

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 1.03.C, "APPLICATION PROCESSING," OF ARTICLE 1, "GENERAL PROVISIONS," OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PROSPER, TEXAS; AMENDING SECTION 2.04.E.2, "COMMERCIAL (C) DISTRICT" OF ARTICLE 2, "ZONING REGULATIONS," OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PROSPER, TEXAS; AMENDING SECTION 2.07.D.25, "HOTEL, FULL SERVICE," OF ARTICLE 2, "ZONING REGULATIONS," OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PROSPER, TEXAS; AMENDING SECTION 2.08.F.3.a.i., "NONRESIDENTIAL LANDSCAPE AREA REQUIREMENTS" OF ARTICLE 2, "ZONING REGULATIONS," OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PROSPER, TEXAS; AMENDING SECTION 2.08.F.3.f., "OPEN SPACE REQUIREMENTS" OF ARTICLE 2, "ZONING REGULATIONS," OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PROSPER, TEXAS; AMENDING SECTION 2.10.C.21, "NONRESIDENTIAL AND MULTIFAMILY PARKING PROVISIONS," OF SECTION 2.10, "PARKING, CIRCULATION, AND ACCESS," OF ARTICLE 2, "ZONING REGULATIONS, OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PROSPER, TEXAS; AMENDING SECTION 2.12.B.1, "GENERAL REQUIREMENTS," OF SECTION 2.12, "OUTDOOR LIGHTING," OF ARTICLE 2, " ZONING REGULATIONS," OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PROSPER, TEXAS; AMENDING SECTION 4.02.G, "SERVICE USES," OF SUBDIVISION 4.02, "LAND USE TERMS," AND SECTION 4.03.B, "TERMS E-K," OF SUBDIVISION 4.03, "TERMS DEFINED," OF ARTICLE 4, "DEFINITIONS," OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PROSPER, TEXAS; 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 Council of the Town of Prosper, Texas (the "Town Council"), has investigated and determined that the Unified Development Code should be amended; and

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the Town of Prosper, Texas, has recommended amending the Town's Unified Development Code to encompass those amendments as set forth herein; and

WHEREAS, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission and of all testimony and information submitted during said 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 the Town's Unified Development Code 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

From and after the effective date of this Ordinance, Section 1.03.C, "Application Processing" of Article 1, "General Provisions," of the Town's Unified Development Code, is hereby amended by repealing Subsection C.5, "Payment of All Indebtedness Attributable to the Subject Property," and replacing it with a new Subsection C.5, "Application Closure Procedure," to read as follows:

"Article 1. General Provisions

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1.03. Universal Procedures and Provisions

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C. Application Processing.

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5. Application Closure Procedure

- a. If an application is under review and no revisions have been made for a period five months or more, the applicant will be notified that the project will be closed in 30 days.
- b. The case may remain active if revisions that address the previous Town comments are submitted prior to the completion of the 30-day period.

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SECTION 3

From and after the effective date of this Ordinance, Section 2.04.E.2, "Commercial (C) District," of Article 2, "Zoning Regulations," of the Town's Unified Development Code is hereby amended to read as follows:

"Article 2. Zoning Regulations

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§ 2.04. Zoning Districts.

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E. Nonresidential Zoning Districts.

2. Commercial (C) District.

a. General Purpose and Description.

The Commercial District is intended predominately for heavy retail, service, light intensity wholesale and commercial uses, but excluding warehousing uses. The nature of uses in this district has operating characteristics and traffic service requirements generally compatible with typical office, retail, and some residential environments. Uses in this district may require open, but screened, storage areas for materials. This zoning district may be appropriate in areas designated as community or regional retail on the Future Land Use Plan.

b. Dimensional Standards

Commercial District	
Height	
Maximum Height	40 feet
Size of Lots	
Minimum Lot Area	10,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Size of Yards	
Minimum Front Yard *	30 feet *
Minimum Side Yard	15 feet adjacent to a nonresidential district. The minimum side yard setback may be eliminated for attached retail buildings on separate lots as shown on an approved Site Plan 40 feet for a one-story building adjacent to a residential district and 60 feet for a two-story building adjacent to a residential district
Minimum Side Yard (F, see Figure 2.04-30)	30 feet adjacent to a street
Minimum Rear Yard	15 feet adjacent to a nonresidential district. The minimum side yard setback may be eliminated for attached retail buildings on separate lots as shown on an approved Site Plan 40 feet for a one-story building adjacent to a residential district and 60 feet for a two-story building adjacent to a residential district
Other Dimensional Requirements	
Maximum Lot Coverage	50%
Maximum Floor Area Ratio	0.5:1

*For properties within the Dallas North Tollway District, see Article 2.04.E.2.c. below.

c. Minimum Setbacks in the Dallas North Tollway District shall be as follows:

1. Dallas North Tollway, US 380 and Frontier Parkway Front Setback Zone

- (a) Adjacent to US 380 and Frontier Parkway - Front Setback of 50 feet.
- (b) Adjacent to Dallas North Tollway – Front Setback of 60 feet.
- (c) Subdistrict 3 (First Street Neighborhood) adjacent to the Green Commons – Front Setback of 20 feet.
- (d) Subdistrict 4 (Downtown West) adjacent to the Green Commons – Front Setback of 20 feet.

2. Build-to Lines

- (a) Streets with On-Street Parking – A build-to line shall be required. The primary building façade shall be built along the public or private street.
- (b) Front Setbacks facing a Parks/Open Space – Front Setback shall range between 18 feet and 24 feet from the face of curb for the street that defines the pocket park space.
- (c) Non-Residential Buildings (buildings with non-residential on the first floor) – The primary façade shall be located on the block face (i.e. property line) with a minimum 70 percent of the building being adjacent to this build-to-line.

d. Other Regulations.

See **Article 2.07** for permitted uses.”

SECTION 4

From and after the effective date of this Ordinance, Section 2.07.D.25, “Hotel, Full Service,” of Article 2, “Zoning Regulations,” off the Town’s Unified Development Code, is hereby amended to read as follows:

“Article 2. Zoning Regulations

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§ 2.07. Permitted Uses and Use-Based Standard.

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D. Conditional Development Standards.

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25. Hotel, Full Service.

Full-Service Hotel developments shall be subject to the following development standards:

- a. External balconies and walkways shall be set back 200 feet from any residential zoning district.
- b. Shall provide management staff on-site 24 hours a day.
- c. Shall provide at least four amenities from the list below:
 - i. Indoor/Outdoor Pool
 - ii. Spa/Sauna
 - iii. Weight Room/Fitness Center
 - iv. Playground
 - v. Sports Court
 - vi. Game Room
 - vii. Jogging Trail
 - viii. Other similar amenities as approved by the Director of Development Services.
- d. Shall provide a full-service restaurant offering three meals a day with room service.
- e. Shall provide a minimum total of 20,000 square feet of meeting/event space.
- f. No more than 5% of the total number of guest rooms shall have cooking facilities.
- g. All room units must be accessed through an internal hallway, lobby, or courtyard.
- h. A dual brand hotel could be considered subject to a Specific Use Permit, subject to the following criteria:
 - i. The dual brands shall be either Full Service and Limited Service or Full Service and Residence/Extended Stay.
 - ii. A minimum sixty (60) percent of the rooms shall be part of the Full Service brand.
 - iii. Each of the two brands shall be the same chain.
 - iv. The Limited Service or Residence/Extended Stay portion of the hotel must comply with the requirements of its conditional development standards as found in this section, namely Article 2.D.26 and Article 2.D.27. There are no limitations on the location of a Residence/ Extended Stay hotel when part of the dual brand.
 - v. The required amenities for each type of hotel must be provided, and no single amenity can be counted for both brands. However, it is permissible for the guests of both brands to use all the amenities.
 - vi. The hotel shall be designed to appear as one hotel with similar architectural style and articulation for both brands.

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SECTION 5

From and after the effective date of this Ordinance, Section 2.08.F.3.a.i, “Nonresidential Landscape Area Requirements,” of Article 2, “Zoning Regulations,” of the Town’s Zoning Ordinance, is hereby amended to read as follows:

“Article 2. Zoning Regulations

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§ 2.08. Landscaping.

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F. Landscape Area Requirements.

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3. Nonresidential Landscape Area Requirements.

These standards apply to all nonresidential uses. Any area within a PD containing landscaping standards shall comply with the standards set forth in the PD district.

a. Perimeter requirements:

- i. A landscaped area consisting of living trees (as specified below), turf, or other living ground cover and being at least 25 feet in width measured from the property line interior to the property shall be provided adjacent to and outside of the right-of-way on all properties located adjacent to a major or minor thoroughfare as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - (a) The landscaped area may be reduced to 15 feet for the portion of a property adjacent to a collector or equivalent street as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - (b) The landscaped area shall be increased to 30 feet for properties adjacent to Preston Road, University Drive, and Frontier Parkway, and 60 feet for properties adjacent to the Dallas Parkway.
 - (c) One large tree, 3-inch caliper minimum per 30 linear feet of roadway frontage shall be planted within the required landscape area. The trees may be planted in groups with appropriate spacing for species.
 - (d) For new development in Downtown Prosper, one large tree, 3-inch caliper minimum per 30 linear feet of roadway frontage, excluding the width of driveways at the property line, shall be planted within the required landscape area. Where the width of the

roadway frontage is greater than 80 feet, excluding the width of driveways at the property line, the number of large trees may be planted at a rate of one, 3-inch large tree per 40 feet of roadway frontage, in lieu of the required one tree per 30 linear feet. The trees may be planted in groups with appropriate spacing for species. In Downtown Prosper, the substitution of three small, ornamental trees for one large tree shall not be permitted.

- (e) A minimum of 15 shrubs with a minimum size of 5 gallons each will be planted in the landscaped area for each 30 feet of linear frontage.
- (f) Parking abutting the landscape area shall be screened from the adjacent roadway. The required screening may be accomplished with shrubs or earthen berms.
- (g) Unless parking is adjacent to a street, shrubs are not required in the landscape area in Downtown Prosper.
- (h) Required landscape areas adjacent to public streets shall be planned around existing obstacles and shall not include easements or other restrictions which could inhibit planting, growth, or permanence of landscaping.
- (i) Berms ranging in height from 3 feet to 6 feet, and an overall minimum average of 4.5 foot, shall be required along US 380, Frontier Parkway/FM 1461/ Parvin Road, Custer Road/FM 2478, Preston Road, Dallas Parkway, and FM 1385.
- (j) Within the Dallas North Tollway District:
 - 1. Adjacent to Dallas North Tollway:
 - a. Three (3) offsetting rows of six (6) inch caliper minimum (at the time of planting) evergreen trees.
 - b. The trees will be planted on thirty-six (36) foot centers in the north/south direction and placed as tightly as possible in the east/west direction.
 - c. Include pleasant landscape ground plain with pedestrian trail connections.
 - 2. Major and Minor Thoroughfares:
 - a. One (1) large tree, four (4) inch caliper minimum (at the time of

planting) per twenty-five (25) feet of linear roadway frontage shall be planted within the required landscaped area.

- b. The trees may be planted in groups with appropriate spacing for species.
 - c. Shrub plantings shall be provided at a minimum rate of twenty-two (22) shrub plantings per thirty (30) linear feet with a minimum size of ten (10) gallon at the time of planting.
 - d. Parking abutting the landscaped area shall be screened from the adjacent roadway. The required screening shall be with shrubs or earthen berms.
 - e. During the review of development proposals, additional landscaping features such as berms or hardscape elements for enhanced beautification of the Tollway District may be required.
3. Retail and Grocery Stores
- a. One (1) additional tree shall be planted for each 100 linear feet of frontage.
 - b. Trees shall be a minimum 4-inch caliper.
 - c. Trees may be placed in planters.

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SECTION 6

From and after the effective date of this Ordinance, Section 2.08.F.3.f, "Open Space Requirements," of Article 2, "Zoning Regulations," of the Town's Zoning Ordinance, is hereby amended to read as follows:

"Article 2. Zoning Regulations

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§ 2.08. Landscaping.

* * *

F. Landscape Area Requirements.

* * *

3. Nonresidential Landscape Area Requirements.

These standards apply to all nonresidential uses. Any area within a PD containing landscaping standards shall comply with the standards set forth in the PD district.

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f. Open Space Requirements.

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- iii. Open space in the Dallas North Tollway District is to be designed in a network as represented in Exhibit 2 of the Dallas North Tollway District Development Standards and comply with the following:
 - (a) Within each new development, a minimum of three amenities shall be provided within an open space in accordance with the list in Article 3.f.ii. above, with at least one being a major amenity.
 - (b) Open spaces shall be visible and easily accessible from public areas such as building entrances and adjacent streets and sidewalks.
 - (c) Ample seating shall be provided, including walls, ledges, and other raised surfaces which can serve a similar purpose.
 - (d) Active uses such as retail, cafes, restaurants, higher density residential and office uses which provide pedestrian traffic should be considered as appropriate uses to line parks and open spaces.
 - (e) In addition to the open space framework shown on Exhibit 2, development plans shall take the goals and objectives of the Town's Bike and Trail Master Plan into consideration when planning for new parks and open space amenities.
 - (f) Whether a park/open space is a public facility or publicly accessible under private ownership will be determined during the site plan approval process.
 - (g) Design issues and opportunities will be confirmed through the final site plan approval process.
 - (h) Subdistrict 1
 - (i) Prominent open space should be readily visible from the Dallas North Tollway to serve as an entry gateway and be a feature around which buildings are sited. The length of the open space should be proportionate with the buildings it serves and create notable space from Dallas North Tollway.
 - (ii) Develop a water feature (central lake) surrounded by trees and trails in the development on the east side of the Dallas North Tollway, south of First Street.
 - (i) Subdistrict 2
 - (i) The Parvin Branch drainage feature north of First Street shown on Exhibit 2 is envisioned to be a continuous green open space that

- provides the adjacent neighborhood with active programming and respite.
 - (ii) Within non-residential development south of First Street and east of Legacy Drive, the existing drainage and retention basin should be preserved, enhanced, and amenitized as an open space feature.
- (j) Subdistrict 3
 - (i) Provide open space at the hard corner at the intersection of First Street and the Dallas North Tollway approximately 100 feet by 150 feet to be designed for pedestrian activity.
 - (iii) Provide open space in the form of pocket parks within the development for passive pedestrian use.
- (k) Subdistrict 4
 - (i) The Parvin Branch waterway south of Safety Way shall be a continuous green open space with a central retention pond features.
 - (ii) Intermingle pocket parks into the neighborhood(s).
 - (iii) Provide a green commons in the retail village area.
 - (iv) Create a central pocket park at the silo designed so the adjacent streets may be shut down during events.
- (l) Subdistrict 5
 - (i) A central vehicular feature around the existing drainage area is envisioned to work with the existing site natural features. It should use heavy landscaping and provide connection to a larger pedestrian trail system.
- (m) Subdistrict 6
 - (i) Provide a parklet space at the northeast corner (hard corner) of Prosper Trail and the Dallas North Tollway that can be utilized and accessed by restaurants and other similar non-residential uses.
 - (ii) Provide small pocket parks intermingled into the development framework as rectangular spaces with streets around them and roundabouts with central greens.
 - (iii) Special artwork should be considered given the visual prominence of their locations within the community plan.
- (n) Subdistrict 7
 - (i) Prominent open space should be readily visible from the Dallas North Tollway to serve as an entry gateway and be a feature around which buildings are sited.

- (ii) The interior of roundabouts shall be designed for passive pedestrian use and landscaped.
- (iii) Special artwork should be considered given the visual prominence of their locations within the community plan.

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SECTION 7

From and after the effective date of this Ordinance, Section 2.10.C, “Nonresidential and Multifamily Parking Provisions,” of Section 2.10, “Parking, Circulation, and Access,” of Article 2, “Zoning Regulations,” of the Town’s Unified Development Code, is hereby amended to add a new Subsection 21, to read as follows:

“Article 2. Zoning Regulations

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§ 2.10. Parking, Circulation, and Access.

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C. Nonresidential and Multifamily Parking Provisions.

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- 21. Nonresidential parking within the Dallas North Tollway District shall comply with the following standards:
 - (a) Parking shall be provided on the side or rear of the primary buildings within new development to minimize visibility.
 - (b) Parking lots shall be screened through building and landscape placement and through creating parking “courts” that are entered versus seen directly from the public street.
 - (c) Surface parking shall be designed to promote a pleasant pedestrian experience with special design features and landscaped pedestrian ways.
 - (d) A maximum of two rows of parking is permitted in the front of the buildings along the Dallas North Tollway, except adjacent to the Green Commons in the Subdistrict 3 (First Street Neighborhood), Subdistrict 4 (Downtown West), and Subdistrict 6 (Prosper Trail Neighborhood), as represented on Exhibit 2 of the Dallas North Tollway District Guidelines, where no parking will be allowed between buildings and the street.
 - (e) Shared parking agreements for adjacent properties are acceptable where they:
 - (i) include a business pursuant to the Town’s vision,
 - (ii) there is a written agreement between property owners that clearly stipulates the terms of the joint use of the parking spaces, and
 - (iii) the spaces must be committed and available to the respective users on a non-conflicting bases.

- (f) Parking garages shall follow the parameters below:
 - (i) located behind or to the side of the primary building,
 - (ii) shall have an architecturally finished façade complementary to the surrounding buildings with enhanced articulation on a facade facing the street.
 - (iii) Street front openings in parking structures should not exceed 55 percent of the façade area, excluding the top floor if the garage is unroofed.
 - (v) Where possible, the narrower façade of the parking garage should be oriented to the street."

SECTION 8

From and after the effective date of this Ordinance, Section 2.12.B.1, "General Requirements," of Section 2.12, "Outdoor Lighting," of Article 2, "Zoning Regulations," of the Town's Unified Development Code, is hereby amended by adding a new Subsection I to read as follows:

"Article 2. Zoning Regulations

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§ 2.12. Outdoor Lighting.

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B. General Requirements.

- 1. The following standards shall apply to all exterior lighting except public street lighting and other lighting that is specifically exempted by this section.

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- I. Jellyfish style permanent outdoor string lighting shall comply with the following:
 - i. It is limited to residential structures;
 - ii. It shall be limited to the under the eaves of a residential structure;
 - iii. It shall not flash or strobe in such a way as to unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
 - iv. The lighting shall not operate between the hours of 12:00 PM and 6:00 AM."

SECTION 9

From and after the effective date of this Ordinance, Section 4.02.G, "Service Uses," of Subdivision 4.02, "Land Use Terms," and Section 4.03.B, "Terms E-K," of Subdivision 4.03, "Terms Defined," of Article 4, "Definitions," of the Town's Unified Development Code, are hereby amended to read as follows:

“Article 4. Definitions.

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§ 4.02. Land Use Terms.

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G. Service Uses.

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29. Hotel, Dual Brand: A dual brand hotel combines two hotel brands, one of which is a full service hotel, from the same hotel chain into one building. Each brand operates separately with its own identity but must have a shared lobby and check-in desk. The brands may also share services such as laundry facilities, food and beverage facilities, and amenities.

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§ 4.03. Terms Defined.

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B. Terms E-K

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194. Jellyfish Lighting - a permanent, color-changing LED lighting system designed for the exterior of residential homes.

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SECTION 10

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 11

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 12

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 13

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 25th DAY OF AUGUST, 2026.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney