

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 16-66

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 0.307 ACRE, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED DOWNTOWN RETAIL (DTR) IS HEREBY AMENDED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-DOWNTOWN RETAIL (PD-DTR); 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 Wisdom Index, LLC ("Applicant") to rezone 0.307 acre 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:

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 property containing 0.307 acre 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-Downtown Retail (PD-DTR). The Property as a whole and for this zoning classification is 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 planned development standards, attached hereto as Exhibit C; 3) the concept plan, attached hereto as Exhibit D; 4) the development schedule, attached hereto as Exhibit E; and 5) the conceptual elevations, attached hereto as Exhibits F, 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.

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.

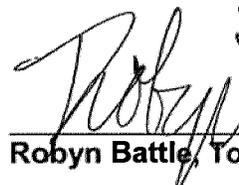
DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 25TH DAY OF OCTOBER, 2016.





Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary

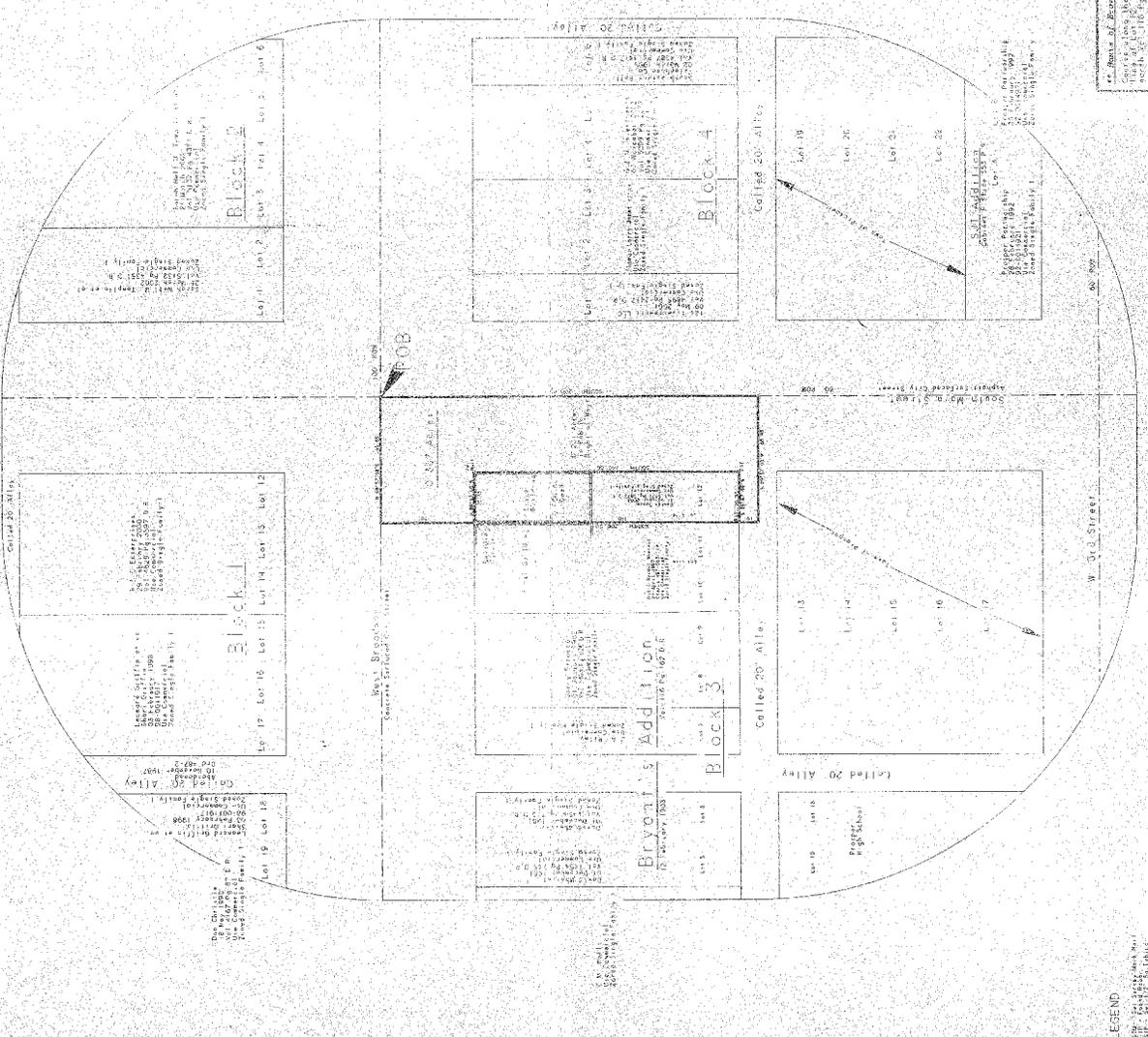
APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

Item 7, Exhibit A

Collin County School Land A-147



THE STATE OF TEXAS, COUNTY OF COLLIN, BEING THE COUNTY OF THE STATE OF TEXAS, WHEREIN SAID LANDS ARE SITUATED, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE PUBLIC RECORDS OF SAID COUNTY, TEXAS, THIS 14th DAY OF FEBRUARY, 2004.

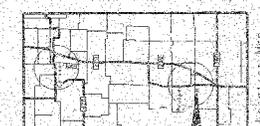
CLERK OF COUNTY CLERK



14 FEBRUARY 2004

[Signature]
 JACOB STEINER
 COUNTY CLERK

There is 0.007 Acres Gross in
 addition to the 1.000 Acres Gross
 shown on the plat above, added to
 the 1.000 Acres Gross shown on the
 plat above, making a total of 1.007
 Acres Gross.



SITE

Legend:
 - - - - - Boundary of Property
 - - - - - Boundary of Lot
 - - - - - Boundary of Block

216-0021
EXHIBIT A

Brewer Land Surveying
 OFFICE: 472-374777 FAX: 472-374778
 1100 W. D. STREET, SUITE 100
 FORT WORTH, TEXAS 76102

Prepared by: [Signature]
 Date: 02/12/04

Checked by: [Signature]
 Date: 02/12/04

Scale: 1" = 100'

Z16-0021

EXHIBIT B

STATEMENT OF INTENT AND PURPOSE

New construction is intended to be a high quality, commercial office building compatible with current downtown retail zoning and surrounding uses. The office will serve as a wealth management office to serve and enhance the quality of life for Prosper residents and other persons in the Dallas- Fort Worth Metroplex.

Z16-0021

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 exists or may be amended, and the Subdivision Ordinance, as it exists or may be amended, shall apply.

1. Except as noted below, the Tract shall develop in accordance with the Downtown Retail (DTR) District, as it exists or may be amended.
2. Development Plans
 - A. Concept Plan: The tract shall be developed in general accordance with the attached concept plan, set forth in Exhibit D.
 - B. Elevations: The tract shall be developed in general accordance with the attached elevations, set forth in Exhibit F.
3. Regulations
 - A. Size of Yard:
 1. Minimum Front Yard: None.
 - a. The projections permitted beyond the property line, as outlined in the DTR District, as it exists or may be amended, shall apply.
 2. Minimum Side Yard: None.
 3. Minimum Rear Yard: None.
 - B. Size of Lots:
 1. Minimum Size of Lot Area: Fifteen hundred (1,500) square feet.
 2. Minimum Lot Width: Twenty five (25) feet.
 3. Minimum Lot Depth: Twenty five (25) feet.
 - C. Landscape Setback:
 1. Minimum Front: None.
 2. Minimum Side: None.
 3. Minimum Rear: None.

Item 7, Exhibit D

REVISED
2022.08

THIS IS A COPY OF THE ORIGINAL RECORD AS IT APPEARS IN THE PUBLIC RECORDS OF COLLIN COUNTY, TEXAS. IT IS NOT A COPY OF THE ORIGINAL RECORD AS IT APPEARS IN THE PUBLIC RECORDS OF COLLIN COUNTY, TEXAS. IT IS NOT A COPY OF THE ORIGINAL RECORD AS IT APPEARS IN THE PUBLIC RECORDS OF COLLIN COUNTY, TEXAS.

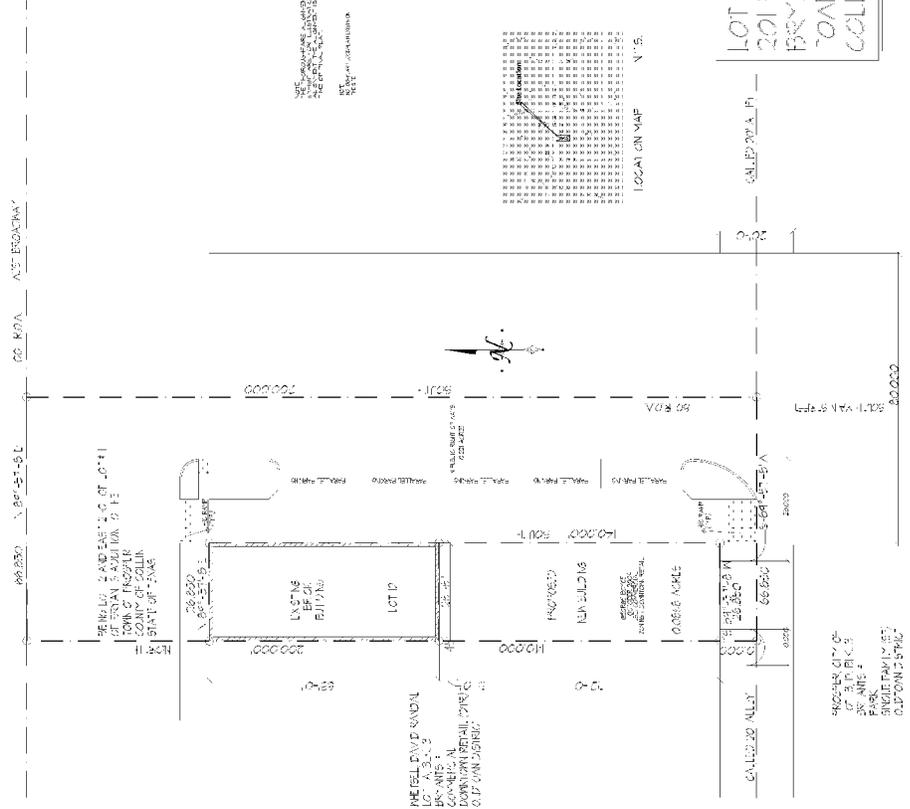
WITNESSETH THAT I, THE COUNTY CLERK, HAVE CAUSED THIS COPY TO BE MADE FROM THE ORIGINAL RECORD AS IT APPEARS IN THE PUBLIC RECORDS OF COLLIN COUNTY, TEXAS. I HEREBY CERTIFY THAT THIS COPY IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS IT APPEARS IN THE PUBLIC RECORDS OF COLLIN COUNTY, TEXAS.

DAVIDSON COMMERCIAL
BLDG
20 PROSPER PROSPER BLVD
20 PROSPER PROSPER BLVD

Z16-0021
EXHIBIT D

SUBJECT PROPERTY

APPLICANT	DAVIDSON COMMERCIAL
PROPERTY	20 PROSPER PROSPER BLVD
TOTAL SQ. FT.	107,484.17
APPLICANT'S ADDRESS	107,484.17
APPLICANT'S PHONE	972-444-1234
APPLICANT'S FAX	972-444-1234
APPLICANT'S EMAIL	DAVIDSON@DAVIDSON.COM
APPLICANT'S WEBSITE	WWW.DAVIDSON.COM
APPLICANT'S CONTACT PERSON	DAVIDSON
APPLICANT'S CONTACT PHONE	972-444-1234
APPLICANT'S CONTACT FAX	972-444-1234
APPLICANT'S CONTACT EMAIL	DAVIDSON@DAVIDSON.COM
APPLICANT'S CONTACT WEBSITE	WWW.DAVIDSON.COM
APPLICANT'S CONTACT CONTACT PERSON	DAVIDSON
APPLICANT'S CONTACT CONTACT PHONE	972-444-1234
APPLICANT'S CONTACT CONTACT FAX	972-444-1234
APPLICANT'S CONTACT CONTACT EMAIL	DAVIDSON@DAVIDSON.COM
APPLICANT'S CONTACT CONTACT WEBSITE	WWW.DAVIDSON.COM
APPLICANT'S CONTACT CONTACT CONTACT PERSON	DAVIDSON
APPLICANT'S CONTACT CONTACT CONTACT PHONE	972-444-1234
APPLICANT'S CONTACT CONTACT CONTACT FAX	972-444-1234
APPLICANT'S CONTACT CONTACT CONTACT EMAIL	DAVIDSON@DAVIDSON.COM
APPLICANT'S CONTACT CONTACT CONTACT WEBSITE	WWW.DAVIDSON.COM



Ordinance No. 16,496, Page 7

Z16-0021

EXHIBIT E

DEVELOPMENT SCHEDULE

It is anticipated that construction of the Wisdom Index building will begin February 2017.

