than forty-five (45) days after the date on which the notice of appeal is submitted to the Planning Division. The Town Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.

1.7 AMENDMENTS

At any time following the approval of a preliminary site plan or site plan, and before the lapse of such approval the property owner(s) may request an amendment. Amendments shall be classified as major and minor. Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping and screening, changes to utilities and service locations which do not substantially change the

original plan. Any increase of building height or proximity to an adjacent (off-site) residential use shall not be considered a minor amendment. The Director of Development Services or his/her designee may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning & Zoning Commission and Town Council (see Chapter 4, Section 1.6(B)(7) for appeal procedure). All other amendments shall be considered major amendments and will be considered by the Planning & Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of a plan.

1.8 EXTENSION PROCEDURE

- A. A property owner, or his/her representative, may request extension of an approved preliminary site plan if such request is submitted to the Director of Development Services, or his/her designee at least thirty (30) days prior to lapse of such plan as provided in these regulations. The preliminary site plan may be extended up to twelve (12) months. Application for the extension shall be made by submitting a development application to the Town's Planning Division on or before one of the Town's official submittal dates for development requests. The application shall be accompanied by a letter detailing the reason for the extension and by the required number of copies of the plan. If the Director of Development Services or his/her designee denies the extension, the applicant may request an appeal to the Planning & Zoning Commission in writing within fourteen (14) days of such denial. If the Planning & Zoning Commission denies the extension, the applicant may request an appeal to the Town Council in writing within fourteen (14) days of such denial.

In reviewing an extension request, the Director of Development Services or his/her designee shall consider the following:

- Has a site plan been submitted for any portion of the property shown on the preliminary site plan?
- Does the preliminary site plan comply with new ordinances, those approved after the initial approval of the preliminary site plan, that impact the health, safety, and general welfare of the community?
- Are there adequate public facilities, such as parks or schools, in the area surrounding the property?

Negative answers to any of the above shall be grounds to deny the extension or approve the extension with conditions. In granting any extension, the Director of Development Services or his/her designee, the Planning & Zoning Commission, upon appeal, or the Town Council, upon appeal, may apply current development standards to the application, or make such other conditions as are needed to assure that the land will be developed in a timely fashion and that the public interest is served. A second one (1) year extension may be requested using the same process after the expiration of the initial extension.

- B. A property owner, or his/her representative, may request extension of an approved site plan if such request is submitted to the Director of Development Services, or his/her designee at least thirty (30) days prior to lapse of such plan as provided in these regulations. Site plans may be extended up to six (6) months. Application for the extension shall be made by submitting a development application to the Town's Planning Division on or before one of the Town's official submittal dates for development requests. The application shall be accompanied by a letter detailing the reason for the extension and by the required number of copies of the plan. If the Director of Development Services or his/her designee denies the extension, the applicant may request an appeal to the Planning & Zoning Commission in writing within fourteen (14) days of such denial. If the Planning & Zoning Commission denies the extension, the applicant may request an appeal to the Town Council in writing within fourteen (14) days of such denial.

In reviewing an extension request, the Director of Development Services or his/her designee shall consider the following:

- Has the preparation of civil engineering plans progressed, a grading permit been issued, or construction commenced?

A negative answer to the above shall be grounds to deny the extension. In granting an extension, the Director of Development Services or his/her designee, the Planning & Zoning Commission, upon appeal, or the Town Council, upon appeal, may apply current development standards to the application, or make such other conditions as are needed to assure that the land will be developed in a timely fashion and that the public interest is served. A second six (6) month extension may be requested using the same process after the expiration of the initial extension.

- C. In determining whether to grant such request, the Director of Development Services or his/her designee, the Planning & Zoning Commission, and/or the Town Council shall take into account the reasons for the requested extension, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted regulations shall apply to the plan. The Director of Development Services or his/her designee, the Planning & Zoning Commission, and/or the Town Council shall extend or reinstate the plan, with or without conditions, or deny the request, in which instance the property owner must submit a new application for approval.
- D. The Director of Development Services or his/her designee, the Planning & Zoning Commission, and/or the Town Council may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The Director of Development Services or his/her designee, the Planning & Zoning Commission, and/or the Town Council may also specify a shorter time for lapse of the extended plan than is applicable to original approvals.

1.9 REVOCATION OF APPROVAL

The Town Council or the Planning & Zoning Commission may revoke approval of a preliminary site plan or site plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information. The Town shall notify an applicant within fourteen (14) days of such revocation of approval via U.S. Postal Service.

1.10 ADDITIONAL DEVELOPMENT AND REDEVELOPMENT

Following the completion of improvements shown on an approved site plan, additional development, site modifications or redevelopment of the site shall be permitted subject to the approval of a revised site plan. Minor expansions and redevelopment may be approved by the Director of Development Services or his/her designee under the terms of Chapter 4, Section 1.7. All other expansions or redevelopment shall require submittal of a revised site plan and the approval of the Planning & Zoning Commission under the requirements and procedures then in effect.

1.11 WAIVER OF CERTAIN DEVELOPMENT REGULATIONS BY THE TOWN MANAGER

(Ord. No. 2020-43; 05-12-20)

Notwithstanding the authority granted to the Director of Development Services or his/her designee to approve or disapprove minor amendments, pursuant to Subsection 1.7 of this Section, as amended, the Town Manager is hereby authorized to approve minor waivers or exceptions to any of the following development regulations contained in this Chapter: site plan requirements (Section 1), landscaping (Section 2), tree mitigation (Section 3), parking and loading requirements (Section 4), screening fences and walls (Section 5), outdoor lighting (Section 6), accessory buildings (Section 7), and non-residential design and development (Section 8), all as amended.

In no event shall the Town Manager approve any waiver or exception to a requirement that would (1) alter the permitted uses on the property; (2) increase the permitted density; (3) increase any permitted building

ATTACHMENT 3

height; (4) reduce any required setbacks; or (5) alter any façade requirements. Moreover, the Town Manager is not authorized and shall not approve any waiver or exception for any development requirement contained in a duly-authorized development agreement, including any requirements relative to building products or materials, or aesthetic method in the construction, renovation, maintenance or other alteration of a building.

SECTION 2 LANDSCAPING

(Ord. 2020-##; 09-08-2020)

2.1 PURPOSE

The purpose of this Section is to provide for the orderly and aesthetic development of the Town and to promote the health, safety and general welfare of the community. It is the intent of this Section to achieve the following:

- A balance between the need for landscape treatments and the need for commercial growth in the Town.
- Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements.
- To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, storm water runoff retardation and erosion control.
- Provide for the separation and buffering of incongruous uses and intensity of activities; and provide for the visual softening of building masses.
- Reduce glare from paved surfaces, dust nuisances and the impact of noise.
- Protect and promote the value of residential and commercial properties within the Town.
- Promote a positive image for the attraction of new business enterprises within the Town.
- Encourage the protection of healthy trees and vegetation and promote the natural ecological environmental and aesthetic qualities of the Town.

Therefore, landscaping is required of new development and altered or repaired construction on all developments, and construction of the developments shall conform to the standards in this Section (the "Landscape Standards").

2.2 SCOPE

The standards and criteria contained in this Section are the minimum standards for all new development and existing developments that are expanding or redeveloping thirty (30) percent or more of that development. For the purposes of this Section, expanding or redeveloping, shall be based on an increase of the overall building area. All construction in these developments shall conform to this Section. In addition, any use requiring a Specific Use Permit (SUP) or any property having a Planned Development (PD) zoning designation must comply with these Landscape Standards or the standards set forth in the SUP or PD zoning designation, whichever is more restrictive. The provisions of this section shall be administered and enforced by the Director of Development Services, or his/her designee. For new construction, Landscape Standards shall be shown on a Landscape Plan as required in this Section.

A. Permits

No permits will be issued for building, paving, utilities or construction until a Landscape Plan is submitted and approved by the Town. A Certificate of Occupancy will not be issued until the Landscape Plan approved by the Town has been installed in accordance with that plan and approved by the Town.

If a Certificate of Occupancy is sought during a season of the year in which the Town determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, the developer/owner will deposit with the Town a sum of money equal to the cost of installing all or the remaining portion of the approved Landscape Plan. In lieu of paying cash, the developer/owner may provide financial assurance of payment of the cost of installing the Landscape Plan acceptable to the Town, which will remain in effect until the Landscape Plan is installed and accepted by the Town. The Landscape Plan will be installed within six (6) months of final acceptance of the development by the Town or issuance of the first certificate of occupancy within the development. Failure to do so will be a violation of this Ordinance and subject to the penalties contained herein.

B. Enforcement

If at any time after the issuance of a Certificate of Occupancy, the landscaping that was installed does not conform to the Landscape Plan or the Landscape Standards, the Town will issue notice to the property owner, tenant and/or agent, citing the violation and describing the action required to comply with this Section. The owner, tenant or agent shall have thirty (30) days from date of said notice to comply with approved Landscape Plan. If the landscaping is not installed within the allotted time, the property owner, tenant, and agent shall be in violation of this Ordinance. In addition to any other remedy available to the Town, the Certificate of Occupancy for that property may be revoked.

2.3 LANDSCAPE PLAN

- A. A landscape plan shall be submitted in conjunction with a site plan and/or final plat for all developments. A landscape plan is not required for individual single family lots. With the exception of properties consisting of less than two (2) acres and located in DTO, DTR, or DTC district, the landscape plans shall be prepared by a Landscape Architect and shall contain the information outlined in the Development Manual.

2.4 MAINTENANCE (*Ord. No. 17-74; 09-26-17*)

- A. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping required by this Ordinance. All plant material shall be perpetually maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials that die shall be replaced by property owner, tenant or agent with plant material of similar variety and size, within thirty (30) days of notification by the Town or a date approved by the Town.
- B. All trees located on Town Property shall be cared for by the Town unless that responsibility is transferred to another entity through a Council-approved agreement. The Director of the Parks and Recreation Department shall ensure that the Town, or its contractor, monitors and cares for trees in a way that promotes a healthy and growing urban forest, is performed according to ANSI A300, "Standards for Tree Care Operations," and tree care best management practices published by the International Society of Arboriculture. It shall be unlawful to remove, prune, damage or otherwise harm trees on Town property without permission from the Director of the Parks and Recreation Department. The Parks and Recreation Department shall be responsible for developing and updating an annual work plan. This work plan shall document what maintenance activities are being performed and scheduled each year. The Parks and Recreation Board may appoint an advisory committee to focus on issues and initiatives that pertain to any Urban Forest that is located on public lands.

2.5 GENERAL STANDARDS

The following criteria and standards shall apply to landscape materials and installation:

- A. All required landscaped open areas shall be completely covered with living plant material. Mulch and other materials can be used around required shrub and tree plantings. Supplemental plantings or design elements that are beyond requirements can be submitted for Town review and approval at any time. Landscape Plans must meet the minimum requirements of this Section prior to approval by the Town.
- B. Plant materials shall conform to the standards of the approved plant lists in this Section and substitutions of plant material may be approved by the Town. The quantity of plant material required by this Section must equal or exceed the minimum number of plants required by this Section. Unless otherwise noted on the approved Landscape Plan, required plant material can be placed in groupings or utilized in appropriate planting designs that are proposed by the applicant and approved by the Town.
- C. Trees shall have an average spread of crown of greater than fifteen (15) feet at maturity. Trees having a lesser average mature crown of fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of fifteen (15) feet crown of spread. Unless otherwise specified herein, trees shall be of a minimum of three (3) inches in caliper as measured twelve (12) inches above natural soil level and seven (7) feet in height at time of planting.
- D. Shrubs other than dwarf variety shall be a minimum of two (2) feet in height when measured immediately

after planting. A screening hedge, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen that will be three (3) feet in height within one (1) year after planting. Any parking area abutting the landscape perimeter will be screened from the adjacent street as approved by the Town. Parking areas that are beyond sixty (60) feet from the property line do not require screening unless adjacent to a residential zoning district or a residential development.

- E. Ground covers used in lieu of grass must provide complete coverage within one (1) year of planting. Ground cover planting must provide and maintain adequate coverage as approved by Town.
- F. Earthen berms shall not exceed a 3:1 slope (three (3) feet of horizontal distance for each one (1) foot of height). All berms will contain adequate drainage and preventive erosion measures as may be required by the Town. Berms shall not include construction debris. Slippage or damage to the smooth finish grade of the berm must be corrected prior to acceptance by Town.
- G. Large Trees must be planted four (4) feet or greater from curbs. Large trees shall be placed a minimum of four (4) feet from sidewalks, utility lines, screening walls and/or other structures. Ornamental trees can be placed closer than four (4) feet with approval from the Town. Any reduction in spacing requires a root barrier approved by the Town. Utility installation that includes common trench and conduit banks is exempt from the Large Tree planting distance requirements. The Town has final approval for all tree placements. The Landscape Plan will show the size and location of duct banks.
- H. Evergreen trees such as conifers intended for screening will have a minimum height of six (6) feet at the time of planting. Evergreen shrubs intended for required screening shall be a minimum of seven (7) gallons and be capable of attaining six (6) feet in height in two growing seasons.
- I. A Tree Permit, in accordance with Chapter 4, Section 3.3, and/or grading permit is required for all clear-cutting and/or mass removal of under-story or wooded areas.
- J. All driveways will maintain visibility as approved by the Town. Landscaping shall not impede visibility affecting the health, safety, and welfare of the public.
- K. All plantings intended for erosion control will be maintained by the land owner, applicant, or tenant. The Town may require re-vegetation to prevent erosion or slippage.
- L. Small trees maybe substituted for Large Trees at the rate of three (3) small trees for each one (1) large tree (3:1) with approval of the Town. Unless otherwise specified herein, small trees will have a minimum size of three (3) inch caliper.
- M. New or proposed plant materials will be measured and sized according to the Texas Association of Nursery (TAN) standards.
- N. Other plant materials in excess of the quantities required in this Ordinance may be smaller than the required material. All shrubs intended for public, non-residential, or multi-families developments should be at least two (2) gallons or more.
- O. Alternate designs may be considered by the Town to conform to the intent of this Ordinance. Any alternate design requires Town approval. The alternate method of utilizing large quantities of small material may include, but are not limited to:
 - One (1) five (5) gallon shrub = Two (2) three (3) gallon or four (4) two (2) gallon
 - One (1) three (3) inch large tree = Three (3) three (3) inch ornamental trees

All substitutions are subject to Town approval and must be specified on the approved Landscape Plan.
- P. The right-of-way adjacent to required landscape areas shall be maintained by the adjacent property owner in the same manner as the required landscape area.
- Q. Existing trees on a property that are preserved may be used to meet the requirements of this Section upon

approval by the Town.

1. Existing trees approved by the Town for credit are to remain in a living and growing condition. Any existing tree for which credit was given that dies shall be replaced on the same basis as set forth in this Section.
2. Large groups of small or under-story trees are eligible for tree preservation credits with approval from the Town. Credits shall be indicated on the landscape plan.
3. Credit will be revoked where trees intended for preservation credits are damaged due to, among other things, construction, broken branches, soil compaction or soil cut/fill.

2.6 LANDSCAPE AREA REQUIREMENTS

A. Single Family, Two Family (Duplex), Town Home, and Mobile Home Landscape Area Requirements

1. Trees from the Large Tree list in Section 2.7 below shall be planted on all Single-Family Detached, Two Family (Duplex), and Town Home lots. Trees shall be planted to meet the total number of caliper inches referenced in the table below. Required trees shall not be smaller than three (3) caliper inches. A minimum of one (1) - four (4) caliper inch tree(s) shall be located in the front yard of all residential lots less than 7,000 square feet in size. A minimum of two (2) - four (4) caliper inch trees shall be located in the front yard of all residential lots 7,000 square feet in size and larger. The remaining required Large Trees may be placed in the front or rear of the residential lot. The total caliper inches of Large Trees and number of shrubs are required as shown in the table below.

<u>Size of Lot (sq. ft.)</u>	<u>Caliper Inches</u>	<u>Number of Shrubs</u>
2,500 - 6,999	4	12
7,000 - 8,999	8	15
9,000 - 19,999	11	20
20,000+	14	25

(Ord. 15-55; 09-22-15)

2. A minimum of one (1) tree from the Large Tree list in Section 2.7 below shall be planted in the side yard area adjacent to the street on a corner lot. When more than two (2) trees are required per lot, the corner lot, side yard tree may count toward the requirement. Street trees (trees located in the parkway area between the curb and the sidewalk) adjacent to the side yard of a corner lot may count toward the requirement. (Ord. 15-55; 09-22-15)
3. Ground cover shall be planted in the front, side, and rear yards of all residential lots. Ground cover includes, but is not limited to: grasses, shrubs, mulched planter beds, and hardscape.
4. Required shrubs shall be a minimum of three (3) gallon in size when planted and shall be planted in the front yard of all residential lots.
5. All landscaping required above shall be planted prior to issuance of the certificate of occupancy on the dwelling.
6. Two Family (Duplex) and Townhome Open Space. Each parcel of land developed under the 2F or TH standards shall provide usable open space totaling ten (10) percent for 2F and twenty (20) percent for TH of the area being developed. The open space shall be computed on the percentage of total platted area in the subdivision, excluding right-of-way dedicated major thoroughfares. This open space shall be owned and maintained by a homeowners' association. Areas provided as usable open space shall meet the following criteria:
 - a. All residential lots must be located within fourteen hundred (1,400) feet of a usable open space area as measured along a street. In order to preserve existing trees or should a property have

unique topography, size, or configuration, this distance may be increased by the Planning & Zoning Commission with approval of the plat.

- b. All open space areas shall be minimum of twenty thousand (20,000) square feet with no slope greater than ten (10) percent and no width less than fifty (50) feet. The Planning & Zoning Commission may give full or partial credit with approval of the plat for open areas that exceed the maximum slope or that are otherwise unusable, if it is determined that such areas are environmentally or aesthetically significant.
- c. Open space areas must be easily viewed from adjacent streets and homes. Open space areas must abut a street on a minimum of forty (40) percent of the perimeter of the open space. However, the perimeter street requirement may be reduced to thirty (30) percent with Planning & Zoning Commission approval of the preliminary plat when:
 - i. preserving existing trees;
 - ii. preserving natural geographic features; or
 - iii. physical constraints such as overall property size, configuration, or topography exist.
- d. Landscaping, sidewalks, and amenities such as tennis courts and swimming or wading pools may be located within usable open space areas. Detention ponds that contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or his/her designee, may be calculated toward the required open space.
- e. Open space shall contain one (1) minimum three (3) inch caliper large tree for every one thousand (1,000) square feet of required open space. The tree shall be maintained in a healthy and growing condition, and must be replaced with trees of similar variety and size if damaged, destroyed, or removed. A landscape plan must be approved prior to approval of the final plat.

B. Multifamily Landscape Area Requirements

These standards apply to all Multifamily zoning districts. Any area within a PD district containing landscaping standards shall comply with the standards set forth in the PD district.

1. General Requirements

- a. Landscaped areas will be of varying depths intended to separate and screen incompatible land uses from one another and to provide green areas along Major Thoroughfares.
- b. Foundation plantings of a single row of shrubs are required along the front façade of all buildings adjacent to a public street.
- c. Trees required by the open space planting requirements are encouraged to be placed along the south and west sides of the residential building(s) to increase energy efficiency.
- d. A summary of tabulations for all required plantings, preservation credits, tree mitigation, and/or other data as necessary to document the landscape requirements shall be shown on the Landscape Plan.

2. Perimeter Requirements

- a. A landscaped area at least twenty-five (25) feet wide shall be located between multifamily developments and public street(s) unless otherwise stated in another ordinance. One (1) large tree, three (3) inch caliper minimum, will be planted on thirty (30) foot centers within the required landscaped area (or quantity for size substitution can be approved by the Town). All landscaping shown on the approved landscape plan will be installed in the vicinity of the building and its adjoining parking prior to the issuance of a Certificate of Occupancy for units in said building.

Required landscape areas adjacent to public streets shall be exclusive of easements or other restrictions which could inhibit planting, growth, or permanence of landscaping.

- b. Where multifamily development is adjacent to the property line of single family zoned property or areas shown as single family on the Future Land Use Plan, a double row of three (3) inch caliper trees on fifty (50) foot offset centers shall be located adjacent to single family zoning districts with one (1) row being shade trees and the other row being evergreen trees in a twenty five (25) foot wide landscape perimeter area, unless otherwise approved by the Director of Development Services or his/her designee.
 - c. Where a multifamily development is adjacent to the property line of property zoned for uses other than single family or parcels not shown as single family on the Future Land Use Plan, a fifteen (15) foot wide landscape area is required. In addition, one (1) large tree, three inch (3) inch caliper minimum, will be required for each fifty (50) linear feet that abuts the adjacent property line. Trees will be located within the fifteen (15) foot perimeter area or within the area located between the property line and the side or rear building line. Trees required under this Section that are planted in parking areas may not be credited towards meeting the number of required trees as outlined in the Interior Parking Requirements listed below.
 - d. Berms ranging in height from three feet (3') to six feet (6'), and an overall minimum average of four and a half feet (4.5'), shall be required along US 380, Frontier Parkway/FM 1461/Parvin Road, Custer Road/FM 2478, Preston Road, Dallas Parkway, and FM 1385.
3. Interior Parking Requirements
- a. Twenty (20) square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot, exclusive of the required perimeter landscape requirements stated above.
 - b. One (1) large tree, three (3) inch caliper minimum, must be provided for every ten (10) parking spaces, in addition to the perimeter trees required in Chapter 4, Section 2.6(B)(2). In addition, the trees required in this Section may not be planted in the required perimeter landscaped areas to receive credit for the perimeter landscape area. Three (3) small trees, a minimum of six (6) feet in height and three (3) inches in diameter, may be substituted for one (1) required large tree for up to twenty-five (25) percent of the required large trees.
 - c. Landscaped islands within the parking lot shall be a minimum of one hundred and sixty (160) square feet, not less than nine (9) foot wide, and a length equal to the abutting space.
 - d. There shall be at least one (1) large tree, three (3) inch caliper minimum, within fifty (50) feet of every parking space. Only trees located in parking areas are available to meet this requirement.
 - e. Landscaped islands will be located at the terminus of all parking rows, and should contain at least one (1) Large Tree, with no more than twelve (12) parking spaces permitted in a continuous row without being interrupted by a landscaped island. Areas where parking is located between the public street and the buildings, trees will be placed every five (5) parking spaces.
 - f. Landscape islands in parking areas may be grouped to form one (1) large island subject to Town approval, provided however, grouping for large islands is prohibited adjacent to public street frontage.
 - g. All landscaped areas will be protected by a raised six (6) inch concrete curb or wheel stop where curbs are not provided. Pavement will not be placed closer than four (4) feet from the trunk of a tree unless a Town approved root barrier is utilized.
 - h. A solid living screen using evergreen trees shall be placed around any RV/trailer parking areas.

4. Irrigation Requirements

Permanent irrigation shall be provided for all required landscaping as follows:

- a. Irrigation lines shall be placed a minimum of two and one-half (2 ½) feet from a Town sidewalk. Reduction of this requirement is subject to review and approval by the Town Engineer.
- b. Trees and shrubs shall be irrigated by bubbler irrigation lines only. Other landscaping may be irrigated by spray irrigation. Separate valves shall be provided to turn off the spray irrigation line during periods of drought or water conservation.
- c. Rain, freeze, and wind detectors shall be installed on all irrigation lines.

5. Open Space

- a. Each parcel of land developed under the MF standards shall provide usable open space totaling thirty (30) percent of the area being developed. The open space shall be computed on the percentage of total platted area in the subdivision, excluding right-of-way dedicated major thoroughfares. Areas provided as usable open space shall meet the following criteria:
 - i. The open space shall have a maximum slope not exceeding ten (10) percent.
 - ii. The open space shall have a minimum dimension of not less than thirty (30) feet.
 - iii. Of the required open space, fifteen (15) percent or twenty thousand (20,000) square feet, whichever is greater, shall be arranged or located in a contiguous mass. Flood plain used for open space may receive full credit for that portion that is maintained in its natural state. Floodplain that is reclaimed and used for open space shall receive a fifty (50) percent credit toward open space.
 - iv. At the time of preliminary site plan approval, the Planning & Zoning Commission may give full or partial credit for open areas that exceed the maximum slope, that are otherwise unusable, or that are less than the fifteen (15) percent or twenty thousand (20,000) square feet required in Chapter 4, Section 9.16(B)(3). These areas must be determined to be environmentally or aesthetically significant and/or an enhancement to the development or the area.
 - v. Landscaping, sidewalks, and amenities such as tennis courts, swimming or wading pools, and clubhouses may be located within usable open space areas. Detention ponds that contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or his/her designee, may be calculated toward the required open space.
 - vi. Open space shall contain one (1) minimum three (3) inch caliper large tree for every one thousand (1,000) square feet of required open space. The trees shall be maintained in a healthy and growing condition, and must be replaced with trees of similar variety and size if damaged, destroyed, or removed. A landscape plan must be approved prior to approval of the final plat.

C. Non-Residential Landscaped Area Requirements (Ord. No 16-46: 07-26-2016)

These standards apply to all non-residential uses. Any area within a PD containing landscaping standards shall comply with the standards set forth in the PD district.

1. Perimeter Requirements:

- a. A landscaped area consisting of living trees (as specified below), turf, or other living ground cover and being at least twenty-five (25) feet in width measured from the property line interior to the property shall be provided adjacent to and outside of the right-of-way on all properties located adjacent to a major or minor thoroughfare as defined by the Town of Prosper Thoroughfare and

Circulation Designs Standards.

- i. The landscaped area may be reduced to fifteen (15) feet for the portion of a property adjacent to a collector or equivalent street as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - ii. The landscaped area shall be increased to thirty (30) feet for properties adjacent to Preston Road, University Drive, and Dallas Parkway.
 - iii. One (1) large tree, three (3) inch caliper minimum per thirty (30) linear feet of roadway frontage shall be planted within the required landscape area. The trees may be planted in groups with appropriate spacing for species.
 - iv. In the DTO District, one (1) large tree, three (3) inch caliper minimum per thirty (30) linear feet of roadway frontage, excluding the width of driveways at the property line, shall be planted within the required landscape area. Where the width of the roadway frontage is greater than eighty (80) feet, excluding the width of driveways at the property line, the number of large trees may be planted at a rate of one, 3" large tree per forty (40) feet of roadway frontage, in lieu of the required one tree per thirty (30) linear feet. The trees may be planted in groups with appropriate spacing for species. In the DTO District, the substitution of three (3) small, ornamental trees for one (1) large tree shall not be permitted.
 - v. A minimum of fifteen (15) shrubs with a minimum size of five (5) gallons each will be planted in the landscaped area for each thirty (30) feet of linear frontage.
 - vi. Parking abutting the landscape area shall be screened from the adjacent roadway. The required screening may be accomplished with shrubs or earthen berms.
 - vii. Unless there is parking adjacent to the landscape area, shrubs are not required in the landscape area in the DTO District.
 - viii. Required landscape areas adjacent to public streets shall be exclusive easements or other restrictions which could inhibit planting, growth, or permanence of landscaping
 - ix. Berms ranging in height from three feet (3') to six feet (6'), and an overall minimum average of four and a half feet (4.5'), shall be required along US 380, Frontier Parkway/FM 1461/Parvin Road, Custer Road/FM 2478, Preston Road, Dallas Parkway, and FM 1385.
- b. Where a non-residential development is adjacent to the property line of residential zoned parcels or areas shown as residential on the Future Land Use Plan, one (1) large tree, three (3) inch caliper minimum, will be planted on thirty (30) foot centers in a fifteen (15) foot landscape area. Evergreen trees shall be planted on twenty (20) foot centers within areas where truck docks or loading spaces are adjacent to single family property.
- i. In the DTO District, regardless of the adjacent use, zoning or Future Land Use Designation; the width of perimeter landscape area adjacent to the property line may be reduced to a minimum of five (5) feet.
 - ii. In the DTO District, in lieu of the required large trees, one (1) small (ornamental) tree shall be planted thirty (30) foot centers along the adjacent property lines."
- c. Where a non-residential development is adjacent to the property line of parcels zoned for uses other than residential or parcels not shown as residential on the Future Land Use Plan:
- i. A five (5) foot wide landscape area is required.
 - ii. If the property line is the centerline of a fire lane or drive aisle, the five (5) foot wide landscape area will begin at the edge of the lane/aisle. If the drive aisle or fire lane only allows access to parking spaces, the landscape area may be eliminated or moved at the discretion of the

Town.

- iii. The five (5) foot wide landscape area may be eliminated for a building where the building is attached to another building and the attached buildings are shown on an approved Site Plan.
- iv. One (1) small tree and one (1) five (5) gallon shrub shall be planted every fifteen (15) linear feet. These trees and shrubs may be clustered in lieu of placing them every fifteen (15) feet.

2. Interior Parking Requirements

Any non-residential parking area that contains twenty (20) or more parking spaces shall provide interior landscaping, in addition to the required landscaped edge, as follows:

- a. Fifteen (15) square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot area.
- b. Where an existing parking lot area is altered or expanded to increase the number of spaces to twenty (20) or more, interior landscaping shall be provided on the new portion of the lot in accordance with this Section.
- c. All landscaped areas shall be protected by a raised six (6) inch concrete curb. Pavement shall not be placed closer than four (4) feet from the trunk of a tree unless a Town approved root barrier is utilized.
- d. Landscaped islands shall be located at the terminus of all parking rows, and shall contain at least one (1) large tree, three (3) inch caliper minimum, with no more than fifteen (15) parking spaces permitted in a continuous row without being interrupted by a landscaped island. Where there is a minimum eight (8) foot wide landscaped median between two rows of head-in parking, landscaped islands are required every twenty (20) spaces.
- e. Landscaped islands shall be a minimum of one hundred and sixty (160) square feet, not less than nine (9) feet wide and a length equal to the abutting space.
- f. Subject to approval by the Town, islands may be grouped to form one large island.
- g. There shall be at least one (1) large tree, three (3) inch caliper minimum, within one hundred and fifty (150) feet of every parking space. This minimum distance may be expanded with Town approval in the event that required islands are grouped to form larger islands.
- h. Required parking lot trees may be consolidated into groups under the following conditions:
 - i. The number of required trees is one (1) per ten (10) parking spaces.
 - ii. Consolidated tree islands require one hundred and eighty (180) square feet per tree.
 - iii. The maximum run of parking spaces is increased from fifteen (15) to thirty (30).
 - iv. This consolidation does not include the tree islands at the end of a row of parking or along perimeter parking rows that face a drive aisle or street.
 - v. A consolidated tree island shall not be located closer than five (5) parking spaces from an end of row tree island.
- i. All uses containing a drive-in or drive-thru shall be subject to the following standards:
 - i. A minimum ten (10) foot wide landscape island shall be constructed around the outer edge of the drive-thru lane for a minimum distance to equal the length of stacking required for the drive-thru facility.
- j. The landscape island shall contain minimum three (3) inch caliper evergreen or deciduous trees planted fifteen (15) feet on-center with minimum five (5) gallon shrubs planted three (3) feet on

center. Ornamental trees evenly interspersed between the evergreen or deciduous trees may be substituted for the shrubs. If the landscape island is located on the perimeter of the property, perimeter landscaping requirements may be applied towards this requirement.

3. Building Landscaping

- a. Foundation plantings are required for buildings or groups of contiguous buildings that are one hundred thousand (100,000) square feet or larger. One (1) large tree, three (3) inch caliper, shall be required for every ten thousand (10,000) square feet of gross building area. These trees shall be located within thirty (30) feet of the face of the building. These plantings are intended to provide pedestrian areas while breaking up the large areas of impervious surface. Trees required by other Sections of this Ordinance will not meet this requirement. Trees may be planted within the building landscape area described above or within tree grates. Trees can be grouped or planted in singular form. These tree plantings should be placed so as not to impede sign visibility. Trees intended for foundation plantings shall meet the following criteria:
 - i. Planted within thirty (30) feet of the front building face.
 - ii. Trees planted less than four (4) feet from the back of curb shall be located in a tree grate with a minimum dimension of four (4) feet.
 - iii. Small trees may be substituted for large tree foundation plantings at the rate of five ornamentals for each requirement of a large tree (5:1) with Town approval. Small trees shall have a minimum size of three (3) inch caliper. Multi-trunk trees will be required to meet a three (3) inch requirement based on standard nursery trade specifications.
 - iv. Trees may be placed in groups with appropriate spacing for species.
 - v. The above requirements may be reduced if approved by the Town and additional pedestrian features such as plazas, seating areas, fountains, and outdoor recreation facilities are provided. These facilities must occupy an area equal to or greater than five (5) percent of the total building area.
- b. In the DTR and DTC Districts, large trees shall be planted every thirty (30) feet on center in tree grates within the sidewalk a minimum of four (4) feet behind the back of curb. The trees shall be a minimum three (3) inch caliper at the time of planting.

4. Irrigation Requirements

Permanent irrigation shall be provided for all required landscaping as follows:

- a. Irrigation lines shall be placed a minimum of two and one-half (2 ½) feet from a Town sidewalk or alley. Reduction of this requirement is subject to review and approval by the Town Engineer.
- b. Trees and shrubs shall be irrigated by bubbler irrigation lines only. Other landscaping may be irrigated by spray irrigation. Separate valves shall be provided to turn off the spray irrigation line during periods of drought or water conservation.
- c. Rain, freeze, and wind detectors shall be installed on all irrigation lines.

5. Median planting requirements.

Non-residential developments having frontage on a divided thoroughfare are required to plant or escrow funds for one (1) three (3) inch caliper large tree per seventy (70) linear feet of frontage. The purpose of this requirement is to establish trees in the medians as development of properties adjacent to divided thoroughfares occurs. The Town will be responsible for maintenance of the trees and medians following the initial installation. The Town is responsible for the installation of trees and irrigation where funds are escrowed or a bond is provided. The Town will have the sole authority to approve any alternate methods of meeting median obligations. Right-of-way median plantings shall

meet the following criteria:

- a. Median plantings within the public right-of-way are to be a minimum of sixty (60) feet from back of curb at the median nose.
 - b. Median plantings shall be a minimum of five (5) feet from back of curb.
 - c. Visibility corridors are to be shown on Landscape Plans.
 - d. Trees shall be a minimum of five (5) feet from utility lines.
 - e. Six (6) inches of topsoil shall be provided in medians.
6. Open Space requirements.
- a. A final open space plan shall be submitted with the Final Site Plan application for all non-residential uses. Open space plans will be used only to ensure minimum standards are met. Open space plans shall be reviewed and approved by the Director of Development Services or his/her designee. The applicant may appeal the decision to the Planning & Zoning Commission. For nonresidential development, seven (7) percent of the net lot area is required to be provided as open space. The open space may consist of any element that is not one of the following:
 - i. Vehicular paving.
 - ii. Required parking lot landscape islands.
 - iii. Building footprint.
 - iv. Utility yards.
 - v. Required landscape setbacks.
 - vi. Sidewalks, unless the sidewalk is designated as an outdoor dining area on the approved site plan.
 - vii. Detention ponds. Detention ponds that are located between the building and street and contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or his/her designee, may be calculated toward the required open space.
- D. NONRESIDENTIAL AND MULTIFAMILY DEVELOPMENT ADJACENT TO A MAJOR CREEK**

1. Major Creeks within the Town of Prosper shall be defined as:

- Button Branch
- Doe Branch
- Gentle Creek
- Rutherford Branch
- Wilson Creek

Each Major Creek begins at its headwater (as determined by the Federal Emergency Management Agency and/or the U.S. Army Corps of Engineers) as is generally depicted on Flood Insurance Rate Maps (FIRM) as provided by the Federal Emergency Management Agency.

2. All nonresidential and multifamily lots developing adjacent to the 100-year floodplain of a major creek shall comply with the requirements listed below. Multifamily-zoned property that develops as single-family is not subject to these requirements, but shall comply with Section 14 of the Subdivision Ordinance, as it exists or may be amended.
 - a. Retaining walls, where provided, shall be constructed of clay-fired brick, stone, patterned concrete, modular concrete block, or split faced concrete masonry units. This requirement does

- not apply to walls constructed within the channel of the creek to control water flow.
- b. Three (3) inch caliper trees planted on thirty (30) foot centers and three (3) gallon shrubs planted on five (5) foot centers shall be provided between parking and the flood plain when parking is located directly adjacent to the flood plain. The trees and shrubs are not required to be planted in a single row; they may be planted in groups. Existing trees in healthy growing condition and of a species from the list of Recommended Plant Materials in Chapter 4, Section 2 of this Ordinance, as it exists or may be amended, may be counted toward this requirement.
 - c. Maintenance access, as required by the Town Engineer, or his/her designee, shall be provided to the flood plain, hike and bike trail, and creek.
 - d. The development shall incorporate a connection to a hike and bike trail along the major creek by way of a sidewalk, stairs, and/or ramps. The connection shall comply with ADA and TAS accessibility requirements. The Director of Development Services or his/her designee may waive this requirement if he/she determines that a connection is not needed due to the property size, configuration and constraints, or land use.
 - e. Open space areas adjacent to the floodplain that have been improved with patios, courtyards, or additional landscaping listed in Section 9.14(C)(1) and Section 9.14(C)(6) below may be used to meet minimum open space requirements.
 - f. Loading areas located adjacent to the major creek shall be screened from the flood plain by a solid living screen to reach a minimum of fourteen (14) feet tall within two (2) years. Existing trees in healthy growing condition and of an evergreen species from the list of Recommended Plant Materials in Chapter 4, Section 2 of this Ordinance, as it exists or may be amended, may be counted toward this requirement. For Industrial development, this requirement may be waived by the Planning & Zoning Commission upon site plan approval if the adjacent property on the opposite side of the creek is zoned Industrial or designated on the Future Land Use Plan as Industrial, unless zoned other than Industrial.
3. Multifamily, except those multifamily properties that are developed as single-family, and office development adjacent to a major creek shall provide four (4) of the amenities listed below. Retail and commercial development adjacent to a major creek shall provide three (3) of the amenities listed below. Industrial development adjacent to a major creek shall provide two (2) of the amenities listed below. Amenity selection is subject to approval by the Planning & Zoning Commission upon preliminary site plan or site plan approval.
- a. A thirty (30) foot landscape edge adjacent to the floodplain of the major creek with a double row of three (3) inch caliper trees planted on thirty (30) foot centers. Existing trees in healthy growing condition and of a species from the list of Recommended Plant Materials in Chapter 4, Section 2 of this Ordinance, as it exists or may be amended, may be counted toward this requirement.
 - b. A minimum of twenty five (25) percent of the surface area of walls that face the major creek to be provided as windows.
 - c. Construction of a hike and bike trail along the creek.
 - d. A visibility corridor of at least one hundred (100) feet shall be required between and/or adjacent to buildings adjacent to the flood plain. This visibility corridor can include parking, landscape medians or areas, amenities, and drive aisles.
 - e. Trail Head Park. A trailhead park shall have minimum dimensions of fifty (50) feet and be located adjacent to the hike and bike trail. Park benches shall be provided. Trailhead parks are subject to review and approval by the Director of Parks & Recreation or his/her designee.
 - f. A common patio, balcony, courtyard, or terrace a minimum of 750 square feet located between the

building and the major creek.

- g. Building orientation such that the entire side of the building adjacent to the flood plain is not the back of the building.
 - h. Building to have the same building materials and architectural elements on all four sides.
 - i. Creek restoration (plan shall be designed and implemented according to USACOE standards and approved by Army Corps of Engineers).
 - j. Other amenities not listed may be approved by the Planning & Zoning Commission in conjunction with a preliminary site plan if they determine that the proposed amenity meets the intent of these requirements.
4. The Planning & Zoning Commission may grant variances to the requirements of this section, as it exists or may be amended, upon preliminary site plan or site plan approval only if they determine that conforming to these requirements is not possible due to the property size, configuration, topography, constraints, or land use and that no other alternative is available. The decision by the Planning & Zoning Commission may be appealed to the Town Council using the site plan appeal process described in Chapter 4, Section 1, as it exists or may be amended.

2.7 REQUIRED PLANT MATERIALS

- A. Artificial plants or turf are expressly prohibited. Drought tolerant and/or native plants from the lists below are required for compliance to this Section. Other species may be utilized with approval from the Town.

ATTACHMENT 3

Large Trees (Shade)	Small Trees (Ornamental)	Shrubs	
Afghan Pine	Birds of Paradise	American Beautyberry	Indian Hawthorn
American Elm	Buckeye, Mexican	Argarita	Italian Jasmine
Arizona Cypress	Buckeye, Red	Aromatic Sumac	Leatherleaf Mahonia
Bald Cypress	Buckeye, Texas	Bridal Wreath Spirea	Miniature Crepe Myrtle
Bigelow Oak	Carolina Buckthorn	Burford Holly	Nellie R. Stevens Holly
Bur Oak	Crepe Myrtle (tree form)	Chinese Photinia	Oakleaf Hydrangea
Caddo Maple	Desert Willow	Cleyera	Purpleleaf Japanese
Cedar Elm	Eastern Red Cedar	Compact Nandina	Barberry
Chinquapin Oak	Eve's Necklace	Coral Berry	Red Yucca
Durrand Oak	Hawthorne	Crimson Pygmy Barberry	Rose of Sharon (Althea)
Lacebark Elm	Hollywood Juniper	Dwarf Burford Holly	Semi-Dwarf Crepe Myrtle
Lacy Oak	Japanese Black Pine	Dwarf Burning bush	Smooth Sumac
Live Oak	Juniper, Blue Point	Dwarf Chinese Holly	Spiraea
Pecan	Juniper, Wichita Blue	Dwarf Crepe Myrtle	Standard Nandina
Shumard Oak	Mesquite	Dwarf Glossy Abelia	Texas Sage
Southern Live Oak	Mexican Plum	Dwarf Pomegranate	
Southern Magnolia	Ornamental Pear*	Dwarf Spirea	
Texas Ash	Pomegranate	Dwarf Wax Myrtle	
Texas Red Oak	Possumhaw Holly	Dwarf Yaupon Holly	
Western Soapberry	Redbud	Elaeagnus	
	Roughleafed Dogwood	Flowering Quince	
	Texas Persimmon	Forsythia	
	Vitex	Foster Holly	
	Wax Myrtle	Glossy Abelia	
	Winter/Bush Honeysuckle	Harbor Dwarf Nandina	
	Yaupon Holly	Hypericum	

*Ornamental Pear does not include Bradford Pears

Groundcover	Ornamental Grass	
Asiatic Jasmine	Autumn Blush Muhly	Inland Sea-Oats
Avens, White	Big Bluestem	Lindheimer's Muhly
Frog Fruit	Black Fountain Grass	Little Bluestem
Ground Ivy	Blue Grama	Maiden Grass
Hardy Plumbago	Broomsedge	Morning Light Maiden
Horseherb	Bushy Bluestem	Ravenna Grass
Liriope or Lily Turf	Canada Wildrye	Sideoats Grama
Mondo or Monkey Grass	Dwarf Maiden Grass	Silver Bluestem
Pigeonberry	Dwarf Pampas Grass	Splitbeard Bluestem
Purpleleaf Euonymus	Eastern Gamma Grass	Standard Fountain Grass
Santolina	Feather Reed Grass	Switchgrass
Snake Herb	Hamelin's Fountain Grass	Variiegated Japanese Silver Grass
Wood Violet	Indiangrass	Zebra Grass

- B. Landscaping installed that exceeds the minimum required amounts above does not have to be from the drought tolerant/native plant lists contained herein. However, Cottonwood Trees may not be planted within twenty five (25) feet of any public infrastructure.

SECTION 4
PARKING, CIRCULATION, AND ACCESS

(Ord. 2020-##; 09-08-2020)

4.1 **PURPOSE**

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

4.2 **RESIDENTIAL PARKING PROVISIONS (Z12-0002)**

- A. Required parking shall be provided on the same lot as the use it is to serve.
- B. All required parking spaces shall be constructed from paved concrete or another similar impervious surface if approved by the Town Council prior to construction.
- C. For agricultural uses in the in the A District, required parking may be constructed from washed gravel, asphalt, or similar all-weather surface.
- D. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle.
- E. In the SF, DTSF, TH and 2F Zoning Districts, there shall be a minimum of two (2) parking spaces located behind the front building line and enclosed in the main or an accessory building. In addition, there shall be two (2) paved parking spaces provided behind the front property line only for the purpose of allowing on-site stacking or maneuvering to the enclosed spaces.
- F. In the SF, DTSF, TH and 2F Zoning Districts, all required parking spaces shall be a minimum of nine (9) feet wide and twenty (20) feet long. Required enclosed parking and stacking spaces shall remain clear of any encroachments. *(Ord. 12-06: 02-14-2012)*.
- G. Circular driveways shall be designed to accommodate any required parking behind the front building line.

4.3 **NON-RESIDENTIAL & MULTIFAMILY PARKING PROVISIONS** *(Ord. 16-46; 07-26-2016)*

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Chapter 4, Section 6 of this Ordinance.
- B. For safety and fire-fighting purposes, free access through to adjacent parking areas shall be provided between adjoining non-residential parcels or building sites.
- C. All required parking spaces shall be constructed from paved concrete or another similar impervious surface if approved by the Town Council prior to construction. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- D. Dead-end parking aisles are not permitted. In the DTO District, where twenty (20) or fewer off-street parking spaces are provided, a dead-end parking aisle is permitted.
- E. Each head-in parking space shall be a minimum of nine (9) feet wide and twenty (20) feet long, exclusive of driveways and maneuvering aisles, and shall be of usable shape and condition (see Chapter 5, Section 2.3, Illustrations A-G). Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way, or adjacent property, the depth of the standard space may be reduced to eighteen (18) feet. No parking space shall overhang required landscape areas. Parallel parking spaces must be a minimum of eight (8) feet wide and twenty-two (22) feet long. Parking spaces within non-residential structured parking garages shall be a minimum of

eight and one-half (8.5) feet wide and eighteen (18) feet long.

- F. All parking and loading spaces and vehicle sales areas on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, and to prevent any parked vehicle from overhanging a public right-of-way line, or public sidewalk. Parking shall not be permitted to encroach upon the public right-of-way in any case. All vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into a parking space.
- G. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and shall be screened according to Chapter 4, Section 5 of this Ordinance.
- H. Handicap parking space(s) shall be provided according to State of Texas Program for the Elimination of Architectural Barriers and shall conform to the Americans Disability Act (ADA) of 1991, as may be amended, accessibility guidelines or the Uniform Federal Accessibility Standards.
- I. Parking shall be prohibited in required landscape areas and on unimproved surfaces. Institutional uses shall be exempt from this requirement.
- L. Internal drive aisles shall be designed to incorporate ninety (90) degree intersections. A five (5) degree variance is allowable.
- M. All parking spaces for a building must be located within three hundred and fifty (350) feet of walking distance from the building's public entrance. Big Box, Industrial, Wholesale, and Institutional uses are excluded from this provision.
- N. Parking spaces that face and are adjacent to a building shall utilize curbs, wheel stops, and/or bollards.
- O. Speed bumps are not permitted within a fire lane.
- P. Drive aisles in front of buildings cannot be longer than three hundred (300) feet continuous without an offset equal to the width of the drive aisle, traffic circle, or other acceptable traffic-calming feature approved by the Director of Development Services or his/her designee.
- Q. Restaurants shall receive a fifty percent (50%) reduction to the required parking for areas designated as outdoor dining. The reduction in parking only applies to parking spaces that are required due to the square footage of the outdoor dining area.
- R. All paved areas, which includes, but is not limited to, parking areas, fire lanes, drive aisles, driveways, turn-arounds, and loading areas, shall be paved with concrete or a comparable surface (masonry pavers, stone, brick, etc.), constructed to standards approved by the Director of Development Services or his/her designee. Pervious concrete or other alternative permeable paving surfaces may be used if approved by the Town Council. The use of asphalt, gravel, and crushed rock are strictly prohibited, unless approved as a temporary paving surface by the Director of Development Services or his/her designee. (Z10-0007)
- S. Cart returns shall be constructed of ornamental metal and be permanently affixed to pavement.
- T. For Industrial, Wholesale, and Institutional uses, no more than ten (10) percent of the required parking can be located in the service/loading area of a building except for buildings located on the street.
- U. Multifamily parking is only allowed between the building and a public street when located at or beyond the required landscape setback and screened with a headlight screen of earthen berms and/or a row of shrubs. Buildings with enclosed garages, when adjacent to a public street, must face garage doors internally to the development. Garage doors may not face a public street. No detached garages may be located between residential buildings and a public street. Enclosed garage parking spaces shall be a minimum of ten by twenty (10 x 20) feet.
- V. Multifamily access to a public street in a Single-Family neighborhood will be limited access and will not function as a primary access point for the complex. Access to Single-Family alleys is prohibited. Direct or

indirect access to a median opening where located on divided thoroughfare is required.

- W. Drive aisles within multifamily developments cannot be longer than five hundred (500) feet continuous without an offset equal to the width of the drive aisle, traffic circle, or other acceptable traffic-calming feature approved by the Director of Development Services or his/her designee.

4.4 PARKING ACCESS FROM A PUBLIC STREET - ALL DISTRICTS

- A. In the approval of a development plan, consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.
- B. In all Districts (except all SF and 2F Districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Building Official or designated representative.
1. Where based upon analysis by the Town, projected volumes of traffic entering or leaving the planned developments are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required to be furnished by the land owner in order to reduce such interference.
 2. The determination of additional right-of-way or paving requirements shall be made at the submittal and approval of a preliminary site plan for multifamily and non-residential developments and preliminary plat for all other residential developments.
- C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential.
- D. All retail/commercial driveways served by a median opening shall be divided.
1. Driveway medians located along Major Thoroughfares shall be a minimum of six feet (6') wide, and a depth equivalent to the required throat depth, as determined by the Engineering Department. Medians are required to be comprised of natural turf and/or landscaping that does not obstruct visibility, as determined by the Parks Department.
 2. Driveway medians located along Minor Thoroughfares shall be a minimum of four feet (4') wide, and a depth equivalent to the required throat depth, as determined by the Engineering Department. Medians are required to be comprised of natural turf and/or landscaping that does not obstruct visibility, as determined by the Parks Department.
- E. All non-residential properties shall have access to a median opening either directly, or through cross access.
- F. All non-residential lots shall provide cross access drive aisles to adjacent non-residential properties.
1. If used as a fire lane, the cross access drive aisle shall meet all the criteria for a fire lane.
 2. A shared driveway located along a common property line is encouraged and satisfies the requirement for cross access.

4.5 PARKING REQUIREMENTS BASED ON USE

In all Zoning Districts, at the time any building or structure is erected or structurally altered, parking spaces shall be provided in accordance with the following requirements:

- **Automobile Oil Change and Similar Establishments:** One (1) parking space per service bay **plus** one (1) parking space per maximum number of employees on a shift.
- **Bank, Savings and Loan, or similar institution:** One (1) space per three hundred and fifty (350) square feet of gross floor area.
- **Bed and breakfast facility:** One (1) space per guest room in addition to the requirements for a normal residential use.

- **Bowling alley:** Three (3) parking spaces for each alley or lane.
- **Business or professional office (general):** One (1) space per three hundred and fifty (350) square feet of gross floor area except as otherwise specified herein.
- **Car wash:** One (1) space per five hundred (500) square feet of gross floor area, or one (1) space per employee, whichever is greater. Stacking and/or self-service areas shall not count toward required parking.
- **Church, rectory, or other place of worship:** One (1) parking space for each three (3) seats in the main auditorium.
- **College or University:** One (1) space per each day student.
- **Community Center, Library, Museum, or Art Gallery:** Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.
- **Commercial Amusement:** One (1) space per three (3) guests at maximum designed capacity.
- **Country Club or Golf Club:** One (1) parking space for each one hundred fifty (150) square feet of floor area or for every five (5) members, whichever is greater.
- **Dance Hall, Assembly or Exhibition Hall without Fixed Seats:** One (1) parking space for each two hundred (200) square feet of floor area thereof.
- **Dwellings, Single Family and Duplex:** Two (2) covered spaces, located behind the front building line, and two (2) maneuvering spaces for each unit.
- **Dwellings, Multifamily:** Two (2) spaces for one (1) and two (2) bedroom units, plus one half (0.5) additional space for each additional bedroom.
- **Flea Market:** One (1) space for each five hundred (500) square feet of site area.
- **Fraternity, Sorority, or Dormitory:** One (1) parking space for each two (2) beds on campus, and one and one-half (1½) spaces for each two beds in off campus projects.
- **Furniture or Appliance Store, Hardware Store, Wholesale Establishments, Machinery or Equipment Sales and Service, Clothing or Shoe Repair or Service:** Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000).
- **Gasoline Station:** Minimum of three (3) spaces for employees. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.
- **Golf Course:** Five (5) parking spaces per hole.
- **Health Studio or Club:** One (1) parking space per two hundred (200) square feet of exercise area.
- **Hospital:** One (1) space per employee on the largest shift, plus one and one-half (1½) spaces per each bed or examination room whichever is applicable.
- **Hotel:** One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- **Kindergartens, day schools, and similar child training and care establishments** shall provide one (1) paved off-street loading and unloading space for an automobile on a through "circular" drive for each ten (10) students, or one (1) space per ten (10) students, **plus** one (1) space per teacher.
- **Library or Museum:** Ten (10) spaces plus one (1) space for every three hundred (300) square feet, over one thousand (1,000) square feet.

- **Lodge or Fraternal Organization:** One (1) space per two hundred (200) square feet.
- **Manufacturing or Industrial Establishment, Research or Testing Laboratory, Creamery, Bottling Plant, Warehouse, Printing or Plumbing Shop, or Similar Establishment:** One (1) parking space for each employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than one (1) parking space for each one thousand (1,000) square feet of floor area.
- **Medical or Dental Office:** One (1) space per two hundred and fifty (250) square feet of floor area. Facilities over twenty thousand (20,000) square feet shall use the parking standards set forth for hospitals.
- **Mini-Warehouse:** Four (4) spaces per complex plus (1) one additional space per three hundred (300) square feet of rental office.
- **Mobile Home Park:** Two (2) spaces for each mobile home plus additional spaces as required herein for accessory uses.
- **Mortuary or Funeral Home:** One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
- **Motel:** One (1) parking space for each sleeping room or suite plus one (1) additional space for each two hundred (200) square feet of commercial floor area contained therein.
- **Motor Vehicle Repair and Service:** Three (3) parking spaces per service bay plus one (1) parking space per maximum number of employees on a shift.
- **Motor-Vehicle Salesroom and Used Car Lots:** One (1) parking space for each five hundred (500) square feet of the structure. These required spaces may not be used to store or display automobiles for sale.
- **Nursing Home:** One (1) space per five (5) beds and one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses.
- **Private Club or Restaurant with a Private Club:** One (1) parking space for each seventy five (75) square feet of gross floor area.
- **Retail Store, Except as Otherwise Specified Herein (Z13-0010):** One (1) space per two hundred and fifty (250) square feet of gross floor area. (*Ordinance 13-48; 9/10/13*).
- **Restaurant, Cafe or Similar Dining Establishment:** One (1) parking space for each seventy five (75) square feet of gross floor area for stand alone buildings without a drive-through, and one (1) parking space for each one hundred (100) square feet of gross floor area for restaurants located within a multi-tenant building and for stand alone buildings with a drive-through.
- **Rooming or Boarding House:** One (1) parking space for each sleeping room.
- **Sanitarium, Convalescent Home, Home for the Aged or Similar Institution:** One (1) parking space for each five (5) beds.
- **School, Elementary, Secondary, or Middle:** One and one half (1.5) parking spaces per classroom, or the requirements for public assembly areas contained herein, whichever is greater.
- **School, High School:** One and one half (1.5) parking spaces per classroom plus one (1) space per five (5) students the school is designed to accommodate, or the requirements for public assembly areas contained herein, whichever is greater.
- **Theater, Sports Arena, Stadium, Gymnasium or Auditorium (except school):** One (1) parking space for each four (4) seats or bench seating spaces.
- **Truck stops:** One (1) truck parking space for each ten thousand (10,000) square feet of site area, plus one (1) vehicle parking space per two hundred (200) square feet of building area.

- **Warehouse, Wholesale, Mini, Manufacturing and Other Industrial Type Uses:** One (1) space per one thousand (1,000) square feet of gross floor area, or one (1) space per maximum number of employees on a shift, whichever is less.

4.6 RULES FOR COMPUTING NUMBER OF PARKING SPACES

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- "Floor Area" shall mean the gross floor area of the specific use.
- Where fractional spaces result, the parking spaces required shall be constructed to be the next whole number.
- The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Director of Development Services or his/her designee.
- The Planning & Zoning Commission may approve alternative parking space requirements and/or ratios, subject to consideration of detailed comparable data/studies in conjunction with a Site Plan.
- Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. Up to fifty (50) percent of the parking spaces required for a theater or other place of evening entertainment (after 6:00 P.M.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours if specifically approved by the Planning & Zoning Commission. Shared parking must be on the same site. Such approval may be rescinded by the Planning & Zoning Commission and additional parking shall be obtained by the owners in the event that the Planning & Zoning Commission determines that such joint use is resulting in a public nuisance by providing an inadequate number of parking spaces or otherwise adversely affecting the public health, safety, or welfare. A decision by the Planning & Zoning Commission to rescind a shared parking approval may be appealed to the Town Council (see appeal procedure in Chapter 4, Section 1.6(B)(7) of this Ordinance).

4.7 LOCATION OF PARKING SPACES

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed six hundred (600) feet from any other non-residential building served.
- In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purpose, shall be properly drawn and executed by the parties concerned, approved as to form by the Town Attorney and shall be filed with the application for a site plan, building permit or Certificate of Occupancy (CO); whichever occurs first.
- Required parking in the DTR, and DTC Districts may be reduced by fifty (50) percent of the current parking requirements as they exist or may be amended. If it is determined that due to existing site constraints, the requirements of this Ordinance cannot be met, the Director of Development Services may approve the use

of parallel or head-in parking located within the street right-of-way, if sufficient right-of-way exists, to satisfy parking requirements.

4.8 USE OF REQUIRED PARKING SPACES IN NON-RESIDENTIAL DISTRICTS

Required parking and loading spaces shall be used only for these respective purposes and not for the storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, products for sale.

4.9 LOADING SPACE REQUIREMENTS

- A. A minimum of one (1) loading space shall be required for big box uses. Loading spaces for other non-residential uses may be required as determined by the Director of Development Services, if it is determined the use or configuration of the site warrants such.
- B. All non-residential uses providing loading spaces shall provide such loading spaces in accordance with the following requirements:
1. A loading space shall consist of an area of a minimum of twelve (12) feet wide and thirty (30) feet long.
 2. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks. Each site shall provide a designated maneuvering area for trucks. (See Chapter 5, Section 2.3, Illustration H)
- B. Stacking spaces provide the ability for vehicles to queue on site prior to receiving a service. A stacking space shall be a minimum of nine (9) feet wide and twenty (20) feet long and shall not be located within or interfere with any other circulation driveway, parking space, or maneuvering aisle. Stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable. In all Zoning Districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses:
- **Automated Teller Machine (ATM):** Three (3) stacking spaces.
 - **Automobile Oil Change and Similar Establishments:** Three (3) stacking spaces per bay.
 - **Car Wash:** Three (3) stacking spaces for drive-through, or one (1) stacking space per bay. .
 - **Dry Cleaning, Pharmacy, or Other Retail Establishments with a Drive-thru:** Three (3) stacking spaces for first service window.
 - **Financial Institution:** Five (5) stacking spaces per window or service lane.
 - **Kiosk (with Food Service):** Five (5) stacking spaces for first window, order board, or other stopping point.
 - **Kiosk (without Food Service):** Two (2) stacking spaces for first window, order board, or other stopping point.
 - **Restaurant with Drive-thru:** Five (5) stacking spaces for first window, order board, or other stopping point.

A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle. Buildings and other structures shall be setback a minimum of ten (10) feet from the back of the curb of the intersecting driveway or maneuvering aisle to provide adequate visibility and to allow vehicles to safely exit drive-thru lanes and escape lanes prior to merging into intersecting driveways or maneuvering aisles.

An escape lane shall be provided in proximity to the first stopping point for any use containing a drive-thru facility.

SECTION 5
SCREENING FENCES AND WALLS

(Ord. 2020-##; 09-08-2020)

5.1 PURPOSE

Standards set forth in this Section are intended to encourage the appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards.

5.2 LOCATION OF REQUIRED SCREENING *(Z07-7, Z07-8, Z07-17, Z09-5; Ord. No 16-46; 07-26-2016)*

- A. When a boundary of a multifamily, institutional, or non-residential Use sides or backs to a property that is zoned or designated on the Future Land Use Plan for residential (non-multifamily) uses, or when any institutional or non-residential Use sides or backs to a MF District, a solid screening wall or fence of not less than six (6) feet nor more than eight (8) feet in height shall be erected on the property line separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

The owner of such property of the lesser restrictive use shall be responsible for and shall build the required wall or fence on his property line dividing his property from the more restrictive zoning district. In cases where the Planning & Zoning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall after a landscape plan has been prepared to demonstrate equal visual screening.

A screening wall or fence required under the provisions of this section, under a Specific Use Permit, a Planned Development District, or other requirement shall be constructed of clay-fired brick masonry units or other suitable permanent materials which do not contain openings constituting more than forty (40) square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. Concrete masonry units, poured in place concrete, tilt-up concrete, or concrete panels may be used upon approval by the Planning & Zoning Commission.

Properties zoned for the DTC, DTR, or DTO District are only required to provide screening along property lines that are adjacent to properties shown as residential on the Future Land Use Plan. The screening shall consist of an eight foot (8') cedar board-on-board wooden fence constructed in accordance with the fence ordinance as it exists or may be amended. In the DTO District, the height of the fence may be reduced to six (6) feet.

- B. All required screening walls shall be equally finished on both sides of the wall.
- C. All loading and service areas shall be screened from view from adjacent public streets and adjacent property that is zoned or designated on the Future Land Use Plan for residential uses. Screening shall be by walls with complimentary landscaping that is compatible with the project design.
1. Screening walls shall be fourteen (14) feet tall with one row of perimeter evergreen trees adjacent to the loading area.
 2. A screening wall is not required if a double row of perimeter evergreen trees is provided on offset fifty (50) foot centers within a fifteen (15) foot landscape edge. Fifty (50) percent of the trees shall be canopy evergreen trees.
- D. All uses providing open storage shall provide a site plan and landscape plan depicting the following:

1. The location of open storage on the property;
2. The location of parking and vehicular maneuvering aisles and/or fire lanes in relation to the open storage;
3. The location of pedestrian access and/or sidewalks adjacent to and accessing the open storage and the primary use; and
4. The location, height, and type of screening.

A new use utilizing an existing building shall submit an amended site plan depicting the location of open storage. If the open storage area exceeds twenty percent (20%) of the gross floor area of the primary use building or ten (10%) of the lot area, it must be presented on a site plan and approved by the Planning & Zoning Commission.

- E. Trash and recycling collection areas shall be located to minimize visibility. Trash and recycling receptacles shall be screened with a six (6) foot clay fired brick or stone wall of a color that is consistent with the color of the primary building. Trash compactors shall be screened with an eight (8) foot clay fired brick or stone wall of a color that is consistent with the color of the primary building. Screening enclosures shall be visually and aesthetically compatible with the overall project. Collection area enclosures shall contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way or any residentially zoned property, unless setback a minimum of two hundred and fifty feet (250') from the right-of-way or residentially zoned property. The fourth (4th) side will incorporate a metal gate of a height equal to the height of the wall to visually screen the dumpster or compactor. Enclosure sizes and specifications shall be determined by the Town's trash and recycling contractor.
- F. Where any alley intersects with a street, no fence or plant taller than two and one-half (2½) feet may be placed within a sight visibility triangle defined by measuring five (5) feet down the alley right-of-way line and measuring fifteen (15) feet down the street right-of-way line, then joining said points to form the hypotenuse of the triangle.
- G. In any residential Zoning District, or along the common boundary between any residential and non-residential district where a wall, fence, or screening separation is provided, the following standards for height, location, and design shall be observed:
 1. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight (8) feet in height above the grade of the adjacent property. Where a fence intersects a screening wall and the height of the fence exceeds the height of the screening wall, the height of the fence shall transition to the height of the screening wall over a distance of twenty (20) feet.
 2. The maximum height of a fence or wall in a required front yard of a single family or duplex shall not exceed four (4) feet. Combinations of berms and fences shall not exceed four (4) feet in height. Ornamental metal fencing that is attached to required screening walls as defined in Subdivision Ordinance No. 03-05, as it currently exists or may be amended, may be constructed up to eight (8) feet in height in the front yard of cul-de-sac lots for only the side of the lot that is adjacent to a street with a right-of-way width of sixty (60) feet or greater. The height of this fence shall not exceed the height of the adjacent required screening wall.
 3. The maximum height of a fence in a required front yard of a single family lot that is one (1) acre or larger may exceed the four (4) foot height limit established above, provided that said fence shall not exceed eight (8) feet in height and shall be constructed of wrought iron or decorative tubular steel.
- H. Screening shall be required between residential lots and adjacent right-of-ways as required by Subdivision Ordinance No. 03-05, as it currently exists or may be amended.
- I. Rooftop and ground-mounted mechanical equipment shall be screened with a parapet wall and/or masonry wall a minimum of twelve inches (12") in height taller than the mechanical equipment being

screened. Where rooftop-mounted mechanical equipment is not screened from view at a point six feet (6') above ground level at the property line, alternative forms of screening are required, and may be constructed of metal, acrylic, or a similar material, subject to approval by the Director of Development Services.

- J. A six (6) foot irrigated living screen shall be required when parking is located adjacent to residential in the DTC or DTR District. In the DTO District, the living screen may be reduced to a minimum of three (3) feet but shall be solid at the time of planting. In the DTO District, the living screen is not required where a wood fence is required in accordance with Subsection 5.2(A) above.
- K. Air conditioning units, trash/recycling containers, and pool equipment shall be entirely screened from view from adjacent public right-of-way by a living screen consisting of evergreen shrubs, a solid privacy fence, or through building orientation.

SECTION 8
NON-RESIDENTIAL & MULTIFAMILY DESIGN AND DEVELOPMENT

(Ord. 2020-##; 09-08-2020)

8.1 APPLICABILITY

The regulations provided in Sections 8.2 – 8.6 shall apply to all office, retail, restaurant, service, automobile, and commercial uses. The regulations provided in sections 8.7 – 8.10 shall apply to all industrial, wholesale, and institutional uses. Where the regulations of this Section conflict with other Sections of this Ordinance, the regulations of this Section shall apply.

The intent of these provisions is to promote high-quality architecture that relates to the street, scale of development, and surrounding land uses by utilizing three properties of good design: massing, use of materials, and attention to detail.

OFFICE, RETAIL, RESTAURANT, SERVICE, AUTOMOBILE, AND COMMERCIAL DEVELOPMENT STANDARDS

8.2 EXTERIOR APPEARANCE OF BUILDINGS AND STRUCTURES

- A. All exterior facades of an office, retail, restaurant, and commercial building or structure, excluding glass windows and doors, shall be constructed using the permitted buildings materials in Chapter 4, Section 8.2 (B. & C).
- B. All exterior facades for a main building or structure, excluding glass windows and doors, in the O, DTR, NS, R, DTC, C, and CC Districts shall be constructed of one hundred (100%) percent masonry as defined in Chapter 3, Section 2. The use of stucco and EIFS are only permitted as secondary or accent materials.
 1. The Town Council, after recommendation by the Planning & Zoning Commission, may grant an exception to the foregoing exterior façade and design requirements, based upon consideration of the criteria listed in subpart 2, below.
 2. In considering an exception to the exterior façade requirements, the Planning & Zoning Commission and Town Council may consider whether a proposed alternate material:
 - a. is a unique architectural expression;
 - b. includes unique building styles and materials;
 - c. is consistent with high quality development;
 - d. is or would be visually harmonious with existing or proposed nearby buildings;
 - e. has obvious merit based upon the quality and durability of the materials; and
 - f. represents an exterior building material that is in keeping with the intent of this chapter to balance the abovementioned objectives.
 3. Any exterior façade exception shall be considered in conjunction with a preliminary site plan or site plan application.
- C. Permitted primary exterior materials are clay fired brick, natural, precast, and manufactured stone, granite, and marble. Architectural concrete block, split face concrete masonry unit, and architecturally finished concrete tilt wall may be used for big box uses.
- D. Secondary materials used on the façade of a building are those that comprise a total of ten (10) percent or less of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, cedar or similar quality decorative wood, stucco, and high impact exterior insulation and finish

systems (EIFS). Stucco and EIFS are only permitted a minimum of nine (9) feet above grade.

- E. No single material shall exceed eighty (80) percent of an elevation area. A minimum of twenty (20) percent of the front façade and all facades facing public right-of-way shall be natural or manufactured stone. A minimum of ten (10) percent of all other facades shall be natural or manufactured stone.
- F. All buildings with a footprint of less than ten thousand (10,000) square feet and located 100 feet or less from a residential zoning district shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof. All sloped roofs shall have a six (6) in twelve (12) inch minimum slope. All buildings with a footprint of less than ten thousand (10,000) square feet and located 100 feet or greater from a residential zoning district shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof, or a flat roof with an articulated parapet wall or cornice. Wood shingles are prohibited. Composition shingles are allowed provided they have architectural detail and a minimum 30 year life.
- G. All buildings with a footprint of ten thousand (10,000) square feet and greater shall incorporate sloped roof elements including, but not limited to pitched roofs on towers or arcades, sloped awnings, sloped parapets. Flat roofs are permitted with an articulated parapet wall or cornice in place of the required sloped roof elements. The sloped elements shall be provided along a minimum of sixty (60) percent of each wall's length. All sloped roof elements shall have a six (6) in twelve (12) inch minimum slope. Wood shingles are prohibited. Composition shingles are allowed provided they have architectural detail and a minimum 30 year life.
- H. All buildings shall be designed to incorporate a form of architectural articulation every thirty (30) feet, both horizontally along each wall's length and vertically along each wall's height. Acceptable articulation may include the following:
- Canopies, awnings, or porticos;
 - Recesses/projections;
 - Arcades;
 - Arches;
 - Display windows, including a minimum sill height of thirty (30) inches;
 - Architectural details (such as tile work and moldings) integrated into the building facade;
 - Articulated ground floor levels or base;
 - Articulated cornice line;
 - Integrated planters or wing walls that incorporate landscape and sitting areas;
 - Offsets, reveals or projecting rib used to express architectural or structural bays; or
 - Varied roof heights;
- I. All buildings shall be designed to incorporate a form of window articulation. Acceptable articulation may include the following:
- Detailed/patterned mullions
 - Glass depth from wall min. 8"
 - Projected awnings/sunshades
 - Water table in lieu of floor to ceiling glass
 - Articulated lintel (i.e. soldier course in brick or material change EIFS or cast stone with min. ½" projection)

- Articulated sill (i.e. soldier course in brick or material change EIFS or cast stone with min. ½" projection)
- Cast stone surrounds on entire window



- J. All buildings constructed primarily of brick shall incorporate a form of brick patterning (excluding typical traditional brick patterning, i.e. Running Bond). Acceptable patterning may include those represented below, or similar subject to approval by the Director of Development Services:



- K. All buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features except the rear if two (2) rows of trees are planted on the perimeter behind the building. In this case, the architectural finish must match the remainder of the building in color only. A double row of trees on offset fifty (50) foot centers in a fifteen (15) foot landscape edge, where fifty (50) percent of the trees are canopy evergreen trees. This is for facades that are not visible from public streets and apply to anchor buildings and attached in line spaces only. This provision does not apply to "out" buildings or pad sites.
- L. Windows shall have a maximum exterior visible reflectivity of ten (10) percent. The intent of this provision is to prevent the safety hazard of light reflecting from the windows on to adjacent roadways.
- M. All retail/commercial buildings with facades greater than two hundred (200) feet in length shall incorporate wall plane projections or recesses that are at least six (6) feet deep. Projections/recesses must be at least twenty five (25) percent of the length of the facade. No uninterrupted length of facade may exceed one hundred (100) feet in length. This requirement does not apply to building developed and occupied entirely for office uses.
- N. All buildings within a common development, as shown on a Preliminary Site Plan, shall have similar architectural styles, materials, and colors.
1. Conceptual facade plans and sample boards shall be submitted with the Preliminary Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
 2. A final facade plan and sample boards shall be submitted with the Final Site Plan application for all non-residential uses. Facade plans will be used only to ensure minimum standards are met. Façade plans shall be reviewed and approved by the Director of Development Services or his/her designee. The applicant may appeal the decision to the Planning & Zoning Commission and Town Council using the appeal procedure in Chapter 4, Section 1 of this Ordinance.
- O. All primary and secondary exterior building materials (exclusive of glass) shall be of natural texture and shall be neutrals, creams, or other similar, non-reflective earth tone colors. Bright, reflective, pure tone primary or secondary colors, such as red, orange, yellow, blue, violet, or green are not permitted.

- P. Corporate identities that conflict with the building design criteria shall be reviewed on a case-by-case basis and approved by the Director of Development Services or his/her designee. The applicant may appeal the decision to the Planning & Zoning Commission and Town Council using the appeal procedure in Chapter 4, Section 1 of this Ordinance.
- Q. Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color. Natural metal finishes (patina) are an acceptable alternative to paint.
- R. Unclassified non-residential uses (i.e. amenity centers) which are permitted in residential districts shall develop in accordance with the office, retail, restaurant, service, automobile, and commercial development standards.
- S. The Town Council may approve materials which are equivalent to, or exceed, the standards set forth in Chapter 4, Section 9.8 (A & C), above.
- T. Downtown Development Standards are as follows:
 - 1. In the DTR and DTC Districts, an articulated parapet wall or cornice may be used in place of the sloped roof as required in Section 8.2(E) and (F) above.
 - 2. In the DTR and DTC Districts, all windows shall include a minimum sill height of eighteen inches (18”).
 - 3. In the DTO District, cementitious fiber board may be used on up to ninety (90) percent of a structure.
 - 4. Roof pitches of a main building or structure in the DTO District shall meet the following:
 - a. A minimum of sixty-five percent (65%) of the surface area of composition roofs shall maintain a minimum roof pitch of 8:12.
 - b. A minimum of seventy-five percent (75%) of the surface area of clay tile, cement tile, slate or slate products, or metal roofs shall maintain a minimum roof pitch of 3:12.
 - c. Wood roof shingles are prohibited.

INDUSTRIAL, WHOLESALE, AND INSTITUTIONAL DEVELOPMENT STANDARDS

8.3 EXTERIOR APPEARANCE OF BUILDINGS AND STRUCTURES

- A. All exterior facades of an industrial, wholesale, or institutional building or structure, excluding glass windows and doors, shall be constructed using the permitted buildings materials in Chapter 4, Section 8.2 (B. & C).
- B. All exterior facades for a main building or structure, excluding glass windows and doors, in the I District shall be constructed of one hundred (100%) percent masonry as defined in Chapter 3, Section 2. The use of stucco and EIFS are only permitted as secondary or accent materials.
 - 1. The Town Council, after recommendation by the Planning & Zoning Commission, may grant an exception to the foregoing exterior façade and design requirements, based upon consideration of the criteria listed in subpart 2, below.
 - 2. In considering an exception to the exterior façade requirements, the Planning & Zoning Commission and Town Council may consider whether a proposed alternate material:
 - a. is a unique architectural expression;
 - b. includes unique building styles and materials;
 - c. is consistent with high quality development;
 - d. is or would be visually harmonious with existing or proposed nearby buildings;

- e. has obvious merit based upon the quality and durability of the materials; and
 - f. represents an exterior building material that is in keeping with the intent of this chapter to balance the abovementioned objectives.
3. Any exterior façade exception shall be considered in conjunction with a preliminary site plan or site plan application.
- C. Permitted primary exterior materials are clay fired brick, natural, precast, and manufactured stone, granite, marble, architectural concrete block, split face concrete masonry unit, and architecturally finished concrete tilt wall.
 - D. Secondary materials used on the façade of a building are those that comprise a total of ten (10) percent or less of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, cedar or similar quality decorative wood, stucco, and high impact exterior insulation and finish systems (EIFS). Stucco and EIFS are only permitted a minimum of nine (9) feet above grade.
 - E. No single material shall exceed eighty (80) percent of an elevation area. A minimum of twenty (20) percent of the front façade and all facades facing public right-of-way shall be clay fired brick or natural, precast, or manufactured stone. The clay fired brick or natural, precast, or manufactured stone shall be located at the main entry points of the building.
 - F. The front façade, all facades facing public right-of-way, and all facades facing property that is zoned or designated on the Future Land Use Plan for residential uses shall be architecturally finished with same materials, detailing, and features. The architectural finish of all other facades must match the remainder of the building in color only.
 - G. All buildings with a front façade or a facade facing public right-of-way which are greater than two hundred (200) feet in length shall incorporate projections or recesses that are at least six (6) feet deep. Projections/recesses must be at least twenty (20) percent of the length of the façade.
 - H. Windows shall have a maximum exterior visible reflectivity of ten (10) percent. The intent of this provision is to prevent the safety hazard of light reflecting from the windows on to adjacent roadways.
 - I. All buildings within a common development, as shown on a Preliminary Site Plan, shall have similar architectural styles, materials, and colors.
 - 1. Conceptual facade plans and sample boards shall be submitted with the Preliminary Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
 - 2. A final facade plan and sample boards shall be submitted with the Final Site Plan application for all non-residential uses. Facade plans will be used only to ensure minimum standards are met. Façade plans shall be reviewed and approved by the Director of Development Services or his/her designee. The applicant may appeal the decision to the Planning & Zoning Commission and Town Council using the appeal procedure in Chapter 4, Section 1 of this Ordinance.
 - J. All primary and secondary exterior building materials (exclusive of glass) shall be of natural texture and shall be neutrals, creams, or other similar, non-reflective earth tone colors. Bright, reflective, pure tone primary or secondary colors, such as red, orange, yellow, blue, violet, or green are not permitted.
 - K. Corporate identities that conflict with the building design criteria shall be reviewed on a case-by-case basis and approved by the Director of Development Services or his/her designee. The applicant may appeal the decision to the Planning & Zoning Commission and Town Council using the appeal procedure in Chapter 4, Section 1 of this Ordinance.
 - L. Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building

or an accent color. Natural metal finishes (patina) are an acceptable alternative to paint.

- M. Exterior construction of maintenance buildings for golf courses, public or parochial schools, churches, of the Town of Prosper may be metal upon issuance of a Specific Use Permit. Exterior construction of buildings used for agricultural purposes in conjunction with a school may be metal upon issuance of a Specific Use Permit.

If an expansion or an addition to an existing metal building is not greater than ten (10) percent or seven thousand (7,000) square feet, whichever is greater, the masonry requirement shall not apply to the expansion or addition to the existing metal building.

- N. The Town Council may approve materials which are equivalent to, or exceed, the standards set forth herein.

MULTIFAMILY DEVELOPMENT STANDARDS

8.4 MULTIFAMILY DEVELOPMENT STANDARDS

- A. All exterior facades for a main building or structure, excluding glass windows and doors, in the MF District shall be constructed of one hundred (100%) percent masonry as defined in Chapter 3, Section 2. The use of stucco and EIFS are only permitted as secondary or accent materials.
1. The Town Council, after recommendation by the Planning & Zoning Commission, may grant an exception to the foregoing exterior façade and design requirements, based upon consideration of the criteria listed in subpart 2, below.
 2. In considering an exception to the exterior façade requirements, the Planning & Zoning Commission and Town Council may consider whether a proposed alternate material:
 - a. is a unique architectural expression;
 - b. includes unique building styles and materials;
 - c. is consistent with high quality development;
 - d. is or would be visually harmonious with existing or proposed nearby buildings;
 - e. has obvious merit based upon the quality and durability of the materials; and
 - f. represents an exterior building material that is in keeping with the intent of this chapter to balance the abovementioned objectives.
 3. Any exterior façade exception shall be considered in conjunction with a preliminary site plan or site plan application.
- B. The Town Council may approve materials which are equivalent to, or exceed, the standards set forth in herein.
- C. Structure Separation – Multifamily structures on the same parcel shall have the following minimum distance between structures:
1. From main structure to main structure with walls that have openings for doors or windows on facades facing each other.
 - a. Face to Face: fifty (50) feet
 - b. Face to End: thirty (30) feet
 - c. Corner to Face or End: thirty (30) feet
 - d. End to End: thirty (30) feet

2. From main structure to main structure with walls that do not have openings, the minimum distance between structures is twenty (20) feet for one- and two-story buildings and thirty (30) feet for three-story buildings.
 3. From main structure to accessory buildings or pools, the minimum distance between structures is twenty (20) feet.
 4. From main structure to free standing garage building, the minimum distance between structures is thirty (30) feet.
- D. All multifamily buildings shall be designed to incorporate a form of architectural articulation every thirty (30) feet, both horizontally along each wall's length and vertically along each wall's height. Acceptable articulation may include the following:
- Canopies, awnings, or porticos;
 - Recesses/projections;
 - Arcades;
 - Arches;
 - Architectural details (such as tile work and moldings) integrated into the building facade;
 - Articulated ground floor levels or base;
 - Articulated cornice line;
 - Integrated planters or wing walls that incorporate landscape and sitting areas;
 - Offsets, reveals or projecting rib used to express architectural or structural bays;
 - Accent materials (minimum 15% of exterior facade);
 - Varied roof heights;
 - Or other architectural features approved by the Director of Development Services or his/her designee
- E. All buildings shall be designed to incorporate a form of window articulation. Acceptable articulation may include the following:
- Detailed/patterned mullions
 - Glass depth from wall minimum eight inches (8")
 - Projected awnings/sunshades
 - Water table in lieu of floor to ceiling glass
 - Articulated lintel (i.e. soldier course in brick or material change EIFS or cast stone with minimum one half inch (1/2") projection)
 - Articulated sill (i.e. soldier course in brick or material change EIFS or cast stone with minimum one half inch (1/2") projection)
 - Cast stone surrounds on entire window



- F. All buildings constructed primarily of brick shall incorporate a form of brick patterning (excluding typical traditional brick patterning, i.e. Running Bond). Acceptable patterning may include those represented below, or similar subject to approval by the Director of Development Services:



- G. All multifamily buildings shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof. All sloped roofs shall have a three (3) in twelve (12) inch minimum slope. Wood shingles are prohibited.

SECTION 9
ADDITIONAL AND SUPPLEMENTAL

(Ord. 2020-##; 09-08-2020)

9.1 **LOT REGULATIONS:**

- A. The minimum lot area for the various Zoning Districts shall be in accordance with the individual Districts except that a lot having less area than herein required which was an official "lot of record" prior to the adoption of this Ordinance, may be used for a single-family dwelling and no lot existing at the time of passage of this Ordinance shall be reduced in area below the minimum requirements set forth in the respective District.
- B. Location of Dwellings and Buildings - Only one main building for single family and two-family use, with permitted accessory buildings, may be located upon a lot or unplatted tract.
- C. Every means of access shall have a minimum lot width of twenty-five (25) feet at the property line.
- D. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the site plan for such development is approved by the Planning & Zoning Commission so as to comply with the Town Subdivision Regulations' requirements for platting.
- E. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.
- F. Residential Density Calculations:

The maximum permitted residential densities for the TH and MF Districts shall be calculated using the net acreage of the site to be developed. Net acreage shall not include the following:

- Right-of-way dedicated for major thoroughfares.
- Required parkland dedication.
- Detention.
- Land used for non-residential purposes.

Net acreage may include the following:

- Non-reclaimed floodplain.
- Private open space.
- Park dedication in excess of minimum park dedication requirements.
- Detention ponds that contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or his/her designee.

9.2 **MINIMUM DWELLING UNIT AREA:**

The minimum dwelling unit area of a residential unit shall be as specified in each residential Zoning District in Chapter 2 of this Ordinance. Dwelling unit area is defined as that area devoted to the living area in a residence or dwelling unit and is exclusive of porches, enclosed or open breezeways, storage area or closets, garages, or other non-living space. The minimum dwelling unit area will generally be that space which is air-conditioned.

9.3 **FRONT YARD:**

- A. On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless shown specifically otherwise on a final plat.
- B. Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more Zoning Districts, the front yard shall comply with the requirements of the most restrictive Zoning District for the entire frontage.

- C. Where a building line has been established by a plat approved by the Town of Prosper or by ordinance prior to the adoption of this Ordinance, and such line required is a greater or lesser front yard setback than prescribed by this Ordinance for the Zoning District in which the building line is located, the required front yard shall comply with the building line so established by such Ordinance or plat provided no such building line shall be set back less than twenty (20) feet.
- D. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed three (3) feet, and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty (30) inches above the average grade of the ground under the structure (See Chapter 5, Section 2.3, Illustration I).
- E. Where a lot fronts and backs to two (2) different streets, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed (See Chapter 5, Section 2.3, Illustration J).
- F. In all Single Family and 2F Districts, the minimum front yard setbacks for all lots fronting onto the same street along a block shall be staggered such that one third (1/3) of the lots have a front yard setback that is reduced by five (5) feet, one third (1/3) of the lots have a front yard setback as defined in Chapter 2, and one third (1/3) of the lots have a front yard setback that is increased by five (5) feet. Not more than two lots in a row may incorporate the same front yard setback. The average setback along the block shall equal the required setback for the particular Zoning District. The lots with an increased front building line may also decrease the rear building line by five (5) feet to maintain the necessary building pad depth. The purpose of this requirement is to produce a variety of front yard setbacks along a street, creating a more pleasing street presence and appearance of houses in the subdivision. In no case shall the front yard setback be less than twenty (20) feet. The front setbacks for each lot shall be designated on the final plat. (See Chapter 5, Section 2.3, Illustration K)
- G. Visual clearance shall be provided in all Zoning Districts so that no fence, wall, architectural screen, earth mounding or landscaping thirty (30) inches or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection.
1. At a street intersection where one or both of the streets is a major thoroughfare, clear vision must be maintained for a minimum of twenty-five (25) feet across any lot measured from the corner of the property line in both directions. (See Chapter 5, Section 2.3, Illustration L)
 2. At an intersection of two neighborhood streets, this clearance must be maintained for ten (10) feet. (See Chapter 5, Section 2.3, Illustration M)
 3. At an intersection of a neighborhood street and an alley, this clearance must be maintained for five (5) feet down the alley and fifteen (15) feet down the street. (See Chapter 5, Section 2.3, Illustration N)
 4. Fences, walls, and thirty (30) inches in height, as measured from the centerline of the street, or less may be located in the visual clearance areas of all Districts.
- H. Gasoline, or other hydrocarbon fuel, service station pump islands including their associated unenclosed canopies shall meet the front yard setback requirements established in Chapter 2 of this Ordinance when located adjacent to a public street.
- I. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front or side yard shall be measured from the future right-of-way line.
- J. The minimum front yard in single-family and two-family Zoning Districts may be reduced by ten (10) feet in the following circumstances. In no case shall the reduction cause the minimum front yard to be less than fifteen (15) feet.

1. For an outside swing-in garage provided the wall of the garage that faces the street contains a glass pane window with a minimum size of three (3) feet by five (5) feet and the height of the garage does not exceed one (1) story; or
2. For a non-enclosed porch, stoop, or balcony, or an architectural feature, such as bay window without floor area or chimney; or
3. For a non-enclosed porch and the main structure provided:
 - a. the height of the main structure does not exceed one (1) story;
 - b. the porch has a minimum dimension of seven (7) feet in depth measured from stud to the front edge of the porch floor and a minimum width of twenty (20) feet; and
 - c. the minimum front yard for a front entry garage is increased one (1) foot for every one (1) foot the minimum front yard for the main structure is reduced.

9.4 SIDE AND REAR YARDS:

- A. On a Key Lot used for one or two-family dwellings, both street exposures shall be treated as front yards (See Chapter 5, Section 2.3 Illustration O) on all key lots except where one street exposure is designated as a side yard and separated from the adjacent lot by an alley (See Chapter 5, Section 2.3 Illustration P). In such case, a building line shall be designated on the plat approved by the Town of Prosper containing a side yard of fifteen (15) feet or more. On lots that were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the Zoning District.
- B. Every part of a required side yard shall be open and unobstructed from the ground upward except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed thirty-six (36) inches into the required side yard. Air conditioning compressors and similar appurtenances are permitted in the side yard.
- C. Side yard setbacks in the R, C, and CC Districts may be waived for a building when attached to an adjacent building and is shown on a site plan approved by the Planning & Zoning Commission. (Z07-8)
- D. The face (meaning garage door) of a garage that faces a side yard (a swing-in garage) must be setback twenty-four feet (24') from the side property line. (Z10-0013)
- E. Non-residential uses that are permitted within a single family Zoning District (such as a day care, school, or church) shall maintain a forty (40) foot side and rear building setback when adjacent to a property that is zoned or designated on the Future Land Use Plan for residential uses.

9.5 SPECIAL HEIGHT REGULATIONS

Water stand pipes and tanks (excluding Town owned and/or operated water tanks), church steeples, domes, spires, school buildings, and institutional buildings may be erected to exceed three (3) stories in height, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed three (3) stories.

Ornamental features in all non-residential Zoning Districts may exceed the maximum building height provided that the ornamental feature does not contain floor area and provided the required setbacks for the ornamental feature are increased by two (2) feet for every one (1) foot that the ornamental feature exceeds the maximum height. Ornamental features include, but are not limited to towers, spires, steeples, and cupolas.

9.6 MEASUREMENTS:

All measurements of setback requirements shall be made according to Chapter 5, Section 2.3, Illustrations Q-U.

9.7 MODULAR HOMES:

A Modular Home may be permitted in the A, SF, DTSF, 2F, TH, MH, or MF Districts providing that the following requirements are met:

- A. The dwelling shall meet or exceed all building code requirements that apply to other dwelling units concerning on-site construction.
- B. Conforms to all applicable zoning standards for the respective Zoning District.
- C. Is affixed to an approved permanent foundation system.
- D. The building official is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Manufactured Housing Standards Act (Article 1221f V.T.C.S.).
- E. The Modular Home is placed on an approved platted lot of the Town.

9.8 EXTERIOR CONSTRUCTION OF RESIDENTIAL BUILDINGS *(Ord. 15-55; 09-22-15; Ord. 16-29; 04-26-16)*

- A. The exterior facades of a main building or structure, excluding glass windows and doors, in the A, SF, DTSF, 2F, and TH Districts shall comply with the following requirements:
 - 1. The exterior facades shall be constructed of one hundred (100) percent masonry, unless otherwise specified in this Ordinance.
 - 2. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of stories other than the first story.
 - 3. Cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story.
 - 4. Unless an alternate material is approved by the Town Council, any portion of an upper story, excluding windows, that faces a street, public or private open space, public or private parks, or hike and bike trails, shall be 100% masonry and shall not be comprised of cementitious fiber board.
 - 5. Unless an alternate material is approved by the Town Council, the exterior cladding of chimneys shall be brick, natural or manufactured stone, or stucco.
 - 6. In the DTSF District, cementitious fiber board may be used on up to ninety (90) percent of a structure.
 - 7. Cementitious fiber board may be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, or other architectural features approved by the Building Official.
- B. The roof pitches of a main building or structure, including garages, in the A, SF, DTSF, 2F, and TH Districts shall meet the following roof pitch standards:
 - 1. A minimum of sixty-five percent (65%) of the surface area of composition roofs shall maintain a minimum roof pitch of 8:12.
 - 2. A minimum of seventy-five percent (75%) of the surface area of clay tile, cement tile, slate or slate products, or metal roofs shall maintain a minimum roof pitch of 3:12.
 - 3. Wood roof shingles are prohibited.

9.9 HANDICAP ACCESSIBILITY

If applicable all nonresidential buildings and parking areas shall conform to the Americans with Disabilities Act (ADA) of 1991, as may be amended, accessibility guidelines, the Uniform Federal Accessibility Standards, and Texas Accessibility Standards (TAS).

9.10 SELF-STORAGE AND MINI-WAREHOUSE FACILITIES

The side building lines of a self-storage or mini-warehouse facility may be reduced by approval of the Planning & Zoning Commission at the time of the preliminary site plan approval. The configuration of the storage units shall be with the doors facing into the site with the rear walls of the units serving as the outer boundary.

Self-storage or mini-warehouse facilities must comply with Chapter 4, Section 9.8 of this Ordinance, and its amendments, relating to the construction material used for exterior buildings. Notwithstanding any other provisions to the contrary, a self-storage or mini-warehouse facility constructed adjacent to a residential area, whether separated by a dedicated street or not, shall exclusively use clay fired brick or stone as the exterior construction material.

9.11 ADJACENCY OF CERTAIN USES TO RESIDENTIAL ZONING

- A. All buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use shall be located a minimum of two hundred (200) feet from any residential Zoning District. No service bay shall face a residential Zoning District. An automotive use shall be defined as the sales, leasing, renting, servicing, repair, or washing of automobiles, boats, motorcycles, trucks, or any other motor vehicle.
- B. All buildings, structures, and outdoor speakers used in conjunction with any drive-thru or drive-in restaurant shall be located a minimum of two hundred (200) feet from any residential Zoning District. Buildings and outdoor speakers may be located closer than two hundred (200) feet from a residential Zoning District provided that the building is located between the speaker box and adjacent residentially zoned property.
- C. Any lot containing a drive-thru restaurant, drive-in restaurant, and/or an automotive use as defined in Chapter 4, Section 9.11(A) and that is adjacent to a residential Zoning District shall comply with the following requirements:
 1. One (1) large tree, three (3) inch caliper minimum shall be planted on twenty (20) foot centers within the fifteen (15) foot landscape area, required by Chapter 4, Section 2.6(C). Of the trees required within the fifteen (15) foot landscape area, a minimum of fifty (50) percent of the trees shall be of an evergreen variety that will reach a minimum of fifteen (15) feet in height.
 2. The screening wall, required by Chapter 4, Section 5.2, shall be eight (8) feet in height.
 3. All screening materials, both wall and landscape materials, shall be maintained in a manner to provide the intended screening.
- D. The requirements listed in Chapter 4, Section 9.11(A) and 9.11(B) shall not apply to a drive-thru restaurant, drive-in restaurant, and/or an automotive use within two hundred (200) feet of a residential Zoning District that is separated from the residential area by an existing or future major thoroughfare identified on the Town's Thoroughfare Plan.

9.12 DAY CARE CENTERS, PRIVATE SCHOOLS, AND SIMILAR FACILITIES

- A. All day care centers shall provide outdoor play space at a rate of sixty-five (65) square feet per child. This requirement shall be based on the maximum licensed capacity of the facility. The outdoor play space shall have no dimension of less than thirty (30) feet. If the facility provides care to all children for less than four hours per day, this requirement may be waived by the Town Council.
- B. Outdoor play space is defined as the area used for outside recreational purposes for children. The outdoor play area must be enclosed by a fence of at least four (4) feet in height with at least two emergency exits. One exit may be an entrance to the building. The adequacy of the emergency exits shall be determined by the Fire Chief or his/her designee.

9.13 RESIDENTIAL DEVELOPMENT ADJACENT TO RAILWAYS

- A. Minimum Building Setback, Screening, and Landscaping Requirements.

When a boundary of a residential subdivision is adjacent to a railroad right-of-way, one of the two following screening options shall be installed within three (3) months from the date of Town acceptance of public improvements:

- 1. Option One
 - a. A minimum building setback of fifty (50) feet shall be required from the railroad right-of-way; and
 - b. A one hundred (100) percent clay fired brick or stone wall with a minimum height of six (6) feet shall be constructed on the railroad right-of-way line; and
 - c. One (1) three (3) inch caliper large tree shall be planted a minimum of thirty (30) linear feet on center adjacent to the residential side of the wall. A minimum of fifty (50) percent of the trees shall be of the evergreen variety. The landscaped area shall be mechanically irrigated. The lot owner shall be responsible for the replacement of required plant materials.
- 2. Option Two
 - a. A minimum building setback of eighty (80) feet shall be provided from the railroad right-of-way; and
 - b. A six (6) foot high earthen berm with a maximum slope of 3:1 shall be constructed adjacent to the railroad right-of-way line.
 - c. One (1) three (3) inch caliper large tree shall be planted a minimum of thirty (20) linear feet on center along the top or on the residential side of the berm. A minimum of fifty (50%) percent of the trees shall be of the evergreen variety. The landscaped area shall be mechanically irrigated. The lot owner shall be responsible for the replacement of required plant materials.

B. Platting Requirements:

- 1. The setback area shall be designated on the plat as follows: "This setback area is reserved for screening purposes. The placement of structures on this land or the removal of healthy screening plant materials is prohibited."
- 2. Should the setback area be part of a single-family lot, the setback area shall also be recorded on the plat as a building line.

C. This section shall not apply to any residential development with an approved Concept Plan, Preliminary Plat, and/or Final Plat prior to adoption of this Ordinance.

9.14 **ALTERNATING SINGLE FAMILY PLAN ELEVATIONS** (Ord. 15-55; 09-22-15)

- A. In the SF Districts, a minimum of four (4) distinctly different home elevations shall be built on the same side of the street. Similar elevations shall not face each other. The same elevation shall not be within three homes of each other on the same side of the street.
- B. Different exterior elevations can be met by meeting at least two of the following criteria:
 - 1. Different roof forms/profiles
 - 2. Different facades consisting of different window and door style and placement
 - 3. Different entry treatment such as porches and columns
 - 4. Different number of stories

9.15 **RESIDENTIAL GARAGE STANDARDS** (Ord. 15-55; 09-22-15)

- A. In the SF and DTSF Districts, garages shall meet the following requirements:
 - 1. In no instance shall a garage door directly facing a street be less than 25 feet from the property line.

ATTACHMENT 3

2. Garage doors directly facing a street shall not occupy more than fifty percent (50%) of the width of the front façade of the house.
3. Where a home has three (3) or more garage/enclosed parking spaces, no more than two (2) single garage doors or one (1) double garage door shall face the street, unless the garage door(s) are located behind the main structure.

ATTACHMENT 4

Category	Subject	Existing Standards	Proposed Standards
Use of Land and Buildings	Accessory structures	Permitted in non-residential districts	Remove from non-residential districts. Accessory structures are intended for residential uses. All structures in non-residential districts should meet non-residential design standards.
	Big Box	Permitted by right in retail districts along US 380, Preston Road, and Dallas Parkway	Require a Specific Use Permit in retail districts. (A Big Box is currently defined as 80,000 square feet and larger and single tenant occupies greater than 80% of the building area.)
	Catering	Undefined use	Permit by right in DTO, NS, DTR, R, DTC, and C Districts
	Food Truck Parks	Undefined use	Proposing by Specific Use Permit in DTR, R, DTC, and C Districts, subject to Conditional Development Standards
	Licensed Massage	Not permitted in DTO	Permit in DTO
	Major Auto Repair	Permitted by SUP in a Commercial District and by right in an Industrial District, subject to Condition Development Standards	Redefine Major Auto Repair for any use that offers paint or body service, or outdoor storage
	Minor Auto Repair	Permitted by right in R, DTC, C, CC, and I Districts, subject to Condition Development Standards	Redefine as any auto repair, excluding paint or body service, allow by Specific Use Permit in noted districts
	Mobile Food Vendor	Permitted by right in R, DTR, DTC, and C Districts, subject to Conditional Development Standards	Allow by Specific Use Permit and Conditional Development Standards
	Restaurant	Permitted by right in Office and DTO	Prohibit in DTO and allow in Office Districts if located along a roadway designated as a major or minor thoroughfare
Conditional Development Standards	Auto Repair	Conditional Development Standards do not include provisions for bay door orientation or outdoor storage	Prohibit bay doors from being oriented toward right-of-way or single family districts and prohibit outdoor storage for minor auto repair
	Open Storage	Permitted by right in DTC, C, CC, and I Districts, subject to Conditional Development Standards, including screening consisting of a masonry wall with landscaping on the interior of the wall	Revise Conditional Development Standards to allow landscaping on the outside of a screening wall
Definitions	Auto Repair	Redefined as noted above	
	Catering	Undefined use	Proposing definition, including the prohibition of on-site dining
	Masonry	Defined as, "clay fired brick, natural and manufactured stone, granite, marble, stucco, and architectural concrete block as exterior construction materials for all structures. Other exterior construction materials for non-residential structures are tilt wall concrete panels, sealed and painted split faced concrete block, and high impact exterior insulation and finish systems (EIFS). High impact EIFS is only permitted when installed a minimum of nine feet (9') above grade at the base of the wall on which it is installed."	Redefining to allow concrete for big box, institutional, and industrial uses. (While the Town cannot currently regulate building materials, the amendment will serve as a guide for Prosper's preferred materials and future development agreements.)
	Mechanical Equipment	Undefined term	For the purposes of the requirement to screen mechanical equipment, defining as HVAC units and commercial kitchen equipment
	Mobile Food Vendor	Defined as stationary cart or trailers mounted on a chassis	Redefining to include self-propelled vehicles
	Temporary Building	Includes development standards within definition	Removing development standards from definition
	Townhome	Defined as, "a structure containing three to eight dwelling units with each unit designed for occupancy by one family and each unit attached to another by a common wall."	Redefining to require townhome units to be located on individually platted, fee-simple lots
	Auto Storage	Defined as, "the storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, lease, distribution, or storage."	Redefining to remove the term "operable" from the definition
Food Truck Park	Undefined term	Providing definition	
Landscaping	Berms	Not required	Require berms along US 380, FM 1385, Parvin Road/Frontier Parkway/FM 1461, Custer Road/FM 2478, Preston Road, and Dallas Parkway, ranging from 3' to 6' and an overall average of not less than 4.5'
	Buffalo Grass	Irrigation is not required for Buffalo Grass	Removal of irrigation waiver. If Buffalo grass does not survive and needs to be replaced, new vegetation cannot be established without irrigation.
	Landscaping requirement	The Town's landscape standards are applicable to existing development that is "expanding or redeveloping 30% or more of that development"	For the purpose of clarification, proposing to define expansion or redevelopment, based on an increase of building area
	Perimeter landscaping along roadways	The size of the required landscape area is based on the adjacent roadway classification, and easements are not prohibited within the landscape area	Providing clarification regarding undefined roadway classifications and prohibiting easements within the required landscape area to prevent unexpected removal of required landscaping by easement holders
	RLA Seal	A Registered Landscape Architect is required to seal landscape plans	Waive requirement for redevelopment of properties zoned DTO, DTR, and DTC and less than 2 acres
Parking and Loading	Car wash	Includes 4 types of car wash stacking	Consolidating and clarifying car wash stacking requirements
	Downtown parking reduction	Allows up to a 50% parking reduction in downtown districts	Removing DTO from reduction area. (Provision is intended for areas with extensive on-street parking, which DTO does not provide.)
	Drive-Through Escape Lanes	Required without details	Providing intent and details regarding requirement
	Dead-end parking	DTO allows a maximum of 10 parking spaces on a dead-end drive aisle	Increase the maximum to 20 parking spaces
	Landscape areas	Parking not prohibited within required landscape area	Prohibit parking in required landscape areas
	Loading	Loading spaced are required	Removing requirement for loading spaces. (In practice, loading does not typically take place within designated loading area.)
	Ornamental metal cart returns	Not required	Require when provided
	Undefined ratio	Does not provide staff authority to analyze parking ratios for new, unlisted, or unique uses or for alternative ratios	Allow staff determination for required parking ratios for new, unlisted, or unique uses, and P&Z consideration of alternative ratios with adequate supplementary comparable data/studies
	Unimproved surfaces	Not prohibited for non-residential property	Prohibit for non-residential property, excluding institutional uses
Divided driveways	Required for driveways with direct access to accessing median opening; however, details not defined.	Define driveway medians, including min. 4' wide along minor thoroughfare, 6' wide along major thoroughfare, a depth equivalent to the required throat depth as determined by the Engineering Department, and with landscaping that does not impair visibility as determined by the Parks Department	
Screening	Dumpster enclosures	Does not allow enclosures to directly face right-of-way or residential districts	Proposing to allow any orientation provided enclosure is setback from right-of-way a minimum of 250', if opening is oriented directly toward right-of-way
	Mechanical equipment	Rooftop mounted equipment is required to be screened from all property lines with masonry, regardless of topography	Proposing to allow alternative materials to screen mechanical equipment provided the screening is a minimum of 12" taller than the mechanical equipment.
	Residential trash containers	Screening not required	Require with landscaping, fencing, or walls
Non-Residential Design and Development	Statement of intent	Not included	Providing to inform and guide designers on Prosper's architectural vision
	Window detailing	Not required	Requirement for window detailing
	Brick patterning	Not required	Requirement for brick patterning
	Façade Exception	Allows exception to materials	Including exceptions to design
	Non-residential uses in residential districts (i.e. amenity centers and churches)	Requirement for applicability of non-residential design standards not provided	Clarifying non-residential uses in residential districts should reference non-residential design standards
	Masonry	Primary building materials for non-residential uses (including commercial, institutional, and industrial): -Clay fired brick -Stone (natural, precast, and manufactured) -Granite and marble -Architectural concrete block -Split face concrete masonry unit -Architecturally finished concrete tilt wall	Primary building materials for big box, institutional, and industrial: -Clay fired brick -Stone (natural, precast, and manufactured) -Granite and marble -Architectural concrete block -Split face concrete masonry unit -Architecturally finished concrete tilt wall Primary building materials for commercial uses (including retail, restaurant, etc.): -Clay fired brick -Stone (natural, precast, and manufactured)
Additional & Supplemental	Mailboxes	Requires decorative metal or masonry	Removing requirement. USPS has mandated requirement for cluster mailboxes (CBUs).
	Metal buildings	Permitted in Industrial Districts with approval by P&Z and Council	Removing allowance for metal buildings, may be requested with Façade Exception
	Traffic Impact Analysis	Requirement provided in Zoning Ordinance	Removing and referencing Engineering Design Manuals
Administrative	Preliminary Site Plans	Not required for property under 5 acres	Adding provision Preliminary Site Plans not required for single-phased development
	Reference manuals	Multiple sections include checklists of technical data required on plans	Remove checklists of technical data required on plans and reference appropriate manuals
	Relocation of subsections	Provisions related various standards (i.e. parking, landscaping, etc.) are located throughout various sections of the ordinance	Relocating and consolidating like provisions
	Site Plans	Requires townhome development to be site planned	Removing requirement for townhome developments to be site planned
	Staff titles	Includes references to outdated staff titles	Updating references to staff titles

Blue Star Response Letter

Comments to Proposed Zoning Ordinance Changes

1. [Page 170] (1.4.35.c and 1.4.36.c) Suggest a provision to allow for bay doors facing ROW's or SF if they are thoroughly screened or are set back 250'? Otherwise corner locations and shallow pad sites are basically off limits for these types of services.
2. [Page 173] (1.4.48.c.2) Suggest language clarifying that if the trees are placed on the inside of the wall they must be of a type that would have a mature canopy exceeding the height of the wall. Otherwise what is the point of having a row of trees on the interior of the wall?
3. [Page 175] (Auto Repair, Major) Suggest adding clarification that any facility offering auto services that may require overnight storage of the vehicle would be considered as a major repair facility.
4. [Page 208] (2.2) It is still not completely clear what the criteria is. Not sure if "impacted building area" is definitive. Suggest adding language that a site is only subject to these requirements if the building size (footprint or overall square footage?) is increased by more than 30%.
5. [Page 213] (2.6.B.2.a) Suggest adding a provision that would allow up to 10' of a parallel easement to be included in the buffer width. This would allow room for groundcover and turf to be in the easement area (which are easily replaced) and there would still be room for the required trees outside of the easement.
6. [Page 213] (2.d) Suggest adding language clarifying where the height of the berm is measured from such as "height of berm to be measured from top of curb grade of adjacent public street" or some other fixed point. Might want to consider removing "overall minimum average" requirement unless direction is provided on how this calculation will be made.
7. [Page 216] (1.a.viii) Same comment as 5 above.
8. [Page 216] (1.a.ix) Same comment as 6 above.
9. [Page 219] (2.a) For clarity it is suggested that the statement would read "The exposed portion of retaining walls, where provided shall be finished with"
10. [Page 234] (5.2 E) Suggest providing a provision that allows for full screening of the doors from the right of way in the event that other options do not work.
11. [Page 237] (8.2 J) This seems to be a very subjective requirement that will be open to challenges. Technically all brick work incorporates a form of brick patterning. (ie. Running bond, herringbone, basket weave, etc...). Suggest some clarification on exactly what is required.

Subject	Proposed Standard	Blue Star Response	Town Response to Blue Star
Bay Door Orientation	Prohibit bay doors from being oriented toward right-of-way or single family districts	Suggest a provision to allow for bay doors facing ROW's or a single family district if thoroughly screened or are set back 250'. Otherwise corner locations and shallow pad sites are basically off limits for these types of services.	Accept recommendation to allow bay doors to face right-of-way or single family district if it is in excess of 250 feet from the right-of-way or single family district. Staff does not believe providing thorough screening is a reasonable option, landscaping or a standalone screening wall would need to be substantial to conceal view along all visible perspectives along right-of-way or from single family. This portion of the recommendation was not incorporated
Open Storage Screening	Current, open storage screening generally requires solid living screen, or if a masonry screening wall is provided, landscaping is required on the <u>interior</u> of the wall. Proposing to revise to allow landscaping on the outside of a masonry screening wall	Suggest language clarifying that if the trees are placed on the inside of the wall they must be of a type that would have a mature canopy exceeding the height of the wall. Otherwise what is the point of having a row of trees on the interior of the wall?	Recommendation incorporated
Major Automotive Repair Definition	Revised to, "A facility which offers general repair or maintenance of vehicles, including paint and/or body repair services. Outdoor storage of vehicles overnight shall provide screening in accordance with the open storage regulations of the Zoning Ordinance."	Suggest adding clarification that any facility offering auto services that may require overnight storage of the vehicle would be considered as a major repair facility.	Recommendation incorporated
Landscaping Regulations for Redevelopment	The Town's landscape standards are applicable to existing development that is "expanding or redeveloping 30% or more of that development" For the purpose of clarification, proposing to define expansion or redevelopment, based on impacted building area	Not sure if "impacted building area" is definitive. Suggest adding language that a site is only subject to these requirements if the building size (footprint or overall square footage?) is increased by more than 30%.	Recommendation incorporated
Landscape Easements (Non-Residential and Multifamily Development)	Prohibiting easements within the required landscape area to prevent unexpected removal of required landscaping by easement holders	Suggest adding a provision that would allow up to 10' of a parallel easement to be included in the buffer width. This would allow room for groundcover and turf to be in the easement area (which are easily replaced) and there would still be room for the required trees outside of the easement.	In order to remain consistent with the residential thoroughfare screening requirement for exclusive landscape easements, staff did not incorporate this recommendation
Berms (Non-Residential and Multifamily Development)	Require berms along US 380, FM 1385, Parvin Road/Frontier Parkway/FM 1461, Custer Road/FM 2478, Preston Road, and Dallas Parkway, ranging from 3' to 6' and an overall average of not less than 4.5'	Suggest adding language clarifying where the height of the berm is measured from such as "height of berm to be measured from top of curb grade of adjacent public street" or some other fixed point. Might want to consider removing "overall minimum average" requirement unless direction is provided on how this calculation will be made.	Staff did not incorporate this recommendation
Retaining Wall Facing	No proposed revisions to this provision were included with the subject amendments	For clarity it is suggested that the statement would read "The exposed portion of retaining walls, where provided shall be finished with"	This provision was not proposed or discussed through the amendment process, therefore the recommendation was not incorporated
Dumpster Enclosure Orientation	Currently does not allow enclosures to directly face right-of-way or residential districts Proposing to allow any orientation provided enclosure is setback from right-of-way a minimum of 250', if opening is oriented directly toward right-of-way	Suggest providing a provision that allows for full screening of the doors from the right of way in the event that other options do not work.	Similar to the bay door orientation response noted above, staff does not believe providing thorough screening would be a reasonable option, therefore the recommendation was not incorporated
Brick Patterning	Proposing the requirement for various brick patterning when brick is provided as the primary building material, supported by example images embedded into the Zoning Ordinance	This seems to be a very subjective requirement that will be open to challenges. Technically all brick work incorporates a form of brick patterning. (i.e.. Running bond, herringbone, basket weave, etc....). Suggest some clarification on exactly what is required.	Recommendation incorporated

FINANCE

To: Mayor and Town Council

From: Betty Pamplin, Finance Director

**Through: Harlan Jefferson, Town Manager
Chuck Springer, Executive Director of Administrative Services**

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Conduct a Public Hearing to consider and discuss a proposal to adopt a tax rate of \$0.52 per \$100 valuation. **(BP)**

Description of Agenda Item:

According to the Property Tax Code Section 26.05(d), the Town is required to hold one public hearing and publish a newspaper ad before adopting a tax rate that exceeds the no-new-revenue rate or voter-approval rate, whichever is lower.

Attached Documents:

1. Statement for Opening the Public Hearing

Town Staff Recommendation:

Town staff recommends that the Town Council conduct a Public Hearing to receive feedback from the community and provide Town staff with any resulting direction. Other than the Public Hearing, the Town Council does not need to take action on this item.

Please open the Public Hearing with the attached statement.

Please read the statements below prior to opening the Public Hearing:

This is the only public hearing to discuss the FY 2020-2021 proposed tax rate.

The Town Council will vote on both the FY 2020-2021 Proposed Budget and the proposed tax rate at tonight's meeting as previously published and scheduled.

Once the Public Hearing is opened, the public is encouraged to express their views.

FINANCE



To: Mayor and Town Council

From: Betty Pamplin, Finance Director

**Through: Harlan Jefferson, Town Manager
Chuck Springer, Executive Director of Administrative Services**

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon an ordinance adopting the Fiscal Year (FY) 2020-2021 Annual Budget and Capital Improvement Program for the fiscal year beginning October 1, 2020 and ending September 30, 2021. **(BP)**

Description of Agenda Item:

Approval of this item will appropriate funds for the FY 2020-2021 Budget and Capital Improvement Program. Prior to this meeting, the Town published required notices, held a public hearing that included staff presentations about the budget, 2020 tax rate, and gave interested taxpayers the opportunity to be heard by the Town Council.

During the 2007 Texas legislative session, House Bill 3195 was passed, amending section 102.007 of the Local Government Code. Subsection C was added to state that adoption of a budget that requires raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to, and separate from, the vote to adopt the budget or a vote to set the tax rate as required by Chapter 26 of the Tax Code.

The FY 2020-2021 Proposed Budget raises more in property tax revenues than in the previous year. Although the overall budget is made up of sixteen separate funds, it is helpful to compare the six primary funds from year to year:

Fund	FY 2020 Amended Budget	FY 2021 Proposed Budget (9/08/2020)	\$ Change	% Change
General	\$31,475,027	\$32,590,291	\$ 1,115,264	3.54%
Water/Sewer	\$26,079,979	\$24,408,888	(\$1,671,091)	-6.41%
Debt Service	\$7,022,740	\$7,699,741	\$ 677,001	9.64%
SPD-Crime/Fire	\$2,653,429	\$2,916,520	\$ 263,091	9.92%

TIRZ # 1	\$1,766,715	\$2,723,028	\$ 956,313	54.13%
Impact Fee Funds	\$7,920,426	\$7,842,500	\$ (77,926)	-0.98%
Total	\$76,918,316	\$78,180,968	\$ 1,262,652	1.64%

The Proposed FY 2020-2021 budget is composed of discretionary and non-discretionary supplemental requests. The tables below display the most prominent requests from the General Fund and Water/Sewer Fund.

General Fund Supplemental Requests

<u>Request Title</u>	<u>Amount</u>
Senior GIS Analyst and GIS Hosting Services	\$143,057
Facility Maintenance Services – Public Safety Facility	\$202,969
Two Lieutenants	\$443,618
Two Public Safety Officers	\$191,390
Two Communications Officers	\$126,681
Three Battalion Chiefs	\$691,865
Downtown Monument Sign	\$270,000
Development and Permitting Software	\$375,421

Water/Sewer Fund Supplemental Requests

<u>Request Title</u>	<u>Amount</u>
Water Purchases	\$1,091,067
Sewer Management Fees	\$422,460
Water Meters	\$471,250
Odor Control – Lift Stations	\$148,300
Public Works Right-Of-Way Inspector	\$99,244

The Town of Prosper FY 2020-2021 Annual Budget addresses increased service levels to Town residents in response to continued growth. The proposed budget also provides essential or money-saving capital investments in infrastructure and other public improvements, as well as additional public safety resources. The growth in the value of the Town’s tax base is strong, and the Town’s reputation as a quality community is spreading. Notwithstanding the Town’s current and future growth potential and general optimism, this budget has been prepared with conservative revenue and expenditure assumptions in mind.

The table below displays the proposed changes to individual fund budgets from the August 11th, presented budget.

<u>Fund Name</u>	<u>8/11/2020</u>	<u>9/8/2020</u>	<u>\$ Change</u>
General Fund	\$32,368,884	\$32,590,291	\$221,407

Town staff has prepared the FY 2020-2021 Proposed Capital Improvement Program (CIP) for adoption by the Town Council. This program includes budgeted capital projects for the 2020-2021 fiscal year and major planned capital projects to 2030. The projects for FY 2020-2021 are as follows:

<u>STREET PROJECTS</u>			
Project Name	Town CO Debt Funding	Other Town Funding	Non-Town Funding
Frontier Parkway (DNT - SH 289)	\$ 5,750,000		\$ 24,162,496
FM 2478 (US 380 – FM 1461): (TxDOT)			\$ 57,000,000
Fishtrap, Segment 4 (Middle - Elem): (Constr)	\$ 2,750,000		
US 380 (US 377 – Denton County): (TxDOT)		\$ 105,000	\$178,000,000
FM 1461 (SH 289 – CR 165): (TxDOT)		\$ 175,000	
TOTAL FUNDING SOURCES:	\$8,500,000	\$ 280,000	\$259,162,496
TOTAL STREETS PROJECTS:	\$ 267,942,496		

<u>TRAFFIC PROJECTS</u>			
Project Name	Town CO Debt Funding	Other Town Funding	Non-Town Funding
Traffic Signal – Fishtrap & Artesia: (Design)		\$ 25,000	\$ 25,000
Traffic Signal – Fishtrap & Artesia: (Construction)		\$ 212,500	\$ 212,500
Traffic Signal – FM 1385 & Fishtrap: (TxDOT)			\$ 250,000
TOTAL FUNDING SOURCES:		\$ 237,500	\$ 487,500
TOTAL TRAFFIC PROJECTS:	\$ 725,000		

<u>PARK PROJECTS</u>			
Project Name	Town CO Debt Funding	Other Town Funding	Non-Town Funding
Windsong Ranch Park #2: (Design)		\$ 30,000	
Windsong Ranch Park #2: (Construction)		\$ 230,000	
Lakewood Preserve: (Construction)		\$ 544,500	
Hays Park: (Construction)		\$ 375,000	
Pecan Grove Phase 2: (Construction)		\$ 575,000	
Windsong H&B Trail (3C,5,6A,6B,7,8,9): (Design)		\$ 40,000	
Windsong H&B Trail (3C,5,6A,6B,7,8,9): (Constr)		\$ 435,000	
Downtown Monument (Brdwy/Prstn): (Design)		\$ 75,000	
Downtown Monument (Brdwy/Prstn): (Constr)		\$ 80,000	\$ 300,000
TOTAL FUNDING SOURCES:		\$2,384,500	\$ 300,000
TOTAL PARK PROJECTS:	\$ 2,684,500		

<u>FACILITY PROJECTS</u>			
Project Name	Town CO Debt Funding	Other Town Funding	Non-Town Funding
Westside Radio Tower for Communications	\$ 500,000		
TOTAL FUNDING SOURCES:	\$ 500,000		
TOTAL FACILITY PROJECTS:	\$ 500,000		

WATER PROJECTS			
Project Name	Town CO Debt Funding	Other Town Funding	Non-Town Funding
LPP Water Line Phase 2 Easement Costs		\$ 1,000,000	
TOTAL FUNDING SOURCES:		\$ 1,000,000	
TOTAL WATER PROJECTS:		\$ 1,000,000	

DRAINAGE PROJECTS			
Project Name	Town CO Debt Funding	Other Town Funding	Non-Town Funding
Coleman Street Channel Imprvments: (Constr)	\$ 400,000		
Church & Parvin Sanitary & Drainage: (Constr)	\$ 215,000		
Old Town Reg. Ret. Pond #2 – Land Acquisition	\$ 385,000		
TOTAL FUNDING SOURCES:	\$ 1,000,000		
TOTAL DRAINAGE PROJECTS:		\$ 1,000,000	

Legal Obligations and Review:

Terrence Welch with Brown & Hofmeister, L.L.P., has reviewed and approved the attached ordinance as to form and legality.

Attached Documents:

- 1. Ordinance
- 2. Ordinance Exhibit A – FY 2020-2021 Proposed Budget Summary
- 3. Ordinance Exhibit B – CIP Summary

Town Staff Recommendation:

Town staff recommends that the Town Council approve an ordinance adopting the Fiscal Year 2020-2021 Annual Budget and Capital Improvement Program for the fiscal year beginning October 1, 2020, and ending September 30, 2021, as proposed.

This item requires a record vote.

Proposed Motion:

I move to approve an ordinance adopting the Fiscal Year 2020-2021 Annual Budget and Capital Improvement Program for the fiscal year beginning October 1, 2020, and ending September 30, 2021, as proposed.

Second motion to comply with state law:

I move to ratify the property tax revenue increase as reflected in the Fiscal Year 2020-2021 Adopted Budget.

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ADOPTING THE FISCAL YEAR 2020-2021 ANNUAL BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, FOR THE TOWN OF PROSPER, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Annual Budget for the Town of Prosper, Texas, was prepared by the Town Manager and presented to the Town Council on August 11, 2020, in accordance with the Town Charter of the Town of Prosper, Texas; and

WHEREAS, the proposed annual budget document was posted on the Town's Internet website and also made available for public review; and

WHEREAS, a Notice of a Public Hearing concerning the proposed Annual Town Budget was published as required by state law and said Public Hearing thereon was held by the Town Council on August 25, 2020; and

WHEREAS, following the Public Hearing, and upon careful review of the proposed Fiscal Year 2020-2021 Annual Budget, it is deemed to be in the best financial interests of the citizens of the Town of Prosper, Texas, that the Town Council approve said budget as presented by the Town Manager; and

WHEREAS, in conjunction with the adoption of the Annual Town Budget, the Town also wishes to adopt its recommended Fiscal Year 2020-2021 Capital Improvement Program which includes budgeted revenues and expenditures for Fiscal Year 2020-2021 and planned revenues and expenditures for future years, as more fully described in said Capital Improvement Program.

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

SECTION 1

The above findings are hereby found to be true and correct and are incorporated herein in their entirety.

SECTION 2

The official budget for the Town of Prosper, Texas, for the fiscal year beginning October 1, 2020, and ending September 30, 2021, is hereby adopted by the Town Council of the Town of Prosper, Texas, and the Town Secretary is directed to keep and maintain a copy of such official budget on file in the office of the Town Secretary and, upon request, make same available to the citizens and the general public.

SECTION 3

The sums specified in Exhibit A are hereby appropriated from the respective funds for the payment of expenditures on behalf of the Town government as established in the approved budget document.

SECTION 4

The Town Council hereby adopts the Fiscal Year 2020-2021 Capital Improvement Program, which is attached hereto as Exhibit B and fully incorporated by reference.

SECTION 5

Should any part, portion, section, or part of a section of this Ordinance be declared invalid, or inoperative, or void for any reason by a court of competent jurisdiction, such decision, opinion, or judgment shall in no way affect the remaining provisions, parts, sections, or parts of sections of this Ordinance, which provisions shall be, remain, and continue to be in full force and effect.

SECTION 6

All ordinances and appropriations for which provisions have heretofore been made are hereby expressly repealed if in conflict with the provisions of this Ordinance.

SECTION 7

In accordance with state law and the Town’s Code of Ordinances, proper Notice of Public Hearing was provided for said Ordinance to be considered and passed, and this Ordinance shall take effect and be in full force and effect from and after its final passage.

SECTION 8

Specific authority is hereby given to the Town Manager to transfer appropriations budgeted from one account classification or activity to another within any individual department or activity.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, BY A VOTE OF ___ TO ___ ON THIS THE 8TH DAY OF SEPTEMBER, 2020.

APPROVED:

Ray Smith, Mayor

ATTEST:

Melissa Lee, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT A

EXHIBIT B

EXHIBIT A

		PROPOSED BUDGET 2020-2021			
		AMENDED BUDGET 2019-2020	AS ORIGINALLY TRANSMITTED	CHANGES	FINAL PROPOSED
GENERAL FUND	Administration	\$ 5,139,289	\$ 5,376,987	\$ 221,407	\$ 5,598,394
	Police Services	5,631,207	5,997,484	-	5,997,484
	Fire Services	7,676,989	7,713,465	-	7,713,465
	Public Works	3,213,736	3,272,379	-	3,272,379
	Community Services	4,736,198	4,605,459	-	4,605,459
	Development Services	3,238,239	3,371,304	-	3,371,304
	Engineering	1,839,369	2,031,806	-	2,031,806
	General Fund Total	\$ 31,475,027	\$ 32,368,884	\$ 221,407	\$ 32,590,291
WATER/SEWER FUND	Administration	\$ 2,380,374	\$ 2,615,646	\$ -	\$ 2,615,646
	Debt Service	3,930,237	3,701,269	-	3,701,269
	Water Purchases	5,590,642	6,681,709	-	6,681,709
	Public Works	14,178,726	11,410,264	-	11,410,264
	Water/Sewer Total	\$ 26,079,979	\$ 24,408,888	\$ -	\$ 24,408,888
DEBT SERVICE (I&S)		\$ 7,022,740	\$ 7,699,741	\$ -	\$ 7,699,741
TIRZ # 1		1,766,715	2,723,028	-	2,723,028
TIRZ # 2		342,549	13,007	-	13,007
CRIME CONTROL AND PREVENTION SPECIAL PURPOSE DISTRICT		1,327,155	1,425,708	-	1,425,708
FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES SPECIAL PURPOSE DISTRICT		1,326,274	1,490,812	-	1,490,812
PARKS IMPROVEMENT AND DEDICATION FEES		703,700	1,735,000	-	1,735,000
IMPACT FEES		7,920,426	7,842,500	-	7,842,500
SPECIAL REVENUE		1,518,394	271,246	-	271,246
STORM DRAINAGE		643,030	548,269	-	548,269
VERF		1,420,442	1,397,585	-	1,397,585
HEALTH INSURANCE TRUST		3,115,741	3,421,811	-	3,421,811
	Other Funds Total	\$ 27,107,166	\$ 28,568,707	\$ -	\$ 28,568,707
	GRAND TOTAL	\$ 84,662,172	\$ 85,346,479	\$ 221,407	\$ 85,567,886

Unspent project funds for Capital Projects, Park Improvement and Dedication Fees, and Impact Fees as of September 30, 2020, will automatically be re-apportioned to their respective projects for FY 2020-2021. Funds encumbered for the VERF will also be re-apportioned for FY 2020-2021.

**EXHIBIT B
Summary of Capital Improvement Program - 09/08 FINAL
General Fund Projects**

Item 19.

Index	Street Projects	Prior Years	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2030	Total Cost	Other Sources	Funding Sources			Issued 2019-2020	Unissued Debt Schedule					Index				
											Issued Debt Authorized	Unissued Debt Authorized	Unissued Debt Unauthorized		2020-2021	2021-2022	2022-2023	2023-2024	2024-2025		2025-2030			
01	1836-ST DNT Southbound Frontage Road	17,000,000							17,000,000	17,000,000	X												01	
02	1511-ST Prosper Trail (Kroger - Coit): (Design)	305,000							305,000	305,000	A													02
03	1511-ST Prosper Trail (Kroger - Coit): (Construction)	4,564,055							4,564,055	4,465,846	A,D,K	98,209												03
04	1512-ST First Street (DNT - Coleman): (Design)	2,786,567							2,786,567	2,439,915	A,D	346,652												04
05	1507-ST West Prosper Road Improvements, Segment D: (Construction)	3,404,618							3,404,618			3,404,618												05
06	1708-ST E-W Collector (Cook Lane - DNT); design done w/ Cook Lane	1,455,000							1,455,000	1,375,000	A	80,000												06
07	1820-ST First Street/DNT Intersection Improvements: (Design)	137,000							137,000	137,000	D													07
08	1820-ST First Street/DNT Intersection Improvements: (Construction)	1,250,000							1,250,000	1,250,000	A													08
09	1823-ST Victory Way (Coleman - Frontier) - 2 lanes: (Design)	300,000							300,000	250,000	D	50,000												09
10	1823-ST Victory Way (Coleman - Frontier) - 2 lanes: (Construction)	2,200,000							2,200,000			2,200,000												10
11	1709-ST Prosper Trail (Coit - Custer) - 4 lanes: (Design)	810,000							810,000	810,000	A													11
12	2008-ST Prosper Trail (Coit - Custer) - 2 lanes: (Construction)	6,300,000							6,300,000	1,250,000	D	300,000	4,750,000	4,750,000										12
13	1825-ST Coleman (Rogers MS - Turn Lane): (Design & Construction)	375,000							375,000	375,000	D													13
14	1819-ST Coleman Street (at Prosper HS): (Design & Construction)	790,000							790,000	790,000	C,K													14
15	1923-ST Fishtrap (Segments 1, 4); (Elem to DNT) schematic: (Design)	778,900							778,900	778,900	D													15
16	2009-ST Fishtrap, Segment 1 (Teel - Middle School): (Construction)	1,470,000							1,470,000			280,000	1,190,000	1,190,000										16
17	1932-ST Coit Road and US 380 (SB Right Turn Lane): (Design)	6,300							6,300	6,300	A,D													17
18	1932-ST Coit Road and US 380 (SB Right Turn Lane): (Construction)	125,000							125,000	35,000	A	90,000												18
19	1830-ST Prosper Trail/DNT Intersection Improvements: (Design)	88,000							88,000	88,000	A,D													19
20	1830-ST Prosper Trail/DNT Intersection Improvements: (Construction)	2,000,000							2,000,000			400,000	1,600,000	1,600,000										20
21	1824-ST Fishtrap (Teel Intersection Improvements): (Design)	150,000							150,000	150,000	D													21
22	1824-ST Fishtrap (Teel Intersection Improvements): (Construction)	1,400,000							1,400,000			1,400,000												22
23	1708-ST Cook Lane (First - End): (Design)	150,000							150,000	150,000	A													23
24	1708-ST Cook Lane (First - End): (Construction)	3,500,000							3,500,000			600,000	2,900,000	2,900,000										24
25	2014-ST First Street (Coit - Custer) - 4 lanes: (Design)	1,000,000							1,000,000				1,000,000	1,000,000										25
26	2010-ST Fishtrap (Teel - Gee Road): (Design)	400,000							400,000	400,000	C													26
27	2011-ST Gee Road (Fishtrap - Windsong Retail): (Design)	250,000							250,000	250,000	C													27
28	2012-ST Fishtrap (Elem - DNT) - 4 lanes: (Design)	900,000							900,000	300,000	A,D,K		600,000	600,000										28
29	1710-ST Coit Road (First - Frontier) - 4 lanes: (Design)	1,289,900							1,289,900	1,289,900	A,X													29
30	2013-ST Teel (US 380 Intersection Improvements): (Design)	100,000							100,000	100,000	A,K													30
31	1307-ST Frontier Parkway (BNSF Overpass)	3,650,000	29,912,496						33,562,496	27,812,496	A,X	0	5,750,000		5,750,000									31
32	1805-ST FM 2478 (US 380 - FM 1461)	391,869	57,000,000						57,391,869	57,391,869	A,K,X													32
33	1934-ST DNT Overpass at US380	80,970,000		9,030,000					90,000,000	83,970,000	D,J,X		6,030,000		6,030,000									33
34	2017-ST Fishtrap, Segment 4 (Middle - Elem) - 4 lanes: (Construction)		2,750,000						2,750,000				2,750,000	2,750,000										34
35	1936-ST US 380 (US 377 - Denton County Line)		178,105,000						178,105,000	178,105,000	D,X													35
36	1938-ST FM 1461 (SH 289 - CR 165)		175,000	175,000	175,000	45,190,870			45,715,870	45,715,870	A,X													36
37	1933-ST Fishtrap (Segment 2) - PISD reimbursement			1,164,000					1,164,000				1,164,000		1,164,000									37
38	1937-ST DNT Main Lane (US 380 - FM 428)			35,000,000		315,000,000			350,000,000	350,000,000	X													38
Subtotal		140,297,209	267,942,496	45,369,000	175,000	360,190,870	0	0	813,974,575	776,991,096		9,249,479	0	27,734,000	12,040,000	8,500,000	7,194,000	0	0	0	0	0	0	

	Design	Construction	Design & Construction	Land/Easements
	9,451,667	27,914,055	102,931,487	0
	0	32,662,496	235,280,000	0
	0	1,164,000	44,205,000	0
	0	0	175,000	0
	0	0	360,190,870	0
	0	0	0	0
	9,451,667	61,740,551	742,782,357	0

Index	Traffic Projects	Prior Years	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2030	Total Cost	Other Sources	Funding Sources			Issued 2019-2020	Unissued Debt Schedule					Index				
											Issued Debt Authorized	Unissued Debt Authorized	Unissued Debt Unauthorized		2020-2021	2021-2022	2022-2023	2023-2024	2024-2025		2025-2030			
01	1929-ST BNSF Quiet Zone First/Fifth	145,000							145,000	145,000	D													01
02	1909-TR Traffic Signal - Coit Rd & First Street: (Construction)	306,299							306,299	306,299	A,D													02
03	1939-TR Traffic Signal - DNT & Frontier: (Collin County)	400,000							400,000	400,000	X													03
04	1940-TR Traffic Signal - DNT & Prosper Trail: (Collin County)	400,000							400,000	400,000	X													04
05	1928-TR Traffic Signal - Fishtrap & Teel Parkway: (Design)	34,100							34,100	34,100	A													05
06	1928-TR Traffic Signal - Fishtrap & Teel Parkway: (Construction)	400,000							400,000	400,000	A													06
07	2004-TR Traffic Signal - Fishtrap & Gee Road: (Design)	50,000							50,000	50,000	A													07
08	2004-TR Traffic Signal - Fishtrap & Gee Road: (Construction)	250,000							250,000	250,000	A													08
09	2007-TR Traffic Signal - SH 289 & Lovers Lane (TIRZ #1)	300,000							300,000	300,000	H													09
10	2005-TR Traffic Signal - Coit Rd & Richland: (Design)	50,000							50,000	50,000	A													10
11	2005-TR Traffic Signal - Coit Rd & Richland: (Construction)	410,000							410,000	410,000	A													11
12	2101-TR Traffic Signal - Fishtrap & Artesia Boulevard: (Design)		50,000						50,000	50,000	A,C													12
13	2101-TR Traffic Signal - Fishtrap & Artesia Boulevard: (Construction)		425,000						425,000	425,000	A,C													13
14	1935-TR Traffic Signal - FM 1385 & Fishtrap: (TxDOT)		250,000						250,000	250,000	X													14
15	Traffic Signal - FM 2478 (Custer Rd) & First Street: (TxDOT)			500,000					500,000	500,000	X													15
16	Traffic Signal - First Street & La Cima: (Design)			50,000					50,000	50,000	A													16
17	Traffic Signal - First Street & La Cima: (Construction)			400,000					400,000	400,000	A													17
18	Traffic Signal - First Street & Coleman: (Design)				50,000				50,000	50,000	A													18
19	Traffic Signal - First Street & Coleman: (Construction)				425,000				425,000	425,000	A													19
Subtotal		2,745,399	725,000	950,000	475,000	0	0	0	4,895,399	4,895,399		0	0	0	0	0	0	0	0	0	0	0	0	

	Design	Construction	Design & Construction	Land/Easements
	134,100	1,511,299	1,100,000	0
	50,000	425,000	250,000	0
	50,000	400,000	500,000	0
	0	425,000	0	0
	0	0	0	0
	0	0	0	0
	284,100	2,761,299	1,850,000	0

Summary of Capital Improvement Program - 09/08 FINAL
General Fund Projects

Index	Park Projects	Prior Years	Funding Sources						Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized	Unissued Debt Unauthorized	Issued 2019-2020	Unissued Debt Schedule						Index
			2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2030							2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2030	
Neighborhood Park																					
01	Town Hall Open Space Park: (Design)	55,000							55,000	D								01			
02	Tanners Mill Park: (Construction)	468,000							468,000	C								02			
03	Star Trail Park #2 (7.5 Acres / No Lights): (Construction)	535,000							535,000	C								03			
04	Windsong Ranch Park #2 (7.5 Acres / No Lights): (Design)		30,000						30,000	C								04			
05	Windsong Ranch Park #2 (7.5 Acres / No Lights): (Construction)		230,000						230,000	C								05			
06	Lakewood Preserve (22 Acres / Lights): (Construction)	423,000	544,500						967,500	C								06			
07	1802-PK Hays Park (2 Acres / No Lights): (Design)	85,000							85,000	G								07			
08	1802-PK Hays Park (2 Acres / No Lights): (Construction)		375,000						375,000	G								08			
09	Pecan Grove Phase 2 (21.5 Acres / No Lights) (basketball, pavilion, parking, security lighting): (Design)	67,500							67,500	G	67,000							09			
10	Pecan Grove Phase 2 (21.5 Acres / No Lights) (basketball, pavilion, parking, security lighting): (Construction)		575,000						575,000	G								10			
11	Prairie Park (6.7 Acres / No Lights)	300,000		300,000					600,000	C								11			
Trails																					
12	1801-PK Whitley Place H&B Trail Extension: (Design)	70,000							70,000	G								12			
13	1910-PK Hike and Bike Master Plan: (Design)	68,000							68,000	D								13			
14	Star Trail H&B Trail Phases 1, 2, 3, and 4: (Construction)	200,000							200,000	C								14			
15	1926-PK Whitley Place H&B Trail (OH Easement): (Design)	10,000							10,000		10,000							15			
16	1926-PK Whitley Place H&B Trail (OH Easement): (Construction)	270,000							270,000		270,000							16			
17	1801-PK Whitley Place H&B Trail Extension: (Construction)	680,000							680,000	G	180,000							17			
18	Windsong H&B Trail Ph 3C,5,6A, 6B, 7, 8, and 9: (Design)		40,000						40,000	C								18			
19	Windsong H&B Trail Ph 3C,5,6A, 6B, 7, 8, and 9: (Construction)	1,351,572	435,000	495,000					2,281,572	C								19			
Community Park																					
20	Frontier Park Storage: (Design & Construction)	147,927							147,927	D								20			
Medians																					
21	1723-PK State Highway 289 Gateway Monument	474,752							474,752	D								21			
22	1818-PK Additional Turf Irrigation SH 289	80,000							80,000	D								22			
23	1813-PK SH 289/US 380 Green Ribbon Landscape Irrigation	809,250							809,250	B,D								23			
24	2018-PK Coleman Street Median Landscaping (Talon - Victory): (Design)	30,000							30,000	A								24			
25	2018-PK Coleman Street Median Landscaping (Talon - Victory): (Construction)	320,000							320,000	A								25			
26	1922-PK Downtown Monument (Broadway/Preston): (Design)	16,000	75,000						91,000	D								26			
27	1922-PK Downtown Monument (Broadway/Preston): (Construction)		380,000						380,000	D,K								27			
Subtotal		6,461,001	2,684,500	795,000	0	0	0	0	9,940,501		527,000	0	0	0	0	0	0	0			
Design		401,500	145,000	0	0	0	0	0	546,500												
Construction		5,911,574	2,539,500	795,000	0	0	0	0	9,246,074												
Design & Construction		147,927	0	0	0	0	0	0	147,927												
Land/Easements		0	0	0	0	0	0	0	0												

Index	Facility Projects	Prior Years	Funding Sources						Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized	Unissued Debt Unauthorized	Issued 2019-2020	Unissued Debt Schedule						Index
			2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2030							2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2030	
01	1713-FC Police Station and Dispatch - Professional Services	1,644,696							1,644,696	D	1,613,403							01			
02	1904-FC Police Station and Dispatch - Development Costs	550,000							550,000		550,000							02			
03	1905-FC Police Station and Dispatch - Construction	12,645,804							12,645,804	D	11,210,804							03			
04	1906-FC Police Station and Dispatch - Furniture, Fixtures, and Equipment	1,165,000							1,165,000	D								04			
05	2102-FC Westside Radio Tower for Communications		500,000						500,000			500,000			500,000			05			
Subtotal		16,005,500	500,000	0	0	0	0	0	16,505,500		13,374,207	0	500,000	0	500,000	0	0	0			

Design		2,194,696	0	0	0	0	0	0	2,194,696									
Construction		13,810,804	0	0	0	0	0	0	13,810,804									
Design & Construction		0	500,000	0	0	0	0	0	500,000									
Land/Easements		0	0	0	0	0	0	0	0									

Grand Total General Fund		165,509,109	271,851,996	47,114,000	650,000	360,190,870	0	0	845,315,975	793,931,289 #REF!	23,150,686	0	28,234,000	12,040,000	9,000,000	7,194,000	0	0	0
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Design		12,181,963	195,000	50,000	50,000	0	0	0	12,476,963									
Construction		49,147,732	35,626,996	2,359,000	425,000	0	0	0	87,558,728									
Design & Construction		104,179,414	236,030,000	44,705,000	175,000	360,190,870	0	0	745,280,284									
Land/Easements		0	0	0	0	0	0	0	0									

- ## Design
- ## Construction
- ## Design & Construction

Description Codes - Other Sources					
A	Impact Fees	D	General Fund	G	Park Development Fund
B	Grant and Interlocal Funds	E	Water / Wastewater Fund	H	TIRZ #1
C	Developer Agreements	F	Stormwater Drainage Fund	J	TIRZ #2
				K	Escrows
				X	Non-Cash Contributions
				Z	Other Sources (See Detail)

**EXHIBIT B
Summary of Capital Improvement Program - 09/08 FINAL
Enterprise Fund Projects**

Item 19.

Index	Water Projects	Prior Years	Funding Sources						Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized	Unissued Debt Unauthorized	Unissued Debt Schedule						Index
			2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2030						2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	
01	1902-WA Custer Road Meter Station and WL Relocations: (Design)	359,225							359,225	359,225 E										01
02	1902-WA Custer Road Meter Station and WL Relocations: (Land/Easements)	53,244							53,244	53,244 E									02	
03	1902-WA Custer Road Meter Station and WL Relocations: (Construction)	3,454,363							3,454,363	3,454,363 E									03	
04	1715-WA Fishtrap 2.5 MG Elevated Storage Tank: (Design)	325,700							325,700	325,700 A									04	
05	1715-WA Fishtrap 2.5 MG Elevated Storage Tank: (Construction)	6,108,000							6,108,000	3,143,000 A	2,965,000								05	
06	1716-WA LPP Water Line Phase 1a & 1b: (Design)	829,850							829,850	829,850 A									06	
07	1716-WA LPP Water Line Phase 1a & 1b: (Construction)	10,658,200							10,658,200	175,000 A	10,483,200								07	
08	1716-WA LPP Water Line Phase 1 Easement Costs	1,691,500							1,691,500	0 A	1,691,500								08	
09	1501-WA LPP Pump Station and LPP WL Phase 2: (Design)	1,585,100							1,585,100	277,081 A	1,308,019								09	
10	1501-WA LPP Pump Station and LPP WL Phase 2: (Construction)			15,200,000					15,200,000	4,000,000 A		11,200,000			5,600,000	5,600,000			10	
11	1810-WA LPP Water Line Phase 2 Easement Costs		1,000,000						1,000,000	1,000,000 A									11	
12	1708-WA E-W Collector (Cook Lane - DNT) Water Line: (Construction)	295,775							295,775	289,750 E	6,025								12	
13	1708-WA Cook Lane (First - End): (Construction)	400,000							400,000	400,000 E									13	
14	LPP Future Expansion (2026): (Design)							1,400,000	1,400,000			1,400,000						1,400,000	14	
15	LPP Future Expansion (2026): (Construction)							12,600,000	12,600,000			12,600,000						12,600,000	15	
16	1930-WA Broadway (Parvin-Craig): (Construction)	150,000							150,000	150,000 E									16	
	Subtotal	25,910,957	1,000,000	15,200,000	0	0	0	14,000,000	56,110,957	14,457,213	16,453,744	0	25,200,000	0	0	5,600,000	5,600,000	0	0	14,000,000

Design	3,099,875	0	0	0	0	0	0	1,400,000	4,499,875
Construction	21,066,338	0	15,200,000	0	0	0	0	12,600,000	48,866,338
Design & Construction	0	0	0	0	0	0	0	0	0
Land/Easements	1,744,744	1,000,000	0	0	0	0	0	0	2,744,744

Index	Wastewater Projects	Prior Years	Funding Sources						Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized	Unissued Debt Unauthorized	Unissued Debt Schedule						Index
			2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2030						2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	
01	1903-WW Church / Parvin Wastewater Reconstruction: (Construction)	100,000							100,000	100,000 E										01
02	2103-WW Doe Branch Parallel Interceptor (2021): (Design)			500,000					500,000	500,000									02	
03	2103-WW Doe Branch Parallel Interceptor (2021): (Construction)			4,500,000					4,500,000	1,000,000		3,500,000			3,500,000				03	
04	Doe Branch, Phase 3 WWTP (2025): (Design)				1,450,000			0	1,450,000	1,450,000 E								0	04	
05	Doe Branch, Phase 3 WWTP (2025): (Construction)				13,050,000				13,050,000			13,050,000			13,050,000				05	
	Subtotal	100,000	0	5,000,000	14,500,000	0	0	0	19,600,000	3,050,000	0	0	16,550,000	0	0	3,500,000	13,050,000	0	0	0

Design	0	0	500,000	1,450,000	0	0	0	0	1,950,000
Construction	100,000	0	4,500,000	13,050,000	0	0	0	0	17,650,000
Design & Construction	0	0	0	0	0	0	0	0	0
Land/Easements	0	0	0	0	0	0	0	0	0

Index	Drainage Projects	Prior Years	Funding Sources						Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized	Unissued Debt Unauthorized	Unissued Debt Schedule						Index
			2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2030						2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	
01	1614-DR Coleman Street Channel Improvements: (Construction)		400,000						400,000		(0)	400,000			400,000					01
02	1613-DR Old Town Drainage - Church & Parvin: (Design)	40,000							40,000	40,000 F									02	
03	1613-DR Old Town Drainage - Church & Parvin: (Construction)	460,000	215,000						675,000		460,000				215,000				03	
04	1718-DR Old Town Regional Retention - Broadway: (Design)	25,000							25,000		25,000		0						04	
05	1718-DR Old Town Regional Retention - Broadway: (Construction)	616,686							616,686		616,686		215,000						05	
06	2024-DR Old Town Regional Retention Pond #2 - Land Acquisition		385,000						385,000				385,000		385,000				06	
07	2003-DR Frontier Park/Preston Lakes Drainage: (Design)	100,000							100,000	100,000 F									07	
08	2003-DR Frontier Park/Preston Lakes Drainage: (Construction)			985,000					985,000				985,000		985,000				08	
	Subtotal	1,241,686	1,000,000	985,000	0	0	0	0	3,226,686	140,000	1,101,686	0	1,985,000	0	1,000,000	985,000	0	0	0	

Design	165,000	0	0	0	0	0	0	0	165,000
Construction	1,076,686	615,000	985,000	0	0	0	0	0	2,676,686
Design & Construction	0	0	0	0	0	0	0	0	0
Land/Easements	0	385,000	0	0	0	0	0	0	385,000

Grand Total Enterprise Funds	27,252,643	2,000,000	21,185,000	14,500,000	0	0	0	14,000,000	78,937,643	17,647,213	17,555,430	0	43,735,000	0	1,000,000	10,085,000	18,650,000	0	0	14,000,000
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Design	3,264,875	0	500,000	1,450,000	0	0	0	1,400,000	6,614,875
Construction	22,243,024	615,000	20,685,000	13,050,000	0	0	0	12,600,000	69,193,024
Design & Construction	0	0	0	0	0	0	0	0	0
Land/Easements	1,744,744	1,385,000	0	0	0	0	0	0	3,129,744

Description Codes - Other Sources			
##	Design	A	Impact Fees
##	Construction	B	Grant and Interlocal Funds
##	Design & Construction	C	Developer Agreements
		D	General Fund
		E	Water / Wastewater Fund
		F	Stormwater Drainage Fund
		G	Park Development Fund
		H	TIRZ #1
		J	TIRZ #2
		K	Escrows
		X	Non-Cash Contributions
		Z	Other Sources (See Detail)

Summary of Capital Improvement Program - 09/08 FINAL
Capital Improvement Program Summary

Capital Improvement Program Summary	Prior Years	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2030	Funding Sources				Issued 2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2030	
								Total Cost	Other Sources	Issued Debt Authorized	Unissued Debt Authorized								Unissued Debt Unauthorized
General Fund	165,509,109	271,851,996	47,114,000	650,000	360,190,870	0	0	845,315,975	793,931,289	23,150,686	0	28,234,000	12,040,000	9,000,000	7,194,000	0	0	0	
Enterprise Funds	27,252,643	2,000,000	21,185,000	14,500,000	0	0	14,000,000	78,937,643	17,647,213	17,555,430	0	43,735,000	0	1,000,000	10,085,000	18,650,000	0	0	14,000,000
Grand Total Capital Improvement Program	192,761,752	273,851,996	68,299,000	15,150,000	360,190,870	0	14,000,000	924,253,618	811,578,502	40,706,116	0	71,969,000	12,040,000	10,000,000	17,279,000	18,650,000	0	0	14,000,000

Design	15,446,838	195,000	550,000	1,500,000	0	0	1,400,000	19,091,838										
Construction	71,390,756	36,241,996	23,044,000	13,475,000	0	0	12,600,000	156,751,752										
Design & Construction	104,179,414	236,030,000	44,705,000	175,000	360,190,870	0	0	745,280,284										
Land/Easements	1,744,744	1,385,000	0	0	0	0	0	3,129,744										

FINANCE



To: Mayor and Town Council

From: Betty Pamplin, Finance Director

**Through: Harlan Jefferson, Town Manager
Chuck Springer, Executive Director of Administrative Services**

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon an ordinance adopting the Town of Prosper 2020 Property Tax Rate. **(BP)**

Description of Agenda Item:

This item is to adopt the 2020 tax rate to generate sufficient revenues as required in the Adopted FY 2020-2021 Budget. The attached ordinance sets the 2020 ad valorem tax rate at \$0.52 cents per \$100 assessed valuation, to be distributed as follows:

	\$0.3675 for Maintenance and Operations
	<u>\$0.1525 for Debt Service</u>
<i>Totalling</i>	\$0.5200 Total Tax Rate

Legal Obligations and Review:

Terrence Welch with Brown & Hofmeister, L.L.P., has reviewed and approved the attached ordinance as to form and legality.

Attached Documents:

1. Ordinance

Town Staff Recommendation:

The tax code is specific in the form of making a motion to set the tax rate.

Town staff recommends that the Town Council approve an ordinance adopting the 2020 tax rate using the language below.

This item requires a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance.

Proposed Motion:

Please make your motion in this form:

“I move that the property tax rate be increased by the adoption of a tax rate of \$0.52, which is effectively a .86 percent increase in the tax rate.”

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ADOPTING THE TOWN OF PROSPER 2020 PROPERTY TAX RATE; LEVYING TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, AT THE RATE OF \$0.52 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUE ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN OF PROSPER, TEXAS, IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF ON THE TOWN'S HOME PAGE OF ITS WEBSITE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Prosper, Texas (hereinafter referred to as the "Town"), hereby finds that the tax for the fiscal year beginning October 1, 2020, and ending September 30, 2021, hereinafter levied for current expenditures of the Town and the general improvements of the Town and its property, must be levied to provide revenue requirements for the budget for the ensuing year; and

WHEREAS, the Town Council has approved, by separate ordinance to be adopted on the 8th day of September, 2020, the budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021; and

WHEREAS, all statutory and constitutional requirements concerning the levying and assessing of ad valorem taxes have been complied with by the Town.

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

SECTION 1

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

SECTION 2

The Town Council of the Town of Prosper, Texas, does hereby adopt and levy the following tax rate of \$0.5200 per \$100 assessed valuation for the Town for tax year 2020 as follows:

\$0.3675 for the purpose of maintenance and operation; and

\$0.1525 for payment of principal and interest on debt service.

SECTION 3

The rate adopted is higher than the no-new-revenue rate and lower than the voter-approval rate as calculated according to the Truth In Taxation provisions of the Texas Tax Code, as amended, and the total levy for maintenance and operations exceeds last year's levy for same.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

The Town's website shall reflect the foregoing statements, pursuant to applicable provisions of the Texas Tax Code, as amended.

SECTION 4

The Tax Assessor-Collectors for Collin County and Denton County are hereby authorized to assess and collect the taxes of the Town of Prosper in accordance with this Ordinance. The Town shall have all rights and remedies provided by the law for the enforcement of the collection of taxes levied under this ordinance.

SECTION 5

All provisions of any ordinance in conflict with this Ordinance are hereby repealed; however, such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of conflicting ordinances shall remain in full force and effect.

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. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 7

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

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, BY A VOTE OF ___ TO ___, ON THIS THE 8TH DAY OF SEPTEMBER, 2020.

APPROVED:

Ray Smith, Mayor

ATTEST:

Melissa Lee, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

FINANCE

To: Mayor and Town Council

From: Betty Pamplin, Finance Director

Through: Harlan Jefferson, Town Manager
Chuck Springer, Executive Director of Administrative Services

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Conduct a Public Hearing to consider and discuss proposed Water and Sewer utility rate structure.
(BP)

Description of Agenda Item:

According to the Town Charter, Section 10.06 Regulation of Rates, the Town shall call a public hearing for consideration of the change. The enterprise fund for Water and Sewer Utilities is intended to be self-sufficient by charging its consumers the costs of its services. The only change staff is recommending to the current rates is to increase the water and sewer rates to out-of-town customers from the same rate as in-town customers to a rate equal to 1.5 times the rate charged to in-town customers. Staff presented these recommendations at the August 11, 2020 and August 25, 2020 Town Council meetings.

Attached Documents:

1. Proposed changes to utility rate structure

Town Staff Recommendation:

Town staff recommends that the Town Council conduct a public hearing to receive feedback from the community and provide Town staff with direction on proposed water and sewer utility rate structure.

Other than the Public Hearing, the Town Council does not need to take action on this item.

Proposed Changes to Utility Rate Structure

EFFECTIVE OCTOBER 1, 2020

Current out-of-town residential water rates

Meter Size	Minimum Service Charge (Effective October 1, 2019)
¾" or smaller	\$12.75
1"	\$21.25
1-1/2"	\$42.50
2"	\$67.95
3"	\$127.35
4"	\$212.25
6"	\$424.35
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2019)
0-10,000 gallons	\$4.28
10,001-40,000 gallons	\$6.41
40,001-80,000 gallons	\$9.63
80,001+gallons	\$14.44

Proposed out-of-town residential water rates

Meter Size	Minimum Service Charge (Effective October 1, 2020)
¾" or smaller	\$19.13
1"	\$31.88
1-1/2"	\$63.75
2"	\$101.93
3"	\$191.03
4"	\$318.38
6"	\$636.53
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2020)
0-10,000 gallons	\$6.42
10,001-40,000 gallons	\$9.62
40,001-80,000 gallons	\$14.45
80,001+gallons	\$21.66

Current out-of-town residential sewer service rates:

- (i) All residential accounts, effective October 1, 2019, minimum service charge: \$28.40.
- (ii) Volumetric charge: effective October 1, 2019, \$4.90 per 1,000 gallons.

Proposed out-of-town residential sewer service rates:

- (i) All residential accounts, effective October 1, 2020, minimum service charge: \$42.60.
- (ii) Volumetric charge: effective October 1, 2020, \$7.35 per 1,000 gallons.

Current out-of-town commercial water rates

Meter Size	Minimum Service Charge (Effective October 1, 2019)
¾" or smaller	\$12.75
1"	\$21.25
1-1/2"	\$42.50
2"	\$67.95
3"	\$127.35
4"	\$212.25
6"	\$424.35
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2019)
0-10,000 gallons	\$4.61
10,001-40,000 gallons	\$5.77
40,001-80,000 gallons	\$7.20
80,001+gallons	\$9.01

Current out-of-town commercial sewer service rates:

- (i) All residential accounts, effective October 1, 2019, minimum service charge: \$32.60.
- (ii) Volumetric charge: effective October 1, 2019, \$5.92 per 1,000 gallons.

Proposed out-of-town commercial water rates

Meter Size	Minimum Service Charge (Effective October 1, 2020)
¾" or smaller	\$19.13
1"	\$31.88
1-1/2"	\$63.75
2"	\$101.93
3"	\$191.03
4"	\$318.38
6"	\$636.55
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2020)
0-10,000 gallons	\$6.92
10,001-40,000 gallons	\$8.66
40,001-80,000 gallons	\$10.80
80,001+gallons	\$13.52

Proposed out-of-town commercial sewer service rates:

- (i) All residential accounts, effective October 1, 2020, minimum service charge: \$48.90.
- (ii) Volumetric charge: effective October 1, 2020, \$8.88 per 1,000 gallons.

Current irrigation out-of-town water rates

Meter Size	Minimum Service Charge (Effective October 1, 2019)
¾" or smaller	\$4.70
1"	\$7.75
1-1/2"	\$15.45
2"	\$24.65
3"	\$46.20
4"	\$76.95
6"	\$153.90
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2019)
0-10,000 gallons	\$6.46
10,001-40,000 gallons	\$7.42
40,001-80,000 gallons	\$8.53
80,001+gallons	\$9.81

Proposed irrigation out-of-town water rates

Meter Size	Minimum Service Charge (Effective October 1, 2020)
¾" or smaller	\$7.05
1"	\$11.63
1-1/2"	\$23.18
2"	\$36.98
3"	\$69.30
4"	\$115.43
6"	\$230.85
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2020)
0-10,000 gallons	\$9.69
10,001-40,000 gallons	\$11.13
40,001-80,000 gallons	\$12.80
80,001+gallons	\$14.72

FINANCE



To: Mayor and Town Council

From: Betty Pamplin, Finance Director

**Through: Harlan Jefferson, Town Manager
Chuck Springer, Executive Director of Administrative Services**

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon an ordinance amending Appendix A, “Fee Schedule,” to the Town’s Code of Ordinances by repealing existing Section IX, “Water and Sewer Rates,” and replacing it with a new section IX, “Water and Sewer Rates”; and repealing existing Section XI, “Rates for Collection of Solid Waste and Recyclables,” and replacing it with a new section XI, “Rates for Collection of Solid Waste and Recyclables; and adding a new section XXII “Emergency Medical Services (EMS) Rates”. **(BP)**

Description of Agenda Item:

Section IX, Water and Sewer rates - The enterprise fund for Water and Sewer Utilities is intended to be self-sufficient by charging its consumers the costs of its services. The only change staff is recommending to the current rates is to increase the water and sewer rates to out-of-town customers from the same rate as in-town customers to a rate equal to 1.5 times the rate charged to in-town customers. Staff presented these recommendations at the August 11, 2020 and August 25, 2020 Town Council meetings.

Section XI, Rates for Collection of Solid Waste and Recyclables – The rates are currently listed in the adopted fee schedule for each service type provided. Staff is recommending removing the rates from this section as they are updated each year per contractual obligation with the current solid waste provider.

Section XXII, Emergency Medical Services (EMS) Rates – The current EMS rates were approved in October 2010. The EMS rates were discussed at the August 25 Town Council meeting, and staff was directed by Town Council to include an increase to the fees with the FY 2020-2021 proposed budget.

Budget Impact:

The rates and fees listed in the ordinance were used in calculating the proposed FY 2020-2021 budget.

Legal Obligations and Review:

Terrence Welch with Brown & Hofmeister, L.L.P., has reviewed and approved the attached ordinance as to form and legality.

Attached Documents:

1. Ordinance
2. Proposed changes to utility rate structure

Town Staff Recommendation:

Town staff recommends approval of an ordinance amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by repealing existing Section IX, "Water and Sewer Rates," and replacing it with a new section IX, "Water and Sewer Rates"; and repealing existing Section XI, "Rates for Collection of Solid Waste and Recyclables," and replacing it with a new section XI, "Rates for Collection of Solid Waste and Recyclables"; and adding a new section XXII "Emergency Medical Services (EMS) Rates".

Proposed Motion:

I move to approve an ordinance amending Appendix A, "Fee Schedule," to the Town's Code of Ordinances by repealing existing Section IX, "Water and Sewer Rates," and replacing it with a new section IX, "Water and Sewer Rates"; and repealing existing Section XI, "Rates for Collection of Solid Waste and Recyclables," and replacing it with a new section XI, "Rates for Collection of Solid Waste and Recyclables"; and adding a new section XXII "Emergency Medical Services (EMS) Rates".

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," TO THE TOWN'S CODE OF ORDINANCES BY REPEALING EXISTING SECTION IX, "WATER AND SEWER RATES," AND REPLACING IT WITH A NEW SECTION IX, "WATER AND SEWER RATES"; AND REPEALING EXISTING SECTION XI, "RATES FOR COLLECTION OF SOLID WASTE AND RECYCLABLES," AND REPLACING IT WITH A NEW SECTION XI, "RATES FOR COLLECTION OF SOLID WASTE AND RECYCLABLES"; AND ADDING A NEW SECTION XXII, "EMERGENCY MEDICAL SERVICES (EMS) RATES"; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Town Council"), has investigated and determined that the various fees imposed by the Town should be revised; and

WHEREAS, the Town Council has reviewed the current and proposed fees and recommends the adoption of revised fees in the Code of Ordinances as well as in Appendix A to the Code of Ordinances; and

WHEREAS, the Town Council hereby finds and determines that it will be advantageous, beneficial and in the best interests of the citizens of the Town to revise certain existing fees imposed by the Town and replace them with fees that reflect actual and reasonable costs, as hereinafter referenced.

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

SECTION 1

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

SECTION 2

From and after the effective date of this Ordinance, existing Section IX, "Water and Sewer Rates," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is hereby repealed in its entirety and replaced with a new Section IX, "Water and Sewer Rates," to read as follows:

"Sec. IX Water and Sewer Rates

Please refer to chapter 13 utilities, article 13.07 utility bills, for additional information on the town's utility billing policies.

- (1) Late fees.

(A) All utility bill payments are due by the 10th day from the date of the bill except when the tenth day falls on Saturday, Sunday or legal holiday under which condition they are due by 5:00 p.m. central time on the next working day.

(B) All payments made after the tenth (10th) day will bear a late fee, as set forth as follows, of the unpaid balance of the billed amount.

(2) Water and/or sewer connections. The town may extend water and sanitary sewer mains in the streets, alleys and utility easements in the town in order to permit connections for those persons desiring water and sewer service. The individual, corporation or partnership requesting the service shall pay the town an amount equal to the cost of all materials, labor, equipment and other costs to provide the requested extension. At any time additional connections are made to the water and/or sewer mains, the town may collect from the individual connecting to the main(s) an amount equal to the proportional amount of footage of the connector's land abutting the sewer and/or water and repay the same to the original requestor(s) of service or designated recipients.

(3) Residential service rates.

(A) Residential water service rates:

Meter Size	Minimum Service Charge (Effective October 1, 2020)
3/4" or smaller	\$12.75
1"	\$21.25
1-1/2"	\$42.50
2"	\$67.95
3"	\$127.35
4"	\$212.25
6"	\$424.35
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2020)
0–10,000 gallons	\$4.28
10,001–40,000 gallons	\$6.41
40,001–80,000 gallons	\$9.63
80,001+ gallons	\$14.44

- (B) Residential wastewater service rates:
 - (i) All residential accounts, effective October 1, 2020, minimum service charge: \$28.40.
 - (ii) Volumetric charge: effective October 1, 2020, \$4.90 per 1,000 gallons.
 - (iii) Wastewater volumetric charges on residential accounts are billed on the winter average consumption during the months of December, January and February.

- (C) Additional residential service charges:
 - (i) Service initiation: \$65.00.
 - (ii) Transfer fees: \$20.00.
 - (iii) Meter accuracy rereads: \$15.00.
 - (iv) Late fees: \$10% of billed amount.
 - (v) Turn offs/reconnects:
 - a. During normal office hours: \$50.00.
 - b. After normal office hours: \$75.00.

- (D) Multifamily dwellings, townhomes and other multitenant accounts served by one master meter will be billed a minimum water charge per unit equal to the 3/4" residential base rate and the minimum service charge for wastewater. The residential volumetric charges will apply as normally scheduled on all master meter consumption for both water and wastewater services, except that winter averaging will not be applied to multifamily dwellings served by one master meter.

- (E) Out-of-town water service rates:

Meter Size	Minimum Service Charge (Effective October 1, 2020)
3/4" or smaller	\$19.13
1"	\$31.88
1-1/2"	\$63.75

2"	\$101.93
3"	\$191.03
4"	\$318.38
6"	\$636.53
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2020)
0–10,000 gallons	\$6.42
10,001–40,000 gallons	\$9.62
40,001–80,000 gallons	\$14.45
80,001+ gallons	\$21.66

(F) Out-of-town residential wastewater service rates:

(i) All residential accounts, effective October 1, 2020, minimum service charge: \$42.60.

(ii) Volumetric charge: effective October 1, 2020, \$7.35 per 1,000 gallons.

(iii) Wastewater volumetric charges on residential accounts are billed on the winter average consumption during the months of December, January and February.

(G) Senior citizen water credit and storm drainage credit: Refer to chapter 13 utilities, section 13.07.008, senior affordability discount and penalty exemption.

(4) Commercial and temporary hydrant meter service rates.

(A) Commercial water service rates.

Meter Size	Minimum Service Charge (Effective October 1, 2020)
¾" or smaller	\$12.75
1"	\$21.25
1-1/2"	\$42.50
2"	\$67.95

3"	\$127.35
4"	\$212.25
6"	\$424.35
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2020)
0–10,000 gallons	\$4.61
10,001–40,000 gallons	\$5.77
40,001–80,000 gallons	\$7.20
80,001+	\$9.01

(B) Commercial wastewater service rates:

- (i) All commercial accounts: effective October 1, 2020, minimum service \$32.60.
- (ii) Volumetric charge: effective October 1, 2020, \$5.92 per 1,000 gallons.

(C) Additional commercial service charges:

- (i) Service initiation: \$75.00.
- (ii) Transfer fees: \$20.00.
- (iii) Meter accuracy rereads: \$15.00.
- (iv) Late fees: \$10% of billed amount.
- (v) Turn offs/reconnects:
 - a. During normal office hours: \$50.00.
 - b. After normal office hours: \$75.00.

(D) Out-of-town commercial water service rates:

Meter Size	Minimum Service Charge (Effective October 1, 2020)
-------------------	---

¾" or smaller	\$19.13
1"	\$31.88
1-1/2"	\$63.75
2"	\$101.93
3"	\$191.03
4"	\$318.38
6"	\$636.55
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2020)
0–10,000 gallons	\$6.92
10,001–40,000 gallons	\$8.66
40,001–80,000 gallons	\$10.80
80,001+	\$13.52

(E) Out-of-town commercial wastewater service rates:

- (i) All commercial accounts: effective October 1, 2020, minimum service \$48.90.
- (ii) Volumetric charge: effective October 1, 2020, \$8.88 per 1,000 gallons.

(5) Irrigation service rates.

(A) Irrigation water service rates:

Meter Size	Minimum Service Charge (Effective October 1, 2020)
¾" or smaller	\$4.70
1"	\$7.75
1-1/2"	\$15.45
2"	\$24.65
3"	\$46.20

4"	\$76.95
6"	\$153.90

Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2020)
0–10,000 gallons	\$6.46
10,001–40,000 gallons	\$7.42
40,001–80,000 gallons	\$8.53
80,001+	\$9.81

(B) Irrigation wastewater service rates: Irrigation accounts are not billed for wastewater services. Irrigation accounts are strictly for meters and water service dedicated solely to furnish water service to lawn sprinkler or irrigation systems, and do not directly receive wastewater services.

(C) Additional irrigation service charges:

- (i) Service initiation: \$75.00 commercial/\$65.00 residential.
- (ii) Transfer fees: \$20.00.
- (iii) Meter accuracy rereads: \$15.00.
- (iv) Late fees: 10% of billed amount.
- (v) Turn offs/reconnects:
 - a. During normal office hours: \$50.00.
 - b. After normal office hours: \$75.00.

(D) Out-of-town irrigation water service rates:

Meter Size	Minimum Service Charge (Effective October 1, 2020)
3/4" or smaller	\$7.05
1"	\$11.63

1-1/2"	\$23.18
2"	\$36.98
3"	\$69.30
4"	\$115.43
6"	\$230.85

Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2020)
0–10,000 gallons	\$9.69
10,001–40,000 gallons	\$11.13
40,001–80,000 gallons	\$12.80
80,001+	\$14.72

(6) Wastewater Inflow Prevention Plan and Enforcement Fees

(A) Administrative Fees.

(1) Non-plugged wastewater lines and manholes under construction receiving inflow:

First offense	\$ 500 per connection per day
Second offense	\$ 750 per connection per day
Third offense and subsequent	\$1,000 per connection per day

(2) Wastewater services plumbing open:

First offense	\$ 250 per connection per day
Second offense	\$ 400 per connection per day
Third offense and subsequent	\$ 500 per connection per day

(3) Wastewater services open/broken:

First offense	\$ 100 per connection per day
Second offense and subsequent	\$ 200 per connection per day

(B) Offenses will be reset January of even numbered years.

(C) Contesting Violations. A customer may request a hearing before a hearing officer(s) appointed by the Executive Director of Development and Infrastructure Services within fifteen (15) business days after the date on the Notice. The

decision by the Executive Director of Development and Infrastructure Services is final and binding.

(D) Unpaid assessed administrative fees related to violations of wastewater under the Town Plan shall incur late payment penalties and may result in termination of work.”

SECTION 3

From and after the effective date of this Ordinance, existing Section XI, “Rates for Collection of Solid Waste and Recyclables,” of Appendix A, “Fee Schedule,” to the Town’s Code of Ordinances is hereby repealed in its entirety and replaced with a new Section XI, “Rates for Collection of Solid Waste and Recyclables,” to read as follows:

“Sec. XI Rates for Collection of Solid Waste and Recyclables

Solid waste collection rates are based on contractual obligations entered between the Town and the Town’s solid waste provider, and are available on the Town’s website.”

SECTION 4

From and after the effective date of this Ordinance, a new Section XXII, “Emergency Medical Services (EMS) Rates,” is hereby added to Appendix A, “Fee Schedule,” of the Town’s Code of Ordinances, to read as follows:

“Sec. XXII Emergency Medical Services (EMS) Rates

Definitions:

- Advanced Life Support (ALS)
- Basic Life Support (BLS)
- Advanced Life Support 2 (ALS-2)
- Advanced Life Support Disposable Items (ALSDI)
- Basic Life Support Disposable Items (BSLDI)

(1) ALS	\$1,350.00
(2) BLS	\$1,050.00
(3) ALS-2	\$1,450.00
(4) ALSDI	\$ 400.00
(5) BLSDI	\$ 250.00
(6) MILE (per each)	\$ 24.00
(7) OXYGEN	\$ 130.00”

SECTION 5

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 portion of conflicting ordinances shall remain in full force and effect.

SECTION 6

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town 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.

SECTION 7

This Ordinance shall become effective on October 1, 2020, and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 8TH DAY OF SEPTEMBER, 2020.

APPROVED:

Ray Smith, Mayor

ATTEST:

Melissa Lee, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

Proposed Changes to Utility Rate Structure

EFFECTIVE OCTOBER 1, 2020

Current out-of-town residential water rates

Meter Size	Minimum Service Charge (Effective October 1, 2019)
¾" or smaller	\$12.75
1"	\$21.25
1-1/2"	\$42.50
2"	\$67.95
3"	\$127.35
4"	\$212.25
6"	\$424.35
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2019)
0-10,000 gallons	\$4.28
10,001-40,000 gallons	\$6.41
40,001-80,000 gallons	\$9.63
80,001+gallons	\$14.44

Proposed out-of-town residential water rates

Meter Size	Minimum Service Charge (Effective October 1, 2020)
¾" or smaller	\$19.13
1"	\$31.88
1-1/2"	\$63.75
2"	\$101.93
3"	\$191.03
4"	\$318.38
6"	\$636.53
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2020)
0-10,000 gallons	\$6.42
10,001-40,000 gallons	\$9.62
40,001-80,000 gallons	\$14.45
80,001+gallons	\$21.66

Current out-of-town residential sewer service rates:

- (i) All residential accounts, effective October 1, 2019, minimum service charge: \$28.40.
- (ii) Volumetric charge: effective October 1, 2019, \$4.90 per 1,000 gallons.

Proposed out-of-town residential sewer service rates:

- (i) All residential accounts, effective October 1, 2020, minimum service charge: \$42.60.
- (ii) Volumetric charge: effective October 1, 2020, \$7.35 per 1,000 gallons.

Current out-of-town commercial water rates

Meter Size	Minimum Service Charge (Effective October 1, 2019)
¾" or smaller	\$12.75
1"	\$21.25
1-1/2"	\$42.50
2"	\$67.95
3"	\$127.35
4"	\$212.25
6"	\$424.35
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2019)
0-10,000 gallons	\$4.61
10,001-40,000 gallons	\$5.77
40,001-80,000 gallons	\$7.20
80,001+gallons	\$9.01

Current out-of-town commercial sewer service rates:

- (i) All residential accounts, effective October 1, 2019, minimum service charge: \$32.60.
- (ii) Volumetric charge: effective October 1, 2019, \$5.92 per 1,000 gallons.

Proposed out-of-town commercial water rates

Meter Size	Minimum Service Charge (Effective October 1, 2020)
¾" or smaller	\$19.13
1"	\$31.88
1-1/2"	\$63.75
2"	\$101.93
3"	\$191.03
4"	\$318.38
6"	\$636.55
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2020)
0-10,000 gallons	\$6.92
10,001-40,000 gallons	\$8.66
40,001-80,000 gallons	\$10.80
80,001+gallons	\$13.52

Proposed out-of-town commercial sewer service rates:

- (i) All residential accounts, effective October 1, 2020, minimum service charge: \$48.90.
- (ii) Volumetric charge: effective October 1, 2020, \$8.88 per 1,000 gallons.

Current irrigation out-of-town water rates

Meter Size	Minimum Service Charge (Effective October 1, 2019)
¾" or smaller	\$4.70
1"	\$7.75
1-1/2"	\$15.45
2"	\$24.65
3"	\$46.20
4"	\$76.95
6"	\$153.90
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2019)
0-10,000 gallons	\$6.46
10,001-40,000 gallons	\$7.42
40,001-80,000 gallons	\$8.53
80,001+gallons	\$9.81

Proposed irrigation out-of-town water rates

Meter Size	Minimum Service Charge (Effective October 1, 2020)
¾" or smaller	\$7.05
1"	\$11.63
1-1/2"	\$23.18
2"	\$36.98
3"	\$69.30
4"	\$115.43
6"	\$230.85
Volumetric Charge	Rate per 1,000 Gallons (Effective October 1, 2020)
0-10,000 gallons	\$9.69
10,001-40,000 gallons	\$11.13
40,001-80,000 gallons	\$12.80
80,001+gallons	\$14.72



ENGINEERING SERVICES

To: Mayor and Town Council

From: Daniel Heischman, P.E., Assistant Director of Engineering Services - Development

Through: Harlan Jefferson, Town Manager
Rebecca Zook, Executive Director of Development & Infrastructure Services

Re: Town Council Meeting – September 8, 2020

Agenda Item:

Consider and act upon an amendment to the Wastewater Master Plan.

Description of Agenda Item:

During pre-development meetings with the Windsong Ranch engineering design team, it was discovered that an area that Windsong Ranch is planning to develop east of Doe Branch is shown on the Town's Wastewater Master Plan to be served by a future wastewater line on the west side of Doe Branch. Upon further analysis, it was determined that providing wastewater services from the west side of Doe Branch to the east side of Doe Branch would be cost prohibitive due to the physical constraints of the existing shallow UTRWD trunk main, which would need to be crossed, combined with relatively low creek elevations in relation to the UTRWD trunk main. In order to provide wastewater service to the area east of the Doe Branch main channel, it was recommended that a new wastewater line be extended to serve the basin on the east side of Doe Branch.

In order to determine the appropriate capacity of the new wastewater line, the Town requested Freese and Nichols analyze the basin east of the Doe Branch main channel shown in the existing Wastewater Master Plan to determine the appropriate capacity/size required for the new wastewater line. Wastewater lines that are ten-inch (10") or greater are considered capital improvement projects and are depicted on the Town's Wastewater Master Plan. Wastewater lines less than ten inches (10") are deemed development lines, not shown on the Town's Wastewater Master Plan, and are installed with development at their expense.

Freese and Nichols analyzed the basin east of Doe Branch and determined the appropriate capacity/size required for the new wastewater line and the extent of the line to be shown on the Town's Wastewater Master Plan. In addition, Freese and Nichols re-evaluated the planned five (5) wastewater lines connections to the UTRWD trunk main on the west side of Doe Branch, taking into account the reduction of the basin on the east side of Doe Branch, and was able to reduce the wastewater line to a single connection point to the UTRWD trunk main.

The purpose of the amendment to the Wastewater Master Plan is to update the plan to add the wastewater line being constructed by Windsong Ranch to adequately serve the area east of Doe Branch, and to update the wastewater line on the west side of Doe Branch to show a single point of connection to the UTRWD trunk main.

Attached Documents:

1. Existing Town of Prosper Wastewater Master Plan
2. Proposed Town of Prosper Wastewater Master Plan

Town Staff Recommendation:

Town staff recommends that the Town Council amend the Wastewater Master Plan.

Proposed Motion:

I move to approve an amendment to the Wastewater Master Plan.

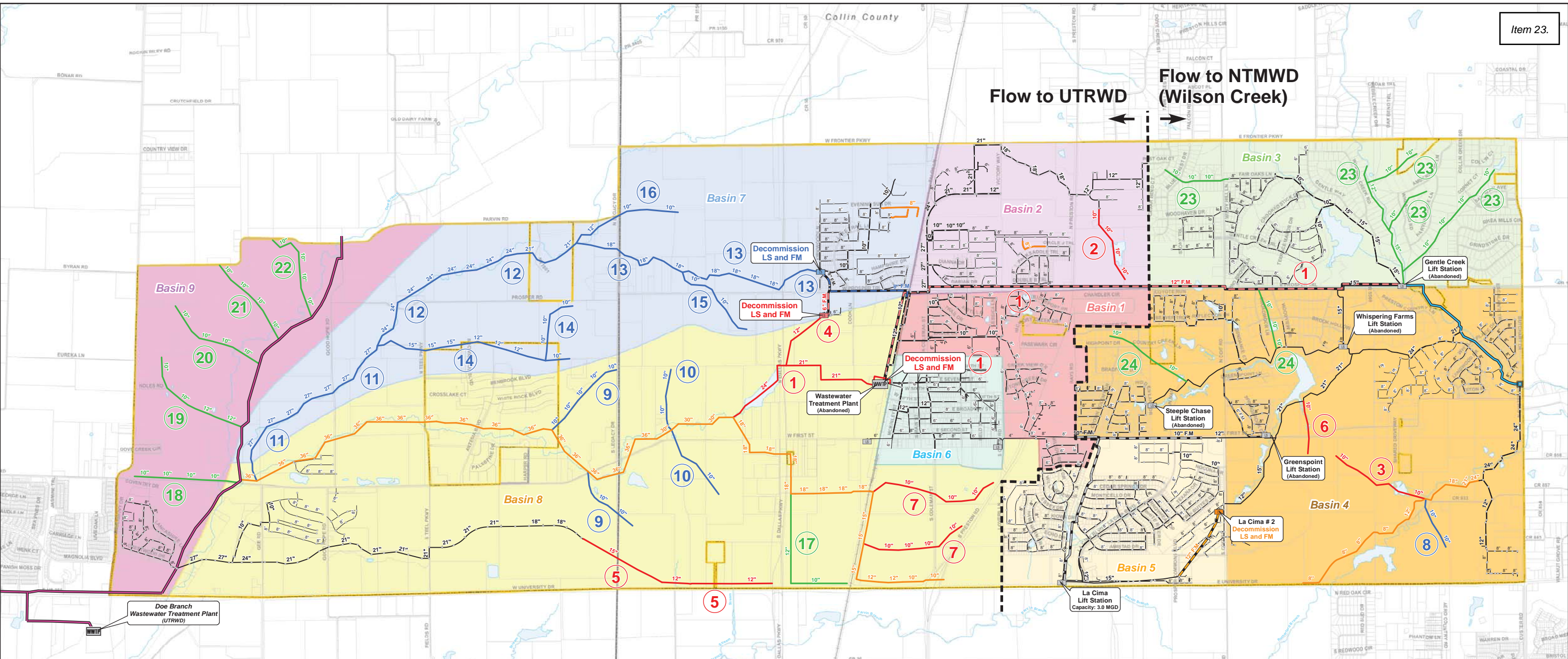


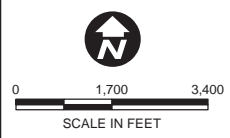
FIGURE 3-8
TOWN OF PROSPER
BUILDOUT WASTEWATER SYSTEM
CAPITAL IMPROVEMENT PROJECTS

LEGEND

	Lift Station		Decommission Existing Lift Station		Road
	Wastewater Treatment Plant		2016 - 2021 Decommissioned Lift Station		Railroad
	NTMWD Meter		2022 - 2026 Decommissioned Lift Station		Stream
	Manhole		Under Design/Construction Wastewater Line		Lake
	8" and Smaller Wastewater Line		Decommission Existing Force Main		Parcel
	10" and Larger Wastewater Line		2016 - 2021 Decommissioned Force Main		Town Limit
	Existing Force Main		2022 - 2026 Decommissioned Force Main		ETJ Boundary
	8" and Smaller Force Main		2022 - 2026 Decommissioned Force Main		County Boundary
	10" and Larger Force Main		UTRWD Wastewater Line		
			NTMWD Wastewater Line		

MAJOR BASINS

	Basin 1		Basin 6
	Basin 2		Basin 7
	Basin 3		Basin 8
	Basin 4		Basin 9
	Basin 5		



Created by Freese and Nichols, Inc. 04/16/2023
 Location: 1150 W. PLANNING Fld, Report/Plan 3-41, Wastewater_CIP and
 Updated: Monday, February 06, 2023 11:48 AM

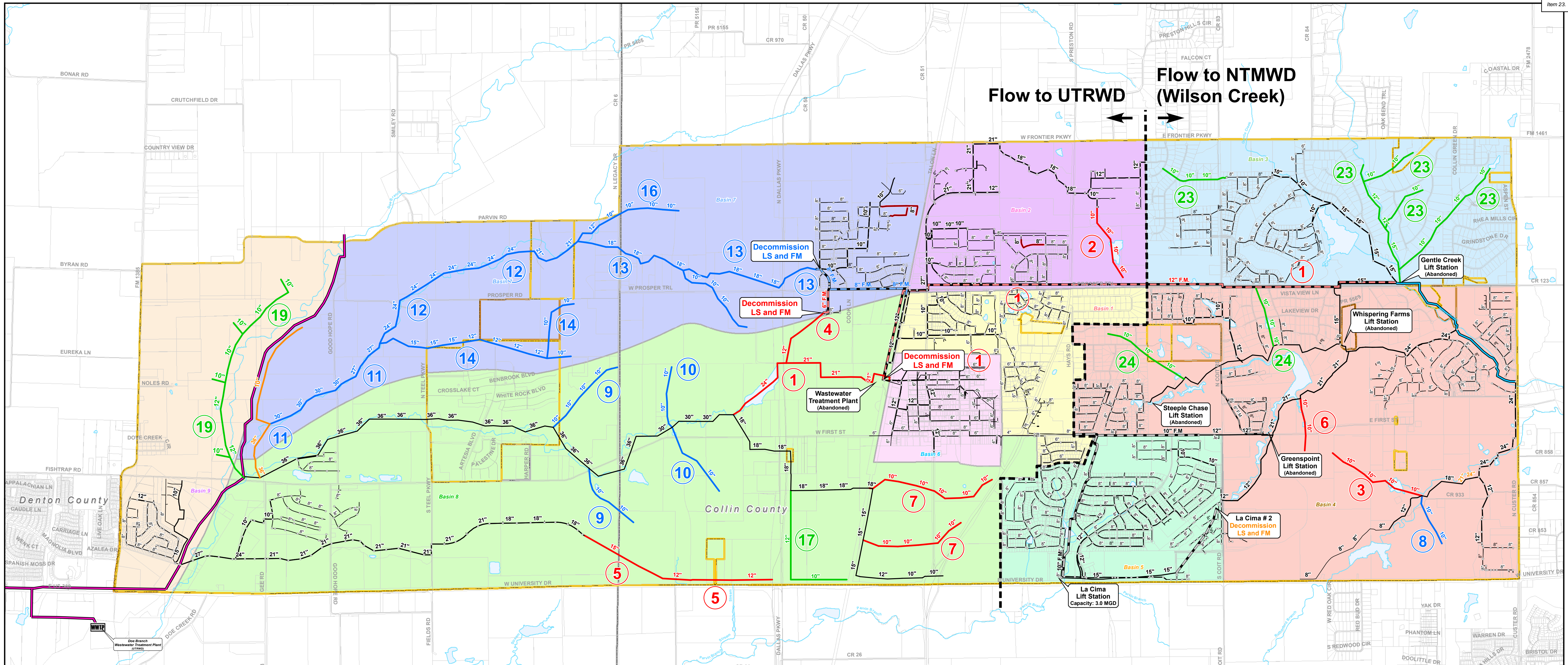


FIGURE 3-8
TOWN OF PROSPER
BUILDOUT WASTEWATER SYSTEM
CAPITAL IMPROVEMENT PROJECTS
LEGEND

- Manhole
- Wastewater Treatment Plant
- 8" and Smaller Wastewater Line
- 10" and Larger Wastewater Line
- NTMWD Wastewater Line
- UTRWD Wastewater Line
- 2016 - 2021 Wastewater Line
- 2022 - 2026 Wastewater Line
- 2027 - Buildout Wastewater Line
- Doe Branch Interceptor
- Road
- Stream
- Lake
- Parcel
- Town Limit
- ETJ Boundary
- County Boundary

MAJOR BASINS

- Basin 1
- Basin 2
- Basin 3
- Basin 4
- Basin 5
- Basin 6
- Basin 7
- Basin 8
- Basin 9

FREESE & NICHOLS
TOWN OF PROSPER

