

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 16-38

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING THE TOWN'S ZONING ORDINANCE AND ORDINANCE NO. 02-16 BY REZONING A TRACT OF LAND CONSISTING OF 44.613 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-7 (PD-7) TO PLANNED DEVELOPMENT-7 (PD-7); 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 from Harris Real Estate ("Applicant"), to rezone 44.613 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas; 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, 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

Amendments to the Town's Zoning Ordinance and Ordinance No. 02-16. The Town's Zoning Ordinance, adopted by Ordinance No. 05-20, and Ordinance No. 02-16 are amended as follows: The zoning designation of the below-described property containing 44.613 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned Development-7 (PD-7). The property as a whole and the boundaries for each zoning classification are more particularly

described in Exhibit D and attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with 1) the statement of intent and purpose, attached hereto as Exhibit B; 2) the planned development standards, attached hereto as Exhibit C; and 3) the area plan, attached hereto as Exhibit D, 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 District shall be sent to all owners of properties within the District as well as all properties within two hundred feet (200') of the District to be amended.

SECTION 3

No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

SECTION 4

Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5

Penalty. Any person, firm, corporation or business entity violating this Ordinance 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.

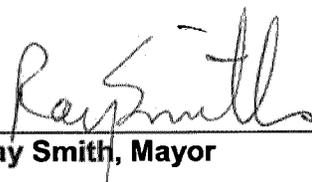
SECTION 7

Savings/Repealing Clause. Prosper's Zoning Ordinance 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

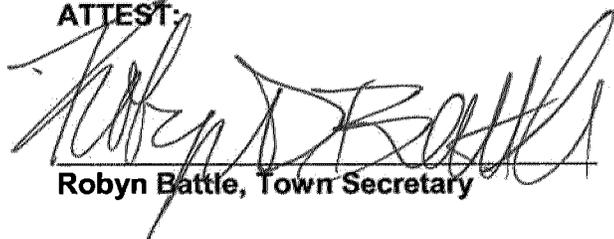
Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 24TH DAY OF MAY, 2016.



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

Prosper Town Center
Planned Development-7
Limited Amendment

Exhibit "B"
Statement of Intent and Purpose

The purpose of this limited amendment to Planned Development-7 (PD-7) is to clarify and define the allowance of structures to obtain a maximum height of three (3) stories, not to exceed 50 feet for a specific area within the PD and to allow platted lots to front on access easements as approved by the Town in lieu fronting on a public street in the Prosper Town Center in order to accommodate anticipated development.

Prosper Town Center
Planned Development-7 Limited Amendment

Exhibit "C"
Planned Development Standards

Exhibit A, "Planned Development Standards" contained within Ordinance No. 02-16, Planned Development-7, is amended to add the following:

1. The maximum building heights as depicted in attached Exhibit D shall be as follows:
 - a. Area "A" – Maximum building height: three (3) stories, not to exceed 50 feet
2. In Areas "A" and "B," lots that do not have the required frontage on a public street, shall front on a "Firelane, Access, Drainage, and Utility Easement" as approved by the Town.

Item 9

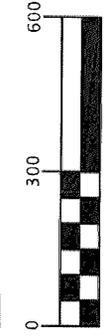
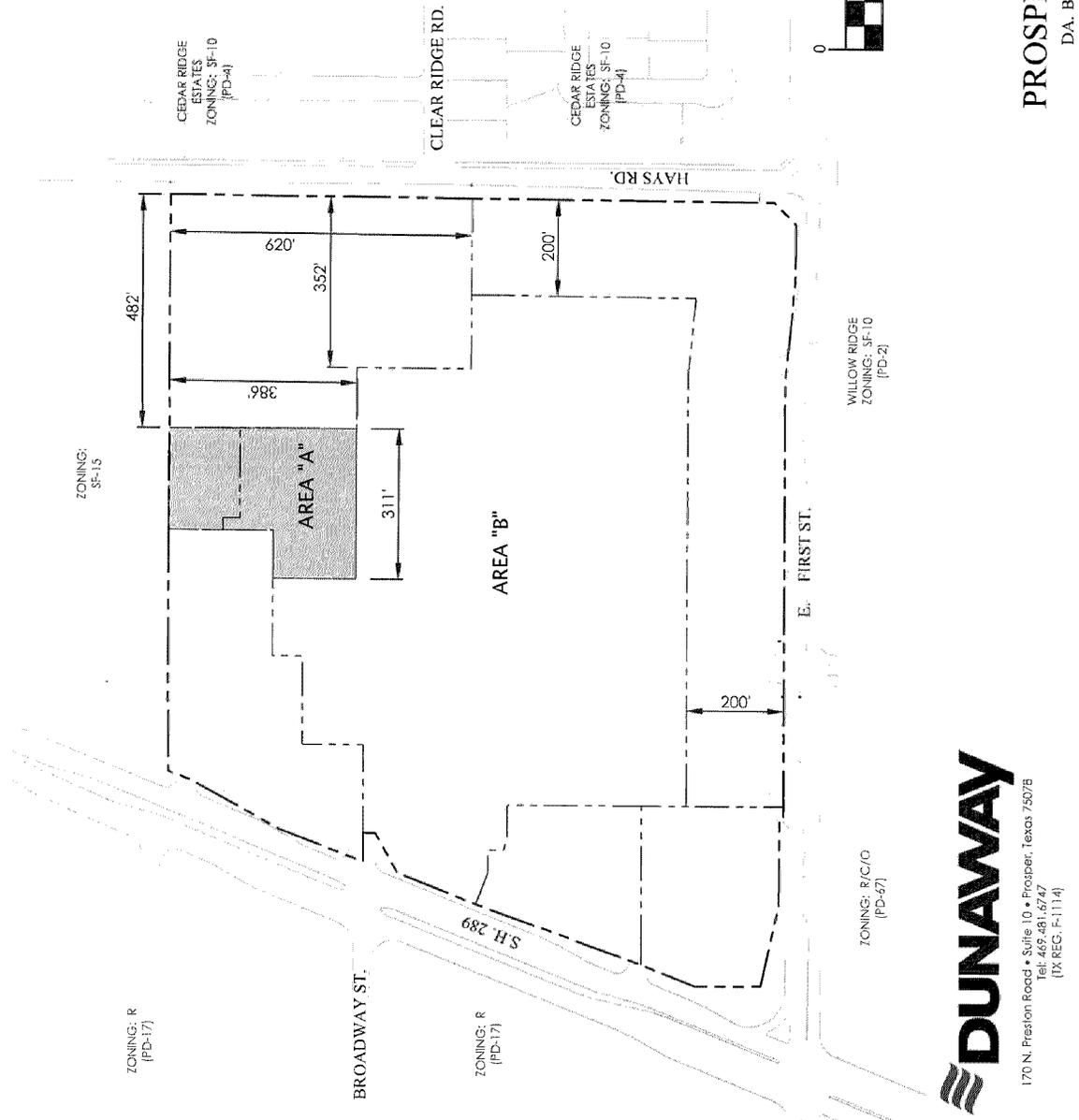
SITE SUMMARY

AREA "A":
Maximum of 3 stories
not to exceed 50 feet.
(2.3 Acres)

AREA "B":
* Lot Frontage Exception.

NOTE:
Acreages are approximate
and subject to change.

* Lots in Areas A & B that do not
have frontage on a public
street shall front on a "Fire
Lane, Access, Drainage and
Utility Easement".



SCALE: 1" = 300 ft.



170 N. Preston Road • Suite 10 • Prosper, Texas 75078
Tel: 469.481.6747
(TX REG. F-1114)

EXHIBIT D
FOR
PROSPER TOWN CENTER

DA. B002361.001 APRIL 28, 2016