

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 10.636 ACRES, MORE OR LESS, SITUATED IN THE GEORGE HORN SURVEY, ABSTRACT NO. 412, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED AGRICULTURAL (A) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-OFFICE (PD-O); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council") has investigated and determined that Zoning Ordinance No. 05-20 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Collin County Lighthouse Christian Fellowship ("Applicant") to rezone 10.636 acres of land, more or less, situated in the George Horn Survey, Abstract No. 412, in the Town of Prosper, Collin County, Texas; and

WHEREAS, the Town Council has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Prosper and its inhabitants to rezone this property as set forth below.

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

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

SECTION 2: Amendments to Zoning Ordinance No. 05-20. Zoning Ordinance No. 05-20 is amended as follows: The zoning designation of the below-described property containing 10.636 acres of land, more or less, situated in the George Horn Survey, Abstract No. 412, in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned Development-Office (PD-O). The property as a whole and the boundaries for

each zoning classification are more particularly described in Exhibit “A” attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with the planned development standards, attached hereto as Exhibit “B”, which are incorporated herein for all purposes as if set forth verbatim. Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of all ordinances, rules, and regulations of Prosper, as they currently exist or may be amended.

Three original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. Two (2) copies shall be filed with the Town Secretary and retained as original records and shall not be changed in any matter.
- b. One (1) copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the Zoning Ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

Written notice of any amendment to this Planned Development District shall be sent to all property owners within two hundred feet (200’) of the specific area to be amended.

SECTION 3: No 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.

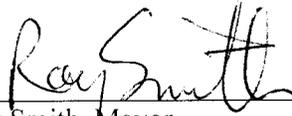
SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper 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.

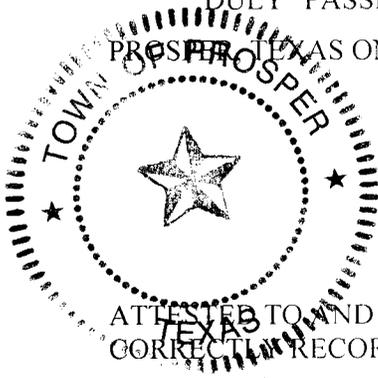
SECTION 7: Savings/Repealing Clause. Prosper's Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such 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.

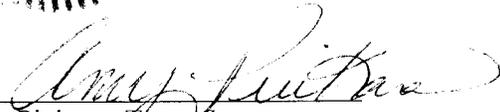
DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 28th DAY OF AUGUST, 2012.

APPROVED AS TO FORM:


Ray Smith, Mayor



ATTESTED TO AND
CORRECTLY RECORDED BY:


Amy Piukana, Town Secretary

DATE OF PUBLICATION: 9-5-12, Prosper Press

DESCRIPTION 10.636 ACRES

SITUATED in Collin County, Texas, in the George Horn survey, abstract no. 412, being survey of the 4.594 acre tract described in a deed from Jerry R. Long to Collin County Lighthouse Christian Fellowship, dated January 15, 2003 and recorded in volume 5339, page 7561, a survey of the 2.000 acre tract described in a deed from Jerry R. Long to Collin County Lighthouse Christian Fellowship, dated December 31, 2002 and recorded in volume 5339, page 7558, both deeds of the Collin County deed records and a survey of Lot 1, Block A of the Lighthouse Church Addition recorded in volume 2010, page 142 of the Collin County plat records, being described by metes and bounds as follows:

BEGINNING at a 3/8" iron pin found at the north corner of said 4.594 acre tract;

THENCE South 01°50'57" West, with the east line of said 4.594 acre tract, 327.39 feet to a 1/2-inch iron pin set at the northwest corner of said Lot 1;

THENCE South 88°13'07" East, with the north line of said Lot 1, 463.84 feet to a 1/2-inch iron pin set at the northeast corner of said Lot 1; same being in the west right-of-way line of Farm Road No. 2478(Custer Road)(north-south asphalt highway);

THENCE southerly with the east line of said Lot 1 and the west right-of-way line of said Farm Road No. 2478 as follows:

South 01°45'29" West, 4.05 feet to a 1/2-inch iron pin set;

South 04°56'44" West, 179.88 feet to a 1/2-inch iron pin set;

South 01°45'29" West, 169.40 feet to a 1/2-inch iron pin set at the east-southeast corner of said Lot 1;

THENCE South 46°52'10" West, with the southeast line of said Lot 1, 43.26 feet to a 1/2-inch Iron pin set at the south-southeast corner of said Lot 1; same being in the north right-of-way line of Prosper Trail(County Road No. 122)(east-west asphalt road);

THENCE westerly with the north right-of-way line of said Prosper Trail as follows:

North 88°05'39" West, with the south line of said Lot 1, 120.35 feet to a 1/2-inch Iron pin set;

South 88°05'12" West, with the south line of said Lot 1, 75.00 feet to a 1/2-inch iron pin set;

North 88°05'39" West, with the south line of said Lot 1, passing the southwest corner of said Lot 1 and the southeast corner of said 2.000 acre tract at 228.61 feet and continuing with the south line of said 2.000 acre tract, passing the southwest corner of said 2.000 acre tract and the south-southwest corner of said 4.594 acre tract at 523.77 feet and continuing with the south line of said 4.594 acre tract, in all, 844.65 feet to a 1/2-inch iron pin set;

THENCE North 87°48'07" West, with the south line of said 4.594 acre tract, 113.87 feet to a 1/2-inch iron pin set at the southwest corner of said 4.594 acre tract;

THENCE North 01°56'05" East, with the west line of said 4.594 acre tract, 55.46 feet to a 1/2-inch iron pin found at the west-northwest corner of said 4.594 acre tract;

THENCE South 88°13'55" East, with a north line of said 4.594 acre tract, 186.89 feet to a ½-inch iron pin set at an inside corner of said 4.594 acre tract;

THENCE North 23°29'05" West, with a west line of said 4.594 acre tract, 175.02 feet to a 3/8" iron pin found at the north-northwest corner of said 4.594 acre tract;

THENCE North 52°52'26" East, with the northwest line of said 4.594 acre tract, 794.69 feet to the PLACE OF BEGINNING and containing 10.636 acres.

Bruce Geer

Bruce Geer, Registered Professional Land Surveyor, No. 4117

1514 N. McDonald Street

McKinney, Texas 75071

972-562-3959

972-542-5751-fax

5-13-2011

Revised 5-18-2011

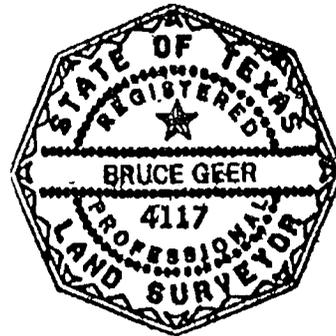


EXHIBIT "B"

PLANNED DEVELOPMENT STANDARDS

Lighthouse Christian Fellowship

Prosper, Texas

The tract shall develop and operate under the regulations of the Office (O) District as outlined in the Town's Zoning Ordinance No. 05-20, as it exists or may be amended, with the following conditions:

1.0 Permitted Uses

The land uses followed with an "S" are only permitted with a Specific Use Permit and uses followed by a "C" are only permitted subject to the conditional development standards set forth in the Town's Zoning Ordinance. The permitted land uses within this Planned Development-Office District are:

- Administrative, Medical, or Professional Office (use is only permitted within the existing buildings on the property at the time of ordinance adoption)
- Athletic Field **S**
- Business Service (use is only permitted within the existing buildings on the property at the time of ordinance adoption)
- Community Center (use is only permitted within the existing buildings on the property at the time of ordinance adoption)
- Day Care Center, Child **C**
- Day Care Center, Incidental **S**
- Health/Fitness Center (use is only permitted within the existing building on the property at the time of ordinance adoption)
- House of Worship
- Park or Playground
- School, Private or Parochial