

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER AMENDING THE TOWN'S ZONING ORDINANCE BY GRANTING A SPECIFIC USE PERMIT (SUP) FOR A WIRELESS COMMUNICATION AND SUPPORT STRUCTURE TO ALLOW FOR ADDITIONAL ANTENNAS ON AN EXISTING TOWER, LOCATED ON A TRACT OF LAND CONSISTING OF 0.7 ACRES, MORE OR LESS, IN THE WILLIAM BUTLER LAND SURVEY, ABSTRACT NO. A0112, TRACT NO. 7, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS; 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 from Crafton Communications ("Applicant") for a Specific Use Permit (SUP) for a wireless communications and support structure to allow for additional antennas on an existing tower (Case S22-0003) on a tract of land zoned Agriculture, consisting of 0.7 acres, more or less, in the William Butler Land Survey, Abstract No. A0112, Tract No. 7 in the Town of Prosper, Collin 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 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

Specific Use Permit Granted. The Town's Zoning Ordinance is amended as follows: Applicant is granted a Specific Use Permit (SUP) for a wireless communications and support structure to allow for additional antennas on an existing tower, on a tract of land zoned Agriculture, consisting of 0.7 acre of land, more or less, in the William Butler Land Survey, Abstract No. A0112,

in the Town of Prosper, Collin County, Texas, 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 Specific Use Permit shall conform to, and comply with (1) the site plan, attached hereto as Exhibit B, and (2) the elevations, attached hereto as Exhibit C, both of which are incorporated herein for all purposes as it 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 the Town'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 14th DAY OF JUNE, 2022.



David F. Bristol, Mayor

ATTEST:



Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney



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David F. Bristol

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney



Exhibit A



SMW Engineering Group, Inc.
158 Business Center Drive
Birmingham, Alabama 35244
Telephone: (205) 252-6985
Facsimile: (205) 320-1504

EXHIBIT "A"
PROSPER
0.07 ACRES
THE WILLIAM BUTLER SURVEY
ABSTRACT NO. 112

A 0.07 ACRE AREA BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN VOLUME 6001, PAGE 5529 AND INSTRUMENT NUMBER 0128644 IN THE DEED RECORDS OFFICE IN COLLIN COUNTY, TEXAS LYING IN THE WILLIAM BUTLER SURVEY, ABSTRACT NO. 112 IN SAID COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" REBAR FOUND MARKING THE NORTHWEST CORNER OF LOT 3, BLOCK B OF BRADFORD FARMS ADDITION PLAT AND ON THE SOUTH RIGHT-OF-WAY LINE OF BRADFORD DRIVE: THENCE ALONG SAID RIGHT-OF-WAY LINE, N 88°56'34" E A DISTANCE OF 179.38 FEET TO A FOUND 1/2" REBAR;
THENCE LEAVING SAID RIGHT-OF-WAY LINE, S 01°06'32" E A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING;
THENCE N 88°53'28" E A DISTANCE OF 34.48 FEET TO A POINT;
THENCE S 00°10'16" E A DISTANCE OF 50.00 FEET TO A POINT;
THENCE S 88°53'28" W A DISTANCE OF 60.00 FEET TO A FOUND 1/2" REBAR;
THENCE N 01°19'12" W A DISTANCE OF 50.00 FEET TO A POINT;
THENCE N 88°54'18" E A DISTANCE OF 26.52 FEET TO THE POINT OF BEGINNING. CONTAINING 3,024.74 SQUARE FEET, 0.07 ACRES OF LAND.

A handwritten signature in black ink, appearing to read "William H. Sommerville, III", written over a horizontal line.

WILLIAM H. SOMMERVILLE, III
REGISTER PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 6094
DATED: 12-06-2021



THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE % 138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHT AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDISVISION FOR WHICH IT WAS PREPARED.

"Together Planning a Better Tomorrow."
www.smweng.com

Exhibit B



