

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE TOWN'S ZONING ORDINANCE, CONTAINED IN CHAPTER 14 OF THE TOWN'S CODE OF ORDINANCES, AND AMENDING THE TOWN'S SUBDIVISION REGULATIONS, CONTAINED IN CHAPTER 10 OF THE TOWN'S CODE OF ORDINANCES, AND RELOCATING SAID AMENDED ORDINANCES INTO A NEW "TOWN OF PROSPER UNIFIED DEVELOPMENT CODE"; MAKING FINDINGS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Town"), is a Home Rule municipality possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and its Home Rule Charter; and

WHEREAS, the Town has adopted its Code of Ordinances for the protection of the public health and general welfare of the people of the Town; and

WHEREAS, the Town Council previously directed Town Staff to collaborate with consultants to obtain public input and update the Town's zoning regulations, subdivision regulations, and related regulations and development standards; and

WHEREAS, through the collaboration of Town Staff with consultants as well as public input a proposed Unified Development Code has been drafted to meet the goals and objectives of the Town Council; and

WHEREAS, public input and comments regarding the proposed Unified Development Code were obtained through a public outreach program that included surveys, community meetings, presentations to the Town Council and the Planning and Zoning Commission, and access through the Town's website, thus affording the public additional opportunity to review and recommend revisions to the proposed code; and

WHEREAS, Section 211.007 of the Texas Local Government Code requires a municipality's planning and zoning commission to hold a public hearing and provide notice of said hearing prior to making a recommendation to the governing body of a Town regarding the adoption of a zoning ordinance and any amendments to a zoning ordinance; and

WHEREAS, Section 211.006 of the Texas Local Government Code also requires the governing body of a municipality to hold a public hearing and provide notice of said hearing prior to the adoption of any zoning regulations, including amendments; and

WHEREAS, both the Planning and Zoning Commission and the Town Council held such public hearings in accordance with state law; and

WHEREAS, by creating the Unified Development Code, it was the goal of the Town to consolidate those provisions currently scattered throughout the Code of Ordinances into one, unified code for ease of reference, and in the future additional provisions may be added into the Unified Development Code; and

WHEREAS, the amendments to the zoning and subdivision regulations encompassed in the Unified Development Code generally are those that new state laws mandate or those provisions which were amended to clarify existing ordinance provisions; and

WHEREAS, upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during said public hearing as well as during the Town Council's public hearing, the Town Council of the Town of Prosper, Texas, has determined that it is in the public's best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the Town to amend certain provisions of Chapter 14 (the Town's Zoning Ordinance), and Chapter 10 (the Town's Subdivision Regulations), and to relocate said provisions into a Unified Development Code.

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

Chapter 14 (Zoning Ordinance) and Chapter 10 (Subdivision Regulations) of the Town of Prosper Code of Ordinances are hereby amended and shall read as indicated in Exhibit A, the new Town of Prosper Unified Development Code.

SECTION 3

From and after the effective date of this Ordinance, both Chapter 10 and Chapter 14 shall reflect as "Reserved" in the Town of Prosper Code of Ordinances.

SECTION 4

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 hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, 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 5

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 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 6

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 two thousand dollars (\$2,000.00), and each and every day such violation shall continue shall constitute a separate offense.

SECTION 7

This Ordinance shall become effective 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 28TH DAY OF APRIL, 2026.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT A

Town of Prosper Unified Development Code