

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SUBPART (1) OF SUBSECTION (c), "RESTRICTIONS," OF SECTION 3.14.008, "SIGN SPECIFICATIONS AND DESIGN," OF ARTICLE 3.14, "SIGNS," OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY PROVIDING FOR SIGNS TO BE PLACED WITHIN ONE FOOT (1') OF ADJACENT TEXAS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY; AMENDING SUBPART (B)(i)(b) RELATIVE TO "BANNER SIGN," CONTAINED IN SUBSECTION 1, "ATTACHED SIGNAGE," OF SECTION 3.14.012, "CRITERIA FOR PERMISSIBLE SIGNS," OF ARTICLE 3.14, "SIGNS," OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY AMENDING THE LOCATION OF SAID SIGNS; AMENDING SUBPART (A)(i)(a) RELATIVE TO "DEVELOPMENT SIGN," CONTAINED IN SUBSECTION 2, "FREESTANDING SIGNAGE," OF SECTION 3.14.012, "CRITERIA FOR PERMISSIBLE SIGNS," OF ARTICLE 3.14, "SIGNS," OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY AMENDING THE LOCATION OF SAID SIGNS; AMENDING SUBPART (B)(i)(b) RELATIVE TO "DOWNTOWN SIGN," CONTAINED IN SUBSECTION 2, "FREESTANDING SIGNAGE," OF SECTION 3.14.012, "CRITERIA FOR PERMISSIBLE SIGNS," OF ARTICLE 3.14, "SIGNS," OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY AMENDING THE LOCATION OF SAID SIGNS; AMENDING SUBPART (M)(i)(c)(2) RELATIVE TO "MONUMENT SIGN," CONTAINED IN SUBSECTION 2, "FREESTANDING SIGNAGE," OF SECTION 3.14.012, "CRITERIA FOR PERMISSIBLE SIGNS," OF ARTICLE 3.14, "SIGNS," OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY AMENDING THE LOCATION OF SAID SIGNS; MAKING FINDINGS; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Town"), is a home-rule municipality under the laws of the State of Texas and is duly incorporated; and

WHEREAS, the Town possesses the full power of self-government, as authorized by the Texas Constitution and the Town's duly adopted Charter; and

WHEREAS, the Town Council of the Town has determined that certain restrictions relative to distance from property lines for Banner Signs, Development Signs, Downtown Signs and signs adjacent to Texas Department of Transportation ("TxDOT") right-of-way property lines should be amended due to unique issues that arise and have arisen regarding same; and

WHEREAS, the Town Council, on behalf of Prosper and its citizens, further has determined that the residential real estate signage regulations referenced in this Ordinance will

promote the orderly, safe and efficient growth of the Town and the Town's extraterritorial jurisdiction.

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

SECTION 1

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, existing Subpart (1) of Subsection (c), "Restrictions," of Section 3.14.008, "Sign Specifications and Design," of Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended to read as follows:

"Sec. 3.14.008 Sign Specifications and Design

* * *

(c) *Restrictions.* Unless otherwise permitted within this article, no person shall post or cause to be posted, attach, or maintain any sign:

(1) Upon any town-owned property or right-of-way except in accordance with V.T.C.A., Election Code, secs. 61.003 and 85.036, as amended; however, signs may be placed within one foot (1") of any adjacent Texas Department of Transportation right-of-way property line.

* * *

SECTION 3

From and after the effective date of this Ordinance, Subpart (B)(i)(b) relative to "Banner Sign," contained in Subsection 1, "Attached Signage," of Section 3.14.012, "Criteria for Permissible Signs," of Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended by amending the location of said signs, to read as follows:

"Sec. 3.14.012 Criteria for permissible signs

The following signs are permissible, subject to the following conditions listed in Section 3.14.008 of this article. Signs that do not comply with the following conditions and specifications or are not covered within this article are considered prohibited.

* * *

(1) *Attached signage.*

* * *

(B) *Banner sign.*

(i) *Location.*

* * *

- b. All four corners shall be securely attached to the front, side, or rear surfaces of a building, excluding banners located on public school property and banners located within the area designated as the "Old Town District" in the Town's Future Land Use Plan.

* * *"

SECTION 4

From and after the effective date of this Ordinance, Subpart (A)(i)(a) relative to "Development Sign," contained in Subsection 2, "Freestanding Signage," of Section 3.14.012, "Criteria for Permissible Signs," of Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended by amending the location of said signs, to read as follows:

"Sec. 3.14.012 Criteria for permissible signs

The following signs are permissible, subject to the following conditions listed in Section 3.14.008 of this article. Signs that do not comply with the following conditions and specifications or are not covered within this article are considered prohibited.

* * *

(2) *Freestanding signage.*

* * *

(A) *Development sign.*

(i) *Location.*

* * *

- a. Shall be located a minimum of 15 feet from any property line; however, a one foot (1') minimum setback from the front property line shall be allowed within the area designated as the "Old Town District" in the Town's Future Land Use Plan.

* * *"

SECTION 5

From and after the effective date of this Ordinance, Subpart (B)(i)(b) relative to "Downtown Sign," contained in Subsection 2, "Freestanding Signage," of Section 3.14.012, "Criteria for Permissible Signs," of Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended by amending the location of said signs to one foot (1') from a property line," to read as follows:

"Sec. 3.14.012 Criteria for permissible signs

The following signs are permissible, subject to the following conditions listed in Section 3.14.008 of this article. Signs that do not comply with the following conditions and specifications or are not covered within this article are considered prohibited.

* * *

(2) *Freestanding signage.*

* * *

(B) *Downtown sign.*

(i) *Location.*

* * *

b. Shall be located a minimum of one foot from any property line.

* * *"

SECTION 6

From and after the effective date of this Ordinance, Subpart (M)(i)(c)(2) relative to "Monument Sign," contained in Subsection 2, "Freestanding Signage," of Section 3.14.012, "Criteria for Permissible Signs," of Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended by amending the location of said signs, to read as follows:

"Sec. 3.14.012 Criteria for permissible signs

The following signs are permissible, subject to the following conditions listed in Section 3.14.008 of this article. Signs that do not comply with the following conditions and specifications or are not covered within this article are considered prohibited.

* * *

(2) *Freestanding signage.*

* * *

(M) *Monument sign.*

(i) *Location.*

* * *

c. Single tenant/multitenant monument sign:

* * *

2. Shall be located a minimum of 15 feet from any property line; however, a one foot (1') minimum setback shall be allowed within:

(a) the area designated as the "Old Town District" in the Town's Future Land Use Plan; or

(b) the City of Irving waterline easement adjacent to US 380 (University Drive) with approval documentation from the City of Irving.

* * *

SECTION 7

As authorized by Chapter 216 of the Texas Local Government Code, as amended, and other applicable law, the Town Council of the Town of Prosper hereby extends to the extraterritorial jurisdiction of the Town the application of the Sign Ordinance incorporated and referenced herein, to the extent authorized by said Chapter.

SECTION 8

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. The Town Council 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 9

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 repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 10

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00), and each and every day such violation shall continue shall constitute a separate offense.

SECTION 11

This Ordinance shall become effective from and after its passage and publication.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 26TH DAY OF APRIL, 2022.

Ray Smith, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney