

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING SUBSECTIONS (1), "ATTACHED SIGNAGE," AND (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 BY AMENDING PROVISIONS RELATED TO CERTAIN WALL SIGN AND DEVELOPMENT SIGN CRITERIA; 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 Council of the Town of Prosper, Texas (the "Town Council"), has determined that maintaining certain standards is critical to preserve the image of the Town; and

WHEREAS, the Town Council has also determined that modifications to certain wall sign and development sign criteria enhance the image of the Town.

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

From and after the effective date of this Ordinance, existing Subsections (1), "Attached Signage," and (2), "Freestanding Signage," of Section 3.14.012, "General Regulations," of Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Code of Ordinances of the Town of Prosper Texas, are hereby amended to read as follows:

"ARTICLE 3.14 SIGNS

Sec. 3.14.012. - Criteria for permissible signs.

The following signs are permissible, subject to the following conditions and the specifications 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.*

- (l) *Wall sign.*
(i) *Location.*

- a. Permitted in conjunction with nonresidential uses for which a building permit and/or certificate of occupancy has been issued.
- b. Shall not be allowed on any facade (other than the main front of the building) that faces property zoned or designated on the future land use plan, for single-family uses, if the sign is within 150 feet of the property line of said residential property.
- c. For a single-tenant building, only two facades of the building may contain wall signs. For a multi-tenant building, each tenant will be limited to wall signs on two facades (front and back).
- d. Tenant within a strip center: Signage shall be restricted to the facade of the tenant space on the building.

(2) *Freestanding signage.*

(A) *Development sign.*

(ii) *Maximum effective sign area.* Thirty-two square feet.

(iii) *Maximum height.* Ten feet.

***"

SECTION 3

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 4

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 5

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 6

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 12TH DAY OF DECEMBER, 2023.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney