

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, ADOPTING AND APPROVING A SPECIAL PURPOSE SIGN DISTRICT, PURSUANT TO SECTION 3.14.012 OF THE TOWN'S CODE OF ORDINANCES, AS AMENDED, FOR 44.615 ACRES OF LAND, MORE OR LESS, COMMONLY KNOWN AS PROSPER TOWN CENTER; MAKING FINDINGS; 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**, Section 3.14.012 of the Town's Code of Ordinances, as amended, provides for the approval by the Town Council of the Town of Prosper, Texas (the "Town Council"), of a special district that exclusively addresses sign regulations; and

**WHEREAS**, the special district, if approved by the Town Council, is designated a Special Purpose Sign District ("SPSD"), and in general, the purposes of an SPSD are to (1) promote consistency among signs within a development, thus creating visual harmony between signs, buildings, and other components of the property; (2) enhance the compatibility of signs with the architectural and site design features within a development; (3) encourage signage that is in character with planned and existing uses, thus creating a unique sense of place; and (4) encourage multi-tenant commercial uses to develop a unique set of sign regulations in conjunction with development standards; and

**WHEREAS**, an application has been submitted to the Town for a SPSD for 44.615 acres of land, more or less ("the Property"), commonly known as Prosper Town Center, generally located on the northeast corner of First Street and Preston Road in the Town; and

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

**WHEREAS**, the Town Council has further investigated and determined that it will be advantageous and beneficial to Prosper and its inhabitants to adopt a SPSD on the aforementioned property, subject to the terms and conditions as set forth herein.

**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**

There is hereby created and approved a Special Purpose Sign District on the Property. All signage on the Property, more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes as if set forth verbatim, shall be subject to the Sign

Coordination Plan, attached hereto as Exhibit B and incorporated by reference, the detailed elevations, attached hereto as Exhibit C and incorporated by reference, and the Sign Schedule, attached hereto as Exhibit D and incorporated by reference. Any signage not specifically addressed in the attachments to this Special Purpose Sign District Ordinance shall comply with the Town's Sign Ordinance, contained in Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Town's Code of Ordinances, as amended.

### **SECTION 3**

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**

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 signage that is not in conformity with this Ordinance.

### **SECTION 5**

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 Five Hundred (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the Town from filing suit to enjoin the violation. The Town retains all legal rights and remedies available to it pursuant to local, state and federal law.

### **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. 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.

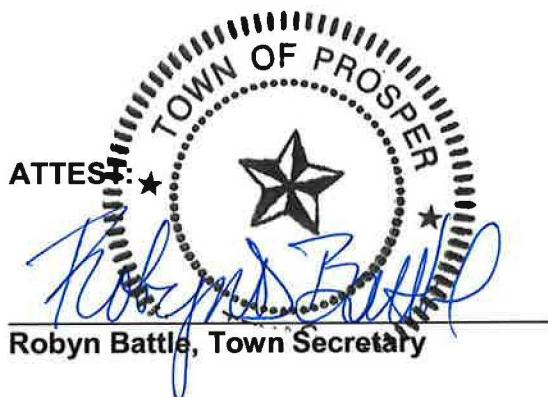
### **SECTION 7**

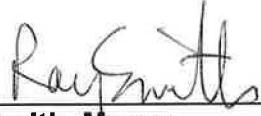
All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the appeal prevent a prosecution from being commenced for any violation if occurring prior to the repealing of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

### **SECTION 8**

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 22<sup>nd</sup> DAY OF AUGUST, 2017.



  
Ray Smith, Mayor

APPROVED AS TO FORM AND LEGALITY:

  
Terrence S. Welch, Town Attorney

EXHIBIT A-1

SITUATED in the State of Texas, County of Collin and near the City of Prosper, being part of the Collin County School Land Survey, Abstract No. 147, being the resurvey of a 50 acre tract of land as described in a deed from W. T. Troth and George F. Nixon to G. E. Drewery on October 26, 1955 as recorded in Volume 506, Page 185 of the Collin County Deed Records, less right-of-way deeded to the State of Texas as described and recorded in Volume 623, Page 285 and Volume 646, Page 529 of the Collin County Deed Records, said premises being more particularly described as follows:

BEGINNING at a  $\frac{1}{2}$ -inch iron rod found for corner in the east right-of-way line of State Highway No. 289 (variable width R.O.W.) and marking the northwest corner of the premises herein described, said beginning corner being in the north line of the aforementioned 50 acre tract and also marks the southwest corner of a 27.6673 acre tract as described and recorded in Volume 3023, Page 301 of the Collin County Deed Records:

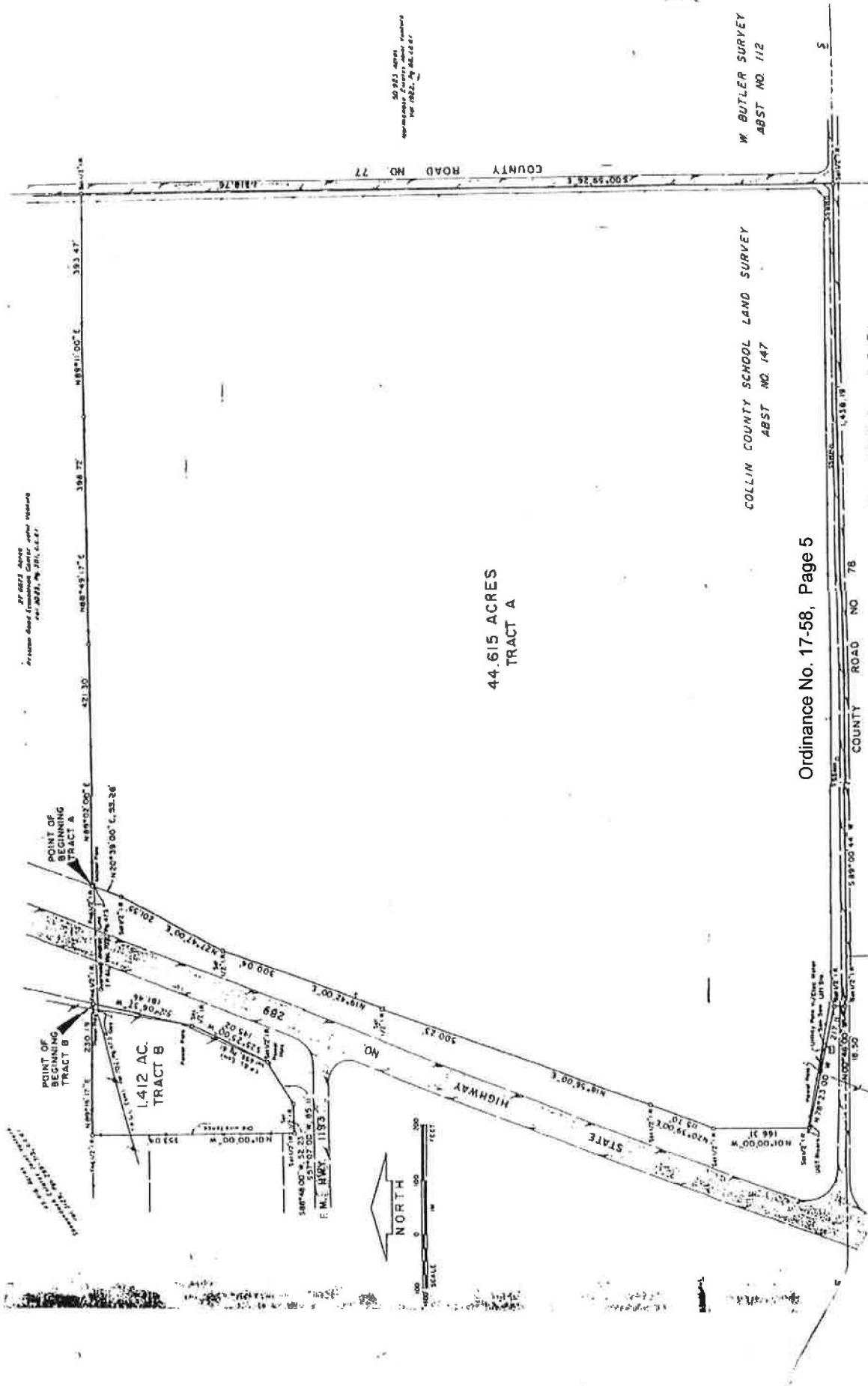
THENCE with the general course of a wire fence along the south line of the 27.6673 acre tract, and the north line of the 50 acre tract and said premises as follows: North 89° 02' 00" East, 421.30 feet to a point for corner; North 88° 49' 17" East, 398.72 feet to a point for corner; North 89° 11' 00" East, 393.47 feet to a  $\frac{1}{2}$ -inch iron rod set in the asphalt of County Road No. 77 and marking the northeast corner of the 50 acre tract and said premises;

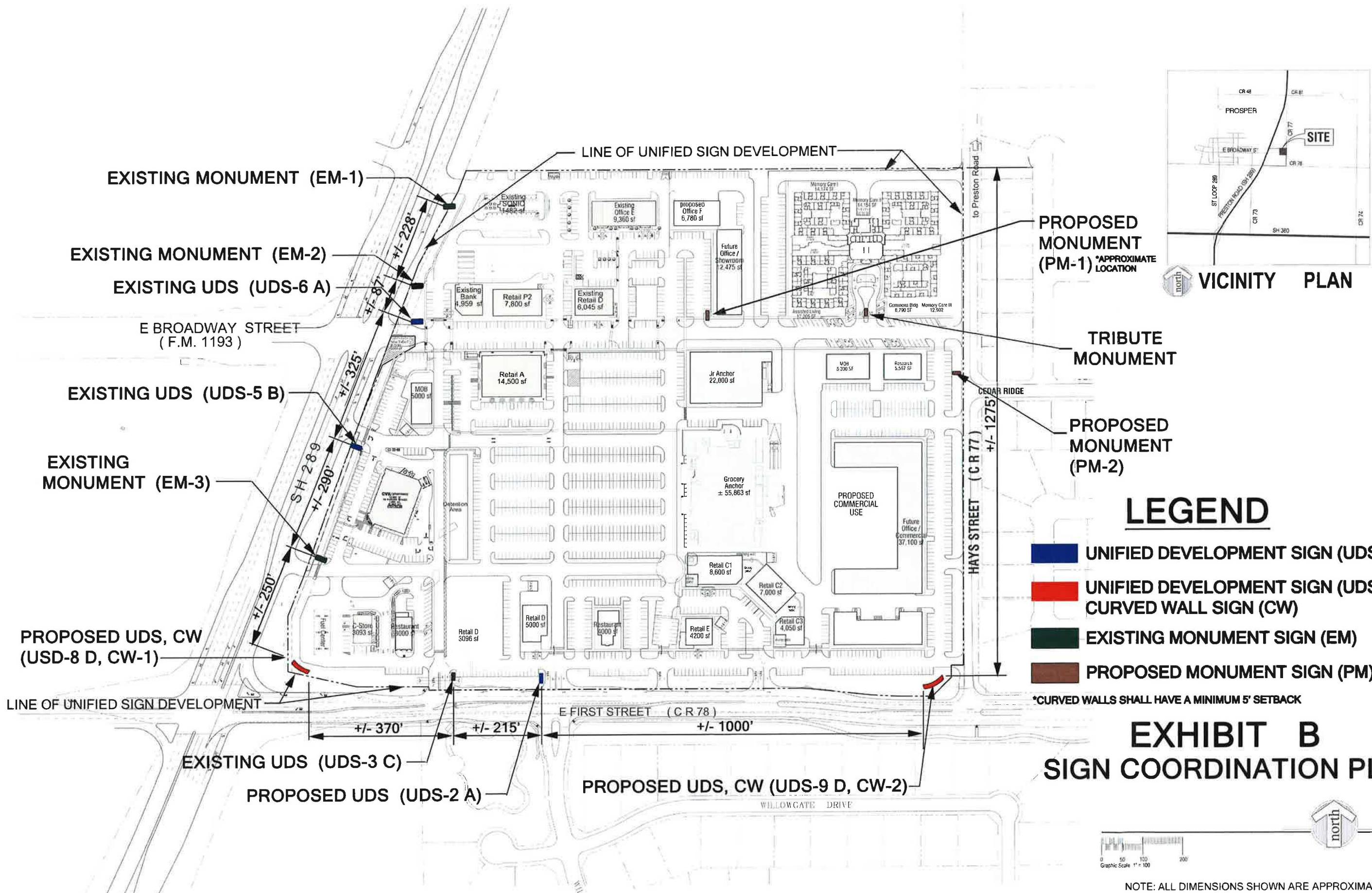
THENCE with the east line of the 50 acre tract and said premises, and along County Road No. 77, South 00° 59' 26" East, 1,318.76 feet to a  $\frac{1}{2}$ -inch iron rod set marking the southeast corner of the 50 acre tract and said premises, said corner being in the intersection of County Road No. 77 and County Road No. 78;

THENCE with the south line of the 50 acre tract and said premises, and along County Road No. 78, South 89° 00' 44" West, 1,438.19 feet to a  $\frac{1}{2}$ -inch iron rod set marking the intersection of County Road No. 78 with the east right-of-way line of State Highway No. 289;

THENCE with the east right-of-way line of State Highway No. 289 and the west line of said premises as follows:

North 00° 46' 00" West, 18.50 feet to a  $\frac{1}{2}$ -inch iron rod set for corner; North 78° 23' 00" West, 217.11 feet to a  $\frac{1}{2}$ -inch iron rod set for corner on the south side and base of a wooden R.O.W. marker; North 01° 00' 00" West, 166.31 feet to a  $\frac{1}{2}$ -inch iron rod set for corner and being 2.3 feet west of a crosstie fence post; North 20° 39' 00" East, 115.70 feet to a  $\frac{1}{2}$ -inch iron rod set for corner and being 0.60 feet south of a wooden R.O.W. marker; North 18° 56' 00" East, 500.23 feet to a  $\frac{1}{2}$ -inch iron rod set for corner and being 0.80 feet south of a wooden R.O.W. marker; North 19° 42' 00" East, 300.04 feet to a  $\frac{1}{2}$ -inch iron rod set for corner and being 0.80 feet south of a leaning wooden R.O.W. marker and 1.0 feet west of a crosstie fence post; North 27° 47' 00" East, 201.55 feet to a  $\frac{1}{2}$ -inch iron rod set for corner and being 0.35 feet west of crosstie fence post; North 20° 39' 00" East, 55.26 feet to the place of beginning and containing 44.615 acres of land.





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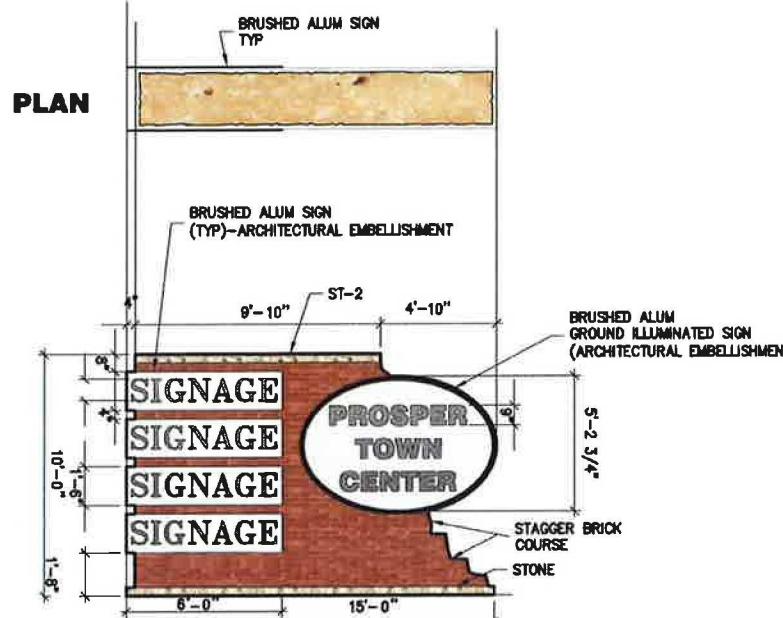
PROSPER TOWN CENTER SH 289 AT CR 78 PROSPER, TEXAS

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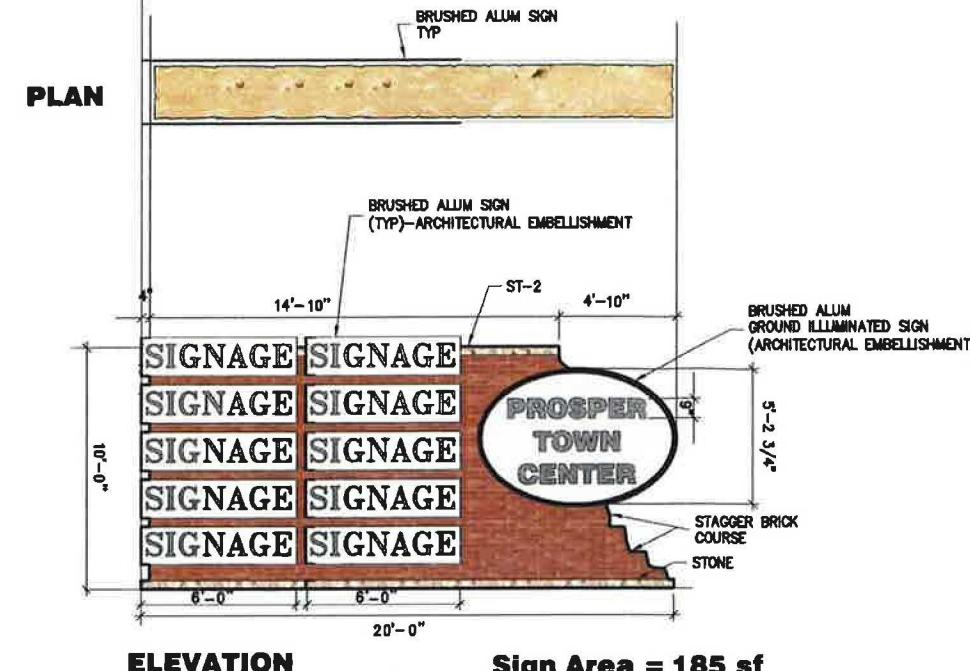
**HODGES**  
&  
ASSOCIATES

architecture planning  
15642 Creek, Dallas, Texas 75244-4514  
Phone 972.587.1000 fax 972.580.1129  
[www.hodgesusa.com](http://www.hodgesusa.com)

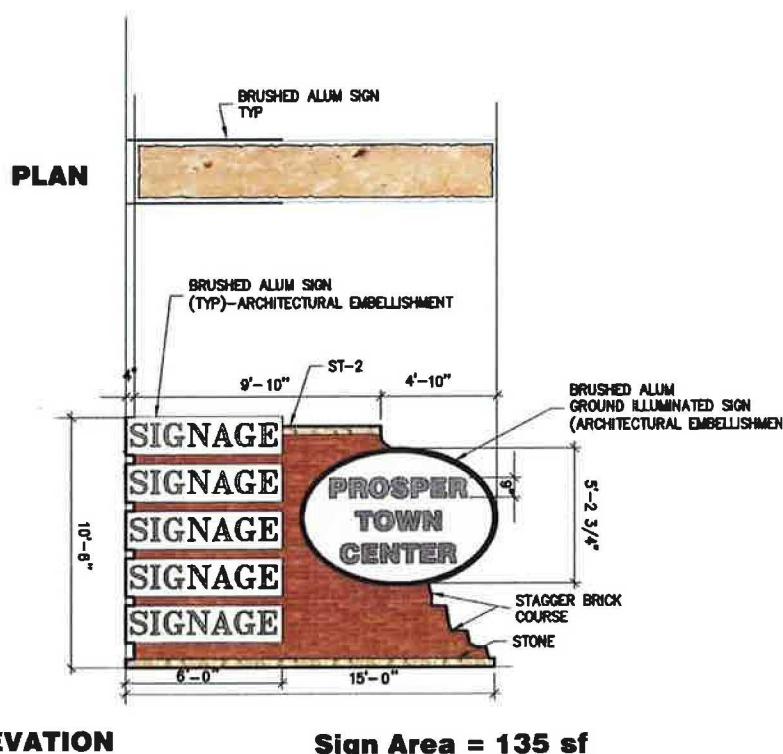
SCHEME  
SP-MP  
project no. 02036  
drawn by GW date 08-23-17  
06/19/17  
REV 07/05/17  
REV 07/10/17  
REV 07/31/17



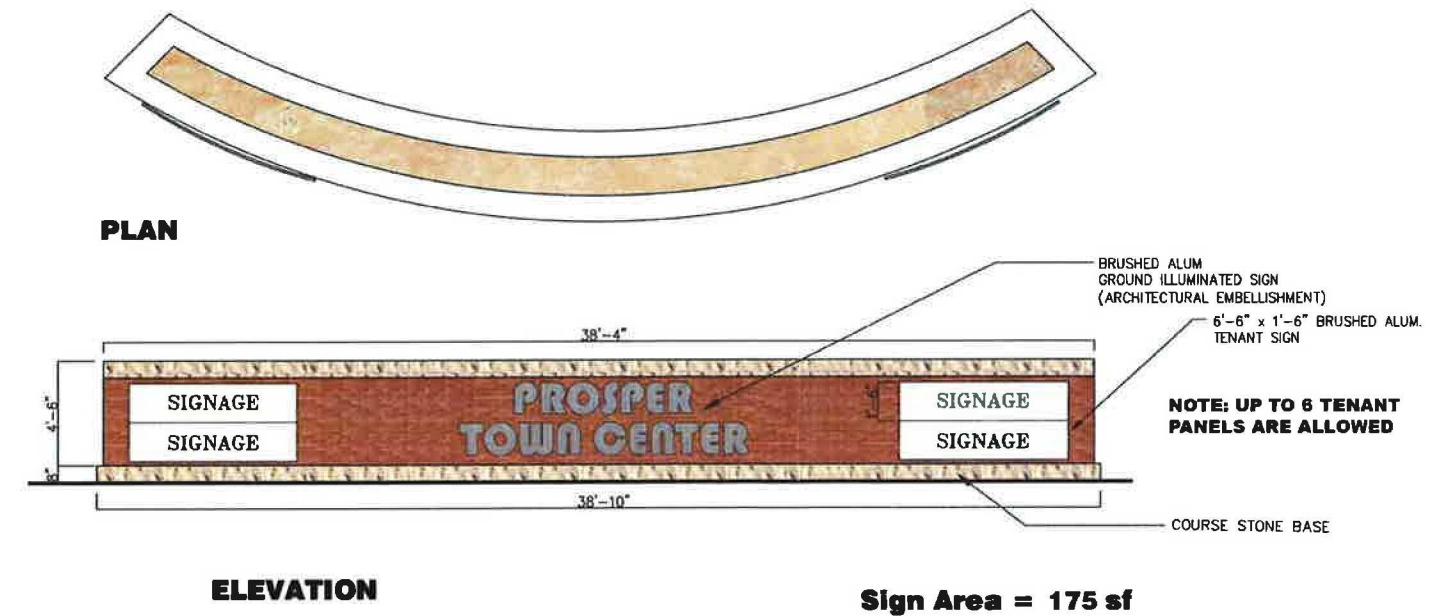
**ELEVATION** Sign Area = 120 sf  
**01 UNIFIED DEVELOPMENT SIGN A UDS-2 and UDS-6 (per site plan)**  
 SCALE: 1/4" = 1'-0"



**ELEVATION** Sign Area = 185 sf  
**01 UNIFIED DEVELOPMENT SIGN B UDS-5 (per site plan)**  
 SCALE: 1/4" = 1'-0"



**ELEVATION** Sign Area = 135 sf  
**01 UNIFIED DEVELOPMENT SIGN C UDS-3 (per site plan)**  
 SCALE: 1/4" = 1'-0"



**ELEVATION** Sign Area = 175 sf  
**02 UNIFIED DEVELOPMENT SIGN D CW-1 & CW-2 (per site plan)**  
 SCALE: 1/4" = 1'-0"

NOTE: ACTUAL LAYOUT OF SIGNAGE & LETTERING MAY VARY, BUT SIGNAGE AREA WILL NOT EXCEED AREAS NOTED.

NOTE: SIGNAGE ORDERED TOP TO BOTTOM BY TENANT SIZE. SLOT ASSIGNMENTS REMAIN SUBJECT TO CHANGE.

NOTE: SIGNS TO BE EXTERNALLY ILLUMINATED.

June 19, 2017  
Revised July 5, 2017  
Revised July 10, 2017  
Revised July 31, 2017

**Exhibit D**

**Sign Schedule / Development Standards  
for  
Prosper Town Center**

**Unified Development Signs**

- UDS-2 Shall be permitted to be located less than 750' of UDS-3 and CW-1, in accordance with Exhibit B.
- UDS-3 Shall be permitted to be located less than 750' of UDS-2 and CW-1, in accordance with Exhibit B.
- UDS-5 Shall be permitted to be located less than 750' of CW-1 and UDS-6, in accordance with Exhibit B.
- UDS-6 Shall be permitted to be located less than 750' of UDS-5 and is less than the required 75' from EM-2, in accordance with Exhibit B.

Curved wall signs and existing signs shall be permitted to encroach into setback requirements, in accordance with Exhibit B. Minimum curved wall sign setback is 5' minimum.

UDS-3 shall be permitted a maximum area of 135 sq. ft, in accordance with Exhibit C.

UDS-5 shall be permitted a maximum area of 185 sq. ft, in accordance with Exhibit C.

CW-1 and CW-2 shall be permitted a maximum area of 175 sq. ft.

UDS-3, UDS-5, CW-1, and CW-2 – sign text shall be permitted to be less than 6" from top of sign and less than 12" from bottom of sign.

All signage shall be permitted to have sign text less than 6" from the sides of the signs.

Monument sign PM-1 shall be permitted on a lot without street frontage, in accordance with Exhibit C.

Only one monument shall be along E. First Street. Location to be determined.

Only one monument shall be along Hays Street. Location to be determined.